

# CRICKET ILLAWARRA ASSOCIATION



## MEMBER PROTECTION POLICY

## Message from Cricket Illawarra President

I am pleased to introduce you to Cricket Illawarra's Member Protection Policy. This Policy aims to ensure that Cricket Illawarra's ("CI") core values are respected and maintained by people involved in cricket in the Illawarra. It aims to ensure that every person involved in cricket is treated with respect and dignity, is safe and protected from abuse and that we provide a consistent and nurturing environment for all players, volunteers and Officials.

CI seeks to prevent all forms of harassment, discrimination and abuse and promotes positive behaviours and values. Cricket Illawarra should not and will not tolerate inappropriate or unlawful behaviour. While the Policy is extensive, it has been designed in a way that allows for the quick referencing of key issues and guidelines and to help affiliated clubs of Cricket Illawarra to develop their own policies for the protection of their participants.

While Australia has worked hard to become the world's leading cricket nation in both women's and men's cricket, we would not have been able to achieve this without the values, principles and experiences of our cricket system. As the custodians responsible for the future of the game, we are committed to ensuring others enjoy the rewards of life-long cricket involvement. Adopting and understanding CI's Member Protection Policy and guidelines provided in this Policy will go a long way to ensuring that the quality and enjoyment of the cricket experience in the Illawarra will continue to grow and prosper.

Yours sincerely,

Mark Johnston  
President-Cricket Illawarra  
1 October 2016

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# **PART A: CRICKET ILLAWARRA MEMBER PROTECTION POLICY**

## **1. PURPOSE OF THIS POLICY**

- 1.1. The main objective of this MPP aims to ensure that Cricket Illawarra's core values are respected and maintained by persons involved in cricket, and create a safe, fair and inclusive environment for everyone associated with cricket in the Illawarra. CI sets out our commitment to ensure that every person involved in the sport of cricket under the auspices of CI is treated with respect and dignity and protected from discrimination, harassment and abuse. It also aims to ensure that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.
- 1.2. CI strives to work towards maintaining ethical and informed decision-making practices and responsible behaviours within our Association. This Policy outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from abuse.
- 1.3. This Policy and the attached forms, describes CI's commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our Association. As part of this commitment, CI will take disciplinary action against any person or Club bound by this Policy if they are in breach of it.
- 1.4. This Policy provides a procedure for informal and formal resolution of complaint handling against any person or Club bound by this Policy and outlines the procedure for the appeal of such complaints.
- 1.5. Cricket Illawarra's Draft MPP was officially endorsed by the CI Management Committee on the 18<sup>th</sup> October 2016, it will operate until replaced. Copies of the current Policy and its attachments can be obtained from the Cricket Illawarra website: [www.cricketillawarra.nsw.cricket.com.au](http://www.cricketillawarra.nsw.cricket.com.au) or contacting CI's MPIO.

## **2. WHO THIS POLICY APPLIES TO**

- 2.1. This Policy applies to everyone involved with CI, whether they are in a paid or unpaid voluntary capacity;
- 2.2. Persons appointed or elected to the CI board of management, committees and/or sub-committees;
- 2.3. Employees of CI;
- 2.4. Officials elected or appointed by CI in relation to players' and/or teams that represent CI, including team management personnel such as managers, physiotherapists, medical personnel, masseurs and/or sports trainers;
- 2.5. Coaches, including assistant coaches who are appointed and/or employed by CI (whether paid or unpaid) to coach teams representing CI;
- 2.6. Players who enter any tournament, activity or events (including camps, training sessions, etc) which are held or sanctioned under the auspice of CI;
- 2.7. Cricket umpires and other officials involved in the regulation of games including scorers;
- 2.8. All personnel of CI affiliated Clubs, including members of club boards, coaches, players, selectors, as well as their members (ordinary, honorary and life members of the affiliated Club);
- 2.9. Any other person including spectators, parents / guardians and sponsors attending any match sanction by CI;

### **3. EXTENT OF THIS POLICY**

- 3.1 This Policy covers unfair decisions, action and breaches of CI's Code of Acceptable Behaviour whether the breaches occur at practice, during and after CI sanctioned matches or at social events organised or sanctioned by CI. It also covers private behaviour where that behaviour brings CI or the sport of cricket into disrepute or there is suspicion of harm towards a child or young person.
- 3.2 To the extent that there is any inconsistency between a term of any legislation and a term of this Policy, the term of that legislation overrides the Policy and applies to the extent of the inconsistency.
- 3.3 This Policy applies to a person who has engaged in unacceptable conduct or behaviour:
  - a) regardless of whether or not it was committed deliberately or negligently;
  - b) if that person has attempted, threatened, or encouraged others, to engage in that conduct or behaviour; or
  - c) where that person knowingly takes part in the conduct or behaviour

### **4. CRICKET ILLAWARRA'S RESPONSIBILITIES**

The Cricket Illawarra Association must:

- 4.1 Adopt, implement and comply with this Policy;
- 4.2 Make such amendments as necessary for this Policy to be enforceable under CI's Constitution or Rules,
- 4.3 Publish, distribute and promote this Policy and the consequences of any / all breaches;
- 4.4 Promote and model appropriate standards of behaviour at all times;
- 4.5 Promptly deal with breaches or complaints made under this Policy in a sensitive, fair, timely, confidential and appropriate manner;
- 4.6 Apply this Policy consistently;
- 4.7 Recognise and enforce any disciplinary measures or penalty imposed under this Policy, against any member found to have breached this Policy;
- 4.8 Ensure that a copy of this Policy is available and accessible to all persons to whom this Policy applies;
- 4.9 Appoint or have access to appropriately trained persons to receive and manage complaints & allegations (i.e. Member Protection Officers);
- 4.10 Advertise, publish and promote the existence of our MPIO on the Associations website, including their responsibilities, duties, roles and contact details;
- 4.11 Monitor and review this Policy annually;
- 4.12 Seek advice from and refer serious issues to Cricket NSW / Cricket Australia.

### **5. INDIVIDUALS RESPONSIBILITIES**

Everyone associated and bound by this Policy must:

- 5.1 Make themselves aware of this Policy;
- 5.2 Comply with the screening requirements as specified by the Cricket Illawarra in Clause 6.1 (d) in regards to Working with Children Checks;
- 5.3 Comply with the standards of behaviour outlined in this Policy;
- 5.4 Always place the safety and welfare of children above other considerations;

- 5.5 Be responsible and accountable for your own behaviour;
- 5.6 Treat others with respect;
- 5.7 Follow the procedures and guidelines outlined in this Policy (using the form provided) – if you wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour; and
- 5.8 Complying with any decisions and / or disciplinary measures imposed under this Policy.

## 6. POSITION STATEMENTS

### 6.1 Child Protection

CI is committed to the safety and wellbeing of all children and young people involved with cricket in our Association. We support the rights of the child; we will act without hesitation to ensure a child-safe, child-friendly environment is maintained at all times. We additionally support the rights and wellbeing of our staff and volunteers, and encourage their active participation in building and maintaining a secure environment for all participants.

