

HOCKEY QUEENSLAND

Judiciary Policy

User Guide

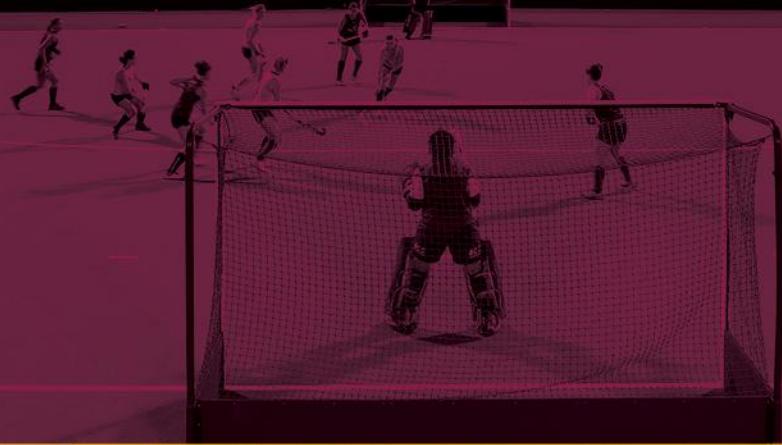


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1 Introduction

1.1 This guide is designed to assist Judiciary Panel Members, Tribunal Chairs, Affiliates, and Competition Administrators in interpreting and applying the Hockey Queensland Judiciary Policy effectively. It includes examples and best practices for implementing the policy, judiciary procedures, and the incorporation of natural justice principles.

2 Understanding the Principles of Natural Justice

2.1 **Impartiality (Bias Rule):** Decision-makers must be unbiased and perceived as impartial. Disqualification from decision-making is warranted if impartiality is suspect.

2.2 **Right to be Heard (Hearing Rule):** Affected individuals must be notified of the case against them (Breach Notice) and given a chance to respond.

2.3 **Relevant Evidence:** Decisions should be based on credible and significant evidence. Affected individuals should respond to any adverse information.

2.4 **Fair Procedures:** Persons' rights or interests should not be adversely affected without fair processes.

2.5 **Disclosure:** Decision-makers must disclose relevant information to enable informed representations.

2.6 **Consideration of Representations:** Decision-makers must consider representations from affected parties.

2.7 **Threshold Test:** Procedural fairness applies when a decision is likely to affect someone's rights or interests.

3 When is an Incident Part of a Game?

3.1 An incident is part of a game if a personal penalty is applied by an official or a report is issued for events linked directly to the game within the field of play, which includes the playing field, dugouts, and technical areas.

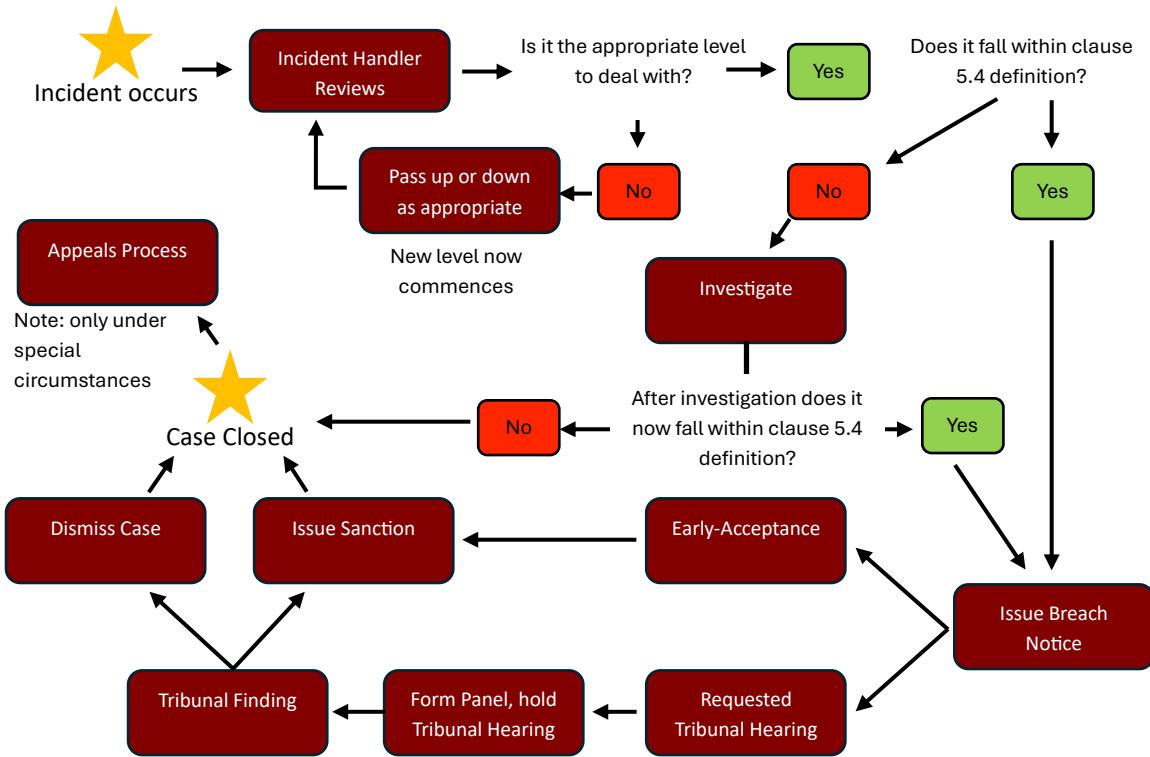
3.2 Any incident that occurs from when teams have commenced taking their positions in the field of play for the fixtured match until up to 30 minutes post-game.

