

# **Statement of Purposes, Rules and By-Laws**

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## **STATEMENT OF PURPOSES**

### **VICTORIAN BASEBALL ASSOCIATION INCORPORATED**

The purposes of the Victorian Baseball Association Incorporated are to:

1. Support, represent, encourage, promote, control and manage issues affecting the game of baseball in Victoria.
2. Affiliate with the Victorian Olympic Council and The Australian Baseball Federation.
3. Pursue and conduct programs and projects that affect baseball and the activities of the Association generally.
4. Cooperate with or assist any organisation having objects and purposes similar to those of the Association in any manner which may further the interests of baseball in Australia.
5. Cooperate with and advise all levels of government, sporting associations and the private sector in the needs of baseball and initiating the means of meeting those needs.
6. Do such other things as are incidental or conducive to the attainment of the above objects and the exercise of the powers of the Association.

# **VICTORIAN BASEBALL ASSOCIATION INCORPORATED**

## **RULES**

### **NAME OF INCORPORATED BODY**

1. The name of the incorporated association is the Victorian Baseball Association Incorporated (in these rules called "the Association").

### **INTERPRETATION**

2. (1) In these rules, unless the contrary intention appears -

"Board" means the Board of Management of the Association.

"Association" means the Victorian Baseball Association Incorporated.

"Baseball" means the game of baseball played under the rules adopted by the Australian Baseball Federation (ABF).

"Financial Year" means the year ending on 30<sup>th</sup> June.

"General Meeting" means a general meeting of members convened in accordance with Rule 7.

"Member" means a member of the Association.

"Ordinary Member" means a Board Member who is not an Officer of the Association under Rule 19.

"Player" means a player of baseball.

"Representative" means duly authorised officials of Members.

"The Act" means the Associations Incorporation Act 1981.

"The Regulations" means regulations under the Act.

- (2) In these Rules, a reference to the Executive Director is a reference -
  - (a) where a person holds office under these Rules as Executive Director of the Association to that person, and
  - (b) in any other case, to the public officer of the Association.

- (3) Words or expressions contained in these rules shall be interpreted in accordance with provisions of the Acts Interpretation Act 1958.

### **APPLICATION FOR MEMBERSHIP**

3. (1) The Association may admit any person, club or organisation or any other association or affiliated body formed for the purpose of baseball as a member.
- (2) Any club desiring to become a member of the Association shall, by its proper officer, apply in writing on the prescribed form to the Executive Director detailing its proposed name, uniform, ground arrangements, names and addresses of its officials and any other required particulars.
- (3) Any Association, League, Union or other body within Victoria which includes in its objectives or purposes the promotion and development of baseball may apply to be accepted as a member of the Association. The application shall be in writing to the Executive Director by its proper officer and shall be accompanied by a true copy of its Constitution and Rules.
- (4) As soon as is practicable after the receipt of an application, the Executive Director shall refer the application to the Board.
- (5) Upon an application being received by the Association, the Board shall determine whether to approve or to reject the application.
- (6) Upon application being approved or not approved by the Board, the Executive Director shall, with as little delay as possible so notify the applicant in writing of the Board's decision.

### **ENTRANCE FEE AND ANNUAL SUBSCRIPTION**

- 3A (1) The entrance fee is \$20 per member.
- (2) The annual subscription, any affiliation and other fees for members and teams will be as determined by the Board in accordance with Rule 18(2)(iv)A. and payable at such time as the Board decides.

### **REGISTER OF MEMBERS**

4. The Executive Director shall keep and maintain a register of members in which shall be entered the full name, address and date of entry of the name of each member and the register shall be available for inspection by duly authorised representatives of members at the address of the Public Officer.
5. (1) A member which has paid all moneys due and payable by it to the Association may resign from the Association by first giving one month's notice in writing to the Executive Director

of its intention to resign and upon the expiration of that period of notice, the member shall cease to be a member,

- (2) Upon the expiration of a notice given under sub-rule (1) the Executive Director shall make in the register of members an entry recording the date on which the member by whom the notice was given, ceased to be a member.

### **CLUB REPRESENTATION (MEMBER)**

Each Club shall be entitled to be represented by two executive members of their Club at all meetings of which it is entitled to representation, and shall forward the names and addresses of its representatives to the Executive Director prior to the Annual General Meeting in each year.

In the absence of the appointed representative they may be replaced by a substitute representative who shall tender to the Chairman of the Meeting written notice of the appointment signed by the President or Secretary of the Club represented.

### **LIFE MEMBERS**

Where the Board resolves that a persons or persons have given extraordinary service to baseball or its administration which warrants special recognition it shall cause a citation to be forwarded to each member club recommending that such person or persons be honoured as a Life Member. Upon approval of member Clubs to the recommendation the Board shall, at any time thereafter be at liberty to bestow upon the person or persons recommended and approved aforesaid, at any appropriate occasion, the honorary title of Life Member of the Victorian Baseball Association Incorporated with all rights and privileges.

### **RESIGNATION AND EXPULSION OF MEMBER**

6. (1) Subject to these rules, the Board may by resolution -
  - (a) expel a member from the Association
  - (b) suspend a member from membership of the Association for a specified period.

if the Board is of the opinion that the member -

  - (c) has refused or neglected to comply with these rules, or
  - (d) has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association.

- (2) A resolution of the Board under sub-rule (1) -
  - (a) does not take effect unless the Board, at a meeting held not earlier than 14 and not later than 28 days after the service on the member of a notice under sub-rule (3) confirms the resolution in accordance with this rule, and
  - (b) where the member exercises a right of appeal to the Association under this rule does not take effect unless the Association confirms the resolution in accordance with this rule.

- (3) Where the Board passes a resolution under sub-rule (1) the Executive Director shall, as soon as practicable, cause to be served on the member a notice in writing -
  - (a) setting out the resolution of the Board and the grounds on which it is based;
  - (b) stating that a representative of the member may address the Board at a meeting to be held not earlier than 14 and not later than 28 days after service of the notice;
  - (c) stating the date, place and time of that meeting;
  - (d) informing the member that it may do one or more of the following:-
    - (i) attend that meeting by its authorised representative;
    - (ii) give to the Board before the date of that meeting a written statement seeking the revocation of the resolution;
    - (iii) not later than 24 hours before the date of the meeting, lodge with the Executive Director a notice to the effect that it wishes to appeal to the Association in general meeting against the resolution.
- (4) At a meeting of the Board held in accordance with sub-rule (2), the Board -
  - (a) shall give to the member through its duly appointed representative an opportunity to be heard;
  - (b) shall give due consideration to any written statement submitted by the member, and
  - (c) shall by resolution determine whether to confirm or to revoke the resolution.
- (5) Where the Executive Director receives a notice under sub-rule (3), he/she shall notify the Board and the Board shall convene a general meeting to be held within 21 days after the date on which the Executive Director received the notice;
- (6) At a general meeting of the Association convened under sub-rule (5) -
  - (a) no business other than the question of the appeal shall be transacted,
  - (b) the Board may place before the meeting details of the grounds for the resolution and reason for the passing of the resolution,
  - (c) the member through its duly appointed representative shall be given an opportunity to be heard, and
  - (d) the members through their duly appointed representatives present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- (7) If at the general meeting -
  - (a) not less than one-half of the duly appointed representatives of members present in person vote in favour of the confirmation of the resolution, the resolution is confirmed; and
  - (b) in any other case, the resolution is revoked.

### **ANNUAL GENERAL MEETING**

7. (1) The Association shall in each calendar year convene an Annual General Meeting of its members.
- (2) The Annual General Meeting shall be held on the first Monday of September each year or at such time and place as the Board shall determine;
- (3) The Annual General Meeting shall be specified as such in the notice convening it;

- (4) The ordinary business of the Annual General Meeting shall be -
  - (a) to confirm the minutes of the last preceding Annual General Meeting and of any general meeting held since that meeting;
  - (b) to receive from the Board reports upon the transactions of the Association during the last preceding financial year;
  - (c) to receive and consider the statement submitted by the Association in accordance with section 30(3) of the Act;
- (5) The Annual General Meeting may transact special business of which notice is given in accordance with these rules;
- (6) The Annual General Meeting shall be in addition to any other general meetings that may be held in the same year.

### **SPECIAL GENERAL MEETING**

8. All general meetings other than the Annual General Meeting shall be called special general meetings.
9. (1) The Board may, whenever it thinks fit, convene a special general meeting of the Association;
- (2) The Board shall, on the requisition in writing of members representing not less than 5% of the total number of members, convene a special general meeting of the Association;
- (3) The requisition for a special general meeting shall state the objects of the meeting and shall be signed by its proper officer for and on behalf of the members making the requisition;
- (4) If the Board does not cause a special general meeting to be held within one month after the date on which the requisition is sent to the Executive Director, the members making the requisition, or any of them, may convene a special general meeting to be held not later than 3 months after that date;
- (5) A special general meeting convened by members in pursuant of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Board and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring the expenses.

### **NOTICE OF MEETINGS**

10. (1) The Executive Director shall, at least 14 days before the date fixed for holding a general meeting of the Association cause to be sent to each member of the Association at its address appearing in the register of members, a notice by pre-paid post stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting but non receipt of such notice by any member shall not invalidate the proceedings at any General Meeting;
- (2) No business other than set out in the notice convening the meeting shall be transacted at the meeting;
- (3) A member desiring to bring any business before a meeting may give notice of that business in writing to the Executive Director who shall include that business in the notice calling the next general meeting after the receipt of the notice.

- (4) A notice may be served by or on behalf of the Association upon any member either personally or by sending it by prepaid post to the member at its address shown in the Register of Members;
- (5) Any such notice forwarded by prepaid post to a person shall be deemed to have been given to the person at the time at which it would have been delivered in the ordinary course of post.

### **PROCEEDINGS OF MEETINGS**

11. (1) All business that is transacted at a special general meeting and all business that is transacted at the annual general meeting with the exception of that specially referred to in these rules as being the ordinary business of the annual general meeting shall be deemed to be special business;
  - (2) No item of business shall be transacted at a general meeting unless a quorum of those entitled under these rules to vote is present during the time when the meeting is considering that item;
  - (3) 51% of members, personally present, constitute a quorum for the transaction of the business of a general meeting.
  - (4) If within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairman at that time of adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting the duly appointed representative of members present (being not less than 3) shall be a quorum.
12. (1) The President, or in his absence, one of the Vice-Presidents, shall preside as Chairman at each general meeting of the Association.
  - (2) If the President and the Vice-Presidents are absent from a general meeting, the duly appointed representatives of members present shall elect one of their number to preside as Chairman at the meeting.
13. (1) The Chairman of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
  - (2) Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of the general meeting.
  - (3) Except as provided in sub-rules (1) and (2), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting
14. Subject to Rule 6 (6) a question arising at a general meeting of the Association shall be determined on a show of hands and unless before or on the declaration of the show of hands a

poll is demanded, a declaration by the Chairman that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, and an entry to that effect in the Minute Book of the Association is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

15. (1) Upon any question arising at a general meeting of the Association, a member has one vote only through its duly appointed representative;
  - (2) All votes shall be given personally by the duly appointed representative of each member.
  - (3) In the case of an equality of voting on a question, the Chairman of the meeting is entitled to exercise a second or casting vote.
16. (1) If at a meeting a poll on any question is demanded by not less than three duly appointed representatives of members, it shall be taken at that meeting in such manner as the Chairman may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question;
  - (2) A poll that is demanded on the election of a Chairman or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairman may direct.
17. A member is not entitled to a vote at any general meeting unless all moneys due and payable by it to the Association have been paid.

### **BOARD OF DIRECTORS**

18. (1) The affairs of the Association shall be managed by the Board constituted as hereinafter provided;
- (2) The Board -
  - (a) shall control and manage the business and affairs of the Association;
  - (b) may, subject to these rules, the regulations and the Act, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these rules to be exercised by general meetings of the members of the Association; and
  - (c) subject to these rules, the regulations and the Act, have power to perform all such acts and things as appear to the Board to be essential for the proper management of the business and affairs of the Association and in particular:-
    - (i) to grade member Clubs, to limit the number of member Clubs and to foster the formation of any Junior or other League qualified to seek membership of the Association as an Affiliated body;
    - (ii) to direct policy of the Association affecting the control and management of baseball;
    - (iii) to administer representative baseball teams including the appointment of selectors, managers, coaches and other team officials;
    - (iv) to make, amend or rescind By-laws appertaining to:-
      - A. The fixing of subscriptions and fees for members and for teams and players participating in competitive baseball;
      - B. Penalties for failure to pay any moneys due to the Association;

- C. Fines for breaches of baseball competition rules;
- D. Registration and eligibility of players;
- E. Transfers of players from and to member Clubs;
- F. Match permits for players;
- G. Eligibility of players and member Clubs to participate in competitive baseball;
- H. Misconduct of players and officials of member Clubs and discipline generally;
- I. Submitting reports by members;
- J. Disputes and protests;
- K. Appointment of coaches;
- L. Premiership points;
- M. Uniforms and playing fields and dressing accommodation;
- N. Sponsorship;
- O. Presidents and Secretaries meetings;
- P. Umpires;
- Q. The formation of a Disciplinary Tribunal with power to hear charges against officers of member Clubs and players for misconduct and to impose penalties by way of suspension or fine as the case may be.

