

Code of Conduct

Code of Conduct

CODE OF CONDUCT AND DISCIPLINARY PROCEDURES

1. Commencement

- 1.1 The Code of Conduct shall come into operation on 1 January 2001 and replaces the existing Code of Conduct and Disciplinary Procedures.
- 1.2 The Victorian Golf Association (referred to hereafter as the VGA) Code of Conduct shall apply in all competitions conducted or promoted by the VGA, in addition to other requirements of players as specified by tournament conditions, local rules and by-laws of clubs hosting VGA competition on and after 1 January 2001.

2. Agreement

- 2.1 The VGA Code of Conduct is available to any affiliated club as a free service with respect to a Club competition as defined in clause 3.3 upon a club entering into an agreement with the VGA in the terms of Annexure A.

3. Definitions and Interpretation

In this Code of Conduct unless there is something in the subject or content inconsistent therewith: -

- 3.1 'Agreement' means the agreement referred to in paragraph 2.1 in the form marked A and annexed hereto.
- 3.2 'Committee' means the committee in charge of the competition.
- 3.3 'Club Competitions' means a Club Championship or a Board Event conducted by an affiliated club.
- 3.4 'Competitions' means a VGA Championship, an Ivo Whitton Open Amateur Tournament, Pennant Competitions, Senior Colts and Junior, other competitions/activities conducted by the VGA and Club Competitions where an affiliated Club has adopted this Code of Conduct.

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- 3.5 'Disciplinary Tribunal' means a Tribunal appointed by the President of the VGA to hear a Breach of Discipline charge pursuant to paragraph 10.
- 3.6 Executive Director of the VGA includes an acting Executive Director for the time being.
- 3.7 'Investigations Officer' means a person appointed by the VGA Council to inquire into any complaint made against a player or his caddie and to report to the President of the VGA whether a breach of discipline charge should be laid.
- 3.8 President of the VGA includes a Deputy President acting as President for the time being.
- 3.9 'The course and its environs' means the golf course, practice areas, including practice putting greens, car park, the clubhouse and refreshment facilities.
- 3.10 'The Rules of Golf' means the Rules of Golf made by the Royal and Ancient Golf Club of St.Andrews and Local Rules of the host club current when the matters giving rise to the complaint occurred.
- 3.11 The singular number includes the plural and vice versa.
- 3.12 Words denoting a particular gender shall include all genders as the case may require.

4. Code of Conduct

- 4.1 On entering a competition or a Club Competition (if applicable) a player agrees:
- (i) to respect the game of golf; and
 - (ii) to maintain the highest standards of behaviour and etiquette on the course and its environs during each day of the competition or Club Competition; and
 - (iii) to display the highest degree of sportsmanship and to avoid acts that are unsportsmanlike or may diminish respect for the game of golf'

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- (iv) to provide a sample, if requested to do so by a member of the Australian Sports Drug Agency on any day of the Competition in accordance with the Doping Policy of the Australian Golf Union as adopted by the VGA.

- 4.2 The highest degree of sportsmanship is expected from every player and his caddie and acts that are unsportsmanlike or may diminish respect for the game of golf must be avoided.

5. Breaches of Discipline

- 5.1 A player commits a breach of discipline if, during the conduct of a Competition or a Club Competition (if applicable), on the course and its environs, he;

5.1.1 knowingly fails to comply with the Rules of Golf with the intention of gaining an advantage over another player.

5.1.2 is guilty of disgraceful or improper conduct on any day of the competition;

5.1.3 is under the influence of and/or uses a performance enhancing drug;

5.1.4 engages in conduct that is likely to bring the game of golf into disrepute, or to diminish public confidence in the VGA, the Committee, a sponsor of the competition, or the host club;

5.1.5 intentionally undertakes measures to manipulate his Australian handicap;

5.1.6 fails to comply with an instruction given by a member of the Committee or a Referee appointed by the Committee;

5.1.7 uses a radio, recorder or mobile telephone during the course of play;

5.1.8 fails to comply with the dress regulations specified prior to each VGA event and/or dress or golf shoe regulation published by the host club;

5.1.9 without good and sufficient reason withdraws from a competition before the completion of that competition;

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5.1.10 fails, without good sufficient reason, to attend a trophy presentation at the completion of a competition,

- (i) in the case of a stroke play competition, a trophy winner, or
- (ii) in the case of a match play competition a finalist or semi-finalist; and

5.1.11 failing without good and sufficient reason to report to the Committee or the Executive Director of the VGA a Breach of Discipline he reasonably believes may have been committed by a player in the competition.

