

1. Disciplinary Committee

1.1. In accordance with rule 23.4 of the Bowls Victoria (**BV**) Constitution, the Board of BV may establish a Disciplinary Committee to deal with matters referred to them under rule 10.1 of the Constitution.

2. Breach of Rules

2.1. The Disciplinary Committee may consider any allegation that a Member has:

2.1.1. breached, failed, refused or neglected to comply with a provision of the Constitution, the Regulations or any resolution or determination of the Board or any duly authorised committee, including but not limited to a breach or failure to follow:

2.1.1.1. any provision of "Laws of the Sport of Bowls";

2.1.1.2. BV's Code of Conduct; or

2.1.1.3. BV rules for competition or condition of play as amended or adopted from time to time;

2.1.2. acted in a manner unbecoming of a Member or prejudicial to the Purposes and the interests of BV, Bowls, or another Member; or

2.1.3. brought themselves or another Member, BV or Bowls into disrepute.

Examples:

- an allegation against a Member in regard to any incident arising from an activity conducted or authorised by BV occurring before, during or after a game, in connection with the sport of bowls;
- an allegation against a Member in regard to any incident arising within the confines of a Club or its immediate surrounds or elsewhere if directly related to an activity in connection with the sport of bowls; conduct relating to the sport of bowls which occurs by writing, email, social media, telephone, video, audio, computer or electronic means (including sexting or cyber bullying).

2.2. All grievances, allegations or concerns must be reported to BV's Chief Executive Officer (CEO) within 30 working days of the alleged incident. In the case of serious allegations, the CEO and/or the Board can waive this requirement.

2.3. The Board, through the CEO, may also investigate any matter to determine whether it considers there exists conduct which may represent a breach prior to referring a matter to the Disciplinary Committee.

3. Discipline of Members by Clubs

- 3.1. A Club which takes any disciplinary action against a Member which involves suspension or expulsion shall, after all rights at Club level are exhausted, notify BV within seven (7) days of the details of the offence and the disciplinary action taken by the Club. If such disciplinary action is cancellation or suspension of Club membership and no appeal is lodged with BV within seven (7) days in accordance with clause (3.2) below, the CEO shall notify all Member Clubs of such cancellation or suspension. The CEO shall not be liable at the suit of any Member for giving to the Clubs any information supplied to him by a Club in accordance with this clause.
- 3.2. A Member, who has been suspended or expelled at Club level and who has no further right of appeal at Club level, shall have a right of appeal to BV. Such appeal shall be lodged within seven (7) days of such Club disciplinary action.

4. Composition of Disciplinary Committee

- 4.1. A Disciplinary Committee of not less than three persons shall be appointed by Bowls Victoria for the purposes of hearing matters referred to it. The Board shall also appoint a member of the Disciplinary Committee as Chair.
- 4.2. The members of the Disciplinary Committee:
 - 4.2.1. may be BV members or anyone else; but
 - 4.2.2. must not be biased against, or in favour of, the Member concerned.
 - 4.2.3. Members of the disciplinary panel must be advised to all parties to the matter at least 48 hours before the hearing to allow sufficient time for any conflicts to be raised and replacement committee members found if required.
- 4.3. A Bowls Victoria representative may attend the Disciplinary Committee hearing (**Disciplinary Hearing**) to observe and/or provide advice and clarification to the Disciplinary Committee, where requested. The Bowls Victoria representative cannot be involved in the decision making of the Disciplinary Committee.

5. Responsibilities of Disciplinary Committee Chair

- 5.1. The Chair shall have the following responsibilities:
 - 5.1.1. to liaise with Bowls Victoria as necessary and appropriate having regard to the allegation made;
 - 5.1.2. to ensure accurate records are kept of all of a Disciplinary Hearing proceedings and decisions (other than the determination discussions of the Disciplinary Committee) and to make such records available to BV upon request;
 - 5.1.3. to communicate to BV in writing any outcome of a Disciplinary Hearing; and
 - 5.1.4. to chair Disciplinary Hearing

6. Other Considerations

- 6.1. Upon establishing a Disciplinary Committee, the Board may by resolution provisionally suspend the Member subject to the Disciplinary Hearing until such time as the Disciplinary Committee makes a finding.
- 6.2. The Disciplinary Committee may lift a provisional suspension prior to making a finding at the Disciplinary Hearing.
- 6.3. If it becomes known that criminal charges have been brought against a person in relation to the alleged breach(es), Bowls Victoria may decide that further action be deferred until completion of the criminal proceedings, unless the police or other prosecuting authority advise they have no objection to the matter proceeding.

