



## **BOTANY BAY YACHT CLUB LTD.**

A.C.N. 000 980 361

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# **BOTANY BAY YACHT CLUB LTD**

## **MEMBER CODE OF CONDUCT POLICY**

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**July 2016**

### **NOTE**

This policy will be formally incorporated into the Club's Articles of Association as part of the development of a revised Constitution in 2016/17.

Membership forms will be revised to note that the member agrees to be bound by the Club's Constitution, Articles of Association and Policies, including the Member Code of Conduct Policy.

Members will be advised of the policy's existence through the usual communication channels, including the noticeboard, website and Log newsletter.



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# MEMBER CODE OF CONDUCT POLICY

## 1. Introduction

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The Botany Bay Yacht Club (the Club) was established to encourage and promote the sport of amateur yachting and boating and cruising for pleasure.

## 2. Purpose of Policy

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The main objective of our Member Code of Conduct Policy (Policy) is to maintain responsible behaviour and the making of informed decisions by participants in this club. It outlines our commitment to a person's right to be treated with respect and dignity, and to be safe and protected from abuse. Our policy informs everyone involved in our club of their legal and ethical rights and responsibilities and the standards of behaviour that are required. It also covers the care and protection of children participating in our Club's activities.

## 3. Who this Policy Applies To

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The policy applies to everyone involved in the Club including Board and committee members, race officials, all members, volunteers and visitors.

## 4. Extent of Our Policy

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Our policy covers unfair decisions and actions, breaches of our code of behaviour and behaviour that occurs on the water, in the clubhouse or boatyard, at regattas and social events organised or sanctioned by the club (or our sport). It also covers private behaviour where that behaviour brings our Club or sport into disrepute or there is suspicion of harm towards a child or young person.

The Racing Rules of Sailing govern on water activities, this Policy will not overturn any decision by the Race Committee regarding the awarding of points or penalties. Any complaint relating to discriminatory, harassment or other inappropriate behaviour on water may also be referred under this Policy.

## 5. Club Responsibilities

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We will:

- Implement and comply with our Policy;
- Promote our Policy to everyone involved in our club;
- Promote and model appropriate standards of behaviour at all times;
- Respond to breaches or complaints made under our Policy promptly, fairly, and confidentially;
- Review this policy every 12 months, or as appropriate; and
- Seek advice from and refer serious issues to the police or external bodies as appropriate.



Serious issues include unlawful behaviour that involves or could lead to significant harm and includes criminal behaviour (e.g. physical assault, sexual assault, child abuse).

## 6. Individual Responsibilities

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Everyone associated with our Club must:

- Comply with the standards of behaviour outlined in our policy;
- Treat others with respect;
- Always place the safety and welfare of children above other considerations;
- Be responsible and accountable for their behaviour;
- Follow the guidelines outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour.

## 7. Protection of Children

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### 7.1. Child Protection

The Club is committed to the safety and wellbeing of all children and young people accessing our services. We support the rights of the child and will act without hesitation to ensure a child safe environment is maintained at all times. We also support the rights and wellbeing of our members and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.

The Club acknowledges that our staff, members and volunteers provide a valuable contribution to the positive experiences of children involved in our sailing. The Club aims to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

#### 7.1.1 *Identify and Analyse Risk of Harm*

The Club will develop and implement a risk management strategy, which includes a review of existing child protection practices, to determine how child-safe and child-friendly the organisation is and to determine what additional strategies are required to minimise and prevent risk of harm to children because of the action of an employee, volunteer or another person.

#### 7.1.2 *Develop Codes of Conduct for Adults and Children*

Should the Club develop specialist junior programs, it will ensure that the organisation has codes of conduct that specify standards of conduct and care when dealing and interacting with children in the Club's care. The organisation will also implement a code of conduct to address appropriate behavior between children. The code(s) of conduct will set out professional boundaries, ethical behaviour and unacceptable behaviour.

#### 7.1.3 *Choose Suitable Employees and Volunteers*

Should the Club implement junior programs, it will ensure that the organisation takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children (in prescribed positions). This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.



The Club will ensure that working with children checks/criminal history assessments are conducted for volunteers working with children, where an assessment is required by law.

