

NATIONAL INTEGRITY FRAMEWORK

Complaints, Disputes and Discipline Policy

Commencement Date: February 25, 2023

Updated: February 2023

Contents

1.	Introduction	4
2.	Purpose	4
3.	Definitions	5
4.	Scope	7
5.	Jurisdiction	7
5.1	Who the Framework applies to	7
6.	Prohibited Conduct	8
6.1	What is Prohibited Conduct under this Policy?	8
6.2	Additional matters	8
7.	How to Make a Complaint or Report	9
7.1	What is a Complaint?	9
7.2	Who is a Complainant?	9
7.3	Who can be a Respondent?	9
7.4	Vulnerable Persons	9
7.5	Withdrawing a Complaint	9
7.6	What is a Report?	9
7.7	Who can make a Report?	9
7.8	Submitting a Complaint or Report	10
7.9	Responsibility for Managing Complaints or Reports	10
7.10	Confidentiality	10
7.11	Appointment of Golf Australia Complaint Manager	10
8.	The Complaints Process	10
8.1	Initial Evaluation	10
8.2	Assessment	11
8.3	Case Categorisation System	11
8.4	Provisional Action	11
8.5	Investigation	11
8.6	Standard of Proof	11
8.7	Notification to Parties	12

8.8	External Referral	11
8.9	Alternative Dispute Resolution	111
9.	Findings and Resolution Process	12
9.1	Findings	12
9.2	The Resolution Process	12
9.3	Appropriate sanctions	12
9.4	Breach Notice	13
9.5	Referral to a hearing	13
9.6	Hearing Tribunals	133
9.7	Appeals	143
9.8	Implementation	14
10.	Interpretation and other information	14
10.1	Application and Commencement	14
10.2	Amendment	14
10.3	Interpretation	144
	Appendix A – Case Categorisation & Guidance for Sanctions Booklet	155

1. Introduction

Golf Australia is committed to making Golf a fair place for all participants. To achieve this, Golf Australia has adopted the National Integrity Framework (**Framework**) designed by Sport Integrity Australia (**SIA**). The Framework is made up of five integrity policies for individuals and sports organisations to follow, collectively known as the Integrity Policies. Nothing in the Framework overrides the NSO's Constitution or a law of the Commonwealth or of a State or Territory, which take precedence and must be complied with in the first instance.

The Framework sets rules about the types of behaviour that are unacceptable in Australian sport—these behaviours are defined as **Prohibited Conduct**—and guides individuals and organisations on what to do if they experience or witness breaches of these rules.

Within the Framework, this Complaints, Disputes and Discipline Policy sets out the process for how allegations of Prohibited Conduct are managed and resolved.

This Policy should be read and used in conjunction with the other Integrity Policies:

- a) Child Safeguarding Policy;
- b) Competition Manipulation and Sport Wagering Policy;
- c) Improper Use of Drugs and Medicine Policy; and
- d) Member Protection Policy.

These four additional policies define actions and behaviours that may also constitute Prohibited Conduct for the purposes of this Policy.

This Policy subsumes the previous National Integrity Framework Policy and the Prohibited Conduct that was defined in and captured by that Policy.

2. Purpose

This Complaints, Disputes and Disciplines Policy and its procedures are designed to ensure that complaints, disputes, and misconduct related to Golf Australia and its relevant persons are managed through an effective, consistent, and timely process.

