Member Protection Policy

Approved by the Board:	November 2009
Updated:	1 August 2012
Review date:	As required or determined by ASC

SOFTBALL AUSTRALIA LIMITED
ACN 092 181 318
Level 1 | Suite 2 | 273 Wellington Street | Collingwood VIC 3066 | Australia
t: +61 3 9417 0022 | f: +61 3 9417 3399 | e: info@softball.org.au | w: www.softball.org.au

Table of contents

Preface **1**

Part A – Member Protection Policy **2**

1 Purpose of this Policy **2**

2 Who this Policy applies to **2**

3 Responsibilities of the organisation **3**

4 Individual responsibilities **4**

5 Position statements **4**

Child protection 4

Identify and analyse risk of harm 4

Develop Codes of Conduct for adults and children 5

Choose suitable employees and volunteers 5

Support, train, supervise and enhance performance 5

Empower and promote the participation of children in decision-making and service development 5

Report and respond appropriately to suspected abuse and neglect 5

Taking images of children 6

Anti-discrimination and harassment 6

Sexual relationships 7

Inclusion 7

Pregnancy 7

Gender identity 8

Alcohol Policy 9

Smoking & Tobacco Policy 9

Cyber bullying/safety 9

Social Networking Websites Policy 9

6 Complaints procedures **10**

Complaints 10

Improper complaints and victimisation 11

Mediation 11

Tribunals 11

7 What is a breach of this Policy? **12**

8 Disciplinary measures **13**

Individual 13

Organisation 14

Factors to consider 14

9 Definitions **15**

Part B – Codes of Conduct **22**

Attachment B1 – General Code of Conduct 22

Attachment B2 – Coach's Code of Conduct 22

Attachment B3 – Official's Code of Conduct 22

Attachment B4 – Player's Code of Conduct 22

Attachment B5 – Administrator's Code of Conduct 22
Attachment B6 – Parent's/Guardian's Code of Conduct 22
Attachment B7 – Spectator's Code of Conduct 22

Part C – Screening/Working with Children Check Requirements 33
Attachment C1: Screening Requirements 34
Attachment C2 – Member Protection Declaration 36
Attachment C3: Working with Children Child Protection Requirements 37
Australian Capital Territory 37
New South Wales 37
Northern Territory 38
Queensland 39
South Australia 40
Tasmania 44
Victoria 44
Western Australia 45

Part D – Complaint handling procedures 47
Attachment D1 – Complaints procedure 47
Informal approaches 47
Step 1: Talk with the other person (where this is reasonable and appropriate) 47
Step 2: Contact a Member Protection Information Officer (MPIO) (see Part E: Reporting requirement and documents for a list of current Officers). 47
Step 3: Outcomes from initial contact 48
Formal approaches 48
Step 4: Making a formal complaint 48
Step 5: Investigation of the complaint 49
Step 6: Reconsideration of initial investigation or appeal 50
Step 7: Documenting the resolution 50
External approaches 50
Attachment D2 – Mediation 51
Attachment D3 – Investigation process 53
Attachment D4 – Procedure for handling allegations of child abuse 54
Step 1 – Initial receipt of an allegation 54
Step 2 – Report allegations 54
Step 3 – Protect the child and manage the situation 55
Step 4 – Internal action 55
Attachment D5 – Hearings & Appeals Tribunal procedure 56
Preparation for Tribunal Hearing 56
Appeals procedure 59

Part E: Reporting requirement and documents 61
Australian Capital Territory 61
New South Wales 61
Northern Territory 61
Queensland 62
South Australia 62
Tasmania 63
Victoria 63
Western Australia 64
Attachment E1 – Confidential record of informal complaint 65

Attachment E2 – Confidential record of formal complaint 66
Attachment E3 – Confidential record of child abuse allegation 69
Attachment E4 – Member Protection Information Officers 71

Version	Date reviewed	Content reviewed and purpose
One	December 2001	• Template developed
Two	November 2004	• Template rewritten to reduce legalese and make it easier for sporting organisations to review and revise their policies • Sample codes of conduct, record keeping information and policy position statements on child protection, harassment and sexual relationships developed • Child Protection requirements revised to reflect changes to child protection legislation • Complaints handing procedures reviewed and expanded to provide sports with more options for managing complaints.
Three	June 2005	• QLD Child Protection requirements updated to reflect changes in legislation • Information on WA Child Protection requirements added to reflect new legislation
Four	May 2006	• Part B restructured to allow new attachments to be added more • Reference to The Essence of Australian Sport added • Amendments to the Dictionary (discrimination and harassment) • Minor amendment to the Anti-discrimination and harassment Policy Statement • Second version of suggested wording for Sexual Relationships Policy Statement added • Suggested wording for Pregnancy Policy Statement added • Suggested wording for Gender Identity Policy Statement added • Ability for sports to include reference to other relevant existing policies (7.6) • QLD and NSW Child Protection attachments updated to

		reflect changes in legislation (Part B) • Information on SA and VIC Child Protection requirements added to reflect new legislation (Part B) • Minor changes to wording to investigation of child abuse procedures (Part C)
Five	July 2009	• Template modified to provide a national version and an alternative (condensed) club version • Inclusion of clause on taking images of children (6.2) • Reference to cyber bullying included (6.3) • Refinement to wording in all clauses (to provide greater clarity) • Revised and condensed working with children check/child protection attachment (to cover amendments to child protection laws) • General Code of Behaviour removed from core policy (to reduce confusion with Code of Behaviour attachment) • Numbering of attachments re-ordered (Codes of Behaviour moved from attachment D to attachment B)
Six	July 2011	• Inclusion of expanded Part C (updated May 2011)
Seven	May 2012	• Updated Member Protection Information Officers

Preface

Softball Australia's Member Protection Policy is an essential tool in the organisation's risk management strategy. The Policy has been developed in conjunction with the ASC as a resource for the protection of our members, including:

- Member States
- affiliated associations and clubs
- individuals, including players, administrators, coaches and officials

Member protection involves:

- protecting members from harassment, discrimination, vilification, abuse and other forms of inappropriate behaviour
- ensuring the right people are involved in our organisation and in the sport

The safety and well-being of every member in the Australian softball community is integral to the future of our sport. We need to have practices and procedures that create safe, welcoming and enjoyable environments.

We must meet legislative requirements, such as anti-discrimination and child protection laws, identify the potential for any incidents relating to harassment and abuse of our members and develop strategies to reduce the likelihood or severity of its occurrence.

The cooperation of Member States, associations and clubs to effectively communicate and implement this Policy across all members is critical. Softball Australia takes all matters in relation to member protection seriously and will educate, enforce and assist with its delivery and implementation.

Chet Gray
Acting Chief Executive Officer
Softball Australia Ltd
July 2012

Part A – Member Protection Policy

1 Purpose of this Policy

1.1 This Member Protection Policy (Policy) will work towards maintaining ethical and informed decision-making and responsible behaviours within our sport. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from abuse. This Policy informs everyone involved in our sport at the national level of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.

1.2 The Policy attachments outline the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, Softball Australia will take disciplinary action against any person or organisation bound by this Policy if they breach it.

1.3 This Policy, which has been endorsed by the Softball Australia Directors, commenced on 30 January 2006 and will operate until replaced. This Policy and/or its attachments may be amended from time to time by resolution of the Softball Australia Directors.

1.4 The Policy is available on the Softball Australia website at www.softball.org.au.

1.5 For information on the rights, responsibilities and requirements for people involved in our sport at the State and local level, please refer to the member protection policies of the relevant Member State or affiliated associations or clubs.

2 Who this Policy applies to

2.1 This Policy applies to the following organisations and individuals, whether they are in a paid or unpaid voluntary capacity:

- Member States and affiliated associations and clubs
- persons appointed or elected to boards, committees and sub-committees of Softball Australia, Member States and affiliated associations and clubs
- employees of Softball Australia, Member States and affiliated associations and clubs
- officials appointed or elected by Softball Australia, Member States and affiliated associations and clubs, including:
    - team management personnel such as managers and physiotherapists
    - umpires, scorers and other officials

- Coaches who:
    - are appointed by Softball Australia, Member States and affiliated associations and clubs
    - have an agreement with Softball Australia, Member States and affiliated associations and clubs to coach at a facility owned or managed by such organisation
- players who enter any tournament, activity or event (including camps, training sessions, etc) which are held or sanctioned by Softball Australia, Member States and affiliated associations and clubs
- any other person or organisation who or which is a member of or affiliated with Softball Australia, Member States and affiliated associations and clubs
- any other person or organisation, such as a parent/guardian, spectator or sponsor who agrees in writing or otherwise (whether on a ticket, entry form, etc) to be bound by this Policy

2.2 Member States are required to adopt and implement this Policy and to provide proof to Softball Australia of the approval of the Policy by their Board in accordance with its constitution. Member States must also undertake to ensure that affiliated associations, clubs and individual members are made aware of and are bound by this Policy.

2.3 If disciplinary action against an individual has commenced, this Policy will continue to apply, even after the individual has stopped their association or employment with Softball Australia.

