

## **ALBURY TENNIS ASSOCIATION CODE OF CONDUCT**

### **Introduction and framework**

1. This document sets out the code of conduct or behaviour expected of those persons participating in any tennis event run or sanctioned by the Albury Tennis Association (ATA) either occurring at the Albury Grass Courts or at another tennis venue where the ATA runs or co-ordinates the event. Code refers to this code of conduct and Committee refers to the ATA Committee.
2. A player refers to a person playing in a tennis event. A spectator refers to a person at a tennis event who is not a player and not a person involved in the running of a tennis event either in an official or unofficial capacity.
3. A participant refers to a player, coach, official or spectator as the case requires who is present at a tennis event or is upon or within the immediate precincts of the land known as the Albury Grass Courts and adjacent car park off Hovell Street.
4. A tennis event includes an event, game, match, completion or social play conducted at the Albury Grass Courts or an event run or sanctioned by the ATA at another tennis venue or centre.
5. An associated club includes any club which is affiliated or is a member of the ATA or which participates in a tennis event run or sanctioned by the ATA.
6. A complaint means an alleged breach of this Code and a complainant means a person who is alleged to have breached this code of conduct.
7. This document is the primary document setting out the code of conduct for the ATA and is to be applied to the exclusion of any other code of conduct. If this Code does not cover a particular event or circumstance or is unclear in some respect, then the Code of Behaviour published by Tennis Australia from time to time and generally titled "Code of Behaviour: Tournaments and Competitions" will apply. Where there is a conflict between this Code and the code of behaviour published by Tennis Australia, then the ATA Code will prevail.
8. Where there is a conflict between any code of conduct and the Rules or Constitution of the ATA, then the Rules or Constitution of the ATA will apply.
9. The code of conduct and any complaint in relation to a breach of this code is to be administered by the Committee of the ATA. The Committee of the ATA may delegate the complaint to be dealt with by an individual who may or may not be a member of the ATA, a sub-Committee of 2 or more persons of which at least one member must be a member of the ATA or one of its Committees, or to the pennant and grading sub-Committee of the ATA.
10. The Committee has a discretion to extend any time limits referred to in this code either before or after the time limit has expired and to regulate its own procedure regarding any complaint or appeal.
11. A reference in this Code to the Committee is to the Committee of the ATA.

12. Every person who becomes a participant agrees to do so on the basis that they are then bound by this is Code of Conduct.

### **Relationship between ATA and other tennis clubs**

13. The ATA has the primary responsibility of administering any alleged breach of this code against any of its own members and against any participant attending a tennis event.
14. A participant's local tennis club will have the primary responsibility for administering any complaint against one of its members in accordance with its own code of conduct occurring at any tennis event other than at any event conducted at the Albury Grass Courts.
15. A code of conduct complaint against any participant at a tennis event must be reported by the participant's local club to the ATA within 7 days of having received the complaint.
16. A participant may be sanctioned for any breach of this code at a tennis event by the ATA even if the participant has already been sanctioned or faces sanctioning by his or her local tennis club for the same offence. The double jeopardy rule does not apply to penalties imposed by this code of conduct as a breach of the code is not a criminal offence.

### **Reporting a breach of the code of conduct**

17. A report in relation to an alleged breach of this code by a participant may be made verbally or in writing.
18. A verbal complaint may be made to any Committee member of the ATA, to an appointed official at a tennis event including an official of the club at which the tennis event is occurring or to any member of the Committee's pennant and grading sub-Committee. A verbal complaint can only be made on the same day of the alleged breach occurring. A person making a verbal complaint may be requested by the person receiving the complaint to make the complaint in writing.
19. A written complaint or notification must be made to the Secretary of the ATA by letter or email at [alburytennis1@bigpond.com](mailto:alburytennis1@bigpond.com) or the relevant email address at the time, by post or hand delivery.
20. A written complaint must be made within 7 days of the alleged breach occurring. The Committee has the discretion to accept a late written complaint up to 14 days after the alleged breach is said to have occurred. Complaints received more than 14 days after the alleged breach occurring will only be considered in exceptional circumstances.

