



**CRICKET AUSTRALIA
MEMBER PROTECTION POLICY**

Updated 1 July 2014

CRICKET AUSTRALIA MEMBER PROTECTION POLICY – JULY 2014

Message from CA Chief Executive Officer

I am pleased to introduce you to Cricket Australia's Member Protection Policy.

This policy aims to ensure that Cricket Australia's ("CA") core values are respected and maintained by people involved in cricket. It aims to ensure that every person involved in cricket is treated with respect and dignity, is safe and protected from abuse and that we provide a consistent and nurturing environment for all players and volunteers. CA seeks to prevent all forms of harassment, discrimination and abuse and promote positive behaviours and values. Cricket should not and will not tolerate inappropriate or unlawful behaviour.

While the policy is extensive, it has been designed in a way that allows for the quick referencing of key issues and guidelines and to help Australian cricket associations and clubs develop their own policies for the protection of their participants.

Australia has worked hard to become the world's leading cricket nation in both women's and men's cricket and we would not have been able to achieve this without the values, principles and experiences of our cricket system. As custodians responsible for cricket's future, we are committed to ensuring others enjoy the rewards of life-long cricket involvement.

Adopting and understanding CA's Member Protection Policy will go a long way to ensuring that the quality and enjoyment of the cricket experience in Australia will continue to grow and prosper. Yours sincerely,

James Sutherland

Chief Executive Officer

1 July 2014

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PART A - CRICKET AUSTRALIA MEMBER PROTECTION POLICY**1. PURPOSE OF THIS POLICY**

- 1.1 This Policy aims to ensure that the core values of Cricket Australia (“**CA**”) are respected and maintained by persons involved in cricket and create a safe, fair and inclusive environment for everyone associated with cricket. It sets out our commitment to ensure that every person involved in the sport of cricket under the auspices of CA is treated with respect and dignity and protected from discrimination, harassment and abuse. It also aims to ensure that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.
- 1.2 This policy and the attached prescribed forms describe the practical steps CA will take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behaviour. The policy provides a procedure for informal and formal resolution of complaints against any person or organisation bound by this policy and a procedure for the appeal of such complaints.
- 1.3 This policy has been endorsed by CA and formally adopted by the Board of Directors of CA.
- 1.4 This policy comes into effect on 1 July 2014, and replaces in full the previous versions of the policy that became effective on and from 1 July 2013, 3 March 2010 and, prior to that, 1 June 2006.
- 1.5 The current policy and its attachments can be obtained from the CA Member Protection Information Officer.
- 1.6 This policy is supported by Member Protection Policies that have been adopted and implemented by our member Associations and affiliated Clubs. For further information on the rights, responsibilities and requirements for people involved in cricket at the state and club level, please refer to the member protection policies of the relevant State Association, Territory Association or Club.

2. WHO IS BOUND BY THIS POLICY?

- 2.1 This policy applies to the following individuals whether they are in a paid or unpaid/voluntary capacity:
 - (a) persons appointed or elected to boards of directors and/or committees (including sub-committees) of CA;
 - (b) employees of CA;
 - (c) officials elected or appointed by CA in relation to players and/or teams which represent CA including team management personnel such as managers, physiotherapists, psychologists, masseurs, sports trainers and medical staff;
 - (d) coaches (including assistant coaches) who:
 - A. are appointed and/or employed by CA (whether paid or unpaid); or
 - B. have an agreement (whether or not in writing) with CA to coach at a facility owned or managed by CA;
 - (e) umpires and other officials involved in the regulation of sport appointed by CA;

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- (f) players who enter any tournament, activity or events (including camps, training sessions, etc) which are held or sanctioned by CA and who agree to be bound by CA's codes and policies, including players in the following men's and women's teams and squads:
 - A. the Australian 1st XI team;
 - B. the Australian 2nd XI team;
 - C. a team from the AIS scholarship program;
 - D. any team or squad selected under the auspices of CA;
 - (g) support staff of CA representative teams; and
 - (h) any other person or organisation under the jurisdiction of CA.
- 2.2 This policy will continue to apply to a person even after he or she has ceased their association, employment or engagement with CA, if a complaint has been lodged in accordance with this policy relating to conduct that took place while associated, employed or engaged with CA.
- 2.3 A person will be deemed to have engaged in conduct or behaviour:
- (a) regardless of whether or not it was committed deliberately or negligently;
 - (b) if that person has attempted, threatened, or encouraged others, to engage in that conduct or behaviour; or
 - (c) where that person knowingly takes part in the conduct or behaviour.

