Australian Human Rights Commission
Celebrating 40 years

GOLF AUSTRALIA

R&A

Guidelines for the inclusion of people with disability in golf

September 2026



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Acknowledgement of Country

The Australian Human Rights Commission acknowledges the Traditional Custodians of Country throughout Australia, and recognises their continuing connection to land, waters and culture. We pay our respects to their Elders – past and present.

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Guidelines for the inclusion of people with disability in golf

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About the Guidelines

These Guidelines are issued by the Australian Human Rights Commission (Commission) under section 67(1)(k) of the *Disability Discrimination Act 1992* (Cth) (Disability Discrimination Act). This provision gives the Commission the power to publish guidelines 'for the avoidance of discrimination' on the grounds of disability.

In developing the Guidelines, the Commission consulted with a broad range of stakeholders, including representatives from international, national and state sporting organisations, disability sport organisations, golf course architects, government sport and recreation departments, professional golfers' associations, the golf managers' association, golf clubs and facilities, academics, legal advisers, and most importantly, people with disability.

The Guidelines are informed by the following key themes from the consultations:

- The opportunity to participate in golf should be available to everyone in the community, regardless of their disability.
- There is a need for education and guidance about the practical steps that golf clubs and facilities can take to ensure that people with disability are included in golf.
- Competition is an important part of all levels of golf; however, it is not the only part.

The Guidelines are not legally binding and do not provide a definitive legal answer to all the issues of discrimination involving disability that may arise under the Disability Discrimination Act. Organisations and individuals should seek their own independent legal advice if they have concerns regarding their compliance with the Disability Discrimination Act or with relevant state or territory anti-discrimination legislation.

An organisation or individual will not be protected from a finding of unlawful discrimination if they claim they complied with, or relied on, these Guidelines. However, the Commission considers that implementing the Guidelines will minimise the likelihood of a successful discrimination claim being made.

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Foreword by Rosemary Kayess,

Disability Discrimination Commissioner, Australian Human Rights Commission

Sport sits at the heart of Australian culture. It provides communities with a shared space for connection, camaraderie and healthy competition, while providing significant physical and mental wellbeing. Participation in sport teaches discipline, resilience and teamwork, and fosters a strong sense of belonging that can extend beyond the playing field.

People with disability are often not guaranteed opportunities to participate in sport. As Disability Discrimination Commissioner, I hear reports that follow a familiar pattern: people with disability bring enthusiasm and a strong willingness to participate, yet are too often met with discrimination, which results in exclusion.

Discrimination can manifest in a variety of ways. It can be physical or structural barriers, rules, policies and practices that have a negative impact on people with disability, and ableist traditions or assumptions about who sport is 'designed for'. The common origin is not disability, but how society responds to disability when planning, designing and managing systems. The pervasive low expectations of people with disability results in systems that exclude their participation in sport. Unless we challenge these assumptions, those barriers become part of our social landscape.

Participation in sport is both a human right and a legal imperative. Under the *Disability Discrimination Act 1992* (Cth), it is unlawful to discriminate against people with disability in access to goods, services, facilities and club memberships. It requires facilities, including golf clubs, to provide reasonable adjustments so that people with disability can take part on an equal basis with others. These obligations are not abstract. They recognise that every person has the right to engage in community life, including in sport.

Fulfilling that right cannot rely on legal duties alone. True inclusion is built when clubs design their environments, policies and practices for the full diversity of the community, not as a special accommodation, but as an ordinary expectation. When we plan with a wide range of users in mind, participation becomes easier for everyone, not just those who have historically been excluded.

These Guidelines are the latest in a suite of Australian Human Rights Commission resources developed over the years to assist sporting groups with their implementation of discrimination law. The Guidelines will support golf clubs and facilities embed inclusion in practical, achievable ways. They set out the steps clubs can take to make their environments accessible, remove discrimination, and promote a culture where people with disability feel welcome, whether as players, volunteers, staff, officials or spectators. They also outline how clubs can reflect this commitment in a Disability Action Plan, to ensure thoughtful and proactive planning over time.

I encourage all golf clubs and facilities to use these Guidelines, reflect on their practices and identify opportunities for positive change.

I thank Golf Australia and The R&A for initiating and funding these important Guidelines.



Rosemary Kayess
Disability Discrimination Commissioner

Foreword by James Sutherland,

Chief Executive Officer, Golf Australia

Golf is woven into the fabric of Australian life. It is played in cities and regions, on championship courses, indoor venues and community facilities, by people of all ages and abilities. More Australians play golf than any other sport and more participate in golf regularly than any other, a powerful reminder that golf is truly a sport for all.

That reach brings with it an important responsibility. Every golf club and venue across Australia has the opportunity to extend the same welcome and sense of belonging to everyone in their community, including the almost one in five Australians living with disability. People with disability are not seeking a different experience of golf, they are seeking the same opportunity to access, participate and contribute.

These Guidelines, developed in partnership with the Australian Human Rights Commission and supported by The R&A, represent an important step forward. As the National Sporting Organisation, it's our role to provide practical, clear guidance to help clubs and facilities create environments where people living with disability feel welcome, as players, members, volunteers, staff and spectators.

The Guidelines are grounded in the requirements of the Disability Discrimination Act and relevant human rights principles. They outline the minimum expectations that clubs and facilities must meet to comply with the law.

Importantly, meeting legal obligations should be seen as the starting point, not the end point. Clubs and facilities are encouraged to look beyond compliance to actively design experiences that are welcoming, practical and inclusive for people with disability in everyday participation. In doing so, they not only reduce legal risk, but also strengthen the relevance, reach and reputation of their club within their community.

This is not only a matter of inclusion, but a fundamental human right, protected under the Disability Discrimination Act. It is also a significant strategic opportunity for our sport. Across all sport, participation is often disrupted or lost due to health conditions, ageing, injury or changes in mobility. By designing for inclusion, we are not only opening the game to more people, but also creating clearer pathways for people to stay in the game for longer.

At its best, golf is uniquely placed to bring people together. The handicap system allows players of different abilities to compete and connect. The pace of the game encourages conversation and social connection. And the shared experience creates a sense of belonging that extends well beyond the final putt. These qualities make golf one of the most inclusive sports in the country, but inclusion does not happen by accident. It requires deliberate action, thoughtful design and a commitment to removing barriers where they exist.

When we make golf more accessible, we open our doors to more of us living in Australia, strengthen our clubs and organisations, and ensure the long-term growth and sustainability of the sport. In many cases, what works best for people with disability improves the experience for all.

Golf is already the most played sport by adults in Australia. The opportunity now is to ensure it is also the most welcoming, accessible and inclusive.

I encourage all clubs and facilities to engage with these Guidelines, reflect on their current practices, and identify opportunities to build more inclusive experiences.

Together, we can ensure more people see golf as a sport where they belong and where everyone is welcome.



James Sutherland
Chief Executive Officer



Foreword by Mark Darbon,

Chief Executive, The R&A

On behalf of The R&A, I am delighted to provide this Foreword for the promotion of equal opportunities for people with a disability in golf across Australia.

The R&A works with 169 organisations around the world, including Golf Australia, and we encourage national federations to highlight examples of best practice that could be adopted as a similar resource in other countries.

I therefore commend Golf Australia and the Australian Human Rights Commission on developing guidelines to provide guidance to golf clubs and facilities on promoting the inclusion and participation of people with disability in golf.

This is a hugely important area of the sport as we all work hard to ensure golf is open to all and enjoyed by people of all ages, abilities and backgrounds. We want more people playing and engaging with golf, more frequently, across the globe.

This extremely useful reference guide provides clear and practical guidance on situations that can arise within clubs and facilities, highlighting areas such as leadership and accessibility. Golf, as with all sports, has a duty to ensure that it is fully inclusive for people with a disability. Clubs and facilities play an important role in their communities by supporting a healthy lifestyle and providing a welcoming environment for all, both to play the sport and socialise with friends and family.

I thank Golf Australia and the Commission for their collective hard work to invest and support the sport. We are proud of our global relationships, at all levels of the sport, and commit to operating in partnership to underpin the health of golf for generations to come.



Mark Darbon
Chief Executive, The R&A

Glossary and definitions

Assistive Technology

Equipment or devices that increase or maintain the functional capabilities of people with disability. Some examples include screen readers and refreshable Braille devices, alternative keyboards and mice, screen magnification, and voice recognition.

United Nations *Convention on the Rights of Persons with Disabilities* (CRPD)

An international instrument that codifies the human rights of people with disability. Countries like Australia that have ratified the CRPD should protect these rights in domestic legislation. Australia ratified the CRPD in 2008.

***Disability Discrimination Act 1992* (Cth)**

A federal law which makes it unlawful to discriminate on the grounds of a person's disability in defined areas of public life.

Reasonable adjustments

Reasonable adjustments are changes to processes, practices or environments that remove barriers to ensure people with disability can participate in golf on an equal basis with others. An adjustment is considered to be reasonable so long as it does not impose an unjustifiable hardship.

Universal design

An approach to designing environments in a way that they can be accessed, understood and used to the greatest extent possible by all people, see Universal Design.



Executive summary

The Guidelines for the inclusion of people with disability in golf were developed by the Australian Human Rights Commission in partnership with Golf Australia and supported by The R&A. The Guidelines provide a practical framework for golf clubs and facilities to ensure that people with disability can access, participate in, and enjoy golf on an equal basis with others. The Guidelines combine human rights principles, legal obligations, and practical inclusion measures to help clubs create welcoming environments for players, members, volunteers, staff and spectators with disability.

The Guidelines recognise that it is a human right for people with disability to take part in sports and community life on an equal basis with others. Golf clubs and facilities have a legal responsibility under the *Disability Discrimination Act 1992* (Cth), to avoid discrimination and provide reasonable adjustments to support equal participation.