### **Investigation and determination of alleged breach of code of conduct**

21. If a verbal complaint is received, then the matter is to be dealt with on the day by the person receiving the complaint providing he or she determines it is reasonable to do so. However, the person dealing with the complaint is to notify the Committee within 7 days of having done so including an outline of the complaint and how it was dealt with. The Committee may resolve to take no further action or lay its own complaint in relation to the alleged breach of the code.
22. The Committee including the pennant and grading sub-committee may lay its own complaint against any participant in relation to an alleged breach of this code.
23. On receiving a written complaint, the Committee including the pennant and grading sub-committee, may resolve to take no further action and dismiss the complaint, affirm an earlier decision in relation to a verbal complaint or investigate and determine the complaint on its merits.
24. The manner in which a complaint is to be investigated is to be determined by the Committee according to the nature of the complaint.
25. A person who is the subject of the complaint must be given sufficient particulars of the allegations to enable that person to respond to the complaint and must be invited to do so and informed as to the manner in which he or she is to respond including any applicable time limits to do so. An investigation into a complaint may proceed even if a complainant fails respond within the terms of the invitation to do so.
26. The strict rule of evidence does not apply to the investigation of a complaint and the investigating person or Committee may inform him or herself about matters in any manner it considers fit. The standard or proof to find any complaint proved is to generally to be the *Briginshaw* test, namely that the standard of proof must be responsive to the gravity of the facts in issue and the consequences of the ultimate decision. The alleged breach of this code has to be proved or established to a “comfortable satisfaction” by the of the investigator or investigating Committee. A state of comfortable satisfaction is not likely to be reached if based in uncertain proofs of evidence or where findings are reached by drawing indirect inferences.
27. If it is determined that a participant has been in breach of this code, the participant is to be provided with sufficient details of the breach to enable to person to make further submissions in relation to the applicable penalty including the manner and time by which those submissions are to be made which cannot be less than 7 days.

28. The investigator or any investigating Committee will proceed to a final determination of penalty taking into account all submissions received in relation to penalty once the time for submissions from the complainant has expired.
29. All parties to the complaint are to be advised of the outcome of the investigation and any penalty imposed including their rights of appeal, if any, as soon as practical once the matter has been completed.

### **Appeals –level 2 offences only**

30. A person who is the subject of having a complaint proved against them in relation to a level 2 offence may appeal the finding including the penalty or fine imposed on them. A participant does not have any right of appeal in relation to a finding and imposition of a penalty or fine for a level 1 offence.
31. A notice of appeal must be lodged by a complaint in writing with the Committee of the ATA within 7 days of the complainant having been notified of the original penalty and pay the appropriate filing fee.
32. Within 7 days of lodging an appeal, the complainant must pay the appropriate filing fee fixed at \$100.00 made paid to the ATA in order to complete the lodging of the appeal. If the filing fee is not paid within time the appeal stands dismissed.
33. A notice of appeal must clearly state the grounds for appeal, the material relied upon and provide an outline of any fresh evidence to be adduced. The notice must also state whether the appeal is in relation to a finding of having breached the code, in relation to penalty or both.
34. Once an appeal is competently lodged, the Committee of the ATA will convene as soon as possible and no later than 7 days to determine the appeal. The Committee may re-investigate the matter if there is fresh evidence and if not then determine the matter on the material already available. If the matter is to be re-investigated, then the complainant must be given an opportunity within a reasonable time to respond to any additional material to enable the Committee to consider it. If the complainant fails to prove any additional material within the specified time, then the Committee may proceed to determine the matter on the material presently before it.
35. If the Committee finds the complaint proved, then the Committee must within 14 days provide the complainant with sufficient particulars of the findings to enable the complainant to make submissions in relation to penalty and the Committee must advise the complainant when those submissions are to be received by, which cannot be less than 7 days. If submissions in relation to penalty are not received within the stipulated time, then the Committee may proceed to a final determination of the matter.
36. The parties to the complainant must be advised of the outcome of the appeal within 14 days of its final determination.
37. The determination by the Committee of any appeal is final and there is not right to any further appeal or review.

