



# Royal Queensland Yacht Squadron

PROTOCOL POLICY

VERSION 2.3 (March 2025)

# Protocol Policy

Effective Date: February 2023 (updated March 2025)

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This Protocol Policy was approved by the Board of Directors of the Royal Queensland Yacht Squadron Limited ACN 053 989 272 (**Squadron**) in accordance with #8 of the Constitution of the Squadron (**Constitution**).

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## 1. Scope

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This document (**Policy**), as amended from time to time, outlines for the purposes of rule #8 of the Constitution, the protocol applicable to Members of the Squadron and the process by which protocol matters will be investigated and considered by the Squadron.

- 1.1 This Policy applies to any protocol matter concerning a member of the Squadron.
- 1.2 Subject to rule 5 of this Policy, this Policy does not apply to any protocol matter arising solely under the Racing Rules of Sailing, the Convention on the International Regulations for Preventing Collisions at Sea (COLREGs) or any other law, rule, or policy governing the conduct of yachting, sailing or boating.

*Example: A dispute concerning contact between sailing boats when racing is governed solely by the Racing Rules of Sailing and not this Policy. However, an allegation of misconduct under the Racing Rules of Sailing may also amount to behaviour in an unbecoming or dishonourable manner for the purposes of this Policy.*

## 2. Policy Statement and Purpose

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- 2.1 The purpose of this Policy is to ensure that Members of the Squadron subscribe to this protocol and demonstrate an appropriate standard of behaviour in connection with their membership of the Squadron.
- 2.2 Accordingly, this Policy exists to facilitate the investigation, management, and determination of protocol matters referred to the Squadron.
- 2.3 This Policy is to be applied by the Squadron with the objective of ensuring that complaints about protocol are determined efficiently and consistently with the rules of procedural fairness.

## 3. Definitions and Interpretation

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### 3.1 Definitions

In this Policy:

<b>Protocol Policy Officer</b>	Is the person appointed to that role by rule 6.1 of this Policy and includes an Acting Protocol Policy Officer appointed under rule 6.2 of this Policy
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<b>Disciplinary Committee</b>	Is the Committee appointed to be the Disciplinary Committee by rule 7.2 of this Policy.
<b>Immediate Past Commodore</b>	Is the Past Commodore who served as Commodore immediately before the Commodore
<b>Past Commodores</b>	Are the Members who have served as a Commodore
<b>Review Panel</b>	Is the panel appointed to be the Review Panel by rule 9.2 of this Policy.

### 3.2 Interpretation

- (a) Unless the context requires otherwise, capitalised terms used but not otherwise defined in paragraph 3.1 of this Policy have the meaning given to them in the Constitution.
- (b) Notes and examples to the rules in this Policy are for illustrative purposes only and are not binding.

## 4. Overview of Protocol

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4.1 This section is to be read alongside rule #15 of the Constitution.

4.2 To the extent necessary and consistently with the purpose of this Policy, complaints under this Policy will be managed in the following four stages:

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| Stage 1. Investigation                  | The Protocol Policy Officer will investigate the conduct alleged and determine whether to refer it to the Disciplinary Committee or whether to take other action. |
| Stage 2. Disciplinary Committee Hearing | The Disciplinary Committee will hear all matters referred to it by the Protocol Policy Officer and determine what sanctions (if any) are appropriate.             |
| Stage 3. Review Panel Appeal            | The Review Panel can hear and determine any appeal against a Disciplinary Committee decision and determine what sanctions (if any) are appropriate.               |

## 5. Member's conduct

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Under this Policy, the Squadron shall have the power to reprimand, suspend, expel or accept the resignation of any Member, if that Member:

- (a) wilfully refuses, infringes or neglects to comply with the provisions of this Constitution or any applicable rules or By-Laws in force from time to time;
- (b) fails to give notice of an indictable offence in accordance with rule 8.2 of the Constitution;
- (c) is an undischarged bankrupt or has been convicted of an indictable offence;

- (d) has behaved, or a guest of that Member has behaved, in the reasonable opinion of the Board (or its delegate), in an unbecoming or dishonourable manner:
  - (i) on the Squadron's Premises; or
  - (ii) outside the Squadron's Premises where the Member is a participant in an event organised by the Squadron or where the Member is a representative of the Squadron; or
- (e) has acted in a manner that is prejudicial to the interests of the Squadron or brings the Squadron's reputation into disrepute.