The Guidelines explain the concept of reasonable adjustments and provide guidance to clubs on how they can work collaboratively with people with disability to identify and implement practical solutions that enable participation, unless doing so would impose an unjustifiable hardship. The Guidelines promote open, respectful conversations focused on understanding a person's needs rather than requiring them to prove their disability. They also provide a structured decision-making process to help clubs assess requests fairly and transparently.

The Guidelines encourage clubs to move beyond minimum legal compliance and adopt a proactive approach to inclusion of people with disability through Disability Action Plans, leadership commitment and continuous improvement. They highlight the importance of embedding accessibility and inclusion into strategic planning, policies, operations, communications and community engagement. Examples from the golf sector demonstrate how clubs can successfully build inclusive cultures and increase participation through partnerships, adaptive equipment, staff training and targeted programs.

Practical guidance is provided on improving the accessibility of golf facilities, including clubhouses, courses, signage, websites and booking systems. The Guidelines promote the principles of Universal Design and recommend accessibility audits, consultation with people with disability, and compliance with recognised standards such as the Web Content Accessibility Guidelines (WCAG). Particular attention is given to issues commonly experienced by golfers with disability, including access to golf carts, mobility devices, pace of play considerations and participation in competitions.

Introduction

These Guidelines have been developed by the Australian Human Rights Commission (the Commission) to provide guidance to golf clubs and facilities on promoting the inclusion and participation of people with disability in golf.

A need for guidance

Everyone has a role to play in reducing discrimination against people with disability and promoting a more inclusive community. Inclusion goes beyond physical accessibility and considers the attitudes, behaviours and systems in our workplaces and communities which can discriminate. It challenges us to listen and reflect on how we can improve. Inclusion requires us to commit to change and to continuous improvement, and to embedding accessibility in all areas of life. Adopting good practice principles of inclusion of people with disability benefits everyone.

Golf clubs and facilities play an important role in their communities. Clubs support a healthy lifestyle and provide a welcoming, inclusive environment in which to meet, play and socialise. Clubs also create space and experiences for community gathering.

Golf clubs and facilities have obligations not to discriminate and to provide equal opportunity for all players or members to participate in the sport of golf, whether that be as a player or spectator.

Under the Disability Discrimination Act, it is unlawful to discriminate against a person with disability, unless the difference in treatment amounts to a 'special measure' (sometimes referred to as affirmative action or positive discrimination), or an exemption applies.

These Guidelines provide information to assist decision makers to maximise the inclusion of people with disability in golf, and to comply with their legal obligations under the Disability Discrimination Act.

These Guidelines have been developed for golf clubs and facilities, and their staff and volunteers, including:

- boards, management committees and their members
- staff, service providers and volunteers, such as coaches, professionals and front of house service providers
- other officials.

They are designed for golf clubs and facilities in their capacity as administrators and do not address issues specific to employment. The Guidelines will also help players and members to understand their rights under the Disability Discrimination Act.

The Guidelines may also be useful to members of the public, including carers of players, who are interested in the legal obligations of golf clubs and facilities and the need to ensure golf is inclusive and welcoming to all.

How to use these Guidelines

This resource is designed to support and guide clubs to better understand their legislative obligations under the Disability Discrimination Act, and beyond that, to create an accessible and inclusive environment for all members of all abilities.

The Guidelines are divided into three parts.

In PART 1 information is provided about disability and human rights.

In PART 2 the guidelines cover what the law says about disability discrimination, including:

- information about the Disability Discrimination Act in relation to unlawful discrimination on the basis of disability.
- information about other relevant areas of law, such as state-based anti-discrimination laws, and privacy laws.

Part 2 is useful for clubs navigating issues related to disability discrimination and meeting reasonable adjustments of members. For instance, a 'how to' guide steps out what considerations need to be made by golf clubs when they receive requests for adjustments.

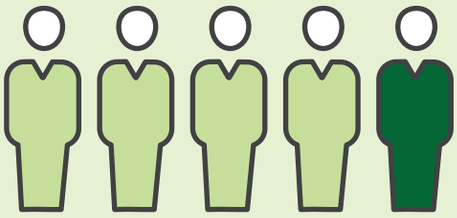
In PART 3, an Inclusion Guide for Golf Clubs provides practical guidance and resources for promoting inclusion in the sport of golf.

Part 3 can be used as a consultative resource by clubs in their strategic planning and when developing a Disability Action Plan for creating inclusive environments, experiences and events.

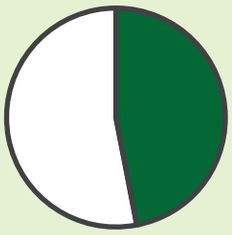
PART 1
Disability and Human Rights

1.1 What is disability?

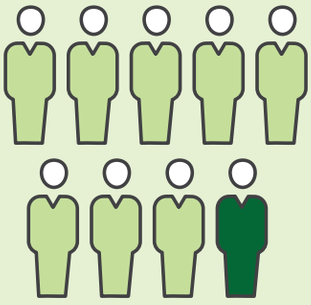
Disability is a part of life for millions of Australians. People with disability, and their friends and families, are part of the workforce and customer base of golf clubs.



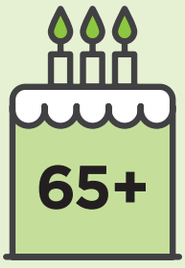
Almost **1 in 5** people in Australia have a disability.[1]



47% of Australians have one or more chronic conditions.[2]



1 in 9 Australians provide unpaid care for a person with disability or an older person.[3]



The prevalence of disability generally increases with age and more than **doubles after the age of 65.**[4]

There are different ways to view disability and there is no single uniform or agreed definition of disability in Australia. Disability is diverse, and not all disability is visible.

Language has a powerful impact on behaviours and community attitudes. Historically, the term 'disability' has been used to isolate and exclude people with disability by associating disability with deficit or illness. This is known as the medical model of disability. During the disability rights movement of the 1960s, advocates sought to reframe the term while claiming their civil, political and economic rights as citizens.

A broad definition of disability empowers people with disability to not only participate in their communities, but also to access their social, cultural and political rights. The social model of disability defines disability not as an attribute of any individual, but resulting from the interaction between a person living with an impairment and their environmental barriers. Those barriers can be physical, social or attitudinal, and the removal of those barriers means that a person living with an impairment is able to live and participate in all areas of life on an equal basis with others. The social model of disability is often used as a framework for inclusion.

The definition of disability in the Disability Discrimination Act is framed in terms of impairment, and Rule 25 of the Rules of Golf (Modifications for Players with Disabilities) prescribes specific support only to golfers with particular impairments. While it is necessary to have regard to these definitions when considering compliance with the legislation or rules, any golf club or facility wishing to adopt good practice principles of inclusion should also consider disability through the lens of the social model.

1.2 United Nations *Convention on the Rights of Persons with Disabilities*

The human rights of people with disability are elaborated in the United Nations *Convention on the Rights of Persons with Disabilities* (CRPD). The CRPD was adopted by the UN General Assembly in 2006 and ratified by Australia in 2008. When a country ratifies a Convention, they agree to include it in in their national laws. One of the main relevant laws in Australia is the Disability Discrimination Act (and other State and Territory discrimination legislation).

Parties to the CRPD are required to promote, protect, and ensure the full and equal enjoyment of human rights by persons with disability and promote respect for their inherent dignity.

The CRPD is at the heart of the global disability rights movement. It plays a fundamental role in changing the perception of people with disability from people who have to rely on charity, medical treatment and social protection, towards recognising them as full and equal members of society with human rights.

The CRPD is based on a human rights model of disability. This builds on the social model to recognise a disability as a natural aspect of human diversity, establishes the right of people with disability to live independently, and acknowledges that the inclusion of people with disability in our communities goes beyond the removal of barriers to accessibility.

Non-discrimination in the CRPD

The right of people to live free from discrimination is enshrined within the Universal Declaration of Human Rights. This universal standard is elaborated in Article 5 of the CRPD and outlines the right of people with disability to equality before the law and to live free from discrimination.

Article 5 requires States Parties to the CRPD to prohibit all discrimination on the grounds of disability and to guarantee legal protection against discrimination on an equal basis with others. In addition, State Parties have to take all appropriate steps to ensure that reasonable accommodations are provided to people with disability. This involves implementing legislation that makes it unlawful to discriminate against someone on the basis of their disability.

Inclusion in sport in the CRPD

The CRPD addresses the importance of equal access and inclusion in recreational and sporting activities for people with disability on an equal basis with others. This recognises that for many people globally, sport plays a vital role in building communities and supporting people's health and wellbeing. This is true for players, spectators and organisers / administrators.

The CRPD requires State Parties to take steps to encourage and support people with disability to participate in disability specific and mainstream sporting activities. Placing the requirement on State Parties to facilitate and encourage participation of people with disability in all forms of sport and recreation reflects the importance of empowering people with disability to make independent choices in line with their preferences.

CRPD Article 30(5)

Article 30(5) of the CRPD seeks to enable persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities.

State Parties must take appropriate measures:

a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;

b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;

c) To ensure that persons with disabilities have access to sporting, recreational and tourism venues;

d) To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;

e) To ensure that persons with disabilities have access to services from those involved in the organisation of recreational, tourism, leisure and sporting activities.

PART 2
What does the law say?

In Australia, some of the obligations in the CRPD are in the Disability Discrimination Act and in State and Territory discrimination legislation. The legislation is directed at eliminating, as far as possible, discrimination against people on the ground of disability in defined areas of public life, ensuring people with disability have the same rights to equality before the law, and promoting acceptance and recognition that people with disability have the same fundamental rights as others in the community.

This section of the Guidelines addresses the federal, state and territory legislation relevant to disability discrimination in golf.

2.1 Definition of disability

The definition of disability in the Disability Discrimination Act, is very broad and includes all the following disabilities:

- physical disability
- intellectual disability
- psychiatric or psychological disability (including mental illness)
- sensory disability
- neurological disability
- learning disabilities
- the presence in the body of disease-causing organisms (e.g. Hepatitis C or HIV).

