



TARGET RIFLE AUSTRALIA LIMITED

ABN 29 143 527 851

National Sporting Organisation controlling Smallbore and Air Rifle shooting in Australia
Member Body of Target Rifle Australia
Member Body of World Rimfire and Air Rifle Benchrest Federation
Patron: Major General J.E. Barry AM MBE RFD ED (Retd)

DISCIPLINARY TRIBUNAL BY-LAW

PART 1 – JURISDICTION AND ESTABLISHMENT OF TRIBUNAL

1. INTRODUCTION

- (a) Any and all By-Laws previously made by Target Rifle Australia (**TRA**) concerning disciplinary or judiciary tribunals are expressly withdrawn.
- (b) Words and phrases in the Constitution of TRA (**Constitution**) have the same meaning in this Disciplinary Policy and this document is to be read in conjunction with (and subject to) the Constitution.
- (c) This By-Law shall be known as the TRA Disciplinary Tribunal Policy.

2. ADOPTION OF THIS BY-LAW

- (a) Under article 13.1 of the Constitution, the Directors of TRA (**Board**) may make such By-Laws which in their opinion are necessary or desirable for the control, administration and management of TRA's affairs, as it thinks necessary or desirable.
- (b) Under the Constitution, By-Laws are binding on TRA employees, directors, officials, full Members, associate Members and any person who is a member of those organisations, or any other person to whom the By-Laws applies.
- (c) These Disciplinary By-Laws are made by the Board under article 13.1 of the Constitution and, in accordance with article 13.2 of the Constitution, the Disciplinary By-Laws shall bind and apply to all persons identified in clause 13.2(c), and to any other person otherwise bound to the Member Protection Policy (**MPP**) or other disciplinary policy or Code of Conduct (a **Relevant Person**).

3. AUTHORITY OF THE DISCIPLINARY TRIBUNAL

- (a) The Board delegates the power of determining allegations against Relevant Persons to its Disciplinary Tribunal which is established by these Disciplinary By-Laws.
- (b) It is an offence under these Disciplinary By-Laws for any person to:
 - (i) breach, fail, refuse or neglect to comply with a provision of:
 - (A) the Constitution;



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- (B) any by-laws made by the Board;
 - (C) the TRA Member Protection Policy;
 - (D) any rules made by TRA or the International Shooting Sport Federation (**ISSF**); or
 - (E) 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 a member of a member, or prejudicial to the interests of TRA and/or the sport of shooting; or
 - (iii) prejudice TRA or the sport of shooting, or bring TRA or the sport of shooting into disrepute, or act in a manner likely to do so.
- (c) The Disciplinary Tribunal may also deal with any other matter referred to it for adjudication by TRA.
 - (d) The Disciplinary Tribunal must at all times act independently and impartially in carrying out its duties in accordance with these Disciplinary By-Laws.

4. MEMBERSHIP OF DISCIPLINARY TRIBUNAL

- (a) The Disciplinary Tribunal may be convened by the Board from time to time and for each hearing shall comprise the following persons:
 - (i) a chairperson who shall be a person legally qualified and of sufficient experience and skills suitable to the function of chairing a Disciplinary Tribunal and discharging the responsibilities.
 - (ii) two additional Disciplinary Tribunal members.
- (b) A Disciplinary Tribunal member may hold another position within TRA, or with a Member of TRA.
- (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 – INVESTIGATIONS AND NOTIFICATIONS

5. INVESTIGATIONS

- (a) Where TRA believes an offence under these Disciplinary By-Laws may have been committed, or TRA receives a letter of complaint about an incident, TRA may investigate, or appoint a person to investigate, the alleged offence and establish whether a complaint should be filed.
- (b) Following an investigation, TRA (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.
- (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

- (a) TRA shall appoint an officer to be responsible for the receipt of reports made under rule 5(b) of these Disciplinary By-Laws and to carry out the duties in connection with such reports (**Hearings Officer**). The Hearings Officer may hold another position within TRA. Unless another person is appointed to this role, the Hearings Officer shall be the Chief Executive Officer of TRA.
- (b) Upon receiving a report made under these Disciplinary By-Laws that necessitates convening the Disciplinary Tribunal, or as otherwise determined by the Hearings Officer in the absence of such a report, the Hearings Officer shall:
 - (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 Disciplinary By-Laws;
 - (v) provide written notice to the Relevant Person of:



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- (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 Relevant 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, if relevant, and deliver to the chairperson (or his/her delegate) all information relevant to the hearing.
- (c) Matters in this rule 6(b) may be made after notification of the matters in 6(b)(v)(B), in order to determine an appropriate time and place for hearing convenient to all parties and interested persons.

7. CONVENING DISCIPLINARY TRIBUNAL HEARINGS

- (a) The Disciplinary Tribunal will be convened as soon as is practicable.
- (b) A Relevant Person appearing before the Disciplinary Tribunal shall be entitled to all TRA benefits accrued until such time as the Disciplinary Tribunal has heard and determined the matter, in TRA's sole discretion.

