

WESTERN AUSTRALIAN GOLF ASSOCIATION (INC)

CODE OF CONDUCT AND DISCIPLINARY PROCEDURES

INTRODUCTION

This Code of Conduct applies to amateur golfers for all Championships, major activities, events and competitions conducted or sanctioned by the Western Australian Golf Association and Graham Marsh Junior Golf Foundation in addition to any other requirements of players as set out in tournament conditions, local rules or by-laws of clubs hosting WAGA events. It also applies to all WAGA Team and State Squad members.

1. Code of Conduct

1.1 Preamble

Each player in a competition must adhere to commonly-accepted standards of golfing etiquette and sportsmanship.

In order to ensure proper standards of behaviour at all times a player who commits an offence under this Code is liable to face disciplinary proceedings.

1.2 Definitions and Interpretation

In this Code, unless the context otherwise requires:

"WAGA" means the Western Australian Golf Association Incorporated;

"GMJGF" means the Graham Marsh Junior Golf Foundation;

"*accused player*" means the player accused of an offence under this Code;

"*Code*" means this Code of Conduct;

"*Championship Committee*" means the Championship Committee appointed by the WAGA or GMJGF for a competition;

"*competition*" means a Championship, event, competition, practice session or major activity conducted or sanctioned by the WAGA or GMJGF;

"*Conduct Officers*" means two officials of the WAGA or GMJGF appointed at any time to consider, hear and determine a report during a competition;

"*Disciplinary Tribunal*" means the Disciplinary Tribunal comprising at least three members appointed by the WAGA or GMJGF to consider, hear and determine a report referred to the Disciplinary Tribunal under this Code;

"*Executive Committee*" means the Executive Committee of the WAGA as constituted from time to time;

"Investigative Officer" means a person appointed by the WAGA or GMJGF to administer a report;

"player" means a player or participant in a competition;

"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) when travelling to or from a competition;
- (b) on any qualifying or practice day for a competition; or
- (c) on any day during which the competition is conducted.

2. Category A Offences

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

- (a) physically attacks or abuses, in any way, another player, an official or person during a competition;
- (b) verbally threatens another player, an official or person during a competition;
- (c) racially vilifies another player, an official or person during a competition;
- (d) deliberately damages the facilities, including the course and the clubhouse, of the competition golf course;
- (e) wrongfully removes or damages property belonging to another player, an official or the competition golf club;
- (f) deliberately breaks a Rule or the Rules of Golf;
- (g) deliberately returns a false score card;
- (h) during a competition, deliberately seeks to manipulate the player's Australian Handicap;
- (i) behaves in a manner detrimental to the good name and reputation of the WAGA or GMJGF; or
- (j) brings the game of golf into disrepute.

3. Category B Offences

3.1 A player is guilty of a Category B offence under this Code if the player:

- (a) throws or deliberately or in anger breaks golf equipment (including golf balls) during a competition;
- (b) uses abusive or profane language towards another player, an official or person during a competition;
- (c) utters audible obscenities during a competition;
- (d) consumes any alcohol or a prohibited substance under the WAGA or GMJGF Doping Policy during the course of any round played in a competition; or
- (e) is unable to play golf to the best of his ability without just cause; or
- (f) behaves in a manner detrimental to the performance of other players.

NOTE: The use of any narcotic or other substance may constitute an offence under the Doping Policy of the WAGA or GMJGF.