19. (1) Subject to Section 23 of the Act the Board of the Association shall comprise of:-
- (a) The Chairman (President of the Association), three elected Directors (Vice Presidents), and up to a maximum of two appointed Directors (Vice Presidents), Junior League Secretary, the Treasurer, and four ordinary Board members elected by the members of the Association;
  - (b) The Executive Director
  - (c) The President and Secretary of the Victorian Provincial Baseball League or their duly appointed representatives.
- (2) Each member of the Board shall hold office for the period of the financial year next following election or appointments but is eligible for re-election or appointment (as the case may be);
- (3) In the event of a casual vacancy in any office referred to in sub-rule (1) the Board may fill the vacant office and the person so appointed may continue in office up to and including the conclusion of the financial year next following the date of his appointment;
- (4) An office of a member on the Board shall become vacant when the Board member:-
- (a) resigns his office by notice in writing to the Executive Director;
  - (b) dies;
  - (c) is absent from more than two consecutive ordinary meetings of the Board without excuse or excuse unacceptable to the Board.

### **ELECTION OF OFFICERS AND VACANCY**

- (1) Nominations for an elected office on the Board shall be in writing on the prescribed form signed by the nominee and lodged with the Executive Director by the last day in May;
- (2) If the number of nominations received is equal to the number of vacancies for an office to be filled, the persons so nominated shall be deemed to be elected;

- (3) If there are insufficient or no nominations to fill an office the vacancy shall be filled as a casual vacancy in accordance with these rules;
- (4) If the number of nominations for an office exceeds the number of vacancies to be filled, a ballot shall be held by member Clubs;
- (5) A nomination of a candidate for election under this rule is valid notwithstanding that the candidate has been nominated for another office for election at the same election;
- (6) Where a ballot is necessary the Executive Director shall forthwith cause ballot papers to be prepared listing each eligible candidate in alphabetical order for each vacancy and forwarded to each member Club;
- (7) Voting shall be preferential and each member Club shall be entitled to one vote for each vacancy;
- (8) Upon completion of the ballot paper it shall be signed by the President and Secretary of the member Club and lodged with the Executive Director by the last day in June;
- (9) A ballot paper with preferences not completed for a vacancy shall be an informal vote for that vacancy;
- (10) A ballot paper not lodged with the Executive Director by 5:00pm on the prescribed date shall be informal.

### **PROCEEDINGS OF BOARD OF MANAGEMENT**

20. (1) The Board shall meet at least 3 times in each year at such place and such times as the Board may determine;
- (2) Special meetings of the Board may be convened by the Chairman or by any of the members of the Board;
- (3) Notice shall be given to members of the Board of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting;
- (4) Any 8 members of the Board constitute a quorum for the transaction of the business of a meeting of the Board;
- (5) No business shall be transacted unless a quorum is present, and if within half an hour of the time appointed for the meeting a quorum is not present the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting in which case it lapses;
- (6) At meetings of the Board:-
  - (a) the Chairman (President) or in his absence one of the Directors (Vice-Presidents) shall preside, or
  - (b) if the Chairman (President) and the Directors (Vice-Presidents) are absent, such one of the remaining members of the Board as may be chosen by the members present shall preside.
- (7) Questions arising at a meeting of the Board or of any sub-committee appointed by the Board shall be determined on a show of hands or, if demanded by a member of the Board, by a poll taken in such manner as the person presiding at the meeting may determine;
- (8) Each member present at a meeting of the Board or of any sub-committee appointed by the Board (including the person presiding at the meeting) is entitled to one vote and, in the

event of an equality of votes on any question, the person presiding may exercise a second or casting vote;

- (9) Written notice of each special meeting of the Board shall be served on each member of the Board by delivering it to him at a reasonable time before the meeting or by sending it by pre-paid post addressed to him at his usual or last known place of abode at least two business days before the date of the meeting;
- (10) Subject to sub-rule (4) the Board may act notwithstanding any vacancy on the Board.

### **REMOVAL OF MEMBER OF THE BOARD**

21. (1) The Association in general meeting may by resolution remove any member of the Board before the expiration of his term of office and appoint another member in his stead to hold office until the expiration of the term of office of the first-mentioned member;
- (2) Where the member to whom a proposed resolution referred to in sub rule (1) makes representations in writing to the Executive Director or President (not exceeding a reasonable length) and requests that they be notified to the members or, if they are not so sent, the member may require that they be read out at the meeting.

### **EXECUTIVE DIRECTOR**

22. The Executive shall keep minutes of the resolutions and proceedings of each general meeting and each Board meeting in books provided for that purpose together with a record of the names of persons present at the Board meetings.

### **TREASURER/FINANCE COMMITTEE**

23. (1) The Treasurer in conjunction with the Executive Director:-
  - (a) shall collect and receive all moneys due to the Association and make all payments authorised by the Association; and
  - (b) shall keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association;
- (2) The accounts and books referred to in sub-rule (1) shall be available for inspection by duly appointed representatives of members.

### **CHEQUES**

24. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two of President, Treasurer, Executive Director or any other authorised Director.

### **COMMON SEAL**

25. (1) The common seal of the Association shall be kept in the custody of the Executive Director;

- (2) The common seal shall not be affixed to any instrument except by the authority of the Board and the affixing of the common seal shall be attested by signatures either of two members of the Board or of one member of the Board and the Public Officer of the Association.

#### **ALTERATION OF RULES AND STATEMENT OF PURPOSES**

26. These rules and the statement of purposes of the Association shall not be altered except in accordance with the Act.

#### **WINDING UP OR CANCELLATION**

27. In the event of the winding up or the cancellation of the incorporation of the Association, the assets of the Association shall be disposed of in accordance with the provisions of the Act.

#### **CUSTODY OF RECORDS**

28. Except as otherwise provided in these Rules, the Executive Director shall keep in his/her custody or under his/her control all books, documents and securities of the Association.

#### **FUNDS**

29. The funds of the Association shall be derived from a \$20.00 entrance fee per member, annual subscriptions, donations and such other sources as the Board determines.

## BY-LAWS

These By-laws shall be read in conjunction with the Statement of Purposes and Rules of the Victorian Baseball Association Incorporated and shall be binding on all Members of the Association.

### INTERPRETATIONS

In these By-laws, unless contrary intention appears-

"Competition Match" means the series of home and away matches as drawn by the Pennant Committee or Junior League and approved by the Board.

"Final Round" means the series of matches played at the conclusion of the Competition Matches.

"Game" has substantially the same meaning as Match.

"Junior League" means the sub-committee of the Association formed to provide and administer junior competition for players under the age of eighteen (18) years.

#### 1. POWER OF BOARD IN RELATION TO BY-LAWS

The Board shall have the power to make, amend or rescind By-laws by simple majority at any properly constituted meeting.

Such new or amended By-laws shall be operable and any rescinded By-law shall cease to operate, from the date of the meeting at which the resolution affecting the By-laws was passed. Members shall be notified, in writing, of the new, amended or rescinded By-law at the General Meeting following the meeting of the Board at which the resolution was passed.

#### 2. DUTIES OF CHAIRPERSON (PRESIDENT)

In addition to those duties contained in the Rules, the Chairperson (President) shall be responsible for the day to day operation of the Association and the supervision of appointed staff and elected Officers.

#### 3. DUTIES OF DIRECTORS (VICE PRESIDENTS)

- (a) One Director shall be appointed by the Board to the position of Chairperson of the Marketing Committee.
- (b) One Director shall be appointed by the Board to the position of Chairperson of the Junior League.
- (c) One Director shall be appointed by the Board to the position of Chairperson of the Pennant Committee.
- (d) The Board may appoint up to two (2) Directors to such positions as the Board deems fit.

#### 4. DUTIES OF THE EXECUTIVE DIRECTOR

In addition to those duties contained in Rule 22, the Executive Director shall perform, or cause to be performed under supervision, the general clerical work of the Association, attend meetings of sub-committees as directed and carry out all direction of the Board.

5. APPOINTMENT OF SUB-COMMITTEES AND HONORARY OFFICERS

The Executive Director shall not later than the last day of May each year, call for nominations for the following appointments as determined by the Board from time to time.

Nominations are returnable by the last day of June each year and appointments shall be made by the Board at its first meeting after this date.

- (a) Chairman of Selectors (Claxton Shield).
- (b) Director of Umpiring.
- (c) Assistant Director of Umpiring.
- (d) members of Marketing, Junior League, Pennant, Selection and other sub-committees deemed necessary by the Board.

Should the number of nominations for any, or all, positions be insufficient, the Board shall have the power to make direct appointments without re-calling nominations.

6. DUTIES OF THE CHAIRMAN OF SELECTORS (CLAXTON SHIELD)

A Chairperson of Selectors shall be appointed by the Board pursuant to By-law 5, and shall be responsible for overseeing and coordinating the selection process in accordance with the Selection Policy described in Appendix B.

The position will liaise with the selection panel (to include the Claxton Shield Head Coach) appointed by the Board.

Player nominations and/or recommendations from the selection panel will be made through the High Performance Committee (Refer to Appendix A) for ratification by the Board.

Qualifications and experience for this position are described in Appendix C.

7. DUTIES OF THE DIRECTOR OF UMPIRING

A Director of Umpiring shall be appointed by the Board pursuant to By-law 5 and shall be responsible for:-

- (a) The training of all registered umpires.
- (b) Maintaining the standard of competence in both the theory and practise of Baseball Umpiring.
- (c) Advising the Board and/or its sub-committees on all aspects of umpiring as requested.
- (d) Other duties involved with this position as directed by the Board.

8. DUTIES OF THE ASSISTANT DIRECTOR OF UMPIRING

An Assistant Director of Umpiring shall be appointed by the Board pursuant to By-law 5.

The duties of the Assistant Director of Umpiring shall be to assist the Director of Umpiring in the performance of those duties, carry out directions of the Director of Umpiring and the Board and to act as the Director of Umpiring should the appointed Director be incapacitated or absent.

9. COMMITTEES

(A) MARKETING COMMITTEE

The Marketing Committee shall consist of the Chairperson, who shall be a Director appointed pursuant to By-law 3(a) and four (4) members appointed by the Board. Three (3) shall form a quorum. Board members shall be ex-officio members of this committee. This committee shall be responsible for the marketing and promotion of all Association activities including special baseball days, social functions, special efforts, sponsorship, product approvals and the conduct of those functions as directed by the Board.

(B) JUNIOR LEAGUE COMMITTEE

- (i) The Junior League Committee shall consist of the Chairperson, who shall be a Director appointed pursuant to By-law 3(b), and six (6) members appointed by the Board. four (4) members shall form a quorum. Board members shall be ex-officio members of this committee. In absence of the Chairperson, the remaining members of the Junior League Committee shall elect one of their number as Acting Chairperson.
- (ii) The Junior League Committee shall, subject to the Statement of Purposes, Rules and By-laws of the Association, be empowered to administer and promote the sport of Baseball within the State of Victoria for all Junior Teams and players up to the age of eighteen (18) years.
- (iii) Particular responsibilities of the Junior League Committee shall be to:-
  - (a) Manage all junior competition matches and final rounds, grounds, adverse weather conditions, control and appoint umpires and generally be responsible for all matters affecting the competitive side of Junior Baseball.
  - (b) Clearance appeals involving junior players and disciplinary matters not reported by an umpire involving a Club or Club official, infringements of the By-laws, during or in relation to any junior game shall be referred to the Pennant Committee for resolution.
  - (c) Liaise with the High Performance Committee to select all representative junior teams, Managers, Coaches and Executive Officers, such selections to be subject to the approval of the Board.
  - (d) Meet at least once each month, unless considered unnecessary by the Committee, meeting dates to be determined by the Committee. The Chairperson may summon such other meetings as may be necessary, subject to three (3) clear days notice to all members.
  - (e) Any Committee member who absents him/herself from two (2) consecutive meetings without apology acceptable to the Committee, shall be called on to show cause why the member should not be discharged from the Committee. Any such apology shall be in the hands of the Chairperson prior to the commencement of the meeting. Any vacancy which occurs on the Committee during the year may be filled by any suitable person appointed by the Board.
  - (f) The Committee shall submit a report to each Board Meeting and such report shall advise the Board of decisions made concerning finals, representative and promotional matches, fines, suspensions, and all other routine matters relevant to the Junior League.

- (g) The Committee shall make recommendations to the Board for consideration in relation to By-law amendments or any aspect of the game and its control, where such may affect the junior section.
- (h) The Committee shall refer all policy matters to the Board for decision. Policy matters are those which would alter what has been normal procedure relative to junior matters in the past.
- (iv) A member of the Committee shall absent him/herself from the meeting if a matter under discussion is directly concerned with a Club with which the member is associated or is an official of.  
Past association with, or Life Membership of, a Club shall not affect a Committee Member provided that at least five (5) years has elapsed since the association with that Club.