4 Managing Incidents

4.1 Refer to Diagram Incident Management Diagram in the policy document for flow and procedure:

- Incident Occurrence: Determine whether the incident falls within clause 5.4.
- Review: Incident Handler reviews the circumstances to decide on the procedure.
- Pass Up or Down: If needed, escalate to the appropriate level for handling.
- Breach Notice: If applicable, issue a Breach Notice to the Respondent.
- Hearing/Appeal: Conduct tribunal hearings or manage appeals as necessary.

4.2 Incident Management flow diagram.



5 Cultural Representation

Examples for appropriate measures to ensure cultural representation and incorporating a cultural lens in the incident management include the below:

- 5.1 All Judiciary Panel members and Complaint Managers should be trained in cultural safety capability:
 - 5.1.1 [Cultural capability | For government | Queensland Government](#)
 - 5.1.2 [Core cultural learning | AIATSIS corporate website](#)
- 5.2 Including a suitable cultural advisor with demonstrated cultural leadership or advisory experience in the protected characteristics at all parts of the incident management.
- 5.3 Including Judiciary Panel members with knowledge and background of a protected characteristics (e.g. for matters affecting Aboriginal and Torres Strait Islander participants, one Judiciary Panel member is recommended to be an Aboriginal or Torres Strait Islander person from the respective community)
- 5.4 Implementing a cultural lens includes:
 - 5.4.1 Considering Cultural advice alongside traditional evidence.
 - 5.4.2 Ensuring culturally safe processes for complainants and respondents.
 - 5.4.3 Recognising cultural power dynamics that may impact participation.

6 Judiciary Committee

- 6.1 Composition of Judiciary Committees: Options for Judiciary Committee members are:
 - Elected members from Member Clubs, this could be by appointment or by individual nomination,
 - Trusted third party; local Judge, lawyer, JP, police officer, board member of another local sport, etc.
 - A board member should not sit on a Judiciary Committee. This may constitute a conflict of interest as the board is required to ratify Judiciary outcomes and sanctions.

6.2 The role of the Chief of Judiciary or Judiciary Lead can include:

- Recommending new committee members to the board.
- Appointing Panels and Panel Chairs for hearings and appeals.
- Ensuring the judicial process is followed by the appointed Panel.
- Facilitating the needs and requirements of the Panel.
- Issuing Breach Notices along with the General Manager/Complaints Manager of Hockey Queensland.
- Issuing Sanctions for Early-Acceptance
- Issuing Sanctions once awarded by a Judiciary Panel at a Tribunal Hearing.
- Facilitating the appeals process.
- Closing and maintaining official records for Judicial Matters.