4. Category C Offences

4.1 A player is guilty of a Category C offence if the player:

- (a) in relation to a competition, publicly criticises:
 - (i) the competition golf course;
 - (ii) the competition itself;
 - (iii) the sponsors of the competition; or
 - (iv) any official supervising or organising the competition during a competition;
- (b) fails or refuses to co-operate with, or obstructs, any investigation by the Investigating Officer of the player's conduct or the conduct of another player;
- (c) fails or refuses to co-operate with, or obstructs, a hearing by the Conduct Officers or the Disciplinary Tribunal;
- (d) fails to comply with the Rules of Golf (including Section I - Etiquette) as amended by Local Rules in force at any competition, or fails to comply with any other rules, by-laws, directions or instructions, including dress regulations, as specified by the WAGA or GMJGF or the Championship Committee for that competition or any other duly authorised official;
- (e) continually fails to play without undue delay;
- (f) commits an act to deliberately disqualify the player from a competition or, during the course of a round picks up the player's own ball without playing out a hole;
- (g) misses a tee time or withdraws from a competition before the completion of that competition without providing good reason in writing for so doing;
- (h) uses a radio (of any kind), recorder or mobile telephone during the course of play in a competition or allows the player's caddy to do so;
- (i) fails, without good reason, to attend the trophy presentation at the completion of a competition where the player is:
 - (i) in the case of a stroke play event, a trophy winner; or
 - (ii) in the case of a match play event, a finalist or semi-finalist.

4.2 If a player commits two or more Category C offences during a competition, the player is deemed to have committed a Category B offence and is subject to proceedings and penalties prescribed for a Category B offence.

Disciplinary Procedure

5. Reporting and Consideration

- 5.1** Any report made to the WAGA or GMJGF or the Championship Committee during a competition must be referred to an Investigative Officer and the Conduct Officers.
- 5.2** Any report made to the WAGA or GMJGF after the conclusion of a competition must be referred to an Investigative Officer and the Disciplinary Tribunal.
- 5.3** Upon receiving a report pursuant to clause 5.1, the Conduct Officers must determine whether:

- (a) no further action should be taken;
- (b) to convene a summary hearing in relation to the report in accordance with clause 6; or
- (c) to refer the report to the Disciplinary Tribunal.

6. Disciplinary Proceedings - Summary Procedure

6.1 This clause applies where the Conduct Officers determine to convene a summary hearing of a report.

6.2 The Conduct Officers must:

- (a) give the accused player not less than 30 minutes written notice stating:
 - (i) the date, time and place at which it will hear and determine the report;
 - (ii) brief particulars of the report;
 - (iii) the name of the Investigative Officer;
 - (iv) that the accused player is entitled to be assisted or represented by another person; and
- (b) require the Investigative Officer to attend the hearing.

6.3 If the Investigative Officer is not present at the hearing as set out in any notice the Conduct Officers may:

- (a) dismiss the report;
- (b) impose a penalty on the accused player if the accused player admits the offence under this Code set out in the report; or
- (c) adjourn the hearing of the report for such period as the Conduct Officers determine in which case they must give written notice of the time and place the hearing will resume.

6.4 If the accused player is not present at the hearing as set out in any notice the Conduct Officers may:

- (a) proceed to hear and determine the report and the penalty (if any) to be imposed in the absence of the accused player; or
- (b) adjourn the hearing of the report for such period as the Conduct Officers determine in which case they must give written notice of the time and place the hearing will resume.

6.5 If the accused player is present at the hearing as set out in any notice the accused player must at the commencement of the hearing be asked whether the accused player wishes to admit or deny the alleged offence under this Code set out in the report.

6.6 If the accused player admits the alleged offence under this Code, the accused player or the representative may address the Conduct Officers on the question of penalty. The Conduct Officers will then deliberate on the penalty and will announce the penalty to be imposed on the accused player.

6.7 If the accused player denies the alleged offence under this Code:

- (a) the Investigative Officer must state the facts relating to the report and the alleged offence under this Code;
- (b) the accused player may give evidence about the alleged offence and may be questioned by the Investigative Officer and the Conduct Officers;
- (c) any relevant witness may be called and questioned by any party or the Conduct Officers;
- (d) after the presentation of evidence and hearing any final submissions by the Investigative Officer and the accused player, the Conduct Officers must determine whether the accused player is guilty of an offence under this Code and the penalty (if any) to be imposed on the accused player; and
- (e) the Conduct Officers must announce their determination and the penalty (if any) to be imposed on the accused player.

6.8 If the Conduct Officers determine that an accused player is guilty of an offence under this Code at a summary hearing, the player aggrieved of that determination may appeal to the Executive Committee by giving written notice to the WAGA or GMJGF within 14 days of the determination of the Conduct Officers. The lodgment of an appeal does not act as a stay of the determination, unless the player gives written notice to the WAGA or GMJGF seeking a stay of the determination within three days after the date of the determination and a special stay is granted by the Executive Committee.

