



**GolfAustralia**

# MEMBER PROTECTION POLICY

4 December 2018

APPLICABLE TO ALL GOLF ENTITIES WITHIN AUSTRALIA

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# PART 1:

# Member Protection Policy

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## PART 1: MEMBER PROTECTION POLICY

### 1. INTRODUCTION

- (a) This Policy is made and implemented by Golf Australia (**GA**) under rule 29 of the GA Constitution. It is recommended that everyone involved in Golf (however described) (see **Rule 3**) adopt and apply this Policy in and to their own particular context.
- (b) GA including its State Associations (**Original Members**) and Clubs (collectively referred to in this document as Golf Entities), is committed to the health, safety and wellbeing of all its members and is dedicated to providing a safe environment for those participating in Golf. GA wants Golf to be fun, enjoyable and safe for all.
- (c) As part of the Golf community, each individual makes a commitment to actively encourage behaviours that promote a supportive and nurturing environment and contribute to GA's mission of working in a commercial and inclusive manner with government, business, and community, to ensure the value of golf is understood and supported in all policy and business decisions.

### 2. POLICY RATIONALE

- (a) This Policy aims to assist GA to uphold its core values and create a safe, fair and inclusive environment for everyone associated with Golf. It sets out Golf's commitment to ensure that every person involved in Golf is treated with respect and dignity and protected from Discrimination, Harassment and Abuse. It also seeks to ensure that everyone involved in Golf is aware of their legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them. All Golf Entities are committed to the health, safety and general wellbeing of everyone involved in Golf. That is the rationale for this Policy.
- (b) **This Policy does NOT apply to infractions against the rules of Golf or the actual conduct of Golf events. These are governed by the GA Code of Conduct and Disciplinary Procedure. See at: [www.golf.org.au/playingcodes](http://www.golf.org.au/playingcodes)**
- (c) This Policy consists of the following parts:
  - (i) Part 1 – Member Protection Policy
  - (ii) Part 2 – Child Protection Commitment Statement (**Statement**)
  - (iii) Part 3 – Codes of Conduct
  - (iv) Part 4 – Complaints Procedures
- (d) Although a GA Policy, all Golf Entities should promote, implement and monitor this Policy to the fullest extent possible and with the assistance of their respective Members. All Golf Entities should recognise that the responsibility for safeguarding Members including Children or Young People (**Children**) in Golf lies with all those involved in Golf and is not the sole responsibility of any one person at Club, state or national level.
- (e) This Policy has been endorsed by GA's board of directors (**Board**) on *4 December 2018*, and is effective immediately. It has been incorporated into GA's By-Laws in accordance with clause 29 of GA's Constitution. The Policy starts on the date it is

adopted by the Board and will operate until replaced. Copies of the current Policy and its attachments are available on the GA website at [www.golf.org.au/policies](http://www.golf.org.au/policies)

### 3. WHO SHOULD OBSERVE THIS POLICY?

- (a) All persons involved in Golf including but not only:
  - (i) persons appointed or elected to boards, committees and sub-committees
  - (ii) volunteers
  - (iii) support personnel including but not only coaches and officials
  - (iv) all Members, including State Associations, District Golf, Golf Clubs (whether members of a State Association or District or not), individual members, life members and members of Members
  - (v) all employees of all Golf Entities
  - (vi) any other person involved in Golf including but not limited to participants, parents, guardians, spectators, sponsors and licensees and other contracted parties to the full extent possible; and

should observe this Policy whether such persons' involvement in Golf is at or through private clubs or public facilities (to the fullest extent possible.)

- (b) This Policy will continue to apply to a person, even after they have stopped their association or employment (subject to this Policy's terms) with a Golf Entity, if disciplinary action against that person has commenced.

### 4. COMMITMENT

- (a) All Golf Entities will strive to:
  - (i) provide a safe environment for everyone involved in Golf
  - (ii) take an inclusive approach in its activities
  - (iii) ensure the safety and wellbeing of Members and particularly Children and Young People (**Children**) in Golf.
- (b) In delivering on this commitment to the health, safety and wellbeing of all, each Golf Entity takes seriously its positive obligation to educate and inform everyone involved in Golf of each person's responsibilities to:
  - (i) protect each other, and particularly Children, from all Abuse and Child Abuse including Grooming
  - (ii) create and maintain a Member and child-safe culture and a culture of inclusion and safety that is understood, endorsed and put into action by all.
- (c) Subject to their respective legislative, rules and human resources (employment) frameworks, all Golf Entities should:
  - (i) seek to adopt, implement and comply with this Policy

- (ii) seek to ensure that the constitution, by-laws or other rules and policies include the necessary clauses for this Policy to be enforceable
  - (iii) publish, distribute and promote this Policy and the consequences of breaches
  - (iv) promote and model appropriate standards of behaviour at all times
  - (v) implement a complaint management system that includes appropriate policies and procedures, clear lines of responsibility, and appropriate delegations
  - (vi) deal with any breaches or Formal complaints made under this Policy in a sensitive, fair, timely and confidential manner
  - (vii) apply this Policy consistently
  - (viii) recognise and enforce any penalty imposed under this Policy
  - (ix) ensure that a copy of this Policy is available or accessible to the persons and associations to whom this Policy applies
  - (x) use appropriately trained people to receive and manage complaints and allegations
  - (xi) monitor and review this Policy regularly.
- (d) Individuals bound by this Policy must:
- (i) make themselves aware of the contents of this Policy and adopt the practices and behaviour when carrying out their roles
  - (ii) comply with all relevant provisions of the Policy, including any codes of conduct and the steps for making a complaint or reporting possible child abuse set out in this Policy
  - (iii) consent to the screening requirements set out in this policy, and any state/territory Working with Children Checks (**WWCC**) if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18 or where otherwise required by law
  - (iv) place the safety and welfare of Children above other considerations
  - (v) report any abuse or neglect of Children which they become aware of to our management and/or to external authorities responsible for child protection or to police, regardless of whether that abuse is being perpetrated by personnel within Golf, or by those outside Golf including those from the child's family, extended family, their family's extended network or strangers
  - (vi) be accountable for their behaviour
  - (vii) comply with any decisions and/or disciplinary measures imposed under this Policy.

## 5. BREACHES OF POLICY

All Golf Entities and everyone in the Golf community should comply with this Policy. Failure to comply with this Policy may be considered a breach and result in disciplinary action in accordance with this Policy and/or other GA By-Laws. It is a breach of this Policy for any person or organisation bound by this policy to do anything contrary to this Policy, including but not limited to:

- (a) breaching the codes of conduct
- (b) bringing Golf and GA into disrepute, or acting in a manner likely to bring Golf and GA into disrepute
- (c) failing to follow GA policies (including this Policy) and procedures for the protection, safety and well-being of Children
- (d) discriminating against, harassing or bullying (including cyber-bullying) any person
- (e) victimising another person for making or supporting a complaint
- (f) engaging in an inappropriate intimate relationship with a person they supervise, or have influence, authority or power over
- (g) verbally or physically assaulting another person, intimidating another person or creating a hostile environment within Golf
- (h) disclosing to any unauthorised person or organisation any information that is of a private, confidential or privileged nature
- (i) making a complaint that they know to be untrue, vexatious, malicious or improper
- (j) failing to comply with a penalty imposed after a finding that the individual or organisation has breached this Policy
- (k) failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

## 6. MEMBER PROTECTION POLICY REVIEW COMMITTEE

GA will appoint a Member Protection Policy Review Committee to oversee the implementation, operation and review of this Policy. The terms of reference and composition of the Committee will be as determined by the GA Board from time to time.

# **PART 2:**

## **Child Protection Commitment Statement (Statement)**

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## PART 2: CHILD PROTECTION COMMITMENT STATEMENT (STATEMENT)

An integral part of this Policy is the Statement. The Statement consists of a set of principles and procedural benchmarks in relation to the protection of Children that all Golf Entities should have in place for everyone involved in Golf.

### 7. WHAT IS GOLF'S COMMITMENT TO PROTECTING CHILDREN OR YOUNG PEOPLE?

#### 7.1 *Golf's commitment to Children*

All Golf Entities:

- (a) are committed to the safety and wellbeing of Members and all Children who access any Golf facilities, activities, programs, events or services
- (b) are committed to providing Children with positive and nurturing experiences
- (c) will use their best endeavours to support families and communities to promote Children's healthy development and wellbeing
- (d) will strive to ensure that Children are protected and not exploited, abused or harmed during their involvement with any Golf activities, programs, events or services
- (e) will listen to Children and address any concerns that they raise
- (f) may ask for consent from Children, Young People and their parents/carers before seeking out or providing information about them to any other individuals or organisation. Golf Entities may not, however, ask for consent to disclose information to police, regulatory authorities or relevant statutory child protection agencies if they have concerns about the safety and wellbeing of a specific Child
- (g) are committed to supporting parents and carers to protect their Children
- (h) are committed to communicating honestly and openly with parents and carers about the wellbeing and safety of their Children
- (i) will promote and distribute information about this Statement to Children and parents/carers as part of an introduction to Golf facilities, activities, services and programs
- (j) aim to be transparent in decision-making with parents and carers as long as doing so does not compromise the safety of Children or breach any confidentiality obligations.

#### 7.2 *Golf's commitment to ensuring a child-safe organisation*

All Golf Entities:

- (a) are committed to complying with relevant standards in the recruitment, screening and employment of any Authorised Person
- (b) will work to create an environment in which Children are safe and feel safe in any Golf programs, activities or events

- (c) will strive to ensure that Authorised Person(s) do not harm, abuse or exploit Children who are involved with Golf activities, programs or services.

## 8. HOW DOES THE STATEMENT APPLY TO AUTHORISED PERSONS?

- (a) All Authorised Person(s) must:
  - (i) adhere to the Statement
  - (ii) follow and adhere to the complaints procedures with respect to any breaches of this Policy.
  - (iii) complete and sign Attachment 1 - Member Protection Declaration
- (b) In addition, all Golf Entities will endeavour to become and remain compliant at all times with the standards of the Safeguarding Children.

## 9. WHAT ARE THE REQUIREMENTS OF AND COMMITMENT TO AUTHORISED PERSONS IN RELATION TO PROTECTING CHILDREN OR YOUNG PEOPLE?

### 9.1 *Golf Entities' Commitment to Authorised Person(s)*

For Authorised Person(s), Golf Entities will:

- (a) provide the necessary support to enable them to fulfil their roles
- (b) put in place an appropriate structure that supports and develops them, as applicable, in their roles
- (c) provide appropriate guidance and development
- (d) ensure that there is access to a Senior Person to make decisions in relation to any action required to protect Children from Child Abuse
- (e) work to ensure that there are safeguards in place to protect Children.

