

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 person 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 Person or prejudicial to the purposes and the interests of BV, bowls, or another Person; or
 - 2.1.3. brought themselves or another Person, BV or bowls into disrepute.

Examples:

- an allegation against a Person 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 Person 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 seven (7) 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 Persons by Clubs

- 3.1. A Club which takes any disciplinary action against a Person 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 Bowls Victoria within seven (7) working days in accordance with clause (3.2) below, the Chief Executive Officer may, at their discretion and if deemed of a serious nature, notify Member Clubs of such cancellation or suspension. The CEO shall not be liable at the suit of any Person for giving to the Clubs any information supplied to them by a Club in accordance with this clause.

- 3.2. A Person, 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 BV for the purposes of hearing matters referred to it. The Board shall also appoint a person of the Disciplinary Committee as Chairperson.
- 4.2. The persons of the Disciplinary Committee:
 - 4.2.1. may be BV persons or anyone else; but
 - 4.2.2. must not be biased against, or in favour of, the Person concerned.
 - 4.2.3. Persons of the Disciplinary Committee 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 persons found if required.
- 4.3. A BV representative may attend the Disciplinary Committee hearing (**Disciplinary Hearing**) to observe and/or provide advice and clarification to the Disciplinary Committee, where requested. The BV representative cannot be involved in the decision making of the Disciplinary Committee.

5. Responsibilities of Disciplinary Committee Chairperson

- 5.1. The Chairperson shall have the following responsibilities:
 - 5.1.1. to liaise with BV 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 Person 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), BV 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 before subsequent matches or rounds occurring from the date/time of the incident.

7.3. BV shall serve on a Person 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 Person and the grounds on which it is based;

7.3.2. stating that the Person 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 Person 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. BV Representative Duties

8.1. BV 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 persons 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 persons of the date, time and place of the Disciplinary Hearing;

8.1.6. to notify any person 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 Person 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 advisor, 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 Chairperson.
- 9.2.5. Each person to the Disciplinary Hearing and each witness shall bear their own costs. No witness shall be paid.

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 Chairperson 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 persons. 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 person 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 Chairperson shall identify the Disciplinary Committee

persons and determine whether the Applicant is present and 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 Chairperson 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 Chairperson.

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 Chairperson 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 Chairperson 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 advisor) 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 advisor to an Applicant under the age of 18 years, 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 advisor present, a reasonable opportunity for consultation between the person under the age of 18 years and the advisor 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 Chairperson 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 Chairperson.
- 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 Chairperson shall also notify BV of the decision of the Disciplinary Committee within 24 hours.

12. Penalties

- 12.1. Under rule 10.5(c) of the Constitution, the penalties able to be given to an Individual Member by the Disciplinary Committee include (one or more of):
 - 12.1.1. expel an Individual Member from BV;
 - 12.1.2. suspend a person from membership of BV or accessing certain privileges of membership for a specified period;
 - 12.1.3. fine a person; 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.

14. Guidelines for Match Day Reports & Penalties

- 14.1. The Disciplinary Committee may consider a Respondent's prior penalties or any other matter it considers relevant in determining a penalty to be handed down.
- 14.2. To ensure that a penalty is served in full, in setting the commencement and end dates of a penalty, the Disciplinary Committee may consider any season or holiday breaks. This discretion may not be exercised to allow players to participate in finals or for similar reasons.
- 14.3. Penalties may be expressed by either dates or number of pennant matches or any other

defined events at the discretion of the Disciplinary Committee.

15. Types of Penalties (refer to definitions below)

- 15.1. A Person receives a suspension from a “sports” club (often the parent body of a bowls club and includes organisations like an RSL or VRI) which may mean they are prohibited for a specified period of time from the venue. There is scope in this clause for the Person to be admitted to the playing area for the purpose of playing but cannot enter the licensed premises and must leave the venue immediately after the match if the “sports” club so desires. This suspension is limited to the club in question.
- 15.2. A Person receives a suspension from a “bowls” club which may mean they are prohibited from the venue and representing the Club for a specified period of time and therefore unable to play any games, social bowls or events.
- 15.3. A Person receives a suspension from a Region whereby the Region can impose the penalty for a period of time at events where the Region is the Controlling Body.
- 15.4. A Person receives a suspension from BV for a period of time which can apply to any level as deemed appropriate by the BV Disciplinary Committee up to and including all bowls State and Australia wide.

16. Fines

- 16.1. Fines of up to \$1,000 and payment terms may be imposed by the Disciplinary Committee.