6.3 Suggestions for who can be carry out the role of complaint / incident handler

- General Manager / staff member
- Chief of Judiciary / Judiciary Lead
- Association Secretary
- Complaint Manager

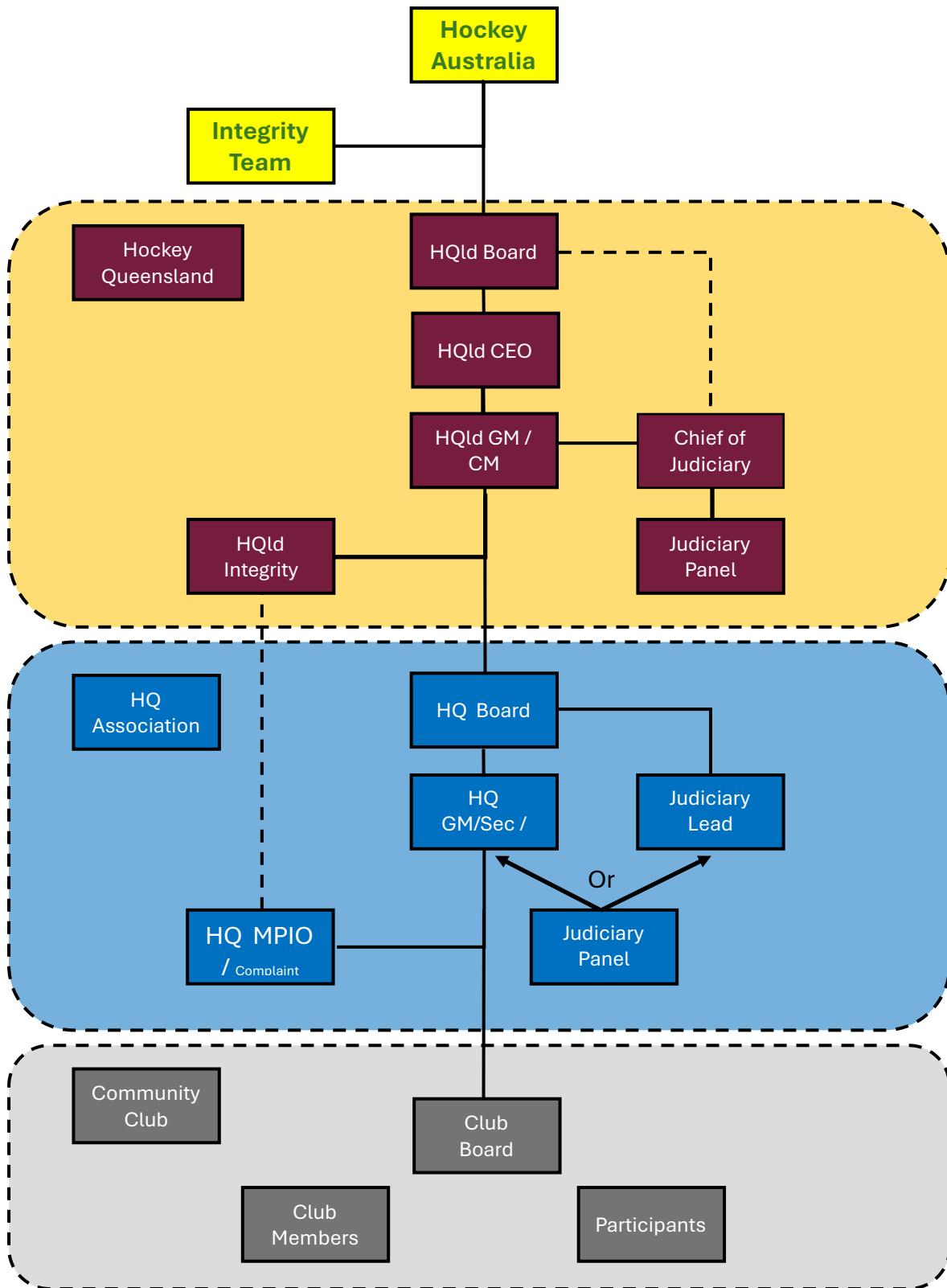


Diagram 5.4 – State Judiciary System

7 Roles and Responsibilities

7.1 Hockey Queensland

- Oversight and Governance: Ensure the Judiciary Policy is implemented consistently across all levels and provide oversight to State, Association, and Club-level disciplinary processes.
- Support and Resources: Provide resources, templates, and training to associations and clubs for effective policy implementation.
- Record Keeping: Maintain statewide records of breaches and sanctions, including the Statewide Card Register.
- Act as next instances for escalations of matters and appeals that cannot be dealt with or have exhausted their avenue at Association level

