



BASKETBALL QUEENSLAND TRIBUNAL BY-LAW

AS AT 17 JUNE 2025

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Part 1 Jurisdiction and Establishment of Tribunals

1 Adoption of By-law

- 1.1 This By-law is made under Rule 181 of the Basketball Queensland ("**BQ**") constitution and is binding on all members of BQ and other persons or organisations which submit themselves to the jurisdiction of BQ.
- 1.2 Any and all By-laws of BQ previously made concerning Tribunals are expressly rescinded. For the avoidance of doubt, all penalties handed down under previous disciplinary By-laws shall continue to be recognised by BQ.

2 Authority of Tribunal

- 2.1 BQ has the power under its constitution to hear and determine charges made against persons, affiliated associations, teams or clubs arising from or related to basketball activities, matches and competitions conducted by:
 - (a) BQ itself;
 - (b) its affiliated Associations; or
 - (c) its commissions or leagues;(referred to in this By-law as "**Organising Bodies**").
- 2.2 BQ has the right to delegate the power of hearing and determining charges to the BQ tribunal ("**Tribunal**") in accordance with the provisions of this By-law.
- 2.3 Where a matter arises for determination by a Tribunal it shall be dealt with at first instance by the Tribunal of the relevant Organising Body. Where an Organising Body has not convened a Tribunal in accordance with this By-law a matter may be referred to the BQ Tribunal with the consent of the General Manager (Basketball Operations) of BQ.
- 2.4 The Tribunal shall have power to suspend, disqualify, reprimand, fine, bond, ban or otherwise deal with any person involved with basketball and / or the Organising Body (including, but not limited to players, coaches, teams, clubs, officials or spectators) in accordance with this By-law, regarding any incident arising from an activity conducted by an Organising Body. The incident may have occurred before, during or after the conduct of the activity, within the confines of the stadium, activity, venue or its immediate surrounds, or elsewhere if directly related to a basketball activity of any sort.
- 2.5 The Tribunal may also deal with any other disciplinary matter delegated to it for adjudication by the relevant Organising Body (including behaviour that is basketball related and occurs on or utilises a technological medium and includes instances of cyber bullying).
- 2.6 The Tribunal must at all times act independently and impartially in carrying out its duties in accordance with this By-law.

3 Membership of Tribunal

- 3.1 The Tribunal panel members shall be appointed by the relevant Organising Body and shall comprise of the following persons:
 - (a) a Tribunal chairperson who shall be a person of experience and skills suitable to the function of chairing the Tribunal and discharging the responsibilities set out under Clause 4.1; and

- (b) no fewer than three Tribunal panel members - (excluding the Tribunal Chair).
- 3.2 In appointing Tribunal and Appeal Tribunal members, Organising Bodies shall have regard to the desirability of pooling Tribunal members with other Organising Bodies with a view to maximising the expertise in handling disciplinary matters within the sport of basketball.
- 3.3 Where a Tribunal chairperson or Tribunal member resigns or is dismissed such that a vacancy exists on the Tribunal, the management committee of the relevant Organising Body shall act to fill such vacancy by appointing a replacement for that position as soon as is reasonably practical to do so.
- 3.4 Wherever possible, matters referred to the Tribunal for determination shall be heard by three panel members of the Tribunal as determined by the Tribunal chairperson, however a quorum of the Tribunal shall be two (2) panel members.
- 3.5 No Tribunal decision shall be invalidated by any irregularity in the appointment of a Tribunal member.

4 Responsibilities of Tribunal chairperson

- 4.1 A Tribunal chairperson will not vote on the determination of the matter unless a quorum of two members of the Tribunal only are available in which case the chairperson will be the third voting panel member.
- 4.2 Without limiting the duties of the Tribunal chairperson as set out under the various clauses of this By-law, a person appointed to the position of Tribunal chairperson shall have the following responsibilities:
 - (a) to ensure accurate records are kept of all of the Tribunal's proceedings and decisions and to make such records available to BQ or the relevant Organising Body upon request;
 - (b) to communicate to the Organising Body the results of hearings of the Tribunal;
 - (c) to chair hearings of the Tribunal or to ensure that such task is delegated to a member of the Tribunal;
 - (d) to raise with any proposed Tribunal member any potential or possible conflict of interest which may arise from time to time.

5 Records of Tribunals Proceedings

- 5.1 The method of recording the proceedings and determinations of the Tribunal shall be in the form prescribed by BQ from time to time but as a minimum the determination of the Tribunal shall be documented and signed by the Tribunal chairperson and kept on record by the Organising Body.

6 Convening Tribunal hearings

- 6.1 If practicable, the Organising Body shall provide notice to all teams participating in competitions conducted by it of the regular day, time and place of Tribunal hearings throughout the duration of the competition.
- 6.2 The Tribunal will be convened to hear charges arising from a match or incident as soon as is practicable, preferably prior to the next round of matches occurring.
- 6.3 Notification of persons charged under this By-law shall include details of the day, time and place of the Tribunal hearing at which the charge will be heard in accordance with Part 3 of this By-law and must be provided a reasonable period prior to such hearing.

Part 2 Reports and Notifications

7 Reports by officials

- 7.1 Any Organising Body game official (other than score table officials) or official who has been so empowered by the relevant Organising Body, shall be entitled to report any person, team or club which, in the opinion of the official has committed an offence under this By-law.
- 7.2 Any Organising Body game official (other than score table officials) or official entitled to submit a report may do so based on the review of video evidence. The lodgement of a report does not require that the official who lodges the report has viewed the incident live in person. (7.2 is only applicable to NBL1 and QSL competitions.)

