

BLIND GOLF AUSTRALIA

BGA – Core Document 2 BGA BY-LAW 3 (2024)

LODGING OF COMPLAINTS, COMPLAINTS HANDLING PROCEDURES, TRIBUNAL AND APPEAL PROCEDURES POLICY

Rarified by the BGA Board in March 2026

Preamble

The Board of Blind Golf Australia recognises this By-Law introduces a changed approach to how complaints should be handled and the various tribunal principles and procedures necessary for the effective implementation of this revised policy.

A key fundamental of this new policy is the setting up of Investigation Panel hearings, Tribunal hearings, and Appeal Tribunal hearings.

The scope for an offer of sanctions to be made to reported people is also a new approach. Related to this is where the reported person rejects the offer of a particular sanction. When such a rejection occurs, the reported person may use their right of appeal by the matter being referred directly to the BGA Appeals Tribunal meaning no other right of appeal exists.

This policy also deals with jurisdiction, justice and representation.

The policy also covers appeals against decisions made by the BGA Board.

BGA INTEGRITY MANAGER

As soon as possible after its Annual General Meeting, the Board of Blind Golf Australia shall appoint one of its Directors or an independent person to the position of BGA Integrity Manager.

The BGA Integrity Manager shall be responsible for the management of:

- all matters involving breaches of the BGA Code of Conduct, or the BGA Social Media – Code of Conduct, by Individual Members
- incident reports
- disciplinary matters
- grievances between Individual Members

TRIBUNAL CHAIR

A member of the BGA Tribunal will be appointed by the BGA Integrity Manager as the Chair and sole tribunal member for each hearing. This position is also to be approved by the BGA Board. The BGA Integrity Manager will provide support for the Chair as required. The Tribunal Chair shall be the person deciding on the penalty and running the tribunal panel.

The BGA Integrity Manager shall be entitled to Chair any BGA Investigation Panel, BGA Tribunal or BGA Appeals Tribunal.

APPOINTMENT OF TRIBUNAL MEMBERS

The members of the BGA Tribunal shall be appointed by the BGA Board as soon as possible after the Annual General Meeting of the Association and/or from time to time. BGA may appoint a pool of BGA Tribunal members who shall be persons of experience and skills suitable to the function of chairing a disciplinary tribunal. Such persons may be independent of BGA.

BGA INVESTIGATION PANEL OR BGA TRIBUNALS TO REGULATE OWN PROCEDURES

Subject to these Rules, the BGA Investigation Panel or the BGA Tribunal or the BGA Appeals Tribunal may regulate the hearing of any charge in any manner it thinks fit.

Inquisitorial and Informal Hearing:

The hearing before the BGA Investigation Panel or the BGA Tribunal shall be:

- (a) inquisitorial in nature;
- (b) conducted with as little formality and with as much expedition as is deemed warranted by the Panel/Tribunal; and
- (c) conducted in accordance with the rules of natural justice.

Transition to Tribunal

A BGA Investigation Panel may transition to become a BGA Tribunal providing all parties are in agreement and there is substantive preparation of evidence/material for that to occur. This avoids the rescheduling of the matter thus saving time for all parties.

CHARGES TO BE HEARD

Every charge brought by BGA pursuant to these Rules against any Individual Member, or any Member Organisation, or any official, or any volunteer, shall be placed before the BGA Tribunal or in special circumstances the BGA Appeals Tribunal.

NATURAL JUSTICE & PROCEDURE

The BGA Investigation Panel, the BGA Tribunal or the BGA Appeals Tribunal shall not be subject to requirements of legal formality.

The BGA Tribunal or the BGA Appeals Tribunal shall observe the rules of natural justice. Subject to this BGA By-Law, the BGA Tribunal may lay down its own rules of procedure, which it may vary as it sees.

The BGA Investigation Panel, the BGA Tribunal or the BGA Appeals Tribunal decisions are at the discretion of the current Tribunal and not restricted by previous Panel/Tribunal decisions.

All the respective Panels/Tribunals should be mindful of any request by a Claimant to have their name withheld.

RULES OF EVIDENCE

The BGA Investigation Panel, BGA Tribunal or the BGA Appeals Tribunal may hear or receive evidence from any person or any source as deemed necessary or warranted by the Panel/Tribunal. No hearing before the Panel/Tribunal is bound by the laws of evidence which apply to Courts of Law.

