



NETBALL AUSTRALIA MEMBER PROTECTION POLICY

JULY 2012

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**NETBALL AUSTRALIA LIMITED
MEMBER PROTECTION POLICY**

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NETBALL AUSTRALIA MEMBER PROTECTION POLICY

PREFACE

Netball is enjoyed by thousands of participants throughout Australia every week. Participants enjoy a range of experiences from five to ten year olds learning basic skills in NetSetGO! progressing to juniors, seniors and masters playing various levels of competition.

The sport caters for females and males, all ages and abilities and from the social netballer to the elite athlete. They participate in netball for many reasons including the competitive challenge, to be with friends, health and fitness, the satisfaction of volunteering and most importantly to have fun.

Netball is not immune to acts of discrimination, harassment and abuse and in fact shares the common features of most sporting environments where close physical and emotional relationships can develop and inappropriate or unlawful behaviour can take place.

Netball Australia is both ethically and legally responsible to prevent discrimination and more specifically harassment from occurring in netball. The adoption of this Policy reflects Netball Australia's commitment to serving and protecting its members and participants throughout all levels of the sport.

This Policy is only one component of the overall strategy and the implementation and enforcement of this Policy will require ongoing commitment from all levels of the sport.

The Policy also complements a range of other organisational policies including junior netball, umpire development, governance, finance, information technology and privacy policies.

Through working together, the netball community can prevent discrimination and harassment and create a safe and supportive environment for all participants at all levels.

Kate Palmer
Chief Executive Officer
Netball Australia
July 2012

REVIEW HISTORY OF NETBALL AUSTRALIA MEMBER PROTECTION POLICY

Version	Date reviewed	Date endorsed	Content reviewed/purpose
One	January 2007	10 th February 2007	• Original Version
Two	May 2007		• Updating wording to be consistent throughout policy & attachments.
Three	December 2009	30 th January 2010	• Update of terminology and Inclusion of Taking Images of Children clause
Four	July 2012		<ul style="list-style-type: none"> • Updated to reflect the current ASC policy including the following: <ul style="list-style-type: none"> - There are minor wording changes throughout. - Removal of Code of Behaviour Clause from the Policy and reference to Attachment A which outlines the General Code of Behaviour and specific Codes of Behaviour for identified personnel. - A rewrite of Clause 6.1 Child Protection. - The addition of Clauses 6.7-6.10 – Position Statements on Alcohol, Smoking, Cyber Bullying/ Safety and Social Networking Websites. - The addition of Clause 9. Disciplinary Measures. - Four additional steps included in Attachment C1 Screening Requirements. - Child Protection Reporting Requirements inserted into Part E.

NETBALL AUSTRALIA MEMBER PROTECTION POLICY

1. Netball Australia's Core Values

Netball Australia is committed to treating all people with respect, dignity and fairness. These values, along with the basic right of all netball members to participate in an environment that is enjoyable, safe and healthy, has resulted in Netball Australia developing specific objectives to create a safer and more tolerant sporting environment.

2. Purpose of this Policy

This Policy aims to ensure Netball Australia's core values, good reputation and positive behaviours and attitudes are maintained. It assists Netball Australia to ensure that every person involved in netball is treated with respect and dignity, and is safe and protected from abuse. This Policy also ensures that everyone involved in netball is aware of his or her legal and ethical rights and responsibilities. This Policy also reflects Netball Australia's support and implementation of the sport industry principles and values outlined in *The Essence of Australian Sport – principles of fairness, respect, responsibility and safety*.

This Policy is accompanied by National Complaint Handling Regulation, National Child Protection Regulations, codes of behaviour and various reporting, educational and support documents. These resources provide the procedures that support Netball Australia's commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, Netball Australia will take disciplinary action against any person or organisation bound by this Policy if they breach it.

The Netball Australia Board of Directors ("Board") has adopted this Policy in accordance with Rule 35.1 of the Netball Australia Constitution.

The policy is effective from 21 July 2012 and will operate until replaced. This Policy may be amended from time to time by resolution of the Netball Australia Board.

Copies of the policy and its accompanying documents can be obtained from the Netball Australia website - www.netball.asn.au or by contacting your Member Organisation.

3. Who this Policy Applies To

This Policy applies to the following people whether they are operating in a paid or unpaid/voluntary capacity:

- Member Organisations;
- Affiliates (including associations and clubs);
- Individual Members, including service award holders and life members;
- Individuals sitting on boards, committees and sub-committees;
- Employees and volunteers;
- Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- Coaches and assistant coaches;
- Athletes and players;
- Umpires, bench officials and other officials;
- Peak associations and the national body;
- Any other person or organisation that is a member of or affiliated to Netball Australia;
- Parents, guardians, spectators and sponsors and any other person or organisation to the full extent that is possible.
- Members of the Players Association

This Policy will continue to apply to a person even after they have stopped their association or employment with Netball Australia if disciplinary action, relating to an allegation of child abuse against that person, has commenced.

4. Organisational Responsibilities

Netball Australia, the Member Organisations and Affiliates must:

- Adopt, implement and comply with this Policy and its regulations;
- Ensure that the Constitution, Rules or Policies include all clauses necessary for this Policy to be enforceable
- Publish, distribute and otherwise promote this Policy and the consequences for breaching it;
- Promote appropriate standards of conduct at all times;
- Promptly deal with any breaches of or complaints made under this Policy in an impartial, sensitive, fair, timely and confidential manner;
- Apply this Policy consistently without fear or favour;
- Recognise and enforce any penalty imposed under this Policy;
- Ensure that a copy of this Policy is available or accessible to the persons to whom this Policy applies;
- Appoint or have access to appropriately trained people to receive and handle complaints and allegations [e.g. Member Protection Information Officers (MPIOs)] and display the names and contact details in a way that is readily accessible; and
- Monitor and review this Policy at least annually.

5. Individual Responsibilities

Individuals bound by this Policy are responsible for:

- Making themselves aware of the policy and complying with the standards of conduct outlined in this Policy;
- Consenting to undergo screening as per the National Child Protection Regulation and/or relevant State legislation if the individual holds or applies for a role that involves direct and unsupervised contact with people under the age of 18 years;
- Complying with all other requirements of this Policy;
- Co-operating in providing a discrimination, child abuse and harassment free sporting environment;
- Understanding the possible consequences of breaching this Policy;
- Complying with any decisions and/or disciplinary measures imposed under this Policy.

6. Position Statements

6.1 Child Protection

Netball Australia is committed to the safety and wellbeing of all children and young people accessing our service. We support the rights of the child and will act without hesitation to ensure a child-safe environment is maintained at all times. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.

Netball Australia acknowledges that our staff, members and volunteers provide a valuable contribution to the positive experiences of children involved in our sport. Netball Australia aims to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

6.1.1 Identify and Analyse Risk of Harm

Netball Australia will develop and implement a risk management strategy, which includes a review of existing child protection practices, to determine how child-safe and child-friendly the sport is and to

determine what additional strategies are required to minimise and prevent risk of harm to children because of the action of an employee, volunteer or another child.

6.1.2 Develop Codes of Conduct for Adults and Children

Netball Australia will ensure that the sport has codes of conduct that specify standards of conduct and care when dealing and interacting with children, particularly those in the care of Netball Australia, the Member Organisations and Affiliates. Netball Australia will also implement a code of conduct to address appropriate behaviour between children.

The code(s) of conduct will set out professional boundaries, ethical behaviour and unacceptable behaviour. (See Part A: Codes of Behaviour)

6.1.3 Choose Suitable Employees and Volunteers

Netball Australia, the Member Organisations and Affiliates will each ensure that their organisation takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children (in prescribed positions).

This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

Netball Australia, the Member Organisations and Affiliates will ensure that working with children checks/criminal history assessments are conducted for employees and volunteers working with children, where an assessment is required by law.

If a criminal history report is obtained as part of their screening process, Netball Australia, the Member Organisations and Affiliates will ensure that the criminal history information is dealt with in accordance with relevant state requirements. (See Part B: Working with Children Check Requirements)

6.1.4 Support, Train, Supervise and Enhance Performance

Netball Australia, and the organisations bound by this policy, will ensure that volunteers and employees who work with children (or their records) have ongoing supervision, support and training such that their performance is developed and enhanced to promote the establishment and maintenance of a child-safe environment.

6.1.5 Empower and Promote the Participation of Children In Decision-Making And Service Development

Netball Australia will promote the involvement and participation of junior participants in developing and maintaining child-safe environments.

Netball Australia will also provide opportunities for junior participants to contribute to and provide feedback on Netball Australia's program development.

6.1.6 Report and Respond Appropriately To Suspected Abuse and Neglect

Netball Australia and the organisations bound by this policy will ensure that volunteers and employees are able to identify and respond to children at risk of harm.

Netball Australia and the organisations bound by this policy will make all volunteers and employees aware of their responsibilities under respective state/territory laws if they have suspicion on reasonable grounds that a child has been or is being abused or neglected. (See Part D: Child Protection Reporting Requirements)

Netball Australia requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within netball to report it immediately to the police or relevant government agency and the CEO of Netball Australia or the CEO of the relevant Member Organisation. Descriptions of the sorts of activity which may be abuse are in the Definitions.

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. Netball Australia's procedures for handling allegations of child abuse are outlined in Part C: National Complaint Handling Regulation.

If anyone bound by this Policy reasonably suspects that a child is being abused by his or her parent/s, they are advised to contact the relevant government department for youth, family and community services in their State/Territory.

6.2 Taking Images of Children

Images of children can be used inappropriately or illegally. Netball Australia requires every person and organisation bound by the Policy, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and ensure that the parent knows the way the image will be used.

Netball Australia also requires the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

When using a photo of a child Netball Australia will not name or identify the child display, personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian.

Netball Australia will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by paedophiles or other persons. Netball Australia will only use appropriate images of a child, relevant to netball and ensure that the child is suitably clothed in a manner that promotes participation in netball.

6.3 Anti-Discrimination and Harassment

Netball Australia aims to provide a sporting environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.

Netball Australia recognises that all those involved in netball activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of their age, disability, family responsibilities, gender identity, homosexuality or sexual orientation, irrelevant medical or criminal record, marital status, political belief, pregnancy or breastfeeding, race, religion, sex, social origin and/or trade union membership/activity.

Netball Australia prohibits all forms of harassment and discrimination based on personal characteristics listed in the Definitions. Discrimination and harassment are extremely distressing, offensive, humiliating and/or threatening and create an uncomfortable and unpleasant environment. In most circumstances discrimination and harassment are against the law.

Descriptions of some of the types of behaviour that could be regarded as harassment or discrimination are provided in the Definitions.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this Policy, please refer to the complaints procedure outlined in the National Complaint Handling Regulation. This will explain what to do about the behaviour and how the Netball Australia will deal with the problem.

6.4 Sexual Relationships

Netball Australia takes the view that intimate relationships (whether or not of a sexual nature) between coaches and players, while not necessarily of constituting Harassment, can have harmful effects on the individual player involved, on other players and on the sport's public image.

Such relationships may be perceived to be exploitative because there is usually a disparity between coaches and players in terms of authority, maturity, status and dependence. Given there is always a risk that the relative power of the coach has been a factor in the development of such relationships, coaches at all levels should avoid them. In the event that a player attempts to initiate an intimate relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such actions.

The law is always the minimum standard for behaviour within Netball Australia and therefore sex with a child is a criminal offence.

6.5 Pregnancy

Netball Australia is committed to providing an inclusive sporting environment for pregnant women involved in netball. Netball Australia expects everyone who is bound by this Policy to treat pregnant women with dignity and respect and to remove any unreasonable barriers to participation in our sport that disadvantage them. Netball Australia will not tolerate any unlawful discrimination or harassment against pregnant women or women who may become pregnant.

Descriptions of some of the types of behaviour that could be regarded as pregnancy discrimination or harassment are provided in the Definitions.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this Policy, please refer to the complaints procedure outlined in the National Complaint Handling Regulation. This will explain what to do about the behaviour and how the Netball Australia will deal with the problem.

Netball Australia will take reasonable care to ensure the safety, health and well-being of pregnant women and their unborn children. Netball Australia will advise pregnant women that there may be risks involved, and encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and well-being, and that of their unborn children, are of utmost importance in their decision making about the extent and manner in which they participate in netball.

We encourage all pregnant women to consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation in particular sporting activities.

Netball Australia will only require pregnant women to sign a disclaimer if all other participants are required to sign one in similar circumstances. Women will not be required to undertake a pregnancy test.

6.6 Gender Identity

Netball Australia is committed to providing an inclusive sporting environment where transgender or transsexual people involved in netball activities are able to contribute and participate. Netball Australia expects everyone who is bound by this Policy to treat people who identify as transgender or transsexual fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. Netball Australia will not tolerate any unlawful discrimination or harassment against a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual.

Descriptions of some of the types of behaviour that could be regarded as transgender or transsexual discrimination or harassment are provided in the Definitions.

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If any person feels they are being harassed or discriminated against by another person or organisation bound by this Policy, please refer to the complaints procedure outlined in the National Complaint Handling Regulation. This will explain what to do about the behaviour and how Netball Australia will deal with the problem.