7.2 Hockey Queensland Association

- Policy Implementation: Adopt and implement the Judiciary Policy within the association, ensuring all clubs adhere to the guidelines.
- Judiciary Committee: Establish and maintain a Judiciary Committee to manage disciplinary matters at the association level.
- Statewide Judiciary Member: Nominate a member to the statewide Judiciary.
- Communication: Coordinate with Hockey Queensland and affiliated clubs to ensure clear communication regarding sanctions and decisions.

7.3 Hockey Queensland Club

- Local Policy Application: Apply the Judiciary Policy within the club, and facilitate the management of minor breaches and disputes.
- Reporting and Coordination: Report significant breaches to the association level and coordinate on cases involving players registered with multiple associations.
- Education: Educate players, coaches, and officials on the Judiciary Policy and the importance of maintaining conduct standards.

7.4 Judiciary Chair

- Hearing Coordination: Lead and coordinate tribunal hearings, ensuring procedural fairness and adherence to the principles of natural justice.
- Decision-making: Facilitate deliberations and contribute to final decisions on sanctions, ensuring consistent application across cases.
- Communication of Outcomes: Communicate decisions and sanctions to the respondent and relevant parties, including clubs and associations.

7.5 Judiciary Panel Member

- Evidence Evaluation: Review and assess evidence and testimonies during hearings, bringing unbiased perspectives to deliberations.
- Deliberation and Decision-making: Participate actively in discussions and decisions, ensuring a fair and impartial outcome under the policy guidelines.

7.6 Respondent

- Participation in Hearings and Procedure: Attend tribunal hearings and provide their account or counter-information regarding the alleged breach.
- Compliance: Comply with any sanctions or suspensions handed down and observe all conditions set by the judiciary panel.

7.7 Complainant

- Information Provision: Present the complaint and provide any supporting evidence or witness testimonies to the Judiciary Committee.
- Cooperation: Cooperate with the process by attending hearings (if required) and providing accurate accounts of the incident.

7.8 Witness

- Testimony Provision: Provide impartial and factual testimony regarding the incident in question during hearings.
- Cooperation: Cooperate with the judiciary process and attend hearings when requested, adhering to the principles of natural justice.

7.9 Carer / Parent / Support Person

- Support Role: Accompany minors or vulnerable persons during hearings to offer support and ensure they understand the process.
- Advocacy: Help present the perspective of minors or vulnerable persons, ensuring their rights and interests are represented fairly.
- The support person must not argue for the person, or speak on their behalf. They should not give legal advice, interfere with the proceedings, or behave inappropriately. Before the hearing, they should understand their role and agree on clear boundaries with the person they are supporting.

7.10 Venue Owner / Operator

- Field of Play Oversight: Ensure the venue complies with standards and safety regulations, facilitating a controlled and respectful environment.
- Incident Reporting: Coordinate with clubs and associations in reporting incidents occurring at the venue and cooperate with any investigations or hearings as necessary.

- Conditions of Entry: Ensure conditions of entry include mentions of accepted behaviour and enforce potential suspensions or sanctions that include exclusion from relevant hockey venues.

8 Judiciary Procedures and Sanctions

- 8.1 All judiciary processes must be conducted with respect for cultural differences. Cultural support persons may be included where appropriate to ensure a culturally safe and inclusive environment.
- 8.2 Refer to Diagram 7.1 and 7.2 in the policy document for categorising on-field and off-field incidents.