The Association acknowledges that our staff, members and volunteers provide a valuable contribution to the positive experiences of children involved in our Association. The Association aims to continue this and to take measures to protect the safety and welfare of children participating within the Association by: -

a) Identifying and Analysing the Risk of Harm

CI will develop and implement a risk management strategy, which includes a review of our existing child protection practices, to determine how child-safe and child-friendly the Association is, then determine what additional strategies are required to minimise and prevent the risk of harm to children because of the action of an employee, volunteer or another person.

b) Develop or Adopt Codes of Conduct for Adults and Children

The Association will ensure that our organisation has codes of conduct that specify standards of conduct and care when dealing and interacting with children, particularly those in the Associations' care. CI will additionally implement a code of conduct to address appropriate behaviour between children. Our codes of conduct set out professional boundaries, ethical behaviour and unacceptable behaviour. See Part B

c) Appoint a MPIO

At all times, our Association will ensure that we have an adequately trained & qualified Member Protection Information Officer – MPIO\*, who will coordinate our child protection activities, including the policies and procedures contained in this Policy and convey the importance of child protection to everyone involved within at our Association. Our MPIO should be the first point of contact if a child, parent, guardian or other member of CI who becomes concerned about an incident regarding a child.

d) Choose Suitable Employees and Volunteers

The Association will ensure that our organisation takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children (in prescribed positions). This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

The Association mandatorily insists that all employees and volunteers who are over the age of 16 and work with children, or have a potential influence over children, must obtain a Working With Children Check (WWCC) Clearance before they can perform any role which involves children. This includes, but is not limited to the following: -

- Administrators overseeing children
- Junior Development Officers
- Umpires
- Coaches
- Managers
- Team Captain – it is the responsibility of all team captains to ensure the safety of all players, who under 16, who play in their team are safe
- Permanent Scorers (scoring at least 50% of all games)

The people fulfilling the roles listed above must provide the Association a copy of their WWCC Clearance document or a copy of their Application Receipt before commencing in any role that involves children, failure to comply with rule, will result in disciplinary action being taken on the individual as well as the club, association or other governing body that allowed this person to perform duties without a WWCC Clearance.

An additional criminal history assessments will be required for employees and volunteers working with children, where an assessment is required by law. If a criminal history report is obtained as part of the screening process, the Association will ensure that the criminal history information is dealt with, in accordance with Legislated NSW Laws. See Part C

e) Support, Train and Enhance Performance

The Association will ensure that volunteers and employees who work with children have ongoing support and appropriate training where it is deemed necessary, so that individual and clubs can develop, enhance and promote the establishment and maintenance of a child-safe, child-friendly environment.

f) Promote the Participation of Children In Decision-Making And Service Development

Where possible, the Association will promote the involvement and participation of children and young people in developing and maintaining a child-safe, child-friendly environment.



g) Report and Respond Appropriately To Suspected Abuse and Neglect

The Association will ensure that volunteers and employees are able to identify and respond to children at risk of harm.

The Association will make all volunteers and employees aware of their responsibilities under respective NSW laws if they have suspicion on reasonable grounds that a child has been, or is being abused or neglected. See Part E

In addition to any legal obligation, if any person feels another person or organisation bound by this Policy, is acting inappropriately towards a child or is breaching the code'(s) of behaviour as set out in this Policy, they may make an internal complaint. Please refer to our complaints procedure outlined in Clause 9 of this Policy. This section explains what to do about the behaviour and how the Association will deal with the problem.

## 6.2 **Supervision**

Our Association is committed to providing a safe environment for the participation of children and young people. Part of this is ensuring that children and young people are not left alone after training, at games or at Association activities. Therefore the Association will strive to provide a level of supervision adequate and relative to the young person's age, maturity, capabilities, level of experience, nature of activity and nature of venue.

As a result of this, Association members and / or players under the age of 18 must be supervised at all times by a responsible adult. Consequently, if an adult bound by this Policy, finds a person under the age of 18 unsupervised, they should assume responsibility for the young person's safety until the parent / guardian or supervisor can be found.

If it appears that a person bound by this Policy will be left alone with just one child such as - at the end of a training session or in a change room, they are advised to ask another member and / or another child to stay with them until the child or children are collected.

However if another member or child is unable to remain with you, you are advised to remain in an open area, where you can be seen by others. Do not ever sit alone with the child inside your car, be alone with the child in an indoor area or in an area that is either dark or secluded.

For these reasons, parents / guardians of players who are under the age of 18 must be informed that it is their responsibility to turn up on time to collect their child / children for reasons of both courtesy and safety.

The CI Association will:

- Inform parents / guardians that they are responsible for transporting their child / children to and from Association activities e.g. training, games and social events.
- Ensure that parents / guardians and children know the time and location of training, games and activities and when they can expect to collect their children.

- Request that coaches / team captains and other sporting personnel arrive before scheduled practice or game times.
- Give coaches / team captains a register of parent / guardian emergency contact numbers and make sure they have access to a phone.
- Ensure that if parents / guardians are late, coaches / team captains will try to make contact with them and will:
  - ask the second last child and their parent / guardian to wait with the coach / official and the child
  - get parents / guardians to collect their children from the change room (but only if other people will be).

### 6.3 **Transportation**

Due to our Association's commitment to provide a safe environment for children and young people we advise all people bound by this Policy to avoid transporting a child to the child's homes, to games or Association activities, unless permission has been given by parents / guardians and always ensure that another child and / or a CI official accompanies you.

### 6.4 **Taking Images of Children**

Images of children can be used inappropriately or illegally. The Association requires that all person's covered by this Policy, wherever possible, obtain permission from a child's parent / guardian before taking an image of a child that is not their own and ensure that the parent knows the way the image will be used. CI also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If the Association uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent / guardian. We will not display information about hobbies, likes / dislikes, school, etc., as this information can be used as grooming tools by paedophiles or other persons.

We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, to display our successes etc. Where possible we will seek permission to use these images. We require all persons covered by this Policy to do likewise.

### 6.5 **Alcohol**

Our Association supports the responsible consumption of alcohol and takes seriously any inappropriate behaviour that results from excessive drinking, if possible alcohol-free social events will be provided for young people and families. We will not endorse or support events, celebrations or end of season trips that involve excessive consumption of alcohol.

The Association will:

- Only serve alcohol in compliance with the requirements of state laws and in accordance with the safety and wellbeing of patrons.

- Ask intoxicated people to leave, if required safe travel options will be suggested.
- Prominently display taxi phone numbers at the venue.
- Display posters about responsible drinking and standard drinks measures will be prominently displayed.
- We will not advertise, promote or serve alcohol at junior events or activities.
- We will educate members and supporters about our alcohol Policy through our website, newsletter and other Association communication.

All people bound by this Policy are required to comply with the following.

