



# Murwillumbah Netball Association Inc.

## Member Protection Policy

### Version Control

Date	Version	Details	Author
3 September 2015	1.0	Netball Queensland Template	Murwillumbah Netball Association Inc.

### Approval

Delegation required for approval: President

**Name:** Sue O'Connor      **Position:** President

**Date:** Adopted at Murwillumbah Netball Association General Meeting 3 September 2015.

### 1. Introduction

- 1.1 **Murwillumbah Netball Association Inc.'s** vision is to Belong, Enjoy, Develop and Excel. We will know when this vision is achieved when everyone in Queensland has an opportunity to be involved in netball in a way that brings them good health, recognition, achievement, enjoyment and a sense of belonging.
- 1.2 Integrity in netball encompasses all of the elements needed to preserve what is intrinsically valuable about netball and to uphold the principles of fairness, respect, responsibility and safety.
- 1.3 This Policy is applicable to all **Murwillumbah Netball Association Inc.** and persons identified in Member Protection Policy Clause 3.

### 2. Purpose of This Policy

- 2.1. This Policy aims to ensure the core values, good reputation, positive behaviours and attitudes of **Murwillumbah Netball Association Inc.** and persons identified in the Member Protection Policy Clause 3 are maintained and enhanced.
- 2.2 This Policy assists **Murwillumbah Netball Association Inc.** to ensure that every person involved in netball is treated with respect and dignity and is protected from discrimination, harassment and abuse. This Policy also ensures that every person involved in netball is aware of her/his legal and ethical rights and responsibilities as well as the standards of behaviour expected of them.
- 2.3 This Policy also reflects netball's support of the sport industry principles and values outlined in *The Essence of Australian Sport* – principles of fairness, respect, responsibility and safety.
- 2.4 This Policy is accompanied by attachments that describe the practical steps **Murwillumbah Netball Association Inc.** (where applicable and relevant) will take to reduce discrimination, harassment, child abuse and other forms of inappropriate behaviour from netball. As part of this commitment **Murwillumbah Netball Association Inc.** will take disciplinary action against any person or organisation bound by this Policy if they breach it.

- 2.5 This Policy is effective from the adoption date and will operate until replaced. This Policy may be amended from time to time by the Management Committee of **Murwillumbah Netball Association Inc.**
- 2.6 This Policy is supported by Member Protection procedures that have been adopted, applied and implemented by **Murwillumbah Netball Association Inc.** Please refer to Part A of the **Murwillumbah Netball Association Inc.** Member Protection Policy.
- 2.7 This Policy and accompanying documents can be obtained from the **Murwillumbah Netball Association Inc.** website – <http://www.murwillumbahnetball.org.au/> – or by contacting **Murwillumbah Netball Association Inc.**

### **3. Who Does This Policy Apply To?**

- 3.1 This Policy applies to the following people whether they are operating in a paid or unpaid/voluntary capacity at **Murwillumbah Netball Association Inc.:**
- 3.1.1 Individual Members including service award holders and life members.
  - 3.1.2 Individuals sitting on **Murwillumbah Netball Association Inc.** boards, committees, sub-committees, and panels.
  - 3.1.3 Employees and volunteers of **Murwillumbah Netball Association Inc.**
  - 3.1.4 Support personnel, managers, physiotherapists, psychologists, masseurs, sport trainers of **Murwillumbah Netball Association Inc.** teams.
  - 3.1.5 Coaches and assistant coaches of **Murwillumbah Netball Association Inc.** teams.
  - 3.1.6 Athletes and players of **Murwillumbah Netball Association Inc.** teams.
  - 3.1.7 **Murwillumbah Netball Association Inc.** umpires, bench officials and other officials.
  - 3.1.8 This Policy will continue to apply to a person even after they have stopped their association or employment with **Murwillumbah Netball Association Inc.** if disciplinary action, against that person, has commenced.

### **4. Organisational Responsibilities**

- 4.1 **Murwillumbah Netball Association Inc.** and persons identified in the Member Protection Policy Clause 3 must:
- 4.1.1 Adopt, implement and comply with this Policy and its regulations and attachments.
  - 4.1.2 Ensure that the Constitution, By-Laws, Rules, Policies or other documents include the necessary clauses for this Policy to be enforceable.
  - 4.1.3 Publish, distribute and otherwise promote this Policy and the consequences of any breach.
  - 4.1.4 Promote appropriate standards of conduct at all times.
  - 4.1.5 Deal with any breaches or complaints made under this Policy in an impartial, sensitive, fair, timely and confidential manner.
  - 4.1.6 Apply this Policy consistently without fear or favour.
  - 4.1.7 Recognise and enforce any penalty imposed under this Policy.
  - 4.1.8 Endeavour to ensure that a copy of this Policy is available or accessible to all people and organisations to whom this Policy applies.

- 4.1.9 Appoint or have access to appropriately trained people to receive and handle complaints and allegations (e.g. Member Protection Information Officers – MPIO)
- 4.2 Any reasonable costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or hearings tribunal and/or procedure for handling allegations of child abuse) are to be met by the party that the complaint relates to either **Murwillumbah Netball Association Inc.** and/or its Affiliates.

