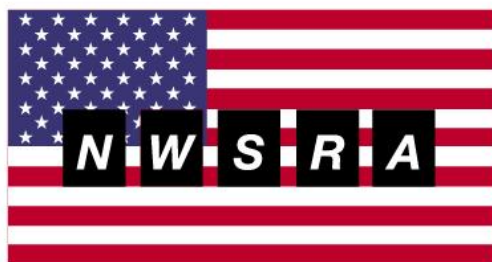


NATIONAL WATER SKI RACING ASSOCIATION



**REGION V
AUSTRALIA**

REGION V

AUSTRALIA

**CODE OF CONDUCT
(2020 - 2021)**

CODE OF CONDUCT FOR MEMBERS

All members of Region V Australia, whether they are Competing Members, Officials, Supporters or simply Social Members, are required by this Code of Conduct to set a minimum standard of conduct and not engage in non-social behavior at all events.

1. Conduct By Members

- (a) Warm-up/practice prior to any event, all competitors must abide by local maritime rules and regulations – failure to do so may result in disqualification for the upcoming event.
- (b) For the purposes of this Code a “social event” shall be deemed to be held under the auspices of the Region V Australia whether it be formal or informal and is constituted by an informal gathering by Members as a consequence of a holding of an Event, provided however that the timing of such a gathering was the result of a recent competition.
- (c) All Members are expected to exhibit a level of conduct which is socially acceptable. The term “socially acceptable” for the purpose of this Code, means that level of conduct which would be regarded as acceptable by a reasonable person, at social occasions. Those Members, who during the course of a social event, display behaviour which is not socially acceptable shall be at all times remain subject to disciplinary procedures in the event that the non-social behaviour results in action being taken by the Judiciary Committee.

2. Level of Behaviour

For the sake of clarity, “Non-social behaviour” shall for the purpose of these Rules, be deemed to include but is not limited to the following:- Region V Australia Rule Book.

- (a) Indulging in irresponsible behaviour whilst intoxicated
- (b) Creating a fracas;
- (c) Engaging in any aggressive or fighting behaviour of any nature whatsoever;
- (d) Bad language or swearing in the presence of other members or their guests;
- (e) Exerting intimidating behaviour against other members or their guests;
- (f) Engaging in any assault against another member or his/her guest;
- (g) Indulging in behaviour which causes or has the potential to cause injury to a third party as a consequence of either reckless behaviour or failure to exercise a proper duty of care.
- (h) Publishing any offensive or insulting material against another member in any electronic media (including online social networking) which has the potential to be available to the membership at large, whether or not at law such material would be regarded as libelous or defamatory in nature.

3. **Judiciary Committee**

- (a) For the purposes of dealing with any disciplinary proceedings, the Region V Australia Committee (“**the Committee**”) shall constitute by way of appointment a Judiciary Committee, in accordance with the Region V Australia Constitution, which shall be empowered by the Committee to hear and investigate any breach of conduct complained of and giving rise to the process as set out hereunder.
- (b) Notwithstanding anything herein contained, the Committee may, if it deems necessary, appoint a legally qualified person to assist the Judiciary Committee in the prosecution and investigation of the complaint.

4. **Process**

- (a) The process of laying a complaint against a member is to be governed by the Region V Australia Constitution.
- (b) Where there is any apparent or perceived inconsistency between the process adopted by the Committee or the Judiciary Committee in bringing disciplinary action against a member, the relevant provisions of the Region V Australia Constitution shall prevail, and the Judiciary Committee shall use its best endeavours to ensure that it follows the procedures as laid down in the Region V Australia Constitution, having proper regard to the tenets of natural justice.
- (c) For the sake of further clarity, the procedures for initiating and prosecuting an alleged breach of discipline shall be by way of a “Notice of Complaint”, and shall in the first instance be directed to the Committee for its consideration.
- (d) The Committee shall in the first instance, determine whether the complaint is of such a serious nature that it should be referred to a Disciplinary Committee, and upon reaching that decision in the affirmative, shall attend to the appointment of a Judiciary Committee in accordance with the provisions of the Region V Australia Constitution.
- (e) Upon receiving written notification of his or her appointment, the Chairman of the Judiciary Committee, shall convene a meeting of the Judiciary Committee to settle the form of the Notice of Complaint against the member allegedly committing the breach of discipline.
- (f) The Judiciary Committee shall be entitled to carry out such preliminary investigations as it considers necessary, which may include the appointment of third parties to determine whether or not the making of a complaint is justified.
- (g) In preparing the form of complaint, the Committee (“the Complainant”) shall serve upon the person named in the complaint (“the Respondent”) a Notice of Complaint, which shall include:-
 - (i) The nature of the offence.
 - (ii) The particulars of the offence.
 - (iii) The circumstances surrounding the offence.
 - (iv) The grade of penalty likely to be imposed.
- (h) The Notice of Complaint, in addition to the above particulars, shall provide the following information:-
 - (i) The Respondent shall be invited to respond to the complaint in writing within 21 days of the receipt by him

- or her of the Notice of Complaint.
 - (ii) The Respondent shall be notified of the date of the proposed hearing of the complaint by the Judiciary Committee at the time of service of the Notice of Complaint upon the Respondent.
 - (iii) The Judiciary Committee shall, at the time of issuing the Notice of Complaint, also give notice to all witnesses of their requirement to attend the proposed hearing day.
 - (i) The Respondent, upon receiving the Notice of Complaint, shall be entitled to respond in the following ways:-
 - (i) Admit the truth of the particulars of the complaint and be found guilty of the alleged breach of discipline as made out by the complaint; or
 - (ii) Deny the allegations contained in the Notice of Complaint and seek a hearing of the complaint in accordance with the Constitution and the Rules.
 - (j) In the event that the Respondent adopts the course referred to in sub-paragraph 4.(i)(i), then the Chairman of the Judiciary Committee shall convene a time and place convenient to the Respondent, in respect of hearing submissions from the Respondent in relation to penalty, and shall determine the penalty, after such submissions have been heard.
 - (k) In the event that the Respondent elects to defend the alleged breach of discipline in accordance with sub-paragraph 4. (i)(ii), the Chairman of the Judiciary Committee shall convene a time, date and venue suitable to all participants in the hearing of the complaint, and shall adopt those procedures as set out the Region V Australia Constitution and this Code.

