



2015/2016 NBL

**TRIBUNAL
PROCESS**



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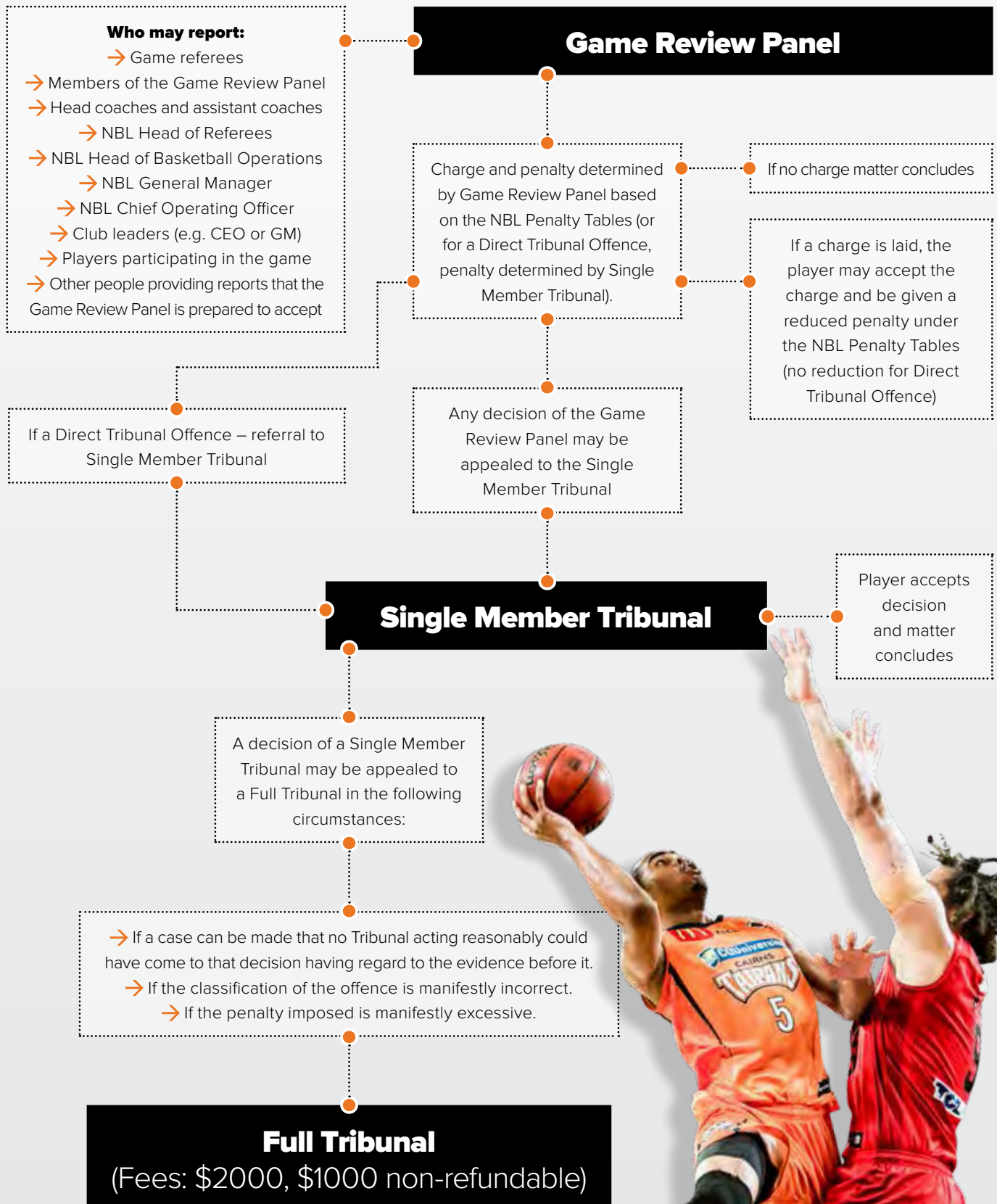




SECTION A. INTRODUCTION

As of the commencement of Round 11 of the 2015/16 NBL Season, the rules and procedures outlined in Section 12 of the NBL Tournament Manual titled “Rules Relating to NBL Tribunal and appeals to the NBL Commission” are replaced by the procedures outlined in this manual.