### 9.2 *Requirements of Authorised Person(s)*

- (a) Authorised Person(s) are expected to:
  - (i) understand the [rights of Children](#) and in particular that all children are safe from the trauma of abuse, violence and neglect, as appropriate to their role

A working knowledge of Children's rights should inform decisions about how to behave with and act on behalf of Children. It enables recognition of when Children's needs and entitlements are compromised and when they require support

- (ii) respect the cultural and religious practices of families who access Golf facilities, services, programs or events

While the importance of culture and religion in the lives of Children and families is recognised, the right of Children to protection from Harm should take precedence over any cultural or religious belief.

- (iii) understand and appropriately respond to the special needs of Children with developmental delays or disabilities including working alongside primary carers of such Children. This includes:
  - (A) acting in ways that communicate effectively with and are supportive of Children with developmental delays or disabilities
  - (B) recognising the additional vulnerability to exploitation and Harm that Children with developmental delays or disabilities experience.
- (iv) be respectful of Children by:
  - (A) facilitating opportunities for Children to provide their views and feedback
  - (B) treating Children as individuals and respecting their unique abilities and vulnerabilities
  - (C) expressing attitudes and engaging in behaviour that respect and support Children.
- (v) appropriately act on any concerns raised by Children and/or their parents/carers

Any Formal complaints or allegations made to or against any Authorised Person(s) will be fully considered and investigated. Any alleged crimes against Children or other family members will be reported to the police in accordance with the policies and procedures of the relevant Golf Entity. Authorised Person(s) are expected to follow the Formal complaints procedure in response to concerns raised by Children and/or their parents.

- (vi) strive to understand the definitions, indicators and impact of Child Abuse, including Grooming

Experiences of Child Abuse and Family Violence are significant sources of trauma for Children and intensify the risk of Children developing a range of emotional, psychological, social and behavioural problems. Through relevant safeguarding children training, Authorised Person(s) are expected to be able to define Child Abuse, be aware of its indicators and understand its consequences.

- (b) Authorised Person(s) should, wherever possible:
  - (i) identify and prevent Child Abuse from occurring
  - (ii) take action to protect Children from further Child Abuse
  - (iii) know and follow regulations relating to the care of Children

Rules and regulations governing safeguarding Children engaged in Golf facilities, services, events, programs and activities may vary across Australian jurisdictions. All Golf Entities will endeavour to become and remain compliant at all times with the standards of safeguarding children *required and/or promoted by the child protection agency in their State or Territory*. Authorised Person(s) should know and follow (and have access to) laws and regulations

in place in the jurisdiction in which they operate. All reasonable steps should be taken to ensure that such regulations are followed by all Authorised Person(s) in the relevant jurisdiction(s).

- (iv) know and follow the relevant law(s) in relation to reporting Child Abuse and Grooming
  - (v) cooperate with police and/or other formal investigations to the best of their ability to safeguard Children
  - (vi) always follow any Codes of Conduct implemented by Golf Entities that set out the rules for behaviour acting with each other and around Children
  - (vii) Where possible, Authorised Person(s) should be asked to personally accept and/or endorse such Codes of Conduct to formalise their acknowledgment of and adherence to their content
  - (viii) not harm or exploit Children who access Golf services, activities programs or events, nor contravene any laws or regulations regarding the safety and wellbeing of Children.
- (c) It is a serious breach of the Statement and possibly the law, if any Authorised Person(s) – whether participating in a program, event, service or activity, or working in a paid or volunteer capacity – Harm or exploit Children who are involved in any Golf activities, services, events or programs. Breaches of this include, but are not limited to, any Authorised Person(s) who:
- (i) sexually assault Children
  - (ii) physically assault Children
  - (iii) verbally abuse, denigrate or bully Children
  - (iv) sexually harass Children
  - (v) engage in grooming behaviour of Children
  - (vi) take, reproduce and/or distribute photos of Children without their consent or the consent of their guardians
  - (vii) publish any material containing images of Children
  - (viii) access, download, store or distribute any form of Child pornography
  - (ix) fail to support Children and their families as directed by Senior Persons in the event that a Children is, or is suspected of, being abused, bullied or exploited.
- (d) The impact of Child Abuse on Children is traumatic. Formal debriefing and/or counselling will be made available and/or provided to Children and their families who have experienced Child Abuse and any other Children and family in the community who may indirectly be affected by the incident(s).
- (e) The listed expectations are requirements of this Statement and should be included (preferably directly but may be incorporated by reference) in the policies, Codes of Conduct and operational procedures developed and implemented by all Golf Entities.

## 10. WHAT SUPPORT WILL BE PROVIDED TO AUTHORISED PERSONS?

- (a) All relevant Authorised Person(s) should:
- (i) receive training to keep Children safe from Child Abuse. All Golf Entities will aim to provide training opportunities regularly and as appropriate to the various roles of Authorised Person(s)
  - (ii) be clear about what is expected of them regarding the welfare and safety of Children through clarifying applicable procedures at regular opportunities and, where possible, encouraging standing agenda items at regular forums to discuss best practice procedures
  - (iii) be aware of the appropriate recruitment, screening and employment practice in relation to individuals with specific roles in working, coaching or volunteering with Children and families
  - (iv) As applicable, and subject to particular state or territory statutory requirements, and any particular Golf Entity rules or human resources management requirements and practices, Authorised Person(s) will be informed during their recruitment that their appointment will be subject to clearance under the Working With Children Check (WWCC) system and/or a national criminal record history check. It is a serious breach of this Policy if an individual who has convictions that would make him/her ineligible to be granted a WWCC (or equivalent) clearance is permitted to work or volunteer with Children who access Golf facilities, services, programs, events or activities. It is also a serious breach if an individual continues in his/her role with a Golf Entity if he/she has been charged with or convicted of a crime that would make him/her ineligible to be granted a WWCC (or equivalent) clearance.
  - (v) receive guidance and supervision in relation to their role with Children and families.
- (b) To assist with some of the complexity and challenges of working with Children and their families, regular guidance should be provided for all relevant Authorised Person(s) in relation to their specific roles with Children and families (for example, the circulation and notification of changes to legislation involving the safety and welfare of Children).
- (i) make joint decisions with Senior Persons about initiating action to protect Children from Child Abuse
  - (ii) receive appropriate and timely debriefing and/or counselling opportunities if required following stressful or challenging situations involving Children and/or their families. This should be conducted at State and/or Club level.

## 11. WHO IS RESPONSIBLE FOR IMPLEMENTING THE STATEMENT?

The role of each Golf Entity in relation to the Statement is summarised below.

Entity	Role/responsibility
GA	<ul style="list-style-type: none"> <li>• Promote the Statement and its expectations.</li> </ul>

Entity	Role/responsibility
	<ul style="list-style-type: none"> <li>• Support policy review annually or at such times as are governed by legislation, regulations, Australian Sports Commission (ASC) directions or organisational learnings that promote a change to the Statement and relevant policy or procedural guidelines.</li> <li>• Strive to ensure that adequate resources are allocated to allow for the development of the Statement, and all relevant policy and procedure creation and review, inclusive of effective implementation.</li> <li>• Develop opportunities for regular discussion at all levels to support a culture of openness and continued improvement and accountability to Child protection and member welfare.</li> <li>• Advocate and promote Child rights, empowering and engaging Children in support of the Statement and its expectations.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Strive to ensure that all Authorised Person(s) understand their obligations in accordance with the Statement and any relevant policy and procedural documentation.</li> <li>• Strive to ensure that the Statement is implemented and adhered to among Clubs and their Members, staff and officials.</li> <li>• Strive to ensure that the development and implementation of required internal policy/work procedures and guidelines are in place to support Child protection practices in accordance with the expectations of the Statement.</li> </ul>
<p><b>State Associations</b></p>	<ul style="list-style-type: none"> <li>• Strive to ensure that adequate resources are allocated to allow effective implementation of the Statement.</li> <li>• Advocate and promote Child rights, empowering and engaging Children in support of the Statement.</li> <li>• Proactively share resources and experience in the development of Child-safe initiatives in Golf as they are identified.</li> <li>• Develop opportunities for regular discussion at all levels to support a culture of continuous improvement and accountability of Child protection and member welfare. For example, in team meetings or regular forums, include member welfare as a regular agenda item.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Strive to ensure that all Authorised Person(s) understand their obligations in accordance with the Statement and any relevant policy and procedural documentation.</li> <li>• Strive to ensure that the Statement is implemented and adhered to among its Members, staff and support personnel.</li> <li>• Strive to ensure that the development and implementation of required internal policy/work procedures and guidelines are in place to support Child protection practice in accordance with the expectations of the Statement.</li> <li>• Strive to ensure that adequate resources are allocated to allow effective implementation of the Statement.</li> <li>• Advocate and promote Child rights, empowering and engaging Children in support of the Statement.</li> <li>• Proactively share resources and experience in the development of Child-safe initiatives in Golf as they are identified.</li> <li>• Develop opportunities for regular discussion at all levels to support a culture of continuous improvement and accountability of Child</li> </ul>
<p><b>Clubs and Facilities</b></p>	

Entity	Role/responsibility
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protection and member welfare. For example, in team meetings or regular forums – include as a regular agenda item.

## 12. RECRUITMENT AND SCREENING PROCEDURES FOR ROLES WITH DIRECT CONTACT WITH OR PERMITTING ACCESS TO CHILDREN

### 12.1 *Introduction*

Best practice recruitment and screening for all persons involved in Golf facilities, activities, services or events who have direct contact with or access to Children requires implementation of the processes outlined in **clauses 12.1 to 12.9**. The practices below as they apply to Golf Entity employees are subject to relevant legislation and relevant rules, human resources and/or employment processes adopted and implemented by a particular Golf Entity. If a Golf Entity (for example a Club) does not have particular human resources and/or employment processes, it should follow the processes in this **clause 12**.

### 12.2 *Application of procedures in section 12*

- (a) Subject to **clause 12.1** above (as it relates to Golf Entity employees), all Golf Entities should apply the practices and procedures in this **clause 12** in relation to all prospective employees. Unless otherwise stated, all Golf Entities should, where feasible and to the greatest extent practicable, apply the practices and procedures in this **clause 12** in relation to all volunteers in Golf. In this **clause 12**:
  - (i) volunteer includes any individuals volunteering their time and/or services free of charge, or receiving reimbursement expenses only
  - (ii) employee includes any individuals, whether full time, part time or casual, being employed or contracted by any Golf Entity and being remunerated for their time, service and/or services.
- (b) Where a Golf Entity is determining whether it is practical to apply the practice and procedures in this **clause 12**, the following may be considered:
  - (i) the size of the organisation
  - (ii) the number of prospective applications
  - (iii) the nature of the positions for which volunteers are being sought.