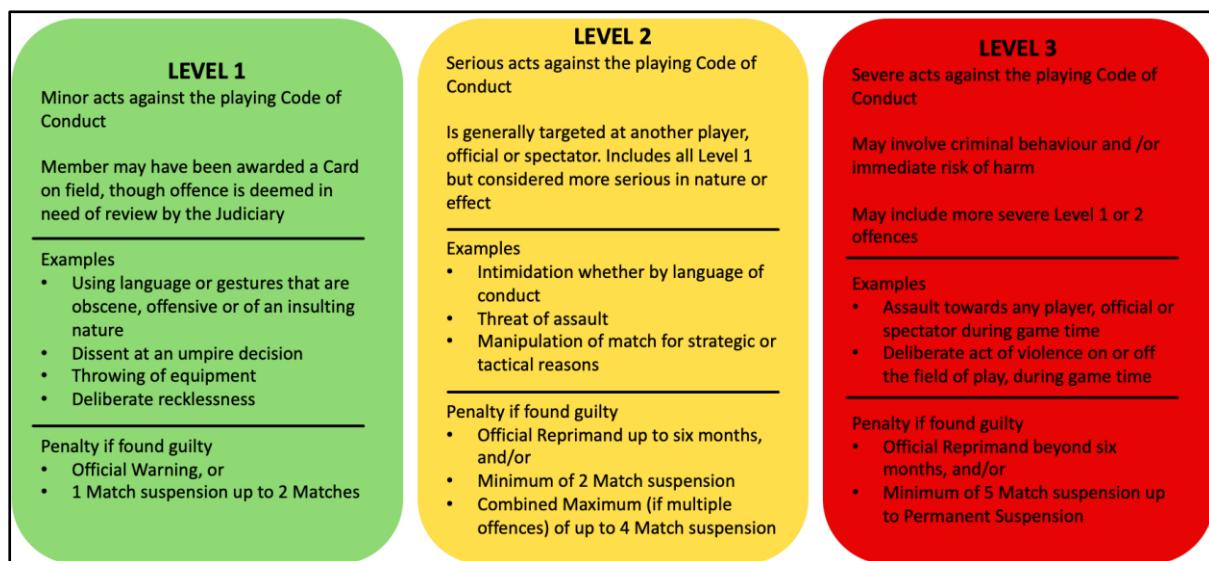


Diagram 7.1 – On-Field Sanction Levels

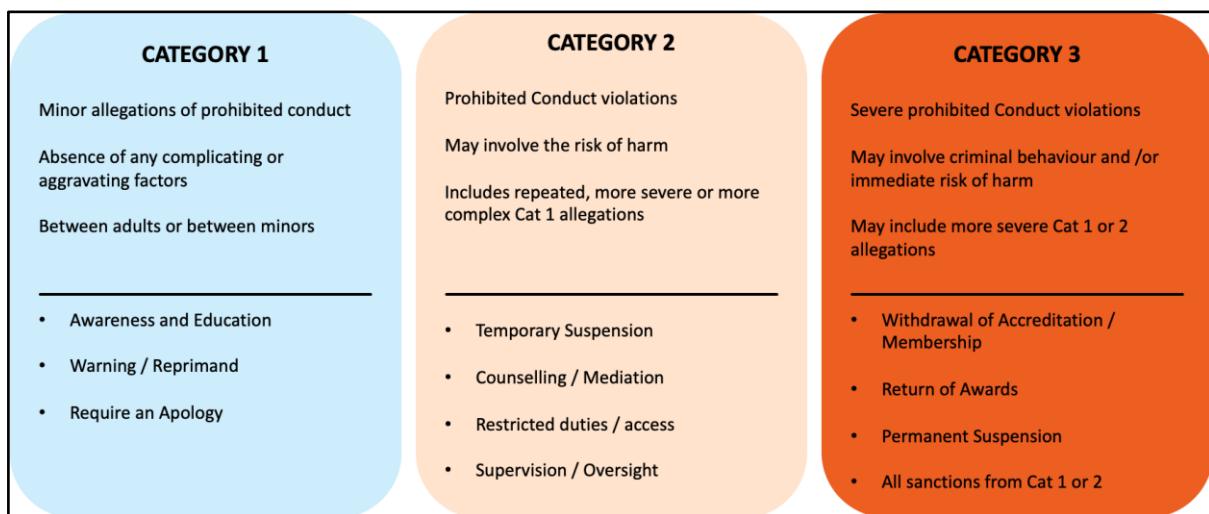


Diagram 7.2 – Off-Field Sanction Categorisations

- 8.3 Use the sanction table (section 10.0 of the policy document) for reference in determining appropriate sanctions.
- 8.4 When conducting a Judiciary with a respondent under the age of 18, the respondent is required to respond to the report and is permitted to present material supporting their position. A junior respondent is permitted a support person who can act as an interpreter; however, the support person (e.g. parent) shall not respond to the reports on the respondent's behalf.
- 8.5 When determining a sanction any mitigating or aggravating factors need to be considered.
- 8.6 For a detailed overview on considerations around sanctioning and case categorisation , refer to Sport Integrity Australia's [guidance for complaint management and sanctioning](#)

