



SURFING **AUSTRALIA**

Surfing Australia Disciplinary Handbook



SURFING AUSTRALIA

Surfing Australia's Codes of Conduct

These codes are taken from Surfing Australia's Member Protection Policy. If you are individual associated with the sport of surfing in Australia, it is expected that you will support these codes so the sport of surfing can be enjoyed by all.

General Code of Behaviour

As a member of Surfing Australia, a Member Association and an Affiliated Club, a Licensed Surf School or a person required to comply with the Policy, (Surfing Australia's Member Protection Policy) you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Surfing Australia, a member association, an affiliated club or Licensed Surf School and in any role you hold within Surfing Australia, a member association, an affiliated club or Licensed Surf School:

- 1 Respect the rights, dignity and worth of others.
- 2 Be fair, considerate and honest in all dealing with others.
- 3 Be professional in, and accept responsibility for, your actions.
- 4 Make a commitment to providing quality service.
- 5 Be aware of, and maintain an uncompromising adherence to, Surfing Australia's standards, rules, regulations and policies.
- 6 Operate within the rules of the sport including national and international guidelines which govern Surfing Australia, the member associations, the affiliated clubs or Licensed Surf School.

- 7 Do not use your involvement with Surfing Australia, a member association or an affiliated club or Licensed Surf School to promote your own beliefs, behaviours or practices where these are inconsistent with those of Surfing Australia, a member association or an affiliated club or Licensed Surf School.
- 8 Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.
- 9 Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.
- 10 Refrain from any form of harassment of others.
- 11 Refrain from any behaviour that may bring Surfing Australia, a member association, an affiliated club or Licensed Surf School into disrepute.
- 12 Provide a safe environment for the conduct of the activity.
- 13 Show concern and caution towards others who may be sick or injured.
- 14 Be a positive role model.
- 15 Understand the repercussions if you breach, or are aware of any breaches of, this code of behaviour.

Administrator Code of Behaviour

In addition to Surfing Australia's General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held by or under the auspices of Surfing Australia, a member association, an affiliated club or Licensed Surf School and in your role as an administrator of Surfing Australia, a member association, an affiliated club or Licensed Surf School:

- 1 Resolve conflicts fairly and promptly through established procedures.
- 2 Maintain strict impartiality.
- 3 Be aware of your legal responsibilities

Coach Code of Behaviour

In addition to Surf Australia's General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Surfing Australia, a member association, an affiliated club or Licensed Surf School and in your role as a coach appointed by Surfing Australia, a member association, an affiliated club or Licensed Surf School:

- 1 Do not tolerate acts of aggression.
- 2 Provide feedback to players and other participants in a manner sensitive to their needs. Avoid overly negative feedback.
- 3 Recognise players' rights to consult with other coaches and advisers. Cooperate fully with other specialists (for example, sports scientists, doctors and physiotherapists).

- 4 Treat all players 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.
- 5 Encourage and facilitate players' independence and responsibility for their own behaviour, performance, decisions and actions.
- 6 Involve the players in decisions that affect them.
- 7 Encourage players to respect one another and to expect respect for their worth as individuals regardless of their level of play.
- 8 Ensure that the tasks and/or training set are suitable for age, experience, ability, and physical and psychological conditions of the players.
- 9 Ensure any physical contact with players is appropriate to the situation and necessary for the player's skill development.
- 10 Be acutely aware of the power that you as a coach develop with your players in the coaching relationship and avoid any sexual intimacy with players that could develop as a result.
- 11 Avoid situations with your players that could be construed as compromising.
- 12 Actively discourage the use of performance enhancing drugs, and the use of alcohol, tobacco and illegal substances.
- 13 Do not exploit any coaching relationship to further personal, political or business interests at the expense of the best interest of your players.
- 14 Accept and respect the role of officials in ensuring that competitions are conducted fairly and according to established rules.
- 15 Know and abide by rules, regulations and standards, and encourage players to do likewise. Accept both the letter and the spirit of the rules.
- 16 Be honest and ensure that qualifications are not misrepresented.

Official Code of Behaviour

In addition to Surfing Australia's General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Surfing Australia, a member association, an affiliated club or Licensed Surf School and in your role as an official appointed by Surfing Australia, a member association, an affiliated club or Licensed Surf School:

- 1 Place the safety and welfare of the players/participants above all else.
- 2 Accept responsibility for all actions taken.
- 3 Be impartial.
- 4 Avoid any situation which may lead to a conflict of interest.
- 5 Be courteous, respectful and open to discussion and interaction.
- 6 Value the individual in sport.

