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## PREFACE

Tenpin Bowling Australia Limited (TBA) is committed to providing an environment that is safe for children, free from harassment, discrimination and abuse for everyone, and promotes respectful and positive behaviour and values.

We believe that anyone who works for or represents TBA and everyone with whom we deal, has the right to be treated with respect and dignity. Tenpin Bowling Australia Limited will not tolerate harassment in our organisation. We will take all complaints of harassment seriously, and will ensure they are dealt with promptly, seriously, sensitively and confidentially. Disciplinary action will be taken against a person who is found to breach this policy.

TBA is committed to upholding its code of conduct that forms the basis of appropriate and ethical conduct which everyone must abide by. The TBA Board of Directors and I as the Chief Executive Officer (CEO) are committed to ensuring that everyone associated with the organisation complies with the policy.

Yours sincerely



Cara Honeychurch  
Chief Executive Officer  
Tenpin Bowling Australia Limited

1<sup>st</sup> January 2014

## Review history of the TBA Member Protection Policy

### REVIEW HISTORY

Version	Date Reviewed	Date Endorsed	Content Reviewed/Purpose
1.2	11 August 2007	11 August 2007	Policy totally revised based on Australian Sports Commission template
2.0	30 November 2011		Policy totally revised based on updated Australian Sports Commission template
2.1	17 <sup>th</sup> June 2012	18 <sup>th</sup> June 2012	Working with children check requirements C5 updated for NSW.
2.2	1 <sup>st</sup> January 2014		Re Written based on the ASC V7 Template

# PART A: NATIONAL MEMBER PROTECTION POLICY

## 1. Introduction

Tenpin Bowling Australia Limited (TBA) is the body recognised by the Australian Sports Commission to govern and lead the development of the sport of Tenpin Bowling in Australia.

### 1.1 Our Vision

Tenpin Bowling to be recognised as a major lifetime sport option for all Australians

### 1.2 Our Mission

To foster and grow the sport of tenpin bowling

### 1.3 Our Core Values

VALUE	COMMITMENT
Performance	to deliver
Quality	to improve
Respect	to care
Responsibility	to do what is right

## 2. Purpose of this policy

This Member Protection Policy (“policy”) aims to assist TBA to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport. It sets out our commitment to ensure that every person involved in our sport is treated with respect and dignity and protected from discrimination, harassment and abuse. It also ensures that everyone involved in our sport is aware of their legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

The policy attachments describe the practical steps we will take to eliminate discrimination, harassment and child abuse from our sport. As part of this commitment, TBA will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by the TBA Board of Directors and has been incorporated into our By Laws. The policy is effective on 1/1/14 and will operate until replaced.

The current policy and its attachments can be obtained from our website at: [www.tenpin.org.au](http://www.tenpin.org.au)

## 3 Who is bound by this policy

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

- 3.1 persons appointed or elected to all boards, committees and sub-committees of TBA or any of the affiliated State and local associations;
- 3.2 employees and volunteers of TBA or any of the affiliated State and local associations;
- 3.3 members of the TBA Board of Directors and the executive;
- 3.4 support personnel appointed or elected to teams, squads and events (e.g., managers, physiotherapists, masseurs, sport trainers and others);
- 3.5 coaches and assistant coaches
- 3.6 athletes
- 3.7 tournament directors and other officials involved in the regulation of the sport.
- 3.8 members, including life members of TBA
- 3.9 athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or accredited by TBA
- 3.10 any other person including spectators, parents/guardians and sponsors who or which agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this Policy.

*This policy will continue to apply to a person even after he or she has stopped their association or employment with TBA or any of its affiliated organisations if disciplinary action against that person has begun.*

#### **4. Organisational responsibilities**

TBA, Local and State Associations must:

- 4.1 adopt, implement and comply with this policy
- 4.2 ensure that their Constitution, By-laws or other rules and policies include the necessary clauses for this policy to be enforceable
- 4.3 publish, distribute and promote this policy and the consequences of any breaches
- 4.4 promote and model appropriate standards of behaviour at all times
- 4.5 deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner
- 4.6 apply this policy consistently
- 4.7 recognise and enforce any penalty imposed under this policy
- 4.8 ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies
- 4.9 use appropriately trained people to receive and manage complaints and allegations of inappropriate behavior [e.g. Member Protection Information Officers (MPIO's)]
- 4.10 monitor and review this policy at least annually.

#### **5. Individual responsibilities**

Individuals bound by this policy are responsible for:

- 5.1 making themselves aware of the policy and complying with the codes of behaviour it sets out
- 5.2 consenting to our screening requirements and any State/Territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18
- 5.3 placing the safety and welfare of children above other considerations
- 5.4 being accountable for their behaviour
- 5.5 following the steps outlined in this policy for making a complaint or reporting possible child abuse
- 5.6 complying with any decisions and/or disciplinary measures imposed under this policy.

#### **6. Position statements**

##### **6.1 Child protection**

TBA is committed to the safety and well-being of all children and young people who participate in our sport or access our services. We support the rights of the child and will act at all times to ensure that a child-safe environment is maintained.

We acknowledge the valuable contribution made by our staff, members and volunteers and we encourage their active participation in providing a safe, fair and inclusive environment for all participants.

##### **6.1.1 Identify and analyse risk of harm**

We will develop and implement a risk management strategy, including a review of our existing child protection practices, to determine how child-safe our organisation is and to identify any additional steps we can take to minimise and prevent the risk

of harm to children because of the actions of an employee, volunteer or another person.

**6.1.2 Develop codes of behaviour**

We will develop and promote a code of ethics that sets out the conduct we expect of adults when they deal and interact with children involved in our sport, especially those in our care. We will also implement a code of behaviour to promote appropriate conduct between children.

These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behavior. (Refer to the attachments in Part B of this policy.)

**6.1.3 Choose suitable employees and volunteers**

We will take all reasonable steps to ensure that our organisation engages suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This will include using a range of screening measures.

