



QUEENSLAND
CRICKET

**QUEENSLAND CRICKET
MEMBER PROTECTION POLICY**

Updated 2015

QUEENSLAND CRICKET MEMBER PROTECTION POLICY – 2015

Message from Queensland Cricket's Chief Executive Officer

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

This policy aims to ensure that Queensland Cricket's ("QC") 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 the environment is a consistent and nurturing one for all players and volunteers. QC 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 Queensland cricket associations and clubs develop their own policies for the protection of their participants.

As custodians responsible for cricket's future, we are committed to ensuring others enjoy the rewards of life-long cricket involvement.

Adopting and understanding QC's Member Protection Policy will go a long way to ensuring that the quality and enjoyment of the cricket experience in Queensland will continue to grow and prosper.

Yours sincerely,

Geoff Cockerill

Chief Executive Officer

1 July 2015

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

- 1.1 This Policy aims to ensure that the core values of Cricket Queensland (“**QC**”) 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 QC 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 QC 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 QC and formally adopted by the Board of Directors of QC.
- 1.4 This policy comes into effect on 1 July 2015, and replaces in full all previous versions of the policy.
- 1.5 The current policy and its attachments can be obtained from the QC Member Protection Information Officer.

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 QC;
 - (b) employees of QC;
 - (c) officials elected or appointed by QC who will have responsibility to players and/or teams which represent QC 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 QC (whether paid or unpaid); or
 - B. have an agreement (whether or not in writing) with QC to coach at a facility owned or managed by QC;
 - (e) umpires and other officials involved in the regulation of sport appointed by QC;

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- (f) players who enter any tournament, activity or events (including camps, training sessions, etc) which are held or sanctioned by QC and who agree to be bound by QC's codes and policies, including players in the following men's and women's teams and squads:
 - A. the Queensland 1st XI team;
 - B. the Queensland 2nd XI team;
 - C. a team from the QAS scholarship program;
 - D. any team or squad selected under the auspices of QC;
 - (g) support staff of QC representative teams; and
 - (h) any other person or organisation under the jurisdiction of QC.
- 2.2 This policy will continue to apply to a person even after he or she has ceased their association, employment or engagement with QC, if a complaint has been lodged in accordance with this policy relating to conduct that took place while associated, employed or engaged with QC.
- 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

QC 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 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 Queensland 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) QC is committed to the safety and well-being of all children and young people who participate in cricket or access our services. QC supports the rights of the Child and will act at all times to ensure that a Child-safe environment is maintained.
- (b) QC acknowledges the valuable contribution made by staff, members and volunteers to the positive experiences of children participating and involved in cricket and encourages their active participation in providing a safe, fair and inclusive environment for all participants. Accordingly, QC:
 - A. prohibits any form of Child Abuse;
 - B. will ensure people have completed a satisfactory Working with Children Check and police/criminal history checks relevant to Queensland law (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. QC 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 the screening process, QC 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 QC'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 Queensland 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 position (paid or voluntary) with QC that involves direct and unsupervised contact with children. Screening under this Policy is not a replacement for any other procedure required by law. If Queensland legislation sets an equivalent or higher standard of screening (as determined by QC from time to time), the requirement to screen people under the process in Part B need not be followed.
 - (d) QC 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 QC 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 Queensland Government department for youth, family and community services.
 - (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. QC 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 QC does not allow the use of camera phones, videos and cameras inside changing areas, showers and toilets.
- (b) If QC 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. QC will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. QC 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) QC 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) QC requires the Associations and their affiliated Clubs to do likewise.

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5.3 Anti-discrimination and harassment

- (a) QC is committed to providing a sports environment free of discrimination and harassment where all those involved in QC activities and events are treated with respect.
- (b) QC 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 QC's Racial and Religious Vilification Code or Anti-Harassment Policy, the QC 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

QC's position is covered in QC's Bullying, Anti Harassment and Anti Discrimination Policy.

5.5 Pregnancy

QC's position is covered in QC's Bullying, Anti Harassment and Anti Discrimination Policy.

5.6 Gender Identity

QC's position is covered in QC's Bullying, Anti Harassment and Anti Discrimination Policy.

5.7 Responsible service and consumption of alcohol

QC's position is covered in QC's Drug and Alcohol Policy.