Player Code of Behaviour

In addition to Surfing Australia's' General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Surfing Australia, a member association, an affiliated club or Licensed Surf School and in your role as a player/participant in any activity held by or under the auspices of Surfing Australia, a member association, an affiliated club or Licensed Surf School:

- 1 Respect the rights, dignity and worth of fellow players, coaches, officials and spectators.
- 2 Do not tolerate acts of aggression.
- 3 Respect the talent, potential and development of fellow players and competitors.
- 4 Care for and respect the equipment provided to you as part of your program.
- 5 Be frank and honest with your coach concerning illness and injury and your ability to train fully within the program requirements.
- 6 At all times avoid intimate relationships with your coach.
- 7 Conduct yourself in a professional manner relating to language, temper and punctuality.
- 8 Maintain high personal behaviour standards at all times.
- 9 Abide by the rules and respect the decision of the official, making all appeals through the formal process and respecting the final decision.
- 10 Be honest in your attitude and preparation to training. Work equally hard for yourself and your team.
- 11 Cooperate with coaches and staff in development of programs to adequately prepare you for competition at the highest level.

Parent/Guardian Code of Behaviour

As a parent/guardian of a player/participant in any activity held by or under the auspices of Surfing Australia a member association, an affiliated club or Licensed Surf School, you must meet the following requirements in regard to your conduct during any such activity or event:

- 1 Respect the rights, dignity and worth of others.
- 2 Remember that your child participates in sport for their own enjoyment, not yours.
- 3 Focus on your child's efforts and performance rather than winning or losing.
- 4 Never ridicule or yell at your child and other children for making a mistake or losing a competition.
- 5 Show appreciation for good performance and skilful plays by all players (including opposing players).
- 6 Demonstrate a high degree of individual responsibility especially when dealing with or in the vicinity of persons under 18 years of age, as your words and actions are an example.

- 7 Respect officials' decisions and teach children to do likewise.
- 8 Do not physically or verbally abuse or harass anyone associated with the sport (player, coach, umpire and so on).
- 9 Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.
- 10 Be a positive role model.
- 11 Understand the repercussions if you breach, or are aware of any breaches of, this code of behaviour.

Spectator Code of Behaviour

As a spectator in any activity held by or under the auspices of Surfing Australia, a member association, an affiliated club or Licensed Surf School, you must meet the following requirements in regard to your conduct during any such activity or event:

- 1 Respect the decisions of officials and teach young people to do the same.
- 2 Never ridicule or scold a young player for making a mistake. Positive comments are motivational.
- 3 Condemn the use of violence in any form, whether it is by other spectators, coaches, officials or players.
- 4 Show respect for your team's opponents. Without them there would be no game.
- 5 Do not use violence, harassment or abuse in any form (that is, do not use foul language, sledge or harass players, coaches, officials or other spectators).
- 6 Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion



SURFING AUSTRALIA

Surfing Australia's Disciplinary Policy

1 Application of Policy

This Policy shall be the disciplinary policy for Surfing Australia (SA) and if adopted by Member Associations shall be the disciplinary policy for each Member Association.

- 1.1 The administration of an alleged offence under this Policy is at first instance the responsibility of the Member Association in the state in which the alleged offence occurred, except where:
- (a) the relevant individual that is alleged to have contravened or breached this Policy is in an event run by SA a national academy participant or other national representative, official, coach or other participant pursuant to a separate agreement or arrangement with SA, in which case SA may elect to deal with and prosecute the alleged contravention or breach; and
 - (b) SA otherwise notifies that Member Association that SA itself will assume responsibility for the administration of the relevant alleged offence. SA will only assume control of the administration of an alleged offence where it considers that the relevant alleged offence affects or is likely to affect the integrity, management, reputation or brand of SA or the sport of surfing in Australia, or where it believes that the relevant alleged breach is otherwise sufficiently serious to warrant SA assuming administration of the alleged breach,

and in such circumstances applicable references in this Policy to a Member Association or its Nominated Officer shall be deemed to be a reference to SA.

- 1.2 Any penalty imposed upon a person under this Policy must be recognised and respected by all Member Associations and SA. A person is not permitted to participate in any event, competition, tour, team, function, training or practice sessions or other event conducted or managed by or under the auspices of a Member Association or SA during the time of any suspension imposed under this Policy by a Member Association or SA.