NO REASON REQUIRED

The BGA Investigation Panel, the BGA Tribunal or the BGA Appeals Tribunal is not obliged to give reasons for any determination which it makes.

LEGAL REPRESENTATION

No person shall be represented by a legal practitioner at any hearing of the BGA Investigation Panel, BGA Tribunal or BGA Appeals Tribunal unless such representation is with leave of the Panel/Tribunal Chair.

During the conduct of a BGA Investigation Panel, a BGA Tribunal or a BGA Appeals Tribunal a Respondent may have an Advocate present. However, the Advocate may not be a legal practitioner and is not permitted to lead the case for the Respondent. The Advocate shall not be entitled to cross-examine Panel/Tribunal members or witnesses or any other person present. The Advocate is strictly advisory to the Respondent.

PERSON UNDER THE AGE OF 18

Any communication proposed to be sent under this document to a person under the age of 18 must first be sent or communicated to the person's parent or legal guardian. In all communications made under this document the interests of any recipient under the age of 18 must be considered.

LODGING OF COMPLAINTS

Any person wishing to lodge a complaint about a Rules of Golf infraction by a player or caddie shall do so to the Match Referee or Match Committee immediately at the event concerned.

Any person or entity wishing to lodge either a complaint, a grievance matter, or report an incident or breach of BGA's Code of Conduct, or BGA's Social Media – Code of Conduct, by an Individual Member or a Member Organisation, should do so in writing to the Secretary of Blind Golf Australia as soon as possible. The written complaint shall become a Complaint Form.

A Complaint Form cannot be submitted anonymously; however, the Complainant may request that their name is withheld.

Where a person elects not to report the matter in writing, the BGA Integrity Manager may discuss the matter with that person, and the notes made by the BGA Integrity Manager shall become a Complaint Form.

COMPLAINT HANDLING PROCEDURES

Upon receipt of a complaint, the Secretary of Blind Golf Australia shall refer the matter to the BGA Board and the the BGA Integrity Manager within 48 hours.

The BGA Integrity Manager shall within 48 hours determine whether the matter is a nominal matter, a minor matter or a serious matter.

If the matter is a nominal matter not requiring any further sanction against the Respondent, other than any sanction that might already have been imposed under the Rules of Golf, Local Rules, or Conditions of Competition, the BGA Integrity Manager is not required to take any further action.

If the matter is considered to be minor, the BGA Integrity Manager shall:

- Form a BGA Investigation Panel to conduct a preliminary investigation into the matter and where appropriate bring all parties together to resolve the matter. The BGA Integrity Manager may find it necessary to only discuss the matter with either the Claimant or the Respondent or both.
- The BGA Investigation Panel should have at least one BGA Board Member on it and may include independent people co-opted by the BGA Integrity Manager.
- The BGA Investigation Panel may give a warning or a reprimand to the Respondent and it may also offer discounted sanctions. See DISCOUNTED SANCTIONS section below.
- If the BGA Investigation Panel determines that the matter is more serious than first assessed, the BGA Integrity Manager shall refer the matter to the BGA Tribunal for resolution.

If the matter is considered to be serious, the BGA Integrity Manager shall form a BGA Tribunal to consider the matter;

- The BGA Tribunal should be made up of at least three people; with at least one being a BGA Board Member and may include up to two independent people co-opted by the BGA Integrity Manager.
- The BGA Tribunal may give a warning or a reprimand or apply penalties or sanctions to the Respondent.

- Where penalties or sanctions are imposed on an Individual Member by the BGA Tribunal, the BGA Integrity Manager shall advise the Individual Member's Member Organisation of those penalties or sanctions once any appeal matters have concluded.

DISCOUNTED SANCTIONS MAY BE OFFERED TO A REPORTED INDIVIDUAL MEMBER

(a) The BGA Integrity Manager, in consultation with either the BGA President or a BGA Investigation Panel, may offer a reported Individual Member a sanction without a hearing. Refer to BGA By-Law 5 for a schedule of sanctions and discounted offers available. Serious breaches of the BGA Code of Conduct may be referred directly to the BGA Tribunal.

(b) The offer will be based on the minimum sanction applicable for the breach. The minimum penalty will also take into account the considerations in paragraph (e). More than one specific charge may be combined for the purpose of an overall sanction offer. If the entire offer is not accepted by the reported Individual Member, who elects to proceed to a BGA Appeals Tribunal, the offer can be reconstituted by the BGA Integrity Manager into single charges to present to the BGA Appeals Tribunal or as it sees fit.

