



BMX AUSTRALIA LTD.

DISCIPLINARY REGULATIONS

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| Date adopted by BMXA's Board | 31 August 2013 |
| Date Disciplinary Regulations effective | 31 October 2013 |
| Updated with BMXA Ltd. logo | 13 March 2018 |

BMX AUSTRALIA LTD.
DISCIPLINARY REGULATIONS

PART 1 – JURISDICTION AND ESTABLISHMENT OF TRIBUNAL

1. **ADOPTION OF THESE BY-LAWS**

- (a) Any and all By-Laws previously made by BMX Australia Ltd. (**BMXA**) concerning disciplinary or judiciary tribunals are expressly withdrawn.
- (b) These disciplinary regulations (**Regulations**) are made by the board of BMXA (**Board**) under rule 13 and 40 of the constitution of BMXA (**Constitution**).
- (c) In accordance with rules 13 and 40 of the Constitution, the Regulations shall bind and apply to all members of BMXA (including Member States and Individual Members) and participants in any programs, competitions and events organised, controlled or sanctioned by BMXA or its members.
- (d) Words and phrases in the Constitution have the same meaning in these Regulations and this document is to be read in conjunction with (and subject to) the Constitution.
- (e) A reference to a 'charged person' is reference to the Member State, Individual Member, team or club or other person who is the subject of the disciplinary proceedings contemplated under these Regulations.

2. **AUTHORITY OF THE DISCIPLINARY TRIBUNAL**

- (a) The Board delegates the power of investigating or determining allegations against Members to its Disciplinary Tribunal which is established by these Disciplinary By-Laws.
 - (b) It is an offence under these Regulations for any person or Member to:
 - (i) breach, fail, refuse or neglect to comply with a provision of:
 - (A) the Constitution;
 - (B) any by-laws made by the Board;
 - (C) the rules set out in *the ARA's* or
 - (D) the BMXA Member Protection Policy (if the disciplinary proceedings under these Regulations are more appropriate than those provide under the Member Protection Policy);
 - (E) any rules made by the Union Cycliste Internationale (**UCI**); or
 - (F) any other resolution or determination of the Board or duly authorised commission or committee;
- (as such documents are from time to time amended);

- (ii) act in a manner unbecoming of a member or prejudicial to the Objects or the interests of BMXA and/or Bicycle Motocross; or
 - (iii) bring BMXA and/or Bicycle Motocross into disrepute.
- (c) The Disciplinary Tribunal shall have power to suspend, disqualify, reprimand, fine, bond, ban, or otherwise deal with or penalise any person involved with Bicycle Motocross (including, but not limited to, member organisations, teams, clubs, riders, coaches, spectators, team/club officials and association officials) in accordance with these Regulations.
 - (d) The Disciplinary Tribunal may also deal with any other matter referred to it for adjudication by BMXA.
 - (e) The Disciplinary Tribunal must at all times act independently and impartially in carrying out its duties in accordance with these Regulations.
 - (f) These Regulations do not apply to in-competition incidents and to any incident covered by Section 6 (Protests and Appeals) of the BMXA Australian Regional Applications BMX Rule Book (**BMX Rule Book**) (as amended from time to time). For the avoidance of doubt, it shall apply to section 5 (Conduct and Judiciaries) of the BMX Rule Book (as amended from time to time).

3. **COMPOSITION OF DISCIPLINARY TRIBUNAL**

- (a) The Disciplinary Tribunal shall be appointed by the Board from time to time. The Board may appoint a pool of Disciplinary Tribunal members but for each hearing the Disciplinary Tribunal shall comprise the following persons:
 - (i) a chairperson who shall be a person of experience and skills suitable to the function of chairing a Disciplinary Tribunal and discharging the responsibilities set out under Regulation 8; and
 - (ii) two additional Disciplinary Tribunal members.
- (b) No member of the Disciplinary Tribunal shall be permitted to hold any office of the Board. A Disciplinary Tribunal member may hold another position within BMXA, or a member organisation, club or team affiliated with BMXA.
- (c) No Disciplinary Tribunal decision shall be invalidated by any irregularity in the appointment of a Disciplinary Tribunal member.
- (d) No member of the Disciplinary Tribunal shall hear any matter in which he or she has an actual or perceived conflict of interest that might reasonably call into question the impartiality of the Disciplinary Tribunal.
- (e) All decisions made by the Disciplinary Tribunal will be by majority vote.