- Drink and behave responsibly at all Association functions, events and away trips.
- Not supply alcohol to team members if they are aged under 18.
- Not drink alcohol at Association functions, matches or while away on trips if you are under the age of 18.
- Not bring alcohol or drink alcohol while at games e.g. in your role as a coach, player, official or as a volunteer.
- Not encourage others to drink alcohol excessively.
- Not spike another person's drink.

The Association will take action for breaches of behaviour and responsibilities outlined in this Policy.

- If members or people bound by this Policy become drunk at Association social events they will be asked to leave. Ongoing instances of intoxication that leads to violent or abusive behaviour will be in breach of our Code of Behaviour and can result in disciplinary action e.g. suspension or termination of membership.
- Spiking of drinks is a criminal offence that can be reported to police by victims. It can lead to serious police charges being laid against the offender/s. Separate action can be taken as a breach of our state sporting organisation's and our Association's Policy to provide for the protection, safety and welfare of members.
- Serving alcohol to a minor is a criminal offence that can be reported to the police and the relevant liquor licensing authority by victims and their parents. It can lead to heavy fines. Separate action will be taken as a breach of our Association's MPP, which is to provide protection, safety and welfare of children.
- Any person aged under 18 found to have consumed alcohol while at a Association function may be suspended for the remainder of the competition / tournament. The young person's parents shall be advised and will be responsible for getting their child home at their own expense.
- Any person found to have behaved inappropriately because of over-consumption of alcohol (e.g. sexual harassment, verbal abuse, physical assault, neglect of a child) will face disciplinary action as outlined in this Policy and Code of Behaviour.

## 6.6 Smoking

The Association recognises that passive smoking is hazardous to everyone's health, especially to those non-smoking Association members and / or visitors, who have the right to be protected from exposure to tobacco smoke.

Accordingly, the following Policy shall apply to all Association facilities, functions, meetings, training, games and activities undertaken by the Association and will apply to all people bound by this Policy.

- No smoking shall occur at or near any sporting event or competition involving persons under the age of 18. This Policy shall apply to coaches, players, trainers, officials, spectators and volunteers;
- Coaches, officials, trainers, volunteers and players will refrain from smoking and remain smoke free while involved in an official capacity for any of the Association's teams, both on and off the field;
- The social rooms inclusive of kitchen, meeting room, toilets and storage area;
- Player change rooms inclusive of warm up area, toilets and shower & property room;
- Cigarettes will not be sold (including vending machines) at any time at or by the Association, or by players, officials and or coaches;
- All people covered by this Policy will refrain from smoking and remain smoke free while involved in an official capacity for the Association, on and off the field;
- All Association functions including social functions, fund raising events and meetings are to be completely smoke free, with smoking only permitted at designated outdoor smoking areas;
- Ash trays will be removed from all Association facilities;
- Cigarette butt bins will be provided at outdoor locations for smokers to dispose of cigarette butts before entering / re-entering smoke free areas at Association facilities;
- All Association functions held away from the Association facilities are to be completely smoke free and shall require an assurance from the venue management of compliance with the Association Policy before a booking is confirmed by:-
  - Removing all ashtrays from venue where function is to be held
  - Enforcing a smoke free Policy during the function
  - Not selling cigarettes (including vending machines) at any time during the function.
  - Invitations and advertising for all functions, meetings and events will be promoted as smoke free.

## **6.7 Social Networking & Cyber Bullying and Safety**

Our Association acknowledges the emergence of new technology and communication mediums (such as mobile telephones, the internet and social media networks), and wishes to enable such new media to be used to benefit our Association, our sport and our participants, especially to applaud individual, team and / or Association achievements. This can occur due to the immediate nature of communication.

When using social channels such as facebook, twitter or SMS - communication, statements or messages are largely instantaneous and can easily be abused. Others may also manipulate a vulnerable person by encouraging the person to make a statement to be made on social media when the writer may be upset.

Making inappropriate comments using these devices can be construed as bullying and or harassment. Our Association regards all forms of this behaviour as unacceptable, as bullying has the potential to cause great anxiety and distress to

the person who has been the target of any comments or statements. In some cases, bullying is regarded as a criminal offence punishable by imprisonment, amongst other things.

Therefore frustration at an umpire, team-mate, coach, captain, the Association, other Associations, other Clubs, opposing players or relevant organising bodies should never be communicated via social media network channels, but rather by way of reasoned and logical verbal and written statements and where appropriate, complaints, to the relevant person within our Association, NSW Cricket or Cricket Australia.

However, we must stress that people within our Association need to be very mindful of a few key matters that could lead to inappropriate use of new media, at times unintended, and at other times without a proper understanding that once comments are made or published, they are in public for a long time, and hard to take back (retract). The following are guidelines that our Association recommends for player, coaches & officials and the Association's social media accounts: -

#### Players:

- Do not include personal information of yourself or others in social media channels;
- Do not use offensive, provocative or hateful language;
- Use your best judgment – do not publish something that makes you the slightest bit uncomfortable, and never write / publish if you are feeling emotional or upset, especially if you are intoxicated.
- Never communicate (interact) or post pictures of any Association person who is under 18, unless you yourself are under 18;
- For Association members who are over the age of 18, we advise that you ask for permission before posting a person's picture on a social networking forum;
- Never comment on rumours, do not deny or affirm them or speculate about rumours; and
- Always use social network forums to add value and promote the sport and our Association in a positive way.

#### Coaches & Officials:

- All the above points are to be strictly adhered too. Along with: -
- Under no circumstances are you to ever use your private social media networks to communicate with persons under the age of 18, or post pictures of Association players who are under the age of 18 on your private social media networks or email account.
- All communication with a person under 18 must always be through the young person's parent or legal guardian.
- Therefore do not ever telephone, send text message or email a young person.

#### Associations' Social Media Accounts

- The Association will ensure that whoever posts information on behalf of the Association, on the Association's website, facebook or twitter accounts, understands this Policy and will strictly adhere to it.

- No photos of a young person will be posted on any of the Association Accounts unless written permission has been obtained from the young person's parent or legal guardian.
- All photos must not include personal or private information of a young person.
- All information on the Association's account must pertain to either CI or our affiliated Clubs or our governing bodies.

## **7. ANTI-DISCRIMINATION, HARASSMENT AND BULLYING**

Our Association opposes all forms of harassment, discrimination and bullying and regards them as being unacceptable. This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers.

Our Association takes all claims of harassment, discrimination, bullying including cyber bullying seriously. If any person feels they are being harassed or discriminated against by another person or organisation bound by this Policy, we encourage them to raise the issue with the Association's MPIO, please refer to our Complaints Procedure outlined in Clause 9 of this Policy. This section explains what to do about the behaviour and how the Association will deal with the problem.

