



# SPRINTCAR CONTROL COUNCIL OF AUSTRALIA INCORPORATED

## MEMBERSHIP PROTECTION POLICY

This Membership Protection Policy applies to all people including members, employees, casual staff, volunteers, contractors, officials, SCCA licence holders, car owners and other persons acting as agents or members or State Member Club members of the Sprintcar Control Council of Australia Incorporated (SCCA).

The SCCA is the controlling body of sprintcar racing in Australia.

The SCCA Executive has endorsed this policy. The SCCA may amend the Membership Protection Policy as deemed necessary.

### 1 Who this Membership Protection Policy applies to

This Membership Protection Policy applies to the extent possible to the following people within the purview of the SCCA, whether they are in a paid or unpaid/voluntary capacity:

- Individuals sitting on boards, executives, committees and sub-committees
- Employees and volunteers
- Support personnel
- SCCA licenced Drivers
- Pit crew
- Officials
- State Member Club Members – including life members
- Member State and Territory Associations
- Affiliated National and State Bodies
- Any other person or organization that is a member of or affiliated to the SCCA or *State Member Club member*
- Parents, guardians, spectators and sponsors to the full extent that is possible

### 2 Membership Protection Policy

The SCCA requires every individual and organization bound by this Membership Protection Policy to:

- Be ethical, fair and honest in all their dealings with other people
- Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations
- Comply with the SCCA's memorandum and articles of association, racing rules, regulations and policies
- Operate within the rules and spirit of the sport
- Comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and sexual, verbal and physical harassment
- Be responsible and accountable for their conduct

### 3 Organisational Responsibilities

The SCCA and the affiliated National and State Bodies must:

- Adopt, implement and comply with this Membership Protection Policy
- Publish, distribute and otherwise promote this Membership Protection Policy and the consequences for breaching it
- Promote appropriate standards of conduct at all times
- Promptly deal with any breaches of or complaints made under this Membership Protection Policy in an impartial, sensitive, fair, timely and confidential manner
- Apply this Membership Protection Policy consistently without fear or favour
- Recognise and enforce any penalty imposed under this Membership Protection Policy
- Ensure that a copy of this Membership Protection Policy is available or accessible to the persons to whom this Membership Protection Policy applies
- Appoint or have access to appropriately trained people to receive and handle complaints and allegations and display the names and contact details in a way that is readily accessible
- Monitor and review the Membership Protection Policy

#### **4 Individual Responsibilities**

Individuals bound by this Membership Protection Policy are responsible for:

- Making themselves aware of this Membership Protection Policy and complying with the standards outlined in the Membership Protection Policy
- Co-operating in providing a discrimination-free and harassment-free environment
- Understanding the possible consequences of breaching the Membership Protection Policy

#### **5 Complaints Procedures**

The SCCA aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a complaint (complainant) about a person/s or organization bound by this Membership Protection Policy if they reasonably believe that a person/s or organization has breached this Membership Protection Policy. A complaint should be lodged to the SCCA Appeals Tribunal. A complaint may be dealt with through mediation or dealt with by the SCCA Appeals Tribunal or the SCCA Executive.

A complaint may be reported as an informal or formal complaint. The complainant decides whether the complaint will be dealt with informally or formally unless the SCCA Appeals Tribunal considers that the complaint falls outside the parameters of this Membership Protection Policy and would be better dealt with another way.

All complaints will be dealt with promptly, seriously, sensitively and confidentially.

#### **6 Vexatious Complaints and Victimisation**

The SCCA aims to ensure its complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the SCCA Appeals Tribunal considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the SCCA Appeals Tribunal will consider appropriate action, which may include disciplinary action against the complainant.

The SCCA will also take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to sort it out.

Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

#### **7 Mediation**

The SCCA aims to sort out complaints with the minimum of fuss where possible. In many cases, complaints can be sorted out by agreement between the people involved with no need for disciplinary action. The people involved in a formal complaint – the complainant and the person complained about (respondent) – may also seek the assistance of a neutral third person or a mediator.

Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to try and resolve the complaint with the assistance of a mediator, the SCCA Appeals Tribunal will, in consultation with the complainant, agree for a mediator to mediate the complaint.

#### **8 What is a Breach of this Membership Protection Policy?**

It is a breach of this Membership Protection Policy for any person or organization, to which this Membership Protection Policy applies, to have been found to have:

- Done anything contrary to this Membership Protection Policy
- Breached the Membership Protection Policy
- Brought sprintcar racing and/or the SCCA into disrepute
- Discriminated against or harassed any person
- Victimised another person for making a complaint
- Engaged in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over
- Disclosed to any unauthorised person or organization any SCCA information that is of a private, confidential or privileged nature
- Made a complaint they **knew** to be untrue, vexatious, malicious or improper
- Failed to comply with a penalty imposed after a finding that the individual or organization has breached this Membership Protection Policy
- Failed to comply with a direction given to the individual or organization during the discipline process

#### **9 Forms of Discipline**

If an individual or organization to which this Membership Protection Policy applies breaches this Membership Protection Policy, one or more forms of discipline may be imposed. These may include making a verbal or written apology, paying a fine, being suspended or de-registered or having a person's appointment or employment terminated.

## 10 Dictionary

This Dictionary sets out the meaning of words used in this Membership Protection Policy without limiting the ordinary and natural meaning of the words.

**Complaint** means a complaint made under this Membership Protection Policy

**Complainant** means a person making a complaint

**Discrimination** means treating or proposing to treat a person less favourably than someone else in certain areas of public life on the basis of an attribute or personal characteristic that they have. The relevant attributes and characteristics are:

- Age
- Disability
- Marital Status
- Parental/carer status
- Physical features
- Political belief/activity
- Pregnancy
- Race
- Religious belief/activity
- Sex or gender
- Sexual orientation
- Trade Union membership/activity
- Transgender orientation

It is acknowledged that some States and Territories include additional characteristics.

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination may also be discriminatory conduct.

Discrimination may be direct or indirect. **Direct discrimination** is treating, or proposing to treat someone less favourably because of a characteristic (such as race, sex, age etc), in the same or similar circumstances. **Indirect discrimination** is imposing or intending to impose a requirement, condition or practice that is the same for everyone but which has an unequal or disproportionate effect on individuals or groups.

**Appeals Tribunal** means the persons elected by the SCCA to the position and will be the first point of contact for a person reporting a complaint under, or a breach of, this Membership Protection Policy. The Appeals Tribunal provides confidential information and advice on options for moral support to the person with the concern or who is alleging harassment or a breach of this Membership Protection Policy.

**Harassment** is any type of behaviour that the other person does not want and does not return and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and of a type that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Unlawful harassment includes the above but is either sexual or targets a person because of their race, sex, pregnancy, marital status, sexuality or other characteristic (see characteristic list under discrimination).

Whether or not the behaviour is harassment is determined from the point of view of the person receiving the harassment. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal, physical or psychological.

**Mediator** means a person appointed to mediate complaints made under this Membership Protection Policy. It is preferable that the mediator has relevant skills, qualifications and/or training in mediation.

**Natural Justice** incorporates the following principles:

- A person who is the subject of a complaint must be fully informed of the allegations against them
- A person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence
- All parties need to be heard and all relevant submissions considered
- Irrelevant matters should not be taken into account
- No person may judge his or her own case
- The decision maker/s must be unbiased, fair and just
- The penalties imposed must not outweigh the 'crime'

**Respondent** means the person who is being complained about

**Victimisation** means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make a complaint under Government legislation (e.g. anti-discrimination) or under this Membership Protection Policy or for supporting another person to make a complaint.

### **Synopsis**

The SCCA aims to provide an environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.

The SCCA recognises that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of their sex, marital status, pregnancy, parental status, race, age, disability, homosexuality, sexuality, transgender, religion, political belief and/or industrial activity.

The SCCA prohibits all forms of harassment and discrimination not only because it is against the law, but because it is extremely distressing, offensive, humiliating and/or threatening and creates an uncomfortable and unpleasant environment.