8 Investigations

- 8.1 Where an Organising Body or an official of an Organising Body believes an offence may have been committed or the Organising Body receives a letter of complaint, but no report has been made, the Organising Body may investigate, or appoint a person to investigate, the alleged offence. If after the investigation the organising body or the person appointed to investigate recommends that a report should be made, the Organising Body or the person appointed by it may make a report. Where possible, a report arising out of an investigation conducted under this clause should be made within 1 week of the date on which the alleged offence took place or the complaint was received.

9 Duties of officials or Organising Bodies making a report

- 9.1 Any Game Official who, or Organising Body that makes a report under clauses 7.1 or 8.1 shall ensure that the charged person, team or club is notified of the report, as well as any other person involved in the report and all other game officials as soon as possible after the report is made. A reporting person will fulfill this duty by giving the report to the Organising Body.
- 9.2 An official who, or Organising Body that who makes a report under clauses 7.1 or 8.1 shall enter the details of the alleged offence(s) on the report form issued by the Organising Body for that purpose as soon as possible after the match or other activity, noting all the particulars in connection with the report so that a clear account can be given to the Tribunal when the report is to be dealt with.
- 9.3 An official who or Organising Body that who makes a report under clauses 7.1 or 8.1 shall lodge a report form with the person nominated by BQ or the Organising Body to take charge of reports, or if that is not possible, to leave the report at the stadium or Organising Body office, marked to the attention of that person, as soon as possible after the activity. In normal circumstances, this would take place no later than 48 hours after the incident leading to the report however failure to lodge the report within 48 hours does not affect the validity of the report.

10 Duties of Organising Body receiving a report

- 10.1 BQ and / or the Organising Body shall appoint an officer to be responsible for the receipt of reports made under this By-law and to carry out the duties in connection with such reports ("**Hearings Officer**"). The officer to whom responsibility is delegated under this clause 10.1 may hold another position within the Organising Body. If the Hearings Officer is a potential witness in relation to a report or has a conflict of interest (actual or perceived), an alternative hearings officer will be appointed for that particular reported matter.
- 10.2 The Organising Body shall require each team entered in competitions to designate on the entry form the address, telephone number and email address or other electronic contact details of the team delegate, to be used for notification of reports.

- 10.3 The Organising Body shall maintain lists of names, addresses, telephone numbers and email addresses (if applicable) of all officials registered with the Organising Body.
- 10.4 The Hearings Officer designated under clause 10.1 shall have the following duties:
- (a) to organise the venue, time and day of the week to be set aside for hearings of the Tribunal;
 - (b) to convene hearings of the Tribunal to deal with matters referred to it;
 - (c) to ensure that three members of the Tribunal are present to deal with any matters referred to it for determination;
 - (d) to receive and refer to the Tribunal all material relating to any reports made under this By-law;
 - (e) to ensure the availability of all forms required to be used in any proceedings of the Tribunal;
 - (f) to notify the charged person, team or club, through their team secretary or manager, of the date, time and place of the Tribunal hearing;
 - (g) if the notification under clause 10.4(f) is made by telephone, the officer giving the notification shall immediately make a written record of the time and details of the telephone conversation;
 - (h) if the charged person is under the age of 18 years, or otherwise unable to represent him or herself, then they are to be advised that they must have an adult (being their next of kin or another adult who has written consent from the next of kin, and who is not an appointed legal practitioner) with or for them at the Tribunal hearing, as an adviser, and that the adviser shall be allowed to ask questions and speak on their behalf;
 - (i) to provide the charged person, team or club with a copy of the report form. In carrying out this function the Organising Body shall:
 - (i) hand a copy of the report form to the charged person (or a representative of a charged team or club) prior to the charged person leaving the match / activity / venue following the activity out of which the report was made; or
 - (ii) send a copy of the report form to the charged person, team or club at the address of the team secretary or manager as collected under clause 10.2 above, as soon as possible after the date of the report being lodged with the Organising Body; or
 - (iii) make a copy of the report form available for collection by the charged person, team or club and notify the team secretary or manager of the requirement to effect such collection.
 - (j) to notify the reporting official and any other officials or witnesses required to be in attendance, of the date, time and place of the Tribunal hearing. Where such reporting official is under 18 years of age or has a disability which prevents them from adequately representing themselves, they are to be advised that they have the right to have an adult (being their next of kin or another adult who has written consent from the next of kin, and who is not an appointed legal practitioner) with them at the Tribunal hearing, as an adviser, and that the adviser shall be allowed to ask questions and speak on their behalf;
 - (k) to notify each of the above persons of the consequences of non-attendance at a Tribunal hearing and the procedure to be followed in each case;
 - (l) to notify the chairperson (or his/her delegate) of the Tribunal that a report has been received, and to deliver to the Tribunal chairperson (or his/her delegate) of the Tribunal the report form and any other information relevant to the case; and

- (m) to ensure sufficient report forms are available to officials at competitions conducted by the Organising Body and that officials are aware of the availability of such forms.

11 Period between report & Tribunal hearing

- 11.1 A charged person, team or club shall be entitled to participate in basketball competitions conducted by the Organising Body until such time as the Tribunal has heard and determined the report unless the Tribunal chairperson, in their absolute discretion, is of the view that the report is of a serious nature and to allow participation may constitute a danger to other participants. A Tribunal may be convened with short notice if it is in the interest of Basketball, Tournaments, NBL1/QSL double header weekends ect.