3. Definitions

- a) **Activity** means a sporting contest, match, competition, event, or activity (including training), whether on a one-off basis or as part of a series, league, or competition, sanctioned or organised by a Relevant Organisation.
- b) **Breach Notice** means a written notification given to the Respondent notifying them that they have not complied with the rules and conditions of the policies in the Framework.
- c) **Case Categorisation & Guidance for Sanctions** means a guideline prepared by SIA for evaluating allegations of Prohibited Conduct and determining the appropriate assessment process under the Framework.
- d) **Complaint** means a formal notification by a Complainant that alleges or provides information to indicate a Respondent has engaged in Prohibited Conduct.
- e) **Complaints Process** means the method of handling and resolving a Complaint under this Policy from the time that the Complaint is received to the Resolution.
- f) **Complainant** means a person who or an organisation which makes a Complaint about a Respondent in accordance with this Policy. A Complaint cannot be made anonymously or under a pseudonym.
- g) **Contractor** means any person or organisation engaged to provide services for or on behalf of a Relevant Organisation, and includes agents, advisers, and subcontractors of a Relevant Organisation and employees, officers, volunteers, and agents of a contractor or subcontractor.
- h) **Employee** means a person employed by Golf Australia or a Relevant Organisation
- i) **Hearings Tribunal** means a hearing where both parties involved in the matter attempt to resolve the dispute.
- j) **Integrity Policies** means the following Golf Australia sports integrity-related policies adopted under the Framework:
 - i. Child Safeguarding Policy;
 - ii. Competition Manipulation and Sport Wagering Policy;
 - iii. Improper Use of Drugs and Medicine Policy;
 - iv. Member Protection Policy;
 - v. Complaints, Disputes and Discipline Policy.
- k) **Member** means a member of Golf Australia or a Relevant Organisation, including **Member Organisations**, which means each company or incorporated association that is a member of Golf Australia and includes each:
 - i. State, territory, and club Member; and
 - ii. affiliate that is a member of a state or territory Member.
- l) **Individual Members** means individuals who are individuals registered with a Member Organisation.
- m) **NST** means the National Sports Tribunal
- n) **Participant means:**
 - i. Athletes who are registered with or entitled to participate in a Relevant Organisation or Activity;
 - ii. Coaches appointed to train an Athlete or Team in a Relevant Organisation or Activity;

- iii. Administrators who have a role in the administration or operation of a Relevant Organisation including owners, directors, committee members or other persons;
 - iv. Officials including referees, umpires, technical officials, or other officials appointed by a Relevant Organisation, Golf Australia, or any league, competition, series, Club or Team sanctioned by Golf Australia;
 - v. Support Personnel who are appointed in a professional or voluntary capacity by a Relevant Organisation, Golf Australia, or any league, competition, series, Club or Team sanctioned by Golf Australia including sports science and sports medicine personnel, team managers, agents, selectors, and team staff members.
- o) Prohibited Conduct** means the conduct proscribed in each of the Integrity Policies, including the conduct proscribed under clause 6.
 - p) Protected Disclosure** means, where a Relevant Organisation is a "*regulated entity*" under the whistleblower laws in the *Corporations Act 2001 (Cth)*, a disclosure of information to the Relevant Organisation that qualifies for protection under those laws.
 - q) Provisional Action** means the process undertaken to impose a temporary measure on a Respondent while they are subject to a Complaints Process, or an investigation by law enforcement.
 - r) Relevant Organisation** means any of the following organisations:
 - i. Golf Australia;
 - ii. Member Organisations; or
 - iii. Any other organisation that has agreed to be bound by the Framework and the Integrity Policies.
 - s) Relevant Person** means any of the following persons:
 - i. Individual Member;
 - ii. Participant;
 - iii. Employee;
 - iv. Contractor;
 - v. volunteer; or
 - vi. Any other individual who has agreed to be bound by the Framework and the Integrity Policies.
 - t) Report** means a formal notification that alleges or provides information to indicate a Respondent has engaged in Prohibited Conduct. A Report can be made anonymously.
 - u) Reporter** means any person or organisation, including a Relevant Organisation, who has reason to believe that Prohibited Conduct under an Integrity Policy may have occurred.
 - v) Respondent** means the person/s or organisation/s against whom a Complaint has been made.
 - w) Sanction** means a disciplinary actions taken against a Respondent for breaching a policy under the Framework.
 - x) Vulnerable Person** means a person who is:
 - i. under the age of 18; or
 - ii. aged 18 or over but is or may be unable to take care of themselves or is unable to protect themselves against harm or exploitation, by reason of age, illness, trauma or disability, or any other reason.

4. Scope

- a) The Framework comprises this policy document and the other Integrity Policies.
- b) Nothing in the Framework limits the rights or obligations of any person under any other Golf Australia policy, code of conduct or other relevant agreement.
- c) The Framework does not override <NSO's> Constitution or limit the application of any laws of Australia or a state/territory.
- d) The 'Summary' at the start of each Integrity Policy is not intended to be and should not be construed in any way as a complete and comprehensive overview of the relevant Integrity Policy. To the extent of any inconsistency, the operative provisions of the relevant Integrity Policy prevail.

