

SURFING QUEENSLAND INC

CODES OF CONDUCT & DISCIPLINARY BY-LAW

Lander & Rogers Lawyers
Level 12
600 Bourke Street
Melbourne Vic 3000
Tel: (03) 9672 9111
Fax: (03) 9670 2723
e-mail: law@landers.com.au
Our ref: MAF: 72353
web code of conduct (1)

CODES OF CONDUCT & DISCIPLINARY BY-LAW

In accordance with Rule 36.1 of the Surfing Queensland Constitution, the following By-Law is adopted by the Surfing Queensland Board.

This Code of Conduct and Disciplinary By-Law is divided into three parts. **Part A** establishes general and specific standards of behaviour expected of Surfing Queensland Members.

Part B sets out a procedure to be followed where a Surfing Queensland Member has a grievance with another Member or with Surfing Queensland.

Part C sets out the procedure for dealing with disciplinary actions, breaches of the Codes of Conduct and other matters under Rule 18 of the Surfing Queensland Constitution.

PART A

SURFING QUEENSLAND CODES OF CONDUCT

To protect the health, safety and well being of all people participating in the activities of Surfing Queensland, the organisation has developed and issued the following Codes of Conduct.

1. GENERAL CODE OF CONDUCT

Surfing Queensland ("SQ") expects all members, service providers, employees and volunteers will abide by the following Codes of Conduct. With regard to abuse, discrimination and harassment such persons will:

- (a) Not knowingly discriminate against, abuse, harass, ridicule or embarrass anyone covered by this Code of Conduct;
- (b) Be fair, considerate and honest in all dealings with others;
- (c) Treat all persons with respect, dignity and proper regard for their rights and Obligations;
- (d) Respect the privacy of other persons;
- (e) Act at all times in a fair and sporting manner and in such a way as to ensure good relations within and between participants and other organisations;
- (f) Not engage in excessive sledging during competition;
- (g) Refrain from any form of victimisation towards others;
- (h) Ensure that all under-age team members be accompanied and/or observed during sporting and associated activities;
- (i) Conduct themselves in a proper manner to the complete satisfaction of SQ and its delegates, so as not to bring themselves, the sport of surfing, SQ or the team into public disrepute or censure;
- (j) Not disclose to any unauthorised person or organisation information that is of a confidential or privileged nature concerning the team or an individual connected with SQ;
- (k) Not promote, or pass on, exchange or publish information whereby that

information may be of a confidential, offensive, scandalous, unsubstantiated or derisive type;

(l) Understand the possible consequences of breaching the SQ Codes of Conduct;

(m) Immediately report any breaches of the SQ Codes of Conduct to the appropriate authority;

2. ADMINISTRATORS' CODE OF CONDUCT

In addition to complying with SQ's General Code of Conduct, SQ administrators (volunteer and professional) must:

(a) Aim to provide and promote an environment free from abuse, discrimination and harassment in relation to SQ employment functions, membership eligibility, provision of goods and services if appropriate;

(b) Distribute and implement this By-law, and promote the use of the disciplinary procedure contained within;

(c) Take all reasonable steps to prevent abuse, discrimination and harassment ensuring SQ's position in respect of these inappropriate behaviours is widely known through all levels of the organisation's activities;

(d) Identify and implement appropriate procedures to handle abuse, discrimination, harassment and other complaints;

(e) Respond to complaints in an impartial, sensitive, fair, timely and confidential manner;

(f) Provide all people with an equal opportunity to participate;

(g) Ensure activities, equipment and facilities are safe and appropriate to the ability level of participants. Activities, rules, equipment, lengths of competition and training schedules should take into consideration the age, ability and maturity level of participants.

(h) Ensure that it is made clear that abuse of any form is unacceptable and will result in disciplinary action;

(i) Where appropriate, distribute a Code of Conduct sheet to coaches, players, officials, parents and spectators;

(j) Set an example of appropriate, positive and supportive behaviour towards all SQ Members.

