

Rules of Operation of Judiciary

Preamble

- 1.1. The Rules of Operation of the Judiciary of the Sunshine Coast Hockey Association Incorporated (hereinafter referred to as the “SCHA” or the “Association”) shall form part of the By-Laws of the Association. Members of the Association shall be governed by these Rules and such others as may from time to time be passed in accordance with the Constitution of the SCHA.
- 1.2. The Rules of Operation of the Judiciary shall be formulated by a Rules of Operation of the Judiciary Sub Committee which shall meet, unless otherwise directed by Management Committee, after the Annual General Meeting each season and shall submit to the Management Committee a schedule of “Rules of Operation of the Judiciary” for the following season. The suggested time frame for this Sub Committee to formulate the Rules of Operation is October/November each year. The Rules of Operation of the Judiciary Sub Committee shall be one (1) nominated member for each affiliated Club, Sub Association and Kindred Association and the current Convenor for the Rules of Operation of the Judiciary Committee together with the President, Secretary, Treasurer and Vice Presidents who shall be ex-officio members. Management Committee may invite additional members into this committee who may bring appropriate expertise or experience to the formulation of rules.
- 1.3. The Rules of Operation of the Judiciary Sub Committee shall submit to the Management Committee its recommendations for Rules for the following season. Recommendations of the Rules of Operation of the Judiciary, Sub Committee may be adopted in part or whole and shall be presented to a General Meeting of the Association for ratification.
- 1.4. Upon such ratification by the SCHA General Meeting no changes shall be allowed throughout the following season, except where it is deemed by Management Committee such changes are imperative for the good of the game. Any such changes are to be as minimal as possible and should endeavour to follow the intent of the original Rule. Any such changes shall be approved by Management Committee and follow the process of a By-Law change per Clause 30 in the Constitution.
- 1.5. The operation of the Judiciary shall be in accordance with these rules and the Judiciary shall operate subject to the SCHA Constitution and any other rules, which may from time to time be approved by Management Committee.
- 1.6. Management Committee shall have the authority and responsibility to interpret these Rules if these Rules are silent on any issues relating to the Judiciary or its operation.
- 1.7. Should Management Committee consider any matter more appropriately determined by itself under SCHA Constitution (Sections 8 and 9) it shall operate as far as possible using these rules as guidelines.
- 1.8. Matters, which should be considered by Management Committee as potentially giving cause for censure of a member or members, are defined in the SCHA Constitution Section 8.2.

2. **Obligations of the Judiciary**

- 2.1. The mode of operation of the Judiciary shall take the form of an investigation into matters referred to it by Management Committee.
- 2.2. The level of proof required for the Judiciary in any instance shall be “on the balance of probability”.
- 2.3. The Judiciary shall make a written report to the SCHA Secretary within forty-eight (48) hours of the completion of its enquiries advising its findings and recommendations.
- 2.4. Decisions and recommendations of the Judiciary shall be either consensus or majority.
- 2.5. The SCHA Secretary shall be responsible for communicating the decisions and recommendations of the Judiciary to relevant parties, and for the arrangements and scheduling of any subsequent appeals or other actions.
- 2.6. The Judiciary shall act collectively and no member of the Judiciary who has been appointed by Management Committee to investigate shall have any personal discussions on issues, interactions or communications with any person who has been advised of their involvement in the judicial process, or who may reasonably be expected to become involved in a particular judicial process.
- 2.7. Judiciary members shall observe the appropriate level of confidentiality in relation to proceedings and decisions.

3. **Decision Protocols**

- 3.1. The SCHA Constitution provides Management Committee with the power to censure members.
- 3.2. Section 8.2(I) to 8.2(iv) empowers Management Committee with the obligation to undertake censure action should a member contravene any of the aforementioned conditions, and
- 3.3. Section 8.2(a) to 8.2(c) provides the mechanism for this to occur.
- 3.4. Section 9.1 to 9.4 provides the opportunity and mechanism for appeal.
- 3.5. SCHA, Sub Associations and Kindred Associations are members or associates of Hockey Queensland. A member who is subject to censure is consequently censured by and for all member or associate associations and by and for all bodies of which SCHA is a member or associate.

