



## BATHURST GOLF CLUB BY-LAWS SECTION 5

### MEMBER PROTECTION POLICY

## Rationale

This Member Protection Policy aims to assist Bathurst Golf Club Ltd (BGC) uphold its core values and create a safe, fair and inclusive environment for everyone associated with golf and the Club.

This policy is divided into the following sections:

- Member protection from harassment and abuse / Maintaining respectful and positive behaviours and values at our club
- Code of Conduct
- Complaints Policy
- Disciplinary proceedings
- Child Safe Guidelines

This policy is adapted from Golf Aus' Member Protection Policy'. Any action taken under this Section does not preclude any action being taken under any other Federal or State Legislation.

## Member Protection

### 5.1.1 Purpose

This policy aims to

- ensure that every person is treated with respect and dignity and is protected from abuse, bullying, harassment, sexual misconduct, unlawful discrimination, victimisation, and vilification.
- ensure the health, safety and general wellbeing of everyone involved in the Club.
- takes into account the relevant NSW and Federal legislation concerning discrimination and harassment

### 5.1.2 Statement of Commitment

Bathurst Golf Club Ltd is committed to providing an environment where its members, visitors, guests, staff, volunteers and contractors are treated with dignity and respect and protected from discrimination, harassment and/or abuse.

BGC recognises that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against, or harassed because of their age, disability, or family responsibilities.

This policy applies to behaviour occurring on Club premises and at any of the Club's activities and events when such behaviour involving members, guests, visitors and staff, negatively affects relationships within the Club.

Discrimination and harassment are extremely distressing, offensive, humiliating and/or threatening and create an uncomfortable and unpleasant environment.

BGC will not tolerate discriminatory, harassing or sexually harassing behaviour under any circumstances and will take disciplinary action against any member who breaches this policy. In most circumstances discrimination and harassment are against the law.

### 5.1.3 Definitions

**Abuse** means physical abuse, emotional abuse (including psychological abuse), sexual abuse and abuse of power that has caused, is causing or is likely to cause harm to a person's wellbeing or development. Examples of abuse include but are not limited to, bullying, humiliation, verbal abuse and insults, grooming, harassment (including sexual harassment), discrimination, neglect and sexual exploitation.

**Bullying** involves the inappropriate use of power by one or more persons over another less powerful person or group and is generally an act that is repeated over time. Bullying may take many forms that are often interrelated and can include:

- verbal (name calling, put-downs, threats)
- physical (hitting, punching, kicking, scratching, tripping, spitting)
- social (ignoring, excluding, ostracising, alienating)
- psychological (spreading rumours, stalking, dirty looks, hiding or damaging possessions).

For the avoidance of doubt, Bullying includes Cyber Bullying, which can also have lasting and damaging consequences

**Discrimination** means treating, proposing to treat or requesting, assisting, instructing or encouraging another person to treat a person less favourably than someone else on the basis of an attribute or personal characteristic they have.

The relevant attributes or characteristics include but are not limited to the following:

- age
- disability
- marital status
- parental or carer status
- physical features
- irrelevant medical record
- irrelevant criminal record
- political belief or activity
- pregnancy • breastfeeding
- race • religious belief or activity
- sex or gender
- sexual orientation
- trade union membership or activity
- transgender orientation.

**Unlawful Discrimination** includes:

(a) **Direct Discrimination**, when a person or group of people is treated less favourably than another person or group, because of a personal characteristic; and

(b) **Indirect Discrimination**, when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share, where such personal characteristic is protected by applicable anti-discrimination legislation.

## **Harassment**

Anti-discrimination law defines harassment as any form of behaviour that you do not want, offends, humiliates or intimidates you or creates a hostile environment.