PART 2 – REPORTS AND NOTIFICATIONS

4. REPORTS BY OFFICIALS

- (a) Any BMXA official who has been so empowered by BMXA shall be entitled to report any person, member organisation, team or club which, in the opinion of the official has committed an offence.
- (b) The officials empowered by BMXA in regulation 4(a) include, but are not limited to, the Board, Member States and competition officials.
- (c) Where any other person makes a report regarding the conduct of another person at a relevant BMXA activity covered by these Regulations, regulation 5 shall apply. Such report must be set out in writing and submitted to BMXA.
- (d) An official who makes a report under this regulation shall provide details of the alleged offence(s) to the Hearings Officer as soon as possible after the race meeting or other activity, noting all the particulars in connection with the report so that a clear account can be given to a Disciplinary Tribunal when the report is to be dealt with. The official may use the BMXA Incident Report form (Appendix C) or such other form issued by BMXA to report offences.

5. INVESTIGATIONS

- (a) Where:
 - (i) BMXA;
 - (ii) a person empowered to make a report under these Regulations, or
 - (iii) any other person,believes an offence under these Regulations may have been committed, or BMXA receives a letter of complaint about an incident where no report has been made, BMXA may investigate, or appoint a person to investigate (which may be the Hearings Officer appointed under clause 6(a)), the alleged offence and establish whether a report should be filed.
- (b) Following an investigation, BMXA, or the person appointed to investigate, may make a report if he/she considers it appropriate to do so, in that person's sole discretion. A report arising out of an investigation conducted under this regulation 5 should be submitted to the Hearings Officer as soon as possible after the alleged offence took place and having regard to the circumstances.
- (c) The person conducting the investigation shall have all powers reasonably required for the purposes of the investigation, including but not limited to calling and viewing any evidence, inspecting documents or questioning witnesses.

6. DUTIES OF HEARINGS OFFICER UPON RECEIVING A REPORT

- (a) BMXA shall appoint an officer to be responsible for the receipt of reports made under these Regulations and to carry out the duties in connection with such reports (**Hearings Officer**). The Hearings Officer may hold another position within BMXA. Unless another person is appointed to this role, the Hearings Officer shall be the General Manager of BMXA.

- (b) Upon receiving a report made under these Disciplinary By-Laws that necessitates convening the Disciplinary Tribunal, the Hearings Officer shall have the following duties:
- (i) schedule the venue, time and date to be set aside for a hearing of the Disciplinary Tribunal;
 - (ii) convene hearings of the Disciplinary Tribunal to deal with matters referred to it;
 - (iii) ensure that three members of the Disciplinary Tribunal are present to deal with any matters referred to it for determination;
 - (iv) receive and refer to the Disciplinary Tribunal all material relating to any reports made under these Regulations;
 - (v) provide written notice to the charged person of:
 - (A) the date, time and place of the Disciplinary Tribunal hearing;
 - (B) the nature of the proceedings and the matters or alleged offences the subject of the investigation or determination;
 - (C) state that the charged person concerned is required to appear and in what capacity; and
 - (D) the possible penalty or penalties;
 - (vi) notify any official or witnesses required to be in attendance, of the date, time and place of the Disciplinary Tribunal hearing;
 - (vii) notify each of the above persons of the consequences of non-attendance at the Disciplinary Tribunal hearing and the procedure to be followed in each case; and
 - (viii) notify the chairperson (or his/her delegate) of the Disciplinary Tribunal that a report has been received and deliver to the chairperson (or his/her delegate) all information relevant to the hearing.

7. CONVENING DISCIPLINARY TRIBUNAL HEARINGS

- (a) The Disciplinary Tribunal will be convened as soon as practicable.
- (b) The Hearings Officer may convene the Disciplinary Tribunal via teleconference or other electronic means. If the Hearings Officer schedules a teleconference and the charged person seeks an 'in person' meeting of the Disciplinary Tribunal, the cost of such meeting will be borne by the charged person.
- (c) A charged person shall be entitled to participate in Bicycle Motocross competitions conducted by BMXA until such time as the Disciplinary Tribunal has heard and determined the matter, unless a criminal charge has been brought by police arising out of the actions the subject of the hearing or investigation and the Disciplinary Tribunal chairperson has a reasonable belief that there is a threat to the ongoing safety of participants, officials and other persons involved in BMXA and Bicycle Motocross.