3. COMPETITORS' CODE OF CONDUCT

In addition to complying with SQ's General Code of Conduct, SQ competitors must:

(a) At all times act in a sporting manner, having regard to principles of fairness and common courtesy;

(b) Control their temper. Verbal abuse of officials and sledging other competitors, deliberately distracting or provoking an opponent are not acceptable or permitted behaviours in surfing;

(c) Respect the rights dignity and worth of all participants regardless of their ability, gender or cultural background;

(d) Refrain from making bullying, derogatory or demeaning remarks about other people;

(e) Treat all other competitors in their sport, as they like to be treated;

(f) Participate for their own enjoyment and benefit, not to please others;

(g) Not discriminate against, abuse or harass anyone else;

(h) Never argue with an official;

(i) Refrain from conduct which could be regarded as sexual or other Harassment;

(j) Not engage in practices that affect sporting performance (alcohol, tobacco and drug use);

(k) Abide by the rules of competition as determined by SQ;

(l) Respond to members concerns or allegations of breaches of this By-law;

(m) Report suspected breaches of this By-law.

4. PARENT'S CODE OF CONDUCT

In addition to complying with SQ's General Code of Conduct, Parents of SQ competitors must:

- (a) Remember that children participate in sport for their own enjoyment, not Yours;
- (b) Encourage children to participate, do not force them;
- (c) Focus on the child's efforts and performance rather than winning or losing;
- (d) Encourage children always to compete according to the rules and to settle disagreements without resorting to hostility or violence;
- (e) Never ridicule or yell at a child for making a mistake or losing a Competition;
- (f) Support all efforts to remove verbal and physical abuse from sporting Activities;
- (g) Refrain from making bullying, derogatory or demeaning remarks about other people;
- (h) Respect officials' decisions and teach children to do likewise;
- (i) Show appreciation of volunteers, officials and administrators. Without them your child could not participate;
- (j) Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion;
- (k) Be courteous in communication with administrators, athletes and officials. Teach children to do likewise;
- (l) Not discriminate against, abuse or harass anyone else;
- (m) Never argue with an official;
- (n) Refrain from conduct which could be regarded as sexual or other Harassment;
- (o) Remember that children learn best by example.

5. OFFICIAL'S CODE OF CONDUCT

In addition to complying with SQ's General Code of Conduct, SQ official's (volunteer and professional) must:

- (a) Modify rules and regulations to match the skill levels and needs of participants wherever practical;
- (b) Compliment and encourage all participants;
- (c) Be consistent, objective and courteous when making decisions;
- (d) Condemn unsporting behaviour and promote respect for all opponents;
- (e) Keep up to date with the latest available resources and information for surfing officials;
- (f) Treat all participants with respect at all times;
- (g) Avoid situations which may lead to a conflict of interest;
- (h) Refrain from any form of personal abuse towards participants. This includes verbal, physical and emotional abuse. Be alert to any forms of abuse directed towards the participants from other sources while they are Competing;
- (i) Refrain from any form of harassment towards participants. Treat all participants fairly within the context of their sporting activities, regardless of gender, race, place of origin, athletic potential, colour, sexual orientation, religion, political beliefs, socio-economic status, and other Conditions;
- (j) Place the safety and welfare of participants above all else;
- (k) Institute disciplinary procedures when necessary without fear or favour in accordance with the rules of the competition and SQ.

6. SPECTATOR'S CODE OF CONDUCT

In addition to complying with SQ's General Code of Conduct, spectators at SQ events must:

- (a) Remember that people participate in sport for their enjoyment and benefit, not yours;

(b) Respect the decisions of officials and teach young people to do the same;

(c) Never ridicule or scold a competitor for making a mistake during a Competition;

(d) Condemn the use of violence in any form, whether its by spectators officials, or competitors;

(e) Encourage participants to follow the rules and the officials decisions;

(f) Not use foul language, sledge or harass competitors, officials, coaches or other spectators or families and friends of competitors.