(c) If the minimum offer is not accepted by the Individual Member, the BGA Integrity Manager may recommend a higher sanction be imposed by the BGA Appeals Tribunal hearing the matter.

(d) If the Individual Member has prior suspensions within the current Order of Merit cycle, a doubling of the sanction is likely unless the previous suspensions imposed were wholly served.

(e) A non-exhaustive purpose of a minimum sanction offer is to avoid a tribunal hearing, limit the attendance of panel members, witnesses etc., and allow for the efficient resolution of incidents which lessen the time impact on BGA resources.

ACCEPTANCE OF SANCTION PROCEDURE

The acceptance of a sanction of suspension offer from participating in any BGA sanctioned events by an Individual Member reported, shall be lodged in writing with the BGA Secretary at a time specified by the BGA Integrity Manager (usually 24 hours after an offer has been made to the reported person).

APPEAL PROCEDURES

An Individual Member who has been suspended, expelled or given any other sanction by the BGA Tribunal has the right to appeal to the BGA Appeals Tribunal (BGAAT) against the penalty. The Individual Member shall show reasonable cause for the appeal.

The appeal must be in writing and be submitted to the BGA Secretary within 48 hours of receiving notice of the penalty. Late appeals will not be considered.

The appeal shall be considered by the BGAAT within 7 days of receipt and the Individual Member will be notified of the BGAAT's decision in writing immediately.

The BGAAT shall observe the rules of natural justice.

The BGAAT has the authority to dismiss an appeal if it considers the appeal to be frivolous or lacks reasonable cause.

APPEALS AGAINST BGA BOARD DECISIONS

Procedure:

An Individual Member or a Member Organisation may appeal against any BGA Board decision. Such an appeal must be made in writing to the BGA Secretary together with a fee of \$200 (to be returned unless the appeal be deemed frivolous) within 48 hours after receipt of the decision. The written submission must state the full grounds of the appeal (including detailed information related to the significant new or additional evidence that has become available).

BGA Appeals Tribunal:

All appeals against BGA Board decisions shall be heard by the Blind Golf Australia Appeals Tribunal (BGAAT). The decision of the BGAAT shall be final.

JURISDICTION OF BGA APPEALS TRIBUNAL (BGAAT)

The BGAAT has jurisdiction to hear appeals where:

(a) the Individual Member of Member Organisation seeking to appeal (Appellant) satisfies the BGAAT that substantial new or additional evidence has become available; and

(b) the decision being appealed is:

(i) a decision of the BGA Tribunal which resulted in a sanction where there was no offer by the BGA Tribunal of a discounted sanction for an early plea of guilt. The decision of the BGAAT shall be final; or

(ii) a decision of the BGA Investigation Panel, or the BGA Tribunal which resulted in a sanction whereupon the Appellant has rejected the discounted sanction offer of the BGA Investigation Panel or the BGA Tribunal for an early plea of guilt. The decision of the BGAAT shall be final; or

(iii) a decision of the BGA Board. For the avoidance of doubt, an appeal of a decision of the BGA Board is a special circumstance and is to directly proceed to the BGAAT. The decision of the BGAAT shall be final.

INELIGIBLE TO SIT ON BGA APPEALS TRIBUNAL

No member of the BGAAT shall hear any matter in which he or she has an actual or perceived conflict of interest that might call into question the impartiality of the BGAAT.

DECISIONS OF THE BGA BOARD OR THE BGA TRIBUNAL TO STAND

Decisions of the BGA Board or the BGA Tribunal shall stand until such time as the BGAAT has determined to uphold, set aside or alter the decision of the BGA Board or the BGA Tribunal appealed against. The decision of the BGAAT shall be final.

RECORDING OF PENALTIES

All reports and cautions will be recorded on the BGA website under “Tribunal”. All cautions will be current for a period of twelve months from when the caution is handed down.

VERSION CONTROL

BGA Integrity Manager presented revised Policy document to Board for discussion	15.10.2024
BGA Integrity Manager revised as By-Law 3 (2024) prepared for Board	16.11.2024
BGA Integrity Manager revision for consideration of the Board.	18.11.2024
BGA Board revised	March 2026