The definition of disability in the Disability Discrimination Act includes a disability that a person currently has, previously had, may have in the future, or is assumed to have.

The Disability Discrimination Act includes both temporary and permanent disabilities, without differentiating between the two.

The Disability Discrimination Act protects people with disability who are:

- accompanied by a carer or assistant, including an aide under Rule 25 of the Rules of Golf (Modifications for Players with Disabilities);
- accompanied by a trained or accredited assistance animal, for example, a guide dog;
- using disability aids, for example, a wheelchair, mobility canes, or a paragolfer.

The Disability Discrimination Act does not create a hierarchy of disabilities. As a result, golf clubs are required to take measures to avoid discrimination in relation to all disabilities that meet the definition.

Case Example: Denied access due to temporary disability

On a Saturday morning, a player walks into the golf club and mentions to a staff member when checking in that they sprained their ankle. The staff member refuses to offer them the next available tee off time, directing them instead to return to play later in the day, claiming that the morning is too busy and they will be too slow on the course with their injury. The player explains that they can't return later in the day and wish to play that morning, but the staff member is staunch in refusing to allow the player to play at that time.

The golf club may be found to have discriminated against the player by refusing them access to the golf course at the morning tee time due to the player's injury. This is because a sprained ankle is a temporary injury and meets the definition of disability under the Disability Discrimination Act.

A more constructive, and non-discriminatory, approach would have been to explore different options in conversation with the player to arrive at a decision that suits them individually and is financially viable for the club in the circumstance. Instead of refusing to allow the player a morning tee time, a solution oriented approach would have been for the staff member to have a discussion on how much the player believes the strain will impact their pace of play and to provide them with the option (but not the obligation) to return at a later time.

See another case example relating to temporary disability on page 28.



2.2 Disability discrimination

The Disability Discrimination Act makes it unlawful to discriminate on the ground of disability.

Discrimination occurs when someone is disadvantaged or treated less favourably because of their own disability or because of the disability of someone they are associated with. There are two types of unlawful discrimination.

Direct discrimination[5] happens when a person is treated less favourably because of their disability. For example, denying a person with disability membership because they have a disability or denying a person with disability access to a golf club because they require an assistance animal.

Indirect discrimination[6] happens when a person with disability is required to comply with a requirement or condition that applies to everyone, but which they cannot comply with because of their disability, and the requirement or condition is not reasonable. For example, if the only way to enter a golf club facility is via a set of stairs that is not reasonably usable by a person with a physical disability.

In addition, under the Disability Discrimination Act, failure to provide a person with disability with a reasonable adjustment may amount to direct or indirect discrimination. Reasonable adjustments are explained at section 2.5 and in examples throughout the Guidelines.

Under the Disability Discrimination Act, discrimination on the basis of disability can occur in the following areas of public life that apply to the context of golf:

- employment
- access to premises
- provision of goods, services, and facilities
- club memberships
- participation in sport

The Disability Discrimination Act also makes it unlawful to make requests for information in certain circumstances. These Guidelines address each of the areas of public life, except for employment, and examples of discrimination are described in more detail in this section.

The Disability Discrimination Act allows the Minister to formulate 'disability standards' in relation to any area in which it is unlawful to discriminate on the grounds of disability. Contravention of a disability standard is unlawful.[7]

Exceptions to a claim of discrimination under the Disability Discrimination Act include where avoiding the discrimination would impose an 'unjustifiable hardship' (explained at section 2.3).

(a) Access to Premises

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

- by refusing to allow the person access to, or use of, any premises or facilities that the public, or a section of the public, is entitled or allowed to enter or use (whether for payment or not);
- in the terms and conditions on which a person is allowed to access or use such premises or facilities;
- in relation to the means of access to such premises; or
- by requiring a person to leave such premises or cease use of the facilities.

In addition, any new or significantly refurbished golf club buildings must comply with the *Disability (Access to Premises – Buildings) Standards 2010* and the National Construction Code.

Case example: Accessing a golf club's premises

A golf club has made sure that persons with mobility impairment can access the main areas of the club, including the golf course. The club also has an indoor swimming pool and the only access to the pool is through large heavy doors.

A person with a disability who uses a wheelchair is a member of the club. They need help to open the doors to the pool and have to ask for help to access the pool every time they want to use the pool.

The pool is part of the golf club and one of the facilities offered through membership. It is also a public premise, as per the meaning of the Disability Discrimination Act, and therefore may need to comply with the Standards and National Construction Code.

If the club wishes to avoid discriminating against a person on the ground of their mobility disability, the club will need to look into how it can provide access for a person in a wheelchair on an equal basis with others. This could be by replacing the heavy doors with doors that allow better access for a person in a wheelchair or by removing the door altogether.



(b) Provision of goods, services, and facilities

Under the Disability Discrimination Act, it is unlawful to discriminate on the ground of a person's disability:

- by refusing to provide goods and services, or to make the facilities available to the person.
- in the terms or conditions on which the goods or services are provided or the facilities are made available.
- In the way the goods or services are provided or the facilities are made available.

In the context of golf, this extends to attendance at major events and competitions, as players and spectators with disability.

Case example: Preparing for a major event

A golf club is running a major end of season event for its members at an offsite location. A facility is hired to host the activities.

In preparing for the event, the organisers run an accessibility audit (see section 3.3 below) considering all aspects of the experience for spectators who will attend.

The audit helps to identify for instance, that the facility does not have a very big car park and some attendees will have to park in neighbouring streets with a bit of distance to walk before arriving at the entrance. A decision is made to dedicate a number of disabled parking spaces.

A clear point of contact within the organising team is identified as an 'accessibility' coordinator to deal with any unexpected requests by spectators with disability.

Case example: Maguire v Sydney Organising Committee for the Olympic Games (No 2)

Maguire v Sydney Organising Committee for the Olympic Games (No 2) [2000] HREOCA 31 (24 August 2000) (Maguire) is a decision made by the Commission when it was known as the Human Rights and Equal Opportunity Commission (HREOC).

Mr Maguire, who is blind, complained that he was unlawfully discriminated against by the Sydney Organising Committee for the Olympic Games (SOCOG) because its website was not accessible for him. SOCOG argued that to make its website accessible would impose an unjustifiable hardship.

The Commission decided that the provision of information on the website is a 'service' within the meaning of the Disability Discrimination Act, and that SOCOG had directly discriminated against Mr Maguire. This was due to the manner in which SOCOG "used its computer technology" to provide the service, such that the information was made available to sighted persons but unavailable, or only partly available, to a blind person because of their disability.

The Commission also considered unjustifiable hardship and found that the provision of an accessible website for Mr Maguire and other vision impaired persons would constitute a very considerable benefit and that the consequent detriment to SOCOG would be modest. Therefore, SOCOG could not avoid liability for its unlawful discrimination by its claim of unjustifiable hardship.

Case example: Discrimination in the provision of facilities

George was using a paragolfer, which is a special mobility vehicle that lifts players from a seated to a standing position. However, as George was playing, he was followed by staff for five holes to check that the turf was not being damaged by the vehicle, causing George embarrassment and distress.

After George finished his round of golf, the manager of the golf club contacted George to say he would no longer be able to use a paragolfer due to a concern it could damage the turf.

There is strong evidence suggesting that 'a strong and resilient turf will be able to withstand various forms of traffic, including maintenance vehicles, regular foot traffic, and assisted devices', and that the 'potential for damage from assistive devices is negligible in most situations'.[8]

There was no evidence George's use of the paragolfer had caused any damage to the turf. Preventing George from using a mobility device that is required due to his disability could amount to discrimination under the Disability Discrimination Act.

Source: https://www.usga.org/content/dam/usga/pdf/imported/course-care/070301.pdf

(c) Club membership

Under the Disability Discrimination Act, it is unlawful to discriminate on the ground of disability against an applicant for membership of a club, or against an existing member.

What is considered a club under the Disability Discrimination Act?

A 'club' is defined in the Disability Discrimination Act as an incorporated or unincorporated association of persons associated together for social, literary, cultural, political, sporting, athletic or other lawful purposes that provides and maintains its facilities wholly or partly from its own funds.

Most affiliated golf clubs in Australia meet this definition. For clubs that do not meet the definition, all other parts of the Disability Discrimination Act remain applicable.

It is unlawful for a club to discriminate against an applicant for club membership on the ground of their disability:

- by refusing or failing to accept the person's application for membership, or
- in the terms or conditions on which the club is prepared to admit the person to membership.

It is also unlawful for a club to discriminate against a club member on the ground of their disability:

- in the terms or conditions of membership afforded to the member
- by refusing or failing to accept the member's application for a particular class or type of membership
- by denying the member access, or limiting the member's access, to any benefit provided by the club
- by depriving the member of membership or varying the terms of membership, or
- by subjecting the member to any other detriment.

Case example: Reurich v Club Jervis Bay

In *Reurich v Club Jervis Bay Ltd [2018] FCA 1220*, Mr Reurich successfully argued that Club Jervis Bay Ltd's ('the Club') discriminated against him by preventing him and his service dog access to the facilities of the Club.

Mr Reurich attended the Club with his assistance animal. The dog was accredited as an assistance animal by an animal training organisation, as required under the Disability Discrimination Act. The Club refused entry to the premises to Mr Reurich and his assistance animal and deprived him of his membership. Under the Disability Discrimination Act, it is unlawful to discriminate against a person with disability in relation to having a carer, assistant, assistance animal or disability aid.

The court found that the club unlawfully discriminated against Mr Reurich by:

- not allowing him to enter the premises with his assistance animal
- depriving him of his membership; and
- not making reasonable adjustments in relation to his assistance animal while at the Club.

(d) Participation in sport

It is unlawful to discriminate against a person on the ground of their disability by excluding them from a sporting activity, including an administrative or coaching activity in relation to a sport.