Part 3 Conduct of Tribunal hearing

12 Attendance at Tribunal hearings

- 12.1 The following persons shall be required to attend a Tribunal hearing conducted under this By-law, except where excused by the Tribunal chairperson in their absolute discretion:
 - (a) the charged person;
 - (b) the president, secretary or other delegate representing a charged team or club;
 - (c) the reporting official(s);
 - (d) any other person involved in the report;
 - (e) witnesses as indicated by the reporting official or charged person to be notified by the officer designated under clause 10.1;
 - (f) any witness required by the Tribunal.
- 12.2 The following persons shall be entitled to attend a Tribunal hearing as appropriate:
 - (a) any player of a charged team or club;
 - (b) witnesses called to give evidence by a charged person, team or club;
 - (c) witnesses called to give evidence by the reporting official(s);
 - (d) any adult adviser to a charged person or reporting official.
- 12.3 The following persons shall be entitled to attend a Tribunal hearing with the permission of the Tribunal chairperson:
 - (a) representatives of an Organising Body; or
 - (b) any other person.
- 12.4 Legal representatives or advocates are permitted to appear before the Tribunal where leave to appear has been granted by the Tribunal chairperson.
- 12.5 The Tribunal chairperson may order that any person, including the charged person or a member of a charged team or club, leave the Tribunal hearing if it is of the opinion of the chairperson that the person is disrupting the hearing.
- 12.6 If the charged person or member of a charged team or club is excluded from the hearing pursuant to clause 12.5 the tribunal shall proceed to hear and determine the matter in his or her absence.

13 Non-attendance at Tribunal hearings

- 13.1 If any charged person (or representative of a charged team or club) fails to attend a Tribunal hearing without reasonable cause, the hearing may proceed and a determination be made by the Tribunal in the absence of the charged person, team or club, provided that the Tribunal is satisfied that all notification procedures under this By-law have been carried out and that in proceeding, no significant unfairness will be suffered by the charged person.
- 13.2 A charged person, team or club or reporting official may apply to the Hearings Officer to have a Tribunal hearing adjourned if there are compelling circumstances which warrant such steps being taken to avoid costs, hardship or significant inconvenience to the charged person, team or club. This will be at the discretion of the Hearings Officer (or the Tribunal if already convened) and if the application is granted, a new date shall be fixed.
- 13.3 A charged person who is unable to attend a Tribunal hearing shall be entitled to appoint a representative (who is not a legal practitioner) to appear in his/her place if that charged person intends on pleading guilty, subject to the Tribunal receiving a letter of consent from the charged person containing the person's guilty plea to the charges contained in the report and any statement that person would have given to the Tribunal had he or she attended the hearing. The Tribunal shall give such weight to the facts in that statement as in all of the circumstances it believes is appropriate given that the charged person will not be able to be questioned on the facts.
- 13.4 If any witness fails to attend a Tribunal hearing, the hearing may continue in their absence.
- 13.5 If a reporting official fails to attend a Tribunal hearing without reasonable cause, the hearing may proceed and a determination be made by the Tribunal in the absence of the reporting official, provided that the Tribunal is satisfied that all notification procedures under this By-law have been carried out.
- 13.6 If a reporting official or Organising Body inadvertently fails to carry out any duties listed in clause 10, the charges shall not be dismissed for this reason, but may be adjourned to allow the omission to be rectified. Where appropriate, the Tribunal shall take the failure into account and make suitable allowance.

14 Tribunal hearing Conducted Via Teleconference

- 14.1 A charged person, team or club may apply to the Tribunal chairperson to have a Tribunal hearing conducted by telephone conference call or other technology if there are compelling circumstances which warrant such steps being taken to avoid costs, hardship or significant inconvenience to the charged person, team or club. In all other respects the procedure of the Tribunal hearing shall be conducted in accordance with this By-law.
- 14.2 A reporting official or representative of an Organising Body and/or other witnesses may apply to the Tribunal chairperson to appear at the Tribunal hearing by telephone conference call or other technology if there are compelling circumstances which warrant such steps being taken to avoid costs, hardship or significant inconvenience to that person.
- 14.3 The Tribunal chairperson, in his or her absolute discretion, may approve or deny an application made pursuant to clause 14.1 or 14.2.

15 Procedures of the Tribunal

- 15.1 For the purpose of this clause 15 onwards, a reference to a charged person includes a reference to the representative(s) of a charged team or club.
- 15.2 In the event of a team or club being reported, one (1) member of the team or club shall act as spokesperson for the team or club provided that an individual member of that team or club may elect to speak on their own behalf.

- 15.3 At the commencement of a hearing, the chairperson shall identify the members of the Tribunal and determine whether the charged person is present to answer the charge(s) set out in the report.
- 15.4 The charged person shall be asked whether they accept the members of the Tribunal as impartial and independent, or whether they wish to raise any objection in relation to any member. If the objection is found by the Tribunal to be valid, then the Tribunal member shall stand down for the duration of the hearing.
- 15.5 The charged person and the reporting official(s) shall be notified of their right (subject to clause 12.5) to remain in the hearing until all evidence is presented but not to be present whilst the Tribunal considers its findings and determines an appropriate penalty (if any).
- 15.6 The chairperson shall advise all those persons present of the method of recording the hearing (if any).
- 15.7 The charge(s) as contained in the report shall be read out in the presence of all persons eligible to be present.
- 15.8 The charged person shall be asked whether the charge is understood and the reporting official asked whether the charge correctly represents their intention.
- 15.9 The charged person shall be asked to indicate whether they:
- (a) admit the charge/s;
 - (b) admit part of the charges but wish to bring other evidence; or
 - (c) deny the charges.
- 15.10 If the charged person admits the charge(s), the chairperson may read a short summary of the facts, admit the reporting official's evidence (written/verbal) and no witnesses need be called to give evidence unless the Tribunal requires it.
- 15.11 If the charged person admits part of the charges the chairperson may read a short summary of the facts and ask the charged person to identify what is admitted. Those facts will then be accepted by the Tribunal and no witnesses need be called to give evidence on those matters unless the Tribunal requires it.
- 15.12 If the charged person denies the charges then the chairperson shall ask all witnesses except the reporting official(s) and the charged person (and their advisers if appointed in accordance with this By-law) to leave the room and to wait to be called to give their evidence. An adviser may not also be a witness.
- 15.13 The reporting official shall proceed to give evidence and the witnesses of the reporting official(s) shall be called upon to give his/her evidence in turn, subject to the approval of the number of witnesses to be called by the Tribunal chairperson in his or her discretion. The charged person or his/her adviser may ask questions of the reporting official or any witness called.
- 15.14 Each witness shall leave the Tribunal hearing after giving evidence unless otherwise directed or permitted by the Tribunal chairperson.
- 15.15 The charged person shall then be entitled to present their defence. Witnesses may be called subject to the approval of the number of witnesses to be called by the Tribunal chairperson in his or her absolute discretion. Reporting officials or the adviser to a reporting official may ask questions of the charged person or any witness called.
- 15.16 The Tribunal is empowered to question any person giving evidence.

