



APPEAL - SUMMER LEAGUE & WINTER PENNANT COMMITTEE DECISION

Notice of Appeal

1. A person or club seeking to appeal a decision of the Baseball Victoria Summer League Committee or a winter Pennant Committee ("Pennant Committee") must lodge with the Appeals Officer a Notice of Appeal, setting out full details of the grounds of appeal, within forty-two (42) hours of the notification of the determination of the Pennant Committee. This shall be accompanied by a five-hundred dollar (\$500) fee.
2. The person or club seeking to appeal ("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. If granted, the time, date and place of the appeal hearing will be advised in due course.

Appeals Officer

3. The Association shall appoint a person to the position of Appeals Officer. If no such person has been appointed the Chief Executive Officer shall be the Appeals Officer and shall not thereafter participate in any decision which may be made by the Appeals Committee in resolving the Appeal.

Grounds for an Appeal

4. There shall be no appeal from a decision of the Pennant Committee unless the Appellant first satisfies the Appeals Officer, in that person's sole discretion, that there are serious and reasonable grounds upon which the Appeals Committee on appeal is likely to be satisfied that that one or more of the following grounds of appeal is satisfied:
 - a. That significant new or additional evidence has become available that will significantly alter the original decision made by the Pennant Committee;
 - b. That a penalty imposed by the Pennant Committee is manifestly excessive;
 - c. That an action required by the Pennant Committee is significantly impossible to achieve; or
 - d. That the Pennant Committee failed to follow procedures or requirements of the Association or of the rules of natural justice to the significant detriment of the person seeking the appeal, thus significantly causing a decision that is excessive or impossible to achieve.



5. The Appeals Officer may determine one of the following:
 - a. That the person appealing has not established any of the grounds for the appeal, in which case the Appeals Officer shall inform the Appellant that the Appeal is unsuccessful and that the fee be retained by the Association;
 - b. If the Appeals Officer decides that the person appealing has established to his satisfaction any of the matters set out above, the Appeals Officer shall refer the hearing of the Appeal to the Appeals Committee, in which case any penalty imposed by the Pennant Committee shall be stayed pending the hearing and determination of the Appeal hearing. The fee will be returned by the Appeals Committee to the Appellant at the hearing.

Appeals Committee

6. An Appeals Committee shall be appointed by the Appeals Officer and shall consist of three (3) persons who are not members of the Tribunal and not the Appeals Officer. The Appeals Committee shall appoint a Chairman of that Appeal hearing from one of its own. The Appeals Officer shall attend the Appeal hearing to record minutes of the hearing.
7. If an appeal hearing is granted, the Appeals Officer shall convene the Appeal Committee to hear and determine the appeal in accordance with the Association.

Proceedings of Appeals Committee

8. The proceedings will be at the discretion of the Appeals Committee provided a party is given an adequate opportunity to present their own case and to controvert the case which they have to meet.

Powers of the Appeals Committee

9. The Appeals Committee shall have the power to:
 - a. Dismiss the appeal - thus resolving the same penalty or action implemented by the Pennant Committee remains; or
 - b. Uphold the appeal - thus reduce, increase or otherwise vary any decision by the Pennant Committee in such manner as it thinks fit.
10. The Appeal Committee is not obliged to give oral or written reasons for its decision.
11. At the conclusion of the appeal, the Appeals Officer shall ensure that persons directly affected by the decision of the Appeals Committee are notified of that decision. The decision may also be made public via the Association's website.

Appeal of Appeal Committee Decision

12. There shall be no appeal from a decision of the Appeals Committee.