However, this does not make it unlawful to discriminate against a person in a sporting context if:

- the person is not reasonably capable of performing the actions reasonably required in relation to that sporting activity
- the persons participating in the sporting activity are selected by a method which is reasonable on the basis of their skills and abilities relevant to the sporting activity or
- a sporting activity is conducted only for persons who have a particular disability, and the relevant person does not have that disability.

Case example: Activities for people with a particular disability

A golf club has decided to run a coaching program specifically for people with visual impairment. A member of the club tries to enrol in the coaching program who is not visually impaired because that day and time of the program suits them.

When the golf club explains that the program is for those visually impaired, the member tells the club that she is a person with a disability, but a different disability, and so she should also be allowed to attend the program. The club decides to still refuse attendance to the member and explains again that the program is only for people with a visual impairment.

As the coaching program is being conducted only for persons who have a particular disability, it is unlikely that the club would be unlawfully discriminating against the member by refusing to allow her to participate in the program.

(e) Requests for information

It is unlawful to request or to require someone to provide information (whether by completing a form or otherwise) if that information has been requested in connection with an act that constitutes discrimination on the grounds of disability, and either:

- a person without disability would not have been required to provide that information in circumstances which are not materially different; or
- the information relates to the disability.

However, it is not unlawful for a club to request certain information from a person with a disability if the club can show that the purpose of the request is not discriminatory. For example, the club can produce evidence that the information sought was to allow the golf club to help determine what reasonable adjustments are required.

Assistance animals

Under the Disability Discrimination Act, it is not unlawful to request evidence from the person with the disability that their assistance animal is an 'assistance animal' or is otherwise trained to meet standards of hygiene and behaviour.

Case example: Requests for information about disability

A person applies to a golf club for membership and advises the golf club that he has a disability and will need to take an aide on the course with him when he plays. The golf club indicates that they have plenty of capacity for new members but request further information about his disability. The person provides the requested information.

The golf club then informs the person that they have been refused membership to that golf club. The club provides no justification for the refusal. If the person can make a causal link between the request for information and their membership refusal, then the request for information may have been unlawful.

2.3 Defences and Exemptions

There are exceptions to claims of discrimination under the Disability Discrimination Act.

For example, it is not unlawful to discriminate on the ground of disability if avoiding the discrimination would impose an unjustifiable hardship on the discriminator. This is explained further at section 2.5 of these Guidelines. Another relevant exemption is where a temporary exemption has been granted.

A golf club may apply to the Commission for a temporary exemption, although these are sparingly granted. The Commission has published guidelines about how it assesses applications for temporary exemptions under the Disability Discrimination Act.[9]

The effect of a temporary exemption is that discrimination covered by the exemption is not unlawful while the exemption remains in force. Temporary exemptions can be granted:

- subject to certain terms and conditions
- for a period of up to 5 years.

If a temporary exemption is granted, it will not be possible for a successful complaint to be brought in relation to the circumstances covered by the exemption.

2.4 Disability Action Plans (DAPs)

Not every person with disability has an accessibility requirement. An organisation's ability to normalise the conversation concerning disability is a critical aspect of inclusion of people with disability.

To maximise inclusion, golf clubs and facilities are encouraged to develop a policy that specifically promotes the equal participation and inclusion of people with disability. This could be a stand-alone policy or included within an existing policy.

If an organisation includes disability as part of a broader diversity strategy rather than a separate action plan, it is still important to highlight the specific actions that it will be taking to support people with disability.

The Disability Discrimination Act encourages organisations to develop action plans, commonly referred to as Disability Action Plans (DAPs).[10]

A DAP is a document which sets out an organisation's strategy for identifying and addressing practices which might result in discrimination against people with disability and to promote the recognition of the rights of people with disability. It details how an organisation is making its workplace, products and services accessible and inclusive to people with disability and informs the public how it is approaching diversity and inclusion. A DAP is similar to a business plan, as it sets out a blueprint for change that is short, action-oriented, time-sensitive and measurable.

Under section 64 of the Disability Discrimination Act, organisations may provide a copy of their Action Plan to the Commission. DAPs are published by the Commission on its Disability Action Plan Register.

The Commission has a guideline* for organisations wanting to develop a DAP, and Part 3 provides further guidance for golf clubs seeking to be accessible and inclusive.

*https://humanrights.gov.au/resource-hub/by-resource-type/publications/workplace-rights/guides/disability-action-plan-guide-2021

2.5 Reasonable adjustments and unjustifiable hardship

Under the Disability Discrimination Act, organisations are required to make reasonable adjustments in order to accommodate a person's disability related needs and enable them to participate on an equal basis with others.

Reasonable adjustments are changes to processes, practices or environments that are made to remove barriers and ensure people with disability can participate in golf on an equal basis with others. An adjustment is considered to be reasonable so long as it does not impose an unjustifiable hardship.

Adjustments can be physical, like making physical changes to the facilities, such as installing automated doors rather than heavy hinged doors, or flexibility in making bookings, for example allowing players to make bookings over the phone, in addition to online booking systems.

While reasonable adjustments are usually designed to support people with disability, often they also benefit a larger range of people. For example, allowing bookings to be made over the phone could benefit older players who may not be as comfortable using online booking tools or players with low levels of literacy.

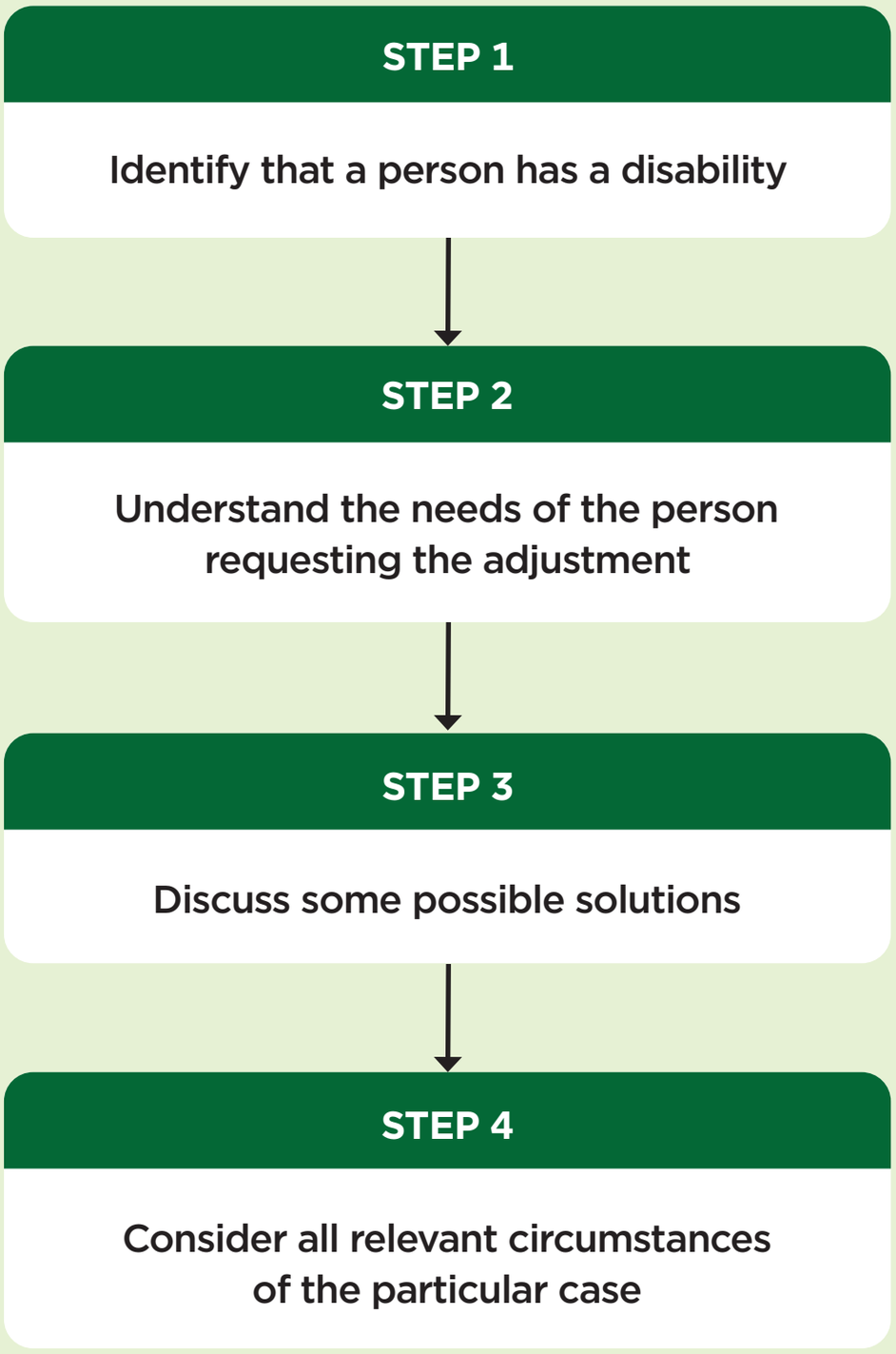
Under the Disability Discrimination Act, it is not unlawful for a person to discriminate against another person on the ground of disability if making adjustments to avoid the discrimination would impose an unjustifiable hardship. Unjustifiable hardship may include things such as exorbitant costs of providing adapted equipment for disabilities or accessible transport around facilities. It is important to note however that even if providing an adjustment to a person with disability involves some cost and effort, it will not necessarily amount to unjustifiable hardship.

This is because unjustifiable hardship is based on an assessment of what is fair and reasonable in the particular circumstances.

When seeking to rely on the defence of unjustifiable hardship, it is up to the organisation or club to show that the adjustments requested are unjustified, not to the person with disability.

When determining whether unjustifiable hardship would be imposed on a person, any relevant Disability Action Plan must be considered.

