

Viney Creek Code of Conduct

Code of Conduct (2017)

This Code of Conduct applies to all Members of Viney Creek Golf Club and applies in all instances when the Member is at the facility or is representing the Club in any capacity at any other venue.

All Members must adhere at all times to commonly accepted standards of golfing etiquette and sportsmanship. In order to ensure proper standards of behaviour during a competition a Member who commits an offence under this Code will face disciplinary proceedings.

1. DEFINITIONS

In this code, unless the context otherwise requires:

Term Definition

Appeal Tribunal means the tribunal referred to in Attachment A of this document

Board means the Directors of Viney Creek Golf Club

Caddie means the definition as per the Rules of Golf

Club means Viney Creek Golf Club

Code means this Code of Conduct

Director means the directors of Viney Creek Cove Golf Club.

Competition means any Championship event, competition, pennant match, practice session or other major competition or activity, conducted or sanctioned by the Club or by AGU, GNSW, NDGA.

Conduct Officers means two members appointed at any time to consider, hear and determine a report during or after the conclusion of a competition

Facility means the whole of the golf course, club house, carparking area(s) and any practice area(s).

Investigative Officer means a person appointed by the directors to administer a report

Club Representatives means Teams or Players selected by the Club to represent the Club at selected events.

Notice means notice in writing by letter, facsimile, other written means of communication, or email

Player means a player or participant in a competition. Player also includes a caddie and/or parent

Report means any oral or written statement by any person of an alleged offence by a player under this Code

An act is deemed to occur "*during a competition*" if it occurs:

- a) At any time day or night while on Club premises.
- b) Whilst representing the club
- c) Whilst at the host golf club.
- d) Traveling to and from the host golf club.

2. OFFENCES

2.1 A Member is guilty of a Category A offence under this Code if the Member:-

- a) physically or verbally attacks or abuses, in any way, another member, staff member, guest or visitor.
- b) racially vilifies a player, another member, staff member, guest or visitor while within the facility.
- c) wrongfully damages any part of the facility, including the course, signs, markers and the clubhouse or its furniture and furnishings,
- d) wrongfully removes or damages property belonging to another member, guest or visitor.
- e) deliberately breaks a Rule (as defined in the Rules of Golf);
- f) deliberately returns a false score card;
- g) fails or refuses to co-operate with, or obstructs, any investigation by the Investigative Officer
- h) fails or refuses to co-operate with, or obstructs, a hearing by the Conduct Officers or the Appeal Tribunal;
- i) behaves in a manner detrimental to the good name and reputation of the Club
- j) complains to Newcastle City Council staff or councilors

2.2 A Member is guilty of a Category B offence under this Code if the Member:

- a) in relation to a competition, publicly criticises:
 - i. the competition golf course;
 - ii. the competition itself;
 - iii. the organisers of the competition;
 - iv. the sponsors of the competition; or
 - v. any official supervising or organising the competition during a competition;
- b) throws or deliberately, breaks golf equipment (including golf balls) during a competition;
- c) uses abusive or profane language towards another player, an official, or other person during a competition;
- d) behaves in a manner that may be detrimental to the performance of other players.
- e) brings the game of golf into disrepute.

2.3 A Member is guilty of a Category C offence if the Member:

- a) fails to comply with the Rules of Golf with respect to Section I – Etiquette. (NB Etiquette includes the continual failure to fill in divots or repair pitch marks);
- b) continually fails to play without undue delay;
- c) fails to wear appropriate golf attire as required by the local dress code.
- d) uses profane language ;

2.4 If a Member commits two or more Category C offences, the member is deemed to have committed a Category B offence and is subject to the penalties prescribed for a Category B offence. If a Member commits two or more Category B offences, the Member is deemed to have committed a Category A offence and is subject to penalties prescribed for a Category A offence.

2.5 Subsequent breaches of the Code within a 24 month period will result in a penalty prescribed for the Category one above the highest Category of the previous breach. For sake of clarity, should a Member commit a Category B offence originally, and then commits a Category B offence 6 months later, the Member is deemed to have committed a Category A offence and is subject to penalties prescribed for a Category A offence. Should the original breach be a Category A offence, the penalty imposed will be as the Conduct Officers see fit.

3. DISCIPLINARY PROCEDURE

3.1 Any report made to directors (or any member of staff) during a competition or after the conclusion of the competition must be referred to an Investigative Officer and the Conduct Officers.