(C) PENNANT COMMITTEE

- (i) The Pennant Committee shall consist of the Chairperson, who shall be a Director appointed pursuant to By-law 3(c), the Executive Director, who shall act as Committee Secretary, and seven (7) members appointed by the Board, one of whom shall be a member of the Junior League Committee. Five (5) shall form a quorum.  
Board Members shall be ex-officio members of this Committee. In the absence of the Chairperson, the remaining members of the Pennant Committee shall elect one of their number as Acting Chairperson.
- (ii) The functions of the Pennant Committee, subject to the Statement of Purposes, Rules and By-laws of the Association shall include:-  
Control and Management of Competition Matches and the Final Round, permits, Clearances, clearance appeals, registrations, grounds, adverse weather, control and appointment of umpires, behaviour of players, officials and spectators and generally all matters affecting the competitive side of Baseball, including the power to conduct investigations and hearings and impose suspensions as deemed appropriate.
- (iii) The Pennant Committee shall meet as often as is required for the proper discharge of its duties. The Chairperson and the Executive Director may act in concert to deal with urgent Pennant matters and shall be responsible for scheduling meetings. Members shall be given at least three (3) days notice of meetings.
- (iv) The Pennant Committee may divide into sub-committees for the purpose of hearing clearances appeals. The Committee shall appoint an Acting Chairperson on these occasions. Three (3) shall form a quorum for this purpose and, on reconvening as a full Committee, the decision reached will be announced, entered into the minutes and be as binding as if reached by the full Committee.
- (v) The Pennant Committee may appoint a sub-committee for the appointment of umpires to Competition Matches. Three (3) shall form a quorum.
- (vi) The minutes of the Pennant Committee shall be presented to the Board for ratification at the first available Board Meeting following each Pennant Committee Meeting.

- (vii) The Pennant Committee shall be empowered, when considering offences which carry a monetary penalty, to waive or decrease the sum stated. For offences in which loss of match points and a monetary penalty are set down the Committee's discretionary powers shall only apply to the monetary penalty.
- (viii) A member of the Committee shall absent him/herself from the meeting if a matter under discussion is directly concerned with the Club with which the member is associated or is an official of.  
Past association with, or Life Membership of, a Club shall not affect a Committee member provided that at least five (5) years has elapsed since association with that Club.
- (ix) When investigating behaviour of players and spectators pursuant to By-law 9(C)(ii), the Pennant Committee shall, after full and complete investigation, be empowered to suspend a player, official or a spectator (who is a registered member of a Club) should such a person be found guilty of an offence. Where the offence is deemed by the Pennant Committee to be of an administrative nature, any suspension shall be subject to the provisions of Rule 6 of the Statement of Purposes of the Association. Where the offence is not deemed by the Pennant Committee to be an administrative nature, any suspension shall have the same effect as that of the Tribunal under By-law 43.

(D) OTHER COMMITTEES

The Board may form committees for any designated purpose and appoint members, whether they be members of the Board or not, to such committees.  
A Board member shall be appointed Chairperson of any such committee.

10. VOTING RIGHTS OF COMMITTEE

The Chairperson of each committee shall be entitled to a deliberative vote on all matters and, in the event of a tied vote on the matter before the committee, shall be entitled to a second, or casting, vote.

11. POWER OF BOARD TO HEAR APPEAL

The Board shall have the power to hear an appeal from any Member, Club Member or Affiliated Body on any matter, except those relating to Clearance Appeals, Protested Games and Tribunal Decisions, and to render a decision which shall be binding on all parties. Such appeals shall be in writing, shall set out all circumstances in the matter and shall be heard by the Board in the manner of its own choosing and at a time and place directed by the Board.

12. SCHEDULE OF SUBSCRIPTIONS

- (a) Pursuant to Rules 3(A) and 18(2)(c)(iv), the Board shall, no later than the first day of July each year, and supported by a budget for the Association for the new financial year, fix subscriptions for each year.
- (b) The amount of subscription and the budget shall be presented to Members no later than the first Tuesday in July each year.

- (c) Payment of all Subscriptions, Umpires Fees and other charges shall be spread throughout the season as determined by the Board and shall be payable within thirty (30) days of issue of invoice.
- (d) Members shall be advised of the schedule of dates and approximate amounts due on those dates prior to commencement of the season.
- (e) Failure to pay within the thirty (30) days required in By-law 12(c) will result in a fine of \$10.00 for every week or part thereof, the payment is overdue and automatic suspension will result if payment has not been made after sixty (60) days from the date of issue of the invoice.

13. SCHEDULE OF FINES

GENERAL

Walkover	Senior	\$100.00 Plus umpires fees
	Junior	\$30.00
Non-Phoning of scores		\$30.00
Incorrect Phoning of Scores		\$30.00
Non-Phoning of Scorers for last round and finals		\$60.00
Incorrect Phoning of scores for last round and finals		\$60.00
Absence from P&S & JL Delegates Meeting		\$50.00
Absence from 2nd consecutive P&S & JL Delegates Meeting		\$100.00
Absence from each subsequent P&S & JL Delegates Meeting		\$200.00
Late Submission of Registration list		\$100.00
Unregistered Player		\$30.00
Illegal Player		\$30.00 Plus loss of points
Underage Player		\$30.00 Plus loss of points
Non-return of Match Report Card and votes within 72 hours		\$50.00 (\$20.00 per day after)

GROUND OR PLAYING CONDITIONS

Smoking, Alcoholic Beverage, Chewing or Dipping tobacco	\$200.00 Plus ejection
No Base, Home Plate or Pitching Plate provided	\$20.00 Each
Base or plate not whitened	\$20.00 Each
Baseline unmarked	\$50.00
Player out of Uniform	\$20.00 per player
Unsigned/Incomplete Match Report Card	\$10.00

UMPIRES

No attendance at Game	\$50.00 Plus PC Appearance
Late Arrival to game	\$50.00 Plus PC Appearance
Non-return of Match Report Card and votes within 72 hours	\$50.00 (\$20.00 per day after)
Non appearance at Tribunal	\$100.00 Plus PC Appearance

JUNIOR LEAGUE

Failure to supply an Umpire	\$20.00
Fail to umpire behind catcher	\$20.00

14. REGISTRATION OF PLAYERS

- (a) Senior  
Every player shall register on the Registration-Clearance Form provided for that purpose and that completed Form must be lodged with the Executive Director, or nominee, no later than seventy-two (72) hours after the player first participates in a Competition Match. [The Form may be lodged electronically.](#)
- (b) Junior  
Every player who will not have attained the age of eighteen (18) years on the first day of August in the year of initial registration shall register on the Registration-Clearance Form provided for that purpose. The completed Form, with proof of age certified or evidenced to that effect attached, shall be lodged with the Executive Director, or nominee, prior to the player participating in a Competition Match.  
Such Junior Registration shall be effective for Senior Competition provided that the Junior has attained the age of fourteen (14) years.
- (c) Free Agent (Four Year Rule)  
Any player who is not under suspension or disqualified by the Association and who has not participated in a Competition Match or been a registered manager of a Club for four (4) years, shall be deemed to be a free agent and may register with any Club.
- (d) Compulsory Return (Two Year Rule)  
Should any player receive a clearance to an interstate Club or a Club of an Affiliated Body within Victoria, that player must return to the parent Club in the Association within two (2) years from the date of clearance if the player desires to compete in any Competition Match under the auspices of the Association. After the expiration of two (2) years the player may register with any Club as a free agent.
- (e) Re-registration  
Each Club shall forward to the Executive Director, or nominee, a list of the names and addresses of previously registered players who will be playing for the Club in the forthcoming season.  
This list shall be received by the respective Executive Director, or nominee, at least ten (10) days prior to the date of commencement of the season. Failure to do so shall result in a fine in accordance with By-law 13.  
Additional registrations may be made at any time during the season providing that they are conformity to these By-laws.
- (f) Unregistered Players  
The penalty for playing an unregistered player or players shall be a fine in accordance with By-laws 13.
- (g) Non-National Players  
(i) Only one (1) non-national, temporary resident player shall be permitted to play in the first nine of any Club for any game.  
A Club may only use one (1) non-national, temporary resident player in the first nine for the season of registration unless the Board, on request of the Club, allows the Club to change their player due to injury or other unforeseen circumstance.  
If a non-national, temporary resident player pitches in the first nine, that player may only pitch in alternate Competition or Final Round Matches.

There shall be no limit on the number of non-national, temporary resident players in other teams of the Club. Non-national players who have been granted permanent resident status shall be exempt from this By-law.

Written evidence of the status of any non-national shall be submitted to, and approved by, the Pennant Committee prior to the registration being approved.

A Club may appoint a non-national, non-playing, Manager (Head Coach) who is a temporary resident in addition to the one (1) temporary resident player.

A temporary resident playing Manager (Head Coach), if appointed, shall be the non-national, temporary resident permitted by this By-law.

Eligible Junior players shall be exempt from this By-law. All non-national players and/or Managers shall be subject to the clearance provisions of the Association.

- (ii) When a non-national player leaves Australia, his Club shall submit to the Association a statement which confirms that the player has fulfilled all obligations to the Club or gives details of any alleged breaches of player's contract, written or verbal, with the Club. Such statements will only be used by the Association in granting approval for future registration or clearance of that player.
- (iii) Any Club which desires to avail themselves of By-law 14(g) shall provide evidence, at the time of registration, that an non-national, temporary resident player has been continuously been a resident in Australia prior to 1st December in the season of registration. Such evidence shall be required to be approved by the Pennant Committee prior to the player participating in a Competition Match. The provisions of this part of the By-laws shall also apply to re-registration of non-national temporary resident players.
- (iv) Clubs contravening By-law 14(g) shall be deemed to have played an Illegal Player and shall be subject to the penalty contained in By-law 13.
- (v) Any Non-National Player who is a Pitcher and had applied for permanent resident status prior to the end of the season shall be exempt from this By-law unless the application is withdrawn or refused.
- (vi) This By-law was enacted to cover Players specifically imported by Clubs for the purpose of playing with that Club.  
Non-National, temporary resident Players who have entered Australia primarily for Family, Business or like reason may be granted exemption from this By-law upon satisfactory evidence being submitted to, and approved by the Pennant Committee.
- (vii) A non-national, temporary resident player after one (1) season of non-participation in Australia shall be deemed to be a free agent if the Club with which that player was registered nominates and registers a different non-national, temporary resident player in any succeeding season.  
A clearance from the original Club shall not be required for the player who becomes a free agent under this By-law, should a different Club desire to register the player provided that the Pennant Committee is satisfied that there was no breach of the player's original contract.
- (h) Incorrect Information  
Any players or Club furnishing incorrect or misleading information or particulars on a Registration - Clearance Form shall be liable to suspension or such other penalty as the Pennant Committee or Junior League shall determine.

## 15. RECORDING OF REGISTRATIONS, RESULTS AND STATISTICS

The Executive Director shall:-

- (a) Receive all registrations and clearances and keep registers of same.
- (b) Receive Match Report Cards for all matches under the management of the Association.
- (c) Report to the Pennant Committee or Junior League, as the case may be, the official results of all matches played under the management of the Association.
- (d) Report to the Pennant Committee or Junior League, as the case may be, all breaches of the Rules and By-laws in connection with the registration of players, ground preparation, player attire and any other matters contained on the Match Report Card.
- (e) Compile a statement of the amounts due by Clubs for registration fees at such intervals as directed by the Board and within fourteen (14) days of the last round of Competition Matches.
- (f) Compile a statement of the amounts due by Clubs for Umpire payments at such intervals as directed by the Board and within fourteen (14) days of the last round of Competition Matches.
- (g) Render a monthly statement to the Pennant Committee or Junior League, as the case may be, of all fines incurred by Clubs for breaches of Rules and By-laws.
- (h) Receive, count and report the results of such count to the Board of any Most Valuable Player Award.
- (i) Report to the Pennant Committee any umpire who fails to return Match Report Cards within the stipulated time or fails to complete such Card in the prescribed manner.
- (j) Carry out any and all instructions given by the Board, Pennant Committee and Junior League, as the case may, be relating to the subjects of this By-law.

## 16. TRANSFER OF PLAYERS

- (a) Any player registered with the Association shall have the right to transfer from one Club to another within the Association, to an Interstate Club or a Club of an Affiliated Body provided that the appropriate Registration - Clearance Form is completed and endorsed by the player's parent Club.
- (b) Between 1st December and the completion of the Final Round in any season there shall be no transfer of players between Clubs of the Association except if the clearance procedure required by these By-laws has been commenced, but not completed by 1st December.
- (c) The transfer of players from a Club of the Association to an Interstate Club or the Club of an Affiliated Body may be carried out at any time. The completed Registration - Clearance Form for all such transfers must be endorsed by the Executive Director before the transfer can be considered finalised.
- (d) The transfer of players from an Interstate Club to a Club of the Association may be carried out at anytime provided that:-
  - (i) A clearance in writing is obtained by the player from the parent Interstate Club and it is endorsed by the Executive Director (or equivalent) in that State.
  - (ii) The clearance is further endorsed by the Association Executive Director.
  - (iii) If the clearance is received by the Executive Director on or after the 1st December evidence satisfactory to the Pennant Committee is submitted that the player has been continuously domiciled in Victoria for a period of twenty-eight (28) days.

- (iv) The player has not participated in a Competition Match in any State during the twenty-eight (28) days referred to in (iii) above.

## 17. CLEARANCE PROCEDURE

Clearance applications shall be made on the Australian Baseball Federation Registration - Clearance Form and shall be subject to the following procedures:-

### (a) Letter of Approach

- (i) Any Club desiring to approach a player of another Club with the view of seeking a transfer of membership shall write to the player's parent Club stating their intention to interview that player.
- (ii) A copy of such a letter of approach shall be lodged with the Executive Director.
- (iii) Players shall not be approached between 1st December and the completion of the Final Round in any season.
- (iv) The provisions of By-law 17(a)(i),(ii) and (iii) shall be adhered to if a player approaches another Club with the view of obtaining a clearance to that Club.

