

# AUSTRALIAN WEIGHTLIFTING FEDERATION LIMITED



## GRIEVANCE, DISCIPLINE & APPEALS BY-LAW

*This By-Law is made by the Australian Weightlifting Federation (AWF) Board under Clause 7.2 of the AWF Constitution. It is binding on AWF and all members of AWF.*

*Approved by the AWF Board on 12th June, 2014  
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## Contents

<b>1. SUMMARY .....</b>	<b>5</b>
1.1. AWF .....	5
1.2. Purpose.....	5
1.3. By-Law .....	5
1.4. Definitions and Interpretation.....	6
1.5. Administration.....	8
Process Example .....	9
<b>2. PROCEDURE FLOW CHART .....</b>	<b>10</b>
<b>3. GRIEVANCE PROCEDURE.....</b>	<b>11</b>
3.1. Handling Grievances .....	11
3.2. Notification of Grievance.....	11
Club & State Level Grievance .....	12
3.3. Confidentiality .....	12
3.4. Grievance Particulars.....	12
<b>4. INVESTIGATION .....</b>	<b>13</b>
4.1. Process.....	13
4.2. Purpose.....	13
4.3. Formal or Informal.....	13
4.4. Respondent .....	14
4.5. Alleged Criminal Activity.....	14
4.6. Reporting Requirements .....	14
4.7. Improper Grievances & Victimisation.....	15
<b>5. CEO DETERMINATION .....</b>	<b>15</b>
<b>6. EXPRESS POWER TO IMPOSE TEMPORARY SUSPENSION .....</b>	<b>15</b>
6.1. Power.....	15
6.2. Discretion .....	16
<b>7. FURTHER ACTION .....</b>	<b>17</b>
7.1. No Further Action .....	17
7.2. Referral of Grievance.....	17
7.3. Discipline Procedure v Dispute Resolution Process.....	17
<b>8. DISPUTE RESOLUTION PROCEDURE.....</b>	<b>17</b>
8.1. State Member.....	17
<b>9. MEDIATION.....</b>	<b>18</b>
9.1. Introduction.....	18
9.2. Process.....	18
9.3. Procedure .....	18
9.4. Arbitration .....	18
<b>10. DISCIPLINE PROCEDURE.....</b>	<b>19</b>

10.1.	Referral .....	19
10.2.	Complaint .....	19
<b>11.</b>	<b>OFFENCES.....</b>	<b>19</b>
11.1.	Offences.....	19
11.2.	Rule.....	19
11.3.	Breach of the GDABL or AWF Rule .....	20
11.4.	Conspiring to Undermine the operation or effect of a Rule or the GDABL .....	20
11.5.	Cheating.....	20
11.6.	Bringing the Sport into Disrepute.....	20
11.7.	Failure to follow the Direction of an AWF Official.....	20
<b>12.</b>	<b>STANDARD OF PROOF.....</b>	<b>21</b>
12.1.	Balance of Probabilities .....	21
<b>13.</b>	<b>PROCESS.....</b>	<b>21</b>
13.1.	Steps .....	21
<b>14.</b>	<b>SUMMARY ACTION .....</b>	<b>21</b>
14.1.	Minor Offence .....	21
<b>15.</b>	<b>TRIBUNAL HEARING.....</b>	<b>21</b>
15.1.	Referral .....	21
15.2.	Preparation.....	22
15.3.	Complaint Particulars .....	23
<b>16.</b>	<b>TRIBUNAL PROCEDURE .....</b>	<b>23</b>
16.1.	General .....	23
16.2.	Electronic Recording.....	23
<b>17.</b>	<b>DISCIPLINE TRIBUNAL .....</b>	<b>24</b>
17.1.	Hearing .....	24
17.7.	Complaint .....	24
17.8.	Evidence .....	25
17.9.	Tribunal Deliberations .....	25
17.10.	Sanction and Penalty.....	25
17.11.	Costs.....	26
<b>18.</b>	<b>ADMINISTRATION .....</b>	<b>26</b>
18.1.	Notification .....	26
18.2.	Witness Statements.....	26
18.3.	Other Evidence .....	26
18.4.	Respondent Failure to Appear.....	26
<b>19.</b>	<b>PENALTY .....</b>	<b>26</b>
19.1.	Previous Discipline History .....	26
19.2.	Mitigation and Character.....	26
19.3.	Other Factors .....	27
19.4.	Individual Penalties.....	27
19.5.	Organisation Penalties.....	28
19.6.	Further Matters .....	28
<b>20.</b>	<b>APPEALS.....</b>	<b>28</b>
20.1.	Right of Appeal .....	28

20.2.	Grounds for an Appeal .....	29
20.3.	Lodging an Appeal .....	29
20.4.	Withdrawing an Appeal.....	29
20.5.	Forfeiting an Appeal .....	29
20.6.	Appeal Tribunal .....	29
20.7.	Determining Sufficient Grounds for an Appeal .....	29
20.13.	Appeal Rejected .....	30
20.14.	Appeal Accepted .....	30
20.15.	Appeals Tribunal Procedure .....	30
20.16.	Appeals Tribunal Not a Rehearing.....	30
20.17.	Legal Representation .....	31
20.18.	Determination of Appeals Tribunal.....	31
20.19.	Costs.....	31
20.20.	Court Proceedings .....	31
20.21.	Court of Arbitration of Sport (CAS) .....	31

## 1. SUMMARY

### 1.1. AWF

The Australian Weightlifting Federation Limited (**AWF**) is the sole organization responsible for the administration of the sport of weightlifting in Australia which it does in consultation with the various state weightlifting member associations.

In order to ensure the proper and orderly management of the sport, a clear and fair grievance, discipline, and appeals process is required to be adopted and administered by which issues requiring investigation and where appropriate sanction and penalty can be resolved. This policy works in accordance with and supports the AWF Member Protection Policy (**MPP**).

The AWF takes its responsibilities to its Athletes, Coaches, Officials and Volunteers seriously. This *Grievance, Discipline & Appeals By-Law* (**GDABL**) aims to balance the needs of all Members whilst meeting the responsibilities to government and its international obligations in a clear and transparent manner.

### 1.2. Purpose

The GDABL governs the conduct and process of all Grievance, discipline and appeal matters and issues within the jurisdiction of the AWF.

For the purposes of the AWF Constitution, this By-Law is the document described as the “Grievance By-Law”, the “Discipline By-Law”, and the “Appeals By-Law”, as referred to at section 7.

Where another By-Law or Policy provides an alternate process as to the dealing with a Grievance or the administration of a discipline or appeals process it is repealed to the extent of any conflict, inconsistency or ambiguity with the GDABL which is the By-Law by which all Grievances are to be resolved.

### 1.3. By-Law

The GDABL is made by the AWF pursuant to clause 7.2.1.2 of the AWF Constitution and takes effect on 5 March, 2018. The GDABL applies to all members of the AWF including coaches, employees, officers, officials, athletes and volunteers, all of which are required to have knowledge of it, comply with it and are subject to it. A lack of knowledge of the GDABL is not a defence to its operation.

#### 1.4. Definitions and Interpretation

Unless otherwise provided, words used in the GDABL will have their ordinary or general meaning. Defined terms and expressions shall have the same meaning and expression as that stated in the AWF Constitution. In the event of any conflict, inconsistency or ambiguity between the GDABL and the AWF Constitution, the definition in the GDABL is to be preferred.

