



# GUIDELINES: DISCIPLINARY GUIDELINES – BREACHES, SANCTIONS & PENALTIES

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# Purpose

The following list of suggested sanctions and penalties is provided as a guideline to assist those managing a complaint or breach of policy (a Decision Maker, Hearing Tribunal, Appeals Hearing, Board or other authorised body or persons), at the Relevant Organisation managing the breach.

## Issuing of a Sanction or Penalty

The use of these sanctions and penalties guidelines must be used in conjunction with the Bowls Australia National Sports Tribunal Policies (NST) – Conduct and Disciplinary Policy, and the Review and Appeals Policy.

A sanction or penalty may be issued as part of:

- Warning
- Alternative Dispute Resolution
- Breach offer
- Hearing tribunal
- Appeals tribunal

It can also be used as a guide for those using alternative dispute management processes such as a Club's Constitution's complaint management process.

## Considerations

The following considerations need to be noted:

- These are suggested recommendations and each situation may call for a different approach.
  - For the avoidance of doubt, those managing complaints are 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.
- **National Integrity Policies**  
Any breaches relating to a National Integrity Policy (ie Member Protection, Safeguarding Children etc) will be assessed and managed by Sports Integrity Australia.
- **Game related breaches**  
For the purposes of these guidelines, the suggested sanctions and 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

- **Alcohol related breaches**

For major breach in policy or behaviour relating to a Relevant Organisation's liquor license or involves the consumption of alcohol, the Relevant Organisation may choose to manage the issue under controls outlined in their Liquor License requirements and the Liquor Licensing Act.

## Types of Penalties

### Sanctions

As noted in the NST Conduct and Disciplinary Policy, sanctions that may be imposed on a Respondent include, but are not limited to:

- (i) A reprimand;
- (ii) Verbal or written apology;
- (iii) Direction to attend counselling or training to address their behaviour;
- (iv) Suspended sentence and/or good behaviour period;
- (v) Removal of accreditation;
- (vi) Removal of awards (such as life membership);
- (vii) Exclusion from a particular event or events, competition or activity;
- (viii) Suspension of membership from other Relevant Organisation or other Members or Affiliates;
- (ix) Suspension from such activities or events held by or under the auspices of BA or other Relevant Organisation;
- (x) Suspension for a specified period and/or termination of any rights, privileges and benefits provided by BA or other Relevant Organisation;
- (xi) Expulsion from a Relevant Organisation; and/or
- (xii) Any other form of discipline that is considered appropriate.

### Fines

Relevant Organisations may issue fines for any relevant breach if it is allowed in its Constitution, By-Laws, rules, regulations and policies.

In Bowls SA's case, its fines for breaches are noted in its Fines, Penalties and Lodgement Fee Schedule.

### Suspension

There are a number of different types of suspension that may be considered by the Relevant Organisation. There will normally be a time period associated, as noted in the penalty guide below.

Further guidance is provided on the types of suspensions which may be applied:

- a) **Venue suspension** – banned from entering the venue including the greens



- b) **Participation suspension** – banned from participating in the playing of sport at the Relevant Organisations level. This may include but not limited to practice, play, spectate, engage in club activities, events, major pathway tournaments or pennants.
- c) **Accreditation suspension** – banned from holding relevant qualification or position associated with holding that accreditation.
- d) **Membership suspension** – all rights at Relevant Organisation level are exhausted for a period of time.

*Please note, one may or may not, be able to enter the club if the person clears their membership to another club. This will be at the discretion of the Relevant Organisation who imposed the penalty.*

## Expulsion

Expulsion (can also be referred to as lifetime ban) is where a person can no longer be involved or hold membership rights with the Relevant Organisation. It is recommended that this level of penalty should only be imposed in extreme cases.

To add clarity to what this may involve the following information is provided:

- a) **Club Expulsion** – can no longer be a member of the club or attend the venue in any capacity
- b) **Association Expulsion** – can no longer participate in any Association events or represent an affiliated club at Association activities
- c) **Bowls SA Expulsion** – can no longer participate in any Bowls SA managed events or tournaments (including pennants) or hold membership with any Bowls SA affiliated club.
- e) **Accreditation Revoking** - can no longer hold relevant qualification or position associated with holding that accreditation.
  - a. In the case of a Bowls Australia Accreditation (ie Coaching or Official Accreditation), only Bowls Australia or a body authorised by Bowls Australia, can revoke a Bowls Australia Accreditation.
  - b. However, a Relevant Organisation may expel someone from holding a position that requires that accreditation within their jurisdiction. For example, they may no longer allow a person to coach at their club or officiate at Association events.