SECTION B. ON-COURT OFFENCES MANAGEMENT PROCESS



SECTION C. NBL PENALTY TABLE 2015/16

Part A: CLASSIFIABLE OFFENCE

Each of the following is a Classifiable Offence – the penalty for which is to be determined in accordance with the table set out below:

- Tripping
- Striking
- Fighting or wrestling
- Kicking
- Tunnelling
- Head-butting
- Scratching
- Stomping
- Eye-gouging or unreasonable or unnecessary contact to the eye region
- Unreasonable contact with face
- Unreasonable contact with injured player
- Unduly rough play

Conduct	Impact	Contact	Base Sanction	Early Guilty Plea
Intentional	Severe	All	Tribunal	N/A
	High	High/groin	Tribunal	N/A
		Body	2 games	1 game
	Medium	High/groin	2 games	1 game
		Body	1 game	\$1000
	Low	High/groin	1 game	\$1000
		Body	\$500	\$375
	Severe	All	Tribunal	N/A
Careless	High	High/groin	2 games	1 game
		Body	1 game	\$500
	Medium	High/groin	1 game	\$500
		Body	\$500	\$375
	Low	High/groin	\$500	\$375
		Body	\$500	\$375

Note: A Player charged with a Classifiable Offence which attracts a base sanction of suspension for two or more games will receive an additional one game suspension if he has been suspended for at least two games in total in the two previous NBL seasons.

Note: Penalties subject to 25% reduction in the case of an Early Plea – see section 4.1 below.

Part B: FIXED FINANCIAL SANCTION

Fixed Financial Sanction	1st Offence	2nd Offence	3rd & Subsequent Offences
Attempting to strike, kick or trip	\$500 (\$375)	\$1000 (\$750)	\$1500 (\$1125)
Careless contact with a game official	\$500 (\$375)	\$800 (\$600)	\$1000 (\$750)
Pinching	\$500 (\$375)	\$800 (\$600)	\$1000 (\$750)
Excessive disputing of a game official decision	\$500 (\$375)	\$800 (\$600)	\$1000 (\$750)
Excessive obscene gesture/language to any person	\$500 (\$375)	\$1000 (\$750)	\$1500 (\$1125)
Bench clearing during fight	\$500 (\$375)	\$1000 (\$750)	\$1500 (\$1125)
Engaging in melee/brawl	\$500 (\$375)	\$1000 (\$750)	\$1500 (\$1125)
Spitting on floor	\$500 (\$375)	\$1000 (\$750)	\$1500 (\$1125)
Unsportsmanlike behaviour	\$500 (\$375)	\$1000 (\$750)	\$1500 (\$1125)
Misconduct that is not a Classifiable Offence or Direct Tribunal Offence or is deemed severe enough to be a Direct Tribunal Offence	Determined at the discretion of the Game Review Panel		

Note: The increased sanctions for second, third or subsequent Fixed Financial Offences will only apply where a Player has been found guilty of the same Fixed Financial Offence within the previous two NBL seasons.

Note: Penalties subject to 25% reduction in the case of an Early Plea – see section 4.1 below.

Part C: **FIXED TRIBUNAL OFFENCES**

Fixed Tribunal Offences	Non-Binding Indicative Ban
Spitting on or at any person	Up to 5 games
Inappropriate grabbing or handling of a spectator	Up to 10 games
Attacking a spectator	Up to 2 years
Striking or attacking a game official	Up to 2 years
Grabbing, pushing or mishandling a game official	Up to 1 year
Threatening or putting a game official in fear of impending violence	Up to 1 year
Any Classifiable Offence for which the penalty must be determined by the Tribunal.	Determined by Tribunal
Any conduct that is not a Classifiable Offence or a Fixed Financial Offence but that is deemed by the Game Review Panel to be severe enough to be referred to the Tribunal.	Determined by Tribunal
Any Classifiable Offence or Fixed Financial Offence that attracts a base penalty that the Game Review Panel considers inappropriate in the circumstances, which is then referred to the Tribunal by the Game Review Panel.	Determined by Tribunal

