

DATE: 10<sup>th</sup> day of February, 2018.

**WINDANSEA BOARDRIDERS CLUB INC.**

**Incorporation Number 1A19491**

(in this document referred to as "Windansea")

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**CODES OF CONDUCT  
& DISCIPLINARY BY-LAW**

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## **CODES OF CONDUCT & DISCIPLINARY BY LAW**

In accordance with Rule 18(1) of the Windansea Boardriders Club Inc Constitution dated 29<sup>th</sup> May 1998 the following Codes of Conduct and By-Law are adopted by Windansea.

These Codes of Conduct and Disciplinary By-Law are divided into three parts:

**Part A** establishes general and specific standards of behaviour expected of Windansea Members.

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

**Part C** sets out the procedure for dealing with disciplinary actions, breaches of the Codes of Conduct and other matters under the Constitution of Windansea.

### **PART A**

#### **WINDANSEA CODES OF CONDUCT**

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

##### **1. GENERAL CODE OF CONDUCT**

Windansea expects all members, service providers, employees and volunteers will abide by the following Codes of Conduct. With regard to abuse, discrimination and harassment and 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 Windansea and its delegates, so as not to bring themselves, the sport of surfing Windansea 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 Windansea;
- (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 Windansea Codes of Conduct;
- (m) Immediately report any breaches of the Windansea Codes of Conduct to the Executive Committee of Windansea

## 2. **ADMINISTRATORS' CODE OF CONDUCT**

In addition to complying with Windansea General Code of Conduct Windansea administrators (volunteer and professional) must:

- (a) Aim to provide and promote an environment free from abuse, discrimination and harassment in relation to Windansea 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 Windansea'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 members, competitors, parents, officials and spectators;

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

### 3. **COMPETITORS' CODE OF CONDUCT**

In addition to complying with Windansea General Code of Conduct, Windansea 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 Windansea;
- (l) Respond to members concerns or allegations of breaches of this By-law;
- (m) Report suspected breaches of this By-law;
- (n) Ensure that their parents and family members attending Windansea events comply with these Codes of Conduct.

#### **4. PARENT'S CODE OF CONDUCT**

In addition to complying with Windansea's General Code of Conduct, Parents of Windansea 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 Windansea's General Code of Conduct, Windansea's 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 Windansea.

## 6. **SPECTATOR'S CODE OF CONDUCT**

In addition to complying with Windansea General Code of Conduct, spectators at Windansea 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**  
**WINDANSEA 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 Club.
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 Executive Committee; or
    - (ii) in the case of a dispute between a Member and the Association, a person who is a mediator recommended by Surfing Queensland Inc Brisbane.
5. A Member of the Club 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 Executive Committee of Windansea for it to consider whether any action is warranted by Windansea; or
  - (b) seek to resolve the dispute otherwise at law.

## **PART C**

### **WINDANSEA DISCIPLINARY PROCEDURES**

#### **1. ESTABLISHMENT OF DISCIPLINARY COMMITTEE**

The Executive Committee of Windansea shall establish a Disciplinary Committee to deal with all disciplinary actions and matters under the Windansea Constitution.

#### **2. COMPOSITION OF DISCIPLINARY COMMITTEE**

- 2.1 A Disciplinary Committee of three (3) persons shall be appointed by the Executive Committee for the purpose of hearing disciplinary actions and matters under the Windansea Constitution. The Executive Committee shall also appoint a member of the Disciplinary Committee as Chair.
- 2.2 The Executive Committee shall be entitled to appoint the aforesaid three persons from the members of the Executive Committee.
- 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 Executive Committee.

#### **3. NOTICE OF ALLEGED BREACH**

- 3.1 Where the Executive Committee is advised or considers that a Member of Windansea has allegedly:



- (a) breached, failed, refused or neglected to comply with a provision of the Windansea constitution, By-Laws or any resolution or determination of the Executive Committee or any duly authorised committee; or
- (b) acted in a manner unbecoming of a Member or prejudicial to the objects and interests of Windansea and/or the sport of surfing; or
- (c) Brought Windansea or the sport of surfing into disrepute;

The Executive Committee shall appoint a Disciplinary Committee and nominate a Chair of the Committee.

3.2 The Secretary of Windansea 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 Windansea 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 Windansea cease from a specified date;
- (e) direct that any rights, privileges and benefits provided to that Member by Windansea be suspended for a specified period and/or terminated;
- (f) direct that Windansea cease to sanction events held by or under the auspices of that Member;
- (g) reprimand the Member;
- (h) suspend the Member from membership of Windansea for a specified period;
- (i) any other such penalty as the Disciplinary Committee considers appropriate.

**6. RIGHT OF APPEAL FROM DECISION OF DISCIPLINARY COMMITTEE**

Windansea 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**

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 Secretary of Windansea 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 President of Windansea 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 Windansea, 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 Windansea from time to time to hear appeals as required by Windansea. 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 Windansea 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 Secretary 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 things 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 Secretary 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.

**ADOPTED BY THE WINDANSEA EXECUTIVE COMMITTEE ON THE 10<sup>th</sup> DAY OF FEBRUARY 2018**