

**POLICIES OF NORTH-WESTERN SUBURBS TENNIS ASSOCIATION Inc. (T/as RYDE BALMAIN TENNIS - Promulgated Thursday, 8 April 2021.**

**Inclusion / Exclusion**

Briefly, it is unlawful for an incorporated association, or a person onsite at its tennis court complexes, to discriminate against a person and/or member for disability, race/ethnicity, religion, transgender status, sexual orientation, LGBTI reasons.

**Age Discrimination**

(1) It is unlawful for an incorporated association, to discriminate against a person, on the ground of a person's age:

(a) by refusing or failing to accept a person's application for membership; or

(b) in the terms or conditions on which the incorporated association is prepared to admit a person to membership.

(2) It is unlawful for an incorporated, on the ground of a member's age:

(a) by denying a member access or limiting a member's access, to any benefit provided by the organisation; or

(b) by depriving a member of membership or varying the terms of membership; or

(c) by subjecting a member to any other detriment.

**Access to premises**

It is unlawful for a person to discriminate against another person on the ground of the other person's age:

(a) by refusing to allow the other person access to, or the use of, any premises that the public or a section of the public is entitled or allowed to enter or use; or

(b) in the terms or conditions on which the first-mentioned person is prepared to allow the other person access to, or the use of, any such premises; or

(c) in relation to the provision of means of access to such premises; or

(d) by refusing to allow the other person the use of any facilities in such premises that the public or a section of the public is entitled or allowed to use; or

(e) in the terms or conditions on which the first-mentioned person is prepared to allow the other person the use of any such facilities; or

(f) by requiring the other person to leave such premises or cease to use such facilities

### **Voluntary bodies**

(1) This Part does not make it unlawful for a voluntary body to discriminate against a person, on the ground of the person's age, in connection with:

- (a) the admission of persons as members of the body; or
- (b) the provision of benefits, facilities or services to members of the body.

(2) In this section:

***voluntary body*** means an association (or other body -whether incorporated or unincorporated) the activities of which are not engaged in for the purpose of making a profit, but does not include:

- (a) a body established by a law of the Commonwealth, of a State or of a Territory; or

### **Racial Discrimination**

Racial discrimination is unlawful

(1) It is unlawful for a person to do any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.

(1A) Where:

(a) a person requires another person to comply with a term, condition or requirement which is not reasonable having regard to the circumstances of the case; and

(b) the other person does not or cannot comply with the term, condition or requirement; and

(c) the requirement to comply has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, by persons of the same race, colour, descent or national or ethnic origin as the other person, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life;

the act of requiring such compliance is to be treated, for the purposes of this Part, as an act involving a distinction based on, or an act done by reason of, the other person's race, colour, descent or national or ethnic origin.

(2) A reference in this section to a human right or fundamental freedom in the political, economic, social, cultural or any other field of public life includes any right of a kind referred to in Article 5 of the Convention.

(3) This section does not apply in respect of the employment, or an application for the employment, of a person on a ship or aircraft (not being an Australian ship or aircraft) if that person was engaged, or applied, for that employment outside Australia.

(4) The succeeding provisions of this Part do not limit the generality of this section.

#### Access to places and facilities

It is unlawful for a person:

(a) to refuse to allow another person access to or use of any place that members of the public are, or a section of the public is, entitled or allowed to enter or use, or to refuse to allow another person access to or use of any such place except on less favourable terms or conditions than those upon or subject to which he or she would otherwise allow access to or use of that place;

(b) to refuse to allow another person use of any facilities in any such place that are available to members of the public or to a section of the public, or to refuse to allow another person use of any such facilities except on less favourable terms or conditions than those upon or subject to which he or she would otherwise allow use of those facilities; or

(c) to require another person to leave or cease to use any such place, or any such facilities;

by reason of the race, colour or national or ethnic origin of that other person or of any relative or associate of that other person.

#### **Disability Discrimination**

(1) It is unlawful for an incorporated association, to discriminate against a person who is not a member of the association on the ground of a person's disability:

(a) by refusing or failing to accept a person's application for membership; or

(b) in the terms or conditions on which the association is prepared to admit the person to membership.