## **5. Individual Responsibilities**

- 5.1 Individuals bound by this Policy are responsible for:
- 5.1.1 Making sure they are aware of the Policy and comply with the codes and standards of behaviour as set out.
  - 5.1.2 Consenting to undergo screening as per the National Child Protection Regulation and/or relevant State/Territory Legislation if the person holds or applies for a role that involves regular unsupervised contact with children and young people under the age of 18 years.
  - 5.1.3 Placing the safety and welfare of children above other considerations.
  - 5.1.4 Being accountable for their own behaviour.
  - 5.1.5 Following the steps outlined in this Policy for making a complaint or reporting possible child abuse.
  - 5.1.6 Complying with any decisions and/or disciplinary measures imposed under this Policy.
  - 5.1.7 Cooperating to provide a netball environment free of discrimination, child abuse and harassment.
  - 5.1.8 Understanding the possible consequences of breaching this Policy.
  - 5.1.9 Complying with all other requirements of this Policy.

## **6. Position Statement: Child Protection & Working with Children Check Requirements**

- 6.1 **Murwillumbah Netball Association Inc.** and persons identified in the Member Protection Policy Clause 3 are committed to the safety and wellbeing of all children and young people who participate in netball and access netball's services. **Murwillumbah Netball Association Inc.** supports the rights of the child and will act at all times to ensure a child-safe environment is maintained.
- 6.2 **Murwillumbah Netball Association Inc.** and persons identified in the Member Protection Policy Clause 3 acknowledge the valuable contribution made by staff, members and volunteers and encourage their active participation in providing and maintaining a safe, fair and inclusive environment for all participants.
- 6.3 **Murwillumbah Netball Association Inc.** and persons identified in the Member Protection Policy Clause 3 must have a valid Working with Children Check. All costs associated with obtaining a card will be funded by **Murwillumbah Netball Association Inc.** Please refer to Part B of the **Murwillumbah Netball Association Inc.** Member Protection Policy.
- 6.4 Identify and Analyse Risk of Harm
- 6.4.1 **Murwillumbah Netball Association Inc.** (where applicable and relevant) will develop and implement a risk management strategy, including a review of existing child protection practices, to determine how child-safe netball is and to identify additional steps netball can take to minimise and prevent the risk of

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

#### 6.5 Develop Codes of Behaviour

6.5.1 **Murwillumbah Netball Association Inc.** will develop and promote Codes of Behaviour (refer to part A in this policy) that set out the conduct expected of adults when they deal and interact with children and young people involved in netball, especially those in the care of **Murwillumbah Netball Association Inc.** and persons identified in the Member Protection Policy Clause 3.

6.5.2 **Murwillumbah Netball Association Inc.** will develop and promote Codes of Behaviour (refer to part A in this policy) that set out the conduct appropriate when dealing with children.

6.5.3 These Codes will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour. (Refer to Attachments in this Policy)

#### 6.6 Choose Suitable Employees and Volunteers

6.6.1 **Murwillumbah Netball Association Inc.** (where applicable and relevant) will ensure that their organisation takes all reasonable steps to ensure it engages the most suitable and appropriate people to work with children and young people, especially those in positions that involve regular unsupervised contact with the children and young persons. This may be achieved using a range of screening measures.

6.6.2 **Murwillumbah Netball Association Inc.** (where applicable and relevant) will ensure that working with children checks as per State Legislation are conducted for all employees and volunteers who work with children, where an assessment is required by law.

6.6.3 If a criminal history report is obtained as part of their screening process, **Murwillumbah Netball Association Inc.** will handle this information confidentially and in accordance with relevant State/Territory requirements. (Refer to Part B - Child Protection and Working with Children Check Requirements)

#### 6.7 Support, Train, Supervise and Enhance Performance

6.7.1 **Murwillumbah Netball Association Inc.** and persons identified in the Member Protection Policy Clause 3 (where applicable and relevant) are bound by this Policy and will ensure that all volunteers and employees who work with children and young people have ongoing supervision, support and training. The goal is to develop skills and capacity to enhance their performance so netball can maintain a child-safe netball environment.

#### 6.8 Empower and Promote the Participation of Children

6.8.1 **Murwillumbah Netball Association Inc.** and persons identified in the Member Protection Policy Clause 3 (where applicable and relevant) will encourage junior participants to be involved in developing and maintaining a child-safe environment for netball.

