

## **Member Protection Policy – Summary**

The law appropriately applies high standards to National Sporting Organisations, State and Member associations and clubs in relation to unlawful and improper behaviour that may occur within those groups, or at events staged by those organisations, or when those organisations or their members participate in a sporting event. However, the Member Protection Policy (MPP) is designed essentially to deal with conduct that occurs outside the field of sporting play, rather than ‘on-field’ incidents. The Rules of the sport usually cover on field conduct. The MPP is also generally not written to deal with trivial matters.

The MPP has been introduced to firstly act as a statement of standards of behaviour that apply within NSO’s or their affiliate bodies. It clearly confirms that the following types of behaviour will not be tolerated:

- Child Abuse;
- Sexual Assault, pornography;
- Discrimination;
- Bullying & Harassment;
- Physical assault, verbal abuse, intimidation;
- Actions that create a hostile environment;
- Conduct that may cause psychological injury or distress;
- Acting in a manner that brings or is likely to bring a sport into disrepute.

A range of steps have been set out in the policy for dealing with groups or individuals who engage in any of the inappropriate behaviour prohibited by the policy. Importantly, the policy provides persons who are aggrieved by the action(s) of another or others within their sport (complainant) with channels for raising concerns about the behaviour of other(s) complained about (respondent(s)). After the concerns have been raised with a person qualified and skilled in considering such complaints, the complainant is then offered a range of options for how the issue can be dealt with.

This includes informal discussions, mediation, a formal complaint, an investigation of the conduct of the person(s) being complained about (respondent), and possibly a disciplinary hearing before a Tribunal. A person found guilty of breaching the policy may be punished by a range of measures including a warning up to expulsion from the sport. A group/body found guilty of breaching the policy could be suspended or expelled from membership of an NSO.

However, the policy ensures that complaints are not arbitrarily dealt with. The process has the following features:

- The process is fair and balanced;

- A Respondent to an allegation is entitled to fully explain or defend her or himself (or themselves) after receiving full information of the improper conduct it is said that they/he/she engaged in;
- Matters are treated confidentially;
- The complainant is given substantial control over the process unless a law has been clearly breached (in which case an appropriate authority needs to be notified);
- Complainants are to be dealt with sensitively;
- Respondents are entitled to the presumption of innocence;
- A fair disciplinary process will occur (in appropriate cases) which ensures an unbiased Tribunal, a full and proper consideration of all relevant facts in a timely manner;
- Rights of appeal where a complainant or respondent is dissatisfied with the outcome of a complaint, investigation or Tribunal hearing.

Underlying the MPP is a range of laws which will vary from state to state. Despite some differences, there are some universal minimum standards that the law applies to persons involved in sporting activities. These include equal opportunity and discrimination laws, the criminal law and laws relating to who may or may not be granted permission to work (for example as a coach) with children, due to previous criminal records.

This policy provides assurances to parents, children, boards of sporting organisations, sponsors and all others involved in sport that improper conduct will not be tolerated and will be dealt with and punished appropriately.

It also encourages any person or group who feels that they may have been subject to improper or unlawful behaviour to come forward and discuss their concerns with the relevant Member Protection Information Officer, CEO or President of their sport. Over time, those that act in a manner contrary to this policy (or continue to breach it) will find that they are no longer welcome in their sport, and that they are banned from the sport.