

# RSL Queensland Sub Branch Disciplinary Committee Hearings Procedure Checklist

Revision 1 20 Feb 2022

This is an unofficial document – it is a checklist based on RSL Queensland By-Law 7, Discipline and Disputes. By-Law 7 must be read and understood by all members of a Sub Branch disciplinary committee before commencing a disciplinary hearing. The hearing and processes must be in accordance with RSL Qld By-Law 7.

No	Item	Done	By-Law
1	<b>Preliminaries</b>		
2	A formal detailed complaint against a member has been received in writing.	<input type="checkbox"/>	7.5.2
3	It is not a dispute.	<input type="checkbox"/>	7.4.1, 7.7.1, 7.7.2,7.7.3
4	The complaint is a disciplinary matter.	<input type="checkbox"/>	7.4.1 7.9
5	The complaint is not subject to investigation or action under criminal law.	<input type="checkbox"/>	7.4.2
6	The complaint does not require referral to the Queensland Police Service.	<input type="checkbox"/>	7.4.3
7	The complaint is one that can be dealt with by a Sub Branch committee or otherwise referred to the RSL Qld Tribunal.	<input type="checkbox"/>	7.5.1
8	A notice to the member against whom the complaint has been made is sent in writing to the member with full details required in the By-Law. <ol style="list-style-type: none"> <li>1. Details of the conduct <input type="checkbox"/></li> <li>2. Show cause direction <input type="checkbox"/></li> <li>3. Time, date and place of meeting <input type="checkbox"/></li> <li>4. How the meeting will be conducted <input type="checkbox"/></li> <li>5. Entitlement to request further information <input type="checkbox"/></li> <li>6. Entitlement to present information <input type="checkbox"/></li> </ol>	<input type="checkbox"/>	7.5.4
9	Sub Branch makes its best endeavour to confirm (and retains proof) that the member has received the notice at least 14 clear days before the disciplinary hearing.	<input type="checkbox"/>	7.5.5
10	Sub Branch provides further information to the member asap on request or if unable, provides reasons in writing.	<input type="checkbox"/>	7.5.6
	<b>The Sub Branch Disciplinary committee</b>		
11	All disciplinary committee members have read and understood By-Law 7 as it relates to Sub-Branch discipline. Otherwise, they may commit an offence if the By-Law is not strictly followed.	<input type="checkbox"/>	7.4.1.1

## RSL Queensland Sub Branch Disciplinary Committee Hearings Procedure Checklist

12	Disciplinary committee members are impartial, unbiased and have no personal interest in the matter (the committee can comprise as few as three members if this becomes problematic and it is best to have an odd number of members to achieve a majority decision).	<input type="checkbox"/>	7.1.1 7.1.2
	<b>The Disciplinary Hearing</b>		
13	The Chair of the meeting explains how the hearing will be conducted.	<input type="checkbox"/>	7.1.4
14	The principles of natural justice are observed.	<input type="checkbox"/>	7.1.1
15	Decisions are made solely on the evidence presented.	<input type="checkbox"/>	7.1.5
16	If the complaint is found proven, the member is given the opportunity to make a statement in mitigation prior to imposition of a penalty.	<input type="checkbox"/>	7.5.9
17	Before imposing a penalty, the Sub Branch committee must consider: <ul style="list-style-type: none"> <li>1. The nature of the conduct <input type="checkbox"/></li> <li>2. The member's previous breaches <input type="checkbox"/></li> <li>3. The seriousness of the conduct <input type="checkbox"/></li> <li>4. The member's previous conduct <input type="checkbox"/></li> <li>5. Mitigating circumstances <input type="checkbox"/></li> </ul>	<input type="checkbox"/>	7.5.10
18	If a decision is made to discipline the member, that discipline is in accordance with the By-Law.	<input type="checkbox"/>	7.5.7
	<b>Post Hearing</b>		
19	The substance of the hearing and the decision are recorded in minutes of the meeting.	<input type="checkbox"/>	7.5.11
20	Within 14 clear days of the conclusion of the hearing, the member receives a letter signed by the Chairman or Sub Branch President giving formal notice of: <ul style="list-style-type: none"> <li>1. The decision <input type="checkbox"/></li> <li>2. Reasons for the decision <input type="checkbox"/></li> <li>3. The penalty imposed <input type="checkbox"/></li> <li>4. The member's right to appeal to the RSL Queensland State Tribunal <input type="checkbox"/></li> </ul>	<input type="checkbox"/>	7.5.15
21	Notify District Branch of penalty	<input type="checkbox"/>	
22	Notify Membership Management RSL Qld of penalty	<input type="checkbox"/>	