3. ORGANISATIONAL RESPONSIBILITIES

CA must:

- (a) Adopt and comply with this Policy, as amended from time to time;
- (b) promptly deal with any alleged breaches of or complaints made under this Policy in an appropriate, timely and confidential manner;
- (c) recognise and enforce any disciplinary measures against any member found to have breached this Policy;
- (d) publish, distribute and promote this Policy and the consequences of breaches under this Policy;
- (e) ensure that a copy of this Policy is available or accessible to persons or organisations to whom this Policy applies;
- (f) appoint or have access to appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour (i.e. Member Protection Information Officers); and
- (g) monitor and review this policy at least annually.

4. INDIVIDUAL RESPONSIBILITIES

4.1 Individuals bound by this Policy are responsible for:

- (a) making themselves aware of the contents of this Policy and complying with this Policy and the Codes of Conduct;
- (b) consenting to screening requirements including consenting to a national police or criminal record check and any state/territory Working with Children Checks if the

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individual holds or applies for a role that involves direct and unsupervised contact with a Child;

- (c) their own conduct;
 - (d) not making any vexatious, malicious or knowingly untrue claim that another person is in breach of this Policy;
 - (e) following the Complaints Handling Procedure outlined in this Policy for making a complaint or reporting possible Child Abuse;
 - (f) submitting to the Complaints Handling Procedure if an allegation is made against that person; and
 - (g) complying with any decisions and/or disciplinary measures imposed under this Policy.
- 4.2 Individuals bound by this Policy must not subject any person or organisation to Victimisation. Disciplinary measures shall be imposed on any member found to have engaged in Victimisation.

5. POSITION STATEMENTS

5.1 Child Protection

- (a) CA is committed to the safety and well-being of all children and young people who participate in cricket or access our services. CA supports the rights of the Child and will act at all times to ensure that a Child-safe environment is maintained.
- (b) CA acknowledges the valuable contribution made by our staff, members and volunteers to the positive experiences of children participating and involved in cricket and we encourage their active participation in providing a safe, fair and inclusive environment for all participants. Accordingly, CA:
 - A. prohibits any form of Child Abuse;
 - B. will ensure people have completed a satisfactory Working with Children Check and police/criminal history checks where the relevant state/territory law requires this (see Part B of this Policy);
 - C. will take all reasonable steps to ensure that it engages 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. CA 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, we will handle this information confidentially and in accordance with the relevant legal requirements. (Refer to the attachments in Part B of this policy.);
 - D. will promote and enforce CA's Codes of Conduct, particularly for roles associated with juniors and will ensure that volunteers and employees who work with children have ongoing supervision, support and training such that their performance is developed and enhanced to promote the establishment and maintenance of a child-safe environment;
 - E. will ensure that volunteers and employees are able to identify and respond appropriately to children at risk of harm and will respond to all reports and complaints of abuse promptly, seriously and confidentially;

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- F. will make information about child protection available and will make all volunteers and employees aware of their responsibilities under respective state laws, particularly for roles associated with children;
 - G. adopt practices that reduce risks and provide the greatest opportunity of having a child safe environment;
 - H. otherwise meet, and ensure Members meet, the mandatory legislative requirements relevant to activities involving children in all Australian jurisdictions, including as set out in Part B.
- (c) Part B sets out the mandatory screening process for people who currently occupy or who apply for any work (paid or voluntary) with CA that involves direct and unsupervised contact with children. Screening under this Policy is not a replacement for any other procedure required by law. If applicable State or Territory legislation sets an equivalent or higher standard of screening (as determined by CA from time to time), the requirement to screen people under the process in Part B need not be followed.
 - (d) CA requires that any Child Abuse and any Child who is abused by a member, or anyone who reasonably suspects any Child Abuse or that a Child has been or is being abused by a member or any other person, is immediately reported to the police or relevant government agency in accordance with the requirements set out in Part C, and to the CA Member Protection Information Officer. If anyone suspects that a Child is being abused or subjected to Child abuse 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.
 - (e) All allegations of Child Abuse are to be dealt with promptly, seriously, sensitively and confidentially. The Complaint Handling Procedures are detailed in clause 7 below.
 - (f) A person must not be Victimised for reporting possible Child Abuse and the privacy of all persons concerned will be respected.