2 **Process**

- 2.1 The appointed Disciplinary Officer of the applicable Member Association (or if there is no such officer, an appropriate person nominated by that Member Association), or such other officer nominated by that Member Association from time to time (Nominated Official), shall be solely responsible for characterising any alleged breach of this Policy by an individual. That Nominated Official must in his/her absolute discretion characterise the alleged offence as either a minor or serious offence.
- 2.2 This Policy sets out the disciplinary procedures for hearing both minor and serious offences and the penalties applicable to each category of offence.

3 **Minor Offences**

- 3.1 Minor offences are less serious offences which attract penalties reflecting this fact.
- 3.2 Minor offences will be dealt with as expeditiously as possible but always adhering to the procedures set out in this Policy.
- 3.3 The alleged offender will be notified in writing by the Nominated Official of the following:
 - (a) details of the alleged offence; and
 - (b) confirmation that this Policy applies (a copy of this Policy should be provided). If the alleged offender is under the age of 18 years old notification should be given to that person's parent / guardian as well as the alleged offender.
- 3.4 The alleged offender shall have 7 days (or such other longer period determined by the Nominated Official) from receipt of the notice to provide a written response to the alleged offence/s.
- 3.5 The Nominated Official will consider relevant facts and information concerning the alleged offence (including statements from witnesses and any response from the alleged offender) and must then make a determination as to whether the alleged offender committed the applicable minor offence. The Nominated Official shall then determine the sanction to be imposed under this Policy. Where possible in the circumstances, the alleged offender should be given the opportunity to address the Nominated Official regarding the penalty to be imposed for the alleged offence.
- 3.6 In imposing a penalty for a minor offence the Nominated Official may choose from one or more of the following range of penalties:
 - (a) impose a warning;

- (b) the requirement for a written apology from the offender to specified persons/organisations;
 - (c) a reprimand; and/or
 - (d) suspending the alleged offender from a current or future event, competition, tour, team, function, training or practice session, or other event conducted or managed under the auspices of a Member Association but no more than one future event or a competition, tour, team, function, training or practice session; and
 - (e) sending the alleged offender home from a tour (if such offence is committed and administered on tour).
- 3.7 The Nominated Official will notify the offender in writing of any penalty imposed and will notify the Chief Executive Officer of SA and the Chief Executive Officer of all Member Associations all of whom will immediately recognise the penalty imposed upon the offender. Such notification must be made within seven (7) days of the determination of the matter, or in the event the matter is dealt with on tour, within seven (7) days of return.
- 3.8 The determination by the Nominated Official will be final and binding on all parties; and
- 3.9 The right of appeal is set out in clause 5.
- 3.10

4 **Serious Offence**

- 4.1 The alleged offender will be notified in writing of the following by the Disciplinary Officer of the Member Association responsible for hearing an offence:
- (a) details of the alleged offence, and possible penalties that may be imposed by the Tribunal;
 - (b) confirmation that this Policy applies (a copy of this Policy should be provided);
- the date, time and place of the Tribunal hearing, and the likely composition of the Tribunal; and
- If the alleged offender is under the age of 18 years old notification should be given to that person's parent / guardian as well as the alleged offender.
- 4.2 The Board of Directors of the Member Association responsible for hearing an offence will appoint a Tribunal of three members to hear and determine the matter, such Tribunal which shall be comprised of the following persons.
- (a) a lawyer or, if after reasonable attempts have been made to obtain one without success, then a person with considerable previous experience in the legal aspects of a disciplinary tribunal (who shall be Chairperson);
 - (b) a person with a thorough knowledge of surfing; and
 - (c) one other person of experience and skills suitable to the functions of a disciplinary tribunal, if possible a lawyer.

in each case as determined by the relevant Member Association's Board of Directors in their sole discretion. However, the following cannot be Tribunal members:

- (d) a person who is a member of the Board of Directors (Management Committee); or
- (e) a person who would, by reason of their relationship with the alleged offender, or otherwise, be reasonably considered to be other than impartial.

4.3 The Tribunal must allow the alleged offender and the applicable Member Association's representative reasonable opportunity to speak and state their case. The alleged offender and the applicable Member Association's representative may each elect to provide written submissions instead or in addition to oral submissions. The Tribunal shall:

- (a) hear and determine the alleged offence 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;
- (b) not be required to adhere to any specific legal rules, formalities or processes (including any rules of evidence), and shall be free to hear and consider any materials, information or evidence whatsoever that it considers appropriate (including evidence of past indiscretions, breaches or convictions); and
- (c) make its decision on a matter by majority vote.

