

BY-LAWS OF THE QUEENSLAND WEIGHTLIFTING ASSOCIATION INC.

GRIEVANCES, JUDICIAL AND DISCIPLINE

1 Grievance Procedures

Where a person, be they a member or an officer or other employee of QWA, an Affiliated Region or Affiliated Club has a grievance arising from their respective involvement in Weightlifting, whatever that may be, with another such member, officer or employee, and that person considers the grievance warrants investigation and action by the QWA that person shall follow the following procedure.

2 Grievances Officer

The person shall contact, either by telephone or in writing, the QWA Grievances Officer (GO), appointed by the QWA, and advise they have a grievance which they wish to discuss with the official. The QWA GO will be the QWA Executive Director in all cases except where the QWA Executive Director is directly involved in the conduct, action or event which has given rise to the grievance. In this case, the QWA GO will be the QWA President or other person appointed by the QWA Management Committee as required. Where a grievance is to be submitted in writing it should be addressed clearly to the QWA Grievances Officer and marked "Private and confidential".

a) Action by Grievances Officer

- i) Where the QWA GO has received a grievance the GO, as soon as is practicable, shall meet with, or discuss the grievance with the aggrieved party. The QWA GO may take whatever steps and conduct whatever investigations necessary to determine that the grievance is legitimate.
- ii) Where the QWA GO determines the grievance is legitimate he/she shall take all reasonable steps to resolve the grievance. If the legitimate grievance has not been dealt with by the Club or Region where the grievance arises, then the QWA GO must action the grievance within a period of time not longer than three (3) months.
- iii) Where the QWA GO determines the grievance is not legitimate they shall advise the aggrieved party accordingly. If the aggrieved party is not satisfied with the QWA GO's determination they may take whatever further action they consider necessary or appropriate including requesting the commencement of judiciary action under these regulations.
- iv) Where the QWA GO is unable to resolve a grievance or considers the grievance of a very serious nature they shall report the grievance to the QWA Management Committee for action.
- v) All grievances received by the QWA GO, and all information surrounding the circumstances of a grievance which is discovered by the QWA GO on investigation shall be confidential and may be communicated only to the QWA Management Committee.

b) Procedures by Grievances Officer

- i) In investigating a grievance and/or determining its legitimacy, the QWA GO shall observe and apply the procedures applicable to a proceeding before a Judiciary Committee under the QWA By Laws (GRIEVANCES, JUDICIAL AND DISCIPLINE) in so far as they are applicable.

3 Judiciary Matters

Judiciary Regulations are authorised under the By-Laws of the QWA (GRIEVANCES, JUDICIAL AND DISCIPLINE), Sections 5, 6, 7 and 8.

4 Breach

Where a Member has allegedly:

- a) Breached, failed, refused or neglected to comply with a provision of the Articles, any Regulation or any resolution or determination of the QWA Management Committee, Region or Club or any duly authorised Committee; or
- b) Acted in manner unbecoming of a Member or prejudicial to the objects and interests of the QWA and/or Weightlifting; or
- c) Brought QWA, any Region or Club or Weightlifting into disrepute; or
- d) Competed or in any way participated in a Weightlifting competition and/or use of QWA equipment, as per QWA Equipment Policy, which has not been licensed or sanctioned by the QWA or has failed to obtain the permission of the QWA to so compete or participate in that competition or use that QWA equipment:

The QWA Management Committee, Region or Club may commence or cause to be commenced investigatory and/or discipline 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 QWA Management Committee, Region or Club may commence proceedings, or investigate conduct which may warrant the commencement of proceedings by referring the matter to a Judiciary Committee.

5 Judiciary Committee

Judiciary Committees shall be convened and function as follows:

- a) Convening of Committee
 - i) The QWA Management Committee will appoint a Judiciary Committee to investigate and/or determine matters referred to it. The QWA Management Committee may convene a Judiciary Committee on such terms and for such purpose(s) as is required. A member of each committee shall act as committee Chairperson and ensure the keeping of records of all investigations and decisions.
 - ii) Each Affiliated Region and Affiliated Club where necessary shall appoint a Judiciary Committee which will operate under the terms of the QWA Judiciary Committee dealing with matters at 'local level'.
- b) The jurisdiction of a Judiciary Committee shall be as follows:
 - i) Where a Judiciary Committee has been convened by the QWA Management Committee, that Judiciary Committee shall have unlimited jurisdiction in all matters referred to it throughout Queensland including but not limited to referrals between Regions and Clubs, or where a Judiciary Committee convened by a lower authority (Region or Club) within the QWA fails to take satisfactory action and impose a satisfactory result, or where a lower authority within the QWA fails to take action at all and convene a Judiciary Committee where the QWA Management Committee determines such a Committee should have been convened.
 - ii) Where within the boundaries of a Region, the alleged offender shall be dealt with by their or its Regional Judiciary Committee
 - iii) Where otherwise within the boundaries of the QWA Judiciary Committee the alleged offender shall be dealt with by the QWA Judiciary Committee.

