

The purpose of this by-law is to hear all complaints made and appeals made.

To get with the times Chairman should be changed to Chairperson

COMPLAINTS / HEARINGS: Hearings are to be held at the EDPL office, except under special circumstance, to be determined by the EDPL Executive. Non-attendance by any ACCUSED, WITNESS or DELEGATE, will not delay the hearing.

20.1 A hearing (insert 'must' remove "will" be called when any written complaint is received about a registered EDPL member, or club, that occurred at any EDPL sanctioned event or where a protest is received from an EDPL match night. The complaint is to be submitted (insert "by letter or email within 48 hours of the incident taking place") (remove) *on the prescribed form or via a note on the score sheet with a follow-up letter.*

20.2 The Executive will determine whether the panel hearing the tribunal will consist of Club Delegates (3) (insert "when the complaint falls under the EDPL violence and aggression policy") or Executive Committee members (minimum of 3) (insert "when the complaint brings the game or the EDPL into disrepute, why may jeopardize the immediate or future relationship with a venue/s" or is subject to the drugs policy"). No tribunal panel members can be members of any of the clubs involved in the dispute. (insert "or has an association with the accused either personally or as a past clubmate")

20.3 A hearing must be convened within 14 days of the EDPL receiving the written complaint, provided that it is considered complete and meets the requirements listed above.

20.4 Any written complaint must be received by EDPL the day following the occurrence or the complaint will not be heard. A club has 48 hours after the complaint has been received to withdraw the complaint or make additions/additional submissions regarding the complaint; and these must be made in writing/email. The written complaint must state the full details of the incident giving full names of the offending party(s) and any witnesses thereto. Only those witnesses listed on the complaint, or 16 subsequently added to the complaint within the 48 hour period following, may be present or called at the hearing.

20.5 Notwithstanding any of the other By-Laws in this section, the Executive Committee may call a hearing at any time.

20.6 Letters from the EDPL notifying all concerned of a pending Tribunal hearing must be sent to the panel members/chairman, the defendants, Executive Committee of the clubs concerned, and any relevant witnesses.

20.7 The club(s) and/or member(s) that the complaint is made against will have 48 hours from the time/date of notification to submit a response to the complaint, along with any supporting evidence and/or witnesses. Only those witnesses listed on the response may be present or called at the hearing.

20.8 A fee of \$50 will be levied on the club/member lodging the complaint, where it is found that the complaint is of a frivolous nature insert "such fee may be retained by the EDPL".

20.9 Should any member be brought before the Tribunal/Executive hearing (and be found Guilty) three times within a three calendar year period, said member will be automatically suspended for a minimum period of twelve (12) months from the time the third conviction is handed down (over and above the third penalty given). E.g. if the third penalty is, say 6 weeks suspension the member would receive 6 weeks plus 12 months (thereby effectively giving the member 13.5 months suspension.

20.10 Any person attending a hearing whom, in the opinion of the EDPL Executive, gives misleading or untruthful evidence will be subject to penalties deemed applicable.

20.11 Delegates from both parties involved may attend the tribunal as advocates for their club.

20.12 Defendant(s) and/or their delegates have the right to cross examine all witnesses.

20.13 The Tribunal Proceedings will be conducted in the following order:

Insert here and change the numbers following to reflect flow

(New) 20.13.1 "A chairperson shall be elected from the tribunal/hearing members and shall oversee proceedings. An executive or life member may be present to ensure the proceedings are conducted as per the by-laws and shall have no influence over the hearing and determination of penalties/outcomes"

The charges/complaint/s shall be read out by the chairperson to the accused/defendant and the accused/defendant will be asked if they understand. Upon receiving verbal reply, the chairperson shall ask the accused/defendant if they understand the charges/complaint and how do they plead.

If the defendant pleads guilty, the chairman will ask if they have anything further to add before commencing with deliberation.

The tribunal/hearing members will then adjourn to consider penalties. Upon consideration, the penalties/sanctions will be handed down through the chairperson.

CHANGE FROM 20.13.1 TO 20.13.2(insert "If the accused/defendant pleads not guilty," The Chairperson (remove panel) will (insert "then table all submissions received" consider all written evidence put before it by the complainant and the club/members the complaint is made against.

CHANGE FROM 20.13.2 TO 20.13.3 The panel will call all witnesses listed in the complaints to hear their evidence (insert only in the instance of the accused pleading not guilty") (There is no further requirement from witnesses in this instance)

CHANGE FROM 20.13.3 TO 20.13.4 The panel will (insert only in the instance of the accused pleading not guilty") call the complainant and subsequently call those that are the subject of the complaint.

(insert 20.13.5 If the defendant pleads guilty,

CHANGE FROM 20.13.4 TO 20.13.5 The panel will (insert: "deliberate on the evidence provided and" evaluate whether the defendant is guilty or innocent of the charges made. Insert and deliberate (insert In the event the accused/defendant pleads guilty")

20.14 Once a decision has been reached, the delete Chairman insert "chairperson"will:

20.14.1 (insert "Deliver the penalty, as agreed to by the tribunal members, as a unanimous collective" (Remove "Decide on penalties") if defendant (insert "pleads guilty or") is found guilty.

20.14.2 Enter decision into "Tribunal Register" with relevant details including Name of Defendant, Charge, Outcome and Penalty given.

20.14.3 Advise the player[s] and club[s] as to the outcome of the tribunal, along with any penalties applied. This is to be done, in writing and forwarded to the offending clubs Executive Committee within 48 hours of the hearing.

20.15 Right of Appeal:

20.15.1 All parties have the right to appeal the tribunal decision but must do so in writing, along with the reasoning for the appeal, within seven [7] days of the hearing taking place

Insert 20.15.1.1 Appeal must state as to the reasons why, to include but not limited to severity of original penalty, new evidence, extenuating circumstances, manner in which original hearing was run/conducted.

20.15.2 Upon receiving an appeal, an email must be sent to all Club Presidents, insert "including the 2 clubs involved in the original hearing" within three [3] working days, notifying them of an appeal, insert "as to reasons why the appeal has been made" along with the insert original submissions made by all parties

20.15.3 Club Presidents will be given seven [7] days to respond advising, 17 whether they believe the penalty is reasonable, insufficient, or excessive

20.15.4 in the event that at least 50% (insert "all" of Club Presidents believe that the insert "appeal is worthy of being heard, based on the submission" remove penalty is either insufficient, or excessive an appeal tribunal must be convened.

20.15.5 A non-refundable fee of \$100 is applicable

20.15.6 The panel hearing the appeal will be comprised of either three Executive Committee members or three Club Delegates dependent upon and consistent with the type of tribunal originally convened. The panel will elect a Chairman for the hearing. The appeal tribunal panel cannot consist of any of the Club Delegates or Executive Committee members who sat on the original tribunal. No appeal tribunal panel members can be members of any of the clubs involved in the dispute

20.15.7 All persons selected to be involved in the appeal hearing will be advised, in writing, as to the date of appeal hearing, which must be held within 14 days of receipt of appeal hearing being approved

PROPOSER ANDREW URQUHART REG 6190

SECONDER MARK EATON REG 7093