PART 3 – CONDUCT OF TRIBUNAL HEARINGS

8. RESPONSIBILITIES OF DISCIPLINARY TRIBUNAL CHAIRPERSON

Without limiting any other duties of the Disciplinary Tribunal chairperson set out under these Regulations, the person appointed as Disciplinary Tribunal chairperson shall have the following responsibilities:

- (a) to chair hearings of the Disciplinary Tribunal or to ensure that such task is delegated to a member of the Disciplinary Tribunal;
- (b) to ensure accurate records are kept of all of the Disciplinary Tribunal's proceedings and decisions using the form set out in Appendix B;
- (c) to communicate to BMXA the results of hearings of the Disciplinary Tribunal and provide a copy of the record to BMXA within 7 days of the hearing; and
- (d) to raise with any proposed Disciplinary Tribunal member any potential or possible conflict of interest which may arise from time to time.

9. ATTENDANCE AT DISCIPLINARY TRIBUNAL HEARINGS

- (a) The following persons shall be required to attend the Disciplinary Tribunal hearing conducted under these Regulations:
 - (i) the charged person;
 - (ii) the reporting official(s);
 - (iii) any other person involved in the report;
 - (iv) witnesses as indicated by the reporting official or charged person and as notified by the Hearings Officer; and
 - (v) any other witness required by the Disciplinary Tribunal.
- (b) The following persons shall be entitled to attend a Disciplinary Tribunal hearing as required by BMXA or the charged person or team or club:
 - (i) witnesses called to give evidence by a charged person;
 - (ii) witnesses called to give evidence by the reporting official(s); and
 - (iii) where the charged person, reporting official or witness is under the age of 18 years, an adult adviser.
- (c) The following persons shall be entitled to attend the Disciplinary Tribunal hearing with the permission of the Disciplinary Tribunal chairperson:
 - (i) BMXA representatives; and
 - (ii) any other person.
- (d) Legal representatives or legal advocates are not permitted to appear before the Disciplinary Tribunal unless in exceptional circumstances and where leave to appear has been granted by the chairperson.

- (e) The chairperson may invite any other person he/she believes will assist the Disciplinary Tribunal.
- (f) Each party to the Disciplinary Tribunal shall bear their own costs.

10. NON-ATTENDANCE AT DISCIPLINARY TRIBUNAL HEARINGS

- (a) If any charged person (or representative of a charged member organisation) fails to attend the Disciplinary Tribunal hearing without reasonable cause, the hearing may proceed and a determination may be made by the Disciplinary Tribunal in the absence of the charged person, provided that the Disciplinary Tribunal is satisfied that all notification procedures under these Regulations have been carried out.
- (b) A charged person or reporting official may apply to the Hearings Officer to have a Disciplinary Tribunal hearing:
 - (i) adjourned; or
 - (ii) convened in another way (e.g. teleconference)

if there are compelling circumstances which warrant such steps being taken to avoid costs, hardship or significant inconvenience to the charged person. The Hearings Officer (or the Disciplinary Tribunal if already convened) has sole discretion on whether or not to grant the application.
- (c) If any witness fails to attend a Disciplinary Tribunal hearing, the hearing may continue in his/her absence at the discretion of the Disciplinary Tribunal. However, if such witness has been notified by the Hearings Officer as being a required person at a Disciplinary Tribunal hearing, such witness may be liable to penalty by the Disciplinary Tribunal for obstructing the Disciplinary Tribunal procedures.
- (d) If a reporting official fails to attend a Disciplinary Tribunal hearing without reasonable cause, the hearing may proceed and a determination may be made by the Disciplinary Tribunal in the absence of the reporting official, provided that the Disciplinary Panel is satisfied that all notification procedures under these Regulations have been carried out.

11. PROCEDURES OF A DISCIPLINARY TRIBUNAL

- (a) In the event of a State Member or Club being the subject of a Disciplinary Tribunal hearing, one member of the State Member or Club shall act as spokesperson for the Member.
- (b) At the commencement of a hearing, the chairperson shall identify the members of the Disciplinary Tribunal and determine whether the charged person is present to answer the allegation(s).
- (c) The charged person and the reporting official(s) shall be notified of their right to remain in the hearing until all evidence is presented but not to be present whilst the Disciplinary Tribunal considers its findings and determines an appropriate penalty (if any).
- (d) The chairperson shall advise all those persons present of the method of recording the hearing (if any).