- 15.17 Where a person has an approved adviser present in accordance with this By-law, an opportunity for consultation shall be provided.
- 15.18 Video evidence may be presented at the absolute discretion of the Tribunal chairperson. A charged person, team or club wishing to produce video evidence at the Tribunal hearing must apply to the Tribunal chairperson to do so and provide the proposed video evidence no later than 48 hours prior to the Tribunal hearing. The Tribunal chairperson, in their absolute discretion, may approve or deny such application.
- 15.19 At the conclusion of all of the evidence and submissions the Tribunal chairperson shall ask the charged person, the reporting official and all other persons present to leave the hearing room while the Tribunal considers its findings.
- 15.20 If the Tribunal is not satisfied that a particular charge has been proved but is satisfied that a lesser charge has been established, then the Tribunal may find such lesser charge established and shall apply a penalty applicable to the lesser charge.
- 15.21 Where it appears to the Tribunal on the evidence before them that the reporting official has made an error in laying the wrong charge or omitted charges that should have been laid, the Tribunal may amend the charges and proceed to make a finding. Further, the Tribunal has the right to direct that a person other than the charged person be charged with an offence under this By-law on the basis of evidence presented before it during the course of conducting a hearing.
- 15.22 Where charges have been amended under clause 15.21 and if the Tribunal considers that the charged person may suffer significant prejudice as a result of the amendment, the Tribunal shall adjourn the hearing unless the charged person, team or club consents to it proceeding at that time.
- 15.23 The charged person and the reporting official may be present when the decision of the Tribunal is given by the Tribunal chairperson. If the charged person is not present the Tribunal chairperson shall ensure that the decision is conveyed to the charged person by the most expedient means.
- 15.24 Subject to clause 15.20, if the Tribunal is satisfied that a charge has been established on the balance of probabilities (i.e. more probable than not) it shall find the charge proved. Otherwise, the charge shall be dismissed.
- 15.25 If a charge has been found proven by the Tribunal, the charged person shall be informed of the finding. At this time (but not before), any previous convictions against the charged person should then be laid before the Tribunal.
- 15.26 The charged person is then given the right to make a final statement in relation to previous convictions or other mitigating circumstances before being asked to leave the room a second time. The charged person may, with the consent of the Tribunal chairperson, submit written statements or references for consideration by the Tribunal on the decision of penalty.
- 15.27 The Tribunal shall then determine the penalty to be imposed (if any) and shall recall the charged person to advise of the penalty.
- 15.28 The Tribunal is not obliged to give reasons for any decision made by it under this By-law.
- 15.29 A charged person who has been found guilty of an offence and received a penalty under this By-law shall not play, coach, referee or otherwise take part in basketball activities as directed by the Tribunal until the penalty has been served to the satisfaction of the Organising Body. However, a decision of the Tribunal does not prevent a person carrying out duties directly related to their employment.
- 15.30 All findings from the tribunal are to be communicated by the Tribunal Chair via email and recorded in Basketball Connect within 48 hours.

16 Recording of Tribunal hearing

- 16.1 No person may record a Tribunal hearing by any recording device without the permission of the Tribunal chairperson.
- 16.2 If a hearing is recorded, the tape, disc or other storage device shall be retained by the Hearing Officer and Tribunal Chair.
- 16.3 It is a condition of the granting of permission to use a recording of a tribunal hearing proceeding that the use of any information recorded is limited to the following purposes:
- (a) an appeal pursuant to this By-Law;
 - (b) court proceedings; or
 - (c) the provision of legal advice.
- 16.4 If a person records a Tribunal hearing proceeding or uses a recording of same for other than the abovementioned purposes, a charge may be brought by the Organising Body against that person for breach of this By-law.

Part 4 Offences and Penalties

17 Penalties

- 17.1 The Schedules to this By-Law set out the standard offences and maximum penalties to be applied where a charge has been established by a Tribunal.
- 17.2 For the purposes of this By-law, penalties for many offences which are established by a Tribunal shall be divided into two separate categories:
- (a) penalties for offences involving persons other than officials ("Group A offence"); and
 - (b) penalties for offences involving an official ("Group B offence")
- 17.3 Where charges arising from one particular incident are heard together and the Tribunal finds the person or team guilty of more than one offence, it may impose a single penalty imposed in totality in relation to all charges the person or team has been found guilty of, being not more than the maximum penalty for the total maximum penalties of the offences, or it may impose individual penalties for each offence.
- 17.4 Where a Tribunal imposes more than one period of suspension, it may impose them to be served concurrently or cumulatively or partly concurrently and partly cumulatively .
- 17.5 A penalty handed down under this By-law shall commence from the date of the Tribunal finding unless otherwise expressly directed by the Tribunal. Penalties for NBL1, QSL and BQ Tournaments are to be expressed in games as per the below tables and BQ Sanctioned matches and competitions are to be expressed in weeks as per the below table.. The Tribunal has the discretion to rule that a penalty will be suspended for the number of weeks which fall between seasons or during any season break or for other reason such as intended absence of the person overseas or interstate.
- 17.6 Persons on a first offence, or persons who indicate to the tribunal at least 24 hours prior to the hearing that they intend to plead guilty to some or all of the offences with which are charged, shall have this taken into account when assessing the penalty to be handed down.
- 17.7 A Tribunal may take into account a charged person's prior convictions in determining a penalty to be handed down provided the penalty does not exceed the maximum penalties assigned to offences under the relevant Schedule.