3 Responsibilities of the organisation

3.1 Softball Australia, Member States and affiliated associations and clubs must:

- adopt, implement and comply with this Policy
- make such amendments to their Constitution, rules or policies necessary for this Policy to be enforceable
- publish, distribute and promote this Policy and the consequences of breaches
- promote and model appropriate standards of behaviour at all times
- promptly deal with any breaches or complaints made under this Policy in a sensitive, fair, timely and confidential manner
- apply this Policy consistently
- recognise and enforce any penalty imposed under this Policy

- ensure that a copy of this Policy is available or accessible to the persons and organisations to whom this Policy applies
- use appropriately trained people to receive and manage complaints and allegations (Member Protection Information Officers)
- monitor and review this Policy at least annually

4 Individual responsibilities

4.1 Individuals bound by this Policy are responsible for:

- making themselves aware of the Policy and complying with the standards of behaviour
- complying with our screening requirements and any state/territory Working with Children checks
- placing the safety and welfare of children above other considerations
- being accountable for their behaviour
- following the procedures outlined in this Policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour
- complying with any decisions and/or disciplinary measures imposed under this Policy

5 Position statements

Child protection

5.1 Softball 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.

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

Identify and analyse risk of harm

5.2.1 Softball Australia will ensure that a risk management strategy is in place which includes a review of existing child protection practices, to determine how child-safe and child-friendly the organisation 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.

Develop Codes of Conduct for adults and children

5.2.2 Softball Australia will ensure that the organisation has codes of conduct that specify standards of conduct and care when dealing and interacting with children, particularly those in the organisation's care. The organisation will also implement a code of conduct to address appropriate behaviour between children.

5.2.3 The codes of conduct will set out professional boundaries, ethical behaviour and unacceptable behaviour (see Part B – Codes of Conduct).

Choose suitable employees and volunteers

5.2.4 Softball Australia will ensure that the organisation takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children (in prescribed positions).

5.2.5 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.

5.2.6 Softball Australia 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.

5.2.7 If a criminal history report is obtained as part of their screening process, Softball Australia will ensure that the criminal history information is dealt with in accordance with relevant state requirements (see Part C – Screening/Working with Children Check Requirements).

Support, train, supervise and enhance performance

5.2.8 Softball Australia 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.

Empower and promote the participation of children in decision-making and service development

5.2.9 Softball Australia will promote the involvement and participation of children and young people in developing and maintaining child-safe environments.

Report and respond appropriately to suspected abuse and neglect

5.2.10 Softball Australia will ensure that volunteers and employees are able to identify and respond to children at risk of harm.

5.2.11 Softball Australia will make all volunteers and employees aware of their responsibilities under respective state laws if they have suspicion on reasonable grounds that a child has been or is being abused or neglected (see Part E: Reporting requirement and documents)

5.2.12 In addition to any legal obligation, if any person feels another person or organisation bound by this Policy is acting inappropriately towards a child or is breaching the code'(s) of practice set out they may make an internal complaint. Please refer to our complaints procedure outlined in Attachment C1: Screening Requirements of this Policy. This will explain what to do about the behaviour and how Softball Australia will deal with the problem.

Taking images of children

5.3 Images of children cannot be used inappropriately or illegally. Softball Australia requires that individuals and organisations, wherever possible, obtain permission from a child's parent or guardian before taking an image of a child who is not their own and ensure that the parent or guardian knows how the image will be used.

5.4 We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

5.5 If Softball Australia uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent or guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by paedophiles or other persons. We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport.

5.6 We require our Member States and affiliated associations and clubs to do likewise.

Anti-discrimination and harassment

5.7 Softball Australia opposes all forms of harassment, discrimination and bullying. This includes:

- treating or proposing to treat someone less favourably because of a particular characteristic
- imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic
- any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers

5.8 Some forms of harassment, discrimination and bullying based on personal characteristics such as those listed in clause 8.1 are illegal.

5.9 If any person feels they are being harassed or discriminated against by another person or organisation bound by this Policy, they should follow the complaints procedure outlined in Attachment D1 – Complaints procedure of this Policy. This will explain what to do about the behaviour and how Softball Australia will deal with the problem.

Sexual relationships

5.10 Softball Australia takes the position that sexual relationships between team officials and the adult athletes that they coach should be avoided as these relationships can have harmful effects on the individual athlete involved, on other athletes and team officials, and on the sport's public image. Such relationships may be intentionally or unintentionally exploitative due to a disparity between team officials and athletes in terms of authority, power, maturity, status, influence and dependence.

5.11 Should a sexual relationship exist between an athlete and team official, Softball Australia will consider whether any action is necessary. Factors that may be relevant in this consideration are the age and maturity of the athlete relative to the team official, the financial or emotional dependence of the athlete on the team official, and the likelihood of the relationship having any adverse impact on the athlete and/or other athletes. If it is determined that the sexual relationship is inappropriate, action may be taken to stop the relationship with the athlete. Action may include transfer, a request for resignation or dismissal from their team official duties.

5.12 In the event that an athlete attempts to initiate an intimate sexual relationship, the team official must take personal responsibility for rejecting such approaches, explaining the ethical basis for such action. The team official or athlete may wish to approach the [NSO's MPIO or complaints officer or other designated person] if they feel harassed. Our complaints procedure is outlined in Attachment D1 – Complaints procedure of this Policy.

Inclusion

5.13 Softball Australia is committed to providing a welcoming and inclusive sporting environment to all members of the community, including people of all ages, cultures, gender and abilities.

5.14 Softball Australia expects everyone who is bound by this Policy to accept, welcome and include people regardless of age, culture, gender, ability and other characteristics, and to demonstrate the implementation of the Policy by removing any barriers preventing participation in our sport, as well introducing relevant initiatives that encourage and welcome participation by all members of the community.

5.15 If any person feels they are being unreasonably excluded or not welcomed by another person or organisation bound by this Policy, please refer to our complaints procedure outlined in Attachment D1 – Complaints procedure of this Policy. This will explain what to do about the behaviour and how Softball Australia will deal with the problem.

Pregnancy

5.16 Everyone bound by this Policy must treat pregnant women with dignity and respect and any unreasonable barriers to participation by them in our sport should be

removed. Softball Australia will not tolerate any discrimination or harassment against pregnant women.

5.17 While many sporting activities are safe for pregnant women, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the sporting activity and the particular pregnant woman's circumstances. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in our sport.

5.18 Softball Australia recommends that pregnant women wanting to participate in our sport consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation. We will only require pregnant women to sign a disclaimer if we require other participants to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

Gender identity

5.19 Everyone bound by this Policy must treat people who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where 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. Descriptions of the types of behaviour which could be regarded as transgender discrimination or harassment are provided in the Definitions at clause 9.

5.20 Softball Australia recognises that the exclusion of transgender people from participation in sporting events and activities has significant implications for their health, well-being and involvement in community life. In general Softball Australia will facilitate transgender persons participating in our sport with the gender with which they identify.

5.21 Softball 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, Softball Australia will seek advice on the application of those laws in the particular circumstances.

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

5.23 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.

Alcohol Policy

5.24 Softball Australia recommends that Member States and affiliated associations and clubs adhere to strict guidelines regarding the responsible consumption of alcohol. Generally, alcohol should not be available nor be consumed at a sporting event at which children under 18 are participants in the sport. Responsible service and consumption of alcohol should apply to any alcohol to be consumed after the competition has concluded, including light alcohol and soft drinks always being available; wherever possible, food being available to be consumed when alcohol is available; transport policies, and Board/Committee Members being in attendance to ensure appropriate practices are followed. Guidance can be obtained from the Alcohol Management Policy available at http://www.goodsports.com.au/goodsports/pages/sample-policies.html.

Smoking & Tobacco Policy

5.25 The following policies should be applied to sporting and social events:

- No smoking or chewing or dipping tobacco 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, trainers, volunteers and players will refrain from smoking or chewing or dipping tobacco while in uniform and while involved in an official capacity for any of the Softball Australia, Club or representative team, on and off the field.

Cyber bullying/safety

5.26 Bullying and harassment in all forms is regarded by Softball 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 a referee, team-mate, 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 controlling club, league or peak sporting body.

Social Networking Websites Policy

5.27 Softball 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 wise 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 take back (retract). Cautions Softball 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 Complaints procedures

Complaints

6.1 Softball Australia aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person (the complainant) may report a complaint about a person/s or organisation bound by this Policy if they reasonably believe that a person/s or organisation has breached this Policy. A complaint should be reported to the MPIO, Complaints Manager and Softball Australia or Member State CEO.

6.2 The lowest level at which a matter can be dealt with in the first instance is preferred. Therefore, 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 Member State in the first instance
- association or club level, then the complaint should be reported to and handled by the relevant association or club in the first instance

6.3 Only matters that relate to or occur at the national level and the most serious cases from state, association or club level should be referred to Softball Australia.A complaint may be dealt with informally or formally. The complainant usually decides this unless the MPIO and CEO considers that the complaint falls outside this Policy

and would be better dealt with another way and/or the law requires the complaint or allegation to be reported to an appropriate authority.

6.4 All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in Attachment D1 – Complaints procedure.

6.5 Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection, criminal or other relevant legislation. Any allegation of a criminal nature should be referred to relevant authority.

Improper complaints and victimisation

6.6 Softball Australia aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the MPIO and CEO considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the state hearing Tribunal for appropriate action, which may include disciplinary action against the complainant.

6.7 Softball Australia will also take all necessary steps to make sure that people involved in a complaint are not victimised for coming forward with a complaint or for assisting to resolve any issue. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

Mediation

6.8 Softball Australia aims to resolve complaints with the minimum of fuss. Complaints may be resolved by agreement between the people involved with no need for disciplinary action. Mediation allows those involved to be heard and to come up with mutually agreed solutions.