## 6. Protocol Policy Officer

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### 6.1 Identity of Protocol Policy Officer

The Protocol Policy Officer will be a member, not currently serving on any Squadron committee, and be nominated and appointed to the role based on their experience and suitability to perform the duties as and when required. The nomination can be made from the Membership Committee or General Committee and is subject to Board approval. The role may be reviewed on an annual basis.

### 6.2 Where a conflict of interest arises

- (a) Where the Protocol Policy Officer has a conflict of interest under rule 11.23 of this Policy, an Acting Protocol Policy Officer will be appointed by the CEO to exercise all the powers of the Protocol Policy Officer.
- (b) The Acting Protocol Policy Officer must not also have a conflict of interest under rule 3 of this Policy and may be:
  - (i) a Committee Member of the Membership or other Squadron Committee; or
  - (ii) any Director who does not have a conflict of interest.

### 6.3 Investigatory Role of Protocol Policy Officer

- (a) If the Board or an employee of the Squadron becomes aware that a Member may have engaged in the kind of conduct referred to in rule 5 of this Policy, the Protocol Policy Officer must investigate the conduct alleged in accordance with this rule.
- (b) The Protocol Policy Officer is not required to commence an investigation into alleged conduct that the Protocol Policy Officer is satisfied that, after considering the allegation:
  - (i) the conduct, if proved, would not be the kind of conduct referred to in rule 5 of this Policy or the conduct is otherwise not within the scope of this Policy; or
  - (ii) the allegation is vexatious or made for the dominant purpose of harassing or embarrassing another person.

- (c) In the course of investigating the conduct alleged, the Protocol Policy Officer will give the Member concerned a notice setting out:
  - (i) the conduct alleged;
  - (ii) that the conduct alleged, if proved, may give the Squadron the power to reprimand, suspend, expel or accept the resignation of the Member in accordance with this Policy;
  - (iii) a time and place on which (or by which) the Member concerned shall have the right to make representations to the Protocol Policy Officer; and
  - (iv) the way in which the Member concerned may make representations to the Protocol Policy Officer;
- (d) The notice given to the Member in accordance with rule 6.3(c) of this Policy must be given at least ten (10) days prior to the date on which the Member may make representations to the Protocol Policy Officer.
- (e) After concluding their investigation and after considering any representations made by the Member in accordance with rule 6.3(a) of this Policy, the Protocol Policy Officer may determine:
  - (i) that the alleged conduct is not the kind of conduct referred to in rule 5 of this Policy or not within the scope of this Policy and that no further action is required;
  - (ii) that the matter is vexatious or made for the dominant purpose of harassing or embarrassing another person and that no further action is required;
  - (iii) reprimand the Member (but the Protocol Policy Officer does not have the power to suspend or expel the Member concerned); or
  - (iv) refer the matter for determination by the Disciplinary Committee, with or without a recommendation from the Protocol Policy Officer on the proposed course of action to be taken in respect of the Member concerned.
- (f) After concluding their investigation in one of the ways referred to in rule 6.3(e) of this Policy, the Protocol Policy Officer will give a written notice to the Member concerned setting out:
  - (i) the conduct that the Protocol Policy Officer is satisfied that the Member concerned engaged in;
  - (ii) the way in which the Protocol Policy Officer has concluded their investigation; and
  - (iii) if the Protocol Policy Officer determined to refer the matter for determination by the Disciplinary Committee:
    - (A) the date, time and place for a hearing before the Disciplinary Committee, which must not be less than ten (10) days from the date of the notice; and

- (B) that the Member concerned may appear before the Disciplinary Committee or may make written representations to the Disciplinary Committee, which must be delivered to the Disciplinary Committee at least twenty-four (24) hours before the date of the hearing before the Disciplinary Committee.