### (b) Formal Interview

The formal interview with the player shall not take place until the Letter of Approach has been received by the parent Club.

### (c) Clearance Processing by Parent Club

Upon receipt of a properly completed Registration - Clearance Form the Club shall, if there is possibility that the clearance may be refused, arrange to meet the player at a properly constituted Committee Meeting of the Club.

The timing of this meeting shall be as follows:-

- (i) Within fourteen (14) days of date of receipt for a clearance received between 1st August and 1st December in any one year.
- (ii) The next scheduled Committee Meeting for a clearance received between the completion of the Final Round and 1st August in any one year.

After due consideration of the reasons put forward by the player, the Club shall make a decision at that meeting to grant or refuse the clearance.

The Registration - Clearance Form shall be endorsed accordingly and handed to the player immediately.

If, after proper notification of the meeting and acknowledgment by the player, the player fails to attend the meeting, the Club may decide the matter in the player's absence.

### (d) Grounds for Automatic Refusal of Clearance

A clearance may be refused by a Club without the player being invited to a meeting if:-

- (i) The player is unfinancial

Details of a player's unfinancial status shall be furnished with the effused Registration- Clearance Form and shall be made available to the Association on request.

- (ii) A letter of approach in accordance with By-law 17(a) has not been received by the Club or Association.
- (e) Failure by Club to Hear Clearance Application  
Should a Club fail to comply with By-law 17(c), the player may appeal to the Association to hear the original clearance application.  
A decision made by the Pennant Committee on a matter brought before it under this By-law shall be binding on both parties but, if clearance is refused by the Committee, the player's rights under By-law 19, shall not be effected except that no further appeal on this clearance is possible.

18. REGISTRATION PROCEDURES FOR CLEARED PLAYERS

A cleared player does not become a registered player with the new Club, and cannot participate in a Competition Match for the new Club, until the properly endorsed Registration - Clearance Form has been received by the Executive Director, or nominee. A player participating in a Competition Match in contravention of this By-law shall be an Illegal player and the Club shall be subject to the penalty prescribed in By-law 13.

When a clearance is granted during the currency of a season and at such a time as not to allow receipt by the Executive Director, or nominee, prior to the player participating in a Competition Match, the following procedure may be followed:-

The properly completed Registration - Clearance Form may be signed by a Member of the Board or Pennant Committee for senior players or a Member of the Board or Junior League Committee for junior players and annotated with the exact time and date of signing. If the person signing the form is member, or an official, of either Club concerned with the clearance, the umpire of the game in which the player wishes to participate shall make similar endorsements on the form prior to the game commencing and forward the form to the Executive Director, or nominee, with the Match Report Card.

19. RIGHT OF APPEAL BY PLAYER

A player whose clearance application has been refused by the parent Club may appeal to the Association against refusal. The appeal shall be made on the Appeal Application Form and shall be accompanied by the refused Registration - Clearance Form. Reasons for making the appeal shall be shown on the Appeal Application Form and shall be relevant to matter discussed at the meeting with the Club required in By-law 17(c).

The Executive Director shall direct all such appeals to the Pennant Committee.

Appeal Applications must be lodged at least seven (7) days prior to the date prescribed for Appeals Hearing in By-law 21. Appeal Applications lodged less than seven (7) days prior to the scheduled date will be held over until the next scheduled Appeal Hearing. The Club refusing the Clearance shall, on receipt of notice from the Executive Director, appear before the Committee to show cause why the Clearance was refused. Should a representative of the Club not attend, the Committee shall have the right to decide the appeal.

A player shall be allowed two (2) appeals against the refusal of a clearance in any one (1) season providing that, in the judgment of the Executive Director and the Pennant Committee Chairperson, the reasons for requesting the second appeal are significantly different from the reasons on which the first appeal was based.

## 20. APPEAL MORATORIUM FOR DEMOTED CLUBS

The provisions of By-law 19 shall not be available for senior players of Clubs demoted from Division 1 to Division 2, or Division 2 to Division 3, for the season of demotion only.

## 21. APPEAL HEARING SCHEDULE

Appeals shall be heard by the Pennant Committee only at meetings held at the following times:-

August	-	During first and third full weeks
September	-	During first and third full weeks
November	-	During first and third full weeks
December	-	If required

Exact dates shall be notified to Clubs prior to the end of July each year.

## 22. APPEAL HEARING PROCEDURE

The procedures of hearing any appeal shall be that decided on by the appropriate Committee Chairperson except that only the player making the appeal and a representative of the parent Club shall appear before the Committee.

If the player making the appeal has not attained the age of eighteen (18) years, a parent or adult may accompany the player but shall not participate unless invited to do so by the Chairperson.

## 23. PERMITS

### (a) Senior Players

Any player shall have the right to play a maximum of five (5) games in any one (1) season with a Club, or Clubs, other than the Club with which the player is registered, provided that:-

- (i) The Permit Form is completed in the prescribed manner.
- (ii) Provisions of By-law 17 are complied with.
- (iii) Where more than one (1) match permit is obtained, such Permit shall relate to consecutive Competition Matches.
- (iv) All games played under Permit shall be in the senior team (First Nine) of the Club. Contravention of this sub-section renders all subsequent matches shown on the Permit invalid.
- (v) The Club to which the player seeks the permit has no more than two (2) other players eligible to play for it under Permit for any Competition Match for which the Permit is granted.
- (vi) The Permit does not extend beyond 1st December in any year.

There shall be no right of Appeal, within the meaning of By-law 19, against the refusal of a Club to grant a Permit.

A player participating in a Competition Match in contravention of this By-law shall be an Illegal Player and the Club shall be subject to the penalty prescribed in By-law 13.

### (b) Junior Players

In addition to conditions described in By-law 23(a), junior players shall have the right to play under Permit provided that the following conditions are complied with:-

- (i) Any player registered with a Club which does not have a team entered in the Junior League Competition may apply for a Permit to play with a Junior League team of

another Club. Any such Permit shall operate for the season for which it is granted. Should the player wish to transfer to another Club's Junior League team during that season, a Clearance shall be obtained for the remainder of the season from the Club to which the Permit was granted and a new Permit shall be obtained from the parent Club.

- (ii) Any player registered with a Club which does not have a team entered in any competition other than the Junior League Competition may apply for a Permit to play with a Senior team of another Club. Any such Permit shall apply only for the season for which it is granted. Should the player wish to transfer to another Club during that season, a Clearance shall be obtained for the remainder of the season from the Club with which the player is currently registered under Permit and a new Permit shall be obtained from the parent Club.

#### 24. RECESSED CLUBS

A recessed Club is one which does not enter a team in Competition Matches organised by the Association for a period of two (2) consecutive seasons after the last entry of a team by that Club. During this period, players are free to play with another Club provided that a Clearance is obtained from the last President or Secretary of the recessed Club. Such clearance shall not be refused except for financial reasons.

#### 25. DEFUNCT CLUBS

A Club shall not be defunct until declared so by the Board and such declaration by the Board shall render any registered player of that Club eligible to register with another Club as a new player. A recessed Club, pursuant to By-law 24, shall be declared defunct by the Board if no team is received for the third consecutive season.

#### 26. TRANSFER OF PLAYERS WITHIN A CLUB

Any player may transfer from one grade to another within a Club at any time during a season without obtaining a Permit to do so.

#### 27. ELIGIBILITY OF PLAYERS FOR FINAL ROUND

- (a) No player shall be eligible to participate in the Senior Final Round for a Club unless the player has played in at least six (6) Senior Competition Matches during the currency of the season. No player shall be eligible to participate in the Junior Final Round for a Club unless the player has played in at least three (3) Junior Competition Matches within that competition during the currency of the season.
- (b) A player shall not be eligible to play in the Final Round with a lower grade team unless the player has participated in more than half of the number of Competition Matches for his/her Club during the season in the lower grade team.
- (c) Notwithstanding anything contained in this By-law, the rights of the player to participate in the Final Round with a lower grade team shall not be prejudiced if such a player has been selected to fill a vacancy in a higher team caused by a player representing Victoria.
- (d) In the event of a Club having two (2) teams in the one section, the said Club shall notify the Executive Director, in writing at the time of entry, which is the senior team. In the

absence of this notification, the Pennant Committee or Junior League, as the case may be, shall determine seniority.

(e) The order of selections shall be:-

- Division 1
- Division 1 Reserves
- Division 1 Thirds
- Division 1 Fourths
- Division 2
- Division 2 Reserves
- Division 2 Thirds
- Division 2 Fourths
- Division 3
- Division 3 Reserves
- Division 3 Thirds
- Division 4
- Division 5
- Women's Division 1
- Women's Division 2
- Women's Division 3

(f) Notwithstanding anything contained in these By-laws, the Pennant Committee or Junior League may, in exceptional circumstances, grant permission for a player to participate in the Final Round. Applications for such permission shall be in writing, setting out all relevant details, and shall be submitted to the Executive Director not later than noon on the Tuesday immediately preceding the Final Round for which such permission is sought.

## 28. PLAYERS PARTICIPATING IN TWO GAMES

A player shall not be entitled to participate in two (2) Competition Matches in the same round of games.

### Exception No. 1

A player who participate in any Competition Match under the control of the Junior League and then participates in a Senior Competition Match on the same day shall not be in contravention of this By-law. Player restrictions may apply as set in the Competition Rules of the Association.

### Exception No. 2

A player having participated in a Division 1 Reserves game, may also participate in a Division 1 First Nine on the same day. This is also the case for Division 2 Reserves players in Division 2 First Nine games, Division 3 Reserves players in Division 3 First Nine games and Women's Division 1 Reserves players in Women's Division 1 First Nine games on the same day - provided that the player does not enter the higher grade game before the completion of the second innings, except in the case of a Designated Pitcher.

A player who has pitched in a Reserves game cannot then pitch in the higher grade game on the same day.

- Both matches participated in shall count in determining eligibility for finals.
- Exception No. 2 is not available for the Final Round.

### Penalty

Any Club contravening this By-law shall be deemed to have played an Ineligible Player in the second game and shall be subject to the penalty prescribed in By-law 13.

29. DESIGNATED PITCHER RULE

(a) Principle

The principle of the rule is to allow Division 1, 2, and 3 and Women's Division 1 first nine players, who are under thirty (30) years of age and less than top rating as pitchers, to pitch in the Reserves game and participate in the First Nine game in the same round.

(b) Clubs who wish to avail themselves of this Rule shall submit for the approval of the Pennant Committee the names of their top two (2) pitchers. Application to change the nominated pitchers may be made at any time to the Executive Director but changes will only be operative after approval by the Pennant Committee. The Pennant Committee may call upon a Club to review its nominated pitchers and may at anytime withdraw the use of this Rule by a Club.

(c) A Club may use a player, other than the two (2) nominated pitchers, to be a starting pitcher, and only pitch, in the Reserve game of the same round.

This player shall be known as the Designated Pitcher.

To be a Designated Pitcher, the player shall be under thirty (30) years of age at the first scheduled playing date of the season.

(d) In the Reserves game a Designated Hitter shall be used for a Designated Pitcher. The use of a Designated Pitcher shall be declared to the umpire before the game commences. If the Designated Pitcher then plays in the Reserve game other than as a pitcher or bats, the Designated Pitcher becomes a normal player and may not participate in the First Nine game of the same round.

The normal Designated Hitter Rule shall apply in all Reserves games in which a Designated Pitcher is used.

(e) On the Batting Order list and Match Report Card any Designated Pitcher used in the Reserves game shall be marked "DP" and all pitchers in the First Nine game shall be marked "P". Managers and Chief Umpires shall ensure correct recording.

(f) The Executive Director shall check eligibility of Designated Pitchers and shall report any breaches of the Rule to the Pennant Committee.

(g) The Umpire(s) shall administer this Rule as to participation in both the Reserves and First Nine games of the same round. An Umpire has the right to direct that a Designated Pitcher may not, in contravention of this Rule, participate in either game. An Umpire is not expected to exercise authority as to knowledge of the two (2) current nominated pitchers or age eligibility.

(h) Penalty for contravention of this Rule shall be forfeiture of the game in which such contravention took place.

(i) A legal game played in each grade shall count as a game played for final eligibility.

(j) This Rule is not available for the Final Round.

(k) This Rule is not available for Non-National, temporary resident players.

30. REPRESENTATIVE MATCHES

(a) Unavailability of Selected Players

All players chosen in teams representing the Association or any part thereof shall be deemed to be available unless written evidence to the contrary is submitted and found to be acceptable to the Board.

Any selected player who is unavailable for reasons not acceptable to the Board shall not be permitted to participate in any Competition Match which may be played concurrently with that of a representative team. Should there be no concurrently played Competition Match, the Board may suspend the player from an equal number of Competition Matches which would have been played by the representative team.

(b) Matches in Victoria

No League, Club or Member of any Club in the competition provided by the Association shall take part in any Competition or Practice Match during the process of Australian Championship, other nominated representative matches or Final Round played under the auspices of the Association unless directed by the Board to do so.