If a criminal history report is obtained as part of their screening process, the Club will ensure that the criminal history information is dealt with in accordance with relevant NSW Government requirements.

#### *7.1.4 Support, Train, Supervise and Enhance Performance*

The Club will ensure that volunteers and employees who work with children or their records have ongoing supervision, support and training such that their performance is developed and enhanced to promote the establishment and maintenance of a child-safe environment.

#### *7.1.5 Report and Respond Appropriately To Suspected Abuse and Neglect*

Should the Club offer junior programs, the Club will ensure that volunteers are able to identify and respond to children at risk of harm.

The Club will make all volunteers aware of their responsibilities under respective state laws if they have suspicion on reasonable grounds that a child has been or is being abused or neglected.

In addition to any legal obligation, if any person feels another person or organisation bound by this policy is acting inappropriately towards a child or is breaching the code'(s) of practice set out they may make an internal complaint. Please refer to our complaints procedure outlined in attachment [C1] of this policy. This will explain what to do about the behaviour and how the Club will deal with the problem.

#### *7.1.6 Supervision*

Members and visitors under the age of 16 must be supervised at all times by their parent/ guardian or a responsible adult appointed by the parent/ guardian. This includes try sailing events.

If a member finds a child unsupervised, they should assume responsibility for the member's safety until the parent/guardian or supervisor can be found. If it appears a member will be alone with a child, they will ask another member to stay with them until the parent/ guardian is located.

#### *7.1.7 Taking Images of Children*

The Club requires that members, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and ensure that the parent knows the way the image will be used.

We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If the Club uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc. as this information can be used as grooming tools by paedophiles or other persons.

We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes sailing, displays its successes, etc.



## **7.2. Anti-harassment, Discrimination and Bullying**

The Club opposes all forms of harassment, discrimination and bullying.

This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers. Some forms of harassment, discrimination and bullying are against the law and are based on particular characteristics such as age, disability, gender, sexual orientation, pregnancy, political or religious beliefs, race, and marital status.

The Club takes all claims of harassment, discrimination, bullying and cyber bullying seriously. We encourage anyone who believes they have been harassed, discriminated against or bullied to raise the issue with the club (see Responding to Complaints).

## **7.3. Inclusive practices**

The Club is welcoming and we will seek to include members from all areas of our community.

### *7.3.1 People with a disability*

Where possible we will include people with a disability in our sailing activities. Where specialist equipment is required, we will refer prospective sailors to specialist sailing with disability programs to facilitate participation.

### *7.3.2 People from diverse cultures*

We will support and respect people from diverse cultures and religions to participate in our club and where possible will accommodate requests for flexibility.

### *7.3.3 Sexual & Gender Identity*

All people, regardless of their sexuality, are welcome at our club. We strive to provide a safe environment for participation and will take action over any homophobic behaviour.

### *7.3.4 Gender & Age*

The Club welcomes mixed or single sex crews and sailors of all ages. To encourage participation in sailing by women and demographic segments that are not well represented amongst the Club's membership, the Club may run special events such as a ladies races from time to time. The Club will provide encouragement and guidance to those seeking to sail as an all female crew. The Club will consider any requests for special events on an individual merit basis.

We strive to provide a safe and inclusive environment for participation and will take action over any sexist or discriminatory behaviour.

### *7.3.5 Pregnancy*

Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in our sport. We recommend pregnant women to consult with their medical advisers, make themselves



aware of the facts about pregnancy in sailing, and ensure that they make informed decisions about participation.

## **8. Responding to Complaints**

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### **8.1. Complaints**

Our Club takes all complaints about on and off-water behaviour seriously. Our club will handle complaints based on the principles of procedural fairness (natural justice), that is:

- All complaints will be taken seriously;
- Both the person making the complaint (complainant) and the person the complaint is against (respondent) will be given full details of what is being said against them and have the opportunity to respond (give their side of the story);
- Irrelevant matters will not be taken into account;
- Decisions will be unbiased and fair; and
- Any penalties imposed will be fair and reasonable.

If the complaint relates to suspected child abuse, sexual assault or other criminal activity, then the Club will report the behaviour to the police and/or relevant government authority.