Some forms of harassment, discrimination and bullying based on personal characteristics are against the law. Such as: -

- Age;
- Disability;
- Family / carer responsibilities;
- Gender identity / transgender status;
- Homosexuality and sexual orientation;
- Irrelevant medical record;
- Irrelevant criminal record;
- Marital Status;
- Political belief / activity;
- Pregnancy and breastfeeding;
- Race;
- Religious belief / activity;
- Sex or gender;
- Social origin;

See Dictionary Definitions (Clause 12 – Dictionary Definitions) - for descriptions of these topics

## **8. INCLUSIVE PRACTICES**

Our Association welcomes all members of the community, regardless of a person's ability, culture, race, sexuality, gender or religion.

We will include people within these groups into our Association, in either playing and/or non-playing roles, to the greatest extent that our Association can.

Therefore we will endeavour to make our Association as accessible as possible, based on our state sports Policy on inclusion; the ability of individual involved; and the level that they want to join our Association and our capacity to make modifications that promote inclusion.

The Association will do this by:-

- Putting people first;
- Focusing on what a person can do, not what they cannot do;
- Find out how he person wants to participate;
- Ask each person or their parent / guardian for advice;
- Where possible make changes to the Association's coaching, training practices or changes / modifications to Association premises;
- Be honest and explain if modifications and / or adjustments are not currently possible;
- Expect all people bound by this Policy to accept people from within the groups listed;
- Make sure these people are included in our Association's social activities;
- Reward and acknowledge Association contributions and achievements in the same way we do for all members / players of our Association;
- Have strong policies to ensure that people can play and participate in our Association without discrimination, harassment or bullying.

### **8.1 People with a Disability**

Where possible CI will include people with a disability in teams within our Association, and if possible we will make reasonable adaptations e.g. modifications to equipment and facilities to enable participation

### **8.2 People from diverse cultures and religions**

We will support and respect people from diverse cultures and religions to participate in our Association and where possible will accommodate requests for flexibility.

### **8.3 Sexuality & Gender Identity**

All people, regardless of their sexuality (including transgender people), are welcome in our Association and, we will strive to provide a safe environment for participation. Our Association will also take action over any homophobic, discriminative or harassing behaviour.

Everyone bound by this Policy must treat people who identify themselves as transgender, fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender. Descriptions of the types of behaviour which could be regarded as transgender discrimination or harassment are provided in the Dictionary Definitions in Clause 12.

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

The Association also recognises there is debate over whether a female to male transgender person obtains any physical disadvantage over other male participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance disadvantage arise, the Association will seek advice on the application of those laws in the particular circumstances.

Drug testing procedures and prohibitions also apply to people who identify as transgender. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard Therapeutic Use Exemption.

#### **8.4 Sexuality Relationships**

a) Version one – possible disciplinary action can be taken

The Association takes the position that sexual relationships between coaches and adult players that they coach should be avoided as these relationships can have harmful effects on the individual player / players involved, on other players and coaches, and on the sport's public image. Such relationships may be intentionally or unintentionally exploitative due to a disparity between coaches and players in terms of authority, power, maturity, status, influence and dependence.

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

In the event that a player attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach or player may wish to approach the Association's MPIO or other designated person, if they feel harassed. Our complaints procedure are outlined in Clause 9 of this Policy.

b) Version two – no disciplinary action

The Association takes the view that intimate relationships (whether or not of a sexual nature) between coaches and player, while not necessarily constituting harassment, can have harmful effects on the player, on other athletes and on the sport's public image. Such relationships may be perceived to be exploitative because there is usually a disparity between coaches and players in terms of authority, maturity, status, influence and dependence. Given there is always a risk that the relative power of the coach has been a factor in the development of such relationships, they should be avoided by coaches at all levels.



In the event that a player attempts to initiate an intimate relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such actions. The coach or athlete may wish to approach the Association's MPIO or other designated person, if they feel harassed. Our complaints procedure is outlined in Clause 9 of this Policy.

### **8.5 Pregnancy and Breastfeeding**

Everyone bound by this Policy must treat pregnant women & young females with dignity and respect and remove all unreasonable barriers that may prevent them from participating in our sport. CI will not tolerate any discrimination or harassment against pregnant women.

Pregnant women should be aware that their own health and wellbeing, and that of their unborn child / children, should be of utmost importance in their decision making about the way they participate in our sport.

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

Additionally everyone bound by this Policy must treat breastfeeding females with dignity and respect as well, and remove all unreasonable barriers that may prevent them from feeding their child / children, or any barriers that may prevent them from participating in our sport. CI will not tolerate any discrimination or harassment against breastfeeding.

Breastfeeding women should be aware that their own health and wellbeing, and that of their breastfeeding child / children, should be of utmost importance in their decision making about the way they participate in our sport.

### **8.6 Female Playing in Male Teams**

If there is not a separate gender competitions for females, our Association will support females playing in mixed junior teams up until the age of 18 years – as girls can participate in teams up to 2 years below the girl's actual age i.e. an 18 year old girl can play in an Under 16 mixed team. Should a female apply to play in a senior team, the female player will be required to qualify to play in the same way, as her male counterparts are required.

Where federal sex discrimination law states that if differences in strength, stamina and physique are relevant, then single sex competition is required.

Any person found guilty of bullying, harassing or discriminating against any female in a mixed team, will have disciplinary action taken against them.

## **9. INCIDENT MANAGEMENT & REPORTING PROCEDURES**

### **9.1 Complaints**

Our Association takes all complaints about on and off-field behaviour seriously. Our Association will handle complaints based on the following principles of procedural fairness (natural justice):

- All complaints will be taken seriously.
- Both the person making the complaint (complainant) and the person the complaint is against (respondent) will be given full details of what is being said against them and have the opportunity to respond (give their side of the story).
- Irrelevant matters will not be taken into account.
- Decisions will be unbiased and fair.
- Any penalties imposed will be fair and reasonable.

More serious complaints may be escalated to Cricket NSW or Cricket Australia.

If the complaint relates to suspected child abuse, sexual assault or other criminal activity, then our Association will report the behaviour to the police and/or relevant government authority and Cricket NSW and Cricket Australia.

### **9.2 Vexatious / Improper Complaints & Victimisation**

The Association aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation against the person making the complaint. If at any point in the complaints process the Association's MPIO and / or CM, considers that a complainant has knowingly made an untrue complaint or the complaint is malicious or intended to cause distress to the person complained of, the matter may be referred to the Management Committee for appropriate action which may include disciplinary action against the complainant.

The Association will take all necessary steps to ensure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint.

### **9.3 Complaint-handling process**

When a complaint is received by our Association, the person receiving the complaint (e.g., president, MPIO, or the Complaints Officer (CO)) will:

- listen carefully and ask questions to understand the nature and extent of the problem;
- ask what the complainant would like to happen;
- explain the different options available to help resolve the problem;
- take notes and keep records for possible future reference. Records of these matters are to be held by the public officer;
- maintain confidentiality but not necessarily anonymity.