(c) Association Uniform

The uniform for all representative teams shall be that as determined, from time to time, by the Board. Prior to issuing uniforms to players of representative teams the Executive Director shall obtain, or cause to be obtained, from each player a receipt in writing accepting responsibility for the care and return of the uniform in good order and the reimbursement of the Association of the cost of replacement of lost or badly damaged uniform items.

31. PERMISSION TO PLAY IN MATCHES OUTSIDE ASSOCIATION CONTROL

No League or Club affiliated with the Association, nor any team or player, shall arrange or take part in any match with any team within the State of Victoria or outside the State of Victoria without first obtaining the consent of the Board. Where any match is proposed or intended to be played outside the State of Victoria consent shall not be granted by the Board unless the controlling body of Baseball in the State in which the match is intended to be played has given its sanction to same. The permission of the Australian Baseball Federation is required for matches intended to be played interstate or internationally.

32. SUSPENSIONS AND PENALTIES

(a) Any player under suspension or disqualification by the Association, or whose suspension or disqualification has been endorsed by it, shall be debarred from taking part in any match played under the control of the Association, and any member of any Association, League or Club affiliated therewith playing or taking part in any match in which such suspended or disqualified person plays or takes part shall be liable to suspension or disqualification or to such other penalty as the Board may determine.

(b) Any Association, League, Club or Affiliated Body under suspension shall forfeit all rights and privileges held under or in the Association or its property. Its representative shall cease to act and shall not be entitled to vote at meetings of the Association, and its members shall be debarred from taking part in any match played under the auspices of the Association.

(c) The Board shall have the power to and may endorse any suspension or disqualification imposed by any controlling body of Baseball, either in or outside Victoria, provided that notification of such suspension or disqualification is received in writing.

(d) Any Association, League or Club, Player or Member thereof, affiliated with the Association failing to carry out any direction of the Board and/or Committee of the Association which is within the ambit of their powers shall be liable to suspension or

- disqualification during the pleasure of the Board or to such other penalty as the Board may determine.
- (e) Ineligible Players  
The penalty against a Club for violation of the clearance and/or match permit By-law or for playing and ineligible player in a Final Round shall be default of the game and a fine in accordance with By-law 13.
- (i) The team not in default shall gain maximum points.
- (ii) The score in the game shall be 0-9 to the team in default and 3-0 to their opponent. However, where the winning team is not the one at fault and their run percentage for the game is better than 3-0 their runs shall stand. Where the defaulting team is the loser of the game with a loss greater than 0-9 the runs entered will remain.
- (f) Misconduct  
Should any registered Player, Club Member or Official behave in a disorderly manner, either on or off the playing field, the Tribunal or a Committee of the Association may suspend or otherwise deal with the offender in such a manner as it may deem fit.
- (g) Failure to Field a Team (Walkover)
- (i) A team conceding a walkover in either Competition Match or Final Round shall be deemed to have lost the game and liable to a fine in accordance with By-law 13. The opposing team shall be awarded maximum points. The score in a defaulted game shall be 0-9 to the team in default and 3-0 to their opponent.
- (ii) A walkover by an obligatory senior team as defined by By-law 39 shall result in all senior obligatory teams of that Club being deemed to have conceded a walkover in that round of Competition Matches unless, in the judgment of the Pennant Committee, the walkover was caused by circumstances beyond the reasonable control of the Club.
- (iii) A walkover by obligatory Junior teams in any three (3) successive rounds, shall result in the same penalty as described in By-law 32(g)(ii) unless in the judgment of the Pennant Committee, the walkover was caused by circumstances beyond the reasonable control of the Club.
- (iv) Fines, in accordance with By-law 13, shall not be applicable to consequential walkovers defined by By-law 32(g)(ii) and (iii).
- (h) Reporting Match Results  
The home Club is responsible for the telephoning of the results of matches played each round and the final round to such person, place and time as shall be determined by the Board. Failure to comply with this By-law will render the Club liable to a fine as prescribed in By-law 13.
- (i) General Powers  
The Board shall have the power to fine, suspend or otherwise deal with a player, member of a Club or a Club for any act or misdemeanor not provided for in these By-laws or the Rules of the Association.
- (j) Right of Appeal  
Any player suspended or disqualified by any Committee of the Association or by a Club, or any Affiliated Association shall have the right of appeal to the Board but there shall be no appeal against the findings of the Board, which shall be final. The Board reserves the right to increase or reduce the penalty imposed on players, Clubs or Associations.

The appeal, in writing, must be lodged with the Executive Director within fourteen (14) days of suspension or disqualification by the Committee, Club or Association.

### 33. GROUND LIGHTING

The minimum standard of Field Lighting for the conduct of senior and junior Competition Matches shall not be less than 400 LUX (infield) and 300 LUX (outfield) when measured horizontally in accordance with the appropriate Australian Standard. Board approval of the lighting standard shall be given prior to playing either Senior or Junior games at night on lit venues.

### 34. PREMIERSHIP POINTS

- (a) Two (2) points shall be allocated for each Competition Match. A tied game shall result in one (1) point to each team. In the event of a game being declared "No Game" due to state of the ground by the Umpire or the Association, one (1) point shall be awarded to each team.

Exception:- Division 1, 2 and 3 first nine games so effected shall be re-scheduled by the Pennant Committee.

- (b) Should more than one (1) team be equal on match points at the conclusion of the Competition Matches, percentage shall determine the position of teams on the premiership table. To determine the percentage the following procedure shall apply:-

Total Runs for plus Total Runs Against, divided into Total Runs For, that is:-

$$\frac{\text{Total Runs For}}{\text{Total Runs For} + \text{Total Runs Against}}$$

The team having the highest quotient shall be considered to have the better performance.

#### (c) Club Championship

To determine Club Championships, points shall be awarded on the following basis:-

Win by First Team	10 points,	Tied Game	5 points.
Win by Reserves Team	6 points,	Tied Game	3 points.
Win by Third Team	4 points,	Tied Game	2 points.
Win by Fourth Team	2 points,	Tied Game	1 point.

#### (d) Byes

- (i) When the fixture is such that teams have an unequal number of byes, no points shall be allocated for a bye and final standings will be determined upon a percentage basis of games won in relation to games played.
- (ii) Where the fixture provides an equal of byes to each team, no points shall be allocated for a bye.
- (iii) If a bye is created during the season by the withdrawal of a team, two (2) points will be awarded to the team receiving the bye.
- (iv) No runs for or against shall be awarded whenever a bye occurs.

### 35. PREMIERSHIP TROPHIES

The premier team in each grade shall receive a pennant from the Association.

The Champion Club of Division 1, 2, and 3 shall also receive a perpetual trophy from the Association.

36. APPOINTMENT OF MANAGERS

No person shall be appointed Manager or Coach of any team or Club in the Association without first having been registered as a player of that Club.

37. DISPUTES AND PROTESTS

In the event of any dispute or protest (other than judgment decisions, which may not be disputed) the Club or Clubs concerned may appeal to the Pennant Committee and all protests shall be heard as soon as practicable from receipt of the protest in writing provided that the conditions set out in this By-law are adhered to.

- (a) A protest must be lodged at the time of the objection with the umpire. The umpire shall be given the opportunity to consider the point raised by the Manager.
- (b) Should the Manager decide to continue the protest, the umpire should be advised and before play continues Scorers must endorse both score books ensuring the following details are marked:-
  - (i) Inning
  - (ii) Position of runner(s) on base.
  - (iii) Time of day.
  - (iv) Ball and strike count on batter.

The Manager of the protesting team shall, at the conclusion of the match, advise the umpire whether the protest is to be proceeded with and request the umpire to endorse upon the Match Report Card that a protest has been lodged. Notice of the protest must be lodged in writing, be in the hands of the Executive Director within forty-eight (48) hours of completion of the game and accompanied by a ten dollar (\$10.00) fee, which shall be returned if the Pennant Committee does not consider the protest frivolous.

The notice of protest shall include reference to the Baseball Rule being protested and full reasons why the protest is being entered.

38. NEW CLUBS

(a) Particulars of Ground etc.

Any Club applying for admission to the Association shall furnish written particulars regarding the location of its ground, dressing accommodation, the nature and tenure of same and conditions of occupancy. Before the commencement of each season the Pennant Committee may review all such particulars and may, when considered necessary, require a Club to give an undertaking confirming its ground arrangements before re-admittance to the Association.

(b) Registration of Uniform

Each Club shall, in writing, register with the Executive Director particulars of the uniform of each of the club, and each new Club applying for admission shall state, in writing, the particulars of its uniform, such to be approved by the Pennant Committee before being adopted. No Club shall make any change in its uniform without first obtaining the consent of the Pennant Committee.

39. QUALIFICATIONS OF CLUBS AND COMPETITION STRUCTURE

The Board shall, from time to time, adopt regulations for the qualification of Clubs to compete in the various Divisions specified and the structure of the competition. These regulations shall be contained in Appendix D.

#### 40. JUNIOR LEAGUE DELEGATES

(a) Club Representation

Each Club fielding a junior team shall be entitled to be represented by one (1) delegate.

(b) Ordinary Meetings

Except in special circumstances, the Ordinary Meeting of Clubs shall be held at least once in every two (2) months during the season, Clubs to receive at least seven (7) days notice of each meeting.

(c) Special Meetings

A Special Meeting of Clubs may be summoned on any date as shall allow three (3) clear days notice to the Chairperson, Members of the Junior League and Clubs, such notice to set out clearly the business of the meeting and no other business shall be dealt with.

Special Meetings may be summoned:

(i) By resolution of the Junior League Committee or Board.

(ii) By the Chairman of the Junior League Committee.

(iii) By a resolution signed by not less than five (5) Junior League Delegates, such requisition to state the purpose for which the meeting is to be called.

At all Special Meetings of the Clubs called in accordance with sub-clause (c) (iii) of this By-law, the meeting shall not proceed, but shall lapse, unless all persons signing the resolution, or their proxy, are in attendance.

(d) Quorum

A quorum of Junior League Delegates shall be formed when more than half the total number of Clubs are represented.

(e) Appointment of Delegates

No Junior League Delegate shall have the right to take part in any discussion arising at any meeting of Clubs, or to vote at such a meeting, unless written notification of the appointment as Delegate, signed by the Club Secretary, is received by the Executive Director prior to the meeting.

(f) Proxies

Each Club shall have the right to appoint, in writing, a proxy for any Junior League Delegate who may be prevented from attending any meetings of Clubs and such proxy shall vote and act as a Junior League Delegate at that meeting. A Club has the right to fill any vacancy in the position of its Junior League Delegate provided that clause (e) of this By-law is complied with.

(g) Visitors

Subject to the right to exclude all but Members of the Board and Junior League Committee and the Junior League Delegates, any person may attend meetings of Clubs but shall not be allowed to speak without the consent of the Chairperson of the meeting and shall not vote on any subject.

(h) Absence of Junior League Delegates from Meetings

Any Junior League Delegate absent, without acceptable excuse, from two (2) consecutive Ordinary Meetings of Clubs shall be deemed to have relinquished the position of Delegate and shall not be eligible to represent that Club at the next meeting

and shall not be eligible for re-appointment during the current season. The Club formerly represented by a Delegate dealt with under this clause shall be notified, in writing, by the Executive Director at least fourteen (14) days prior to the next meeting, that a new Delegate is required.

Clubs not represented at meetings shall be subject to a fine in accordance with By-law 13.

- (i) Voting
  - (i) The voting power of Junior League Delegates shall be one (1) vote per Club entered in the Association Competition.
  - (ii) At all meetings the method of voting shall be by show of hands unless the Chairperson rules, or three (3) Junior League Delegates request, that a ballot be conducted.

#### 41. PRESIDENTS AND SECRETARIES MEETING

- (a) Schedule of Meetings

In addition to, and to complement, the meetings referred to in Rules 7, 8 and 9. Meetings of Clubs Presidents and Secretaries shall be held at least once every month, unless considered unnecessary by the Board.
- (b) Club Representation

Each Club shall be entitled to be represented by two (2) executive members, namely the President and Secretary.
- (c) Quorum

A quorum of representatives shall be formed when more than half of the number of Clubs of the Association are represented.
- (d) Attendance at Meetings

No representative shall have the right to take part in any discussion arising, or vote on any motion, at a meeting of Presidents and Secretaries unless notification of appointment as a Club President or Secretary has been received by the Executive Director prior to the meeting.

Clubs not represented at Meetings shall be subject to a fine in accordance with By-law 13.
- (e) Proxies

Each Club shall have the right to appoint, in writing, a proxy for any representative who may be prevented from attending any meeting of Presidents and Secretaries and such proxy shall vote and act as a representative at that meeting. A Club shall have the right to fill any vacancy in the position of its representatives provided that clause (d) of this By-law is complied with.
- (f) Visitors

Subject to the right to exclude all but Members of the Board and representatives of Clubs, any person may attend the meetings of Presidents and Secretaries but shall not be allowed to speak without the consent of the Chairperson and shall not vote on any subject.
- (g) Voting
  - (i) The voting power of representatives shall be one (1) vote per Club.

- (ii) At all meetings, the method voting shall be by show of hands unless the Chairperson rules, or three (3) representatives request, that a ballot is necessary to facilitate counting.

#### 42. UMPIRES

(a) Baseball Umpires Association of Victoria (BUAV)

The umpires for all matches played under the auspices of the Association shall be appointed from members of the BUAV whose names appear on the register of this Association, provided the membership and number available be sufficient to meet the requirements of the Association.