- 17.8 The Tribunal has the discretion to rule that a penalty apply only in relation to a particular competition, however this shall only be done in exceptional circumstances.
- 17.9 The Tribunal has the discretion to apply suspended sentences as part of a penalty provided that they do not exceed the maximum penalties assigned to offences under the relevant Schedule. It is recommended that suspended sentences remain in place for a period of 12 months.
- 17.10 If a charged person faces another Tribunal in the period in which the suspended sentence is in place (i.e. 12 months) and is found guilty the suspended sentence will be added to whatever penalty is handed down.

18 Administrative Tribunal

- 18.1 This clause does not apply to Minors who are dealt with under Clause 18.9. If a person is charged with an offence carrying a maximum penalty of six games (or weeks as the case may be) or less, and has not been found to have committed an offence under this By-law within the last 12 months, the matter will be dealt with by an administrative tribunal.
- 18.2 Where:
- (a) a charged person is not a minor;
 - (b) and is charged with an offence carrying a maximum penalty of less than twenty-six games (or weeks as the case may be); and/or
 - (c) the Organising Body believes that circumstances exist that mean the matter can appropriately be dealt without proceeding to a Tribunal,
- the matter may be dealt with by an administrative tribunal.
- 18.3 A person:
- (a) charged with an offence that has not been dealt with by an administrative tribunal under clauses 18.1 or 18.2; or
 - (b) who has rejected a penalty of the administrative tribunal under clause 17.6 must be dealt with by the Tribunal.
- 18.4 An administrative tribunal shall consist of:
- (a) the Tribunal chairperson; and
 - (b) the Hearings Officer.
- 18.5 When a report is received that is to be dealt with under clauses 18.1 or 18.3 the administrative tribunal shall meet and determine a penalty. The charged person shall be notified as soon as practicable following the meeting of the administrative tribunal of:
- (a) reason/s why the charges have been dealt with by administrative tribunal;
 - (b) the penalty;
 - (c) their right to accept or reject the penalty proposed by the administrative tribunal.

- 18.6 The charged person shall be required to notify the Organising Body of their acceptance or rejection of the penalty within three working days of notification. If the penalty is accepted by the charged person the penalty shall be enforced with no right of appeal.
- 18.7 If the penalty is not acceptable to the charged person the matter shall be referred to the Tribunal and be treated in the same manner as any other charge.
- 18.8 If the charged person fails to indicate acceptance or rejection of the administrative penalty in writing to the Organising Body within three working days of notification, the administrative penalty will automatically be invoked.

18.9 Administrative Tribunal for Minors

(a) Where the charged person is under the age of 18 years ("Minor"), the matter will be dealt with by an *Administrative Tribunal for Minors* where the Hearings Officer determines that the likely penalty is **less than six (6) games (or weeks)** in duration.

(b) The Administrative Tribunal for Minors provides a streamlined and age-appropriate process for addressing misconduct by minors. It allows for timely and proportionate outcomes including, but not limited to:

- Formal warnings,
- Suspended sentences,
- Written reprimands,
- Education or reflection-based requirements, or
- Suspensions of less than six (6) weeks/games.

(c) A matter involving a Minor must proceed to a full Tribunal if:
the Minor (or their parent/guardian or adviser) rejects the proposed outcome;
the proposed penalty is six (6) weeks/games or more; or
the Minor has had a prior finding of guilt under this By-law in the preceding twelve (12) months.

(d) The Minor and their parent/guardian (or adult adviser) shall be advised in writing of:
the alleged misconduct and the proposed outcome;
The reason the matter is being handled through the Administrative Tribunal for Minors;
Their right to accept or reject the proposed outcome; and
Their option to request a full Tribunal hearing if they do not accept the proposed outcome.

(e) If no written response is received within three (3) working days of notification, the proposed outcome shall be deemed accepted and will be enforced accordingly.

(f) Where the proposed outcome is accepted, there shall be no right of appeal.

(g) All Administrative Tribunal for Minors outcomes must be documented and recorded in Basketball Connect and may be considered in any future disciplinary matter.

Part 5 Appeals

19 Right of Appeal

- 19.1 The decision of an administrative tribunal that is invoked under clause 18.8 can only be appealed if the charged person ("**Appellant**") satisfies the Appeals Officer of BQ, or their nominee, in that person's sole discretion, that the Appellant did not receive the notice issued under clause 18.5. (Note - "There shall be no appeal from a decision of the Administrative Tribunal for Minors under Clause 18.9 unless the charged person can satisfy the Appeals Officer that they did not receive notice of the proposed outcome.")
- 19.2 There shall be no appeal from a decision of the Tribunal unless the Appellant satisfies the Appeals Officer of BQ, or their nominee, in that person's sole discretion, that one or more of the following grounds of appeal is satisfied:
- (a) that significant new or additional evidence has become available, which is likely to make a material difference to the decision of the Tribunal;

