



Sandringham Golf Club

Disciplinary Policy and Procedures of Sandringham Golf Club (1937) Inc.

July 2015

This policy sets out the processes, procedures and penalties in relation to breaches of the accepted conduct as set out in this policy. The policy incorporates the disciplinary procedures and penalties from:

- Consumer Affairs Victoria's *MODEL RULES For an INCORPORATED ASSOCIATION - Associations Incorporation Reform Regulations 2012 Part 3*;
- Golf Australia's *Member Protection Policy – Version 3 May 2012*;
- Scottish Golf Union and Scottish Ladies Golfing Association's *Model Disciplinary Procedure For Use By Golf Clubs (February 2012)*.

1. INTERPRETATION AND DEFINITIONS

1.1 In the interpretation of these procedures, unless the contrary intention appears:

1.1.1 headings are inserted for convenience only and are not to be used to assist interpretation;

1.1.2 any gender includes all genders, any reference to the singular includes the plural (and vice versa), and references to persons includes bodies corporate, unincorporated associations and partnerships (whether or not any of them have a separate legal personality).

1.2 For the purpose of these procedures the following definitions apply:

"Appeals Committee" means an Appeals Committee appointed by the Club;

"Appellant" means any member subject to a disciplinary decision who chooses to appeal it;

"Captain" means the Captain of the Club;

"Club Secretary" means the Club Secretary of the Club;

"Club" means Sandringham Golf Club (1937) Inc.;

"Competition" means any competition organised by the Club.

"Complainer" means any person making a complaint about any Member;

"Day" means any day other than a Public Holiday;

"Disciplinary Subcommittee" means the Disciplinary Committee of the SGC;

"Member" means any member of the Club who is subject of any disciplinary investigation in accordance with these procedures;

"Model Rules" means *The Model Rules for and Incorporated Association – Associations Incorporation Reform Regulation 2012*.

"Player" means a person who plays the game of golf;

"Procedures" means these Procedures;

"Rules of Golf" means the rules of golf as defined by the Royal & Ancient Golf Club of St Andrews;

"SGC" means Sandringham Golf Club (1937) Inc.

"Special General Meeting" means a general meeting called for the purposes of hearing an appellants request/case to overturn a prior disciplinary conviction.

2. OVERVIEW

2.1 These Procedures deal with hearings in respect of:

2.1.1 breaches of any rules and accepted behaviour as set out in this policy and Appendices;

2.1.2 any complaint about any member; and

2.1.3 complaints regarding any person competing officially in any Club competition.

2.2 The Procedures apply to all members of the Club.

2.3 Disciplinary action may be informal or formal. Informal disciplinary action will involve discussing the problem with the member and/or the complainer through the Club Secretary/Captain with a view to resolving the issue. Formal disciplinary action will be taken in accordance with the Model Rules and these Procedures.

3. DISCIPLINARY ACTION

3.1 The Club may take disciplinary action against a member in accordance with this Procedure and the Model Rules if it is determined that the member:

3.1.1 has failed to comply with these Rules; or

3.1.2 refuses to support the purposes of the Association; or

3.1.3 has engaged in conduct prejudicial to the Association.

4. MEMBERSHIP AND POWERS OF COMMITTEES

4.1 The membership of any Disciplinary Subcommittee will be determined by the Club and will have not fewer than [3] members.

- 4.2 The Club will call a Special General Meeting for all members to consider any competent appeal.

5. DISCIPLINARY SUBCOMMITTEE

- 5.1 If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.

- 5.2 The members of the disciplinary subcommittee:

5.2.1 may be Committee members, members of the Association or anyone else; but

5.2.2 must not be biased against, or in favour of, the member concerned.

6. NOTICE TO MEMBER

- 6.1 Before disciplinary action is taken against a member, the Secretary must give written notice to the member:

6.1.1 stating that the Association proposes to take disciplinary action against the member; and

6.1.2 stating the grounds for the proposed disciplinary action; and

6.1.3 specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the **disciplinary meeting**); and

6.1.4 advising the member that he or she may do one or both of the following:

6.1.4.1 attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;

6.1.4.2 give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and

6.1.5 setting out the member's appeal rights under Section 8.

- 6.2 The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

7. DECISION OF SUBCOMMITTEE

- 7.1 At the disciplinary meeting, the disciplinary subcommittee must:
 - 7.1.1 give the member an opportunity to be heard; and
 - 7.1.2 consider any written statement submitted by the member.
- 7.2 After complying with Section 7.1, the disciplinary subcommittee may:
 - 7.2.1 take no further action against the member; or
 - 7.2.2 subject to Section 7.3
 - 7.2.2.1 reprimand the member; or
 - 7.2.2.2 suspend the membership rights of the member for a specified period;
or
 - 7.2.2.3 expel the member from the Association.
- 7.3 The disciplinary subcommittee may not fine the member.
- 7.4 The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

8. APPEAL RIGHTS

- 8.1 A person whose membership rights have been suspended or who has been expelled from the Association under Section 7 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- 8.2 The notice must be in writing and given:
 - 8.2.1 to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
 - 8.2.2 to the Secretary not later than 48 hours after the vote.
- 8.3 If a person has given notice under Section 8.2, a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.

8.4 Notice of the disciplinary appeal meeting must be given to each member of the Association who is entitled to vote as soon as practicable and must:

8.4.1 specify the date, time and place of the meeting; and

8.4.2 state:

8.4.2.1 the name of the person against whom the disciplinary action has been taken; and

8.4.2.2 the grounds for taking that action; and

8.4.2.3 that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

9. CONDUCT OF DISCIPLINARY APPEAL MEETING

9.1 At a disciplinary appeal meeting:

9.1.1 no business other than the question of the appeal may be conducted; and

9.1.2 the Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and

9.1.3 the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.