5. Jurisdiction

5.1 Who the Framework applies to

- a) The Framework applies to and binds all Relevant Persons and Relevant Organisations.
- b) Employees are expected to abide by the terms of the Framework as a reasonable and lawful direction of the Relevant Organisation they are employed by (as relevant) as their employer.
- c) Relevant Organisations must ensure that all Contractors and volunteers are contractually bound to abide by the terms of this Framework.
- d) By participating in an Activity, a Participant is deemed to have agreed to be bound by the Framework.
- e) The Framework also applies to and binds any person or organisation who:
 - i. has had a Complaint made against them; and
 - ii. was bound by the Framework at the time of the alleged behaviour.

6. Prohibited Conduct

6.1 What is Prohibited Conduct under this Policy?

- a) In addition to the conduct prescribed under each of the other Integrity Policies, a Relevant Person or a Relevant Organisation engages in Prohibited Conduct under this policy if they:
- i. fail to report any conduct which is reasonably likely to be Prohibited Conduct as soon as reasonably practicable after they become aware of it;
 - ii. deliberately or wilfully withhold information in relation to any conduct which is reasonably likely to be Prohibited Conduct;
 - iii. fail to provide further information or documentation as requested during the complaint process;
 - iv. fail to comply with a Breach Notice;
 - v. knowingly provide any inaccurate and/or misleading information during the course of any Complaint assessment under this Policy; or
 - vi. fail to comply with obligations under this Policy to keep information confidential.

6.2 Additional matters

- a) Laws of the Commonwealth, or a State or Territory, take precedence and must be complied with in the first instance.
- b) Where conduct may constitute **Prohibited Conduct** under the Framework or any Integrity Policy but is a Protected Disclosure with respect to Golf Australia it must be dealt with under Golf Australia's whistleblower policy.
- c) The Australian National Anti-Doping Policy (**ANADP**) will prevail to the extent of any inconsistency with the Framework in all instances. Any allegation relating to a breach or possible breach of the ANADP will be dealt with under that policy.
- d) Nothing in the Framework or the Integrity Policies prevents the Golf Australia Board from referring any alleged Prohibited Conduct or criminal conduct to a relevant law enforcement agency.

7. How to Make a Complaint or Report

7.1 What is a Complaint?

A **Complaint** means a formal notification of an alleged breach of one of the Integrity Policies:

- i. made by a Complainant; and
- ii. relating to Prohibited Conduct under one or more of the Integrity Policies; and
- iii. against a Respondent.

7.2 Who is a Complainant?

A **Complainant** must be a person or Organisation that is directly affected by the alleged Prohibited Conduct. Where the person directly affected by the conduct is a Vulnerable Person, a Complaint may be submitted on their behalf by a parent or guardian. The Vulnerable Person will still be considered the Complainant when a Complaint is submitted on their behalf. A Complainant's legal representative may make a complaint on the Complainant's behalf.

7.3 Who can be a Respondent?

A Respondent must be a Relevant Person who, or Relevant Organisation which, was bound by the Integrity Policies they are alleged to have breached at the time the alleged Prohibited Conduct occurred.

7.4 Vulnerable Persons

- a) Where a Complainant or Respondent is a Vulnerable Person, the parent or guardian of the Vulnerable Person may act on behalf of the Vulnerable Person and accompany them throughout any relevant process under this policy.
- b) SIA and Relevant Organisations may have regard to the guide entitled "Complaint Handling Guide: Upholding the rights of children and young people" issued by the National Office for Child Safety in managing Complaints made on behalf of or involving Vulnerable Persons, currently available at Complaint Handling Guide: Upholding the rights of children and young people (ag.gov.au), or such other guide that may replace it.
- c) Any Complainant or Respondent may request that they be accompanied by a support person. This request will generally be granted unless there is a specific reason to deny it (for example, where the nominated support person is also a witness to the allegations or is continuously interrupting the interview process). Reporters and witnesses may be permitted to be accompanied by a support person where there is an identified need.

7.5 Withdrawing a Complaint

A Complaint can be withdrawn at any time. Withdrawing a complaint must be done in writing and may be submitted via electronic means.