2.6 Guide for having open conversations about reasonable adjustments



One of the common triggers of complaints alleging disability discrimination is unexplained change in practice. For example, if a golf club loans a golf cart to a person at no cost on the basis of a claimed disability, but subsequently changes that practice and starts charging the person the standard fee because other members have complained that the person is abusing the system, this could trigger the person to lodge a disability complaint against the golf club. It is good practice for the club to have an open conversation with a person with a disability at the start to ensure that the club has properly considered a request for reasonable adjustments and what accommodations can be made.

Below you can find a guide to assist you in having a conversation about reasonable adjustments for a person with disability. The guide identifies what golf managers need to consider in assessing whether an adjustment would cause unjustifiable hardship. The assessment should be seen as an open conversation with the person requesting the adjustment. The aim is to understand what the needs of the person with disability are and how they can best be accommodated within the resourcing of the club. Decisions will need to be made by clubs along the way, and reasons for these decisions should be communicated openly with the person with disability.

Step 1 Identify that a person has a disability

If a person presents at your golf club requesting an adjustment due to disability, take the time to have an initial conversation.

In the majority of cases, the person will disclose their disability or impairment and request an adjustment be provided, but this may not always be the case.

Case example: Understanding a person's disability related needs

A player walks in and declares to the golf shop manager that she has sustained a shoulder injury. She asks if she can access a golf cart for free or at a reduced price.

At first, it is not entirely clear to the manager why she would need a golf cart when she can walk. The manager would like more information to connect the disability (i.e. shoulder injury) to the adjustment requested (i.e. golf cart). In doing so, they are mindful of being respectful of privacy.

The manager asks politely "Is the request for the golf cart connected to your shoulder injury? And is there anything else the club can do to ensure you can participate today?" signalling their willingness to understand and respond to the player's needs.

The player explains that while the shoulder injury does not impact their ability to walk the course, it does impact their ability to carry clubs on their back or push their bag.

Step 2 Understand the needs of the person requesting the adjustment

Seek to ensure good and respectful communication with people with disability, so that information is surfaced which could help to determine what adjustments may be needed, and ultimately reduce or eliminate any discriminatory actions.

The focus should be on understanding what part of the golf experience is inaccessible to them and what accommodations would need to be made to enable them to fully participate in an enjoyable manner, rather than the need to 'prove' a person's disability.

Do's and don't's



- **DO** take the time to have a proper conversation, preferably somewhere private.
- **DO** approach with a mindset of problem solving together.
- **DO** focus on what adjustments / accommodation the person needs to have a good golfing experience.
- **DO** try to understand what barriers exist at your facility to enable the person to play / participate by asking them personally. It's likely they will be able to identify the possible solutions.
- **DO** work together to find a solution that works for both the individual and the club.
- **DO** bring in your colleagues if you are not sure.
- **DO** ask for more information about what they need to allow them to participate if you need it to make a decision about the reasonable adjustments required.



- **DON'T** focus on the impairment or disability.
- **DON'T** request evidence or 'proof' of their disability.

Case example: Golf carts as a reasonable adjustment

A person arrives at the golf club and asks if there are any golf carts available. He informs a staff member that he has a disability and is unable to walk the whole course. The person is wearing long trousers and runners and has no obvious signs of a physical impairment.

The staff member is aware that it is the usual practice of the Golf Club to provide golf carts at no cost if the person needs the cart as a reasonable adjustment.

The staff member informs the person that there is a golf cart available. They politely explain that they wish to do what they can to support the person with their experience on the golf course, and, in order to assist them to consider what reasonable adjustments the club can offer, requests more information about why the person requires a golf cart. The staff member is aware of the busy reception area and is careful to be discrete with the conversation.

The person explains that they are an amputee and have a prosthetic leg, and that they struggle to complete the course on foot. The staff member allocates the golf cart to the person for his game and explains that there is no cost associated with the rental of the golf cart.

The staff member engaged in polite and open conversation with the person with a disability. They sought information they required to make a decision about whether the club could offer reasonable adjustments but did not seek unnecessary information.



Step 3 Discuss some possible solutions

Assess and discuss with the person what options are readily available to accommodate the disability related needs of the person. This may vary on the day, for example, depending on whether the golf club is particularly busy or if it's a rainy day.

Ask the person for some ideas around adjustments, as it's likely they will have ideas to start the conversation.

Be open to considering alternatives.

Step 4 Consider all relevant circumstances of the particular case

If the adjustment that is being requested appears to you to be unworkable, to avoid discrimination, you will need to assess whether providing the adjustment would cause unjustifiable hardship.

In determining whether hardship would be unjustifiable, the Disability Discrimination Act requires organisations to consider all relevant circumstances of the particular case:

- the nature of the benefit or detriment likely to accrue to, or be suffered by, any person concerned (including other people with the same disability, the community generally or even the golf club)
- the effect of the disability of any person concerned
- the financial circumstances, and the estimated amount of expenditure required to be made by the golf club, noting that a level of hardship that may be unjustifiable for one club may not be for another
- the availability of financial and other assistance to the golf club
- the terms of any relevant action plan developed by the club under the Disability Discrimination Act.

It will also be relevant if alternative options were offered to the person with disability which would provide some benefit, rather than just an absolute refusal to make any adjustments.[11] This is why it is important for golf clubs to have an open conversation and understand the needs of the person with disability, as per Step 1.

The costs involved in avoiding the discrimination and the financial circumstances of the person or organisation incurring those costs is one of several factors and should not be given any greater weight than the other factors listed above.[12] All factors need to be considered under the Disability Discrimination Act and the circumstances of the situation at hand.

Case example: Golf carts as a reasonable adjustment

A person arrives at the golf club one morning and requests to hire a golf cart. He informs a staff member that he has a mobility disability and is unable to walk the whole course.

The staff member checks and sees that all the golf carts have been hired and there are no more available that morning. The staff member can see there will be golf carts available after 2 pm but is aware that under club policy, golf carts cannot be reserved in advance.

The staff member explains that unfortunately there are no available golf carts. The person explains that he is an amputee with a prosthetic leg and can't play golf without a golf cart. He requests that the club ask another member to give up their cart for him to use.

The staff member politely explains they have already rented out all the golf carts for the morning and cannot ask another member to give up a golf cart they have paid for. They note that there will be golf carts available after 2 pm in the afternoon. They explain that the usual policy of the club is that golf carts cannot be reserved in advance. However, in order to accommodate the person's disability, they offer to reserve a golf cart for the person to ensure he can use one that afternoon.

The golf club in this scenario did not refuse to provide the person with a golf cart because of his disability. The club was unable to provide a golf cart because there were none available. This would have been the club's response to any person seeking to hire a golf cart at that time. The golf club is providing a service to its members and can do so on a first come first served basis. The club then considered what reasonable adjustments it could offer later in the day to ensure that the person with a disability could participate in golf on an equal basis with others.

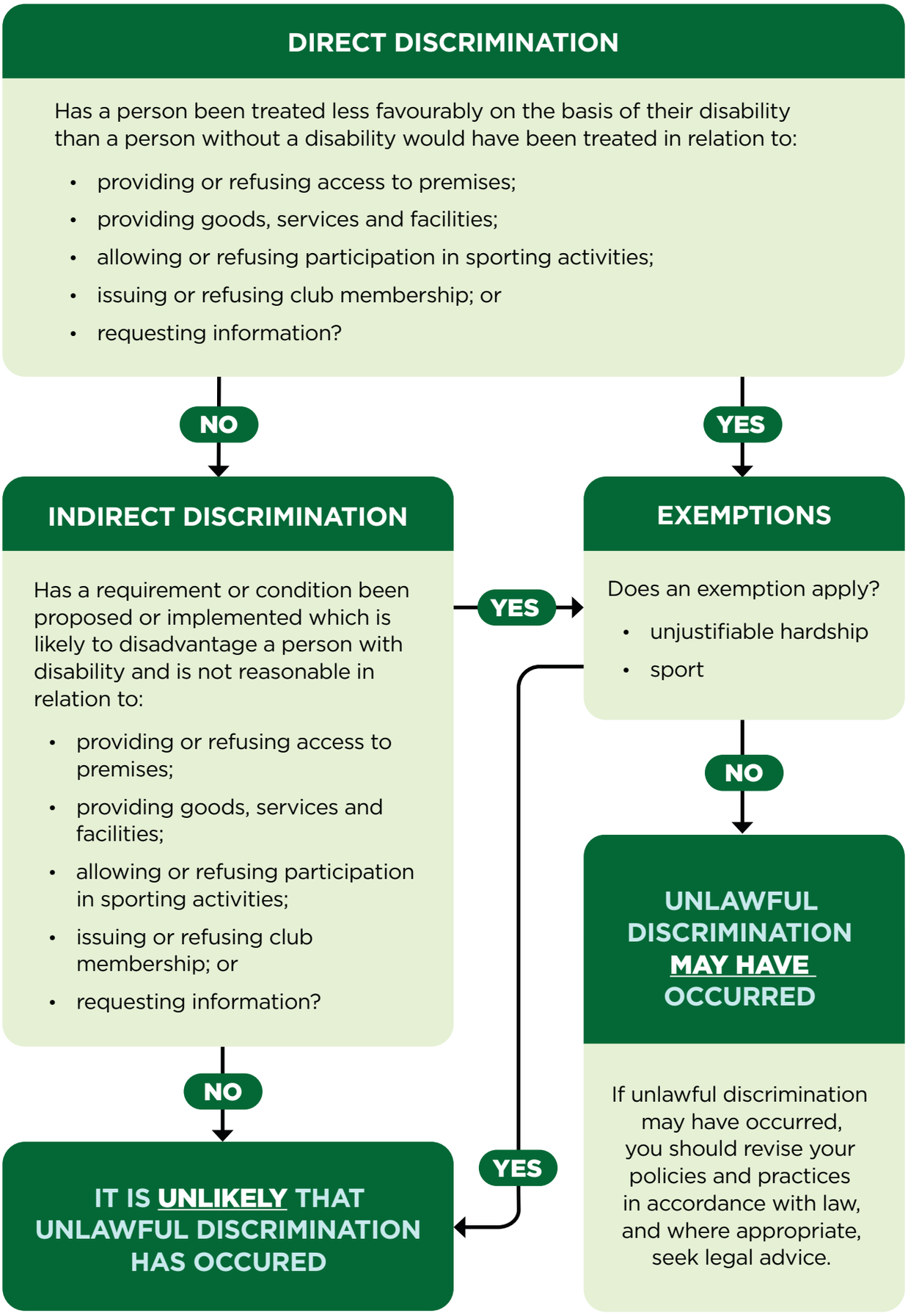




If a golf club considers that providing the adjustment would result in unjustifiable hardship, then it is advisable to:

