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play golf

Responsible: Match Committee

# S1(A): Codes of Conduct

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The Golf SA Code of Conduct Policy should be read in conjunction with the Golf Australia Member Protection Policy (MPP), specifically **PART D – ATTACHMENTS: COMPLAINT HANDLING.**



Government of South Australia  
Office for Recreation and Sport

be active.



## Player/Caddie Code of Conduct

(This is an extract of the Golf Australia Code of Conduct that Golf SA has adopted to ensure consistency and harmonisation with the National Sporting Organisation's Policies & Procedures.)

**This Policy is to be read in conjunction with the Golf Australia Member Protection Policy, specifically Part D.** This Code of Conduct applies to amateur Golfers and caddies, in all Championships, major activities, events and competitions conducted by Golf SA in addition to any other requirements of Players and Caddies as set out in tournament conditions, local rules or by-laws of clubs hosting Golf SA events. NB. Parents/Guardians are subject to the Code of Conduct in Attachment B5.

Each Player or Caddie in a competition must adhere to commonly-accepted standards of Golfing etiquette and sportsmanship.

In order to ensure proper standards of behaviour during a competition a Player or Caddie, who commits an offence under this Code, will face disciplinary proceedings.

### 1 Definitions

In this code, unless the context otherwise requires:

Term	Definition
<b>Appeal Tribunal</b>	means the tribunal referred to in attachment D of the Golf Australia Member Protection Policy
<b>Board</b>	means the board of directors of Golf SA
<b>Caddie</b>	means the definition as per the Rules of Golf
<b>Code</b>	means this Code of Conduct
<b>Competition</b>	means a Championship, event, competition, practice session or major activity conducted or sanctioned by Golf SA
<b>Conduct Officers</b>	means two officials of Golf SA appointed at any time to consider, hear and determine a report during or after the conclusion of a competition
<b>Golf SA</b>	means Golf South Australia Incorporated
<b>Investigating Officer</b>	means a person appointed by Golf SA to administer a report
<b>State Squad</b>	means the squad by that name comprising a number (determined from time to time by the Board) of Australia's best male and female amateur players
<b>Notice</b>	means notice in writing by letter, facsimile, other written means of communication, or email
<b>Player</b>	means a player or participant in a competition.
<b>Report</b>	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;
- c) when playing at a specific course for the purpose of practicing for an upcoming event at that course; or
- d) on any day during which the competition is conducted.



## 2 Offences

NOTE: The use of any narcotic or other substance may constitute an offence under the Doping Policy of Golf Australia as adopted by Golf SA

- 2.1 A Player or Caddie is guilty of a **Category A** offence under this Code if the Player or Caddie:
- a) physically attacks or abuses, in any way, a player, an official, or person during a competition;
  - b) verbally threatens a player, an official, or person during a competition;
  - c) racially vilifies a player, an official, or person during a competition;
  - d) wrongfully 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, the tournament organiser, or the competition Golf club;
  - f) deliberately breaks a Rule (as defined in 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) fails or refuses to co-operate with, or obstructs, any investigation by the Investigating Officer of the Player or Caddie's conduct or the conduct of another person;
  - j) fails or refuses to co-operate with, or obstructs, a hearing by the Conduct Officers or the Appeal Tribunal;
  - k) behaves in a manner detrimental to the good name and reputation of GOLF SA; or
  - l) brings the game of Golf into disrepute.
- 2.2 A Player or Caddie is guilty of a **Category B** offence under this Code if the Player or Caddie:
- 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 or in anger breaks Golf equipment (including Golf balls) during a competition;
  - c) uses abusive or profane language towards another player, an official, or person during a competition;
  - d) utters audible obscenities during a competition;
  - e) consumes any alcohol or a prohibited substance under the Golf Australia Doping Policy during the course of any round played in a competition;
  - f) is unable to play Golf to the best of their ability without just cause; or
  - g) behaves in a manner detrimental to the performance of other players.
- 2.3 A Player or Caddie is guilty of a **Category C** offence if the Player or Caddie:
- a) 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 GOLF SA or the Championship Play Committee for that competition or any other duly authorised official;



- b) 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;
- c) continually fails to play without undue delay;
- d) 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;
- e) misses a tee time or withdraws from a competition before the completion of that competition without providing good reason in writing for doing so;
- f) 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;
- g) smokes cigarettes, cigars or the like during the course of any round played in a competition
- h) 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.