- (e) The charge(s) as contained in the report shall be read out in the presence of all persons eligible to be present.
- (f) The charged person (or representative) shall be asked whether the charge is understood and the reporting official asked whether the charge correctly represents his/her intention.
- (g) The charged person shall be asked whether or not they intend to contest the charge(s).
- (h) If the charged person does not contest the charge(s), the chairperson may read a short summary of the facts, admit the reporting official's evidence (written/verbal) and no witnesses need be called to give evidence unless the Disciplinary Tribunal requires it.
- (i) If the charged person contests the charge(s), then the chairperson shall ask all witnesses except the reporting official(s) and the charged person (and their advisers if appointed in accordance with these Regulations) to leave the room and to wait to be called to give their evidence.
- (j) The reporting official (or the adviser to a reporting official who is a minor) shall proceed to give evidence and the witnesses of the reporting official(s) shall be called upon to give his/her evidence in turn, subject to the approval of the number of witnesses to be called by the Disciplinary Tribunal in its discretion. The charged person or his/her adviser may ask questions of the reporting official or any witness called.
- (k) Each witness shall be entitled to leave the Disciplinary Tribunal hearing after giving evidence unless otherwise directed by the Disciplinary Tribunal. Witnesses shall be entitled to remain in the hearing room after giving evidence with the permission of the Disciplinary Panel.
- (l) The charged person shall then be entitled to present their defence. Witnesses may be called subject to the approval of the number of witnesses to be called by the Disciplinary Tribunal in its discretion. Reporting officials or the adviser to a reporting official who is a minor may ask questions of the charged person or any witness called.
- (m) The Disciplinary Tribunal is empowered to question any person giving evidence. If the Disciplinary Tribunal determines that any witness is giving deliberately false or misleading evidence, the Disciplinary Tribunal may:
 - (i) make such finding at the original hearing; or
 - (ii) require such persons to attend a further Disciplinary Tribunal hearing to respond to the allegations,
 and such person is may be penalised by the Disciplinary Tribunal for obstructing the Disciplinary Tribunal procedures.
- (n) Where a person under the age of 18 exercises his/her right to have an adult observer or adviser present in accordance with these Regulations, a reasonable opportunity for consultation between the minor and the adviser shall be provided by the Disciplinary Tribunal.
- (o) Where the charged person makes video evidence available to the Disciplinary Tribunal, it may, at the discretion of the Disciplinary Tribunal, be presented.

The onus of providing suitable viewing equipment shall lie with the person requesting that the evidence be presented before the hearing.

- (p) At the conclusion of all of the evidence and submissions the chairperson shall ask the charged person, the reporting official and all other persons present to leave the hearing room while the Disciplinary Tribunal considers its findings.
- (q) If the Disciplinary Tribunal is satisfied that a charge has been established on the balance of probabilities (i.e. more probable than not) it shall find the charge proved. Otherwise the charge shall be dismissed.
- (r) If the Disciplinary Tribunal is not satisfied that the particular charge has been proved, but is satisfied that a lesser charge has been established, then the Disciplinary Tribunal may find such lesser charge established and shall apply the penalty applicable to the lesser charge.
- (s) Where it appears to the Disciplinary Tribunal that the reporting official has made an error in laying the wrong charge or omitted charges that should have been laid, the Disciplinary Tribunal may amend the charge(s) and proceed to make a finding. Further, the Disciplinary Tribunal has the right to direct that a person other than the charged person be charged with an offence under these Regulations on the basis of evidence presented before it during the course of conducting a hearing.
- (t) The decision of the Disciplinary Tribunal shall be given in the presence of all, by the Disciplinary Tribunal chairperson.
- (u) The Disciplinary Tribunal shall determine the penalty to be imposed (if any) and shall advise the charged person of the penalty. The chairperson shall also notify the Hearings Officer of the decision of the Disciplinary Tribunal.
- (v) The Disciplinary Tribunal may reserve its decision but if it does so, it will provide its decision with 14 days of the hearing.
- (w) The Disciplinary Tribunal is not obliged to give oral or written reasons for any decision made by it under these Regulations.