## Penalty Guide

Breaches	Penalties	
	The penalties listed are maximum	
	Respondent v Another	Respondent v Official
<b>Unsportsmanlike behaviour</b>	6 weeks suspension	6 weeks suspension
<b>Obscene gestures</b>	10 weeks suspension	20 weeks suspension
<b>Offensive language</b> (which may include abusive, obscene or insulting language)	10 weeks suspension	20 weeks suspension
<b>Attempting to strike</b>	10 weeks suspension	52 weeks suspension
<b>Assault</b>	52 weeks suspension	2 years suspension
<b>Striking:</b> (eg fist, hand, object, head)	2 years suspension	Life-time suspension
<b>Fighting</b>	52 weeks suspension	
<b>Threatening a person</b>	52 weeks suspension	2 years suspension
<b>Putting a person in fear of imminent violence</b>	52 weeks suspension	2 years suspension
<b>Playing, coaching or officiating while under suspension</b>	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
<b>Conduct which brings the game of Bowls into disrepute</b>	52 weeks suspension	
<b>Failure by any person required to attend a Disciplinary Hearing without proper cause (letter of explanation) when notified</b>	20 weeks suspension	
<b>Failure to co-operate in, or hindering an investigation initiated by the Relevant Organisation investigating the matter</b>	20 weeks suspension	
<b>Giving False Evidence to the Relevant Organisation investigating the matter</b>	As determined by the Relevant Organisation investigating the matter	
<b>Contempt of Disciplinary Hearing</b>	<p>Contempt may be found against any person connected with a hearing and may be decided on by the Relevant Organisation Hearing Panel at that hearing without further notice or at a subsequent hearing at the discretion of the Hearing Panel.</p> <ul style="list-style-type: none"> <li>- Any penalty imposed is in addition to any other penalty imposed on that person.</li> </ul>	
<b>Cheating, tanking, bribery or tampering with intent for any reason including to alter the result of a game</b>	Matter managed by Sports Integrity Australia under the Bowls Australia National Integrity Framework.	

# Definitions

<b>Appeal Tribunal</b>	<p>As defined in the National Sports Tribunal Policies – Conduct and Disciplinary Policy, means the appeals tribunal established under the Conduct and Disciplinary Policy, being either the NST Appeals Division or an Internal Appeals Tribunal as provided in this Policy.</p> <p>It may or may not, cover appeal processes outlined in alternative dispute management processes</p>
<b>Alternative Dispute Resolution or ADR</b>	As defined in the National Sports Tribunal Policies – Conduct and Disciplinary Policy, is a collective term for processes, such as mediation, to resolve disputes without the need for arbitration that will be applied to resolve the Alleged Breach in accordance with clause.
<b>Association</b>	As defined by the Bowls SA By-Laws, whether incorporated or unincorporated, are groups of Member Clubs within defined areas, the boundaries of which are determined or altered by the Board in consultation with the Association Delegates.
<b>Bowls Club / Sports Club</b>	A club for the sport of bowls that is autonomous / a sports bowls club that has a parent body.
<b>Breach of Rules</b>	Is defined as a breached, failed, refused or neglected to comply with a provision of the Relevant Organisation’s Constitution, the Regulations, policy or Condition of play, determination of the Board or any duly authorised committee.
<b>Complaints Manager</b>	<p>As defined in the National Sports Tribunal Policies – Conduct and Disciplinary Policy, means the person appointed by a Relevant Organisation to manage Alleged Breaches under this Policy.</p> <p>Must not be the same person as the Decision Maker for the relevant Alleged Breach</p>
<b>Conduct which brings bowls into disrepute</b>	Any conduct which in the opinion of Relevant Organisation reflects badly on bowls or Relevant Organisation and may include any other of the offences.
<b>Contempt</b>	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.
<b>Decision Maker</b>	<p>As defined in the National Sports Tribunal Policies – Conduct and Disciplinary Policy, means the person appointed by a Relevant Organisation to make certain decisions in relation to the resolution of Alleged Breaches.</p> <p>Must not be the same person as the Complaint Manager for the relevant Alleged Breach</p>
<b>Expulsion</b>	<p>Can also be referred to as lifetime ban, is where a person can no longer being involved or hold membership rights with the Relevant Organisation.</p> <p>Person(s) banned by the Relevant Organisation will have their sentence forwarded to Bowls SA, and in some cases Bowls Australia.</p>
<b>Fighting</b>	Fighting is any deliberate physical contact between individual bowlers, teams or sides.
<b>Hearing Tribunal</b>	As defined in the National Sports Tribunal Policies – Conduct and Disciplinary Policy, means the first instance tribunal established under the Conduct and Disciplinary Policy, being either the NST General Division or an Internal Tribunal as provided in this Policy.