7.6 What is a Report?

A Report is a formal notification of an allegation/s that a Respondent has engaged in conduct which may be Prohibited Conduct under an Integrity Policy. A Report may be made anonymously, however this may limit the actions able to be taken. The process for managing a Report will be at the discretion of the NSO Complaints Manager or SIA, which may include managing the Report through the Complaints Process.

7.7 Who can make a Report?

A Report can be made by any person or organisation, including a Relevant Organisation, who has reason to believe that Prohibited Conduct under an Integrity Policy may have occurred.

7.8 Submitting a Complaint or Report

- a) A Complaint or Report must be submitted to the organisation responsible for managing the matter in writing (incl. electronic means).
- b) The online web form is the preferred method for submitting a Complaint or Report to SIA.

7.9 Responsibility for Managing Complaints or Reports

- a) A Complaint or Report can be submitted to SIA where it relates to alleged Prohibited Conduct under the Child Safeguarding Policy, or allegations relating to discrimination based on a protected characteristic, including race, sex, age, disability or religion.
- b) A Complaint or Report can be submitted to the Relevant Organisation where it relates to alleged Prohibited Conduct under any of the Integrity Policies.

7.10 Confidentiality

All parties involved in a Complaint or Report will keep the Complaint or Report confidential. Decisions around appropriate disclosure of information will be addressed on a case-by-case basis. Disclosure of information to Reporters not directly affected by the alleged behaviour may be restricted.

7.11 Appointment of Golf Australia Complaint Manager

- a) Golf Australia will appoint a person to be the Golf Australia Complaint Manager, who will be the person within Golf Australia with primary responsibility for managing Golf Australia's obligations under this Policy.
- b) The Golf Australia Complaint Manager will provide information to SIA as requested by SIA for any matters referred to SIA to undertake the Complaints Processes.

8. The Complaints Process

8.1 Initial Evaluation

- a) Upon receipt of a Complaint the matter will be evaluated to determine if it is in-scope under the Integrity Policies.
- b) A Complaint must be:
 - i. of a level of seriousness and
 - ii. meet the definition of alleged Prohibited Conduct under one of the Integrity Policies,
 to be considered in-scope under the Framework.
- c) A Complaint relating to matters such as personal grievances, employment, governance, eligibility and selection disputes, competition-related rules, mischievous or vexatious claims will be deemed out-of-scope and can not be considered under the Framework. SIA will not reinvestigate a matter that has been previously managed through a Complaints process unless new information becomes available or there are compelling reasons to do so.
- d) Should an in-scope matter related to Prohibited Conduct under an Integrity Policy also fall under another Golf Australia policy, a determination will be made as to which policy is more appropriate for the matter to be handled.

8.2 Assessment

Once a Complaint has been deemed to be in-scope, an Assessment of the matter will be undertaken. The Assessment stage may involve Case Categorisation to determine an appropriate mechanism to deal with the Complaint and may involve an investigation.

8.3 Case Categorisation System

During the Assessment stage, the matter may be assessed using the Case Categorisation System. Complaints are categorised on the basis of their level of *harm* and *complexity* (refer **Appendix A**).

8.4 Provisional Action

- a) During the Assessment stage, Golf Australia will determine whether any Provisional Action(s) will be taken where the allegations involve behaviour that suggests there is a possible risk of harm to participants of the Sport. Provisional Action may include suspension, supervision, restriction of duties or temporary re-deployment, or suspension or restriction of rights, privileges or benefits.
- b) For matters being managed by Sport Integrity Australia, Sport Integrity Australia will advise Golf Australia of matters in which possible risk of harm to participants of the Sport is identified to enable NSO> to determine any Provisional Action it deems appropriate in the circumstances.
- c) If Provisional Action is imposed, a Respondent may seek to have that decision reviewed by an independent hearing, which shall only consider whether the decision to impose the Provisional Action is proportionate. Such hearing will not consider the merits of the Complaint.

8.5 Investigation

An investigation may be undertaken to determine if the alleged Prohibited Conduct is a breach of an Integrity Policy and may involve formal interviews and collection of additional evidence. In conducting investigations, both the Complainant and the Respondent will be provided a reasonable opportunity to be heard.