Whether or not the behaviour is harassment is determined from the point of view of the person receiving the harassment. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal (JNJC)

## **Sexual Harassment**

means unwanted, unwelcome or uninvited behaviour of a sexual nature and which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual

Harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions and displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

### **Sexual Misconduct**

means any of the following:

- Sexual Offences
- sexual harassment
- the use of technology or social media platforms with sexual connotation

### **Victimisation**

means subjecting a person or threatening to subject a person to any detrimental or unfair treatment because that person has or intends to pursue their rights to make a formal complaint under law or under this Policy, or for supporting another person to make a formal complaint

### **Vilification**

means a public act, conduct or behaviour that incites hatred, serious contempt for, or revulsion or severe ridicule of, a person or group of people because of a particular characteristic they hold, as covered by applicable legislation, including their race or religion, or homosexuality, transgender, or HIV/AIDS status.

**Serious Criminal Conduct** means any of the following:

- sexual offences
- drug possession, use, sale or any other drug-related conduct
- assault causing serious injury
- criminal conduct deemed serious enough to warrant referring to police.

Further information about Australian and NSW legislation concerning discrimination and harassment can be found in the document: “A Quick Guide to Australia’s Discrimination Laws” published by The Australian Human Rights Commission on their website:

<https://www.humanrights.gov.au>

## **5.1.4 Complaints**

Any person (a complainant) may report a complaint about a person or people or organisation bound by this policy (respondent) if they feel they have been discriminated against, harassed, bullied or there has been any other breach of this policy.

Complaints should be reported to the General Manager, the MPIO or Club Captain preferably on the online form provided or by phone or email (info@bathurstgolf.com)

## 5.2 Code of Conduct

### 5.2.1 Purpose

The Club's Code of Conduct provides members, guests and visitors with guidance on the standards of behaviour and sportsmanship that are expected

- while they are on Bathurst Golf Club (Club) controlled property
- in their interactions with the Club, its members, guests and visitors
- when representing the Club at other venues or events

Members, guests and visitors are reminded that on payment of membership or green fees, or by signing-in to the Club, they have given their consent to be bound by the Club's Constitution, By-Laws, Codes of Conduct and the Rules of Golf.

### 5.2.2 Golf

Each player must adhere to commonly accepted standards of golfing etiquette and sportsmanship as well as the Rules of Golf and all Local Rules.

Rule 1.2a of the R & A, states that all players are expected to play in the spirit of the game by

- acting with integrity - this includes
- following the Rules
- applying all penalties
- being honest in all aspects of play
- reporting to the Pro Shop prior to access the golf course to play golf (including social golf and golf practice)
- adhering to the dress rules of the Club
- showing consideration for others - this includes
- adhering to the Club's Slow Play Policy at all times (Policy is found on Club website and in Golf Program booklet)
- looking out for the safety of others
- acknowledging you do not have right of way if you are playing from the wrong fairway
- not distracting the play of another player
- respecting the rights of golf course staff who have right of way when actively engaged in work on the course
- not using inappropriate, abusive, vulgar or offensive language
- placing mobile phones on silent whilst playing golf
- not abusing equipment including clubs in such a manner as to threaten injury or upset to another player
- taking good care of the course - this includes
- replacing and/or filling all divots
- repairing ball pitch marks
- raking bunkers
- not causing unnecessary damage to the course

- following directions for the use of carts

### 5.2.3 Clubhouse and Club-Controlled Property

Members, guests and visitors will:

- respect the rights of others to enjoy the Club's facilities and services
- treat members, staff, guests and visitors fairly, equally and with respect
- interact with each other and with staff in a courteous manner
- not engage in behaviour towards each other, the Club's staff or volunteers that is intended to abuse or harass
- refrain from disorderly or disruptive behaviours
- show due consideration to the needs of others, including their right to privacy
- comply with club policies, signage and lawful directions of employees
- abide by the dress code of the Club
- not bring food or drinks into the Clubhouse premises for consumption on the premises, excluding food or drinks purchased from a club facility (e.g. Pro Shop), or with express permission of the Club (e.g. a birthday cake as part of a celebration)
- not bring alcoholic drinks onto the Club's controlled property for consumption. On licensed premises this is a breach of the Liquor Act 2007
- not bring or have in their possession illegal materials while on Club controlled property
- handle property belonging to the Club with care and diligence
- refrain from representing the Club, unless properly authorised to do so
- not undertake activities on Club premises that do not align with the Objects of the Club's Constitution, without prior permission from the General Manager
- refrain from behaviour that may tarnish the reputation of the Club or bring the Club into disrepute

