



# **AUSTRALIAN CROQUET ASSOCIATION**

## **MEMBER PROTECTION POLICY**

**VERSION 11**

**June 2020**

<b>RELATED POLICIES:</b>	<i>ACA Constitution</i> <i>ACA Handbook</i> <i>Anti-Doping Policy</i> <i>ACA Privacy Policy</i> <i>Working with Vulnerable People</i> <i>ACA Social Media Policy</i>
<b>RESPONSIBLE OFFICERS:</b>	Executive Officer Complaints Officer
<b>AUTHORITY:</b>	Croquet Australia Board CEO
<b>APPLICABLE FORMS:</b>	
<b>APPROVED:</b>	<b>10 June 2020</b>
<b>NEXT REVIEW DATE:</b>	TBA

**Review history of Croquet Australia Member Protection Policy**

<b>Version</b>	<b>Date reviewed</b>	<b>Date endorsed</b>	<b>Content reviewed/purpose</b>
7	November 2012	2012	<ul style="list-style-type: none"> <li>• Paragraphs added regarding images of children</li> <li>• Pregnancy Policy added</li> <li>• Gender Identity Policy added</li> </ul>
7B	July 2013	May 2014 (ASC)	<ul style="list-style-type: none"> <li>• 7.3 Deletion Sexual Relationship Policy</li> <li>• 7.5 Cyber Bulling/Safety added</li> <li>• 7.6 Social Networking Websites Policy added</li> </ul>
8	May 2016	June 2016 (ACA)	<ul style="list-style-type: none"> <li>• Terminology reviewed and amended throughout document reflecting input from the Australian Human Rights Commission and the Victorian Equal Opportunity and Human Rights Commission.</li> <li>• Large scale amendments to Section 6 to more accurately reflect current terminology.</li> <li>• Tribunal Processes amended</li> <li>• Complaints Procedure amended</li> <li>• All Attachments amended to reflect up to-date and practical language</li> <li>• Part C: amended to reflect mandatory requirements in Tasmania</li> </ul>
9	June 2020	June 2020 (ACA/ Parbery Consulting)	
10			
11			

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## Preface

Croquet Australia is committed to providing a safe and harassment-free environment for all involved in any capacity in its nationally recognised sports. The attached Member Protection Policy is a detailed demonstration of that commitment and provides extensive advice on member protection issues and appropriate ways of dealing with these.

The Member Protection Policy seeks to:

- prevent all forms of harassment, discrimination and abuse and to promote positive behaviour and values;
- ensure that inappropriate or unlawful behaviour will not be tolerated by the organisation;
- set out codes of behaviour with which everyone associated with the organisation is expected to abide; and
- provide a mechanism to ensure that disciplinary action will be taken against individuals if there is a breach of ACA Policy.

Croquet Australia Board of Directors

10 June 2020

## **PART A: NATIONAL MEMBER PROTECTION POLICY**

### **1. INTRODUCTION**

#### **1.1 Australian Croquet Association**

1.1.1 ACA's mission is to provide the framework, policies and procedures for croquet associations and competitions throughout Australia. ACA functions as the controlling body for the sport of croquet and all associated mallet sports in Australia. It aims to provide all players with fair competition, access to high standard facilities, and equity in participation in the sport at all levels.

### **2. POLICY**

#### **2.1 Purpose of this Policy**

2.1.1 This Policy aims to assist ACA uphold the core values, reputation and positive behaviours of ACA, Member Associations and Affiliated Clubs. This Policy further aims to ensure the creation of a safe, fair and inclusive environment for everyone associated with the sport of croquet.

2.1.2 This Policy aims to assist ACA, Member Associations and Affiliated Clubs create an environment where every person involved in the sport of croquet is treated with respect and dignity and protected from discrimination, harassment and abuse. It also provides guidance on the key legal and ethical rights and responsibilities of people associated with ACA, Member Associations and Affiliated Clubs, as well as the standards of behaviour expected of them.

2.1.3 This Policy allows ACA, Member Associations and Affiliated Clubs to take disciplinary action against any person or organisation bound by this policy in the event of a breach, and provides guidelines for this process including a right to appeal.

2.1.4 This Policy also reflects ACA's support of Sports Australia's Integrity Principles.

#### **2.2 Attachments**

This Policy is to be read in conjunction with the Attachments that describe the practical steps ACA, Member Associations and Affiliated Clubs (where relevant) will take to eliminate Discrimination, Child Abuse, Bullying, Harassment, Sexual Harassment, Abuse, Victimisation and any other forms of inappropriate behaviour from croquet.

#### **2.3 Administration**

2.3.1 This Policy has been endorsed by the Board and has been incorporated as a policy of ACA under Section 29.1(I) of the Constitution.

2.3.2 This Policy commences on 10 June 2020 and remains in operation until replaced or terminated by decision of the Board.

2.3.3 This Policy may be amended from time to time by the Board.

2.3.4 ACA commits to ensuring that the current version of this Policy and its Attachments may be obtained from ACA's website at: <https://croquet-australia.com.au/>

## **2.4 Adoption by Member Associations and Affiliated Clubs**

This Policy is supported by Member Protection Policies that have been adopted and implemented by Member Associations and Affiliated Clubs.

## **3. POLICY SCOPE**

### **3.1 Who is bound by this policy**

3.1.1 This Policy applies to the following people whether they are engaged in a paid or unpaid/voluntary capacity through ACA or a Member Association or an Affiliated Club, including:

- (a) ACA;
- (b) Member Associations;
- (c) Affiliated Clubs;
- (d) Individual Members (including life members of ACA);
- (e) persons appointed or elected to boards, committees, sub-committees or working groups of ACA, a Member Association or an Affiliated Club, including the Board;
- (f) employees of ACA, a Member Association or an Affiliated Club, including employees engaged on a fulltime, part time or casual basis, volunteers, contractors or any other workplace participant;
- (g) support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers and others;
- (h) athletes and players;
- (i) referees, umpires and other officials;
- (j) athletes, Coaches and Officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by Croquet Australia;
- (k) any other person who is a member of ACA or is affiliated with ACA to the full extent that is possible;

- (l) a Parent or Guardian of any Child who is a person listed in this clause 3.1.1;
- (m) a Spectator; and
- (n) any other person who has agreed to be bound by this Policy.

### **3.2 When does this Policy apply?**

#### 3.2.1 This Policy applies:

- (a) at any ACA, Member Association or Affiliated Club event, function, competition or other occasion, including outside normal working hours;
- (b) at any ACA, Member Association or Affiliated Club workplace, including outside of normal working hours;
- (c) during any work-related activities, including media events, dealings with Members, sponsors, volunteers, contractors or any other participant in croquet;
- (d) during all croquet related activities, including games or training events; and
- (e) at all times when acting in a capacity associated with ACA, Member Associations or Affiliated Clubs including voluntarily or paid.

3.2.2 This policy will continue to apply to a person even after he or she has stopped their association or employment with ACA, Member Associations or Affiliated Clubs, if disciplinary action against that person has previously commenced.

## **4. ORGANISATIONAL RESPONSIBILITIES**

### **4.1 Organisation Requirements**

#### 4.1.1 ACA, Member Associations and Affiliated Clubs must:

- (a) adopt, implement and comply with this Policy and its Attachments;
- (b) ensure that this Policy is enforceable, including ensuring the necessary clauses are contained in the Constitution, any policy, by-law, rule or other governing documentation as necessary for this Policy to be enforceable;
- (c) publish, distribute and promote this Policy and the consequences of any breaches of this Policy;
- (d) promote and model appropriate standards of behaviour at all times;
- (e) deal with any breaches or complaints made under this Policy in an appropriate, impartial, fair, timely and confidential manner;

- (f) monitor the application of this Policy to all Members equally, impartially and without favour;
- (g) recognise and enforce any penalty imposed under this Policy in an equitable way;
- (h) ensure that a copy of this Policy is available or accessible within a reasonable time and to all people and organisations to whom this Policy applies;
- (i) use or appoint appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour (e.g. Member Protection Information Officers and Complaints Officers); and
- (j) monitor and review this Policy at least annually.

## **5. INDIVIDUAL RESPONSIBILITIES**

### **5.1 Individual Requirements**

#### 5.1.1 Individuals bound by this Policy must:

- (a) make themselves aware of the contents of this Policy including the possible consequences of breaching this Policy;
- (b) comply with all relevant provisions of the Policy, including any Codes of Behaviour and the steps for making a Complaint or reporting a potential Breach, including possible Child Abuse, set out in this Policy;
- (c) undertake any training or obtain any relevant qualifications required by ACA, Member Associations or Affiliated Clubs in relation to this Policy;
- (d) consent to the screening requirements set out in this Policy, including any state/territory Working with Children, Working with Vulnerable People or Blue Card (as applicable) requirements if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18, a Vulnerable Person or where otherwise required by Law;
- (e) place the safety and welfare of children and Vulnerable People above other considerations;
- (f) be accountable for their behaviour;
- (g) comply with any decisions and/or disciplinary measures imposed under this Policy;
- (h) co-operate with and assist ACA, Member Associations and Affiliated Clubs to provide a croquet environment free of Discrimination, Child Abuse, Bullying, Harassment, Sexual Harassment, Abuse and Victimisation;

- (i) comply with all Laws, the Rules, the Constitution and any policy, by-law, rule or other governing document adopted by ACA, Member Associations or Affiliated Clubs from time to time; and
- (j) comply with all other requirements of this Policy.

## **6. POSITION STATEMENTS: CHILD PROTECTION**

### **6.1 Child Protection**

- 6.1.1 ACA, Member Associations and Affiliated Clubs are committed to the safety and well-being of all children and young people who participate in the sport of croquet or access croquet services. ACA supports the rights of the child and will at all times act to ensure that a child-safe environment is maintained.
- 6.1.2 ACA, Member Associations and Affiliated Clubs acknowledge the valuable contribution made by our staff, Members and volunteers and we encourage their active participation in providing a safe, fair and inclusive environment for all participants and engaging in child protection strategies.
- 6.1.3 ACA, Member Associations and Affiliated Clubs prohibit all forms of Child Abuse.
- 6.1.4 Any Member who is found to have engaged in, encouraged or otherwise been associated with Child Abuse will be considered to have breached this Policy.

### **6.2 Procedures to support child protection**

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

- (a) ACA will develop and implement a risk management strategy, including a review of existing child protection practices, to determine how child-safe ACA, Member Associations, Affiliated Clubs are is, and to identify any additional steps that can be taken to minimise and prevent the risk of harm to children because of the actions of an employee, volunteer or another person.
- (b) Member Associations and Affiliated Clubs will adopt and implement, where reasonable and as required, the risk management strategy developed by ACA.
- (c) Members will comply with the risk management strategy developed by ACA to actively minimise and prevent risk of harm to children and the occurrence of Child Abuse.

#### **6.2.2 Develop codes of behaviour**

- (a) ACA will develop and promote terms within the Codes of Behaviour that set out the conduct expected of adults when they deal and interact with children involved in the sport of croquet. ACA will also develop and promote terms within the Codes of Behaviour to encourage appropriate

conduct between children involved in croquet. These terms will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour in relation to ensuring child protection.

- (b) Member Associations and Affiliated Clubs will adopt and promote the child protection terms within the Codes of Behaviour developed by ACA.

### **6.2.3 Choose suitable employees and volunteers**

- (a) ACA, Member Associations and Affiliated Clubs will take all reasonably practicable steps to ensure that their organisation engages suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This will include, where appropriate:
  - (i) requiring Members to hold a valid Working with Children, Working with Vulnerable People or Blue Card Check (as applicable);
  - (ii) using additional screening measures if required;
  - (iii) requiring Members to undertake training in interacting and dealing with children as well as child first aid; and
  - (iv) requiring Members to undertake or do any other reasonable thing.
- (b) ACA, Member Associations and Affiliated Clubs will ensure that Working with Children, Working with Vulnerable People or Blue Card Checks (as applicable) are conducted for all employees and volunteers who work with children, where an assessment is required by Law.
- (c) If a criminal history report is obtained as part of the screening process, ACA, Member Associations and Affiliated Clubs will handle this information confidentially and in accordance with the relevant legal requirements.

### **6.2.4 Support, train, supervise and enhance performance**

- (a) ACA, Member Associations and Affiliated Clubs will ensure that all employees and volunteers who work with children have ongoing supervision, support and training. The goal is to develop skills and capacity to enhance their performance so we can maintain a child-safe environment in croquet.
- (b) ACA, Member Associations and Affiliated Clubs will endeavour to provide an environment where employees and volunteers are encouraged to seek support when needed and are provided with up to date and relevant training.

### **6.2.5 Empower and promote the participation of children**

- (a) ACA, Member Associations and Affiliated Clubs will encourage children and young people to be involved in developing and maintaining a child-safe environment for croquet.
- (b) Members are encouraged to promote to children a child-safe environment involved in croquet and to encourage children to participate in croquet in a sportsperson's like manner.

#### **6.2.6 Report and respond appropriately to suspected abuse and neglect**

- (a) ACA, Member Associations, Affiliated Clubs and all other organisations or entities bound by this Policy, will ensure that all employees and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under state/territory laws to make a Report pursuant to the Reporting Procedure under Attachment G3 - Procedure for Handling Allegations of Child Abuse, if they suspect on reasonable grounds that a child has been, or is being subjected to Child Abuse, Sexual Harassment, Abuse, or neglect.
- (b) ACA, Member Associations, Affiliated Clubs and all other organisations bound by this Policy, will ensure that all employees and volunteers have read and understood the Reporting Requirements and the process of making a Report under this Policy in relation to potential Child Abuse, Sexual Harassment, Abuse or neglect.
- (c) If any person believes that another person or organisation bound by this Policy is acting inappropriately towards a child, or is in Breach of this Policy, they may make an internal Complaint pursuant to the Complaint Procedure under Attachment C2 - Informal Complaints Procedure or under Attachment C3 - Formal Complaints Procedure.
- (d) Employees, volunteers or other staff of ACA, Member Associations or Affiliated Clubs must follow the procedures outlined in Attachment G3 - Procedure for Handling Allegations of Child Abuse following the receipt of a Complaint under clause 6.2.6(c).
- (e) ACA, Member Associations and Affiliated Clubs commit to ensuring all Reports or Complaints regarding Child Abuse, Sexual Harassment, Abuse or neglect are dealt with seriously, sensitively, promptly and confidentially and in accordance with the Reporting Procedures and Complaints Procedures under this Policy.
- (f) ACA, Member Associations and Affiliated Clubs agree that no person should be victimised or otherwise treated unethically for reporting an allegation of Child Abuse, Sexual Harassment, Abuse or neglect, and ACA, Member Associations and Affiliated Clubs will seek to ensure the privacy of all persons concerned will be respected.