### 12.3 *Purpose*

- (a) These recruitment and screening procedures seek to ensure that all Golf Entities recruit people who are suitably qualified and committed to providing professional, safe and enjoyable activities and services to Children. There are specific recruitment and screening procedures that must be consistently followed by all Golf Entities when recruiting roles that have direct contact with or permit access to Children in Golf.
- (b) As noted above in **clause 12.1** recruitment of employees is governed by relevant legislation and the relevant rules, human resources and/or employment processes of the relevant Golf Entity. It is expected, however, that those practices should recognise the Statement and other principles in this Policy, for example **clauses 12.4 and 12.5** below.

#### **12.4 Advertising**

- (a) All Golf Entity advertised positions and internal position descriptions for positions that require direct contact with or permit access to Children should contain the following statement (or similar):

‘We will carry out screening and undertake a background check process on all applicants prior to appointment.’

#### **12.5 Statement**

- (a) The Statement will be referenced in all position descriptions and applications documentation, and otherwise should be communicated and/or made available to applicants at least prior to an interview.
- (b) Subject to relevant legislation and the relevant rules, human resources and/or employment processes adopted and implemented by a particular Golf Entity all applicants for employment roles with Golf Entities that require direct contact with, or that permit access to Children, should attend or participate in at least one interview or program of induction. Golf Entities should endeavour to interview applicants for volunteer roles with Golf entities that require direct contact with, or that permit access to Children. As part of the interview, the Statement should be highlighted. Any screening requirements and their purpose should also be explained.

#### **12.6 Proof of identity and qualifications check**

- (a) The identity and qualifications of each shortlisted applicant for any position requiring direct contact with or access to Children may be confirmed by the relevant Golf Entity requesting proof of identity and proof of qualifications documents from the applicant that are relevant to their role and their suitability to work with Children. On completion of the recruitment process and if requested, copies of the successful applicant’s proof of identity and proof of qualifications documents should be added to the applicant’s file.
- (b) If an applicant is unable to provide specific documentation, an appropriate Senior Person will be advised and an approval for a variation sought. The Senior Person or the relevant Golf Entity may withhold approval for any variation requested at their absolute discretion.

#### **12.7 Background and screening checks**

- (a) Subject to relevant legislation and the relevant rules, human resources and/or employment processes of the relevant Golf Entity or unless the law provides otherwise, all Golf Entity boards and employees must have a satisfactory WWCC in the appropriate jurisdiction in which they spend the majority of their working time.
- (b) In addition, at the discretion of the relevant Golf Entity, applicants may be required to satisfy a number of background checks, at the commencement of, and in some cases during, the term of their role. These may include (but are not limited to) the following:
  - (i) a national criminal history record check
  - (ii) a signed declaration
  - (iii) a reference check

- (iv) any other relevant background checks to assess a person's suitability to work with Children.
- (c) If the applicant has already commenced in a role with a Golf Entity and the results of any background or screening checks are unsatisfactory, the Golf Entity may terminate the individual's position (whether employed or voluntary) without notice. Golf Entities should only recruit persons with appropriate qualifications and experience. If at any stage (including before or after commencement in the relevant position) it is discovered that any aspect of the applicant's curriculum vitae or the references or background checks that are provided in support of the application are dishonest or misleading, the Golf Entity will be entitled to terminate the position immediately without notice.

## **12.8 Record keeping and sharing of information – WWCC and/or national criminal history record checks**

- (a) All Golf Entities must comply with relevant laws in relation to record keeping. Subject to those laws all Golf Entities should maintain:
  - (i) records of all employees and volunteers
  - (ii) a register of WWCC and/or national criminal history record check for all persons for whom checks have been obtained. This register must detail application and approval or rejection details (including WWCC or equivalent identifiers), expiry dates and any other identifying and useful information.
- (b) All Golf Entities will work together in the best interests of their Members and Authorised Person(s). As such, Golf Entities must share information from relevant employment records and/or its register of WWCC and/or national criminal history record check in order to resolve any recruitment or screening issues and/or in the interests of resolving any Formal complaints relating to Children. Clubs should also share employment records and/or proof of identity or qualifications information when requested by the relevant State Association for the same purposes. For the avoidance of any doubt, all applicants must provide their consent to GA, State Associations and Clubs disclosing their personal information as set out above.

## **12.9 Guidelines for volunteers, short-term appointees and minors**

Volunteers, short-term appointees and minors in roles with direct contact with or permitting access to children will be informed that, in the light of the above, every precaution will be taken to protect Children in the care of a Golf Entity.

Accordingly, the policy for volunteers requires all Golf Entities to comply with any WWCC legislation that applies across the jurisdiction(s) in which they operate,

# PART 3:

## Codes of Conduct

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## PART 3: CODES OF CONDUCT

### 13. INTRODUCTION TO THE CODES OF CONDUCT

- (a) The following Codes of Conduct outline the expected behavioural guidelines for Members and persons involved in, and interactions between, all such persons in the Australian Golf community as well as safeguarding Children.
- (b) There are two key elements to the Codes of Conduct:
  - (i) the General Code of Conduct, which relates to interactions between Members, Participants and Authorised Person(s) (**clause 18**)
  - (ii) the Code of Conduct for interactions with Children who take part in Golf programs, activities or services (**clause 19**). This Code of Conduct has been developed to help safeguard Children.
- (c) **PLEASE NOTE the Codes of Conduct relate to member welfare and protection and NOT to “Sport” related infractions and/or infractions against the rules of Golf or the actual conduct of Golf events. These are governed by the GA Code of Conduct and Disciplinary Procedure. See at:**  
<http://www.golf.org.au/playingcodes>
- (d) As part of a Member’s commitment to observing the Codes of Conduct (Codes), each Member should formally acknowledge their commitment to the Codes of Conduct, wherever practicable.

### 14. COMMITMENT TO THE CODES OF CONDUCT

- (a) The Codes should be read in conjunction with:
  - (i) the specific requirements of any role as defined in any position description statement, if applicable
  - (ii) relevant policy and procedure documents, including the Statement
  - (iii) the complaint procedures
  - (iv) other GA policies and guidelines available on the GA website:  
<http://www.golf.org.au/policies>
  - (v) all applicable laws in the relevant jurisdiction
  - (vi) constitutions and by-laws
  - (vii) general community expectations in relation to appropriate behaviour between adults and Children.
- (b) All Golf Entities may consider a failure to observe the Codes as misconduct, and may take appropriate disciplinary action in accordance with relevant rules and regulations including this Policy.

## 15. EXCEPTIONS

There may be exceptional situations where the Codes do not apply, for example, in an emergency situation. It is crucial however that, where possible, authorisation is sought from a Senior Person prior to taking action that contravenes the Code(s) or a Senior Person is advised as soon possible of any incident which breaches the Code(s).

## 16. GOLF VALUES

It is critical within Golf in Australia that values drive behaviours and conduct. While the wording of stated values and behaviours may change depending on the relevant Golf Entity with which a Member is associated, there are some key principles that drive conduct and behaviour that are common across Golf. These are:

### (a) INTEGRITY and RESPECT

Recognising the contribution that people make to Golf, treating them with dignity and consideration, as well as caring for the property and equipment they use. Fairness should be employed in decision-making out of respect to all.

### (b) TEAMWORK

Collaboration and working together to achieve outcomes and resolve issues. Supporting one another on and off the Golf course is essential.

### (c) FUN AND ENJOYMENT

Golf should be enjoyable for all those participating in it. Efforts should be recognised and rewarded so as to fuel the passion for everyone in Golf and have fun along the way.

### (d) EXCELLENCE

Golfers should strive for best practice in everything they do – seeking the highest of standards in order to achieve the best possible outcomes for themselves, their Club and Golf.

## 17. CODES OF CONDUCT

The Codes should be followed at all times and by all Members and all people involved in any way with Golf.

## 18. GENERAL CODE OF CONDUCT

Members and all people involved in any way with Golf will:

- (a) respect the rights, dignity and worth of others – treat others as you would like to be treated yourself
- (b) be ethical, considerate, fair, courteous and honest in all dealings with other people and organisations
- (c) be professional in, and accept responsibility for your actions

- (d) be aware of and follow at all times Golf's laws, standards, rules, policies and procedures and promote those laws, standards, rules, policies and procedures to others
- (e) operate within the rules and spirit of the sport, including the national and international guidelines that govern Golf
- (f) understand the possible consequences of breaching the Codes and/or this Policy
- (g) report any breaches of the Codes or this Policy to the appropriate Authorised Person(s)
- (h) refrain from any form of Abuse, Harassment, Discrimination and Victimisation towards others
- (i) raise concerns regarding decisions of Authorised Person(s) through the appropriate channels and in a timely manner
- (j) provide a safe environment for the conduct of activities in accordance with any relevant GA policy
- (k) show concern, empathy and caution towards others that may be sick or injured
- (l) be a positive role model to all
- (m) respect and protect confidential information obtained through Golf activities or services; whether individuals and/or organisational information
- (n) maintain the required standard of accreditation and/or licensing of professional competencies, as applicable to the role(s)
- (o) ensure that any physical contact with others is appropriate to the situation and necessary for the person's skill development
- (p) refrain from intimate relations with persons over whom you have a position of authority
- (q) agree to abide by the Codes
- (r) maintain a duty of care towards others
- (s) be impartial and accept the responsibility for all actions taken.

## **19. CODE OF CONDUCT FOR AUTHORISED PERSON(S) IN DEALING WITH CHILDREN**

For clarity and emphasis regarding this Code of Conduct, Authorised Person(s) includes:

- (a) any adult in Golf
- (b) any Children in Golf who are in a position of providing guidance and advice (authority) to other Children or adults.

### **19.1 Positive guidance**

Children participating in Golf facilities, services, programs and activities should be made aware of the acceptable limits of their behaviour so that a positive experience can be

provided for all Participants. There are times, however, when Authorised Person(s) may be required to use appropriate techniques and behaviour management strategies to ensure:

- (a) an effective and positive environment
- (b) the safety and/or wellbeing of Children or other Golf personnel.

Authorised Person(s) should use strategies that are fair, respectful and appropriate to the developmental stage of the Children involved. Children need to be provided with clear directions and given an opportunity to redirect their misbehaviour in a positive manner.

### **19.2 *Adhering to role boundaries***

- (a) Authorised Person(s) should act within the confines of their duties at all times, subject to a direction by a relevant Senior Person.
- (b) With the exception of parents/carers of their own Children and/or Authorised Person(s) who are expressly authorised by the relevant parents/carers of Children to engage in specific activities with their Children, Authorised Person(s) should not:
  - (i) provide unauthorised transportation
  - (ii) engage in activities with Children who are Members outside of authorised services, programs or activities
  - (iii) seek contact with Children who are Members outside authorised services, programs or activities
  - (iv) accept an invitation to attend any private social function at the request of a Child who has participated, or is participating, in authorised services, programs or activities.
- (c) For the purpose of this provision, express authority should be specific authority for particular activities.
- (d) If any Authorised Person(s) becomes aware of a situation in which a Child requires assistance that is beyond the confines of that person's role, or beyond the scope of the Golf Entity's usual service, they should at the earliest opportunity:
  - (i) refer the matter to an appropriate support agency, as well as to the relevant Golf Entity
  - (ii) refer the Child to an appropriate support agency
  - (iii) contact the Child's parent or guardian as appropriate (which may be undertaken in consultation with the relevant Golf Entity)
  - (iv) seek advice from a Senior Person.