The following terms and expressions will have the following meanings:

Accredited	means a person holding the relevant qualification to which accreditation is required.
Appeals Chair	means the solicitor or barrister appointed by the AWF CEO as the chair who is tasked to review and determine whether there are sufficient grounds for an appeal to proceed in relation to a Complaint in accordance with the GDABL
Appeals Tribunal	means the tribunal constituted pursuant to the GDABL.
Arbitrator	means a person appointed by the AFW CEO to arbitrate a Complaint pursuant to the Dispute Resolution Process
Athlete	includes any individual, whether competing, training or undertaking other weightlifting related activities and who is a Member of the AWF.
AWF	means the Australian Weightlifting Federation Limited.
AWF Constitution	means the Constitution of the AWF as amended from time to time.
AWF CEO	Means the AWF Chief Executive Officer as appointed from time to time
AWF Policy	includes policies issued by the AWF to its Members from time to time and includes external policies adopted by the Organisation and includes the MPP.
AWF Team	means a representative team of Athletes, AWF Officials, AWF Coaches selected by and under the administration and authority of the AWF for the purpose of competition.
AWF Team Athlete	means an Athlete who is a current member of an AWF Team.
AWF Team Coach	means a Coach who is a current member of an AWF Team
AWF Team Official	means an Official who is a current member of an AWF Team
Board	means the board of the AWF as constituted from time to time in accordance with the Constitution
By-Law	means a current AWF By-law approved by the Board
CEO	means the AWF CEO
Coach	means an AWF accredited coach.
Complainant	means a person notifying the AWF of a Grievance.
Complaint	means a notice in writing issued by the AWF which sets out all relevant facts, matters, and circumstances relevant to a Grievance (Who, What, Where, When) <b>Discipline Procedure:</b> means the document which states the offence and particulars of the allegations made against a person

	<p><b>Dispute Resolution Process</b> means the document recording the scope and nature of the Grievance against a State Member and, by exception, a person.</p>
Complaint Manager	means a person appointed by the AWF CEO to fulfil the role of a complaint manager from time to time.
Constitution	means the AWF Constitution in force, as amended from time to time
Disciplinary Committee	means a committee established from time to time by the AWF in relation to a discipline matter.
Discipline Procedure	means the procedure adopted by the AWF, as described in the GDABL, by which Complaints are: investigated, tested and the where appropriate, the subject of penalty
Dispute Resolution Process	means an alternate dispute resolution process by which a Complaint is ought to be resolved and is separate to the Discipline Procedure
Discipline Tribunal	means the Tribunal established pursuant to the Discipline Process for the purpose of determining Complaint(s)
Grievance	includes any nature of issue or complaint as to the conduct of any Member, event or person associated with the AWF and includes AWF Teams, and international competitions. A complaint manager, MPIO, or the AWF CEO can be notified of a Grievance.
Grievance, Discipline, & Appeals By-Law	means this document and defined as “GDABL”.
Mediator	means a person appointed by the AFW CEO to mediate a Complaint.
Member	means a member of the Australian Weightlifting Federation under clause 5 of the AWF Constitution.
Member Protection Policy	is the By-Law approved by the Australia Sports Commission for implementation by the AWF as amended from time-to-time. <b>(MPP)</b>
Member Protection Information Officer (MPIO)	means a person trained to be the first point of contact for a person reporting a Grievance under, or a breach of the MPP.
Penalty	means a punishment or further action taken in response to a substantiated Complaint.
Person	means a person or Organisation the subject of the Grievance.
Official	Means a person who is involved in the administration of weightlifting (including competition) and who is a Member
Organisation	includes any partnership, incorporated or unincorporated association or corporate entity .
Qualification	means a current qualification issued by the AWF including but not limited to an AWF Coaching or Technical Official qualification.

Respondent	means the person or state member who is the subject of a Complaint.
Rule	has the meaning as defined at paragraph 77 of the GDABL.
Sport	means the sport of weightlifting.
State Association	means the state member affiliated to the AWF in charge of the sport in that state.
State Member	means the state association affiliated to the AWF in charge of the sport in that state.
Tribunal	means a Tribunal constituted pursuant to the GDABL
Volunteer	means a person providing assistance to an AWF related activity without receiving monetary reward.

### 1.5. Administration

The AWF CEO administers the GDABL on behalf of the AWF. The Board is responsible to oversee the administration of the Process contained within the GDABL to ensure it is transparent, fair and otherwise satisfies the requirements of natural justice to all parties involved.

Where a By-Law or Policy contains its own discipline process, that process is repealed to the extent of any inconsistency with the GDABL.

A Grievance will fall under the operation of the GDABL where the Grievance relates to:

- 1.5.1. a Person's conduct;
- 1.5.2. the Conduct of a State Member, including:
- 1.5.3. a State Member and another State Member; and
- 1.5.4. A State Member and the AWF.

Where the Grievance relates to a person's conduct and proceeds by way of Complaint, it will be determined by way of the Discipline Procedure.

Where the Grievance relates to a State Member and proceeds by way of Complaint, it will be determined by way of the Dispute Resolution Process.

Where the Conduct of a person, that may otherwise be determined by way of the Discipline Procedure, is asserted to have been undertaken on behalf of a State Member, this is required to be confirmed in writing by the President of the State Member. Any Grievance may result in proceeding by way of Complaint against a person and a State Member for the same action, incident or conduct.

A Grievance that involves a State Member and its own members will only be dealt with by AWF if there has been a failure to follow due process and/or provide natural justice.

## Process Example

Example of a Grievance dealt with under the **Discipline Procedure**:

“An AWF Member criticises another member from another state and makes derogatory remarks at a national event.” This Complaint is related to the member’s behaviour.

Example of a Grievance dealt with under the **Dispute Resolution** Process:

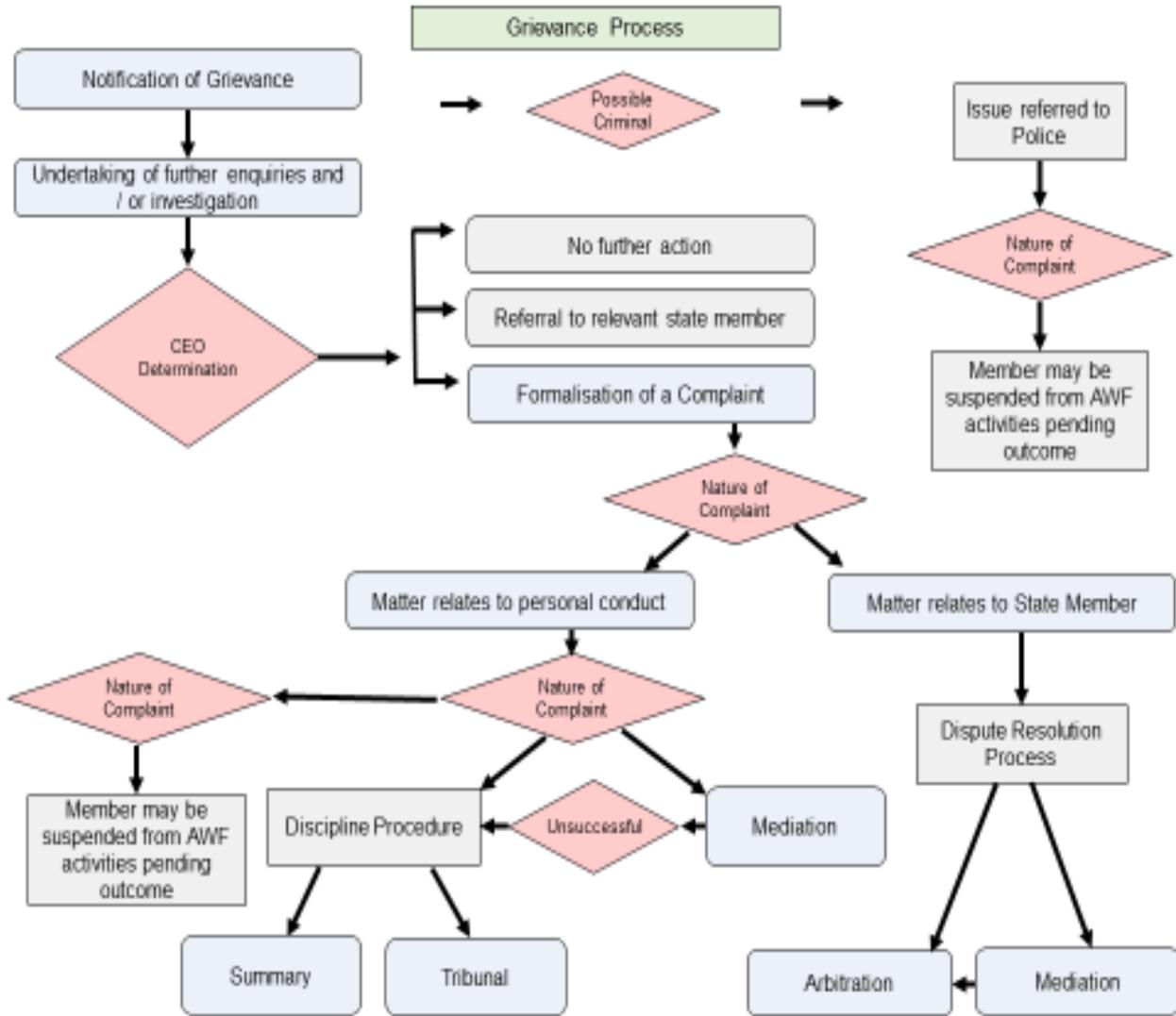
An individual acting in their capacity as the executive of a State Member, makes an allegation against another State Member or the AWF and the allegation is authorised to be on behalf of the State Association.