- (g) If any person bound by this Policy reasonably suspects a child is being subject to Child Abuse, Sexual Harassment, Abuse or neglect by their Parents or Guardians, they are advised to contact the relevant government department for youth, family and community services in their state/territory.

## **7. POSITION STATEMENTS: TAKING IMAGES AND USE OF INFORMATION OF CHILDREN**

### **7.1 Taking Images of children**

7.1.1 ACA, Member Associations and Affiliated Clubs acknowledge there is a risk that images of children may be used inappropriately or illegally. ACA requires all persons bound by this Policy, wherever possible, to obtain permission from a child's Parent or Guardian before taking an image of a child that is not their own. They are also required to make sure the Parent or Guardian understands how the image will be used and published.

### **7.2 Prohibition of recording devices**

7.2.1 To respect people's privacy, ACA, Member Associations and Affiliated Clubs prohibit the use of camera phones, videos, cameras and other recording devices inside changing areas, showers, toilets and any other area designated by ACA, Member Associations and Affiliated Clubs from time to time and which are controlled by ACA, Member Associations and Affiliated Clubs or are used in connection with croquet.

7.2.2 Where possible, ACA, Member Associations and Affiliated Clubs will endeavour to place signage at the entry of any prohibited location notifying that the use of a recording device is prohibited in that area.

7.2.3 Any use of recording devices in a prohibited area may constitute Child Abuse Material, will be considered a Breach of this Policy and will be reported to the police.

### **7.3 Publication of Images**

7.3.1 When using a photo of a child, ACA, Member Associations and Affiliated Clubs will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the prior consent of the child's Parent or Guardian.

7.3.2 ACA, Member Associations and Affiliated Clubs will only use images of children that are relevant to the sport of croquet and will ensure that they are suitably clothed in a manner that promotes participation in croquet. Wherever possible, ACA, Member Associations and Affiliated Clubs will seek permission from the Parents or Guardians of the children before publishing or using the images on any website, social media or other publication controlled by ACA, Member Associations or Affiliated Clubs. For the avoidance of doubt, a Parent/ Guardian may provide permission for ACA, Member Associations or

Affiliated Clubs to publish or use images of their child on an ongoing basis and until ACA is informed that the permission is revoked by the Parent/Guardian.

#### **7.4 Personal Information**

7.4.1 ACA, Member Associations and Affiliated Clubs are aware that personal information may be used by paedophiles or other persons to “groom” a child and will not provide a child’s Personal Information to any person or organisation without the prior consent of a Parent or Guardian.

7.4.2 ACA, Member Associations and Affiliated Clubs will comply with the Privacy Policy when handling, storing or using any Personal Information of any child.

7.4.3 Members must obtain the prior consent of a Parent or Guardian before providing any Personal Information of any child to any other person or organisation.

### **8. POSITION STATEMENTS: DISCRIMINATION, BULLYING, HARASSMENT, SEXUAL HARASSMENT AND VICTIMISATION**

#### **8.1 Application of this Policy**

8.1.1 ACA is committed to providing an environment in which people are treated fairly and equitably with dignity and respect and that is, as far as practicable, free from all forms of Discrimination and Harassment.

8.1.2 ACA, Member Associations and Affiliated Clubs recognise that people may not be able to participate, enjoy themselves or perform at their best if they are treated unfairly, discriminated against, harassed, bullied or victimised.

8.1.3 This Policy sets out what conduct will constitute Discrimination, Bullying, Sexual Harassment and Victimisation in relation to the sport of croquet.

#### **8.2 Discrimination**

8.2.1 Unlawful Discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by state or federal anti-discrimination laws.

8.2.2 In Australia, it is against the law to discriminate against someone because of the specified personal attributes. These attributes may include the following:

- (a) age;
- (b) sex or gender;
- (c) Gender Identity;
- (d) Intersex status;

- (e) race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration;
- (f) disability, mental and physical impairment;
- (g) family/carer responsibilities, status as a parent or carer;
- (h) marital status;
- (i) pregnancy, potential pregnancy, breastfeeding;
- (j) Sexual Orientation;
- (k) physical features;
- (l) irrelevant medical record;
- (m) irrelevant criminal record, spent convictions;
- (n) political beliefs or activities;
- (o) religion, religious beliefs or activities;
- (p) national extraction or social origin;
- (q) lawful sexual activity;
- (r) profession, trade, occupation or calling;
- (s) member of association or organisation of employees or employers, industrial activity, trade union activity;
- (t) defence service; or
- (u) personal association with someone who has, or is assumed to have, any of the above characteristics

8.2.3 Examples of Discrimination are available on the Play by the Rules website: <https://www.playbytherules.net.au/got-an-issue/inclusion-and-diversity/inclusion-and-diversity-what-is-it>.

8.2.4 Discrimination can be either direct or indirect:

- (a) **Direct** Discrimination occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.
- (b) **Indirect** Discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

8.2.5 For the purposes of determining if Discrimination has occurred, the offender's awareness and motive are irrelevant.

### **8.3 Bullying**

8.3.1 Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is behaviour which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or a group.

8.3.2 Whilst generally characterised by repeated behaviours, one-off instances can amount to Bullying.

8.3.3 Bullying can be direct or indirect and can include, but is not limited to, behaviours such as:

- (a) abusive, insulting or offensive language;
- (b) intimidating behaviour, for example, an attack or threat;
- (c) malicious teasing or practical jokes;
- (d) giving unreasonable assignments, tasks or deadlines;
- (e) intruding on an employee's or Member's privacy by spying or stalking;
- (f) displaying offensive material;
- (g) taking credit for someone else's work or achievements;
- (h) giving unfavourable duties or tasks to specific employees or Members;
- (i) excluding, alienating or socially isolating employees or Members; or
- (j) failing to intervene to stop Bullying when in a position of responsibility.

8.3.4 Examples of Bullying are available on the Play by the Rules website:  
<https://www.playbytherules.net.au/got-an-issue/bullying>

8.3.5 Bullying can include cyber-bullying, which occurs through the use of technology.

8.3.6 ACA, Member Associates and Affiliated Clubs acknowledge that 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.

8.3.7 ACA's policy is that frustration at an umpire, Coach or Official, teammate or sporting body should never be communicated on social networking or internet

websites and should be addressed, as a written or verbal Complaint, to the relevant Member Association or Affiliated Club, or to ACA.

8.3.8 Bullying is not:

- (a) legitimate and reasonable management or coaching actions;
- (b) legitimate and reasonable performance of management or coaching process;
- (c) legitimate and reasonable disciplinary action; or
- (d) legitimate and reasonable allocation of work or tasks in compliance with systems or training regimes

## **8.4 Harassment**

8.4.1 Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and which happens because a person has a certain personal characteristic protected by state/territory or Federal anti-discrimination legislation.

8.4.2 The offensive behaviour is not required to have taken place a number of times and a single incident can constitute Harassment.

8.4.3 Harassment can be direct or indirect and can include, but is not limited to, behaviours such as:

- (a) telling insulting jokes about particular racial groups;
- (b) sending explicit or sexually suggestive emails or text messages;
- (c) displaying racially offensive or pornographic signs or posters; or
- (d) making derogatory comments or taunts about a person's disability.

8.4.4 Public acts of racial hatred which are reasonably likely to offend, insult, humiliate or intimidate are also considered Harassment and are prohibited. This applies to Spectators, participants or any other person who engages in such an act in public.

8.4.5 Harassment also includes any act that vilifies people, being behaviour that occurs in public which incites hatred towards, serious contempt for, or revulsion or severe ridicule of a person or group of people because that person or persons have a particular personal characteristic.

## **8.5 Sexual Harassment**

8.5.1 Sexual Harassment is one type of Harassment. Sexual harassment is unwelcome or uninvited conduct or behaviour, including remarks or innuendo, of a sexual nature. Sexual Harassment covers a wide range of

behaviours and can be verbal, written, visual or physical. Sexual Harassment is not limited to members of the opposite sex.

- 8.5.2 Sexual Harassment can occur regardless of the offender's intent and can include unwanted physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviours that create a sexually hostile environment.
- 8.5.3 Sexual Harassment does not include legal behaviour based on mutual sexual attraction, friendship and respect between consenting adults.
- 8.5.4 Sexual Harassment is prohibited regardless of the gender of the parties, their intent or the nature of the harassment.

## **8.6 Victimization**

- 8.6.1 Victimization means treating someone unfairly or unfavourably, or threatening to do so, because that person has, or intends to, pursue their right to make any complaint, including making
  - (a) a Complaint under this Policy;
  - (b) a Report under this Policy;
  - (c) a complaint or report under the Rules, the Constitution and any policy, by-law, rule or other governing document adopted by ACA, Member Associations or Affiliated Clubs from time to time;
  - (d) a complaint under any Laws (e.g. anti-discrimination legislation); or
  - (e) a complaint or report to an authority under any other appropriate complaint or reporting procedure;or for supporting another person to any of the above.

## **8.7 Prohibition against Discrimination, Bullying, Harassment, Sexual Harassment and Victimization**

- 8.7.1 Discrimination, Bullying, Harassment, Sexual Harassment and Victimization are not acceptable behaviours in the sport of croquet and may be considered unlawful under state/territory or Federal legislation.
- 8.7.2 ACA, Member Associations and Affiliated Clubs prohibit all forms of Discrimination, Bullying, Harassment, Sexual Harassment and Victimization.
- 8.7.3 ACA, Member Associations and Affiliated Clubs endeavour to eliminate all forms of Discrimination, Bullying, Harassment, Sexual Harassment and Victimization in the sport of croquet and require all Members and all persons bound by this Policy to ensure proper standards of conduct are upheld and take action to prevent Discrimination, Bullying, Harassment, Sexual Harassment and Victimization.

- 8.74 A person found to be engaging in Discrimination, Bullying, Harassment, Sexual Harassment and Victimisation will be considered to have breached this Policy.
- 8.75 Any person who believes they are being, or have been Discriminated, Bullied, Harassed, Sexually Harassed or Victimised against by another person or organisation bound by this Policy is encouraged to and may make an internal Complaint pursuant to the Complaint Procedure under Attachment C2 - Informal Complaints Procedure or under Attachment C3 - Formal Complaints Procedure.

## **9. POSITION STATEMENTS: INTIMATE RELATIONSHIPS**

### **9.1 Consensual intimate relationships**

- 9.1.1 ACA, Member Associations and Affiliated Clubs understand that consensual intimate relationships (including, but not limited to sexual relationships) between adult Coaches or Officials and adult athletes or players may take place in a manner that does not constitute a breach of Law or of this Policy.
- 9.1.2 This Policy outlines that the position of ACA is that, if an intimate relationship does exist or develop between an adult Coach or Official and an adult athlete or player, that relationship will be managed in an appropriate manner and in accordance with this Policy.
- 9.1.3 ACA, Member Associations and Affiliated Clubs take the position that such relationships are not encouraged as they may result in harmful effects on the participants, other Members and the perception of croquet in Australia. These relationships may also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the Coach or Official and the athlete or player.

### **9.2 Conduct of Coaches and Officials**

- 9.2.1 Coaches and Officials are required to conduct themselves in a professional and appropriate manner in all interactions with athletes and players. In particular, they must ensure that they treat athletes and players in a respectful and fair manner, and that they do not engage in Sexual Harassment, Bullying, favouritism or exploitation.
- 9.2.2 Coaches and Officials at all levels should be aware at all times of the risk that the power or authority they hold may be a factor in the development of such relationships and misuse or abuse of this power or authority must be avoided.
- 9.2.3 If an athlete or player attempts to initiate an intimate relationship with a Coach or Official, the Coach or Official should discourage the athlete or player's approach and explain to the athlete or player why such a relationship is not appropriate.
- 9.2.4 If a consensual intimate relationship does exist or develop between an adult athlete or player and an adult Coach or Official, the Coach or Official is

expected to ensure that the relationship is appropriate and that it does not compromise impartiality, professional standards or the relationship of trust the Coach or Official has with the athlete or player and/or other athletes or players, and that the relationship does not constitute a breach of any Law or of this Policy.

### **9.3 Appropriateness of relationship**

9.3.1 ACA, Member Associations or Affiliated Clubs may conduct an assessment of a relationship between an adult Coach or Official and an adult athlete or player should allegations of inappropriateness, unprofessionalism or a breach of this Policy arise.

9.3.2 In assessing the appropriateness of an intimate relationship between an adult Coach or Official and an adult athlete or player under clause 9.3.1, relevant factors include, but are not limited to:

- (a) the consent of the athlete, player, Coach or Official;
- (b) the relative age and social maturity of the athlete or player;
- (c) any potential vulnerability of the athlete or player;
- (d) any financial or emotional dependence of the athlete or player on the Coach or Official;
- (e) the ability of the Coach or Official to influence the progress, outcomes or progression of the athlete or player's performance or career, including the effect the relationship may have on the athlete or player's performance or career;
- (f) the extent of power imbalance between the athlete or player and Coach or Official;
- (g) the likelihood of the relationship having an adverse impact on the athlete or other athletes or players; and
- (h) the likelihood of the relationship having an adverse impact on the public perception of ACA, Member Associations, Affiliated Clubs and the sport of croquet.

9.3.3 ACA, Member Associations and Affiliated Clubs encourage Coaches and Officials to make, and continue to reevaluate, their own assessment of an actual or potential intimate relationship with an adult athlete or player using the guidance at clause 9.3.2 to avoid inappropriate or unprofessional conduct.