6.9 Notwithstanding that the Conduct Officers have determined to convene a summary hearing in relation to a report, the Conduct Officers may at any time either before or after determination of the report, refer the report to the Disciplinary Tribunal.

7. Disciplinary Tribunal - Proceedings for Category A and Category B offences

7.1 Clauses 7 and 8 apply to Category A and Category B offences under this Code.

7.2 Upon receiving a report, the Disciplinary Tribunal must determine whether:

- (a) to dismiss the report; or
- (b) to convene a hearing in relation to the report.

7.3 If the Disciplinary Tribunal determines to convene a hearing in relation to the report it must:

- (a) give at least 14 days written notice to the accused player stating:
 - (i) the date, time and place at which it will hear and determine the report;
 - (ii) brief particulars of the report;
 - (iii) the name of the Investigative Officer;
 - (iv) that the accused player is entitled to be assisted or represented by another person; and
- (b) require the Investigative Officer to attend the hearing.

8. Disciplinary Hearings - Category A and B offences

8.1 At the commencement of the hearing the Chairman of the Disciplinary Tribunal must read out the report and the alleged offence by the accused player under this Code.

- 8.2** If the Investigative Officer is not present at the hearing the Disciplinary Tribunal may:
- (a) dismiss the report;
 - (b) impose a penalty on the accused player if the accused player admits the offence under this Code set out in the report; or
 - (c) adjourn the hearing of the report for such period as the Disciplinary Tribunal determines in which case it must give written notice of the time and place the hearing will resume.
- 8.3** If the accused player is not present at the hearing the Disciplinary Tribunal may:
- (a) proceed to hear and determine the report and the penalty (if any) to be imposed in the absence of the accused player; or
 - (b) adjourn the hearing of the report for such period as the Disciplinary Tribunal determines in which case it must give written notice of the time and place the hearing will resume.
- 8.4** If the accused player is present at the hearing the Chairman of the Disciplinary Tribunal will at the commencement of the hearing ask the accused player whether the accused player wishes to admit or deny the alleged offence under this Code set out in the report.
- 8.5** If the accused player admits the alleged offence under this Code, the accused player or the representative may address the Disciplinary Tribunal on the question of penalty. The Disciplinary Tribunal will then deliberate to determine the penalty and will announce the penalty to be imposed on the accused player.
- 8.6** If the accused player denies the alleged offence under this Code:
- (a) the Investigative Officer must state the facts relating to the report and the alleged offence under this Code;
 - (b) the accused player may give evidence about the alleged offence and may be questioned by the Investigative Officer and the Conduct Officers;
 - (c) any relevant witness may be called and questioned by any party or the Disciplinary Tribunal;
 - (d) after the presentation of evidence and hearing any final submissions by the Investigative Officer and the accused player, the Disciplinary Tribunal must determine whether the accused player is guilty of an offence under this Code and in the case of a Category B offence the penalty (if any) to be imposed on the accused player; and
 - (e) the Disciplinary Tribunal must announce its determination.
- 8.7** In the event that the Disciplinary Tribunal determines that the accused player is guilty of a Category A offence under this Code, after announcing its determination the Chairman will ask the accused player or the representative to make any submissions on penalty.
- 8.8** After hearing any submissions on penalty by or on behalf of the accused player, the Disciplinary Tribunal must:
- (a) deliberate on the penalty to be imposed; and
 - (b) after determination of the penalty,

announce its determination of the penalty to be imposed on the accused player.

9. Disciplinary Proceedings - Category C offences

9.1 This Clause applies to Category C offences under this Code.

9.2 Where a report is made or referred to the Disciplinary Tribunal in relation to a Category C offence under this Code, the Disciplinary Tribunal must determine whether:

- (a) to dismiss the report;
- (b) to require written submissions from the Investigative Officer and the accused player in relation to the report and then determine the report.

