



## Gender Policy

**Golf Australia (GA), has created this policy in order to protect its members from discrimination on the basis of gender, and to promote and encourage gender equality and participation within Golf.**

**Responsibility:**

**Golf Australia will be responsible for its employees and the members under its control. Any breaches will be dealt with by the Golf Australia in accordance with the processes included in this Policy, and any subsequent regulatory procedures.**

**Board Approval:**

**Golf Australia** .....

**Position** .....

**Date** .....

Please direct any enquiries on this policy to  
[companysecretary@golfaustralia.org.au](mailto:companysecretary@golfaustralia.org.au)

**This Policy takes effect from: 1<sup>st</sup> January 2013**

# GENDER POLICY

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*The information contained in this policy was updated on 20 February 2011. The policy may be amended or updated from time to time.*

This Policy is the Gender Policy for Golf Australia (GA). Section 1 applies to individuals competing in GA National Championships and the issuing of Australian Handicaps. Section 2 provides general rules and guidelines as to acceptable behaviour of all GA Members in relation to gender issues.

## **Section One**

This section applies to male to female transgendered persons only. It does not apply to female to male transgendered persons as there are no gender-related competitive advantages.

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 an Australian Women's Handicap.

*Individuals undergoing or who have undergone sex reassignment of male to female before puberty are regarded as girls and women (female).*

*Any individuals undergoing or who have undergone sex reassignment from male to female after puberty are eligible for participation in female competitions and eligible to hold an Australian Women's Handicap, under the following conditions:*

- *surgical anatomical changes have been completed, including external genitalia changes and gonadectomy;*
- *legal recognition of their assigned sex has been conferred by the appropriate government authorities;*
- *hormonal therapy appropriate for the assigned sex has been administered in a verifiable manner and for a sufficient length of time (as determined by the Medical Delegate) to minimise gender-related advantages in sport competitions.*

*For persons who have had a gonadectomy, eligibility begins no sooner than two years after the procedure has been completed.*

*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.*

<b>Term</b>	<b>Definition</b>
<b>Appeal Tribunal</b>	means the tribunal referred to in clause 2.5
<b>Australian Handicap</b>	means the golf handicap issued to a player in accordance with the Australian Handicapping Systems as adopted by GA
<b>Board</b>	means the board of directors of GA

<b>Term</b>	<b>Definition</b>
<b>Championship Committee</b>	means a Championship, event, or competition conducted by GA any reference to the term 'Committee' means the GA Championships Committee with respect to the application of this Policy in a GA National Championship, or the GA Handicapping & Rules Committee with respect to the application of this Policy for an Australian Handicap
<b>Determination</b>	means a determination made by the Committee under clauses 1.4 and 1.5
<b>GA</b>	means Golf Australia Limited
<b>GA Championships Committee</b>	means the Committee of that name established by the Board of GA
<b>GA Handicapping &amp; Rules Committee</b>	means the Committee of that name established by the Board of GA
<b>Mediator</b>	means a person with training and experience suitable to facilitate a mediation discussion under clause 2.4, appointed by GA
<b>Medical Delegate</b>	means a medical delegate appointed by GA
<b>Player</b>	means a participant in a competition or a person who holds or is wishing to hold an Australian Handicap.
<b>Policy</b>	means GA's Gender Policy (this policy)

Note i: Where a Club, District or State has adopted this Policy for its own championship or competition, the term 'Committee' implies the Committee in charge of the competition.

## **1 Proof of Gender**

1.1 Where a Player has had their gender assigned, proof of gender, in accordance with clause 1.3, 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 Australian Women's Handicap.

1.2 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 an Australian Women's Handicap,

GA may contact the Player for verification, and request that the Player provide appropriate documentation (in accordance with clause 1.3). 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 an Australian Women's Handicap, a Player may be permitted to continue in the Championship, or continue to use the handicap, until a Determination has been made on the Player's eligibility in accordance with this Policy. If it is

determined that the Player should be disqualified, or that their Australian Women's Handicap should be withdrawn, any award, prize and/or ranking arising from participation in the Championship, or use of the Australian Women's Handicap, shall be forfeited.

- 1.3 The following documentation shall be regarded as proof of a Player's gender. A Player must conform with (a) below, AND either (b) or (c):
- (a) Evidence of legal recognition of a Player's assigned gender as conferred by an appropriate government authority, such as the Department of Justice – Births, Deaths and Marriages Registry;
  - (b) Evidence that surgical anatomical changes have been completed, including external genitalia changes and gonadectomy (and where a gonadectomy has been completed, evidence showing it has been complete for at least two years);
  - (c) Evidence that hormonal therapy appropriate for the assigned gender has been administered in a verifiable manner and for a sufficient length of time (as determined by the Medical Delegate) to minimise gender-related advantages in competitions.
- 1.4 After a Player has provided proof of gender in accordance with clause 1.3 of this Policy, the relevant Committee shall make a decision as to a Player's eligibility for competition or a Player's eligibility to hold an Australian Women's Handicap (after consultation with the Medical Delegate).
- 1.5 A Player who does not provide proof of gender in accordance with clause 1.3 of this Policy may not be entitled to participate in the competition or to hold an Australian Women's Handicap other than at the discretion of the Committee, after consultation with the Medical Delegate.
- 1.6 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 1.4 and 1.5 (Determination), the reasons for it and the right to appeal any decision under this Policy.
- 1.7 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**

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- 2.1 Any Determination:
- (a) refusing a Player permission to participate in a competition or refusing to issue to a Player an Australian Women's Handicap on the basis of this Policy;
  - (b) disqualifying a Player from a competition or withdrawing their Australian Women's 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 (Australian Eastern Standard Time) within seven (7) working days after the Player has been informed of the Determination under clause 1.6. 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 GA Championships purposes) preferably has had major competitive experience, and who (for Australian Handicap purposes) preferably has had strong experience in the administration of the Australian Handicapping 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, including 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

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

### 4 Section 2 – General Member Rules

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This section provides general rules and guidelines regarding the behaviour of all GA members and clubs towards Male, Female and Transgender persons.

4.1 Discrimination on the basis of gender is unacceptable and will not be tolerated.

- (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 Golf Clubs can discriminate on the basis of Gender in several ways:

- (a) By refusing, or failing to accept the persons 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, the member'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 the member of membership;
- (h) By subjecting the member to any other detriment.

4.3 Exceptions

- (a) Exceptions apply to measures employed by a Golf Club to limit access of members to particular club benefits on the grounds of gender.
- (b) A club may limit a member'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 member or club may not discriminate against another member 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 sex 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 sex 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 sex from participating in a competitive sporting activity or restrict participation in a competitive sporting activity to people of one sex if:
- (A) the exclusion or restriction is intended to facilitate participation in the activity by people of a particular sex; 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 sex; and
    - (iii) whether there are other opportunities for people of the excluded or restricted sex to participate in the activity.