8.6 Standard of Proof

- a) The standard of proof that applies to all substantive decisions made under this Policy in respect of allegations is "balance of probabilities". Balance of probabilities requires that something must be more likely to have happened than not to have happened.
- b) Where a Respondent has been convicted or found guilty in a criminal, disciplinary or professional proceeding of engaging in conduct which would be a breach of an Integrity Policy, the Respondent is deemed under this Policy to have committed Prohibited Conduct without requiring further investigation or any further process and the Relevant Organisation may proceed to sanction.

8.7 External Referral

- a) At any time during the Complaints Process, allegations may be referred to a relevant external organisation if it will assist the organisation to perform or exercise any of the functions, duties or powers (this may include a law enforcement agency, government or regulatory authority or child protection agency).
- b) If an external referral is made, the Complaints Process may be suspended pending external resolution to avoid any potential compromise to the external process.

8.8 Alternative Dispute Resolution

- a) The Complainant and the Respondent may agree to alternative dispute resolution. The Complaints Process may be suspended while alternative dispute resolution is pursued. The Complaints Process may be discontinued if both parties are satisfied that the matter has been resolved.
- b) This process may be coordinated by the Golf Australia Complaint Manager, if required.

9. Findings and Resolution Process

9.1 Findings

Where a Complaint is subject to an investigation, NSO or SIA (as applicable) will

- i. Make findings as to whether, to the requisite Standard of Proof, the Alleged Breach is substantiated, unsubstantiated or unable to be substantiated.
- ii. In cases where SIA investigates the Complaint, SIA will notify the parties of the findings, and refer to the NSO to manage the resolution process.

9.2 The Resolution Process

- a) If a Complaint is in-scope and if necessary and appropriate to a Complaint Golf Australia must implement an appropriate resolution process.
- b) Golf Australia may delegate the management of the resolution process to another Relevant Organisation. When considering delegation, NSO will consider if there are any conflict of interest matters that may arise if the resolution process were to be managed at the Relevant Organisation level or if the Relevant Organisation does not have the capacity to manage the resolution process.
- c) Golf Australia will if appropriate apply and administer sanctions (including if appropriate the issue of a Breach Notice to the Respondent) and other related measures as they see fit. NSO may have regard to the Case Categorisation System and Guidance for Sanctioning.
- d) Where a Respondent admits the Alleged Breach and accepts the Sanction or fails to respond to the Breach Notice satisfactorily or at all or within the time prescribed within the Breach Notice, the Golf Australia Complaint Manager may take steps to impose and implement the Sanction and finalise the Complaint.

9.3 Notification to Parties

Golf Australia will communicate with the Respondent throughout the Resolution Process and will notify both the Complainant and the Respondent at the conclusion of the Complaints Process.

9.4 Appropriate sanctions

- a) Golf Australia may impose sanctions where the behaviour warrants such action.
- b) When deciding on an appropriate sanction Golf Australia may refer to the SIA Guidance for Sanctioning and may consider:
 - i. the seriousness of the behaviour;
 - ii. whether it was a one-off incident or part of an overall pattern of behaviour;
 - iii. whether it was an honest and reasonable mistake;
 - iv. the potential impact on public confidence in the integrity of the sport;
 - v. the views and opinion of the Complainant; and
 - vi. any relevant aggravating or mitigating factors.

9.5 Breach Notice

- a) Any Breach Notice issued by Golf Australia to a Respondent will:
- i. notify the Respondent of the alleged breach, including the alleged conduct;
 - ii. state the proposed Sanction for the alleged breach;
 - iii. state that the Respondent has a right to a hearing in relation to the alleged breach and/or the proposed Sanction;
 - iv. state that the Respondent may admit the alleged breach, waive their right to a hearing and accept the proposed Sanction;
 - v. state that if the Respondent does not respond within 14 days of receipt of the Breach Notice, they will be deemed to have admitted the Alleged Breach, waived their right to a hearing and accepted the proposed Sanction;
 - vi. state that any response to the Breach Notice must be made to Golf Australia, and provide contact details of the Golf Australia Complaint Manager; and
 - vii. be provided to the Respondent, and (if applicable) Relevant Organisation.
- b) In response to a Breach Notice, a Respondent may:
- i. admit the alleged breach, waive their right to a hearing and accept the proposed Sanction;
 - ii. dispute the alleged breach and/or the proposed Sanction, in which the case the matter will be referred to a Hearing Tribunal under this Policy; or
 - iii. not respond, in which case they will be deemed to have admitted the alleged breach, waived their right to a hearing and accepted the proposed Sanction.
- c) A Respondent has 14 days from receipt of the Breach Notice to respond to the Breach Notice.