- consult with the relevant national or state sporting organisation
- ensure there is an established, clear, documented policy stating
  - the decision-making process for assessing whether the exemption applies
  - who in the golf club will make the assessment
  - what evidence will be used for the assessment, having regard to the provisions around requests for information
- ensure the assessment is undertaken and a decision is reached in a timely manner so the individual is not unnecessarily disadvantaged
- discuss the issue directly with the individual prior to reaching a decision
- give reasons to individuals for decisions, as clear communication may help to avoid unlawful discrimination and also avoid complaints resulting from misunderstanding about justifiable decisions
- provide the individual with an opportunity to respond to any proposal and be involved in the decision-making (without shifting the onus of proof onto them)
- provide the individual with written reasons for any decision that excludes them
- provide the individual with an opportunity to seek a review of a decision to exclude them.

Discrimination and sport under the Disability Discrimination Act



2.7 Complaints pathway

In order to meet their obligations under the Disability Discrimination Act, golf clubs must have discussions around providing reasonable adjustments when they are asked for by people with disability. These Guidelines seek to assist clubs with having these conversations in a way that advances the rights of people with disability and avoids unlawful discrimination.

It is recommended that golf clubs establish internal complaints processes to seek to resolve complaints informally and formally within the club. Play By the Rules* has some useful resources on formal and informal complaints processes.

If a person believes they have been discriminated against on the basis of disability, they can lodge a complaint with the Commission or the equivalent state or territory organisation.[13] The Commission attempts to resolve complaints using a conciliation model. Conciliation is different from a court hearing, in that it seeks to facilitate a negotiation between the parties until they reach a mutual agreement.

In some cases, where a complaint is not resolved through the Commission's process, a person can then take their complaint to court.[14] The court can determine whether there has been unlawful discrimination.

Legal responsibility – often referred to as liability – determines who must take action because of a finding of unlawful discrimination, which may include a payment of compensation. Both an individual or an organisation who discriminates against an individual, and a person who aids or permits the unlawful discrimination, are legally responsible (and can be held liable) under the Disability Discrimination Act.[15]

It is also important to note that a golf club or facility can be vicariously liable for the actions of their employees or agents, in the ordinary course of the golf club or facility's operations, where those actions amount to unlawful discrimination.[16]

2.8 State and Territory laws

In addition to obligations under the Disability Discrimination Act, Golf Clubs also have legal obligations under state and territory anti-discrimination legislation.

The Disability Discrimination Act and state and territory anti-discrimination legislation both apply at the same time.[17] This means that state and territory legislation might impose different, or stricter, obligations. For example, Victoria and the Northern Territory impose an additional positive duty on Golf Clubs to take reasonable and proportionate measures to eliminate discrimination.

If a person thinks they have experienced disability discrimination, they will have to choose to make a complaint to either the Commission or to the appropriate state or territory anti-discrimination body. However, they cannot make a complaint to the Commission if they've already made a complaint about the same circumstances to a court or to the relevant state or territory anti-discrimination body.[18]

*https://www.playbytherules.net.au

Summary of state and territory laws

The following table provides a brief overview of relevant resources that golf clubs may wish to consult in assessing their compliance with state and territory anti-discrimination laws.

Some of the terminology used in the state and territory legislation is different from the terminology used in the federal Disability Discrimination Act (for example, in some states and territories a 'special measure' is called an exemption or exception).

State or territory	**Australian Capital Territory**
Anti-discrimination legislation	*Discrimination Act 1991* (ACT)
When disability discrimination is prohibited under the legislation	• In the provision of goods,services and facilities • In the context of club membership and affairs • In access to premises • In excluding from participation in formally organised sporting activity
Relevant Exceptions	Discrimination on the ground of disability is not unlawful in relation to the exclusion of a person from participating in any competitive sporting activity if: • the person is not reasonably capable of performing the actions required in the sporting activity, or the people participating are selected in a reasonable way on the basis of their skills and abilities relevant to the sporting activity; or • if the activity is conducted for, or mainly for, people who have a particular kind of disability and the person does not have a disability of that kind. Permitted in cases where there is unjustifiable hardship.

State or territory	**New South Wales**
Anti-discrimination legislation	*Anti-Discrimination Act 1977* (NSW)
When disability discrimination is prohibited under the legislation	• In the provision of goods and services • In the context of club membership and affairs
Relevant exceptions	Exclusion from sporting activities is permitted: • if the person is not reasonably capable of performing the actions reasonably required; • if the persons who participate are selected by a method that is reasonable on the basis of their skills and abilities relevant to the sporting activity; or • if the sporting activity is conducted only for persons who have a particular disability, and the person does not have that disability. Permitted in cases where there is unjustifiable hardship.

State or territory	**Northern Territory**
Anti-discrimination legislation	*Anti-Discrimination Act 1992* (NT)
When disability discrimination is prohibited under the legislation	• In the provision of goods, services and facilities • In the context of club membership and affairs
Relevant exceptions	A person is allowed to restrict participation in a competitive sporting activity: • to persons of a particular sex, if the restriction is reasonable having regard to the strength, stamina or physique requirements of the activity; or • to people who can effectively compete; or • to people of a specified age group; or • to people with a general or specific disability. Permitted in cases where to accommodate would be unreasonable in all of the circumstances.

State or territory	Queensland
Anti-discrimination legislation	*Anti-Discrimination Act 1991* (Qld)
When disability discrimination is prohibited under the legislation	• In the provision of goods and services • In the context of club membership and affairs
Relevant exceptions	A person may restrict participation in a competitive sporting activity to: • either males or females, if the restriction is reasonable having regard to the strength, stamina or physique requirements of the activity; • to people who can effectively compete; • to people of a specified age group; or • to people with a specific or general impairment. Permitted in cases where there is unjustifiable hardship.

State or territory	South Australia
Anti-discrimination legislation	*Equal Opportunity Act 1984* (SA)
When disability discrimination is prohibited under the legislation	• In the provision of goods and services • In the context of associations
Relevant exceptions	Excluding a person with a disability from participating in a sporting activity is not unlawful: • if the activity requires physical or intellectual attributes that the person does not possess; or • if, in the case of a sporting activity conducted wholly or mainly for persons who have a particular disability, the person's disability is not of that kind. Permitted in cases where there is unjustifiable hardship.

State or territory	Tasmania
Anti-discrimination legislation	*Anti-Discrimination Act 1998* (Tas)
When disability discrimination is prohibited under the legislation	• In the provision of facilities, goods and services • In the context of club membership and activities
Relevant exceptions	Discrimination on the ground of disability is permitted in relation to any competitive sporting activity by: • excluding that person from participating if the person is not reasonably capable of performing any action reasonably required in relation to that activity. Permitted in cases where there is unjustifiable hardship.

State or territory	Victoria
Anti-discrimination legislation	*Equal Opportunity Act 2010* (Vic)
When disability discrimination is prohibited under the legislation	• In the provision of goods and services • In the context of club membership and affairs In relation to sport, • by refusing or failing to select the other person in a sporting team; or • by excluding the other person from participating in a sporting activity
Relevant exceptions	A person is allowed to restrict participation in a competitive sporting activity to: • people who can effectively compete • people of a specified age group • people with a general or particular disability. Permitted in provision of goods and services where adjustments would be unreasonable in all of the circumstances.

State or territory	Western Australia
Anti-discrimination legislation	*Equal Opportunity Act 1984* (WA)
When disability discrimination is prohibited under the legislation	• In the provision of goods, services and facilities • In the context of club membership and affairs • By excluding a person from a sporting activity • In access to places
Relevant exceptions	Discrimination is permitted in relation to a sporting activity in circumstances where: • the person is not adequately capable of performing the actions required in relation to the sporting activity; or • where the persons who participate in the sporting activity are selected by a method which is reasonable on the basis of their skills and abilities relevant to the sporting activity; or • where a sporting activity is conducted only for persons who have a particular impairment, and the person does not have that impairment. Permitted in cases where there is unjustifiable hardship.


Titleist
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PGA
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PART 3
Inclusion Guide for Golf Clubs

The benefits of golf clubs and facilities in becoming more inclusive are numerous. From a financial perspective, engaging a broader cross section of the community will result in more participants, increased membership, and revenues such as membership income, green fees and increased expenditure on food and beverages. Funding and partnership opportunities are available through local, state, and federal governments to improve social outcomes for people with disability.

Regardless of the financial benefits of being a more diverse and welcoming part of the local community, being more inclusive will make the club's facilities and sporting events gathering places, and focal points for members of the community. Taking measures towards inclusion will lead to a more dynamic and vibrant culture within a club with social benefits for all. This will ultimately ensure clubs remain relevant and meet community expectations as an accessible sporting facility into the future.

This section of the Guidelines provides practical guidance for golf clubs promoting the inclusion of people with disability in golf and the accessibility of golf clubs, for employees, players and spectators alike.