5.2 Taking images of Children

- (a) Images of children can be used inappropriately or illegally. CA requires that individuals and Associations, wherever possible, obtain permission from a child's parent or guardian before taking an image of a child that is not their own and ensure that the parent understands the way the image will be used. To respect the privacy of others CA does not allow the use of camera phones, videos and cameras inside changing areas, showers and toilets.
- (b) If CA uses an image of a Child it will avoid naming or identifying the Child or it will, wherever possible, avoid using both the first name and surname. CA will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. CA will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by paedophiles or other persons.
- (c) CA will only use images of a Child that are relevant to our sport and will ensure that the Child is suitably clothed in a manner that promotes the sport, displays its successes, etc. Where possible we will seek permission from a Child's parent or guardian to use these images.
- (d) CA requires the Associations and their affiliated Clubs to do likewise.

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5.3 Anti-discrimination and harassment

- (a) CA is committed to providing a sports environment free of discrimination and harassment where all those involved in CA activities and events are treated with respect.
- (b) CA encourages the reporting of all incidents of discrimination or harassment.
- (c) Subject to paragraph (e) below, a person bound by this Policy must not treat a person less favourably on the basis of an Attribute than someone else without an Attribute in the same or similar circumstances. This means that a person must not engage in discriminatory behaviour, including public disparagement of, discrimination whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers.
- (d) Subject to paragraph (e) below, if any person feels they are being discriminated against or harassed by another person bound by this Policy, they should utilise the Complaints Handling Procedure detailed in clause 7 of this Policy.
- (e) To the extent that any act carried out by a person bound by this Policy falls within the jurisdiction of CA's Racial and Religious Vilification Code or Anti-Harassment Policy, the CA Racial and Religious Vilification Code or Anti-Harassment Policy (as the case may be) overrides this clause 5.3 and applies, exclusively (other than with respect to any applicable laws) to the relevant conduct.

5.4 Sexual Relationships

CA's position is covered in CA's Bullying and Harassment Policy and Equal Opportunity and Anti-Discrimination Policy.

5.5 Pregnancy

CA's position is covered in CA's Bullying and Harassment Policy and Equal Opportunity and Anti-Discrimination Policy.

5.6 Gender Identity

CA's position is covered in CA's Equal Opportunity and Anti-Discrimination Policy.

5.7 Responsible service and consumption of alcohol

CA's position is covered in CA's Alcohol, Drug Use and Smoking Policy.

5.8 Smoke-Free Environment

CA's position is covered in CA's Alcohol, Drug Use and Smoking Policy.

5.9 Cyber Bullying

CA's position is covered in CA's IT Acceptable Use Policy and Bullying and Harassment Policy.

5.10 Social Networking Websites

CA's position is covered in CA's Social Media Guidelines.

6. STATE AND TERRITORY SPECIFIC LEGISLATION

Legislation governing discrimination, harassment and child protection in each State and Territory may differ slightly. Accordingly, an organisation or a person bound by the Policy may need to comply with additional terms or procedures from time to time.

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7. COMPLAINTS HANDLING PROCEDURE

7.1 A Complaint should be made in accordance with the Complaints Handling Procedure. The Complaints Handling Procedure applies exclusively to the reporting, investigation and resolution of Complaints. CA must deal with any Complaints relating to breaches of this Policy in accordance with the Complaints Handling Procedure.

7.2 Subject to clause 7.3, a Complainant:

- (a) must initially attempt to resolve the Complaint with the person involved; and
- (b) if this is not possible or reasonable given the sensitivity of the Complaint, or that attempt does not provide a satisfactory outcome, the Complainant may notify the Member Protection Information Officer and make a formal or informal Complaint.

Complaints of Child Abuse

7.3 In the event of a Complaint or allegation of Child Abuse:

- (a) where the Member Protection Information Officer reasonably believes that the allegation is serious or criminal in nature, it should be actioned as soon as possible;
- (b) where the allegation is less serious or urgent, it should be actioned as soon as reasonably practicable;
- (c) for allegations of a serious or criminal nature (for example, sexual abuse):
 - A. the Member Protection Information Officer shall immediately report any such allegation to the police or relevant government agency in accordance with the requirements set out in Part D following clarification of the basic details of the allegation;
 - B. the relevant appropriate authority should be contacted for advice if there is any doubt about whether the allegation should be reported; and
 - C. advice should be sought from the police and the relevant government agency as to whether CA should carry out its own internal investigation (in addition to any police or relevant government agency investigation).
- (d) for allegations of a less serious nature (for example, verbal abuse), the Investigator should follow the procedure for formal Complaints in accordance with this clause 7.