## 7. Disciplinary Committee hearing

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### 7.1 Disciplinary Committee to conduct hearings

The Disciplinary Committee must hear all allegations referred to it by the Protocol Policy Officer.

### 7.2 Composition of Disciplinary Committee

a) Subject to the provisos in rule 7.2(b) and rule 7.2(c), the Disciplinary Committee will be comprised of three (3) Members who shall be nominated by the Commodore in consultation with the CEO, (who will communicate the nominations and confirm the appointments under this rule), from the following groups of Members:

i) two (2) Members shall be selected from the Flag Officers but:

A. should there be only one (1) or no Flag Officers available for selection for whatever reason (including a conflict of interest under rule 11.3); then

B. the Member or Members required under this sub-rule shall be selected, in substitution for one (1) or two (2) Flag Officers, from Members who are current Past Commodores; and

ii) one (1) Member shall be selected from the members of all current Committees;

(b) Should the Commodore have a conflict of interest under rule 11.3 preventing the Commodore's involvement in the nomination process under this rule 7.2, then the nomination process under this rule shall be performed by another Flag Officer, or the Immediate Past Commodore should the other Flag Officers also be subject to a conflict of interest under rule 11.3; and

(c) Should the CEO be the respondent to any complaint lodged under this Policy or otherwise have a conflict of interest under rule 11.3, then the consultative and communication roles to be performed by the CEO under this rule shall be performed by another Flag Officer, or the Immediate Past Commodore should the other Flag Officers also be subject to a conflict of interest under rule 11.3,

but, the Disciplinary Committee must not include:

(d) the Protocol Officer or any Member involved in the allegation, the initial investigation or the referral of the matter to the Disciplinary Committee;

(e) any Member who has a conflict of interest under rule 11.3 of this Policy.

### 7.3 Hearing

- (a) The Disciplinary Committee has the discretion to conduct a hearing in any way in which they see fit and has the power to make directions for the just and efficient conduct of that hearing.
- (b) If the Member fails to appear before the Disciplinary Committee within fifteen (15) minutes of the time stated in the notice of meeting given to the Member concerned, then the Disciplinary Committee may resolve to consider the matter in their absence.

### 7.4 Powers of Disciplinary Committee

After conducting a hearing in accordance with rule 7.3 of this Policy, the Disciplinary Committee may, by a simple majority vote, take any of the following actions:

- (a) expel the Member from the Squadron;
- (b) suspend the Member as a Member of the Squadron for a period as may be determined at the discretion of the Board;
- (c) impose restrictions on the rights that the Member may enjoy while remaining a Member of the Squadron (subject to the Constitution);
- (d) reprimand the Member; or
- (e) take no action.

## 8. Appeal

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### 8.1 Right of Appeal

- (a) The Member concerned may appeal against a decision of the Disciplinary Committee to suspend or expel the Member by giving written notice to the Squadron within twenty-eight (28) days of notice being given under rule 7.3 of this Policy.
- (b) The Member concerned does not have a right to appeal against a decision of the Disciplinary Committee to take any of the actions in rule 7.4(c) to 7.4(e) of this Policy.
- (c) A person who is not the Member concerned (including a person aggrieved by the conduct of the Member concerned) does not have a right to appeal against a decision of the Disciplinary Committee.

### 8.2 Commencement of appeal

- (a) The notice to be given to the Squadron under rule 8.1(a) of this Policy must set out:
  - (i) that the Member's wishes to appeal the Disciplinary Committee's decision; and

- (ii) the Voting Category Member the Member wishes to nominate to the Review Panel in accordance with rule 9 of this Policy.
- (b) Upon receipt of notice under rule 8.1(a) of this Policy, the appeal must be concluded within sixty (60) days (unless that period is extended with the consent of the Member concerned) and will:
- (i) be a fresh hearing (hearing de novo) of the allegations against the Member; and
  - (ii) be heard by the Review Panel in accordance with rule 9 of this Policy.

## 9. Review Panel Hearing

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### 9.1 Role

The Review Panel must hear all appeals from the Disciplinary Committee.