Example of a Grievance dealt with under **both processes**:

Adopting the same example as in point 2, but in doing so uses inappropriate, threatening or bullying language or tone.

## 2. PROCEDURE FLOW CHART

To assist with understanding of the operation of the GDABL the following diagram, in a summary fashion only, is provided. To the extent that there is an inconsistency between the written terms of the GDABL and the flow chart the written terms are to be preferred.



## 3. GRIEVANCE PROCEDURE

### 3.1. Handling Grievances

The AWF's Grievance management procedure is designed to ensure that all Grievances are dealt with in a fair and efficient manner. The AWF aims to provide a simple, confidential and trustworthy procedure for resolving Grievances based on the principles of procedural fairness and natural justice whilst also accepting the volunteer nature of the majority of its members, officials and officers.

### 3.2. Notification of Grievance

To begin a Grievance process under the jurisdiction of the AWF, any person may report a Grievance or concern about the conduct of a person, Member or organisation associated with or part of the AWF including issues related to the MPP. This may be either formally or informally and may include such circumstances as to a belief that they have been discriminated against, harassed, bullied, or any other breach of the MPP.

It also includes Grievances or issues related to the conduct of non-Members which occurs at events or competitions conducted outside of Australia and to which a person is a member of or associated with an AWF Team.

A Grievance may be made to any AWF Official by any person at any time either formally or informally by either:

- 3.2.1. using the Grievance procedure form on the AWF website;
- 3.2.2. contacting the AWF CEO with a notice of Grievance according to this By-Law;
- 3.2.3. contacting any AWF Official, Member Protection Information Officer (list of MPIO's on AWF website); or
- 3.2.4. contacting the club if the Grievance is at club level, or the State member if the Grievance is at State level. The matter will need to be dealt with at the lowest level. For clarity:
  - 3.2.4.1. a "state level" issue involves matters arising in relation to a single State Member of which the individuals involved are members of the State Member, in such circumstances the Grievance should be reported to and handled by the relevant state association in the first instance; and
  - 3.2.4.2. a "club level" issue involves matters arising in relation to a single club which of which the individuals involved are members of that Club, in such Circumstances the Grievance should be reported to and handled by the relevant Club at the first instance.

Only matters that relate to or occur at the national level and the most serious cases from club and state level should be referred to the AWF.

The Grievance need not be made in writing, however sufficient detail will be required so that the AWF may deal with the Grievance.

Where a person makes a Grievance to an AWF Official, the facts, matters and circumstances are to be recorded in writing by the AWF Official and passed to the AWF CEO for further investigation.

A State Member may give a Notice of Grievance to the AWF CEO and to the CEO or equivalent officer of any State Member, which is a party to a Grievance.

## Club & State Level Grievance

### Example of a **club level Grievance**:

1. A club coach makes derogatory comments to parents and athletes about the “pathetic gym facility” in which he has to coach. The other coaches hear the comments and are upset. The other coaches lodge a Grievance with the club President/Secretary/Committee member.

### Example of a **state level Grievance**:

2. Club A president made derogatory comments about Club B in the presence of a group of state level athletes and parents. Club B committee want to lodge a Grievance. This Grievance will be lodged with the State Member.

### 3.3. Confidentiality

All communication regarding the notification of a Grievance to the AWF is required to be informed to the AWF CEO as soon as possible after it comes to the attention of an AWF official. Information regarding any such Grievance or concern is to be handled in a discreet and confidential manner and is not to be communicated to any individual other than the AWF CEO or their delegate.

All Grievances are to be kept confidential. As provided in the MPP, the AWF will seek to ensure that no one is victimised for making, supporting or providing information about a Grievance. The Grievance will not be disclosed by AWF to another person without the Complainant’s consent except if law requires disclosure or if disclosure is necessary to effectively deal with the Grievance.

### 3.4. Grievance Particulars

The details of the Grievance should include:

- 3.4.1. the individual(s) involved in the behaviour or conduct;
- 3.4.2. where the behaviour or conduct was said to occur;
- 3.4.3. the circumstances surrounding the behaviour or conduct including: where it occurred, when it occurred; who else was present; whether there were any other witnesses;
- 3.4.4. what behaviour or action is alleged to have occurred;
- 3.4.5. whether the Grievance has been previously made and if so, to whom?
- 3.4.6. what action, if any, occurred in response;
- 3.4.7. any other details to assist in the investigation of the matter including contact details of all witnesses.

Where the matter raised in the Grievance is of a serious nature (risk to the health and safety to an Athlete or the reputation of the AWF including Police enquiry) the AWF CEO is to be contacted immediately by the AWF Official informed of the Grievance.

## 4. INVESTIGATION

### 4.1. Process

The AWF has an unfettered right to conduct its own enquiries and inform itself as to the facts related to issues of concern including those raised by way of a Grievance. The investigation process is administrative in nature as opposed to a criminal investigation or court of law.

The AWF is not required to disclose all documents within its control in relation to any investigation or Complaint, however, it must ensure that any nature of allegation is put to a person the subject of it as part of the investigation.

The AWF CEO may determine the form that any investigation may take. It is expected that such investigation will be undertaken informally unless the nature of the Grievance indicates and/or it is the opinion of the AWF CEO or investigating officer that a formal approach is required.

Parties against whom an allegation is made will be given sufficient details of the allegation made against them to allow them to respond to it. This may or may not include copies of witness statements, the identity of the person raising the Grievance or other particulars which are not relevant to the allegation being investigated.

Where an allegation is made against the AWF CEO as to their personal conduct, the AWF Board may appoint an independent investigating officer to undertake an enquiry into the allegations.

### 4.2. Purpose

The purpose of the investigation is to:

- 4.2.1. gather information as to the facts and circumstances of the behavior, conduct or event including by interviewing witnesses including:
  - 4.2.1.1. the person or organisation(s) raising the Grievance;
  - 4.2.1.2. the person or organisation alleged to be the subject of the Grievance; and
  - 4.2.1.3. any other person that may have knowledge of the facts alleged.
- 4.2.2. Identifying the issue(s) by way of consideration of the asserted facts:
  - 4.2.2.1. where the parties agree as to what happened such facts are agreed (Agreed Facts); and
  - 4.2.2.2. where the parties disagree as to what occurred such facts are disputed (**Disputed Facts**).
- 4.2.3. determine whether the alleged behaviour or conduct may have breached an AWF Rule; and
- 4.2.4. where an investigation officer has been appointed provide a recommendation to the AWF CEO as to the further treatment of the Grievance.

