

GOLF AUSTRALIA GENDER POLICY

Golf Australia (GA) has created this policy in order to protect all golfers, officials and others involved in Golf Australia events from discrimination on the basis of gender, and to promote and encourage gender equality and participation within golf.

Responsibility:

Golf Australia retains jurisdiction over those who are subject to this Policy. Any breaches of this Policy by those people will be dealt with by Golf Australia in accordance with the processes included in this Policy, and any subsequent regulatory procedures.

Board Approval:



Golf Australia Chairman

5th August 2016

Please direct any correspondence to this policy to:

The Company Secretary, Golf Australia

(info@golf.org.au)

This Policy takes effect from:

5th August 2016

GENDER POLICY

Version – May 2016

The information contained in this policy was updated in May 2016. The policy may be amended or updated from time to time.

This Policy is the Gender Policy for Golf Australia (GA). Section 1 applies only to Players (see definition of 'Players') competing in Competitions and also to the issuing of GA Handicaps. Section 2 provides general rules and guidelines as to acceptable behaviour in relation to gender issues and applies to a broader class of people, as detailed in Section 2.

Note: Where a state association, district, or club affiliated with GA has adopted this Policy, the term 'GA' (or the authority of GA under this policy) is replaced, where the context so admits, with the name of the body that has adopted the Policy. For the avoidance of doubt, only GA is authorised to make a determination on the gender of a person in the context of this Policy.

Definitions

<u>Term</u>	<u>Definition</u>
Appeal Tribunal	means the tribunal referred to in clause 2.5
GA Handicap	means the golf handicap issued to a Player in accordance with the GA Handicap System as adopted by GA
Board	means the board of directors of GA
Committee	any reference to the term 'Committee' means the GA Handicapping & Rules Policy Committee
Competition(s)	means a championship, event, or competition conducted by GA
Determination	means a determination made by the Committee under clauses 1.5 and 1.6
GA	means Golf Australia Limited
GA Handicap System	means the handicap system adopted by GA in order to issue handicaps to golfers
GA Handicapping & Rules Policy Committee	means the Committee of that name established by the Board of GA
Mediator	means a person with training and experience suitable to facilitate a mediation discussion under clause 2.4, appointed by GA
Medical Delegate	means a medical delegate appointed by GA
Player	means a participant in an elite or handicap Competition conducted by GA, or a person who holds or is wishing to hold a GA Handicap.
Policy	means GA's Gender Policy (this policy)

SECTION ONE

Section 1 applies only to Players (see definition of 'Players') competing in Competitions and also to the issuing of GA Handicaps.

There are no medical eligibility restrictions on female to male transgender persons, and they are eligible to compete in male Competitions and to hold a Men's GA Handicap upon declaration to GA that their gender identity is male.

This part of the policy sets out the circumstances in which male to female transgender Players:

1. may participate in events conducted by GA; and
2. are eligible to hold a Women's GA Handicap.

Male to female transgender persons are eligible for participation in female Competitions and eligible to hold a Women's GA Handicap, under the following conditions:

- the Player has declared to GA that her gender identity is female. The declaration cannot be changed, for sporting purposes, for a minimum of four years;
- the Player must demonstrate to GA that her total testosterone level in serum has been below 10 nmol/L for at least 12 months prior to participation in her first female Competition (with the requirement for any longer period to be based on a confidential case-by-case evaluation, considering whether or not 12 months is a sufficient length of time to minimise any advantage in women's Competition);
- the Player's total testosterone level in serum must remain below 10 nmol/L throughout the period of desired eligibility to compete in the female category;
- compliance with these conditions may be monitored periodically by testing by GA. In the event of non-compliance, the Player's eligibility for female Competition will be suspended for 12 months.

If the gender of a Player is questioned by any party, the Medical Delegate of GA shall have the authority to take all appropriate measures for the determination of the gender of a Player as set out in the Clauses below. A confidential case-by-case evaluation will occur.

