

Statement in regard to Motion 3

Vaccination is just one part of the toolkit in reducing the transmission and severity of COVID infection. The higher the vaccination rate, the less likely is the virus to transmit, and the more freedoms we can enjoy. The vaccination rate in Australia is about 96%, one of the highest in the world.

Background

On 10 Oct 2021 The President issued an email which contained the following statement

“The Committee and the COVID Safe Subcommittee strongly believe that every eligible person who wishes to enter our club lodges should be fully vaccinated unless there is a medical reason why this is not appropriate for this person. However, we cannot require proof of vaccination or exemption status nor demand a negative COVID-19 test result as a condition of entry.”

In email exchanges, the President stated that the “cannot require proof” caveat was based on legal advice provided to SLOPES, of which BSC is a member. The advice was provided by Chris Mossman from Wotton Kearney.

The proposer, and the seconder of this motion disagree with that interpretation of the advice. Subsequent statements by the author of the initial advice have stated that clubs can require booked members, unless exempt, be vaccinated and that proof of vaccination, or exemption, be required to be produced.

As of 6 Mar 2022, BSC has not changed its position that it “cannot require proof” of vaccination.

The proposers of this motion seek to align BSC with best COVID practices and with the spirit of the current SLOPES position.

Bruce Hartican & Simon Bass acknowledge the meaningful discussions with Committee and subcommittees since the motion was submitted. We appreciate the Committee releasing a draft response to our motion so that we could consider it prior to publication.

It is suggested that you read the Committee’s position paper first, as we have tailored much of material in this paper as a response to its reasons for rejection of the motion.

- 1. “The Club has policies in place that we believe are more effective in managing risk from COVID-19 within the lodges than a mandatory vaccination policy would be. We continually review these policies to keep them up to date.”***

This is a false equivalency. The proposers of the motion have never played one policy against another. We regard mandatory vaccination as just one, but an important, tool in the general toolkit for managing Covid in the lodges. Vaccination ADDS to the effectiveness of risk management strategies. It is not a substitute for those strategies.

- 2. “We aim for consistency with public policy. Current public policy mandates proof of vaccination only in very specific high risk venues such as aged care facilities, hospitals and large indoor music festivals. Our lodges don’t match any of these”***

Public policy also lets individual businesses decide whether vaccination proof is a condition of entry. There are a limited number of businesses which cannot demand proof of vaccination. Essential services such as food and fuel spring to mind. Recreational ski clubs are certainly not one, and are entitled to require mandatory vaccination under current guidelines.

Ski resorts and lodges are risky for Covid outbreaks. Just to pick a few examples.

- a. Ischgl, Austria, 2020
- b. Whistler, BC, Canada April 2021
- c. Alta, Utah, USA December 2021
- d. Park City, Utah, USA December 2021
- e. Killington, Vermont, USA January 2022

3. *“Excluding people on the basis of their vaccination status could be discriminatory and negate the value of those people’s memberships”*

The discrimination argument has been tested several times in the courts by employees refusing mandatory vaccination requirement for employment. We are not aware of a successful case. Workplace safety is the overarching factor. There would be similar concerns should a member make a discrimination claim against the club. The club is obligated to provide a safe environment, and a requirement that booking members are either vaccinated or exempt is a defensible position.

The negation of the value in membership is easily repairable by a refund of the annual fee, and, if a recently joined member a pro rate rebate of the joining fee.

Given the President’s estimation of unvaccinated members, a run on the bank is hardly likely.

4. *“The motion proposes a specific policy wording that is not implementable in our lodges without increasing staffing and administrative costs”*

This is the bogeyman the Committee throws up from time to time. Sometimes justified, but not in this case.

The Committee has decided to focus on Clause 10 of the SLOPES 20 Oct policy, and warn about the costs of a 24 hour door marshal to vet incoming members. Clause 13 gives a perfectly acceptable alternate pathway without a cost to the club.

The proposers of the motion feel the aims of the motion would be met by a declaration at the time of booking that all members of the booking party are fully vaccinated, or hold a valid exemption, and agree to show proof of status as soon as practical after arrival at the lodge. There is no cost.

Further Commentary

The Committee takes the position ***“excluding unvaccinated individuals from our lodges would have very marginal benefit if any in reducing risk of COVID-19 transmission in the lodges”***

This conclusion is based on a series of logical errors. It takes no account of modelling by the Doherty Institute which indicates a 10 fold increase risk of an unvaccinated infected individual transmitting the virus compared to an infected vaccinated person.

[Modelling | Doherty Website](#)

The Committee's position that the number of members who refuse vaccination is so low that we should set the concern aside is just sticking your head in the sand (or the snow!) We know that unvaccinated persons are much more likely to become infected with COVID. They may be uninfected when they come to the snow, but acquire it on the first day up at an indoor dining facility. Feel fine for a day or two, giving hugs and kisses to friends in the lodge. Then, sore throat, bit of a fever, positive RAT. And then there's her 70 year old mother looking after the grandkids while parents go skiing. On a bit of prednisolone for rheumatoid arthritis. Immunosuppressed. Had COVID vax * 4, but immune response lacking. Gets infected and hospitalised. Fortunately survives after treatment with baricitinib, remdesivir and dexamethasone. This is a quite possible scenario. If only her daughter had reduced her own risk of infection 10 fold by getting vaccinated.

"In order to implement the policy as drafted, the Club would have to employ a manager on site at each lodge in order to check vaccination status"

The proposers reject this interpretation. The SLOPES policy contains a cost free alternative. And, as stated, the proposers submit that a declaration of vaccination status at the time of booking, and a commitment to show proof of vaccination to the lodge manager or lodge leader as soon as practical would meet the objective of the motion. In summer, with no lodge manager at Guthega, a screenshot of the certificate would be sufficient.

"A policy to decline lodge access to unvaccinated members would erode that equity, significantly degrading the value of club membership to those individuals"

Lodges have large communal areas, the kitchens, the dining rooms, the lounges, and at the beginning and end of the day, the boot room. These areas are significant viral exchange points. After a day on the snow standing in lift queues, having lunch on the mountain, an unvaccinated member is more likely to have an infection than a vaccinated member.

The proposer, and the seconder of the motion are both fully vaccinated. We did this to protect ourselves, our family, and those we come in contact with. We accepted the extremely small risk. We do not feel there is a denial of equity to those who choose to refuse vaccination. With refusal of vaccination they choose to, not only increase the risk of more severe disease for themselves, but to increase the risk of disease to others in family, close contacts, club members, and health workers should they end up in hospital/ICU. We should not be railroaded into an equity guilt trip by the few in the club who refuse to get vaccinated when there is overwhelming evidence for its benefit to the individual, family, members and the community at large.

Proxies

There is some ACT legislation about appointing proxies. The Club is trying to clarify some issues about this. On the surface it would seem that a member who attends the Zoom AGM can be a proxy for up to 5 eligible voting members. If you are unable to attend the AGM and want to vote in favour of Motion 3, then please contact Bruce Hartican (brucehartican@acr.net.au) or Simon Bass (sp.bass@bigpond.com) Each of us can hold proxies for no more than 5 voting members, but when

our allocation is full we can enlist others. Please do this as a matter of urgency, as all proxies need to be presented by 7pm 12 March.

It seems likely that you can download the form, fill it out, scan it and upload to the secretary. But please contact Bruce or Simon before hand given the 5 vote limitation.

[Proxies-for-BSC-AGM-2022-.pdf \(brindabellaskiclub.org.au\)](https://brindabellaskiclub.org.au/Proxies-for-BSC-AGM-2022-.pdf)

Bruce Hartican

Simon Bass