

Annexure O

PRESCRIBED PENALTIES – BASEBALL NSW TRIBUNAL

QUESTIONING OF JUDGEMENT

CHARGE CODE	CHARGE	GRADE	DESCRIPTION	GUILTY PLEA PENALTY	DEFENDED PENALTY	DOWN GRADE TO
QJC1	Question judgement call	1	Not prolonged. No use of offensive or aggressive language or behaviour.	Caution	1 game	None.
QJC2	Question judgement call	2	Continuous or prolonged. Arguing balls and strikes following a warning. Abusive or aggressive behaviour or language.	1 game	2 to 4 games	QJC1

USE OF OFFENSIVE AND/OR ABUSIVE LANGUAGE

CHARGE CODE	CHARGE	GRADE	DESCRIPTION	GUILTY PLEA PENALTY	DEFENDED PENALTY	DOWN GRADE TO
OAL 1	Offensive or abusive language.	1	Abusive towards players. No swearing involved. Not prolonged.	1 game.	2 games.	No
OAL2	Offensive or abusive language.	2	Abusive or offensive towards players, umpires or spectators. Swearing and/or personal remarks. Registered players as spectators being offensive/abusive to players – no swearing. Not loud enough for spectators to hear.	2 games.	3 to 4 games.	OAL1
OAL3	Offensive or abusive language.	3	Prolonged abuse involving personal, discriminatory or offensive language. Swearing involved. Registered players as spectators being offensive/abusive to players – swearing. Loud enough for spectators to hear.	3 games.	4 to 8 games.	OAL2

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UNSPORTSMANLIKE CONDUCT

CHARGE CODE	CHARGE	GRADE	DESCRIPTION	GUILTY PLEA PENALTY	DEFENDED PENALTY	DOWN GRADE TO
UC1	Unsportsmanlike Conduct	1	Administrative misdemeanour with no violence or aggression. Example may be; Tampering with the ball or other equipment.	Caution	1 game.	No
UC2	Unsportsmanlike Conduct	2	Intentional, reckless or careless breaking of rules. Aggressive behaviour, but with no violence. Examples may be; Carelessly colliding with catcher (or others). Pushing players on or off the field. Intentionally throwing the ball at a batter. Unduly rough or dummy tag. Adopting a threatening attitude to player.	1 game.	2 to 3 games.	UC1
UC3	Unsportsmanlike Conduct	3	Intentional or careless breaking of rules where there is aggressive and/or violent behaviour. Examples may be; Careless play resulting in the possibility/probability of serious injury. Threatening an umpire with physical violence.	Must appear before tribunal.	4 to 6 games.	UC2.
UC4	Unsportsmanlike Conduct	4	Severe aggressive or violent behaviour. Examples may be; Punching player/coach Participating in an affray Touching or handling an umpire.	Must appear before tribunal.	6 games to 26 weeks.	UC3
UC5	Unsportsmanlike Conduct	5	Violence and/or aggression. Prolonged and/or severe. Use of object as weapon such as bat, ball or helmet. Striking or pushing an umpire.	Must appear before tribunal.	26 weeks to life.	UC4

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CONTRARY CONDUCT

CHARGE CODE	CHARGE	GRADE	DESCRIPTION	GUILTY PLEA PENALTY	DEFENDED PENALTY	DOWN GRADE TO
CC1	Contrary Conduct	1	Offences relating to misdemeanour. Examples may be; Offensive behaviour by sign or gesture. Dangerously or carelessly throwing bat or helmet. Failure to fulfil obligations under the League's playing rules.	Caution	1 game.	No
CC2	Contrary Conduct	2	Offences relating to more severe misdemeanour. Examples may be; Failure to obey an umpire's directive. Unauthorised entry onto the playing field. Failure to obey a directive of any member of the League's executive or a groundsman. Failure to leave the team's dugout and vicinity following ejection.	1 game.	2 to 3 games.	CC1
CC3	Contrary Conduct	3	Offences relating to dangerous / offensive behaviour. Examples may be; Offensive behaviour by registered players while spectators. Throwing objects onto the field.	Must appear before tribunal.	4 to 6 games.	CC2.
CC4	Contrary Conduct	4	Offences which bring the game, Clubs or the League into disrepute or place them in danger. Examples may be; Playing unregistered players/coaches.	Must appear before tribunal.	7 games to 26 weeks.	CC3

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CONTEMPT OF ABF, BASEBALLNSW OR TRIBUNAL.

