

**Attachment 1 to  
Hampton Life Saving Club Constitution**

**GRIEVANCES, JUDICIAL AND DISCIPLINE**

# SECTION 6

## GRIEVANCES, JUDICIAL AND DISCIPLINE

### Regulation 6.1            Grievance Procedures

Where a person, be they a member or an officer of SLSA, a State Centre, a Branch or an Affiliated Club has a grievance arising from their respective involvement in surf lifesaving, whatever that may be, with another such member, officer or employee, and that person considers the grievance warrants investigation and action by SLSA that person shall follow the SLSA Grievance Policy as issued from time to time.

The person shall contact, either by telephone or in writing, the SLSA Grievances Officer, appointed by the Council, and advise they have a grievance which they wish to discuss with the official. Where a grievance is to be submitted in writing it should be addressed clearly to the SLSA Grievances Officer and marked "Private& Confidential".

### Regulation 6.2            Judiciary Matters

Judiciary Regulations are authorised under Parts III and VI of the Constitution of SLSA and specifically clauses 19 and 39.

#### 6.2.1 Breach

Where a Member has allegedly:

- i) Breached, failed, refused or neglected to comply with the membership directives or any resolution or determination of the Council, a State Centre, a Branch, Club or any duly authorised Committee or Board; or
- ii) Acted in a manner unbecoming of a Member or prejudicial to the objects and interests of SLSA and/or surf lifesaving; or
- iii) Brought SLSA, any State Centre, Branch or Club or surf lifesaving into disrepute; or
- iv) Competed or in any way participated in a lifesaving competition and/or used SLSA equipment contrary to Regulation 5.3(c) or has failed to obtain the permission of SLSA to so compete or participate in that competition or use that SLSA equipment;

the Council, a State Centre, a Branch or a Club may commence or cause to be commenced investigatory and/or disciplinary proceedings ("proceedings") against that Member, and that Member will be subject to and submits unreservedly to the jurisdiction, procedures, penalties and appeal

mechanisms set out in these Regulations; providing that, the Council, State Centre, Branch or Club may commence proceedings, or investigate conduct which may warrant the commencement of proceedings by referring the matter to a Judiciary Committee.

## **6.2.2 Judiciary Committee**

Judiciary Committees shall be convened and function as follows:

### **Convening of Committee**

Each SLS entity (State Centre, Branch and Club) shall annually or as required appoint a Judiciary Committee to investigate and/or determine matters referred to it. The Council may also convene a Judiciary Committee on such terms and for such purpose(s) as is required. A member of each committee shall act as committee secretary and keep records of all investigations and decisions.

### **Jurisdiction**

The jurisdiction of a Judiciary Committee shall be as follows:

- i) Where a Judiciary Committee has been convened by the Council, that Judiciary Committee shall have unlimited jurisdiction in all matters referred to it throughout Australia including but not limited to referrals between State Centres or between members from different State Centres or between a State Centre and a member from a different State Centre, or where a Judiciary Committee convened by a lower authority within SLSA fails to take satisfactory action or impose a satisfactory result, or where a lower authority within SLSA fails to take action at all and convene a Judiciary Committee where the Council considers such a Committee should have been convened.
- ii) Where within the boundaries of a Club, the alleged offender shall be dealt with by his/her Club Judiciary Committee
- iii) Where within the boundaries of a Branch, the alleged offender shall be dealt with by his/her its Branch Judiciary Committee;
- iv) Where otherwise within the boundaries of his/her State Centre, the alleged offender shall be dealt with by the State Centre Judiciary Committee.
- v) Where the matter in the option of SLSA is better dealt with by the Criminal Justice System it will not be considered.

## Referrals

- a) Every referral to a Judiciary Committee shall be clear and unambiguous and shall clearly set out the matter(s) required to be investigated or determined by the Judiciary Committee.
- b) Upon a referral to a Judiciary Committee the committee secretary shall, as soon as practicable, appoint a time and place suitable to the Judiciary Committee for the proceedings and may appoint an investigator to inquire into the referral.
- c) A Judiciary Committee shall process any referral to it within such time as the Council, State Centre, Branch or Club directs, provided always that a concerned person may apply for an adjournment by application in writing to the committee secretary. Such application must be received at least two (2) days prior to commencement of proceedings.
- d) A Judiciary Committee shall have power to require the attendance of any member at any proceedings before it. Notice shall be given in accordance with these Regulations.
- e) The referring authority shall decide the quorum for a Judiciary Committee.
- f) Should an investigator have been appointed, the chairperson of the Judiciary Committee should in conjunction with the investigator determine if the matter should proceed.