Part D: **CODE OF CONDUCT OFFENCE**

Code Of Conduct Offence

Public comments about charges etc. before or after a Tribunal hearing

Making statements prejudicial to the NBL

Bringing game into disrepute

Public criticism of game officials

Breach of Code of Conduct or otherwise offending public sensibility

Note: Refer to the code of conduct provisions in the NBL Tournament Manual



SECTION D. TRIBUNAL PROCEDURE FOR REPORTABLE OFFENCES

1 Game review

- 1.1** The Game Review Panel will consider a report of an incident made by any of the following people:
- (a) the referee of the game in which an incident arises;
 - (b) members of the Game Review Panel;
 - (c) head coaches and assistant coaches;
 - (d) the NBL Head of Referees;
 - (e) the NBL Head of Basketball Operations;
 - (f) the NBL General Manager;
 - (g) the NBL Chief Operating Officer (COO)
 - (h) the most senior executive officer of a club (e.g. CEO or GM);
 - (i) players participating in the game in which the incident arose; and
 - (j) any other person from whom the Game Review Panel is prepared to accept a report.
- 1.2** Incident reports must be lodged in writing to the NBL Head of Basketball Operations within 48 hours of the game in which the alleged misconduct took place.

2 Game Review Panel determination

- 2.1** Following an incident being reported, the Game Review Panel will :
- (a) Decide whether or not a charge should be laid in relation to the incident;
 - (b) If a charge is to be laid, decide whether that charge concerns a Classifiable Offence, a Fixed Financial Offence, a Direct Tribunal Offence or a Code of Conduct Offence; and
 - (c) If a charge is laid for an offence other than a Direct Tribunal Offence, decide the appropriate penalty.
 - (d) If a charge of Direct Tribunal Offence is laid, refer the incident to the Tribunal to determine a penalty for the charge laid.

The above decisions will be made by applying the NBL Penalty Tables 2015/2016. The determination should be made within 48 hours after the offence is reported to the Game Review Panel.

- 2.2** For a Classifiable Offence, the Game Review Panel must make a determination of the penalty to be imposed by applying Section C – Part A of this document and the Contact Guidelines set out in Section E of this document. This may result in a charge of Direct Tribunal Offence being laid.

- 2.3** For a Fixed Financial Offence, the Game Review Panel must make a determination of the penalty to be imposed by applying Section C – Part B of this document. This may result in a charge of Direct Tribunal Offence being laid.
- 2.4** For a Direct Tribunal Offence, the Game Review Panel must refer the incident to a Single Member Tribunal hearing.
- 2.5** For a Code of Conduct Offence, the Game Review Panel must make a determination of the penalty to be imposed having regard to the NBL Code of Conduct.
- 2.6** The Game Review Panel must, within 48 hours of the incident being reported under clause 1.1, inform each player involved in an incident (and the relevant NBL clubs) of the determination of the Game Review Panel under this section 2.
- 2.7** Where the Game Review Panel determines that a charge is for a Direct Tribunal Offence then the alleged offending player will be permitted to play in any of his team's games that are scheduled to take place before the hearing of the matter by the Tribunal, unless the General Manager or COO of the NBL decides (in his or her absolute discretion) that the player may not play.

3 Appeal against a decision of the Game Review Panel

- 3.1** Any decision of the Game Review Panel may be appealed to the Tribunal by the player concerned giving notice in writing to the Game Review Panel within 48 hours after receiving notice of the decision of the Game Review Panel.
- 3.2** Where an appeal has been notified under clause 3.1, the Game Review Panel must, as soon as reasonably practicable after receipt of the notice, inform the relevant player whether he is permitted to play in any of his team's games that are scheduled to take place prior to the hearing of the appeal.