Netball Australia recognises that the exclusion of transgender or transsexual people from participation in sporting events has significant implications for their health, well-being and involvement in community life. In general Netball Australia will facilitate transgender or transsexual persons participating in netball as the sex with which they identify.

Netball Australia also recognises there is debate over whether a male to female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, Netball Australia will seek advice on the application of those laws in the particular circumstances.

Netball Australia notes that drug testing procedures and prohibitions also apply to people who identify as transgender or transsexual. A person receiving treatment involving a prohibited substance or method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard therapeutic use exemption.

6.7 Alcohol

Netball Australia is committed to conducting its activities in a manner that encourages responsible service and consumption of alcohol. As outlined in the Netball Australia Alcohol Code of Conduct, Netball Australia will:

- not allow individuals to participate in any sporting activities expressly sanctioned by Netball Australia if they are consuming alcohol or under the influence of alcohol;
- not encourage the promotion or service of alcohol in and around competition areas at underage events expressly sanctioned by Netball Australia;
- use its best endeavours to ensure that food and low alcohol and non-alcoholic drinks are available at any activity held or expressly sanctioned by Netball Australia where alcohol will be served;
- encourage responsible alcohol practices as well as being mutually supportive of individuals covered by this code of conduct, including providing support for individuals seeking assistance on alcohol related matters;

6.8 Smoking

The following policies should be applied to all netball events:

- No smoking shall occur at or near any sporting event or competition involving persons under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers;
- Social functions shall be smoke free, with smoking permitted at designated outdoor smoking areas;
- Coaches, officials, volunteers and players will refrain from smoking and remain smoke free while involved in an official capacity for Netball Australia, the Member Organisations or Affiliated Association, on and off the court.

6.9 Cyber Bullying/Safety

Bullying and harassment in all forms is regarded by Netball Australia as unacceptable in this sport. Given the emergence of new telephone and internet social networks, the opportunity for unwanted and improper comments and statements has dramatically increased.

Messages or statements made in these ways using these means of communication are largely instantaneous, and can easily be abused. Others may also manipulate a person by encouraging a statement to be made on Twitter or Facebook, for example, when the writer may be upset or vulnerable.

Bullying has the potential to cause great anxiety and distress to the person who has been the target of any comments or statements. In some cases, bullying is regarded as a criminal offence punishable by imprisonment,

amongst other things. Frustration at an umpire, teammate, coach, or sporting body should never be communicated on social network channels, but rather by way of reasoned and logical verbal and written statements and where appropriate, complaints, to the relevant club, association, Member Organisation or Netball Australia.

6.10 Social Networking Websites

Netball Australia acknowledges the emergence of new technology and communication mediums (new media), and wishes to enable such new media to be used to benefit the sport and its participants, and to applaud achievements. This can occur due to the immediate nature of communication to a wide audience using channels such as Facebook, Twitter, and SMS. However, participants within the sport need to be very mindful of a few key matters that could lead to inappropriate use of new media, at times unintended, and at other times without a proper understanding that once comments are made or published, they are in public for a long time, and hard to retract. Netball Australia recommends:

- Do not include personal information of yourself or others in social media channels;
- Do not use offensive, provocative or hateful language;
- Use your best judgment – do not publish something that makes you the slightest bit uncomfortable, and never write/publish if you are feeling emotional or upset (or are intoxicated);
- Always ask for a person’s permission before posting their picture on a social networking forum;
- Never comment on rumours, do not deny or affirm them or speculate about rumours; and
- Always use social network forums to add value and promote the sport in a positive way.

6.11 Relevant Policies

Netball Australia’s bylaws and policies can be found at www.netball.asn.au. Some of the policies that contribute to the welfare of all those involved in our activities include:

- Disciplinary By Law
- Privacy Policy
- Risk Management Policy
- Anti-doping Policy
- Blood Rules Policy
- Junior Netball Policy
- Pregnancy Policy
- Alcohol Code of Conduct
- Illicit Drugs in Sport Policy
- Social Media Policy

7. Complaints Procedures

7.1 Complaints

Netball Australia aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a complaint (complainant) about a person/s or organisation bound by this Policy if they reasonably believe that a person/s or a sporting organisation has breached this Policy. A complaint should be reported to a Hearings Officer. The Hearings Officer may refer a complainant to a MPIO for support and/or information.

A complaint may be reported as an informal or formal complaint. The complainant decides whether the complaint will be dealt with informally or formally unless the Hearing Officer of the relevant organisation (Affiliates, Member Organisations and Netball Australia) considers that the complaint falls outside the parameters of this Policy and would be better dealt with another way.

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All complaints will be dealt with promptly, seriously, sensitively and confidentially. The complaint procedures are outlined in Part C: National Complaint Handling Regulation.

7.2 Improper Complaints & Victimisation

Netball Australia will provide a complaints procedure that has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the Hearings Officer considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to a hearings tribunal for appropriate action which may include disciplinary action against the complainant.

Netball Australia will also take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to sort it out. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

7.3 Mediation

Netball Australia will resolve complaints in a timely and efficient manner. In many cases, complaints can be sorted out by agreement between the people involved with no need for disciplinary action. The people involved in a formal complaint - the complainant and the person complained about (respondent) - may also seek the assistance of a neutral third person or a Mediator. Lawyers are not able to negotiate on behalf of the complainant and/or respondent.

Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to try and resolve the complaint with the assistance of a Mediator, the Hearings Officer will, in consultation with the complainant, arrange for a Mediator to mediate the complaint. More information on the mediation process is outlined in Part C: National Complaint Handling Regulation.

7.4 Hearings Tribunals

A hearings tribunal may be formed to hear a formal complaint that has been referred by the Hearings Officer for an alleged breach of the policy. Netball Australia's hearings procedure is outlined in the National Complaint Handling Regulation.

A respondent may lodge one appeal only to the appeal tribunal in respect of a decision of a hearing tribunal. The decision of the appeal tribunal is final and binding on the people involved in the appeal. Netball Australia's appeals process, including criteria for appeals is outlined in Part C: National Complaint Handling Regulation.

Every organisation bound by this Policy will recognise and enforce any decision made, and form of discipline imposed, by a hearings or appeals tribunal under this Policy.

Members of hearing and appeal tribunals will be indemnified by the organisation that appointed them against any claim for loss, compensation or damages, and for costs incurred defending a claim made against them, because of their function as a member of a hearings or appeals tribunal.

8. What is a Breach of this Policy

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

- 8.1 Acted in a manner contrary to this Policy;
- 8.2 Failed to follow Netball Australia policies and procedures for the protection, safety and welfare of children;
- 8.3 Appointed or continued to appoint a person to a role that involves working with children and young people contrary to this Policy;
- 8.4 Discriminated against or harassed any person;

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- 8.5 Victimised another person for reporting a complaint;
- 8.6 Engaged in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;
- 8.7 Disclosed to any unauthorised person or organisation any information that is of a private, confidential or privileged nature;
- 8.8 Made a complaint they knew to be untrue, vexatious, malicious or improper.

9. Disciplinary Measures

If an individual or organisation to which this Policy applies breaches this Policy, one or more forms of discipline may be imposed. More information on the range of disciplinary measures and the factors that will be considered before imposing discipline is in Part C: National Complaint Handling Regulation.

Any disciplinary measure imposed under this policy must:

- Be applied consistent with any contractual and employment rules and requirements;
- Be fair and reasonable;
- Be based on the evidence and information presented and the seriousness of the breach; and
- Be determined in accordance with our Constitution, By Laws, this policy and/or Rules of the sport.

9.1 Individual

Subject to contractual and employment requirements, if a finding is made by a Tribunal that an individual has breached this policy, one or more of the following forms of discipline may be imposed:

- 9.1.1 A direction that the individual make a verbal and/or written apology;
- 9.1.2 A written warning;
- 9.1.3 A direction that the individual attend counselling to address their behaviour;
- 9.1.4 A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Netball Australia;
- 9.1.5 A demotion or transfer of the individual to another location, role or activity;
- 9.1.6 A suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.7 Termination of the individual's membership, appointment or engagement;
- 9.1.8 A recommendation that Netball Australia terminate the individual's membership, appointment or engagement;
- 9.1.9 In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- 9.1.10 A fine;
- 9.1.11 Any other form of discipline that the Hearings Tribunal considers appropriate.

9.2 Organisation

If a finding is made that Netball Australia, a Member Organisation or an Affiliate has breached this national Member Protection Policy one or more of the following forms of discipline may be imposed by the Hearings Tribunal:

- 9.2.1 A written warning;
- 9.2.2 A fine;
- 9.2.3 A direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period;

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- 9.2.4 A direction that Netball Australia, a Member Organisation or Affiliate cease to sanction events held by or under the auspices of that organisation;
- 9.2.5 A recommendation to Netball Australia, a Member Organisation or Affiliate that the membership be suspended or terminated in accordance with the relevant constitution or rules; and/or
- 9.2.6 Any other form of discipline that Netball Australia or the relevant Member Organisation considers to be reasonable and appropriate.

9.3 *Factors to Consider*

The form of discipline to be imposed on an individual or organisation will depend on factors such as:

- Nature and seriousness of the breach;
- If the person knew or should have known that the behaviour was a breach;
- Level of contrition;
- The effect of the proposed disciplinary measures on the person including any personal, professional or financial consequences;
- If there have been relevant prior warnings or disciplinary action;
- Ability to enforce discipline if the person is a parent or spectator (even if they are bound by the policy); and/or
- Any other mitigating circumstances.

10. Definitions

These Definitions set out the meaning of words used in this Policy and its attachments without limiting the ordinary and natural meaning of the words. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection commissions or equal opportunity and anti-discrimination commissions.

Abuse is a form of harassment and includes physical abuse, emotional abuse, sexual abuse, neglect and abuse of power. Examples of abusive behaviour include bullying, humiliation, verbal abuse and insults.

Affiliates mean a region, district, association or club, howsoever described, whether incorporated, unincorporated or otherwise, which is a member of a Member Organisation.

Child means a person who is under the age of 18 years (see also definition of young person)

Child abuse relates to children at risk of harm, usually by adults, sometimes by other children and often by those they know and trust. It can take many forms. Children may be harmed by both verbal and physical actions and by people failing to provide them with basic care. Child abuse may include:

- Physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity).
- Sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations).
- Emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child).
- Neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

Complaint means a complaint made under clause 7.1 of this Policy.

Complainant means the person making a complaint.

Discrimination means treating or proposing to treat someone less favourably than someone else because of a particular characteristic in the same or similar circumstances in certain areas of public life (this is Direct Discrimination). The law also covers **Indirect Discrimination**. This is imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics. The characteristics covered by discrimination law across Australia are:

- Age;
- Disability;
- Family/carer responsibilities;
- Gender identity/transgender status;
- Homosexuality and sexual orientation;
- Irrelevant medical record;
- Irrelevant criminal record;
- Political belief/activity;
- Pregnancy and breastfeeding;
- Race;
- Religious belief/activity;
- Sex or gender;
- Social origin;
- Trade union membership/activity.

Some States and Territories include additional characteristics such as physical features or association with a person with one or more of the characteristics listed above.

Examples of Discrimination

- **Age:** A club refuses to allow an older person to coach a team simply because of their age.
- **Breastfeeding:** A member of the club who is breastfeeding her baby in the club rooms is asked to leave.
- **Disability:** A junior player is overlooked because of her mild epilepsy.
- **Family responsibilities:** A club decides not to promote an employee because he has a child with a disability even though the employee is the best person for the job.
- **Gender Identity:** A transgender player is harassed when her coach refuses to call her by her female name.
- **Homosexuality:** An athlete is ostracised from her team after she tells a team mate that she is a lesbian.
- **Marital Status:** A player is deliberately excluded from team activities and social functions because she is single.
- **Pregnancy:** A woman is dropped from her squad when she becomes pregnant.
- **Race:** An umpire is not permitted to umpire games with a high proportion of Italian players on one team because of her race.
- **Sex:** Specialist coaching is only offered to female players in a mixed team.

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

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

NETBALL AUSTRALIA MEMBER PROTECTION POLICY

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

Under this Policy discrimination and harassment are not permitted in employment (including volunteer and unpaid employment); when providing sporting goods and services including access to sporting facilities; when providing education and accommodation; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any player or other person to any competition and the obtaining or retaining membership of clubs and organisations (including the rights and privileges of membership).

Some exceptions to State and Federal anti-discrimination law apply. Examples include:

- holding a competitive sporting activity for females only who are 12 years of age or over where strength, stamina or physique is relevant or;
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that sporting activity.

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law.

It is also against discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment. Example: a player is ostracised by her male coach for complaining about his sexist behaviour to another club official or for supporting another player who has made such a complaint.

Public acts of racial hatred which are reasonably likely in the circumstances to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some States and Territories also prohibit public acts that vilify on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability – see vilification.

Hearings Officer means a person appointed by an organisation who is responsible for the administration of hearings by the hearings tribunal.

Individual Member means a registered financial individual member of a Member Organisation or Affiliate (as the case may be).

Junior means a person under the age of eighteen (18) years who is participating in an activity of the Netball Australia.

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

Member means a member for the time being of Netball Australia under Part III of the Netball Australia Constitution and includes Member Organisations, Affiliates, Individual Members and Service Award Holders.