9 Suspension Scenarios

9.1 Overlapping Seasons:

A player is sanctioned with a 4-match suspension for a Level 2 breach during the final two matches of the season. The player serves 2 matches immediately, completing this season's suspension. The remaining 2 matches carry over to the start of the next season, where the player must serve these matches upon registration, ensuring the full suspension is observed and documented in accordance with the Judiciary Policy.

9.2 Dual Registration:

A player receives a 3-round suspension for misconduct while playing in Association A. The suspension applies to all competitions under Association A's jurisdiction. The Judiciary Policy stipulates that this sanction must also be recognised across other associations where the player is registered. Therefore, the player is prohibited from participating in matches at both Association A and any other associations until the 3-match suspension is fully served, ensuring consistent enforcement of disciplinary measures statewide. At each association the suspension shall be adopted for the same amount of fixture rounds. Each association issue the sanction with a clear end date.

9.3 Multiple competitions within one Association:

A player receives a 3-round suspension for misconduct while playing in Division 1. The player is also registered in Division 2 and a Junior competition. The suspension applies to all competitions under the Association's jurisdiction. The fixture rounds within the competition in which the misconduct occurs will be used to determine the period of the suspensions. Bye rounds, finals or differences in scheduling shall be considered in determining the severity of the sanction.

9.4 Representative Hockey

A player receives a 3-round suspension for misconduct. Within the period of the suspension the player is scheduled to play for the Association team at State Championships with selection implication for a State Team. As the event falls within the period of suspension the player would not be eligible to compete in the event. Scheduled representative events should be carefully considered when applying a sanction to ensure the sanction is proportionate to the breach.

9.5 External representation (e.g. School Sport)

A player receives a 3-round suspension for misconduct. Within the period of the suspension the player is scheduled to play in an event which is organised by a non-affiliated organisation like School Sport Australia. The suspension only applies to hockey associations and clubs under the banner of Hockey Queensland which have adopted the Policy. Therefore, the player would not be suspended for the external event. However, the sanction may include any activities conducted on a venue operated by a connected hockey organisation. Additionally, the breach and sanction may be shared with the organisers and they may take disciplinary action at their discretion.

9.6 Affected activities for a suspension

A player receives a 3-round suspension for misconduct. The player shall be suspended for any hockey activity sanctioned or organised by Hockey Queensland, an affiliated club or association or any activity hosted at a venue operated by any of these (unless otherwise specified in the outcome notice).

9.7 Sanction as a fill-in

A player receives a 4-round suspension for misconduct while filling in for a team in a higher division. The suspension applies to all competitions under the Association's jurisdiction. The fixture rounds within the competition in which the player is registered in shall be used to determine the period of the suspensions. Bye rounds, finals or differences in scheduling shall be considered in determining the severity of the sanction.