### 4.3. Formal or Informal

Upon a Grievance being notified to the AWF CEO, the AWF CEO may undertake or further direct an investigation of the Grievance which may include:

- 4.3.1. the appointment of an investigation officer to undertake an investigation (whether formally or informally);
- 4.3.2. the collection of evidence, either orally or by written statement; and
- 4.3.3. a review of all relevant correspondence and documents.

The investigation may be either formal and may be undertaken by the appointment of an investigating officer and terms of reference with a full written report to be prepared, or informal by way of phone calls, questionnaires, collection of statements and the like.

The determination as to the level of formality will be made by the AWF CEO and considerations will include:

- 4.3.4. the seriousness of the facts alleged in the Grievance;
- 4.3.5. the urgency of the matter;
- 4.3.6. the desire of the person or organisation (s) notifying the AWF of a Grievance; and
- 4.3.7. the availability of people and resources to conduct the investigation

#### 4.4. Respondent

A Member is expected to co-operate with any investigation. Where a person is the subject of an allegation they are required to be fully informed as to the nature of the allegations made against them but not the evidence to be relied upon.

A Respondent is required to either admit or deny an allegation and otherwise assist the investigation by providing detailed answers where their version of events differ from those alleged. A Respondent may not call evidence to support an alternate version of events unless such version is provided to the Tribunal by way of Statement prior to the hearing of any Complaint.

#### 4.5. Alleged Criminal Activity

Where a Grievance contains an allegation of a criminal nature, including matters of child protection, the issue is informed to Police and no further action is taken by AWF as to the Grievance pending the Police investigation of it.

Where appropriate, the person who is the subject of complaint is to be suspended from AWF activities pending the outcome of Police investigations.

Should the Police determine to take no further action by way of criminal complaint, the AWF CEO may determine to institute the Discipline Procedure by way of form complaint, the process being administrative as opposed to criminal and the criminal investigation will not act as a bar to the Discipline Procedure.

Where a Member is found guilty of a criminal offence, the AWF CEO may institute the Discipline Procedure and may rely upon any criminal finding to establish the facts asserted by way of Complaint.

#### 4.6. Reporting Requirements

AWF will ensure that all the Grievances received, both formal and informal, are properly documented. This includes recording how the Grievance was resolved and the outcome of the Grievance. This information, and any additional records and notes, will be treated confidentially (subject to disclosure required by law or permitted under this By-Law) and securely stored.

Any allegation of child abuse will be dealt with seriously, sensitively and immediately as outlined in the MPP. AWF will ensure that everyone who works with our organisation in a paid or unpaid capacity understands how to appropriately receive and record allegations of child abuse and neglect and how to report those allegations to the relevant authorities in their state or territory. (See MPP.)

#### 4.7. Improper Grievances & Victimisation

The AWF aims to ensure the integrity of the Grievance procedure and that it is free of unfair repercussions or victimisation. Disciplinary measures may be undertaken in respect of a person who harasses or victimises another person for making a Grievance or supporting another person's Grievance.

If at any point in the Grievance handling process the AWF CEO or MPIO considers that a complainant has knowingly made an untrue Grievance, or the Grievance is vexatious or malicious or inappropriately intended to cause distress to the Respondent, the matter may be referred in writing to the AWF President for appropriate action which may include disciplinary action against the Complainant.

The AWF will also take all necessary steps to make sure that people involved in a Grievance are not victimised by anyone for coming forward with a Grievance or for participating in an investigation. Disciplinary measures will be imposed on anyone who victimises another person for making a Grievance.

## 5. CEO DETERMINATION

Once the AWF CEO receives a Grievance and undertakes any further investigations they will then determine the further action to be taken which may include:

- 5.1. to take no further action;
- 5.2. to refer the matter to the relevant State Member; or
- 5.3. to formalise the Grievance by way of Complaint and institute either:
  - 5.3.1. the Discipline Procedure under the GDABL where the Grievance relates to an individual; or
  - 5.3.2. Dispute Resolution Process.

In making the determination above, the AWF CEO will consider the facts, matters and circumstances asserted, the outcome of any preliminary investigations, a consideration as to whether a Complaint is likely to be made out on a *prima facie* basis and the wishes of the person raising the Grievance. The AWF CEO is to have the safety of athletes and members as the primary consideration in making such determination.

Individuals and organisations may also pursue a Grievance externally under relevant anti-discrimination, child protection, criminal or other legislation.

## 6. EXPRESS POWER TO IMPOSE TEMPORARY SUSPENSION

### 6.1. Power

The AWF CEO has an express power pursuant to the GDABL to temporarily suspend any Member, Coach, Administrator or organisation from the AWF pending the outcome of any police criminal investigation or investigation under the GDABL until the hearing and determination of the any allegation.

Where the matter is of a serious nature, or relates to an allegation which (if established) would place the Complainant and the Respondent in an embarrassing situation the AWF CEO may direct that the Respondent be suspended from all AWF related activities pending the determination of the dispute.

## 6.2. Discretion

In making such direction, the AWF CEO is required to balance the interests of the Complainant and Respondent, the nature of the alleged Grievance and the AWF CEO's overriding obligation to ensure the proper management of the sport nationally. The AWF CEO may make such a direction at any time, should the circumstances require it.

In the case of an allegation of child abuse by an AWF Member, the Member must immediately cease all involvement in the sport until the AWF CEO can confirm the matter has been dealt with by any external authorities.

## 7. FURTHER ACTION

### 7.1. No Further Action

Where the AWF CEO determines that no further action will be taken by the AWF the Complainant is to be informed in writing as to the determination of the AWF CEO and the basis for it.

### 7.2. Referral of Grievance

Where the AWF CEO receives a Grievance of a non-serious issue, the AWF CEO may refer the Grievance to the relevant state association of the Respondent for further investigation.

Where the nature of the Grievance raises issues of an unlawful or criminal nature, the AWF CEO must refer the Grievance to Police (see Criminal Behaviour above).

### 7.3. Discipline Procedure v Dispute Resolution Process

Where the allegations deal with an individual they will be dealt with pursuant to the Discipline Procedure. Where there is an issue as to a State Member they will be dealt with by way of the Dispute Resolution Process.

Where a Person asserts that their actions and conduct is on behalf of or otherwise authorised by a State Member, this is required to be evidenced in writing by the State Member confirming the person's conduct was so authorised.

## 8. DISPUTE RESOLUTION PROCEDURE

### 8.1. State Member

A Complaint will be dealt with pursuant to the Dispute Resolution Procedure when:

- 8.1.1. The Complaint is between a State Member and another State Member;
- 8.1.2. The Complaint is between a State Member and the AWF;
- 8.1.3. A Complaint involves a State Member and its members (only where there has been a failure to follow due process and/or provide natural justice).

The AWF only has jurisdiction to deal with a Complaint referred to it in point 3 where the substance of the Complaint is that the State Member has failed to properly follow or implement any rules, regulations or other requirements for dealing with a Grievance at the State level.

Depending on the nature of the dispute the AWF CEO will determine whether the matter should be mediated or the subject of independent arbitration. The usual course is that the matter will be sought to be mediated in the first instance in order to bring the parties together with view to either resolving the matter or narrowing the issues for arbitration.

The mediation will aim to resolve the issues stated in the Complaint. In relation to the Dispute Resolution Process this will be required to be agreed as between the parties prior to the conduct of any mediation.

## 9. MEDIATION

### 9.1. Introduction

The AWF aims to resolve Complaints in an efficient and fair manner. Where appropriate mediation provides a mechanism whereby a Complaint may be resolved without the need to utilize the Discipline Procedure under the GDABL. Where the Complaint involves a State Member it is expected that the matter will be resolved by way of mediation.