c) Referrals

- i) Every referral to the QWA 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.
- ii) Upon a referral to a Judiciary Committee the committee Chairperson 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.
- iii) A Judiciary Committee shall process any referral to it within such time as the QWA Management Committee directs, provided always that a concerned person may apply for an adjournment by application in writing to the committee Chairperson. Such application must be received at least three (3) days prior to commencement of proceedings.
- iv) 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.
- v) The referring authority shall decide the quorum for a Judiciary Committee.
- vi) 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 Procedure

Proceedings commenced under these regulations shall be conducted as follows:

a) Request to Appear

- i) Upon a 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 facsimile shall be deemed to have been given upon receipt of a confirmation report confirming the facsimile was received at the facsimile number to which it was sent.
- ii) 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:
 - (1) Be in writing;
 - (2) State that the party or parties concerned are required to appear and in what capacity;
 - (3) 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;
 - (4) Be delivered in accordance with Regulation (a) above.

7 Appearance

Persons appearing before the Judiciary Committee shall be entitled to call witnesses, but must state their case 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 witness, 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(a) above.

8 Procedure and Proceedings

The proceedings of the Judiciary Committee hearing will be as follows:

- a) 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.
- b) 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.
- c) The matter(s) which is/are 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.
- d) 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.
- e) 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.
- f) 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 the 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.
- g) Every decision of Judiciary Committee appointed by the QWA Management Committee, a Region or Club under these regulations shall be conveyed in writing to the parties concerned, and where an individual Member, to that individual Member's Club and Region. 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 to give immediate effect to such decision at the authority's discretion.

9 Penalties

Penalties that may be imposed include:

- a) A reprimand;
- b) Suspension of such activities, on such terms and for such period as the penalising authority thinks fit;
- c) Exclusion from a particular activity, event or events;
- d) Expulsion;
- e) Fines, imposed in such manner and in such amount as the penalising authority thinks fit;
- f) Such combination of any of the above penalties as the penalising authority thinks fit.

During proceedings the subject(s) of the proceedings may be suspended, on such terms and for such period as the penalising authority thinks fit, and shall remain under suspension unless the relevant referring authority decides otherwise.

10 Effect of Penalty

- a) Where an affiliated Club is suspended under these Regulations, its membership of, and representation rights and privileges in, QWA activities shall be forfeited during the period of suspension. Officers of QWA who may be members of a suspended Affiliated Club shall not be affected by such suspension.
- 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, Regional and State activities, but shall not interfere with that members rights as an individual club member.
- c) Where an Affiliated Club or individual member is expelled under these Regulations, its or his/her membership of, and representation rights and privileges in, QWA activities shall be forfeited immediately and membership shall cease. The provisions of QWA Constitution Article (?) shall apply.

11 Appeals

- a) A member who has received a penalty or an adverse finding by a Judiciary Committee, may, within fourteen (14) days from the determination of the Judiciary Committee make an appeal to the next higher authority whether QWA Judiciary Committee or QWA Management Committee against a penalty imposed by, or finding of, a Judiciary Committee.
- b) The rights of appeal by a member penalised by the QWA Judiciary Committee shall proceed PROVIDED:
 - i) The member concerned has properly availed him/her self of any right of appeal that may be provided in the Constitution of the relevant referring authority;
 - ii) Application is made within fourteen (14) days of the imposition of the penalty or the handing down of the finding;
 - iii) Application is made through the referring authority which shall, as soon as practicable, transmit the application to the next highest authority as the case may be whilst at the same time submitting, to that authority, any representations on the application which it may wish to make;
 - iv) The next higher authority shall either itself or by its Judiciary Committee hear the appeal.

- c) Whatever the decision, the next higher authority shall convey the decision to the appellant and the initial referring authority in writing.
- d) An appeal against a decision of the QWA Judiciary Committee shall be directed to the QWA Management Committee provided:
 - i) The QWA Management Committee shall either by itself or by a further Judiciary Committee appointed for the purpose hear the appeal;
 - ii) The decision to refuse the appeal shall be final and not subject to further appeal.