6.9 Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to resolve the complaint with the help of a mediator, the MPIO/other designated person will, in consultation with the complainant, arrange for a neutral third party mediator where possible.

6.10 The complainant and the respondent involved in a formal complaint may also seek the assistance of a neutral third person or a mediator. Lawyers are able to negotiate on behalf of the complainant and/or respondent.

6.11 Our mediation procedure is outlined in Attachment D2 – Mediation of this Policy.

Tribunals

6.12 A Tribunal may be convened to hear a formal complaint or alleged breach of this Policy:

- referred to it by the MPIO and/or CEO
- referred to it or escalated by a Member State because of the serious nature of the complaint or because it is unable to be resolved at the state level
- for an alleged breach of this Policy

6.13 Our Tribunal hearings procedure is outlined in Attachment D5 – Hearings & Appeals Tribunal procedure of this Policy.

6.14 A respondent may lodge one appeal only to the Appeals Tribunal in respect of a decision of a hearing Tribunal. The decision of the Appeal Tribunal is final and binding on those involved in the appeal.

6.15 Our appeals procedure is outlined in Attachment D5 – Hearings & Appeals Tribunal procedure of this Policy.

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

7 What is a breach of this Policy?

7.1 It is a breach of this Policy for any person or organisation to which this Policy applies, to do anything contrary to this Policy, including but not limited to:

- Breaching the Codes of Behaviour (Part B – Codes of Conduct)
- Bringing the sport and/or Softball Australia into disrepute, or acting in a manner likely to bring the sport and/or Softball Australia into disrepute
- Failing to follow Softball Australia policies (including this Policy) and procedures for the protection, safety and welfare of children
- Discriminating against, harassing or bullying (including cyber bullying) any person;
- Victimising another person for reporting a complaint
- Engaging in a sexually inappropriate relationship with a person that they supervise, or have influence, authority or power over
- Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport
- Disclosing to any unauthorised person or organisation any Softball Australia information that is of a private, confidential or privileged nature
- Making a complaint they **knew** to be untrue, vexatious, malicious or improper
- Failing to comply with a penalty imposed after a finding that the individual or organisation has breached this Policy, or
- Failing to comply with a direction given to the individual or organisation during the discipline process

8 Disciplinary measures

8.1 If an individual or organisation to which this Policy applies breaches this Policy, one or more forms of discipline may be imposed. 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

Individual

8.2 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:

- A direction that the individual make a verbal and/or written apology
- A written warning
- A direction that the individual attend counselling to address their behaviour
- A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned Softball Australia
- A demotion or transfer of the individual to another location, role or activity
- A suspension of the individual's membership or participation or engagement in a role or activity
- Termination of the individual's membership, appointment or engagement
- A recommendation that Softball Australia terminate the individual's membership, appointment or engagement
- 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
- A fine
- Any other form of discipline that the Directors consider appropriate

- Referral to the police or other relevant authorities if it is found that the matter under investigation involved alleged illegal actions or activities.

Organisation

8.3 If a finding is made that a Member State or affiliated association or club has breached its own or this Policy, one or more of the following forms of discipline may be imposed by:

- A written warning
- A fine
- 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
- A direction that any funding granted or given to it by Softball Australia cease from a specified date
- A direction that Softball Australia cease to sanction events held by or under the auspices of that organisation
- A recommendation to association that its membership of Softball Australia be suspended or terminated in accordance with the relevant constitution or rules

Factors to consider

8.4 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

9 Definitions

9.1 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.

9.2 State/territory specific definitions and more detail on some of the words listed below 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, assault and insults.

Affiliated club means those clubs or organisations which are a member of or affiliated with a member association.

ASC means the government agency established under the *Australian Sports Commission Act 1989* and includes the Australian Institute of Sport (AIS).

CEO means the chief executive officer of an organisation however described. It may include the chief executive officer, executive officer, general manager or other similar title.

Child means a person who is under the age of 18 years

Child abuse involves conduct which puts 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, including 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 eg hitting, shaking or other physical harm, giving a child alcohol or drugs, giving bad nutritional advice, 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 eg sexual intercourse, masturbation, oral sex, pornography, including child pornography or inappropriate touching or conversations
- emotional abuse by ill-treating a child eg humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child
- neglect eg failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury

Code/s of conduct means the code/s that specifies the behaviour and conduct of all persons (including but not limited to coaches, officials, players, administrators,

parents/guardians and spectators) involved in the activities of Softball Australia, Member States and affiliated associations and clubs.

Complaint means a complaint made under Part D – Complaint handling procedures of this Policy.

Complainant means the person making a complaint.

Complaint Handler/Manager means a person appointed under this Policy to investigate a Complaint

Discrimination means treating or proposing to treat someone less favourably because of a particular characteristic in the same or similar circumstances in certain areas of public life (Direct Discrimination), or 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 (Indirect Discrimination). The characteristics covered by discrimination law across Australia include:

- 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 their 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 contract worker is harassed when employees refuse 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 Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race
- sex: specialist coaching is only offered to male players in a mixed team

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

Unlawful harassment is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law (see characteristic list under Discrimination).

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 but is usually repeated. It may be explicit or implicit, verbal or non-verbal, and includes electronic cyber communication.

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 boys and girls only who are under 12 years of age or of any age 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 particular 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 a breach of 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 or for supporting another player who has made such a complaint.

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 on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability – See the definition of Vilification.

Hearings Tribunal means the Tribunal of Softball Australia or Member States and affiliated associations and clubs established to hear and determine alleged breaches and appeals under this Policy.

Junior(s) means a person under the age of 18 years who is participating in an activity conducted by Softball Australia, a Member State, affiliated associations or clubs.

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 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 Member States and affiliated associations and clubs. 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

- providing education

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 support the complainant in any appropriate action they decide to take.

Member State means the Member States of Softball Australia in accordance with the Softball Australia Constitution.

Natural justice (also referred to as procedural fairness) incorporates the following principles:

- 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 prudent pre-employment or pre-engagement background check on a person.

Policy means 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. Refer to Part B – Codes of Conduct.

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:

- rape
- indecent assault
- sexual assault
- assault with intent to have sexual intercourse

- incest
- sexual penetration of a child under the age of 16
- indecent act with a child under the age of 16
- sexual relationship with a 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 a 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

Softball Australia means Softball Australia Limited.

Softball Australia Constitution means the Softball Australia Constitution as amended from time to time.

Softball Australia values mean the values in the Softball Australia strategic plan as amended from time to time.

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 eg anti-discrimination, or under this Policy, or for supporting such a person.

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.

Working with Children Check relates to laws which aim to prevent people who pose a risk from working with children as paid employees or volunteers.

Part B – Codes of Conduct

Attachment B1 – General Code of Conduct

Attachment B2 – Coach's Code of Conduct

Attachment B3 – Official's Code of Conduct

Attachment B4 – Player's Code of Conduct

Attachment B5 – Administrator's Code of Conduct

Attachment B6 – Parent's/Guardian's Code of Conduct

Attachment B7 – Spectator's Code of Conduct

B1: General Code of Conduct

In addition to Softball Australia's values and the codes of conduct for specific roles, all members, parents, guardians, spectators and others involved with Softball Australia, a Member State or an affiliated association or club must meet the following requirements in regard to their conduct in any role or during any activity held by or under the auspices of Softball Australia, a Member State or an affiliated association or club.

1 Be a positive role model for softball at all times and value the individual.

2 Respect the rights, dignity and worth of all people, and refrain from any discriminatory practices against any person regardless of age, gender, ethnic origin, religion or ability.

3 Refrain from making derogatory, demeaning or discriminatory remarks about any administrators, players, coaches or other players. This should include when using social media.

4 Be professional in your appearance and manner and accept responsibility for your actions.

- Display high standards in language, manner, punctuality, preparation and presentation
- Display control, respect, dignity and professionalism to all involved with softball, including coaches, officials, umpires, scorers, administrators, the media, parents and spectators
- Maintain high standards of personal appearance and behaviour
- Encourage others to demonstrate the same qualities

5 Be fair, considerate, impartial and honest in all dealing with others.

6 Make a commitment to providing quality service.

7 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.

8 Be aware of, and maintain an uncompromising adhesion to Softball Australia standards, policies, regulations and procedures.

9 Operate within the rules of softball including national and international guidelines which govern Softball Australia, the Member State and affiliated association and club.

10 Understand your responsibility if you breach, or are aware of any breaches of this Code.

11 Do not use your involvement with Softball Australia, a Member State or an affiliated association or club to promote your own beliefs, behaviours or practices where these

are inconsistent with those of Softball Australia, the Member State or an affiliated association or club.

12 Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.

13 Provide a safe environment for the conduct of the activity.

14 Show concern and caution towards others who may be sick or injured.

15 Refrain from engaging in any behaviour that is in breach of Softball Australia's Member Protection Policy.

B2: Coach's Code of Conduct

In addition to Softball Australia's values and general Code of Conduct, as a coach appointed by Softball Australia, a Member State or an affiliated association or club you must meet the following requirements in regard to your conduct during any activity held by or under the auspices of Softball Australia, a Member State or an affiliated association or club.

1 Respect the rights, dignity and worth of, and refrain from any discriminatory practices against, any person regardless of age, gender, ethnic origin, religion or ability.

