

Judiciary Policy



Table of Contents

Judiciary Policy.....	2
1.0 Judiciary System.....	2
1.1 Application	2
1.1.1 Structure	2
1.1.2 Judiciary Committee.....	2
1.1.3 Participation Conflict.....	2
1.1.4 Judiciary and Appeal Hearings	2
1.1.5 Judiciary / Board of Directors Appeal Quorum	3
1.1.6 Judiciary / Board of Directors Appeal Voting	3
1.1.7 Judiciary / Board of Directors Appeal Minutes	3
1.1.8 Judiciary / Board of Directors Appeal Decision	3
1.2 Judiciary Rules.....	3
1.2.1 Decision on Referrals.....	3
1.2.2 Resolving Alleged Breaches	3
1.3 Rules for Appeals to the Board of Directors	3
1.3.1 Application.....	3
1.3.2 Appeals	4

JUDICIARY POLICY

Penalties imposed by Affiliated Associations for misconduct is generally covered by the Affiliated Associations own Constitution and rules. However, Hockey Queensland is required to have a Judicial Process to consider disputes arising from State Championships and other games organised by Hockey Queensland.

In some circumstances, members have a right of appeal against decisions made, or penalties imposed. Hockey Queensland's Judiciary Policy follows and remains current including any amendments made by the Board. Any such amendments must be advised to Affiliated Associations without delay.

1.0 JUDICIARY SYSTEM

1.1 Application

1.1.1 Structure

The Judiciary system of Hockey Queensland shall include:

1.1.1.1 Judiciary Committee.

Charges or Charges of misconduct or other references arising from State Championships, Tours, Games, Competitions or Tournaments organised by Hockey Queensland.

1.1.1.2 Appeals to the Board.

Appeals to the Board arising from decisions or penalties of the Judiciary Committee in 1.1.1.1.

1.1.1.3 Appeals to the Board by Members of Hockey Queensland from decisions and/or penalties made and/or imposed by affiliated Associations.

1.1.2 Judiciary Committee

1.1.2.1 The Judiciary Committee shall comprise a minimum of six (6) and a preferred maximum of ten (10) members appointed by the board. Members remain on the Committee until removed by the board.

1.1.2.2 When a Judiciary hearing is required as per 1.2.2, the board shall appoint a Chairperson and two additional members to represent the Committee to carry out the procedures as described under 1.2.

1.1.3 Participation Conflict

No member of the Judiciary or Board shall be permitted to adjudicate or deliberate upon any matter arising in respect of any game or event or occurrence in which that member has taken part or is directly involved or related to.

1.1.4 Judiciary and Appeal Hearings

1.1.4.1 The Board shall have the power, including through the Judiciary, to call upon any person holding office or position of Hockey Queensland or any Affiliated Association or member thereof, to attend any meeting, hearing or investigation by a Committee or Board of Hockey Queensland and to reply to any relevant questions that may be put. Any meeting or hearing can be held in person or electronically.

1.1.4.2 The Board, including through the Judiciary may demand the production of any letters, papers, books or other evidence that the Board considers relevant. Appeals to the Board under the provisions of Clause 1.1.1.3 shall be dealt with under review and not by way of rehearing.

1.1.4.3 The Board shall only consider Appeals meeting the following criteria:

- a) Breach of natural justice
- b) Non-compliance with affiliated Constitution and/or By Laws and/or published local rules.
- c) Decisions reached against the weight of evidence or contradictory to the evidence.
- d) Penalty manifestly harsh and unjust

e) Penalty manifestly lenient and unjust

1.1.4.4 Appeals to the Board under the provisions of Clause 1.1.1.3 may be referred to the Judiciary Committee for determination in the first instance.

1.1.4.5 If the board cannot convene a Judiciary due to unavailability of Judiciary members or participation of conflict (1.3), the board may resolve the alleged breach in place of the Judiciary Committee.

1.1.5 Judiciary / Board of Directors Appeal Quorum

1.1.5.1 Three (3) persons, shall at any time sit on a Judiciary Panel.

1.1.5.2 Three (3) persons from the Board shall be appointed to hear appeals.

1.1.5.3 Where so decided by the Board certain members may be appointed to hear Board appeals, one of whom shall be appointed Chairperson.

1.1.6 Judiciary / Board of Directors Appeal Voting

For meetings of the Judiciary and the Board on appeals, the Chairperson shall have a deliberative vote. For Board Appeals, the Chairperson shall have a second or casting vote.

1.1.7 Judiciary / Board of Directors Appeal Minutes

The respective Chairpersons shall ensure that minutes are kept of all meetings of the Judiciary and/or Board Appeals.

1.1.8 Judiciary / Board of Directors Appeal Decision

The respective Chairpersons shall be responsible for forwarding decisions in writing and the minutes of meetings of the Judiciary / Board Appeal to the CEO within three (3) days of the completion of the subject hearings.

1.2 Judiciary Rules

1.2.1 Decision on Referrals

All reports or referrals or charges of misconduct shall be referred to the Board that will decide whether to refer the matter to the Judiciary. The charge of misconduct may be either verbal or in writing. The person or representative of the organisation making the charge shall confirm any report by submitting the appropriate form as outlined in the Hockey Australia Complaints, Disputes and Discipline policy. The board may decide to commence Disciplinary Action as per 4.3 under the above Policy.

The Hockey Queensland Office will act as the complaints manager and fulfil the responsibilities as outlined in the Hockey Australia Complaints, Disputes and Discipline policy. The complaints manager will not make determinations on Disciplinary Action. Disciplinary Action will be determined by the Judiciary Committee and in accordance to the above mentioned policy in combination with the Judiciary Policy and any other relevant policy.

1.2.2 Resolving Alleged Breaches

Upon decision by the Board to refer the matter to the Judiciary and appoint three Judiciary members including a Chairperson, the CEO shall forthwith advise the Chairperson who shall convene a meeting of the Judiciary to hear the charge and which shall be held within seven (7) days following receipt of the charge or such other time as may be convenient.

The appointed Judiciary Committee shall follow the process outlined in paragraph 6 in Hockey Australia Complaints, Disputes and Discipline policy.

1.3 Rules for Appeals to the Board of Directors

1.3.1 Application

Any decision of the Judiciary and other decisions where so allowed in the Constitution or Policy may be subject to appeal to the Board.

1.3.2 Appeals

Appeals shall be made in writing and shall be accompanied by the fee prescribed by the Board. The appeal shall only be considered if it is in the hands of the CEO of Hockey Queensland within fourteen (14) days of the notice of decision appealed against being received by the appellant.

The procedures set out in paragraph 8 of the Hockey Australia Complaints, Disputes and Discipline policy shall be followed.

-END- *(Of Judiciary Policy)*