### 9.2 Composition of Review Panel

Within twenty-eight (28) days of notice being received by the Squadron under rule 8.1(a) of this Policy, the Review Panel must be appointed and will comprise:

- (a) one Voting Category Member nominated by the Member that requested the appeal;

*Note: The Member is required to nominate the Voting Category Member they wish to nominate to the Review Panel in their notice commencing an appeal. See rule 8.2(a)(ii) of this Policy.*

- (b) one Voting Category Member nominated by the Board and notified to the Member at the time notice of the appeal is given to the Member in accordance with rule 8 of this Policy; and
- (c) one Member (who is not required to be a Voting Category Member but must be deemed suitably qualified to consider the subject matter of the appeal) appointed by:
  - (i) agreement between the Voting Category Members nominated in accordance with rules 9.2(a) and 9.2(b) of this Policy; or
  - (ii) failing agreement between the nominated Members, a Member nominated by the Board,
- (d) a Member cannot be appointed to the Review Panel, including by the Member concerned in their notice commencing an appeal under rule 8.2(a)(ii) of this Policy, if they are:
  - (i) the Protocol Policy Officer; or
  - (ii) a member of the Disciplinary Committee; or
  - (iii) a person involved in the allegation, including a witness; or

- (iv) any person who has a conflict of interest under rule 11.2 of this Policy.
- (e) if the Member concerned, in their notice commencing an appeal under rule 8.2(a)(ii) of this Policy, purports to appoint a Member who cannot be appointed to the Review Board because of rule 9.2(d) of this Policy, the Member may nominate an alternative Member who can be appointed.

### 9.3 **Hearing**

The Company Secretary will cause the Squadron to give notice to the Member of the time, date and place of the appeal hearing before the Review Panel at least ten (10) days before the date of the hearing. The Member may:

- (a) appear before the Review Panel at the date, time and place notified; or
- (b) make written representations to the Review Panel, which must be delivered to the Company Secretary at least three clear (3) days before the date and time of the appeal hearing.

### 9.4 **Decisions of Review Panel**

- (a) The Review Panel will make its decisions by simple majority vote and has the same powers and obligations as the Disciplinary Committee under rules 7.3 and 7.4 of this Policy.
- (b) The decision of the Review Panel will be final and binding on the Member concerned and cannot be challenged or impeached by the Member in any other forum.

## 10. **Implementation of Decisions**

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### 10.1 **General**

Following the Disciplinary Committee or the Review Panel exercising its powers under rule 7.4 of this Policy, they must:

- (a) notify the Member by either:
  - (i) giving the Member concerned notice of the decision in writing within twenty (20) days of the decision being made; or
  - (ii) if the decision is made at a hearing at which the Member concerned is present, at the hearing; and
- (b) cause the Company Secretary to make any necessary updates to the Members' Register to reflect the decision.

## 10.2 Effect of suspension

If a Member is suspended by the Disciplinary Committee or the Review Panel, then at the time the Member is suspended and during the period of suspension, that Member will have all rights and entitlements of their Membership suspended (including any right to vote or attend a general meeting) and will not be permitted to attend the Squadron's Premises or participate in events organised by the Squadron.

## 11. Procedural Fairness

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### 11.1 Rules of procedural fairness apply

The rules of procedural fairness apply to all matters arising under this Policy.

*Note: the rules of procedural fairness are a flexible obligation to adopt fair procedures which are appropriate and adapted to the circumstances of a particular case. They generally incorporate the following two principles:*

1. *the bias rule, which requires decisions to be made free from actual or apprehended bias; and*
2. *the fair hearing rule, which requires people to be heard before a decision affecting them is made.*

### 11.2 Support person

A Member may attend any meeting with the Protocol Policy Officer or hearing before the Disciplinary Committee or Review Panel with a support person but is not entitled to legal representation.

### 11.3 Conflicts of Interest

For the purposes of this Policy, a Member or the CEO has a conflict of interest in relation to a Protocol Policy matter where the Member or CEO:

- (a) is the Member or person concerned;
- (b) has a close personal relationship with the Member; or
- (c) otherwise has an actual or potential conflict of interest in being involved in the investigation of the Member concerned such that it may impact the Member's or CEO's ability to be independent or impartial in carrying out their role.