### 6.2.3 Procedure

Proceedings commenced under these Regulations shall be conducted as follows:

#### Request to Appear

Upon receipt of a referral, the Judiciary Committee shall request the party or parties concerned in the referral to appear before them. Such request shall be in writing either delivered personally or in appropriate cases by post or facsimile to the appropriate address or facsimile number of the party or parties concerned. A notice given by post shall be deemed to have been given on the second day following that on which it shall be posted. A notice given by facsimile shall be deemed to be given upon receipt of a confirmation report confirming the facsimile was received at the facsimile number to which it was sent.

#### Notice

Proceedings shall take place as soon as practicable. All parties concerned shall be given at least seven (7) days notice of the proceedings by the Judiciary Committee. The notice shall:

- i) Be in writing;
- ii) State that the party or parties concerned are required to appear and in what capacity;

- iii) State the nature of the proceedings and the matters or alleged offence(s), the subject of investigation or determination, the possible penalty or penalties and the date, place and time of the hearing;
- iv) Be delivered in accordance with Regulation 6.2.3 (a) above.

## Appearance

Persons appearing before the Judiciary Committee shall be entitled to call witnesses, but must state their case in person unless the Judiciary Committee has permitted representation through an advocate. They and their witnesses shall be given a full opportunity to be heard. In their absence, or in the absence of their witnesses, a decision may be made by default. Before making a decision in default of appearance, the Judiciary Committee must satisfy itself that the party concerned was aware of the time, date and place of hearing and had been requested to appear in accordance with Regulations 6.2.3(a) and 6.2.3(b) above.

## Procedure at Proceedings

- a) Judiciary proceedings shall be conducted as follows.
- b) The Judiciary Committee chairperson shall announce the opening of the proceedings, stating the Judiciary Committee's authority, jurisdiction, composition and the nature and purpose(s) of the proceedings.
- c) The procedure to be followed at proceedings shall be clearly explained by the Judiciary Committee Chairperson. The Judiciary Committee chairperson shall state who is entitled to be present throughout proceedings during evidence and submissions.
- d) The matter(s) the subject of proceedings shall then be read to the person(s) concerned. The body or person reporting the matter(s) and the subjects of the proceeding shall be given the opportunity to report the circumstances of those matter(s). The person(s) concerned will be given the opportunity to respond to this report and present evidence/submissions as to their view of the circumstances of those matter(s). Any witnesses called by either the reporting body or the person(s) concerned will be given the opportunity to give evidence or make submissions. Witnesses may be questioned on their evidence. Evidence and/or submissions may be tendered in writing.
- e) The Judiciary Committee will consider the evidence presented. The Judiciary Committee may adjourn the hearing if considered necessary. No other person shall be present or partake in any discussion with the Judiciary Committee at this time. If the Judiciary Committee finds an offence has not been committed or not proved it will advise the referring authority and dismiss the charge, accordingly.
- f) If the Judiciary Committee finds an offence has been committed or proved, it may impose, in its discretion, an appropriate penalty or penalties, or it may report its findings to the referring authority with such recommendations, as it considers appropriate. The Judiciary Committee chairperson will declare the proceedings closed.

- g) If a decision cannot be given immediately after proceedings, the relevant party or parties must be advised of the time and place at which the decision will be given. The decision, any penalty, the reasons for the decision and notice of the person's appeal rights shall be given in writing and signed by the Judiciary Committee chairperson. A referring authority must advise persons found guilty of an offence under these Regulations of their rights of appeal.
- h) Every decision of a Judiciary Committee appointed by the Council, a State Centre, a Branch or a Club under these Regulations shall be conveyed in writing to the parties concerned, and where an Individual Member, to that Individual Member's Club, Branch (where relevant) and State Centre. It shall be incumbent on such Club to give effect to the decision immediately and to notify the referring authority that such has been done. The referring authority may deal with an Affiliated Club failing to give immediate effect to such decision at that authority's discretion.