CHARGE CODE	CHARGE	GRADE	DESCRIPTION	GUILTY PLEA PENALTY	DEFENDED PENALTY	DOWN GRADE TO
CO1	Contempt	1	Failure to appear before the Tribunal on a contested charge without a reasonable excuse.	1 game.	NA	No
CO2	Contempt	2	Failure to complete penalty before playing or playing baseball anywhere in Australia for any group (affiliated or not) while serving a penalty.	Must appear before Tribunal.	2 to 3 games.	No
CO3	Contempt	3	Providing false information to the Tribunal.	Must appear before Tribunal.	2 to 6 games.	No
CO4	Contempt	4	Organising false witnesses before the Tribunal or bring the Tribunal processes into disrepute.	Must appear before Tribunal.	3 games to 26 weeks.	No

Members charged with any of the following offences must appear before the Tribunal. All on-field members are subject to these charges and may be cited by Umpires, Team, Club, League or NSWBL officials. The definition of “field” includes dugouts, scorer’s area and all parts of the playing field as defined by the rules of baseball. In all cases, the tribunal may impose higher penalties and may also charge team or club officials for allowing the offence to occur.

Code	Charge	Penalty
CL01	Playing or being on a baseball field when intoxicated by alcohol or any non-prescription drug that may impair the safety of the member or other game participants.	3 games for the 1 st offence. 6 games for the 2 nd offence. 1 year for the 3 rd offence.
CL02	Drinking alcohol immediately before or during a game, including having opened containers of alcoholic fluid within the “field” as defined above.	4 games for the 1 st offence. 8 games for the 2 nd offence. 1 year for the 3 rd offence.
DR01	Any breach of the ABF Anti-Doping Policy.	As per 2004 ABF Policy Document.
TB01	Using any tobacco product on the playing field before, during or after a game.	2 games for the 1 st offence. 8 games for the 2 nd offence. 6 months for the 3 rd offence.

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PENALTY FOR PRIOR CONVICTIONS

OFFENCE	PENALTY
First offence in any 12 month period.	As above.
Second offence in any 12 month period.	Add 50% of penalty that would normally apply. (Caution is equivalent to one match.)
Third offence in any 12 month period.	Add 100% of penalty that would normally apply. (Caution is equivalent to one match.)
Fourth offence in any 12 month period.	Automatic 12 month suspension.

There is not consideration (credit) provided for a player who is ejected in the 1st innings of a game as opposed to an player ejected in the last innings of a game.

Provocation is not to be regarded as a defence unless a written report is provided outlining the provocation. The written report may provide the grounds for charges to be laid.

A poor judgement call by an umpire is not considered provocation but may be the subject of a separate complaint to the league by the club manager.

EXAMPLES

Example 1.

A player questions a judgement call at a base by using offensive and abusive language to the umpire, which is not heard by any spectators.

The charges raised would be Question judgement call Grade 2, and Offensive or abusive language Grade 2. If the player pleads guilty to both he would receive 1 game suspension for each. He would however serve both concurrently (resulting in only one game missed) because they arose from the same action.

Example 2

A runner is called out in a close play at 2nd base. The runner throws his helmet down and makes a clear demonstration of disputing the call. At this point the umpire attempts to let the incident “blow over”. As the runner collects his helmet, he turns to the umpire and says “You’re f%^\$%ing hopeless” not loud enough to be heard by the spectators. The umpire ejects the player. The ejected player “and that just proves it. Just f%^\$^ing hopeless!” loud enough to be heard by spectators.

The charges raised would be Question Judgement call Grade 2, Offensive / Abusive Language Grade 2, and Offensive / Abusive Language Grade 3 (post ejection)

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If the player pleads guilty, we have $(2 + 3) = 5$ games. The questioning of the call could be seen as part of the Abusive Language and was not seen as an ejectable offence before the abusive language. The post ejection language followed a warning - the ejection itself. No excuses for this behaviour. Additionally, if the player on entering the dugout also throws equipment on the field, a further charge of Contrary Conduct Grade 3 would be added and depending on the level of danger and disruption this caused, 4 or more games would be added to the 5 games to be served sequentially, not concurrently.

Example 3.

A player starts a fight with another player and is ejected as a result. After being ejected the player uses offensive language towards the umpire, spectators and other players.

The charges raised would be Unsportsmanlike conduct Grade 4, and Offensive or abusive language Grade 3. If the player pleads guilty to both, he would receive a 6 game suspension and a 4 game suspension. Because the two events occurred separately the total suspension would be 10 games.

This system stops any person from feeling they have a “free kick” by committing more offences after being ejected for an offence.

Traditionally, the term “judiciary” is used as a reference to one of the three arms of government. In that arena, there are prosecutors, plaintiffs and defendants who battle in a courtroom under the rules of evidence.

A “Tribunal” has some of the trappings of a courtroom but allows for a more relaxed form of presenting evidence.

Regardless of the name, in NSWBL we have something akin to a “Tribunal”, which being appointed by the NSWBL to act in accordance with its codes of behaviour and playing rules. It does not follow the Judiciary’s “Rules of Evidence”. Our internal “Tribunal” looks at all sorts of evidence including hearsay, written reports, verbal statements, past history etc. and forms an opinion based on probability of incident being true and if finding a breach, has the power to impose a penalty for that breach. It has the power to call other witnesses. It also has the power to raise more charges if the evidence so suggests.

Additionally, the Tribunal name has been used by the ABF in its anti-harassment policy and in other sports such as the AFL.