4 Early plea

4.1 If a player accepts a determination of the Game Review Panel in relation to a Classifiable Offence or a Fixed Financial Offence, in each case, that is not also a Direct Tribunal Offence, the relevant penalty is to be reduced in accordance with Section C of this document.

5 Mitigating circumstances

5.1 If the Tribunal decides that a charge laid by the Game Review Panel is to be confirmed the Tribunal will in most instances:

- (a) where a penalty is specified in the NBL Penalty Tables 2015/2016, apply the penalty corresponding to a particular offence described; and
- (b) where no penalty is specified apply a penalty determined by the Tribunal.

However, the Tribunal may apply a reduced penalty or no penalty if that is appropriate in the circumstances. For example, the Tribunal has, in some circumstances where a player has been ejected early in a game, decided that no further penalty is necessary. If the Tribunal decides that no penalty should be imposed, the Tribunal may issue a warning or reprimand (or both).

6 Single Member Tribunal hearings

6.1 All matters referred to the Tribunal, whether directly by the Game Review Panel or following an appeal from a decision of the Game Review Panel, will be heard by a Single Member Tribunal.

6.2 The Single Member Tribunal will be constituted by either the Chairperson of the Tribunal, or if he or she is unavailable, by one of the Deputy Chairpersons of the Tribunal.

6.3 The Single Member Tribunal must hear a matter as soon as reasonably practicable following the referral of an incident to the Tribunal by the Game Review Panel.

6.4 If an appeal is made to the Single Member Tribunal, the Tribunal may confirm, increase, or decrease the charge laid or penalty imposed (or both).



7 Full Tribunal hearings

7.1 A decision of a Single Member Tribunal may only be appealed to a Full Tribunal, constituted by three Tribunal members, for final determination, if in the opinion of the Chairperson of the Full Tribunal, one or more of the following applies:

- (a) The decision of the Single Member Tribunal is considered unreasonable and a case can be made that no Tribunal acting reasonably could have come to that decision having regard to the evidence before it.
- (b) The classification of the offence is manifestly incorrect.
- (c) The penalty imposed is manifestly incorrect or excessive.

7.2 The Chairperson of the Tribunal will determine, in his or her absolute discretion, whether the grounds for appeal to the Full Tribunal have been met.

7.3 The Full Tribunal will only consider an appeal if the appeal is lodged with the Chairperson of the Tribunal within 24 hours after the decision of the Single Member Tribunal was handed down and:

- (a) the appeal is made in writing;
- (b) a bank transfer for \$2,000 is made by the applicant or the applicant's club to the National Basketball League Pty Ltd, within the 24 hour period referred to above; and
- (c) one or more of the grounds for the appeal set out at clause 8.1 have been met.

7.4 Any case appealed to the Full Tribunal must be heard as soon as reasonably practicable following the requirements of 8.3(a) to (c) being met.

7.5 \$1,000 of the \$2,000 referred to in clause 8.1 above is non-refundable. However the balance of \$1000 may be refunded, in sole discretion of the Full Tribunal (with the decision to be made at the time that the Full Tribunal hands down its final decision on a matter).