9.3.4 ACA, Member Associations and Affiliated Clubs encourage Coaches and Officials to seek advice from the Complaints Officer in relation to the appropriateness and professionalism of their conduct regarding any actual or potential intimate relationship with an athlete or player.

## **9.4 Disciplinary action**

- 9.4.1 If ACA, a Member Association or an Affiliated Club determines that an intimate relationship between a Coach or Official and an adult athlete or player is inappropriate or unprofessional under clause 9.3.1, ACA, Member Associations or Affiliated Clubs may take disciplinary action against the Coach or Official up to and including dismissal.
- 9.4.2 Disciplinary action may also be taken by ACA, Member Associations or Affiliated Clubs to cease the coaching relationship between the Coach or Official and the athlete or player. This could include a transfer, a request for resignation or dismissal of the Coach or Official from coaching duties.

## **9.5 Reporting**

- 9.5.1 If a Coach or Official or athlete or player believes they are being, or have been, subject to an inappropriate or unprofessional intimate relationship or has been Harassed by another person they are encouraged to seek information and support from ACA, Member Associations or Affiliated Clubs and may make an internal Complaint pursuant to the Complaint Procedure under Attachment C2 - Informal Complaints Procedure or under Attachment C3 - Formal Complaints Procedure.

## **10. POSITION STATEMENTS: PREGNANCY**

### **10.1 Pregnancy in Croquet**

- 10.1.1 ACA is committed to providing a safe sporting environment that treats pregnant participants fairly and to removing any unreasonable barriers to their full participation in the sport of croquet. ACA does not tolerate any Discrimination, Bullying, Harassment, Sexual Harassment or Victimisation due to a person's pregnancy.
- 10.1.2 ACA, Member Associations and Affiliated Clubs acknowledge the positive outcomes that sports may have during pregnancy, however understand that pregnant participants may have individual, and differing, reactions to sporting activities during their pregnancy.
- 10.1.3 ACA, Member Associations and Affiliated Clubs acknowledge that there may be risks involved with participating in sport during pregnancy and encourage pregnant participants to seek medical advice from their doctor and to discuss their decision to participate in the sport of croquet before and during their pregnancy.
- 10.1.4 We encourage all pregnant women to talk with their medical advisers, ACA, Member Associations and Affiliated Clubs and encourage pregnant participants to make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in croquet. Pregnant participants are encouraged to make these decisions

themselves, in consultation with their medical advisers and in discussion with ACA, a Member Association or an Affiliated Club.

## **10.2 Guidelines: Pregnant Participant (Player, Umpire or Referee)**

10.2.1 ACA, Member Associations and Affiliated Clubs encourage individuals to consider the guidelines in this clause 10.2 when a pregnant participant is involved.

10.2.2 A pregnant participant is encouraged to:

- (a) be aware that their own health and wellbeing, and that of their unborn child, is of utmost importance in their decision-making about the extent they choose to participate in croquet;
- (b) obtain independent, personalised and expert medical advice about the risks involved in their continuing participation in croquet during their pregnancy and that they understand the full extent of this advice;
- (c) participate in regular medical consultations during their pregnancy, and specifically in consideration of their participation in croquet;
- (d) be aware of their changed physical condition and seek support where needed;
- (e) not take any unnecessary risks;
- (f) report any incidents of Discrimination, Harassment or other negative conduct against them to ACA, a Member Association or an Affiliated Club pursuant to the Complaints Procedure; and
- (g) remember that the decision to participate in, and the extent they participate in croquet is at all times the participant's.

## **10.3 Guidelines: Administrator (Club or other Organisation)**

10.3.1 ACA, Member Associations and Affiliated Clubs encourage clubs and organisations to consider the guidelines in this clause 10.3 when a pregnant participant is involved.

10.3.2 An administrator or organisation is encouraged to:

- (a) evaluate the policies and risk management strategies employed to minimise any harm occurring to any participant, including pregnant participants;
- (b) adopt and implement any policy developed by ACA, Member Associations and Affiliated Clubs (where applicable) regarding pregnant participants and otherwise develop any appropriate policies including:

- (i) ensuring participants have a way to discuss and advise on their pregnancy with the relevant officials;
- (ii) disclosing pregnancy advice and risk information on registration forms in a place participants are able to see and understand (ACA encourages independent legal advice to be obtained in this regard);
- (iii) enforcing Federal and state/territory Laws regarding Discrimination, Bullying, Harassment, Sexual Harassment and Victimisation regarding pregnancy;
- (iv) seeking professional advice, and informing ACA, in the event a significant or serious situation arises where advice should be obtained;
- (v) ensuring appropriate insurance cover has been taken and is maintained;
- (vi) promoting adherence to the Laws, the Rules, this Policy, the Constitution and any other governing documentation of ACA;
- (vii) ensuring support is available and accessible by pregnant participants when needed;
- (viii) ensuring the privacy and confidentiality of any information disclosed by a pregnant participant to the organisation; and
- (ix) fostering a safe sporting environment for all participants, including pregnant participants to participate in croquet.

#### **10.4 Guidelines: Coaches and Officials**

10.4.1 ACA, Member Associations and Affiliated Clubs encourage Coaches and Officials to consider the guidelines in this clause 10.4 when a pregnant participant is involved.

10.4.2 A Coach or Official should:

- (a) be mindful of any medical advice provided to a pregnant participant that the participant makes available to the Coach or Official and liaise with a participant's medical expert if appropriate;
- (b) respect a pregnant participant's decision to participate or not participate in croquet whilst pregnant;
- (c) ensure support is available and accessible by pregnant participants when needed;
- (d) never Discriminate, Bully, Harass, Sexually Harass or Victimise a pregnant participant;

- (e) foster a safe sporting environment for all participants, including pregnant participants to participate in croquet;
- (f) if an Official, apply the Rules equally and fairly to all participants, including pregnant participants;
- (g) ensure any advice they provide to a pregnant participant during their pregnancy is not construed as expert medical advice and is not outside the scope of their knowledge and experience; and
- (h) with the agreement of the pregnant participant, inform any relevant person or authority, including officials or organisations, of the participants pregnancy.

## **10.5 Disclaimer**

10.5.1 ACA, Member Associations and Affiliated Clubs will only require pregnant women to sign a disclaimer in relation to their participation in our sport whilst they are pregnant if all other participants are required to sign one in similar circumstances.

10.5.2 ACA, Member Associations and Affiliated Clubs will not require any person to undertake a pregnancy test.

## **10.6 Reporting**

10.6.1 A person who Discriminates, Bullies, Harasses, Sexually Harasses or Victimises a person due to their pregnancy is in Breach of this Policy.

10.6.2 If a pregnant participant believes they are being, or have been, Discriminated, Bullied, Harassed, Sexually Harassed or Victimised against by another person or organisation bound by this Policy, they may make an internal Complaint pursuant to the Complaint Procedure under Attachment C2 - Informal Complaints Procedure or under Attachment C3 - Formal Complaints Procedure.

## **11. POSITION STATEMENTS: GENDER IDENTITY**

### **11.1 Gender Identity in Croquet**

11.1.1 ACA is committed to providing a safe sporting environment where all people can contribute and that treats people fairly and inclusively, regardless of their Gender Identity. All persons, regardless of their Gender Identity, are entitled to be treated fairly and with dignity and respect at all times. ACA does not tolerate any Discrimination, Bullying, Harassment, Sexual Harassment or Victimisation due to a person's Gender Identity.

11.1.2 ACA, Member Associations and Affiliated Clubs recognise that exclusion or isolation of people from participating in sporting events and activities because of their Gender Identity may have significant implications for their health, wellbeing and involvement in community life and in croquet. ACA, Member

Associations and Affiliated Clubs are committed to supporting participation in croquet on the basis of the gender with which a person identifies.

## **11.2 Performance Advantage and Drug Testing**

11.2.1 ACA, Member Associations and Affiliated Clubs recognise there is an ongoing debate over implications that a person may obtain a physical advantage on the basis of the gender they identify as, including in relation to a male to female Transgender person and that this debate is reflected throughout varying Discrimination Laws across Australia.

11.2.2 ACA, Member Associations and Affiliated Clubs will seek advice on the application of any relevant Law or guiding authority in the event an issue of performance advantage arises. ACA, Member Associations and Affiliated Clubs will further consider the relevance of any Discrimination Laws and exceptions.

11.2.3 ACA, Member Associations and Affiliated Clubs note that drug testing procedures and prohibitions apply to all people regardless of Gender Identity, including 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.

## **11.3 Reporting**

11.3.1 ACA, Member Associations and Affiliated Clubs expect all people and organisations bound by this Policy to act with sensitivity and in an appropriate manner towards any person who is undergoing gender transition/affirmation.

11.3.2 A person who Discriminates, Bullies, Harasses, Sexually Harasses or Victimises a person due to their Gender Identity or their association with any person who has a particular Gender Identity is in Breach of this Policy.

11.3.3 If any person believes that they are being, or have been, Discriminated, Bullied, Harassed, Sexually Harassed or Victimised against by another person or organisation bound by this Policy because of their Gender Identity or association with any person of a particular Gender Identity, they may make an internal Complaint pursuant to the Complaint Procedure under Attachment C2 - Informal Complaints Procedure or under Attachment C3 - Formal Complaints Procedure.

## **12. POSITION STATEMENTS: ALCOHOL, TOBACCO AND GAMBLING**

### **12.1 Responsible service and consumption of alcohol**

12.1.1 ACA, Member Associations and Affiliated Clubs are committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol.

12.1.2 ACA also recommends that state associations and member clubs follow strict guidelines regarding the service and consumption of alcohol and remain compliant with all applicable Laws.

12.1.3 ACA's policy is that:

- (a) alcohol should not be available or consumed at sporting events involving children and young people under the age of 18;
- (b) alcohol-free social events should be provided for young people and families;
- (c) food, low-alcohol and non-alcoholic drinks should be available at all events held or endorsed where alcohol is also served;
- (d) a staff member who holds an appropriate Responsible Service of Alcohol qualification must be present at events held or endorsed where alcohol is served to ensure appropriate practices in respect of the consumption of alcohol are followed; and
- (e) safe transport options should be promoted as part of any event held or endorsed where alcohol is served.

## **12.2 Smoke-free environment**

12.2.1 ACA, Member Associations and Affiliated Clubs are committed to providing a safe and healthy environment at all sporting and social events that are held or endorsed.

12.2.2 ACA's policy is that:

- (a) no smoking shall occur at or near sporting events involving children and young people under the age of 18. This policy shall apply to Coaches and Officials, players, trainers, and volunteers;
- (b) social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas; and
- (c) Coaches and Officials, trainers, volunteers and players will refrain from smoking while they are involved in an official capacity in croquet, both on and off the field.

## **12.3 Gambling**

12.3.1 ACA, Member Associations and Affiliated Clubs are committed to conducting sporting and social events in a manner that is socially and ethically responsible with regard to gambling, including raffles or other fundraising activities.

12.3.2 ACA's policy is that:

- (a) no person under the age of 18 should participate in gambling (including raffles) and organisations must not encourage, promote or otherwise allow a person under 18 to be involved in gambling; and
- (b) any gambling organised or run by ACA, Member Associations or Affiliated Clubs must be done so in accordance with any applicable Laws.

### **13. POSITION STATEMENT: SOCIAL NETWORKING**

#### **13.1 Use of Social Networking**

13.1.1 ACA acknowledges the value of Social Networking to promote croquet and celebrate the achievements and success of the people involved in croquet.

13.1.2 ACA expects all people bound by this policy to conduct themselves appropriately when using Social Networking sites to share information related to croquet and to abide by the Social Media Policy.

13.1.3 All persons bound by this Policy must ensure, when engaging in a Social Networking activity, they:

- (a) are clear about who or what they are representing when engaging with Social Networking;
- (b) take responsibility for any reference to ACA, Member Associations, Affiliated Clubs, Members or in relation to any aspect of croquet are factually correct and accurate;
- (c) ensure any information provided when engaging in Social Networking does not breach any privacy or confidentiality obligations or Laws;
- (d) do not conduct any action that may cause ACA, Member Associations, Affiliated Clubs or the sport of croquet to come into disrepute; and
- (e) ensure respect is shown for individuals, companies and communities with its actions.

13.1.4 Social Networking activity including, but not limited to, postings, blogs, status updates and tweets:

- (a) must not contain material which is, or has the potential to be, offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate;
- (b) must not contain material which is inaccurate, misleading or fraudulent;
- (c) must not contain material which is in breach of laws, court orders, undertakings or contracts;
- (d) should respect and maintain the privacy of others; and

- (e) should promote the sport of croquet in a positive way.

13.1.5 All persons bound by this Policy should not post, send, forward or use any inappropriate information or material in any form of Social Networking, including material which is:

- (a) intended to (or could possibly) cause insult or offence to, or intimidation or humiliation of ACA, Member Associations, Affiliated Clubs, sponsors, their staff and volunteers, Members and other croquet participants;
- (b) Defamatory of or could adversely affect the image, reputation or viability of ACA, Member Associations, Affiliated Clubs, sponsors, their staff and volunteers, Members and other croquet participants; or
- (c) contains any form of confidential information relating to ACA, Member Associations, Affiliated Clubs, sponsors, their staff and volunteers, Members and other croquet participants.

## **14. COMPLAINTS PROCEDURES**

### **14.1 Application of the Complaints Procedure**

14.1.1 This process applies to Complaints made:

- (a) pursuant to this Policy;
- (b) pursuant to another policy of ACA, a Member Association or an Affiliated Club;
- (c) in relation to a breach of the Rules, the Constitution or any policy or governing document of ACA, Member Associations or Affiliated Clubs;

regardless of if such a Complaint is made under the Complaints Procedure or brought to the attention of the ACA via another complaint mechanism.