Once the complainant decides on their preferred option for resolution, the Association will assist, where appropriate and necessary, with the resolution process. This may involve:

- supporting the complainant to talk to the respondent;
- bringing all the people involved in the complaint together to talk objectively through the problem (this could include external mediation);
- gathering more information (e.g., from other people who may have seen the behaviour or incident);
- seek advice from Cricket NSW, Cricket Australia and/or from an external agency (e.g., state department of sport or anti-discrimination agency);
- refer the complaint to Cricket NSW and/or Cricket Australia; and/or
- refer the complainant to an external agency such as a community mediation centre, the police or the anti-discrimination agency.

In situations where a complaint is referred to NSW Cricket and / or Cricket Australia and an investigation is conducted, the Association will:

- co-operate fully;
- act on all the recommendations given by NSW Cricket and / or Cricket Australia

At any stage of the process, a person can seek advice from or lodge a complaint with an anti-discrimination commission or other external agency.

#### **9.4 Mediation**

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

Mediation may occur before or after the investigation of a complaint. If a complainant wishes to resolve the complaint with the help of a mediator, the Association's MPIO, will in consultation with the complainant, arrange for a neutral third party mediator where possible. Lawyers are not able to negotiate on behalf of the complainant and / or the respondent. More information on the mediation process is outlined in Part D2

#### **9.5 Tribunals**

The Association's tribunal procedure is outlined in Part B of this Policy.

A tribunal may only be convened to hear a formal complaint when referred to it by:-

- the Association President,
- the Management Committee; or
- the Association's MPIO.

#### **9.6 Appeals**

A complainant or respondent may lodge one appeal to the Association's Appeals Tribunal in respect of a tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved. Our appeals process is outlined in Part D5.

If the complainant or respondent is unhappy with the Appeals Tribunal decision, they can lodge one appeal against the decision or of any disciplinary measures

imposed by our Association to Cricket NSW. Appeals must be based on either a denial of natural justice, because of unjust or unreasonable disciplinary measure (s) being imposed, or on the grounds that the decision was not supported by the information / evidence presented and available to the decision maker of CI.

## **10. WHAT IS A BREACH OF THIS POLICY**

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

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

## **11. DISCIPLINARY MEASURES**

### **11.1 Discipline Guidelines**

If an individual or organisation to which this Policy applies breaches this Policy or makes false and malicious allegations, one or more forms of discipline may be imposed. Any disciplinary measure imposed under this Policy must:

- be applied consistently with any contractual and employment rules and requirements;
- be fair and reasonable;
- be based on the evidence and information presented;
- be based on the seriousness of the breach; and
- be determined in accordance with our Constitution, By Laws, this Policy and/or the Rules of the Cricket.

a) Possible measures that may be taken include:

If a finding is made by a Tribunal that an individual has breached this Policy, one or more of the following forms of discipline may be imposed:-

- A direction that the individual make a verbal and / or written apology;
- A written warning to the offender;
- A direction that the individual attend counselling to address their behaviour;
- A withdrawal of any awards, placing, record, or achievement bestowed in any tournaments, activities or events held or sanctioned by the Association;
- A demotion or transfer of the individual to another location, role or activity;
- A suspension of the individual's membership or participation or engagement in a role or activity;
- A recommendation that the Association terminate the individual's membership, appointment or engagement;
- In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- A fine; and / or
- Any other form of discipline that the CI Management Committee considers appropriate.

## 11.2 Factors to be Considered

The form of discipline to be imposed on an individual or organisation bound by this Policy, will depend on factors such as:

- Nature and seriousness of the breach;
- If the person knew or should have known that the behaviour was a breach;
- Level of contrition;
- The effect of the proposed disciplinary measures on the person including any personal, professional or financial consequences;
- If there have been relevant prior warnings or disciplinary action;
- Ability to enforce discipline if the person is a parent or spectator (even if they are bound by the Policy); and / or
- Any other mitigating circumstances.

## 12. DICTIONARY DEFINITIONS

This Dictionary sets out the meaning of words used in this document and its attachments, without limiting the ordinary and natural meaning of the words. State specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State Child Protection Commissions or Equal Opportunity and Anti-Discrimination Commissions.

**Abuse** is a form of harassment and includes physical abuse, emotional abuse, sexual abuse, neglect, and abuse of power. Examples of abusive behaviour include bullying, humiliation, verbal abuse and insults.

**Accused** means a person who has allegedly breached this Policy

**AO** means the Administrative Officer of Cricket Illawarra

**Appeal Tribunal** means the tribunal appointed by CI from time to time to hear appeals lodged pursuant to Clause 9.6 of this Policy. The Appeal Tribunal shall comprise of 3 or more people, as determined by the CI Management Committee.

**Association the Association** means Cricket Illawarra .

**Attribute** means race, colour, religion, language, politics, national or ethnic origin, gender, transgender, sexual orientation, age, marital status, pregnancy, intellectual

or physical impairment or any other attribute specified under commonwealth or state legislation.

**CA** means Cricket Australia.

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

**Child Abuse** involves conduct which puts a child / children at risk of harm (usually by adults, but it can sometimes be by other children) and most often by those that they know and trust.

The most common characteristic of all forms of abuse against children are an abuse of power or authority, or a breach of trust. It is known from research that: -

- Physical and emotional abusers - have limited interpersonal skills and use their anger against children
- Harassers - are usually peers who are insecure and want to exercise power over another child / person.
- Sexual offenders – groom children and young people and their carer's, by establishing trust relationships and then use them for sexual gratification – this is known as '**grooming**' (see Grooming Clause 12 Dictionary Definitions)

Child abuse can actually take many forms, including verbal and physical actions and by people failing to provide children with basic care and may include:

- Physical Abuse is: -
  - deliberately hurting a child e.g. hitting, punching or shaking
  - deliberately hurting a child's development e.g. training and playing practices that exceeds the child's development or maturity
  - physical harm e.g. giving a child alcohol or drugs
- Emotional Abuse is:-
  - ill-treating a child e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring, threatening harm or placing unrealistic expectations on a child
- Neglect of a child is when you:-
  - fail to provide basic necessities such as food, water, shelter, heat & sun protection, or
  - fail to protect a child from danger or foreseeable risk of harm, abuse or injury
- Sexual Abuse by adults or other children where a child is:-
  - encouraged or forced to watch or engage in sexual activity or
  - where a child is subject to any other inappropriate conduct of a sexual nature e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching, conversations, comments or jokes.
  - Also see Child Sexual Abuse – Clause 12 - Dictionary Definitions.

**Child Sexual Abuse** is different from other forms of abuse that children may experience, in that it is usually premeditated. Sexual offending is not a random act – it is often carefully thought out and well-planned. Offenders will take time to groom their victim.

Child sexual abuse appears to have two elements: -

- Choosing a victim that appeals to the offender, and
- Picking someone the offenders believes he / she can safely victimise.

What follows is a process called '**grooming**'. see Grooming – Clause 12 - Dictionary Definitions.

Unfortunately there is no single profile of people who may abuse or exploit children.