2.4 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.

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 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.

### **3 Disciplinary Procedure**

3.1 Any report made to Golf SA or the Championship Play Committee during a competition or after the conclusion of the competition must be referred to an Investigating 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, and communicated to the Player or Caddie by Golf SA (Notice).

3.3 The appeal procedure for determination of breach by a Player or Caddie is outlined in Attachment D5 to the Golf Australia Member Protection Policy.

### **4 Penalties**

4.1 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:

- a) disqualify the player from the competition;
- b) an order that the player attend appropriate counselling sessions as specified by Golf SA;

- c) a recommendation to the player's home club that the player's membership be suspended for a set period of time;
- d) a recommendation to the player's State Association that the player not be permitted to enter State Events;
- e) a recommendation to the player's State Association that the player be suspended from a State Squad;
- f) suspension of the player's Australian Handicap;
- g) suspension from the National Squad;
- h) 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, tournament organiser or club who suffered loss as a result of the accused player's conduct, or
- i) such other penalty as determined from time to time.

4.2 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:

- a) disqualify the player from the competition;
- b) an order that the player attend appropriate counselling sessions as specified by Golf SA;
- c) a recommendation to the player's home club that the player's membership be suspended for a set period of time;
- d) a recommendation to the player's State Association that the player not be permitted to enter State Events;
- e) a recommendation to the player's State Association that the player be suspended from a State Squad;
- f) a penalty under the Doping Policy of Golf Australia/(Golf SA);
- g) suspension of the player's Australian Handicap;
- h) suspension from the National Squad; or
- i) such other penalty as determined from time to time.

4.3 If a Player or Caddie 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 Golf SA; or
  - c) suspension of the player's Australian Handicap (recommendation: no more than 1 month);
- such other penalty as determined from to time.

#### Central Register

- 5.1 Golf SA will retain a record of all breaches that have been found against a Player, the results of any appeals from such findings and any pending appeals.
- 5.2 Where a Player commits a breach, Golf SA must forward a copy of the Notice and notice of any appeals in relation to the breach to Golf Australia, the Player's Home State Association and Home Club which must be kept on register.



- 5.3 A breach is only to be kept on a Player's record for a period of 24 months from the date such breach was committed or, in the case where the breach is the subject of an appeal, from the date the appeal is upheld.
- 5.4 Golf SA will comply with the Privacy Act 1988 (Cth) when collecting or receiving information under this Code.



#### **ATTACHMENT D5: HEARINGS & APPEALS TRIBUNAL PROCEDURE (EXTRACT FROM GOLF AUSTRALIA MEMBER PROTECTION POLICY)**

The following will be followed by the Disciplinary Committee of Golf Australia or their Affiliate Member or Affiliate Member Club to hear complaints made under this policy. Golf Australia should check and ensure that this procedure accurately reflects their tribunal rules and procedure, constitution and by-laws.

##### **Preparation for Committee Hearing**

1. A Tribunal Panel will be constituted following the rules outlined in Golf Australia's Constitution, to hear a complaint that has been referred to it by the CEO of Golf Australia or the respective Affiliated Member or Affiliated Member Club. The number of Committee members required to be present throughout the hearing will be three.
2. The Committee members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the CEO of Golf Australia or the respective Affiliated Member or Affiliated Member Club relating to the complaint/allegations.
3. The Committee hearing will be scheduled as soon as practicable, but must allow adequate time for the person being complained about (respondent(s) to prepare their case for the hearing.
4. The Committee Panel will not include any person who has any actual or perceived conflict of interest, or bias regarding the matter.
5. The CEO of Golf Australia or the respective Affiliated Member or Affiliated Member Club will inform the respondent(s) in writing that a tribunal hearing will take place. The notice will outline:
  - That the person has a right to appear at the tribunal hearing to defend the complaint/allegation;
  - Details of the complaint, and details of all allegations and the clause of any policy or rule allegedly breached;
  - The date, time and venue of the Committee hearing;
  - That they can make either verbal or written submissions to the Committee;
  - That they may arrange for witnesses to attend the Committee in support of their position (statutory declarations of witnesses not available or from character witnesses may also be provided to the Committee);
  - An outline of any possible penalties that may be imposed if the complaint is found to be true; and
  - That legal representation will not be allowed. If the respondent is a minor, they should have a parent or guardian present

A copy of any information / documents that have been given to the Committee (e.g. investigation report findings) will also be provided to the respondent.