	It may or may not, cover hearing tribunal processes outlined in alternative dispute management processes
<b>Instantaneous penalties</b>	All instantaneous penalties as prescribed in the <a href="#">Bowls Australia Instantaneous Penalties Policy</a> must be reported to Bowls SA who will determine if any further action is required.
<b>Obscene Gestures</b>	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.
<b>Offensive language</b>	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.
<b>Official</b>	Anyone holding a position of authority in the delivery of the game of Bowls or someone who is assisting an in the delivery of the game. This will include but not limited to: <ul style="list-style-type: none"> <li>• Competition Manager</li> <li>• Green Keeper</li> <li>• Official</li> <li>• Event volunteer</li> </ul>
<b>Putting in fear of impending violence</b>	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.
<b>Relevant Organisation</b>	Means any of the following organisations: <ol style="list-style-type: none"> <li>a) Bowls SA;</li> <li>b) Sports Organisations, which includes: <ol style="list-style-type: none"> <li>(i) Member Organisations (MO);</li> <li>(ii) Clubs; and</li> <li>(iii) Authorised Providers, which means any non-Member organisations authorised to conduct Activities sanctioned by Bowls SA or a MO;</li> </ol> </li> <li>c) Any other organisation who has agreed to be bound by the Relevant Organisation's Policies.</li> </ol>
<b>Respondent</b>	As defined in the National Sports Tribunal Policies – Conduct and Disciplinary Policy, means the person(s) who is alleged to have breach of rules of the Relevant Organisation and is the subject of an alleged breach.
<b>Serious Breach</b>	Any breach is considered serious where the maximum penalty on the Penalty Guide list is more than 10 weeks or an expulsion.
<b>Striking</b>	Striking is making contact with another person either with a part of the body or an object. It would include chesting, pushing or shoving. <ul style="list-style-type: none"> <li>• There must be some element of intent before this charge could be proved.</li> <li>• Physical contact should be considered to be serious, intentional or aggressive before a charge is made or found proven.</li> <li>• Accidental contact is not a striking offence.</li> </ul>
<b>Suspended Penalty</b>	A Club, Person, Individual Member(s), Club officials, officials and spectators can have their penalty suspension partly or fully suspended by a decision of the Relevant Organisation. <p>Matters for consideration for a suspended sentence could include:</p> <ul style="list-style-type: none"> <li>• a record of exemplary behaviour</li> <li>• serious extenuating circumstances</li> </ul>

	<ul style="list-style-type: none"> <li>involvement and contributions to the sport</li> </ul> <p>Suspended sentences will <b>not</b> be considered for serious breaches.</p>
<b>Suspensions</b>	<p>Subject to the discretion of the Relevant Organisation, Clubs, Persons, officials and spectators that have been suspended by a decision of the Relevant Organisation cannot play, coach or officiate (and if suspended from attending, attend) Pennant or Association games, tournaments or competitions run by the Relevant Organisation.</p> <ul style="list-style-type: none"> <li>Unless specified by the Relevant Organisation or the Person's Club, the Person can practice at their Club and enter their clubrooms.</li> <li>If a Person is permitted to attend a game while under suspension, the Person must demonstrate exemplary behaviour at all times.</li> </ul>
<b>Threatening</b>	<p>This offence is designed to protect all persons involved in bowls from threatening behaviour. The threat could either a verbal, written or a gesture.</p>
<b>Unsportsmanlike behaviour</b>	<p>Any behaviour which a reasonable person would consider unsporting or contrary to the objectives of BV or the sport of bowls generally.</p>

## References, Legislation & Industrial Instruments

- Bowls SA By-Laws
- Bowls SA Fines, Penalties and Lodgement Fee Schedule
- Bowls Australia, National Sports Tribunal Policies – Conduct and Disciplinary Policy
- Bowls Australia, National Sports Tribunal Policies – Review and Appeals Policy
- Bowls Australia Instantaneous Penalties Policy

These Guidelines is not intended to override any industrial instrument, contract, award, or legislation.

## Reviews and Updates

### Version History

Version	Changes	Endorsement date:	Endorsed by:

*Please note, most recent version information needs to be located at the top of the table*