

Member Protection Policy Template

A summary for national sports organisations



Australian Government
Australian Sports Commission



What is a Member Protection Policy?

Sporting organisations have legal and moral obligations to provide safe environments. A Member Protection Policy (MPP) is designed to meet these obligations and to maintain responsible behaviour and ethical and informed decision-making within Australian sport. The law appropriately applies high standards to National Sporting Organisations (NSO's), State and Member associations and clubs in relation to unlawful and improper behaviour that may occur within those groups, or at events staged by those organisations, or when those organisations or their members participate in a sporting event.

The MPP is designed essentially to deal with conduct that occurs outside the field of sporting play, rather than 'on-field' incidents. The Rules of the sport usually cover on field conduct.

Who does the policy apply to?

The MPP applies to employees, board members, committee and sub-committee members, administrators, coaches, officials, support personnel and players/athletes in a paid or voluntary capacity; life members; parents, spectators and sponsors.

What does it include?

The MPP informs every one of his or her legal and ethical rights and responsibilities in relation to:

1. **Child protection**
2. **Taking of images of children**
3. **Anti-discrimination and harassment** (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
4. **Sexual Relationships** (between coaches and the adult athletes that they coach)
5. **Pregnancy**
6. **Gender identity**
7. **Alcohol policy**
8. **Smoking policy**
9. **Cyber bullying**
10. **Social networking websites.**

Complaints

A clear process is set out in the policy for dealing with groups or individuals who engage in any of the behaviour prohibited by the policy. The MPP provides guidance for those with a complaint or concern, those who have had a complaint made against them and, those who have responsibility for handling a complaint. All complaints will be handled based on the principles of procedural fairness (natural justice).

After the concerns have been raised with a person qualified and skilled in considering such complaints, the complainant is then offered a range of options for how the issue can be dealt with. This includes informal discussions, mediation, a formal complaint, an investigation of the conduct of the person(s) being complained about (respondent), and possibly a disciplinary hearing before a Tribunal. A person(s) found

guilty of breaching the policy may be sanctioned by a range of measures including from a verbal warning up to expulsion from the sport.

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

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

Underlying the MPP is a range of laws which will vary from state to state. Despite some differences, there are some universal minimum standards that the law applies to persons involved in sporting activities.

This policy provides assurances to parents, children, boards of sporting organisations, sponsors and all others involved in sport that improper conduct will not be tolerated and will be dealt with and punished appropriately. It also encourages any person or group who feels that they may have been subject to improper or unlawful behaviour to come forward and discuss their concerns with the relevant Member Protection Information Officer, CEO or President of their sport.

Member Protection Information Officer (MPIO)

Is a person identified within an organisation that has expert knowledge of the MPP and the skills to guide a complainant through the complaints process in accordance with the MPP.

For more information

A copy of your sports MPP should be available on your NSOs website or by contacting your State Association or NSO directly. Your State Association should also have the contact details for a MPIO who will be able to explain your options.

Play by the Rules (www.playbytherules.net.au)

Is a comprehensive resource for NSO's, SSA's and local clubs that provides information and online learning for sport and recreation on how to:

- prevent and deal with discrimination, harassment and child abuse, and
- develop inclusive and welcoming environments for participation.

You can also seek advice from your State or Territory anti-discrimination commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be harassment within its jurisdiction, you may lodge a formal complaint with the commission.

Depending on the type of complaint you may also approach another external agency such as the police or a lawyer.

Member Protection Information Officer Training

Member Protection Information Officer training is available in every State and Territory facilitated by State Departments of Sport and Recreation (SDSR). SDSRs often work with other agencies to deliver the training (for example, Victorian Equal Opportunity and Human Rights Commission and Sport SA).

At the moment training is via a face-to-face workshop over two days and can be tailored to specific sports if there are adequate numbers of participants. However, this will change in 2012. Currently we are developing a Member Protection Online Education program under *Play by the Rules* – seven additional modules will be added to the existing *Play by the Rules* modules on Harassment and Discrimination and Child Protection. NSOs will be notified when this program is ready.

KEY STATE/TERRITORY CONTACTS	
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