#### **6.2.4 Penalties**

- a) Penalties which may be imposed include:
  - i) A reprimand;
  - ii) Suspension of such activities, on such terms and for such period as the Judiciary Committee thinks fit;
  - iii) Exclusion from a particular activity, event or events;
  - iv) Expulsion;
  - v) Fines, imposed in such manner and in such amount as the Judiciary Committee thinks fit;
  - vi) Such combination of any of the above penalties as the Judiciary Committee thinks fit.
  - vii) Additional Service, requiring the member to undertake an activity based penalty, imposed in such manner as the Judiciary Committee deems fit.
- (b) During proceedings the subject(s) of the proceedings may be suspended, on such terms and for such period as the relevant referring authority thinks fit, and shall remain under suspension unless the relevant referring authority decides otherwise.

#### **6.2.5 Reporting**

- a) Unless the decision of a Judiciary Committee is unanimous, a separate report may be made to the referring authority by the minority. The decision of the majority however, shall be deemed to be the decision of the Judiciary Committee. Where voting is equal, the Judiciary Committee chairperson may exercise a casting vote.
- b) A decision of a Judiciary Committee cannot be altered by the referring authority.

#### **6.2.6 Effect of Penalty**

- a) Where an Affiliated Club is suspended under these Regulations, its membership of, and representation rights and privileges in, SLSA shall be forfeited during the period of such suspension. Officers of SLSA who may be members of a suspended Affiliated Club shall not

be affected by such suspension nor shall a suspension, absolve the Club from any beach patrol responsibilities.

- b) Where an Individual Member is suspended under these Regulations, all rights and privileges of that Member shall be forfeited, either partially or completely, during the period of suspension. In the case of complete suspension, a member shall also forfeit all Affiliated Club rights during the currency of the suspension. Partial suspension shall prevent a Member's participation in inter-Club, Branch, State Centre or SLSA activities, but shall not interfere with his rights as a member of an Affiliated Club or his beach patrol responsibilities.
- c) Where an Affiliated Club or Individual Member is expelled under these Regulations, its or his membership of, and representation rights and privileges in, SLSA shall be forfeited immediately and membership shall cease. No monies will be refunded to expelled or suspended members. The provisions of clause 18 of the SLSA Constitution shall apply.

### **Regulation 6.3 Appeals**

- a) SLSA shall appoint or recognise a panel of persons ("SLS Appeals Panel") from whom SLS Appeals Tribunals shall be appointed as required. The SLS Appeals Panel shall comprise persons appointed by SLSA and/or each State Centre.
- b) A Member who or which has received a penalty or an adverse finding from a Judiciary Committee under Regulation 6.2 or a Carnival Disciplinary Committee under Regulation 6.4 may, within 14 days from the date of receiving the determination in writing, appeal to the SLS Appeals Tribunal . For the avoidance of doubt there is only one appeal from a Judiciary Committee regardless of whether that Judiciary Committee was appointed by the Council or by a Club, Branch or State Centre.
- c) Appeals under this clause will be determined in accordance with this Regulation.
- d) An appeal must be lodged in writing with the relevant State Centre. The appeal must set out the:
  - i) ground(s) on which the appeal is made; and
  - ii) reasons or circumstances supporting the alleged ground(s) of appeal; and
  - iii) must be accompanied by a non refundable appeal fee of \$500.
- e) In these Regulations the "relevant body" and "relevant State Centre" are those in which the appellant (whether individual or Club or Branch or State Centre) is located.
- f) Nothing in this Policy prevents the withdrawal of an appeal at any time in writing to the relevant State Centre. If the appellant seeks to withdraw an appeal after an appeal hearing has commenced the appeal may only be withdrawn with the consent of the relevant appeal panel chairperson. Once an appeal is withdrawn a new appeal cannot be lodged.
- g) On receipt of an appeal in accordance with this Policy, the relevant State Centre must as soon as practicable convene an SLS Appeals Tribunal and forward the appeal documents to the

nominated chairperson of the convened Tribunal.

- h) An SLS Appeals Tribunal shall be constituted by up to three persons (but a minimum of two) available to hear the appeal from members of the SLS Appeals Panel, which must include the following:
  - i) up to two persons with a thorough knowledge of surf lifesaving; and
  - ii) a barrister or solicitor who will chair the Appeals Tribunal.

No member of the SLS Appeals Tribunal may be a party to or directly interested in the matter under consideration.