2 Endeavour to ensure players' time spent with you is a positive experience.

3 Respect the talent, developmental stage and goals of each individual player.

4 Treat each player as an individual and help them reach their full potential.

- Provide training programs that are planned and sequential and suitable for the age, experience and ability of the players
- Be fair, considerate and honest with players

5 Be reasonable in your demands on your players' time and ensure there is an appropriate balance between sporting involvement, education and career objectives.

6 Implement clear rules for players in training and general conduct.

7 Be professional in your appearance and manner and accept responsibility for your actions.

- Display high standards in language, manner, punctuality, preparation and presentation
- Display control, respect, dignity and professionalism to all involved with softball, including opponents, coaches, officials, umpires, scorers, administrators, the media, parents and spectators
- Encourage your players to demonstrate the same qualities.

8 Make a commitment to providing a quality service to your players, your affiliated club, association and state, and to Softball Australia, by continually improving your coaching knowledge and skill.

- Maintain and improve your NCAS accreditation
- Seek continual self-improvement through performance appraisal and ongoing education

9 Operate within the rules and spirit of the sport.

- Abide by and respect the policies governing softball and sport generally and the organisations and individuals administering those policies

- Reject the use of performance enhancing drugs in sport and abide by the anti-drugs policies of the relevant national and international sporting organisations and government regulatory bodies

10 Ensure physical contact with players is appropriate to the situation and necessary for the player's skill development. Inappropriate physical contact is a form of sexual harassment.

11 Refrain from any form of personal abuse. This includes verbal, physical and emotional abuse.

12 Refrain from making derogatory, demeaning or discriminatory remarks about any administrators, players, coaches or other players. This should include when using social media.

13 Refrain from any form of sexual harassment. This includes explicit, implicit, verbal and non-verbal sexual harassment.

14 Refrain from initiating a relationship with a player and also discourage, in a sensitive manner, an attempt by a player to initiate a sexual relationship with you.

15 Provide a safe environment for training and competition. Ensure that equipment and facilities meet safety standards and are appropriate for the age and ability of the players.

16 Show consideration and caution towards sick and injured players.

- Provide a modified training program where appropriate
- Allow further participation in training and competitions only when appropriate
- When necessary, follow the advice of a reputable doctor or physiotherapist when determining when a sick or injured player is ready to recommence training or competition

17 Be a positive role model for softball and your players.

18 Do not tolerate acts of aggression.

19 Refrain from engaging in any behaviour that is in breach of Softball Australia's Member Protection Policy.

B3: Official's Code of Conduct

In addition to Softball Australia's values and general Code of Conduct, as an official appointed by Softball Australia, a Member State or an affiliated association or club you must meet the following requirements in regard to your conduct during any activity held by or under the auspices of Softball Australia, a Member State or an affiliated association or club.

1 Respect the rights, dignity and worth of all people, and refrain from any discriminatory practices against any person regardless of age, gender, ethnic origin, religion or ability.

2 Place the safety and welfare of the players/participants above all else.

3 Be fair and impartial.

4 Avoid any situation which may lead to a conflict of interest.

5 Be courteous, respectful and open to discussion and interaction.

6 Refrain from any form of personal abuse. This includes verbal, physical and emotional abuse.

7 Refrain from making derogatory, demeaning or discriminatory remarks about any administrators, players, coaches or other players. This should include when using social media.

8 Refrain from any form of sexual harassment. This includes explicit, implicit, verbal and non-verbal sexual harassment.

9 Make a commitment to providing a quality service to softball, to your affiliated club, association and state, and to Softball Australia by continually improving your officiating knowledge and skill.

- Maintain and improve your accreditation
- Seek continual self-improvement through performance appraisal and ongoing education

10 Be professional in your appearance and manner and accept responsibility for your actions.

- Display high standards in language, manner, punctuality, preparation and presentation
- Display control, respect, dignity and professionalism to all involved with softball, including opponents, coaches, officials, umpires, scorers, administrators, the media, parents and spectators
- Encourage others to demonstrate the same qualities

11 Operate within the rules and spirit of the sport.

- Abide by and respect the policies governing softball and sport generally and the organisations and individuals administering those policies

- Reject the use of performance enhancing drugs in sport and abide by the anti-drugs policies of the relevant national and international sporting organisations and government regulatory bodies

12 Value the individual in sport.

13 Do not tolerate acts of aggression.

14 Encourage inclusivity and access to all areas of officiating.

15 Refrain from engaging in any behaviour that is in breach of Softball Australia's Member Protection Policy.

B4: Player's Code of Conduct

In addition to Softball Australia's values and general Code of Conduct, as a player or participant in any activity held by or under the auspices of Softball Australia, a Member State or an affiliated association or club you must meet the following requirements in regard to your conduct during that activity.

1 Be a positive role model for softball at all times and value the individual.

2 Participate within the competition conditions and rules and in the spirit of fair play.

3 Accept victory and defeat with dignity.

4 Comply with umpires' decisions in a professional and respectful manner.

5 Cooperate with all official requests to promote softball in a professional manner.

6 Respect the rights, dignity and worth of all people, and refrain from any discriminatory practices against any person regardless of age, gender, ethnic origin, religion or ability.

7 Refrain from making derogatory, demeaning or discriminatory remarks about any administrators, players, coaches or other players. This should include when using social media.

8 Be professional in your appearance and manner and accept responsibility for your actions.

- Display high standards in language, manner, punctuality, preparation and presentation
- Display control, respect, dignity and professionalism to all involved with softball, including opponents, coaches, officials, umpires, scorers, administrators, the media, parents and spectators
- Maintain high standards of personal appearance and behaviour
- Encourage others to demonstrate the same qualities

9 Refrain from any form of sexual innuendo or harassment towards any player, coach or official. This includes explicit, implicit, verbal and non-verbal sexual harassment.

10 Refrain from initiating a relationship with your coach.

11 Do not tolerate acts of aggression.

12 Perform any duties and responsibilities where you are a representative of Softball Australia in a mature, fair and professional manner.

13 Refrain from engaging in any behaviour that is in breach of Softball Australia's Member Protection Policy.

B5: Administrator's Code of Conduct

In addition to Softball Australia's values and general Code of Conduct, as an administrator for Softball Australia, a Member State or an affiliated association or club you must meet the following requirements in regard to your conduct during that activity.

1 Be a positive role model for softball at all times and value the individual.

2 Respect the rights, dignity and worth of all people, and refrain from any discriminatory practices against any person regardless of age, gender, ethnic origin, religion or ability.

3 Refrain from making derogatory, demeaning or discriminatory remarks about any administrators, players, coaches or other players. This should include when using social media.

4 Be professional in your appearance and manner and accept responsibility for your actions.

- Display high standards in language, manner, punctuality, preparation and presentation
- Display control, respect, dignity and professionalism to all involved with softball, including coaches, officials, umpires, scorers, administrators, the media, parents and spectators
- Maintain high standards of personal appearance and behaviour
- Encourage others to demonstrate the same qualities

5 Be fair, considerate, impartial and honest in all dealing with others.

6 Refrain from any form of sexual innuendo or harassment towards any player, coach or official. This includes explicit, implicit, verbal and non-verbal sexual harassment.

7 Do not tolerate acts of aggression.

8 Perform any duties and responsibilities where you are a representative of Softball Australia in a mature, fair and professional manner.

9 Resolve conflicts fairly and promptly through established procedures.

10 Maintain a safe environment for you and others.

11 Be aware of, and maintain an uncompromising adhesion to Softball Australia standards, policies, regulations and procedures.

12 Be aware of your legal responsibilities.

13 Refrain from engaging in any behaviour that is in breach of Softball Australia's Member Protection Policy.

B6: Parent/Guardian Code of Conduct

In addition to Softball Australia's values and general Code of Conduct, as a parent or guardian of any person involved with Softball Australia, a Member State or an affiliated association or club you must meet the following requirements in regard to your conduct during that activity.

1 Remember that your child participates in sport for their own enjoyment, not yours.

2 Focus on your child's efforts and performance rather than winning or losing.

3 Never ridicule or yell at your child and other children for making a mistake or losing a competition.

4 Show appreciation for good performance and skilful plays by all players, including opposing players.

5 Respect the decisions of officials and coaches and teach young people to do the same.

6 Do not physically or verbally abuse anyone associated with the sport (player, coach, umpire etc).

7 Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.

8 Refrain from engaging in any behaviour that is in breach of Softball Australia's Member Protection Policy.

B7: Spectator's Code of Conduct

In addition to Softball Australia's values and general Code of Conduct, as a spectator involved with Softball Australia, a Member State or an affiliated association or club activity must meet the following requirements in regard to your conduct during that activity.

1 Applaud good performance and efforts from all players and teams. Congratulate all players on their performance regardless of the game's outcome.

2 Respect the decisions of officials and coaches and teach young people to do the same.

3 Never ridicule or scold a young player for making a mistake. Positive comments are motivational.

4 Condemn the use of violence in any form, whether it is by other spectators, coaches, officials or players.

5 Show respect for your team's opponents. Without them there would be no game.

6 Encourage players to follow the rules and the officials' decisions.

7 Do not use violence, harassment or abuse in any form (ie do not use foul language, sledge or harass players, coaches, umpires, officials or other spectators).

8 Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.

Part C – Screening/Working with Children Check Requirements

It is becoming increasingly important for people whose role will involve direct and unsupervised contact with children to undertake some form of criminal record check or criminal history assessment. Legislation is constantly being reviewed and amended to ensure adequate protection is provided to children.

