

DISCIPLINARY PROCEDURE

(Constitution S11; By-Law 38)

1. INTRODUCTION

This procedure has been established by the Board of Directors of Long Reef Golf Club to be followed where a Member of the Club has been charged in accordance with the provisions set down in Section 11 of the Club's Constitution. It is based on the guidance given in the current Best Practice Guidelines to the Clubs NSW Code of Practice.

2.1. Where a charge has been brought concerning a Member, the Board will establish a Disciplinary Committee consisting of one Director, the General Manager or their nominee, and one other Full Member appointed at the Board's discretion. The Director will be the chairperson.

2.2. A date will be set for a hearing of the charge and the Member charged will be notified in writing at least 7 days prior to the hearing and the procedure at the hearing. A copy of the format of the "notice of charge" letter to be used for this purpose is attached. Every effort should be made by the Disciplinary Committee to conduct, resolve and conclude the hearing proceedings on the day of the hearing. Deferrals in exceptional circumstances can only be decided by the chairperson.

2.3. If the Member fails to attend the hearing the charge will still be considered and decided by the Disciplinary Committee in the Member's absence. The proceedings of the hearing will be recorded with the exception of the deliberations of the Disciplinary Committee as per item 13 below.

2.4. The Member charged will be given the opportunity to plead to the charge, that is: guilty or not guilty.

2.5. The Member charged will be given the opportunity to read any witness statements in evidence in support of the charge and cross examine any witnesses. The General Manager should send witness statements to the Member charged at least 72 hours

before the hearing. The General Manager will request the Member charged to advise whether such witnesses are required to attend the hearing for cross examination.

1.6. The Disciplinary Committee may call witnesses to give oral evidence in support of the charge(s) at the hearing and be subject to cross examination. The Member charged may provide the Disciplinary Committee with written personal or witness statements in their defence of the charge(s). Any such statements should be provided to the General Manager at least 72 hours before the hearing. The Member charged may also request in their defence of the charge(s) that such witness attend the hearing and be subject to cross examination.

1.7. During the hearing, the Member charged will be invited to give any further evidence or explanation orally or in writing in response to the charge(s). As per 6 above, The Member charged may also request witnesses to give evidence orally or in writing. The Disciplinary Committee may ask questions of the Member charged and cross examine any witness called by the Member charged in relation to their evidence.

1.8. The Member charged will then be asked to leave the room while the Disciplinary Committee considers all the evidence and the response of the Member charged. A decision will then be made as to whether the Member charged is guilty or not guilty of the charge(s).

1.9. The decision will be decided by a majority vote. The formal resolution will be framed as follows:

“That (the Member charged) is guilty/not guilty of the disciplinary charge of as set out in the Notice of Disciplinary Charge and hearing dated

2.0. The Member charged will then be invited back into the hearing and informed of the Disciplinary Hearing’s decision.

2.1. If the Member charged is found not guilty then that is the end of the matter.

2.2. If the Member charged pleads guilty or is found be guilty by the Disciplinary Committee then the Member charged will then be informed that the hearing has the power to reprimand, suspend, expel, accept resignation or impose no penalty. The General Manager will also table details of any prior instances of the Member being disciplined by the Club.

2.3 The Member charged will be given the opportunity to make submissions in mitigation of penalty.

2.6. The Member charged will be asked to leave the hearing and remain in the Club until the Disciplinary Committee has made its decision. The Disciplinary Committee will keep confidential their deliberations and reasoning as to finding/s of guilt or otherwise, and whatever the disciplinary response might be in the light of finding/s of guilt.

2.7. The penalty to be imposed will be by majority vote.

2.8. The Disciplinary Committee will then invite the Member charged to rejoin the meeting to inform them of the decision. It will be framed as follows:

a) “That (the person charged) having been found guilty of the charge of be reprimanded/ suspended/ expelled /no penalty be imposed.” Where the penalty is one of suspension the period of suspension must be specified. Such period must include any period of suspension imposed by the President of the Club and already served in accordance with Section 11.5.2 of the Constitution.

2.9. The Disciplinary Committee will keep confidential their deliberations and reasoning as to finding/s of guilt or for whatever the disciplinary response might be in the light of finding/s of guilt.

3.0. The Member will then be informed of their right of review to the Board in accordance with section 11.10 of the Constitution which states “A member seeking such review must provide the additional and /or new information in writing and if desired request to appear before the Board, presenting the reasons why they disagree with a decision made by the Disciplinary Committee, provided such request is received by the General Manager within 7 days of the date of notification of the first decision of the Disciplinary Committee”

3.1. A formal letter will be sent to the Member charged the following day confirming or informing them of the decision and their right of review.

3.2. No third party, including any other Member, should be informed of the results of the Disciplinary Hearing. If the Member charged is suspended or expelled, the only persons to be informed are staff responsible for the Club’s entrance or the conduct of Golf Operations, to ensure that the person charged does not enter the Club or is able to play golf at LRGC. Such staff should be advised that (the Member charged) is not permitted to be admitted to the Club or play golf at LRGC, and that this should be kept confidential and not disclosed to anyone else.

3.3. Record keeping for complaints, charges and commensurate disciplinary proceedings must be kept in accordance with the Disciplinary Proceedings set down in the current Best Practice Guidelines to the Clubs NSW Code of Practice. Such records must include:

- (a) Date and time of hearing.
- (b) Name and address of the Member who is the subject of the hearing.
- (c) Names of members of the Director/s and Members of the Disciplinary Committee in attendance.
- (d) A copy of the Notice of Charge letter.
- (e) Minutes of the proceedings.
- (f) The decision reached and actions to follow.
- (g) A copy of the notice of the Disciplinary Committee's decision.