The respondent(s) will be allowed to participate in all Golf Australia activities and events, pending the decision of the Committee, including any available appeal process, unless the CEO of Golf Australia or the respective Affiliated Member or Affiliated Member Club believes it is necessary to exclude the respondent(s) from all or some Golf Australia activities and events, after considering the nature of the complaint.



6. The CEO of Golf Australia or the respective Affiliated Member or Affiliated Member Club will notify the complainant in writing that a Committee hearing will take place. The notice will outline:
  - That the person has a right to appear at the Committee hearing to support their complaint;
  - Details of the complaint, including any relevant rules or regulations the respondent is accused of breaching
  - The date, time and venue of the Committee hearing;
  - That they can make either verbal or written submissions to the Committee;
  - That they may arrange for witnesses to attend the Committee in support of their position (or provide statutory declarations from witnesses unable to attend); and
  - That legal representation will not be allowed. If complainant is a minor, they should have a parent or guardian present.

A copy of any information / documents that have been given to the Committee (e.g. investigation report findings) will also be provided to the complainant.

7. If the complainant believes the details of the complaint are incorrect or insufficient they should inform the CEO of Golf Australia or the respective Affiliated Member or Affiliated Member Club as soon as possible so that the respondent and the Committee Panel members can be properly informed of the complaint.
8. It is preferable that the Committee include at least one person with knowledge or experience of the relevant laws/rules (e.g. Discrimination).

#### **Tribunal Hearing Procedure**

9. The following people will be allowed to attend the Committee Hearing:
  - The Committee members;
  - The respondent(s);
  - The complainant;
  - Any witnesses called by the respondent;
  - Any witnesses called by the complainant;
  - Any parent / guardian or support person required to support the respondent or the complainant.
10. If the respondent(s) is not present at the set hearing time and the Committee Chairperson considers that no valid reason has been presented for their absence, the Committee Hearing will continue subject to the Committee Chairperson being satisfied that all Committee notification requirements have been met.
11. If the Committee Chairperson considers that a valid reason for the non-attendance of the respondent(s) has been presented, or the Committee Chairperson does not believe the Committee notification requirements have been met, then the Committee will be rescheduled to a later date.
12. The Committee Chairperson will inform the CEO of Golf Australia or the respective Affiliated Member or Affiliated Member Club of the need to reschedule, and the CEO of Golf Australia or the respective Affiliated Member or Affiliated Member Club will organise for the Committee to be reconvened.
13. The Committee Chairperson will read out the complaint, ask the respondent(s) if they understand the complaint and if they agree or disagree with the complaint.
14. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Committee Panel when determining any disciplinary measures (penalty).
15. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
  - Reference may be made to brief notes.
  - The complainant may call witnesses.



- The respondent(s) may question the complainant and witnesses.
16. The respondent(s) will then be asked to respond to the complaint.
    - Reference may be made to brief notes.
    - The respondent may call witnesses.
    - The complainant may ask questions of the respondent and witnesses.
  17. Both the complainant and respondent may be present when evidence is presented to the Committee. Witnesses may be asked to wait outside the hearing until required.
  18. The Committee may:
    - consider any evidence, and in any form, that it deems relevant.
    - question any person giving evidence.
    - limit the number of witnesses presented to those who provide any new evidence.
    - Require (to the extent it has power to do so) the attendance of any witness it deems relevant;
    - Act in an inquisitorial manner in order to establish the truth of the issue/case before it.
  19. Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.
  20. If the Committee considers that at any time during the Committee Hearing there is any unreasonable or intimidatory behaviour from anyone, the Chairperson may deny further involvement of the person in the hearing.
  21. After all of the evidence has been presented the Committee will make its decision in private. The Committee must decide whether the complaint has been substantiated on the balance of probabilities (i.e. more probable than not). As the seriousness of the allegation increases, so too must the level of satisfaction of the Committee that the complaint has been substantiated. The respondent will be given an opportunity to address the Committee on disciplinary measures which might be imposed. Disciplinary measures imposed must be reasonable in the circumstances.
  22. All Committee decisions will be by majority vote.
  23. The Committee Chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed, or may advise those present that the decision is reserved and will be handed down in written form at a later time.
  24. Within 48 hours, the Committee Chairperson will:
    - Forward to the CEO of Golf Australia or the respective Affiliated Member or Affiliated Member Club a notice of the Committee decision including any disciplinary measures imposed.
    - Forward a letter to the respondent(s) reconfirming the Committee decision and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an appeal. Where the matter is of unusual complexity or importance, the Committee Chairperson may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours.
  25. The Committee does not need to provide written reasons for its decision.