38. Where an appeal is wholly successful, the filing fee is to be refunded to the complainant in full. Where the appeal is partially successful, then 50% of the filling fee is to be refunded to the complainant. Where the appeal is unsuccessful then the filing fee is forfeited to the ATA.

### **Code of Conduct**

39. The code of conduct is set out in the schedule annexed hereto.

### **Breaches of the Code**

40. A person against whom a code of conduct complaint is made in relation to a tier 2 offence and who at the first opportunity accepts that her or she has breached the Code as alleged, is entitled to a 25% discount in relation to penalty.
  
41. The imposition of any monetary fine is to secure compliance with the code, to act as a deterrence to others from breaching the code, to protect participants and to protect the reputation of tennis generally, the reputation of any associated club and the core objectives of the ATA.
  
42. The action taken against a participant must be proportional to the seriousness of the breach of the code.
  
43. Where a participant has been charged with a criminal offence or has had a criminal offence proven against them and the ATA considers in its absolute discretion that the person pose an actual or potential risk of harm, the ATA may proceed with an interim suspension that person for such period of time it considers appropriate.
  
44. Where a participant is alleged to have breached this code, that person may be given an interim suspension pending the completion of the determination of the breach or until the Committee considers appropriate.
  
45. Any period of suspension imposed on a participant must state the date from which the suspension is to commence. Any fine imposed on a participant must state when the fine is due and payable and the consequences if any if the fine is not paid by the due date.
  
46. A person may apply to pay a fine by reasonable instalments. Without fettering the Committee's discretion, ordinarily a person who fails to pay a fine by a due

date will be suspended until the fine is paid in full or until he or she complies with the terms for payment.

47. Any multiple periods of suspension imposed on a participant are to be served cumulatively (not concurrently) and must be served over a continuous period of time.
48. Where a term of suspension encroaches upon a period of time where the tennis competition is in recess (ie over the summer break or between winter and summer pennants) or where scheduled play does not commence for the day (ie rain event or washout), then the period(s) of recess or the day(s) for which play is abandoned are not to be included towards satisfaction of the period of suspension served. Days where play commences but is then abandoned do count towards serving a period of suspension.
49. A participant who fails, neglects or ignores to comply with a period of suspension, comply with any other penalty or direction imposed on them for a breach of this Code or who fails to pay fine by the due date commits a further breach of the Code and liable to be dealt with accordingly.
50. Where a person lodges a competent appeal against any disciplinary action against them, the disciplinary action imposed on them initially is suspended until the appeal is determined. However, this provision does not affect the ability of the Committee to impose a period of interim suspension should the Committee in its absolute discretion consider it necessary to do so.
51. A participant may be charged with multiple breaches of the Code in relation to a single event.

### **Children and minors**

52. This code of conduct applies equally to children and minors as it does to adults.

### **Disciplinary action which can be taken**

53. Action taken against a participant for a breach of the code may include:
  - a. a warning,
  - b. forfeiture of a point, set or match,

- c. suspension from play for the day or period of days,
  - d. suspension from play for a match or period of matches,
  - e. suspension from further participation in a tennis event for a period of time including a life suspension,
  - f. ejection or expulsion from the tennis event and facility for a day or period of days
  
  - g. the imposition of a monetary fine in accordance with the Schedule
  - h. a requirement to pay compensation including costs, out-of-pocket expenses and liquidated damages to the ATA or another person.
54. The Committee has the discretion to dismiss any breach of the code where the breach is trivial or otherwise deserving of dismissal, has already been satisfactorily dealt with, or to find the breach proved but impose no penalty or fine or only issue a warning against further breaches.

#### **Responsibility of Associated Clubs**

55. Associated clubs must recognise any finding of the breach of this Code and must make all reasonable endeavours to ensure that their participants or members comply with any disciplinary action taken against that person. Failure to do so by an associated club amounts to a breach of this Code.