- i) The SLS Appeals Tribunal has complete jurisdiction to re hear the matter in its entirety.
- j) The chairperson of an appointed SLS Appeals Tribunal shall, as soon as practical after receiving the appeal documents under **Regulation 6.3(f)**, investigate and consider the matter and determine whether the:
  - i) appeal should be dismissed, because in its determination, the matter is trifling in nature or has no merit; or
  - ii) appeal warrants further review and determination in accordance with these Regulations.
- k) If the SLS Appeals Tribunal determines the matter warrants further review under Regulation 6.3.(i)(B), it shall as soon as practicable, having regard to timing, serve a notice in writing on all relevant parties:
  - i) stating that the parties may address the SLS Appeal Tribunal at a hearing to be held as soon as practicable, being not earlier than 4 days from the date of the notice;
  - ii) stating the date, place and time of that hearing; and
  - iii) informing the parties that they may do any one or more of the following:
    - 1. attend that meeting (either personally or by their representative who subject to Regulation 6.3(l) may not be legally trained or qualified) and bring such witnesses as they wish to rely upon in respect of the matter the subject of appeal; and/or
    - 2. give the SLS Appeal Tribunal, no later than 24 hours before the time of that meeting, a further written statement setting out relevant information surrounding the appeal.
- l) The SLS Appeal Tribunal may conduct a hearing convened in accordance with Regulation 6.3(j) (or any adjournment) in such manner as it sees fit, but shall:
  - i) give to all relevant parties and their witnesses every opportunity to be heard;
  - ii) give due consideration to any written statements received from any relevant party;
  - iii) 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 SLS Appeals Tribunal to properly consider the

matter.

- m) Persons appearing before the SLS Appeals Tribunal are not entitled as of right to:
- i) legal representation before the SLS Appeals Tribunal. Subject to paragraph (B.) below the Appeal Tribunal may grant a right to legal representation to a party where that party has made written application to the SLS Appeals Tribunal for such representation. Such application must be received by the chairperson of the SLS Appeals Tribunal within 7 days from the date of the notice served under Regulation 6.3(j).
  - ii) Legal representation will only be permitted by the SLS Appeals Tribunal where the party seeking legal representation can demonstrate to the SLS Appeals Tribunal that the matter is serious, complex or the consequences for that party proceeding without legal representation are significant from a livelihood or business perspective. The onus is on the party seeking legal representation to prove that such representation should be permitted.
  - iii) The SLS Appeals Tribunal may refuse or grant such application in its absolute discretion. The SLS Appeals Tribunal's decision in respect to legal representation is final and there is no appeal from such decision.
- n) Following consideration of all information which the SLS Appeals Tribunal considers relevant and which is available, the SLS Appeals Tribunal shall arrive at a finding. The SLS Appeals Tribunal can impose new penalties or vary an existing penalty. A decision of the SLS Appeals Tribunal may be by a majority decision. A decision of the SLS Appeals Tribunal is final.
- o) The SLS Appeals Tribunal shall notify all relevant parties, including SLSA and the relevant State Centre of its decision as soon as practicable.
- p) An SLS Appeals Tribunal has no power to award costs. That is, each party will be responsible for their own costs of the appeal.

## **Regulation 6.4            Competition Discipline**

### **6.4.1 Surf Sports Manual**

The SLSA Surf Sports Manual and in particular but not only clause 14.5 of the Surf Sports Manual applies in respect to SLS carnival and competition discipline.

### **6.4.2 Appeals**

For the purposes of clauses 14.5.1(c) and (d) of the SLSA Surf Sports Manual the appeal body for any appeal against a penalty imposed by a Competition Disciplinary Committee shall be the SLS Appeals Tribunal and Regulation 6.3 shall apply to such appeal.

## Regulation 6.5            Revocation of SLSA Service and Recognition Awards

1. The Australian Council may, by special resolution, revoke a previously issued award of recognition, including, but not limited to, SLSA Life Membership, in circumstances where a Member who has been issued an award of recognition has:
  - a. Been convicted of a serious criminal offence
  - b. Committed a serious breach and/or repeated breaches of a SLSA policy or policies
  - c. Committed a serious breach and/or repeated breaches of SLSA codes of conduct.
  - d. Brought surf life saving and/or SLSA into disrepute
  - e. Rejected and/or returned a previously issued award
2. Prior to giving consideration to the revocation of an award, the member shall be invited to make a written submission to the Council as to why the award should not be revoked.
3. The Australian Council's decision to revoke an award shall be final.