- (b) that the penalty imposed by the Tribunal is not in accordance with the provisions of this By-law;
 - (c) that the penalty imposed by the Tribunal is manifestly excessive; or
 - (d) that the Tribunal failed to follow procedures or requirements of this By-law to the significant detriment of the person seeking the appeal.
- 19.3 The Organising Body may appeal a decision of the Tribunal on the grounds that the penalty imposed by the Tribunal is manifestly inadequate.
- 20 Notice of Appeal**
- 20.1 A person seeking to appeal a decision under clause 19.1 or 19.2 must:
- (a) lodge a notice stating full details of charges and results thereof and stating in full the grounds of appeal with the Appeals Officer within fourteen (14) days of the notification of a determination of a Tribunal hearing ("**Notice of Appeal**"); and
 - (b) pay the appeal fee to the Appeals Officer when lodging the Notice of Appeal, which shall be \$250.00 (including GST) (the appeal fee does not apply in the case of appeals by minors and may be waived at the discretion of the Appeals Officer).
- 20.2 An Appellant shall be notified as soon as is reasonably possible after receipt of the Notice of Appeal as to whether an appeal hearing is to be granted and the time, date and place of the Appeal hearing, in the event that it is granted.
- 20.3 An Organising Body wishing to appeal under clause 19.3 must:
- (a) provide the charged person with details of why they consider the penalty to be inadequate and setting out what penalty the Organising Body believes would have been adequate; and

- (b) provide an undertaking to pay the charged person's reasonable costs of the Appeal Tribunal if the Organising Body's appeal is not upheld.

21 Granting of Appeal

- 21.1 The Appeals Officer (or the chairperson of the Appeal Tribunal) will determine one of the following:
- (a) that the person appealing has not established any of the grounds for the appeal, in which case the appeal shall be dismissed; or
 - (b) that the person appealing has established one or more of the grounds for the appeal.
- 21.2 If the Appeals Officer (or the chairperson of the Appeal Tribunal, as the case may be) decides that the person appealing has established one or more of the grounds for the appeal they shall direct that the appeal take place in one of the following forms:
- (a) a complete rehearing of the charge; or
 - (b) that a nominated person or persons investigate a specific area of the original hearing and determine the outcome of the appeal.

Where the Appeals Officer has directed that a person or persons investigate only a specific area of the original hearing, the person or persons nominated may carry out that investigation in any manner they believe reasonable.

- 21.3 The Appeals Officer may direct a stay of the implementation of the penalty imposed by the Tribunal pending the determination of the appeal where they are satisfied that there are exceptional and compelling circumstances that make it harsh and unconscionable if such an order was not made.
- 21.4 Where the Appeals Officer determines that the Tribunal has imposed a penalty that is not in accordance with the By-laws he or she may reduce the penalty so that it accords with the By-laws.
- 21.5 There shall be no further appeal from a decision of the Appeals Officer or from a rehearing or on investigation directed under clause 21.2.

22 Appeal Tribunal

- 22.1 If an appeal hearing is granted, the Appeals Officer shall convene an Appeal Tribunal to hear and determine the appeal in accordance with this By-law.
- 22.2 An Appeal Tribunal shall comprise of the following persons:
- (a) a chairperson; and
 - (b) of no fewer than three (3) panel members,
- appointed by BQ from time to time to hear appeals as required by BQ. Members of an Appeal Tribunal will preferably have experience in hearing and determining disciplinary matters in sport, however, need not have any particular experience with the sport of basketball.
- 22.3 Wherever possible, matters referred to the Appeal Tribunal for determination shall be heard by three panel members of the Appeal Tribunal as determined by the Tribunal chairperson, however a quorum of shall be two (2) members.
- 22.4 Tribunal members and a chairperson who were not involved in the hearing of a matter the subject of an appeal shall be eligible to sit on an Appeal Tribunal.

23 Serving of Tribunal Penalties

23.1 Subject to clauses 21.3 and 23.2(b), where the Tribunal imposes a penalty that prevents the Appellant from participating in a match, the Appellant shall serve that penalty pending the determination of the appeal.

23.2 Subject to clause 23.3, the Appeal Tribunal may of their own motion or upon application of the appellant determine:

- (a) that an appeal be adjourned; or
- (b) a stay of the implementation of the penalty imposed by the Tribunal pending the determination of the appeal.

23.3 The Appeal Tribunal shall make an order under clause 23.2(b) only where it is satisfied that there are exceptional and compelling circumstances that make it harsh and unconscionable if such an order was not made. In determining that question, the Appeals Tribunal shall without limitation have regard to:

- (a) the merits of the appeal and the Appellant's prospects of success;
- (b) the interests of other teams, clubs and players; and
- (c) the effect on the results of the competition.

24 Proceedings of Appeal Tribunal

24.1 The Appeal Tribunal and persons appearing before it are bound by the same procedures under this By-law as if the Appeal Tribunal was a Tribunal hearing a matter at first instance.

24.2 The Appeals Officer shall forward records of the Tribunal hearing in which the matter the subject of the Appeal was heard at first instance to the chairperson of the Appeal Tribunal.

24.3 The Appeal Tribunal shall have the discretion to conduct the hearing as a complete re-hearing or to limit the hearing to consideration of the ground(s) of appeal relied upon by the Appellant under clause 19.2.

24.4 An Appeal Tribunal shall have the power to:

- (a) dismiss the appeal;
- (b) uphold the appeal;
- (c) impose any of the penalties set out in the Schedules of this By-law; or
- (d) reduce, increase or otherwise vary any penalty imposed by the initial hearings Tribunal, in such manner as it thinks fit.

24.5 The Appeal Tribunal is not obliged to give oral or written reasons for a decision under clause 24.4.

24.6 At the conclusion of the appeal, the chairperson of the Appeal Tribunal shall ensure that the Appellant and the reporting official are correctly informed of the determinations of the Appeal Tribunal. The chairperson shall also notify the Appeals Officer of the decision of the Appeal Tribunal.

25 Refund of Appeal Fee

- 25.1 The Appeal Tribunal shall have the discretion to refund the appeal fee payable under clause 20.1(b).

26 Costs

- 26.1 Each party to an appeal shall bear their own costs.