The purpose of the hearing shall be to determine whether the alleged offender has committed a serious offence. If the tribunal determines a serious offence has been committed, it may impose any one or more of the penalties set out in paragraph 4.9.

4.4 If within 30 minutes of the notified time for commencement of the hearing, the alleged offender is not present, the Tribunal may elect to conduct the hearing in the absence of the alleged offender or adjourn the hearing and reconvene at a later date advised to the alleged offender. The time and place of the tribunal hearing will be determined at the sole and reasonable discretion of the Disciplinary Officer.

4.5 The parties may be represented at the hearing by any person but the alleged offender must appear.

4.6 If the charge is proven the offender will be given an opportunity to be heard in relation to mitigation of penalty.

4.7 The relevant Member Association's representative will also be afforded the opportunity to make submissions to the Tribunal on the appropriate penalty to be imposed in the circumstances.

4.8 Prior convictions of a disciplinary tribunal may be disclosed to the Tribunal who may give weight to prior convictions of a similar nature.

4.9 In imposing a penalty for a serious offence, the Tribunal may impose any of the following range of penalties:

- (a) in extreme circumstances, permanent suspension from all competitions;
- (b) suspension from all competitions for a period reasonably determined by the Tribunal;
- (c) suspension from competing in one or more specified events;
- (d) suspension from attending or participating in tours, teams, functions, training or practice sessions, or other functions or events conducted by or under the auspices of SA and/or another Member Association for a period reasonably determined by the Tribunal;
- (e) directing the offender to attend counselling to address their conduct;
- (f) recommending termination of any appointment of any role the offender holds with a surfing organisation;
- (g) imposing a monetary fine;
- (h) in the case of a coach or other surfing official or administrator, suspending or directing relevant bodies not to renew that person's SA or Member Association accreditation or membership for a period or indefinitely;
- (i) any other such penalty the Tribunal considers appropriate in the circumstances;
- (j) termination of membership of the Member Association;
- (k) a financial penalty as set out in Schedule 1; and
- (l) as set out in clause 5.3.

In considering the length of any suspension, the Tribunal must consider what is reasonable in the circumstances.

- 4.10 The findings of the Tribunal will be delivered orally and there is no obligation on the Tribunal to publish reasons for its decision.
- 4.11 There is no ability to award costs and all parties to any proceedings must bear their own costs.
- 4.12 The Chairperson of the Tribunal will confirm in writing with the offender any penalty imposed and will notify the Chief Executive Officer of SA and the Chief Executive Officer of all Member Associations all of whom will immediately recognise the penalty imposed upon the offender. Such notification must be made within seven (7) days of the determination of the matter, or in the event the matter is dealt with on tour, within seven (7) days of return.
- 4.13 The determination by the Tribunal will be final and binding on all parties; and
- 4.14 The right of appeal is set out in clause 5.

5 Surfer Entourage

- 5.1 A surfer is deemed to be responsible for the behaviour and conduct of their entourage and support team who attend at events in which they are participating. The expression "entourage" includes parents, family members,

coaches, trainers, friends and any other person directly associated with the surfer.

- 5.2 Where the behaviour of a member of the surfer's entourage is in breach of any of SA's Codes of Conduct, the disciplinary officer of a Member Association or SA may deal with the matter under the disciplinary process as set out in the disciplinary policy.
- 5.3 If it is determined that a Code of Conduct breach has occurred by the member of the entourage, then it is open to the Tribunal to impose a penalty on the surfer as follows:

Penalty

A determination that SA or the Member Association will not accept entries from that surfer for a specified period of time for future events or competition and may suspend the surfer from participation in teams training or touring for a specified period of time.

- 5.4 It is to be noted that imposing a penalty on a surfer for behaviour of their entourage is to be seen as a last resort and disciplinary action, except in extreme cases, would not be instigated without first having sought to engage with and counsel the offending person and the surfer in relation to the unacceptable conduct.
- 5.5 SA and Member Associations are not compelled by law to accept entry from everyone into their competitions. Provided there is no breach of the *Anti Discrimination Legislation*, SA and Member Associations are entitled to determine who may enter their competitions and it has been clearly determined that only persons who, with their entourage, are acting in accordance with the standards and codes of behaviour of SA and Member Associations should be entitled to enter events run by SA and Member Associations.

6 Definitions

6.1 Member Association shall be:

- (a) Surfing VIC
- (b) Surfing NSW
- (c) Surfing WA
- (d) Surfing SA
- (e) Surfing QLD
- (f) Surfing TAS

7 Payment of Fines

If a monetary find is imposed the surfer shall not be eligible to enter an event or participate in a competition, tour, team, function, training or practice session until the fine is paid or satisfactory arrangements for payment of the fine have been agreed.