Member Organisation means an entity recognised under Rule 5.1 of the Netball Australia Constitution to administer netball in its particular State or Territory.

Member Protection is a term used by the Australian sport industry to describe the practices and procedures that protect members – both individual members such as players, coaches and officials, and the member organisations such as clubs, state associations, other affiliated associations and the national body. Member protection involves:

- protecting those that are involved in sport activities from harassment, abuse, discrimination and other forms of inappropriate behaviour
- adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with juniors, and
- providing education.

NETBALL AUSTRALIA MEMBER PROTECTION POLICY

Member Protection Information Officer (MPIO) means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this Policy. The MPIO provides confidential information and moral support to the person with the concern or who is alleging harassment or a breach of this Policy. They help the complainant deal with any emotions they may have about what has happened and operate as a sounding board as the complainant decides what they want to do. The MPIO may accompany the complainant in anything they decide to do, if it feels appropriate and they are happy to do it.

National Child Protection Regulation means the specific requirements and/or processes that must be followed in a specific State or Territory in regards to child protection requirements. Where specific State legislation does not exist, the national requirements must be followed.

National Complaint Handling Regulation means the national complaints, tribunal, investigation and mediation processes which must be followed by all Member Organisations and Affiliates.

Natural justice incorporates the following principles:

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

Police check means a national criminal history record check conducted as a prudent pre-employment or pre-engagement background check on a person.

Policy and this Policy mean this Member Protection Policy.

Respondent means the person who is being complained about.

Role-specific codes of conduct means standards of conduct required of certain roles (e.g. coaches).

Sexual harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

Sexual offence means a criminal offence involving sexual activity or acts of indecency including but not limited to (due to differences under State/Territory legislation):

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16

NETBALL AUSTRALIA MEMBER PROTECTION POLICY

- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

Transgender is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation.

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

Vilification involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

Young People/person means people in the 13 – 18 year age group.

NETBALL AUSTRALIA MEMBER PROTECTION POLICY
ATTACHMENT A: CODES OF BEHAVIOUR

ATTACHMENT A1: GENERAL CODE OF BEHAVIOUR

ATTACHMENT A2: ADMINISTRATOR CODE OF BEHAVIOUR

ATTACHMENT A3: COACH CODE OF BEHAVIOUR

ATTACHMENT A4: JUNIOR PLAYER CODE OF BEHAVIOUR

ATTACHMENT A5: SENIOR PLAYER CODE OF BEHAVIOUR

ATTACHMENT A6: UMPIRE CODE OF BEHAVIOUR

ATTACHMENT A7: PARENT/ GUARDIAN CODE OF BEHAVIOUR

ATTACHMENT A8: SPECTATOR CODE OF BEHAVIOUR

ATTACHMENT A9: BENCH OFFICIALS CODE OF BEHAVIOUR

ATTACHMENT A10: MEDIA CODE OF BEHAVIOUR

NETBALL AUSTRALIA MEMBER PROTECTION POLICY

ATTACHMENT A: CODES OF BEHAVIOUR

ATTACHMENT A1: GENERAL CODE OF BEHAVIOUR

As a person required to comply with this Policy, you must meet the following requirements with regard to your conduct during any activity held or sanctioned by Netball Australia, Member Organisations or Affiliates.

1. Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations.
 2. Be ethical, fair, considerate and honest in all dealings with others.
 3. Make a commitment to providing quality service.
 4. Operate within the rules and spirit of the sport including national and state guidelines, constitution and policies which govern Netball Australia, Member Organisations and Affiliates.
 5. Do not use your involvement with netball to promote your own beliefs, behaviours or practices where these are inconsistent with those of Netball Australia, Member Organisations or Affiliates.
 6. Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.
 7. Always place the safety and welfare of children above other considerations.
 8. Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.
 9. Comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and child protection laws
 10. Refrain from any behaviour that may bring Netball Australia, Member Organisations or Affiliates into disrepute.
 11. Provide a safe environment for the conduct of the activity.
 12. Show concern and caution towards others who may be sick or injured.
 13. Be a positive role model.
 14. Be responsible and accountable for your conduct.
 15. Abide by the relevant Netball Australia role-specific codes of behaviour and understand the repercussions if you breach, or are aware of any breaches of this Code of Behaviour.
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NETBALL AUSTRALIA MEMBER PROTECTION POLICY

ATTACHMENT A: CODES OF BEHAVIOUR

ATTACHMENT A2: ADMINISTRATOR CODE OF BEHAVIOUR

In addition to Netball Australia's General Code of Behaviour, you must meet the following requirements with regard to your conduct during any activity held by or under the auspices of Netball Australia, Member Organisations or Affiliates in your role as an administrator.

1. Be fair, considerate and honest in all dealings with others.
 2. Be professional in, and accept responsibility for your actions. Your language, presentation, manners and punctuality should reflect high standards.
 3. Resolve conflicts fairly and promptly through established procedures.
 4. Maintain strict impartiality.
 5. Be aware of your legal responsibilities.
 6. Develop a positive sport environment by allowing for the special needs of the players (especially children), by emphasising enjoyment and by providing appropriate development and competitive experiences.
 7. Involve players in the planning, leadership, evaluation and decision-making relating to the activity.
 8. Ensure activities, equipment and facilities are safe and appropriate to the ability level of participating players. Activities, rules, equipment, lengths of games and training schedules should take into consideration the age, ability and maturity level of participating players.
 9. Ensure that everyone (administrators, coaches, players, umpires, parents, spectators, sponsors and physicians) emphasise fair play in netball activities and games.
 10. Where appropriate, distribute a Code of Behaviour sheet to coaches, players, umpires, parents, spectators and the media.
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NETBALL AUSTRALIA MEMBER PROTECTION POLICY

ATTACHMENT A: CODES OF BEHAVIOUR

ATTACHMENT A3: COACH CODE OF BEHAVIOUR

In addition to Netball Australia's General Code of Behaviour, you must meet the following requirements with regard to your conduct during any activity held by or under the auspices of Netball Australia, Member Organisations or Affiliates in your role as a coach.

1. Operate within the rules and spirit of netball, promoting fair play over winning at any cost.
 2. Encourage and support opportunities for people to learn appropriate behaviours and skills.
 3. Support opportunities for participation in all aspects of the sport.
 4. Treat each person as an individual.
 5. Display control and courtesy to all involved with the sport
 6. Respect the rights and worth of every person regardless of their gender, ability, cultural background or religion.
 7. Respect the decisions of umpires, officials, coaches and administrators in the conduct of the sport.
 8. Wherever practical, avoid unaccompanied and unobserved one-on-one activity (when in a supervisory capacity or where a power imbalance will exist) with people under the age of 18 years.
 9. Adopt appropriate and responsible behaviour in all interactions.
 10. Adopt responsible behaviour in relation to alcohol and other drugs.
 11. Act with integrity and objectivity, and accept responsibility for your decisions and actions.
 12. Ensure your decisions and actions contribute to a safe environment.
 13. Ensure your decisions and actions contribute to a harassment free environment.
 14. Do not tolerate harmful or abusive behaviours.
 15. Place the safety and welfare of the athletes above all else.
 16. Help each person (athlete, umpire etc) reach their potential - respect the talent, developmental stage and goals of each person and compliment and encourage with positive and supportive feedback.
 17. Any physical contact with a person should be appropriate to the situation and necessary for the person's skill development.
 18. Be honest and do not allow your qualifications to be misrepresented.
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NETBALL AUSTRALIA MEMBER PROTECTION POLICY

ATTACHMENT A: CODES OF BEHAVIOUR

ATTACHMENT A4: JUNIOR PLAYER CODE OF BEHAVIOUR

In addition to Netball Australia's General Code of Behaviour, you must meet the following requirements with regard to your conduct during any activity held by or under the auspices of Netball Australia, Member Organisations or Affiliates in your role as a player.

1. Participate because you enjoy it, not just to please parents and coaches.
2. Play by the rules
 - Know the rules.
3. Participate fairly and safely.
4. Abide by decisions, without argument or bad temper
 - Captains have the right to approach an umpire during an interval or after the game for clarification of any rule
 - Approach the umpire in a courteous and polite way.
5. Co-operate with your coach, and other players
 - Verbal abuse of officials or other players, deliberately fouling or provoking an opponent and throwing/ damaging equipment is not acceptable or permitted
 - Treat all players as you would like to be treated
 - Ensure that at all times your behaviour is fair
 - Be a patient and enthusiastic supporter of fellow players.
6. Applaud all good play, by your own team and opponents.
7. Be a responsible team member
 - Always be on time
 - Encourage and assist all players
 - Attend all training sessions
 - Ensure you always bring the appropriate uniform and equipment to training and/ or matches.
8. Do not engage in practices that affect sporting performance (alcohol, tobacco and drug use).
9. Respect and acknowledge the contribution of those who create the opportunity for you to play
 - Volunteers (scorers, coaches, timekeepers, administrators and umpires).

NETBALL AUSTRALIA MEMBER PROTECTION POLICY

ATTACHMENT A: CODES OF BEHAVIOUR

ATTACHMENT A5: SENIOR PLAYER CODE OF BEHAVIOUR

In addition to Netball Australia's General Code of Behaviour, you must meet the following requirements with regard to your conduct during any activity held by or under the auspices of Netball Australia, Member Organisations or Affiliates in your role as a player.

1. Respect the rights, dignity and worth of fellow players, coaches, officials and spectators.
2. Refrain from conduct which could be regarded as sexual or other Harassment.
3. Respect the talent, potential and development of fellow players and competitors.
4. Care and respect the uniform and equipment provided to you.
5. Be frank and honest with your coach concerning illness and injury and your ability to train and play fully.
6. Conduct yourself in a responsible manner relating to language, temper and punctuality.
7. Maintain a high standard of personal behaviour at all times.
8. Abide by the rules and respect the decision of the umpires. Be courteous and use the correct process when seeking a rule clarification.
9. Be honest in your attitude and preparation to training. Work equally hard for yourself and your team.
10. Co-operate with coaches and staff in relation to programs that adequately prepare you for competition.
11. Do not engage in practices that affect sporting performance (alcohol, tobacco and drug use).

NETBALL AUSTRALIA MEMBER PROTECTION POLICY

ATTACHMENT A: CODES OF BEHAVIOUR

ATTACHMENT A6: UMPIRE CODE OF BEHAVIOUR

In addition to Netball Australia's General Code of Behaviour, you must meet the following requirements with regard to your conduct during any activity held by or under the auspices of Netball Australia, Member Organisations or Affiliates in your role as an umpire.

1. Umpire in accordance with the Official Rules of the Game.
 2. Treat all players, coaches, match officials and other umpires with respect.
 3. Place the safety and welfare of the players above all else.
 - Ensure the court and its surrounds are compliant with the rules.
 - Take appropriate action to manage dangerous play.
 4. Maintain a high standard of personal behaviour at all times.
 5. Be a positive role model through behaviour and personal appearance projecting a favourable image of netball and umpiring at all times.
 6. Be courteous, respectful and open to discussion and interaction.
 7. Maintain or improve your current performance level and seek continual improvement.
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NETBALL AUSTRALIA MEMBER PROTECTION POLICY

ATTACHMENT A: CODES OF BEHAVIOUR

ATTACHMENT A7: PARENT/ GUARDIAN CODE OF BEHAVIOUR

In addition to Netball Australia's General Code of Behaviour, you must meet the following requirements with regard to your conduct during any activity held by or under the auspices of Netball Australia, Member Organisations or Affiliates in your role as a parent/guardian.

1. If your child is interested, encourage them to participate in the appropriate netball activity. However, if your child is not willing to participate, do not force him or her. Remember, children are involved in organised activity for their enjoyment, not yours.
 2. Focus upon your child's efforts and performance rather than the overall outcome of the event. This assists your child in setting realistic goals related to his/ her ability by reducing the emphasis on winning.
 3. Teach your child that an honest effort is as important as victory, so that the result of each game is accepted without undue disappointment.
 4. Encourage your child to play always according to the rules.
 5. Never ridicule or yell at a child for making a mistake or losing a game.
 6. Remember that children learn best from example. Applaud good play by all players.
 7. If you disagree with an umpire or coach raise the issue through the appropriate channels rather than question their judgement and honesty in public.
 8. Support all efforts to remove verbal and physical abuse.
 9. Recognise and respect the value and importance of volunteer administrators, coaches and umpires. They give up their time and resources to provide recreational activities for players and deserve your support.
 10. Be a model of good sports behaviour for children to copy.
 11. Be courteous in communication with administrators, coaches, players and umpires. Teach children to do likewise.
 12. Support the use of age appropriate development activities and modified rules.
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NETBALL AUSTRALIA MEMBER PROTECTION POLICY

ATTACHMENT A: CODES OF BEHAVIOUR

ATTACHMENT A8: SPECTATOR CODE OF BEHAVIOUR

In addition to Netball Australia's General Code of Behaviour, you must meet the following requirements with regard to your conduct during any activity held by or under the auspices of Netball Australia, Member Organisations or Affiliates in your role as a spectator.