### **19.3 *Uniform and identity card/pass/badge/WWCC***

Authorised Person(s) other than parents/carers of Children or Participants should have available their uniform or identification tag/badge/pass (where issued and/or available) only while involved in delivering services, programs or activities or as required by their role, such as when representing a Golf Entity or to and from that work.

#### **19.4 Use of language and tone of voice**

- (a) Language and tone of voice used in the presence of Children should:
  - (i) provide clear direction, boost their confidence, encourage or affirm them
  - (ii) not be harmful – therefore, avoid language that is intended to be, or is received or likely to be received by the individual it is directed at or any other person as:
    - (A) discriminatory, racist or sexist
    - (B) derogatory, belittling or negative, for example, by calling a Child a 'loser' or telling them they are 'too fat'
    - (C) threatening or frightening
    - (D) profane or sexual.
- (b) Similar language and tone of voice should be used in all Member-to-Member transactions.

#### **19.5 Supervision of Children**

- (a) Authorised Person(s) responsible for supervising Children in relation to whom Golf Entities have a direct role in providing activities, programs and services must strive to ensure that those Participants:
  - (i) engage positively within the delivery of the service, program, event or facility
  - (ii) behave appropriately towards one another
  - (iii) are in a safe environment and are protected from external threats.
- (b) Except for the parents/carers of Children, Authorised Person(s) are required to avoid unsupervised situations with Children to whom we provide services, programs and/or activities and (where possible) to conduct all activities and/or discussions with service and program Participants in view of other Authorised Person(s).

#### **19.6 Use of electronic communications**

- (a) Other than between Children, wherever possible, social media messages (such as text, email, Facebook or Instagram) sent to Children by an Authorised Person(s) should be copied to their parent or carer.
- (b) Where a parent is not included in a communication that communication should:
  - (i) be restricted to issues directly associated with delivering services, activities or programs, such as advising that a scheduled Golf activity, program or event (such as training) is cancelled
  - (ii) limit personal or social content to what is required to convey the service-related message in a polite, friendly manner. In particular, do not communicate anything that a reasonable observer could view as being of a sexual nature
  - (iii) not promote unauthorised social activity or arrange unauthorised contact

- (iv) not request a Child to keep a communication a secret from their parents or carers
- (v) not be delivered with Children using internet chat rooms or similar forums such as social networking sites, game sites or instant messaging
- (c) All Authorised Person(s) who deliver services, programs and activities are required to follow the 'acceptable use' policy in relation to browsing websites on Golf Entities' computers.
- (d) Authorised Person(s) are also required to ensure appropriate monitoring of Children when they use relevant Golf Entities' electronic communication equipment to ensure that they do not inadvertently place themselves at risk of Abuse or exploitation via social networking sites, gaming sites or web searches, or through inappropriate email communication.

### **19.7 Giving gifts to Children**

Other than parents/carers of Children giving gifts to their own Child or Children, the giving of gifts by Authorised Person(s) to Children to whom services are provided is subject to:

- (a) obtaining prior authorisation from a Senior Person permitted to authorise gift-giving from a Golf Entity
- (b) parents or other responsible adults being made aware of any gift given.

### **19.8 Photographs of Children**

Subject to all relevant GA policies (including this Policy):

- (a) Children to whom a service is delivered are to be photographed while involved in a relevant Golf Entity's service, activity, event or facility only if:
  - (i) prior approval has been granted by the relevant Children or the parents/guardian of the relevant Children and by the relevant Golf Entity
  - (ii) the context is directly related to participation in Golf
  - (iii) the Children is appropriately dressed and posed
  - (iv) the image is taken in the presence of an Authorised Person,  
  
except in the case of Children and/or their parents/carers distributing photos of themselves or their own Children to each other or to others, images are not to be distributed (including an attachment to an email) to anyone outside Authorised Person(s) other than the Child photographed or their parent/carer, without knowledge and approval of a Senior Person,
- (b) images (digital or hard copy) are to be stored in a manner that prevents unauthorised access by others, for example:
  - (i) if in hard copy form, in a locked drawer or cabinet
  - (ii) if in electronic form, in a password-protected folder

- (c) images (digital or hard copy) are to be destroyed or deleted as soon as they are no longer required
- (d) images are not to be exhibited on Golf Entities' websites without parental/carer knowledge and approval, or such images must be presented in a manner that de-identifies the Children. Any caption or accompanying text may need to be checked so that it does not identify a Children if such identification is potentially detrimental.

### 19.9 *Physical contact with Children*

- (a) Any physical contact with Children must be appropriate to the delivery of Golf services, programs or activities, such as when, appropriately correcting swing or grip technique and based on the needs of the Children (such as to assist or comfort a distressed young person) rather than on the needs of Authorised Person(s).
- (b) Under no circumstances should any Authorised Person(s) have contact with Children participating in a Golf facility, service, program, activity or event that:
  - (i) involves touching:
    - (A) of genitals
    - (B) of buttocks
    - (C) of the breast areaunless that is part of delivering medical or allied health services to which:
    - (D) the relevant Authorised Person(s) are qualified to deliver
    - (E) the relevant medical intervention has the express prior consent of the relevant Children and the parents/guardians of the relevant Children involved
  - (ii) would appear to a reasonable observer to have a sexual connotation
  - (iii) is intended to cause pain or distress to the Children – for example corporal punishment
  - (iv) is overly physical – as is, for example, wrestling, horseplay, tickling or other roughhousing
  - (v) is unnecessary – as is, for example, assisting with toileting when a Child does not require assistance
  - (vi) is initiated against the wishes of the Children, except if such contact may be necessary to prevent injury to the Children or to others, in which case:
    - (A) physical restraint should be a last resort
    - (B) the level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the Child to prevent harm to themselves or others
    - (C) the incident must be reported to a Senior Person as soon as possible

- (vii) Authorised Person(s) are required to report to a Senior Person any physical contact initiated by a Child that is sexual and/or inappropriate, for example, acts of physical aggression, as soon as possible, to enable the situation to be managed in the interests of the safety of the Child, Authorised Person(s) and any other Participants.

#### **19.10 Sexual Misconduct and relationships**

- (a) Under no circumstances is Sexual Misconduct or any form of sexual behaviour to occur between persons in any Golf environment and particularly, with, or in the presence of, Children participating in any Golf environment. Engaging in sexual behaviour whilst participating in Golf services, programs or activities is prohibited even if the persons involved may be above the legal age of consent.
- (b) 'Sexual behaviour' needs to be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:
  - (i) 'contact behaviour', such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a Child through prostitution
  - (ii) 'non-contact behaviour', such as flirting between adults and Children, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.
- (c) Consensual intimate relationships (whether or not of a sexual nature) between an Authorised Person(s) and an adult Participant should where possible be avoided as they can have harmful effects on the Participant involved and on other Members and on our organisation's public image.
- (d) These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the Authorised Person(s) and the Participant.
- (e) The Authorised Person(s) may wish to seek advice or support from a Member Protection Information Officer or equivalent if they feel harassed. The Formal complaints procedure is outlined in Part 4 of this Policy.

#### **19.11 Overnight stays and sleeping arrangements for Children**

- (a) Overnight stays are to occur only with the authorisation of appropriate Golf Entity Senior Persons and of the parents/carers of the Children involved.
- (b) Practices and behaviour by our Authorised Person(s) during an overnight stay must be consistent with the practices and behaviour expected during delivery of Golf facilities, services, programs and activities at other times.
- (c) Standards of conduct that must be observed by Authorised Person(s) during an overnight stay include but are not limited to:
  - (i) providing Children with privacy when bathing and dressing
  - (ii) observing appropriate dress standards when Children are present – such as no exposure to adult nudity

- (iii) not allowing Children to be exposed to pornographic material, for example, through movies, television, the internet or magazines
- (iv) not leaving Children under the supervision or protection of unauthorised persons, such as hotel staff or friends
- (v) not involving sleeping arrangements that may compromise the safety of Children, such as unsupervised sleeping arrangements, or an adult (who is not a parent of the Children) sleeping in the same bed as Children
- (vi) the right of Children to contact their parents, or others, if they feel unsafe, uncomfortable or distressed during the stay
- (vii) parents expecting that their Children can, if they wish, make contact.

### **19.12 Change room arrangements**

- (a) Should the use of change rooms/locker rooms/toilets be required as part of preparation for, or following, an activity, Authorised Person(s) are required to supervise the Children while balancing that requirement with a Child's right to privacy.
- (b) Where the change rooms are used as part of an activity, the Authorised Person(s) involved are required to develop a protocol to ensure adequate supervision. The protocol should take into consideration the age of the Children and the facility's provisions for privacy. For example, the protocol may include waiting near the entrance of the change room for the Children but not actually entering the facility. In addition, Authorised Person(s):
  - (i) should avoid one-on-one situations with Children in a change room area
  - (ii) are not permitted to use the change room area to, for example, undress, while Children are present unless they are also competing in a Golf event or are participating in a Golf training environment
  - (iii) need to provide the level of supervision required for preventing Child Abuse by members of the public, adult service users, peer service users or general misbehaviour, while also respecting a Child's privacy.
- (c) Females should avoid entering male change rooms and males should avoid entering female change rooms in any circumstance (other than an emergency). If a female has to enter a male change room or a male has to enter a female change room, adequate supervision is required.

## **20. OTHER MEMBER WELFARE MATTERS AND EXPECTATIONS**

### **20.1 Use, possession or supply of alcohol or drugs**

- (a) While on duty or carrying out their roles, a Member including but not only Authorised Person(s) must not:
  - (i) use, possess or be under the influence of an illegal or illicit drug
  - (ii) use or be under the influence of alcohol
  - (iii) be incapacitated by any other legal drug such as prescription or over-the-counter drugs

- (iv) supply alcohol or drugs (including tobacco) to Children participating in any Golf facility, service, program, event or activity.
- (b) Use of legal drugs other than alcohol is permitted, provided such use does not interfere with Authorised Person(s)'s ability to care for Children involved in Golf services, programs or activities.
- (c) Responsible service and consumption of alcohol should apply to any alcohol consumed. Responsible services might include ensuring that light alcohol and soft drinks always being available. Wherever possible, food might be made available to be consumed when alcohol is available, or transport policies may be adopted.
- (d) All Golf Entities must adhere to strict guidelines regarding the responsible service and consumption of alcohol and act in accordance with relevant liquor licence laws and regulations.