We will ensure that Working with Children Checks are conducted for all employees and volunteers who work with children, where an assessment is required by law. If a criminal history report is obtained as part of their screening process, we will handle this information confidentially and in accordance with the relevant legal requirements. (Refer to the attachments in Part C of this policy.)

**6.1.4 Support, train, supervise and enhance performance**

We will ensure that all our employees and volunteers who work with children have ongoing supervision, support and training. Our goal is develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment.

**6.1.5: Empower and promote the participation of children**

We will encourage children and young people to be involved in developing and maintaining a child-safe environment for our sport.

**6.1.6: Report and respond appropriately to suspected abuse and neglect**

We will ensure that all our employees and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under State laws to make a report if they suspect on reasonable grounds that a child has been, or is being, abused or neglected. (Refer to the attachments in Part E of this policy.)

Further, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child, or is in breach of this policy, he or she may make an internal complaint. (Refer to the attachments in Part D of this policy.)

**6.2 Taking images of children**

Images of children can be used inappropriately or illegally. TBA requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own. They should also make sure the parent/guardian understands how the image will be used.

To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets.

When using a photo of a child, we will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the parent/guardian. We will not provide information about a child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" a child.

We will only use images of children that are relevant to our sport and we will ensure that they are suitably clothed in a manner that promotes participation in the sport. We will seek permission from the parents/guardians of the children before using the images. We require our State and Local associations to do likewise.

### **6.3 Anti-discrimination and harassment**

TBA aims to provide an environment where all those involved in our activities and events are treated with respect.

We recognise that people cannot participate, enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.

We prohibit all forms of harassment, discrimination and bullying based on the personal characteristics listed in the "Definitions" set out in our Dictionary of Terms [see clause 10]. In most circumstances, this behaviour is against the law.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, they may make an internal complaint. In some circumstances, they may also be able to make a complaint to an external organisation. (Refer to the attachments in Part D of this policy.)

### **6.4 Sexual relationships**

TBA takes the position that consensual intimate relationships (whether or not of a sexual nature) between coaches and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's public image.

These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach and the athlete.

If an athlete attempts to initiate an intimate sexual relationship with a coach, it is the coach's responsibility to discourage the approach and to explain why such a relationship is not appropriate.

The coach or athlete may wish to seek advice or support from MPIO if they feel harassed. Our complaints procedure is outlined in Part D of this policy.

## **6.5 Pregnancy**

Pregnant women should be treated with respect and any unreasonable barriers to their full participation in our sport should be removed. We will not tolerate any discrimination or harassment against pregnant women.

TBA will take reasonable care to ensure the safety, health and well-being of pregnant women and their unborn children. We 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 they choose to participate in our sport.

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in our sport. We will only require pregnant women to sign a disclaimer if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant woman feels she has been harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint. (Refer to the attachments in Part D of this policy.)

## **6.6 Gender identity**

TBA is committed to providing a safe, fair and inclusive sporting environment where people of all backgrounds can contribute and participate. People who identify as transgender or transsexual should be treated fairly and with dignity and respect at all times. This includes acting with sensitivity when a person is undergoing gender transition.

We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual. If a transgender or transsexual person feels he or she has been harassed or discriminated against by another person or organisation bound by this policy, he or she may make a complaint. (Refer to the attachments in Part D of this policy.)

TBA recognises that excluding transgender and transsexual people from participating in sporting events and activities has significant implications for their health, well-being and involvement in community life. In general, we will support their participation in our sport on the basis of the gender with which they identify.

We also recognise that 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, we will seek advice on the application of those laws in the particular circumstances.

TBA is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender person intends to compete at an elite level, we will encourage them to obtain advice about the IOC's criteria, which may differ from the position we have taken.

Drug testing procedures and prohibitions also apply to people who identify as transgender. 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 Responsible service and consumption of alcohol**

TBA is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that State associations and Local Associations follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy is that:

- alcohol should not be available or consumed at sporting events involving children and young people under the age of 18
- alcohol-free social events will be provided for young people and families
- food and low-alcohol and non-alcoholic drinks will be available at events we hold or endorse where alcohol is served
- a committee member will be present at events we hold or endorse where alcohol is served to ensure appropriate practices are followed
- safe transport options will be promoted as part of any event we hold or endorse where alcohol is served.

### **6.8 Smoke-free environment**

TBA recommends that the following policies be applied to all sporting and social events that we hold or endorse.

- No smoking shall occur at or near sporting events involving children and young people under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers.
- Social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas.
- Coaches, officials, trainers, volunteers and players will refrain from smoking and remain smoke-free while they are involved in an official capacity in our sport, both on and off the field.

### **6.9 Cyber-bullying**

TBA regards bullying and harassment in all forms as unacceptable in our sport. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.

New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments.

TBA will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. In some cases, bullying is a criminal offence punishable.

Frustration at an official, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting body.

### **6.10 Social networking websites**

TBA acknowledges the enormous value of social networking websites, such as Facebook and Twitter, to promote our sport and celebrate the achievements and success of the people involved in our sport.

We expect all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to our sport.

Refer to the TBA Social Media Policy.

## **7. Complaints procedures**

### **7.1 Handling complaints**

TBA aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of natural justice.

Any person (a complainant) may report a complaint about a person, people or organisation bound by this policy (respondent) if they feel they have been harassed, bullied or discriminated against or there has been a breach of this policy.

In the first instance, complaints should be reported to the MPIO

If a complaint relates to behaviour or an incident that occurred at the:

- State level, or involves people operating at the State level, then the complaint should be reported to and handled by the relevant State Association in the first instance
- Local level, or involves people operating at the local level, then the complaint should be reported to and handled by the relevant local association in the first instance.

Only matters that relate to, or which occurred at, the national level, as well as serious cases referred from the State and Local level, should be dealt with by the national body.