1. Proof of Gender

- 1.1 Where a Player has had their gender re-assigned from male to female, proof of gender, in accordance with clause 1.4, must be provided if requested by GA. The penalty for failure to provide satisfactory evidence of gender (in accordance with this Policy) may be disqualification from the event or withdrawal of the Women's GA Handicap.
- 1.2 There are no medical eligibility restrictions on female-to-male transgendered persons, and they are eligible to compete in male Competitions and to hold a Men's GA Handicap upon declaration to GA that their gender identity is male.
- 1.3 If questions relating to a Player's compliance with this Policy arise, either:
 - a) prior to or after commencement of a Competition, or after a Competition has been completed; or
 - b) prior to or after the issuing of a GA Handicap,

GA may contact the Player for verification, and request that the Player provide appropriate documentation (in accordance with clause 1.4). A Player has seven (7) working days after receipt of such a request within which to provide the required documentation to GA. If the Competition has commenced, or if a Player has been issued with a GA Handicap, a Player may be permitted to continue in the Competition, or continue to use the GA Handicap, until a Determination has been made by GA on the Player's eligibility in accordance with this Policy. If it is determined that the Player should be disqualified, or that their GA Handicap should be withdrawn, any award, prize and/or ranking arising from participation in the Competition, or use of the GA Handicap, shall be forfeited.

- 1.4** The following shall be regarded as proof of a Player's gender. If required to provide proof of their gender, a Player must:
- a) For female to male transgender persons:
provide proof of prior submission of a written declaration to GA (by letter, facsimile, email or other written means of communication) that their gender identity is male. The submission must have been made to GA prior to the person having commenced competing in male Competitions.
 - b) For male to female transgender persons:
submit evidence to GA showing that the Player's total testosterone level in serum is, and has remained, below 10 nmol/L for the sufficient length of time (as determined by the Medical Delegate) to minimise gender-related advantages in Competitions (being at least 12 months prior to the Player's first competition and throughout the entire period of desired eligibility).
- 1.5** After a Player has provided proof of gender in accordance with clause 1.4 of this Policy, the relevant Committee shall make a decision as to the Player's eligibility for Competition or the Player's eligibility to hold a GA Handicap (after consultation with the Medical Delegate).
- 1.6** A Player who does not provide proof of gender in accordance with clause 1.4 of this Policy may not be entitled to participate in the Competition or to hold a GA Handicap other than at the discretion of the Committee, after consultation with the Medical Delegate.
- 1.7** The Chair of the Committee must inform the Player in writing (by letter, facsimile, email or other written means of communication) of any decision taken under clauses 1.5 and 1.6 (Determination), the reasons for it and the right to appeal any decision under this Policy.
- 1.8** GA has the sole management and control of the Policy, with full power at any time to alter or vary the Policy, or to assess each situation on a case by case basis.

2. Appeal Process

- 2.1** Any Determination:
- a) refusing a Player permission to participate in a Competition or refusing to issue to a Player a GA Handicap on the basis of this Policy;
 - b) disqualifying a Player from a Competition or withdrawing their GA Handicap on the basis of this Policy; or
 - c) forfeiting any award, prize or ranking awarded to the Player on the basis of this Policy,

can be appealed by the Player pursuant to this clause 2.

NB. The initial determination applies until an appeal is heard and continues to apply if the Appeal Tribunal affirms or agrees with the Determination.