1. Most players (in particular children) participate in netball activities for fun. They are not participating for entertainment of spectators only.
2. Applaud good performance and efforts by all players. When watching a game congratulate both teams on their performance regardless of the game's outcome.
3. Respect the umpires' and coaches' decisions. If there is a disagreement, follow the appropriate procedure in order to question the decision and teach children to do likewise.
4. Never ridicule or scold a player for making a mistake during a competition. Positive comments are motivational.
5. Condemn the use of violence in any form, be it by administrators, coaches, players, umpires or parents/guardians.
6. Show respect for your team's coach, the umpire and opponents. Without them there would be no game.
7. Encourage players to play according to the rules and the official decisions, and develop your own knowledge of the rules.
8. Demonstrate appropriate social behaviour by refraining from using foul language, harassing administrators, coaches, players or umpires.
9. Support the use of age appropriate development activities and modified rules.

NETBALL AUSTRALIA MEMBER PROTECTION POLICY

ATTACHMENT A: CODES OF BEHAVIOUR

ATTACHMENT A9: BENCH OFFICIALS CODE OF BEHAVIOUR

In addition to Netball Australia's General Code of Behaviour, you must meet the following requirements with regard to your conduct during any activity held by or under the auspices of Netball Australia, Member Organisations or Affiliates in your role as a Technical Official.

1. Officiate in accordance with the Official Rules of the Game and Event/Competition Guidelines.
 2. Treat all players, coaches, umpires and other match officials with respect.
 3. Act with integrity and objectivity, and accept responsibility for your decisions and actions.
 4. Be consistent and impartial when making decisions.
 5. Maintain a high standard of personal behaviour at all times.
 6. Be a positive role model through behaviour and personal appearance projecting a favourable image of netball and officiating at all times.
 7. Be courteous, respectful and open to discussion and interaction.
 8. Maintain or improve your current performance level and seek continual improvement.
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NETBALL AUSTRALIA MEMBER PROTECTION POLICY

ATTACHMENT A: CODES OF BEHAVIOUR

ATTACHMENT A10: MEDIA CODE OF BEHAVIOUR

In addition to Netball Australia's General Code of Behaviour, you must meet the following requirements with regard to your conduct during any activity held by or under the auspices of Netball Australia, Member Organisations or Affiliates in your role as a media representative.

1. Provide coverage of all players' netball activities, including development programs, competitive and non-competitive netball.
2. Be aware of the difference between adult netball programs and children's netball programs.
3. Place the isolated incidents of unsportsmanlike behaviour in proper perspective, rather than make such incidents the "highlight" of the event.
4. Focus upon player's fair play and their honest effort.
5. Identify and report on the problems of players participating in organised netball and report the violations and distortions of their rights as players.
6. Recognise the sporting achievements of players from disadvantaged groups, including adolescent girls, people with disabilities, indigenous and Torres Strait islanders, people from non-English speaking backgrounds and rural population.



AMENDMENT

Netball WA Regions, Associations, Clubs and Affiliates:

The Netball Australia Member Protection Policy refers to a 'Member Protection Declaration' (attachment B2) in the Screening/Working with Children Check Requirements (attachment B1). As there are strict guidelines regarding Working with Children in Western Australia, Netball WA advises all Regions, Association and Clubs **NOT TO USE** the 'Member Protection Declaration' (attachment B2) and follow the Working with Children Check Guidelines for Western Australia. For further information, please visit www.checkwwc.wa.gov.au.

Please note: If there are people within your Region, Association or Club who are exempt from the Working with Children legislation, Netball WA recommends that a National Volunteer Police Check is requested before an individual commences working with children. As an added precaution, Netball WA also suggests extending the request for a National Volunteer Police Check to other people involved in the Region, Association or Club who may not necessarily be directly working with children (i.e. committee members, canteen staff, senior coaches etc.).

In addition, it is important to recognise that criminal screening is just one element of creating child safe environment. It is essential that references are thoroughly checked and Netball WA's child protection guidelines are adhered to as per the Netball Australia Member Protection Policy.

NETBALL AUSTRALIA MEMBER PROTECTION POLICY

ATTACHMENT B: SCREENING/ WORKING WITH CHILDREN CHECK REQUIREMENTS

Background

Child protection is about keeping children safe from harm/abuse. Child abuse is illegal, and all states and territories have their own systems and laws that cover screening and/or the reporting and investigation of cases of child abuse.

Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with children as paid employees or volunteers. In New South Wales, Queensland, Western Australia, Northern Territory, Victoria and South Australia laws require individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with children. This is done by checking certain criminal history and other matters. In some states this also involves reviewing relevant findings from disciplinary proceedings. There are also requirements placed on organisations.

The Australian Capital Territory and Tasmania have no formal Act or screening program; however, individual employers may require police checks at their discretion. New requirements and amendments will be added to this policy as they are introduced.

Please be aware that state and territory WWCC requirements may also apply to individuals who visit states with screening laws. For example, if a state association or club takes players U18 into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with NSW law.

The state/territory WWCC requirements apply regardless of the Netball Australia Member Protection Policy.

The following attachments provide:

- summary information on state and territory WWCC requirements and where to obtain more information and relevant forms.
- our Member Protection Declaration (for all states/territories except NSW who must complete a Prohibited Employment Declaration provided by the NSW Commission for Children and Young People).
- our screening requirements for people residing in ACT and Tasmania.

(Please note, the Commonwealth, State and Territory Ministers agreed to introduce, by late 2012, national exemptions to Working with Children Checks for paid employees and volunteers who are required to cross state or territory borders for work related purposes. These exemptions will be for up to 30 days in any 12 month period and will enable workers to participate in national and inter-jurisdictional activities on a short-term basis. The full communiqué is available at

http://www.jennymacklin.fahcsia.gov.au/statements/Pages/jm_c_livingstandards_21october2011.aspx

As part of Netball Australia's commitment to protecting the safety and welfare of children and young people involved in Netball Australia activities, Netball Australia requires the following measures to be met:

- Provide opportunities for juniors to contribute to and provide feedback on program development;
 - Provide education and/or information on child abuse and child protection to those involved in our sport such as coaches, juniors, parents and officials; and
 - Where applicable meet the requirements outlined in:
 - B1. Screening Requirements
 - B2. Member Protection Declaration
 - B3. State/Territory Based Child Protection Legislation
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NETBALL AUSTRALIA MEMBER PROTECTION POLICY

ATTACHMENT B: SCREENING/ WORKING WITH CHILDREN CHECK REQUIREMENTS

ATTACHMENT B1: SCREENING REQUIREMENTS

This attachment sets out the screening process for people who currently occupy or who apply for any work (paid or voluntary) in Netball Australia, Member Organisations or Affiliates that involves direct and unsupervised contact with people under the age of 18 years.

Screening under this policy is not a replacement for any other procedure required by law. If State or Territory legislation sets an equivalent or higher standard of screening, the requirement to screen people under the process outlined below need not be followed.

1. Screening Requirements

Under the Policy, Netball Australia, Member Organisations and Affiliates are required to:

- 1.1 Identify positions (paid and voluntary) that involve direct and unsupervised contact with people under the age of 18 years.
 - 1.2 Obtain a completed *Member Protection Declaration (MPD)* (Attachment C2) from all people who are bound by this policy if they occupy or apply for a position that involves working with people under the age of 18 years. The MPD will be kept in a secure place.
 - (a) If a MPD is not provided, or it reveals that a person does not satisfactorily meet with one or more of the clauses in the MPD (e.g. has a relevant criminal conviction), Netball Australia, Member Organisations and Affiliates will:
 - (i) provide an opportunity for the person to respond/provide an explanation, and
 - (ii) make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years.
 - (b) If unsatisfied, then Netball Australia, Member Organisations and Affiliates will:
 - (i) In the case of an existing employee/volunteer, transfer the person to another role which does not require them to work [directly and unsupervised] with people under the age of 18 years. If this is not possible, then end the appointment. **Note: legal advice should be obtained before the termination process begins.**
 - (ii) In the case of someone applying for the position/role, not appoint them.
 - 1.3 Check a person's referees (verbal or written) and interview a person about his/her suitability for the role and his/her suitability for working with children for both paid and voluntary positions.
 - 1.4 Ask the person/people identified in step 1.1 to sign a consent form for a national police check.
 - 1.5 Possibly request (or ask the person to request) a national 'Part Exclusion' police check from our relevant police jurisdiction. This check excludes irrelevant records. If the police check indicates a relevant offence, we will provide an opportunity for the person to give an explanation, and then we will make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years. If unsatisfied Netball Australia, Member Organisations and Affiliates will not appoint them to the role/position.
 - 1.6 Make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years if the person does not agree to a national police check after explaining why it is a requirement under our policy. If unsatisfied, Netball Australia, Member Organisations and Affiliates will not appoint them.
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NETBALL AUSTRALIA MEMBER PROTECTION POLICY

ATTACHMENT B: SCREENING/ WORKING WITH CHILDREN CHECK REQUIREMENTS

- 1.7 Decide whether to offer the person the position taking into account the result of the police check and any other information the club has available to it. Where it is not practical to complete the police check prior to the person commencing in the position, Netball Australia, Member Organisations and Affiliates will complete the check as soon as possible, and if necessary, act immediately on the outcome.
 - 1.8 Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the screening process.
 - 1.9 Return information collected during screening (such as a completed MPD form, police records and referee reports) to the relevant person if that person is not appointed to the position, or otherwise be destroyed within 28 days of the date of the decision or the expiry of any appeal period, unless within that time the person requests that the documents be returned to them. For appointed persons, information will be kept on file in a secure location.
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NETBALL AUSTRALIA MEMBER PROTECTION POLICY
ATTACHMENT B: SCREENING/ WORKING WITH CHILDREN CHECK REQUIREMENTS

ATTACHMENT B2: MEMBER PROTECTION DECLARATION

Netball Australia, Member Organisations and Affiliates have a duty of care to its members and to the general public who interact with its employees, volunteers, members and others involved with netball activities. As part of this duty of care and as a requirement of the Policy, Netball Australia, Member Organisations and Affiliates must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that involves direct and unsupervised contact with people under the age of 18 years.

I _____ born / /
(full name) (DOB)

of _____
(address/suburb/postcode)

Sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment
4. I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
6. To my knowledge there is no other matter that Netball Australia, Member Organisations and Affiliates may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the relevant body (Netball Australia, Member Organisations and Affiliates) of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed for whatever reason.

Declared in the State/Territory of _____

on / / Signature: _____
(date)

Parent/Guardian Consent (in respect of person under the age of 18 years)

I have read and understood the declaration provided by my child. I confirm and warrant that the contents of the declaration provided by my child are true and correct in every particular.

Name: _____

Signature: _____

Date: _____

NETBALL AUSTRALIA MEMBER PROTECTION POLICY

ATTACHMENT B: SCREENING/ WORKING WITH CHILDREN CHECK REQUIREMENTS

ATTACHMENT B3: STATE/TERRITORY BASED CHILD PROTECTION LEGISLATION

The following information was updated in June 2011. It is subject to change at any time. This information is provided as a guide only.

1. QUEENSLAND

A person will need a Working with Children Check, also known as the **blue card**, if they propose to work in a paid or voluntary capacity or to carry on a business in a child-related area regulated by the *Commission for Children and Young People and Child Guardian Act 2000*. Once a person is checked and approved they are issued with a "blue card". Volunteers and paid employees employed in sporting organisations generally fall under the 'churches, clubs and associations' category of regulated employment. Volunteers and paid employees employed in private businesses may fall under the 'sport and active recreation' category of regulated employment. The check is a detailed national criminal history check including charges and investigations relating to children.

People such as those with previous convictions involving children are disqualified from applying for or renewing a blue card (refer to website below for details).

A blue card is currently free for volunteers and remains current for two years. Existing card holders will be notified by the Queensland Commission for Children and Young People and Child Guardian before their card expires, however applicants must submit their renewal form **at least 30 days before their blue card expires** in order to continue in regulated work after the expiry of their blue card.

In addition to obligations regarding the blue card, **employers** must develop and implement a written child protection risk management strategy and review it each year. A tool kit is available on the website below.

Associations and clubs can use the on-line validation service which verifies that a person's blue card is current.

For more information on the blue card, including current forms:

- <http://www.ccypcg.qld.gov.au/bluecard/index.html> or 1800 113 611

2. NEW SOUTH WALES

All organisations within NSW that employ people in child-related employment (in a paid or unpaid capacity) must meet the requirements of the Working with Children Check (WWCC). Child related employment is work which primarily involves direct unsupervised contact with children. The WWCC involves three components:

1. **Ensuring** all paid and unpaid employees sign a **Prohibited Employment Declaration** which states they are not prohibited from working with children.
2. **Submitting** all applicants for **paid** employment to NSW Sport and Recreation for a WWCC background check. NSW Sport and Recreation only carries out checks for paid employees.
3. **Reporting** relevant employment proceedings for any paid and unpaid employees to the Commission for Children and Young People. A relevant employment proceeding involves any reportable conduct committed outside of work as well as in the workplace with or in the presence of a child/ren.

Sporting organisations are responsible for managing the WWCC process. Individuals cannot apply for a WWCC directly. Sporting organisations should register with **NSW Sport and Recreation**, providing a contact who will receive the information on the background checks.

A WWCC is valid for employment in that position within the organisation. Short-term employees (where that person is being employed for periods of less than six months and returning for short periods throughout a 12 month period) only need to be checked **once** every 12 months.

