



Golf Illawarra Appeal's Process (2013)

NB. The initial determination applies until an appeal is heard and continues to apply if the Appeal Tribunal affirms or agrees with the Determination.

1. The respondent must give written notice of his appeal to Golf Illawarra by 5.00pm (AEST) no later than ten (10) business days after the date on the letter informing the respondent of the Determination under clause 3.3.
2. If the letter of appeal is not received by the Secretary of Golf Illawarra within the relevant time period, the right of appeal will lapse.
3. The sole grounds for appeal to the Appeal Tribunal are that the:
 - 3.1 Policy was not properly followed or implemented; or
 - 3.2 Disciplinary measure(s) imposed is unjust and/or unreasonable; or
 - 3.3 Determination was affected by bias.
4. On receipt of an appeal by a respondent, Golf Illawarra must adopt the following process:
 - 4.1 Consultation and mediation - the appellant, the Chair of the Committee, and the relevant expert must meet (with a Mediator as facilitator) to discuss the Determination; and
 - 4.2 If the parties do not reach agreement by consultation and mediation within seven (7) working days (or a shorter period reasonably determined by Golf Illawarra) after the respondent gives notice under clause 3.3, the respondent may request in writing that the matter be heard by the Appeal Tribunal.
5. The Appeal Tribunal will consist of the following persons appointed by the Committee:
 - 5.1 A barrister or solicitor, or other suitable qualified person if the former are not available, who will act as chairman;
 - 5.2 A person with a thorough knowledge of the matter; and
 - 5.3 Another independent expert with knowledge specifically relevant to the matter or as specified in the specific by-law.
6. Such appointments will be for a calendar year.
7. If a member of the Appeal Tribunal is unable to sit for a particular hearing, the Board will appoint another person as a member for that hearing.
8. A person who is:
 - 8.1 A member of the Committee; or
 - 8.2 By reason of his or her relationship with:
 - i. the appellant concerned;
 - ii. any member of the Committee; or
 - iii. any person whose interest may be affected by the outcome of the appeal,is not eligible to be appointed to the Appeal Tribunal.



9. The Appeal Tribunal will convene a hearing as soon as practicable at the discretion of Golf Illawarra, but in any event, not more than seven (7) working days after the submission of the grounds of appeal by the appellant.
10. If the appellant concerned challenges the impartiality of any member of the Appeal Tribunal, the challenge will be determined by the members of the Tribunal other than the member challenged.
11. The hearing may occur in such manner as the chairman decides.
12. In any hearing before the Appeal Tribunal:
 - 12.1 The tribunal must observe the rules of natural justice;
 - 12.2 The tribunal is not bound by the rules of evidence and may inform itself as to any matter in such manner as it thinks fit; and
 - 12.3 The appellant must establish one or more grounds of appeal to the reasonable satisfaction of the tribunal with full regard to the importance and gravity of the issue;
 - i. if a question of law arises during the course of the hearing, the appellant or Golf Illawarra, may seek an adjournment in order to obtain legal advice; and
 - ii. neither the appellant nor Golf Illawarra is entitled to be represented by a barrister or solicitor, except with the leave of the tribunal, which leave will only be granted in exceptional circumstances.
13. The Appeal Tribunal will give its decision as soon as practicable after the hearing and will provide Golf Illawarra's Secretary/Treasurer and the appellant with the decision.
14. There is only one right of appeal following the Determination. Any appeal must be solely and exclusively resolved by the Appeal Tribunal and the decision of the Appeal Tribunal is final and binding. A person must exercise his right of appeal under this Policy and have any appeal heard and determined by the Appeal Tribunal before commencing any proceedings or becoming a party to any proceedings in a court of law.
15. An appellant may withdraw his or her appeal by written notice to Golf Illawarra at any time before the appeal has been decided.