Where the Complaint involves personal conduct, the usual course is that the Complaint will be dealt with by way of the Discipline Procedure, however mediation may be directed by the AWF CEO at their absolute discretion. In determining whether the matter ought to be attempted to be resolved by mediation the AWF CEO is required to balance the seriousness of the allegations, the view of the person raising the Grievance and the likelihood that a reasonable and acceptable outcome can be reached as between the Respondent and the AWF.

### 9.2. Process

Mediation is a confidential process that allows those involved to discuss the issues to arrive at a mutually agreed solution(s). It seeks to remove any nature of power imbalance between the parties through the use of a neutral location and independent mediator. It is a principle of mediation that the parties agree to undertake it and use their best endeavors to resolve the issues contained in the Complaint. The strength of mediation is that the parties are able to direct the process and agree to an outcome as opposed to arbitration where the outcome is at the discretion of the arbiter. No party may be legally represented at a Mediation and no lawyers may attend on behalf of a party in any capacity.

### 9.3. Procedure

The AWF CEO will appoint an appropriate Mediator to help resolve the issues contained in the Complaint. This will be done under the direction of AWF and in consultation with the parties. The Mediator will be an independent person in that they will not be a witness to or otherwise have knowledge of the issues detailed in the Complaint and does not preclude a person with an association with AWF acting as Mediator.

The agenda of issues for discussion will be those contained in the Complaint or otherwise as determined by the mediation in consultation with the parties.

If the issues raised in the Complaint are resolved by mediation, the Mediator records the outcome of the mediation including any terms of any agreement reached which can then be executed by the parties. Upon its execution, the parties are required to comply with the agreements terms. The failure to do so will be a breach of the GDABL.

If the issues are not resolved by way of mediation the AWF CEO may direct that the matters be determined by way of arbitration in relation to State Members or by the Discipline Procedure where the issues are in relation to personal conduct. The AWF CEO may also determine that no further action is to be taken. Regardless, the AWF CEO is inform the parties of the decision in writing.

### 9.4. Arbitration

If a matter is unable to be resolved by the conduct of mediation the AWF CEO may direct that the matter be the subject of arbitration. Arbitration involves a process by which an arbitrator hears a dispute, makes finding of facts and makes a binding determination as to the issues raised by way of Complaint.

The appointment of an Arbitrator will be made in writing with notice provided to the parties to the Complaint. The AWF CEO will appoint an Arbitration Secretary to undertake the necessary administration

of the Arbitration on behalf of the AWF and will liaise with the Arbitrator as to any administrative issues such as the provision of witness statements etc. It is expected that the Mediation brief of documents will form the basis of the brief to the Arbitrator who has the absolute discretion to conduct the arbitration in accordance with the principles of natural justice and arbitration law.

## 10. DISCIPLINE PROCEDURE

### 10.1. Referral

Where, in the opinion of the CEO, the circumstances of the behaviour and conduct alleged require it, the matter may be referred for Disciplinary Action. This process applies to all behaviour and conduct of a person(s). This section does not apply to Grievances between State Members (i.e. Grievance from one state member against another state member.) The process for Grievances between State Members is the Dispute Resolution Process.

### 10.2. Complaint

Where a Grievance or matter is to be dealt with by way of the Discipline Procedure it is to be commenced by way of Complaint. The Complaint is required to be in writing and include:

- 10.2.1. details of the alleged conduct including:
  - 10.2.1.1. date,
  - 10.2.1.2. location,
  - 10.2.1.3. individuals present; and
  - 10.2.1.4. conduct alleged
- 10.2.2. the offence alleged to have been committed; and
- 10.2.3. how the conduct establishes the offence.

## 11. OFFENCES

### 11.1. Offences

The following Offences are established by GDABL:

- 11.1.1. Breach of the GDABL or an AWF Rule;
- 11.1.2. Conspiring to undermine the operation or effect of the GDABL or an AWF Rule;
- 11.1.3. Cheating;
- 11.1.4. Bringing the Sport into Disrepute; and
- 11.1.5. Failure to follow the direction of an AWF Official.

### 11.2. Rule

A Rule includes, but is not limited to, the following Rules and Codes as amended from time to time. A lack of knowledge of the existence of a Rule is not a Defence to its breach. These Rules include:

- 11.2.1. General Code of Behaviour;

- 11.2.2. Coach Code of Conduct
- 11.2.3. Official Code of Conduct;
- 11.2.4. Athlete Code of Conduct;
- 11.2.5. Administrator (Volunteer) Code of Conduct
- 11.2.6. Employee Code of Conduct;
- 11.2.7. Board Code of Conduct;
- 11.2.8. AWF Team Rules; and
- 11.2.9. AWF Competition Rules
- 11.2.10. AWF Athlete Agreement

### 11.3. Breach of the GDABL or AWF Rule

A person will be guilty of this offence where:

- 11.3.1. the GDABL or AWF Rule asserted to have been breached was in effect as at the time the offence occurred;
- 11.3.2. the Person's conduct breached the relevant section of the GDABL or AWF Rule; and
- 11.3.3. there was no reasonable excuse for the breaching of the GDABL section or AWF Rule.

### 11.4. Conspiring to Undermine the operation or effect of a Rule or the GDABL

A person will be guilty of this offence where their conduct does not breach a Rule or the GDABL but is intended to or does lessen its effect or operation. This offence may be included in a Complaint as an alternate to the offence - Breach of the GDABL or AWF Rule.

### 11.5. Cheating

A person will be guilty of this offence where they act dishonestly or unfairly in order to gain an advantage for themselves or another person. A person includes but is not limited to a Member, Coach, Administrator or State Member.

### 11.6. Bringing the Sport into Disrepute

A person will be guilty of this offence where their conduct either is likely to or does negatively affect or lower the reputation of the AWF (including its: athlete(s), coach(es) or administrator(s)).

### 11.7. Failure to follow the Direction of an AWF Official

A person will be guilty of this offence where an AWF Official, including an AWF Team Official, makes a direction to a person whether orally or in writing and that person fails to follow that direction. The direction must be lawful.

## 12. STANDARD OF PROOF

### 12.1. Balance of Probabilities

The standard of proof is the civil standard being on the balance of probabilities. That is, the tribunal need only be satisfied to their reasonable satisfaction that on the balance of probabilities to establish a fact.

## 13. PROCESS

### 13.1. Steps

The process and outcome of any Disciplinary Action include the following steps:

- 13.1.1. determination of the facts, as determined on the balance of probabilities;
- 13.1.2. determination whether the facts breach a Rule;
- 13.1.3. determination as to whether there was a genuine defence as to why the conduct occurred; and
- 13.1.4. the awarding of any penalty proportionate to the offence.

## 14. SUMMARY ACTION

### 14.1. Minor Offence

In circumstances where there is no contest of facts and the circumstances of the Complaint are not of a serious nature, and the Respondent admits their guilt the CEO may decide to deal with the Complaint summarily. A Respondent is required to agree with the matter being dealt on a Summary basis – should they not agree, the matter will be dealt with by way of Tribunal Hearing.

In such circumstances, a penalty may include:

- 14.1.1. a direction that the Respondent make a verbal and/or written apology to the Complainant or other person as the AWF CEO directs;
- 14.1.2. a written warning, to be kept on file, requiring the Respondent to undertake not to repeat the behaviour or conduct;
- 14.1.3. a direction that the individual attend counselling to address their behaviour, and deliver a letter of apology,
- 14.1.4. the undertaking of further training to correct the issue or behaviour, and
- 14.1.5. a monetary fine.

Where the AWF CEO decides to deal with a Complaint summarily, a letter will be sent to the Respondent as to the determination of the AWF CEO, the awarding of any penalty, any further conduct required of the Respondent (i.e. confirm the participation and completion of further training) and related matters.