4. **Appeals**

- 4.1. On receipt of the written notification of intention to appeal the SCHA Secretary shall notify the SCHA Management Committee that an appeal has been lodged.

- 4.2. The appeal process shall not operate so as to delay a penalty imposed or as a stay of penalty, without approval of SCHA Management Committee.

5. **Pre-judicial Review**

5.1 A pre-judicial review committee is formed to review matters referred to the judiciary. Should the pre-review committee not be able to reach a consensus or should the matter be considered too serious, the matter shall be referred onto the judiciary.

5.2 The review committee will meet as soon as practical after the need arises to investigate a matter. The committee will recommend an outcome should the member being investigated wish to plead guilty to the charges within an allocated timeframe.

5.3 The pre-judicial review committee will be established by the Management committee and will consist of not less than two (2) members, including one member of management.

5.4 The pre-judicial review committee is designed to relieve pressure on the judiciary as well as time and travel elements for members.

5.5 Equity, fairness, impartiality, confidentiality and the concepts of “natural justice” shall be paramount at all times.

5.6 Members accepting a guilty plea may not at a later date appeal the decision.

6. **Composition of Judicial Committee**

6.1. A Judiciary shall consist of no less than two (2) or greater than three (3) persons, approved and appointed at the AGM or by Management Committee.

6.2. Each Club, Sub Association or Kindred Association shall, if possible, recommend to the Management Committee, a suitable deputy to the Judicial Committee. Suitable deputies shall be non-playing, and should have some sport or sport specific knowledge, or experience or other expertise, which would support such nomination.

6.3. Appointees of the Judiciary appointed to investigate a particular matter shall be required to disclose any “Conflict of Interest” issues to Management Committee and Management Committee shall consider the implication of these and any other issues of concern. Management Committee may take any appropriate action including replacement of the appointee.

6.4. Equity, fairness, impartiality, confidentiality and the concepts of “natural justice” shall be paramount at all times.

7. **Operation of the Judiciary**

7.1. The SCHA Constitution provides that the Management Committee may censure a member or members should conditions of Section 8.2(i) to (iv) be contravened.

7.2. Should Management Committee consider that a member or members may have contravened Section 8.2(i) to (iv), it shall determine whether the matter is to be investigated by Management Committee or referred to a Pre-judicial review committee or the Judiciary.

7.3. Management Committee shall notify in writing to any member the conduct it determines liable for censure or the nature of the censure and place and time of the investigation. As a matter of course Management Committee shall forward a copy of the “charges” to the member’s Club. Should the member not receive notice of the “charges”, he/she shall apply in writing within twenty (28) days of the scheduled hearing date and be suspended until appear. (refer Schedule A). This bit is to be removed

7.4. Members so advised may:

7.4.1. Accept the decision of the pre-review committee by pleading guilty in writing at least 24 hours prior to the sitting of the Judiciary.

7.4.2. Appear at the appointed place and time and participate in the investigation; or

7.4.3. Up twenty-four (24) hours prior to the appointed time, provide to the SCHA Secretary a fully documented and supported explanation of an inability to attend and may apply for a deferment of the hearing.

7.5. Should a person choose not to avail themselves of either option Section 7.4.1 or 7.4.2, Management Committee shall determine:

7.5.1. Whether the investigation shall continue in their absence; or

7.5.2. Whether the member shall have his or her membership suspended, effective immediately and this suspension shall remain in force until the matter reaches resolution.

7.6. If the investigation proceeded in the absence of the charged member, Judiciary shall not conclude the investigation until it has established that the charged member has elected not to appear.