5.2 A caddie commits a breach of discipline if, during the conduct of a competition on the course and its environs, he:

5.2.1 is guilty of disgraceful or improper conduct on any day of the competition;

5.2.2 engages in conduct that is likely to bring the game of golf into disrepute, or to diminish public confidence in the VGA, the Committee, a sponsor of the competition, or the host club;

5.2.3 fails to comply with an instruction given by a member of the Committee or a Referee appointed by the Committee;

5.2.4 uses a radio, recorder or mobile telephone during the course of play;

5.2.5 fails to comply with the dress regulations specified prior to each VGA event and/or dress or golf shoe regulation published by the host club;

6. Disciplinary Tribunal

6.1 A Disciplinary Tribunal shall consist of not less than two persons one of whom shall be appointed Chair of the Tribunal.

6.2 Members of the Disciplinary Tribunal shall satisfy the following criteria:

- ◆ Not be a member of the Council of the VGA;
- ◆ Have an ability to become well informed about, and to make objective and independent decisions on, the merits of the case;

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- ◆ Have an ability to exercise sound and fair judgement; and
- ◆ Have an ability to command the respect of the parties.

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7. Disciplinary Procedure

- 7.1 All acts that may constitute a Breach of Discipline under the Code of Conduct which are reported during the conduct of a competition shall be reported to the Committee.
- 7.2 All acts that may constitute a Breach of Discipline under the Code of Conduct which are reported after the conclusion of a competition shall be reported to the Executive Director of the VGA.
- 7.3 Upon receiving a report pursuant to paragraph 7.1 or 7.2 the Committee or the Executive Director, as the case may be, shall determine whether or not to refer the report to the Investigations Officer.
- 7.4 The Committee and the Executive Director shall not refer the report to the Investigations Officer if the Committee or the Executive Director considers it is frivolous, vexatious, misconceived or lacking substance.
- 7.5 Upon receiving a report from the Committee or the Executive Director, the Investigations Officer shall conduct a preliminary inquiry and determine whether the player or caddie who is the subject of the report should be charged with a Breach of Discipline.
- 7.6 Before determining whether the player or caddie should be charged the Investigations Officer shall interview and obtain statements from the person who made the report and any available witness and give the player or caddie an opportunity to respond to the report. A player or caddie shall be informed that he has the right to remain silent.
- 7.7 The Investigations Officer shall report to the President of the VGA whether the player or caddie should be charged with a specified Breach of Discipline.
- 7.8 The President of the VGA may authorise the Investigations Officer to charge the player or caddie with a specified Breach of Discipline and appoint a Disciplinary Tribunal to hear the charge.

8. Form of Charge

- 8.1 A charge must –
- 8.1.1 be in writing and contain particulars of the alleged Breach of Discipline; and

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8.1.2 be accompanied by a statement of each witness intended to be called at the hearing; and

8.1.3 specify when and where a hearing into the charge is to be conducted; and

8.1.4 specify that the player or caddie must state in writing whether or not he or she admits or denies the truth of the charge; and

8.1.5 specify the time within which the player or caddie must make the statement under paragraph 8.1.4.

8.2 If the player or caddie does not make the statement required under paragraph 8.1.4 within the time specified under paragraph 8.1.5 the Disciplinary Tribunal can proceed without the statement.

9. Service of a Charge

9.1 Notice of a charge and a hearing date may be given to a player or a caddie by personal service or by post to the usual place of residence of the player or caddie or by electronic communication.

9.2 If a notice is served by post the notice shall be presumed to have been received on the fourth business day after the notice was posted unless evidence to rebut the presumption is provided.

10. Procedure on a Hearing

10.1 A player or a caddie who is charged with a Breach of Discipline may appear at the hearing into the charge and or may be represented by any person other than a legal practitioner.

10.2 The Investigation Officer may appear at the hearing into the charge to represent the person who made the report or may be represented by any person other than a legal practitioner.