## 15. TRIBUNAL HEARING

### 15.1. Referral

Where a Complaint asserts allegation of a serious nature or there is a contest as to the facts then the CEO may direct that the matter proceed by way of Tribunal. The Tribunal is “inquisitorial” in nature as opposed

to “adversarial”. The Tribunal members, led by the Chair, may ask any questions of the Complainant, Respondent and any witnesses for the purpose of determining the facts in relation to a complaint.

## 15.2. Preparation

Where a Tribunal is directed to be established for the hearing of a Complaint the following matters are to be satisfied in preparation of it:

- 15.2.1. the number of Tribunal panel members required to constitute a Tribunal is three (3);
- 15.2.2. at least one member of the Tribunal is required to have qualified as a lawyer and preferably be a current member of the legal profession with an understanding of administrative law principles as to Tribunals,
- 15.2.3. a person who has been involved with the investigation or preparation of a Complaint, including as a witness, cannot be a member of the Tribunal and cannot communicate to the Tribunal the outcome of any investigation or otherwise although they may appear as a witness at the hearing;
- 15.2.4. prior to the conduct of the hearing the AWF is to provide the Tribunal with a copy of the Complaint, all relevant material relied upon in relation to the allegations contained in the Complaint, and the penalty sought by the AWF. The same material is to be provided to the Respondent.
- 15.2.5. material as to character of the Respondent or previous Disciplinary Procedure which the AWF may seek to rely upon as to Penalty is to be provided to the Respondent 48hrs prior to the start of the hearing, however not provided to the Tribunal until a determination as to the guilt or otherwise of the Respondent is determined; and
- 15.2.6. the Respondent is entitled to and should prepare material by way of character references for consideration by the Tribunal as to matters of Penalty – the Respondent is not required to provide these documents to the AWF until a determination as to guilt is made at the hearing.

The Tribunal will be held as soon as practicable, but must allow adequate time for the Respondent(s) to prepare for the hearing. A period of substantial delay will not be the basis of a Tribunal Hearing being abandoned unless the Respondent can demonstrate how they have been prejudiced as result. Any such application to this effect will need to be made at the commencement of the hearing.

As a result of the Tribunal members being volunteers any Tribunal is expected to occur after hours and dependent on availability of members.

The AWF CEO will inform the Respondent(s) in writing that a Tribunal hearing will take place. The notice will outline:

- 15.2.7. that the person has a right to appear at the Tribunal hearing to defend the Complaint;
- 15.2.8. a copy of the GDABL and any policy or rule or regulation the subject of the Complaint;
- 15.2.9. the date, time and venue of the Tribunal hearing;
- 15.2.10. that verbal and/or written submissions can be presented at the Tribunal hearing;
- 15.2.11. that the Respondents written submission and any accompanying documentation must be submitted to the Tribunal via the AWF CEO 7 days prior to the Tribunal.

- 15.2.12. that witnesses may attend the Tribunal to support the position of the Respondent(s);
- 15.2.13. that the Respondent may have a support person attending the Tribunal but will not take part in the Tribunal proceedings in any way. Only the Respondent may engage with the Tribunal or witnesses;
- 15.2.14. an outline of any possible penalties that may be imposed if the Grievance is found to be true, and the specific penalty which the AWF will be seeking in this case; and
- 15.2.15. that legal representation will not be allowed, however, where the Complainant, Respondent or witness is a minor, then that person may have a parent, guardian, or other person present as a support person.

### 15.3. Complaint Particulars

Where a Respondent is of the belief that the Complaint is insufficiently particularised for them to understand the allegations against them, such request for further particulars is required to be reduced to writing and sent to the AWF CEO outlining the basis of the concern.

Where the AWF CEO considers that further particulars are required, he may provide such further particulars as to the allegations to the Respondent. If such further particulars are provided a copy of this document is required to be provided to the Tribunal and these particulars are then read as part of the Complaint.

## 16. TRIBUNAL PROCEDURE

### 16.1. General

There are two natures of Tribunal provided for under the GDABL, these are a Discipline Tribunal and an Appeals Tribunal. Both natures of Tribunal are described in the GDABL.

The conduct of a Tribunal, whether Discipline or Appeal is at the absolute discretion of the Tribunal as directed by the Chair. The Tribunal is required to exercise its role in accordance with the requirements of natural justice and for the purpose of resolving issues in a respectful and transparent matter.

The hearing may be conducted in person or by phone conference or a combination of both. If this occurs the relevant phone numbers for individuals appearing remotely are to be provided to the Tribunal Secretary no less than 48 hours before the hearing.

Names of all witnesses and/or support persons present at the Tribunal at the Respondents request must be given to the AWF CEO 48hrs prior to the Tribunal.

### 16.2. Electronic Recording

The hearing is not to be recorded or otherwise captured by the use of electronic means. This includes recording applications on phones and the like. The recording of the Tribunal or attempt to is a breach of the GDABL.

Apart from the Tribunal Members and Tribunal Secretary (being appointed by the AWF CEO to assist with the administration of the hearing) the following people must attend the Tribunal hearing:

- 16.2.1. the Respondent(s);
- 16.2.2. any witnesses called by the AWF CEO to establish the allegations contained in the Complaint;
- 16.2.3. any witnesses called by the Respondent in support of their version of events; and

- 16.2.4. any parent/guardian or support person required to support the Respondent or the Complainant and
- 16.2.5. the AWF CEO or their delegate.

## 17. DISCIPLINE TRIBUNAL

### 17.1. Hearing

The Tribunal Chair will ensure that minutes are taken of the hearing. The following process will be followed, though it may be departed from as required by the circumstances of the matter as directed by the Tribunal:

- 17.1.1. the Chair will introduce themselves as the Chair and then ask each person present to identify themselves and their role in the hearing including those appearing remotely;
- 17.1.2. these details will be recorded in the minutes; and
- 17.1.3. the Chair will then give a direction that no recording may be made of the hearing;
- 17.1.4. the Chair will then direct that any witnesses present should not communicate with other witnesses or the Respondent until after the completion of the hearing and then ask them to remain outside until called or that they should now hang up and they will be called shortly to give their evidence; and
- 17.1.5. the Chair will confirm with the Respondent the nature of the proceedings and confirm that they have been provided with a copy of the Complaint and any supporting documents and were given the opportunity to provide any statements and whether they did and if so, whether the Tribunal has been provided with a copy.

The Tribunal may:

- 17.2. consider any evidence, and in any form, that it deems relevant;
- 17.3. ask questions of any person giving evidence;
- 17.4. limit the number of witnesses (including limiting witnesses to those who only provide any new evidence);
- 17.5. require (to the extent it has power to do so) the attendance of any witness it deems relevant; and
- 17.6. act in an inquisitorial manner in order to establish the truth of the Grievance before it.

If the Tribunal panel considers that at any time during the Tribunal hearing that there is any unreasonable or intimidatory behaviour from any person, the Tribunal chairperson may deny further involvement of the person in the hearing. Should this behavior be displayed by the Respondent, the Tribunal may determine the Complaint in their absence.

### 17.7. Complaint

The Chair will read out the Complaint and ask the Respondent(s) if they understand the allegations made against them and whether they admit or deny the Complaint.

If the Respondent admits the allegations they will be invited to provide an explanation as to how the matters alleged occurred and provide any material relevant as to the matter of penalty such as character witnesses. At this time the Tribunal Secretary will be asked to provide details of any other matters that ought be taken into account – first time, related Complaints proven etc.

If the Respondent denies the Complaint, they will be asked as to the basis on why they dispute the Complaint and invited to give their version of events where they differ from the facts alleged.

### 17.8. Evidence

The Tribunal will then call the witnesses identified by the AWF in relation to the allegations. The following process will occur:

- 17.8.1. the witness is called by the Chair and asked to introduce themselves;
- 17.8.2. they are invited to give their version of events as to what they saw, heard, etc;
- 17.8.3. they may then be questioned by the Tribunal;
- 17.8.4. the Respondent(s) may then question the witness; and
- 17.8.5. the Tribunal may ask any further questions before the witness is excused and thanked for their participation.