7.7. Management Committee shall determine an appropriate course of action in the case of Section 7.4.3 which may include a postponement of the investigation, action under Section 7.5.1 or 7.5.2 or such other action as Management Committee deems appropriate in the circumstances.

- 7.8. Should a respondent member or members choose not to attend or participate in any investigation and either Section 7.5.1 or 7.5.2 be invoked, the respondent shall comply with the findings, decision or recommendations of the Judiciary and shall forfeit any right of appeal.
- 7.9. Members who are under 18 years at the time of the incident must be accompanied throughout the investigation by at least one of the member's parent/s, legal guardian and at the member's option, the member's Club Secretary or President. One of these persons may represent the member and may offer advice and support to the member. Should this person not be available at the appointed time and place of the investigation, clause 7.5.2 shall apply.
- 7.10. Members who are over 18 years at the time of the incident may not be represented. These members may be accompanied by either the relevant Club Secretary or President or support person. Except with the consent of the Judiciary, the support person may communicate only with the respondent at his or her request, and may remain involved in the proceedings at the discretion of the Judiciary.
- 7.11. Should any person be removed or be asked to remove themselves, from the investigation process for failure to comply with Section 7.9 or for any other reason, he or she shall be subject to disciplinary provisions of Section 2 of the Constitution by SCHA and the respondent shall forfeit the right to the presence of any support person.

8. **Procedures of the Judiciary**

- 8.1. The Judiciary shall investigate the circumstances surrounding the matters referred to it by Management Committee and should refer other matters which come to its attention during the course of an investigation to Management Committee for further action.
- 8.2. Such investigation may take the form of a convened meeting or such other process as is deemed suitable by the Judiciary.
- 8.3. All persons including the person under investigation must participate co-operatively in the judicial process.
- 8.4. Each respondent member's circumstances should be investigated individually, unless circumstances are such that considerable repetition could be avoided by joint hearing of evidence. However, each respondent must be given an individual opportunity to present his or her case. The Judiciary must make its findings, decisions and recommendations on an individual basis.
- 8.5. If, during the course of an investigation, or prior to such investigation the Judiciary or the Management Committee form an opinion that a member should be suspended pending the outcome of a judiciary process, the Judiciary Committee may so recommend to Management Committee and/or the Management Committee may so determine.
- 8.6. Judiciary shall attempt to reach any of its decisions by consensus but in the absence of consensus, by majority.

9. **Order of Business at a Judiciary for the Purpose of Investigation**

- 9.1. Unless for good reason the Judiciary determines otherwise, the order of business at a meeting convened for the purposes of investigation shall be as follows:-
- 9.1.1. The Judiciary Chairperson shall advise all parties to the investigation that the investigation shall be undertaken pursuant to these Rules of Operation and the SCHA Constitution.
 - 9.1.2. The Judiciary Chairperson shall fully advise each respondent the nature of any matter/matters to be investigated. The Judiciary Chairperson shall ensure that this process is carried out in a proper manner.
 - 9.1.3. At this time the investigation shall proceed with full regard to confidentiality, only those person/s and the support person, if required, giving evidence to the Judiciary and the respondent shall remain present.
 - 9.1.4. The Judiciary shall then take evidence of Witnesses before and after giving evidence shall be excluded from any sources in turn which may be regarded as supporting the charges. Without limitation, information may be gained from direct sources including other parties such as players, umpires, officials or spectators, from statements, video or any other sources deemed appropriate by the Judiciary.
 - 9.1.5. The respondent member or members (and persons in clauses 7.8 and 7.9) may remain present through out this process (subject to clauses 7.8. 7.9 and 7.10) but may not intimidate, question or communicate with the respondent.
 - 9.1.6. The respondent may then present any such evidence as is considered relevant to the charges by the Judiciary. Information shall not be limited in form but should special equipment (eg. Video) be required, this must be supplied by the respondent member or members.
 - 9.1.7. Individual respondents should present their relevant evidence.
 - 9.1.8. The Judiciary shall then assure itself that it has a clear understanding of the circumstances and may recall any witness, respondent or evidence provided to ensure this.
 - 9.1.9. The Judiciary may require any member or request any other person or organisation to give evidence to assist any investigation, and may take advantage of any course of information deemed by the Judiciary to be appropriate.
 - 9.1.10. A person may require or be required to give evidence or to participate in an investigation on more than one occasion even if related to the same incident.
 - 9.1.11. All evidence and information shall be recorded in minutes.
 - 9.1.12. The Judiciary shall not communicate its findings, decisions or recommendations, but shall within 48 hours of the conclusion of the