For more information, including the required forms:

- www.kids.nsw.gov.au or 02 9286 7219
 - www.dsr.nsw.gov.au/children/resources.asp or 02 9006 3700
-

NETBALL AUSTRALIA MEMBER PROTECTION POLICY

ATTACHMENT B: SCREENING/ WORKING WITH CHILDREN CHECK REQUIREMENTS

3. WESTERN AUSTRALIA

The *Working with Children (Criminal Record Checking) Act 2004* aims to protect children from harm by providing a high standard of compulsory national criminal record checking for people wishing to do paid, unpaid or volunteer child-related work in WA. A person is in 'child-related work' if the usual duties of their work involves, or is likely to involve, contact with a child in connection with specified categories of work (see the website below for further details). It includes child-related work carried out by paid employees, volunteers, unpaid people and the self-employed.

Parents volunteering in connection with their child's activity are exempt (although this does not apply to overnight camps); however they should still be required to complete the non-WWC Check screening process. There are other exemptions, for example volunteers under 18 years old. Further details about exemptions can be found on the website below. Only those in child-related work under the Act may apply.

Applicants will be issued with either:

- An Assessment Notice in the form of a WWC Card enabling them to be in all types of child-related work for three years unless there are new offences of concern.
- An Interim Negative Notice, which prohibits them from child-related work until a final decision is made on their application.
- A Negative Notice, which prohibits them from child-related work.

There are set obligations and strong penalties for non-compliance including for employers and volunteer co-ordinators.

Associations and clubs can check the validity of a WWC Card by using the "Check the Validity" function on the website below.

For more information:

- www.checkwwc.wa.gov.au or call 1800 883 979 (toll free)

4. VICTORIA

The Working with Children (WWC) Check creates a mandatory minimum checking standard across Victoria. The *Working with Children Act 2005* requires that most people who work or volunteer in child-related work require a WWC Check. The check involves a national police records check and a review of relevant findings from prescribed professional disciplinary bodies (currently only the Victorian Institute of Teaching). Some individuals may be eligible for an exemption; however they should still complete the screening process.

A person who has no criminal or professional disciplinary history will be issued a WWC Check Card. The WWC Check is free for volunteers and will entitle the person to undertake child-related work in Victoria and is valid for five years (unless revoked). A person deemed unsuitable to work or volunteer with children will be given a *negative notice* and cannot work in child-related work in Victoria.

For more information:

<http://www.justice.vic.gov.au/wps/wcm/connect/justlib/Working+With+Children/Home/> or 1300 652 879

It is important to note that Netball Victoria has adopted screening requirements above the minimum standard required by the Victorian Working with Children Check. Netball Victoria screening requirements are outlined in the Netball Victoria MPP Charter. For further information, refer to the Netball Victoria website www.netballvic.com.au

NETBALL AUSTRALIA MEMBER PROTECTION POLICY

ATTACHMENT B: SCREENING/ WORKING WITH CHILDREN CHECK REQUIREMENTS

5. SOUTH AUSTRALIA

From January 2012 (due to the phase in process), all paid or volunteer persons in sporting organisations who have regular contact with children or regularly work in close proximity to children and are not directly supervised will be required to undertake a 'criminal history assessment', to be conducted by the organisation, before they are engaged or appointed, which must include a police check unless an exemption applies.

A criminal history assessment is a decision about whether a particular person is suitable to work with children. This decision is made on the basis of the person's criminal history (if any) and the assessed risk to children who access the services provided by the organisation. Criminal history reports are valid for three years (unless revoked).

Netball SA will endorse forms (where eligible) and submit them on behalf of the volunteer using their VOAN to allow the check to be completed for free.

Further details are available at the following link: <http://www.dfc.sa.gov.au/pub/Default.aspx?tabid=927>

Forms are available at: www.police.sa.gov.au

There are provisions under the *Children's Protection (Miscellaneous) Amendment Act 2005* that apply to non-government and volunteer organisations that are entrusted with the care of children or who regularly come into contact with children. Part of the government regulations are 'Seven Principles of Good Practice' which clubs and organisations are expected to adopt as proactive and preventative strategies. These principles are to help prevent and minimise opportunities for abuse and to appropriately respond when abuse occurs or is suspected.

The principles can be assessed at the following link:

http://blogs.dfc.sa.gov.au/m/dfcweb_fsa/755/download.aspx

6. NORTHERN TERRITORY

It is mandatory for people who have contact or potential contact with children either paid or as a volunteer to hold a Working with Children Clearance Notice issued by the SAFE NT Screening Authority. There are penalties for failure to comply.

Clearance notices are valid for two years from date of issue (unless revoked), and are transferable within employment fields. As a part of the assessment process, SAFE NT will consider the applicant's criminal history record and other relevant information. Once a Clearance Notice is received, the applicant will be issued with an Ochre Card, which is a photo identification card, which can be used as proof that someone is cleared to work or volunteer in child related work.

For more information contact 1800 SAFE NT (1800 723 368) or <http://www.workingwithchildren.nt.gov.au/index.html>

NETBALL AUSTRALIA MEMBER PROTECTION POLICY
ATTACHMENT C: NATIONAL COMPLAINT HANDLING REGULATION

To ensure due process, consistency and that the principles of natural justice are followed in all aspects of handling or conducting complaints, allegations, investigations, tribunals and disciplinary measures, Netball Australia, Member Organisations and Affiliates will follow and implement the following procedures:

- C1 Complaints Procedure

- C2 Mediation Procedure

- C3 Investigation Procedure

- C4 Investigation Procedure for allegations of child abuse

- C5 Hearings and Appeals Tribunal Procedure

- C6 Disciplinary Measures

NETBALL AUSTRALIA MEMBER PROTECTION POLICY

ATTACHMENT C: NATIONAL COMPLAINT HANDLING REGULATION

ATTACHMENT C1: COMPLAINTS PROCEDURE

A complaint can be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this Policy. Complaints will always vary. They may be about individual or group behaviour; they may be extremely serious or relatively minor; they may be about a single incident or a series of incidents; and the person about who the allegation is made may admit to the allegations or emphatically deny them.

Given all of the variables that can arise, Netball Australia provides a step-by-step complaint procedure that people may use/enter at any stage. Individuals and organisations to which this Policy applies may also pursue their complaint externally under anti-discrimination, child-protection or other relevant legislation.

If at any point in the complaint process a Hearings Officer considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter will be referred to the hearings tribunal for appropriate action. All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

INFORMAL APPROACHES

Step 1: Talk with the other person

- 1.1 As a first step you (the complainant) should try to sort out the problem with the person or people involved if you feel able to do so.

Step 2: Contact a Member Protection Information Officer

- 2.1 If the issue cannot be resolved without assistance, the complainant may make an initial approach to:
- (a) a MPIO;
 - (b) the Hearing Officer (or in their absence their nominee) of Netball Australia, Member Organisation or the Affiliate; or
 - (c) another appropriate person within the organisation (eg administrator, team manager, coach etc).
- 2.2 If the person approached is a MPIO, they may:
- (a) take notes about your complaint (which the MPIO will keep in a secure and confidential place);
 - (b) try to sort out the facts of the problem;
 - (c) ask what outcome/how you want the problem resolved and if you need support;
 - (d) provide possible options for you to resolve the problem;
 - (e) explain how our complaints procedure works;
 - (f) act as a support person if you so wish;
 - (g) refer you to an appropriate person to help you resolve the problem, if necessary;
 - (h) inform the relevant government authorities and/or police if required by law to do so; and
 - (i) maintain strict confidentiality.

Step 3: Outcomes from Initial Contact

- 3.1 After talking with the MPIO you may decide
- (a) there is no problem;
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NETBALL AUSTRALIA MEMBER PROTECTION POLICY

ATTACHMENT C: NATIONAL COMPLAINT HANDLING REGULATION

- (b) the problem is minor and you do not wish to take the matter forward;
 - (c) to try and work out your own resolution (with or without a support person such as a MPIO); or
 - (d) to seek an informal mediated resolution with the help of a third person (such as a Mediator).
- 3.2 If you wish to remain anonymous, Netball Australia, the Member Organisation or the Affiliate can't assist you to resolve your complaint. We have to follow the principles of natural justice and be fair to both sides. This means that Netball Australia, the Member Organisation, the Affiliate or you may be required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond to all the allegations.

FORMAL APPROACHES

Step 4: Making a Formal Complaint

- 4.1 If your complaint is not resolved to your satisfaction, you may make a formal complaint in writing to the relevant body.
- 4.2 To avoid any doubt, any complaint relating to:
- (a) a Netball Australia program or event shall be referred to the MPIO and/ or Hearings Officer of Netball Australia;
 - (b) a Member Organisation program or event shall be referred to the MPIO and/ or Hearings Officer of the Member Organisation.
 - (c) an Affiliate program or event shall be referred to the MPIO and/ or Hearings Officer of the Affiliate. If an Affiliate has not appointed at least one MPIO and a Hearings Officer, the complaint shall be referred to the MPIO and/ or Hearings Officer of the Member Organisation.
- 4.3 Approach a relevant external agency such as an equal opportunity commission, for advice.

Step 5: Hearing Officer Process

- 5.1 If you decide to make a formal complaint in writing under Step 4, the Hearing Officer will, on receiving the formal complaint and based on the material you have provided, decide whether:
- (a) they are the most appropriate person to receive and handle the complaint;
 - (b) the nature and seriousness of the complaint warrants a formal resolution procedure. Some complaints may be of a minor and/or purely personal nature with no connection to the activities of Netball Australia, the Member Organisation or the Affiliate. In these cases, the Hearing Officer may determine that the complaint does not warrant a formal resolution procedure;
 - (c) to appoint a person to investigate the complaint;
 - (d) to refer the complaint to an informal or formal mediation session;
 - (e) to refer the complaint to a hearings tribunal;
 - (f) to refer the matter to the police or other appropriate authority; and/or
 - (g) to implement any interim administrative or other arrangements that will apply until the complaint process set out in the National Complaint Handling Regulation is completed.
- 5.2 In making the decision(s) outlined above, the Hearing Officer will take into account:
- (a) whether they have had any personal involvement in the circumstances giving rise to the complaint and, if so, whether their ability to impartially manage the complaint is compromised or may appear to be compromised;
 - (b) whether, due to the nature of the complaint, specific expertise or experience may be required to manage the complaint;
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NETBALL AUSTRALIA MEMBER PROTECTION POLICY
ATTACHMENT C: NATIONAL COMPLAINT HANDLING REGULATION

- (c) your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
 - (d) whether, due to the nature of the complaint, the relationship between you and the respondent and any other relevant factors, the complaint should be referred (or should not be referred) to informal or formal mediation or to a hearings tribunal. Relevant factors may include an actual or perceived power imbalance between you and the respondent, the nature of any ongoing working relationship between you and the respondent, and the personal attributes of you and the respondent (for example, if one party does not speak English fluently, some of the possible complaints resolution mechanisms may not be appropriate);
 - (e) the nature and sensitivity of any information or other material that must be provided by you, the respondent, and any of the other people involved in the complaint;
 - (f) whether the facts of the complaint are in dispute; and
 - (g) the urgency of the complaint, including the likelihood and the consequences (if the complaint is ultimately proven) that you will be subject to further unacceptable behaviour while the complaint process set out in these procedures is being conducted.
- 5.3 If the Hearing Officer is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:
- (a) get full information from you (the complainant) about your complaint and how you want it resolved (if this information has not already been obtained through earlier steps);
 - (b) put the information they've received from you to the person/people you're complaining about and ask them to provide their side of the story;
 - (c) decide whether they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
 - (d) determine what, if any, further action to take. This action may include disciplinary action in accordance with Attachment C6, appointing a person to investigate the complaint, referring the complaint to an informal or a formal mediation session or a hearings tribunal and/or referring the complaint to the police or other appropriate authority.

Step 6: Resolution Process

- 6.1 If a person is appointed to investigate the complaint under Step 5, the investigator will conduct the investigation and provide a written report to the Hearing Officer who will determine what, if any, further action to take. This action may include a direction to the investigator to make further enquiries and obtain additional information, disciplinary action, referring the complaint to an informal or a formal mediation session, a hearings tribunal and/or the police or other appropriate authority.
 - 6.2 If the complaint is referred to an informal or a formal mediation session under Step 5, the mediation session will be conducted in accordance with Attachment C2 or as otherwise agreed by you and the respondent.
 - 6.3 If the complaint is referred to a hearings tribunal under Step 5, the hearing will be conducted in accordance with Attachment C5.
 - 6.4 If the complaint is referred to the police or other appropriate authority under Step 5, Netball Australia, the Member Organisation or Affiliate will use its best endeavours to provide all reasonable assistance lawfully required by the police or other appropriate authority.
 - 6.5 If interim administrative or other arrangements are implemented under Step 5, Netball Australia, the Member Organisation or the Affiliate will periodically review these arrangements to ensure that they are effective.
 - 6.6 Any reasonable costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or hearings tribunal) are to be met by Netball Australia, the Member Organisations and the Affiliates.
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NETBALL AUSTRALIA MEMBER PROTECTION POLICY

ATTACHMENT C: NATIONAL COMPLAINT HANDLING REGULATION

Step 7: Reconsideration of initial outcome, investigation or appeal

- 7.1 If, under Step 6, an informal or formal mediation session is conducted, and you and the respondent(s) can not reach a mutually acceptable mediated solution to the complaint, you may request that the Hearing Officer reconsider the complaint in accordance with Step 5 within 14 days of the initial decision.
- 7.2 You or the respondent(s) may be entitled to appeal where:
- (a) under Step 5, a decision was made by the Hearing Officer:
 - (i) not to take any action; or
 - (ii) to take disciplinary action; or
 - (b) under Step 6, a decision was made by Hearing Officer or a hearings tribunal:
 - (i) not to take any action; or
 - (ii) to take disciplinary action.
- 7.3 The grounds for appeal and the process for appeals under this Policy are set out in Attachment C5.
- 7.4 If the internal complaints processes set out in this Policy do not achieve a satisfactory resolution/outcome for you, or if you believe it would be impossible to get an impartial resolution within Netball Australia, the Member Organisation or the Affiliate, you may choose to approach an external agency such as an equal opportunity commission to assist with a resolution.

