



# Member Protection Policy

This By-Law aligns with the Australian Sports Commission's National Member Protection Policy - version template 8 June 2015

Date first adopted by BA Board: **19 October 2015**

Date revisions endorsed by BA Board: **18 June 2018**

Date Effective: **18 June 2018**

<b>CONTENTS</b>	<b>PAGE</b>
<b>Preface</b>	
<b>PART A – NATIONAL MEMBER PROTECTION BY-LAW</b>	<b>5</b>
1. Introduction	5
2. Purpose of this By-Law	5
3. Who is bound by this By-Law?	5
4. Organisational responsibilities	6
5. Individual responsibilities	6
6. Position statements	7
6.1 Child protection	7
6.2 Taking of images of children	8
6.3 Anti-discrimination and harassment	8
6.4 Intimate relationships	9
6.5 Pregnancy	10
6.6 Gender identity	10
6.7 Responsible service and consumption of alcohol	11
6.8 Smoke-free environment	12
6.9 Bullying	12
6.10 Social networking sites	12
7. Complaints procedures	13
7.1 Handling complaints	13
7.2 Vexatious complaints and victimisation	13
7.3 Mediation	14
7.4 Tribunals	14
8. What is a breach of this By-Law?	15
9. Disciplinary measures	15
9.1 Individuals	16
9.2 Organisations	16
9.3 Factors to consider	16
10. Dictionary of terms	16
<b>PART B – ATTACHMENTS: CODES OF BEHAVIOUR</b>	<b>20</b>
B1. Coaches, Officials and Support Staff	20
B2. Players	22
B3. Parents	22
B4. Administrators	22
B5. Spectators	23
<b>PART C – ATTACHMENTS: WORKING WITH CHILDREN CHECK REQUIREMENTS</b>	<b>24</b>
C1. Member Protection Declaration	25
C2. Working with Children Check requirements	26
<b>PART D – ATTACHMENTS: PROCEDURES</b>	<b>28</b>
D1. Complaint handling procedure	29
D2. Mediation	32
D3. Investigation procedure	33
D4. Tribunal procedures	34
D5. Procedure for handling allegations of child abuse	38

<b>PART E – ATTACHMENTS: REPORTING DOCUMENTS</b>	<b>41</b>
E1. Confidential record of informal complaint	42
E2. Confidential record of formal complaint	43
E3. Confidential record of child abuse allegation	45

## PREFACE

Basketball Australia and its Constituent Association's are committed to the health, safety and well-being of all members and participants and are dedicated to providing a safe environment for participating in the sport of basketball throughout Australia.

The positive virtues of involvement in the sport of basketball are well heralded and evidenced by the thousands of young Australians participating in basketball activities and competition across the country each week. The value of regular exercise gained through basketball to an individual's personal health and fitness should not be underestimated, nor the role that social interaction provided through the basketball association environment, which can play in developing a young person's self-esteem and involvement in their local community.

However, harassment in sport can serve to drastically undermine these intrinsic benefits of involvement in basketball. The unfortunate reality is that basketball, as a sport, is not immune from acts of discrimination, harassment and abuse, rather to the contrary, sport may provide an environment which in many cases lends itself to conduct which is not only inappropriate, but also unlawful.

Depending on the nature of the case, instances of harassment or abuse in sport can have devastating effects for not only the individuals involved, but also the sporting organisation itself. Apart from exposing the club or association to potential legal liability, officials may be faced with low morale, an unpleasant environment, higher turnover of personnel and the prospect of long-term damage to the organisation's image and reputation. These are all unnecessary harms which Australian basketball is anxious to avoid.

The adoption of the Basketball Australia Member Protection Policy reflects Basketball Australia and its Constituent Association's dedication to serving and protecting members and participants throughout all levels of the sport. However, the adoption of the Member Protection Policy itself is just the first step in affording our members and participants the protection they deserve. The Policy sets out the codes of behavior that everyone associated with Australian basketball is expected to abide by and disciplinary action will be taken when it is breached. The successful implementation and enforcement of this Member Protection Policy requires the cooperation and commitment of members and participants at all levels.

The following Member Protection Policy conveys a strong message to all members and participants, and prospective members and participants, that as a sport, we are committed to ensuring the safety of our most valuable asset well into the future.

The Member Protection Policy sets out the procedures that will be followed when complaints are received by Basketball Australia or a Constituent Association. Matters will be dealt with at the level in which they arise:

- **state level matters**, should be reported to and handled by the relevant Constituent Association;
- **club level matters**, should be reported to and handled by the relevant club in the first instance and referred to Constituent Associations as necessary;
- Only matters that relate to, or which occurred at, the **national level**, as well as serious cases referred (by agreement between Basketball Australia and a Constituent Association) from the state and club level, or matters involving a Constituent Association CEO, should be dealt with by the national body.

# **PART A: NATIONAL MEMBER PROTECTION BY-LAW**

## **1. Introduction**

Basketball is everyone's game and is one of the most popular games in the world, with 214 nations participating and around 1.2 million Australians participating in the game each year. Basketball Australia's mission is to ignite Australia's passion for basketball through growth, success and unity. Critical to the achievement of this mission is the provision of safe and inclusive environments wherever basketball is played.

## **2. Purpose of this Policy**

This Member Protection Policy aims to assist Basketball Australia and its Constituent Associations to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport. It sets out our commitment to ensure that every person involved in our sport is treated with respect and dignity and protected from discrimination, harassment and abuse. It also ensures that everyone involved in our sport is aware of their legal and ethical rights and responsibilities, as well as the standards of behavior expected of them.

The attachments describe the practical steps we will take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behavior from our sport. As part of this commitment, Basketball Australia or its Constituent Associations will take disciplinary action against any person or organisation bound by this Policy if they breach it.

This Policy has been endorsed by the board of Basketball Australia and has been created as a By-Law under clause 21.1 of Basketball Australia's constitution. The MPP also forms part of Basketball Australia's National Integrity Framework.

## **3. Who is bound by this Policy**

3.1 This By-Law applies to the following people whether they are in a paid or unpaid/voluntary capacity:

- 3.1.1 Persons appointed or elected to boards, committees and sub-committees of Basketball Australia, Constituent Associations, Affiliated Leagues, Associations and Clubs;
- 3.1.2 Employees of Basketball Australia, Constituent Associations, Affiliated Leagues, Associations and Clubs;
- 3.1.3 Support personnel appointed or elected to teams and squads that represent Basketball Australia, Constituent Associations, Affiliated Leagues, Associations and Clubs; (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- 3.1.4 Coaches and assistant coaches appointed or elected to teams that represent Basketball Australia, Constituent Associations, Affiliated Leagues, Associations and Clubs;
- 3.1.5 Athletes appointed or elected to teams that represent Basketball Australia, Constituent Associations, Affiliated Leagues, Associations and Clubs;
- 3.1.6 Referees, umpires and other officials involved in the regulation of the sport appointed by Basketball Australia, Constituent Associations, Affiliated Leagues, Associations and Clubs;
- 3.1.7 Members, including life members of Basketball Australia and Constituent Associations;
- 3.1.8 Athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by Basketball Australia, Constituent Associations, Affiliated Leagues, Associations and Clubs; and
- 3.1.9 Any other person or organisation including spectators, parents/guardians and sponsors, who or which agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this policy.