A complaint may be handled informally or formally. The complainant will usually indicate his or her preferred option unless the MPIO considers that the complaint falls outside this policy and should be handled another way. For example, the law may require that the complaint/allegation be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our procedures for handling and resolving complaints are outlined in Attachment [D1].

Individuals and organisations may also seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

### **7.2 Improper complaints and victimisation**

TBA aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against the person making the complaint.

We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint or supporting another person's complaint.

If at any point in the complaint handling process the MPIO considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or intended to cause distress to the respondent, the matter may be referred to the Organisation represented by the MPIO for review and appropriate action, including possible disciplinary action against the complainant.

### **7.3 Mediation**

TBA aims to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action.

Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It may occur before or after the investigation of a complaint.

If a complainant wishes to resolve the complaint with the help of a mediator, the MPIO will, in consultation with the complainant, arrange for an independent mediator where possible. We will allow lawyers to negotiate on behalf of the complainant and/or the respondent.

More information on the mediation process is outlined in Attachment [D2].

### **7.4 Tribunals**

A Tribunal may be convened to hear a formal complaint:

- referred to it by the MPIO
- referred to it or escalated by a State Association because of the serious nature of the complaint, because it was unable to be resolved at the State level or because the policy of the State Association directs it to be.
- for an alleged breach of this policy.

A Tribunal will only be convened to hear a formal complaint once a charge has been laid for an alleged breach of the Member Protection policy.

Our Tribunal procedure is outlined in Attachment [D4].

A respondent may only lodge an appeal to the Appeal Tribunal in respect of a Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved. Our appeals process is outlined in Attachment [D4].

Every organisation bound by this policy will recognise and enforce any decision of a Tribunal or Appeal Tribunal under this policy.

## **8. What is a breach of this policy?**

It is a breach of this policy for any person or organisation bound by this policy to do anything contrary to this policy, including but not limited to:

- 8.1** failing to follow this TBA policy and our procedures for the protection, safety and well-being of children
- 8.2** discriminating against, harassing or bullying (including cyber-bullying) any person
- 8.3** victimising another person for making or supporting a complaint
- 8.4** engaging in a sexually inappropriate relationship with a person that he or she supervises, or has influence, authority or power over
- 8.5** verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport
- 8.6** disclosing to any unauthorised person or organisation any TBA information that is of a private, confidential or privileged nature

- 8.7 making a complaint that they know to be untrue, vexatious, malicious or improper
- 8.8 failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy
- 8.9 failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

## 9. Disciplinary measures

TBA may impose disciplinary measures on an individual or organisation for a breach of this policy.

Any disciplinary measure imposed will be:

- fair and reasonable
- applied consistent with any contractual and employment rules and requirements
- be based on the evidence and information presented and the seriousness of the breach
- be determined in accordance with our Constitution, By-laws, this policy and/or the 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, placing's, records, achievements bestowed in any tournaments, activities or events held or accredited by TBA;
- 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 TBA 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 Tribunal considers appropriate.

### 9.2 Organisation

If a finding is made that an affiliated Local or State Association has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by the CEO or State Associations:

- 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;

- 9.2.4 A direction that any funding granted or given to it by TBA or relevant governing body cease from a specified date;
- 9.2.5 A direction that TBA cease to accredit events held by or under the auspices of that organisation;
- 9.2.6 A recommendation to TBA that the breaching organisations affiliation be suspended or terminated in accordance with the relevant constitution or rules;
- 9.2.7 Any other form of discipline that TBA considers 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:

- the nature and seriousness of the breach
- if the person knew, or should have known, that the behaviour was a breach of the policy
- the person's level of contrition
- the effect of the proposed disciplinary measures on the person, including any personal, professional or financial consequences
- if there have been any relevant prior warnings or disciplinary action
- the ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by the policy)
- any other mitigating circumstances.

## 10. Dictionary of terms

This Dictionary sets out the meaning of words used in this policy and its attachments, without limiting the ordinary and natural meaning of the words. Further detail or definitions that are specific to different States and Territories can be sourced from the relevant child protection authorities 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.

**Affiliated association** means any Local or State organisation recognised by TBA to carry out member services in a certain geographic region.

**Child** means a person who is under the age of 18.

**Child abuse** involves conduct which puts a child at risk of harm and 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 a child 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] of this policy

**Complainant** means the person making a complaint.

**Complaint handler/manager** means the person appointed under this policy to investigate a complaint.

**Discrimination** occurs when someone is treated unfairly or less favourably than another person in the same or similar circumstances because of a particular personal characteristic. This is known as direct discrimination. Indirect discrimination occurs when a rule, policy or practice disadvantages one group of people in comparison with others, even though it appears to treat all people the same.

In Australia, it is against the law to discriminate against someone because of their:

- 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 protected characteristics, such as physical features or association with a person with one or more of the characteristics listed above.

**Examples of discrimination** are available on the Play by the Rules website:

[www.playbytherules.net.au/legal-stuff/discrimination](http://www.playbytherules.net.au/legal-stuff/discrimination)

Some exceptions to State and Federal anti-discrimination law apply, such as:

- holding a competitive sporting activity for boys and girls only who are under the age of 12, or of any age where strength, stamina or physique is relevant
- 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 particular activity.

**Harassment** is any type of behaviour that the other person does not want and is likely to make the person feel intimidated, insulted or humiliated. Unlawful harassment can target a person because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law (see the list under "Discrimination").

Public acts of racial hatred which are reasonably likely 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 people on other grounds such as homosexuality, gender identity; HIV/AIDS, religion and disability (see also "Vilification").

**Mediator** means an impartial person appointed to help those people involved in a complaint to talk through the issues and resolve the matter on mutually agreeable terms.

**Member** means a current financial registered member of TBA.

**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. He or she provides impartial and confidential support to the person making the complaint.