#### 6.9 Report and Respond Appropriately To Suspected Abuse and Neglect

6.9.1 **Murwillumbah Netball Association Inc.** will ensure that all persons identified in the Member Protection Policy Clause 3 are able to identify and respond appropriately to children and young people at risk of harm and that they are aware of their responsibilities under respective State/Territory laws to make a report if they suspect on reasonable grounds that a child has been or is being abused or neglected (refer to part H in this policy)

- 6.9.2 **Murwillumbah Netball Association Inc.** requires that any child or young person who is abused, or anyone who reasonably suspects that a child has been or is being abused by someone within the netball environment, is reported immediately to the police or relevant government agency and **Murwillumbah Netball Association Inc.** (where applicable and relevant). Descriptions of the sorts of activity which may be abuse are in the Definitions to this Policy (Clause 20).
- 6.9.3 All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. **Murwillumbah Netball Association Inc.** procedures for handling allegations of child abuse are outlined in (refer to Part H in this Policy).
- 6.9.4 If anyone bound by this Policy reasonably suspects that a child is being abused by her/his parent/s or guardian/s, they are advised to contact the relevant government department: New South Wales Family & Community Services – Child Protection Helpline: 132 111 (24 hours/7 days)

## **7. Position Statement: Taking Images of Children**

- 7.1 Images of children can be used inappropriately or illegally. **Murwillumbah Netball Association Inc.** requires all persons identified in the Member Protection Policy Clause 3, wherever possible, to obtain permission from a child's parent/guardian before taking an image of a child that is not their own. They should make sure the parent/guardian understands how the image will be used.
- 7.2 **Murwillumbah Netball Association Inc.** (where applicable and relevant) requires the privacy of others to be respected and disallows the use of camera phones, videos and cameras to be used inside changing areas, showers and toilets.
- 7.3 When using a photo of a child **Murwillumbah Netball Association Inc.** (where applicable and relevant) will not name or identify the child, publish personal information such as residential address, email address or telephone numbers without the consent of the parent/guardian.
- 7.4 **Murwillumbah Netball Association Inc.** (where applicable and relevant) will not provide information about a child's hobbies, interests, school, or the like as this information can be used by pedophiles or other persons to groom a child.
- 7.5 **Murwillumbah Netball Association Inc.** (where applicable and relevant) will only use images of children that are relevant to netball and will ensure that they are suitably clothed in a manner that promotes participation in netball. **Murwillumbah Netball Association Inc.** (wherever applicable and relevant) will seek permission from the child's parent/guardian before using the image.

## **8. Position Statement: Anti-Discrimination and Harassment**

- 8.1 **Murwillumbah Netball Association Inc.** aims to provide a sporting environment where all those involved in netball activities are treated with dignity and respect.
- 8.2 **Murwillumbah Netball Association Inc.** and persons identified in the Member Protection Policy Clause 3 recognise that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed. Discrimination and harassment are extremely distressing, offensive, humiliating and/or threatening and create an uncomfortable and unpleasant environment. In most circumstances discrimination and harassment are against the law.
- 8.3 Descriptions of some of the types of behaviour that could be regarded as harassment or discrimination are provided in the Definitions of this Policy (Clause 20).

8.4 **Murwillumbah Netball Association Inc.** is responsible for taking all reasonable steps to prevent harassment and for ensuring our policy is well known throughout the organisation. This means we will take whatever steps necessary to ensure that everyone in our organisation and all associated with it knows:

- What harassment means;
- That is against the laws; and
- That it will not be tolerated.

The Management Committee is ultimately responsible for ensuring **Murwillumbah Netball Association Inc.** and all persons identified in the Member Protection Policy Clause 3 are free of harassment.

It will be the responsibility of **Murwillumbah Netball Association Inc.** to:

- comply with this policy;
- offer support to anyone who is being harassed and let them know where they can get help and advice;
- maintain complete confidentiality if they provide information during the investigation of a complaint; and
- avoid gossiping or spreading rumors about harassment (except where providing information as part of a legitimate investigation process). Such behaviour can result in legal action or defamation.

Harassment may occur, for example from:

- Coach to player
- Player to player
- Administration to employee
- Coach to coach
- Coach to administrator
- Player to administrator
- Coach to umpire
- Umpire to coach
- Player to umpire
- Umpire to player; or
- Umpire to administrator

8.5 If any person feels they are being harassed or discriminated against by another person or organisation bound by this Policy, they may make an internal complaint. In some circumstances they may also be able to make a complaint to an external organisation. Please refer to Part G of the **Murwillumbah Netball Association Inc.** Member Protection Policy.

## **9. Position Statement: Sexual Relationships**

9.1 **Murwillumbah Netball Association Inc.** (where applicable and relevant) take the position that consensual relationships (whether or not of a sexual nature) between coaches or officials or athlete support personnel and the adult athletes they engage with (due to on-court netball involvement), whilst not necessarily constituting harassment, should be avoided as they can have harmful effects on the person involved, on other persons and on netball's public image.

9.2 These relationships can also be perceived to be exploitative due to the differences in authority, maturity, status and dependence between the athlete and coach, official, or athlete support personnel.

9.3 Given there is always a risk that the relative power of the coach, official or athlete support personnel has been a factor in the development of such relationships, the

coach, official, or athlete support personnel at all levels should avoid them. In the event that a player attempts to initiate an intimate relationship, the coach, official, and/or athlete support personnel must take personal responsibility for discouraging such approaches and explain the ethical basis for such actions.

- 9.4 The law is always the minimum standard for behaviour within netball and therefore sex with a child is a criminal offence.