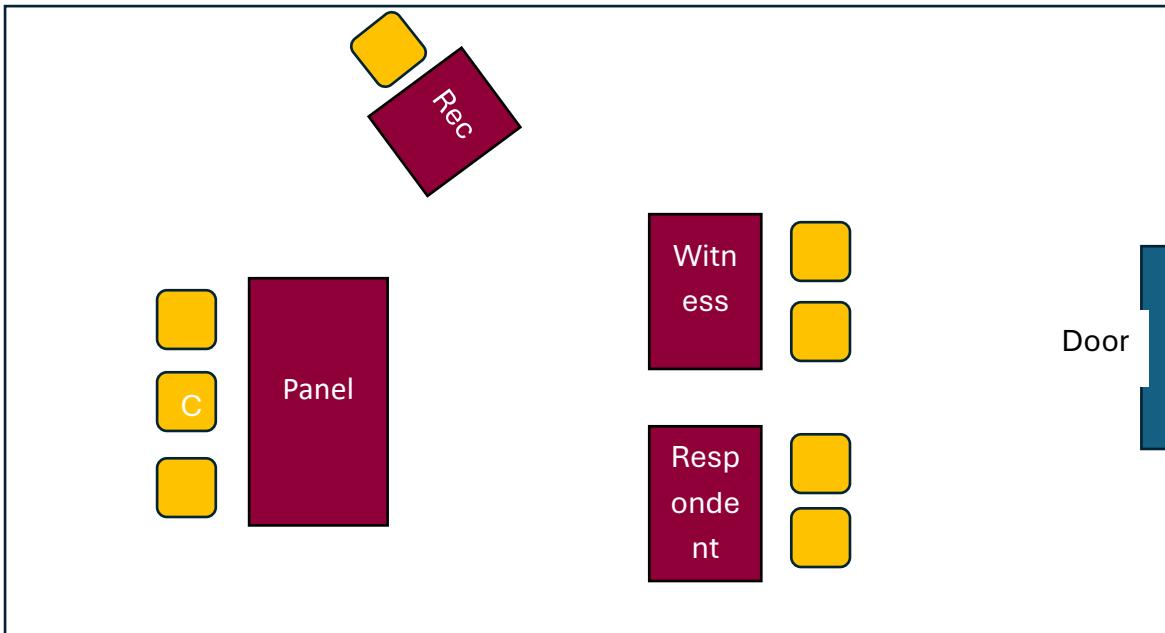
9.8 Information Distribution

Hockey Queensland will provide a contact list of relevant contacts which need to be informed of any Breach Notice, red card and suspension. Associations can request additional contact details (e.g. competition co-ordinator) to be added to the contact list. Hockey Queensland is furthermore investigating solutions to make the information sharing as streamlined and easy as possible.

10 Hearing Procedure

10.1 A recommendation of the room set-up can be found in diagram 6.2

10.2 Layout of Tribunal Hearing. ('c' denotes the Panel Chair. 'Rec' is the recorder)



10.3 Waiting areas should be set outside but near the hearing room.

10.4 The Complaints Manager or Chief of Judiciary (if not on the Panel) will coordinate, usher the proceedings. They will escort witnesses in and out of the room as per the Panels requests. They will inform all parties of timings, delays or further requests.

10.5 Judicial panel members must be conscious of any vulnerabilities of a relevant person, avoid stereotyping individuals on account of particular vulnerabilities or disadvantage and appropriately manage proceedings in which vulnerable people are involved.

10.6 If a **vulnerable person** is involved in the proceeding it is recommended that this is considered when appointing the Panel members and whether additional support personnel should be included in the hearing.

11 Appeals Procedure

11.1 Only the respondent can appeal a decision of the Judiciary Panel. Other parties may lodge a complaint in line with CDDP process should they allege a breach of a relevant policy has occurred in the Judiciary proceedings.

11.2 Grounds for appeal include improper process, new evidence or disproportionate sanctions.

12 Templates and Resources

The following templates are based on documents provided by Sport Integrity Australia and can be used for communications with stakeholders in the complaint process. Customise these to fit your specific needs.

- 12.1 [Report Acknowledgement](#)
- 12.2 [Complaint Acknowledgement](#)
- 12.3 [Evaluation Letter – Out of Scope](#)
- 12.4 [Notification of Complaint \(Category 1 – no investigation\)](#)
- 12.5 [Notification of Complaint \(Investigation\)](#)
- 12.6 [Breach Notice](#)
- 12.7 [Provisional Action Notice](#)
- 12.8 [Request for Information \(Witness Adult\)](#)
- 12.9 [Request for Information \(Witness Child\)](#)
- 12.10 [Witness Response Template](#)
- 12.11 [Notification of Judiciary Hearing \(Respondent\)](#)
- 12.12 [Notification of Judiciary Hearing \(Witness\)](#)
- 12.13 [Investigation Report](#)
- 12.14 [Outcome Notice \(accepted sanction\)](#)
- 12.15 [Outcome Notice \(Judiciary\)](#)