- 3.2 This policy also applies to:
- 3.2.1 Constituent Associations;
  - 3.2.2 League Associations;
  - 3.2.3 Affiliated Associations;
  - 3.2.4 Clubs.
- 3.3 The associations bound by this By-Law under clause 3.2 are required to adopt this MPP or implement a similar policy (or By-Law) and to provide proof to Basketball Australia of the approval of the policy (or By-Law) by the relevant board in accordance with its constitution. Each association must also undertake to ensure that affiliated clubs and individual members are bound by this policy and are made aware of this policy and what it says.
- 3.4 This Policy will continue to apply to a person, even after they have stopped their association or employment with Basketball Australia, if disciplinary action against that person has commenced.

#### **4. Organisational responsibilities**

Basketball Australia, Constituent Associations, League Associations, Affiliated Associations and Clubs must:

- 4.1 Adopt, implement and comply with this Policy;
- 4.2 Ensure that the Constitution, By-Laws or other rules and policies include the necessary clauses for this Policy to be enforceable;
- 4.3 Publish, distribute and promote this Policy and the consequences of any breaches;
- 4.4 Promote and model appropriate standards of behavior at all times;
- 4.5 Deal with any breaches or complaints made under this Policy in a sensitive, fair, timely and confidential manner;
- 4.6 Apply this Policy consistently;
- 4.7 Recognise and enforce any penalty imposed under this By-Law;
- 4.8 Ensure that a copy of this Policy is available or accessible to all people and organisations to whom this Policy applies;
- 4.9 Use appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour, for example, but not limited to, Member Protection Information Officers (MPIOs), which includes an Affiliated Association or Club referring matters to a Constituent Association for them to deal with; and
- 4.10 Monitor and review this Policy at least annually.

#### **5. Individual responsibilities**

Individuals bound by this Policy are responsible for:

- 5.1 Making themselves aware of the Policy and complying with the all relevant provisions including the codes of behaviour it sets out;
- 5.2 Consenting to the screening requirements set out in this Policy and any state/territory Working with Children Checks 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, or where otherwise required by law;
- 5.3 Placing the safety and welfare of children above other considerations;
- 5.4 Being accountable for their behaviour;

- 5.5 Following the steps outlined in this Policy for making a complaint or reporting possible child abuse; and
- 5.6 Complying with any decisions and/or disciplinary measures imposed under this Policy.

## **6. Position statements**

### **6.1 Child protection**

Basketball Australia is committed to the safety and well-being of all children and young people who participate in our sport or access our services. We support the rights of the child and will act at all times to ensure that a child-safe environment is maintained. Basketball Australia acknowledges 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. We aim to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

#### **6.1.1 Identifying and analysing risk of harm**

Basketball Australia will develop and implement a risk management strategy, including a review of our existing child protection practices, to determine how child-safe our organisation is and to identify any additional steps we can take to minimise and prevent the risk of harm to children because of the actions of an employee, volunteer or another person.

#### **6.1.2 Developing codes of behaviour**

Basketball Australia has developed and promotes a code of behavior that sets out the conduct we expect of adults when they deal and interact with children involved in our sport, especially those in our care. We have also implemented a code of behavior to promote appropriate conduct between children. Refer to the attachments in Part B of this By-Law.

#### **6.1.3 Choosing suitable employees and volunteers**

Basketball Australia will take all reasonable steps to ensure that we engage suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This will include using a range of screening measures.

Basketball Australia will ensure that Working with Children Checks are conducted for all employees and volunteers who work with children, where an assessment is required by law. If a criminal history report is obtained as part of their screening process, Basketball Australia will handle this information confidentially and in accordance with the relevant legal requirements. Refer to the attachments in Part C of this By-Law.

#### **6.1.4 Supporting, training, supervising and enhancing performance**

Basketball Australia will ensure that all our employees and volunteers who work with children have ongoing supervision, support and training. Our goal is to develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment.

#### **6.1.5 Empowering and promoting the participation of children**

Basketball Australia will encourage children and young people to be involved in developing and maintaining a child-safe environment for our sport.

#### **6.1.6 Reporting and responding appropriately to suspected abuse and neglect**

Basketball Australia 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 laws to make a report if they suspect on reasonable grounds that a child has been, or is being, abused or neglected. Refer to the attachments in Part E of this By-Law.

Further, if any person believes that another person or organisation bound by this By-Law is acting inappropriately towards a child, or is in breach of this policy, he or she may make an internal complaint. Refer to the attachments in Part D of this By-Law.

## **6.2 Taking images of children**

Images of children must not be used inappropriately or illegally. Basketball Australia requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own. They should also make sure the parent/guardian understands how the image will be used.

To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets.

When using a photo of a child, Basketball Australia will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the parent/guardian. We will not provide information about a child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" a child.

We will only use images of children that are relevant to our sport and we will ensure that they are suitably clothed in a manner that promotes participation in the sport. We will seek permission from the parents/guardians of the children before using the images. We require our member associations and clubs to do likewise.

## **6.3 Anti-discrimination and harassment**

Basketball Australia is committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination and harassment. We recognise that people may not be able to participate, enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.

### **6.3.1 Discrimination**

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.

The personal characteristics protected by anti-discrimination laws include attributes such as age, disability, gender and race. The full list of protected personal characteristics is in the "Definitions" set out in the Dictionary of Terms.

Discrimination can be either direct or indirect.

- **Direct** discrimination occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.
- **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.

For the purposes of determining discrimination, the offender's awareness and motive are irrelevant.

### **6.3.2 Harassment**

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 or Federal anti-discrimination legislation. The offensive behaviour does not have to take place a number of times, a single incident can constitute harassment.

Sexual harassment is one type of harassment. Sexual harassment is unwelcome conduct, remarks or innuendo of a sexual nature. It 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.

### **6.3.3 Prohibition against discrimination and harassment**

Basketball Australia prohibits all forms of harassment and discrimination based on the personal characteristics listed in the “Definitions” set out in the Dictionary of Terms in clause 10.

Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this Policy is encouraged to raise their concerns with us, or with the most relevant organisation as defined in section 7.1. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation. Refer to the attachments in Part D of this Policy.

## **6.4 Intimate relationships**

Basketball Australia understands that consensual intimate relationships (including, but not limited to sexual relationships) between coaches or officials and adult athletes may take place legally. However, this Policy will help ensure that the expectations of coaches or officials are clear and, to ensure that if an intimate relationship does exist or develop between a coach or official and an adult athlete, that relationship will be managed in an appropriate manner.

Coaches and officials are required to conduct themselves in a professional and appropriate manner in all interactions with athletes. In particular, they must ensure that they treat athletes in a respectful and fair manner, and that they do not engage in sexual harassment, bullying, favouritism or exploitation.

Basketball Australia takes the position that consensual intimate relationships between coaches or officials and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport’s public image. These relationships can 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.

We recommend that if an athlete attempts to initiate an intimate relationship with a coach or official, the coach or official should discourage the athlete’s approach and explain to the athlete why such a relationship is not appropriate.

If a consensual intimate relationship does exist or develop between an adult athlete and a 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 and/or other athletes.