27 Single Right of Appeal

- 27.1 There is only one right of appeal following the decision of the initial Tribunal. Any appeal must be solely and exclusively resolved by the Appeal Tribunal and the decision of the Appeal Tribunal is final and binding on the parties.

28 Exhaust Internal Appeal

- 28.1 A person shall exercise his right of appeal under this By-law and have any appeal heard and determined by the Appeal Tribunal before commencing any proceedings or becoming a party to any proceedings in a court of law.

Part 6 Miscellaneous

29 Relationship with criminal matters

- 29.1 If during a Tribunal hearing an investigation under this By-law it becomes known that criminal charges have been brought (as opposed to merely the subject of police investigation) arising out of the actions the subject of the hearing or investigation, the Tribunal and / or the Organising Body may rule that further action be deferred until completion of the criminal charges, unless the police or other prosecuting authority advise they have no objection to the matter proceeding.
- 29.2 In making a determination under clause 29.1, the Tribunal and / or Organising Body shall have regard to the need to ensure the ongoing safety of players, officials and other persons involved in the Organising Body.

30 Recognition of Penalties across Organising Bodies or States and Territories

- 30.1 Each Organising Body acknowledges and agrees that it is required to recognise and enforce penalties handed down against individual persons, teams or clubs by the disciplinary tribunals of all other Organising Bodies, basketball associations, leagues and competitions which are affiliated with Basketball Australia and BQ.
- 30.2 A charged person/team or anyone representing a charged person/team is not permitted to contact a reporting official or other parties involved in the reported incident, excluding their own witnesses from the time in which they are informed that a report will be submitted and the tribunal hearing.

Schedule 1 Queensland State League Offences and Maximum Penalties

The following table lists the offences which are Tribunal Offences in the Queensland State League (QSL) and the maximum penalties for each. In some cases, two maximum penalties (or penalties of a type) are listed for a Tribunal Offence. If so, penalty B is the maximum penalty (or penalty of that type) if the behaviour constituting or involving the commission of the Tribunal Offence involved an Official, and penalty A is the maximum penalty (or penalty of that type) in any other case of the commission of that Tribunal Offence.

Offence	Maximum Penalty	
	Suspension	Fine
Disputing a decision of a referee	2 games	\$1,000
Unsportsmanlike behaviour	2 games	\$1,000
Breach of a Code of Conduct	2 games	\$1,000
Gross breach of a Code of Conduct	4 games	\$1,000
Attempting to trip	A: 3 games B: 6 games	\$1,000
Tripping	A: 3 games B: 17 games	\$1,000
Making an obscene gesture	A: 3 games B: 6 games	\$1,000
Using offensive, abusive, obscene or insulting language	A: 3 games B: 6 games	\$1,000
Attempting to strike	A: 3 games B: 17 games	\$1,000
Striking (using the fist, hand, head or an object or another body part)	A: 17 games B: 2 seasons	\$1,000
Attempting to elbow	A: 3 games B: 17 games	\$1,000
Elbowing	A: 6 games B: 2 seasons	\$1,000
Fighting when 2 or more players are involved	6 games	\$1,000
Attempting to kick	A: 3 games B: 17 games	\$1,000
Kicking	A: 6 games B: 2 seasons	\$1,000
Spitting	A: 6 games B: 17 games	\$1,000
Moving under an airborne player (tunnelling)	1 season	\$1,000
Putting a person in fear of impending violence	A: 17 games B: 1 seasons	\$1,000
Coaching, refereeing, playing or performing score bench duties while under suspension	2 games	\$1,000

Deliberately endangering the safety or health of a player, spectator, Official or other person.	Lifetime	\$1,000
Deliberately endangering the safety or health of a player, spectator, Official or other person in an incident involving blood or a body fluid	Lifetime	\$1,000
Engaging in conduct bringing the game of basketball or the QSL into disrepute	6 games	\$1,000
Failing to cooperate in or hindering or obstructing an investigation or hearing under these rules	6 games	\$1,000
Conspiring with another person to present false evidence to a QSL Tribunal or to otherwise mislead a QSL Tribunal	6 games	\$1,000

Schedule 2 NBL1 North Offences and Maximum Penalties

The following table lists the offences which are Tribunal Offences in the NBL1 North Competition and the maximum penalties for each. In some cases, two maximum penalties (or penalties of a type) are listed for a Tribunal Offence. If so, penalty B is the maximum penalty (or penalty of that type) if the behaviour constituting or involving the commission of the Tribunal Offence involved an Official, and penalty A is the maximum penalty (or penalty of that type) in any other case of the commission of that Tribunal Offence.

Offence	Maximum Penalty	
	Suspension	Fine
Disputing a decision of a referee	2 games	\$1,000
Unsportsmanlike behaviour	2 games	\$1,000
Breach of a Code of Conduct	2 games	\$1,000
Gross breach of a Code of Conduct	4 games	\$1,000
Attempting to trip	A: 3 games B: 6 games	A: \$1,000 B: \$2,000
Tripping	A: 3 games B: 17 games	A: \$1,000 B: \$2,000
Making an obscene gesture	A: 3 games B: 6 games	A: \$1,000 B: \$2,000
Using offensive, abusive, obscene or insulting language	A: 3 games B: 6 games	A: \$1,000 B: \$2,000
Attempting to strike	A: 3 games B: 35 games	A: \$1,000 B: \$3,000
Striking (using the fist, hand, head or an object or another body part)	A: 17 games B: 100 games	A: \$1,000 B: \$5,000
Attempting to elbow	A: 3 games B: 35 games	A: \$1,000 B: \$3,000
Elbowing	A: 17 games B: 100 games	A: \$1,000 B: \$5,000
Fighting when 2 or more players are involved	6 games	\$1,000
Attempting to kick	A: 3 games B: 35 games	A: \$1,000 B: \$3,000
Kicking	A: 17 games B: 100 games	A: \$1,000 B: \$5,000
Spitting	A: 17 games B: 100 games	A: \$1,000 B: \$5,000
Moving under an airborne player (tunnelling)	17 games	\$1,000
Putting a person in fear of impending violence	A: 17 games B: 100 games	A: \$1,000 B: \$5,000