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, Victoria, Northern Territory 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 to provide risk management procedures, report any instances of misconduct and to constantly review and provide updates to their organisations to inform them of relevant laws and policies.

There appears to be two types of screening processes in Australia. New South Wales and South Australia have employer-driven systems that make it mandatory for employers in relevant fields to carry out background checks on prospective employees or volunteers. The other type of screening that occurs in Queensland, Victoria, Western Australia and the Northern Territory offers certification to individuals so they can engage in child-related work.

The Australian Capital Territory and Tasmania are currently reviewing their screening laws. New requirements and amendments will be added to this policy as they are introduced. There is no current screening process or formal legislation. However, individual employers or sporting organisations may require police checks at their discretion.

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 under 18 years of age into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with NSW law.

The individual state WWCC requirements apply regardless of our Policy.

The following attachments provide:

- summary information on state and territory WWCC requirements and information on where to obtain further 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); and our screening requirements for people residing in ACT and Tasmania

Attachment C1: Screening Requirements

This attachment sets out the screening process for people in Softball Australia who work, coach, supervise or have regular unsupervised contact with people under the age of 18 years. Softball Australia will, and also requires Member States and affiliated associations and clubs to:

1 Identify positions that involve working, coaching, supervising or provide for regular unsupervised contact with people under 18 years of age.

2 Obtain a completed Member Protection Declaration (MPD) (

Attachment C2 – Member Protection Declaration) from all people who are identified in the above step (point 1) and stored in a secure location.

3 Provide an opportunity for a person to give an explanation if a MPD isn't provided or it reveals that the person doesn't satisfactorily meet any of the clauses in the MPD. An assessment will then be made as to whether the person may be suitable or not to work with people under 18 years of age. If unsatisfied, we will not appoint them to the role/position.

4 Check a person's referees (verbal or written) about his/her suitability for the role, where possible.

5 Ask the people identified in point 1 to sign a consent form for a national police check.

6 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 provide an explanation. An assessment will then be made as to whether the person may pose a risk to or be unsuitable to work with people under 18 years of age. If unsatisfied, we will not appoint them to the role/position.

7 Make an assessment as to whether the person may be unsuitable to work with people under 18 years of age. If the person fails to agree to obtaining a national police check, we will explain to them that it is a requirement under our policy. If unsatisfied, we will not appoint them.

8 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, we will complete the check as soon as possible, and if necessary, act immediately on the outcome.

9 Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the screening process.

10 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.

Attachment C2 – Member Protection Declaration

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

I …….. (name) of ……. …….. (address) born ……/……/……

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 or other crimes eg narcotics, driving offences.

3 I am not a prohibited person under the Commission for Children and Young People Act 1998 and I understand that it is an offence for a prohibited person to seek child-related employment.

4 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 or acts of violence eg narcotics, driving offences.

5 I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping Policy applicable to me.

6 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.

7 To my knowledge there is no other matter that Softball Australia may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.

8 I will notify the President or CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 7 above have changed.

Declared in the State/Territory of …….…….

on ……../……./…….(date) Signature …….

Parent/Guardian Consent (in respect of a person under the age of 18 years of age)
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: …….……..…….

Attachment C3: Working with Children Child Protection Requirements

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

Australian Capital Territory

There is no formal legislation or relevant screening program in the ACT. Individual employers may require police checks at their discretion.

There are no legal statutes that require people working with children to undergo a police check. However, services contracted to the Government are required to employ "fit and proper" people. This is interpreted as a requirement to obtain a National Police Check. The Australian Federal Police provide National Police Checks for residents in the ACT.

For more information including forms and fees, visit:

- www.aifs.gov.au
- www.afp.gov.au/what-we-do/police-checks/national-police-checks.aspx>

New South Wales

The *Commission for Children and Young People Act 1998* (NSW) provides minimum standards for those who work with children. 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 defined as work which primarily involves direct unsupervised contact with children. Applicants applying for paid positions need to sign a Background Check Consent Form, and then submit a Background Check Request Form to the approved screening agency for them to conduct the WWCC. The WWCC involves two elements:

1 **Excluding** people with convictions for serious sex and violence crimes against children, and

2 **Background checking** for preferred applicants for primary child-related employment, ministers of religion and authorised carers

3 **Ensuring** all paid and unpaid employees sign a **Prohibited Employment Declaration** which states that they are not prohibited from working with children.

4 **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.

5 **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 children.

If you need to do the WWCC, you will need to register with the appropriate Approved Screening Agency. Approved Screening Agencies are the agencies appointed by the Government to carry

out the WWCC. As of the 1 March 2010 the Approved Screening Agency functions at Sport and Recreation were moved to the NSW Commission for Children and Young People.

Sporting organisations are responsible for managing the WWCC process. Individuals cannot apply for a WWCC directly. Sporting organisations should register with the NSW Commission for Children and Young People providing a contact who will receive the information on the background checks. It is important to note that there are now new online forms for the WWCC and also clearer online employer guidelines.

Under the relevant NSW Child Protection Legislation all paid and unpaid applicants for child-related employment need to sign a Prohibited Employment Declaration, which confirms that they are not a prohibited person. No one should be employed in child-related employment who refuses to sign the Prohibited Employment Declaration.

Background checks are currently not available for volunteers. Volunteers must certify they are not convicted of serious sex or violence offences that prohibit them from child-related employment. From May 2010, it has been compulsory for self-employed people in child-related employment to hold a certificate which confirms that they are not a prohibited person.

People not eligible for the WWCC can apply for a National Police Check through NSW Police (visit:www.police.nsw.gov.au/).

Any relevant employment proceedings should be reported to the Commission for Children and Young People for any paid and unpaid employees. A relevant employment proceeding involves any inappropriate conduct with or in the presence of a child or children.

The Act does not stipulate an age at which WWCC become mandatory for employees in child-related employment, so all employees in such settings, including people under 18 years of age, are required to obtain a WWCC.

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. People returning from leave into the same child-related employment do not need to be re-checked. Existing employees are only checked if they are recruited to a new position with a different range of child-related contact, within the organisation.

For more information, including the required forms, visit:

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

Northern Territory

The *Care and Protection of Children Act* 2007 (NT) highlights a number of initiatives the Northern Territory Government has designed to help keep children safe and prevent harm and exploitation of children, amongst other things.

From 1 July 2011, it will be mandatory for employees and volunteers aged 15 years and over who have contact or potential contact with children to hold a Working with Children Clearance (WWCC) Notice. Clearance Notices are designed to keep children safe by preventing those who pose a risk to the safety of children from working with them, in either paid or volunteer work. People who receive a WWCC Notice will receive an Ochre Card which acts as proof that you hold a WWCC Notice.

The Children Clearance Screening has three components:

- A National Police Records Check
- Employment History, and
- Other material

It is the responsibility of the person who wants to work or volunteer with children to apply for the WWCC Notice and ensure that it remains valid.

From the 1st of July, 2011, penalties will apply to people who gain employment in "child related" work without the WWCC Notice.

In some cases there will be people who will not require a WWCC Notice,

Individual organisations may also have their own policies that require people working with children and young people to undergo a Police Check. The Northern Territory Police Department provides information on obtaining Police Checks (visit: www.pfes.nt.gov.au)

For more information, visit:

- 1800 SAFE NT (1800 723 368)
- http://www.workingwithchildren.nt.gov.au

Queensland

A person will need a Working with Children Check (WWCC), also known as a **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*, for at least:

- Eight consecutive days; or
- Once a week for each week during a period of four weeks; or
- Once a fortnight for each fortnight during a period of eight weeks; or
- Once a month for each month during a period of six months.

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.

Police Officers and registered teachers do not need to apply for a blue card when providing child related services that fall outside of their professional duties. They should however apply to the Commission for an exemption card.

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).

As a result of changes and improvements to the blue card system as at the 1st of April, 2011 and 1st July, 2011 more people will be screened and have their criminal histories monitored. State Government employees and volunteers who work with Children will now be screened through the Commission. It will be compulsory for employers/organisations to notify the Commission if they employ someone who already holds a blue card.

A blue card 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. It is important to note that Blue Cards issued for applicants received after 1 April 2010 will now be valid for three years, instead of two. Volunteers who are under 18 years of age do not require a Blue Card; however, employees under 18 years of age do require a 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.

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

- www.ccypg.qld.gov.au
- 1800 113 611

South Australia

In South Australia the requirement to conduct criminal history assessments for people working with children is being phased-in over three years.

For recreation and sporting organisations this requirement commences from 1 January 2012 and is to be completed by 31 December 2013.

The obligation to conduct the Criminal History Assessment **rests with the organisation providing the service**. The organisation who provides services wholly or partly for children in South Australia therefore must comply with this requirement, so must include these requirements in their MPP documentation

The organisation may conduct a criminal history assessment themselves or apply to a third party (such as the state sporting body for an assessment and letter of clearance).

Assessments required for prescribed positions

All staff and volunteers who occupy a prescribed position (as set out under section 8B (8) of the South Australian *Children's Protection Act 1993)* are required to undergo a criminal history assessment once every three years unless an exemption applies. (see below)

Criminal history assessments are also required prior to the appointment of new staff or volunteers to prescribed positions.

This includes all people who regularly work with or around children in an unsupervised capacity or have access to children's records.