PART B

SURFING QUEENSLAND GRIEVANCE PROCEDURE

1. The grievance procedure set out in this By-law applies to disputes between:
 - (a) a Member and another Member; or
 - (b) a Member and the Association.
2. The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
3. If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
4. The mediator must be:
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement:
 - (i) in the case of a dispute between a Member and another Member, a person appointed by the Board; or
 - (ii) in the case of a dispute between a Member and the Association, a person who is a mediator recommended by the Law Institute of Queensland.
5. A Member of the Association can be a mediator.
6. The mediator cannot be a Member who is a party to the dispute.
7. The parties to the dispute must, in good faith, attempt to settle the dispute by Mediation.
8. The mediator, in conducting the mediation, must:
 - (a) give the parties to the mediation process every opportunity to be heard; and
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

9. The mediator must not determine the dispute.

10. If the mediation process does not result in the dispute being resolved, the parties
May:

(a) refer the matter to the Board of Surfing Queensland for it to consider
whether any action is warranted by Surfing Queensland; or

(b) seek to resolve the dispute otherwise at law.

PART C

SURFING QUEENSLAND DISCIPLINARY PROCEDURES

1. ESTABLISHMENT OF DISCIPLINARY COMMITTEE

The Board shall establish a Disciplinary Committee as required to deal with all disciplinary actions and matters under Rule 18 of the Surfing Queensland Constitution.

2. COMPOSITION OF DISCIPLINARY COMMITTEE

2.1 A Disciplinary Committee of 3 persons shall be appointed by the Board for the purpose of hearing disciplinary actions and matters under Rule 18 of the Surfing Queensland Constitution. The Board shall also appoint a member of the Disciplinary Committee as Chair.

2.2 No member of the Disciplinary Committee shall be permitted to hold any office on the Surfing Queensland Board.

2.3 Three (3) members of the Disciplinary Committee shall constitute a quorum.

2.4 A vacancy on the Disciplinary Committee may be filled by the Board.

3. NOTICE OF ALLEGED BREACH

3.1 Where the Board is advised or considers that a Member of Surfing Queensland has Allegedly:

(a) breached, failed, refused or neglected to comply with a provision of the Surfing Queensland constitution, By-Laws or any resolution or determination of the Board or any duly authorised committee; or

(b) acted in a manner unbecoming of a Member or prejudicial to the objects and interests of Surfing Queensland and/or the sport of surfing; or

(c) brought Surfing Queensland or the sport of surfing into disrepute;
the Board shall appoint a Disciplinary Committee and nominate a Chair of the Committee.

3.2 The Chief Executive Officer of Surfing Queensland shall, as soon as practicable following the appointment of a Disciplinary Committee in accordance with clause 3.1, serve on the Member a notice in writing:

(a) setting out the alleged breach of the Member and the grounds on which it is based;

(b) stating that the Member may address the Disciplinary Committee at a hearing to be held not earlier than 7 and not later than 28 days after service of the notice;

(c) stating the date, place and time of that hearing;

(d) informing the Member that he or she may do one or more of the following:

(i) attend that hearing;

(ii) give the Disciplinary Committee, before the date of that hearing a written statement regarding the alleged breach.

4. DISCIPLINARY COMMITTEE PROCEDURES

4.1 At a hearing of the Disciplinary Committee convened in accordance with clause 3.2, the Disciplinary Committee shall:

(a) give to the Member every opportunity to be heard;

(b) give due consideration to any written statement submitted by the Member;
And

(c) by resolution determine whether the alleged breach occurred.

4.2 Surfing Queensland and the Member shall not be entitled to legal representation at the hearing of the Disciplinary Committee.

4.3 The Disciplinary Committee shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with the principles of natural justice. The purpose of the hearing shall be to determine whether the alleged breach occurred.

4.4 If the Disciplinary Committee considers that the alleged breach occurred, it may impose any one or more of the penalties set out in clause 5.

4.5 If the Disciplinary Committee considers that the alleged breach did not occur, the matter shall be dismissed.

4.6 Each party shall be responsible for their own costs associated with the Disciplinary Committee hearing. The Disciplinary Committee has no power to award costs to a Party.