There is no single reason or cause that prompts sexual offending, and there is no test

or easy diagnosis that predicts people's behaviour. People who sexually abuse children range in age, gender, class, race, religion and personality types (NAPCAN196)

Facts about Child sexual assault: -

- It happens to both boys and girls of all ages, from very young children to teenagers.
- Girls are approximately three times more likely than boys to be the subject of substantiation of sexual abuse
- In most cases, the offender is usually a member of the child's immediate social or family group, usually being someone known and trusted by the child – such as a friend, a priest, a scout leader, teacher, another player or their coach etc., and also by a family member, such as an uncle, grandfather or cousin etc.,
  - In fact 75% of all cases of reported Child Sexual Assaults, the victim knew their offender, however in the majority of those cases, the offenders were not an immediate family member e.g. not a father or brother
- An offender can be either an adult or another child or young person
- When child sexual assault occurs - fear, shame and confusion makes it very difficult for a child to tell what has happened, especially if the offender is someone the child has trusted.
- Women are only occasionally involved in child sexual assault, meaning that the majority of offenders are men.
- The incidents of substantial abuse or neglect usually decreases as age increases.
- Child Sexual Abuse can lead to major emotional, social and physical problems.
- In some Sexually Abused Children it leads to learning difficulties, drug and alcohol addiction, homelessness, depression, suicide and crime (see source of information).

*Source of information: -*

*National Child Protection Clearinghouse – Resource Sheet - issued 1<sup>st</sup> June 2011  
Australian Childhood Foundation*

*National Crime Statistics – Resource Sheet – issued May 2010*

*MPIO Participant Manual - Resource Sheets – issued 2012*

**CI** means Cricket Illawarra.

**Club** means any club that is from time to time a member or affiliated club of the association.

**CNSW** means Cricket New South Wales.

**Codes of Conducts (CoC)** means the various codes and policies of an the Association which regulate on-field and off-field conduct of participants in cricket.

Codes Include

- Administrators,
- Coaches,
- Judiciary
- Parents
- Players,
- Selectors, and
- Spectators.

Policies Include

- Anti Doping Policy;
- Anti-Harassment Policy;
- Photography Policy
- Racial Vilification Code;
- Religious Vilification Code; and
- Any such other policies or codes of conducts which apply.

**Complaint** means a complaint made under Clause 9

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

**Complaint Management Officer – CMO** means a person appointed under this Policy by the MC of CI to investigate any formal complaint received under this Policy.

**Complaint Handling Procedure** means the procedure for reporting and investigating complaints about an alleged breach of this Policy.

**Discrimination** (direct and indirect) means treating or proposing to treat someone differently or less favourably because of a particular characteristic in the same or similar circumstances in certain areas of public life (e.g. in sports Associations), that are covered by anti-discrimination laws.

Direct Discrimination - is unlawful and it occurs when we treat (or propose to treat) a person less favourably or to impose or intend to impose an unreasonable requirement, condition, or something that is not the same for everyone else, but which has a disproportionate or unequal effect on individuals or groups with a particular characteristics protected by law:-

- Whether the discrimination is intentional or not
- Whether the person being discriminated against is aware of the discrimination or considers their treatment less favourable
- Whether or not the characteristic is the only or dominant reason for the treatment, as long as it is the substantial reason.

Indirect Discrimination – occurs when an unreasonable requirement, condition or practice which may appear to be neutral in fact has a disproportionately negative impact on people with particular protected characteristics. This means that treating everyone the same can sometimes be unfair and / or discriminatory, it occurs when, because of a person's characteristic or requirement they are unable to be the same as everyone else, so may require some individual adjustment or flexibility in the way rules, conditions or requirements are implemented. In these circumstances, not to be flexible is unreasonable and therefore discriminatory e.g. being dropped to a lower grade team because the person has a sick child and cannot attend every training session.

The characteristics covered by discrimination law across Australia include:

- Age;
- Disability;
- Family / carer responsibilities;
- Gender identity / transgender status;
- Homosexuality and sexual orientation;
- Irrelevant medical record;
- Irrelevant criminal record;
- Marital Status;
- Political belief / activity;
- Pregnancy and breastfeeding;
- Race;
- Religious belief / activity;
- Sex or gender;
- Sex or Gender;
- Social origin;

### **Examples of Discrimination**

- **Age:** A Association refuses to allow an older person to coach a team simply because of age.



- **Breastfeeding:** A member of the Association who is discreetly breastfeeding a baby in the Association rooms is asked to leave.
- **Disability:** A player is overlooked for team selection because of mild epilepsy.
- **Family responsibilities:** The Association decides not to promote a player because he has a child with a disability even though the player is the best person for the higher grade team.
- **Gender Identity:** A transgender member is harassed when other members refuse to call him / her by his / her male / female name.
- **Homosexuality:** A player is ostracised from the Association after it becomes known that the player is a homosexual.
- **Irrelevant medical record:** A person is ostracised from the Association because he / she is diagnosed with an illness - such as Cancer or Aids.
- **Irrelevant criminal record:** A person is ostracised from the Association because they have been convicted of a non-child related criminal offense - such as DUI.
- **Marital Status:** A player is deliberately excluded from team activities and social functions because they are either married or single.
- **Political belief / activity:** A person is ostracised from a team, because the player has a differing political opinion than the team selectors.
- **Pregnancy:** A woman is not invited to attend Association functions when she becomes pregnant.
- **Race:** An Italian umpire is not permitted to officiate a game with a high proportion of Italian players on one team because of his race.
- **Religious belief / activity:** A Muslim player is ostracised from the Association because of his religious beliefs and worshiping activities.
- **Sex or gender:** Committee / board positions are not offered to women, or the opinion of a woman is ignored based only on her gender.
- **Sex or Gender;**
- **Social origin;**

**Grooming** is the process where an offender of Child Sexual Abuse manipulates people and situations in order to gain and maintain access to their victim/s. Grooming is an insidious dual process of: -

- Building a trusting relationship with the child and his / her carers, by establishing trust relationships and then use them for sexual gratification, and then
- Isolating the child in order to abuse them.

Grooming occurs:-

- Before the sex offence - in order to access the child, and
- After the offence - in order to maintain access to the child, and
- After the offence - to ensure the child's silence, and
- After the offence – to ensure the trust of the victims carers / adults continues.

**Harassment** takes many forms. Some forms of harassment are lawful while other forms are not. Harassment is actually any type of behaviour that the other person does not want and that is offensive, abusive, belittling or is threatening language or behaviour that can create an uncomfortable or hostile environment. Harassment is also any behaviour that is:-

- Unwelcome
- Not wanted
- Not asked for
- Is not returned, and
- A reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Harassment can be unlawful under equal opportunity laws, especially if it is sexual or targets a person because of their :- race, sex, pregnancy, sexuality or other personal characteristic protected by equal opportunity law. Harassment and bullying could also be unlawful under industrial relation, workplace health & safety and criminal laws. - see list below.