Procedure for conducting criminal history assessments

Note: The Children's Protection Act 1993 enables organisations to decide the manner in which they will conduct criminal history assessments. Please choose the option below that reflects the method of assessment that your organisation has adopted.

Option 1

A National Police Check (NPC) from South Australia Police will be required for all persons taking on a role in a prescribed position prior to their appointment and then at three yearly intervals or as requested by the board.

For many volunteers the cost for this application will be covered under the Volunteer Organisation Authorisation number (VOAN) through the governing body/SSO.

South Australia Police require the explicit written consent of the applicant prior to the release of criminal history information. The NPC application form is available from http://www.police.sa.gov.au/sapol/services/information_requests/national_police_certificate.jsp.

On receipt of the NPC the applicant must present the letter for viewing and recording to Softball Australia.

Where a person has no disclosable criminal history, the assessment is successfully completed and no further action in respect to an assessment is required.

Where an individual does have a criminal history, organisation must assess this information in accordance with Standard 5 of the ***Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*.** http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=281

Each assessment is conducted on its individual merits and with consideration to the inherent requirements of the position. As required by **the *Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*,** principles of procedural fairness and natural justice are applied throughout the decision-making process and the individual is provided an opportunity to confirm or dispute the information contained within the report and to provide contextual information for consideration during the assessment process.

Criminal history information will not be retained once a decision has been made regarding the person's suitability to work with children. No criminal history information will be retained beyond three months.

In accordance with its legal requirements, the organisation will retain the following information regarding its decision:

- That a criminal history report was obtained
- How the criminal history information affected decision making processes
- Statutory declarations (where applicable)

The organisation may obtain a further criminal history assessment for a staff member or volunteer at any time that they believe it necessary or desirable for the purpose of maintaining a child safe environment.

New applicants for employment, membership and volunteer positions will be provided with the opportunity to confirm or dispute the information contained within the National Police Certificate report and to provide contextual information if they wish before the assessment is conducted.

The organisation will communicate to the applicant the decision not to employ or engage them or to accept their application for membership. They will not be provided with the reasons for this decision.

There will be no appeal to this decision.

Option 2

A current letter of clearance from the Department for Communities and Social Inclusion (DSCI) Screening Unit is a requirement for all persons taking on a role in a prescribed position prior to their appointment and then at three yearly intervals.

The cost of obtaining a letter of clearance will be negotiated between the organisation, the club or applicant.

The organisation may obtain a further criminal history assessment for an employee at any time that Softball Australia believes it necessary or desirable for the purpose of maintaining a child safe environment.

The informed written consent of the applicant or employee is required prior to conducting a criminal history assessment. The Screening Unit's informed consent form is available from http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=934

- Information relating to a persons criminal history and the assessment process is managed securely and confidentially and in accordance with the ***Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*** issued by the Chief Executive, Department for Families and Communities. http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=281

Other evidence (optional)

Where appropriate, the organisation may utilise a number of forms of evidence (obtained within the last three years) to assess a person's suitability to work with children. This includes:

- A National Police Certificate that does not expressly state that it cannot be used as a clearance to work with children
- A letter of clearance to work with children from the Department for Families and Communities Screening Unit
- A valid and current interstate working with children check.

Acceptance of other forms of evidence is at the discretion of the [NSO/organisation] and is subject to the person completing a 100-point check to confirm the true identity of the applicant.

The organisation may also at its discretion seek a statutory declaration for any *employee(s)* or *volunteer(s)* who have been citizens or permanent residents of another country other than Australia since turning 18 years of age.

Exemptions from the requirement to conduct criminal history assessments

In accordance with guidelines the organisation has agreed to exempt the following persons from the requirement to undertake a criminal history assessment, unless that person is also involved in a function or event conducted by the organisation, its affiliated associations or clubs which involves the care of children in overnight accommodation.

- A person volunteering in an activity in which their child ordinarily participates
- A person who volunteers who is less than 18 years of age
- A person working or volunteering for a short-term event or activity of less than 10 days duration or for no more than 1 day in any month
- A person occupying a position in which all work involving children is undertaken in the physical presence of the child's parents or guardians and in which there is ordinarily no physical contact with the children;
- A person who undertakes, or a position that only involves, work that is primarily provided to adults or the community generally and is not provided to any child on an individual basis
- An organisation that provides equipment, food or venues for children's parties or events but does not provide any other services to children;
- A person who has regular contact with a child as part of an employment relationship with that child (such as a person working alongside a child or supervising an employee who is a child)
- A person who is appointed as a police officer or is a registered teacher. (Police officers and teachers are already subject to comprehensive criminal history assessments as a prerequisite for employment).

For more information, visit:

- http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=281
- http://www.recsport.sa.gov.au

Tasmania

Similar to the ACT, there is no formal legislation or relevant screening program in Tasmania. Individual employers may require police checks at their discretion.

A screening program does exist for persons engaged in the childcare industry. It is a requirement of the Department of Education that safety screening is undertaken for the following:

- Child care staff
- Home base child carers, and
- Volunteers and students, including those under 18 years of age.

A Working with Children and other Vulnerable People Policy will be finalised and submitted for consideration of the Government and its anticipated legislation will be introduced into the Tasmanian Parliament in 2011. It is expected that the working with children checks will be phased in over five years commencing in 2011.

Police Checks can be obtained from the Tasmanian Police Department (visit: www.police.tas.gov.au/)

For more information visit:

- www.aifs.gov.au
- www.education.tas.gov.au

Victoria

The Working with Children Check (WWCC) creates a mandatory minimum checking standard across Victoria. The *Working with Children Act 2005* requires that some people who work or volunteer in child-related work require a WWCC. The WWCC are valid for five years and must be renewed if you intend to continue to undertake 'child-related work' after your WWCC card expires. Should you require a WWCC card, you must apply for a WWCC card by 30 June 2011.

The check involves a national police records check and a review of relevant findings from prescribed professional disciplinary bodes (currently only the Victorian Institute of Teaching). There is an exemption for volunteers whose own children are involved in the particular activity; however they should still be required to complete the screening process.

A person who has no criminal or professional disciplinary history will be granted an *Assessment Notice.* This notice will entitle the person to undertake child-related work in Victoria and is valid for five years (unless revoked). As the 1 December, 2010 the *Assessment Notice* became the WWCC Card and not the A4-Style Assessment Notice. Cardholders can now show employers and organisations who employ them in 'child-related work', the card itself, as legal proof that they

have passed the Check. 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.

Card holders do not need to apply for a new WWCC when they change their employer or volunteer organisation, unless they are moving from volunteer status to paid work status.

People under 18 years of age do not require a WWCC.

Police Checks can also be obtained via Victoria Police (visit: www.police.vic.gov.au/)
For more information, visit:

- www.justice.vic.gov.au/workingwithchildren
- 1300 652 879

Western Australia

The Working with Children Check (WWCC) is a compulsory and rigorous criminal record check for certain people who carry out 'child-related work' in Western Australia (WA). The *Working with Children (Criminal Record Checking) Act 2004* (the Act) aims to protect children from harm by providing a high standard of compulsory national criminal record check for people wishing to work in paid or unpaid child-related work or volunteer child-related work in WA.

A person is considered to be working in 'child-related work' if their usual duties and 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 of age. Further details about exemptions can be found on the website below. Only those considered to be working in child-related work under the Act may apply.

Applicants will be issued with either:

- An Assessment Notice in the form of a WWC Check 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 carrying out child-related work (including voluntary work)

There are set obligations and strong penalties for non–compliance including for employers and volunteer co-coordinators that engage persons who do not possess a valid WWCC Card.

It is an offence for employers, volunteer organisations and education providers to engage in child –related work without a Working with Children Card. It is also an offence for employees, volunteers and students to carry out child-related work without doing so. The Act provides a five day grace period in most cases to provide reasonable flexibility and allow for unforeseen circumstances.

Additionally, WWCC are only concerned with child-related offences, therefore employers may require that employees or volunteers obtain both a WWCC Check and a National Police Check, Information on obtaining a National Police Check can be obtained from the WA police (visit: www.police.wa.gov.au/).

For more information, visit:

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

Please note: Working with children check exemptions

The communiqué from the Standing Council on Community, Housing and Disability Services meeting held on 21 October 2011 outlined new arrangements for national short term exemptions to Working with Children Checks. 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.

This means 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 ASC has no further detail at this stage, but is working to get additional information on the changes. It will communicate this information to sports and sector partners as soon as it becomes available.

The full communiqué is available at http://www.jennymacklin.fahcsia.gov.au/statements/Pages/jm_c_livingstandards_21october2011.aspx

Part D – Complaint handling procedures

Attachment D1 – Complaints procedure

1 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.

2 Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection or other relevant legislation.

3 If you wish to remain anonymous, Softball Australia may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that the Softball Australia is required to provide the person/s you have complained about with full details of the complaint so they have a fair chance to respond.

Informal approaches

Step 1: Talk with the other person (where this is reasonable and appropriate)

4 In the first instance, you (the Complainant) should try to sort out the problem with the person or people involved (respondent) if you feel able to do so.

Step 2: Contact a Member Protection Information Officer (MPIO) (see Part E: Reporting requirement and documents for a list of current Officers).