(2) It is unlawful for an incorporated association, to discriminate against a person who is a member of the association on the ground of the member's disability:

(a) in the terms or conditions of membership that are afforded to a member; or

(b) by denying a member access, or limiting a member's access to any benefit provided by the association; or

(c) by depriving a member of membership or varying the terms of membership; or

(d) by subjecting a member to any other detriment.

(3) Neither subsection (1) nor (2) renders it unlawful to discriminate against a person on the ground of the person's disability if membership (however described) of the incorporated association is restricted only to persons who have a particular disability and the first-mentioned person does not have that disability.

Sport

(1) It is unlawful for a person to discriminate against another person on the grounds of the other person's disability by excluding that other person from a sporting activity.

(2) In subsection (1), a reference to a sporting activity includes a reference to an administrative or coaching activity in relation to any sport.

(3) Subsection (1) does not render unlawful discrimination against a person:

(a) if the person is not reasonably capable of performing the actions reasonably required in relation to the sporting activity; or

(b) if a person who participates or is to participate in the sporting activities are selected by a method which is reasonable on the basis of their skills and abilities relevant to the sporting activity and relative to each other; or

(c) if a sporting activity is conducted only for persons who have a particular disability and the first-mentioned person does not have that disability.

**NOTE:**

**Our incorporated association's three tennis centres are ALL of of older construction and do not provide for wheelchair bound members, or visitors.**

**If any wheelbound member, or adults in competition / social play /or coaching programs, or parents, or their children in competition / social play/ coaching feel they have been discriminated against under any of the Policies aforementioned, please refer the matter by email to the Hon. Secretary of the North-Western Suburbs Tennis Association Inc. (trading as Ryde Balmain Tennis) - at email:- [nwsta@bigpond.net.au](mailto:nwsta@bigpond.net.au)**

**The Policies also include the extracts from the Tennis Australia - Member Protection Policy - provided by Tennis NSW, which are considered very pertinent:-**

**Harassment**

8.2 **Harassment** is any unwelcome or unsolicited behaviour, which is intimidating, humiliating, offensive, belittling or threatening to a person. It can be expressed or implied, physical, verbal or non-verbal (i.e. visual). It can be a single incident or repeated behaviour.

8.3 Whether or not the behaviour is Harassment is determined from the point of view of the person receiving the behaviour, assessed objectively. That is, it must be behaviour that a reasonable person in possession of the same information would think the course of conduct amounted to harassment. It does not matter whether or not the person harassing intended to offend or not.

8.4 For clarity, harassment can be, but is not limited to, any one or more of the following:

(i) offensive physical contact;

(ii) intimidating acts;

(iii) asking intrusive questions about someone's personal life;

- (iv) comments that put down or stereotype people;
- (v) electronic messages or other types of communication which are threatening, abusive or offensive;
- (vi) derogatory, crude or demeaning jokes; and
- (vii) name calling or physical threats.

## **11. Vexatious, Baseless or Trivial Complaints**

11.1 For the purposes of this Policy, a:

(a) *Vexatious Complaint* is a complaint which the Assessor considers is being made for an improper purpose or with the intention of causing inconvenience, frustration, harm, harassment or expense to another;

(b) *Baseless Complaint* is a complaint which the Assessor considers is without merit and/or lacking in sufficient grounds or evidence to be substantiated; and

(c) *Trivial Complaint* is a complaint which in the Assessor's opinion holds little weight, consequence or importance.

11.2 If the Assessor categorises the Complaint as Vexatious, Baseless or Trivial, the Nominated Official must notify the Complainant of this classification in writing within seven days of the categorisation.

11.3 The Complaint will then be closed.

11.4 There is no right of appeal from a determination by the Assessor that the Complaint is Vexatious, Baseless or Trivial.

## **Truthful information and general cooperation**

11.5 Any Personnel who:

(a) in making a Complaint, or during any other part of the Complaint handling process, provides information or acts in a manner which is in any respect false or misleading or likely to mislead; or

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(b) falsely and deliberately accuses a person of breaching this Policy,

may be in breach of this Policy and liable to a sanction as determined under this Policy.

11.6 Note that anyone who is deemed to have made multiple Vexatious, Baseless or Trivial Complaints will be considered to have breached this Policy by engaging in conduct which amounts to Abuse. In such circumstances, the person making the Complaints may be deemed to be a Respondent and subject to the disciplinary processes and procedures outlined in this Policy.