- Age;
- Disability;
- Family / carer responsibilities;
- Gender identity / transgender status;
- Homosexuality and sexual orientation;
- Irrelevant medical record;
- Irrelevant criminal record;
- Marital Status;
- Political belief / activity;
- Pregnancy and breastfeeding;
- Race;
- Religious belief / activity;
- Sex or gender;
- Sex or Gender;
- Social origin;

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is, if someone else finds it harassing then it could be harassment. Harassment may be a single incident, but is usually repeated. It may be explicit or implicit, verbal or non-verbal, and includes electronic cyber communication.

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law. It is also a breach of discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment. Example: a player is ostracised by her male coach for complaining about his sexist behaviour or for supporting another player who has made such a complaint.

Public acts of racial hatred which are reasonably likely to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some states and territories also prohibit public acts that vilify on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability – see vilification.

Whether or not the behaviour is harassment is determined by the impact on the person being harassed and whether this could have been reasonably anticipated. The basic rule is if someone finds it harassing then it could be harassment. Harassment may be a single incident or repeated occurrences. It may be explicit, verbal or non-verbal. CI categorically states, that all forms of harassment are undesirable and it breaches our Association's policies and Codes of Conduct. Consequently, CI have developed effective policies and procedures, prevent and stop harassment within our Association.

Discrimination and harassment are not permitted in employment (including volunteer and unpaid employment):-

- when providing sporting services including access to sporting facilities;
- when providing education;
- the selection or otherwise of any person for competition or a team;

- the entry or otherwise of any player or other person to any competition and
- the obtaining or retaining membership of the Association (including the rights and privileges of membership).

Some exceptions to state and federal anti-discrimination law apply. Examples include:

- holding a competitive sporting activity for boys and girls only who are under 12 years of age or of any age where strength, stamina or physique is relevant or
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity.

**Judiciary** means any cricket match conducted under the auspices of CI.

**Match** means any cricket match conducted under the auspices of CI.

**MC** means the Management Committee of Cricket Illawarra.

**Mediator** means an impartial/neutral person appointed to mediate Complaints.

**Member** means a financial member of CI or a financial player.

**Member Protection Declaration** means a declaration in the form as reproduced in Attachment B2 in Part F

**Member Protection Information Officer (MPIO)** means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this Policy. The MPIO provides impartial and confidential support to the person making the complaint.

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

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

**Penalty** means the sentence imposed when a person is found guilty for breaches of this Policy.

**Player** means any person who is, from time to time, registered with, or contracted to play cricket under the auspice of CI.

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

**Policy and this Policy** means this Member Protection Policy - MPP.

**Reporter** means the person who has reported a breach of this policy.

**Respondent** means the person who is being complained about.

**Role-specific codes of conduct (or behaviour)** means standards of conduct required of certain roles (e.g. coaches, administrators, spectators etc.).

**Sexual** can be a big problem in sport. Many sports involve close, sometimes intimate contact with fellow players and officials in environments that are emotionally charged and effected by power relationships. Consequently the potential for sexual harassment can be high. Sexual harassment is unwelcomed or uninvited behaviour of a sexual nature or attention which a reasonable person could have anticipated was likely to cause the recipient to feel offended, humiliated or intimidated.

Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, email messages, jokes, propositions, display of pornographic or offensive material, or other behaviour that creates a sexual hostile environment. Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment. There are no exceptions or exemptions for sexual harassment.

**Sexual offence** means a criminal offence involving sexual activity or acts of indecency including but not limited to (due to differences under state/territory legislation):

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

**Team** means any team which plays under the auspices of CI.

**Team Official** means any personnel involved with the management, preparation or participation of a Team (whether paid or unpaid), including the coaches, managers, medical staff, physiotherapists and other support staff, including scorers.

**Tribunal** means the tribunal appointed by CI from time to time to investigate a formal Complaint which is referred by an Investigator pursuant to Clause 7.7(c) of this Policy. The Tribunal shall comprise of two or more people.

**Transgender** is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation.

**Victimisation** means subjecting, or threatening to subject, a person to any unfair or detrimental treatment because that person has or intends to pursue their rights to make a complaint including a complaint under government legislation (e.g. anti-discrimination) or under this Policy, or for supporting another person who made a complaint.

**Vilification** involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

## 13. INTERPRETATION

### 13.1 In this Policy

- a) reference to "including" or similar words are not words of limitation;
- b) "business day" means a day other than a Saturday, a Sunday or a day which is lawfully observed as a public holiday;
- c) all notices must be in writing and in Australian English;
- d) words in the singular include the plural and vice-versa;
- e) a construction that would promote the purpose or object underlying this Policy must be preferred to a construction that would not promote that purpose or object; and

- f) to the extent that there is any inconsistency between a term of any legislation and a term of this Policy, the term of that legislation overrides the Policy and applies to the extent of the inconsistency.
- g) This Policy does not restrict or limit the application CA's Codes of Conduct, which establish important standards of behaviour and professionalism for cricket played under the auspices of CA.
- h) To the extent that any act carried out by a person falls within the jurisdiction of CI codes or policies, each of those documents (as the case may be) overrides this Policy and applies, exclusively (other than with respect to any applicable laws) to the relevant conduct.

13.2 CI may vary this Policy from time to time as it deems appropriate.

## **PART B: CRICKET ILLAWARRA CODES of ACCEPTABLE BEHAVIOUR**

The codes of conduct listed on the following pages, have been incorporated into the CI MPP to emphasise the importance of the acceptable behaviour required by all people covered by this MPP. CI strongly encourage that all participants promote these laws to all members of the association including spectators and parents. It is vital that everyone involved in all sporting activities, whether they are athletes, coaches, parents, officials, spectators or supporters understand their responsibilities to ensure that all participants enjoy the sport.

### **1. PLAYERS' CODE OF ACCEPTABLE BEHAVIOUR**

- (a) Play by the Rules and within the spirit of the game;
- (b) Do not argue with the match official. If you disagree with an umpires decision, have your captain, coach or club official approach the match umpire during a break in play or after the match is concluded;
- (c) Control your temper;
- (d) Do not verbally abuse officials, other players, spectators or any other person;
- (e) Do not deliberately distract or provoke another person, this behaviour is not acceptable or permitted in any sport;
- (f) Maintain your focus and work hard for yourself and your team;
- (g) Be a good sport and be prepared to acknowledge good play whether it is from your team or the opposition;
- (h) Treat all people as you would like to be treated;
- (i) Do not interfere with, bully or take unfair advantage of another player;
- (j) Cooperate with your coach, team captain, team mates and opponents. Without them, there would be no game to play;
- (k) Play for your own enjoyment. Do not play just to please others e.g., parents, coaches or officials;
- (l) Do not accept or use any banned or unauthorised drug (s) or substances, at any time prior to or during any games or at training;

- (m) Do not consume alcohol at any time prior to or during any games or at training;
- (n) Do not smoke around children. Also be aware that smoking at Wollongong City Council Grounds is illegal.
- (o) Do not engage in any form of gambling associated with any game under the auspice of Cricket Illawarra;
- (p) Do not make false witness against any person.