PART 4 – PENALTIES

12. PENALTY

- (a) The Disciplinary Tribunal shall have the power to suspend, disqualify, reprimand, fine, bond, ban or otherwise deal with any person found to have committed an offence under these Regulations. Penalties which may be imposed include:
 - (i) a reprimand;
 - (ii) suspension, from such activities or events held by or under the auspices of BMXA, including but not limited to competition, on such terms and for such period as the Disciplinary Tribunal thinks fit;
 - (iii) exclusion from a particular competition, activity, event or events;
 - (iv) expulsion from BMXA;

- (v) suspension for a specified period and/or termination of any rights, privileges and benefits provided by BMXA;
 - (vi) any other such penalty as the Disciplinary Tribunal considers appropriate.
- (b) Appendix A sets out suggested penalties for an individual who is found to have committed an offence. Appendix A2 sets out suggested penalties for a Member State or other organisation who is found to have committed an offence, including a breach of the Constitution and any other BMXA rules. The Disciplinary Tribunal is not bound to follow the suggested penalties and may deal with any person found to have committed an offence in any way it considers appropriate.
- (c) A penalty handed down under these regulations shall commence from the date of the Disciplinary Tribunal finding unless otherwise expressly directed by the Disciplinary Tribunal. Subject to these regulations, participation penalties should be expressed to be in calendar weeks as opposed to number of events. The Disciplinary Tribunal has discretion to rule that a penalty will be suspended for the number of weeks which fall between seasons or during any season break.
- (d) Where the Disciplinary Tribunal imposes more than one period of suspension, it may order the suspensions to be served concurrently or cumulatively or partly concurrently and partly cumulatively.
- (e) The Disciplinary Tribunal may take into account any penalties previously ordered against the charged person when determining the penalty to be handed down in each case.
- (f) A charged person who has been convicted of an offence and received a penalty under these Regulations shall not play, coach, umpire, officiate or otherwise take part in bicycle motocross activities as directed by the Disciplinary Tribunal until the penalty has been served to the satisfaction of BMXA.

PART 5 – APPEALS

13. RIGHT OF APPEALS

- (a) Part 5 of these Regulations prescribe the procedures for an appeal by a person in respect of a decision made by:
- (i) the Disciplinary Tribunal under these Regulations; or
 - (ii) any disciplinary or administrative tribunal or board of any Member of BMXA.
- (b) There shall be no appeal from any decision made by:
- (i) the Disciplinary Tribunal under the Regulations; or
 - (ii) any disciplinary or administrative tribunal or board of any Member of BMXA;

unless the person seeking to appeal (**Appellant**) satisfies the chairperson of the Appeals Panel (appointed in accordance with regulation 15), in the chairperson's sole discretion, that:

- (iii) significant new or additional evidence has become available; and/or
 - (iv) there was no material on which the decision could reasonably be based; and/or
 - (v) the penalty imposed was too severe.
- (c) BMXA shall appoint an officer to be responsible for the receipt of appeals made under these Regulations and to carry out the duties in connection with such appeals (**Appeals Officer**). The Appeals Officer may hold another position within BMXA and may also be the Hearings Officer. Unless another person is appointed to this role, the Appeals Officer shall be the General Manager of BMXA.

14. NOTICE OF APPEALS

- (a) The Appellant must:
- (i) lodge a notice stating full details of charges and results thereof and stating in full the grounds of appeal with the Appeals Officer within seven (7) days of the notification of a determination of the Disciplinary Tribunal hearing using the Notice of Appeals form at Appendix D or other form issued by BMXA (**Notice of Appeals**); and
 - (ii) pay the appeal fee to the Appeals Officer when lodging the Notice of Appeals, which shall be \$500.00 (the appeal fee does not apply in the case of appeals by minors and may be waived in the discretion of the Appeals Officer).
- (b) An Appellant shall be notified by the Appeals Officer within seven (7) days of receipt of the Notice of Appeals as to whether an appeal hearing is to be granted (under regulation 13) and the time, date and place of the appeal hearing, in the event that it is granted.