5 Talk with one of our MPIO if:

- the first step is not possible/reasonable
- you are not sure how to handle the problem by yourself
- you want to talk confidentially about the problem with someone and obtain more information about what you can do
- the problem continues after you tried to approach the person or people involved

6 The MPIO will:

- take confidential notes about your complaint
- try to find out the facts of the problem
- ask what outcome/how you want the problem resolved and if you need support
- provide possible options for you to resolve the problem
- act as a support person if you so wish

- refer you to an appropriate person (eg a mediator) to help you resolve the problem
- inform the relevant government authorities and/or police if required by law to do so
- maintain confidentiality

Step 3: Outcomes from initial contact

7 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 further
- to try and work out your own resolution, with or without a support from the MPIO or other appropriate person
- to seek a mediated resolution with the help of a third person, such as a mediator
- to seek a formal approach

Formal approaches

Step 4: Making a formal complaint

8 If your complaint is not resolved or informal approaches are not appropriate or possible, you may:

- make a formal complaint in writing to the MPIO, Complaints Manager and Softball Australia or Member State CEO approach a relevant external agency, such as an anti-discrimination commission, for advice

9 On receiving a formal complaint and based on the material you have provided, the CEO will decide whether:

- they are the most appropriate person to receive and handle the complaint
- the nature and seriousness of the complaint warrants a formal resolution procedure
- to appoint a person to investigate the complaint
- to refer the complaint to mediation
- to refer the complaint to a hearings Tribunal
- to refer the matter to the police or other appropriate authority

- there needs to be separation of the complainant and respondent during the investigation and mediation process
- to implement any interim arrangements that will apply until the complaint process set out in these procedures is completed

10 In making the decision(s) outlined above, the CEO will take into account:

- whether the complaint involves alleged illegal activities or actions and should be referred to the police or other appropriate authority
- whether they have had any personal involvement in the circumstances which means that someone else should handle the complaint
- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled
- the relationship between you and the respondent (for example an actual or perceived power imbalance between you and the respondent)
- whether the facts of the complaint are in dispute, and
- the urgency of the complaint, including the possibility that you will be subject to further unacceptable behaviour while the complaint process is underway

11 If the CEO is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

- put the information they've received from you to the person/s you are complaining about and ask them to provide their side of the story
- decide if they have 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. This action may include disciplinary action in accordance with this Policy

Step 5: Investigation of the complaint

12 A person appointed under Step 4 will conduct an investigation and provide a written report to the CEO who will determine what further action to take.

13 If the complaint is referred to mediation, it will be conducted in accordance with Attachment D2 – Mediation or as otherwise agreed by you and the respondent and the mediation provider.

14 If the complaint is referred to a hearings Tribunal, the hearing will be conducted in accordance with Attachment D5 – Hearings & Appeals Tribunal procedure.

15 If the complaint is referred to the police or other appropriate authority, Softball Australia will use its best endeavours to provide all reasonable assistance required by the police or other authority.

16 Any costs relating to the complaint process set out in this Policy eg investigation and/or mediation and/or hearings Tribunal, are to be met by Softball Australia or the relevant Member State, association or club, unless otherwise stated in the relevant Attachment.

Step 6: Reconsideration of initial investigation or appeal

17 If, under the formal complaint process, mediation is unsuccessful, you may request that the CEO reconsider the complaint in accordance with Attachment D5 – Hearings & Appeals Tribunal procedure, Step 4.

Step 7: Documenting the resolution

18 The CEO or person appointed by the CEO will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at a club or state level, the information will be stored in the state association office. 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 office.

External approaches

19 There are a range of other options available 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 anti-discrimination commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be harassment within its jurisdiction, you may lodge a formal complaint with the commission.

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

21 If you do lodge a complaint under anti-discrimination law, you may use an appropriate person eg 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.

22 You could also approach another external agency such as the police.

Attachment D2 – Mediation

1 Mediation is a process during which people in conflict are helped to communicate with each other to identify the areas of dispute and to make decisions about resolving it. This attachment outlines the general procedure of mediation that will be followed by Softball Australia.

1.1 If mediation is chosen, the MPIO or other designated person will, under the direction of Softball Australia and in consultation with the complainant and the respondent(s), arrange for a mediator.

1.2 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.

1.3 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.

1.4 During the investigation and mediation, arrangements may be required to minimise contact between the complainant and respondent.

1.5 At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached which will be signed by them as their agreement.

1.6 If the complaint is not resolved by mediation, the complainant may:

- write to the CEO to request that they reconsider the complaint in accordance with Step 4
- approach an external agency such as an anti-discrimination commission

2 Mediation will **not** be recommended if:

- the respondent has a completely different version of the events and will not deviate from these
- the complainant or respondent are unwilling to attempt mediation
- due to the nature of the complaint, the relationship between the complainant and the respondent(s) or any other relevant factors, the complaint is not suitable for mediation
- the matter involves proven serious allegations, regardless of the wishes of the complainant

- the complaint alleges illegal activities or actions. In this instance the matter will be referred directly to the police or other relevant authority.

Attachment D3 – Investigation process

1 If an investigation needs to be conducted to gather more information the following steps will be followed:

1.1 Softball Australia will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator will:

- determine whether there have been previous complaints reported and what, if any, disciplinary action was taken
- interview the complainant and record the interview in writing
- convey full details of the complaint to the respondent(s) so that they can respond
- interview the respondent to allow them to answer the complaint, and record the interview in writing
- obtain statements from witnesses and other relevant evidence to assist in a determination, 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), and/or
  - mischievous, vexatious or knowingly untrue

- provide a report to the CEO documenting the complaint, investigation process, evidence, finding and, if requested, recommendations

2 Softball Australia will provide a report to the complainant and the respondent documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.

3 The complainant and the respondent will be entitled to support throughout this process from their chosen support person eg MPIO or other person.

4 The complainant and the respondent may have the right to appeal against any decision based on the investigation. Information on the appeals process is in Attachment D5 – Hearings & Appeals Tribunal procedure.

Attachment D4 – Procedure for handling allegations of child abuse

1 An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. It is not the responsibility of anyone working in Softball Australia in a paid or unpaid capacity to decide whether or not child abuse has taken place. However, there is a responsibility to act by reporting the matter to the appropriate authorities. The following outlines the key steps to follow. More information can be obtained from state or territory government agencies.

Step 1 – Initial receipt of an allegation

2 If a child or young person discloses an allegation involving harm or abuse to them or another child, then it is crucial that you:

- stay calm
- listen, be supportive and do not dispute what the child says
- reassure the child that what has occurred is not the fault of the child
- be honest with the child and explain that other people may need to be told in order to stop what is happening
- ensure you are clear about what the child has said but do not elicit detailed information, ask leading questions or offer an opinion
- act promptly to accurately record the discussion in writing
- do not discuss the details with any person other than those detailed in these procedures
- do not contact the alleged offender

Step 2 – Report allegations

3 Immediately report any allegation or disclosure of child abuse or situation involving a child at risk of harm, to the police and/or government child protection agency. You may need to report to both.

4 Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the complaint should be reported eg the allegation may relate to poor/inappropriate practice.

5 If the child's parent/s is suspected of committing the abuse, you should report the allegation to the relevant government agency.

6 If the allegation involves anyone to whom our Policy applies, then also report the allegation to the CEO of Softball Australia. The CEO will follow advice from the authorities, deal with any media enquiries, and manage Steps 3 and 4.

Step 3 – Protect the child and manage the situation

7 The CEO will assess the risks and take interim action to ensure the child's safety. Immediate action Softball Australia may implement includes removal of the child from the care of the respondent, redeployment of the respondent to a non-child related position, supervision of the respondent or removal/suspension from their duties until the allegations are finally determined.

8 It is not the MPIO's role to undertake action such as redeploying someone and seek legal advice if person is in a paid employment.

9 The CEO will consider the kind of support that the child and parents may need eg counselling.

10 The CEO will also address the support needs of the respondent.

11 The CEO will also put in place measures ensure confidentiality and to protect the child and the alleged offender from victimisation.

12 If the respondent is stood down during the investigation, it should be made clear to any persons aware of the incident that this does not mean the respondent is guilty.

Step 4 – Internal action

13 Where there is an allegation made against a person to whom this Policy applies, there may be three types of investigations:

- criminal, conducted by police
- child protection, conducted by child protection authority
- disciplinary or misconduct, conducted by Softball Australia

14 Irrespective of the findings of the child protection and/or police inquiries, Softball Australia reserves the right to take whatever actions it deems necessary under its policies and procedures.

15 The decision will be made by the CEO of Softball Australia, taking into account all available information, including the findings of the police, government agency and/or court.

16 If disciplinary action is to be taken, the procedures outlined in clause 8 of this Policy will be followed.

17 If disciplinary action is taken, Softball Australia will advise and provide a report to the relevant government authority should this be required (eg the NSW Commission for Children and Young People requires notification of relevant employment proceedings).

Attachment D5 – Hearings & Appeals Tribunal procedure

1 The following outlines the procedure for hearings / tribunals established by Softball Australia to hear national member protection related complaints.

Preparation for Tribunal Hearing

2 A Tribunal panel will be constituted following the rules outlined in Softball Australia Constitution, to hear a complaint that has been referred to it by Softball Australia. The number of Tribunal members required to be present throughout the hearing is outlined in Softball Australia's Constitution. It is preferable that the Tribunal include at least one person with knowledge or experience of the relevant laws/rules.

3 The Tribunal members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the CEO relating to the complaint.

4 The Tribunal will be scheduled as soon as practicable, but must allow adequate time for the respondent to prepare their case for the hearing.

5 The Tribunal will not include any person who has any actual or perceived conflict of interest or bias regarding the matter.