(b) Approval to Umpires

- (i) Before being appointed to matches, an umpire shall be approved by the Board for listing on the register.
- (ii) No name shall be removed from the register without the sanction of the Board, and should the umpire to be removed from the register be a member of the BUAV, the Board shall advise the BUAV, in writing, of the reason for such action. The BUAV shall, within fourteen (14) days of such advice, be given the opportunity, should it so desire, to request that two (2) members of its executive, together with the member concerned, appear before the Board. The Board shall not proceed to remove the member from the register without granting the BUAV this hearing. Following this hearing, the decision of the Board shall be final.
- (iii) Should the BUAV desire the removal from the register of any of its members, it must notify the Board, in writing, giving the reasons for such removal. The Board shall convene a hearing as described in sub-clause (b)(ii) of this By-law and the decision of the Board following this hearing shall be final.

(c) Fees

The fees payable to umpires shall be decided by the Board.

(d) Match Report Cards

At the conclusion of each match, the umpire shall ensure that the Match Report Card is correctly completed and shows the names of all players taking part in such match, together with the details of scores. Such cards must be returned to the Executive Director, or such other person as may be appointed by the Board from time to time, within seventy two (72) hours of the completion of the match. Failure to comply with this By-law renders the umpire concerned liable to a fine, as specified in By-law 13, for each and every offence.

(e) Late Arrival at Match

In the event of an appointed umpire not being in attendance at the time scheduled for the commencement of the match, the Home Club shall appoint a substitute, and the Secretary of the Home Club shall, at the competition of the Match, forward to reach the Executive Director or such other person as may be appointed from time to time, within seventy two (72) hours, a Match Report Card showing the names of all players taking part in such match together with details of the score. Failure to comply with this By-law renders the Club concerned liable to a fine, as specified in By-law 13, for each and every offence. Should the appointed umpire arrive within thirty (30) minutes of the scheduled commencement time, the umpire shall assume control of the remainder of the game. The umpire is then responsible for the return of the Match Report Card, and shall record

thereon the late arrival, for which a fine, as specified in By-law 13, is liable to be imposed.

(f) Non-arrival of Umpire

Any umpire who fails to attend the match to which an appointment has been made or who arrives late and does not call the game, shall send, in writing, an explanation of the reason for the non-attendance or late arrival, to reach the Executive Director, or such other person as may be appointed by the Board from time to time, within seventy two (72) hours of the completion of the match to which the appointment was made. Failure to comply with this By-law renders the umpire liable to a fine, as specified in By-law 13, for each and every offence.

(g) Payment of Umpire

- (i) Should any match set down to be played, at which an umpire attends, not take place, the opposing teams shall be responsible for the payment of the umpire fee, provided that where the match does not take place due to the default of either team, the team at fault shall pay the total umpire fee.
- (ii) The umpire fee for a match which is commenced and completed in normal manner shall be borne in equal amounts by the opposing teams.
- (iii) Umpire fees shall be debited to Clubs by the Association and paid by the Association to umpires at such times as directed by the Board.

(h) Voting by Umpires

Where directed by the Board, umpires shall record votes for awards specified, and in the manner specified, and return such vote cards to the Executive Director with Match Report Cards. Failure to comply with this By-law renders the umpire liable to a fine, as specified in By-law 13, for each and every offence.

(i) Umpiring outside the Association

No umpire named on the register shall umpire matches which are not under the auspices of the Association without the written approval of the Board.

43. REPORTED PERSONS & TRIBUNAL PROCEDURE

(a) GENERAL

- (i) Any umpire in control of any game played under the auspices of the Association is empowered to report any person who, in the umpire's opinion, engages in conduct detrimental to the best interests of the game of baseball. This includes any practice game to which a BUAV official has been appointed.
- (ii) Immediately following any Report the provisions of Rule 4.07 of the "Rules of Baseball" shall be enforced insofar as they are practicable in the circumstances of that particular game. A person ejected from a game for smoking, consuming an alcoholic beverage or chewing or dipping of tobacco shall comply with this rule but apart from mandatory fine no further action will be taken. In all other cases the reported person must appear before the Tribunal. The reported person may participate in any game to be played before the next scheduled Tribunal hearing. Scheduled meetings of the Tribunal will be published prior to the start of each season.

(b) THE REPORT

- (i) The report must be in writing preferably on the “Reported Person Notice”. The report must name the reported player and give sufficient details of the alleged offence(s) as will enable the reported player to complete a defence.
- (ii) The following list is not exhaustive but some of the offences which may give rise to a report are:-
  - Kicking/attempting to kick\*
  - Striking/attempting to strike \*
  - Unduly rough play
  - Unsportsmanlike conduct
  - Obscene/indecent/abusive/insulting/threatening conduct
  - Misconduct

\* The report must name the alleged victim and that person will be required to appear at the Tribunal hearing.
- (iii) After the reporting umpire has completed the report it is to be signed by the Manager of each team and the umpire after which no further wording is to be added.
- (iv) The report is the sole notification to be given to all parties including:-
  - (a) the reported person
  - (b) the reported person’s Club
  - (c) the umpire
  - (d) any other person named on the report and that person’s Club.
- (v) The report will be retained by the reporting umpire and given to the Tribunal Chairperson.
- (vi) The reporting umpire must contact the Executive Director during business hours on the next business day and advise him of the existence of the report. The Executive Director must then contact the Tribunal Secretary and/or Chairperson.
- (viii) The wording of the report may be altered at the discretion of the Tribunal when:-
  - (a) the umpire with the reported person present is able to show that the desired alteration is fair and reasonable and;
  - (b) the reported person has been given the opportunity to show that he may be disadvantaged by the proposed alteration.

(ix) The Board may, from time to time, declare a Table of Tribunal Offences and Penalties (“Table”) for reporting of common offences and the penalties for these offences. This Table and the Tribunal procedures to be used in its administration are contained in Appendix E – Table of Tribunal Offences and Penalties.

A flow chart for the reporting process is also contained in the Appendix.

(c) THE TRIBUNAL

- (i) The Board shall, from time to time, appoint a panel of persons who shall be collectively known as the Tribunal. Of the appointed persons the Board shall appoint a Chairperson, a Deputy Chairperson and a Secretary.
- (ii) A Tribunal hearing may not proceed if there be less than three Tribunal members present. In such a case the hearing will be adjourned to a later date.

- (iii) Should there be insufficient Tribunal members available for any hearing the Tribunal shall have the power to co-opt any member(s) of the Board or Committee of the Association.
- (d) THE HEARING
  - (i) Tribunal hearings are open and any interested person may attend and remain whilst evidence is taken. The continued presence of visitors is at the absolute discretion of the Chairperson and any attempt to disrupt or interrupt the proceedings may result in the offender's expulsion from the hearing. Intended witnesses will not be admitted whilst other evidence is being given.
  - (ii) A reported person who, at the date of the hearing, is under eighteen (18) years of age will be permitted to appoint an adult person as his advocate and any person so appointed may remain whilst all evidence is being given. An advocate will not be permitted to give evidence. An advocate, if appointed, will assume control of the reported person's defence and the latter will not be permitted to speak unless it be to give evidence on his/her own behalf.
  - (iii) The parties to the report, that is to say the reporting umpire and/or the reported person, may call any witnesses they desire. It is not the responsibility of the Tribunal, or the Executive Director, to arrange for the presence of any such witnesses.
  - (iv) As a general rule, the hearing will proceed as follows:-
    - (a) the reporting umpire and the reporting person will be called
    - (b) the report will be read
    - (c)
      - (i) the reported person will be asked to enter a plea of guilty or not guilty. Should the reported person be undecided the Tribunal will enter a plea of not guilty.
      - (ii) if the reported person pleads guilty, the reporting umpire will be directed to outline the circumstances of the report. The reported person may question the umpire provided any such questions seek only to elaborate and/or clarify the umpire's evidence or provide the Tribunal with some evidence of mitigation.
    - (d) if the reported person pleads not guilty then:-
      - (i) the umpire will be directed to give his/her evidence.
      - (ii) the reported person may question the umpire
      - (iii) the umpire may call his/her witnesses.
      - (iv) the reported person may question the witnesses
      - (v) the reported person will be asked to present his/her defence
      - (vi) the umpire may question the reported person
      - (vii) the report person may call his/her witnesses
      - (viii) the umpire may question the witnesses
      - (ix) the parties to the report and any visitors will then retire whilst the Tribunal considers the evidence placed before it. In the event of the Tribunal returning a finding of guilty it shall have regard to the register of reported persons before deciding upon the nature and extent of any penalty to be imposed. Any such penalty will be recorded in the register.

- (x) All parties will then be re-admitted and advised of the Tribunal's decision. Any penalty involving a suspension shall be given to the reported person in writing and a copy is to be sent to the person's Club and the Executive Director.
- (e) In the event of the reporting umpire not being in attendance at the appointed time the Chairperson shall allow a reasonable period of grace. The report shall not lapse but will be re-scheduled for hearing at a date and time to be advised to all parties. The Executive Director must be advised of the umpire's failure to attend the hearing and the umpire will be required to furnish an explanation of his absence. The matter will then be referred to the Pennant Committee whose task it will be to decide if any disciplinary action is warranted.
- (f) If circumstances to which Clause 43(e) relates the reported person may participate in any games to be played prior to the re-scheduled hearing.
- (g) Absence of Reported Person  
Should the reported person not be in attendance at the appointed time the Chairperson shall allow what is considered to be sufficient period of grace and should the reported person not appear within that period the Tribunal, in the absence of the reported person, shall hear the evidence submitted by the umpire(s) and any witnesses. The Tribunal shall consider the information submitted and, should there be a prima facie case against the reported person, that person shall be suspended during the pleasure of the Tribunal. The Secretary of the reported person's Club will be advised by the Executive Director and the person will remain under suspension until an appearance before the Tribunal to give explanation for the action which led to absence from the original Hearing. The Tribunal shall openly decide what penalty, if any, shall be imposed. Arrangements for appearances before the Tribunal shall be made through the Executive Director.
- (h) Records and Decisions  
Minutes of Hearing shall be compiled by the Tribunal Secretary. Decisions of the Tribunal shall be advised to the following officials as soon as practicable:
  - (i) Tribunal Members
  - (iii) The Suspended Player
  - (iv) The Suspended Player's Club Secretary
  - (v) The Executive Director
 The Tribunal shall maintain a register in which all proven offences and penalties shall be recorded.
- (i) Should a reported person be unable to attend the next scheduled hearing of the Tribunal that person shall immediately advise the Executive Director and state the reason for his enforced absence. The Executive Director shall consider all aspects of the matter and decide if the reported person should be given permission to participate in any games set down to be played prior to the re-scheduled hearing.
- (j) Effect of Suspension

- (i) A suspended person shall not play, manage, coach, nor assist in the conduct upon the field of any Senior or Junior Baseball game.
  - (ii) Any person may report any breach of suspension to the Executive Director who will arrange for the suspended person to make a further appearance before the Tribunal. The Tribunal is empowered to hear the matter, with or without the suspended person present, and to impose any further penalty as it deems appropriate.
  - (iii) For the purposes of this Clause, a game is deemed to commence when the umpire enters the playing field in compliance with Rule 4.01. Any suspended person who, at or from that time, indulges in any of the activities mentioned in Clause 43(j)(i) may be reported for breach of suspension.
  - (k) All findings of the Tribunal are final **except where an Appeal is provided for in By-law 43(f)**.
  - (l) It is the spirit and intent of this By-law that Tribunal hearings be conducted in a completely unbiased manner with due deference to all present. It is the Chairperson's duty to ensure that all persons observe these formalities and should any person engage in conduct which, in the Tribunal's opinion, is at variance with the expected standards of behaviour the Tribunal is empowered to deal with that person in the manner which it thinks appropriate in the circumstances.
- (e) **PERSONS REPORTED AT JUNIOR LEAGUE MATCHES**  
 All persons reported at matches under control of the Junior League Committee shall appear before a Tribunal convened by that Committee and in all other respects the reported person shall be dealt with in accordance with this By-law.
- (f) **APPEAL OF TRIBUNAL DECISION**
- (i) **Right of Appeal**
    - (a) The Board shall appoint a person to the position of Appeals Officer
    - (b) There shall be no appeal from a decision of the Tribunal unless the person seeking to appeal ("Appellant") satisfies the Appeals Officer, or their nominee, in that person's sole discretion, that one or more of the following grounds of appeal is satisfied.
      - (i) That significant new or additional evidence has become available;
      - (ii) That the penalty imposed by the Tribunal is manifestly excessive; or
      - (iii) That the Tribunal failed to follow procedures or requirements of the By-laws to the significant detriment of the person seeking the appeal.
    - (c) Only a charged person who attends a Tribunal hearing shall have the right of appeal from a decision of the Tribunal under this By-law. A person who pleads guilty and accepts a Tribunal determination as to penalty without appearing before the Tribunal cannot appeal under any circumstances.
    - (d) The Appeals Officer, or nominee, may determine one of the following:

