

Brisbane Racing Club Limited
ACN 133 679 786
Disciplinary By-Law

Version (3) – 28/11/14

DISCIPLINARY BY-LAW

In accordance with the Constitution of Brisbane Racing Club Limited this By-Law is adopted by the Board of Directors (the Board).

In this By-law the Brisbane Racing Club shall be referred to as "BRC".

1 ESTABLISHMENT OF DISCIPLINARY PANEL

- 1.1 The Board may establish a Disciplinary Panel as required to deal with all disciplinary actions against Members of BRC ("Members").

2 COMPOSITION OF DISCIPLINARY PANEL

- 2.1 A Disciplinary Panel of up to a maximum of six (6) persons may be appointed by the Board for the purpose of hearing disciplinary actions and other matters under this By-Law. The Board shall also appoint a member of the Disciplinary Panel to act as the Chairperson. The Chairperson shall be a Lawyer or retired lawyer. Three (3) members of the Disciplinary Panel shall normally hear a matter but in an emergency two (2) members of the Disciplinary Panel shall constitute a quorum.
- 2.2 No member of the Board shall be appointed to the Disciplinary Panel.
- 2.3 A person that has been directly involved in or affected by the matter in dispute, or where a conflict of interest would otherwise arise, shall not be eligible to be a member of the Disciplinary Panel.

DISCIPLINARY BY-LAW FOR DEALING WITH MEMBERS

3 NOTICE OF ALLEGED BREACH

- 3.1 Where the Board is advised or considers that a Member has allegedly:
- (a) intentionally breached, failed, refused or neglected to comply with a provision of the Constitution, By-Laws or any resolution or determination of the Board or any other duly authorised committee which is not of a trivial nature;
 - (b) breached any Code of Conduct;
 - (c) acted in a manner prejudicial to the objects and interests of BRC;
 - (d) brought BRC or the thoroughbred horse racing into disrepute.

The Board shall determine to:

- (e) dismiss the matter; or
- (f) refer the matter to the Disciplinary Panel pursuant to clause 4;

4 DISCIPLINARY PANEL PROCESSES RE MEMBERS

- 4.1 The Board may refer the matter to a Disciplinary Panel and nominate a Chairperson of the Disciplinary Panel in accordance with Rule 2 of this By-Law.
- 4.2 The CEO of BRC shall, as soon as practicable following the appointment of a Disciplinary Panel, serve on the Member a notice in writing:
 - 4.2.1 setting out the particulars of the alleged breach by the Member;
 - 4.2.2 stating that the Member or their representative may address the Disciplinary Panel at a hearing to be held not earlier than 7 days and not later than 28 days after service of the notice (Where a Member brings a representative the Member must also appear);
 - 4.2.3 stating the date, place and time of that hearing;
 - 4.2.4 informing the Member that the Member may do one or more of the following:
 - 4.2.4.1 attend the hearing;
 - 4.2.4.2 give the Disciplinary Panel, before the date of that hearing, a written statement regarding the alleged breach.
 - 4.2.5 informing the Member that if the Member does not attend the hearing and/or provide a written statement prior to the hearing, the hearing will proceed and the matter will be determined in the Member's absence.
 - 4.2.6 informing the member that he/she is hereby suspended pending the outcome of the disciplinary hearing. The details of this notice of suspension will include that the member cannot attend any venue controlled by the BRC while awaiting the outcome of the disciplinary hearing (subject to clause 4.2.4 & 4.2.8):
 - 4.2.7 if the hearing is to be held at a BRC controlled location, the member will be able to attend that meeting as specified in 4.2.4.
- 4.3 Despite Rule 4.2.6 of this By-Law, the hearing may be held at any other time that the Chairperson of the Disciplinary Panel and the Member agree.
- 4.4 At a hearing of the Disciplinary Panel, the Disciplinary Panel shall:
 - 4.4.1 give the Member every opportunity to be heard;
 - 4.4.2 give other aggrieved parties and any witnesses the right to be heard, present evidence or submit a written statement;
 - 4.4.3 give due consideration to any written statement submitted by the Member; and
 - 4.4.4 by resolution determine whether the alleged breach occurred.

- 4.5 BRC and the Member shall be entitled to any representation (legal or otherwise) at the hearing.
- 4.6 The Disciplinary Panel shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) and shall determine what evidence shall be admissible at the hearing, provided that it does so in accordance with the principles of natural justice.
- 4.7 The Disciplinary Panel will make its decision immediately following the conclusion of the hearing if possible, but otherwise it shall inform the Member and the CEO of its decision within seven (7) days of the hearing.
- 4.8 If the Disciplinary Panel considers that the alleged breach did not occur, the matter shall be dismissed.
- 4.9 If the Disciplinary Panel considers that the alleged breach occurred, it may impose any one or more of the penalties set out in Rule 5 of this By-Law.
- 4.10 The Disciplinary Panel shall not be required to but may provide reasons for its decision.
- 4.11 Each party shall be responsible for their own costs associated with the Disciplinary Panel hearing. The Disciplinary Panel has no power to award costs to a party.

5 **PENALTIES**

- 5.1 If the Disciplinary Panel considers that the alleged breach occurred, the Disciplinary Panel may impose any one or more of the following penalties:
 - 5.1.1 impose a warning;
 - 5.1.2 direct the Member to make a verbal or written apology;
 - 5.1.3 where there has been damage to property, direct that the Member pay restitution to the relevant person or organisation that controls or has possession of the damaged property;
 - 5.1.4 withdrawal of any awards, placings, records or achievements bestowed upon the Member;
 - 5.1.5 direct that any rights, privileges and benefits provided to the Member by BRC be suspended for a specified period and/or terminated;
 - 5.1.6 reprimand the Member;
 - 5.1.7 suspend the Member from membership for a specified period;
 - 5.1.8 expel the Member from membership;
 - 5.1.9 impose a suspended penalty;

5.1.10 any other such penalty that the Disciplinary Panel considers appropriate.

5.1.11 Subject to Clause 5.1.7 and 5.1.8, if a member is suspended or expelled from membership of the BRC, the member shall not be entitled to attend any venue operated by the BRC unless otherwise notified in writing by the BRC.

6 **APPEALS**

6.1 There shall be no right of appeal from the decision of the Disciplinary Panel to an Appeals Tribunal.