Accessibility vs inclusion

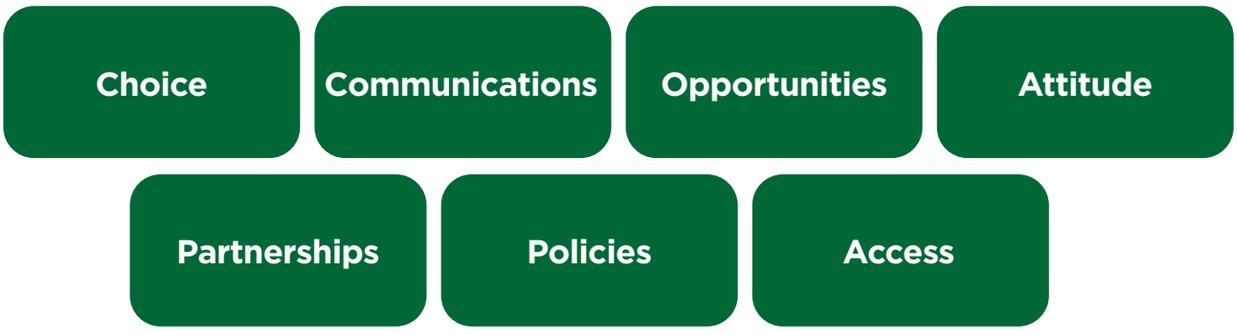
Accessibility and inclusion are different, but related concepts.

Accessibility is about ensuring any barriers that may prevent people with disability from participating in activities, accessing premises, or having access to information are removed.

Inclusion is about going a step further and ensuring that people with disability are included as equal members of society, and their needs are accommodated to enable full participation.

Accessibility is required to ensure inclusion.

The 7 Pillars Model[19] was developed by Play By The Rules and Sport Australia to advance diversity and inclusion in sport. The 7 pillars are:



3.1 Leadership

A significant barrier to inclusion for people with disability is harmful attitudes. Leadership has an important role to play in setting the culture in golf clubs and the sporting industry more generally.

Leadership includes the Boards, Committees and Executive leaders of clubs. People in these roles should lead by example by demonstrating positive attitudes and acting in a welcoming way.

The following questions have been developed to assist golf clubs to assess leadership support and commitment to the inclusion of people with disability:

- Does your golf club signal its commitment to diversity and inclusion in its mission statement, codes of conduct and other key documents?
- Is the commitment to inclusion reflected in strategic planning and operations?
- Does leadership take active steps to educate club members, coaching professionals, staff and volunteers about inclusion?
- Does your golf club have a Disability Network or a Network of Champions who can advocate for greater inclusion?
- Is your club's messaging on your website and social media platforms aligned with its values?
- Do leaders in your golf club speak up and respond to harmful behaviours and comments?

Case example: Creating an inclusive culture at Long Reef Golf Club

Long Reef Golf Club in Sydney has highlighted through its strategic planning process that it has a role to play as a community sporting hub – not just for its members, but also for the wider population. The club highlights the importance of inclusion in its Strategic Plan, Community Partnerships, and its Actions.[20] One of the core values of the club is embracing diversity, including people with disability.

Importantly, the club publicly promotes its story and its commitment to inclusion. The policies and practices Long Reef have put in place generate benefits not just in the short-term – they also maximise the opportunity for these policies and practices to create long-term change.

Strategic Plan: A clearly articulated vision written into its Strategic Plan provides all parts of the club with a clear and public reference point around which to frame its operational decisions. Without it, an organisation is prone to pursue a range of initiatives that conflict with the original vision, eroding any benefits in the process.

Partnerships: Understanding there is shared value in providing access to sport and recreation to community groups that support people with disability in local communities. This is reflected in the club's partnerships with The Sargood Foundation and Special Olympics Australia.

Actions: The club offers access to the Paragolfer, which is an all-terrain mobility chair providing people with mobility restrictions, such as wheelchair users, access to all parts of the Long Reef facility. The club also hosts weekly come-and-try

programs through a partnership with Empower Golf Australia. Additionally, coaching staff and volunteers have completed specialised training programs offered by Golf Australia and the PGA of Australia.

Further information about these programs can be found on the Golf Australia website at https://golf.com.au/all-abilities

3.2 Accessibility of facilities and golf courses

While the physical accessibility of golf clubs and facilities is a good starting point when considering inclusion of people with disability, accessibility is about much more than physical access.

The physical accessibility of a golf club and facility or event space is multi-layered and should account for:

- the overall accessibility of the facility and course, for players and spectators
- the internal accessibility of buildings, including shops and reception
- the accessibility of signage
- the accessibility of websites and booking systems.

When considering the physical accessibility, it is helpful to begin by considering:

- the specific requirements outlined in the *Disability (Access to Premises—Buildings) Standards 2010* (Cth)
- principles of Universal Design.



Universal design



Universal Design is the design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability.

If an environment is accessible, usable, convenient and a pleasure to use, everyone benefits. By considering the diverse needs and abilities of all throughout the design process, universal design creates products, services and environments that meet people's needs. Simply put, universal design is good design.

There are seven principles that guide Universal Design. The principles were developed in 1997 by a working group of architects, product designers, engineers and environmental design researchers, led by the late Ronald Mace at the Center for Universal Design at the North Carolina State University (NCSU).[21]

The purpose of the principles is to guide the design of environments, products and communications.

The seven principles are as follows:

1. **Equitable use:** the design is useful and marketable to people with diverse abilities.
2. **Flexibility in use:** the design accommodates a wide range of individual preferences and abilities.
3. **Simple and intuitive use:** use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level.
4. **Perceptible information:** the design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.
5. **Tolerance for error:** the design minimises hazards and the adverse consequences of accidental or unintended actions.
6. **Low physical effort:** the design can be used efficiently and comfortably and with a minimum of fatigue.
7. **Size and space for approach and use:** appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture, or mobility.

When designing the physical environment, employers should seek to implement universal design and the seven principles. The principles can also be applied to all types of design, including the design of workplace technology.

The principles can be accessed on the Center for Excellence in Universal Design website: https://universaldesign.ie/about-universal-design/the-7-principles

3.3 Disability accessibility audit

Do all areas of a golf course need to be accessible to people with disability?

There should, as far as possible, be equal access to all areas of a golf course. Not providing equal access may be discriminatory, depending on the circumstances.

A golf club can improve access to areas by making physical improvements to the premises, such as building an accessible entry point to a bunker that would otherwise be inaccessible to a para golfer. Where such improvements would cause unjustifiable hardship on the golf club (for example, due to the number of bunkers that are inaccessible at the facility, cost, inconvenience and impact on course ratings), the club can make reasonable adjustments. This could include using local rules around unplayable balls excluding specific bunkers for people with disability.

Another example are the areas of rough under trees. Clearing of rough in high traffic areas ensures better accessibility and may also improve the pace of play. On the other hand, areas of rough that are inaccessible to all players offer penalty relief opportunities so that players do not get penalised for errant shots. Players with disability can be offered further opportunities to take relief as a reasonable adjustment.

Alternatively, changing the natural topography of courses, such as a steep hill or location of trees, would be more difficult to do and therefore may in the circumstances impose an unjustifiable hardship.

The most effective way for golf clubs to identify and address access issues before they are raised is to conduct a **disability access audit.** There are many services available to assist in the conduct of a formal access audit, access appraisal, or a compliance check across the country.

Alternatively, an informal self-audit can be conducted. While there are templates available online for the conduct of access audits, golf clubs have very different facilities, environments and contexts that need to be considered. The most effective process for the conduct of an informal access audit is to engage people with disability from the local community – or who are existing members – to assist with a walk-through audit.

To ensure your golf club and facilities are accessible and inclusive, it is helpful to provide members and staff the opportunity to provide regular feedback. Opportunities to comment on accessibility could be incorporated into:

- annual engagement surveys
- general assembly meetings
- staff meetings
- feedback boxes
- complaints mechanisms and review of data.

(a) Overall accessibility

The following questions have been developed to assist golf clubs to assess the overall accessibility of their clubs and facilities, including those used for major events:

- How far is the building from public transport?
- Is there a safe drop-off and collection point for people using taxis with clear, barrier-free access to the building?
- Is there a clear, accessible path of travel from the street? For example, direct access with no stairs or other barriers or obstacles.
- If there are stairs to enter the building from the street, is there an alternative access via a lift or ramp which is appropriately close by?
- Is there adequate lighting on external pathways in key areas of the building (for example, the car park)?
- Are the lifts accessible? For example, lift buttons with tactile elements or braille, a handrail and an emergency button or phone in the case of an emergency or the lift failing?

(b) Golf carts

A significant issue for people with disability is the availability and cost of golf carts. There is a substantial cost associated with the provision of golf carts and factors such as wet weather and turf conditions can impact the use of golf carts and pose risks to players in some situations. However, there are a few strategies that can be implemented by clubs to encourage inclusivity:

- partnering with brands that provide alternative transport mechanisms for people with disability, such as Paragolfer
- allowing people with disability to use their own transport (subject to appropriate membership conditions)
- ensuring that golf carts are stored in an accessible location, and
- including the use of carts as part of the membership.

Case example: Lyttle v Everglades Country Club

In *Lyttle v Everglades Country Club Limited* [2021] NSWCATAD 52, a golf club in Sydney was found to have indirectly discriminated against a member with a disability by charging members an extra fee for using their own motorised golf carts.

The applicant, Mr Lyttle receives a disability pension and gave the club a medical certificate stating he can't walk for more than a few hundred metres without a significant increase in back and knee pain. As a result, he had his own golf cart which he used to allow him to play golf.

The club had previously waived the annual cart fees of $220 for people who required a cart as a reasonable adjustment. They then changed their policy to remove the option of a waiver. Mr Lyttle made a complaint that the cart fee had a disproportionate impact on him compared to members who could walk the course unaided. He had to cut down on the amount he played as a result of the costs.

When Mr Lyttle took the case to the NSW Civil and Administrative Tribunal, the club said it was concerned about the cost of providing cart pathways and maintaining the whole course as a result of wear and tear caused by the carts. The Tribunal found the club had exaggerated the cost of allowing private carts on the course.