9.2 After complying with Section 9.1, the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.

9.3 A member may not vote by proxy at the meeting.

9.4 The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

10. PENALTIES

- 10.1 No penalty shall be imposed on any person or body in disciplinary proceedings unless the alleged misconduct against the person or body is proved on the balance of probabilities and that penalty is fair, reasonable and proportionate in the opinion of the Disciplinary Subcommittee.
- 10.2 If a complaint is proved against a Member, the Disciplinary Subcommittee shall have the power to impose the following penalties, as outlined in the Model Rules and this policy, with reference to severity of offences outlined in appendix 1, *Guide to Offences and Penalties*:
- 10.2.1 reprimand/warning;
 - 10.2.2 suspension from Club membership for a specified period of time (including competition);
 - 10.2.3 suspension from specified Club activities for a period of time or permanently;
 - 10.2.4 expulsion from Club membership on a permanent basis;
 - 10.2.5 a combination of any of the above.
- 10.3 When a penalty is imposed consideration will be given to the following:
- 10.3.1 consistency and uniformity in the level of penalty imposed;
 - 10.3.2 whether the penalty is reasonable and proportionate in all the circumstances;
and
 - 10.3.3 that where possible periods of suspension be imposed by reference to specific dates rather than playing days e.g. 1 April to 1 June.
- 10.4 Any penalties imposed by the Disciplinary Subcommittee shall be suspended, on any Notice of Appeal being received in accordance with this Policy until the outcome of the Special General Meeting hearing the appeal case.

11. GENERAL PROVISIONS

- 11.1 The hearing of proceedings by the Disciplinary Subcommittee or the Special General Meeting shall be recorded by the taking of minutes by the Club Secretary/Captain or another nominated and appropriate person.

- 11.2 The record of the proceedings and all papers associated with the proceedings shall be held by the Club Secretary/Captain (or his/her nominee) in a secure and appropriate manner.
- 11.3 Copies of the record shall be made available to any person affected by the decision of the Disciplinary Subcommittee or outcome of the Special General Meeting.
- 11.4 Any notices or correspondence to be sent to any Member or person under these procedures shall be sent by registered post or, if appropriate, secure electronic mail, to the last known address of that Member or person. Notices and correspondence should be deemed to be delivered in relation to electronic mail as the next day after sending and in relation to registered post, on the second day after posting. The relevant time period shall begin on the deemed date of receipt.

Appendix 1: Guide to Offences and Penalties.

1. OFFENCES

- a. A Player or Caddie is guilty of a **Category A** offence under this Policy if the Player or Caddie:
 - i. physically attacks or abuses, in any way, a player, an official, or person during a competition;
 - ii. verbally threatens a player, an official, or person during a competition;
 - iii. racially vilifies a player, an official, or person during a competition;
 - iv. wrongfully damages the facilities, including the course and the clubhouse, of the competition golf course;
 - v. wrongfully removes or damages property belonging to another player, an official, the tournament organiser, or the competition golf club;
 - vi. deliberately breaks a Rule (as defined in the Rules of Golf);
 - vii. deliberately returns a false score card;
 - viii. fails or refuses to co-operate with, or obstructs, a hearing by the Disciplinary Subcommittee or the Special General Meeting;

- b. A Player or Caddie is guilty of a **Category B** offence under this Policy if the Player or Caddie:
 - i. throws or deliberately or in anger breaks golf equipment (including golf balls) during a competition;
 - ii. uses abusive or profane language towards another player, an official, or person during a competition;
 - iii. verbally threatens a player, an official, or person during a competition;
 - iv. deliberately breaks a Rule (as defined in the Rules of Golf);
 - v. during a competition, deliberately seeks to manipulate the player's Australian handicap;
 - vi. behaves in a manner detrimental to the performance of other players.
 - vii. behaves in a manner detrimental to the good name and reputation of Sandringham Golf Club; or
 - viii. brings the game of golf into disrepute.

- c. A Player or Caddie is guilty of a **Category C** offence if the Player or Caddie:

- i. fails to comply with the Rules of Golf 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 Sandringham Golf Club or the Match Committee for that competition or any other duly authorised official;
 - ii. 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 or follow course care signage and directions;
 - iii. deliberately breaks a Rule (as defined in the Rules of Golf);
 - iv. during a competition, deliberately seeks to manipulate the player’s Australian handicap;
 - v. continually fails to play without undue delay;
 - vi. behaves in a manner detrimental to the good name and reputation of Sandringham Golf Club; or
 - vii. brings the game of golf into disrepute.
- d. If a Player or Caddie commits two or more Category C offences during a competition, the Player or Caddie is deemed to have committed a Category B offence and is subject to penalties prescribed for a Category B offence. If a Player or Caddie commits two or more Category B offences during a competition, the Player or Caddie is deemed to have committed a Category A offence and is subject to penalties prescribed for a Category A offence.
- e. Subsequent breaches of the Code within a 12 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 Player or Caddie commit a Category B offence originally, and then commit a Category B offence 6 months later, the player 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.

2 PENALTIES

- f. If a Player or Caddie is found guilty of a **Category A** offence, any of the following penalties, minimum 3 months and not normally exceeding more than 2 years duration, may be imposed:

- i. a recommendation to the president Sandringham Golf Club, or the player's home club, that the player's membership be suspended for a set period of time;
 - ii. a recommendation to the president Sandringham Golf Club, or the player's home club, that the player's membership be revoked:

- g. If a Player or Caddie 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:
 - i. a recommendation to the president Sandringham Golf Club, or the player's home club, that the player's membership be suspended for a set period of time;

- h. If a Player or Caddie is found guilty of a **Category C** offence, any of the following penalties may be imposed:
 - i. a severe reprimand;