3.2 Upon receiving a report under clause 3.1, the Conduct Officers must determine whether:

- a) no further action should be taken; or
- b) if in the course of such investigation it is evident that, in the opinion of the Conduct Officers, a breach has occurred, an appropriate penalty may be imposed

3.3 Should the offence be considered to have an appropriate penalty as per Clause 3.2 b) then the Member is to be afforded due process and:

- a) presented with the details of the offence;
- b) permitted to present his/her explanation;
- c) the Conduct Officers will take into account all the facts when issuing the appropriate penalty; and
- d) the penalty will be communicated to the Member by notice in writing from the Committee.

4. PENALTIES

4.1 If a Member is found guilty of a Category A offence, any of the following penalties, a minimum of 3 months and not normally exceeding more than 2 years duration, may be imposed:

- a) disqualify the Member from the competition;
- b) an order that the Member attend appropriate counselling sessions as specified by the Directors;
- c) a recommendation to the Member's membership be suspended for a set period of time;
- d) a recommendation to the District Association that the Member not be permitted to enter District Events;
- e) a recommendation to the District Association that the Member be suspended from a District Squad;
- f) recommendation to Golf Australia for suspension of the Member's Australian Handicap;
- g) suspension from any club representative team or squad;
- h) in the case of an offence under clauses 2.1(d) or (e) of this Code, an order that the Member should pay compensation to the Member, official, tournament organiser or Club who suffered loss as a result of the accused Member's conduct, or
- i) such other penalty as determined from time to time.

4.2 If a Member is found guilty of a Category B offence, any of the following penalties, minimum 1 month but not more than 3 months for any one offence, may be imposed:

- a) disqualify the Member from the competition;
- b) an order that the Member attend appropriate counseling sessions as specified by the Directors;
- c) a recommendation to the Member's District Association that the Member not be permitted to enter District Events;
- d) a recommendation to the Member's District Association that the Member be suspended from a District Squad;
- e) recommendation to Golf Australia for suspension of the Member's Australian Handicap;
- f) recommendation to Golf NSW for the member to be suspended from the State Squad; or
- g) such other penalty as determined from time to time.

4.3 If a Member is found guilty of a Category C offence, any of the following penalties may be imposed:

- a) a severe reprimand;
- b) an order that the Member attend appropriate counseling sessions as specified by the Director; or
- c) recommendation to Golf Australia for suspension of the Member's Australian Handicap (recommendation: no more than 1 month);
- d) such other penalty as determined from time to time.

5. APPEAL PROCEDURE

The appeal procedure for determination of breach by a Member is detailed in Appendix A of this document.

6. CENTRAL REGISTER

6.1 Golf Australia will retain a record of all breaches that have been found against a Member, the results of any appeals from such findings and any pending appeals. The Club will forward to NDGA for lodgement with Golf NSW the details of any breaches that have been found against a Member, the results of any appeals from such findings and any pending appeals

6.2 Where a Member commits a breach, the Club must forward a copy of the Notice and any notices of appeal in relation to the breach to NDGA to be dealt with in accordance with clause 6.1 above.

6.3 A breach is only to be kept on a Member's record for a period of 24 months from the date such breach was committed or, 12 months after the period of which the Member's penalty expired. In the

case where the breach is the subject of an appeal, from the date the appeal is upheld.

6.4 The Club will comply with the Privacy Act (1988) when collecting or receiving information under this Code.

Attachment A – Viney Creek Golf Club Code of Conduct

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 or her appeal to the Club by 5.00pm on the second business day after the respondent has been informed of the Determination under clause 3.3.
2. If the letter of appeal is not received by the Directors of Club within the relevant time period the right of appeal will lapse.
3. The sole grounds of appeal to the Appeal Tribunal are that the:
 - 3.1 Code was not properly followed or implemented; or
 - 3.2 disciplinary measure(s) imposed is (are) unjust and/or unreasonable; or
 - 3.3 determination was affected by bias.
4. On receipt of an appeal by a respondent the Club 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;
 - 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 the Club) 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 Directors:
 - 5.1 an independent member, 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 relevant by-law.
6. Such appointments will be for one 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 Board or of the Committee; or
 - 8.2 by reason of his or her relationship with:
 - i. the appellant concerned;
 - ii. any member of the Board or 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 the Committee, 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, including by telephone or video conference.

12. In any hearing before the Appeal Tribunal:

12.1 the Tribunal must observe the rules of natural justice and procedural fairness;

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;

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 the Committee may seek an adjournment in order to obtain legal advice; and

ii. neither the appellant nor the Committee 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 the Club'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/her 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 Committee at any time before the appeal has been decided.