8 Reasons

8.1 The Game Review Panel may, in its absolute discretion, decide to provide written reasons for its decisions.

8.2 The Single Member Tribunal may, in its absolute discretion, decide to provide written reasons for its decisions.

8.3 The Full Tribunal must provide written reasons for its decisions.

SECTION E. CONTACT GUIDELINES

1 Classification of Classifiable Offences

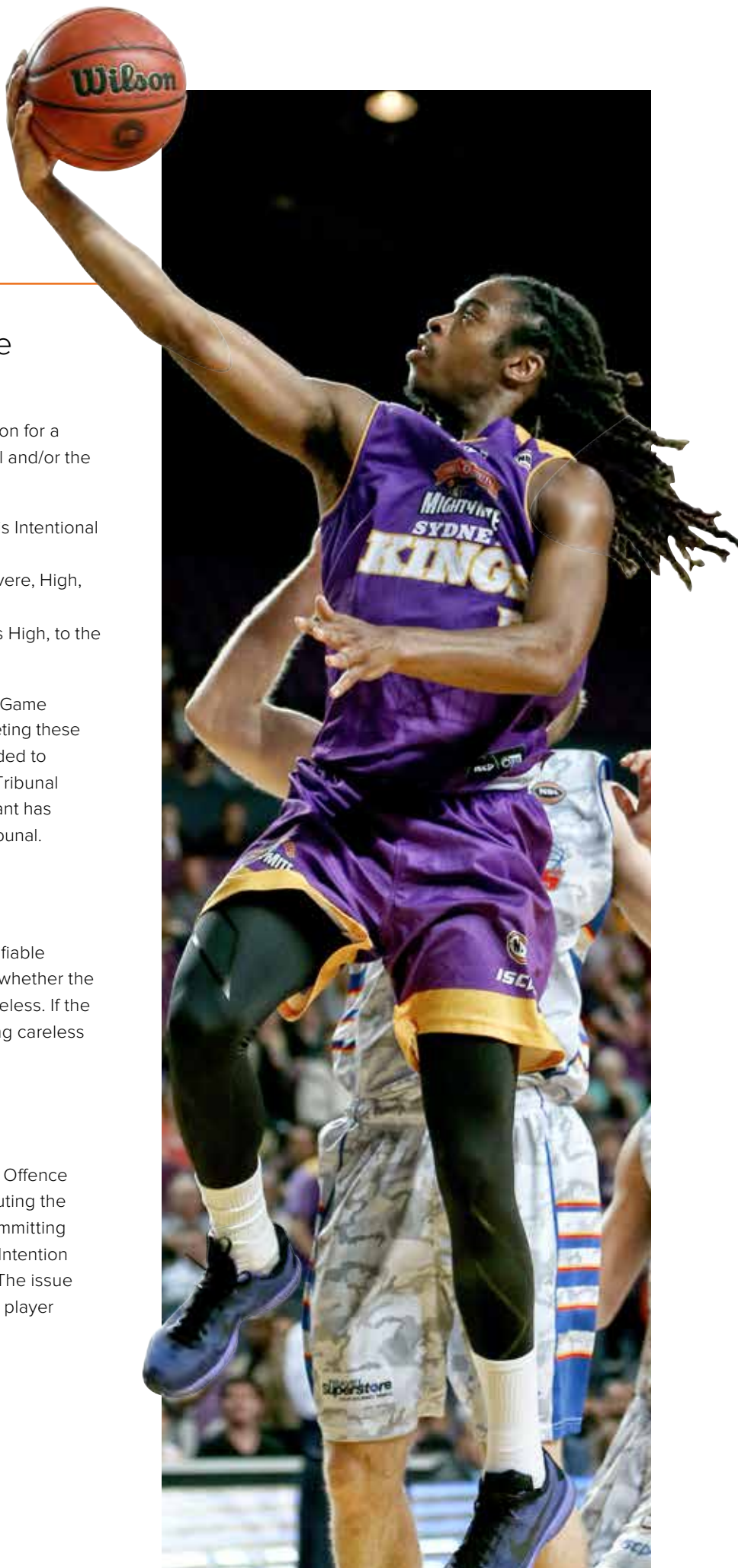
- 1.1** In order to determine the appropriate sanction for a Classifiable Offence, the Game Review Panel and/or the Tribunal will determine whether:
- (a) the Conduct of the Classifiable Offence is Intentional or Careless;
 - (b) the Impact result from the conduct is Severe, High, Medium or Low; and
 - (c) the Contact resulting from the conduct is High, to the Groin or to the Body.
- 1.2** The following guide is intended to assist the Game Review Panel and the Tribunal when interpreting these factors. It is indicative only, and is also intended to provide guidance to the Chairperson of the Tribunal when determining whether or not an appellant has grounds for lodging an appeal to the Full Tribunal.

2 Conduct

- 2.1** In considering a report in respect of a Classifiable Offence, there will be a determination as to whether the player's conduct has been intentional or careless. If the player's conduct is found to fall short of being careless no charge will be laid against the player.