9.6 Referral to a hearing

- a) If the Respondent disputes the alleged breach and/or Sanction, the Golf Australia Complaint Manager may either:
- i. if an NST eligible matter, refer the alleged breach to the NST General Division for arbitration; or
 - ii. for all other matters, refer the alleged breach to an hearing tribunal, either at Golf Australia level or Relevant Organisation level.
- b) Any fees associated with having the alleged breach brought to, or determined by, the NST will be the responsibility of the Applicant and the Respondent in such proportions as the NST determines in its absolute discretion.

9.7 Hearing Tribunals

- a) Arrangements must be established to manage internal hearings and appeals.
- b) If arbitration is sought in either the NST General Division or a hearing tribunal, the relevant tribunal will as appropriate:
- i. determine whether any Provisional Action imposed is disproportionate; or
 - ii. arbitrate the Alleged Breach and determine whether a Sanction be imposed.

9.8 Appeals

- a) A decision of a hearing tribunal In respect of:
 - i. Provisional Action, is not subject to appeal or
 - ii. an Alleged Breach and Sanction, is subject to appeal.
- b) The decision of a hearing tribunal can only be appealed by the Respondent and/or the Relevant Organisation on the following grounds:
 - i. the hearing tribunal failed to properly apply the relevant Integrity Policy and such failure resulted in a denial of natural justice; and/or
 - ii. no reasonable decision maker in the position of the hearing tribunal, based on the material before them, could reasonably make such a decision.

9.9 Implementation

Golf Australia will to ensure that appropriate Sanctions (or other alternative actions) are imposed and undertaken, and that the Framework and Integrity Policies are implemented and applied. Golf Australia will use best endeavours to ensure that Relevant Persons and Relevant Organisations are aware of the Framework and the Integrity Policies and seek to facilitate an understanding for how they apply to individuals and organisations within Golf . This may include relevant educational material that SIA provides from time to time.

10. Interpretation and other information

10.1 Application and Commencement

- a) The Framework is approved by the Golf Australia Board.
- b) The Framework:
 - i. commences on the date outlined on the front cover (Commencement Date);
 - ii. is subject to the Golf Australia Constitution and if there is any inconsistency, the constitution will prevail; and
 - iii. when in force, is binding on all Relevant Persons and Relevant Organisations.

10.2 Amendment

- a) In accordance with the Golf Australia Constitution, the Board may amend the Framework and the Integrity Policies including to incorporate amendments notified to the Golf Australia by SIA from time to time. Such amendments will be effective on the date specified by the Board.
- b) Member Organisations will adopt the Framework, including any amendments, in full and without amendment, as a policy under their constitution, within three (3) months of the date it is adopted by Golf Australia.

10.3 Interpretation

- a) The following rules of interpretation apply to the Framework and each Integrity Policy:
 - i. Headings are for convenience only and shall not be deemed part of the substance of the document or to affect in any way the language of the provisions to which they refer.
 - ii. Words in the singular include the plural and vice versa.
 - iii. Reference to 'including' and similar words are not words of limitation.

- iv. Words importing a gender include any other gender.
- v. A reference to a clause is a reference to a clause or subclause of the Framework.
- vi. Where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.
- vii. In the event any provision of the Framework is determined invalid or unenforceable, the remaining provisions shall not be affected, and the document shall not fail because any part of it is held invalid.
- viii. Except as otherwise stated herein, failure to exercise or enforce any right conferred by the Framework shall not be deemed to be a waiver of any such right nor operate to bar the exercise or enforcement thereof or of any other right on any other occasion;
- ix. Defined terms are Capitalised and consistent across the Framework/Integrity Policies.

Appendix A - Case Categorisation & Guidance for Sanctions Booklet

[Link to Booklet](#)