14.1.2 Any person (a **Complainant**) may report a Complaint under the Complaints Procedure about a person, people or organisation bound by this Policy (**Respondent**) if:

- (a) the Complainant is entitled to make a Complaint pursuant to a clause of this Policy or pursuant to a clause of any other policy or governing document of ACA, Member Associations or Affiliated Clubs;
- (b) other than as entitled under clause 14.1.2(a), the Complainant feels they have been subject to Discrimination, Bullying, Harassment, Sexual Harassment or Victimisation;
- (c) there has been any other breach of this Policy or of the Rules, the Constitution or any other policy or governing document of ACA, Member Associations or Affiliated Clubs.

## 14.2 Making a Complaint

14.2.1 ACA, Member Associations and Affiliated Clubs will appoint an internal Complaints Officer who will be responsible for managing and coordinating the implementation of the Complaints Procedure

14.2.2 A Complainant must:

- (a) initially attempt to resolve the Complaint with the person involved (if appropriate to do so); and
- (b) if it is not possible or is unreasonable for a Complaint to comply with clause 14.2.2(a), or if the Complaint is unable to be resolved by the Complainant under clause 14.2.2(a), the Complainant may report a Complaint to the relevant Complaints Officer pursuant to clause 14.2.3.

14.2.3 All Complaints made under clause 14.2.2(b) should be reported to the relevant Complaints Officer as follows:

(a) **Club Level** - A Complaint that:

(i) relates to behaviour or an incident that occurred at the club level;  
or

(ii) involves people operating at the club level,

should be reported to and handled by the Complaints Officer at the relevant Affiliated Club;

(b) **State Level** - A Complaint that:

(i) relates to behaviour or an incident that occurred at the state level;

(ii) involves people operating at the state level; or

(iii) has been referred from the Complaints Officer of a club located in the relevant state,

should be reported to and handled by the Complaints Officer of the relevant state/territory Member Association; and

(c) **National Level** - A Complaint that:

(i) relates to behaviour or an incident that occurred at the national level;

(ii) involves people operating at the national level;

(iii) is a serious case referred from a Complaints Officer at the state or club level; or

- (iv) relates to any other matter not contained in clause 14.2.3(a) and 14.2.3(b),

should be reported to and handled by the Complaints Officer of ACA.

14.2.4 A Complaints Officer may evaluate the nature of a Complaint and refer a Complaint to a Complaints Officer of a higher level if it is appropriate to do so.

14.2.5 A Complaint must under clause 14.2.2(b) be made informally (an **Informal Complaint**) or formally (a **Formal Complaint**) pursuant to the Complaints Procedure.

### **14.3 Handling of Complaints**

14.3.1 A Complaint may be handled by ACA, Member Associations or Affiliated Clubs through an informal or a formal procedure.

14.3.2 By lodging either an Informal Complaint or a Formal Complaint under clause 14.2.2(b), the Complainant is indicating their preferred method in which the Complaint is handled.

14.3.3 Upon receiving an Informal Complaint or a Formal Complaint, the Complaints Officer will consider whether the Complainants preferred method is the most appropriate procedure to handle the particular Complaint.

14.3.4 The Complaints Officer may:

- (a) determine a Complaint should be handled in the preferred method of the Complainant;
- (b) determine a Complaint should be handled in a different method to the preferred method of the Complainant; or
- (c) if the Complaint is determined to fall outside the scope of this Policy including, for example, where the Law may require that the Complaint be dealt with in a particular manner, determine the Complaint should be handled in an alternate method including reporting the Complaint to an appropriate authority.

14.3.5 A Complaint that the Complaints Officer determines should be handled as an Informal Complaint or Formal Complaint will be handled pursuant to the Complaints Procedure.

14.3.6 The Complaints Officer for ACA, Member Associations and Affiliated Clubs:

- (a) must handle any Complaint promptly, seriously, sensitively and confidentially in accordance with this clause 14 and the Complaints Procedure;
- (b) should acknowledge, in writing, receipt of the Complaint as soon as practicable and within 14 days from receipt, enclose a copy of this

- Policy, including the Complaints Procedure, for the Complainant's information;
- (c) must keep Complaints confidential and will not disclose to another person without the Complainant's consent, except:
    - (i) if required by Law;
    - (ii) allowed under this Policy; or
    - (iii) if disclosure is necessary to effectively deal with the Complaint;
  - (d) must investigate the Complaint including by:
    - (i) seeking all relevant information from the Complainant; and
    - (ii) obtaining all relevant information from ACA, Member Association and Affiliated Club employees, volunteers and other staff;
  - (e) may in its discretion give an appropriate remedy to or undertake an appropriate procedure for the Complaint, including any of the following:
    - (i) providing information and explanation regarding the circumstances giving rise to the Complaint;
    - (ii) providing an apology, if appropriate;
    - (iii) providing compensation for loss incurred by the Complainant, if appropriate;
    - (iv) undertaking mediation pursuant to clause 15;
    - (v) holding a Tribunal pursuant to clause 16;
    - (vi) taking disciplinary action against the appropriate party under clause 18; or
    - (vii) reporting the Complaint to the appropriate authority, including to an external authority such as the police; and
  - (f) must communicate to the Complainant in relation to the Complaint as soon as practicable and in any event not more than 45 days after receipt of the Complaint:
    - (i) any determination made in relation to the Complaint;
    - (ii) any remedy available to the Complainant under clause 14.3.6(e);
    - (iii) any procedure determined to be taken under clause 14.3.6(e); and
    - (iv) any information regarding any further avenues for the Complaint.

14.3.7 ACA, Member Associations and Affiliated Clubs recognise that the concept of Procedural Fairness is the minimum standard of fairness to be applied to the investigation and adjudication of a Complaint, and must act in good faith at all times in dealing with and resolving a Complaint.

#### **14.4 External Handling of Complaints**

14.4.1 Nothing in this clause 14 prevents any person or organisations seeking to have their Complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant Law.

14.4.2 ACA, Member Associations and Affiliated Clubs will assist any person or organisation bound by this Policy, as is appropriate, should they wish to make a Complaint to any external agency or authority or as required by Law.

#### **14.5 Improper Complaints and Victimisation**

14.5.1 ACA, Member Associations and Affiliated Clubs aim to ensure that the Complaints Procedure has integrity and is free of unfair repercussions or victimisation against any person making a Complaint.

14.5.2 If the ACA Complaints Officer considers that a Complainant has knowingly made a Complaint that is:

- (a) untrue, misleading or misrepresented;
- (b) malicious or vexatious; or
- (c) inappropriately intended to cause distress to the Respondent,

the ACA Complaints Officer may refer the Complaint to a Tribunal for review and appropriate action, including possible disciplinary action against the Complainant under clause 18.2.

14.5.3 For the avoidance of doubt, if a state/territory Member Association Complaints Officer or an Affiliated Club Complaints Officer considers clause 14.5.2 to apply to a Complaint, they must refer that Complaint to the ACA Complaints Officer for review.

14.5.4 ACA, Member Associations and Affiliated Clubs will take all necessary steps to make sure that any person involved in a complainant is not victimised. Disciplinary measures may be undertaken in respect of a person who Harasses or Victimises another person for making a Complaint or supporting another person's Complaint pursuant to this Policy.

### **15. MEDIATION**

#### **15.1 Purpose of Mediation**

15.1.1 ACA, Member Associations and Affiliated Clubs aim to resolve Complaints quickly and fairly and encourage Complaints to be resolved by agreement

between the people involved with no need for disciplinary action, if appropriate.

15.1.2 ACA, Member Associations and Affiliated Clubs offer mediation as a confidential process that allows parties involved in a Complaint to discuss the issues or incident in question and agree to mutually acceptable solutions.

## **15.2 Mediation Procedure**

15.2.1 Mediation may occur:

- (a) at the request of the parties involved in a Complaint, any time before or after the investigation of a Complaint; or
- (b) at the suggestion of the Complaints Officer of ACA, a Member Association or an Affiliated Club under clause 14.3.6(e)(iv).

15.2.2 If a Complainant wishes to resolve the Complaint with the help of a mediator:

- (a) the Complainant should inform the Complaints Officer they wish to undertake mediation;
- (b) the Complaints Officer will request if the Respondent is agreeable to undertaking mediation;
- (c) if both the Complainant and the Respondent agree to undertake mediation, the Complaints Officer will arrange for an independent and suitably qualified mediator, where possible, and will set a date and time for the mediation no later than 21 days after confirming the Complainant and Respondent wish to undertake mediation;
- (d) if the Complaints Officer is unable to arrange for an independent suitably qualified mediator to attend the mediation, the Complaint Officer will fulfil the role of mediator;
- (e) the Complainant and Respondent agree to bear the costs of an independent mediator equally; and
- (f) the Complaints Officer will otherwise be present at the mediation as a representative of ACA, Member Associations and Affiliated Clubs.

15.2.3 A party participating in the mediation process may bring a support person to a mediation, however ACA, Member Associations and Affiliated Clubs will not allow lawyers or other legal representation to participate in the mediation process.

15.2.4 Mediation will be held pursuant to the Mediation Procedure.

15.2.5 If the Complainant and Respondent are unable to agree to a mutually acceptable solution to the Complaint through mediation, the Complaints

Officer will proceed with the Complaint pursuant to this clause 14 and the Complaints Procedure.

## **16. TRIBUNALS**

### **16.1 Convening of a Tribunal**

16.1.1 The ACA Complaints Officer may convene a Tribunal to hear a proceeding relating to a Complaint:

- (a) referred to it by a Complaints Officer of a state/territory Member Association or an Affiliated Club under clause 14.2.4:
  - (i) because of the serious nature of the Complaint;
  - (ii) because it was unable to be resolved at the state or club level; or
  - (iii) because the policy of the state/territory Member Association or Affiliated Club directs it to be;
- (b) under clause 14.5.2; or
- (c) for an alleged breach of this Policy, the Rules, the Constitution or any other governing document of ACA from time to time.

### **16.2 Tribunal Procedure**

16.2.1 A Tribunal will be notified and held pursuant to the Tribunal Procedure.

16.2.2 A Tribunal may make a determination in relation to a Complaint, including:

- (a) that the Complaint is to be dismissed;
- (b) that ACA, a Member Association or an Affiliated Club must provide compensation for loss incurred by the Complainant and the amount;
- (c) that disciplinary action is to be taken against a party to the Complaint pursuant clauses 18.2 or 18.3 or
- (d) that the Complaint is to be reported to an appropriate authority, including to an external authority such as the police.

### **16.3 Appeal Tribunal**

16.3.1 A Respondent may lodge an appeal to the Appeal Tribunal in respect of a Tribunal decision.

16.3.2 Subject to clause 16.5, the decision of the Appeal Tribunal is final and binding on the parties involved.

16.3.3 An Appeal Tribunal will be notified and held pursuant to the Tribunal Procedure.

## **16.4 Tribunals are Binding**

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

## **16.5 External Authorities**

16.5.1 Nothing in this clause 16 prejudices the right of any person or organisation to seek resolution of a Complaint with an appropriate external authority or as set out in Law, including the police.

## **17. BREACH OF THIS POLICY**

### **17.1 What is a breach of this policy?**

17.1.1 It is a breach of this Policy (a **Breach**) for any person or organisation bound by this Policy to do anything contrary to this Policy, including but not limited to:

- (a) breaching Working with Children, Working with Vulnerable People or Blue Card (as applicable) requirements, if applicable;
- (b) breaching the Codes of Behaviour;
- (c) verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport of croquet;
- (d) disclosing to any unauthorised person or organisation any information belonging to or concerning ACA, a Member Association, an Affiliated Club, a Member or any person or organisation bound by this Policy that is of a private, confidential or privileged nature;
- (e) bringing, or acting in a manner that is likely to bring, the sport of croquet ACA, a Member Association or an Affiliated Club into disrepute or otherwise acting in a way that is uncompliant with clauses 4 or 5;
- (f) failing to comply with this Policy, the Rules, the Constitution or any other governing document of ACA as amended from time to time in relation to the protection, safety and well-being of children, including acting in a way uncompliant with clauses 6 or 7;
- (g) Discriminating against, Bullying, Harassing, Sexually Harassing or Victimising any person under clause 8;
- (h) engaging in an inappropriate or unprofessional intimate relationship under clause 9;
- (i) Discriminating against, Bullying, Harassing, Sexually Harassing or Victimising any person due to their pregnancy under clause 10;
- (j) Discriminating against, Bullying, Harassing, Sexually Harassing or Victimising any person due to their Gender Identity under clause 11;

- (k) acting in a way that is uncompliant with ACA's position on alcohol, smoking or gambling under clause 12
- (l) acting in a way that is uncompliant with ACA's position on Social Networking under clause 13;
- (m) making a Complaint that they know to be untrue, misleading, misrepresented, vexatious, malicious or improper under clause 14;
- (n) failing to comply with a penalty imposed after a finding that the individual or organisation has breached this Policy; and
- (o) failing to comply with a direction given to the individual or organisation as part of a disciplinary process under this Policy.

## **18. DISCIPLINARY MEASURES**

### **18.1 Imposition of Disciplinary Measures**

18.1.1 ACA, Member Associations and Affiliated Clubs may impose disciplinary measures pursuant to this clause 18 on an individual or organisation bound by this Policy for a Breach.

18.1.2 Any disciplinary measure imposed under this Policy must be:

- (a) fair and reasonable in relation to the nature of the Breach and on the basis of Procedural Fairness;
- (b) applied consistently with any contractual and employment rules and requirements;
- (c) based on the evidence and information presented and the seriousness of the Breach; and
- (d) determined in accordance with the Rules, the Constitution and any other governing documents of ACA as amended from time to time.

### **18.2 Discipline of Individuals**

18.2.1 Subject to any contractual and employment requirements, if a finding is made by a Tribunal that an individual bound by this Policy has committed a Breach, the Tribunal may find that one or more of the following forms of discipline should be imposed:

- (a) a direction that the individual make a verbal and/or written apology;
- (b) a written warning;
- (c) a direction that the individual attend counselling to address their behaviour;

- (d) a withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by ACA, a Member Association or an Affiliated Club;
- (e) a demotion or transfer of the individual to another location, role or activity;
- (f) a suspension of the individual's membership or participation or engagement in a role or activity;
- (g) termination of the individual's membership, appointment or engagement;
- (h) a recommendation that ACA terminate the individual's membership, appointment or engagement;
- (i) 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;
- (j) a fine; or
- (k) any other form of discipline that Tribunal considers appropriate.