3 Intentional conduct

- 3.1** A player intentionally commits a Classifiable Offence if the player engages in the conduct constituting the Classifiable Offence with the intention of committing that offence. An intention is a state of mind. Intention may be formed on the spur of the moment. The issue is whether it existed at the time at which the player engaged in the conduct.



3.2 Whether or not a player intentionally commits a Classifiable Offence depends upon the state of mind of the player when he does the act with which he is charged. What the player did is often the best evidence of the purpose he had in mind. In some cases, the evidence that the act provides may be so strong as to compel an inference of what his intent was, no matter what he may say about it afterwards. If the immediate consequence of an act is obvious and inevitable, the deliberate doing of the act carries with it evidence of an intention to produce the consequence.

3.3 For example, a strike will be regarded as intentional where a player delivers a blow to an opponent with the intention of striking him. The state of a player's mind is an objective fact and has to be proved in the same way as other objective facts. The whole of the relevant evidence has to be considered.

3.4 The Game Review Panel and/or Tribunal will weigh the evidence of the player as to what his intentions were along with whatever inference as to his intentions can be drawn from his conduct or other relevant facts. The player may or may not be believed by the Game Review Panel and/or Tribunal. Notwithstanding what the player says, the Game Review Panel and/or Tribunal may be able to conclude from the whole of the evidence that he intentionally committed the act constituting the Classifiable Offence.

4 Careless conduct

4.1 A player's conduct will be regarded as careless where his conduct is not intentional, but constitutes a breach of the duty of care owed by the player to all other players. Each player owes a duty of care to all other players, referees and other persons (as applicable) not to engage in conduct which will constitute a Classifiable Offence being committed against that other player, referee or other person (as applicable). In order to constitute such a breach of that duty of care, the conduct must be such that a reasonable player would not regard it as prudent in all the circumstances.

4.2 Further, a player will be careless if they breach of their duty to take reasonable care to avoid acts which can be reasonably foreseen to result in a Classifiable Offence. An example of careless conduct would be where a player collides with another player who has attempted a shot and where contact occurs just after the shot has been taken. The offending player has a duty of care to avoid any contact which would constitute a Classifiable Offence by slowing his momentum as much as he reasonably can and a failure to do so constitutes carelessness.



5 Impact

- 5.1** Consideration will be given as to whether the impact is low, medium, high or severe. In determining the level of impact, regard will be had to several factors.
- 5.2** Firstly, consideration will be given the extent of force and in particular, any injury sustained by the player who was offended against.
- 5.3** Secondly, strong consideration will be given to the potential to cause serious injury. For example, contact to the head will generally have more impact than contact to the body if the force used is similar.
- 5.4** Thirdly, consideration will be given not only to the impact between the offending player and the victim, but also any other impact to the victim as a result of such impact. By way of an example, where a victim player as a result of the impact from the offending player is pushed into the path of a fast-moving third player, the impact to the victim may be classified as high or severe, even though the level of impact between the offending player and the victim was only low or medium.
- 5.5** In addition, consideration will be given to the body language of the offending player in terms of flexing, turning, raising or positioning the body to either increase or reduce the force of impact. The absence of injury does not preclude the classification of impact as severe.
- 5.6** It should be noted that low impact (which is the minimum impact required for a Classifiable Offence) requires more than just a negligible impact. Most Classifiable Offences require at least low impact and a collision or incident involving negligible force will not ordinarily result in a charge.

6 Contact

- 6.1** The Game Review Panel and/or the Tribunal will consider whether contact to the victim was high/to the groin or to the body. In the interests of protecting the health and welfare of players, sanctions for head-high contact and contact to the groin will be more severe.
- 6.2** High contact is not limited to contact to the head and includes contact above the shoulders. Contact to the groin includes contact to the crease or hollow at the junction of the inner part of each thigh with the trunk together with the adjacent region and including the testicles.

- 6.3** Where contact is both high and to the body, the contact will be classified as high.
- 6.4** Contact shall be classified as high or to the Groin where a player's head or groin makes contact with another player or object such as a bench or the ground as a result of the actions of the offending player.
- 6.5** By way of example, should a player push another player on the back and the pushed player's head makes forceful contact with the ground, the contact in those circumstances would be classified as high, even though the push was to the body.