- 2.2** The Player must give written notice of any appeal to GA by 5.00 pm (Melbourne Time) within seven (7) working days after the Player has been informed of the Determination under clause 1.7. The Player must lodge a notice stating in full the grounds of appeal and pay to GA the sum of \$500 as an appeal fee (which is refundable if the Determination is changed or overturned in mediation or by the Appeals Tribunal).
- 2.3** The sole grounds for appeal to the Appeal Tribunal are that the:
- a) Policy was not properly followed or implemented; or
 - b) the Determination was affected by bias.
- 2.4** On receipt of an appeal by a Player GA must adopt the following process:
- a) consultation and mediation – the Player, the Chair of the Committee, and the Medical Delegate must meet (with a Mediator as facilitator) to discuss the Determination;
 - b) if the parties do not reach agreement by consultation and mediation within seven (7) working days (or a shorter period reasonably determined by GA) after the Player gives notice under clause 2.2, the Player may request in writing that the matter be heard by the Appeal Tribunal.
- 2.5** The Appeal Tribunal will consist of the following persons appointed by the Board:
- a) a barrister or solicitor, who will act as chairman;
 - b) a person with a thorough knowledge of golf and who (for Competition purposes) preferably has had major competitive experience, and who (for GA Handicap purposes) preferably has had strong experience in the administration of the GA Handicap System; and
 - c) a Medical Delegate (who shall not be the same medical expert involved in consultation with the Committee).
- 2.6** Such appointments will be for a calendar year.
- 2.7** If a member of the Appeal Tribunal is unable to sit for a particular hearing, the Board will appoint another person as a member for that hearing.
- 2.8** A person who is:
- a) a member of the Board or of the Committee; or
 - b) by reason of his or her relationship with:
 - (i) the Player concerned;
 - (ii) any member of the Board or the Committee; or
 - (iii) any person whose interest may be affected by the outcome of the appeal,

is not eligible to be appointed to the Appeal Tribunal.

- 2.9** The Appeal Tribunal will convene a hearing as soon as practicable at the discretion of GA, but in any event not more than seven (7) working days, after the submission of the grounds of appeal by the Player.
- 2.10** If the Player concerned challenges the impartiality of any member of the Appeal Tribunal, the challenge will be determined by the members of the Tribunal other than the member challenged.
- 2.11** The hearing may occur in such manner as the chairman decides, which may be by telephone or video conference.
- 2.12** In any hearing before the Appeal Tribunal:
- a) the tribunal must observe the rules of natural justice;
 - b) the tribunal is not bound by the rules of evidence and may inform itself as to any matter in such manner as it thinks fit;
 - c) the Player must establish one or more grounds of appeal to the reasonable satisfaction of the tribunal with full regard to the importance and gravity of the issue;
 - d) if a question of law arises during the course of the hearing, the Player or GA may seek an adjournment in order to obtain legal advice; and
 - e) neither the Player nor GA is entitled to be represented by a barrister or solicitor, except with the leave of the tribunal, which leave will only be granted in exceptional circumstances.
- 2.13** The Appeal Tribunal will give its decision as soon as practicable after the hearing and will provide GA's Chief Executive Officer and the Player with the decision.
- 2.14** There is only one right of appeal following the Determination. Any appeal must be solely and exclusively resolved by the Appeal Tribunal and the decision of the Appeal Tribunal is final and binding. A person must exercise his/her right of appeal under this Gender Policy and have any appeal heard and determined by the Appeal Tribunal before commencing any proceedings or becoming a party to any proceedings in a court of law.
- 2.15** A Player may withdraw an appeal by written notice to GA at any time before the appeal has been decided.

3. Privacy

GA will comply with the Privacy Act 1988 (Cth) when collecting or receiving information under this Policy.

SECTION TWO

This section provides general rules and guidelines regarding behaviour towards Male, Female and Transgender persons.

Section Two of the Policy applies to the following people, whether they are in a paid or unpaid capacity:

- i. persons appointed or elected to Golf Australia boards, committees and sub-committees;
- ii. employees of Golf Australia;
- iii. members of the Golf Australia Executive;
- iv. support personnel, including managers, physiotherapists, psychologists, masseurs, sports trainers and others;
- v. Golf Australia appointed coaches and assistant coaches;
- vi. Golf Australia representative players;
- vii. referees, match and other officials involved in the regulation of the sport;
- viii. members, including life members, of Golf Australia;
- ix. athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held, sanctioned regulated, authorised or recognised by Golf Australia; and
- x. any other person including spectators, parents/guardians and sponsors, who or which agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this policy;

4. General Rules

4.1 Discrimination on the basis of gender is unacceptable, will not be tolerated and is a breach of this Policy.

a) Discrimination can occur in two forms, Direct and In-Direct discrimination.