15. COMPOSITION OF APPEALS PANEL

- (a) If an appeal hearing is granted by the chairperson of the Appeals Panel under regulation 13, the Appeals Officer shall convene an Appeals Panel to hear and determine the appeal in accordance with these Regulations.
- (b) The Appeals Panel shall consist of three persons appointed by the Board from time to time to hear appeals as required by BMXA and shall comprise the following persons:
- (i) a chairperson who shall be a person of experience and skills suitable to the function of chairing a Appeals Panel; and
 - (ii) two additional Appeals Panel members.
- (c) No member of the Appeals Panel shall hear any matter in which he or she has an actual or perceived conflict of interest that might call into question the impartiality of the Appeals Panel.

- (d) BMXA shall not appoint any of the Disciplinary Tribunal members who were involved in the original hearing of the matter which is the subject of an appeal to the Appeals Panel.

16. SERVING OF DISCIPLINARY PANEL PENALTIES

- (a) Subject to regulation 16(b)(ii), where a:
 - (i) Disciplinary Tribunal under these Regulations; or
 - (ii) any disciplinary or administrative tribunal or board of any Member of BMXA;imposes a penalty that prevents the Appellant from participating in an event, the Appellant shall serve that penalty pending the determination of the appeal.
- (b) The Appeals Panel may of its own motion or upon application of any party to the appeal, order:
 - (i) that an appeal be adjourned; or
 - (ii) a stay of the execution of the penalty imposed by either:
 - (A) the Disciplinary Tribunal; or
 - (B) the disciplinary or administrative tribunal or board of any Member of BMXA;pending the determination of the appeal.
- (c) The Appeals Panel shall make an order under regulation 16(b) at its sole discretion where it is satisfied that there are exceptional and compelling circumstances. In determining that question, the Appeals Panel shall without limitation have regard to the:
 - (i) merits of the appeal and the Appellant's prospects of success;
 - (ii) interests of other teams, clubs and players; and
 - (iii) effect on the results of the competition.

17. PROCEEDINGS OF APPEALS PANEL

- (a) The Appeals Officer, Appeals Panel and persons appearing before it are bound by the same procedures under these Regulations as if the Appeals Panel was the Disciplinary Tribunal hearing a matter at first instance.
- (b) The Appeals Officer shall forward records of the Disciplinary Tribunal hearing in which the matter the subject of the Appeals was heard at first instance to the chairperson of the Appeals Panel.
- (c) The Appeals Panel shall have the discretion to conduct the hearing as a complete re-hearing or to limit the hearing to consideration of the ground(s) of appeal relied upon by the Appellant under regulation 14(a).
- (d) An Appeals Panel shall have the power to:

- (i) dismiss the appeal;
- (ii) uphold the appeal;
- (iii) impose any of the penalties set out in these Regulations; or
- (iv) reduce, increase or otherwise vary any penalty imposed by:
 - (A) the Disciplinary Tribunal under these Regulations; or
 - (B) the disciplinary or administrative tribunal or board of any Member of BMXA;

in such manner as it thinks fit.

- (e) At the conclusion of the appeal, the chairperson of the Appeals Panel shall ensure that the Appellant and the reporting official are informed of the determinations of the Appeals Panel. The chairperson shall also notify the Appeals Officer of the decision of the Appeals Panel.
- (f) The Appeals Panel is not obliged to give oral or written reasons for its decision.
- (g) The Appeals Panel has discretion to order refund of the appeal fee and shall so where the appeal results in the charge being dismissed or reduced.

18. LIMITS TO RIGHT OF APPEALS

- (a) There is only one right of appeal following the decision of the Disciplinary Tribunal under these Regulations. Any appeal must be solely and exclusively resolved by the Appeals Panel and the decision of the Appeals Panel is final and binding on the parties.
- (b) A person shall exercise his/her right of appeal under these Regulations and have any appeal heard and determined by the Appeals Panel before commencing any proceedings or becoming a party to any justiciable proceedings in a court of law or the Court of Arbitration for Sport.

PART 6 - MISCELLANEOUS

19. RELATIONSHIP WITH CRIMINAL MATTERS

- (a) If, during a Disciplinary Tribunal or Appeals Panel hearing or an investigation under these Regulations, it becomes known that a criminal charge has been brought (as opposed to merely the subject of police investigation) arising out of the actions the subject of the hearing or investigation, BMXA, the Disciplinary or Appeals Panels or the chairpersons of those bodies, may rule that further action be deferred until completion of the criminal matter.
- (b) In making a determination under regulation 19(a), the relevant persons shall have regard to the need to ensure the ongoing safety of players, umpires and other persons involved in BMXA and bicycle motocross.