### 5.2.4 Breaches

To ensure high standards of behaviour within the Club's premises and Club controlled property and during competition and social golf on the course, any person who is found to have breached the Code of Conduct will face disciplinary proceedings as outlined in the Disciplinary Proceedings of the Club's By-Laws and as per the Club's Constitution

## 5.3 COMPLAINTS HANDLING

### 5.3.1 Purpose:

Bathurst Golf Club Ltd aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a complaint about a person/s or organisation bound by this policy if they reasonably believe that a person/s or a sporting organisation has breached this policy.

We are committed to seeking and receiving feedback and complaints about our services, practices, breaches of the Code of Conduct and complaint handling.

This policy is intended to ensure that we handle complaints fairly, efficiently and effectively. The Board will promote a culture that values complaints and their effective resolution.

### 5.3.2 Scope:

This policy applies to all members, staff (paid and volunteer), contractors and our Board, receiving or managing complaints made to or about us.

We will ensure that information about how and where complaints may be made to or about us is well publicised, on our website

### 5.3.3 Definitions

**A complaint** is about a situation which is unacceptable. It can be about an act, behaviour, omission, situation, or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this policy. It can be about individual or group behaviour, an incident or a series of incidents you have witnessed or any aspect of the operations of the Club. Complaints will always vary. They may be extremely serious or relatively minor; and the person about who the allegation is made may admit to the allegations or emphatically deny them.

An **allegation** is an assertion or accusation. It is something that is unproven.

### 5.3.4 Reporting the Complaint or Breach of the Code of Conduct

*It is in the best interests of the Club, its members, and the game of golf, that complaints or allegations of breaches of the Code of Conduct are reported*

We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

All complaints will be dealt with promptly, seriously, sensitively and confidentially.

Complaints or reporting an alleged breach of the Club's Code of Conduct or the Rules of Golf, should be made within 3 days wherever possible.

Use the online Complaint Form or email your complaint. Include as much information as possible, such as

- the issue or the basis and circumstances of the complaint or alleged breach
- the possible cause
- the person or persons involved
- the date and time
- the location
- the names of any witnesses
- the way the complainant wants the matter resolved eg formally or informally
- strategies for improvement

Members may also pursue their complaint externally under anti-discrimination, child-protection, or other relevant legislation.

All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

### 5.3.5 Responsibility to action complaints, allegations and determined breaches

#### For golf-related allegations of breaches:

The Club Captain (Convenor) or Club Vice-Captain who will, depending on the severity of the alleged breach, involve another Director and the relevant Golf Captain (Men's, Women's, Junior's or VET's) to jointly investigate the allegation. They will be referred to as the Match Committee

#### For club or clubhouse/property related complaints allegations of breaches:

The Secretary- Manager (Convenor), who will, depending on the severity of the alleged breach, involve at least one Director to jointly investigate the allegation. They will be referred to as the Clubhouse Committee

#### For serious allegations of breach(es) of the Code:

The Club Captain or Secretary- Manager will immediately refer the alleged breach to the Board who will form a Disciplinary Committee under Clause 11 of the Club's Constitution

#### Allegations relating to Liquor and various Gaming Acts

Member, guest and visitor behaviour is also deemed subject to various Legislated Acts not limited to the Liquor Act 2007. Penalties imposed under those Acts or the Liquor Act 2007 are not subject



to Club disciplinary procedure under this Code of Conduct or Club appeal procedure as such penalties are governed by State law. Such allegations will be dealt with by the General Manager or their delegate as required by the relevant Act.