investigation provide to the SCHA Secretary a written report of findings and recommendations (Refer Schedule B). Within a further 7 days the Judiciary shall provide to the SCHA Secretary minutes of the proceedings of the investigation along with any other evidentiary documentation such as statements, tapes, videos etc.

9.1.13. If at any stage, after hearing the evidence of all witnesses in support of the charges the Judiciary is satisfied that the respondent has no cause to answer, it shall terminate the proceeding forthwith and report to Management Committee accordingly.

10. **Role of Umpires and Officials**

10.1. There is no requirement for an on-field incident to be reported by umpires or officials, or any restriction relating to the nature, time and place of an incident which may prevent censure of a member.

10.2. Notwithstanding Section 10.1, umpires are expected to record the details of incidents which resulted in penalties being applied to teams, players, officials or supporters.

10.3. The Records Secretary shall keep a record of all cards issued to players by umpires and shall inform the SCHA Secretary of the accrual of these cards. The Secretary shall keep a record of all cards issued and of any additional concerns or issues relating to members.

10.4. Should a member accrue what Management Committee considers a sufficiently serious history of potential censure incidents to warrant censure, then Management Committee shall proceed with that appropriate action.

11. **Penalties**

11.1. The Judiciary shall as part of its findings, decisions and recommendations determine a penalty if a member is found to have warranted censure.

11.2. Such penalties as are described in SCHA Constitution Section 8.2(a), (b) and (c) shall be applied.

11.3. **Offences – Cards**

11.3.1. Red Card (Suspension) – Should a member be issued a red card during any SCHA controlled hockey match, he or she shall be regarded as immediately suspended until such time as the incident has been investigated by Management Committee and a decision relating to censure is communicated either directly to the member or to the relevant Club Secretary.

11.3.2. Yellow Card (Temporary Suspension) – Should a member accrue a total of 3 yellow cards during SCHA controlled hockey matches through one calendar year, he or shall be regarded as suspended from the conclusion of that particular game in which the third yellow card was issued and shall remain suspended until such time as the matter is investigated and a decision relating to censure is communicated either directly to the member or to the relevant Club Secretary.

- 11.3.3. Censure in accordance with 11.3.2 shall not limit any other disciplinary action nor shall any other disciplinary action be limited or mitigated by 11.3.2.
- 11.3.4. It is expressly the responsibility of the member's Club to ensure that no player plays in any SCHA controlled matches subsequent to 11.3.1 or 11.3.2 applying. An occurrence of this nature will be regarded as the "player playing while under suspension, ban or other order (refer Section 7.1(f) of the SCHA Rules of Play) and appropriate penalties will be applied.
- 11.3.5. A member who has been issued a yellow card may request of the SCHA Secretary in writing a review of the circumstances which would lead to the particular incident being included in the accrual of 3 yellow cards. A "request for review" should be accompanied by all relevant documentation and providing a full explanation of the circumstances.
- 11.3.6. Any such "request for review" should be made as close as possible to the time of the issuing of a yellow card.
- 11.3.7. Management Committee shall consider a "request for review" of a temporary suspension at its convenience. There shall be no right of appeal in relation to "requests for review", and these shall not be used to delay the application of 11.3.2.