- (i) That the person appealing has not established any of the grounds for the appeal;
  - (ii) That the person appealing has established one or more of the grounds for the appeal;
- If the Appeals Officer, or nominee, decides that the person appealing has established one or more of the grounds for the appeal they shall direct the appeal to the Appeals Panel.
- (e) Any penalty imposed by the Tribunal shall be stayed pending the Appeal hearing.
  - (f) There shall be no appeal from a decision of the Appeals Panel.
- (ii) Notice of Appeal
    - (a) A person seeking to appeal a decision of the Tribunal must lodge with the Appeals Officer a Notice of Appeal, setting out full details of the charges and results and grounds of appeal, within twenty-four (24) hours of the notification of a determination of a Tribunal hearing. This shall be accompanied by a three hundred dollar (\$300) fee which will be returned if the Appeals Officer does not determine that the appeal is frivolous.
    - (b) An Appellant shall be notified within twenty-four (24) hours of receipt of the Notice of Appeal as to whether an appeal hearing is to be granted and the time, date and place of the appeal hearing, in the event that it is granted.
- (iii) Appeals Panel
    - (a) The Appeals Panel shall be appointed by the Board and shall consist of five (5) suitably qualified people.
    - (b) If an appeal hearing is granted, the Appeals Officer shall convene an Appeal Panel to hear and determine the appeal in accordance with the By-laws.
    - (c) The appeal shall be heard by no fewer than three (3) persons appointed from the Appeals Panel.
- (iv) Proceedings of Appeals Panel
    - (a) The Appeals Panel and persons appearing before it are bound by the same procedures under these By-laws as if the Appeal Panel was a Tribunal hearing a matter at first instance.
    - (b) The Appeal Panel shall have the power to:
      - (i) Dismiss the appeal;
      - (ii) Uphold the appeal;
      - (iii) Reduce, increase or otherwise vary any penalty imposed by the Tribunal in such a manner as it thinks fit.
    - (d) The Appeal Panel is not obliged to give oral or written reasons for a decision under this By-law.
    - (e) At the conclusion of the appeal, the Appeals Officer, or nominee, shall ensure that the appellant and the reporting person are informed of the determinations of the Appeal Panel.
- (v) Single Right of Appeal

There is only one right of appeal following the decision of the initial Tribunal.  
Any appeal must be solely and exclusively resolved by the Appeal Tribunal and  
the decision of the Appeal Panel is final and binding on the parties.

44. RULES FOR CONDUCT OF COMPETITION MATCHES

The Pennant Committee and Junior League Committee shall be empowered to make rules for the conduct of Competition Matches and the Final Round. These rules shall be known as Competition Rules and shall be printed in the Fixtures or such other form deemed appropriate. All Competition Rules shall be subject to the approval of the Board, shall have the same effect as By-laws of the Association, and may be used to elaborate on the By-laws.

Competition Rules shall include, but not be limited to, references to:-

- Starting Times and Duration of Play
- Ground and Match Equipment
- Uniforms
- Umpires
- Match Report Cards
- Scorers
- Tribunal
- Special Application of Official Baseball Rules.

45. RACIAL AND RELIGIOUS VILIFICATION

(a) PROHIBITED CONDUCT

No person in their capacity as a member of a club or, in the course of carrying out their duties or functions as or incidental to being a member of a club (being a person entitled to enter the arena during the course of or prior to or during any break in play in any match) shall act towards or speak to any other person in a manner, or engage in any other conduct which threatens, disparages, vilifies or insults another person ("the person vilified") on the basis of that person's race, religion, colour, descent or national or ethnic origin.

(b) LODGING COMPLAINT

In the event that it is alleged that a person has contravened By-law 45(a) an Umpire, Club or player may by 5.00pm on the first working day following the day on which the contravention is alleged to have occurred, lodge a complaint in writing with the person appointed from time to time by the Board as the Complaints Officer for the purposes of this By-law. The complaint must outline the circumstances of the allegations made against a person.

(c) COMPLAINTS OFFICER

The Complaints Officer shall

- (i) inform the person alleged to have contravened By-law 45(a) of the complaint and provide that person with an opportunity to respond to it in writing;
- (ii) identify and obtain written statements from any available witnesses;
- (iii) obtain video or other evidence produced through the multi-media and
- (iv) arrange for the complaint to be conciliated and take all steps necessary for the complaint to be conciliated.

(d) CONFIDENTIALITY AND NO PUBLIC COMMENT

Subject to By-law 45(g):-

(i) the particulars of a complaint and the conciliation shall at all times remain confidential, and

(ii) a person shall not publicly comment on or disseminate to any person information concerning a complaint at any time prior to, during or after the conciliation.

(e) CONCILIATOR

A conciliation arranged under By-law 45(c) shall be conducted by a suitable independent person appointed by the Board upon agreement between the parties.

(f) ATTENDANCE AT EDUCATION PROGRAM

(i) a person alleged to have contravened By-law 45(a) attends a conciliation for the first time (other than as a person vilified) and

(ii) the complaint against the person is resolved at conciliation, the person shall attend an education program in relation to racial and religious vilification as approved from time to time by the Board.

(g) PUBLIC STATEMENT

Where a matter is resolved by conciliation, the only public statement that shall be made concerning a complaint and its resolution shall be that agreed upon by the parties.

(h) UNSUCCESSFUL CONCILIATION

Where the Complaints Officer is of the opinion that the matter has not been resolved by conciliation, the Complaints Officer shall:-

(i) in the case of a player, refer the complaint to the Tribunal to be dealt with as a Reportable Offence under By-law 43, or

(ii) in the case of any other person, refer the complaint to the Board to be dealt with under the Rule 6.

(i) PREVIOUS INVOLVEMENT

Where a person alleged to have contravened By-law 45(a) has previously taken part in a conciliation (other than as a person vilified), the Complaints Officer may refer the complaint directly to the Tribunal to be dealt with as a Reportable Offence under By-law 43 in the case of a player, or directly to the Board to be dealt with under Rule 6 in the case of any other person.

(j) EVIDENCE BEFORE TRIBUNAL OR BOARD

In the event that a complaint is referred to the Tribunal or the Board under this By-law, no evidence shall be given to or be accepted by the Tribunal or the Board relating to anything said or done in any conciliation carried out pursuant to By-law 43 (c).

(k) EXECUTIVE DIRECTOR

In the event that a Complaints Officer has not been appointed for the purposes of this By-law or, if appointed, is for any reason unavailable to act under this By-law, the Complaints Officer for the purpose of this By-law shall be the Executive Director.

(l) REFERRING COMPLAINT

In any case where the Complaints Officer determines to refer the complaint to the Tribunal or the Board, the complaint shall be referred to the Tribunal or the Board, as the case may be, as soon as practicable.

(m) TIME LIMIT

Any time limit for the doing of anything referred to in this By-law may be extended by the Board if in the opinion of the Board it is just and equitable to do so.

(n) LIABILITY OF CLUB

(i) In the event that a complaint under this By-law in respect of conduct engaged in by a person is found to have been proven by the Tribunal or where the Board determines that a person, the subject of a complaint, has been involved in conduct which is unbecoming or prejudicial to the interest of the Association, the Club associated with the person at the time of the conduct shall be deemed to be vicariously liable for the conduct of the person and shall be asked to attend a meeting of the Board in which the Board is empowered to penalise the club, including the issue of a fine.

(ii) By-law 43(n)(i) does not apply to a contravention by a person if, in the opinion of the Board, the Club took all reasonable steps to prevent members or those otherwise associated with the Club from engaging in the conduct which contravened this By-law.

(o) CONTINUING EDUCATION

Each Club shall ensure that all of its Players, Coaches, Officials and other members are familiar with this By-law and education program.

## **APPENDIX A**

### **HIGH PERFORMANCE COMMITTEE**

The High Performance Committee would be responsible for all aspects of the Board's High Performance (HP) programs and would report directly to the Board through its appointed representative.

#### Scope of the High Performance Committee

The High Performance Committee would be responsible for all elite under age programs from U12 to U23 and both the Women's and Claxton Shield programs. The following key areas of HP programs would be addressed by the committee:

- Player Development – programs, pathways and talent identification.
- Team Management/Selection – development and implementation of policy, process, criteria and reporting.
- Coaching – pathways, selection, criteria and reporting.
- Athlete Welfare – develop and implement policy that ensures program quality and that maintains and fosters the best interests of athletes.
- Support Staff – define role of, and select, program Executive Officer (EO) and ensure that programs have appropriate access to Sports Science (SS) and Sports Medicine (SM) services.

#### HP Committee Structure

- Executive Director (Board rep) – Chair
- Development Manager
- Operations Manager
- VISBA Head Coach
- ABF Baseball Operations Manager
- Independent representative
- Committee would also seek input from specialist consultants as required, e.g. National Team Head Coach, National Team Pitching Coach and Claxton Shield Head Coach.

## **APPENDIX B**

### **SELECTION POLICY**

#### **1. PHILOSOPHY**

The objective of the Selection Policy is to select the most suitable Victorian Baseballers to represent Victoria at National Championships.

All participants with strong claims for selection will be considered by the selection panel for selection in accordance with this Policy.

- a) All participants wishing to be considered for selection must compete in a Board sanctioned competition, at the respective junior age group for U14, 16 and 18 where applicable, in the current competition Season. The Selection Panel or the Head Coach may accept a nomination for a player who is not able to participate in competition due to injury/illness/or other extenuating circumstance, however this is at their absolute discretion. The Board shall circulate this Policy to potential participants at appropriate times each year.
- b) This policy applies to all junior age groups, Under 14, 16 and 18, Under 23, Women's and Claxton Shield teams.
- c) This Policy remains in force until revoked by the Board.

#### **2. INTERPRETATION**

Unless the context otherwise requires, the terms used in this Policy shall have the same meaning as in the Constitution and/or By-laws.

- (a) No particular selection criteria shall be weighted more or less significantly by reason only of the order in which that criteria appears in this policy.
- (b) This policy may be amended or supplemented by the Board at its absolute discretion:
  - (i) In order to achieve the objective in clause 1(a) above; or
  - (ii) Where matters arise which, in the sole opinion of the Board, have not been provided for in this Policy; or
  - (iii) Where the literal application of this policy would not achieve the objective in clause 1(a). Any variation or amendment must be in writing given by the Operations Manager. The Operations Manager will use his/her best endeavours to give as much notice as possible to all persons affected by any amendment or supplement to this Policy.

#### **3. SELECTION PANEL**

The Board shall appoint at its sole discretion, a selection panel one of whom will be the Head Coach on the basis of previous club, state, state or interstate experience or involvement in baseball competitions. Where any of the selection panel becomes or is unable to meet their responsibilities under this policy the Board will appoint a further selector.

#### 4. ELIGIBILITY

All participants wishing to be considered for selection must:

- (a) be an Australian citizen; and
- (b) be a registered member of the Association or an affiliated Association;
- (c) have participated in an Association sanctioned competition in the current season. If unable to participate due to illness, injury or other genuine reason accepted by the Head Coach, have participated previously in an Association sanctioned competition. (Verbal notification of illness, injury or other genuine reason is to be made to the Head Coach within 24 hours of the occurrence and with written confirmation within 48 hours); or
- (d) have, if overseas as a scholarship holder or as a player in a non-residential capacity, participated previously in an Association sanctioned competition.

#### 5. SELECTION CRITERIA

Selection criteria (“Criteria”) may include the following:

- (a) satisfaction of, or the ability within the relevant time period to satisfy, the applicable eligibility criteria in respect of the squad, team, event or other activity under consideration;
  - (i) past club, state and interstate performances over such period as determined by the selection panel;
  - (ii) current club, state and interstate performances;
  - (iii) demonstrated and/or potential ability to work with the coaching staff, team officials and other players;
  - (iv) demonstrated attitude and commitment to the Association regarding State representation;
  - (v) (where relevant) the participant’s current level of skill and physical fitness;
  - (vi) (where relevant) any current or potential injury or condition which will impair, inhibit or prevent the participant’s performance to the requisite level;
  - (vii) the potential of the participant to successfully achieve the objectives of this Policy and of the Association under it’s constitution;
  - (viii) the participant’s compliance with the Association’s Eligibility Guidelines (if any);
  - (ix) any other factor considered relevant in the circumstances;
- (b) in considering the criteria, the selection panel may at their discretion give weight to extenuating circumstances. Extenuating circumstances may include injury or personal bereavement
- (c) to ensure that the team has a balanced group of athletes and specialist playing positions, enabling development of a team which matches with desired playing approaches and strategies;
- (d) ability to meet the financial obligations associated with the State Team/Squad.

#### 6. SELECTION PROCEDURE

- (a) The selection panel shall select such squads, teams, individuals as are required, in accordance with such interstate or state constraints or requirements as are appropriate.

(b) The selection panel shall have total discretion in selection and may have regard to any one or more of the Criteria in any selection process. The selection panel need not have regard to all of the Criteria.

(c) A unanimous decision of selectors is required. Subject to this Policy, the decision of the selection panel shall be final. No reasons need be given for any selection or other decision of the selection panel. This shall not prevent, limit or restrict the selection panel changing the selection of any squad, team, individual or official at any time in their sole discretion, having regard to all the circumstances.

(d) The selection panel may from time to time in their discretion select a person who is not otherwise under consideration. This may occur in circumstances such as illness, newly obtained citizenship or otherwise.

(e) Unless expressly requested by the selection panel, participants have no right to make submissions or representations to, or appear before, the selection panel. Any right or claim to natural justice in this regard is expressly excluded, such right being preserved in the appeal process under clause 11.