## **2. COACHES' CODE OF ACCEPTABLE BEHAVIOUR**

- (a) Remember that players participate for the fun of it and that winning at all cost is not everything;
- (b) Be reasonable in your demands, especially of younger players time, energy and enthusiasm;
- (c) Teach your players to abide by the Rules and Laws of the Game;
- (d) Ensure that equipment and facilities meet a reasonable safety standard and are appropriate to the age and ability of the players;
- (e) Modify your approach to suit the skill levels and needs of players;
- (f) Develop and enhance respect between players, opposition coaches and captains and the decisions of the match official;
- (g) Follow the advice of a physician when determining the extent of a player's injury, and beyond that, when players are returning from injury, during training and when playing in matches;
- (h) Keep up to date with the latest coaching practices (refer to Coach Accreditation Criteria);
- (i) Take the time to teach players (& others) the Laws of the Game, hence raising their awareness;
- (j) Remind all players to play within the spirit of the game at all times;
- (k) Ensure players are good sports and ensure each team member shakes the hand of their opponents at the conclusion of every match;
- (l) Do not smoke or consume alcohol from the team technical area or sideline;
- (m) Remember the actions of yourself and your team is reflective of the perception others take away with them;
- (n) Do not accept or use any banned or unauthorised drug (s) or substances, at any time prior to or during any games or at training;
- (o) Do not consume alcohol at any time prior to or during any games or at training;
- (p) Do not smoke around children. Also be aware that smoking at Wollongong City Council Grounds is illegal;
- (q) Do not engage in any form of gambling associated with any game under the auspice of Cricket Illawarra;
- (r) Do not make false witness against any person.

### **3. PARENTS' CODE OF ACCEPTABLE BEHAVIOUR**

- (a) Remember that children play the sport for their enjoyment, and not yours;
- (b) Encourage your child / children to play according to the rules and spirit of the game;
- (c) Encourage all children to participate, do not force them;
- (d) Focus on the child's efforts and performance rather than the result of the activity (that is - winning or losing);
- (e) Encourage children to always participate according to the rules;
- (f) Never ridicule or yell at a child for making a mistake or losing a game;
- (g) Remember that children learn best by example, so applaud good play by players both teams;
- (h) Support all efforts to remove racial and religious vilification, verbal and physical abuse from sporting activities;
- (i) Respect the match official's decisions and teach your child to do likewise;
- (j) Show respect and appreciation to Club officials, including coaches, officials and administrators. Ensure any issues are raised through the correct channels;
- (k) 'Smart Supporting' – not loud and intense but calm, relaxed and at all times positive;
- (l) Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion;
- (m) Do not consume alcohol near the team technical area or sideline;
- (n) Do not smoke around children. Also be aware that smoking at Wollongong City Council Grounds is illegal;
- (o) Do not engage in any form of gambling associated with any game under the auspice of Cricket Illawarra;
- (p) Do not pay a monetary reward to any player for achievements during any game under the auspice of Cricket Illawarra;
- (s) Do not make false witness against any person.

### **4. SPECTATORS and SUPPORTERS CODE OF ACCEPTABLE BEHAVIOUR**

- (a) Applaud good play and performances from both teams;
- (b) Be forward in congratulating all participants on their performance regardless of the final outcome;
- (c) Respect the match official's decisions on the day;
- (d) Condemn the use of violence in any form, be it by spectators, coaches, officials or players;

- (e) Show respect to for both teams when watching matches, because without them there would be no game;
- (f) Encourage players to follow rules and accept the decision of the match official;
- (g) Do not intimidate, harass or use foul language towards, players, match officials, Club Officials or spectators;
- (h) Do not consume alcohol near the team technical area or sideline;
- (i) Do not smoke around children. Also be aware that smoking at Wollongong City Council Grounds is illegal;
- (j) Do not engage in any form of gambling associated with any game under the auspice of Cricket Illawarra;
- (k) Do not pay a monetary reward to any player for achievements during any game under the auspice of Cricket Illawarra.
- (l) Do not make false witness against any person.

## **5. ADMINISTRATORS' CODE OF ACCEPTABLE BEHAVIOUR**

- (a) Help coaches and officials highlight appropriate behaviour, skill development, and assist in raising the standards of coaching and officiating;
- (b) Ensure everyone involved in cricket emphasises fair play, and not winning at all costs;
- (c) Be tolerant and calm under pressure and approach problem solving in a supportive manner as members and players will expect you to set an example for others;
- (d) Make every effort to educate people covered by this MPP about these guidelines;
- (e) Never make a decision with prejudice against any person or affiliated club of CI;
- (f) Do not make false witness against any person;
- (g) Ensure that all people who work with children have a WWCC Clearance.

## **6. COMMITTEE MEMBERS OF CI OR AFFILIATED CLUBS' CODE OF ACCEPTABLE BEHAVIOUR**

- (a) Help coaches and officials highlight appropriate behaviour, skill development, and assist in raising the standards of coaching and officiating;
- (b) Ensure everyone involved in cricket emphasises fair play, and not winning at all costs;
- (c) Be tolerant and calm under pressure and approach problem solving in a supportive manner as members and players will expect you to set an example for others;
- (d) Make every effort to educate people covered by this MPP about these guidelines;
- (e) Never make a decision with prejudice against any person or affiliated club of CI;
- (f) Do not make false witness against any person;
- (g) Ensure that all people who work with children have a WWCC Clearance.



## 7. CHILDREN and YOUNG PEOPLES' CODE OF ACCEPTABLE BEHAVIOUR

- (a) Always play cricket for the enjoyment and not to please others;
- (b) Do not accept bribes or monetary rewards for an achievement or milestone obtained during a game;
- (c) Do not make false witness against any person;
- (d) Listen to your coach and / or captain;
- (e) Be supportive and applaud good play by other players, whether they are in your team or the opposing team;

### **PART C: WORKING WITH CHILDREN CHECK REQUIREMENTS**

### **PART D: COMPLAINT HANDLING PROCEDURES**

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

### **PART F: FORMS**

#### **Historical Information of this Policy**

This Policy was originally developed in August 2016. It will be revised and update periodically so that it remains a relevant, practical tool that accurately reflects current legislation, Association needs and relevant emerging issues. The following table summarises all updates of this Policy.

<b><i>Version</i></b>	<b><i>Action/Date Reviewed</i></b>	<b><i>Date endorsed</i></b>	<b><i>Content reviewed/purpose</i></b>
<i>Template</i>	<i>2016</i>	<i>02.08.2016</i>	• Draft Template Developed
<i>Draft 1</i>	<i>2016</i>	<i>26.09.2016</i>	• Draft discussed at a CI MC Meeting
<i>Version 1</i>	<i>01.10.2016</i>	<i>18.10.2016</i>	• Draft Adopted by CI MC