



**CODE OF CONDUCT**

**COMPLAINTS PROCEDURE**

**GRIEVANCE RESOLUTION  
PROCEDURE**

# CODE OF CONDUCT

***Access to Boonah Golf Club is a privilege  
and comes with  
certain rights and responsibilities.***

The purpose of this Code is to assist members, guests and visitors of Boonah Golf Club to know and understand the standards of behaviour expected of them while using Club facilities and in their interactions with others while on Club premises. The Code should be followed at all times and by all Members and all people involved in any way with this Club and Golf and representing the Club in competitions at other clubs. It has been developed by the Club to ensure everyone can enjoy the amenities and activities provided by the club in a safe, enjoyable and responsible manner.

You are deemed to accept the Code of Conduct when you enter the Club premises.

This Code of Conduct is reflective of and supported by the Golf Australia (GA) Member Protection Policy (*Edition 04/12/2018*) and Code of Conduct & Disciplinary Procedure (*Complete Version Edition 21/12/2018*).

## **VALUES UNDERPINNING THIS CODE**

Values drive behaviours and conduct. Values core to Boonah Golf Club are:

### **INTEGRITY and RESPECT**

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

### **TEAMWORK**

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

### **FUN AND ENJOYMENT**

For all members and those visiting our Club, participation on and off the Golf course should be enjoyable.

### **EXCELLENCE**

Members should strive for best practice in everything we do on and off the Golf course in order to achieve the best possible outcomes for ourselves, our Club and Golf.

## **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 Club Manager.
- (h) refrain from any form of Abuse, Harassment, Discrimination and Victimisation towards others, including cyber-bullying and the use of social network sites to do so .
- (i) raise concerns regarding decisions of the Club Manager or Management Committee through the appropriate channels and in a timely manner.
- (j) provide a safe environment for the conduct of activities.
- (k) show concern, empathy and caution towards others who 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.
- (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 this Code.
- (r) maintain a duty of care towards others.
- (s) be impartial and accept responsibility for all actions taken.

**Reference: *Golf Australia Member Protection Policy 4 December 2018 (APPLICABLE TO ALL GOLF ENTITIES WITHIN AUSTRALIA)***

## COMPLAINTS AND GRIEVANCE RESOLUTION PROCEDURES

When a complaint or grievance in relation to a breach of our Code of Conduct is brought to the attention of the Boonah Golf Club in any way, the Boonah Golf Club will promptly determine whether it is appropriate to officially investigate the allegation or incident. Boonah Golf Club is not obliged to investigate.

### COMPLAINTS PROCEDURE

#### ***Conducting an internal investigation into the circumstances surrounding the allegation or incident:***

- All formal complaints are submitted to the Boonah Golf Club (BGC) Manager for initial internal investigation.
- The Club Manager will respond to the complainant as to next steps. This may be the complaint being dealt with by the Club Manager, referral to the Match Committee for investigation or to BGC Management Committee.
- If the Club Manager investigates the complaint, he may request statements from the complainant, the alleged offender and any witnesses to the incident. He may subsequently call upon the alleged offender to show cause as to why he/she should not be dealt with under the provisions of this code of conduct or refer the alleged complaint to the BGC Management Committee for subsequent action.
- Following the Club Manager's initial internal investigation into a formal complaint to establish the facts and the position of the parties to a formal complaint, the BGC Manager may determine that it is appropriate to appoint an Investigator/s to review the circumstances of the formal complaint and conduct an independent investigation. This may be the BGC Match Committee or BGC Management Committee. 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 BGC may still undertake an internal investigation. Where an Investigator is appointed, the steps set out below should be followed.
- 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 BGC to do so. In conducting an independent investigation, the steps below should be followed.

#### **Investigation Process**

(a) The Club Manager will provide a written brief to the nominated Investigator/s 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/s 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/s 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 BGC Management Committee 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 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 BGC Management Committee receiving a report of an Investigator, a 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 (d) and (f), both the Complainant and the Respondent(s) are entitled to support throughout this process from their chosen support person/adviser.

## **Sanction**

(a) Where the BGC Management Committee 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 BGC Management Committee must refer the report it receives 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 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.

## **HEARING TRIBUNAL PROCEDURE**

Where an BGC Management Committee refers a Formal complaint under this Policy to a Hearing Tribunal, the process is as follows:

## **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.

## **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.

## **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.

## **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.

## **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 Boonah Golf Club.



## **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 an Appeals Panel comprised of persons appointed by BGC Management Committee.
  - (ii) A Member who or which has received a penalty or an adverse finding from a Hearing Tribunal 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.
  - (iii) Appeals under this clause will be determined in accordance with this procedure.
  - (iv) An appeal must be lodged in writing with the BGC Management Committee. 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 BGC Management Committee. 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 BGC Management Committee must as soon as practicable convene an 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) 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 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 BGC Management Committee as soon as practicable.

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

## 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 BGC Management Committee 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 BGC Management Committee should, in consultation with the Complainant and the Respondent(s), appoint a mediator to help resolve the grievance or Formal complaint. The BGC Management Committee'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. BGC Management Committee 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 BGC Management Committee to request reconsideration of the grievance or Formal complaint via either an independent investigation or a Hearing Tribunal. The BGC Management Committee is not obliged to reconsider the grievance or Formal complaint. There is no right of appeal where the BGC Management Committee 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 the 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.