**Natural justice** (or procedural fairness) requires that:

- both the complainant and the respondent must know the full details of what is being said against them and have the opportunity to respond
- all relevant submissions must be considered
- no person may judge their own case
- the decision-maker(s) must be unbiased, fair and just
- the penalties imposed must be fair.

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

**Policy, policy and this policy** means this Member Protection Policy.

**Respondent** means the person whose behaviour is the subject of the complaint.

**Role-specific codes of conduct (or behaviour)** means standards of conduct required of people holding certain roles in our organisation (e.g. coaches and officials).

**Sexual harassment** means unwanted, unwelcome or uninvited behaviour of a sexual nature which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, displays 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.

Because of differences under State and Territory laws, this can include but is not limited to:

- 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
- 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 unfair treatment because that person has or intends to pursue their right to make any complaint, including a complaint under government legislation (e.g. anti-discrimination) or under this policy, or for supporting another person to make complaint.

**Vilification** involves a person or an organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of people having any of the characteristics listed under the definition of “Discrimination”.

## **PART B: CODES OF BEHAVIOUR**

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We seek to provide a safe, fair and inclusive environment for everyone involved in our organisation and in our sport.

To achieve this, we require certain standards of behavior of players/athletes, coaches, officials, administrators, parents/guardians (of child participants) and spectators. For further information please refer to TBA's Code of Ethics, which can be found on our website, under ['Policies & Rules'](#).



## **PART C: EMPLOYMENT SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS**

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We are committed to providing a child-safe environment. As part of this, we will recruit staff and volunteers who do not pose a risk to children.

Employment screening and Working with Children Checks can involve criminal history checks, signed declarations, referee checks and other appropriate checks that assess a person's suitability to work with children and young people.

Working with Children Check laws are currently in place in New South Wales, Queensland, Western Australia, Victoria, the Northern Territory and South Australia.

TBA, including our State and Local Associations, will meet the requirements of the relevant State or Territory Working with Children Check laws.

Employment screening requirements will also be followed in the Australian Capital Territory and Tasmania.

Individuals travelling with children and young people to another State or Territory in a work-related capacity must comply with the screening requirements of that particular State or Territory.

### **ATTACHMENTS**

#### **Attachment C1:**

#### **EMPLOYMENT SCREENING REQUIREMENTS**

(For Tasmania only: all other states/territories refer to C3)

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This attachment explains the process we will use to screen the people associated with our organisation who work, coach or have regular unsupervised contact with children and young people under the age of 18. We require our State and Local Associations to do the same.

1. We will identify all positions where people work, coach or have regular unsupervised contact with children and young people under the age of 18.
2. Before a person is offered such a position, we will ask him or her to complete a Member Protection Declaration ("MPD") (see *Attachment C2*).
3. If a person is unable to provide a MPD, or if he or she cannot satisfactorily answer the questions in the MPD, we will ask for an explanation. We will then make an assessment about the person's suitability to work with children and young people. If we are not fully satisfied, we will not appoint him or her to the position.

4. Where possible, we will check a person's referees (verbal or written) about his or her suitability for the position.
5. We will ask each person to sign a consent form for a national police check and explain why our policy requires a check to be undertaken.
6. If a person does not agree to a national police check, we will make an assessment about his or her suitability to work with children and young people.
7. If the national police check indicates that a "relevant offence" has been recorded, we will ask the person to provide an explanation. We will then make an assessment about the person's suitability to work with children and young people. If we are not fully satisfied, we will not appoint him or her to the position.
8. If it is not practical to complete the national police check prior to the person starting in the position, we will complete the check as soon as possible. We will act immediately if the results of the check highlight any issues of concern.
9. We will protect the privacy of each person who undertakes the screening process and keep all information we obtain strictly confidential.
10. We will return all the information collected as part of the screening process (e.g. completed MPD forms, national police checks and referee reports) to the relevant person if he or she is not appointed to the position. Alternatively, all records will 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 the documents to be returned to him or her. The records of all people appointed to our organisation will be kept on file in a secure location.

## C2.Member Protection Declaration



# TENPIN BOWLING AUSTRALIA LIMITED

## Member Protection Policy Member Protection Declaration

TBA has a duty of care to all those associated with the sport and to the individuals and organisations to whom our Member Protection Policy applies. As a requirement of our Member Protection Policy, TBA must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

This declaration is to certify that:

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, acts of violence or drug related offences.
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, other forms of harassment, acts of violence or drug related offences
4. I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping policy.
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.
6. To my knowledge there is no other matter that TBA may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the CEO 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.

Surname ..... (Please Print)

Christian Name..... (Please Print)

State of Residence ..... (Please Print)

Date of Birth .....

Signature ..... Date.....

### **Parent/Guardian Consent (in respect of a 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 ..... Date .....

Signature .....

### **Attachment C3:**

## **WORKING WITH CHILDREN CHECK REQUIREMENTS**

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Working with Children Checks aim to create a child-safe environment and to protect children and young people involved in our sport from physical and sexual harm.

They assess the suitability of people to work with children and young people and can involve:

- criminal history checks
- signed declarations
- referee checks, and
- other relevant background checks to assess a person's suitability to work with children and young people.

Working with Children Check requirements vary across Australia. [Fact Sheets](#) for each State and Territory are available on the Play by the Rules website: [www.playbytherules.net](http://www.playbytherules.net). Detailed information, including the forms required to complete a Working with Children Check, are available from the relevant agencies in each State and Territory.

### **Australian Capital Territory**

Contact the Office of Regulatory Services

Website: [www.ors.act.gov.au/community/working\\_with\\_vulnerable\\_people](http://www.ors.act.gov.au/community/working_with_vulnerable_people)

Phone: 02 6207 3000

### **New South Wales**

Contact the Commission for Children and Young People

Website: [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)

Phone: 02 9286 7276

### **Northern Territory**

Contact the Northern Territory Screening Authority

Website: [www.workingwithchildren.nt.gov.au](http://www.workingwithchildren.nt.gov.au)

Phone: 1800 SAFE NT (1800 723 368)

### **Queensland**

Contact the Commission for Children and Young People and Child Guardian about the "Blue Card" system.