## **10. Position Statement: Pregnancy**

- 10.1 **Murwillumbah Netball Association Inc.** is committed to providing an inclusive sporting environment for pregnant women involved in netball. **Murwillumbah Netball Association Inc.** expect every person bound by this Policy to treat pregnant women with dignity and respect and to remove any unreasonable barriers to participation in netball that disadvantage them. **Murwillumbah Netball Association Inc.** will not tolerate any unlawful discrimination or harassment against pregnant women or women who may become pregnant.
- 10.2 Descriptions of some of the types of behaviour that could be regarded as pregnancy discrimination or harassment are provided in the Definitions to this Policy (Clause 20).
- 10.3 **Murwillumbah Netball Association Inc.** will take reasonable care to ensure the safety, health and well-being of pregnant women and their unborn children.
- 10.4 **Murwillumbah Netball Association Inc.** (where applicable and relevant) will advise pregnant women that there may be risks involved, and encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and well-being, and that of their unborn children, are of utmost importance in their decision making about the extent and manner in which they participate in netball.
- 10.5 **Murwillumbah Netball Association Inc.** encourages all pregnant women to consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation in particular sporting activities, including netball.
- 10.6 Women will not be required to undertake a pregnancy test.
- 10.7 If any person feels they are being harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint. Please refer to Part G of the **Murwillumbah Netball Association Inc.** Member Protection Policy.

## **11. Position Statement: Gender Identity**

- 11.1 **Murwillumbah Netball Association Inc.** is committed to providing safe, fair and inclusive netball environments where people from all backgrounds can contribute and participate.
- 11.2 People who identify as transgender or transsexual should be treated fairly and with dignity and respect at all times. This includes acting with sensitivity when a person is undergoing gender transition. **Murwillumbah Netball Association Inc.** will not tolerate any unlawful discrimination or harassment against a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual.
- 11.3 Descriptions of some of the types of behaviour that could be regarded as transgender or transsexual discrimination or harassment are provided in the Definitions to this Policy (Clause 20).
- 11.4 **Murwillumbah Netball Association Inc.** recognise that the exclusion of transgender or transsexual people from participation in netball has significant implications for their health, well-being and involvement in community life. In general **Murwillumbah Netball Association Inc.** will support their participation in netball on the basis of the gender with which they identify.

- 11.5 **Murwillumbah Netball Association Inc.** recognise 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 **Murwillumbah Netball Association Inc.** (whichever is applicable and relevant) will seek advice on the application of those laws in the particular circumstances.
- 11.6 **Murwillumbah Netball Association Inc.** note that drug testing procedures and prohibitions also apply to people who identify as transgender or transsexual. A person receiving treatment involving a prohibited substance or method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a Therapeutic Use Exemption.
- 11.7 If any person feels they are being harassed or discriminated against by another person or organisation bound by this Policy they may make a complaint as per the Complaint Handling Policy. Please refer to Part E of the **Murwillumbah Netball Association Inc.** Member Protection Policy.

## **12. Position Statement: Responsible Service and Consumption of Alcohol**

- 12.1 **Murwillumbah Netball Association Inc.** is committed to conducting netball and social events and activities in a manner that encourages responsible service and consumption of alcohol.
- 12.2 **Murwillumbah Netball Association Inc.** will:
- 12.2.1 Not allow individuals to participate in any sporting activities expressly sanctioned by **Murwillumbah Netball Association Inc.** if they are consuming alcohol or under the influence of alcohol.
  - 12.2.2 Not encourage the promotion or service of alcohol in and around competition areas at underage events expressly sanctioned by **Murwillumbah Netball Association Inc.**
  - 12.2.3 Use its best endeavours to ensure that food and low alcohol and non-alcoholic drinks are available at any activity held or expressly sanctioned by **Murwillumbah Netball Association Inc.** where alcohol will be served.
  - 12.2.4 Encourage responsible alcohol practices as well as being mutually supportive of individuals covered by this code of conduct, including providing support for individuals seeking assistance on alcohol related matters.

## **13. Position Statement: Smoking**

- 13.1 The following principles will apply to all **Murwillumbah Netball Association Inc.** events:
- 13.1.1 No smoking shall occur at or near any sporting event or competition involving persons under the age of 18. This shall apply to coaches, players, trainers, officials, spectators and volunteers.
  - 13.1.2 Social events shall be smoke free with smoking permitted at designated outdoor smoking areas.
  - 13.1.3 Coaches, officials, volunteers and players will refrain from smoking and remain smoke free while involved in an official capacity for **Murwillumbah Netball Association Inc.**, on and off the court.
  - 13.1.4 State/Territory Legislation should be adhered to concerning smoke-free environments and selling of cigarettes.



#### **14. Position Statement: CyberSafety**

- 14.1 Bullying and harassment in all forms are regarded by **Murwillumbah Netball Association Inc.** as unacceptable. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.
- 14.2 New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments.
- 14.3 **Murwillumbah Netball Association Inc.** will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. In some cases, bullying is a criminal offence.
- 14.4 Frustration at a **Murwillumbah Netball Association Inc.** umpire, official, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint. Please refer to Complaint Handling Policy. Please refer to Part F of the **Murwillumbah Netball Association Inc.** Member Protection Policy.