7. Consideration of Matter by Disciplinary Committee

- 7.1. The Disciplinary Committee, will be convened to hear a matter referred to it and shall, as soon as is practicable after receiving a referral:
 - 7.1.1. dismiss the matter, because there has been no relevant breach of discipline or the complaint is otherwise vexatious or trifling in nature; or
 - 7.1.2. agree to proceed to determination of the matter.
- 7.2. For matters referred which arise from a bowls match, the Disciplinary Committee will use reasonable endeavours to hear the matter within the next two rounds of matches occurring and not more than 30 days from the date of the incident.
- 7.3. BV shall serve on a Member not earlier than 28 days and not later than 14 days before the Disciplinary Hearing is to be held, a notice in writing:
 - 7.3.1. setting out the alleged breach of the Member and the grounds on which it is based;
 - 7.3.2. stating that the Member may address the Disciplinary Committee at the Disciplinary Hearing;
 - 7.3.3. stating the date, time and place of that Disciplinary Hearing;
 - 7.3.4. informing the Member that he or she may do one or more of the following:
 - 7.3.4.1. attend that Disciplinary Hearing; or
 - 7.3.4.2. give the Disciplinary Committee, before the date of that Disciplinary Hearing a written statement regarding the alleged breach.

8. Bowls Victoria Representative Duties

8.1. The MSEM duties include the following:

- 8.1.1. to organise the venue, date and time of the week to be set aside for a hearing of the Disciplinary Committee;
- 8.1.2. to make arrangements for the convening by the Disciplinary Committee of matters referred to it;
- 8.1.3. to seek to arrange for three members of the Disciplinary Committee to be present to deal with a matter referred to it for determination;
- 8.1.4. to receive, collate and refer to the Disciplinary Committee all evidence and material relating to any alleged breaches;
- 8.1.5. to notify all parties of the date, time and place of the Disciplinary Hearing;
- 8.1.6. to notify any party under the age of 18 that they have the right to have an adult (not being a legal practitioner) with them at the hearing, as an advisor, and that the advisor shall be allowed to ask questions but not answer questions on behalf of the party.

9. Attendance at Disciplinary Hearing

9.1. The following persons shall be required to attend the Disciplinary Hearing:

- 9.1.1. the Member charged with the alleged breach (**Respondent**);
- 9.1.2. the person, or the representative of the body who has reported the alleged breach to BV (**Applicant**); and
- 9.1.3. any other person requested by BV or the Disciplinary Committee.

9.2. The following persons shall be entitled to attend a Disciplinary Hearing:

- 9.2.1. witnesses called to give evidence by a Respondent or Applicant;
- 9.2.2. where the Respondent, Applicant or a witness is under the age of 18 years, an adult adviser, who will in the absence of unavailability or other extraordinary circumstances be expected to be such person's parent or guardian;
- 9.2.3. any other person or organisation at the discretion of BV or the Disciplinary Committee.
- 9.2.4. Legal representatives or legal advocates are not permitted to appear before the Disciplinary Hearing unless in exceptional circumstances and where permission to appear has been granted by the Chair.
- 9.2.5. Each party to the Disciplinary Hearing and each witness shall bear their own costs. No witness shall be paid by a party.

10. Non-attendance at Disciplinary Hearing

- 10.1. If any Respondent (or representative of a Respondent organisation) fails to attend the Disciplinary Hearing without reasonable cause, the hearing may proceed and a determination may be made by the Disciplinary Committee in the absence of the Respondent, provided the Disciplinary Committee is satisfied they have been notified of the hearing.
- 10.2. Applicants (and their witnesses) should make themselves available for a hearing. If the Applicant fails to attend a Disciplinary Hearing without reasonable cause, the hearing may proceed and a determination may be made by the Disciplinary Committee in the absence of that person, provided the Disciplinary Committee is satisfied they have been notified of the hearing.
- 10.3. A Respondent or Applicant may apply to the Chair to have a Disciplinary Hearing:
 - 10.3.1. adjourned; or
 - 10.3.2. convened in another way (e.g. teleconference or videoconference), if there are compelling circumstances which warrant such steps being taken to avoid costs, hardship or significant inconvenience to one or more parties. The Disciplinary Committee has sole discretion as to whether to grant the application.