In assessing the appropriateness of an intimate relationship between a coach or official and an adult athlete, relevant factors include, but are not limited to:

- the relative age and social maturity of the athlete;
- any potential vulnerability of the athlete;
- any financial and/or emotional dependence of the athlete on the coach or official;
- the ability of the coach or official to influence the progress, outcomes or progression of the athlete’s performance and/or career;
- the extent of power imbalance between the athlete and coach or official; and the likelihood of the relationship having an adverse impact on the athlete and/or other athletes.

It will often be difficult for a coach or official involved in an intimate relationship with an adult athlete to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from Basketball Australia (the Member Protection Information Officer) to ensure that they have not involved themselves in inappropriate or unprofessional conduct.

If it is determined that an intimate relationship between a coach or official and an adult athlete is inappropriate or unprofessional Basketball Australia may take disciplinary action against the coach or official up to and including dismissal. Action may also be taken to stop the coaching relationship with the athlete. This could include a transfer, a request for resignation or dismissal from coaching duties.

If a coach, official or athlete believes they are being, or have been, harassed they are encouraged to seek information and support from Basketball Australia's Member Protection Information Officer or other official. Our complaints procedure is outlined in Part D of this By-Law.

## **6.5 Pregnancy**

Pregnant women should be treated with respect and any unreasonable barriers to their full participation in our sport should be removed. Basketball Australia will not tolerate any discrimination or harassment against pregnant women.

Basketball Australia will take reasonable care to ensure the continuing safety, health and well-being of pregnant women. We will advise pregnant women that there may be risks involved with their continuing participation in sport and will encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and well-being, and that of their unborn children, is of utmost importance in their decision-making about the extent they choose to participate in our sport.

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in our sport. We will not require women to undertake a pregnancy test.

If a pregnant woman feels she has been harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint. Refer to the attachments in Part D of this Policy.

## **6.6 Gender identity**

Gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person. This includes the way people express or present their gender and recognises that a person's gender identity may be an identity other than male or female. Some terms used to describe a person's gender identity include trans, transgender and gender diverse.

### **6.6.1 Gender identity discrimination and harassment**

Federal, state and territory anti-discrimination laws provide protection from discrimination against people on the basis of their gender identity. Refer to the definition in Dictionary of terms in clause 10.

Basketball Australia is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate.

All persons, regardless of gender identity, are entitled to be treated fairly and with dignity and respect at all times. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity. This includes discrimination or harassment of a person who is transgender or transsexual, who is assumed to be transgender or transsexual or has an association with someone who has or is assumed to be transgender or transsexual. We expect all people bound by this Policy to act with sensitivity when a person is undergoing gender transition/affirmation.

If any person believes that they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy because of their gender identity, they may make a complaint.

### **6.6.2 Participation in sport**

Basketball Australia recognises that excluding 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. We are committed to supporting participation in our sport on the basis of the gender with which a person identifies.

If issues of performance advantage arise, we will consider whether the established discrimination exceptions for participation in sport are relevant in the circumstances. Discrimination is unlawful unless an exception applies.

Basketball Australia is aware that the International Olympic Committee (IOC), Commonwealth Games Federation (CGF) and International Basketball Federation (FIBA) have established criteria for selection and participation in the Olympic Games, Commonwealth Games and FIBA major events respectively. Where a transgender person intends to compete at an elite level, we will encourage them to obtain advice about the IOC's, CGF's and FIBA's criteria which may differ from the position we have taken.

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.

### **6.6.3. Intersex status**

Federal anti-discrimination law, and some state and territory anti-discrimination laws, provide protection from discrimination against a person on the basis of their intersex status. Refer to the Dictionary of terms in clause 10. Basketball Australia is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their intersex status.

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

Basketball Australia is committed to conducting sporting and social events in a manner that promotes the responsible management, service and consumption of alcohol. We also recommend that state associations and member clubs follow strict guidelines regarding the service and consumption of alcohol.

In general, our Policy is that:

- alcohol should not be available or consumed at sporting events involving children and young people under the age of 18;
- alcohol-free social events will be provided for young people and families;
- food and low-alcohol and non-alcoholic drinks will be available at events we hold or endorse where alcohol is served;
- a committee member or senior executive member of staff will be present at events we hold or endorse where alcohol is served to ensure appropriate practices are followed;

- safe transport options will be promoted as part of any event we hold or endorse where alcohol is served.

Further guidance on developing an Alcohol Policy is available at: [www.playbytherules.net.au](http://www.playbytherules.net.au) and [www.goodsports.com.au](http://www.goodsports.com.au)

## **6.8 Smoke-free environment**

Basketball Australia requires the following policies to be applied at all sporting and social events that we hold or endorse.

- No smoking shall occur at or near sporting events involving children and young people under the age of 18.
- Social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas.
- Coaches, officials, trainers, volunteers and players will refrain from smoking and remain smoke-free while they are involved in an official capacity in our sport, both on and off the court.

## **6.9 Bullying**

Basketball Australia is committed to providing an environment that is free from bullying. We understand that bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and we regard bullying in all forms as unacceptable in our sport.

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 that 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. Whilst generally characterised by repeated behaviours, one-off instances can amount to bullying.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

- verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- excluding or isolating a group or person;
- spreading malicious rumours; or
- psychological harassment such as intimidation.

Bullying includes cyber-bullying which occurs through the use of technology. 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. Basketball Australia will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at a referee, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting body.

If any person believes they are being, or have been, bullied by another person or organisation bound by this By-Law, he or she may make a complaint. Refer to attachments D.

## **6.10 Social networking websites**

Basketball Australia acknowledges the enormous value of social networking to promote our sport and celebrate the achievements and success of the people involved in our sport. Social networking refers to any interactive website or technology that enables people to communicate

and/or share content via the internet. This includes social networking websites such as Facebook and Twitter.

Basketball Australia expects all people bound by this Policy to conduct themselves appropriately when using social networking sites to share information related to our sport.

Social media activity including postings, blogs, status updates and tweets:

- 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;
- must not contain material which is inaccurate, misleading or fraudulent;
- must not contain material which is in breach of laws, court orders, undertakings or contracts;
- should respect and maintain the privacy of others; and
- should promote the sport in a positive way.

## **7. COMPLAINTS PROCEDURES**

### **7.1 Handling complaints**

Basketball Australia aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of natural justice.

Any person (a complainant) may report a complaint about a person, people or organisation bound by this policy (respondent) if they feel they have been harassed, bullied or discriminated against or there has been a breach of this Policy.

In the first instance, complaints should be reported to:

- a Member Protection Information Officer;
- the CEO or President (or their nominee) of Basketball Australia, Constituent Associations, League Associations, Affiliated Associations and Clubs; or
- another appropriate person within the organisation (e.g. team manager, coach etc.).

If a complaint relates to behavior or an incident that occurred at the:

- **state level**, or involves people operating at the state level, then the complaint should be reported to and handled by the relevant state association in the first instance;
- **club level**, or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.

Only matters that relate to, or which occurred at, the **national level**, as well as serious cases referred from the state and club level, should be dealt with by the national body.