### **18.3 Discipline of Organisations**

18.3.1 If a finding is made by a Tribunal that a Member Association or Affiliated Club bound by this Policy has committed a Breach or has breached one of its own policies or governing documents, the Tribunal may find that one or more of the following forms of discipline should be imposed:

- (a) a direction that the organisation make a verbal and/or written apology;
- (b) a written warning;
- (c) a fine;
- (d) a direction that any rights, privileges, funding and benefits provided to that organisation by ACA or any other peak association be suspended for a specified period;
- (e) a direction that any funding granted or given to it by ACA cease from a specified date;
- (f) a direction that ACA cease to sanction or endorse events held by or under the auspices of that organisation;
- (g) a recommendation to ACA that the organisation's membership be suspended or terminated in accordance with the Constitution or other relevant governing documentation; or

- (h) any other form of discipline that ACA or relevant peak organisation considers reasonable and appropriate.

#### **18.4 Factors to consider**

18.4.1 In determining a finding under clauses 18.2 or 18.3, the Tribunal will have consideration on the following factors:

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

### **19. DEFINITIONS AND INTERPRETATIONS**

#### **19.1 Definitions**

19.1.1 In this Policy :

- (a) **Abuse** means the violation of an individual's human or civil rights through the act or actions of another person or persons and **Abused** has the corresponding meaning. Types of abuse include:
  - (i) physical abuse;
  - (ii) psychological or emotional abuse;
  - (iii) sexual abuse;
  - (iv) constraints and restrictive practices;
  - (v) financial abuse;
  - (vi) legal or civil abuse; and
  - (vii) systemic abuse.
- (b) **ACA** means Australian Croquet Association Inc (ABN 90 330 745 920).

- (c) **Affiliated Club** means a club affiliated through a Member Association.
- (d) **Attachments** means an attachment to this Policy.
- (e) **Authority** means any:
  - (i) government, government department, government agency or government authority;
  - (ii) governmental, semi-governmental, municipal, judicial, quasi-judicial, administrative or fiscal entity or person carrying out any statutory authority or function; or
  - (iii) other entity or person (whether autonomous or not) having powers or jurisdiction under any statute, regulation, ordinance, by-law, order or proclamation, or the common law.
- (f) **Board** means the board of ACA.
- (g) **Breach** has the meaning given to it at clause 17 and **Breached** has the corresponding meaning.
- (h) **Bullying** has the meaning given to it at clause 8.3 and **Bully** or **Bullied** have the corresponding meanings.
- (i) **Child** means a person who is under the age of 18 and **Children** has the corresponding meaning.
- (j) **Child Abuse** involves conduct which puts a Child at risk of harm and may include:
  - (i) **physical abuse**, which occurs when a Child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. This may include, but is not limited to, hitting, shaking or other physical harm; giving a Child alcohol or drugs; or training that exceeds the Child's development or maturity.
  - (ii) **sexual abuse**, which occurs when an adult, other Child, or adolescent uses their power or authority to involve a Child in a sexual activity or any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography, including child pornography, or inappropriate touching or conversations).
  - (iii) **emotional abuse**, which occurs when a Child's social, emotional, cognitive or intellectual development is impaired or threatened. Emotional abuse can include, but is not limited to, emotional deprivation due to persistent rejection or criticism, hostility, teasing/bullying, humiliation, taunting, sarcasm, yelling, name-calling or placing unrealistic expectations on a Child.

- (iv) **neglect**, which occurs when a Child's basic necessities of life are not met and their health and development are affected. Basic needs include food, water, shelter, adequate clothing, personal hygiene, timely provision of medical treatment and adequate supervision.
- (k) **Child Abuse Material** means has the meaning given to it in the *Criminal Code Act 1995* (Cth) as amended from time to time.
- (l) **Coaches and Officials** means all coaches, assistant coaches, officials, referees, umpires or any other official or athlete support personnel. The terms **Coach** and **Official** have the corresponding meanings.
- (m) **Codes of Behaviours** mean the codes of behaviours set out in Attachment A:CODES OF BEHAVIOUR as applicable.
- (n) **Complainant** means the person making a Complaint as defined at clause 14.1.2.
- (o) **Complaint** means a complaint made under clause 14 of this Policy. This includes allegations relating to any breach of ACA Policy, the Rules, the Constitution or any other governing document of ACA from time to time.
- (p) **Complaint Procedure** means the complaints procedures set out in Attachment C:COMPLAINTS PROCEDURE.
- (q) **Complaints Officer** means the person appointed under clause 14.2.1 of this Policy to investigate and handle a Complaint.
- (r) **Constitution** means the Constitution of ACA as amended from time to time.
- (s) **Discrimination** means any form of discrimination under:
  - (i) the *Age Discrimination Act 2004* (Cth);
  - (ii) the *Disability Discrimination Act 1992* (Cth);
  - (iii) the *Racial Discrimination Act 1975* (Cth);
  - (iv) the *Sex Discrimination Act 1984* (Cth);
  - (v) any relevant state/territory or federal legislation or regulation; andincludes the description given to it in clause 8.2.
- (t) **Gender Expression** means the way in which a person externally expresses their gender or how they are perceived by others.

- (u) **Gender Identity** means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person, including:
  - (i) the way people express or present their gender;
  - (ii) the physical or mental characteristics of a person, including if a person identifies as Intersex
  - (iii) that a person's gender identity may be an identity other than male or female
  - (iv) any terms used to describe a person's gender identity such as trans, Transgender and gender diverse.
- (v) **Harassment** has the meaning given to it in clause 8.4 and **Harass** has the corresponding meaning.
- (w) **Intersex** means a person who has genetic, hormonal or physical characteristics that are not exclusively 'male' or 'female' irrespective of if that person identifies as male, female, intersex or as being of indeterminate sex.
- (x) **Laws** includes:
  - (i) any law, statute, regulation, ordinance, by-law, order or proclamation, and the common law; and
  - (ii) any authorisation, ruling, judgment, order, decree or other requirement of any Authority.
- (y) **Mediation Procedure** means the mediation procedure set out in Attachment D:MEDIATION PROCEDURE.
- (z) **Member** means a member of ACA pursuant to the Constitution.
- (aa) **Member Association** means an organisation or entity that is a Member of ACA.
- (bb) **Member Protection Information Officer** means a person appointed by us or selected by the complainant to be the first point of contact for a person reporting an issue or a complaint under, or a breach of, this policy.
- (cc) **Parent or Guardian** means a person who is a parent, including an adoptive parent, or carer of a Child, including a person who has been granted guardianship of a Child under the Law of the Commonwealth or of a state or territory.
- (dd) **Privacy Policy** means the ACA Privacy Policy as amended from time to time.

- (ee) **Procedural Fairness** means a process that requires that:
- (i) the Respondent is informed of the full details of a Complaint made against them and have the opportunity to respond to that Complaint;
  - (ii) no person may act as judge over a Complaint they are a party to; and
  - (iii) the decision-maker(s) must act in an unbiased, fair and just manner.
- (ff) **Police Check** means a national criminal history record check conducted as a pre-employment, pre-engagement or current employment background check on a person.
- (gg) **Policy** means this Member Protection Policy as amended from time to time.
- (hh) **Report** means a report made under the Reporting Procedure.
- (ii) **Reporting Procedure** means the reporting procedures set out in Attachment G3 - Procedure for Handling Allegations of Child Abuse.
- (jj) **Reporting Requirements** means the reporting requirements set out in Attachment G:REPORTING REQUIREMENTS AND DOCUMENTS/FORMS.
- (kk) **Respondent** means the person whose behaviour is the subject of the Complaint as defined at clause 14.1.2.
- (ll) **Rules** means the rules of the sport of croquet as amended from time to time.
- (mm) **Sexual Harassment** has the meaning given to it in clause 8.5 and **Sexually Harass** has the corresponding meaning.
- (nn) **Sexual Offence** means a criminal offence involving sexual activity or acts of indecency.
- (oo) Because of differences under state and territory laws, this can include but is not limited to:
- (i) rape;
  - (ii) indecent assault;
  - (iii) sexual assault;
  - (iv) assault with intent to commit sexual acts;
  - (v) incest;

- (vi) sexual penetration of child under the age of 16 years;
  - (vii) indecent act with child under the age of 16 years;
  - (viii) sexual relationship with child under the age of 16 years;
  - (ix) Sexual Offences against people with impaired mental functioning;
  - (x) abduction and detention;
  - (xi) procuring sexual penetration by threats or fraud;
  - (xii) procuring sexual penetration of child under the age of 16 years;
  - (xiii) bestiality;
  - (xiv) soliciting a child under the age of 16 years to take part in an act of sexual penetration, or an indecent act;
  - (xv) promoting or engaging in acts of child prostitution;
  - (xvi) obtaining benefits from child prostitution;
  - (xvii) possession of child pornography; and
  - (xviii) publishing child pornography and indecent articles.
- (pp) **Sexual Orientation:** The term ‘sexual orientation’ refers to a person’s emotional or sexual attraction to another person, including, amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual or same-sex attracted.
- (qq) **Social Networking** means any interactive website or technology that enables people to communicate and/or share content via the internet, including websites, and all social media networks and platforms.
- (rr) **Social Media Policy** means the social media policy of ACA as amended from time to time.
- (ss) **Spectator** means a spectator or attendee of any game, competition or croquet activity.
- (tt) **Transgender** ‘Transgender’ is an umbrella term that refers to a person whose gender identity is different to their physical sex as recorded at birth. Transitioning refers to the process where a transgender person commences living as a member of another sex. This is sometimes referred to as the person ‘affirming’ their gender because transitioning means they start living in what they identify as their true gender. For people who are transitioning/affirming their gender, having their identity fully recognised in all areas of life is a crucial part of the experience of living as their affirmed gender.

(uu) **Tribunal Procedure** means the tribunal procedure set out in Attachment F:TRIBUNAL PROCEDURES.

(vv) **Victimisation** has the meaning given to it in clause 8.6 and **Victimise** has the corresponding meaning.

(ww) **Vulnerable Person** means:

- (i) a Child or Children; or
- (ii) a person aged 18 years and above who is or may be unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason;

and **Vulnerable People** has the corresponding meaning.

## 19.2 Interpretation

19.2.1 In this Policy, unless expressed to the contrary:

- (a) words denoting the singular include the plural and vice versa;
- (b) the word 'includes' in any form is not a word of limitation;
- (c) where a word or phrase is defined, another part of speech or grammatical form of that word or phrase has a corresponding meaning; and
- (d) headings and sub-headings are for ease of reference only and do not affect the interpretation of this Policy.

## 19.3 Specific references

19.3.1 In this Policy, unless expressed to the contrary, a reference to:

- (a) a gender includes all other genders;
- (b) any legislation (including subordinate legislation) is to that legislation as amended, re-enacted or replaced and includes any subordinate legislation issued under it;
- (c) any document (such as a policy, by-law or other document) is to that document (or, if required by the context, to a part of it) as amended, novated, substituted or supplemented at any time;
- (d) writing includes writing in digital form;
- (e) a clause, schedule or attachment is a reference to a clause, schedule or attachment in or to this Policy;
- (f) a person includes an association, organisation or other body corporate;

- (g) any body (**Original Body**) which no longer exists or has been reconstituted, renamed, replaced or whose powers or functions have been removed or transferred to another body or agency, is a reference to the body which most closely serves the purposes or objects of the Original Body.

## **ATTACHMENT A: CODES OF BEHAVIOUR**

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ACA, Member Associations and Affiliated Clubs seek to provide a safe, fair and inclusive environment for everyone involved in the organisation and in the sport of croquet.

To achieve this, ACA, Member Associations and Affiliated Clubs require certain standards of behaviour by players/athletes, Coaches and Officials, administrators, Parents and Guardians and Spectators.

ACA, Member Associations and Affiliated Clubs Codes of Behaviour are underpinned by the following core values:

- (a) to act within the rules and spirit of croquet;
- (b) to display respect and courtesy towards everyone involved in the sport of croquet and prevent Discrimination, Bullying, Harassment, Sexual Harassment and Victimisation;
- (c) to prioritise the safety and well-being of children and young people involved in croquet; and
- (d) to encourage and support opportunities for participation in all aspects of the sport of croquet.

## **A1 - Code of Behaviour (General)**

---

A Member Association, Affiliated Club or a person bound by this Policy, must meet the following requirements in regard to their conduct during any activity held or sanctioned by ACA, a Member Association or an Affiliated Club, and in any role held with ACA, a Member Association, or an Affiliated Club:

- (a) respect the rights, dignity and worth of others;
- (b) be fair, considerate and honest in all dealing with others;
- (c) be professional in and accept responsibility for their actions;
- (d) make a commitment to providing quality service;
- (e) be aware of, and maintain an uncompromising adherence to, croquet's standards, Rules, Constitution regulations, this Policy and any other governing documentation of ACA from time to time;
- (f) operate within the rules of ACA, including national and international guidelines that govern ACA, the Member Associations and the Affiliated Clubs;
- (g) do not use their involvement with ACA, a Member Association or an Affiliated Club to promote their own beliefs, behaviours or practices where these are inconsistent with those of ACA, a Member Association or Affiliated Club;
- (h) demonstrate a high degree of individual responsibility especially when dealing with a person under 18 years of age, particularly in consideration that their words and actions may be viewed as an example;
- (i) avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible and if unavoidable ensure their actions are appropriate and professional at all times;
- (j) refrain from any Discrimination, Bullying, Harassment, Sexual Harassment or Victimisation of others;
- (k) refrain from any behaviour that may bring ACA, a Member Association or an Affiliated Club into disrepute;
- (l) provide a safe environment for the conduct of any activity in the sport of croquet;
- (m) show concern and caution towards others who may be sick or injured and take any appropriate measures to assist sick or injured persons where appropriate;
- (n) be a positive role model to all others; and
- (o) understand the repercussions if they commit a Breach, or are aware of any Breaches of, this Code of Behaviour, the Rules, the Constitution, this Policy or any other governing documentation of ACA as applicable from time to time.