# RSL Queensland Sub Branch guide for conducting disciplinary hearings

Revision 1 – 20/02/2022

---

---

This is an unofficial document – it is a suggested guide based on RSL Queensland By-Law 7, Discipline and Disputes. By-Law 7 must be read and understood by all members of a Sub Branch disciplinary committee before commencing a disciplinary hearing. The hearing and processes must be in accordance with By-Law 7. Refer also to the Sub Branch Disciplinary procedures checklist. If there are any questions on the procedure, please call the RSL Queensland Registrar.

---

---

## 1. Welcome and Ode to fallen and departed comrades.

## 2. Chair makes opening statements to all parties and witnesses that may include, among other things, these rules:

- Proceedings are informal but all parties who appear before the Sub Branch disciplinary committee must abide by directions issued by the Chair and treat the committee and the other parties with dignity and respect. (BL7.1.4)
- The committee, in deciding on complaints, only acts on **relevant** information and evidence. (BL7.1.1.1 and BL 7.1.5). Anything not relevant to the specific complaints will be disregarded.
- Similarly, except for any evidence already before the committee, abusive or scandalous material and opinion is not permitted.
- Hearsay is not admissible. (Hearsay is commonly understood as evidence from a witness attesting to what he or she has heard another person say about facts, though that witness did not perceive those facts personally.)
- When one party questions the other party, those questions must be **specifically relevant** to the complaints under consideration.
- Fishing expeditions and/or the airing of personal grievances against the other party (or against a third party) will not be tolerated.
- Chair explains the range of penalties that can be awarded if the complaint is proven (BL 7.5.7) any one or more of:
  1. a reprimand,
  2. suspension of membership for up to three months, and
  3. a recommendation to the Board of RSL Queensland, through its relevant District Board, for the withdrawal of RSL awards.

## 3. Introductions

- Chair and committee members introduce themselves.
- Complainant and witnesses (if any) introduce themselves.
- Respondent and witnesses (if any) introduce themselves.

# RSL Queensland Sub Branch guide for conducting disciplinary hearings

Revision 1 – 20/02/2022

---

---

- 4. Witnesses leave the room and wait to be called**
- 5. Committee member reads the complaints**
- 6. Complainant states case and may make an opening submission and then:**
  - Respondent questions complainant
  - Committee questions complainant
  - Complainant calls witnesses in turn and questions them
  - Respondent questions witnesses in turn
  - Committee questions witnesses in turn
  - Complainant may make a closing statement
- 7. Respondent states case and may make an opening submission and then:**
  - Complainant questions respondent
  - Committee questions respondent
  - Respondent calls witnesses in turn
  - Complainant questions witnesses in turn
  - Committee questions witnesses in turn
  - Respondent may make a closing statement
- 8. Committee adjourns to consider complaints**
  - Parties leave the hearing while the committee considers whether the complaints are proven or not proven and the reasons.
- 9. Chair advises parties of the committee decision**
  - Parties reconvene.
  - The Chair advises whether complaints are proven or not proven.
  - If not proven, the matter is at an end and all parties leave the room.
- 10. If complaints proven**
  - If proven, the complainant leaves the hearing room and takes no further part.
  - The Chair may then ask the respondent if there are any facts, matters and circumstances they consider the committee should take into account when deciding what penalty to impose. (BL7.5.9)

# RSL Queensland Sub Branch guide for conducting disciplinary hearings

Revision 1 – 20/02/2022

---

---

## **11. Committee adjourns to decide penalty**

- The respondent leaves the hearing while the committee considers the appropriate penalty to apply, taking into account (BL7.5.10):
  1. the nature of the conduct;
  2. the member's previous breaches (if any);
  3. the seriousness of the conduct;
  4. the member's previous conduct; and
  5. any mitigating circumstances.
- When the consideration is completed the Chair asks each member to state appropriate penalties and give reasons and records them.

## **12. Committee and Respondent reconvene**

- Chair advises respondent of decision and the penalty imposed.
- Chair advises the committee will write to the Respondent confirming their decisions for them and provide him/her with details of the avenue for appeal. (BL7.5.15)

## **13. Hearing ends**

- Ensure all processes in the RSL Queensland Sub Branch Disciplinary Committee Hearings Procedure Checklist are followed.