## 12. No liability

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There will be no liability for any loss or injury suffered by a Member as a result of any decision made in good faith under this Policy. No Member may commence proceedings or bring a claim in a court or Tribunal against any Directors, Officers or the Squadron for any matter or grievance arising from the proceedings or determination made under this Policy.

## 13. Notices

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Notices under this Policy are to be given in accordance with rule 27 of the Constitution.

## 14. Review and Assessment

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- 14.1 The Board shall assess periodically the effectiveness of this Policy with a view to amending this Policy if necessary, to ensure that it meets best practice standards and meets the needs of the Squadron.
- 14.2 The Board may engage a legal practitioner or other suitably qualified party to review this Policy and the protocol process.
- 14.3 Amendments to this Policy, other than updates for the Squadron branding or position titles, are to be approved by the Board.

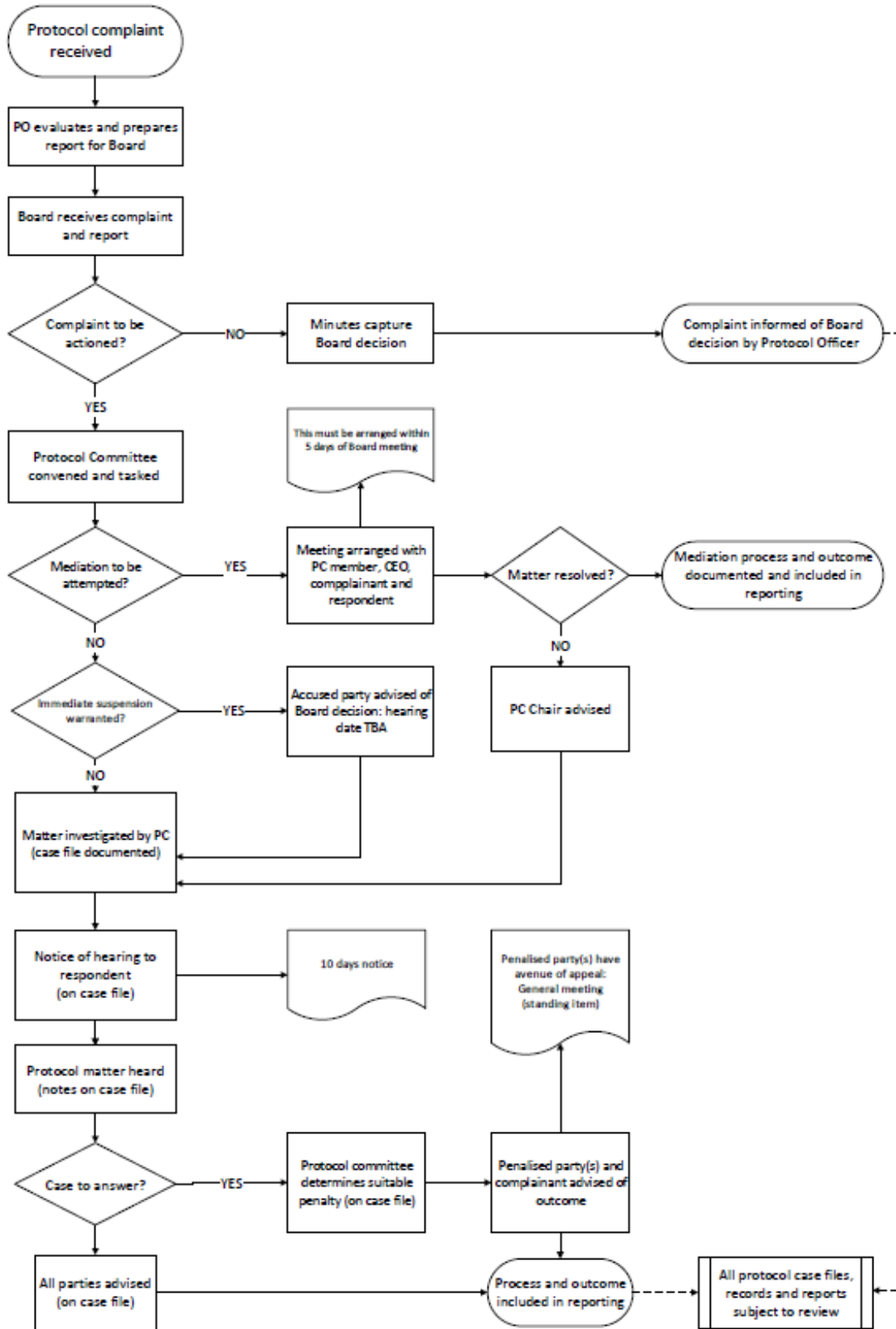
## 15. Disclosure of Policy

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- 15.1 This Policy and any amendments will be made available on the Squadron's website.

Date of resolution of the General Committee to approve this Policy:	February 2023
Date of amendment approved by General Committee:	January 2024
Date of further amendments recommended by General Committee:	March 2025 (Board approved 25 <sup>th</sup> March 2025)

# RQYS Protocol Process





<b>3. IDENTIFY PERSON/S INVOLVED IN THE ISSUE/BEHAVIOUR</b>	
Name	Contact
Name	Contact
Name	Contact
Name	Contact
<b>4. WHO WITNESSED THE ISSUE OR BEHAVIOUR?</b>	
Witness	Contact
Witness	Contact
Witness	Contact
Witness	Contact
<b>5. WHAT IS THE PROTOCOL OFFICER BEING ASKED TO DO?</b>	

**6. RQ Authorised Person requesting Protocol Investigation:**

Name & Role:	Date:
Signature:	

<b>FOR INTERNAL USE</b>	
Reference: Complaint Protocol Evaluation Report	
Reference: Case file/fine number	