## **20.2** *Transporting children*

- (a) Children are to be transported by Authorised Person(s) (other than by their parent(s)/carer(s)) only in circumstances that are directly related to the delivery of Golf services, programs or activities. For example, Children should not be given casual lifts unrelated to Golf services or activities by Authorised Person(s).
- (b) Children are to be transported by Authorised Person(s) only with prior authorisation from a relevant Golf Entity Senior Person and from the Children's parent/carer. Gaining approval involves providing information about the proposed journey, including:
  - (i) the form of transport proposed, such as private car, taxi, self-drive bus, bus with driver, train, plane or boat
  - (ii) the reason for the journey
  - (iii) the route to be followed, including any stops or side trips
  - (iv) details of anyone who will be present during the journey other than Authorised Person(s).
- (c) Golf Entities should develop a pick up/drop off protocol as required for Children attending their premises for events and activities.

## **20.3** *Pregnancy*

- (a) Pregnant women should be treated with respect and any unreasonable barriers to their full participation in Golf should be removed. Any Discrimination or Harassment against pregnant women in Golf will not be tolerated.
- (b) All Golf Entities will take reasonable care to ensure the safety, health and wellbeing of pregnant women and their unborn children. Pregnant women are advised that there may be risks involved and are encouraged to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, are of utmost importance in their decision-making about the extent to which they choose to participate in Golf activities.

- (c) All pregnant women are encouraged to talk with their medical advisers and make themselves aware of the facts about pregnancy and participating in Golf activities and ensure that they make informed decisions about their participation. Pregnant women will be required to sign a disclaimer only if all other participants are required to sign one in similar circumstances. Women will not be required to undertake a pregnancy test.
- (d) If a pregnant woman feels she has been harassed or discriminated against on the basis of her pregnancy by another person or organisation bound by this Policy, she may make a formal complaint.

#### **20.4 Gender identity**

See Golf Australia Gender Policy at [www.golf.org.au/policies](http://www.golf.org.au/policies)

- (a) Golf Entities are committed to providing a safe, fair and inclusive environment where people of all backgrounds can contribute and participate. People who identify as Transgender or transsexual should be treated fairly and with dignity and respect at all times. This includes acting with sensitivity when a person is undergoing gender transition.
- (b) Any unlawful discrimination or harassment of a person who identifies as Transgender or transsexual or who is thought to be Transgender or transsexual will not be tolerated. If a Transgender or transsexual person feels he or she has been harassed or discriminated against on the basis of their gender identity by another person or organisation bound by this Policy, they may make a formal complaint.
- (c) Excluding Transgender and transsexual people from participating in Golf activities has significant implications for their health, wellbeing and involvement in community life. In general, their participation in Golf on the basis of the gender with which they identify is supported.
- (d) It is recognised that there is debate over whether a male-to-female Transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, advice will be sought on the application of those laws in the particular circumstances.
- (e) Drug testing procedures and prohibitions also apply to people who identify as Transgender. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard Therapeutic Use Exemption.

#### **20.5 Smoking**

- (a) Smoking is now banned in many public spaces including parks and beaches in some states. Golf Entities do not allow Members to smoke while undertaking Golf duties and asks that Members refrain from the practice when engaged in official Golf activities.
- (b) All Golf Entities must adhere to relevant legislation and local government regulations in relation to smoking requirements.

## 20.6 *Cyber Bullying*

- (a) All Golf Entities regard Bullying and Harassment in all forms as unacceptable. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.
- (b) New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. No Golf Entity will tolerate abusive, discriminatory, intimidating or offensive statements being made online. In some cases, Bullying is a punishable criminal offence.
- (c) Frustration with a Golf member, Authorised Person(s) or a Golf Entity should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a formal complaint – to the relevant Golf Entity.

## 20.7 *Social networking websites*

- (a) Golf Entities acknowledge the enormous value of social networking websites, such as Facebook and Twitter, to promote Golf and celebrate the achievements and success of the people involved in Golf. All people bound by this Policy must conduct themselves appropriately when using social networking sites to share information related to Golf.
- (b) Social media postings, blogs, status updates and tweets by Members:
  - (i) must not use offensive, provocative or hateful language or photographs/images
  - (ii) must not be misleading, false or injure the reputation of another person
  - (iii) should respect and maintain the privacy of others
  - (iv) should promote Golf in a positive way.

# PART 4:

## Complaints Procedure

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## PART 4: COMPLAINTS PROCEDURE

### 21. INDEPENDENT INVESTIGATION PROCEDURE

- (a) For Formal complaints lodged under this Policy, the Involved Organisation may conduct its own internal investigation (Refer 21.1) into the circumstances surrounding the allegation(s). Following an internal investigation into a formal complaint to establish the facts and the position of the parties to a formal complaint, the Involved Organisation may determine that it is appropriate to appoint an Investigator to review the circumstances of the formal complaint and conduct an independent investigation. If the matter giving rise to a Formal complaint is of a serious nature such as Serious Criminal Conduct such as Physical Abuse or a Sexual Offence, the matter should be referred to the police immediately. The Involved Organisation may still undertake an internal investigation. Where an Investigator is appointed, the steps set out below should be followed.
- (b) Any internal or independent investigation process conducted must occur concurrently with any external organisation process, as long as the internal or independent investigation process is placed on hold should an external organisation request the Involved Organisation to do so. In conducting an independent investigation, the steps below should be followed.

#### 21.1 Investigation

- (a) The Involved Organisation will provide a written brief to the Investigator to ensure that the terms of engagement and scope of the Investigator's role and responsibilities are clear.
- (b) The Complainant should be interviewed by the Investigator and the formal complaint and any key information arising from the interview(s) documented in writing by the Investigator. The Complainant is entitled to have a support person present during any interview that takes place, subject to the support person never being admitted as a lawyer or barrister.
- (c) The key details of the formal complaint should be conveyed to the Respondent(s). The Respondent(s) must be given sufficient information to enable them to properly respond to the formal complaint.
- (d) The Respondent(s) should be interviewed by the Investigator and given the opportunity to respond to the allegations. The Respondent's response to the formal complaint should be documented in writing by the Investigator. The Respondent is entitled to have a support person present during any interview, subject to the support person never having been admitted as a lawyer or barrister.
- (e) If, in the process of the independent investigation, there continues to be a dispute regarding the facts, then statements from witnesses and other relevant evidence should be obtained (if possible) by the Investigator to assist in reaching conclusions and preparation of a report and recommendations.
- (f) The Investigator must make a finding, on the balance of probabilities, as to whether the formal complaint, or each of the allegations in the formal complaint (as appropriate) is:
  - (i) substantiated (there is sufficient evidence to support the formal complaint)

- (ii) inconclusive (there is insufficient evidence either way)
  - (iii) unsubstantiated (there is sufficient evidence to show that the formal complaint is unfounded or not enough evidence to substantiate the formal complaint)
  - (iv) mischievous, vexatious or knowingly untrue.
- (g) A report documenting the formal complaint, the investigation process, evidence, finding(s) and, if requested, recommendations, should be given to the Involved Organisation which may, in consideration of the report of the Investigator, either:
- (i) take disciplinary action against either the Respondent, Complainant or any other person/persons involved in the formal complaint in accordance with 'Sanction' below
  - (ii) refer the formal complaint to a Hearing Tribunal (which will take place in accordance with the Hearing Tribunal procedure (item 22 below)) to determine what, if any, further action to take
  - (iii) take no further action and close the formal complaint under this Policy.
- (h) Within 14 days of the Involved Organisation receiving a report of an Investigator, a report (Report) must be provided to the Complainant(s) and the Respondent(s) that summarises the investigation process and documents key points that were found to be substantiated, inconclusive, unsubstantiated or mischievous. Where the Report relates to one or more Children or Young Persons, as either the Complainant or a witness, the Report may be redacted to the extent required to protect the identity of the Children or Young Persons. Each party to the formal complaint must be provided an opportunity to provide a written response to the Report, should they wish.
- (i) All parties to the formal complaint receiving a copy of the Report of the Investigator must maintain strict confidentiality of the Report, other than where necessary to disclose the contents of the Report in order to obtain legal advice or as required by law. Any disclosure of the Report other than in accordance with this item is a breach of this Policy and may result in disciplinary action being taken against the party making the disclosure.
- (j) Subject to items 21.1 (d) and (f), both the Complainant and the Respondent(s) are entitled to support throughout this process from their chosen support person/adviser.

## **21.2 Sanction**

- (a) Where the Involved Organisation deems disciplinary action is required as a result of the independent investigation under item 21.1(g)(i), the steps detailed below must be followed.
- (b) The Involved Organisation must refer the report it receives under item 21.1(g)(i) to a Hearing Tribunal.
- (c) Prior to holding a meeting to consider the Report and any sanctions to be imposed as a result of the Report, the Hearing Tribunal must:
  - (i) provide the Complainant and Respondent(s) an opportunity to respond in writing to the Report

- (ii) notify each of the parties to the formal complaint that the Hearing Tribunal will be meeting to consider the formal complaint, and any disciplinary measures to be imposed as a result of the formal complaint being proved
- (iii) inform the Complainant and Respondent:
  - (A) that they are entitled to provide submissions and evidence to the Hearing Tribunal, either in writing, in person at the meeting or both
  - (B) that the Hearing Tribunal will make a decision based on all of the information before it
  - (C) that any disciplinary measures imposed by the Hearing Tribunal may only be appealed in accordance with the appeal procedure in item 22.6 below
  - (D) that they are not entitled to be represented by a lawyer or barrister at the meeting
  - (E) of the date, time and location of the Hearing Tribunal meeting at which the Report will be considered.
- (d) Once the Hearing Tribunal holds a meeting to consider the Report, and any evidence provided by the parties, it may impose any disciplinary measures available under this Policy.

## **22. HEARING TRIBUNAL PROCEDURE**

Where an Involved Organisation refers a Formal complaint under this Policy to a Hearing Tribunal under items 21.1(g)(ii) or 21.2 (“referring authority”), the process is as follows:

### **22.1 Appearance**

Persons appearing before the Hearing Tribunal shall be entitled to call witnesses, but must state their case in person unless the Hearing Tribunal has permitted representation through an advocate. If an advocate is permitted such advocate is not entitled to be legally trained or qualified. For the avoidance of doubt persons appearing before a Hearing Tribunal are not entitled to legal representation in the Hearing Tribunal proceedings. They and their witnesses shall be given a full opportunity to be heard. In their absence, or in the absence of their witnesses, a decision may be made by default. Before making a decision in default of appearance, the Hearing Tribunal must satisfy itself that the party concerned was aware of the time, date and place of hearing and had been requested to appear.