8 Appeals

- 8.1 An appeal may only be lodged in the case of appeals from a Tribunal to an Appeal Tribunal established by SA in accordance with this clause 8, in which case an appeal is only validly lodged where:
- (a) an appeal notice in the prescribed form (Schedule 1) is lodged with SA within seven (7) days of the Tribunal's decision;
 - (b) the appeal notice is accompanied by a written submission and an appeal application fee of \$1,000 refundable only at the discretion of the Appeal Tribunal.
- 8.2 An appeal against the findings of the Tribunal and/or the imposition of a penalty shall be conducted within 21 days of receipt of the notice of appeal, although SA shall have the discretion to convene an appeal hearing outside the 21 day period but only after it has been established that it would be impossible to hear the appeal any earlier.
- 8.3 The Appeal Tribunal shall consist of three (3) members appointed by SA's Board of Directors, none of which has had a prior involvement in the matter. An Appeal Tribunal Chairman who shall be a lawyer shall be appointed by SA's Board of Directors. The Appeal Tribunal will have the discretion to conduct proceedings at their discretion and in accordance with the principles of natural justice. A majority decision will determine the matter.
- 8.4 In order for a matter to proceed to an appeal, the offender must establish on the balance of probabilities that it is more likely than not that s/he has an arguable case. This shall be done by written submissions only. The Appeals Tribunal Chairman alone shall determine whether the offender has sufficiently made out one or more ground/s of appeal within seven (7) days of receiving submissions from both the offender and SA. The Tribunal Chairman shall set the timeframes for submissions to be lodged. There is no right to appeal against this decision. The Appeal Tribunal Chairman's decision will be conveyed to each of the parties.
- 8.5 If it is determined by the Appeal Tribunal Chairman on the balance of probabilities that the offender has an arguable case and the appeal is in relation to penalty only, the matter will proceed by way of written submissions only.
- 8.6 Each party will be required to submit in writing their arguments with the offender obliged to lodge their written arguments no less than three (3) business days before the matter is scheduled to proceed. A Copy of the submissions of the offender will be provided to SA's Complaints Manager who will then have a further 48 hours to make SA's submissions.
- 8.7 If the appeal is against both conviction and penalty, the appeal will proceed as determined by the Appeal Tribunal's Chairman.
- 8.8 An appeal against conviction may be a re-hearing of the matter and the parties may recall any earlier relevant witnesses and may submit fresh evidence, provided that the Appeal Tribunal is satisfied that the new evidence is relevant to the matter.
- 8.9 The Appeal Tribunal has the power to dismiss the appeal, grant the appeal, impose any of the penalties provided for and/or impose a new penalty as provided for in this Policy, the new penalty which may be greater than the penalty handed down by the original Tribunal.

- 8.10 The determination by the Appeal Tribunal will be final and binding on all parties. No further right of appeal exists within SA, or to an external tribunal or any civil court of law.
- 8.11 If the offender is suspended by the Tribunal, this suspension shall remain in force pending the determination of the matter by way of appeal.
- 8.12 The Appeal Tribunal has no power to award costs and each party shall bear their own costs in relation to the appeal.

Schedule One

INFRINGEMENTS	MINIMUM PENALTIES
Assaulting a judge	\$1000 Disqualification/suspension
Rude gesture to judges	\$150
Swearing out loud at judges	\$150
Ripping up judging sheets	\$150
Writing on judging sheets	\$150
Swearing loudly in official area	\$150
Assaulting event staff	\$1000 Disqualification/suspension
Equipment abuse in event and competition areas	\$150 plus cost
Damage to event property	\$150 plus cost/suspension
Damage to property in event locality	\$500 plus cost/suspension
Damage to surfing image caused by misbehaviour	\$100-\$1000/suspension
Knowingly wearing event vest incorrectly	\$100
Not wearing vest to and from the bench marshal	\$100
Free surfing in competition area during heats	\$100
Surfing during next heat	\$50 per wave
Surfer's caddy rides a wave	\$50 per wave
Abusing media	\$500
Assaulting media	\$1000 Disqualification/suspension
Failing to attend media functions if asked	\$100
Failing to attend events entered (without doctor's certificate)	\$50 plus entry fee
Stay in water after two interferences	\$100
Heat Fixing/Bribes	\$1000/Suspension

NB. Fines at all National Title events will be levied against the offender and to be paid to Surfing Australia.