11. Procedures for Disciplinary Hearing

- 11.1. The Disciplinary Committee shall conduct the Disciplinary Hearing in such manner as it sees fit in accordance with natural justice and may in its absolute discretion:
 - 11.1.1. consider any evidence, and in any form that it deems relevant;
 - 11.1.2. question any person giving evidence;
 - 11.1.3. reasonably limit the number of witnesses presented to those who provide any new evidence; and
 - 11.1.4. act in an inquisitorial manner in order to establish the truth of the issue/case before it.
- 11.2. Without limiting the Disciplinary Committee's power to regulate its own procedure as it sees fit, the Disciplinary Hearing shall ordinarily proceed in accordance with the following steps:
 - 11.2.1. If a body corporate, Club or association is a party to a Disciplinary Hearing, one member of that body corporate, Club or association shall be appointed by the body corporate, Club or association to act as spokesperson for such body at the Disciplinary Hearing.
 - 11.2.2. At the commencement of a hearing, the Chair shall identify the Disciplinary Committee members and determine whether the Respondent is present to answer the allegations.
 - 11.2.3. The Respondent and the Applicant shall be notified of their right to remain in the hearing until all evidence is presented but not to be present whilst the Disciplinary Committee considers its findings and determines an appropriate penalty (if any).
 - 11.2.4. The Chair shall advise all those persons present if the hearing is to be recorded, however no recording of the hearing shall be permitted unless permission has been granted by the Chair.
 - 11.2.5. The alleged breaches shall be read out in the presence of all persons eligible to be present.
 - 11.2.6. The Respondent shall be asked whether or not they intend to contest the alleged breaches.

- 11.2.7. If the Respondent does not contest the alleged breaches the Chair may provide the Applicant and the Respondent with an opportunity to make submissions as to the appropriate sanction (if any) to be imposed. In such circumstances, the Applicant and/or the Respondent may, if they wish, call witnesses to give evidence regarding the seriousness or otherwise of the breach, and any other mitigating or aggravating factors.
- 11.2.8. If the Respondent contests the alleged breaches, then the Chair may ask all witnesses except the Applicant and the Respondent (and their advisers, if relevant) to leave the room and to wait to be called to give their evidence.
- 11.2.9. The Applicant shall proceed to give evidence and the witnesses (if any) called by the Applicant shall be called upon to give their evidence in turn, subject to the approval of the number of witnesses to be called by the Disciplinary Committee in its discretion. The Respondent (or, if they are a minor his/her adviser) may ask questions of the Applicant or any witness called.
- 11.2.10. Each witness shall be entitled to leave the Disciplinary Hearing after giving evidence unless otherwise directed by the Disciplinary Committee. Witnesses shall be entitled to remain in the hearing room after giving evidence with the permission of the Disciplinary Committee.
- 11.2.11. The Respondent shall then be entitled to present their defence. Witnesses may be called subject to the approval of the number of witnesses to be called by the Disciplinary Committee in its discretion. The Applicant or the adviser to an Applicant who is a minor may ask questions of the Respondent or any witness called.
- 11.2.12. Where a person under the age of 18 exercises his/her right to have an adult observer or adviser present, a reasonable opportunity for consultation between the minor and the adviser shall be provided by the Disciplinary Committee.
- 11.2.13. Where the Respondent or Applicant makes video evidence available to the Disciplinary Committee, it may, at the discretion of the Disciplinary Committee, be presented. The onus of providing suitable viewing equipment shall lie with the person requesting that the evidence be presented.
- 11.2.14. The Disciplinary Committee may, so as to limit inconvenience to witnesses, allow evidence to be given by telephone or videoconference.
- 11.3. At the conclusion of all of the evidence and submissions, the Chair shall ask the Respondent, the Applicant and all other persons present to leave the hearing room while the Disciplinary Committee considers its findings.
- 11.4. If the Disciplinary Committee is satisfied that an alleged breach has been proven on the balance of probabilities (i.e. more probable than not) it shall find the charge proved. Otherwise the charge shall be dismissed.
- 11.5. If the Disciplinary Committee is not satisfied that the alleged breach has been proved but is satisfied that a lesser charge has been proven, then the Disciplinary Committee may find such lesser charge proved.
- 11.6. Where it appears to the Disciplinary Committee that an error has been made in laying the wrong allegation, charge or omitted charges that should have been laid, the Disciplinary Committee may amend the charge(s) or allegations, subject always to the requirement that the Respondent must be informed of the new charges and given an opportunity to respond to such charges.