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 Disciplinary By-Laws, 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;



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- (b) to ensure accurate records are kept of all of the Disciplinary Tribunal's proceedings and decisions, and form a written decision;
- (c) to communicate to TRA the results of hearings of the Disciplinary Tribunal and provide a copy of the written decision to TRA as soon as practicable; 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 Disciplinary By-Laws:
 - (i) the Member / Relevant Person;
 - (ii) witnesses as indicated by TRA; and
 - (iii) any other witness required by the Disciplinary Tribunal.
- (b) The following persons shall be entitled to attend a Disciplinary Tribunal hearing as required by TRA or the Relevant Person:
 - (i) where a Relevant Person is a Club or Associate Member, any member of that Member;
 - (ii) witnesses called to give evidence by a Relevant Person; and
 - (iii) witnesses called to give evidence by TRA.
- (c) The following persons shall be entitled to attend the Disciplinary Tribunal hearing with the permission of the chairperson:
 - (i) TRA representatives; and
 - (ii) any other person.
- (d) Legal representatives or legal advocates are not permitted to appear before the Disciplinary Tribunal unless prior 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, and the Disciplinary Tribunal shall have no power to award costs. The costs of the Disciplinary Tribunal members (if any) shall be borne by TRA.



10. NON-ATTENDANCE AT DISCIPLINARY TRIBUNAL HEARINGS

- (a) If any Relevant Person 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 Relevant Person, provided that the Disciplinary Tribunal is satisfied that all notification procedures under these Disciplinary By-Laws have been carried out.
- (b) A Relevant Person 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 Relevant 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.

11. PROCEDURES OF A DISCIPLINARY TRIBUNAL

- (a) In the event of a Club or Associate Member being the subject of a Disciplinary Tribunal hearing, one member of Club or Associate Member 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 Relevant Person is present to answer the allegation(s).
- (c) The Relevant Person and the Hearing Officer 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 matter(s) the subject of proceedings shall then be read to the Relevant Person concerned. TRA shall be given the opportunity to report the circumstances of those matter(s). The Relevant Person concerned will be given the opportunity to respond and present evidence and submissions as to their view of the circumstances of those matter(s). Any witnesses called by either TRA or the Relevant Person 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.



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- (e) The Disciplinary Tribunal will consider the evidence presented. The Disciplinary Tribunal may adjourn the hearing if necessary to do so.
- (f) If the Disciplinary Tribunal is satisfied that an allegation has been established on the balance of probabilities (i.e., more probable than not) it shall find the allegation proved. Otherwise, the allegation shall be dismissed.
- (g) If the Disciplinary Tribunal is not satisfied that the particular allegation has been proved, but is satisfied that a lesser or other allegation has been established, then the Disciplinary Tribunal may find such a lesser or other allegation established and shall apply the penalty applicable.
- (h) The decision of the Disciplinary Tribunal may be given in the presence of all by the Disciplinary Tribunal chairperson, or may be advised in writing. Every decision of a Disciplinary Tribunal shall be conveyed in writing to the parties concerned (within a reasonable period of time).
- (i) The chairperson shall also notify the Hearings Officer of the decision and any penalty imposed by the Disciplinary Tribunal.
- (j) Subject to rule 12(d), all Disciplinary Tribunal hearings under this policy shall be conducted confidentially and with respect to the parties involved. The chairperson may, in his or her sole discretion, waive confidentiality if required in the circumstances.

PART 4 – OFFENCES AND PENALTIES

12. PENALTY

- (a) The Disciplinary Tribunal shall have the power to suspend, disqualify, reprimand, fine, bond, ban or otherwise deal with any Relevant Person found to have committed an offence under these Disciplinary By-Laws. Penalties which may be imposed include:
 - (i) a reprimand;
 - (ii) suspension, from such activities or events held by or under the auspices of TRA, 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 TRA;
 - (v) suspension for a specified period and/or termination of any rights, privileges and benefits provided by TRA;



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- (vi) any other such penalty as the Disciplinary Tribunal considers appropriate.
- (b) A penalty handed down under these By-Laws shall commence from the date of the Disciplinary Tribunal finding unless otherwise expressly directed by the Disciplinary Tribunal.
- (c) The Disciplinary Tribunal may take into account any penalties previously ordered against the Relevant Person when determining the penalty to be handed down in each case.
- (d) Publication of decision
 - (i) Subject to rule 12(d)(ii), TRA may publicly announce findings of the Disciplinary Tribunal in its sole discretion, and must advise those parties that, in TRA's reasonable opinion, need to know about the findings of the Disciplinary Tribunal in order to give effect to any sanction, ban or other penalty imposed.
 - (ii) Where a Relevant Person is exonerated, cleared, or otherwise the Disciplinary Tribunal finds that charges are not established, TRA may only publicly disclose such Disciplinary Tribunal findings with the Relevant Person's consent.
 - (ii) Nothing in this policy prevents TRA from responding to any public comments, disclosures or information made by the Relevant Person or individual regarding the matter.

13. NO RIGHT OF APPEAL

- (a) There is no right of appeal following a decision of a Disciplinary Tribunal. The determination of any report must be solely and exclusively resolved by the Disciplinary Tribunal and its decision is final and binding on the parties.
- (b) A person shall exercise his/her rights under these Disciplinary By-Laws and have any dispute heard and determined by the Disciplinary Tribunal before commencing any proceedings or becoming a party to any proceedings in a court of law.

PART 5 - MISCELLANEOUS

14. RELATIONSHIP WITH CRIMINAL MATTERS

- (a) If, during a Disciplinary Tribunal hearing or an investigation under these Disciplinary By-Laws, 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, TRA, the Disciplinary



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Tribunal or the chairpersons of those bodies, may rule that further action be deferred until determination of the criminal charge.

- (b) In making a determination under By-Law 14(a), the relevant persons shall have regard to the need to ensure the ongoing safety of competitors, officials and other persons involved in TRA and the sport of shooting.

15. NATURAL JUSTICE

To the extent that the principles of natural justice are not included in the provisions set out in these Disciplinary By-Laws they are expressly excluded