### 5.3.6 Responding to a complaint or an allegation of a breach of the Code of Conduct

Upon receipt of a complaint, the Secretary- Manager or Club Captain or their delegate will follow the following guidelines:

#### Receiving the complaint or allegation: All complaints will be recorded.

- Acknowledge the complaint promptly
- Assess the complaint: If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately
- Determine whether the alleged breach comes under the Rules of Golf, the Code of Conduct, Liquor Act or other
- Determine the level severity of the allegation as per the following definitions
  - Level 1 - Nominal breach of the Code of Conduct
  - Level 2 - Minor Breach of the Code
  - Level 3 - Serious Breach of the Code
- Ascertain whether the complainant wanted the matter resolved formally or informally
- Notify the most relevant person or convene the relevant committee to undertake the preliminary investigation

To ensure due process, consistency and that the principles of natural justice are followed in all aspects of handling complaints, allegations, investigations, disciplinary meetings, and disciplinary measures, BGC will follow and implement the following complaints procedures.

To ensure Natural justice prevails, we will incorporate the following principles:

- a person who is the subject of a complaint must be fully informed of the allegations against them
- a person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence
- all parties need to be heard and all relevant submissions considered
- irrelevant matters should not be taken into account
- no person may judge their own case
- the decision makers must be unbiased, fair and just
- the penalties imposed must not outweigh the 'crime'

### 5.3.7 Deciding what action to take:

Complaints that are Club related, procedural matters or WH&S related, will be listed on the agenda at the next Board. Urgent or safety concerns will be actioned immediately by the Secretary- Manager

#### **Less serious complaints may be resolved by**

- clarifying Club policies and procedures or the Rules of Golf
- holding informal meetings with the parties
- issuing a verbal or written warning

If resolved at first contact, record the resolution such as referral or information provided

**More serious complaints** will need further consideration. Strategies could include

- mediation,
- referral to the Disciplinary Committee or
- contacting external agencies such as the Anti-Discrimination Board or police

At the conclusion of the preliminary investigation, the Convenor or Match or Clubhouse Committee will make a finding as to whether the complaint or allegation is:

- inconclusive (there is insufficient evidence either way);
- unsubstantiated (there is sufficient evidence to show that the complaint is unfounded);
- mischievous, vexatious or knowingly untrue
- substantiated (there is sufficient evidence to support the complaint)

If substantiated, a recommendation will be made to the Board as to whether a charge should be made against the respondent. It will also advise of previous breaches for consideration in determining any penalties.

If resolved,

- inform the complainant of the outcome explaining the decision, remedies and options for review
- record how the complaint was managed on the Complaints form. Include the outcome and any actions that need follow-up.

### 5.3.8 Disciplinary Action

If a member is, in the opinion of the Board, guilty of any conduct prejudicial to the interests of the Club, conduct which is unbecoming of a member or which shall render the member unfit for membership, the Board may decide a charge is warranted and disciplinary action will be taken, they will follow the procedure outlined in Rule 11 of the Club's Constitution,

The Board will form a Disciplinary Committee. They will

- notify in writing, the person about whom the allegation or complaint has been made (the respondent), that an allegation has been lodged, the details of the allegation, the complaint process, the expected time-frame and their right accept or contest the charges.
- Inform the complainant in writing, that their allegation is being investigated and that confidentiality must be maintained

The Convenor will organise a hearing of the charges.

The respondent has two options. They can either

- contest the charge, or
- accept the charge and consequently the penalty would be discounted.

The Board, when required, will then decide on the type of consequence and disciplinary action.

The Board will notify the respondent in writing of the decision of the Board of Directors.

All breaches will be recorded in the Club's breach register and level 2 and 3 breaches will be tabled at the following Board meeting

The Board will

- protect the identity of people making complaints. Personal information that identifies individuals will only be disclosed or used by us as permitted under the relevant Privacy Laws
- address each complaint with integrity, sensitively and in an equitable, objective and unbiased manner.