### **8.2. Complaint Handling Process**

When a complaint is received by our club, the person receiving the complaint (e.g. Commodore or Hon. Secretary) will:

- Listen carefully and ask questions to understand the nature and extent of the problem;
- Ask what the complainant would like to happen;
- Explain the different options available to help resolve the problem;
- Take notes; and
- Maintain confidentiality but not necessarily anonymity.

Once the complainant decides on their preferred option for resolution, the club will assist, where appropriate and necessary, with the resolution process. This may involve:

- Supporting the person complaining to talk to the person being complained about
- Bringing all the people involved in the complaint together to talk objectively through the problem (this could include external mediation);
- Gathering more information (e.g. from other people that may have seen the behaviour);
- Seeking advice from an external agency (e.g. State Department of Sport or anti-discrimination agency); and/or
- Referring the complainant to an external agency such as a community mediation centre, police or anti-discrimination agency.

In situations where a complaint is referred to an external body and an investigation is conducted, the Club will:

- Co-operate fully;
- Ensure the complainant and respondent are not victimised;
- Where applicable, ensure the complainant is not placed in an unsupervised situation with the respondent(s); and
- Consider and act on recommendations.

At any stage of the process, a person can seek advice from or lodge a complaint with an anti-discrimination commission or other external agency.



### **8.3. Disciplinary Measures**

The Club will take disciplinary action against anyone found to have breached our policy or made false and malicious allegations. Any disciplinary measure imposed under our policy must:

- Be applied consistent with any contractual and employment rules and requirements;
- Be fair and reasonable;
- Be based on the evidence and information presented and the seriousness of the breach;
- Be determined by our Constitution, Article of Association, Policies and the Racing Rules of Sailing.

Possible measures that may be taken include:

- Verbal and/or written apology;
- Counselling to address behaviour;
- Withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by our club;
- Suspension or termination of membership, participation or engagement in a role or activity;
- A fine; or
- Any other form of discipline that our club considers reasonable and appropriate.

### **8.4. Appeals**

The complainant or respondent can lodge one appeal against decisions of or disciplinary measures imposed by our club to the general membership at the next member meeting. Appeals must be based on either a denial of natural justice, because of unjust or unreasonable disciplinary measure(s) being imposed, or on the grounds that the decision was not supported by the information/evidence presented and available to the Club.





## 9. ATTACHMENT A - Working With Children Check Requirements

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Working with Children Checks aim to create a child-safe environment and to protect children and young people involved in our sport from physical and sexual harm.

They assess the suitability of people to work with children and young people and can involve:

- Criminal history checks
- Signed declarations
- Referee checks, and
- Other relevant background checks to assess a person's suitability to work with children and young people.

Detailed information, including the forms required to complete a Working with Children Check is available from the Commission for Children and Young People.

Website: [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)

Phone: 02 9286 7276



## 10. ATTACHMENT B - Reporting Form

RECORD OF COMPLAINT	
Name of Person Receiving Complaint	Date:    /    /
Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18
Complainant's Contact Details	Phone: Email:
Complainant's Role/Status in Club	<input type="checkbox"/> Member <input type="checkbox"/> Regatta participant <input type="checkbox"/> Race official <input type="checkbox"/> Parent <input type="checkbox"/> Volunteer <input type="checkbox"/> Other..... <input type="checkbox"/> Visitor
Name of Person Complained About	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18
Person Complained About Role/Status in Club	<input type="checkbox"/> Member <input type="checkbox"/> Regatta participant <input type="checkbox"/> Race official <input type="checkbox"/> Parent <input type="checkbox"/> Volunteer <input type="checkbox"/> Other..... <input type="checkbox"/> Visitor
Location/Event of Alleged Issue	
Description of Alleged Issue	



RECORD OF COMPLAINT	
<b>Nature of Complaint</b> (i.e. category/basis/grounds)  <b>Can tick more than one box</b>	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other .....
<b>What Complainant Wants to Happen to Address Issue</b> (May include agreed plan of future action)	
<b>Information Provided to Complainant</b> (i.e. verbal, graphic or in writing)	
<b>Resolution and/or Action Taken</b>	
<b>Follow-up Action/s</b> (i.e. date/s and action/s)	