Step 8: Documenting the Resolution

- 8.1 The Hearing Officer will document the complaint, the process followed and the outcome. This document will be stored in a confidential and secure place.
- 8.2 All documentation related to the complaint will be confidentially stored by the relevant body (the group that handled the complaint process).
- 8.3 If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at the national office with a copy stored at the State and/or association office.

External Procedure

There may be a range of external options available to you depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from your State or Territory equal opportunity commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be a type of harassment that comes within its jurisdiction, you may then make a decision as to whether or not to lodge a formal complaint with the commission.

Once a complaint is received by an anti-discrimination commission, an investigation will be conducted. If it appears that unlawful harassment or discrimination has occurred, there will usually be an attempt to conciliate the complaint confidentially first. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made as to whether unlawful harassment or discrimination occurred. The tribunal will decide upon what action, if any, will be taken. This could include financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred.

An anti-discrimination commission can decline to investigate a complaint, or dismiss a complaint at any point in the investigation, conciliation or public hearing stages.

If you do lodge a complaint under anti-discrimination law, you may use an appropriate person (e.g. an MPIO) as a support person throughout the process. It is also common to have a legal representative, particularly at the hearing stage of a complaint.



NETBALL AUSTRALIA MEMBER PROTECTION POLICY
ATTACHMENT C: NATIONAL COMPLAINT HANDLING REGULATION

NETBALL AUSTRALIA MEMBER PROTECTION POLICY ATTACHMENT C: NATIONAL COMPLAINT HANDLING REGULATION

ATTACHMENT DC2: MEDIATION

Mediation is a process by which people who are in conflict can be helped to communicate with each other about what is important for them and how to make decisions about resolving their dispute. Mediators provide a supportive atmosphere and method of talking to one another, to assist in sorting out the issues, coming up with acceptable solutions and making mutually satisfactory agreements.

This attachment outlines the general procedure of mediation that will be followed by Netball Australia, the Member Organisations and the Affiliates.

1. The people involved in a formal complaint (complainant and respondent(s)) may work out their own resolution of the complaint or seek the assistance of a neutral third person or a mediator. Mediation may occur either before or after an investigation of the complaint.
 2. Mediation (getting those involved to come to a joint agreement about how the complaint should be resolved) will only be recommended:
 - (a) After the complainant and respondent have had their chance to tell their version of events to MPIO or Hearing Officer on their own; and
 - (b) The Hearing Officer does not believe that any of the allegations warrant any form of disciplinary action - proven serious allegations will not be mediated, no matter what the complainant desires; and
 - (c) Mediation looks like it will work (i.e. the versions given by the complainant and respondent tally or almost tally and/or at the very least, it looks as though it will be possible for each party to understand the other party's point of view).
 3. Mediation will **not** be recommended if:
 - (a) The respondent has a completely different version of the events and they won't deviate from these;
 - (b) The complainant or respondent are unwilling to attempt mediation; or
 - (c) Due to the nature of the complaint, the relationship between you and the respondent(s) and any other relevant factors, the complaint is not suitable for mediation.
 4. If mediation is chosen to try and resolve the complaint, the Hearing Officer will, under the direction of Netball Australia, the Member Organisation or the Affiliate and in consultation with the complainant and the respondent(s), arrange for a mediator to mediate the complaint.
 5. The Hearing Officer will notify the respondent(s) that a formal complaint has been made, provide them with details of the complaint and notify Netball Australia, the Member Organisation or the Affiliate that it has decided to refer the matter to mediation to resolve the complaint.
 6. The mediator's role is to assist the complainant and respondent(s) reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and respondent(s), will choose the procedures to be followed during the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.
 7. The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
 8. At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached between the complainant and respondent(s) and it will be signed by them as their agreement.
 9. If the formal complaint is not resolved by mediation, the complainant may:
 - (a) Write to the Hearing Officer within 14 days of the mediation to request that they reconsider the complaint in accordance with Step 5; or
 - (b) Approach an external agency such as an anti-discrimination commission.
-

NETBALL AUSTRALIA MEMBER PROTECTION POLICY ATTACHMENT C: NATIONAL COMPLAINT HANDLING REGULATION

ATTACHMENT C3: INVESTIGATION PROCESS

If an investigation needs to be conducted the following steps are to be followed:

1. A written brief will be provided to the investigator to ensure the terms of engagement and scope of the investigator's role and responsibilities are clear.
2. The complainant will be interviewed and the complaint documented in writing.
3. The details of the complaint will be conveyed to the person/people complained about (respondent(s)) in full. The respondent(s) must be given sufficient information to enable them to properly respond to the complaint.
4. The respondent(s) will be interviewed and given the opportunity to respond. The respondent(s) response to the complaint will be documented in writing.
5. If there is a dispute over the facts, then statements from witnesses and other relevant evidence will be obtained to assist in a determination.
6. The investigator will make a finding as to whether the complaint is:
 - (a) substantiated (there is sufficient evidence to support the complaint);
 - (b) inconclusive (there is insufficient evidence either way);
 - (c) unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
 - (d) mischievous, vexatious or knowingly untrue.
7. A report documenting the complaint, investigation process, evidence, finding and, if requested, recommendations, will be given to the Hearing Officer.
8. A report documenting the complaint and summarising the investigation process and key points that were found to be substantiated, inconclusive, unsubstantiated and/or mischievous will be provided to the complainant and the respondent(s).
9. Both the complainant and the respondent(s) are entitled to support throughout this process from their chosen support person/adviser (e.g. MPIO or other person).
10. The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation. Information on our appeals process is in Attachment C5.

More detailed information on conducting internal investigations can be found at www.ausport.gov.au/ethics/policy.asp

NETBALL AUSTRALIA MEMBER PROTECTION POLICY ATTACHMENT C: NATIONAL COMPLAINT HANDLING REGULATION

ATTACHMENT C4: INVESTIGATION PROCEDURE - CHILD ABUSE

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. The initial response to a complaint that a child has allegedly been abused should be immediate if the incident/s are serious or criminal in nature while less serious/urgent allegations should be actioned as soon as possible, preferably within 24 hours.

The following is a basic outline of the key processes to follow. More information can be obtained from your relevant State or Territory government agency.

Step 1 - Clarify basic details of the allegation

- 1.1 Any complaints, concerns or allegations of child abuse should be made or referred to the Netball Australia Hearing Officer.
- 1.2 The initial response of the person that receives the complaint from the child (or person on behalf of the child) is crucial to the well-being of the child. It is important for the person receiving the information to:
 - (a) Listen to, be supportive and do not dispute what the child says;
 - (b) Reassure the child that what has occurred is not the fault of the child;
 - (c) Ensure the child is safe;
 - (d) Be honest with the child and explain that other people may need to be told in order to stop what is happening; and
 - (e) Ensure that what the child says is quite clear but do not elicit detailed information about the abuse. You should avoid suggestive or leading questions.
- 1.3 The person receiving the complaint should obtain and clarify basic details (if possible) such as:
 - (a) Child's name, age and address;
 - (b) Person's reason for suspecting abuse (observation, injury or other); and
 - (c) Names and contact details of all people involved, including witnesses.

Step 2 – Report allegations of a serious or criminal nature

- 2.1 Any individual or organisation to which this Policy applies, **should immediately report any incident of a serious or a criminal nature to the police and other appropriate authority.**
- 2.2 If the allegation involves a child at risk of harm, the incident should immediately be reported to the police or other appropriate government agency. You may need to report to both the police and the relevant government agency.
- 2.3 The relevant State or Territory authority should be contacted for advice if there is **any** doubt about whether the complaint should be reported.
- 2.4 If the child's parent/s are suspected of committing the abuse, report the allegation to the relevant government agency.

Step 3 – Protect the child

- 3.1 The Hearing Officer should assess the risks and take interim action to ensure the child's/children's safety. Some options that Netball Australia, the Member Organisations and the Affiliates could implement include redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined. Please be aware it is not the MPIO's role to actually undertake action such as redeploying someone – an MPIO should only recommend possible actions.
-

NETBALL AUSTRALIA MEMBER PROTECTION POLICY
ATTACHMENT C: NATIONAL COMPLAINT HANDLING REGULATION

- 3.2 The Hearing Officer should also address the support needs of the person against whom the complaint is made. Supervision of the person should ideally occur with the knowledge of the person. If stood down, it should be made clear to all parties that are aware of the incident that this does not mean the person is guilty and a proper investigation still needs to be undertaken.

Step 4 – Further clarify and investigate allegation

- 4.1 Seek advice from the police and relevant government agency as to whether Netball Australia, the Member Organisations and the Affiliates should carry out its own internal investigation (in addition to or in conjunction with any police or relevant government agency investigation).
- 4.2 If the police and/or relevant government agency advises that it is appropriate, then appoint an independent person (where possible) with appropriate expertise to conduct an investigation. The investigator should:
- (a) Contact the parents/carers of the child at an appropriate time and as directed by the police or relevant government agency.
 - (b) If appropriate, meet with parents/carers and the child to clarify the incident and offer support on behalf of Netball Australia, the Member Organisations and the Affiliates if required (example, professional counselling).
 - (c) Meet with the person against whom the allegation refers at an appropriate time and as directed by the relevant authority and give the person an opportunity to explain or respond to the allegation and identify any witnesses and supporting evidence. The person should have an opportunity to invite a support person/adviser to attend at a meeting and should be offered support (example, professional counselling) if necessary.
 - (d) Obtain a signed statement and record of interview from the person.
 - (e) Make contact with any witnesses and obtain written and signed statements outlining details of the allegation (what happened, when, how). This should only occur following advice from the relevant authority.
 - (f) Obtain other information that could assist in making a decision on the allegation.
- 4.3 The information collected during the investigation should be made available to the relevant authorities.
- 4.4 Strict confidentiality, impartiality, fairness and due process must be maintained at all times.

Step 5 – Record and analyse all information

- 5.1 If an internal investigation was conducted under Step 4, the investigator will provide a report to the Hearings Officer and/or the hearings tribunal.
- 5.2 The decision-maker(s) will be the Hearing Officer and/or the hearings tribunal and will remain separate and at arm's length from the investigator.
- 5.3 The Hearings Officer and/or the hearings tribunal will consider all the information and determine a finding. It will also recommend action and its rationale for the action.

Step 6 – Undertake disciplinary action

- 6.1 For incidents of a serious or criminal nature, consideration must be given to the findings of the police and/or the government agency before making a decision on disciplinary proceedings.
- 6.2 If disciplinary action is to be taken, follow the procedures outlined in Attachment C5.
- 6.3 Implement any disciplinary decision recommended by the hearing tribunal. The action should be immediate.
- 6.4 Check with the relevant State government authority to see if you need to forward a report (e.g. the NSW Commission for Children and Young People requires notification of relevant employment proceedings).
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- 6.5 Complete the report form in Part E of this Policy. Retain the original in a secure place and forward a copy to the Hearing Officer of Netball Australia

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ATTACHMENT C5: HEARINGS & APPEALS TRIBUNAL PROCEDURE

The following hearing procedure will be followed by hearings tribunals established by Netball Australia, the Member Organisations and the Affiliates.