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- 10.3 If a player or caddie who is the subject of a hearing does not attend in person or by representative at the time and place fixed for the hearing, the Tribunal may proceed in his or her absence.
- 10.4 At a hearing –
- 10.4.1 the procedure of the hearing is at the discretion of the Tribunal, and
 - 10.4.2 the proceedings shall be conducted with as little formality and technicality as the proper consideration of the matter permits; and
 - 10.4.3 the Tribunal is not bound by the rules of evidence but may inform itself in any way it sees fit; and
 - 10.4.4 the Tribunal conducting the hearing is bound by the rules of natural justice.

11. Sanctions

- 11.1 The Disciplinary Tribunal will consider all the available facts relevant to the charge and determine whether the charge has been proved.
- 11.2 If a charge is proved against a player or caddie the Tribunal shall permit the player or caddie or representative to make a submission as to the appropriate sanction and receive any relevant evidence as to character or in mitigation before imposing an appropriate sanction.
- 11.3 The Disciplinary Tribunal may impose any of the following sanctions:
- 11.3.1 a severe reprimand;
 - 11.3.2 a recommendation to the player's home club that the player's membership be suspended for a set period of time;
 - 11.3.3 a suspension of entry to V&A competitions for a specified period of time;
 - 11.3.4 withdrawal or suspension of the player's Australian Handicap for a set period of time.

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11.3.5 attend appropriate counselling sessions as specified by the VGA;

11.3.6 payment of costs incurred by the VGA of and incidental to the hearing.

11.4 In the event that a charge is proven, the Executive Director of the VGA shall notify the player's or caddie's home club and the person who reported the player or caddie as to the outcome of the hearing and, if the charge is found proven, the sanction imposed.

12. Amendments to the Code of Conduct

12.1 The VGA may amend the Code of Conduct at any time but an amendment will not apply in respect of a report already reported.

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ANNEXURE A

INTRODUCTION

1. The Victorian Golf Association (VGA) has had in operation a Code of Conduct and Disciplinary Procedures to ensure proper behaviour standards during the course of VGA sponsored golf competitions since April 1996.
2. It has recently revised the Code of Conduct with effect from 1 January 2001.
3. The VGA is prepared to expand its role to maintain proper behaviour standards during the course of Club Competitions (as defined in Clause 3.3 of the Code of Conduct) and to enable it to deal with breaches of discipline by a club player reported to the Executive Officer of the VGA by a President or Captain of an affiliated Club.
4. The VGA will make available to an affiliated Club the services of an Investigation Officer and a Disciplinary Tribunal where the Club enters into an agreement with the VGA in the terms set out below.
5. The services will be provided free of cost to the affiliated Club.

AGREEMENT

1. An entrant to a Club Competition (as defined in Clause 3.3 of the Code of Conduct) will be required to agree to uphold and be subject to the Code of Conduct and Disciplinary Procedures.
2. An affiliated Club Agrees:
 - (i) to make it a condition of entry to Club Competition that the entrant will agree to uphold and be subject to the Code of Conduct; and
 - (ii) to abide the decision of a Disciplinary Tribunal; and
 - (iii) to implement any recommendation in relation to a player in a Club Competition against whom a charge of breach of discipline is found proven.

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NATURE OF SERVICE

1. An Affiliated Club upon entering into an agreement with the VGA may request the Executive Officer of the VGA to appoint an Investigations Officer to inquire into an alleged Breach of Discipline by a player in a Club Competition.
2. A request shall be made in writing by the President or Captain of the Club and lodged with the Executive Officer of the VGA within 21 days of the completion of the Club Competition.
3. A request shall contain sufficient particulars of the alleged Breach of Discipline to enable an Investigations Officer to make an inquiry.
4. Upon receiving a request the Executive Officer shall appoint an Investigations Officer to inquire into the alleged Breach of Discipline.

PROCEDURES

1. An Investigations Officer shall follow the relevant procedures specified in Clause 7 of the Code of Conduct.
2. Should a player be charged with a Breach of Discipline the procedures of the Code of Conduct set out in Clauses 8, 9, 10 and 11 shall be followed.

By affixing the seal of the Club and/or the signatures of the President and Captain, a Club will agree to abide the terms set out above.

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NAME OF CLUB: _____

SEAL

PRESIDENT'S SIGNATURE: _____

WITNESS: _____

CAPTAIN'S SIGNATURE: _____

WITNESS: _____

DATED: _____ / _____ / _____