5. PENALTIES

If the Disciplinary Committee considers that the alleged breach occurred, the Disciplinary Committee may impose any one or more of the following penalties:

- (a) impose a warning;
- (b) fine the Member;
- (c) where there has been damage to property, direct that the Member pay compensation to the relevant organisation which controls or has possession of the property;
- (d) direct that any funding granted or given to the Member by Surfing Queensland cease from a specified date;
- (e) direct that any rights, privileges and benefits provided to that Member by Surfing Queensland be suspended for a specified period and/or terminated;
- (f) direct that Surfing Queensland cease to sanction events held by or under the auspices of that Member;
- (g) reprimand the Member;
- (h) suspend the Member from membership of Surfing Queensland for a specified period;
- (i) expel the Member from Surfing Queensland;
- (j) any other such penalty as the Disciplinary Committee considers appropriate.

6. RIGHT OF APPEAL FROM DECISION OF DISCIPLINARY COMMITTEE

Surfing Queensland or a Member may only appeal against a decision of a Disciplinary Committee on one or more of the following grounds of appeal:

- (a) That significant new or additional evidence has become available;

(b) That the penalty imposed by the Disciplinary Committee is not in accordance with the provisions of this By-law; or

(c) That the Disciplinary Committee failed to follow procedures or requirements of this By-law to the significant detriment of the person seeking the appeal.

7. NOTICE OF APPEAL

7.1 A person seeking to appeal a decision of the Disciplinary Committee must lodge a notice stating full details of charges and results thereof and stating in full the grounds of appeal with the Chief Executive Officer within seven (7) days of the Disciplinary Committee Hearing ("Notice of Appeal").

8. APPEALS TRIBUNAL

8.1 Upon receipt of a Notice of Appeal, the Chief Executive Officer of Surfing Queensland shall convene an appeals tribunal to hear and determine the appeal in accordance with this By-law.

8.2 An Appellant shall be notified within seven (7) days of receipt of the Notice of Appeal by Surfing Queensland, of the time, date and place of the appeal hearing.

8.3 An appeals tribunal shall consist of no fewer than three (3) persons appointed by Surfing Queensland from time to time to hear appeals as required by Surfing Queensland. Members of an appeals tribunal will preferably have experience in hearing and determining disciplinary matters in sport, however need not have any particular experience with the sport of surfing.

8.4 No person is eligible to sit on an appeals tribunal whilst that person is a member of the Board of Surfing Queensland or if that person was a member of the Disciplinary Committee which heard the matter which is the subject of the appeal at first Instance.

9. APPEALS TRIBUNAL PROCEDURES

9.1 The appeals tribunal and persons appearing before it are bound by the same procedures under this By-law as if the appeals tribunal was a Disciplinary Committee hearing a matter at first instance.

9.2 The Chief Executive Officer shall forward records of the Disciplinary Committee hearing in which the matter the subject of the appeal was heard at first instance to

the Chair of the appeals tribunal.

9.3 The appeals tribunal may request further information prior to determining the appeal, but has the discretion whether or not to allow new evidence to be adduced.

9.4 An appeals tribunal shall have the power to:

(a) dismiss the appeal;

(b) uphold the appeal;

(c) impose any of the penalties set out in clause 13

(d) reduce, increase or otherwise vary any penalty imposed by the initial Disciplinary Committee in such manner as it thinks fit.

9.5 At the conclusion of the appeal, the Chair of the appeals tribunal shall ensure that the Appellant is correctly informed of the determinations of the appeals tribunal. The Chair shall also notify the Chief Executive Officer of the decision of the appeals tribunal.

9.6 Each party to an appeal shall bear their own costs. The appeal tribunal has no power to award costs for or against any party.

10. SINGLE RIGHT OF APPEAL

There is only one right of appeal following the decision of the initial Disciplinary Committee. Any appeal must be solely and exclusively resolved by the appeals tribunal and the decision of the appeals tribunal is final and binding on the parties.

11. EXHAUST INTERNAL APPEAL

A Member shall exercise the right of appeal under this By-law and have any appeal heard and determined by the appeals tribunal before commencing any proceedings or becoming a party to any proceedings in a court of law.