Informal Complaints

7.4 In the event of an informal Complaint, the Member Protection Information Officer:

- (a) may refer the Complainant back to attempt to resolve the Complaint directly with the person involved; and
- (b) assists the Complainant to resolve the Complaint, including through the suggestion of possible solutions;
- (c) explains how the Complaints Handling Procedure works;
- (d) acts as a support person if required by the Complainant or may refer the Complainant to an appropriate person;
- (e) informs the relevant government authorities or police if legally required to do so;
- (f) keeps a written record in Prescribed Form 2 as reproduced in Part E; and
- (g) maintains strict confidentiality.

7.5 If the informal Complaint process does not resolve the Complaint to the Complainant's satisfaction or the Complainant wants to make a formal Complaint, the Complainant must

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submit to the Member Protection Information Officer a completed and signed Prescribed Form 3 as reproduced in Part E.

Formal Complaints

7.6 On receipt of a formal Complaint, the Investigator shall investigate the Complaint.

7.7 The Investigator may:

- (a) implement any administrative or other arrangements that will apply until the completion of the investigation;
- (b) attempt to mediate the Complaint;
- (c) refer the Complaint to the Tribunal; or
- (d) refer the Complaint to the police or an appropriate authority or agency.

7.8 The Investigator (or the Tribunal, as the case may be) have the right to determine all procedures and processes to be adopted in investigating a Complaint. All relevant parties to the Complaint shall receive written notice of these procedures and processes. The Investigator (or the Tribunal, as the case may be) shall ensure that all such procedures and principles adhere to the principles of natural justice.

7.9 The Investigator or the Tribunal (as the case may be) shall make a finding as to whether the Complaint is:

- (a) substantiated (there is sufficient evidence to support the Complaint);
- (b) inconclusive (there is insufficient evidence either way);
- (c) unsubstantiated (there is sufficient evidence to show that the Complaint is unfounded);
- (d) mischievous, vexation or knowingly untrue; and/or
- (e) successfully mediated between the Complainant and the Respondent (if relevant).

7.10 On completion of his or her investigation, the Investigator must provide CA with a written report documenting the Complaint, investigation process, evidence, finding and recommendations as to the disciplinary measures which should be imposed (if any).

7.11 On completion of its investigation, the Tribunal shall advise of its decision and provide a written statement of its decision (including any disciplinary measures imposed) to the Complainant, the Respondent and the Chief Executive Officer of CA as soon as practicable after the hearing.

7.12 If an informal or formal Complaint relates to a Child Abuse allegation, the Member Protection Information Officer must complete a Prescribed Form 4 as reproduced in Part E and follow the procedure detailed in clause 7.3 above.

Improper Complaints

7.13 If at any point in the Complaint process the Member Protection Information Officer, Investigator or Tribunal considers that a Complainant has knowingly made an untrue Complaint or the Complaint is vexatious or malicious, the matter may be referred to CA's General Manager of Legal and Business Affairs for appropriate action which may include, but not be limited to, the following disciplinary measures against the Complainant:

- (a) ban the person from participating in any tournament, activity or events (including camps, training sessions, etc) which are held or sanctioned by CA;
- (b) where the person is engaged or employed by CA, impose a fine on the person;
- (c) require the person to undergo counselling for a specified time;

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- (d) ban the person from holding a position with CA; and/or
- (e) require the person to perform voluntary service to cricket or the community.

8. CONFIDENTIALITY AND TIME FRAMES

- 8.1 All Complaints will be dealt with promptly, seriously, sensitively and confidentially.
- 8.2 All documentation of the Investigator and Tribunal (including the prescribed forms) shall be kept confidential, except where disclosure is required by law or is necessary to appropriately deal with the Complaint.