1. HEARINGS

- 1.1 Where the Hearings Officer at Netball Australia, a Member Organisation or an Affiliate (if applicable) receives a Complaint referred to it under the Policy he or she shall follow the procedures set out below.
- 1.2 Upon receipt of the Complaint, the Hearings Officer shall as soon as possible do the following:
- (a) determine the composition of the hearings tribunal, as detailed in clause 1.3;
 - (b) send to the respondent:
 - (i) a notice setting out the alleged breach including details of when/where it is alleged to have occurred; and
 - (ii) a notice setting out the date, time and place for the hearing of the alleged breach which shall be as soon as reasonably practicable after receipt of the Complaint or information;
 - (iii) a copy of the Complaint; (“referred to as Notice of Alleged Breach”);
 - (iv) send to the complainant(s) and the chairperson of the hearings tribunal a copy of the Notice of Alleged Breach.
- 1.3 The hearings tribunal for each hearing shall be appointed by the board (however described) of Netball Australia, the relevant Member Organisation or the relevant Affiliate (if applicable) and shall comprise of the following persons:
- (a) a barrister or solicitor (who shall be the chairperson) or, if after reasonable attempts have been made to obtain one without success, then a person with considerable previous experience in the legal aspects of a disciplinary/hearings tribunal;
 - (b) a person with a thorough knowledge of the sport;
 - (c) one other person of experience and skills suitable to the function of the hearings tribunal, provided that such persons do not include:
 - (i) a person who is a member of the board (however described) of the organisation which appoints the hearings tribunal; or
 - (ii) a person, who would, by reason of their relationship with the complainant or the respondent, be reasonably considered to be other than impartial.
- 1.4 Frivolous, vexatious or malicious Complaints
- (a) If within 48 hours of sending the Notice of Alleged Breach, the respondent alleges in writing to the Hearings Officer that the Complaint is frivolous, vexatious or malicious, the chairperson shall as a preliminary issue, determine whether or not such Complaint is frivolous, vexatious or malicious and shall advise the parties of his or her determination.
 - (b) The Hearings Officer shall provide to the other parties to the hearing (see clause 1.6) a copy of the written allegation made by the respondent, that the Complaint is frivolous, vexatious or malicious.
 - (c) The chairperson shall determine such preliminary issue as soon as practicable and in whatever manner the chairperson considers appropriate in the circumstances provided that he or she does so in accordance with the principles of natural justice.
 - (d) The decision of the chairperson under this clause 1.4 may be appealed within 48 hours of the determination to the relevant appeal body under clause 2.
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- 1.5 The hearings tribunal shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with the principles of natural justice. The purpose of the hearing shall be to determine whether the respondent has committed a breach of the Policy. If the hearings tribunal considers that the respondent has committed a breach of this Policy, it may impose any one or more of the penalties set out in Attachment C6.
- 1.6 The parties to the hearing shall include the complainant, the respondent, the relevant organisation (being Netball Australia, the relevant Member Organisation, the relevant Affiliate) and any witnesses which the hearings tribunal considers necessary to participate in the hearing.
- 1.7 If upon receipt of the Notice of Alleged Breach, the hearings tribunal considers that pending the determination of the matter the respondent may put at risk the safety and welfare of the complainant or others, it may order that the respondent be:
- (a) suspended from any role they hold with Netball Australia, the relevant Member Organisation or the relevant Affiliate; and/or
 - (b) banned from any event or activities held by or sanctioned by Netball Australia, the relevant Member Organisation or the relevant Affiliate; and/or
 - (c) required not to contact or in any way associate with the complainant or other person about whom the alleged breach relates, pending the determination of the hearing.
- 1.8 There is no right of appeal of the decision by a hearings tribunal under clause 1.7.
- 1.9 No party to the hearing may be represented by a barrister or solicitor. However the chairperson of the hearings tribunal may grant leave for a party to the hearing to be represented by a barrister or solicitor where their livelihood or proprietary is at risk. A party may be represented by an advocate who is not a barrister or solicitor at the hearing.
- 1.10 Each party to the hearing shall bear their own costs in relation to the hearing.
- 1.11 The hearings tribunal shall give its decision as soon as practicable after the hearing and the Hearings Officer will deliver to the following a statement of the written reasons:
- (a) the complainant;
 - (b) the respondent ; and
 - (c) any other party represented in the hearing.
- 1.14 Each member of each hearings tribunal established under this Policy shall be indemnified by the organisation which appointed them, from any claim or action for loss, damages, or costs made against them arising out of, or in connection with, their function as a member of the hearings tribunal under this Policy.
- 1.13 Except as otherwise provided in this Policy, all members of the hearings tribunal shall keep all matters relating to the hearing (including but not limited to the nature of the Complaint, information obtained before and during the hearing and the decision of the hearings tribunal) confidential.
- 1.14 To the extent of any inconsistency between the hearing procedure set out in the constitution of Netball Australia, the Member Organisations or the Affiliates (if applicable) and the hearing procedure set out in this Policy, this Policy shall prevail in relation to all Complaints under this Policy.

2. APPEALS

- 2.1 The party represented at a hearings tribunal may appeal a decision of a hearings tribunal on the grounds that natural justice has not been provided.
- 2.2 An appeal shall be made to the following appeal body:
- (a) an appeal against a decision of a hearings tribunal established by an Affiliate, shall be made to the hearings tribunal of the relevant Member Organisation. Subject to the discretion of the chairperson of
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the hearings tribunal, all appeals to Member Organisations shall be heard at the principal place of business of the Member Organisation;

- (b) an appeal against a decision of a hearings tribunal established by a Member Organisation, shall be made to the hearings tribunal of Netball Australia. Subject to the discretion of the chairperson of the hearings tribunal, all appeals to Netball Australia shall be heard at the principal place of business of Netball Australia;
- (c) an appeal against a decision of a hearings tribunal established by Netball Australia, shall be made to the appeal division of the Court of Arbitration for Sport (Oceania Registry) ("CAS") (referred to as the "appeal body").

2.3 There is only one right of appeal following the decision of the initial hearings tribunal. Any appeal must be solely and exclusively resolved by the appeal body and the decision of such appeal body is final and binding on the parties. It is agreed that no party to such appeal may institute or maintain proceedings in any court or tribunal other than the relevant appeal body. Note: This provision does not prevent any person or organisation taking action under State or Federal legislation.

2.4 The process for such appeal is as follows:

- (a) the party wishing to appeal ("the Appellant") shall within 72 hours of the hearings tribunal delivering its decision:
 - (i) advise, in writing, the Hearings Officer of Netball Australia or the Member Organisation (as the case may be) of their intention to appeal ("Notice of Intention to Appeal"); or
 - (ii) in the case of an appeal to CAS from a decision of a hearings tribunal established by Netball Australia, complete and file an application to appeal with CAS in accordance with the Code of Sports Related Arbitration; and
 - (iii) for an appeal to Netball Australia or a Member Organisation, as soon as possible after receipt of the Notice of Intention to Appeal, the Hearings Officer of Netball Australia or the Member Organisation shall appoint a hearings tribunal to hear and determine the appeal, which shall comprise of persons in accordance with clause 1.3; and
 - (iv) within 5 days of lodging the Notice of Intention to Appeal, (or such shorter time as determined by the appeal body if there is urgency) the Appellant shall:
 - a. pay the appeal fee to the Hearings Officer of Netball Australia or the Member Organisation, which shall be \$550.00 (including GST) which is non-refundable, or in the case of an appeal to CAS, the fee as per the Code of Sports-Related Arbitration applicable to CAS; and
 - b. submit to the Hearings Officer of Netball Australia, the Member Organisation or CAS (as the case may be), four written copies of the grounds of appeal. The Hearings Officer of Netball Australia or the Member Organisation shall provide a copy of the grounds of appeal to the other party, to the Hearings Officer of the organisation which established the hearings tribunal who made the decision which is the subject of the appeal and the chairperson of the appeal body.

If either of the requirements in this sub-clause are not met by the due time the appeal shall be deemed to be withdrawn;

- (v) on completion of the procedures in (i) to (iv), the Hearings Officer of Netball Australia or the Member Organisation or the chairperson of CAS (as the case may be) shall determine a place, time and date for the hearing of the appeal and as soon as possible thereafter notify all parties to the appeal in writing of such details; and
- (vi) the procedure for the appeal shall be the same as the procedure for the hearings tribunal set out in clause 1 except where the appeal body is CAS, in which case the Code of Sports-Related Arbitration shall apply.

2.5 The appeal body may reject an appeal on the basis that the grounds of appeal are not satisfied.

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- 2.6 Upon hearing the appeal, the appeal body may do any one or more of the following:
- (a) dismiss the appeal;
 - (b) uphold the appeal;
 - (c) impose any of the penalties set out in Attachment C6;
 - (d) reduce, increase or otherwise vary any penalty imposed by the initial hearings tribunal.
- 2.7 If the penalty imposed by the appeal body affects other organisations required to comply with this Policy, the Hearings Officer of Netball Australia or the Member Organisation shall as soon as possible notify in writing the relevant organisation of the penalty. Notification of such penalty to a Member Organisation shall be deemed to be notification to all Affiliates which are members of the Member Organisation and notification of such penalty to an Affiliate shall be deemed to be notification to all members of the Affiliate. Every organisation to which this Policy applies shall recognise and enforce any decision and penalty imposed by an appeal body under this Policy.
- 2.8 The appeal body has no power to award costs and each party shall bear their own costs in relation to any appeal.
- 2.9 To the extent of any inconsistency between the hearing appeal procedure set out in the constitution of Netball Australia, a Member Organisation or the Affiliates (if applicable) and the hearing appeal procedure set out in this Policy, this Policy shall prevail in relation to all Complaints under this Policy.
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ATTACHMENT C6: DISCIPLINARY MEASURES

1. Any disciplinary measure imposed by Netball Australia, the Member Organisations or the Affiliates under this Policy must:
 - (a) Observe any contractual and employment rules and requirements;
 - (b) Conform to the principles of natural justice;
 - (c) Be fair and reasonable;
 - (d) Be based on the evidence and information presented;
 - (e) Be within the powers of the hearings tribunal and appeals body to impose the disciplinary measure.

2. WHAT PENALTIES MAY BE IMPOSED?

- 2.1 If the hearings tribunal considers that a person or organisation, to whom this Policy applies, has breached this Policy, it may impose any one or more of the following penalties:
 - (a) For breaches committed by organisations: If the hearings tribunal considers that Netball Australia, a Member Organisation, an Affiliate or any other organisation has breached this Policy, it may impose any one or more of the following penalties on such organisation:
 - (i) direct that any funding granted or given to it by Netball Australia, a Member Organisation or an Affiliate cease from a specified date;
 - (ii) impose a monetary fine for an amount determined by the hearings tribunal;
 - (iii) impose a warning;
 - (iv) recommend to Netball Australia and/or the relevant Member Organisation and/or the relevant Affiliate that its membership of such organisation be suspended or terminated in accordance with their applicable constitution;
 - (v) direct that any rights, privileges and benefits provided to that organisation by Netball Australia, a Member Organisation or an Affiliate be suspended for a specified period and/or terminated;
 - (vi) direct that Netball Australia and/or a Member Organisation and/or an Affiliate cease to sanction events held by or under the auspices of that organisation;
 - (vii) any other such penalty as the hearings tribunal considers appropriate.
 - (b) For breaches committed by individual persons: If the hearings tribunal considers that an individual person to whom this Policy applies has breached this Policy, it may impose any one or more of the following penalties on such person:
 - (i) direct that the offender attend counselling to address their conduct;
 - (ii) recommend that Netball Australia, the relevant Member Organisation or the relevant Affiliate terminate the appointment of the role which the offender holds with such organisation;
 - (iii) where there has been damage to property, direct that the offender pay compensation to the relevant organisation which controls or has possession of the property;
 - (iv) impose a monetary fine for an amount determined by the hearings tribunal;
 - (v) impose a warning;
 - (vi) in the case of a coach, direct the relevant organisation to de-register the accreditation of the coach for a period or indefinitely;
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- (vii) withdraw any awards, placings, records won in any tournaments, activities or events held or sanctioned by Netball Australia, a Member Organisation or an Affiliate;
 - (viii) direct the offender to repay all or part of any financial assistance (excluding any fee for service, wages or expenses) given to them by any Federal or State funding agency, Netball Australia, a Member Organisation, an Affiliate or any other organisation which has provided funding;
 - (ix) any other such penalty as the hearings tribunal considers appropriate.
- 2.2 If an organisation or individual commits a second or subsequent breach under this Policy, then the hearings tribunal shall have regard to the previous breach, the penalty imposed and any other relevant factors, in imposing a penalty for the second or subsequent breach.
- 2.3 If the penalty imposed by the hearings tribunal affects other organisations required to comply with this Policy, the Hearings Officer of the organisation from which the hearings tribunal is established shall as soon as possible notify the relevant organisations of the penalty. Notification of such penalty to a Member Organisation shall be deemed to be notification to all Affiliates which are members of the Member Organisation and notification of such penalty to an Affiliate shall be deemed to be notification to all members of the Affiliate.
- 2.4 Every organisation to which this Policy applies shall recognise and enforce any decision and penalty imposed by a hearings tribunal under this Policy.
- 2.5 When imposing any form of discipline, it will be accompanied by a warning that a similar breach of policy by that individual in the future may result in the imposition of a more serious form of discipline.

3. Factors to consider when imposing discipline

- 3.1 The form of discipline to be imposed on an individual or organisation will depend on factors such as:
 - (a) jurisdiction over the individual or organisation;
 - (b) nature and seriousness of the behaviour or incidents;
 - (c) in a case where action is taken concurrently with or in lieu of a resolution of a formal complaint, the wishes of the complainant;
 - (d) if the individual concerned knew or should have known that the behaviour was a breach of the Policy;
 - (e) level of contrition of the respondent(s);
 - (f) the effect of the proposed disciplinary measures on the respondent(s) including any personal, professional or financial consequences;
 - (g) if there have been relevant prior warnings or disciplinary action; and/or
 - (h) if there are any mitigating circumstances such that the respondent(s) shouldn't be disciplined at all or not disciplined so seriously?
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NETBALL AUSTRALIA MEMBER PROTECTION POLICY ATTACHMENT D: CHILD PROTECTION REPORTING REQUIREMENTS

CHILD PROTECTION REPORTING REQUIREMENTS

The following information was updated in November 2011. It is subject to change at any time.

