

DISCIPLINARY PROCEDURES & APPEALS
of
SMITHFIELD ATHLETICS CENTRE INC.

**REGULATION 3 – DISCIPLINARY PROCEDURES
& APPEALS**

In this Regulation “LANSW” means the Little Athletics Association of NSW Inc.

3.1 PURPOSE

The purpose of this Regulation is to outline the process for disciplinary action by the Centre and the process for appeal in relation to such action. This Regulation is made under Rule 35 and will be interpreted in accordance with the Constitution.

3.2 NOTICE OF ALLEGATION

Where the Committee considers that the actions of a member give cause for disciplinary proceedings to be commenced, the Secretary shall, as soon as practicable, serve on the subject a notice in writing:

- a) Setting out the alleged breach by the subject and the grounds on which it is based;
- b) Stating that the subject may address the Committee at a meeting to be held not earlier than fourteen and not later than twenty eight days after service of the notice;
- c) Stating the date, place and time of that meeting; and
- d) Informing the subject that they may do one or more of the following:
 - i) attend that meeting; and/or
 - ii) give the Centre, at least three (3) days before the date of that meeting, a written statement regarding the alleged breach.

3.3 DECISION OF THE COMMITTEE

- a) At the meeting at which the hearing takes place, the Committee shall:
 - i) Ensure that no member of the Committee at the hearing has a conflict of interest in relation to the subject or the incident in question;
 - ii) Give the subject every opportunity to be heard;
 - iii) Give due consideration to any written statement submitted by the subject; and
 - iv) Determine what (if any) sanctions should be imposed, if it is satisfied that the facts alleged in the complaint have been proved and that the alleged breach occurred.
- b) The Committee is required to give reasons for its decision to the subject.
- c) If the Committee imposes a sanction, the Secretary must, within seven (7) days after the action is taken, cause written notice to be given to the subject of the action taken and of the subject’s right of appeal in accordance with Regulation 3.5.
- d) The sanction does not take effect:
 - i) Until the expiration of the period within which the subject is entitled to appeal against the decision concerned; or
 - ii) If within that period the subject exercises the right of appeal, unless and until the decision is confirmed under Regulation 3.5, whichever is the latter.

3.4 SANCTIONS

- a) Any sanction recommended under this Regulation must:
 - i) Conform to the principles of natural justice;
 - ii) Be fair and reasonable;
 - iii) Be based on the evidence and information presented; and
 - iv) Be within the powers of the Committee to impose the measure.
- b) The sanction to be imposed on a subject will depend on factors such as:
 - i) The nature and seriousness of the behaviour or incidents;
 - ii) The effect of the proposed sanctions on the subject including any personal, professional or financial consequences;
 - iii) If there have been relevant prior warnings or disciplinary action;
 - iv) If there are any mitigating circumstances; and
 - v) Any representations made to the Committee.
- c) If the Committee finds that an offence has been proved or committed, one or more of the following sanctions may be imposed:
 - i) direct that the individual makes a verbal and/or written apology;
 - ii) issue a written warning;
 - iii) direct that the individual attend counseling to address the behaviour;
 - iv) withdraw any award, placing, records, honour, achievements bestowed in any event or activities held or sanctioned by the Centre;
 - v) demote or transfer the individual to another role or activity;
 - vi) suspend the subject's right to participate in particular activities for a period of time or permanently;
 - vii) suspend the subject from membership of the Centre for a specified period;
 - viii) expel a subject from the Centre; or
 - ix) impose such other penalty, action or educative process as it deems appropriate.
- d) When imposing any sanction, it will be accompanied by a warning that a similar breach by that subject in the future may result in the imposition of a more serious sanction.

3.5 APPEAL

- a) A subject may appeal to the LANSW against a decision of the Committee, but must do so no later than fourteen (14) days after notice of the decision is served on the subject, by lodging with the Secretary a written notice to that effect.
- b) The notice must be accompanied by a statement of the grounds on which the subject intends to rely for the purposes of the appeal.
- c) Where the Secretary receives such a notice, he/she shall notify the LANSW Chief Executive Officer within seven (7) days, who shall then convene a Judiciary Committee hearing to be held within twenty eight (28) days, to consider the appeal and make a determination in relation to the alleged breach and any recommended sanctions.
- d) All correspondence relating to the alleged breach and any sanction recommended by the Centre Committee must be made available to the LANSW Judiciary Committee.
- e) Both the subject and a representative of the Centre Committee will be given the opportunity to attend the Judiciary Committee hearing in person, and/or provide to the LANSW, at least three (3) days before the date of the hearing, a written statement.
- f) The decision of the Judiciary Committee shall be final.