Once the AWF witnesses have given their evidence, the Respondent(s) will then be asked to call any witnesses or provide any material that they wish the Tribunal to consider. If the Respondent does call a witness, they will be invited to give their version of events and will then be questioned by the Tribunal.

Video evidence, if available, may be presented. Arrangements for the viewing of this evidence must be made entirely by the person/s wishing to offer this type of evidence.

Once all evidence has been received, the Respondent(s) will be invited to address the Tribunal as to the Complaint and why their version of events or defence should be preferred.

### 17.9. Tribunal Deliberations

After all the evidence has been presented, the Tribunal will make its decision in private. The Tribunal must decide whether the Complaint has, on the balance of probabilities, been substantiated.

All Tribunal decisions will be by majority vote. The Tribunal does not need to provide written reasons for its decision.

The Tribunal Chair may announce the decision of the Tribunal at the conclusion of the hearing. Alternatively the Chair may reserve the decision of the Tribunal at the conclusion of the hearing and deliver the decision at a later time.

### 17.10. Sanction and Penalty

If there is a finding of guilt as to a Complaint the Respondent(s) will have the opportunity to make submissions to the Tribunal in relation to any sanctions that may be imposed. This may include the provision of material as to character or other issues in mitigation. The Tribunal Secretary will inform the Tribunal of any other issues such as first offence etc.

Within 48 hours of the Tribunal delivering its decision, the Tribunal Secretary will:

- 17.10.1. forward a notice of the Tribunal's decision to the AWF CEO, including details of any sanction imposed.
- 17.10.2. forward a letter reconfirming the Tribunal's decision to the Respondent(s), including any sanction imposed. The letter should also outline the process and grounds for an appeal, if allowed.

### 17.11. Costs

The GDABL provides a process for determination of any Grievance in low cost and efficient manner. Legal Representation is not allowed by a Complainant and there can be no order or other entitlement to legal costs. Equally, where a Complaint is substantiated the AWF is not entitled to seek the reimbursement of its costs for the conduct of the hearing.

There is also no entitlement as to any costs associated with travel or time taken to prepare for the hearing.

## 18. ADMINISTRATION

### 18.1. Notification

The Respondent is to be notified of the Charge and the evidence to be considered by the Tribunal at the hearing of the matter. An example Notification letter is at Annexure 1.

### 18.2. Witness Statements

Where witness statements are to be considered by the Tribunal they are to be provided to the Respondent prior to the hearing. The Witness statements are to contain the details of by who it is made, where the alleged conduct is asserted to have occurred, the identity of the individuals involved and the circumstances of the behaviour, conduct or issue.

### 18.3. Other Evidence

Where the Tribunal will consider other evidence, video of a competition for example, a copy is to be provided to the Respondent prior to the hearing.

### 18.4. Respondent Failure to Appear

Should the Respondent fail to appear at the set hearing time and the Tribunal Chair considers that no valid reason has been presented for their absence, the Tribunal will proceed with the hearing of the Complaint and award any penalty it deems fit in accordance with the considerations herein, subject to the Tribunal chairperson being satisfied that all Tribunal notification requirements have been met..

If the Tribunal Chair considers that a valid reason for the non-attendance of the Respondent(s) has been presented, or the Tribunal Chair does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.

If the Tribunal Chair wishes to reschedule the Tribunal hearing date, the Tribunal chairperson will inform the AWF CEO of the need to reschedule the hearing, and the AWF CEO will organise for the Tribunal to be reconvened.

## 19. PENALTY

### 19.1. Previous Discipline History

In determining the penalty to be awarded the Tribunal may take notice of any previous findings against the Respondent, of a similar nature, as that substantiated by the Tribunal.

### 19.2. Mitigation and Character

The Respondent is able to address the Tribunal as to any issues of mitigation that they consider ought to be taken into account in relation to the penalty to be awarded. This may include the person's age, their

involvement with the sport, the previous discipline history, issues of character including witness statements and related matters.

### 19.3. Other Factors

In awarding any Penalty the Tribunal must ensure that it:

- 19.3.1. observes any contractual and employment rules and requirements;
- 19.3.2. conforms to the principles of natural justice;
- 19.3.3. be fair and reasonable;
- 19.3.4. be based on the evidence and information presented; and
- 19.3.5. be within the powers of the Tribunal to impose the disciplinary measure.

The form of discipline to be imposed on an individual or organisation will depend on factors such as:

- 19.3.6. the nature and seriousness of the behavior or incidents;
- 19.3.7. the ability to enforce disciplinary measures if the individual is a parent and/or spectator;
- 19.3.8. if the individual knew or should have known that the behavior was a breach of the AWF By-Law, Policy, or Rule;
- 19.3.9. the wishes of the Complainant;
- 19.3.10. level of contrition of the Respondent(s);
- 19.3.11. the effect of the proposed disciplinary measures on the person, including any personal, professional or financial consequences;
- 19.3.12. if there have been relevant prior warnings or disciplinary action;
- 19.3.13. if there are any mitigating factors.

### 19.4. Individual Penalties

Subject to contractual and employment requirements, one or more of the following forms of discipline may be imposed by the Tribunal:

- 19.4.1. a direction that the individual make a verbal and/or written apology;
- 19.4.2. a written warning;
- 19.4.3. a direction that the individual attend counselling to address their behaviour;
- 19.4.4. a withdrawal of any awards, scholarships, placings, records, achievements bestowed in any competitions, activities or events held or sanctioned by AWF;
- 19.4.5. a demotion or transfer of the individual to another location, role or activity;
- 19.4.6. a suspension of the individual's membership or participation or engagement in a role or activity;
- 19.4.7. termination of the individual's membership, appointment or engagement;
- 19.4.8. recommend that AWF terminate the individual's membership, appointment or engagement;

- 19.4.9. In the case of a coach or official, a direction that the relevant Organisation de-register the accreditation of the coach or official for a period of time or permanently;
- 19.4.10. Any other form of discipline that the Tribunal considers appropriate. When imposing any form of discipline, it will be accompanied by a warning that a similar breach of this By-Law or the Member Protection By-Law or any AWF Rules or Policies, (including the Codes of Conduct), by that individual in the future may result in the imposition of a more serious form of discipline.

### 19.5. Organisation Penalties

Where the finding against an Organisation is predicated on a finding of guilt as against a Person from that Organisation, the guilt or otherwise of the individual is to be determined prior to and separately to the determination of guilt of an Organisation of which the person was a Member at the relevant time.

If a finding is made that AWF member or affiliated Organisation has breached this By-Law or the Member Protection By-Law or any AWF Rules or Policies, (including the Codes of Conduct), one or more of the following forms of discipline may be imposed by Tribunal:

- 19.5.1. a written warning;
- 19.5.2. a monetary fine;
- 19.5.3. a direction that any rights, privileges and benefits provided to that Organisation by the AWF be suspended for a specified period;
- 19.5.4. a direction that any funding granted or given to it by the AWF cease from a specified date;
- 19.5.5. a direction that the AWF cease to sanction events held by or under the auspices of that Organisation;
- 19.5.6. a recommendation to affiliated Organisation that its membership of the AWF be suspended or terminated in accordance with the relevant constitution or rules; and/or
- 19.5.7. any other form of discipline that the AWF considers appropriate. When imposing any form of discipline, it will be accompanied by a warning that a similar breach of this By-Law or the Member Protection By-Law or any AWF Rules or Policies, (including the Codes of Conduct), by the Organisation in the future may result in more serious form of discipline.

### 19.6. Further Matters

Where a person is suspended by the Tribunal under this Grievance, Discipline, Appeals By-Law, all privileges in AWF shall be forfeited during the period of the suspension. Notice of any penalty, suspension or disqualification imposed shall be given by the AWF CEO to all State Members, and shall be recognised by all State Members immediately upon receipt of such notice. For the avoidance of doubt all persons bound by this By-Law or the Member Protection By-Law or any AWF Rules or Policies - consent to such notice being given pursuant to this paragraph.