QUEENSLAND

If you have a reason to suspect a child in Queensland is experiencing harm, or is at risk of experiencing harm, you need to contact [Child Safety Services](#):

- **During normal business hours** - contact the [Regional Intake Service](#).
- **After hours and on weekends** - contact the Child Safety After Hours Service Centre on **1800 177 135** or (07) 3235 9999. The service operates 24 hours a day, seven days a week.

If you believe a child is in immediate danger or in a life-threatening situation, contact the Queensland Police Service immediately by dialling **000**.

Queensland Police Service has a number of child protection and investigation units across Queensland. To contact the Queensland Police Service, contact the [Police District Communication Centre](#) nearest you.

If you aren't sure who to call, or for assistance to locate your nearest child safety service centre, contact Child Safety Services' Enquiries Unit on **1800 811 810**. Child safety service centres have professionally trained child protection staff who are skilled in dealing with information about harm or risk of harm to children.

NEW SOUTH WALES

Anyone who suspects, on reasonable grounds, that a child or young person is at risk of being neglected or physically, sexually or emotionally abused, should report it to Community Services.

Reasonable grounds is the standard that reporters must use in deciding whether or not to report to Community Services.

It does not mean that reporters are required to confirm their suspicions or provide solid proof before making a report. A useful rule of thumb is to consider whether another person, when faced with similar information, would also draw the same conclusion.

You can make a report by phoning the **Child Protection Helpline on 132 111** (TTY 1800 212 936) for the cost of a local call, 24 hours a day, 7 days a week.

WESTERN AUSTRALIA

If you are concerned about a child's wellbeing, [contact](#) the Department for Child Protection's district office closest to where the child lives or the [Crisis Care Unit](#) after hours.

If you believe a child is in immediate danger or in a life-threatening situation, contact the Western Australia Police immediately by dialling **000**.

If you make a report or disclose relevant information to the Department for Child Protection, there is legislative protection for the notifier. These are:

NETBALL AUSTRALIA MEMBER PROTECTION POLICY

ATTACHMENT D: CHILD PROTECTION REPORTING REQUIREMENTS

- Protection of identity - with some exceptions, your identity must not be disclosed without your consent. For further information, refer to section 240 of the *Children and Community Services Act 2004*
- Legal protection – you are not subject to legal liability under State law providing the information is provided in good faith.
- Professional protection – authorised disclosure of information cannot be held to constitute unprofessional conduct or a breach of professional ethics. As a result you cannot be disciplined by your professional body or incur any formal professional negative consequences at your workplace.

When you contact the Department, the Duty Officer will gather and record information that you provide and decide how best to respond. The type of information that the officer will gather includes:

- details about the child/young person and family
- the reasons you are concerned
- the immediate risk to the child
- whether or not the child or family has support
- what may need to happen to make the child safe
- your contact details, so that the officer can call you to obtain further information if required or to provide feedback.

You do not need to have all the details about the child or family when you contact the Department for Child Protection

For more information: <http://www.dcp.wa.gov.au/ChildProtection/>

VICTORIA

Some professionals such as doctors, nurses, police and school teachers are legally obliged to report suspected child abuse. In addition, any person who believes on reasonable grounds that a child needs protection can make a report to the Victorian Child Protection Service. It is the Child Protection worker's job to assess and, where necessary, further investigate if a child or young person is at risk of harm.

For more information: <http://www.dhs.vic.gov.au/>

SOUTH AUSTRALIA

Staff and volunteers who work with children are mandated notifiers and have a legal obligation to report any suspicion of child abuse and/or neglect that they may form in the course of their employment or volunteer activity based on reasonable grounds. This obligation extends to persons holding a management position whose duties include direct responsibility for, or direct supervision of the provision of services to children.

Reports are made to the CHILD ABUSE HELP LINE 13 14 78

A reasonable suspicion must be based on facts, for example:

- A disclosure of abuse by a child
- Professional judgement, based on the notifier's experience and observations

The organisation has an obligation to make each affected person aware of this legal obligation.

There is no obligation that recreation or sporting organisations require mandated reporters to undertake formal external training in the recognition of child abuse.

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The law also stipulates that no person shall threaten or intimidate, or cause damage, loss or disadvantage to another person because that person has made a notification or proposes to make a notification pursuant to the *Children's Protection Act 1993*.

For more information: www.dcsi.sa.gov.au

NORTHERN TERRITORY

In the Northern Territory any person who believes that a child is being, or has been, abused or neglected is required by law to report their concerns.

Reports should be made to the 24 hour Centralised Intake Service by using the free-call phone number **1800 700 250**.

Remember, you do not need to prove abuse or neglect, you need only report your concerns. The Care and Protection of Children Act provides legal protection against civil or criminal liability for people who make reports in good faith.

The Act also makes it clear that making a report does not breach any requirements of confidentiality or professional ethics.

For more information: http://www.childrenandfamilies.nt.gov.au/Child_Protection/

• AUSTRALIAN CAPITAL TERRITORY

- Care and Protection services is responsible for facilitating coordination across government for the care and protection of children and young people. Care and Protection services and an After Hours service, provide a continuum of service delivery to children and young people considered 'at risk' of serious harm.

Care and Protection Services is authorised to collect personal information under the *Children and Young People Act 2008* to ensure the safety and wellbeing of children and young people in the ACT. The information collected may be disclosed to government and non government agencies (including but not limited to the Australian Federal Police, ACT Children's Court, the Family Court, Health and Education Directorates and community organisations) to assist in ensuring the safety and wellbeing of children and young people. Information identifying a person making a child protection report is treated with the highest confidentiality and will not be disclosed except where a Court orders the disclosure.

For more information: http://www.dhcs.act.gov.au/ocyfs/services/care_and_protection

TASMANIA

Most professionals who provide services to children and families in Tasmania are 'mandatory reporters' of child abuse, under the Children, Young Persons and their Families Act 1997. This includes, but is not limited to, the following groups:

- DHHS employees
- Child Care providers
- Dentists, dental therapists or dental hygienists
- Police officers and probation officers

NETBALL AUSTRALIA MEMBER PROTECTION POLICY

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- Psychologists
- Registered medical practitioners and nurses
- School principals and teachers
- Volunteers and employees of any organisation that provides health, welfare, education, care or residential services and which receives government funding.

To make an urgent notification about abuse or neglect to Child Protection Services, please ring 1300 737 639 at any time.

Child Protection Services prefer to talk to a notifier in order to aid them in gathering information. However, if it is after hours and you are a mandatory reporter, an online notification can also be made.

For more information: http://www.dhhs.tas.gov.au/children/child_protection_services



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ATTACHMENT D: CHILD PROTECTION REPORTING REQUIREMENTS

NETBALL AUSTRALIA MEMBER PROTECTION POLICY

ATTACHMENT E: NATIONAL REPORTING DOCUMENTS/FORMS

To assist in consistency and accuracy in following procedure and reporting on the issues covered by the Policy the following documents are to be used:

- E1 Confidential Record of informal complaint** – to be used by a MPIO's or Hearing Officer or others who receive a complaint or allegation.
- E2 Confidential Record of Formal Complaint** – to be used when a formal complaint is received by Netball Australia, the Member Organisations or the Affiliates.
- E3 Confidential Record of Child Abuse Allegation** – to be used by MPIO's or Hearing Officer or others who receive complaints/allegations of child abuse.
- E4 Record of Mediation** – to be used by those who conduct a mediation.
- E5 Record of Hearing Tribunal Decision**

General principles to be followed when completing a report of a complaint:

- Treat all complaints seriously.
 - Deal with complaints promptly, sensitively and confidentially.
 - Maintain a calm attitude.
 - Ask the complainant if they will consent to you taking notes.
 - Write the description of the complaint /problem using the complainants own words (as much as is possible).
 - Find out the nature of the relationship between the complainant and the respondent (for example, coach/competitor, team members, etc) and if there is any relevant history.
 - Take a note of the facts and do not pre-judge the situation.
 - Ask the complainant whether they fear victimisation or other consequences.
 - Find out what outcome the complainant wants and if they need any support.
 - Ask the complainant how they want the complaint to be dealt with under the Policy.
 - Keep the complaint confidential and do not disclose it to another person without the complainant's consent except if disclosure is required by law (for example, a report to government authorities) or if disclosure is necessary to effectively deal with the complaint.
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**NETBALL AUSTRALIA MEMBER PROTECTION POLICY
ATTACHMENT E: NATIONAL REPORTING DOCUMENTS/FORMS**

<p>Feelings expressed by complainant: (completing this may help to separate emotional content from facts)</p>	
<p>What they want to happen to fix issue:</p>	
<p>What information I provided:</p>	
<p>What they are going to do now:</p>	

This record and any notes must be kept in a confidential place – do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be sent to Netball Australia, the Member Organisations or the Affiliate Hearing Officer.

**NETBALL AUSTRALIA MEMBER PROTECTION POLICY
ATTACHMENT E: NATIONAL REPORTING DOCUMENTS/FORMS**

ATTACHMENT E2: CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Complainant's Name:	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Role/status in netball:	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach	<input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official <input type="checkbox"/> Other
Name of respondent:	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Role/status in netball:	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach	<input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official <input type="checkbox"/> Other
Location/event of alleged issue:		
Description of alleged issue:		
Nature of complaint: (category/basis/grounds) Can tick more than one box	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Sexuality <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Religion <input type="checkbox"/> Verbal abuse	<input type="checkbox"/> Pregnancy <input type="checkbox"/> Physical abuse <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Child Abuse <input type="checkbox"/> Other
Methods (if any) of attempted informal resolution:		
Support person (if any)		

**NETBALL AUSTRALIA MEMBER PROTECTION POLICY
ATTACHMENT E: NATIONAL REPORTING DOCUMENTS/FORMS**

Formal resolution procedures followed: (outline)	
If investigated • Finding	
If went to hearing tribunal • Decision: • Action recommended:	
If mediated: • Date of mediation • Were both parties present • Terms of Agreement • Any other action taken	
If went to appeals body: • Decision • Action recommended	
Resolution:	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by:	Name: Position in Netball Australia/Member Organisation/Affiliate: Signature: / /
Signed by:	Complainant: Respondent:

This record and any notes must be kept in a confidential place. If the complaint is of a serious nature, or is escalated to and/or dealt with at the next level, the original must be forwarded to the higher body (ie. Netball Australia or Member Organisation) and a copy kept at the Member Organisation or Affiliate (whatever level the complaint was made).



**NETBALL AUSTRALIA MEMBER PROTECTION POLICY
ATTACHMENT E: NATIONAL REPORTING DOCUMENTS/FORMS**

Government agency contacted	Who: When: Advice provided:
CEO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position in Netball Australia/Member Organisation/Affiliate: Signature: / /
Signed by	Complainant (if not a child)

This record and any notes must be kept in a confidential place and provided to the relevant authorities (police and government) should they require them.

NETBALL AUSTRALIA MEMBER PROTECTION POLICY
ATTACHMENT E: NATIONAL REPORTING DOCUMENTS/FORMS

ATTACHMENT E4: RECORD OF MEDIATION

Present at Mediation	
Date of mediation	
Venue of mediation	
Mediator	
Summary of mediation (minutes attached)	
Outcome of mediation	
Follow-up to occur (if required)	
Completed by: (signature)	
Signed by: Complainant (signature) Respondent (signature)	

This record and any notes must be kept in a confidential place. A copy should be retained by Netball Australia, the Member Organisation or Affiliate (whatever level the complaint was made).

**NETBALL AUSTRALIA MEMBER PROTECTION POLICY
ATTACHMENT E: NATIONAL REPORTING DOCUMENTS/FORMS**

ATTACHMENT E5: RECORD OF HEARING TRIBUNAL DECISION

Complainant's Name		Date Formal Complaint Received: / /
Role/status in netball	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach	<input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official <input type="checkbox"/> Other _____ _____
Name of respondent		
Role/status in netball	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach	<input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official <input type="checkbox"/> Other _____ _____
Location/event of alleged issue		
Description of alleged issue		
Nature of complaint: (category/basis/grounds) Can tick more than one box	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Sexuality <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Religion <input type="checkbox"/> Verbal abuse	<input type="checkbox"/> Pregnancy <input type="checkbox"/> Physical abuse <input type="checkbox"/> Disability <input type="checkbox"/> Victimization <input type="checkbox"/> Child Abuse <input type="checkbox"/> Other _____ _____
Methods (if any) of attempted informal resolution		
Support person (if any)		
Hearing Tribunal Members		

**NETBALL AUSTRALIA MEMBER PROTECTION POLICY
ATTACHMENT E: NATIONAL REPORTING DOCUMENTS/FORMS**



Hearing Tribunal Date and venue	
Hearing Tribunal Decision (attach report)	
Action recommended and any follow up report required	
Decision Appealed Date of Appeal lodged	
Appeal Hearing Date	
Appeal Decision (attach report)	
Action Recommended	
Completed by	Name: Position in Netball Australia/Member Organisation/Affiliate: Signature: / /
Signed by:	Complainant Respondent

This record and any notes must be kept in a confidential place. A copy should be retained by Netball Australia, the Member Organisation or Affiliate (whatever level the complaint was made).