- 11.7. Unless the Disciplinary Committee reserves its decision, the decision of the Disciplinary Committee shall be given in the presence of all, by the Chair.
- 11.8. The Disciplinary Committee may reserve its decision but if it does so, it will provide its decision within 14 days of the hearing.
- 11.9. The Disciplinary Committee is not obliged to give oral or written reasons for any decision made by it but may do so if it wishes.
- 11.10. The Disciplinary Committee is not obliged to, but may in its absolute discretion inform the parties of its decision that one or more charges have been proven and provide the Applicant and the Respondent with an opportunity to make submissions as to penalty, before the Disciplinary Committee makes a decision on penalty.
- 11.11. The Disciplinary Committee shall determine the penalty to be imposed (if any) and shall advise the Applicant and Respondent of the penalty. The Chair shall also notify Bowls Victoria of the decision of the Disciplinary Committee.

12. Penalties

- 12.1. Under rule 10.5(c) of the Constitution, the penalties able to be given to a member by the Disciplinary Committee include (one or more of):
 - 12.1.1. expel a member from BV;
 - 12.1.2. suspend a member from membership of BV or accessing certain privileges of membership for a specified period;
 - 12.1.3. fine a member; and
 - 12.1.4. impose such other penalty, action or educative process as the Disciplinary Committee sees fit.

13. Appeal Rights

- 13.1. All decisions of the Disciplinary Committee are final and there shall be no options of appeal.

Guidelines for Match Day Reports & Penalties

NOTE: The following list of suggested penalties are provided as a guideline to assist the Disciplinary Committee in its role of deciding suitable penalties that may need to be imposed upon a Member who is the subject of a Disciplinary Hearing. For the avoidance of doubt, the Disciplinary Committee is not bound to follow the suggested penalties and may deal with any Member found to have committed an offence in any way it considers appropriate.

Reports & Notifications

For the purposes of these guidelines, the suggested penalties for a person(s) (**Respondent**) who is reported during a bowls match or competition shall be divided into two separate categories:

- penalties for offences which involve the Respondent and another person or persons other than an official ("**Group A offence**"); and
- penalties for offences which involve the Respondent and an official ("**Group B offence**").

Offences & Penalties

Unsportsmanlike behaviour:

Maximum penalty: 6 weeks suspension.

Obscene gestures:

A – Maximum penalty: 10 weeks suspension. B – Maximum penalty: 20 weeks suspension.

Offensive language: (which may include abusive, obscene or insulting language) A – Maximum penalty: 10 weeks suspension.

B – Maximum penalty: 20 weeks suspension.

Attempting to strike:

A – Maximum penalty: 10 weeks suspension. B – Maximum penalty: 52 weeks suspension.

Assault:

A – Maximum penalty: 52 weeks suspension. B – Maximum penalty: 2 years suspension.

Striking: (e.g. fist, hand, object, head)

A – Maximum penalty: 2 years suspension. B – Maximum penalty: life-time suspension.

Fighting:

A – Maximum penalty: 52 weeks suspension.

Threatening a person:

A – Maximum penalty: 52 weeks suspension. B – Maximum penalty: 104 weeks suspension.

Putting a person in fear of imminent violence: A – Maximum penalty: 52 weeks suspension. B – Maximum penalty: 104 weeks suspension.

Playing, coaching or officiating while under suspension:

A – Minimum penalty: 1 week per game while suspended to be served consecutively to the original suspension period.

B – Maximum penalty: 5 weeks per game while under suspension to be served consecutively to the original suspension period.

Conduct which brings the game of Bowls into disrepute:

Maximum penalty: 52 weeks suspension.

Failure by any person required to attend a Disciplinary Hearing without proper cause (letter of explanation) when notified:

Maximum penalty: 20 weeks suspension.