### **22.2 Procedure at Proceedings**

- (a) Hearing Tribunal proceedings shall be conducted as follows.
  - (i) The Hearing Tribunal chairperson shall announce the opening of the proceedings, stating the Hearing Tribunal's authority, jurisdiction, composition and the nature and purpose(s) of the proceedings
  - (ii) The procedure to be followed at proceedings shall be clearly explained by the Hearing Tribunal chairperson. The Hearing Tribunal chairperson shall state who is entitled to be present throughout proceedings during evidence and submissions.

- (iii) The matter(s) the subject of proceedings shall then be read to the person(s) concerned. The body or person reporting the matter(s) and the subjects of the proceeding shall be given the opportunity to report the circumstances of those matter(s). The person(s) concerned will be given the opportunity to respond to this report and present evidence/submissions as to their view of the circumstances of those matter(s). Any witnesses called by either the reporting body or the person(s) concerned will be given the opportunity to give evidence or make submissions. Witnesses may be questioned on their evidence. Evidence and/or submissions may be tendered in writing.
- (iv) The Hearing Tribunal will consider the evidence presented. The Hearing Tribunal may adjourn the hearing if considered necessary. No other person shall be present or partake in any discussion with the Hearing Tribunal at this time. If the Hearing Tribunal finds an offence has not been committed or not proved it will advise the referring authority and dismiss the charge, accordingly.
- (v) If the Hearing Tribunal finds an offence has been committed or proved, it may impose, in its discretion, an appropriate penalty or penalties, or it may report its findings to the referring authority with such recommendations, as it considers appropriate. The Hearing Tribunal chairperson will declare the proceedings closed.
- (vi) If a decision cannot be given immediately after proceedings, the relevant party or parties must be advised of the time and place at which the decision will be given. The decision, any penalty, the reasons for the decision and notice of the person's appeal rights shall be given in writing and signed by the Hearing Tribunal chairperson. A referring authority must advise persons found guilty of an offence under these Regulations of their rights of appeal.
- (vii) Every decision of a Hearing Tribunal under this Policy shall be conveyed in writing to the parties concerned, and where an Individual Member and there is a significant sanction or the matter is serious, to that Individual Member's Club and State Association. It shall be incumbent on such Club to give effect to the decision immediately and to notify the referring authority that such has been done. The referring authority may deal with a Club failing to give immediate effect to such decision at that authority's discretion.

### **22.3 Penalties**

- (a) Penalties which may be imposed include:
  - (i) A reprimand
  - (ii) Suspension of such activities, on such terms and for such period as the Hearing Tribunal thinks fit
  - (iii) Exclusion from a particular activity, event or events
  - (iv) Expulsion
  - (v) Fines, imposed in such manner and in such amount as the Hearing Tribunal thinks fit

- (vi) Such combination of any of the above penalties as the Hearing Tribunal thinks fit
  - (vii) Additional Service, requiring the Member to undertake an activity-based penalty, imposed in such manner as the Hearing Tribunal deems fit.
- (b) During proceedings the subject(s) of the proceedings may be suspended, on such terms and for such period as the relevant referring authority thinks fit and shall remain under suspension unless the relevant referring authority decides otherwise.

#### **22.4 Reporting**

- (a) Unless the decision of a Hearing Tribunal is unanimous, a separate report may be made to the referring authority by the minority. The decision of the majority however, shall be deemed to be the decision of the Hearing Tribunal. Where voting is equal, the Hearing Tribunal chairperson may exercise a casting vote.
- (b) A decision of a Hearing Tribunal cannot be altered by the referring authority.

#### **22.5 Effect of Penalty**

Where an Individual Member is suspended under this Policy, their rights and privileges of that Member shall be forfeited, either partially or completely, during the period of suspension. In the case of complete suspension, a member shall also forfeit all Club rights during the currency of the suspension. Partial suspension shall prevent a Member's participation in inter-Club, State or GA activities, but shall not interfere with his rights as a member of a Club.

#### **22.6 Appeal Procedure**

- (a) An appellant may appeal a decision arising from:
  - (i) an Independent Investigation that results in the imposition of a sanction
  - (ii) a Hearing Tribunal.
- (b) An appeal is permitted only on one or more of the following grounds:
  - (i) the decision was affected by actual bias
  - (ii) there was no material on which the decision could reasonably be based.
- (c) The Notice of Appeal must set out the ground(s) of appeal relied upon by the appellant and an outline of the appellant's submissions in relation to the appeal.
- (d) The procedure for an appeal is as follows:
  - (i) There will be a Appeals Panel comprised of persons appointed by GA and/or each State Association and/or Club.
  - (ii) A Member who or which has received a penalty or an adverse finding from a Hearing Tribunal under item 22.2 may, within 14 days from the date of receiving the determination in writing, appeal to the Appeals Panel. For the avoidance of doubt there is only one appeal from a Hearing Tribunal regardless of whether that Hearing Tribunal was appointed by GA or by a Club or State.

- (iii) Appeals under this clause will be determined in accordance with this procedure.
- (iv) An appeal must be lodged in writing with the relevant Golf Entity. The appeal must set out the:
  - (A) ground(s) on which the appeal is made; and
  - (B) reasons or circumstances supporting the alleged ground(s) of appeal; and
  - (C) must be accompanied by a non-refundable appeal fee of \$500.
- (e) Nothing in this Regulation prevents the withdrawal of an appeal at any time in writing to the relevant State or Club. If the appellant seeks to withdraw an appeal after an appeal hearing has commenced the appeal may only be withdrawn with the consent of the Appeal Panel chairperson. Once an appeal is withdrawn a new appeal in respect of the same matter cannot be lodged.
- (f) On receipt of an appeal, the relevant State or Club must as soon as practicable convene a Appeals Panel and forward the appeal documents to the nominated chairperson of the convened Panel.
- (g) An Appeals Panel shall be constituted by up to three persons which should include a barrister or solicitor who will chair the Appeals Panel.
- (h) No member of the Appeals Panel may be a party to or directly interested in the matter under consideration.
- (i) The chairperson of an appointed Appeals Panel shall, as soon as practical after receiving the appeal documents, investigate and consider the matter and determine whether the appeal:
  - (i) should be dismissed as:
    - (A) it does not set out a valid ground of appeal
    - (B) there are sufficient grounds for the appeal to proceed or
    - (C) the matter is trifling in nature or has no merit or
  - (ii) warrants further review and determination in accordance with these Regulations.
- (j) The chairperson has complete discretion in undertaking this review and there is no further appeal against a decision to dismiss.
- (k) If the Appeals Panel determines the matter warrants further review, it shall as soon as practicable, having regard to timing, serve a notice in writing on all relevant parties:
  - (i) stating that the parties may address the Appeals Panel at a hearing to be held as soon as practicable, being not earlier than 7 days from the date of the notice;
  - (ii) stating the date, place and time of that hearing; and

- (iii) informing the parties that they may do any one or more of the following:
  - (A) attend that meeting (either personally or by their representative who subject to item 22.6 (m) may not be legally trained or qualified) and bring such witnesses as they wish to rely upon in respect of the matter the subject of appeal; and/or
  - (B) give the Appeals Panel, no later than 24 hours before the time of that meeting, a further written statement setting out relevant information surrounding the appeal.
- (l) The Appeals Panel may conduct a hearing convened in such manner as it sees fit, but shall:
  - (i) give to all relevant parties and their witnesses every opportunity to be heard
  - (ii) give due consideration to any written statements received from any relevant party
  - (iii) allow relevant parties to be present along with their adult representative; and may request or require such parties or other witness to attend the hearing or provide such evidence as is available to enable the Appeals Panel to properly consider the matter.
- (m) Persons appearing before the Appeals Panel are not entitled as of right to legal representation before the Appeals Panel.
  - (i) Subject to item 22.6(m) (ii) below the Appeals Panel may grant a right to legal representation to a party where that party has made written application to the Appeals Panel for such representation. Such application must be received by the chairperson of the Appeals Panel within 7 days from the date of the notice served under item 22.6(k) above.
  - (ii) Legal representation will only be permitted by the Appeals Panel where the party seeking legal representation can demonstrate to the Appeals Panel that the matter is serious, complex or the consequences for that party proceeding without legal representation are significant from a livelihood or business perspective. The onus is on the party seeking legal representation to prove that such representation should be permitted.
  - (iii) The Appeals Panel may refuse or grant such application in its absolute discretion. The Appeals Panel's decision in respect to legal representation is final and there is no appeal from such decision.
- (n) Following consideration of all information which the Appeals Panel considers relevant and which is available, the Appeals Panel shall arrive at a finding. The Appeals Panel can impose new penalties or vary an existing penalty. A decision of the Appeals Panel shall be by a majority decision. A decision of the Appeals Panel is final.
- (o) The Appeals Panel shall notify all relevant parties, which may include GA and the relevant State of its decision as soon as practicable. "Relevant parties" under this clause is determined by the level of the hearing. For example, the Appeals Panel need not notify GA if the matter is a Club matter.

- (p) An Appeals Panel has no power to award costs. Each party will be responsible for their own costs of the appeal.

## 23. GRIEVANCE RESOLUTION PROCEDURE

- (a) Mediation is a process that allows the people involved in a grievance or even a more Formal complaint to talk through the issues with an impartial person – the Mediator – and work out a mutually agreeable solution. Mediations should be applied in the first instance to resolve any matter or grievance that does not involve a breach of rules or other matter attracting investigation or disciplinary action.
- (b) The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to talk through the issues and makes sure that the process is as fair as possible for all concerned.
- (c) Mediation may occur either before or after an investigation of the Formal complaint. Serious allegations should not be mediated, even if both parties would like to attempt mediation. Mediation may be recommended only if:
  - (i) both parties have had a chance to tell their version of events
  - (ii) the Involved Organisation dealing with the grievance or Formal complaint does not believe that any of the allegations warrant any form of disciplinary action
  - (iii) mediation looks like it may work.
- (d) There are some situations where mediation will not be appropriate, including:
  - (i) when the people involved have completely different versions of the incident when one or both parties are unwilling to attempt mediation
  - (ii) when the issues raised are sensitive in nature
  - (iii) when there is a real or perceived power imbalance between the people involved
  - (iv) matters that involve serious, proven allegations.
- (e) The Involved Organisation should, in consultation with the Complainant and the Respondent(s), appoint a mediator to help resolve the grievance or Formal complaint. The Involved Organisation's choice of mediator will be final.
- (f) The mediator will talk with the Complainant and Respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed. The mediator may require the parties to sign a formal mediation agreement setting out the parties' agreement to the rules and process for the mediation. The parties involved must respect and comply with the terms of the agreement.
- (g) All issues raised during mediation will be treated confidentially. All Golf Entities respect the rights of the Complainant and the Respondent(s) to pursue an alternative process outside the Golf rule and policy framework if the grievance or Formal complaint is not resolved.
- (h) For the avoidance of doubt, neither party is entitled to be represented by a legal practitioner at mediation.