9. DISCIPLINARY MEASURES

- 9.1 Disciplinary action will be taken by CA against any person bound by this Policy found to:
- (a) be in breach of this Policy;
 - (b) engage in Victimisation or retaliation against a person who has complained of a breach of the Policy or has supported another person in making a Complaint;
 - (c) have made a Complaint the Complainant knew to be untrue, vexatious, malicious or improper; or
 - (d) have not complied with a disciplinary measure imposed on them.
- 9.2 If a finding is made that an organisation has breached this Policy, then one or more of the following forms of discipline may be imposed by CA or the Tribunal:
- (a) a written warning;
 - (b) a monetary fine;
 - (c) a direction that any rights, privileges and benefits provided to that organisation by CA may be suspended for a specified period;
 - (d) a direction that any funding granted or given to it by CA may cease from a specified date;
 - (e) a reprimand;
 - (f) a verbal or written apology to the Complainant;
 - (g) deduction of Match points;
 - (h) suspension from participation in a Match or Matches;
 - (i) expulsion from membership of a relevant body in accordance with the relevant constitution or rules; or
 - (j) such other form of discipline as is appropriate in all the circumstances.
- 9.3 Subject to contractual and employment requirements, if a finding is made that an individual has breached this Policy, then one or more of the following forms of discipline may be imposed by CA or the Tribunal:
- (a) a written warning;
 - (b) a monetary fine;
 - (c) a verbal or written apology to the Complainant;
 - (d) a direction to undergo counselling to address their behaviour;
 - (e) ban from cricket facilities or venues;
 - (f) ban on taking any part in any cricket related activity;

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- (g) suspension from participation in a Match or Matches;
 - (h) transfer to another job or position;
 - (i) expulsion or termination of engagement or employment;
 - (j) cancellation of any CA accreditation or licence or coaching accreditation;
 - (k) a direction that any rights, privileges and benefits provided to that individual by CA may be suspended for a specified period;
 - (l) a direction that any funding granted or given to the individual by CA may cease from a specified date; or
 - (m) such other discipline as is appropriate in the circumstances.
- 9.4 All fines payable under this Policy must be paid within 14 days after the date on which the fine is imposed unless otherwise agreed in writing by CA, subject always to a finding being appealed in accordance clause 10 of this Policy.
- 9.5 If a suspension is combined with a fine, the suspension may be prolonged until the fine is paid in full.
- 9.6 The implementation of a disciplinary measure may be suspended and, if so, the person is subject to a probationary period. If that person commits another breach of this Policy during the probationary period, the suspension is automatically revoked and the disciplinary measure is applied in addition to the disciplinary measure determined for the new breach.
- 9.7 The form of discipline measure to be imposed on an individual or organisation should include, but not be limited to, consideration of factors such as:
- (a) the nature and seriousness of the behaviour or incidents;
 - (b) in a case where an action is taken concurrently with or in lieu of a resolution of a formal Complaint, the wishes of the Complainant;
 - (c) if the individual concerned knew or should have known that the behaviour was a breach of the Policy;
 - (d) the level of contrition of the Respondent;
 - (e) the effect of the proposed disciplinary measures on the Respondent, including any personal, professional or financial consequences;
 - (f) if there has been any relevant prior warnings or disciplinary action; and/or
 - (g) if there are any mitigating circumstances such that the Respondent should not be disciplined at all or not disciplined so seriously.

10. APPEALS

- 10.1 Any person or organisation found to be in breach of this Policy, may appeal to the Appeal Tribunal against the finding against them, including but not limited to in relation to the disciplinary measure imposed on them.
- 10.2 CA shall determine the members who shall comprise the Appeal Tribunal.
- 10.3 The Appeal Tribunal has the right to determine all procedures and processes to be adopted in hearing an appeal. All relevant parties to the appeal shall receive written notice of these procedures and processes. The Appeal Tribunal shall ensure that all such procedures and principles adhere to the principles of natural justice.

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- 10.4 An appeal may be withdrawn at any time, except that once the hearing of the appeal has commenced the appeal may be withdrawn only with the Appeal Tribunal's approval.
- 10.5 An appeal must be lodged with the Appeal Tribunal in writing in a form approved by the Appeal Tribunal within 10 business days of notification of the finding that the person or organisation breached this policy. Any discretionary measures imposed on the person or organisation shall have full force and effect pending the outcome of any such appeal.
- 10.6 The Appeal Tribunal must notify the other parties of the appeal and its details as soon as practicable after the Appeal Tribunal receives the notice of appeal.
- 10.7 The appeal will be heard promptly after the other parties to the appeal have been notified pursuant to clause 10.5 above and will be commenced no later than 28 days after the appeal is lodged.
- 10.8 The hearing will be a new hearing of the subject of the appeal (i.e. a hearing *de novo*) and the Appeal Tribunal will not be limited in any way by the previous hearing or the decision under appeal. Without limitation, in determining the appropriate disciplinary measure (if any) on an appeal, it is open to the Appeal Tribunal to vary the disciplinary measure as it sees fit.
- 10.9 Any decision made by the Appeal Tribunal will be final and binding on the parties thereto.
- 10.10 If an appeal is dismissed, the Appeal Tribunal shall have discretion to order the appellant to pay all or part of the costs associated with the appeal.
- 10.11 The address of the Appeal Tribunal for the purposes of the lodging of documents pursuant to this Policy shall be the address for the time being of Cricket Australia, which is currently: **60 Jolimont Street, Jolimont, Victoria, 3002.**

11. DEFINITIONS

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.