## **A2 - Code of Behaviour (Player/Participant)**

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In addition to Attachment A1 - Code of Behaviour (General), a person bound by this Policy must meet the following requirements in regard to their conduct during any activity held or sanctioned by ACA, a Member Association or an Affiliated Club, and in their role as a player/participant in any activity held by or under the auspices of ACA, a Member Association, or an Affiliated Club:

- (a) respect the rights, dignity and worth of other players, Coaches and Officials, Parents and Guardians and Spectators;
- (b) do not tolerate acts of aggression and report such acts to ACA, Member Associations, Affiliated Clubs or Coaches and Officials as appropriate;
- (c) respect the talent, potential and development of other players and competitors;
- (d) care for and respect the equipment provided to them as part of their program;
- (e) be frank and honest with their Coach and Officials concerning illness and injury and their ability to train and compete fully within the program requirements;
- (f) at all times avoid intimate relationships with Coaches and Officials;
- (g) conduct themselves in a professional manner relating to language, temper and punctuality; and
- (h) maintain high personal behaviour standards at all times.

### **A3 - Code of Behaviour (Coach)**

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In addition to Attachment A1 - Code of Behaviour (General), a person bound by this Policy must meet the following requirements regarding their conduct during any activity held or sanctioned by ACA, a Member Association or an Affiliated Club, and in their role as a Coach appointed by ACA, a Member Association, or an Affiliated Club:

- (a) do not tolerate acts of aggression and take appropriate action in response to such an act;
- (b) provide feedback to players and other participants in a manner sensitive to their needs including avoiding overly negative feedback;
- (c) recognise players' rights to consult with other Coaches and advisers including cooperating fully with other specialists such as sports scientists, doctors, and physiotherapists;
- (d) treat all players fairly within the context of their sporting activities, regardless of gender (including Gender Identity), race, place of origin, athletic potential, colour, Sexual Orientation, political beliefs, socioeconomic status and any other characteristics;
- (e) encourage and facilitate players' independence and responsibility for their own behaviour, performance, decisions and actions;
- (f) involve the players in decisions that affect them and their career;
- (g) encourage players to respect one another and to expect respect for their worth as individuals regardless of level of play;
- (h) ensure that the tasks and/or training set are suitable for age, experience, ability and physical and psychological conditions of the players;
- (i) ensure any physical contact with players is appropriate to the situation and necessary for the player's skill development;
- (j) be acutely aware of the power that a Coach develops with a player as part of the coaching relationship and avoid any sexual intimacy with players that could develop as a result;
- (k) avoid situations with players that could be construed as compromising;
- (l) actively discourage the use of performance enhancing drugs, and the use of alcohol, tobacco and illegal substances;
- (m) do not exploit any coaching relationship to further personal, political or business interests at the expense of the best interest of players;
- (n) accept and respect the role of Officials in ensuring that competitions are conducted fairly and according to established rules;
- (o) know and abide by rules, regulations and standards, and encourage players to do likewise;
- (p) accept both the letter and the spirit of the rules;

- (q) be honest and ensure that their qualifications are not misrepresented, including always acting within their expertise and qualifications;
- (r) do not tolerate acts of aggression, Discrimination, Bullying, Harassment, Sexual Harassment or Victimisation of any person and take appropriate action in response to such an act; and
- (s) ensure that the privacy of players and club members is appropriately maintained.

#### **A4 - Code of Behaviour (Officials)**

---

In addition to Attachment A1 - Code of Behaviour (General), a person bound by this Policy must meet the following requirements regarding their conduct during any activity held or sanctioned by ACA, a Member Association or an Affiliated Club, and in their role as an Official appointed by ACA, a Member Association, or an Affiliated Club:

- (a) place the safety and welfare of the players/participants above all else;
- (b) accept responsibility for all actions taken;
- (c) be impartial at all times and act in good faith;
- (d) avoid any situation which may lead to a conflict of interest;
- (e) be courteous, respectful and open to discussion and interaction;
- (f) value the individual in sport;
- (g) do not tolerate acts of aggression, Discrimination, Bullying, Harassment, Sexual Harassment or Victimization of any person and take appropriate action in response to such an act; and
- (h) ensure that the privacy of players and club members is appropriately maintained.

## **A5 - Code of Behaviour (Administrator)**

---

In addition to Attachment A1 - Code of Behaviour (General), a person bound by this Policy must meet the following requirements regarding their conduct during any activity held or sanctioned by ACA, a Member Association or an Affiliated Club, and in their role as an administrator of ACA, a Member Association, or an Affiliated Club:

- (a) resolve conflicts fairly and promptly through established procedures;
- (b) maintain strict impartiality at all times; and
- (c) be aware of their legal responsibilities.

## **A6 - Code of Behaviour (Parent/Guardian)**

---

Parents and Guardians of players/participants in any activity held or sanctioned by ACA, a Member Association or an Affiliated Club must meet the following requirements regarding their conduct during any such activity or event:

- (a) respect the rights, dignity and worth of others;
- (b) remember that their Child participates in sport for their own enjoyment, not the Parent or Guardian's;
- (c) focus on their Child's efforts and performance rather than winning or losing;
- (d) never ridicule or yell at their Child and other children for making a mistake or losing a competition;
- (e) show appreciation for good performance and skilful plays by all players (including opposing players);
- (f) refrain from any Discrimination, Bullying, Harassment, Sexual Harassment or Victimisation of others;
- (g) demonstrate a high degree of individual responsibility especially when dealing with or in the vicinity of persons under 18 years of age, particularly in consideration that their words and actions may be viewed as an example; and
- (h) respect Officials' decisions and teach children to do likewise.

## **A7 - Code of Behaviour (Spectator)**

---

A Spectator in any activity held or sanctioned by ACA, a Member Association or an Affiliated Club, must meet the following requirements regarding their conduct during any such activity or event:

- (a) respect the decisions of Officials and teach young people to do the same;
- (b) never ridicule or scold a young player for making a mistake. Remember that positive comments are motivational;
- (c) condemn the use of violence in any form, whether it is by other Spectators, Coaches or Officials or players;
- (d) show respect for their team's opponents. Without them, there would be no game;
- (e) refrain from any Discrimination, Bullying, Harassment, Sexual Harassment or Victimisation of others;
- (f) do not use violence, Harassment or abuse in any form (that is, do not use foul language, sledge or Harass players, Coaches or Officials or other Spectators); and
- (g) respect the rights, dignity and worth of every person regardless of their gender (including Gender Identity), ability, cultural background or religion.

## **ATTACHMENT B: EMPLOYMENT SCREENING / WORKING WITH CHILDREN AND WORKING WITH VULNERABLE PEOPLE / BLUE CARD CHECK REQUIREMENTS**

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ACA, Member Associations and Affiliated Clubs are committed to providing a safe environment for Children and Vulnerable People (where applicable). As part of this, ACA, Member Associations and Affiliated Clubs will undertake thorough processes to ensure the recruitment of staff and volunteers who do not pose a risk to Children or Vulnerable People.

Employment screening and Working with Children/ Working with Vulnerable People / Blue Card Checks can involve criminal history checks, signed declarations, referee checks and other appropriate checks that assess a person's suitability to work with Children, young people and Vulnerable People (as applicable).

Working with Children, Working with Vulnerable People and/or Blue Card Check laws are currently in place in all states and territories across Australia.

ACA, Member Associations, and Affiliated Clubs will meet the requirements of the relevant state or territory Working with Children, Working with Vulnerable People or Blue Card Check Laws (where applicable).

Individuals travelling with Children, young people or Vulnerable People to another state or territory in a work-related capacity must comply with the screening requirements of that particular state or territory as applicable.

## **B1 - Employment Screening Requirements**

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- (a) B1 No longer required now that Tasmania requires a WWCC as outlined in Section B3

## B2 - Member Protection Declaration

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Croquet Australia has a duty of care to all those associated with our organisation and to the individuals and organisations to whom this policy applies. It is a requirement of our Member Protection Policy that we check the background of each person who works, coaches or has regular unsupervised contact with children and young people under the age of 18 years.

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.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence.
4. I am not currently serving a sanction for an anti-doping rule violation under an Australian Sports Anti-Doping Authority (ASADA) approved anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency (WADA), Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
6. To my knowledge, there is no other matter that Croquet Australia may consider to constitute a risk to its members, employees, volunteers, athletes, players or reputation by engaging me.
7. I will notify the ACA Administrative Officer of the organisation/s engaging me immediately upon becoming aware that any matter set out above has changed.

Declared in the state/territory of ..... on

...../..... /..... (date) Signature .....

### **Consent of parent/guardian (on behalf of a person under the age of 18 years)**

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

Name: ..... Signature: .....

Date: .....

### **B3 - Working With Children/ Working with Vulnerable People / Blue Card Check Requirements**

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Working with Children, Working with Vulnerable People and Blue Card Checks aim to create a safe environment for Children and Vulnerable People. ACA, Member Associations and Affiliated Clubs require Working with Children, Working with Vulnerable People and/or Blue Card Checks (as applicable in each jurisdiction) to protect Children, young people and Vulnerable People involved in the sport of croquet from physical and sexual harm.

These checks assess the suitability of people to work with Children, young people and Vulnerable People (as applicable) and can involve:

- (a) criminal history checks;
- (b) signed declarations;
- (c) referee checks; and
- (d) other relevant background checks.

Working with Children, Working with Vulnerable People and Blue Card Checks apply differently in each jurisdiction and have varying requirements across Australia. Information for each state and territory are available on the Play by the Rules website: [www.playbytherules.net](http://www.playbytherules.net)

Detailed information, including the forms required to complete a Working with Children, Working with Vulnerable People or Blue Card Checks, are available from the relevant agencies in each state and territory.

#### **1. Australian Capital Territory**

Contact Access Canberra

Website:

[https://www.accesscanberra.act.gov.au/app/answers/detail/a\\_id/1804/~/working-with-vulnerable-people-%28wwwvp%29-registration](https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804/~/working-with-vulnerable-people-%28wwwvp%29-registration)

Phone: 13 22 81

#### **2. New South Wales**

Contact the Office of the Children’s Guardian

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

Phone: 02 8219 3777

#### **3. Northern Territory**

Contact the Northern Territory Screening Authority

Website: <https://nt.gov.au/emergency/community-safety/working-with-children-clearance-before-you-apply>

Phone: 1800 SAFE NT (1800 723 368)

#### **4. Queensland**

Contact the Public Safety Business Agency about the “Blue Card” system.

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

Phone: 1800 113 611

## 5. South Australia

Contact the Department for Education and Child Development for information

Website: [www.education.sa.gov.au/child-protection](http://www.education.sa.gov.au/child-protection)

Phone : 08 8226 1000

National Police Check: <http://www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check>

DCSI Child Related Work Screening: <http://www.dcsi.sa.gov.au/services/screening>

### **New system**

From 1 July 2019, a WWCC can only be issued by the DHS Screening Unit.

Contact the Department for Education and Child Development for information

Website: [www.education.sa.gov.au/child-protection](http://www.education.sa.gov.au/child-protection)

DHS Screening Unit: [www.screening.sa.gov.au/screening-process/child-related-employment-screening](http://www.screening.sa.gov.au/screening-process/child-related-employment-screening)

## 6. Tasmania

Contact the Consumer, Building and Occupational Services

Website: [www.cbos.tas.gov.au/topics/licensing-and-registration/registrations/work-with-vulnerable-people](http://www.cbos.tas.gov.au/topics/licensing-and-registration/registrations/work-with-vulnerable-people)

Phone: 1300 654 499

## 7. Victoria

Contact the Department of Justice

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

Phone: 1300 652 879

## 8. Western Australia

Contact the Department for Child Protection

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

Phone: 1800 883 979

### **Travelling to other states or territories**

It is important to remember that when travelling to other states or territories, representatives of sporting organisations must comply with the legislative requirements of that particular state or territory.

In certain jurisdictions, temporary, time limited exemptions from Working with Children, Working with Vulnerable People or Blue Card Checks (as applicable) may be available for interstate visitors with a Working with Children, Working with Vulnerable People or Blue Card Check in their home state.

The Laws providing interstate exemptions are not consistent across Australia.

If an employee or volunteer for an organisation is travelling interstate to do work that would normally require a Working for Children, Working with Vulnerable People or Blue Card

Check (as applicable), the individual and their employer will need to check the relevant requirements of that state or territory.

## **ATTACHMENT C: COMPLAINTS PROCEDURE**

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ACA, Member Associations and Affiliated Clubs will deal with all Complaints in a fair, timely and transparent manner. All Complaints will be treated seriously.

ACA, Member Associations and Affiliated Clubs will provide individuals with an informal and a formal process to resolve a Complaint, along with access to an external Complaint handling body, based on the nature of the Complaint, this Policy, the Rules, the Constitution, the Laws and any other governing document of ACA as amended from time to time.

ACA, Member Associations and Affiliated Clubs will also provide an appeals process for those matters.

ACA, Member Associations and Affiliated Clubs will maintain confidentiality where possible and as provided in this Policy and seek to ensure that no one is victimised for making, supporting or providing information about a Complaint.

## **C1 - Complaints Procedure**

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ACA, Member Associations and Affiliated Clubs are committed to supporting people associated with croquet to make and resolve any Complaints they may have in a fair, timely and effective way.

ACA, Member Associations and Affiliated Clubs will provide **informal and formal procedures** to deal with Complaints. Individuals and organisations can also make **Complaints to external organisations** under anti-discrimination, child protection and other relevant Laws.

If appropriate, ACA, Member Associations and Affiliated Clubs, encourage a Complainant to proceed with a Complaint through Attachment C2 - Informal Complaints Procedure in the first instance. However, should the Complaint be unable to be resolved through the Informal Complaints procedure, or if the Complainant determines the Informal Complaints procedure is inappropriate, the Complainant may proceed with a Complaint through Attachment C3 - Formal Complaints Procedure.