5. Hearing of The Complaint

- (a) The hearing shall be conducted in the following manner:-
 - (i) Any witness, when called upon by the Judiciary Committee, shall give oral evidence of the facts and circumstances surrounding the complaint;
 - (ii) The Respondent shall have the right of cross-examination of those witnesses giving oral evidence of the facts and the circumstances surrounding the complaint
 - (iii) The Respondent shall give evidence of the facts and circumstances surrounding the complaint and in doing so shall be subject to cross-examination by any member of the Judiciary Committee.
 - (iv) The Respondent shall at the conclusion of the evidence, be entitled to either make an oral submission or a submission in writing as to whether or not the complaint has been proven. The Judiciary Committee shall retire to make a decision and will notify the Respondent as to whether that decision will be reserved and in writing or will be made extempore.
 - (v) At the conclusion of the proceedings, the Judiciary Committee may:
 - (A) Dismiss the complaint on the grounds that it has not

- been proven; or
- (B) Find the offence to have been proven; or
- (C) Impose a penalty at the time of the hearing; or
- (D) Indicate to the Respondent that consideration of the penalty to be imposed shall be reserved and notified to the Respondent in writing.
- (vi) At the discretion of the Judiciary Committee, the entire proceeding may be minuted for the benefit of the Committee and in relation to any appeal proceeding.

6. Penalties

- (a) The Judiciary Committee upon making a determination of penalty, shall be empowered to impose those penalties as set out in the Region V Australia Constitution in general terms, but more specifically, may impose the following penalties:
 - (i) Admonishment (Grade 1 offence)
 - (ii) Warning (Grade 1 offence) (iii) Disqualification from an event (Grade 1 offence)
 - (iv) Fine (Grade 2 offence)
 - (v) Removal of points gained by member, arising out of a competitive event where the complaint arose (Grade 2 offence)
 - (vi) Removal of points from all events where complaint arose (if applicable) (Grade 2 offence)
 - (vii) Removal of all points from all events to date (Grade 3 Offence)
 - (viii) Suspension from future competition – one to twelve months (Grade 4 Offence)
 - (ix) Suspension from membership – one to twelve months (Grade 4 offence)
- (b) Upon conclusion of the proceedings, the Respondent shall receive within seven (7) days, a Notice of Decision which will set out the findings of the Judiciary Committee (with reasons) and shall state the penalty or penalties imposed as a consequence of that decision.

7. Appeals Procedure

- (a) The Respondent, upon receipt of the Notice of Decision may make an appeal to the Committee within fourteen days from receipt, for a review of the complaint on the following grounds:
 - (i) the decision was against the weight of evidence, and/or did not comply with the tenets of natural justice; or
 - (ii) the severity of the sentence.
- (b) The Respondent shall be required within fourteen (14) days from the date of receipt of the Notice of Decision to lodge a Notice of Appeal setting out the matters referred to above, and shall be in the format contained in the schedule to these rules.

8. Nature of Appeals Procedure

- (a) Upon receipt of a Notice of Appeal from the Respondent, the Committee shall convene a special meeting by either telephone conference or at a venue to be determined by the Committee to

- consider whether leave to appeal should be granted.
- (b) In considering whether leave to appeal should be granted, the Committee shall be provided with all papers, documents, minutes, memoranda and other evidence which is to be made available by the Judiciary Committee so as to enable the Board to make an informed decision upon a review of the complaint.
 - (c) Upon determining the issue of granting leave to appeal in the affirmative, the Committee shall appoint an Appeals Committee which shall be constituted of members who have had no previous connection with the proceedings brought before the Judiciary Committee.
 - (d) The Appeal Committee shall not be entitled to consider any material of any nature which has not been previously tendered to the Judiciary Committee as part of the proceedings relating to the complaint.

9. Complaint procedures – _competition

In the event of a minor infraction relating to the Code of Conduct on the part of a Competitor/ Member during competition, the procedures set out herein shall not be used but alternative procedures shall be adopted for any Grade 1 or Grade 2 offence, committed under the auspices of Region V Australia.

10. Summary Jurisdiction of Constituent Bodies

- (a) Notwithstanding anything herein contained in this Code, nothing shall delimit Region V Australia from delegating its disciplinary powers to a Constituent Body, in those cases where in its unfettered discretion, it considers that a particular breach of the Code of Conduct by a Member or Members, is of such a minor nature that it can be dealt with summarily by the Constituent Body in the jurisdiction in which the minor infraction occurred.
- (b) Any such delegation of authority, as proposed by 10(a), shall be on the condition that the procedures invoked by the Constituent Body will be as similar as possible as those procedures adopted by Region V Australia in the case of infractions of a serious nature. At all times, the Constituent Body will use its best endeavours to ensure that the tenets of natural justice shall apply at all times.