17. Alternative Procedure for Alleged Comparatively Minor Breaches

- 17.1. If the reporting official, club, Region or BV believes the breach or breaches reported are of a minor nature they make indicate this on their report.
- 17.2. Where it is indicated on the report or when BV considers the breach minor, the Disciplinary Committee Chairperson can, upon agreement with the Respondent, consider the offence as minor.
- 17.3. Any breach that would not normally attract a penalty of more than 10 weeks suspension can be considered.
- 17.4. The Disciplinary Committee Chairperson, after discussion with a committee person may, in their absolute discretion, offer the reported person a penalty of approximately 50% of the penalty the Chairperson believes would normally be imposed. The penalty can include a severe reprimand.
- 17.5. If the person referred to the Disciplinary Committee is prepared to accept the penalty offered by the Chairperson (and plead guilty to the breach/es) within 24 hours of the offer, the agreed penalty will be imposed.
- 17.6. If the person referred to the Disciplinary Committee is not prepared to accept the penalty offered by the Chairperson within 24 hours of the offer, the case will be referred to a hearing of the Disciplinary Panel.
- 17.7. The penalty agreed to will be lodged with BV for their records.

18. Suspended Penalties

- 18.1. A suspended penalty could be considered for a record of exemplary behaviour, serious extenuating circumstances, and involvement and contributions to the sport. Suspended sentences will **not** be considered for serious breaches.

19. Breaches and Penalties

Breaches	Penalties The penalties listed are maximum 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)	Penalties for offences which involve the Respondent and an official
Unsportsmanlike behaviour	6 weeks suspension	6 weeks suspension
Obscene gestures	10 weeks suspension	20 weeks suspension
Offensive language: (which may include abusive, obscene or insulting language)	10 weeks suspension	20 weeks suspension
Attempting to strike	10 weeks suspension	52 weeks suspension
Assault	52 weeks suspension	2 years suspension
Striking: (eg fist, hand, object, head)	2 years suspension	Life-time suspension
Fighting	52 weeks suspension	
Threatening a person	52 weeks suspension	2 years suspension
Putting a person in fear of imminent violence	52 weeks suspension	2 years suspension
Playing, coaching or officiating while under suspension	1 week per game while suspended to be served consecutively to the original suspension period	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	52 weeks suspension	
Failure by any person required to attend a Disciplinary Hearing without proper cause (letter of explanation) when notified	20 weeks suspension	
Failure to co-operate in, or hindering an investigation initiated by BV	20 weeks suspension	
Giving False Evidence to Disciplinary Committee	As determined by the Disciplinary Committee	
Contempt of Disciplinary Hearing	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	Life-time suspension	

NOTE: The above list of suggested penalties is provided as a guideline to assist the Disciplinary Committee in its role of deciding suitable penalties that may need to be imposed upon a Person 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 Person found to have committed an offence in any way it considers appropriate.

20. Definitions

Bans	If a Person, 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, spectate or engage in club activity. Person(s) banned by the BV Disciplinary Committee will have their sentence forwarded to Bowls Australia.
Bowls Club / Sports Club	A club for the sport of bowls that is autonomous / a sports bowls club that has a parent body, with or without gaming facilities.
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.
Contempt	Conduct tending to obstruct, interfere or show disrespect to the processes of the administration of justice, including prior to, during, or immediately following the Disciplinary hearing.
Controlling Body	The sporting body (BV, Region or Club) in control of an event including taking entries, adopting conditions of play, implementing matches and completing the event.
Fighting	Fighting is any deliberate physical contact between individual bowlers, teams or sides.
Instantaneous penalties	All instantaneous penalties as prescribed in the Bowls Australia Instantaneous Penalties Policy must be reported to BV who will determine if any further action is required.
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.
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.
Region	Region means a person admitted to BV under rule 6 of the Constitution.
Serious Breach	Any breach is considered serious where the maximum penalty on the above list is more than 10 weeks.
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.
Suspended Penalty	A Club, Person, Individual Member(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.
Suspensions	Subject to the discretion of the Disciplinary Committee, Clubs, Persons, 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 or Region games, tournaments or competitions run by BV, Bowls Australia or World Bowls, or Club Championships leading to a BV event (eg club singles). 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.
Threatening	This offence is designed to protect all persons involved in bowls from threatening behaviour. The threat could either a verbal, written or a gesture.
Unsportsmanlike behaviour	Any behaviour which a reasonable person would consider unsporting or contrary to the objectives of BV or the sport of bowls generally.

Review History and Version Control

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

Version	Prepared	Approved	Date Approved
1.0	Disciplinary Committee	Board	23 rd January 2020
2.0	Disciplinary Committee, Officiating and Laws Committee and Governance Committee	Board	7 th October 2021