### **Confidentiality**

ACA, Member Associations and Affiliated Clubs will endeavour to deal with Complaints on a confidential basis pursuant to this Policy. Information about the Complaint will not be provided to another person without the Complainant's consent, except:

- (a) if the Law requires disclosure of this information; or
- (b) disclosure is necessary to properly deal with the Complaint.

To ensure fairness for all parties involved, ACA, Member Associations and Affiliated Clubs will provide the full details of the Complaint to the Respondent and ask for their response. As a result, it may be difficult for an anonymous Complaint to be resolved.

ACA, Member Associations and Affiliated Clubs acknowledge the sensitive nature of many Complaints, particularly in relation to Complaints involving Sexual Harassment or Child Abuse and will strive to resolve Complaints in a way that protects the confidentiality of all parties involved.

## **C2 - Informal Complaints Procedure**

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The following outlines the procedure that applies to an Informal Complaint:

If a Complainant has a Complaint or potential Complaint and wishes to proceed as an Informal Complaint, they should:

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

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

**Step 2. Contact the appropriate Complaints Officer and make an Informal Complaint**

Any employee, volunteer or other staff of ACA, a Member Association or an Affiliated Club who is approached by a Complainant wishing to make an Informal Complaint should refer the Complainant to the relevant Complaints Officer.

ACA, Member Associations and Affiliated Clubs encourage Complainants to talk with the appropriate Complaints Officer as set out in clause 14.2.3 if:

- (a) Step 1 (above) is not safe, reasonable or appropriate;
- (b) you are not sure how to handle the problem by yourself;
- (c) you want to talk confidentially with someone and find out what options are available to address your concern; or
- (d) the concern continues after you approached the other person.

The names and contact details for our Contact Officers are available from the ACA Administrative Officer.

Upon being approached by a Complainant wishing to make an Informal Complaint, the Complaints Officer will:

- (a) determine if the Complaint should be handled via the Informal Complaint procedure or the Formal Complaint procedure;
- (b) if they determine the Complaint can be handled via the Informal Complaint Procedure:
  - (i) ask how you would like your concern to be resolved and if you need support;
  - (ii) seek to provide different options for you to address your concern;
  - (iii) act as a support person, if you wish;
  - (iv) refer you to an appropriate person (e.g. a mediator) to help you address your concern, if appropriate;

- (v) inform the relevant government authorities and/or police, if required by law to do so; and
- (vi) where possible and appropriate, maintain confidentiality;
- (c) complete the form at Attachment G1 - Record of Informal Complaint throughout the Informal Complaint procedure.

### **Step 3. Decide how to address your concern**

After talking with the Complaints Officer, you may decide:

- (a) there is no problem and the matter is not required to be progressed;
- (b) the problem is minor and you do not wish to progress the matter;
- (c) to try and resolve the problem yourself, with or without a support person;
- (d) to resolve the problem with the help of someone impartial, such as a mediator; or
- (e) to resolve the matter through the Formal Complaint procedure.

The Complaints Officer will assist in progressing the matter if that is the decision you choose to make.

### **C3 - Formal Complaints Procedure**

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The following outlines the procedure that applies to a Formal Complaint.

If a Complainant has a Complaint or potential Complaint and wishes to proceed as a Formal Complaint, they should:

#### **Step 1. Making a formal complaint**

If it is not possible or appropriate to resolve your Complaint through the Informal Complaints procedure, you may:

- (a) make a Formal Complaint in writing to the appropriate Complaints Officer pursuant to clause 14.2.3, or
- (b) approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice and assistance.

After receiving a Formal Complaint, and based on the material you provide, the Complaints Officer will decide whether:

- (a) he or she is the most appropriate person to receive and handle the Complaint;
- (b) the nature and seriousness of the Complaint requires a formal resolution procedure;
- (c) to refer the Complaint to mediation;
- (d) to appoint a person to investigate the Complaint;
- (e) to refer the Complaint to a Tribunal hearing or to refer the Complaint to the ACA Complaints Officer with a recommendation to proceed with a Tribunal hearing;
- (f) if the Complaint may be resolved by a remedy under clause 14.3.6(e);
- (g) to refer the matter to the police or other appropriate Authority; and/or
- (h) to implement any interim arrangements that will apply until the Complaint process is completed.

The Complaints Officer will complete the form at Attachment G2 - Record of Formal Complaint throughout the Formal Complaint procedure.

In dealing with your Formal Complaint, the Complaints Officer will take into account:

- (a) whether he or she has had any personal involvement in the circumstances and if so, whether it is appropriate someone else should handle the Complaint;
- (b) your wishes, and the wishes of the Respondent, regarding how the Complaint should be handled;
- (c) the relationship between you and the Respondent (e.g. an actual or perceived power imbalance between you and the Respondent);
- (d) whether the facts of the Complaint are in dispute; and
- (e) the urgency of the Complaint, including the possibility that you might face further unacceptable behaviour while the Complaint process is underway.

If the Complaints Officer is the appropriate person to handle the Complaint, they will, where appropriate and/or necessary:

- (a) provide the information received from you to the Respondent(s) involved and ask for a response;
- (b) decide if there is enough information to determine whether the matter alleged in your Complaint did or did not occur; and
- (c) determine what, if any, further action to take, including referring the matter for investigation or disciplinary action in accordance with this Policy.

## **Step 2. Investigating a Complaint or suspected Breach**

In some cases, an investigation may be required to determine the facts surrounding the Complaint. ACA's Investigations Procedure is outlined in Attachment E1 - Investigation Process.

Following the investigation, a written report will be provided to the Complaints Officer.

Upon review of the report:

- (a) if the Complaint is referred to mediation, the Complaints Officer will follow the steps outlined in Attachment D1 - Mediation Procedure or as agreed by you, the Respondent and the mediator;
- (b) if the Complaint is referred to a Tribunal hearing, the ACA Complaints officer will convene a Tribunal pursuant to clause 16.1 and the hearing will be conducted according to the steps outlined in Attachment F3 - Tribunal hearing procedure;
- (c) if the Complaint is referred to the police or another external agency, ACA, Member Associations and Affiliated Clubs will endeavour to

provide all reasonable assistance required by the police or the agency.

Any costs incurred by, Member Associations and Affiliated Clubs relating to the Complaint process set out in this Policy (e.g. investigation, mediation and/or a Tribunal hearing) are to be met by the relevant Member Association or Affiliated Club, unless otherwise stated. Any costs incurred by ACA are to be met by [insert].

### **Step 3. Reconsidering a Complaint or appealing a decision**

If a Complaint is referred to mediation and is not resolved at mediation, you may request that Complaints Officer reconsider the Complaint in accordance with Step 1 (above).

In accordance with clause 16.3, ACA rules you or the Respondent(s) may also appeal a decision made at a Tribunal hearing. The grounds and process for appeals are set out in Attachment F4 - Appeals procedure.

### **Step 4. Documenting the resolution**

The Complaints Officer will record the details of the Complaint, the steps taken to resolve it and the outcome. This information will be stored in a confidential and secure place.

If the Complaint was dealt with at the club level, the information will be stored by the Affiliated Club.

If the Complaint was dealt with at the state level, the information will be stored by the state Member Association.

If the matter is of a serious nature, or if it was dealt with at the national level, the information will be stored by ACA and a copy stored by the relevant state Member Association.

## **C4 - Approaching external organisations**

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If you feel that you have been Discriminated against, Bullied, Harassed, Sexual Harassed, Victimised or subjected to Child Abuse, you can seek advice from your state or territory anti-discrimination or equal opportunity commission or any other appropriate Authority. There is no obligation to make a Formal Complaint.

If an Authority, such as a state/ territory equal opportunity commission (**the Commission**) advises you that the issues appear to be within its jurisdiction, you may choose to lodge a formal complaint with that Authority.

### **Equal Opportunity Commission**

In the case of a complaint made to the Commission, the Commission may investigate your complaint. The Commission may also attempt to conciliate the complaint on a confidential basis. If this fails, or if it is not appropriate, the complaint may go to a formal hearing. The tribunal will make a finding and decide what action, if any, will be taken.

If you do lodge a complaint with the Commission, an appropriate person from ACA, a Member Association or Affiliated Club (e.g. a Complaints Officer) will be available to support you during the process. You may also wish to have a legal representation, particularly if the complaint goes to a formal hearing.

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

### **Other Authorities**

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

## **ATTACHMENT D: MEDIATION PROCEDURE**

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Mediation is a process that seeks to resolve Complaints with the assistance of an impartial person – the mediator.

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, they help the parties involved to discuss the issues and seeks to facilitate a mutually agreeable solution.

### **D1 - Mediation Procedure**

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ACA's approach to mediation follows the steps set out below.

#### **Step 1. Appointment of Mediator**

The Complaints Officer will appoint an appropriate mediator to help resolve the Complaint. This will be done under the direction of ACA, the relevant Member Association or Affiliated Club (as appropriate) and in consultation with the Complainant and the Respondent(s).

The mediator will be an independent person in the context of the Complaint, however this does not preclude a person with an association with ACA, a Member Association or an Affiliated Club acting as mediator.

#### **Step 2. Talk to the Mediator**

The mediator will talk with the Complainant and Respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.

#### **Step 3. Process**

All issues raised during mediation will be treated confidentially. Complainants and Respondents agree to treat the issues raised during mediation with respect and proceed with the mediation process in good faith.

ACA, Member Associations and Affiliated Clubs also respect the rights of the Complainant and the Respondent(s) to pursue an alternative process if the Complaint is not resolved.

#### **Step 4. Resolution**

If the Complaint is resolved by mediation, where appropriate the mediator may seek to ensure the parties execute a document that sets out the agreement that has been reached. This agreement will be signed by the Complainant and the Respondent(s). ACA, Member Associations and Affiliated Clubs expect the parties involved to respect and comply with the terms of the agreement.

#### **Step 5. Reconsideration**

If the Complaint is not resolved by mediation, the Complainant may:

- (a) write to Complaints Officer to request that the Complaints Officer reconsider the Complaint in accordance with Step 1 of the Formal Complaints Procedure; and
- (b) approach any relevant external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

ACA, Member Associations and Affiliated Clubs recognise that there are some **situations where mediation may not be appropriate**, including:

- (a) when the people involved have completely different versions of the incident;
- (b) when one or both parties are unwilling to attempt mediation;
- (c) when there is a real or perceived power imbalance between the people involved;
- (d) when there is a real or perceived threat to either party; and
- (e) matters that involve serious allegations.

## ATTACHMENT E: INVESTIGATION PROCESS

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ACA, Member Associations and Affiliated Clubs acknowledge there are circumstances where a Complaint or any suspected Breach of this Policy will need to be investigated and information gathered in order for a resolution to be achieved.

An investigation assists in determining the facts relating to an incident and allows the appropriate making of recommendations as to possible findings and next steps.

Any investigation ACA, Member Associations and Affiliated Clubs conduct will be done in a manner which is fair to all parties involved in a matter. The investigation process will be undertaken by an unbiased and independent person.

### E1 - Investigation Process

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Upon reviewing a Complaint, if a Complaints Officer decides that a Complaint should be investigated, the following steps will be followed.

#### Step 1. Brief the Investigator

ACA, a Member Association or an Affiliated Club will appoint an independent investigator and provide a written brief to the investigator that sets out the terms of engagement and their roles and responsibilities.

#### Step 2. Process

The investigator may:

- (a) interview the Complainant and record the interview in writing;
- (b) provide full details of the Complaint to the Respondent(s) so that they can respond;
- (c) interview the Respondent(s) to allow them to answer the Complaint and record the interview in writing;
- (d) obtain statements from witnesses and collect other relevant evidence;
- (e) make a finding as to whether the Complaint is:
  - (i) **substantiated** (there is sufficient evidence to support the Complaint);
  - (ii) **inconclusive** (there is insufficient evidence to determine the Complaint);
  - (iii) **unsubstantiated** (there is sufficient evidence to show that the Complaint is unfounded); or
  - (iv) **mischievous, misleading, vexatious or knowingly untrue**; and
- (f) provide a report to Complaints Officer documenting:

- (i) the Complaint;
- (ii) the investigation process;
- (iii) any evidence obtained; and
- (iv) if requested, any findings and recommendations.

The Complainant and the Respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (e.g. the Complaints Officer or other support person).

### **Step 3. Report**

ACA, the relevant Member Association or the relevant Affiliated Club will provide a report to the Complainant and the Respondent(s) documenting:

- (a) the Complaint;
- (b) the investigation process; and
- (c) summarising key points from the investigation.

### **Step 4. Resolution**

The Complaints Officer will proceed with the Complaint as per the Complaints Procedure.

## **ATTACHMENT F: TRIBUNAL PROCEDURES**

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ACA, Member Associations and Affiliated Clubs will follow the steps set out below to hear Formal Complaints referred to a Tribunal Hearing. This includes allegations of Breaches, or action resulting from suspected Breaches this Policy, the Constitution, the Rules or any other governing documents of ACA as amended from time to time.

### **F2 - Convening a Tribunal hearing**

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#### **Step 1. Establishing Tribunal Panel**

The ACA Complaints Officer will establish and maintain a pool of potential Tribunal members consisting of senior Members within ACA, Member Associations and Affiliated Clubs with no less than three members from each relevant state/territory.

Once a Complaint is referred to a Tribunal, the ACA Complaints Officer will establish a Tribunal panel consisting of three panel members. The panel members will be drawn from the pool of potential Tribunal members and will be appropriately placed to make a decision in relation to the Complaint.

When selecting the Tribunal panel, the ACA Complaints Officer will have consideration as to:

- (a) the relevant experience of each potential Tribunal member;
- (b) the relation between a potential Tribunal member, the Complainant, the Respondent and any other party involved with the Complaint;
- (c) the nature of the Complaint;
- (d) the jurisdiction of the Complaint and the potential Tribunal members, including the application of any state/territory Law and the knowledge the potential Tribunal members have in that jurisdiction; and
- (e) the availability of potential Tribunal members.

The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the Complaints Officer relating to the Complaint.