#### **15. Position Statement: Social Networking Websites**

- 15.1 **Murwillumbah Netball Association Inc.** acknowledges the enormous value of social networking websites, such as Facebook and Twitter, to promote netball and celebrate the achievements and success of the people involved in netball.
- 15.2 **Murwillumbah Netball Association Inc.** expects all persons identified in the Member Protection Policy Clause 3 to conduct themselves appropriately when using social networking sites to share information related to netball.
- 15.3 Social media postings, blogs, status updates and tweets:
  - 15.3.1 Must not use offensive, provocative or hateful language.
  - 15.3.2 Must not be misleading, false or injure the reputation of another person.
  - 15.3.3 Should respect and maintain the privacy of others.
  - 15.3.4 Should promote netball in a positive way.

#### **16. Complaints Procedures**

##### **16.1 Handling Complaints**

- 16.1.1 **Murwillumbah Netball Association Inc.** aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice.
- 16.1.2 Any person (complainant) may report a complaint about a person or persons bound by this Policy (respondent) if they feel they have been harassed, bullied or discriminated against or there has been a breach of this Policy.
- 16.1.3 In the first instance, complaints should be reported to a Hearings Officer at the most relevant Member Organisation and/or Affiliate. The Hearings Officer may refer a complainant to a Member Protection Information Officer (MPIO) for support and/or information.
- 16.1.4 Where a complaint relates to behaviour or an incident that occurred at the State/Territory level, or involves people operating at the State/Territory level, the complaint should be reported to and handled by Netball Queensland in the first instance.
- 16.1.5 Where a complaint relates to behaviour or an incident that occurred at the Association level, or involves people operating at the Association level, then

the complaint should be reported to and handle by the relevant Association in the first instance.

- 16.1.6 Where a complaint relates to behaviour or an incident that occurred at the club level, or involves people operating at the club level, then the complaint should be reported to and handle by the relevant club in the first instance.
- 16.1.7 A complaint may be handled informally or formally. The complainant will usually indicate her/his preferred option unless the **Murwillumbah Netball Association Inc.** Hearings Officer, MPIO or relevant official considers that the complaint falls outside this Policy and should be handled another way. For example, the law may require that the complaint/allegation be reported to an appropriate authority.
- 16.1.8 All complaints will be dealt with promptly, seriously, sensitively and confidentially. **Murwillumbah Netball Association Inc.** procedures for handling and resolving complaints are outlined in Part G of this policy.
- 16.1.9 Individuals and organisations may seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

## 16.2 Improper Complaints & Victimisation

- 16.2.1 **Murwillumbah Netball Association Inc.** will provide a complaints procedure that has integrity and is free of unfair repercussions or victimisation against the person making the complaint.
- 16.2.2 **Murwillumbah Netball Association Inc.** (where applicable and relevant) will also take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to sort it out. Disciplinary measures can be imposed on anyone who victimises another person for making a complaint or supporting another person's complaint.
- 16.2.3 If at any point in the complaint process the Hearings Officer considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious or intended to cause distress to the respondent, the matter may be referred to a hearings tribunal for review and appropriate action which may include disciplinary action against the complainant.

## 16.3 Mediation

- 16.3.1 **Murwillumbah Netball Association Inc.** aims to resolve complaints in a timely and efficient manner. In many cases, complaints can be resolved by agreement between the people involved with no need for disciplinary action. The people involved in a formal complaint - the complainant and the person complained about (respondent) - may also seek the assistance of a neutral third person or a Mediator. Lawyers are not able to negotiate on behalf of the complainant and/or respondent.
- 16.3.2 Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions.
- 16.3.3 Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to try and resolve the complaint with the assistance of a Mediator, the Hearings Officer will, in consultation with the complainant, arrange for a Mediator to mediate the complaint. More information on the mediation process is attached to this Policy.

## 16.4 Hearings Tribunals

- 16.4.1 A hearings tribunal may be formed to hear a formal complaint that has been referred by the Hearings Officer for an alleged breach of this Policy. Refer to Part G of this policy for **Murwillumbah Netball Association Inc.'s** hearings procedure.
- 16.4.2 A respondent may lodge a single appeal to the appeal tribunal in respect of a decision of a hearing tribunal. The decision of the appeal tribunal is final and binding on the people involved in the appeal. **Murwillumbah Netball Association Inc.** appeals process, including criteria for appeals are attached to this Policy.
- 16.4.3 **Murwillumbah Netball Association Inc.** and persons identified in the Member Protection Policy Clause 3, with appropriate variations bound by this Policy, will recognise and enforce any decision made, and form of discipline imposed, by a hearings or appeals tribunal under this Policy.
- 16.4.4 Members of hearing and appeal tribunals will be indemnified by the organisation that appointed them against any claim for loss, compensation or damages, and for costs incurred defending a claim made against them, because of their function as a member of a hearings or appeals tribunal.

