To be placed on SKA Letterhead

 <8 June 2023>

**COMPLAINTS & DISCIPLINE OF MEMBERS BY-LAW - BREACH NOTICE**

**Important:***You are required to acknowledge and respond to this Breach Notice within 14 days, failing which You will be deemed to have accepted the Breach occurred and the Proposed Sanctions will automatically commence.*

**Member <**Name**>** (**You**)

**Karting Australia Licence Number:** <Licence No. from KOMP>

**Karting Australia Participant Licence Holder:** <If required – Name and Licence No. from KOMP>

**Address** <street address from KOMP>

**Email:** <from KOMP>

**Mobile Phone Number:** <of Licence Holder or Participant Licence Holder from KOMP>

**Home Club:** <From KOMP>

**Referral**

1. Karting <State> (“**K<state initials**>”) has received information (“**Alleged Breach”**) <see Bylaw 7 Clause 3.2> under the Karting Australia (”**KA**”) Complaints and Discipline Of Members By-Law (“**Bylaw”**) that binds all Members, alleging that you have breached an eligible KA policy or policies as outlined below. <SKA Abbreviated name> is properly authorised by the KA Integrity Framework and the Bylaw to act in this matter. A copy of the Bylaw and the relevant Policies are available at [www.karting.net.au](http://www.triathlon.org.au/).

**Allegations** <This is where you list the relevant information that forms the allegation(s) against the Licence Holder)

1. Following assessment in accordance with Bylaw 7,
	1. It has been determined that there is sufficient evidence to support an allegation that you have breached an eligible KA Policy

Or

* 1. On <date>, <Name of the body that commenced the Investigation – either KA or a SKA> commenced an investigation into allegations about your behaviour as a Member of KA (“**Investigation”**).
1. It was alleged that you were involved in <brief description of the conduct that formed the basis of the complaint> considered to be prohibited conduct.
2. It was further alleged that you were involved in <brief description of any additional conduct that formed the basis of the complaint>.
3. Specifically, it is alleged that you may have engaged in some serious conduct that is prohibited conduct under KA’s, Bylaws and Policies, including that you:
4. Have breached KA’s Integrity Framework and Policies (the “**Policies**”), including but not limited to the <list all Policies, Codes of Conduct and ByLaws that the Licence holder is alleged to have breached> :
5. Name of Policy,
6. Name of Policy,
7. Code of Conduct and Bylaw 7 – Complaints and Discipline of Member Bylaw, and
8. Engaged in Prohibited Conduct and that the allegation is one of: <list all the specific elements that form the Prohibited Conduct>
9. <prohibited conduct 1>
10. <prohibited conduct 2>,
11. <prohibited conduct 3>,
12. <prohibited conduct 4>,

**Findings**

1. The <Investigation / Assessment> is now complete. <If the findings come from an investigation (and not your assessment)> I have been provided with a report on the Investigation, which contains the findings and recommendations of the Investigator in accordance with Clauses 6.1d.(iv) and (v) of the Bylaw.
2. <If whole or part of the allegations are found by the assessment / Investigator to be **unsubstantiated** you would say this.> The <Assessment / Investigator>has found that *“on the balance of probabilities”, in the complaint against You that You “made the videos that were posted to a Snapchat Group (Social Media) is* ***unsubstantiated.”***
3. <If whole or part of the allegations are found by the Assessment / Investigator to be **substantiated** you would say this.> The Investigator has found that *“on the balance of probabilities”, in the complaint against You that You “posted the videos to a Snapchat Group (Social Media)” and thereby breached KA Policies and Code of Conduct is* ***substantiated.”*** <List the allegations found by the Assessment / Investigator to be substantiated – (use the Investigator’s words from their report. See the sample Breach Notice for specifics.>
4. You
5. You
6. In doing so, You have breached the following: <list the policies breached>:
7. **Policy 1**

You have breached the following clauses within the <Policy 1 Name>.

- Clauses <list the relevant clauses as numbered points>.

1. **Policy 2**

You have breached the following clauses within the <Policy 1 Name>.

- Clauses <list the relevant clauses as numbered points>.

1. <You could insert a relevant comment that describes in general terms the harm and damage caused by the conduct.>

**Preliminary Findings of <Assessment / Investigation>**

1. That <KA or SKA issues You with an appropriate Breach Notice under the KA Complaints and Discipline of Members By-law (**B7**) for having <summary of alleged offences> and thereby breached KA Policies and Code of Conduct.

**Alleged Breaches**

1. As a result of the above allegations, the findings of fact from the <Assessment / Investigation>, the general findings and preliminary findings, it is alleged that You have breached the following Eligible Policies of KA:
	1. <Policy 1 and Clause numbers breached>;
	2. <Policy 2 and Clause numbers breached>;
	3. <Policy 3 and Clause numbers breached>;

**Sanctions**

1. In considering the preliminary findings of the <Assessment / Investigation> that are summarised herein it is my opinion that **Sanctions against You are warranted**.
2. <Include this statement if there are multiple alleged breaches> There are multiple Alleged Breaches of Eligible Policies in this matter. Notwithstanding and in accordance with Clause 7.5 g of Bylaw 7 the Breaches have been considered together.
3. Ordinarily Imposed Sanctions <Include the sanctions that can be applied in accordance with Bylaw 7, Clause 7.5 c. and the factors that you are required to consider in accordance with Bylaw 7 Clause 7.5 f., that you would normally consider to be appropriate for the alleged breach(s).>