- (i) At the end of a successful mediation the mediator will prepare a further document that sets out the agreement reached between the Complainant and Respondent(s) and they should sign it as their agreement. The parties involved must respect and comply with the terms of the agreement.
- (j) If the grievance or Formal complaint is not resolved by mediation, the Complainant may:
  - (i) write to the Involved Organisation to request reconsideration of the grievance or Formal complaint via either an independent investigation or a Hearing Tribunal. The Involved Organisation is not obliged to reconsider the grievance or Formal complaint. There is no right of appeal where the Involved Organisation determines not to reconsider the grievance or Formal complaint
  - (ii) approach an external agency such as an anti-discrimination commission or equal opportunity commission to resolve the matter.
- (k) If a grievance or Formal complaint has not been resolved through the mediation procedure outlined above it shall be deemed concluded unless the grievance or Formal complaint is also a potential disciplinary or judiciary matter.
- (l) If a person lodges a grievance or Formal complaint under any State Member Protection and/or Complaints Handling Policy they are not permitted to lodge the same grievance or Formal complaint or related grievance or complaint under these procedures in this GA Member Protection Policy. For the avoidance of doubt a grievance can be raised only under one policy or the other.
- (m) There is no right of appeal arising from this grievance procedure under this Policy or any State policy.

# APPENDIX A

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## APPENDIX A

### DEFINITIONS

These definitions set out the meaning of words used in, or referenced by, this Policy without limiting the ordinary and natural meaning of the words.

Term	Definition
<b>Abuse</b>	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.
<b>Appeals Panel</b>	Appeals Panel means the panel created under this Policy to handle an appeal under this Policy.
<b>Appellant</b>	Appellant means the person or organisation that initiates an Appeals Tribunal process.
<b>Attachment</b>	Attachment means an attachment to this Policy.
<b>Bullying</b>	<p>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:</p> <ul style="list-style-type: none"> <li>• verbal (name calling, put-downs, threats)</li> <li>• physical (hitting, punching, kicking, scratching, tripping, spitting)</li> <li>• social (ignoring, excluding, ostracising, alienating)</li> <li>• psychological (spreading rumours, stalking, dirty looks, hiding or damaging possessions).</li> </ul> <p>For the avoidance of doubt, Bullying includes Cyber Bullying, which can also have lasting and damaging consequences.</p>
<b>CEO</b>	CEO means the chief executive officer of GA or a Golf Entity, and includes the executive officer, general manager or other similar title. If the Golf Entity has no executive officer (for example, for Clubs) the CEO means the Chairperson of the organisation.
<b>Child Abuse</b>	Child Abuse is the mistreatment by an adult of a Children that has harmed, is harming or is likely to harm or endanger or put at risk that Children's physical or emotional health, development or wellbeing. For the avoidance of doubt, this includes but is not limited to emotional or psychological Abuse, Bullying, Grooming, Sexual Exploitation, Neglect and Child Harassment.
<b>Child Harassment</b>	Child Harassment is defined as any detrimental effect of a significant nature on the Children's physical, psychological or emotional wellbeing. For Harassment to be significant, the detrimental effect on a Child's or Young Person's wellbeing must be substantial or serious, more than transitory and must be demonstrable in the Child's or Young Person's presentation, functioning or behaviour.

Term	Definition
<b>Child or Young Person / Children or Young People (Children)</b>	A Child or Young Person is a person under the age of eighteen years.
<b>Child Protection Concern</b>	<p>A Child Protection Concern includes:</p> <ul style="list-style-type: none"> <li>• disclosures of actual harm, Abuse or exploitation of a Child</li> <li>• the potential risk of harm, Abuse or exploitation of a Child</li> <li>• breaches of the protection policies or Code of Conduct by staff or volunteers.</li> </ul>
<b>Club(s)</b>	A Club means a Golf Club within Australia whether that Club is currently a Member of a State Association or not. By offering and/or participating in Golf Clubs have agreed to adopt and abide by this Policy.
<b>Code(s) of Conduct (Codes)</b>	The Code(s) of Conduct aim to identify and prevent behaviour that may be harmful to Members, Participants, Children in Golf. The Code(s) of Conduct outline what is, and what is not, acceptable behaviour or practice when working with others or engaging with Children.
<b>Complainant</b>	A Complainant is the person or persons making a Formal complaint and includes a parent, guardian or adult representative of the Children.
<b>Delegated Organisation</b>	Delegated Organisation means an organisation, such as a State Association or a Club, delegated by GA to handle a serious complaint.
<b>Direct role in providing services, programs, events or activities to Children</b>	A direct role is considered one that has contact with Children that is not incidental, but normally part of providing a service, program, event or activity for Children. This direct delivery may require regular physical contact and forms of ongoing communication. For example, coaching.
<b>Discrimination</b>	<p>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:</p> <ul style="list-style-type: none"> <li>• age</li> <li>• disability</li> <li>• marital status</li> <li>• parental or carer status</li> <li>• physical features</li> <li>• irrelevant medical record</li> <li>• irrelevant criminal record</li> <li>• political belief or activity</li> <li>• pregnancy</li> <li>• breastfeeding</li> <li>• race</li> <li>• religious belief or activity</li> <li>• sex or gender</li> <li>• sexual orientation</li> <li>• trade union membership or activity</li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>• Transgender orientation.</li> </ul> <p>Discrimination also includes any other behaviour recognised by commonwealth, state or territory law as discrimination. Examples of Discrimination are available on the <i>Play by the Rules</i> website. Some exceptions to state and federal anti-discrimination law apply, including (but not limited to):</p> <ul style="list-style-type: none"> <li>• holding a competitive sporting activity for girls and boys who are under the age of 12 or of any age where strength, stamina or physique is relevant</li> <li>• not selecting a Participant if the person’s disability means that he or she is not reasonably capable of performing the actions reasonably required for that particular activity.</li> </ul>
<b>Domestic Violence</b>	Domestic Violence is Physical, Emotional or Psychological Abuse occurring in the home of a Child, Member or Participant.
<b>Emotional or Psychological Abuse</b>	Emotional or Psychological Abuse occurs when a Child does not receive the love, affection or attention they need for healthy emotional, psychological and social development. Such abuse can also apply to an adult. Such abuse may involve repeated rejection or threats to a Children. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. Specific to sport, overtraining can constitute Emotional or Psychological Abuse. These behaviours continue to an extent that results or has the potential to result in significant damage to the Child’s physical, intellectual or emotional wellbeing and development.
<b>Family Violence</b>	Family Violence is conduct, whether actual or threatened, by a person towards a member of the person’s family (or towards the property of a member of the person’s family) that causes any other member of the person’s family to fear for, or to be apprehensive about, his or her personal wellbeing or safety.
<b>Formal complaint</b>	<p>A Formal complaint is a complaint made to an Authorised Person(s) in writing. Where possible, it should set out:</p> <ul style="list-style-type: none"> <li>• the details or particulars of the complaint, including dates, times, persons, Clubs and Authorised Person(s) involved</li> <li>• the Complainant(s)’ wishes as to how they would like the Formal complaint resolved</li> <li>• what outcome the Complainant is seeking.</li> </ul>
<b>GA</b>	The national governing body for Golf in Australia.
<b>GA Child Protection Commitment Statement</b>	The Commitment Statement in Part 2 of this Policy that defines the principles and procedures that are implemented to ensure that Children who access a Golf program, service or facility are protected.
<b>GA Constitution</b>	GA Constitution means the constitution of GA as in force and amended from time to time.

Term	Definition
<b>Grooming</b>	Grooming is a term used to describe what happens when a perpetrator of abuse builds a relationship with a child with a view to abusing them at some stage. There is no set pattern in relation to the Grooming of CYP. For some perpetrators, there will be a lengthy period of time before the abuse begins. The CYP may be given special attention and what starts as an apparently normal display of affection, such as cuddling, can develop into sexual touching or masturbation and then into more serious sexual behaviour. Other perpetrators may draw a CYP in and abuse them relatively quickly. Some abusers do not groom CYP but abuse them without forming a relationship at all. Grooming can take place in any setting where a relationship is formed, such as leisure, music, sports and religious activities, or in internet chat rooms, in social media or by other technological channels.
<b>Harm</b>	Harm to a Child or other person, is any detrimental effect of a significant nature to the Child's or other person's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by: <ul style="list-style-type: none"> <li>• physical, psychological or emotional abuse or neglect</li> <li>• sexual abuse or exploitation</li> <li>• a single act, omission or circumstance</li> <li>• a series or combination of acts, omissions or circumstances.</li> </ul>
<b>Hearing Tribunal</b>	Hearing Tribunal means the panel created in accordance with this Policy to hear a Formal complaint under this Policy.
<b>Individual Member</b>	Individual Member means any person who is an individual member of a Club or State Association.
<b>Investigation Officer</b>	Investigation Officer refers to an Authorised Person(s) that has been appointed by a Golf Entity to conduct initial investigations into a Formal complaint.
<b>Investigator</b>	Investigator means the person appointed by an Involved Organisation to conduct an independent investigation.
<b>Involved Organisation</b>	Involved Organisation means the relevant organisation to receive a Formal complaint and may be any Golf Entity.
<b>Mediator</b>	Mediator means a person appointed to mediate a Formal complaint made under this Policy, preferably with relevant skills, qualifications or training in mediation.
<b>Member</b>	A Member is an entity or individual who is recognised and/or registered as a member of a Golf Entity including GA and the State Associations.
<b>Member Protection Information Officer or</b>	Member Protection Information Officer or MPIO means a person appointed by a Golf Entity as a contact for a person seeking assistance with a Formal