## 17. What is a Breach of This Policy?

- 17.1 It is a breach of this Policy for any **Murwillumbah Netball Association Inc.** employee, volunteer or individual listed under Clause 3 bound by this Policy to do anything contrary to this Policy, including but not limited to:
  - 17.1.1 Acting in a manner contrary to this Policy, including breaching the attached Codes of Behaviour.
  - 17.1.2 Bringing **Murwillumbah Netball Association Inc.** into disrepute, and/or acting in a manner likely to bring **Murwillumbah Netball Association Inc.** into disrepute.
  - 17.1.3 Failing to follow **Murwillumbah Netball Association Inc.** policies (including this Policy) and procedures for the protection, safety and well-being of children and young people.
  - 17.1.4 Discriminating against, harassing or bullying (including cyber-bullying), any person.
  - 17.1.5 Victimising another person for making or supporting a complaint.
  - 17.1.6 Engaging in a sexually inappropriate relationship with a person that she/he supervises, or has influence, authority or power over.
  - 17.1.7 Verbally or physically assaulting another person, intimidating another person, or creating a hostile environment within netball.
  - 17.1.8 Appointing or continuing to appoint a person to a role that involves working with children and young people contrary to this Policy.
  - 17.1.9 Disclosing **Murwillumbah Netball Association Inc.** information that is of a private, confidential or privileged nature to any unauthorised person/s and/or organisation/s.
  - 17.1.10 Making a complaint that they know to be untrue, vexatious, malicious or improper.
  - 17.1.11 Failing to comply with a penalty imposed after a finding where the individual or organisation, **Murwillumbah Netball Association Inc.** employee, volunteer or individual/s listed under Clause 3 has breached this policy.

- 17.1.12 Failing to comply with a direction given to the individual or organisation, **Murwillumbah Netball Association Inc.** employee, volunteer or individual/s listed under Clause 3 as part of a disciplinary process.

## **18. Disciplinary Measures**

- 18.1 **Murwillumbah Netball Association Inc.** may impose disciplinary measures on an individual or organisation for a breach of this Policy.
- 18.2 Any disciplinary measure imposed will be:
- 18.2.1 Fair and reasonable.
  - 18.2.2 Applied consistently with any contractual and employment rules and requirements.
  - 18.2.3 Be based on the evidence and information presented and the seriousness of the breach.
  - 18.2.4 Be determined in accordance with **Murwillumbah Netball Association Inc.'s** and or Affiliates Constitution, By-laws, this Policy and the rules of netball.
- 18.3 Individual
- 18.3.1 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:
    - 18.3.1.1 A direction that the individual make a verbal and/or written apology.
    - 18.3.1.2 A written warning.
    - 18.3.1.3 A direction that the individual attend counselling to address their behaviour.
    - 18.3.1.4 A withdrawal of any awards, scholarships, placings, records, and/or achievements bestowed in any tournaments, activities and/or events held or sanctioned by **Murwillumbah Netball Association Inc.**
    - 18.3.1.5 A demotion or transfer of the individual to another location, role or activity.
    - 18.3.1.6 A suspension of the individual's membership appointment, participation or engagement in a role or activity.
    - 18.3.1.7 Termination of the individual's membership, appointment or engagement.
    - 18.3.1.8 A recommendation that **Murwillumbah Netball Association Inc.** terminate the individual's membership, appointment or engagement.
    - 18.3.1.9 In the case of a coach or official, a direction that the relevant affiliate de-register the accreditation of the coach or official for a period of time or permanently.
    - 18.3.1.10 A fine.
    - 18.3.1.11 Any other form of discipline that the Hearings Tribunal considers appropriate.
- 18.4 Organisation
- 18.4.1 If a finding is made that **Murwillumbah Netball Association Inc.** has breached its own Member Protection Policy, one or more of the following forms of discipline may be imposed by the Hearings Tribunal (refer to attachments of this Policy):

- 18.4.1.1 A written warning.
- 18.4.1.2 A fine.
- 18.4.1.3 A direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period.
- 18.4.1.4 Any other form of discipline that the national body or other peak association (where applicable or relevant) considers to be reasonable and appropriate.

## 18.5 Factors to Consider

- 18.5.1 The form of discipline to be imposed on an individual or organisation will depend on factors such as:
  - 18.5.1.1 The nature and seriousness of the breach.
  - 18.5.1.2 If the person knew, or should have known, that the behaviour was a breach of this Policy.
  - 18.5.1.3 The person's level of contrition.
  - 18.5.1.4 The effect of the proposed disciplinary measures on the person including any personal, professional or financial consequences.
  - 18.5.1.5 If there have been any relevant prior warnings or disciplinary action.
  - 18.5.1.6 The ability to enforce discipline if the person is a parent or spectator (even if they are bound by the Policy).
  - 18.5.1.7 Any other mitigating circumstances.

