

## **DISCIPLINARY POWERS (pertaining to the Current Constitution as at 1 January 2022)**

### **1 DISCIPLINE OF MEMBERS**

#### **1.1 Matters which may be Referred to Judiciary Committee**

The following matters may be referred for determination by a Judiciary Committee:

- (a) an allegation (not being vexatious, trifling or frivolous) by a complainant that a Member has:
  - (i) breached, failed, refused or neglected to comply with a provision of these Rules, the By-Laws or any resolution or determination of the Executive Committee, or any committee of the Association or any other entity exercising delegated authority;
  - (ii) acted in a manner unbecoming of a Member prejudicial to the objects and interests of the Association and/or clay target shooting; or
  - (iii) brought the Association or clay target shooting into disrepute;
- (b) any matter relating to drugs in sport, which involves a Member, who or which has or is suspected of, having contravened the relevant law relating to drugs in sport; and

provided however that any such matters are not able to be dealt with by Members under their rules, and any such party ("**defendant**") will be subject to, and submits unreservedly to the jurisdiction, procedures, penalties and appeal mechanisms of the Association as set out in this Rule.

#### **1.2 Referral to Judiciary Committee**

- (a) The Complainant's initial options include; non-referral to a Judiciary Committee, including the option to refer the matter to Sports Integrity Australia, the National Sports Tribunal or another external entity.
- (b) The Executive Committee or if appropriate, the National Executive Officer, may commence or cause to be commenced any disciplinary proceedings ("**proceedings**") against a defendant by referring the alleged breach or misconduct to a Judiciary Committee, comprised of such persons nominated by the Executive Committee (being no less than 3 and no more than 5 who need not be Members), for such time and for such purposes as is required under this Rule, one of whom shall be appointed chairman of the Judiciary Committee.
- (c) Any such referral to a Judiciary Committee shall be in writing and accompanied by any documentary or other evidence that is available to the referring party. The referral shall be clear and unambiguous, stating precisely the matter or matters to be determined.
- (d) No person who is an interested party, with either a direct or indirect interest, shall participate in the determination of the proceedings in any way.
- (e) On receipt of the referral, the chairman of a Judiciary Committee shall, in consultation with the remaining members of the Judiciary Committee determine an appropriate date, time and place for a hearing by the Judiciary Committee. The meeting shall be no less than 14 days from, but shall be as soon as practicable after the receipt of the referral, unless the matter is deemed to require urgent attention, in which case the defendant and Judiciary Committee may agree on a variation of the time frame set out in this Rule, having regard to the availability of key witnesses and timing of relevant competitions, amongst other things.

- (f) The chairman of the Judiciary Committee shall notify the remaining members of the Judiciary Committee, the defendant and any complainant or relevant Member of the date, time and place of the hearing, and in addition, shall advise that each party to the proceedings has the right:
  - (i) to make written submissions to be filed with the chairman of the Judiciary Committee not less than 5 days prior to the date of the hearing; and
  - (ii) to appear at the hearing and/or be represented by a person who is not legally qualified (as determined in the Judiciary Committee's discretion).
- (g) The Judiciary Committee may invite a legally qualified person to be present at the hearing to render advice or assistance to the Judiciary Committee concerning any legal issue raised at the hearing provided that such person shall not participate in any deliberations or vote of the Judiciary Committee in relation to its findings or its decision. Nothing in this Rule, however, shall otherwise disqualify a legally qualified person from being a member of the Judiciary Committee.
- (h) Subject to this Rule, the Judiciary Committee shall conduct the hearing as it sees fit, always having regard to the principles of natural justice, and in particular shall not be bound by rules of evidence, or unnecessary formality. The defendant must be advised of the hearing procedure determined by the Judiciary Committee at or before the commencement of the proceedings.
- (i) The Judiciary Committee shall be entitled to call such evidence as it thinks fit, and all Members shall be compelled to provide such evidence, as they are able. The Judiciary Committee may adjourn the hearing if this is considered necessary.
- (j) If the Judiciary Committee, having taken into account the written and verbal submissions and other evidence of the parties, considers the allegations sustained, the Judiciary Committee may impose such penalty as it considers appropriate in accordance with Rule 1.3.
- (k) If a decision cannot be given immediately after the proceedings, the relevant party or parties must be advised of the time and place at which the decision will be given. The decision, any penalty, the reasons for the decision and notice of the person's appeal rights (if any) shall be given in writing and signed by the Judiciary Committee chairman.
- (l) On exhaustion of all disciplinary procedures available to the Member (if any), whether by elapse of time or otherwise, notice of any penalty, suspension or disqualification imposed shall be given by the National Executive Officer to all Member States and Member Clubs and shall be mutually recognised by all Member States and Member Clubs immediately upon receipt of such notice.
- (m) Reinstatement of any Member shall be recognised by all Members immediately upon receipt of notice to this effect.

### 1.3 Penalties

Penalties which may be imposed, include:

- (a) a reprimand;
- (b) suspension of such activities, on such terms and for such period as is seen fit;
- (c) exclusion from a particular activity, event or events competition or competitions;
- (d) expulsion;
- (e) fines imposed in such manner and in such amount as is seen fit;
- (f) such combination of any of the above penalties as is seen fit; or
- (g) any other penalty considered appropriate in the circumstances.

During proceedings (including any appeal), the defendant may continue to participate in clay target shooting, on such terms as the determining body under these Rules thinks fit, pending the determination of the proceedings (including any available appeal) unless the determining body decides (in its sole discretion) such continued participation is inappropriate having regard to the matter at hand.

### 1.4 Effect of Penalty

- (a) Where a Member is suspended under this Rule its membership of, and representation rights and privileges in, the Association shall be forfeited during the period of such suspension.
- (b) Any Registered Shooter so suspended or disqualified shall not be entitled to enter any competition, tournament or event held under the Rules or By-Laws of the Association or to enter upon any ground or enclosure for the time being under the control of any Member State or Member Club or the Association while such suspension or disqualification continues.

### 1.5 Appeal Committee

Subject to these Rules the Appeal Committee will act as final arbiter on all disciplinary matters referred to it.

- (a) An appeal lodged with the National Executive Officer, in writing within 14 days of the determination of a Judiciary Committee and specifying the grounds of appeal, by a Member who has received a penalty or is the subject of an adverse finding by a Judiciary Committee shall be referred to the Executive Committee for consideration. If the Executive Committee in its sole discretion considers the appeal has merit the Executive Committee will refer the appeal to an Appeal Committee for consideration and determination. The Executive Committee may reject or accept (and thus refer) any appeal under this Rule in its sole discretion.
- (b) The decision of the Executive Committee in rejecting an appeal by a Member under this Rule shall be final and not subject to further appeal.
- (c) The appointment of, referral to, and proceedings of an Appeal Committee in convening, hearing and determining an appeal shall be similar to or the same as those in respect of a Judiciary Committee set out in **Rule 1.5** above, with such incidental variations as are appropriate or necessary. Any dispute as to the application of this Rule shall be determined by the Executive Committee in its

sole discretion.

- (d) In the matter of an appeal under **Rule 1.5(a)**, an Appeal Committee may in its sole discretion confirm the penalty or adverse finding of the Judiciary Committee, or may decide not to confirm such penalty but instead impose an alternate penalty available under **Rule 1.5**, including increasing the penalty, or may revoke the penalty or adverse finding of the Judiciary Committee
- (e) The effect of any penalty imposed by an Appeal Committee shall be the same as set down in **Rule 1.4** above. The decision of an Appeal Committee under this **Rule 1.5** shall be final and not subject to further appeal.