9.3 In the event that the Disciplinary Tribunal requires written submissions in relation to a report, it must give written notice to the Investigative Officer and the accused player stating:

- (a) the alleged offence by the accused player under this Code;
- (b) brief particulars of the alleged offence, including particulars of the time and location of the alleged offence;
- (c) the name of the Investigative Officer; and
- (d) the date by which any written submissions including all matters relevant to the report including witness statements must be received by the Disciplinary Tribunal.

9.4 The Disciplinary Tribunal must determine a report in relation to a Category C offence on the basis of the written submissions received from the Investigative Officer and the accused player. In the absence of special circumstances the Disciplinary Tribunal will not consider any written submissions received after the due date given in clause 9.3(d).

9.5 Within 14 days after the due date given in clause 9.3(d), the Disciplinary Tribunal must consider all written submissions and must determine whether the accused player is guilty of the alleged offence under this Code.

9.6 The Disciplinary Tribunal must notify the Investigative Officer and the accused player of its determination and, if the Disciplinary Tribunal finds the accused player guilty of an offence under this Code, the penalty to be imposed.

10. Right of Appeal from Determination of Disciplinary Tribunal

10.1 A player aggrieved by a determination of the Disciplinary Tribunal may appeal the determination to the Executive Committee by giving written notice to the WAGA or GMJGF within 30 days of the date of the determination of the Disciplinary Tribunal. The lodgment of an appeal does not act as a stay of the original determination, unless the player gives written notice to the WAGA or GMJGF seeking a stay of the determination within three days after the date of the determination and stay of the determination within three days after the date of the determination and a special stay is granted by the Executive Committee.

11. Stays and Appeals

- 11.1** If a player aggrieved by a determination of the Conduct Officers or the Disciplinary Tribunal seeks a stay of the determination pending the hearing of an appeal in accordance with this Code, the Executive Committee will consider the application for a stay as soon as practicable and in any manner (including telephone or electronic means) as the Executive Director of the WAGA or GMJGF deems appropriate in the circumstances. There is no right of appeal against a determination of the Executive Committee not to grant a stay.
- 11.2** In the event of an appeal by a player aggrieved by a determination of the Conduct Officers or Disciplinary Tribunal, the Executive Committee will re-hear the report at such time and in such manner as the Executive Committee deems appropriate in the circumstances.
- 11.3** A member of the Executive Committee who acted as a Conduct Officer or on the Disciplinary Tribunal in relation to a report that is the subject of an appeal under this Code must be excused from the re-hearing.
- 11.4** Upon re-hearing a report the Executive Committee may affirm, vary or substitute the determination as it may deem appropriate.
- 11.5** A quorum of at least three members of the Executive Committee must be present to hear an appeal.
- 11.6** An appeal to the Executive Committee is the sole form of appeal from a determination under this Code.

12. Penalties

- 12.1** In the event that a player is found guilty of a Category A offence, any of the following penalties may be imposed:
- (a) disqualify the player from the competition;
 - (b) a severe reprimand;
 - (c) an order that the player attend appropriate counselling sessions as specified by the WAGA or GMJGF;
 - (d) a recommendation to the player's home club that the player's membership be suspended for a set period of time;
 - (e) withdrawal of the player's Australian Handicap;
 - (f) suspension of the player's Australian Handicap;
 - (g) in the case of an offence under clauses 2.1(d) or (e) of this Code, an order that the player should pay compensation to the player, official or club who suffered loss as a result of the accused player's conduct; or
 - (h) such other penalty as determined from time to time.
- 12.2** In the event that a player is found guilty of a Category B offence, any of the following penalties may be imposed:
- (a) disqualify the player from the competition;

- (b) a severe reprimand;
- (c) an order that the player attend appropriate counselling sessions as specified by the WAGA or GMJGF;
- (d) a recommendation to the player's home club that the player's membership be suspended for a set period of time;
- (e) a penalty under the Doping Policy of the WAGA or GMJGF (if applicable);
- (f) withdrawal of the player's Australian Handicap;
- (g) suspension of the player's Australian Handicap; or
- (h) such other penalty as determined from time to time.

12.3 In the event that a player 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 player attend appropriate counselling sessions as specified by the WAGA or GMJGF; or
- (c) suspension of the player's Australian Handicap;
- (d) such other penalty as determined from to time.