A complaint may be handled informally or formally. The complainant will usually indicate his or her preferred option unless the MPIO/ Complaints Manager/ CEO / President (or their nominee) considers that the complaint falls outside this policy and should be handled another way. For example, the law may require that the complaint/allegation be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our procedures for handling and resolving complaints are outlined in Attachment D1.

Individuals and organisations may also seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

### **7.2 Improper complaints and victimisation**

Basketball Australia aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against the person making the complaint.

Basketball Australia will take all necessary steps to make sure 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 or supporting another person's complaint.

If at any point in the complaint handling process the MPIO/ Complaints Manager/ CEO / President (or their nominee) considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or intended to cause distress to the respondent, the matter may be referred to the Tribunal for review and appropriate action, including possible disciplinary action against the complainant.

### **7.3 Mediation**

Basketball Australia aims to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action.

Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It 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 MPIO will, in consultation with the complainant, arrange for an independent mediator where possible. We will allow lawyers to negotiate on behalf of the complainant and/or the respondent.

More information on the mediation process is outlined in Attachment D2.

### **7.4 Tribunals**

A Tribunal may be convened to hear a formal complaint:

- referred to it by a MPIO, Basketball Australia's CEO or President (or their nominee), the CEO or President of a Constituent Association (or their nominee) or the Complaint Handler;
- referred to it by a Constituent Association or League Association because of the serious nature of the complaint or because it was unable to be resolved at that level; and/or
- for an alleged breach of this Policy.

Our Tribunal procedure is outlined in Attachment D4.

A respondent may only lodge an appeal to the Appeal 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 Attachment D4.

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

## **8. WHAT IS A BREACH OF THIS POLICY?**

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

- 8.1 Breaching the Codes of Behavior (refer to Part B of this Policy);
- 8.2 Bringing the sport and/or Basketball Australia and/or a Constituent Association into disrepute, or acting in a manner likely to bring the sport and/or Basketball Australia and/or a Constituent Association into disrepute;
- 8.3 Failing to follow Basketball Australia and/or Constituent Association policies and By-Laws (including this Policy) and our procedures for the protection, safety and well-being of children;
- 8.4 Discriminating against, harassing or bullying (including cyber-bullying) any person;
- 8.5 Victimising another person for making or supporting a complaint;
- 8.6 Engaging in an inappropriate intimate relationship with a person that he or she supervises, or has influence, authority or power over;

- 8.7 Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- 8.8 Disclosing to any unauthorised person or organisation any corporate information that is of a private, confidential or privileged nature;
- 8.9 Making a complaint that they know to be untrue, vexatious, malicious or improper;
- 8.10 Failing to comply with a penalty imposed after a finding that the individual or organisation has breached this Policy; and
- 8.11 Failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

## **9. DISCIPLINARY MEASURES**

Basketball Australia and Constituent Associations may impose disciplinary measures on an individual or organisation for a breach of this Policy. Any disciplinary measure imposed will be:

- Fair and reasonable;
- Applied consistent with any contractual and employment rules and requirements;
- Based on the evidence and information presented and the seriousness of the breach; and
- Determined in accordance with our Constitution, By-Laws, this Policy and/or the rules of the sport.

### **9.1 Individual**

Subject to contractual and employment requirements, if a finding is made by a Tribunal that an individual has breached this Policy, one or more of the following forms of discipline may be imposed.

- 9.1.1 A direction that the individual make a verbal and/or written apology;
- 9.1.2 A written warning;
- 9.1.3 A direction that the individual attend counselling to address their behaviour;
- 9.1.4 A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Basketball Australia or a Constituent Association;
- 9.1.5 A demotion or transfer of the individual to another location, role or activity;
- 9.1.6 A suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.7 Termination of the individual's membership, appointment or engagement;
- 9.1.8 A recommendation that Basketball Australia or a Constituent Association terminate the individual's membership, appointment or engagement;
- 9.1.9 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;
- 9.1.10 A fine; and/or
- 9.1.11 Any other forms of discipline that the Tribunal considers appropriate.

### **9.2 Organisation**

If a finding is made that Constituent Association, League Association, Affiliated Association or Club has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by the Tribunal.

- 9.2.1 A written warning;
- 9.2.2 A fine;
- 9.2.3 A direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period;
- 9.2.4 A direction that any funding granted or given to it by Basketball Australia cease from a specified date;

- 9.2.5 A direction that Basketball Australia or relevant Constituent Associations cease to sanction events held by or under the auspices of that organisation;
- 9.2.6 A recommendation to Basketball Australia that its membership of Basketball Australia be suspended or terminated in accordance with the relevant constitution or rules; and/or
- 9.2.7 Any other form of discipline that the national body or peak organisation considers reasonable and appropriate.

### 9.3 Factors to consider

The form of discipline to be imposed on an individual or organisation will depend on factors such as:

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

## 10. DICTIONARY OF TERMS

This Dictionary sets out the meaning of words used in this Policy and its attachments without limiting the ordinary and natural meaning of the words. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection commissions or equal opportunity and anti-discrimination commissions.

**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.

**Affiliated Associations** means those associations that are members of a Constituent Association or a League Association in accordance with the provisions of the constitution of the relevant Constituent Association or League Association, or is otherwise affiliated with Basketball Australia directly from time to time.

**CEO** means the Chief Executive Officer of an organisation, howsoever described, and may include the executive officer, general manager or other similar title.

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

**Child abuse** involves conduct which puts children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms, including verbal and physical actions and by people failing to provide them with basic care. Child abuse may include:

- Physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity).
- Sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations).

- Emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child).
- Neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

**Club** means those clubs or organisations (howsoever described), which are members of, or affiliated to, an Affiliated Association, Constituent Association or League Association.

**Complaint** means a complaint made under this policy.

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

**Complaint Handler/Manager** means a person appointed under this policy to investigate a Complaint.

**Constituent Associations** means the Constituent Association members recognised under the Constitution as the representative body for the sport of basketball in each of the states and territories of Australia.

**Discrimination** means treating or proposing to treat someone less favourably because of a particular characteristic in the same or similar circumstances in certain areas of public life (Direct Discrimination), or imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics (Indirect Discrimination). The characteristics covered by discrimination law across Australia includes:

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

#### **Examples of Discrimination**

- **Age:** A club refuses to allow an older person to coach a team simply because of age.
- **Breastfeeding:** A member of the club who is breastfeeding a baby in the club rooms is asked to leave.
- **Disability:** A player is overlooked for team selection because of mild epilepsy.
- **Family responsibilities:** A club decides not to promote an employee because he has a child with a disability even though the employee is the best person for the job.
- **Gender Identity:** A transgender player is harassed when other players refuse to call her by her female name.
- **Homosexuality:** An athlete is ostracised from her team after it becomes known that she is a lesbian.
- **Marital Status:** A player is deliberately excluded from team activities and social functions because she is single.
- **Pregnancy:** A woman is dropped from a squad when she becomes pregnant.

- **Race:** An Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race.
- **Sex:** Specialist coaching is only offered to male players in a mixed team.

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

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

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

Discrimination and harassment are not permitted in employment (including volunteer and unpaid employment); when providing sporting goods and services including access to sporting facilities; when providing education and accommodation; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any player or other person to any competition and the obtaining or retaining membership of clubs and organisations (including the rights and privileges of membership).

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

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

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law.

It is also a breach of discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment. Example: a player is ostracised by her male coach for complaining about his sexist behavior 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.

**League Associations** means and includes clubs participating in the National Basketball League, Women's National Basketball League, South East Australian Basketball League and any other organised basketball competition conducted by Basketball Australia or is recognised as a League Association by Basketball Australia from time to time.

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

**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.

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

**Policy and this policy** means this Member Protection Policy.

**Respondent** means a person or organisation who is being complained about.

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

**Sexual harassment** means unwanted, unwelcome or uninvited behaviour of a sexual nature which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

**Sexual offence** means a criminal offence involving sexual activity or acts of indecency including but not limited to (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.

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

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

**Vilification** involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or

characteristics within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

## **PART B: CODES OF BEHAVIOUR**

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Basketball Australia and Constituent Associations seek to provide a safe, fair and inclusive environment for everyone involved in our organisation and in our sport. To achieve this, we require certain standards of behavior of players/athletes, coaches, officials, administrators, parents/guardians (of child participants) and spectators.

Our codes of behavior are underpinned by the following core values.

- To act within the rules and spirit of our sport.
- To display respect and courtesy towards everyone involved in our sport and prevent discrimination and harassment.
- To prioritise the safety and well-being of children and young people involved in our sport.
- To encourage and support opportunities for participation in all aspects of our sport.

### **B1: Coaches, Officials and Support Staff**

As a coach, official or support staff member appointed by Basketball Australia (BA), or by a member organisation that has adopted this Member Protection Policy and/or this code, you are expected to meet the following requirements in regard to your conduct at all times.

1. Comply and encourage compliance with BA standards, Constitution, By-Laws (including but not limited to the Anti-Doping and Member Protection Policies) and policies.
2. Encourage and adhere to the rules and spirit of the sport of basketball including national and international guidelines, regulations and rules that govern BA and the game of basketball and the particular competition in which you are participating.
3. Make a commitment to providing a quality service to athletes, BA and the game of basketball by:
  - a) Maintaining or improving your current level of accreditation;
  - b) Seeking continual improvement through performance appraisal and education;
  - c) Providing a training program which is planned and sequential; and
  - d) Maintaining relevant records.
4. Be fair, considerate and honest with all players, officials and team members. Ensure that every player's time spent with you is a positive experience. Treat each player as an individual by:
  - a) Providing each player with equal attention and opportunities;
  - b) Respecting the talent, developmental stage and goals of each individual player; and
  - c) Helping each player reach his or her full potential.
5. Do not use your involvement with BA to promote your own beliefs, behaviours or practices where these are inconsistent with those of BA.
6. Refrain from any form of abuse, harassment or discrimination, or any conduct which might reasonably be regarded as abuse, harassment or discrimination towards others. Be alert to any conduct which may be reasonably regarded as abuse, harassment or discrimination that is directed towards athletes from other sources whilst they are in your care.
7. Ensure that any physical contact with players is appropriate for the situation and necessary for the player's skill development.
8. Refrain from any intimate relationship or affair with athletes under your care, supervision or tutelage.
9. Avoid unaccompanied and unobserved activities with persons under the age of 18 years wherever possible.

10. Treat people involved in the game of basketball with courtesy, respect and proper regard for their rights and obligations and in particular, respect the spirit of fair play and non-violence.
11. Team coaching staff and management should not remain in team changing rooms unnecessarily. Generally, coaching staff and management should only be required in changing rooms for pre-game or post-game meetings between coaches and athletes, or if attendance is otherwise required by an athlete.
12. Refrain from any conduct which is; might be reasonably regarded as; or is being investigated for potentially being a breach of the criminal law applicable to the jurisdiction in which you are located at any time.
13. Do not denigrate and/or intimidate players, officials, spectators or event organisers.
14. Refrain from unnecessary or obvious dissension, displeasure or disapproval with officials' decisions or spectator or player conduct.
15. Be responsible in the consumption of alcohol products. You must also be responsible for the consumption of alcohol products by athletes in your care that are under the legal age for consumption of such products.
16. Treat another person's property with respect and due consideration of its value.
17. Respect the law and customs of each area you visit in foreign countries.
18. Do not make statements or take part or otherwise participate in demonstrations (whether verbally, in writing or by any act or omission) regarding political, religious or racial matters or any such matters which are prejudicial to or contrary to the objects, purposes or interests of BA or which bring BA or the squad or team into disrepute.
19. Show concern and caution towards sick and injured athletes by:
  - a) Providing a modified training program where appropriate;
  - b) Allowing further participation in training and competition only when appropriate;
  - c) Seeking medical advice when required; and
  - d) Maintaining the same interest and support towards sick and injured athletes.
20. Provide a safe environment for training and facilities and competition by:
  - a) Ensuring equipment and facilities meet safety standards; and
  - b) Ensuring equipment, rules and the environment are appropriate for the age and ability of the athletes.
21. Behave and encourage behaviour that upholds the highest standards of integrity and dignity. Uphold, and not injure or compromise, the standing and reputation of Basketball Australia and/or Constituent Associations.
22. Not engage in, or encourage, any conduct which is unbecoming of a BA representative that brings the game of basketball and/or BA into disrepute or is otherwise harmful to the interests of basketball and/or BA.
23. Be a positive role model for basketball and players. Encourage your player's to demonstrate the qualities outlined in this Code. Respect the law and customs of each area you visit in foreign countries.

## **B2: Players**

- Play by the rules.
- Never argue with an official. If you disagree, have your captain, coach or manager approach the official during a break or after the competition.
- Control your temper. Verbal abuse of officials and sledging other players, deliberately distracting or provoking an opponent are not acceptable or permitted behaviours in any sport.
- Work equally hard for yourself and/or your team. Your team's performance will benefit, so will you.
- Be a good sport. Applaud all good plays whether they are made by your team or the opposition.
- Treat all participants in your sport as you like to be treated. Do not bully or take unfair advantage of another competitor.
- Cooperate with your coach, team-mates and opponents. Without them there would be no competition.
- Participate for your own enjoyment and benefit, not just to please parents and coaches.
- Respect the rights, dignity and worth of all participants regardless of their gender, ability, cultural background or religion.

## **B3: Parents**

- Remember that children participate in sport for their enjoyment, not yours.
- Encourage children to participate, do not force them.
- Focus on the child's efforts and performance rather than winning or losing.
- Encourage children always to play according to the rules and to settle disagreements without resorting to hostility or violence.
- Never ridicule or yell at a child for making a mistake or losing a competition.
- Remember that children learn best by example. Appreciate good performances and skillful plays by all participants.
- Support all efforts to remove verbal and physical abuse from sporting activities.
- Respect officials' decisions and teach children to do likewise.
- Show appreciation for volunteer coaches, officials and administrators. Without them, your child could not participate.
- Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

## **B4: Administrators**

- Involve young people in planning, leadership, evaluation and decision making related to the activity.
- Give all young people equal opportunities to participate.
- Create pathways for young people to participate in sport not just as a player but as a coach, referee, administrator etc.
- Ensure that rules, equipment, length of games and training schedules are modified to suit the age, ability and maturity level of young players.
- Provide quality supervision and instruction for junior players.
- Remember that young people participate for their enjoyment and benefit. Do not overemphasise awards.

- Help coaches and officials highlight appropriate behaviour and skill development, and help improve the standards of coaching and officiating.
- Ensure that everyone involved in junior sport emphasises fair play, and not winning at all costs.
- Give a code of behaviour sheet to spectators, officials, parents, coaches, players and the media, and encourage them to follow it.
- Remember, you set an example. Your behaviour and comments should be positive and supportive.
- Make it clear that abusing young people in any way is unacceptable and will result in disciplinary action.
- Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

### **B5: Spectators**

- Remember that young people participate in sport for their enjoyment and benefit, not yours.
- Applaud good performance and efforts from all individuals and teams. Congratulate all participants on their performance regardless of the game's outcome.
- Respect the decisions of officials and teach young people to do the same.
- Never ridicule or scold a young player for making a mistake. Positive comments are motivational.
- Condemn the use of violence in any form, whether it is by spectators, coaches, officials or players.
- Show respect for your team's opponents. Without them there would be no game.
- Encourage players to follow the rules and the officials' decisions.
- Do not use foul language, sledge or harass players, coaches or officials.
- Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

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

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Basketball Australia and Constituent Associations are committed to providing a child-safe environment. As part of this, we will recruit staff and volunteers who do not pose a risk to children.

Employment screening and Working with Children Checks (WWCC) can involve criminal history checks, signed declarations, referee checks and other appropriate checks that assess a person's suitability to work with children and young people. WWCC laws are currently in place in all states and territories.

The state WWCC requirements apply regardless of our national, state or club Member Protection Policies/By-Laws. Basketball Australia, and our state associations and clubs, will meet the requirements of all relevant state and territory WWCC laws.

Individuals travelling with children and young people to another state or territory in a work-related capacity must comply with the screening requirements of that particular state or territory.

Attachments:

- Member Protection Declaration (for all states/territories except NSW who must complete a Prohibited Employment Declaration provided by the NSW Commission for Children and Young People).
- summary information on state and territory WWCC requirements and where to obtain more information and relevant forms.

**Attachment C1: MEMBER PROTECTION DECLARATION**

Basketball Australia has a duty of care to all those associated with our organisation and to the individuals and organisations to whom our Member Protection 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, acts of violence or narcotics.
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, acts of violence, illegal drugs or dishonesty.
4. I am not currently serving a sanction for an anti-doping rule violation under an 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 Code or any other ASADA approved anti-doping policy applicable to me.
6. To my knowledge there is no other matter that Basketball Australia may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the President or CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed.

Declared in the State/Territory of ..... on ...../...../.....(date)

Signature .....

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**Parent/Guardian Consent (in respect 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: .....

## **Attachment C2: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS**

Working with Children Checks (WWCC) aim to create a child-safe environment and to protect children and young people involved in our sport from physical and sexual harm. They assess the suitability of people to work with children and young people and can involve:

- criminal history checks;
- signed declarations;
- referee checks; and
- other relevant background checks to assess a person's suitability to work with children and young people.

WWCC requirements vary across Australia. Detailed information, including the forms required to complete a WWCC, are available from the relevant agencies in each state and territory. Fact Sheets for each state and territory are available on the Play by the Rules website: [www.playbytherules.net](http://www.playbytherules.net)

### **Australian Capital Territory**

Office of Regulatory Services

Website: [www.ors.act.gov.au/community/working\\_with\\_vulnerable\\_people\\_wvvp](http://www.ors.act.gov.au/community/working_with_vulnerable_people_wvvp)

Phone: 02 6207 3000

### **New South Wales**

Office of the Children's Guardian

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

Phone: 02 9286 7276

### **Northern Territory**

Northern Territory Screening Authority

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

Phone: 1800 SAFE NT (1800 723 368)

### **Queensland**

Blue Card Services

Website: <http://www.bluecard.qld.gov.au/>

Phone: 1800 113 611

### **South Australia**

Department for Education and Child Development

Website: [www.families.sa.gov.au/childsafes](http://www.families.sa.gov.au/childsafes)

Phone : 08 8463 6468

National Police Check: [www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check](http://www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check)

### **Tasmania**

Department of Justice

Website: [www.justice.tas.gov.au/working\\_with\\_children](http://www.justice.tas.gov.au/working_with_children)

Phone: 1300 13 55 13

### **Victoria**

Department of Justice

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

Phone: 1300 652 879

### **Western Australia**

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, you must comply with the legislative requirements of that particular state or territory. In certain jurisdictions, temporary, time limited exemptions from working with children checks may be available for interstate visitors with a Working with Children Check in their home state. The laws providing interstate exemptions are not consistent across Australia.

If an employee or volunteer for your organisation is travelling interstate to do work that would normally require a working with children check, you will need to check the relevant requirements of that state or territory.

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## **PART D: PROCEDURES**

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Basketball Australia and Constituent Associations are committed to supporting people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

**We will endeavour to deal with complaints on a confidential basis.** We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us to disclose this information **or** it is necessary to properly deal with the complaint. To ensure fairness for everyone involved, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously.

We 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.

Attachment D1: Complaint Handling Procedure

Attachment D2: Mediation

Attachment D3: Investigation Procedure

Attachment D4: Tribunal Procedures

Attachment D5: Procedure for Handling Allegations of Child Abuse

## **Attachment D1: COMPLAINTS HANDLING PROCEDURE**

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### **INFORMAL APPROACHES**

#### **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 a Member Protection Information Officer**

We encourage you to talk with one of our Member Protection Information Officers (MPIOs) if:

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

The MPIO will:

- ask how you would like your concern to be resolved and if you need support
- seek to provide different options for you to address your concern
- act as a support person, if you wish
- refer you to an appropriate person (e.g. a mediator) to help you address your concern, if appropriate
- inform the relevant government authorities and/or police, if required by law to do so
- where possible and appropriate, maintain confidentiality.

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

After talking with the MPIO, you may decide:

- there is no problem;
- the problem is minor and you do not wish to take the matter forward;
- to try and resolve the problem yourself, with or without a support person;
- to resolve the problem with the help of someone impartial, such as a mediator; or
- to resolve the matter through a formal process.

### **FORMAL APPROACHES**

#### **Step 4: Making a Formal complaint**

If it is not possible or appropriate to resolve your complaint through an informal process, you may:

- make a formal complaint in writing to the CEO or President (or their nominee); or
- approach a relevant external agency such as an anti-discrimination commission, for advice.

After receiving a formal complaint, and based on the material you provide, the CEO, President (or their nominee) or Complaints Handler will decide whether:

- he/she is the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint requires a formal resolution procedure;
- to refer the complaint to **mediation**;
- to appoint a person to **investigate** the complaint;
- to refer the complaint to a **tribunal hearing**;
- to refer the matter to the **police** or **other appropriate authority**; and/or
- to implement any interim arrangements that will apply until the complaint process is completed.

In dealing with your formal complaint, the person making the decision(s) will take into account:

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

If the CEO or President (or their nominee) or a Complaints Handler is the appropriate person to handle the complaint, he/she will, where appropriate and/or necessary:

- provide the information received from you to the other person(s) involved and ask for a response;
- decide if there is enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- determine what, if any, further action to take, including referring the matter for investigation or disciplinary action in accordance with this Policy.

#### **Step 5: Investigation of the complaint**

In some cases, an investigation may be required to determine the facts surrounding the complaint. Our investigations procedure is outlined in Attachment D3. Following the investigation, a written report will be provided to the CEO.

- If the complaint is referred to **mediation**, we will follow the steps outlined in Attachment D2 or as agreed by you, the respondent and the mediator.
- If the complaint is referred to a **tribunal hearing**, the hearing will be conducted according to the steps outlined in Attachment D4.
- If the complaint is referred to the **police or another external agency**, we will endeavour to provide all reasonable assistance required by the police or the agency.

Any cost incurred by us relating to the complaint process are to be met by the relevant person/organisation, unless otherwise stated.

#### **Step 6: Reconsidering a complaint or appealing a decision**

If the matter is referred to mediation and is not resolved at mediation, you may request that the CEO or President (or their nominee) or Complaints Handler reconsider the complaint in accordance with **Step 3**.

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 D5.

#### **Step 7: Documenting the resolution**

The person handling the complaint will record 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 state/district level, the information will be stored by the state 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 Basketball Australia and a copy stored by the state association

### **EXTERNAL APPROACHES**

If you feel that you have been harassed or discriminated against, you can seek advice from your State or Territory anti-discrimination or equal opportunity commission. There is no obligation to make a formal complaint. However, if the commission advises you that the issues appear to be within its jurisdiction, you may choose to lodge a formal complaint with 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 a commission, an appropriate person from our organisation (e.g. an MPIO) will be available to support you during the process. You may also wish to have a legal representative, particularly if the complaint goes to a formal hearing.

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

## **Attachment D2: MEDIATION**

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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, he or she helps those involved to discuss the issues and seeks to facilitate a mutually agreeable solution.

Our approach to mediation follows the steps set out below.

1. The MPIO/ CEO will appoint an appropriate mediator to help resolve the complaint. This will be done under the direction of Basketball Australia 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 Basketball Australia or Constituent Association acting as mediator.
2. 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.
3. All issues raised during mediation will be treated confidentially. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. 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). We expect the parties involved to respect and comply with the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
  - write to the MPIO/ CEO to request that the MPIO/ CEO reconsider the complaint;
  - approach an external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

We recognise that there are some **situations where mediation will not be appropriate**, including:

- when the people involved have completely different versions of the incident;
- when one or both parties are unwilling to attempt mediation;
- when the issues raised are sensitive in nature;
- when there is a real or perceived power imbalance between the people involved;
- matters that involve serious allegations.

## **Attachment D3: INVESTIGATION PROCESS**

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There will be times when a complaint will need to be investigated and evidence gathered. An investigation helps determine the facts relating to the incident, as well as possible findings and, if requested recommendations. Any investigation we conduct will be fair to all people involved and will be undertaken by an unbiased person.

If we decide that a complaint should be investigated, we will follow the steps outlined below.

1. We will provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities.
2. The investigator may:
  - interview the complainant and record the interview in writing
  - provide full details of the complaint to the respondent(s) so that they can respond
  - interview the respondent(s) to allow them to answer the complaint and record the interview in writing
  - obtain statements from witnesses and collect other relevant evidence
  - make a finding as to whether the complaint is:
    - **substantiated** (there is sufficient evidence to support the complaint)
    - **inconclusive** (there is insufficient evidence either way)
    - **unsubstantiated** (there is sufficient evidence to show that the complaint is unfounded)
    - **mischievous, vexatious or knowingly untrue.**
  - provide a report to the CEO/tribunal documenting the complaint, the investigation process, the evidence, the finding(s) and, if requested, any recommendations.
3. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points from the investigation.
4. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (e.g. an MPIO).

## **Attachment D4: TRIBUNAL PROCEDURES**

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The following steps will be followed by hearings tribunals established by Basketball Australia or Constituent Associations to hear formal complaints made under our Member Protection Policy.

### **Preparing for a Tribunal Hearing**

1. A Tribunal Panel will be established according to the rules set out in our constituent documents, rules and By-Laws, to hear a complaint that has been referred to it.
2. The number of Tribunal Panel members required to be present throughout the hearing will be three and will not include any person who has any actual or perceived conflict of interest, or bias regarding the matter.
3. The Registrar shall provide the Tribunal members with a copy of all the relevant correspondence, reports or information received and sent by Basketball Australia or Constituent Association relating to the complaint/allegations.
4. The Tribunal hearing will be held as soon as practicable, but must allow adequate time for the respondent(s) to prepare for the hearing.
5. The Registrar will inform the respondent(s) in writing that a Tribunal Hearing will take place. The notice will outline:
  - That the person has a right to appear at the Tribunal Hearing to defend the complaint/allegation;
  - Details of the complaint and of all allegations, as well as the provision or clause of any policy, rule or regulation that has allegedly been breached;
  - The date, time and venue of the Tribunal Hearing;
  - That verbal and/or written submissions can be presented at the Tribunal Hearing;
  - That witnesses may attend the Tribunal Hearing to support the respondent/s' position;
  - An outline of any possible sanctions that may be imposed if the complaint is found to be true;
  - That legal representation will not be allowed; and
  - If the respondent is a minor, that they should have a parent or guardian present.

A copy of any investigation report findings will be provided to the respondent/s.

The respondent(s) will be allowed to participate in all Basketball Australia or Constituent Association activities and events, pending the decision of the Tribunal, including any available appeal process, unless the Registrar believes it is necessary to exclude the respondent(s) from all or some Basketball Australia or Constituent Association activities and events, after considering the nature of the complaint.

6. The Registrar will notify the complainant in writing that a tribunal hearing will take place. The notice will outline:
  - That the person has a right to appear at the tribunal hearing to support their complaint;
  - Details of the complaint, including any relevant rules or regulations the respondent is accused of breaching;
  - The date, time and venue of the tribunal hearing;
  - That verbal and/or written submissions can be presented to the Tribunal;
  - That witnesses may attend the Tribunal Hearing to support the complainant's position;
  - That legal representation will not be allowed; and
  - If the complainant is a minor, that they should have a parent or guardian present.

A copy of any investigation findings will be provided to the complainant/s.

7. If the complainant believes the details of the complaint are incorrect or insufficient, he/she should inform the Registrar as soon as possible so that the respondent/s and the Tribunal Panel members can be properly informed of the complaint.
8. If possible, the Tribunal Panel should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination).

### **Tribunal Hearing Procedure**

9. The following people will be allowed to attend the Tribunal Hearing:
  - The Tribunal Panel members;
  - The respondent(s);
  - The complainant(s);
  - Any witnesses called by the respondent(s);
  - Any witnesses called by the complainant(s);
  - Any parent / guardian or support person required to support the respondent or the complainant.
10. If the respondent(s) is not present at the set hearing time and the Tribunal Chairperson considers that no valid reason has been presented for this absence, the Tribunal Hearing will continue subject to the Tribunal Chairperson being satisfied that all Tribunal notification requirements have been met.
11. If the Tribunal Chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the Tribunal Chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal Hearing will be rescheduled to a later date.
12. The Tribunal Chairperson will inform the Registrar of the need to reschedule, and the Registrar will organise for the Tribunal to be reconvened.
13. The Tribunal Chairperson will read out the complaint, ask each respondent if he/she understands the complaint and if he/she agrees or disagrees with the complaint.
14. If the respondent agrees with the complaint, he/she will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any sanctions.
15. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
  - Reference may be made to brief notes.
  - The complainant may call witnesses.
  - The respondent(s) may question the complainant and witnesses.
16. The respondent(s) will then be asked to respond to the complaint.
  - Reference may be made to brief notes.
  - The respondent may call witnesses.
  - The complainant may ask questions of the respondent and witnesses.
17. 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 required.
18. The Tribunal may:
  - consider any evidence, and in any form, that it deems relevant;
  - ask questions of any person giving evidence;
  - limit the number of witnesses including limiting witnesses to those person who only provide new evidence;

- require (to the extent it has power to do so) the attendance of any witness it deems relevant; and
  - act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
19. 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.
  20. If the Tribunal considers that at any time during the Tribunal Hearing there is any unreasonable or intimidating behavior from anyone, the Chairperson may deny further involvement of the person in the hearing.
  21. After all of 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.
  22. All Tribunal decisions will be by majority vote.
  23. The Tribunal Chairperson may announce the decision of the Tribunal at the conclusion of the hearing. Alternatively, he/she may reserve the decision of the Tribunal at the conclusion of the hearing and deliver the decision at a later time.
  24. The respondent/s will have the opportunity to make submissions to the Tribunal in relation to any sanctions that may be imposed.
  25. Within 48 hours of the Tribunal delivering its decision, the Chairperson will:
    - Forward a notice of the Tribunal decision to the Registrar, including details of any sanctions imposed.
    - Forward a letter reconfirming the Tribunal's decision to the respondent/s, including any sanction imposed. The letter should also outline the process and grounds for an appeal, if allowed.
  26. The Tribunal does not need to provide written reasons for its decision.

## **Appeals Procedure**

27. A complainant(s) or a respondent(s) may lodge an appeal with the CEO of the organisation that established the tribunal (i.e. Basketball Australia or Constituent Association, as relevant) in relation to the decision of a Tribunal on one or more of the following bases:
  - 27.1 That a denial of procedural fairness has occurred;
  - 27.2 That the sanction imposed is unjust and/or unreasonable;
  - 27.3 That the decision was not supported by the information/evidence provided at the mediation or to the Tribunal Hearing; and/or
  - 27.4 That new evidence, that was not reasonably available at the time of initial investigation or hearing, is now available and that evidence is likely to have a material bearing upon the decision in the matter.
28. A person wanting to appeal must lodge a letter setting out the basis for their appeal with the CEO within seven days of a decision being made. An appeal fee of \$250 shall be included with the letter of intention to appeal.
29. If the letter of appeal is not received by the CEO within this time, the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received within this time, the appeal will also lapse.
30. The letter of appeal and the notice of the Tribunal's decision will be forwarded to an Appeals Registrar (who was not the Registrar or a Tribunal Member in relation to the matter) to review and decide whether there are sufficient grounds for the appeal to proceed. The Appeals

Registrar may invite any witnesses to the meeting he/she believes are required to make an informed decision.

31. If the appellant has not shown sufficient grounds for appeal in accordance with clause 26, then the appeal will be rejected. The appellant will be notified in writing, including the reasons for the decision.
32. If the appeal is accepted, an Appeal Tribunal with new panel members will be convened to rehear the complaint. The appeal fee may be refunded at the discretion of the Appeals Registrar.
33. The Tribunal Hearing procedure shall be followed for the Appeal Tribunal.
34. The decision of the Appeal Tribunal will be final and binding.

## Attachment D5: 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).

We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity. All people working with Basketball Australia 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.

Do	Don't
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 his or her 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 CEO or Complaints Handler of Basketball Australia or Constituent Association so that he or she can manage the situation.

### Step 3: Protect the child and manage the situation

- The CEO or Complaints Handler 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 him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is an employee of Basketball Australia or an affiliate association.
- The CEO or Complaints Handler will consider what services may be most appropriate to support the child and his or her parent/s.
- The CEO or Complaints Handler will consider what support services may be appropriate for the alleged offender.
- The CEO or Complaints Handler will 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 that are made against a person to whom this Policy applies, including:
  - a criminal investigation (conducted by the police)
  - a child protection investigation (conducted by the relevant child protection agency)
  - a disciplinary or misconduct inquiry/investigation (conducted by Basketball Australia or Constituent Association).
- Basketball Australia or Constituent Association 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 his or her position, be dismissed, banned or suspended or face other disciplinary action.
- If disciplinary action is undertaken, we will follow the procedures set out in Clause 9 of our Member Protection Policy.
- Where required, we will provide the relevant government agency with a report of any disciplinary action we take.

**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>	Office for Children, Youth and Family Services <a href="http://www.dhcs.act.gov.au/ocyfs/services/care_and_protection">www.dhcs.act.gov.au/ocyfs/services/care_and_protection</a> Ph: 1300 556 729
<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 Community Services <a href="http://www.community.nsw.gov.au">www.community.nsw.gov.au</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.childrenandfamilies.nt.gov.au">www.childrenandfamilies.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 Communities <a href="http://www.communities.qld.gov.au/childsafety">www.communities.qld.gov.au/childsafety</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 Communities and Social Inclusion <a href="http://www.dcsi.sa.gov.au">www.dcsi.sa.gov.au</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 Human Services <a href="http://www.dhs.vic.gov.au">www.dhs.vic.gov.au</a> Ph: 131 278
<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 for Child Protection <a href="http://www.dcp.wa.gov.au">www.dcp.wa.gov.au</a> Ph: (08) 9222 2555 or 1800 622 258

## **PART E: REPORTING DOCUMENTS**

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Basketball Australia will ensure that all the complaints we receive, both formal and informal, are properly documented. 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 and stored in a secure place.

Basketball Australia will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

Basketball Australia will ensure that everyone who works with our organisation in a paid or unpaid capacity understands 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.

### **ATTACHMENTS**

- Attachment E1: Confidential record of informal complaint
- Attachment E2: Confidential record of formal complaint
- Attachment E3: Confidential record of child abuse allegation



**Attachment E2: CONFIDENTIAL 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 <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <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"/> Coaching methods <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Physical abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Victimisation <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Unfair decision <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 in a confidential and safe place.** 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 Basketball Australia and a copy kept with the organisation where the complaint was first made.

**Attachment E3: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION**

Before completing this form, please ensure that the steps outlined in Attachment D4 have been followed and advice has been sought from the police and/or the relevant child protection agency.

Complainant's name (if other than the child)		Date formal complaint received: / /
Role/status in sport		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	<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	
Witnesses (if more than three witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action taken (if any)		
Police contacted	Who: When: Advice provided:	

Child protection agency contacted	Who: When: Advice provided:
CEO contacted	Who: When:
Police investigation (if any)	Finding:
Child protection agency investigation (if any)	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

**This record and any notes must be kept in a confidential and safe place.** If required, they should be provided to the police and/or the relevant child protection agency.