Appeal Tribunal means the tribunal appointed by CA from time to time to hear appeals lodged pursuant to clause 10 of this policy. The appeal tribunal shall comprise of three or more people.

Association means each of the State Associations or Territory Associations.

Attribute means race, colour, religion, language, politics, national or ethnic origin, gender, transgender, sexual orientation, age, marital status, pregnancy or intellectual or physical impairment or any other attribute specified under commonwealth or state legislation.

CA's Codes of Conduct means each of the following:

- (a) CA's Code of Behaviour;
- (b) CA's Anti-Corruption Code;
- (c) CA's Anti-Doping Policy;
- (d) CA's Illicit Substances Rule;
- (e) CA's Anti-Harassment Policy;
- (f) CA's Racial and Religious Vilification Code; and
- (g) such other CA codes of conducts which apply from time to time.

Child means a person who is under the age of 18 years, and **children** has the associated meaning.

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Child Abuse means placing a child at risk of harm by verbal or physical actions or by failing to provide them with basic care and 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; giving bad nutritional advice; 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 any club or team that is from time to time a member or affiliated to CA or an Association.

Complaint means a complaint made pursuant to clause 7 of this Policy.

Complainant means the person making a complaint.

Complaints Handling Procedure means the procedure for reporting and investigating complaints about an alleged breach of this Policy, as detailed in clause 7.

Investigator means the person appointed by CA to investigate any formal complaint received under this Policy.

Match means any cricket match conducted under the auspices of CA.

Member Protection Declaration means a declaration in the form as reproduced in Attachment B2 in Part 2.

Member Protection Information Officer means a person appointed to be the first point of contact for a person reporting a complaint under, or a breach of, this Policy. CA should be contacted to obtain contact details for a Member Protection Information Officer.

Official means:

- (a) any Team Official of a Team;
- (b) the selectors of a team;
- (c) any other person acting in an official capacity in relation to a Team;
- (d) an umpire of a match; or
- (e) the referee of a match.

Policy means this Member Protection Policy.

Respondent means the person whose behaviour is the subject of the Complaint.

State Association means each of the following:

- (a) Cricket New South Wales;
- (b) Cricket Victoria;
- (c) Queensland Cricket;
- (d) South Australian Cricket Association;
- (e) Western Australian Cricket Association; and
- (f) Cricket Tasmania.

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Team means any team which plays under the auspices of CA.

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

Territory Association means each of ACT Cricket Association and Northern Territory Cricket.

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

Victimisation means subjecting, or threatening to subject, a person to any 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.

12. INTERPRETATION

12.1 In this Policy:

- (a) reference to 'including' or similar words are not words of limitation;
- (b) 'business day' means a day other than a Saturday, a Sunday or a day which is lawfully observed as a public holiday in the State of Victoria;
- (c) all notices must be in writing and in English;
- (d) words in the singular include the plural and vice-versa;
- (e) a construction that would promote the purpose or object underlying this Policy must be preferred to a construction that would not promote that purpose or object; and
- (f) to the extent that there is any inconsistency between a term of any legislation and a term of this Policy, the term of that legislation overrides the Policy and applies to the extent of the inconsistency.

12.2 This Policy does not restrict or limit the application CA's Codes of Conduct, which establish important standards of behaviour and professionalism for cricket played under the auspices of CA. To the extent that any act carried out by a person falls within the jurisdiction of CA's Racial and Religious Vilification Code and/or Anti-Harassment Policy, each of those documents (as the case may be) overrides this Policy and applies, exclusively (other than with respect to any applicable laws) to the relevant conduct.

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PART B – EMPLOYMENT SCREENING/WORKING WITH CHILDREN CHECK REQUIREMENTS

CA is committed to providing a child-safe environment. CA will recruit staff and volunteers who do not pose a risk to children.

Employment screening and Working with Children Checks 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.

Working with Children Check laws are currently in place in New South Wales, Queensland, Western Australia, Victoria, the Northern Territory and South Australia.