The Tribunal panel should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination) applicable to the Complaint.

The ACA Complaints Officer will appoint one member of the Tribunal panel to chair the Tribunal hearing.

#### **Step 2. Calling the Tribunal**

If a Tribunal is to be convened, the ACA Complaints Officer will convene the Tribunal at a date no less than 35 and no more than 60 days after receipt of the Complaint.

The ACA Complaints Officer must notify the Complainant and the Respondent of the determination to convene a Tribunal no more than 14 days after receipt of the Complaint. Notice of the Tribunal must outline:

- (a) that the Complainant/ Respondent has a right to appear at the Tribunal hearing to support/defend the Complaint;
- (b) the details of the Complaint and of all allegations, as well as the provision or clause of This Policy, the Constitution, the Rules or any other governing document of ACA that has allegedly been Breached;
- (c) the date, time and venue of the Tribunal hearing;
- (d) that verbal or written submissions can be presented at the Tribunal hearing;
- (e) that witnesses may attend the Tribunal hearing to support the position of the Claimant/ Respondent;
- (f) an outline of any possible sanctions that may be imposed if the Complaint is found to be true;
- (g) that legal representation will not be allowed. (The Claimant/ Respondent may be assisted by a support person at a Tribunal hearing. For example, where the Claimant/Respondent is a minor, he or she should have a Parent or Guardian present. However, a person cannot be a support person if he or she has been admitted to the practise as a lawyer or worked as a trainee lawyer.)
- (h) that a copy of any investigation report findings will be provided to the Complainant/ Respondent.

For the avoidance of doubt, notice provided under this Attachment F2 - Convening a Tribunal hearing is considered notice under clause 14.3.6(f).

### **Step 3. Correction of Tribunal notice**

Upon receiving notice of the Tribunal hearing, if the Complainant believes the details of the Complaint are incorrect or insufficient, they should inform the ACA Complaints Officer as soon as possible.

Upon receipt of a correction to the Tribunal notice, the ACA Complaints Officer must inform the Respondent and Tribunal panel members as soon as reasonably possible.

## **F3 - Tribunal hearing procedure**

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The following people may attend a Tribunal hearing:

- (a) Tribunal panel members;
- (b) the Respondent;
- (c) the Complainant;
- (d) any witnesses called by the Respondent;
- (e) any witnesses called by the Complainant;
- (f) any Parent or Guardian or support person required to support the Respondent or the Complainant; and
- (g) the ACA Complaints Officer.

### **Step 1. Reschedule of Tribunal**

If the Respondent or Complainant are not present at the set hearing time and the Tribunal chairperson considers that no valid reason has been presented for this absence, the Tribunal hearing will continue subject to the chairperson being satisfied that all Tribunal notification requirements have been met.

If the Tribunal chairperson considers that there is a valid reason for the non-attendance of the Respondent or Complainant, or the chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date no more than 14 days from the initial date of the Tribunal hearing.

If the Tribunal chairperson wishes to reschedule the Tribunal hearing date, the Tribunal chairperson will inform the ACA Complaints Officer of the need to reschedule the hearing and the ACA Complaints Officer will arrange for the Tribunal to be reconvened.

### **Step 2. Reading of Complaint**

The Tribunal chairperson will read out the Complaint, ask each Respondent if they understand the Complaint, and if they agree or disagree with the Complaint.

If the Respondent agrees with the Complaint, they will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any sanctions.

### **Step 3. Complainant Evidence**

If the Respondent disagrees with the Complaint, the Complainant will be asked to describe the circumstances that lead to the Complaint being made. The Complainant may:

- (a) refer to brief notes prepared;

- (b) provide any evidence the events of Complaint took place; and
- (c) call witnesses in support of the Complaint.

Once the Complainant has provided their evidence, the Respondent may question the Complainant and any witnesses as to the validity of the evidence provided and statements made.

#### **Step 4. Respondent Evidence**

The Respondent will then be asked to respond to the Complaint. The Respondent may:

- (a) refer to brief notes prepared;
- (b) provide any evidence rebuking the Complaint; and
- (c) call witnesses in support of their evidence.

Once the Respondent has provided their evidence, the Complainant may question the Respondent and any witnesses as to the validity of the evidence provided and statements made.

#### **Step 5. Consideration of Evidence**

The Complainant and Respondent may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required.

Upon hearing the Complainant and Respondents evidence, the Tribunal may:

- (a) consider any evidence, and in any form, that it deems relevant;
- (b) ask questions of any person giving evidence;
- (c) limit the number of witnesses (including limiting witnesses to those persons who only provide new evidence);
- (d) require (to the extent it has power to do so) the attendance of any witness it deems relevant; and
- (e) act in an inquisitorial manner in order to establish the truth of the issue and the Complaint before it.

Video evidence, if available, may be presented. Arrangements for the viewing of this evidence must be made entirely by the person(s) wishing to offer this type of evidence.

If the Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidating behaviour from anyone, the Tribunal chairperson may deny further involvement of that person in the hearing.

## Step 6. Determination

After all the evidence has been presented, the Tribunal will make its decision in private. The Tribunal must decide whether the Complaint has, on the balance of probabilities, been substantiated.

All Tribunal decisions will be by majority vote.

The Tribunal chairperson may announce the decision of the Tribunal at the conclusion of the hearing. Alternatively, they may reserve the decision of the Tribunal at the conclusion of the hearing and deliver the decision at a later time.

The Tribunal may, in its decision, impose any sanction pursuant to clause 16.2.2.

## Step 7. Imposition of Sanctions

Within 48 hours of the Tribunal delivering its decision, the Tribunal chairperson will:

- (a) forward a notice of the Tribunal's decision to the ACA Complaints Officer, including details of any sanction imposed; and
- (b) forward a letter reconfirming the Tribunal's decision to the Respondent and Complainant, including any sanction imposed. The letter to the Respondent should also outline the process and grounds for an appeal, if allowed.

The Tribunal does not need to provide written reasons for its decision.

Within 48 hours of receiving the Tribunal's decision, the Respondent may make submissions to the Tribunal in relation to any sanctions that may be imposed. The tribunal may consider the Respondent's submissions and amend any sanctions imposed in its absolute discretion.

## F4 - Appeals procedure

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A Complainant or a Respondent may lodge with the ACA Complaints Officer an appeal in relation to the decision of a Tribunal on one or more of the following grounds:

- (a) that a denial of procedural fairness has occurred;
- (b) that the sanction imposed is unjust or unreasonable; or
- (c) that the decision was not supported by the information/evidence provided at a mediation or to the Tribunal at hearing.

### Step 1. Lodging an Appeal

A Complainant or Respondent wishing to appeal a Tribunal decision (an **Appellant**) must lodge a letter setting out the basis for their appeal with the ACA Complaints Officer within 14 days of the decision being made.

If the letter of appeal is not received by the ACA Complaints Officer within this period, the right of appeal will lapse.

## **Step 2. Review of Letter of Appeal**

The ACA Complaints Officer will review the letter of appeal and the notice of the Tribunal's decision and, within 14 days of receipt of the Appellants appeal, decide whether the Complainant/Respondent has sufficient grounds for the appeal to proceed.

The ACA Complaints Officer may speak to any witnesses called at the Tribunal hearing, the Complainant or the Respondent that they believe are required in order for them to make an informed decision to allow the appeal to proceed.

## **Step 3. Convening an Appeals Tribunal**

If the Appellant has not shown sufficient grounds for an appeal in the absolute discretion of the ACA Complaints Officer, then the appeal will be rejected. The Appellant will be notified in writing within 48 hours of the ACA Complaints Officer's decision to reject the appeal. The notice to the Appellant must include the reasons for the decision.

If the appeal is accepted, the ACA Complaints Officer will convene an Appeal Tribunal with new panel members following the same process as outlined in Attachment F2 - The Appeals Tribunal will rehear the Complaint pursuant to Attachment F3 - Tribunal hearing procedure. The decision of the Appeal Tribunal will be final and binding on all parties.

## **ATTACHMENT G: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS**

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ACA, Member Associations and Affiliated Clubs will ensure that all Complaints received, including Formal and informal Complaints, are properly documented and appropriate records are retained. This includes recording how the Complaint was resolved and the outcome of the Complaint.

This information, and any additional records and notes, will be treated confidentially (subject to disclosure required by Law or permitted under this Policy) and stored in a secure place.

ACA, Member Associations and Affiliated Clubs will treat any allegation of Child Abuse or neglect promptly, seriously and with a high degree of sensitivity. ACA, Member Associations and Affiliated Clubs will ensure that all employees, volunteers or other staff understand how to appropriately receive and record allegations of Child Abuse and neglect and how to report those allegations to the relevant authorities in their state or territory.

The relevant person or Complaints Officer dealing with a Complaint must fill out the forms in Attachments G1 - Record of Informal Complaint and G2 - Record of Formal Complaint during the Complaints Procedure as appropriate.

Any person handling an allegation of Child Abuse or neglect must follow the procedure set out in Attachment G3 - Procedure for Handling Allegations of Child Abuse.



What is the Complainant going to do now?	
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**This record and any notes must be kept confidential and secure.** If the issue becomes a Formal Complaint, this record is to be given to relevant Complaints Officer.

## G2 - Record of Formal Complaint

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

Formal resolution procedures followed (outline)	
If investigated:	Finding
If heard by Tribunal:	Decision  Action recommended
If mediated:	Date of mediation:  Both/all parties present  Agreement  Any other action taken
If decision was appealed	Decision  Action recommended
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position: Signature: <span style="float: right;">Date / /</span>
Signed by:	Complainant:  Respondent:

**This record and any notes must be kept confidential and secure.** If the Complaint is of a serious nature, or if it is taken to and/or dealt with at the national level, the original record must be provided to the ACA Complaints Officer and a copy kept with the Member Association where the Complaint was first made.

### G3 - Procedure for Handling Allegations of Child Abuse

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

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

ACA, Member Associations and Affiliated Clubs will treat any allegation of Child Abuse or neglect promptly, seriously and with a high degree of sensitivity.

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

#### **Step 1. Receive the allegation**

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

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

#### **Step 2. Report the allegation**

Immediately report any allegation of Child Abuse or neglect, or any situation involving a Child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.

Contact the relevant child protection agency or police for advice if there is any doubt about whether the allegation should be reported.

If the allegation involves a person to whom this Policy applies, then also report the allegation to the ACA Complaints Officer so that they can manage the situation.

#### **Step 3. Protect the Child and manage the situation**

The ACA Complaints Officer will assess the immediate risks to the Child and take interim steps to ensure the Child's safety and the safety of any other Children. This may include redeploying

the alleged offender to a position where there is no unsupervised contact with Children, supervising the alleged offender or removing/suspending them until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is an employee or appointee of ACA, a Member Association or an Affiliated Club.

The ACA Complaints Officer will consider what services may be most appropriate to support the Child and their Parents or Guardians.

The ACA Complaints Officer will consider what support services may be appropriate for the alleged offender.

The ACA Complaints Officer will seek to put in place measures to protect the Child and the alleged offender from possible Victimisation and gossip.

**Step 4. Take internal action**

At least three different investigations could be undertaken to examine allegations of Child Abuse or neglect that are made against a person to whom this Policy applies, including:

- (a) a criminal investigation (conducted by the police);
- (b) a child protection investigation (conducted by the relevant child protection agency); and
- (c) a disciplinary or misconduct inquiry/investigation (conducted by ACA under the Complaints Procedures).

The ACA Complaints Officer will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include considering whether the alleged offender should return to their position, be dismissed, banned or suspended or face other disciplinary action.

If disciplinary action is undertaken, ACA will follow the procedures set out in clause 18 of this Policy.

Where required, ACA will provide the relevant government agency with a report of any disciplinary action taken.

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

<b>Australian Capital Territory</b>	
ACT Police Non-urgent police assistance Ph: 131 444 <a href="http://www.afp.gov.au">www.afp.gov.au</a>	Community Services <a href="http://www.communityservices.act.gov.au/ocyfs">www.communityservices.act.gov.au/ocyfs</a> Ph: 133 427
<b>New South Wales</b>	

New South Wales Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.nsw.gov.au">www.police.nsw.gov.au</a>	Department of Family and Community Services <a href="http://www.facs.nsw.gov.au/families">www.facs.nsw.gov.au/families</a> Ph: 132 111
<b>Northern Territory</b>	
Northern Territory Police Non-urgent police assistance Ph: 131 444 <a href="http://www.pfes.nt.gov.au">www.pfes.nt.gov.au</a>	Department of Children and Families <a href="http://www.territoryfamilies.nt.gov.au">www.territoryfamilies.nt.gov.au</a> Ph: 1800 700 250
<b>Queensland</b>	
Queensland Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.qld.gov.au">www.police.qld.gov.au</a>	Department of Child Safety, Youth and Women <a href="http://www.csyw.qld.gov.au/child-family">www.csyw.qld.gov.au/child-family</a> Ph: 1800 811 810
<b>South Australia</b>	
South Australia Police Non-urgent police assistance Ph: 131 444 <a href="http://www.sapolice.sa.gov.au">www.sapolice.sa.gov.au</a>	Department for Education <a href="http://www.education.sa.gov.au/child-protection/child-safe-environments">www.education.sa.gov.au/child-protection/child-safe-environments</a> Ph: 131 478
<b>Tasmania</b>	
Tasmania Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.tas.gov.au">www.police.tas.gov.au</a>	Department of Health and Human Services <a href="http://www.dhhs.tas.gov.au/children">www.dhhs.tas.gov.au/children</a> Ph: 1300 737 639
<b>Victoria</b>	
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 <a href="http://www.police.vic.gov.au">www.police.vic.gov.au</a>	Department of Health and Human Services <a href="https://services.dhhs.vic.gov.au">https://services.dhhs.vic.gov.au</a> Ph: 1300 650 172
<b>Western Australia</b>	
Western Australia Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.wa.gov.au">www.police.wa.gov.au</a>	Department of Communities – Child Protection and Family Support <a href="http://www.dcp.wa.gov.au">www.dcp.wa.gov.au</a> Ph: (08) 9222 2555 or 1800 622 258