## 20. APPEALS

### 20.1. Right of Appeal

A Member or person who has received a penalty or an adverse finding from AWF or a State Member may, within 14 days from date of the final determination, appeal to the Appeals Tribunal.

A determination of a Disciplinary Committee, Tribunal or equivalent, of a State Member shall not be appealable to AWF pursuant to this GDABL unless the State Member has failed to comply with its own rules with a consequent denial of natural justice to a party or parties.

## 20.2. Grounds for an Appeal

A Complainant or Respondent may lodge with the AWF CEO an appeal in relation to the decision of a Tribunal or mediation on one or more of the following grounds:

- 20.2.1. a denial of the rules of natural justice has occurred;
- 20.2.2. the penalty or disciplinary measures imposed is unjust and/or unreasonable; or
- 20.2.3. the Tribunal has failed to properly comply with its obligations under the GDABL; and
- 20.2.4. the decision was not supported by the information/evidence provided to the Tribunal.

The Appeal Tribunal may not consider issues of fact and will not re-hear the matter from the start. It is not a valid ground of appeal that a version of events or a witness's evidence was not accepted.

## 20.3. Lodging an Appeal

A person who wishes to appeal a decision of the Mediator or Tribunal shall lodge with the CEO or appointed officer a written Notice of Appeal which sets out the basis for their appeal including;

- 20.3.1. ground(s) on which the appeal is made, and
- 20.3.2. reasons and/or circumstances supporting the alleged ground(s) of appeal; and
- 20.3.3. lodge an appeal fee of \$500.00 in clear funds with the Notice of Appeal; and
- 20.3.4. lodge the written Notice of Appeal with the CEO within 7 days of the relevant decision.

## 20.4. Withdrawing an Appeal

Nothing in this Policy prevents the withdrawal of an appeal at any time in writing to the AWF CEO or appointed officer.

## 20.5. Forfeiting an Appeal

If the letter of appeal is not received by the AWF CEO or appointed officer within the time period as stated in GDABL or if the appeal fee is not received, the right of appeal lapses. This fee may be refunded in the discretion of the Tribunal Chair at the conclusion of the appeal.

## 20.6. Appeal Tribunal

On receipt of a Notice of Appeal the AWF CEO is to appoint an Appeal Tribunal. The Appeal Tribunal is required to consider the appeal independently from the Tribunal Hearing and ought to be established with individuals that did not sit on or were part of the Tribunal Hearing. The Tribunal Secretary may be re-appointed for the Appeal Tribunal.

## 20.7. Determining Sufficient Grounds for an Appeal

The Appeal Tribunal Secretary is to provide to the Appeal Tribunal Chair the following documents:

- 20.8. Notice of Appeal;
- 20.9. Copies of any documents considered by the Tribunal at the hearing of the matter; and

20.10. Any other correspondence including the Tribunal decision letter etc.

Upon direction of the AWF CEO the Appeal Tribunal Chair is to consider the scope of the Notice of Appeal and determine whether there are sufficient grounds for the appeal to proceed. The Appeal Tribunal Chair will determine whether the:

20.11. appeal should be dismissed, because the grounds of appeal are (in the view of the Appeal Tribunal Chair) frivolous, has no merit, or there are insufficient sufficient grounds for an appeal; or

20.12. the appeal should proceed.

### 20.13. Appeal Rejected

If the appellant has not shown sufficient grounds for appeal in accordance with clause 34 then the appeal will be rejected. The appellant will be notified in writing by the Tribunal Chairperson with reasons for its decision. The appeal fee will be forfeited. The decision to reject the appeal is final.

### 20.14. Appeal Accepted

Upon acceptance of the Appeal the Appeal Tribunal Secretary will serve a notice in writing on all relevant parties stating:

20.14.1. that the Appeal has been accepted;

20.14.2. the date, place and time of that appeals hearing; and

20.14.3. that they may do any one or more of the following:

20.14.3.1. attend that meeting (either personally or by their representative who may not be legally trained or qualified); and

20.14.3.2. submit to the Appeal Tribunal Secretary, no later than 72 hours prior to the hearing of the Appeal Tribunal a statement or submissions setting out relevant information surrounding the appeal.

### 20.15. Appeals Tribunal Procedure

An Appeals Tribunal with a new panel will be convened to hear the issue on appeal. The AWF CEO will then appoint two further members to sit with the Appeals Tribunal Chair to determine the matter. The appeal fee will also be refunded.

The Appeals Tribunal shall:

20.15.1. give to all relevant parties and their witnesses every opportunity to be heard;

20.15.2. give due consideration to any written statements received from any relevant party; and

20.15.3. allow relevant parties to be present along with their adult representative; and may request or require such parties or other witness to attend the hearing or provide such evidence as is available to enable the Tribunal to properly consider the matter.

### 20.16. Appeals Tribunal Not a Rehearing

The hearing by the Appeals Tribunal is not a rehearing of the matter, but a hearing of the issue under appeal only. Any dispute as to the application or operation of the GDABL shall be determined by the Appeals Tribunal in their complete discretion.

### 20.17. Legal Representation

Persons appearing before a Tribunal are not entitled to legal representation at any Discipline Tribunal, Appeals Tribunal or otherwise. Legal representation will not be allowed, however, where the Complainant, Respondent or witness is a minor, then that person may have a parent or guardian present as a support person.

### 20.18. Determination of Appeals Tribunal

Following consideration of all information which the Appeals Tribunal considers relevant and which is available, the Appeals Tribunal shall arrive at a finding. The Appeals Tribunal may:

20.18.1. confirm the penalty or adverse finding of the Tribunal, or

20.18.2. may decide not to confirm such penalty but instead impose an alternate penalty in accordance with those available under the GDABL, this may be a reduction or increase in penalty; and

20.18.3. may revoke the penalty or adverse finding of the Mediator or Tribunal.

A decision of the Appeals Tribunal will be by a majority decision. The decision of the Appeals Tribunal is final and not subject to appeal. The Appeals Tribunal, through the Appeals Tribunal Secretary, shall notify all relevant parties, including CEO AWF, of its decision as soon as practicable.

### 20.19. Costs

The Tribunal has no power to award costs. Each party will be responsible for their own costs of the appeal.

### 20.20. Court Proceedings

All parties must exercise their right of appeal under the GDABL prior to commencing any proceedings or becoming a party to any proceedings in a court of law.

Should a party fail to do so, this term of the GDABL may be pleaded as a bar to the institution of proceedings until the completion of the process provided under the GDABL.

### 20.21. Court of Arbitration of Sport (CAS)

The AWF recognises the Court of Arbitration for Sport (CAS) as an independent judicial authority and will ensure that its Constituents comply with decisions passed by the CAS where applicable.

An AWF member who is not satisfied with an Appeal Tribunal decision may have recourse to the services of the CAS. The party wishing to submit a dispute to the CAS must send the CAS Court Office a request for arbitration (ordinary procedure) or a statement of appeal (appeals procedure), the contents of which are specified by the Code of Sports-related Arbitration.

In the case of the appeals procedure, a party may lodge an appeal with the CAS only if it has exhausted all the internal remedies of the AWF in accordance with this By-law.- A member wanting to Appeal to CAS against the decision of the Appeals Tribunal must give written notice of that fact to the AWF CEO within 48 hours of the announcement of the decision against which the Appeal is made, and must then file his or her Statement of Appeal with CAS within 5 working days of that written notification. Failure to observe these

time limits will render any Appeal annulity provided that a member may apply to the body that will hear the Appeal in question for an extension of time in which to commence an Appeal.

The decision of the CAS will be final and binding on the parties and it is agreed that neither party will institute or maintain proceedings in any Court or Tribunal other than CAS.