Coaching, refereeing, playing or performing score bench duties while under suspension	2 games	\$1,000
Deliberately endangering the safety or health of a player, spectator, Official or other person.	Lifetime	\$1,000
Deliberately endangering the safety or health of a player, spectator, Official or other person in an incident involving blood or a body fluid	Lifetime	\$10,000
Engaging in conduct bringing the game of basketball or BQ into disrepute	6 games	\$10,000
Failing to cooperate in or hindering or obstructing an investigation or hearing under these rules	6 games	\$1,000
Conspiring with another person to present false evidence to a Tribunal or to otherwise mislead a Tribunal	6 games	\$1,000

Schedule 3 BQ sanctioned matches and competitions (non NBL1 North or QSL)

The following table lists the offences which are Tribunal Offences in a BQ sanctioned matches and competitions (excluding NBL1 North and QSL) and the maximum penalties for each. In some cases, two maximum penalties (or penalties of a type) are listed for a Tribunal Offence. If so, penalty B is the maximum penalty (or penalty of that type) if the behaviour constituting or involving the commission of the Tribunal Offence involved an Official, and penalty A is the maximum penalty (or penalty of that type) in any other case of the commission of that Tribunal Offence.

Offence	Maximum Suspension
Breach of Code of Conduct - Spectators	A: 10 Weeks B: 20 Weeks
Disputing a decision of a referee	6 weeks
Unsportsmanlike behaviour	6 weeks
Breach of a Code of Conduct	6 weeks
Gross breach of a Code of Conduct	6 weeks
Attempting to trip	A: 10 weeks B: 52 weeks
Tripping	A: 52 weeks B: Lifetime
Making an obscene gesture	A: 10 weeks B: 20 weeks
Using offensive, abusive, obscene or insulting language	A: 10 weeks B: 20 weeks
Attempting to strike	A: 10 weeks B: 52 weeks
Striking (using the fist, hand, head or an object or another body part)	A: 52 weeks B: Lifetime
Attempting to elbow	A: 10 weeks B: 52 weeks
Elbowing	A: 52 weeks B: Lifetime
Fighting when 2 or more players are involved	52 weeks
Attempting to kick	A: 10 weeks B: 52 weeks
Kicking	A: 52 weeks B: Lifetime
Spitting	A: 20 weeks B: 52 weeks
Moving under an airborne player (tunnelling)	104 weeks
Threatening a person or putting a person in fear of impending violence	A: 52 weeks B: 104 weeks

Coaching, refereeing, playing or performing score bench duties while under suspension	5 weeks per game while under suspension to be served concurrently to the original suspension period
Deliberately endangering the safety or health of a player, spectator, Official or other person.	Lifetime
Deliberately endangering the safety or health of a player, spectator, Official or other person in an incident involving blood or a body fluid	Lifetime
Engaging in conduct bringing the game of basketball or BQ into disrepute	19 weeks
Failing, when required, to attend Tribunal without proper cause when notified	20 weeks
Failing to cooperate in or hindering or obstructing an investigation or hearing under these rules	20 weeks
Assaulting any person	A: 52 weeks B: Lifetime
Contempt of Tribunal	20 weeks
Negligent or reckless or unnecessary physical contact with an official not amounting to striking or assault	52 weeks
Cheating, tanking, bribery or tampering with intent for any reason including to alter the result of a game	Lifetime

Schedule 4 BQ Tournaments Offences and Maximum Penalties

The following table lists the offences which are Tribunal Offences in a Basketball Queensland sanctioned tournament and the maximum penalties for each. In some cases, two maximum penalties (or penalties of a type) are listed for a Tribunal Offence. If so, penalty B is the maximum penalty (or penalty of that type) if the behaviour constituting or involving the commission of the Tribunal Offence involved an Official, and penalty A is the maximum penalty (or penalty of that type) in any other case of the commission of that Tribunal Offence.

Offence	Maximum Suspension
Disputing a decision of a referee	2 games
Unsportsmanlike behaviour	2 games
Breach of a Code of Conduct	2 games
Gross breach of a Code of Conduct	4 games
Attempting to trip	A: 3 games B: 6 games
Tripping	A: 3 games B: 17 games
Making an obscene gesture	A: 3 games B: 6 games
Using offensive, abusive, obscene or insulting language	A: 3 games B: 6 games
Attempting to strike	A: 3 games B: 17 games
Striking (using the fist, hand, head or an object or another body part)	A: 17 games B: 2 years
Attempting to elbow	A: 3 games B: 17 games
Elbowing	A: 6 games B: 2 years
Fighting when 2 or more players are involved	6 games
Attempting to kick	A: 3 games B: 17 games
Kicking	A: 6 games B: 2 years
Spitting	A: 6 games B: 17 games
Moving under an airborne player (tunnelling)	1 year
Putting a person in fear of impending violence	A: 17 games B: 2 years
Coaching, refereeing, playing or performing score bench duties while under suspension	2 games

Deliberately endangering the safety or health of a player, spectator, Official or other person.	Lifetime
Deliberately endangering the safety or health of a player, spectator, Official or other person in an incident involving blood or a body fluid	Lifetime
Engaging in conduct bringing the game of basketball or BQ into disrepute	6 games
Failing to cooperate in or hindering or obstructing an investigation or hearing under these rules	6 games
Conspiring with another person to present false evidence to a Tribunal or to otherwise mislead a Tribunal	6 games