CA, the Associations and their Clubs will meet the requirements of the relevant state or territory Working with Children Check laws.

Employment screening requirements will also be followed in the Australian Capital Territory and Tasmania.

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

- Attachment B1: Screening requirements (for the Australian Capital Territory and Tasmania)
- Attachment B2: Member Protection Declaration
- Attachment B3: Working with Children Check requirements

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**Attachment B1:
EMPLOYMENT SCREENING REQUIREMENTS**

[for states/territories without Working With Children Checks: ACT and Tasmania]

This attachment explains the process CA will use to screen the people associated with its organisation who work, coach or have regular unsupervised contact with children and young people under the age of 18.

1. CA will identify all positions where people work, coach or have regular unsupervised contact with children and young people under the age of 18.
2. Before a person is offered such a position, CA will ask him or her to complete a Member Protection Declaration ("**MPD**") (see **Attachment B2**).
3. If a person is unable to provide a MPD, or if he or she cannot satisfactorily answer the questions in the MPD, CA will ask for an explanation. CA will then make an assessment about the person's suitability to work with children and young people. If CA is not fully satisfied, CA will not appoint him or her to the position.
4. Where possible, CA will check a person's referees (verbal or written) about his or her suitability for the position.
5. CA will ask each person to sign a consent form for a national police check and explain why CA's policy requires a check to be undertaken.
6. If a person does not agree to a national police check, CA will make an assessment about his or her suitability to work with children and young people.
7. If the national police check indicates that a "relevant offence" has been recorded, CA will ask the person to provide an explanation. CA will then make an assessment about the person's suitability to work with children and young people. If CA is not fully satisfied, CA will not appoint him or her to the position.
8. If it is not practical to complete the national police check prior to the person starting in the position, CA will complete the check as soon as possible. CA will act immediately if the results of the check highlight any issues of concern.
9. CA will protect the privacy of each person who undertakes the screening process and keep all information CA obtains strictly confidential.
9. CA will return all the information collected as part of the screening process (e.g. completed MPD forms, national police checks and referee reports) to the relevant person if he or she is not appointed to the position. Alternatively, all records will be destroyed within 28 days of the date of the decision or the expiry of any appeal period unless, within that time, the person requests the documents to be returned to him or her. The records of all people appointed to CA will be kept on file in a secure location.

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**Attachment B2:
MEMBER PROTECTION DECLARATION**

Cricket Australia (“**CA**”) has a duty of care to all those associated with the sport of cricket at the national level and to the individuals and organisations to whom the CA Member Protection Policy applies. It is a requirement of CA’s Member Protection Policy that CA check the background of each person bound by the Policy who works, coaches or has regular unsupervised contact with children and young people under the age of 18.

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 or acts of violence.
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 or acts of violence or intimidation.
4. I have never been sanctioned for, and am not currently serving a sanction for, an anti-doping rule violation under any anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice (and have never participated in, facilitated or encouraged) any practice prohibited by the World Anti-Doping Agency Code or any other anti-doping policy applicable to me.
6. To my knowledge, there is no other matter that CA may consider to constitute a risk to children, or a risk to its members, employees, volunteers, athletes or reputation, by engaging me.
7. I will notify the CEO of CA immediately upon becoming aware that any of the matters set out above has changed for whatever reason.

Declared in the state/territory of

on/...../.....(date) Signature

Consent of parent/guardian (on behalf of a person under the age of 18)

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:

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**Attachment B3:
WORKING WITH CHILDREN CHECK REQUIREMENTS**

Working with Children Checks aim to create a child-safe environment and to protect children and young people involved in cricket 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.

Working with Children Check requirements vary across Australia. [Fact Sheets](#) for each state and territory are available on the Play by the Rules website: www.playbytherules.net.

Detailed information, including the forms required to complete a Working with Children Check, are available from the relevant agencies in each state and territory.

New South Wales

Contact the Commission for Children and Young People

Website: www.kids.nsw.gov.au

Phone: 02 9286 7276

Northern Territory

Contact the Northern Territory Screening Authority

Website: www.workingwithchildren.nt.gov.au

Phone: 1800 SAFE NT (1800 723 368)

Queensland

Contact the Commission for Children and Young People and Child Guardian about the "Blue Card" system.

Website: www.ccypcg.qld.gov.au

Phone: 1800 113 611

South Australia

Contact the Department for Education and Child Development

Website: www.families.sa.gov.au/childsafes

Phone: 08 8463 6468.