SECTION F. NBL CHARGES AND PENALTIES FOR DIRECT TRIBUNAL OFFENCES

Non-binding indicative penalties for Direct Tribunal Offences and offences referred to the Tribunal by the Game Review Panel are listed in the tables below as “indicative” maximum penalties. The following penalties may be determined by the Tribunal (alone or in combination):

- (a) Suspension
- (b) Fine
- (c) Imposition of suspended sentences
- (d) Ban
- (e) Reprimand
- (f) Warning

The Tribunal may consider that even though a penalty would ordinarily be applied, there may be mitigating circumstances that would warrant no penalty. If the Tribunal decides that no penalty should be imposed, the Tribunal may issue a warning or reprimand (or both). The Tribunal has, in some circumstances where a player has been ejected early in a game, decided that no further penalty is necessary.

Offence	Conduct	Impact	Contact	Indicative maximum penalty
Physical				
Tripping	Intentional	Severe	All	8 games
Tripping	Careless	Severe	All	4 games
Striking	Intentional	Severe	All	12 games
Striking	Intentional	High	High/groin	8 games
Striking	Careless	High	High/groin	4 games
Fighting/wrestling	Intentional	Severe	All	8 games
Fighting/wrestling	Intentional	High	High/groin	6 games
Kicking	Intentional	Severe	All	12 games
Kicking	Intentional	High	High/groin	8 games
Kicking	Careless	Severe	All	4 games
Tunnelling	Intentional	Severe	All	12 games
Tunnelling	Intentional	High	All	8 games
Tunnelling	Careless	Severe	All	4 games
Head-butting	Intentional	Severe	All	12 games
Head-butting	Intentional	High	All	8 games
Head-butting	Careless	Severe	All	4 games
Scratching	Intentional	Severe	All	8 games
Scratching	Intentional	High	All	6 games
Scratching	Careless	Severe	All	4 games
Stomping	Intentional	Severe	All	12 games
Stomping	Intentional	High	All	8 games
Stomping	Careless	Severe	All	4 games
Eye-gouging or unreasonable or unnecessary contact to the eye region	Intentional	Severe	All	12 games
Eye-gouging or unreasonable or unnecessary contact to the eye region	Intentional	High	High	8 games
Eye-gouging or unreasonable or unnecessary contact to the eye region	Careless	Severe	All	4 games

Offence	Conduct	Impact	Contact	Indicative maximum penalty
Physical				
Unreasonable contact with face	Intentional	Severe	All	8 games
Unreasonable contact with face	Intentional	High	High	6 games
Unreasonable contact with face	Careless	Severe	All	4 games
Unreasonable contact with injured player	Intentional	Severe	All	6 games
Unreasonable contact with injured player	Intentional	High	All	4 games
Unreasonable contact with injured player	Careless	Severe	All	2 games
Unduly rough play	Intentional	Severe	All	4 games
Unduly rough play	Intentional	High	All	2 games
Unduly rough play	Careless	Severe	All	1 game
Spitting on or at any person				5 games
Inappropriate grabbing or handling of a spectator				12 games
Attacking a spectator				Life
Striking or attacking a game official				Life
Grabbing or pushing or mishandling a game official				1 years
Threatening or putting a game official in fear of impending violence				12 games
Bench clearing during fight				\$ 1,000 player \$ 3,000 for official \$ 10,000 for club
Engaging in melee				10 games and/or fine up to \$4,000
Verbal				
Improper conduct (including sledging and/or racial vilification)				10 games
Offensive or obscene or profane language to referee or game official				4 games and/or \$4,000
Disputing decision or contrary conduct				1 game
Other				
Unsportsmanlike behavior				5 games
Public criticism of game officials				\$5,000
Bringing game into disrepute				\$5,000
Misconduct (a general "catch all")				5 games
Public comments about charges etc. before or after Tribunal hearing				\$5,000
Making statements prejudicial to the NBL				\$5,000



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