Having considered the relevant factors that are required to be considered in accordance with Clause 7.5 f. of Bylaw 7, if a Breach of the type outlined in the Alleged Breaches section was fully proven, <SKA Abbreviated name> would ordinarily impose significant sanctions including amongst other things, a period of Suspension. As this is your first known offence, the sanctions that would be imposed are <the following sanctions listed as examples only>:

1. **Reprimand**
2. **Suspension**

You will be suspended (as defined in the KA National Competition Rules) for a period of **<number> months** commencing on the date of acceptance of this Breach Notice; and

1. **Good Behaviour**

You will be required to be of good behaviour for a period of <number> years commencing on the date of acceptance of this Breach Notice, during which time you will be generally of good behaviour (in relation to karting and all activities with a nexus to karting) and not breach any of the KA Integrity Framework Polices and Bylaws.

1. **Direction to attend counselling.**
2. **Public Disclosure**

The Sanction will be publicly disclosed on the KA Disciplinary Matters web page.

1. Proposed (Discounted) Sanctions Offered To You To Resolve The Alleged Breach

In accordance with the Policy, to resolve the Alleged Breach and to bring the matter to a close using the Breach Offer Process, if You accept the Alleged Breach occurred without a hearing, KA will offer You discounted sanctions as follows: <Examples follow. See Bylaw 7 Clause 7.5 c. for details of all available sanctions that can be imposed.>

* 1. **Suspension**

You will be suspended (as defined in the KA National Competition Rules) for a period of **three (3) months** commencing on the date of acceptance of this Breach Notice; and

* 1. **Good Behaviour**

You will be required to be of good behaviour for a period of two (2) years commencing on the date of acceptance of this Breach Notice, during which time you will be generally of good behaviour (in relation to karting and all activities with a nexus to karting) and not breach any of the KA Integrity Framework Polices and Bylaws.

* 1. **Public Disclosure**

The Sanction **will not be publicly disclosed** on the KA Disciplinary Matters web page.

1. Mitigating Circumstances <Include any mitigating circumstances such as age, provocation, first offence etc that you have considered and taken into account.>

<Example> That you are 17 years of age and that you are a ‘minor’ is a mitigating circumstance that KA can reasonably considered.

**Decision**

1. You are entitled to decide either to accept your Alleged Breach occurred, and the Proposed (discounted) Sanctions that will be imposed by <KA or SKA> set out at paragraph 13, or alternatively dispute the Alleged Breach and Proposed Sanction.
2. If You dispute the Alleged Breach and/or the Proposed Sanctions, the Alleged Breach will be referred to a hearing tribunal for determination under the Policy.

**Notification**

1. Please advise the <KA National Complaints Officer (**Complaints Officer**) / State Administrator (**Administrator**) of your decision to either accept the Alleged Breach and Proposed Sanction or dispute the breach and/or the Proposed Sanction and proceed to a hearing tribunal, by signing and returning the below 'Acknowledgement' to the Complaints Officer via email to <insert email address for response>
2. You must advise the <Complaints Officer / Administrator> of your decision within 14 days of the date of this letter, failing which You will be deemed to have accepted the breach occurred and the Proposed Sanctions will automatically commence.
3. Unless You dispute the Alleged Breach and/or Proposed Sanction, the Proposed Sanction will commence on the earlier of the date You notify the Complaints Manager of your acceptance, or the end of the date 14 days from the date of this letter.

16. If You have any questions in relation to this Breach Offer, the <Complaints Officer / Administrator> can be contacted by telephone on telephone on **<**phone number**>** or by email at <email address>.

Yours faithfully

**Name of issuing officer**

**ACKNOWLEDGEMENT AND SIGNING PAGE FOLLOWS.**

**ACKNOWLEDGEMENT**

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| --- |
| **Member:** Mr <Name> (**You**)**Karting Australia Licence Number:** **Karting Australia Participant Licence Holder:** **Address:** **Email:** **Mobile Phone Number:** (Participant Licence Holder)**Home Club:** **Tick the appropriate box below, sign date and time the Form.**If the Member is a minor, the Acknowledgement and Admission or Non-admission of Breach must be completed and signed by the Member’s Participant Licence Holder.  |
| **Admission Of Alleged Breach and Acceptance of the Proposed Discounted Sanctions** |
|  |
|  | I ADMIT THE ALLEGED BREACH OF THE ELIGIBLE POLICIES AS DESCRIBED HEREIN AND ACCEPT THE PROPOSED DISCOUNTED SANCTIONS OFFERED. I do not require a hearing and waive all my rights in accordance with Bylaw 7 to appeal this decision/penalty. |
|  |
|  |
| **Non-admission of Alleged Breach** |
|  |  |
|  | I DO NOT ADMIT TO THE BREACH OF THE ELIGIBLE POLICIES AS DESCRIBED HEREIN. |
|  |
| The matter will be referred for Hearing in accordance with Bylaw 7, where you will have the opportunity to state your case in person, call witnesses and present evidence supporting your case.You will be advised of a place and time for the matter to be heard.**Note: The Tribunal may vary the penalty above.** |

Signed: ……………………………………………………………… Name: ………………………………………………………….

Dated: …………………………………………………………...... Time: ………………………………………………….….…….