## **19. Amendment and Interpretation**

- 19.1 This Policy may be amended from time to time by **Murwillumbah Netball Association Inc.**
- 19.2 Headings used in this Policy are for convenience only and shall not be deemed part of the substance of this Policy or to affect in any way the language of the provisions to which they refer.
- 19.3 Words in the singular include the plural and vice versa.
- 19.4 Reference to "including" and similar words are not words of limitation.
- 19.5 The Definitions shall be considered an integral part of this Policy.
- 19.6 The Attachments shall be considered an integral part of this Policy.
- 19.7 This Policy shall apply from its specified effective date.
- 19.8 Words importing a gender include any other gender.
- 19.9 A reference to a clause is a reference to a clause or sub clause of this Policy.
- 19.10 Where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.
- 19.11 In the event any provision of this Policy is determined invalid or unenforceable, the remaining provisions shall not be affected. This Policy shall not fail because any part of this Policy is held invalid.
- 19.12 Except as otherwise stated herein, failure to exercise or enforce any right conferred by this Policy shall not be deemed to be a waiver of any such right nor operate so as to bar the exercise or enforcement thereof or of any other right on any other occasion.

## **20. Definitions**

- 20.1 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. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection commissions or equal opportunity and anti-discrimination commissions.
- 20.2 Unless otherwise stated, words that are not defined in this Framework and Rules will have the same meaning as in **Murwillumbah Netball Association Inc.’s** Constitution.

Abuse	Is a form of harassment and includes physical abuse, emotional abuse, sexual abuse, neglect and abuse of power. Examples of abusive behaviour include bullying, humiliation, verbal abuse and insults.
Advanced, Elite & High Performance Coach	Representative, talent identification and state league level coaches, as amended and updated from time to time.
Athlete	Any individual who is involved in the playing of netball at a <b>Murwillumbah Netball Association Inc.</b> , Netball Queensland, Netball Australia or International Netball Federation endorsed or managed event, competition or program.
Athlete and Team Support Personnel	Doctor, Physiotherapist, Massage Therapist, Performance Analyst, Nutritionist, Psychologist, Strength and Conditioning, Dietician or other personnel working with, treating or assisting an athlete/s preparing for, or participating in, netball.
Child	Means a person who is under the age of 18.
Child abuse	<p>Involves conduct which puts a child at risk of harm and may include:</p> <p><b>physical abuse</b> by hurting a child or a child’s development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child’s development or maturity)</p> <p><b>sexual abuse</b> by adults or other children, where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography, or inappropriate touching or conversations)</p> <p><b>emotional abuse</b>, by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name-calling, ignoring or placing unrealistic expectations on a child)</p> <p><b>neglect</b> e.g. failing to give a child food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury.</p>
Coaches	As described in Netball Australia's coach accreditation framework as amended and updated from time to time. Tiers include Advanced Coach, Elite Coach and High Performance Coach. Tier levels – Foundation, Beginner, Intermediate, Advanced & Elite & High Performance.

Codes of Behaviour	<b>Murwillumbah Netball Association Inc.’s</b> Codes of Behaviour as amended from time to time.
Complainant	Means the person making a complaint.
Complaint	Means a complaint made under Clause 16 of this Policy.
Complaint handler/manager	Means the person appointed under this Policy to investigate a complaint.
Conduct that may bring netball into disrepute	Conduct that is dishonest, fraudulent, corrupt, illegal, unethical, improper, unsafe and conduct that many cause financial or reputational loss.
Discrimination	<p>Occurs when someone is treated unfairly or less favourably than another person in the same or similar circumstances because of a particular personal characteristic. This is known as direct discrimination. Indirect discrimination occurs when a rule, policy or practice disadvantages one group of people in comparison with others, even though it appears to treat all people the same.</p> <p>In Australia, it is against the law to discriminate against someone because of their:</p> <ul style="list-style-type: none"> <li>• age</li> <li>• disability</li> <li>• family/carer responsibilities</li> <li>• gender identity/transgender status</li> <li>• homosexuality and sexual orientation</li> <li>• irrelevant medical record</li> <li>• irrelevant criminal record</li> <li>• political belief/activity</li> <li>• pregnancy and breastfeeding</li> <li>• race</li> <li>• religious belief/activity</li> <li>• sex or gender</li> <li>• social origin;</li> <li>• trade union membership/activity.</li> </ul> <p>Some State/Territories include additional protected characteristics, such as physical features or association with a person with one or more of the characteristics listed above.</p> <p><b>Examples of discrimination</b> are available on the Play by the Rules website: <a href="http://www.playbytherules.net.au/legal-stuff/discrimination">www.playbytherules.net.au/legal-stuff/discrimination</a></p> <p>Some exceptions to State/Territory and Federal anti-discrimination law apply, such as:</p> <ul style="list-style-type: none"> <li>• holding a competitive sporting activity for boys and girls only who are under the age of 12, or of any age where strength, stamina or physique is relevant</li> <li>• not selecting a participant if the person’s disability means he or she is not reasonably capable of performing the actions reasonably required for that particular activity.</li> </ul>
Employee Personnel	Any Person or Persons employed by or contracted to <b>Murwillumbah Netball Association Inc.</b>