Scheduled Board meeting date:	



## PROTOCOL COMPLAINT EVALUATION REPORT (Form 2)

Start date		Protocol Complaint Allegation
Complainant		
Contact	Mob:	Home:
Email		
<b>PROTOCOL COMPLAINT ALLEGATION</b>		
<input type="radio"/> Intoxication	<input type="radio"/> Assault	<input type="radio"/> Refusal to obey instructions
<input type="radio"/> Verbal abuse	<input type="radio"/> Bullying	<input type="radio"/> Constitution Breach
<input type="radio"/> Safety Breach	<input type="radio"/> Confidentiality Breach	<input type="radio"/> Rules Breach
<input type="radio"/> Theft	<input type="radio"/> Contract Breach	<input type="radio"/> Conflict of Interest
<input type="radio"/> Governance Breach	<input type="radio"/> Sexual Harassment	<input type="radio"/> Property Damage
<input type="radio"/> Code of Conduct	<input type="radio"/> Discrimination	<input type="radio"/> Other
<b>Recommended Action</b>		
<input type="radio"/> No further action – not protocol complaint		
<input type="radio"/> Clause 8 – RQYS Constitution		
<input type="radio"/> Police Matter only		
<input type="radio"/> Warning to complainant – vexatious complaint		
<input type="radio"/> Formal mediation with Committee Member and CEO. Nominated Member:		
<input type="radio"/> Referred to Committee for investigation and hearing - no suspension		
<input type="radio"/> Immediate suspension – referred to Committee for investigation and hearing - Police Matter? Y / N		
<b>RATIONALE FOR ABOVE RECOMMENDATION:</b>		
<b>Verifications</b>		
Protocol Officer:	Signature	Date
Board Decision	<input type="radio"/> Accept?	
Date	<input type="radio"/> Other	




Summary of evidence collection methodology (provide details)

Witnesses	Support evidence
1 – Name Membership No.	Y   N
2 – Name Membership No.	Y   N
3 – Name Membership No.	Y   N
4 – Name Membership No.	Y   N
5 – Name Membership No.	Y   N

<b>Findings</b> – summary of findings and observations for each specific allegation/issue of concern investigated, cross-referencing any documentation where needed


<b>Protocol Committee Decision:--</b>	
Chair, Protocol Committee (Name and signature)	
Date	