#### 7. NOTIFICATION TO RELEVANT PARTIES

(a) Subject to the Constitution and By-laws and any constraints imposed upon the Association by third parties, individuals selected by the selection panel (“Selected Parties”) shall be notified of their selection as soon as practicable after their individual selection or finalisation of the relevant squad or team.

(b) Notification of the Selected Parties shall also be given to relevant parties within the Association in accordance with the provisions of the Constitution. Following notification of the Selected Parties, the Association shall make a public announcement of the relevant Selected Parties.

#### 8. REMOVAL FROM A SELECTED SQUAD OR TEAM

(a) Any participant who:

(i) breaches or fails to observe this Policy, the Constitution or the By-laws;

(ii) by reason of illness or injury is unable to perform to the required standard in the opinion of the selection panel or the state coach (after having received advice from a medical practitioner);

(iii) breaches or fails to fulfil a requirement of the ABF Anti-Doping Policy;

(iv) breaches or fails to comply, fulfil and observe the requirements in the State team agreement;

is ineligible for selection to or continued membership of the State squad or State team as the case may be.

(b) Any participant may be removed from the State squad or State team by the selection panel in consultation with the Head Coach or the Executive Director as circumstances may require including where the participant has failed to sustain his or her performance and attitude to a satisfactory level, provided that the required performance levels had first been discussed with the participant and the participant had been given the opportunity to attain those performance levels.

#### 9. STATE SQUAD

The State squad will consist of up to thirty (30) players. All members of the State Squad must attend all camps and competitions as directed by the Head Coach. A Calendar of Events for State Squad (which shall be produced and circulated annually) shall be used as a guide to expected commitments. Dates are subject to change.

## 10. STATE TEAM

The State team will be selected from the State squad according to the Criteria. The State Team for a National Championship will consist of sixteen (16) to twenty two (22) players.

## 11. APPEALS

(a) An aggrieved person may appeal against a failure of the selection panel to comply with the procedures set down in this Policy. An appeal may only be made on procedural grounds not on the merits of a particular selection decision. Any appeal under this clause will proceed in accordance with this clause.

(b) Any appeal against a decision of the selection panel must be made within 2 days of any public announcement under clause 7(b).

(c) The appeal must be lodged in writing with the Executive Director setting out:

- (i) the particular alleged failure of the selection panel in question;
- (ii) the ground on which the appeal is made; and
- (iii) the reasons or circumstances supporting the alleged ground of appeal; and
- (iv) must be accompanied by a non refundable appeal fee of \$500.

(d) Nothing in this Policy prevents the withdrawal of an appeal at any time in writing to the Executive Director.

(e) On receipt of an appeal in accordance with this Policy, the Executive Director must immediately forward the appeal documents to the Association Appeals Tribunal.

(f) The Appeals Tribunal shall be constituted by any three persons appointed by the Board to hear the appeal which must include the following:

- (i) a person with a thorough knowledge of the sport and who preferably has had recent interstate competition experience in the sport;
- (ii) the President (or delegate); and
- (iii) a barrister or solicitor who will chair the Appeals Tribunal.

(g) No member of the Appeals Tribunal may be a party to or directly interested in the matter under consideration.

(h) The Appeals Tribunal has no power of selection or re-selection. The Appeals Tribunal may review the matter(s) set out in the appeal and may (as appropriate) refer the matter back to the selection panel for consideration.

(i) The Appeals Tribunal shall, as soon as practical after receiving the appeal documents under clause 11(e), investigate and consider the matter and shall within 7 days of receiving such notice, determine whether:

- (i) the matter should be dismissed, because in its determination, the matter is trifling in nature or has no merit; or
- (ii) the appeal warrants further review and determination in accordance with this Policy.

(j) If the Appeals Tribunal determines the matter warrants further review under clause 11(i)(2), it shall, as soon as practicable having regard to the timing of selection and proximity of relevant events, serve a notice in writing on the aggrieved party, the selection panel and the Association:

- (i) stating that the aggrieved party may address the Appeals Tribunal at a meeting to be held as soon as practicable, being not earlier than four (4) days from the date of the notice;
- (ii) stating the date, place and time of that meeting; and

(iii) informing the aggrieved person that he or she may do any one or more of the following:

1 attend that meeting (personally or by his or her representative, not being legally trained or qualified); or

2. give the Appeals Tribunal, no later than 24 hours before the time of that meeting, a further written statement setting out relevant information surrounding the appeal.

(k) The Appeals Tribunal may conduct a meeting convened in accordance with clause 11(j) (or any adjournment) in such manner as it sees fit, but shall:

(i) give to the aggrieved person and the selection panel every opportunity to be heard;

(ii) give due consideration to any written statement by the aggrieved person or the selection panel;

(iii) allow the aggrieved person to be present along with his or her adult representative (not being legally trained or qualified);

and may request or require the aggrieved person, the selection panel or any other witness to attend the meeting or provide such evidence as is available.

Following consideration of all information, which the Appeals Tribunal considers relevant and which is available, the Appeals Tribunal shall arrive at a finding. A decision of the Appeals Tribunal may be by a majority decision.

(l) The Appeals Tribunal shall notify the Executive Director of its finding as soon as practicable.

(m) If the Appeals Tribunal considers the ground(s) alleged by the aggrieved person to be satisfied, it shall recommend that the selection panel again consider the selection of the relevant squad, team, individual or official.

(n) The selection panel shall comply with any direction of the Appeals Tribunal in this regard.

(o) Any further selection decision of the selection panel under the direction of the Appeals Tribunal shall be final, and no other further appeal shall be available to the aggrieved person in respect of that selection.

(p) If the Appeals Tribunal considers the ground(s) alleged by the aggrieved person not satisfied, it shall dismiss the appeal.

## **APPENDIX C**

### **CLAXTON SHIELD – HEAD COACH**

#### **1. Background**

The Claxton Shield – Head Coach will be assigned to oversee and coordinate all organisational and on-field activities of the Claxton Shield Team.

The Head Coach will liaise with the Chairman of Selectors and selection panel, which will be appointed by the Board, regarding all team selection matters and processes.

Player nominations and/or recommendations from the selection panel will be made through the High Performance Committee for ratification by the Board.

An outline of the duties of the position is provided below.

#### **2. Duties**

- Execution of training program for all athletes.
- Set team objectives / outcomes.
- Co-ordinate training and pre / post game preparations.
- Liaise with the High Performance Committee, staff and VISBA Head Coach as required.
- Co-ordinate / implement game plans.
- Co-ordinate coaching / support team.
- Monitor / evaluate game, individual player, team and coaching staff outcomes.
- Co-ordinate day-to-day playing activities.
- Develop a cultural / organisational structure that supports the values of the Association.

- Liaise with the Selection Panel for all selection processes in accordance with the Association Selection Policy.
- Responsibility for disciplinary action for on field misconduct of coaching staff and players.
- Compliance with general code of conduct at all major events and programs.
- Presentation of self and the team in a professional and positive image at all times.

### 3. Selection Policy

The Association Selection Policy communicates to all relevant parties, i.e. players, coaches and selectors, the applicable criteria and processes related to team selection. This policy is approved and may only be amended by the Board at its sole discretion.

## **APPENDIX D**

### **QUALIFICATION OF CLUBS AND PLAYING STRUCTURE**

This proposal in entirety is for two summer seasons with the playing format and playing day to be reviewed, if required, at the end of 2005/06 season.

1. No redraw during the playing season
2. The competition is to consist of the top three playing divisions;
  - a. Division 1: 10 Teams
  - b. Division 2: 8 Teams
  - c. Division 3: 8 Teams
  - d. Division 4/5: As required (Single team divisions)
3. Number of Games
  - a. Division 1: twenty seven (27) Games
  - b. Division 2: twenty one (21) Games
  - c. Division 3: twenty one (21) Games
4. Senior Club Criteria
  - a. Division 1: All clubs must have four (4) senior teams
  - b. Division 2: All clubs must have four (4) senior teams

- c. Division 3: All clubs must have three (3) senior teams

To be eligible for promotion a club shall have the required criteria in place for one (1) year prior to promotion.

5. Junior Criteria required by senior clubs

- a. Division 1: Minimum of six (6) Junior teams of which one must be an U18 or U16 team. Clubs are allowed a maximum of one (1) composite team to be counted as one (1) junior team for each club.
- b. Division 2: Minimum of three (3) Junior teams of which one (1) must be an U18 or U16 team. Clubs are allowed a maximum of one (1) composite team to be counted as one (1) junior team for each club.
- c. Division 3: There are no minimum junior requirements; However it is highly recommended that Division 3 clubs consider the establishment and maintenance of a viable junior program for the future of baseball.

U12 & U14 Players cannot be counted twice for criteria purposes.

In all Divisions, twenty five (25) teeballers and every subsequent twenty five (25) who are registered and insured with the Association and are playing in an approved structured competition can be counted as one (1) junior criteria team. For example, seventy five (75) registered and financial teeballers, participating in an approved competition would equal three (3) junior criteria teams.

To be eligible for promotion a club shall have the required junior criteria in place for one (1) year prior to promotion. Clubs are automatically relegated if the junior criteria is not fulfilled at the end of the season in which they are promoted, notwithstanding any other promotion and relegation rules relating to senior teams.

Club relegated due to non-compliance with either the senior or junior criteria will remain in the relegated Division for a minimum of two (2) playing seasons.

For the 2004/05 season only, clubs that do not meet the senior and or junior criteria and are eligible for promotion may seek dispensation from the Pennant Committee to allow them to start the season in Division 2 or 3.

6. Finals System

All senior divisions to play the Page System

7. Promotion and Relegation

- a. Grand Finalists promoted

- b. Bottom two (2) teams in each Division at the end of the Home and Away season are relegated
  - c. If a team is relegated for a junior team non-compliance, only the bottom team will be relegated
8. Season Start and Finish
- a. Season begins the first weekend in October
  - b. Season including all finals to be completed before Easter
9. Moratorium on clearance appeals for relegated clubs is to remain in place to discourage the poaching of players from newly relegated clubs.
10. All aspects of the Women's competition shall be decided by the Pennant Committee.

## **APPENDIX E**

### **TABLE OF TRIBUNAL OFFENCES AND PENALTIES ("TABLE")**

**Table**

1 Sus/1season means 1 week suspended for 1 season

Tribunal means an automatic tribunal appearance

Tribunal Discretion means the penalty is at the discretion of the tribunal. This can include an

<b>Offence</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>	<b>Severe</b>
Audible Obscene Language (AOL)	1	NA	NA	NA
Abusive Language	1	2	3	Tribunal Discretion
Abusive language directed at an umpire	2	3	4	Tribunal
Dissent	NA (Yellow Card)	1 Sus/1season	1	Tribunal Discretion
Arguing balls and strikes	1 Sus/1season	1	2	Tribunal Discretion
Unsportsmanlike conduct	1	2	Tribunal Discretion	Tribunal
Equipment abuse	1 Sus/1season	1	2	Trib Discretion
Attempting to strike	Tribunal Discretion	Tribunal Discretion	Tribunal	Tribunal
Striking	Tribunal Discretion	Tribunal	Tribunal	Tribunal
Intentionally throwing at a batter	NA	NA	NA	Tribunal
Charging the mound	NA	NA	NA	Tribunal
Fighting/Melee/Wrestling	1	2	4	Tribunal
Disobeying umpires direction	1 Sus/1season	1	2	Tribunal Discretion
Failing to leave the field	1 Sus/1season	1	2	Tribunal Discretion
Rough Play	1	2	3	Tribunal
Other	Tribunal Discretion	Tribunal Discretion	Tribunal Discretion	Tribunal Discretion

automatic tribunal appearance or a penalty offered.

**Offence**

The offences listed above are some of the more common offences however umpires are not restricted to the listed offences. The penalty for any other reported offences that are not listed will be at the tribunal's discretion

**Process**

Once a report is notified to the Baseball Office, the umpire/s will provide a written report detailing the incident/s and will recommend the level (low, medium, high, severe) of the offence in accordance with the Table.

The Tribunal will then read the report and decide the level in accordance with the Table. The Tribunal's decision as to the level of the report will determine the penalty offered.

Once the Tribunal has determined the penalty, the player's Club will be contacted and the player will be offered the penalty. The player then may:

- choose to accept the penalty and not attend a Tribunal hearing;
- choose to attend the Tribunal hearing and plead not guilty; or
- choose to plead guilty and attend the Tribunal hearing as to penalty.

If the player chooses to attend the Tribunal hearing, the Tribunal may alter the penalty from that previously offered at its discretion.

If a reported player has any previous record involving a determination of guilt by the Tribunal, any such guilty determination will be taken into account and the Tribunal may add an extra penalty because of the player's adverse record. The extra penalty will be explained to the player at the time the penalty is allocated.

**Reporting Process**

**Report/Referral**

Report made by the umpire

**Tribunal Review**

Tribunal reviews the report and allocates a set penalty

Tribunal refers the report for a tribunal hearing

**Player**

Player accepts charge/s, pleads guilty, and is penalized accordingly  
No right of appeal

or

Player accepts charge/s, pleads guilty, goes to the tribunal for consideration of penalty only

or

Player pleads not guilty, goes to the tribunal

or

Report goes to the tribunal

**Tribunal**

Player Accepts tribunal outcome

Player can appeal to the Appeals Panel as per the appeals guidelines



## **Appeals Panel**