Term	Definition
<b>MPIO</b>	complaint of a possible breach of this Policy. The MPIO provides impartial information about policy, process and procedures to the person with the concern or the person who is alleging a breach of this Policy.
<b>Neglect</b>	Neglect is the persistent failure or deliberate failure or denial to provide the Child with the basic necessities of life. Such Neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the Child's health and development is, or is likely to be, significantly harmed. Categories of Neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect. The issue of Neglect must be considered within the context of resources reasonably available.
<b>Participant</b>	A Participant includes anyone who participates in a Golf Entity service, event, activity or program, including people who may not be a Member. A Participant may be provided the service or program for free, yet is still under the care of Authorised Person(s) while participating.
<b>Authorised Persons and/or Persons in Positions of Authority (Authorised Person(s))</b>	Authorised Persons and/or Persons in Positions of Authority include everyone who holds a position of authority in Golf, whether paid or unpaid, and includes, but is not limited to, all Golf Entity Individual Members. For the avoidance of doubt, Authorised Person(s) also includes Children who may hold a position of authority in Golf over other Children.
<b>Physical Abuse</b>	Physical Abuse occurs when a person subjects a Child to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a Child. Physically abusive behaviour includes, but is not limited to, shoving, hitting, slapping, shaking, throwing, punching, biting, burning, excessive and physically harmful overtraining, and kicking. It also includes giving Children harmful substances such as drugs, alcohol or poison. Certain types of punishment, while not causing injury, can also be considered Physical Abuse if they place a Child at risk of Harm.
<b>Police Check</b>	Police Check means a national criminal history record check conducted as a pre-employment, pre-engagement or current employment background check on a person.
<b>Policy</b>	Policy means the Member Protection Policy and includes the Formal complaint procedures.
<b>Respondent</b>	Respondent means the person or organisation responding to the Formal Complaint up to the point of a Hearing Tribunal. During an Appeals Tribunal process, the Respondent means the person responding to the appeal being initiated.
<b>Senior Person</b>	Senior Person means the Chairperson, CEO, Secretary or designated delegate of a Golf Entity, as applicable.
<b>Serious Criminal Conduct</b>	<p>Serious Criminal Conduct means any of the following:</p> <ul style="list-style-type: none"> <li>• Sexual Offences</li> <li>• drug possession, use, sale or any other drug-related conduct</li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>• assault causing serious injury</li> <li>• criminal conduct deemed serious enough to warrant referring to police.</li> </ul>
<b>Sexual Abuse</b>	<p>Sexual Abuse occurs when an adult or a person of authority involves a Children in any sexual activity. Perpetrators of Sexual Abuse take advantage of their power, authority or position over the Children for their own benefit. It can include making sexual comments to a Child, engaging Children to participate in sexual conversations over the internet or on social media, kissing, touching a Child's genitals or breasts, oral sex or intercourse with a Child. Encouraging a Child to view pornographic magazines, websites and videos is also Sexual Abuse. Engaging Children to participate in sexual conversations over the internet is also considered Sexual Abuse.</p>
<b>Sexual Exploitation</b>	<p>Sexual Exploitation occurs when Children are forced into sexual activities that are then recorded in some way and/or used to produce pornography. Such pornography can be in the form of actual photos or videos or published on the internet.</p>
<b>Sexual Harassment</b>	<p>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.</p>
<b>Sexual Misconduct</b>	<p>Sexual Misconduct means any of the following:</p> <ul style="list-style-type: none"> <li>• Sexual Offences</li> <li>• Sexual Harassment</li> <li>• the use of technology or social media platforms with sexual connotation.</li> </ul>
<b>Sexual Offence</b>	<p>Sexual Offence means a criminal offence involving sexual activity or actions of indecency. Because of differences under state and territory laws, this can include but is not limited to:</p> <ul style="list-style-type: none"> <li>• rape</li> <li>• indecent assault</li> <li>• sexual assault</li> <li>• assault with intent to have sexual intercourse</li> <li>• incest</li> <li>• sexual penetration of Child under the age of 16</li> <li>• indecent act with Child under the age of 16</li> <li>• sexual relationship with Child under the age of 16</li> <li>• sexual offences against people with impaired mental functioning</li> <li>• abduction and detention</li> <li>• procuring sexual penetration by threats of fraud</li> <li>• procuring sexual penetration of a Child under the age of 16</li> <li>• bestiality</li> <li>• soliciting acts of sexual penetration or indecent acts</li> <li>• promoting or engaging in acts of Child prostitution</li> <li>• obtaining benefits from Child prostitution</li> <li>• possession of Child pornography</li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li data-bbox="507 253 1495 286">publishing Child pornography and indecent articles.</li> </ul>
<b>State Association or States</b>	State Associations are the Australian state and territory Golf Entities. State Associations have agreed to adopt and abide by this Policy.
<b>Transgender</b>	Transgender is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation.
<b>Victimisation</b>	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.

# APPENDIX B

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## APPENDIX B

### WORKING WITH CHILDREN CHECKS

All Golf Entities operate in and sometimes across a number of Australian jurisdictions. Each Australian jurisdiction has its own legislated screening schemes for undertaking checks to assess a person’s suitability to work or interact with Children. Examples of this include WWCC or Blue Card checks.

Accordingly, but subject to relevant legislation and the relevant rules, human resources and/or employment processes adopted and implemented by a particular Golf Entity, recruitment procedures require that such checks be obtained for all applicants (including all applicants who are Children) who are to be offered or have accepted a position with a Golf Entity that involves direct contact with or permits access to Children. The relevant Golf Entity will direct the applicant to the relevant check that is required and in doing so will make clear which jurisdiction(s) the relevant check(s) is or are to be obtained.

The Authorised Person(s) that is responsible for recruiting must either verify with the appropriate WWCC or Blue Card authority or sight a copy of the applicable WWCC or Blue Card check documentation and record relevant details.

A Golf Entity will not employ a person who is deemed a prohibited person or returns a negative check based on WWCC or Blue Card check legislation in our jurisdictions. Further information can be obtained from the Play by the Rules web site: [www.playbytherules.net.au/got-an-issue/child-protection](http://www.playbytherules.net.au/got-an-issue/child-protection) and from:

<p><b>ACT</b> Contact the ACT Government 13 22 81 <a href="http://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804">www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804</a></p>	<p style="text-align: right;"><b>South Australia</b> Contact the Department of Education and Child Protection 1300 321 592 <a href="http://www.dcsiscreening.sa.gov.au">www.dcsiscreening.sa.gov.au</a></p>
<p><b>New South Wales</b> Contact the Office of the Children’s Guardian 02 9286 7219 <a href="http://www.kidsguardian.nsw.gov.au/check">www.kidsguardian.nsw.gov.au/check</a></p>	<p style="text-align: right;"><b>Victoria</b> Contact the Department of Justice 1300 652 879 <a href="http://www.workingwithchildren.vic.gov.au">www.workingwithchildren.vic.gov.au</a></p>
<p><b>Northern Territory</b> Contact the Northern Territory Screening Authority 1800 SAFE NT (1800 723 368) <a href="http://www.nt.gov.au/emergency/community-safety/apply-for-a-working-with-children-clearance">www.nt.gov.au/emergency/community-safety/apply-for-a-working-with-children-clearance</a></p>	<p style="text-align: right;"><b>Western Australia</b> Contact the Department for Child Protection 1800 883 979 <a href="http://www.workingwithchildren.wa.gov.au">www.workingwithchildren.wa.gov.au</a></p>
<p><b>Queensland</b> Contact the Public Safety Business Agency about the Blue Card system 1800 113 611 <a href="http://www.bluecard.qld.gov.au">www.bluecard.qld.gov.au</a></p>	

# APPENDIX C

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## APPENDIX C

### NATIONAL CRIMINAL HISTORY RECORD CHECKS

A Golf Entity may at any time require a national criminal history record check. This might be required, for example, where a person may be exempt from a WWCC requirement, but it can also be an additional requirement imposed by a Golf Entity. Note that such checks are point in time only on the day the check is completed. If such record check is required, application forms are obtained from police in the relevant state or territory, or download forms from their website, as detailed below:

<p><b>Australian Capital Territory</b>            Australian Federal Police            02 6140 6502  <a href="http://www.afp.gov.au/what-we-do/services/criminal-records/national-police-checks">www.afp.gov.au/what-we-do/services/criminal-records/national-police-checks</a></p>	<p><b>South Australia</b>            South Australia Police            08 8204 2455  <a href="http://www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check">www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check</a></p>
<p><b>New South Wales</b>            New South Wales Police            02 8835 7888  <a href="http://www.police.nsw.gov.au/online_services/criminal_history_check">www.police.nsw.gov.au/online_services/criminal_history_check</a></p>	<p><b>Tasmania</b>            Tasmania Police            03 6230 2243  <a href="http://www.police.tas.gov.au/services-online/police-history-record-checks">www.police.tas.gov.au/services-online/police-history-record-checks</a></p>
<p><b>Northern Territory</b>            Northern Territory Police            08 8922 3257  <a href="http://www.pfes.nt.gov.au/Police/Publications-and-forms.aspx">www.pfes.nt.gov.au/Police/Publications-and-forms.aspx</a></p>	<p><b>Victoria</b>            Victoria Police            03 9247 5907  <a href="http://www.police.vic.gov.au/content.asp?Document_ID=274">www.police.vic.gov.au/content.asp?Document_ID=274</a></p>
<p><b>Queensland</b>            Queensland Police Service            07 3364 4089  <a href="http://www.police.qld.gov.au">www.police.qld.gov.au</a></p>	<p><b>Western Australia</b>            Western Australia Police            08 9268 7754  <a href="http://www.police.wa.gov.au/Police-Direct/National-Police-Certificates">www.police.wa.gov.au/Police-Direct/National-Police-Certificates</a></p>

The date and certificate number of the police check must be recorded in the applicant's file. Subject to a Golf Entity's document and record keeping practices, a copy of the police check may be retained by a Golf Entity and kept on the applicant's file.

Whenever possible, no applicant is to be offered a position within a Golf Entity until after completion of their WWCC or national criminal history record check. When this is not possible, the person may be appointed contingent upon them receiving a satisfactory check. The person is to be subject to additional supervision until the check procedures are completed.

# ATTACHMENT 1

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## ATTACHMENT 1

### MEMBER PROTECTION DECLARATION

- *For Authorised Persons responsible for supervision of Children*

A Golf Entity has a duty of care to all those associated with that Entity and to the individuals in that organisation to whom GA's Member Protection Policy (MPP) applies. As a requirement of the MPP, I authorise, acknowledge and agree that a Golf Entity may enquire into my background.

I: \_\_\_\_\_ (name) of

\_\_\_\_\_ (address)

Born: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

sincerely declare:

1. I am not the subject of any criminal investigation.
2. I do not have any criminal charge pending before a court or tribunal.
3. I do not have any criminal convictions or findings of guilt including for sexual offences, offences related to Children or acts of violence including domestic violence.
4. I have not had any workplace behaviour or disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving Child abuse, Sexual Misconduct or harassment, other forms of harassment or acts of violence.
5. I have never had a working with Children check application rejected.
6. I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping Policy applicable to me.
7. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping Policy applicable to me.
8. To my knowledge there is no other matter that a Golf Entity may consider constitutes a risk to its members, employees, volunteers, athletes or reputation by my involvement in Golf whether in a paid or voluntary position.
9. I will notify the Chairperson or General Manager or CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 8 above has changed.
10. I acknowledge that should I falsely or mistruthfully declare any of the above I may be expelled from Golf (at all levels) and I will not be eligible for membership subject always to the discretion of the relevant State Association and/or Club. I further acknowledge there is no appeal from such sanction.

Declared in the state/territory of: \_\_\_\_\_

On: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (date)

\_\_\_\_\_ (signature)

Signed declaration to be stored at the Golf Entity.

Name of Golf Entity: \_\_\_\_\_