Website: [www.ccypcg.qld.gov.au](http://www.ccypcg.qld.gov.au)

Phone: 1800 113 611

### **South Australia**

Contact the Department for Education and Child Development

Website: [www.families.sa.gov.au/childsafe](http://www.families.sa.gov.au/childsafe)

Phone: 08 8463 6468.

### **Victoria**

Contact the Department of Justice

Website: [www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren)

Phone: 1300 652 879

### **Western Australia**

Contact the Department for Child Protection

Website: [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au)

Phone: 1800 883 979

**Travelling to other States or Territories**

It is important to remember that when travelling to other States or Territories, representatives of sporting organisations must comply with the legislative requirements of that particular State or Territory.

In October 2011 at the Standing Council on Community, Housing and Disability Services, 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. This means that volunteers and workers with a valid check in their home State or Territory will be able to participate in short-term activities across State and Territory borders without the need for additional checks.

The Australian Sports Commission will provide more information as soon as it becomes available.

## PART D: COMPLAINT HANDLING PROCEDURES

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We will deal with all complaints in a fair, timely and transparent manner. All complaints will be treated seriously.

We will provide individuals with an informal and informal process to resolve the matter, along with access to an external complaint handling body, based on their preferences and the nature of the complaint.

We also provide an appeals process for those matters where it is required.

We will maintain confidentiality as far as possible and ensure that no one is victimised for making, supporting or providing information about a complaint.

### Attachment D1:

## COMPLAINTS PROCEDURE

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TBA aims to support people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

**We will keep all complaints confidential.** We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us disclose this information or if it is necessary to properly resolve the complaint.

To ensure **fairness for everyone involved**, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously.

We will provide **informal and formal procedures** to resolve complaints. Individuals and organisations can also **complain to external organisations** under anti-discrimination, child protection and other relevant laws.

### Informal approaches

#### **Step 1: Talk with the other person** (if safe, reasonable and appropriate)

If you feel confident to do so, you can approach the other person to discuss the issues and try and resolve the problem directly.

#### **Step 2: Contact a Member Protection Information Officer**

We encourage you to talk with one of our MPIOs if:

- the first step is not possible or reasonable
- you are not sure how to handle the problem by yourself
- you want to talk confidentially with someone and find out what options are available to resolve the problem, or
- the problem continues after you approached the other person.

For names and contact details of our MPIOs contact the TBA National Office at (07)3262 4455 or via email at [tenpin.bowling@tenpin.org.au](mailto:tenpin.bowling@tenpin.org.au).

The MPIO will:

- take confidential notes about your complaint
- try to find out the facts of your complaint
- ask how you would like the problem to be resolved and if you need support
- provide different options for you to resolve the problem
- act as a support person, if you wish
- refer you to an appropriate person (e.g. a mediator) to help you resolve the problem, if necessary
- inform the relevant government authorities and/or police, if required by law to do so
- maintain confidentiality.

### **Step 3: Decide how to resolve the problem**

After talking with the MPIO, you may decide:

- there is no problem
- the problem is minor and you do not wish to take the matter forward
- to try and resolve the problem yourself, with or without a support person
- to resolve the problem with the help of someone impartial, such as a mediator
- to resolve the matter through a formal process.

## **Formal approaches**

### **Step 4: Making a formal complaint**

- If it is not possible or appropriate to resolve your complaint through an informal process, you may:
- make a formal complaint in writing to the Local Association or in matters involving the State Association, the State MPIO consistent with Clause 7.1 or
- approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice.

After receiving a formal complaint, and based on the material you provide, the affiliated association will decide whether:

- he or she is the most appropriate person to receive and handle the complaint
- the nature and seriousness of the complaint requires a formal resolution procedure
- to refer the complaint to mediation
- to appoint a person to investigate the complaint
- to refer the complaint to a tribunal hearing
- to refer the matter to the police or other appropriate authority, and/or
- to implement any interim arrangements that will apply until the complaint process is completed.

In making this decision, the affiliated Association will take into account:

- whether he or she has had any personal involvement in the circumstances and if someone else should handle the complaint
- your wishes, and the wishes of the respondent, regarding how the complaint should be handled
- the relationship between you and the respondent (e.g. an actual or perceived power imbalance between you and the respondent)
- whether the facts of the complaint are in dispute

- the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway.

If by Clause 7.1 TBA's affiliated associations are the appropriate person(s) to handle the complaint they will, to the extent that these steps are necessary:

- provide the information received from you to the other person(s) involved and ask for their side of the story
- decide if there is enough information to determine whether the matter alleged in your complaint did or didn't happen, and/or
- determine what, if any, further action to take, including disciplinary action in accordance with this policy.

#### **Step 5: Investigating the complaint**

In some cases, an investigation may be required to determine the facts surrounding the complaint. Our investigations procedure is outlined in Attachment D3.

Following the investigation, a written report will be provided to TBA and its affiliated association who will determine what further action to take.

- If the complaint is referred to mediation, we will follow the steps outlined in Attachment D2 or as agreed by you, the respondent and the mediator.
- If the complaint is referred to a tribunal hearing, the hearing will be conducted according to the steps outlined in Attachment D4
- If the complaint is referred to the police or another external agency, we will endeavour to provide all reasonable assistance required by the police or the agency.

#### **Step 6: Reconsidering a complaint or appealing a decision**

If mediation is unable to resolve the matter, you may request that the MPIO reconsider the complaint in accordance with Step 3.

You or the respondent(s) may also appeal a decision made by at a tribunal hearing. The grounds and process for appeals are set out in Attachment D4.

#### **Step 7: Documenting the resolution**

The affiliated association will record the complaint, the steps taken to resolve it and the final outcome. This information will be stored in a confidential and secure place. If the complaint was dealt with at the State level, the information will be stored by the State association. If the matter is of a serious nature, or if it was dealt with at the national level, the original document will be stored at the national office and a copy stored by the State association.

### **Approaching external organisations**

If you feel that you have been harassed or discriminated against, you can seek advice from your State or Territory anti-discrimination or equal opportunity commission. There is no obligation to make a formal complaint. However, if the commission advises you that the issues appear to be within its jurisdiction, you may choose to lodge a formal complaint with the commission.

Once a complaint is received by the commission, it will investigate the matter. If it appears that unlawful harassment or discrimination has occurred, the commission will attempt to conciliate the complaint on a confidential basis. If this fails, or if it is not appropriate, the complaint may go to a formal hearing. The tribunal will make a finding and decide what action, if any, will be taken. This could

include an apology or financial compensation for distress, lost earnings or medical and counselling expenses incurred.

If you do lodge a complaint with the commission, an appropriate person from our organisation, an MPIO will be available to support you during the process. It is also common to have a legal representative, particularly if the complaint goes to a formal hearing.

**Contact details for the State and Territory anti-discrimination and equal opportunity commissions** are available on the Play by the Rules website:  
<http://www.playbytherules.net.au/resources/quick-reference-guide>.

Serious incidents, such as assault or sexual assault, should be reported to the police.

## Attachment D2: MEDIATION

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Mediation is a process that allows the people involved in a complaint to talk through the issues with an impartial person – the mediator – and work out a mutually agreeable solution.

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to talk through the issues and makes sure that the process is as fair as possible for all concerned.

Our approach to mediation follows the steps set out below.

1. The CEO will appoint a mediator to help resolve the complaint. This will be done under the direction of TBA or its affiliated associations and in consultation with the complainant and the respondent(s).
2. The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
3. All issues raised during mediation will be treated confidentially. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. If the complaint is resolved by mediation, the mediator will prepare a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). We expect the parties involved to respect the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
  - write to the affiliated association to request that the association reconsider the complaint in accordance with **Step 3**
  - approach an external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

We recognise that there are some **situations where mediation will not be appropriate**, including:

- when the people involved have completely different versions of the incident
- when one or both parties are unwilling to attempt mediation
- when the issues raised are sensitive in nature
- when there is a real or perceived power imbalance between the people involved
- matters that involve serious, proven allegations.

## Attachment D3: INVESTIGATION PROCESS

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There will be times when a complaint will need to be investigated and evidence gathered.

An investigation helps determine the facts relating to the incident, as well as possible findings and recommendations.

Any investigation that we conduct will be fair to all people involved.

If we decide that a complaint should be investigated, we will follow the steps outlined below.

1. We will provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities. The investigator will:
  - interview the complainant and record the interview in writing
  - provide full details of the complaint to the respondent(s) so that they can respond
  - interview the respondent(s) to allow them to answer the complaint and record the interview in writing
  - obtain statements from witnesses and collect other relevant evidence, if there is a dispute over the facts
  - make a finding as to whether the complaint is:
    - **substantiated** (there is sufficient evidence to support the complaint)
    - **inconclusive** (there is insufficient evidence either way)
    - **unsubstantiated** (there is sufficient evidence to show that the complaint is unfounded)
    - **mischievous, vexatious or knowingly untrue.**
  - provide a report to the State Association documenting the complaint, the investigation process, the evidence, the finding(s) and, if requested, any recommendations.
2. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (e.g. MPIO or other person).
4. The complainant and the respondent(s) may have the right to appeal any decision based on the investigation. Information on our appeals process is in Attachment D5.

## **Attachment D4:**

### **TRIBUNAL PROCEDURES**

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We will follow the steps set out below to hear formal complaints made under our Member Protection Policy

#### **Preparing for a Tribunal hearing**

1. A Tribunal panel will be established, according to the rules set out in our Constitution, to hear a complaint that has been referred to it by the CEO or affiliated association. The number of Tribunal panel members required to be present throughout the hearing will be a minimum of 3.
2. The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the affiliated association relating to the complaint/allegations.
3. The Tribunal hearing will be held as soon as practicable. However, adequate time must be provided for the respondent(s) to prepare for the hearing.
4. The Tribunal panel will not include any person who has any actual or perceived conflict of interest or bias regarding the complaint/allegations.
5. The affiliated association will inform the respondent(s) in writing that a Tribunal hearing will take place. The notice will outline:
  - that the person has a right to appear at the Tribunal hearing to defend the complaint/allegations
  - the details of the complaint and of all allegations, as well as the clause of any policy or rule that has allegedly been breached
  - the date, time and venue of the Tribunal hearing
  - that either verbal or written submissions can be presented at the Tribunal hearing
  - that witnesses may attend the Tribunal hearing to support the position of the respondent/s (statutory declarations of witnesses not available to attend and from character witnesses may also be provided to the Tribunal hearing)
  - an outline of any possible penalties that may be imposed if the complaint is found to be true
  - that legal representation will not be allowed. If the respondent is a minor, he or she should have a parent or guardian present.

A copy of any information/documents that have been given to the Tribunal panel (e.g. investigation report findings) will be provided to the respondent(s).

The respondent(s) will be allowed to participate in all TBA and affiliated association activities and events, pending the decision of the Tribunal, including any available appeal process, unless the affiliated association believes it is necessary to exclude the respondent/s from all or some activities and events because of the nature of the complaint.

6. The affiliated association will notify the complainant in writing that a Tribunal hearing will take place. The notice will outline:
  - that the person has a right to appear at the Tribunal hearing to support their complaint
  - the details of the complaint, including any relevant rules or regulations the respondent is accused of breaching
  - the date, time and venue of the Tribunal hearing
  - that either verbal or written submissions can be presented at the Tribunal hearing
  - that witnesses may attend the Tribunal hearing to support the complainant's position (statutory declarations of witnesses not available to attend may also be provided to the Tribunal Hearing)

- that legal representation will not be allowed. If the complainant is a minor, he or she should have a parent or guardian present.

A copy of any information / documents given to the Tribunal (e.g. investigation report findings) will be provided to the complainant.

7. If the complainant believes the details of the complaint are incorrect or insufficient, he or she should inform the affiliated association as soon as possible so that the respondent(s) and members of the Tribunal panel can be properly informed of the complaint.
8. If possible, the Tribunal panel should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination).

### **Tribunal hearing procedure**

9. The following people will be allowed to attend the Tribunal hearing:
  - Tribunal panel members
  - the respondent(s)
  - the complainant
  - any witnesses called by the respondent(s)
  - any witnesses called by the complainant
  - any parent/guardian or support person required to support the respondent or the complainant.
10. If the respondent(s) is not present at the set hearing time and the Tribunal chairperson considers that no valid reason has been presented for this absence, the Tribunal hearing will continue subject to the chairperson being satisfied that all Tribunal notification requirements have been met.
11. If the Tribunal chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.
12. The Tribunal chairperson will inform the affiliated association of the need to reschedule the hearing and the affiliated association will arrange for the Tribunal to be reconvened.
13. The Tribunal chairperson will read out the complaint, ask each respondent if he or she understands the complaint and if he or she agrees or disagrees with the complaint.
14. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any disciplinary measures or penalties.
15. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
  - Reference may be made to brief notes.
  - The complainant may call witnesses.
  - The respondent may question the complainant and any witnesses.
16. The respondent will then be asked to respond to the complaint.
  - Reference may be made to brief notes.
  - The respondent may call witnesses.
  - The complainant may ask questions of the respondent and any witnesses.
17. The complainant and respondent(s) may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required.
18. The Tribunal may:

- consider any evidence, and in any form, that it deems relevant
  - question any person giving evidence
  - limit the number of witnesses presented to those who provide new evidence
  - require (to the extent it has power to do so) the attendance of any witness it deems relevant
  - act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
19. Video evidence, if available, may be presented. Arrangements must be made entirely by the person(s) wishing to offer this type of evidence.
  20. If the Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidatory behaviour from anyone, the Tribunal chairperson may deny further involvement of that person in the hearing.
  21. After all the evidence has been presented, the Tribunal will make its decision in private. It must decide whether the complaint has, on the balance of probabilities, been substantiated. As the seriousness of the allegation increases, so too must the level of satisfaction of the Tribunal that the complaint has been substantiated. The respondent(s) have the opportunity to address the Tribunal on disciplinary measures which may be imposed. Any disciplinary measures imposed must be reasonable in the circumstances.
  22. All Tribunal decisions will be by majority vote.
  23. The Tribunal chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed. Alternatively, he or she may advise those present that the decision is reserved and will be handed down in written form at a later time.
  24. Within 48 hours, the Tribunal chairperson will:
    - forward a notice of the Tribunal's decision to the affiliated association, including any disciplinary measures imposed.
    - forward a letter reconfirming the Tribunal's decision to the respondent(s), including any disciplinary measures imposed. The letter should also outline the process and grounds for an appeal, if allowed. If matter is especially complex or important, the Tribunal chairperson may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours.
  25. The Tribunal does not need to provide written reasons for its decision.

### **Appeals procedure**

26. If a complainant or a respondent(s) is not satisfied with the outcome of a mediation process or a Tribunal decision, he or she can lodge one appeal to TBA on one or more of the following grounds:
  - 26.1 that a denial of natural justice has occurred
  - 26.2 that the disciplinary measure/s imposed is unjust and/or unreasonable
  - 26.3 that the decision was not supported by the information/evidence provided at the mediation or to the Tribunal Hearing
27. A person wanting to appeal must lodge a letter setting out the basis for their appeal with the National MPIO within fourteen days of the decision being made. An appeal fee of \$100 shall be included with the letter of intention to appeal.

28. If the letter of appeal is not received by the national MPIO within this time, the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received within this time, the appeal will also lapse.
29. The letter of appeal and the notice of the Tribunal's decision (clause 24) will be forwarded to the CEO or affiliated association to review and to decide whether there are sufficient grounds for the appeal to proceed. The CEO or affiliated association may invite any witnesses to the meeting that he or she believes are required to make an informed decision.
30. If the appellant has not shown sufficient grounds for an appeal in accordance with clause 26, then the appeal will be rejected. The appellant will be notified in writing, including the reasons for the decision. The appeal fee will be forfeited
31. If the appeal is accepted, an Appeal Tribunal with new panel members will be convened to rehear the complaint, and the appeal fee will be refunded.
32. The Tribunal hearing procedure shall be followed for the Appeal Tribunal.
33. The decision of the Appeal Tribunal will be final.

## **PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS**

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We will ensure that all the complaints we receive, both formal and informal, are properly documented. This includes recording how the complaint was resolved and the outcome of the complaint.

This information, and any additional records and notes, will be treated confidentially and stored in a secure place.

We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

We will ensure that everyone who works with our organisation in a paid or unpaid capacity understands how to appropriately receive and record allegations of child abuse and neglect and how to report those allegations to the relevant authorities in their State or Territory.

### **ATTACHMENTS**

- Attachment E1 - Confidential record of informal complaint
- Attachment E2 - Confidential record of formal complaint
- Attachment E3 - Procedure for handling allegations of child abuse
- Attachment E4 - Confidential record of child abuse allegation



**Attachment E2:  
CONFIDENTIAL RECORD OF FORMAL COMPLAINT**

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's role/position	<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"/> Other <input type="checkbox"/> Official .....	
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's role/position	<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"/> Other <input type="checkbox"/> Official .....	
Location/event of alleged incident		
Description of alleged incident		
Nature of complaint (category/basis/grounds)  Tick more than one box if necessary	<input type="checkbox"/> Harassment    or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other .....	
Methods (if any) of attempted informal resolution		

Formal resolution procedures followed (outline)	
If investigated:	Finding
If heard by Tribunal:	Decision  Action recommended
If mediated:	Date of mediation:  Both/all parties present  Agreement  Any other action taken
If decision was appealed	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: Signature: <span style="float: right;">Date / /</span>
Signed by:	Complainant:  Respondent:

**This record and any notes must be kept in a confidential and safe place.** If the complaint is of a serious nature, or if it is taken to and/or dealt with at the national level, the original record must be forwarded to the national office and a copy kept with the affiliated association where the complaint was first made.