Failure to co-operate in, or hindering an investigation initiated by BV:

Maximum penalty: 20 weeks suspension.

Giving False Evidence to Disciplinary Committee:

Maximum penalty: as determined by the Disciplinary Committee.

Contempt of Disciplinary Hearing:

Maximum penalty: 20 weeks suspension.

Contempt may be found against any person connected with a hearing and may be decided on by the Disciplinary Committee at that hearing without further notice or at a subsequent hearing at the discretion of the Disciplinary Committee. Any penalty imposed is in addition to any other penalty imposed on that person.

Cheating, tanking, bribery or tampering with intent for any reason including to alter the result of a game:

Maximum penalty: life-time suspension.

The Disciplinary Committee may take into account a charged person's prior convictions or any other matter it considers relevant in determining a penalty to be handed down.

To ensure that a penalty is served in full, in setting the commencement and end dates of a penalty, the Disciplinary Committee may take into account any season breaks or holiday breaks. This discretion may not be exercised to allow players to participate in finals or for similar reasons.

Penalties are to be expressed by dates as opposed to number of pennant matches or tournaments.

Fines

Fines of up to \$1,000 may be imposed by the Disciplinary Committee.

Definitions

Conduct which brings bowls into disrepute:

Any conduct which in the opinion of BV reflects badly on bowls or BV and may include any other of the offences.

Obscene Gestures:

Physical or body action of an obscene nature. This can include the raising of one or two fingers or a fist, in what are common gestures aimed at mimicking swearing in a physical way.

Offensive language:

Includes abusive, insulting or obscene language but which would include personal, racist, homophobic or sexist language. Language which is considered beyond what is normally socially acceptable would be caught by this offence.

Striking:

Striking is making contact with another person either with a part of the body or an object. It would include chesting, pushing or shoving. There must be some element of intent before this charge could be proved. Physical contact should be considered to be serious, intentional or aggressive before a charge is made or found proven. Accidental contact is not a striking offence.

Threatening:

This offence is designed to protect all persons involved in bowls from threatening behaviour. The threat could either be verbal, written or a gesture.

Fighting:

Fighting is any deliberate physical contact between individual bowlers and teams or sides.

Putting in fear of impending violence:

This implies something more than a threat. There may be a threat accompanied by some overt gesture or aggressive behaviour leaving a person in genuine fear of an impending physical confrontation.

Unsportsmanlike behaviour:

Any behaviour which a reasonable person would consider unsporting or contrary to the objectives of BV or the sport of bowls generally.

Instantaneous penalties:

All instantaneous penalties as prescribed in the Bowls Australia Instantaneous Penalties Policy must be reported to BV and/or MSEM who will determine if any further action is required.

Suspensions:

Subject to the discretion of the Disciplinary Committee, Clubs, players, club officials, officials and spectators that have been suspended by a decision of the Disciplinary Committee cannot play, coach or officiate (and if suspended from attending, attend) Pennant, Regional or Divisional games, tournaments or any competitions run by BV, Bowls Australia or World Bowls, or Club Championships leading to a BV event (eg club singles, club pairs). Unless specified by the Disciplinary Committee or the person's Club, the person can practice at their Club and enter their clubrooms. If a person is permitted to attend a game while under suspension, the person must demonstrate exemplary behaviour at all times.

Suspended Sentences:

A Club, player/s, Club officials, officials and spectators can have their suspension partly or fully suspended by a decision of the Disciplinary Committee. Matters for consideration for a suspended sentence could include a record of exemplary behaviour, serious extenuating circumstances and involvement and contributions to the sport.

Suspended sentences will **not** be considered for serious breaches.

Bans:

If a player, club official, official or spectator has been banned by the Disciplinary Committee, to the extent permitted by law, they cannot enter any bowling club within Australia. Therefore, they cannot practice, play or spectate, or engage in club activity. Persons banned by the BV Disciplinary Committee will have their sentence forwarded to Bowls Australia.

Publication of Disciplinary Committee decisions:

Where the Disciplinary Committee imposes a penalty on a member, the member will have their name and club published on the BV website until their time of penalty has expired.

Review History and Version Control

The Bowls Victoria Disciplinary Guidelines will be reviewed every two years.

Version	Prepared	Approved	Date Approved
1.0	Disciplinary Committee	Board	23 rd January 2020