6 The CEO will inform the respondent in writing that a Tribunal hearing will take place. The notice will outline:

- details of the complaint, and details of all allegations and the clause of any Policy or rule allegedly breached
- the Tribunal process to be followed
- that the person has a right to appear at the Tribunal hearing to defend the complaint/allegation
- the date, time and venue of the Tribunal hearing
- that they can make either verbal or written submissions to the Tribunal
- that they may arrange for witnesses to attend the Tribunal in support of their position (statutory declarations of witnesses not available or from character witnesses may also be provided to the Tribunal)
- an outline of any possible penalties that may be imposed if the complaint is found to be true, and
- that legal representation will not be allowed. If the respondent is a minor, they should have a parent or guardian present

7 A copy of any information that has been given to the Tribunal, including investigation report findings, will also be provided to the respondent.

8 In accordance with clause 7.2.3 of the Softball Australia Constitution, the respondent may not be allowed to participate in Softball Australia activities and events, pending

the determination of the investigatory or disciplinary proceedings, unless the Directors decide continued participation is appropriate having regard to the matter at hand.

9 The CEO will notify the complainant in writing that a Tribunal hearing will take place. The notice will outline:

- the Tribunal process to be followed
- that the person has a right to appear at the Tribunal hearing to support their complaint
- the date, time and venue of the Tribunal hearing
- that they can make either verbal or written submissions to the Tribunal
- that they may arrange for witnesses to attend the Tribunal in support of their position (or provide statutory declarations from witnesses unable to attend), and
- that legal representation will not be allowed. If the complainant is a minor, they should have a parent or guardian present

10 A copy of any information that has been given to the Tribunal, including investigation report findings, will also be provided to the complainant.

11 If the complainant believes the details of the complaint are incorrect or insufficient they should inform the CEO as soon as possible so that the respondent and the Tribunal Panel members can be properly informed of the complaint.

Tribunal Hearing procedure

12 The following people will be allowed to attend the Tribunal Hearing:

- the Tribunal members
- the respondent(s)
- the complainant
- any witnesses called by the respondent
- any witnesses called by the complainant
- any parent/guardian or support person required to support the respondent or the complainant

13 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 their absence, the Tribunal Hearing will continue subject to the Tribunal Chairperson being satisfied that all Tribunal notification requirements have been met.

14 If the Tribunal Chairperson considers that a valid reason for the non-attendance of the respondent(s) has been presented, or the Tribunal Chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal will be rescheduled to a later date.

15 The Tribunal Chairperson will inform the CEO of the need to reschedule, and the CEO will organize for the Tribunal to be reconvened.

16 The Tribunal Chairperson will read out the complaint, ask the respondent(s) if they understand the complaint and if they agree or disagree with the complaint.

17 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.

18 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(s) may question the complainant and witnesses

19 The respondent(s) 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 witnesses

20 Both the complainant and respondent may be present when evidence is presented to the Tribunal. Witnesses may be asked to wait outside the hearing until required.

21 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 any new evidence
- require the attendance of any witness it deems relevant
- act in an inquisitorial manner in order to establish the truth of the issue/case before it

22 Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.

23 If the Tribunal considers that at any time during the Tribunal Hearing that there is any unreasonable or intimidatory behaviour from anyone the Chairperson may stop further involvement of the person in the hearing.

24 After all of the evidence has been presented the Tribunal will make its recommendation in private. The Tribunal must decide whether the complaint has been substantiated on the balance of probabilities (ie more probable than not). 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 will be given an opportunity to address the Tribunal on disciplinary measures which might be imposed. Disciplinary measures imposed must be reasonable in the circumstances.

25 All Tribunal recommendation will be by majority vote.

26 The Tribunal Chairperson will announce the recommendation in the presence of all those involved in the hearing and will declare the hearing closed, or may advise those present that the decision is reserved and will be handed down in written form.

27 Within 48 hours, the Tribunal Chairperson will:

- forward to the Softball Australia CEO and Directors a copy of the Tribunal decision including any disciplinary measures imposed for approval
- CEO will then forward a letter to the complainant and respondent(s) reconfirming the Tribunal decision and any disciplinary measures imposed. The letter should also outline the process and grounds for an appeal. Where the matter is of unusual complexity or importance, the CEO may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours

28 The Tribunal is not required to provide written reasons for its decision

Appeals procedure

29 A complainant or a respondent(s) who is not satisfied with the decision of a MPIO, the outcome of mediation or a Tribunal decision can lodge one appeal to Softball Australia on one or more of the following bases:

- that a denial of natural justice has occurred
- that the disciplinary measure(s) imposed is unjust and/or unreasonable
- that the decision was not supported by the information/evidence provided to the MPIO/Mediator/Tribunal

30 A person wanting to appeal in accordance with clause 29 must lodge a letter setting out the basis for their appeal with the CEO within 30 days of the relevant decision

31 An appeal fee of $120.00 will be included with the letter of intention to appeal.

32 If the letter of appeal and/or the appeal fee is not received by the CEO within the proscribed time period the right of appeal lapses.

33 The letter of appeal and copy of the Tribunal decision report will be forwarded to the Directors to review and decide whether there are sufficient grounds for the appeal to proceed. The Directors may invite any witnesses to the meeting they believe are required to make an informed decision.

34 If the appellant has not shown sufficient grounds for appeal in accordance with clause 29, then the appeal will be rejected. The appellant will be notified with reasons by the CEO and the appeal fee will be forfeited.

35 If the appeal is accepted an Appeal Tribunal with a new panel will be convened to rehear the complaint and the appeal fee will be refunded.

Part E: Reporting requirement and documents

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

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

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.

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/

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.

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.

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

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
- 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

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/

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:

- 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/

Attachment E1 – Confidential record of informal complaint

Name of person receiving complaint		Date: / /
Complainant's Name	☐ Over 18 ☐ Under 18	
Role/status	☐ Administrator (volunteer) ☐ Athlete/player ☐ Coach/Assistant Coach ☐ Employee (paid) ☐ Official	☐ Parent ☐ Spectator ☐ Support Personnel ☐ Other .....
Location/event of alleged issue		
Facts as stated by complainant		
Nature of complaint (category/basis/grounds) Can tick more than one box	☐ Harassment or ☐ Discrimination ☐ Sexual/sexist ☐ Selection dispute ☐ Coaching methods ☐ Sexuality ☐ Personality clash ☐ Verbal abuse ☐ Race ☐ Bullying ☐ Physical abuse ☐ Religion ☐ Disability ☐ Victimisation ☐ Pregnancy ☐ Child Abuse ☐ Unfair decision ☐ Other	
What they want to happen to fix issue		
What information provided		
What they are going to do now		

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 the CEO.

Attachment E2 – Confidential record of formal complaint

Complainant's Name	☐ Over 18 ☐ Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's Role/status	☐ Administrator (volunteer) ☐ Athlete/player ☐ Coach/Assistant Coach ☐ Employee (paid) ☐ Official	☐ Parent ☐ Spectator ☐ Support Personnel ☐ Other .....
Name of person complained about (respondent)	☐ Over 18	☐ Under 18
Respondent's Role/status	☐ Administrator (volunteer) ☐ Athlete/player ☐ Coach/Assistant Coach ☐ Employee (paid) ☐ Official	☐ Parent ☐ Spectator ☐ Support Personnel ☐ Other .....
Location/event of alleged issue		
Description of alleged issue		

Nature of complaint (category/basis/grounds) Can tick more than one box	☐ Harassment or ☐ Discrimination ☐ Sexual/sexist ☐ Selection dispute ☐ Coaching methods ☐ Sexuality ☐ Personality clash ☐ Verbal abuse ☐ Race ☐ Bullying ☐ Physical abuse ☐ Religion ☐ Disability ☐ Victimisation ☐ Pregnancy ☐ Child Abuse ☐ Unfair decision ☐ Other .....
Methods (if any) of attempted informal resolution	
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 Tribunal:	
Decision	
Action recommended	
Resolution	☐ Less than 3 months to resolve ☐ Between 3 – 8 months to resolve ☐ More than 8 months to resolve
Completed by	Name: Position: 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 national level, the original must be forwarded to the national body and a copy kept at the club/state/district level (whatever level the complaint was made).

Attachment E3 – Confidential record of child abuse allegation

Before completing, ensure the procedures outlined in Attachment D4 – Procedure for handling allegations of child abuse have been followed and advice has been sought from the relevant government agency and/or police.

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 (eg observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	☐ Administrator (volunteer) ☐ Athlete/player ☐ Coach/Assistant Coach ☐ Employee (paid) ☐ Official	☐ Parent ☐ Spectator ☐ Support Personnel ☐ Other .....
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 (if any) taken (to ensure child's safety and/or to support needs of person complained about)		

Police contacted	Who: When: Advice provided:
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: 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.

Attachment E4 – Member Protection Information Officers

Australian Capital Territory	*TBA*
New South Wales	Cathy Kerr genmanager@softball.net.au
Northern Territory	*TBA*
Queensland	Geraldine (Gerry) Allan gerro.51@bigpond.com Dawn McKell lmckell@bigpond.net.au
South Australia	Deb Kennedy c/- james.harris@softballsa.com.au Jacqui Dunn jacqui@softballsa.com.au
Tasmania	Norman Johns
Victoria	*TBA*
Western Australia	Trevor Howard ceo@softballwa.org.au

Current as at 10 May 2013