**Attachment E3:  
PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE**

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

Fact sheets on reporting allegations of child abuse in different States and Territories are available at [www.playbytherules.net.au](http://www.playbytherules.net.au).

We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

All people working with TBA in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

**Step 1: Receive the allegation**

If a child or young person raises with you an allegation of child abuse or neglect that relates to them or to another child, it is important that you listen, stay calm and be supportive.

<b>Do</b>	<b>Don't</b>
Make sure you are clear about what the child has told you	Do not challenge or undermine the child
Reassure the child that what has occurred is not his or her fault	Do not seek detailed information, ask leading questions or offer an opinion.
Explain that other people may need to be told in order to stop what is happening.	Do not discuss the details with any person other than those detailed in these procedures.
Promptly and accurately record the discussion in writing.	Do not contact the alleged offender.

**Step 2: Report the allegation**

- Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.
- If the allegation involves a person to whom this policy applies, then also report the allegation to the CEO of TBA so that he or she can manage the situation.

### **Step 3: Protect the child and manage the situation**

- The CEO will assess the immediate risks to the child and take interim steps to ensure the child's safety and the safety of any other children. This may include redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is in paid employment with TBA.
- The CEO will consider what services may be most appropriate to support the child and his or her parent/s.
- The CEO will consider what support services may be appropriate for the alleged offender.
- The CEO will put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

### **Step 4: Take internal action**

- Up to three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
  - a criminal investigation (conducted by the police)
  - a child protection investigation (conducted by the relevant child protection agency)
  - a disciplinary or misconduct inquiry/investigation (conducted by TBA).
- Regardless of the findings of the police and/or child protection agency investigations, TBA will assess the allegations to decide whether the alleged offender should return to his or her position, be dismissed, be banned or face any other disciplinary action.
- The CEO of TBA will consider all information relevant to the matter – including any findings made by the police, the child protection authority and/or court – and then set out a finding, recommend actions and the rationale for those actions.
- If disciplinary action is recommended, we will follow the procedures set out in Clause 9 of our Member Protection Policy.
- We will provide the relevant government agency with a report of any disciplinary action we take, where this is required.

## Contact details for advice or to report an allegation of child abuse

<b>Australian Capital Territory</b>	
ACT Police Non-urgent police assistance Ph.: 131 444 <a href="http://www.afp.gov.au">www.afp.gov.au</a>	Office for Children, Youth and Family Services <a href="http://www.dhcs.act.gov.au/ocyfs/services/care_and_protection">www.dhcs.act.gov.au/ocyfs/services/care_and_protection</a> Ph: 1300 556 729
<b>New South Wales</b>	
New South Wales Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.nsw.gov.au">www.police.nsw.gov.au</a>	Department of Community Services <a href="http://www.community.nsw.gov.au">www.community.nsw.gov.au</a> Ph: 132 111
<b>Northern Territory</b>	
Northern Territory Police Non-urgent police assistance Ph: 131 444 <a href="http://www.pfes.nt.gov.au">www.pfes.nt.gov.au</a>	Department of Children and Families <a href="http://www.childrenandfamilies.nt.gov.au">www.childrenandfamilies.nt.gov.au</a> Ph: 1800 700 250
<b>Queensland</b>	
Queensland Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.qld.gov.au">www.police.qld.gov.au</a>	Department of Communities <a href="http://www.communities.qld.gov.au/childsafety">www.communities.qld.gov.au/childsafety</a> Ph: 1800 811 810
<b>South Australia</b>	
South Australia Police Non-urgent police assistance Ph: 131 444 <a href="http://www.sapolice.sa.gov.au">www.sapolice.sa.gov.au</a>	Department for Communities and Social Inclusion <a href="http://www.dcsi.sa.gov.au">www.dcsi.sa.gov.au</a> Ph: 131 478
<b>Tasmania</b>	
Tasmania Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.tas.gov.au">www.police.tas.gov.au</a>	Department of Health and Human Services <a href="http://www.dhhs.tas.gov.au/children">www.dhhs.tas.gov.au/children</a> Ph: 1300 737 639
<b>Victoria</b>	
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 <a href="http://www.police.vic.gov.au">www.police.vic.gov.au</a>	Department of Human Services <a href="http://www.dhs.vic.gov.au">www.dhs.vic.gov.au</a> Ph: 131 278
<b>Western Australia</b>	
Western Australia Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.wa.gov.au">www.police.wa.gov.au</a>	Department for Child Protection <a href="http://www.dcp.wa.gov.au">www.dcp.wa.gov.au</a> Ph: (08) 9222 2555 or 1800 622 258

**Attachment E4:  
CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION**

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Before completing this form, please ensure that the steps outlined in *Attachment D4* have been followed and advice has been sought from the police and/or the relevant child protection agency.

Complainant's name (if other than the child)		Date formal complaint received: / /
Role/status in sport		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	<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"/> Other <input type="checkbox"/> Official	
Witnesses (if more than three witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action taken (if any)		
Police contacted	Who: When: Advice provided:	

Child protection agency contacted	Who: When: Advice provided:
CEO contacted	Who: When:
Police investigation (if any)	Finding:
Child protection agency investigation (if any)	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

**This record and any notes must be kept in a confidential and safe place.** If required, they should be provided to the police and/or the relevant child protection agency.