Appendix A – Suggested Penalties (individuals)

| Proven Act of Misconduct | Recommended Range of Penalties |
|--|---|
| <p>General misconduct by a member that brings BMX Australia and/or the sport into disrepute</p> <p>Minor to medium level breaches of BMX Australia Policy</p> | <p>Reprimand / Warning / Counselling</p> <p>Suspension of membership of BMX Australia for a specified period of time up to 3 months</p> <p>Fine: taking into account a members benefits or earnings from the sport</p> <p>Note: Only BMX Australia has the ability to suspend a membership.</p> |
| <p>Misconduct – obstruction of the Disciplinary procedures</p> | <p>Suspension of Membership of BMX Australia for a specified period of time up to 12 months</p> |
| <p>Misconduct – including failure to accept reasonable directions of management – while a member of a team</p> | <p>As per above, plus</p> <p>Termination of membership of team during current assembly</p> <p>Withdrawal of eligibility for selection for a specified period of time up to 12 months</p> |
| <p>Misconduct be accredited coaches or officials</p> | <p>As per above, plus</p> <p>Termination of accreditation for a specified period of time</p> |
| <p>Serious breaches of the Code of Conduct or other Policy; including but not limited to criminal misconduct, acts of violence or abuse, sexual harassment</p> | <p>Where mitigating circumstances or provocation is proven: termination of membership for a specified period within a range of 1 to 4 years</p> <p>Where malice or intent is found: Termination of membership for a specified period within the range of 4 years to life.</p> |

Appendix A2 – Suggested Penalties (Member States or other organisations)

An offence by the Member State or other organisation will be rated according to the severity of the non-compliance (Mild, Moderate, Severe). The Disciplinary Panel will outline an outcome based on the severity of the non-compliance.

| Level of non-compliance | Suggested outcome |
|-------------------------|---|
| Mild | <ul style="list-style-type: none"> • Direct BMXA to provide a level of support to assist the non-complying organisation meet its obligations • Direct an operational procedure which the non-complying organisation must adopt (e.g. an independent review of the organisation's policy, a change to the organisation's operational plan etc) |
| Moderate | <p>All of the above, plus:</p> <ul style="list-style-type: none"> • Monetary fine (as fair compensation to BMXA for the non-compliance) • Direct BMXA to "remove" that particular Member State from participating in any BMXA and/or UCI conducted or sanctioned event. This event may or may not be related to the actual non-compliance. |
| Severe | <p>All of the above, plus:</p> <ul style="list-style-type: none"> • Direct BMXA or the organisation to conduct an independent review of policies and / or personnel relevant to the non-compliance. • Take steps to arrange a review by the relevant Government organisation that the organisation is affiliated under (such as the Australian Sports Commission for the BMXA and State Government agencies for Member States). |

Appendix B – Minutes of hearing

Minutes of: Disciplinary Panel

Held on the/...../.....

Present:

Persons Charged:

Statement of the incident:

Notes:

Decision:

Chairperson's

Signature.....Date:...../...../...../

Appendix C – Incident Report

REPORT

Person Cited:

Team:

Event where Incident took place:

Venue:

Field No:

Division:

Report writer:

Signature: Date:

Charge:

Reason for Report (Statement of facts surrounding the incident):

Report received by: (Hearings Officer)

Signature:Date: ... / / Time:

Assessment of report: NOTED / ACTIONED / PANEL

Action taken:

Chairperson's Signature: Date:



Appendix D – Notice of Appeals

Notice of Appeal

Date:...../...../.....

To: the Appeals Officer

RE: APPEAL

I/ we hereby appeal against the findings and/ or decisions of the Disciplinary Tribunal or the disciplinary or administrative tribunal or board of any member of BMXA which were which were made on the following Date:/...../.....

Ground of Appeal:

The evidence to be called or submitted is:

Enclosed is a – cheque/ money order – for the amount of \$..... in payment of the Appeals Fee, as required by BMXA

Applicant's name:.....Club/Team:.....

Applicant's name:.....Club/Team:.....

Signature / s:Date: