

**NETBALL AUSTRALIA LIMITED  
MEMBER PROTECTION POLICY**

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## NETBALL AUSTRALIA MEMBER PROTECTION POLICY

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### PREFACE

Netball is enjoyed by thousands of participants throughout Australia every week. Participants enjoy a range of experiences from five to ten year olds learning basic skills in NetSetGO! progressing to juniors, seniors and masters playing various levels of competition.

The sport caters for females and males, all ages and abilities and from the social netballer to the elite athlete. They participate in netball for many reasons including the competitive challenge, to be with friends, health and fitness, the satisfaction of volunteering and most importantly to have fun.

Netball is not immune to acts of discrimination, harassment and abuse and in fact shares the common features of most sporting environments where close physical and emotional relationships can develop and inappropriate or unlawful behaviour can take place.

Netball Australia is both ethically and legally responsible to prevent discrimination and more specifically harassment from occurring in netball. The adoption of this Policy reflects Netball Australia's commitment to serving and protecting its members and participants throughout all levels of the sport.

This Policy is only one component of the overall strategy and the implementation and enforcement of this Policy will require ongoing commitment from all levels of the sport.

The Policy also complements a range of other organisational policies including junior netball, umpire development, governance, finance, information technology and privacy policies.

Through working together, the netball community can prevent discrimination and harassment and create a safe and supportive environment for all participants at all levels.

Kate Palmer  
Chief Executive Officer  
Netball Australia  
May 2007

### REVIEW HISTORY OF NETBALL AUSTRALIA MEMBER PROTECTION POLICY

<i>Version</i>	<i>Date reviewed</i>	<i>Date endorsed</i>	<i>Content reviewed/purpose</i>
<i>One</i>	<i>January 2007</i>	<i>10<sup>th</sup> February 2007</i>	<i>• Original Version</i>
<i>Two</i>	<i>May 2007</i>		<i>• Updating wording to be consistent throughout policy &amp; attachments.</i>
<i>Three</i>	<i>December 2009</i>	<i>30<sup>th</sup> January 2010</i>	<i>• Update of terminology and Inclusion of Taking Images of Children clause</i>

### 1. Netball Australia's Core Values

Netball Australia is committed to treating all people with respect, dignity and fairness. These values, along with the basic right of all netball members to participate in an environment that is enjoyable, safe and healthy, has resulted in Netball Australia developing specific objectives to create a safer and more tolerant sporting environment.

### 2. Purpose of this Policy

This Policy aims to ensure Netball Australia's core values, good reputation and positive behaviours and attitudes are maintained. It assists Netball Australia to ensure that every person involved in netball is treated with respect and dignity, and is safe and protected from abuse. This Policy also ensures that everyone involved in netball is aware of his or her legal and ethical rights and responsibilities. This Policy also reflects Netball Australia's support and implementation of the sport industry principles and values outlined in *The Essence of Australian Sport – principles of fairness, respect, responsibility and safety*.

This Policy is accompanied by National Complaint Handling Regulation, National Child Protection Regulations, codes of behaviour and various reporting, educational and support documents. These resources provide the procedures that support Netball Australia's commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, Netball Australia will take disciplinary action against any person or organisation bound by this Policy if they breach it.

The Netball Australia Board of Directors ("Board") has adopted this Policy in accordance with Rule 35.1 of the Netball Australia constitution.

The policy is effective from **10<sup>th</sup> February 2007** and will operate until replaced. This Policy may be amended from time to time by resolution of the Netball Australia Board.

Copies of the policy and its accompanying documents can be obtained from the Netball Australia website - [www.netball.asn.au](http://www.netball.asn.au) or by contacting your Member Organisation.

### 3. Who this Policy Applies To

This Policy applies to the following, whether they are in a paid or unpaid/voluntary capacity:

- Member Organisations;
- Affiliates (including associations and clubs);
- Individual Members, including service award holders and life members;
- Individuals sitting on boards, committees and sub-committees;
- Employees and volunteers;
- Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- Coaches and assistant coaches;
- Athletes and players;
- Umpires, bench officials and other officials;
- Peak associations and the national body;
- Any other person or organisation that is a member of or affiliated to Netball Australia;
- Parents, guardians, spectators and sponsors and any other person or organisation to the full extent that is possible.

This Policy will continue to apply to a person even after they have stopped their association or employment with Netball Australia if disciplinary action, relating to an allegation of child abuse against that person, has commenced.

#### **4. Code of Behaviour**

Netball Australia requires every individual and organisation bound by this Policy to:

- Be ethical, fair and honest in all their dealings with other people and Netball Australia;
- Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- Always place the safety and welfare of children above other considerations;
- Comply with Netball Australia's constitution, rules and policies including this Policy;
- Operate within the rules and spirit of the sport;
- Comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and child protection laws;
- Be responsible and accountable for their conduct; and
- Abide by the relevant Netball Australia role-specific codes of behaviour.

#### **5. Organisational Responsibilities**

Netball Australia, the Member Organisations and Affiliates must:

- Adopt, implement and comply with this Policy and its regulations;
- Publish, distribute and otherwise promote this Policy and the consequences for breaching it;
- Promote appropriate standards of conduct at all times;
- Promptly deal with any breaches of or complaints made under this Policy in an impartial, sensitive, fair, timely and confidential manner;
- Apply this Policy consistently without fear or favour;
- Recognise and enforce any penalty imposed under this Policy;
- Ensure that a copy of this Policy is available or accessible to the persons to whom this Policy applies
- Appoint or have access to appropriately trained people to receive and handle complaints and allegations [e.g. Member Protection Information Officers (MPIOs)] and display the names and contact details in a way that is readily accessible; and
- Monitor and review this Policy at least annually.

#### **6. Individual Responsibilities**

Individuals bound by this Policy are responsible for:

- Making themselves aware of the policy and complying with the standards of conduct outlined in this Policy;

- Consenting to undergo screening as per the National Child Protection Regulation and/or relevant State legislation if the individual holds or applies for a role that involves direct and unsupervised contact with people under the age of 18 years
- Complying with all other requirements of this Policy;
- Co-operating in providing a discrimination, child abuse and harassment free sporting environment;
- Understanding the possible consequences of breaching this Policy.

## **7. Policy Position Statements**

### **7.1 Child Protection Policy**

Every person and organisation bound by this Policy must always place the safety and welfare of children above all other considerations.

Netball Australia acknowledges that employees, members and volunteers provide a valuable contribution to the positive experiences of junior participants. Netball Australia aims to ensure this continues and to protect the safety and welfare of junior participants. Several measures will be used to achieve this such as:

- Prohibiting any form of abuse against children;
- Providing opportunities for junior participants to contribute to and provide feedback on Netball Australia's program development;
- Carefully selecting and screening people whose role requires them to have direct and unsupervised contact with children. (Screening procedures are outlined in the National Child Protection Regulation);
- Ensuring Netball Australia codes of behaviour, particularly for roles associated with junior sport, are promoted, enforced and reviewed;
- Providing procedures for raising concerns or complaints; and
- Providing education and/or information to those involved in netball on child abuse and child protection.

Netball Australia requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within netball to report it immediately to the police or relevant government agency and the CEO of Netball Australia or the CEO of the relevant Member Organisation. Descriptions of the sorts of activity which may be abuse are in the Definitions at clause 11.

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. Netball Australia's procedures for handling allegations of child abuse are outlined in the National Complaint Handling Regulation.

If anyone bound by this Policy reasonably suspects that a child is being abused by his or her parent/s, they are advised to contact the relevant government department for youth, family and community services in their State/Territory.

### **7.2 Taking Images of Children**

Images of children can be used inappropriately or illegally. Netball Australia requires every person and organization bound by the policy, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and ensure that the parent knows the way the image will be used.

Netball Australia also requires the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

When using a photo of a child Netball Australia will not name or identify the child display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian.

Netball Australia will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by paedophiles or other persons. Netball Australia will only use appropriate images of a child, relevant to netball and ensure that the child is suitably clothed in a manner that promotes participation in netball.

### **7.3 Anti-Discrimination and Harassment Policy**

Netball Australia aims to provide a sporting environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.

Netball Australia recognises that all those involved in netball activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of their age, disability, family responsibilities, gender identity, homosexuality or sexual orientation, irrelevant medical or criminal record, marital status, political belief, pregnancy or breastfeeding, race, religion, sex, social origin and/or trade union membership/activity.

Netball Australia prohibits all forms of harassment and discrimination based on personal characteristics listed in the Definitions. Discrimination and harassment are extremely distressing, offensive, humiliating and/or threatening and create an uncomfortable and unpleasant environment. In most circumstances discrimination and harassment are against the law.

Descriptions of some of the types of behaviour that could be regarded as harassment or discrimination are provided in the Definitions at clause 11.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this Policy, please refer to the complaints procedure outlined in the National Complaint Handling Regulation. This will explain what to do about the behaviour and how the Netball Australia will deal with the problem.

### **7.4 Sexual Relationships Policy**

Netball Australia takes the view that intimate relationships (whether or not of a sexual nature) between coaches and players, while not necessarily of constituting Harassment, can have harmful effects on the individual player involved, on other players and on the sport's public image.

Such relationships may be perceived to be exploitative because there is usually a disparity between coaches and players in terms of authority, maturity, status and dependence. Given there is always a risk that the relative power of the coach has been a factor in the development of such relationships, coaches at all levels should avoid them. In the event that a player attempts to initiate an intimate relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such actions.

The law is always the minimum standard for behaviour within Netball Australia and therefore sex with a child is a criminal offence.

### **7.5 Pregnancy Policy**

Netball Australia is committed to providing an inclusive sporting environment for pregnant women involved in netball. Netball Australia expects everyone who is bound by this Policy to treat pregnant women with dignity and respect and to remove any unreasonable barriers to participation in our sport that disadvantage them. Netball Australia will not tolerate any unlawful discrimination or harassment against pregnant women or women who may become pregnant.

Descriptions of some of the types of behaviour that could be regarded as pregnancy discrimination or harassment are provided in the Definitions at clause 11.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this Policy, please refer to the complaints procedure outlined in the National Complaint Handling Regulation. This will explain what to do about the behaviour and how the Netball Australia will deal with the problem.

Netball Australia will take reasonable care to ensure the safety, health and well being of pregnant women and their unborn children. Netball Australia will advise pregnant women that there may be risks involved, and encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, are of utmost importance in their decision making about the extent and manner in which they participate in netball.

We encourage all pregnant women to consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation in particular sporting activities.

Netball Australia will only require pregnant women to sign a disclaimer if all other participants are required to sign one in similar circumstances. Women will not be required to undertake a pregnancy test.

### **7.6 Gender Identity Policy**

Netball Australia is committed to providing an inclusive sporting environment where transgender or transsexual people involved in netball activities are able to contribute and participate. Netball Australia expects everyone who is bound by this Policy to treat people who identify as transgender or transsexual fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. Netball Australia will not tolerate any unlawful discrimination or harassment against a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual.

Descriptions of some of the types of behaviour that could be regarded as transgender or transsexual discrimination or harassment are provided in the Definitions at clause 11.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this Policy, please refer to the complaints procedure outlined the National Complaint Handling Regulation. This will explain what to do about the behaviour and how Netball Australia will deal with the problem.

Netball Australia recognises that the exclusion of transgender or transsexual people from participation in sporting events has significant implications for their health, well-being and involvement in community life. In general Netball Australia will facilitate transgender or transsexual persons participating in netball as the sex with which they identify.

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

Netball Australia notes that drug testing procedures and prohibitions also apply to people who identify as transgender or transsexual. A person receiving treatment involving a prohibited substance or method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard therapeutic use exemption.

### **7.7 Other relevant policies**

Other Netball Australia relevant bylaws and policies can be found at [www.netball.asn.au](http://www.netball.asn.au). Some of the policies that contribute to the welfare of all those involved in our activities include:

- Disciplinary Bylaw
- Privacy Policy
- Risk Management Policy
- Anti-doping Policy
- Blood Rules Policy
- Junior Netball Policy
- Pregnancy Policy

## **8. Complaints Procedures**

### **8.1 Complaints**

Netball Australia aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a complaint (complainant) about a person/s or organisation bound by this Policy if they reasonably believe that a person/s or a sporting organisation has breached this Policy. A complaint should be reported to a Hearings Officer. The Hearing Officer may refer a complainant to a MPIO for support and/or information.

A complaint may be reported as an informal or formal complaint. The complainant decides whether the complaint will be dealt with informally or formally unless the Hearing Officer of the relevant organisation (Affiliates, Member Organisations and Netball Australia) considers that the complaint falls outside the parameters of this Policy and would be better dealt with another way.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in the National Complaint Handling Regulation (Attachments Part C).

### **8.2 Vexatious Complaints & Victimisation**

Netball Australia will provide a complaints procedure that has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the Hearings Officer considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to a hearings tribunal for appropriate action which may include disciplinary action against the complainant.

Netball Australia will also take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to sort it out. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

### **8.3 Mediation**

Netball Australia will resolve complaints in a timely and efficient manner. In many cases, complaints can be sorted out by agreement between the people involved with no need for disciplinary action. The people involved in a formal complaint - the complainant and the person complained about (respondent) - may also seek the assistance of a neutral third person or a Mediator. Lawyers are not able to negotiate on behalf of the complainant and/or respondent.

Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to try and resolve the complaint with the assistance of a Mediator, the Hearings Officer will, in consultation with the complainant, arrange for a Mediator to mediate the complaint. More information on the mediation process is outlined the National Complaint Handling Regulation.

### **8.4 Hearings Tribunals**

A hearings tribunal may be formed to hear a formal complaint that has been referred by the Hearings Officer for an alleged breach of the policy. Netball Australia's hearings procedure is outlined in the National Complaint Handling Regulation.

A respondent may lodge one appeal only to the appeal tribunal in respect of a decision of a hearing tribunal. The decision of the appeal tribunal is final and binding on the people involved in the appeal. Netball Australia's appeals process, including criteria for appeals is outlined in the National Complaint Handling Regulation.

Every organisation bound by this Policy will recognise and enforce any decision made, and form of discipline imposed, by a hearings or appeals tribunal under this Policy.

Members of hearing and appeal tribunals will be indemnified by the organisation that appointed them against any claim for loss, compensation or damages, and for costs incurred defending a claim made against them, because of their function as a member of a hearings or appeals tribunal.

## **9. What is a Breach of this Policy**

It is a breach of this Policy for any person or organisation to which this Policy applies, to have been found to have:

- 9.1 Acted in a manner contrary to this Policy;
- 9.4 Failed to follow Netball Australia policies and procedures for the protection, safety and welfare of children;
- 9.5 Appointed or continued to appoint a person to a role that involves working with children and young people contrary to this Policy;
- 9.6 Discriminated against or harassed any person;
- 9.7 Victimised another person for reporting a complaint;
- 9.8 Engaged in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;
- 9.9 Disclosed to any unauthorised person or organisation any information that is of a private, confidential or privileged nature;
- 9.10 Made a complaint they knew to be untrue, vexatious, malicious or improper;

## 10. Forms of Discipline

If an individual or organisation to which this Policy applies breaches this Policy, one or more forms of discipline may be imposed. These may include making a verbal or written apology, paying a fine, being suspended or de-registered or having a person's appointment or employment terminated. More information on the range of disciplinary measures and the factors that will be considered before imposing discipline is in the National Complaint Handling Regulation.

## 11. Definitions

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

**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.

**Affiliates** mean a region, district, association or club, howsoever described, whether incorporated, unincorporated or otherwise, which is a member of a Member Organisation.

**Child** means a person who is under the age of 18 years (see also definition of young person)

**Child abuse** relates to 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. Children may be harmed by both 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).

**Complaint** means a complaint made under clause 8.1 of this Policy.

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

**Discrimination** means treating or proposing to treat someone less favourably than someone else because of a particular characteristic in the same or similar circumstances in certain areas of public life (this is Direct Discrimination). The law also covers **Indirect Discrimination**. This is 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. The characteristics covered by discrimination law across Australia are:

- 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.

Some States and Territories include additional characteristics such as physical features or association with a person with one or more of the characteristics listed above.

### Examples of Discrimination

- **Age:** A club refuses to allow an older person to coach a team simply because of their age.
- **Breastfeeding:** A member of the club who is breastfeeding her baby in the club rooms is asked to leave.
- **Disability:** A junior player is overlooked because of her 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 her coach refuses to call her by her female name.
- **Homosexuality:** An athlete is ostracised from her team after she tells a team mate 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 her squad when she becomes pregnant.
- **Race:** An umpire is not permitted to umpire games with a high proportion of Italian players on one team because of her race.
- **Sex:** Specialist coaching is only offered to female players in a mixed team.

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

Unlawful harassment includes the above but is either sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or other characteristic (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 or repeated. It may be explicit or implicit, verbal or non-verbal.

Under this Policy 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 females only who are 12 years of age or over 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 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 against discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment. Example: a player is ostracised by her male coach for complaining about his sexist behaviour to another club official or for supporting another player who has made such a complaint.

Public acts of racial hatred which are reasonably likely in the circumstances 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.

**Hearings Officer** means a person appointed by an organisation who is responsible for the administration of hearings by the hearings tribunal.

**Individual Member** means a registered financial individual member of a Member Organisation or Affiliate (as the case may be).

**Junior** means a person under the age of eighteen (18) years who is participating in an activity of the Netball Australia.

**Mediator** means a person appointed to mediate complaints made under this Policy. It is preferable that the mediator has relevant skills, qualifications and/or training in mediation.

**Member** means a member for the time being of Netball Australia under Part III of the Netball Australia constitution and includes Member Organisations, Affiliates, Individual Members and Service Award Holders.

**Member Organisation** means an entity recognised under Rule 5.1 of the Netball Australia constitution to administer netball in its particular State or Territory.

**Member Protection** is a term used by the Australian sport industry to describe the practices and procedures that protect members – both individual members such as players, coaches and officials, and the member organisations such as clubs, state associations, other affiliated associations and the national body. Member protection involves:

- protecting those that are involved in sport activities from harassment, abuse, discrimination and other forms of inappropriate behaviour
- adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with juniors, and
- providing education.

**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 confidential information and moral support to the person with the concern or who is alleging harassment or a breach of this Policy. They help the complainant deal with any emotions they may have about what has happened and operate as a sounding board as the complainant decides what they want to do. The MPIO may accompany the complainant in anything they decide to do, if it feels appropriate and they are happy to do it.

**National Child Protection Regulation** means the specific requirements and/or processes that must be followed in a specific State or Territory in regards to child protection requirements. Where specific State legislation does not exist, the national requirements must be followed.

**National Complaint Handling Regulation** means the national complaints, tribunal, investigation and mediation processes which must be followed by all Member Organisation's and Affiliates.

**Natural justice** incorporates the following principles:

- a person who is the subject of a complaint must be fully informed of the allegations against them
- a person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence
- all parties need to be heard and all relevant submissions considered
- irrelevant matters should not be taken into account
- no person may judge their own case
- the decision maker/s must be unbiased, fair and just
- the penalties imposed must not outweigh the 'crime'

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

**Policy and this Policy** mean this Member Protection Policy.

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

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

**Sexual harassment** means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes 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

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- 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.

**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 a complaint under government legislation (e.g. anti-discrimination) or under this Policy, or for supporting another person to make a complaint.

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

**Young People/person** means people in the 13 – 18 year age group.