Harassment	<p>Any type of behaviour that the other person does not want and is likely to make the person feel intimidated, insulted or humiliated. Unlawful harassment can target a person because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law (see the list under “Discrimination”).</p> <p>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/Territories also prohibit public acts that vilify people on other grounds such as homosexuality, gender identity; HIV/AIDS, religion and disability (see also “Vilification”).</p>
Hearings Officer	Means a person appointed by an organisation who is responsible for the administration of hearings by the hearings tribunal.
High Performance Coach	Australian Netball League, State/Territory and top level State League coaches, as amended and updated from time to time.
Individual Member	Means a registered financial individual member of a Member or Affiliate of <b>Murwillumbah Netball Association Inc.</b> (as the case may be).
Junior	Means a person under the age of eighteen (18) years who is participating in an activity of the <b>Murwillumbah Netball Association Inc.</b>
Mediator	Means a person appointed to mediate complaints made under this Policy. It is preferable that the mediator has relevant skills, qualifications and/or training in mediation.
Member	Means a member for the time being of <b>Murwillumbah Netball Association Inc.</b> under Section 3, Membership, in the <b>Murwillumbah Netball Association Inc.</b> Constitution and includes Member Organisations, Affiliates, Individual Members and Service Award Holders.
Member Protection	<p>A term used by the Australian sport industry to describe the practices and procedures that protect members – both individual members such as players, coaches and officials, and the member organisations such as clubs, State/Territory associations, other affiliated associations and the national body.</p> <p>Member protection involves:</p> <ul style="list-style-type: none"> <li>• protecting those that are involved in sport activities from harassment, abuse, discrimination and other forms of inappropriate behaviour</li> <li>• adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with juniors, and</li> <li>• providing education.</li> </ul>
Member Protection Information Officer (MPIO)	Means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this Policy. He or she provides impartial and confidential support to the person making the complaint.
National Child Protection Regulation	Means the specific requirements and/or processes that must be followed in a specific State or Territory in regards to child protection



	requirements. Where specific State legislation does not exist the national requirements must be followed.
National Complaint Handling Regulation	Means the national complaints, tribunal, investigation and mediation processes which must be followed by all <b>Murwillumbah Netball Association Inc.</b> and Affiliates.
Natural justice (or procedural fairness)	Requires that: <ul style="list-style-type: none"> <li>• both the complainant and the respondent must know the full details of what is being said against them and have the opportunity to respond</li> <li>• all relevant submissions must be considered</li> <li>• no person may judge their own case</li> <li>• the decision-maker(s) must be unbiased, fair and just</li> <li>• the penalties imposed must be fair.</li> </ul>
Person	Individuals and organisations identified in Clause 5.
Police check	Means a national criminal history record check conducted as a pre-employment, pre-engagement or current employment background check on a person.
Policy, policy and this policy	Means this Member Protection Policy.
Privacy Act	<i>Privacy Act, 1988 (Cth)</i> which regulates how personal information is handled.
Respondent	Means the person whose behaviour is the subject of the complaint.
Role-specific codes of behaviour	Means standards of conduct required of people holding certain roles in netball (e.g. coaches, officials, umpires).
Sexual harassment	Means unwanted, unwelcome or uninvited behaviour of a sexual nature which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment.  Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.
Sexual offence	Means a criminal offence involving sexual activity or acts of indecency. Because of differences under State/Territory laws, this can include but is not limited to: <ul style="list-style-type: none"> <li>• rape</li> <li>• indecent assault</li> <li>• sexual assault</li> <li>• assault with intent to have sexual intercourse</li> <li>• incest</li> <li>• sexual penetration of child under the age of 16</li> <li>• indecent act with child under the age of 16</li> <li>• sexual relationship with child under the age of 16</li> <li>• sexual offences against people with impaired mental functioning</li> <li>• abduction and detention</li> <li>• procuring sexual penetration by threats or fraud</li> <li>• procuring sexual penetration of child under the age of 16</li> </ul>

	<ul style="list-style-type: none"> <li>• bestiality</li> <li>• soliciting acts of sexual penetration or indecent acts</li> <li>• promoting or engaging in acts of child prostitution</li> <li>• obtaining benefits from child prostitution</li> <li>• possession of child pornography</li> <li>• publishing child pornography and indecent articles.</li> </ul>
Therapeutic Use Exemption (TUE)	An exemption for the legitimate use of a Prohibited Substance and Method granted in accordance with the International Standard for Therapeutic Use Exemptions under an applicable anti-doping policy or granted under a Rule.
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.
Umpire	An official who umpires at <b>Murwillumbah Netball Association Inc.</b> sanctioned event, selection trial, clinics, Regional Academy and any event endorsed by <b>Murwillumbah Netball Association Inc.</b>
Victimisation	Means subjecting a person, or threatening to subject a person, to any unfair treatment because that person has or intends to pursue their right to make any complaint, including a complaint under government legislation (e.g. anti-discrimination) or under this Policy, or for supporting another person to make complaint.
Vilification	Involves a person or an organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of people having any of the characteristics listed under the definition of "Discrimination".

## **21. Attachments**

**PART A: Codes of Behaviour**

**PART B: Child Protection and Working with Children Requirements**

**PART C: Anti-Discrimination**

**PART D: Pregnancy**

**PART E: Gender Identity**

**PART F: CyberSafety**

**PART G: Complaints Handling**

**PART H: Reporting Forms (including Child Protection Reporting Requirements)**