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Appeals process

Sunbury Basketball Association (SBA) By-Laws

7.3: Appeals against Sub-Committee Decisions: Appeals against sub-committee decisions must be lodged in writing to the SBA Secretary within 7 days from notification in writing of the decision.

7.4 Appeals against SBA Committee Decisions: Appeals against SBA Committee decisions must be lodged in writing to Basketball Victoria

1. Introduction

SBA clubs and members can request a review a decision made by a SBA sub-committee (i.e.: Junior Delegates committee) via the appeals process.

All SBA sub-committees are required to run and manage their competitions in compliance with SBA By-Laws. However, SBA clubs/members ('Appellant') may seek an exemption to SBA by-laws, should they consider circumstances justify such an exemption.

Appeals shall be heard and determined by the SBA Board of Management ('Board').

2. Statement

At all times during the appeal process the SBA Board will:

- take time to understand the concerns of those affected, or potentially affected, by a decision
- respond promptly to communications
- keep applicants informed of the status of the decision-making process
- advise in a timely way of the decision and the reasons for the decision.

3. Appeal process

This is the process for lodging appeals:

Lodgement

Appeals must be lodged in writing by the Appellant's club secretary on the Appeal form provided as an attachment to this policy. The appeal form must be:

- signed by the club secretary
- accompanied with any relevant supporting material
- lodged with the SBA Secretary within 7 days (in accordance with by-law 7.3)

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Communication

The SBA Secretary will provide acknowledgement of receipt of the appeal within 7 days. An email acknowledgement shall be considered as written acknowledgement. The appellant will be advised when they will be notified of a decision.

The SBA Secretary will request information from the Chairperson of the relevant SBA sub-committee including a recommendation to the Board, as to whether or not they believe, having regard to all the circumstances of the appeal, the appeal should be granted or denied. Such recommendation shall be forwarded, in writing, to the SBA Secretary, as soon as possible, again having regard to the circumstances and urgency of the appeal.

Consideration

The appeal shall be considered by the Board as soon as possible having regard to circumstances and urgency of the appeal.

Decision

The Board shall consider and make a decision regarding the appeal. Whilst the Board should consider the recommendation of the SBA sub-committee, the Board is not obliged to follow this recommendation.

Following the decision, the SBA Secretary will advise the Appellant's club secretary in writing of the decision. A copy of the decision shall also be forwarded to the Chairperson of the relevant SBA sub-committee.

In considering the appeal the Board and SBA sub-committee shall give consideration to the circumstances, including, but not limited to the -

- individual circumstances of the situation—are they exceptional?
- general nature of the appeal—what by-law does the appeal relate to?
- reasoning behind the existence of the by-law
- general rule that by-laws exist for the good of the competition and must be adhered to
- impact on the member affected by the appeal
- impact on the competition, short term/long term
- likelihood of establishing a precedent.

“Are the circumstances of the appeal sufficiently exceptional to warrant an exemption to the by-law?”

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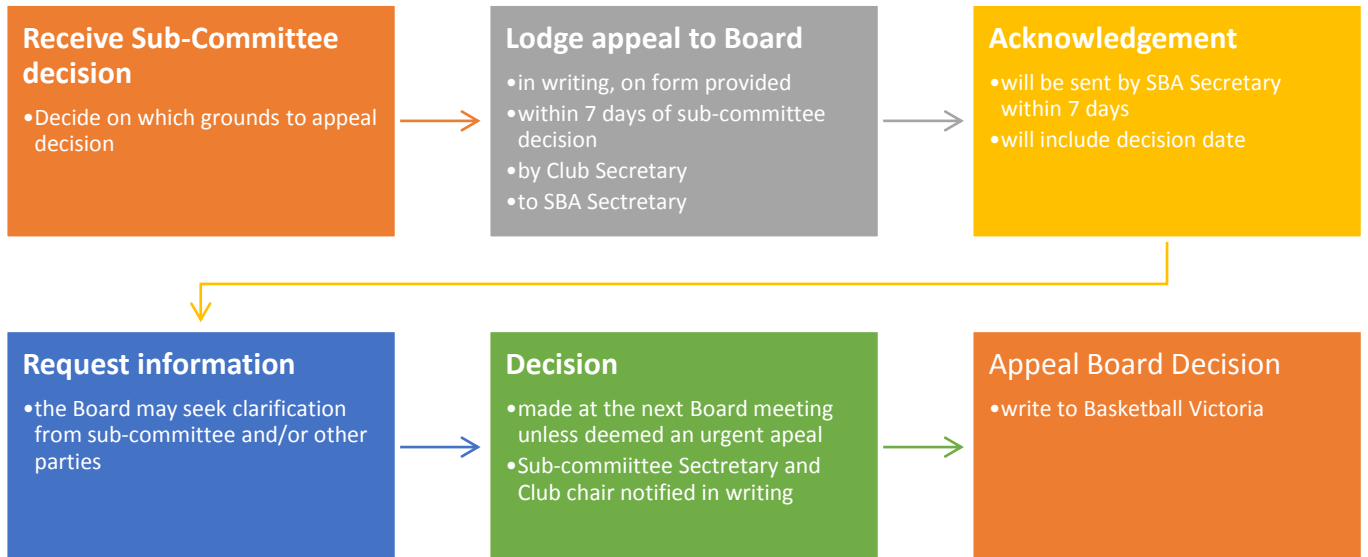
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Summary of appeal process



4. Appeal Board decision

If you believe the SBA Board has not adequately dealt with your appeal, you also have the right to appeal to Basketball Victoria.

State Basketball Centre
291 George Street
Wantirna South VIC 3152

Ph: +61 3 9837 8000

Fax: +61 3 9837 8077

Email: enquiries@basketballvictoria.com.au

More information is available at the Basketball Victoria website <http://www.basketballvictoria.com.au>

5. Links

Sunbury Basketball Association Incorporated

ABN 39 217 410 982

www.sunburybasketball.com.au & <http://www.sunburybasketball.com.au/information/by-laws>

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