### **Appeals Procedure**

*NB. The initial determination applies until an appeal is heard and continues to apply if the Appeal Tribunal affirms or agrees with the Determination.*



26. A complainant or a respondent(s) who is not satisfied with the outcome of mediation or a Disciplinary Committee decision can lodge one appeal to Golf Australia or the respective Affiliated Member or Affiliated Member Club on one or more of the following bases:
  - 26.1 That a denial of natural justice has occurred; or
  - 26.2 That the disciplinary measure(s) imposed is unjust and/or unreasonable.
  - 26.3 That the decision was affected by bias.
27. A person wanting to appeal in accordance with clause 23 must lodge a letter setting out the basis for their appeal with the CEO of Golf Australia or the respective Affiliated Member or Affiliated Member Club by 5:00pm (Australian Eastern Standard Time) on the second business day after the respondent has been informed of the Determination. An appeal fee of up to \$500 (which is refundable if the Determination is changed or overturned in mediation or by the Appeals Tribunal) shall be included with the letter of intention to appeal.
28. If the letter of appeal is not received by the CEO of Golf Australia or the respective Affiliated Member or Affiliated Member Club within the time period the right of appeal lapses. If the letter of appeal is received but the appeal fee is not received by the relevant time, the appeal lapses.
29. The letter of appeal and notice of Committee decision (clause 24) will be forwarded to the Appeals Tribunal to review and decide whether there are sufficient grounds for the appeal to proceed. The Appeals Tribunal may invite any witnesses to the meeting it believes are required to make an informed decision.
30. If the appellant has not shown sufficient grounds for appeal in accordance with clause 26, then the appeal will be rejected. The appellant will be notified with reasons. The appeal fee will be forfeited.
31. If the appeal is accepted the appeal fee will be refunded and the following process will be followed:
  - 31.1 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;
  - 31.2 If the parties do not reach agreement by consultation and mediation within seven (7) working days (or a shorter period reasonably determined by Golf Australia) after the respondent gives notice under clause 27, the respondent may request in writing that the matter be heard by the Appeal Tribunal.
32. The Appeal Tribunal will consist of the following persons appointed by the Board:
  - 32.1 a barrister or solicitor, who will act as chairman;
  - 32.2 a person with a thorough knowledge of the matter; and
  - 32.3 another independent expert with knowledge specifically relevant to the matter, or as specified in the specific by-law.
33. Such appointments will be for a calendar year.
34. 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.
35. A person who is:
  - 35.1 a member of the Board or of the Committee; or



35.2 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.

- 36. The Appeal Tribunal will convene a hearing as soon as practicable at the discretion of Golf Australia, but in any event not more than seven (7) working days, after the submission of the grounds of appeal by the appellant.
- 37. 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.
- 38. The hearing may occur in such manner as the chairman decides, including by telephone or video conference.
- 39. In any hearing before the Appeal Tribunal:
  - 39.1 the tribunal must observe the rules of natural justice;
  - 39.2 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;
  - 39.3 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 Golf Australia may seek an adjournment in order to obtain legal advice; and
    - ii. neither the appellant nor Golf Australia 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.
- 40. The Appeal Tribunal will give its decision as soon as practicable after the hearing and will provide Golf Australia's CEO and the appellant with the decision.
- 41. An appellant may withdraw his or her appeal by written notice to Golf Australia at any time before the appeal has been decided.
- 42. The decision of the Appeal Tribunal will be final.

**End**