Victoria

Contact the Department of Justice

Website: www.justice.vic.gov.au/workingwithchildren

Phone: 1300 652 879

Western Australia

Contact the Department for Child Protection

Website: www.checkwwc.wa.gov.au

Phone: 1800 883 979

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Travelling to other states or territories

It is important to remember that when travelling to other states or territories, representatives of sporting organisations must comply with the legislative requirements of that particular state or territory.

In October 2011 at the Standing Council on Community, Housing and Disability Services, Commonwealth, state and territory ministers agreed to introduce, by late 2012, national exemptions to Working with Children Checks for paid employees and volunteers who are required to cross state or territory borders for work related purposes.

These exemptions will be for up to 30 days in any 12 month period and will enable workers to participate in national and inter-jurisdictional activities on a short-term basis. This means that volunteers and workers with a valid check in their home state or territory will be able to participate in short-term activities across state and territory borders without the need for additional checks.

The Australian Sports Commission will provide more information as soon as it becomes available.

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PART C – REPORTING REQUIREMENT AND DOCUMENTS/FORMS

CA will ensure that all the Complaints it receives, 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.

CA will treat any allegation of Child Abuse or neglect promptly, seriously and with a high degree of sensitivity.

CA 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 C1: Confidential record of informal complaint
- Attachment C2: Confidential record of formal complaint
- Attachment C3: Handling an allegation of child abuse
- Attachment C4: Confidential record of child abuse allegation

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**Attachment C2:
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"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other
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"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other
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"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <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)		

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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: _____ Date / /
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 Cricket Australia and a copy kept with the organisation where the complaint was first made.

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**Attachment C3:
PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE**

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.

Cricket Australia (“CA”) will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

All people working with CA 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 CA Member Protection Information Officer (“**MPIO**”) so that he or she can manage the situation.

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Step 3: Protect the child and manage the situation

- The MPO 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 in paid employment with CA.
- The MPO will consider what services may be most appropriate to support the child and his or her parent/s.
- The MPO will consider what support services may be appropriate for the alleged offender.
- The MPO will put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

Step 4: Take internal action

- Up to 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 CA).
- Regardless of the findings of the police and/or child protection agency investigations, CA will assess the allegations to decide whether the alleged offender should return to his or her position, be dismissed, be banned or face any other disciplinary action.
- The MPO of CA will consider all information relevant to the matter – including any findings made by the police, the child protection authority and/or court – and then set out a finding, recommend actions and the rationale for those actions.
- If disciplinary action is recommended, CA will follow the procedures set out in clause 8 of the CA Member Protection Policy.
- CA will provide the relevant government agency with a report of any disciplinary action it takes, where this is required.

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Contact details for advice or to report an allegation of child abuse

Australian Capital Territory	
ACT Police Non-urgent police assistance Ph: 131 444 www.afp.gov.au	Office for Children, Youth and Family Services www.dhcs.act.gov.au/ocyfs/services/care_and_protection Ph: 1300 556 729
New South Wales	
New South Wales Police Non-urgent police assistance Ph: 131 444 www.police.nsw.gov.au	Department of Community Services www.community.nsw.gov.au Ph: 132 111
Northern Territory	
Northern Territory Police Non-urgent police assistance Ph: 131 444 www.pfes.nt.gov.au	Department of Children and Families www.childrenandfamilies.nt.gov.au Ph: 1800 700 250
Queensland	
Queensland Police Non-urgent police assistance Ph: 131 444 www.police.qld.gov.au	Department of Communities www.communities.qld.gov.au/childsafety Ph: 1800 811 810
South Australia	
South Australia Police Non-urgent police assistance Ph: 131 444 www.sapolice.sa.gov.au	Department for Communities and Social Inclusion www.dcsi.sa.gov.au Ph: 131 478
Tasmania	
Tasmania Police Non-urgent police assistance Ph: 131 444 www.police.tas.gov.au	Department of Health and Human Services www.dhhs.tas.gov.au/children Ph: 1300 737 639
Victoria	
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 www.police.vic.gov.au	Department of Human Services www.dhs.vic.gov.au Ph: 131 278
Western Australia	
Western Australia Police Non-urgent police assistance Ph: 131 444 www.police.wa.gov.au	Department for Child Protection www.dcp.wa.gov.au Ph: (08) 9222 2555 or 1800 622 258

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**Attachment C4:
CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION**

Before completing this form, please ensure that 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:	

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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.