(i) Direct gender discrimination occurs when an individual is treated less favourably on the grounds of his/her gender.

A. For example when Membership of a club is refused on the basis of a person's gender status.

b) In-direct discrimination occurs when a person or organisation imposes a condition, requirement or policy which has, or is likely to have the effect of disadvantaging persons with a specific gender identity, and is done so unreasonably.

(i) For example, a Golf Club which only provides Male changing facilities. While not expressly excluding Females from joining, it indirectly discriminates against Females by failing to provide the basic facilities required to use the club.

4.2 Conduct by Golf Clubs which could amount to discrimination on the basis of Gender and therefore a breach of this policy, include:

- a) By refusing, or failing to accept a person's application for membership, or determining the terms of a particular membership or type of membership of the club;
- b) Discriminating in the way the application for membership is processed;
- c) Discriminating as to the terms of the membership;
- d) By refusing, or failing to accept, a person's application for a different category or type of membership;
- e) By denying or limiting access to any benefit provided by the club;
- f) By varying the terms of membership;
- g) By depriving a person of membership;
- h) By subjecting a person to any other detriment.

4.3 Exceptions:

- a) Exceptions apply to measures employed by a Golf Club to limit a person(s) access to particular club benefits on the grounds of gender.
- b) A club, will not breach this Policy, and may limit a person's access to a benefit on the basis of gender if:
 - (i) It is not practicable for men and women to enjoy the benefit at the same time;
 - (ii) Either:
 - A. access to the same or an equivalent benefit is provided for men and women separately;
or
 - B. men and women are each entitled to a reasonably equivalent opportunity to enjoy the benefit.
 - (iii) In determining the reasonableness of the exceptions, consideration must be given to the following factors:
 - A. the purposes for which the club is established;
 - B. the membership of the club, including any class or type of membership;
 - C. the nature of the benefits provided by the club;
 - D. the opportunities for the use and enjoyment of those benefits by men and women;
 - E. any other relevant circumstances.

4.4 Sporting Activities

- a) A person, Player, club or anyone else to whom this Section applies may not discriminate against another person, member or Player on the grounds of gender by:
 - (i) Refusing or failing to select a person in a sporting team
 - (ii) Excluding the other person from participating in a sporting activity

b) Exceptions:

- (i) A person may exclude people of one gender or with a gender identity from participating in a competitive sporting activity in which the strength, stamina or physique of competitors is relevant.
- (ii) A person may exclude people of one gender from participating in a competitive sporting activity if:
 - A. participation in the activity is necessary for progression to an elite level Competition;
 - B. the exclusion is necessary to enable participants in the activity to progress to national or international elite level Competition.
- (iii) A person may exclude people of one gender from participating in a competitive sporting activity or restrict participation in a competitive sporting activity to people of one gender if:
 - A. the exclusion or restriction is intended to facilitate participation in the activity by people of a particular gender; and
 - B. the exclusion or restriction is reasonable, having regard to—
 - (i) the nature and purpose of the activity;
 - (ii) the consequences of the exclusion or restriction for people of the excluded or restricted gender; and
 - (iii) whether there are other opportunities for people of the excluded or restricted gender to participate in the activity.

4.5 Breach of Section Two of the Policy

- a) Any alleged breach of Section Two of this Policy will be dealt with in accordance with the procedures contained in the GA Member Protection Policy.
- b) The disciplinary procedures and mechanisms within the GA Member Protection Policy will only apply to an alleged breach of Section Two of this Policy where the alleged breach was committed by a party to whom this Policy applies.