The Tribunal also found that the club had indirectly discriminated against Mr Lyttle by imposing a requirement on him that he could not comply with because of his disability. In this case, the condition is not the requirement to pay the fee, but the requirement to walk the course in order to access it at the same cost as someone without a disability. Those able to walk the course unaided could choose whether to use a cart, but people with disabilities like Mr Lyttle's were "obliged to pay the fee to enjoy" the golf course.

The Tribunal said that "The 'user pays' principle when applied to persons with a disability does not make the requirement 'reasonable.'" In the circumstances of this case, it would impose an additional financial burden on people with a disability that affected their mobility that was not imposed on other people who were able to avoid the fee if they chose to. The Tribunal found that if the club reintroduced a waiver of the fee for people with a disability that affected their mobility, this would not cause it unjustifiable hardship.

(c) Signage

The following questions have been developed to assist clubs to assess the accessibility of signage around their course and facilities, and for special events:

- Is the signage outside and inside large, clear and easy to read? Consider the use of easily recognisable symbols, such as the Universal Symbol of Accessibility which can be found here: https://accessiblecampus.ca/reference-library/symbols-of-accessibility.
- Is the signage provided in accessible formats, including braille? Consider using braille and raised numbering within lifts and on doors where rooms are numbered.
- Are signs and room numbers positioned in a place where people will be able to locate them easily?
- Is the signage at an appropriate height and position so it does not create an obstacle for people to navigate around? For example, never place signage where it may create a hazard or reduce access to stairs, lifts or escalators.

(d) Websites and booking systems

Technology can be a great enabler of participation but may also create barriers to inclusion for people with disability. For example, many websites, document formats, or online booking systems are not accessible to people who use assistive technology, such as screen readers. To ensure technology, including electronic versions of documents, are accessible for everyone, it should comply with the Web Content Accessibility Guidelines *(WCAG), the international standards for web accessibility. When upgrading customer-facing technology, golf clubs should ensure compliance with the latest version of WCAG. At the time of publication of these Guidelines, the latest version is WCAG 2.2.

Designing your website and booking systems to ensure accessibility not only benefits people with disability but is also good practice in terms of universal design. This avoids costly redesign efforts and retrospective accessibility fixes. For more information, review the Web Accessibility Initiative's Introduction to Web Accessibility**.

Many golf clubs use shared booking systems or have websites that have been built prior to the WCAG 2.2 standard being issued. Where possible, clubs should invest resources into improving the accessibility of their website. If this would create an unjustifiable hardship, clubs should ensure accessibility by providing alternative forms of access, for example accepting bookings via telephone or email.

See the Australian Human Rights Commission's Guidelines on equal access to digital goods and services^.

*https://www.w3.org/TR/WCAG22/

**https://www.w3.org/WAI/fundamentals/accessibility-intro/

^https://humanrights.gov.au/our-work/disability-rights/publications/guidelines-equal-access-digital-goods-and-services



3.4 Participation

Golf as a sport in general takes longer to play than many other sports. Many golf players report experiencing issues with pace of play, with a strong perception that the cause of poor pace of play is the playing habits of other players. In fact, many pace of play issues can be resolved through management practices to ensure all players have an enjoyable experience.

Some people with disability may take longer to play a round of golf than players without disability, particularly if using mobility devices (such as a Paragolfer) or other forms of assistance.

Golf clubs and facilities should consider taking steps to pre-emptively respond to pace of play where possible to make the sport accessible and enjoyable to all. Some examples of reasonable adjustments are:

- having sufficient starting intervals and ‘starter’s gaps’ to avoid overcrowding the course
- having ‘two-tee’ starts
- encouraging ‘ready golf’;
- reducing the number of players in a group; or
- introducing different types of competition, for example Stableford of Par instead of stroke play.

More information about pace of play management practices can be found in the R&A Pace of Play Manual.*

*https://www.randa.org/pace-of-play/manual

Case example: Wet weather

It's the first dry day after a sustained period of heavy rain, and golfers are keen to get back on the course to play in a club competition. However, club management believes turf softness will result in golf carts causing too much damage to the course and decides to ban their use for the day.

This blanket rule could result in several players with disability being unable to play, whilst all others will be unaffected.

What factors should club management consider when determining whether to impose a temporary ban on golf carts, and should they consult with players during the decision-making process?

Answer:

The club should consider the circumstances at hand in order to determine how it can avoid discrimination. For instance:

- Is any information available or known on the accessibility requirements of players entered in the competition?
  - Having this information will assist the club in projecting the likely need of golf carts by players in the competition and therefore understand how many players would be impacted by a blanket ban.
  - Information could be collected at the registration stage, for example, by having a generic question about whether a player will require any adjustments to be made to enable participation in the competition, so as to assist with forward planning.
- What is the degree of turf softness and likelihood of further damage?
  - An assessment should be made to understand the condition of the turf so as to determine the likelihood of further damage. The club should think about whether limiting the use of golf carts, but not banning altogether, can sufficiently reduce the risk of further damage.
- Is it a regular or significant competition?
  - The club needs to understand whether a particular decision will, for example, cause significant disruption to the schedule of events or result in financial loss.

Case example: Discrimination in play

The head of golf operations at a city public golf course believes golfers with disability would have a better experience at his course if they utilised the afternoon tee times, when the course is less crowded so that the players would have more time to complete their round of golf. He writes to the club's Greens & Match Committee to ask if he can restrict golfers with disability from booking tee times before noon.

The Committee Chairperson calls the head of operations to inform him that it is discriminatory to restrict golfers with disability to certain times of the day. Pre-defined tee times can also be very restrictive and in conflict with other plans, particularly for people receiving essential care and support. All players must have equal access.

Restricting or encouraging people with disability to only play at certain times would be direct discrimination. A policy that applies to all people, such as set tee times depending on an assumed standard length of play, but which disadvantages people with disability, would be indirect discrimination.

The assessment of a player's golf competencies and pace of play should take into account a range of factors, of which disability may or may not be relevant. Individualised assessments may be required to understand how a disability may or may not lead to slower length of play. Where a disability does impact pace of play, the head of operations and the club should consider other options to respond that allow the club to make reasonable adjustments. For example, creating a starter's gap to allocate longer time slots for a player who may need it due to their disability would be a reasonable adjustment.

The Committee, as the governance body, also has a responsibility to understand and explain this clearly.

(a) Rule 25 of the Rules of Golf (Modifications for Players with Disabilities)

As part of their governance of the game through writing and interpreting the Rules of Golf, the USGA and The R&A (in consultation with Golf Australia) have modified certain Rules of Golf to allow players with specific disabilities to play fairly with players who have no disability, the same disability, or a different type of disability. These modifications are detailed within Rule 25 of the Rules of Golf. The modifications have full effect within the official Rules of Golf, and apply automatically to all competitions, at every level of the game.

A person with a disability can be approved to apply the modifications by making an application to Golf Australia. The person will need to identify as having disability, and in line with section 2.2(e) requests for information should be made only where necessary to determine other reasonable adjustments are not used in a discriminatory manner. Not permitting an approved player to apply the modifications may amount to unlawful discrimination.

The modifications were formulated by the USGA and R&A based on extensive input from the community of players with disability, disability organisations and other sources, and provide a Rules code that delivers fair competition for an entire field of golfers.

From a practical standpoint, players with certain disability often have the same or similar needs. Four such categories of disability have been identified:

- Players who are blind
- Players who are amputees
- Players who use assistive mobility devices, and
- Players with intellectual disabilities

Endnotes

1 Australian Bureau of Statistics, Survey of Disability, Ageing and Carers, Summary of Findings 2018 (Catalogue No 4430.0, 24 October 2019).

2 Australian Institute of Health and Welfare (AIHW) 2020, Chronic conditions and multimorbidity, viewed 27 October 2021, https://www.aihw.gov.au/reports/australias-health/chronic-conditions-and-multimorbidity

3 Australian Bureau of Statistics, Survey of Disability, Ageing and Carers, Summary of Findings 2018 (Catalogue No 4430.0, 24 October 2019)

4 Australian Bureau of Statistics, Survey of Disability, Ageing and Carers, Summary of Findings 2018 (Catalogue No 4430.0, 24 October 2019).

5 *Disability Discrimination Act 1992* (Cth), s 5(1).

6 *Disability Discrimination Act 1992* (Cth), s 6(1).

7 *Disability Discrimination Act 1992* (Cth) s 31.

8 US Golf Association, Patrick Gross, *Golf Course Maintenance and the ADA: Maintaining a golf course for golfers with disabilities (2007),* 4 < https://www.usga.org/content/dam/usga/pdf/imported/course-care/070301.pdf>.

9 Australian Human Rights Commission, *Temporary exemptions under the Disability Discrimination Act 1992* (Cth), at https://humanrights.gov.au/our-work/legal/temporary-exemptions-under-disability-discrimination-act-1992-cth.

10 *Disability Discrimination Act 1992* (Cth) Part 3.

11 See *King v Jetstar* (No 2) [2012] FCA 8 (13 January 2012) [256].

12 *Francey v Hilton Hotels of Australia Pty Ltd* (1997) EOC 92-903, 77,453.

13 *Australian Human Rights Commission Act 1986* (Cth), s 46P.

14 *Australian Human Rights Commission Act 1986* (Cth), s 46PO.

15 *Disability Discrimination Act 1992* (Cth), s 122.

16 *Disability Discrimination Act 1992* (Cth), s 123.

17 *Disability Discrimination Act 1992* (Cth), s 13(3).

18 *Disability Discrimination Act 1992* (Cth), s 13(4).

19 https://www.playbytherules.net.au/resources/7-pillars-inclusion

20 Long Reef Golf Club, c2023, Long Reef Strategic Plan, https://longreefgolfclub.com.au/wp-content/uploads/2023/05/2022-Strategic-Plan-31.5.23.pdf

21 The Center for Universal Design, *Principles of Universal Design (2008)* <https://projects.ncsu.edu/ncsu/design/cud/about_ud/udprinciples.htm>.



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