### 5.3.9 Penalties

The following outlines the range of penalties that will be considered

#### **Level 1: Nominal Offence Penalty**

- The following process will be adopted:
- Verbal warning to be recorded in the Breach Register with notification being given to the respondent
- Penalties set out in the Rules of Golf up to disqualification from the event if appropriate

#### **Level 2: Minor Offence Penalty**

- One of the following processes will be adopted depending on the seriousness of the offence:
- Compulsory written warning issued to the defendant to be recorded in the Breach Register and tabled at the next Board Meeting
- Penalties set out in the Rules of Golf up to disqualification from the event if appropriate

#### **Level 3: Serious Offence Penalty**

- If the Board decides a charge is warranted and disciplinary action will be taken, they will follow the procedure outlined in Rule 11 of the Club’s Constitution. Depending on the seriousness of the offence any one of the following actions and as per Clause 11.1 of the Constitution, may be adopted:
- Written warning issued to the member
- Reprimand the member
- Suspend the member from all or any privileges of membership for such period as it considers fit
- Expel the member
- Accept the resignation of the member

A clean slate policy will apply to any offence after a period of time that the panel determines appropriate, from date of last penalty.

The following table is a guide to the penalties the board will consider

	No of eligible prior breaches	Charge contested by respondent (in days)	Discounted penalty when charge accepted by respondent (in days)
Minor breach	0	7 days	Warning only
	1	14	7
	2	30	15
Serious breach	0	30	20
	1	60	40
	2	120	80
	Or as deemed necessary by the Board		

## 5.4 Child Safe Policies and Procedures

Bathurst Golf Club Ltd is committed to embedding the NSW Child Safe Standards within our Club to achieve and maintain a child safe culture where the best interests of children and their protection from harm is the highest priority. We will achieve this through our leadership, governance and culture, the provision of policies, procedures, training and support and ensuring processes to respond to complaints of child abuse are child focussed.

The following documents are available on the Club’s website:

- Child Safe Policy
- Child Safe Code of Conduct
- Child Safe Reporting Procedures
- Form: Report/ Record of an allegation or Incident

***If you believe a child is in immediate danger or a life-threatening situation, contact the Police immediately on 000 (triple zero)***

***For further information please contact the general manager or a Child Safe Liaison Officer- Don Finlayson***



BATHURST GOLF CLUB LTD

FEEDBACK & COMPLAINTS FORM

*We appreciate your time in providing the Club with feedback and in reporting an allegation of a breach of the code of conduct or a complaint.*

*This form accompanies the Club's Member protection Policy*

*Wherever possible we will endeavour to acknowledge your complaint within 3 business days and aim to resolve it within 21 business days. If we are unable to do so, we will advise you.*

*All complaints will be dealt with confidentially and in accordance with data protection laws and our Privacy Policy*

*We ask that when making your complaint, you should be courteous and fair in your communications.*

Complainant Details	Name: Membership no: Phone: Email:
Date Received	
Type of complaint	<input type="checkbox"/> Golf <input type="checkbox"/> Clubhouse <input type="checkbox"/> Club <input type="checkbox"/> ProShop <input type="checkbox"/> Bar & Restaurnat <input type="checkbox"/> Governance <input type="checkbox"/> Course <input type="checkbox"/> Committees <input type="checkbox"/> Members <input type="checkbox"/> Other:

FEEDBACK

Date	
Nature of feedback	

COMPLAINT

Date of Issue	
Location of incident	

Possible cause of issue	
What are the facts relating to the incident	
Witness details	
What strategies do you suggest would resolve this issue	
What outcome would you like to be taken	

**Action undertaken (MPIO, S-M or Club Captain)**

Who has been informed	
What action has been taken	
How has it been followed-up	
Has the complainant been advised	
Methods of attempted informal resolution	
Outline any formal resolution procedures followed	
If investigated	Findings: Actions:
If mediated	Date of mediation Both/ all parties present Agreement Any other action taken
Resolution	
Completed by	Name Position Signature Date

*This record and any notes must be kept in a confidential and safe place*

**Review**

Last reviewed: April 22, 2024

Next Review date: April 2027

Responsible officer: Secretary- Manager

Adopted by Bathurst Golf Club Board of Directors at the Board Meeting on April 22, 2024

President: Tony Pryce

Signature *A. Pryce* .....

Date: *22/4/2024* .....

Secretary- Manager: Brad Constable

Signature *[Signature]* .....

Date: *22/4/2024* .....