5.8 Smoke-Free Environment

QC's position is covered in QC's Drug and Alcohol Policy.

5.9 Cyber Bullying

QC's position is covered in QC's Social Media Policy.

5.10 Social Networking Websites

QC's position is covered in QC's Social Media Policy.

6. QUEENSLAND SPECIFIC LEGISLATION

The Commission for Children and Young People & Child Guardian Act 2000 (Qld) promotes and protects the rights, interests and wellbeing of children in Queensland. The act requires all employees and volunteers involved in child related work to undergo a suitability check based on that person's criminal history. PART B of this policy provides full details of the requirements and procedures.

7. COMPLAINTS HANDLING PROCEDURE

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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. QC must deal with any Complaints relating to breaches of this Policy in accordance with the Grievance 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 QC 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 submit to the Member Protection Information Officer a completed and signed Prescribed Form 3 as reproduced in Part E.

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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, vexatious 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 QC 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 QC 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 QC's Chief Financial Officer 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 QC;
 - (b) where the person is engaged or employed by QC, impose a fine on the person;
 - (c) require the person to undergo counselling for a specified time;
 - (d) ban the person from holding a position with QC; and/or

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- (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 QC 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 QC 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 QC may be suspended for a specified period;
 - (d) a direction that any funding granted or given to it by QC 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 QC 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 the behaviour;
 - (e) ban from cricket facilities or venues;
 - (f) ban on taking any part in any cricket related activity;
 - (g) suspension from participation in a Match or Matches;

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- (h) transfer to another job or position;
 - (i) expulsion or termination of engagement or employment;
 - (j) cancellation of any QC accreditation or licence or coaching accreditation;
 - (k) a direction that any rights, privileges and benefits provided to that individual by QC may be suspended for a specified period;
 - (l) a direction that any funding granted or given to the individual by QC 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 QC, 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 an additional disciplinary measure is applied.
- 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 QC 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.
- 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.

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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 Queensland Cricket, which is currently: **1 Greg Chappell Street, Breakfast Creek, QLD, 4010.**

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 QC 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.

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

- (a) QC's Code of Behaviour;
- (b) QC's Anti-Corruption Code;
- (c) QC's Anti-Doping Policy;
- (d) QC's Illicit Substances Rule;
- (e) QC's Anti-Harassment Policy;
- (f) QC's Racial and Religious Vilification Code; and
- (g) such other QC 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.

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:

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- 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 QC 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 QC to investigate any formal complaint received under this Policy.

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

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. QC 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.

Association means any association that is from time to time a member or affiliated to QC.

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

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.

Tribunal means the tribunal appointed by QC 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.

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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 Queensland;
- (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 QC's Codes of Conduct, which establish important standards of behaviour and professionalism for cricket played under the auspices of QC. To the extent that any act carried out by a person falls within the jurisdiction of QC'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

QC is committed to providing a child-safe environment. QC 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 Queensland.

QC, the Associations and their Clubs will meet the requirements of Queensland Working with Children Check laws.

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

ATTACHMENTS

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

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Attachment B1: EMPLOYMENT SCREENING/WORKING WITH CHILDREN REQUIREMENTS

1 OBJECTIVES OF THIS REQUIREMENT

The *Commission for Children and Young People & Child Guardian Act 2000* (Qld) promotes and protects the rights, interests and wellbeing of children in Queensland. The Act requires all employees and volunteers involved in child related work to undergo a suitability check based on that person's criminal history.

Queensland Cricket, its affiliated clubs and associations are committed to the health, safety and wellbeing of all of their members. As part of that commitment, particularly with regard to members **under 18 years of age**, this policy seeks to achieve the following:

- (a) all employees and volunteers involved with Queensland Cricket, its affiliated clubs and associations, involved in child (under 18 years of age) related work, are assessed by the *Commission for Children and Young People & Child Guardian Act 2000* (Qld) as to their suitability to work with children.
- (b) all affiliated clubs and associations are aware of their legal obligations in relation to the protection of children.

2 EMPLOYEES AND VOLUNTEERS WHO WORK WITH CHILDREN MUST HAVE A SUITABILITY CARD

2.1 Employees and Volunteers

All employees and volunteers of Queensland Cricket, an affiliated club or association whose normal responsibilities include, or are likely to include:

- providing services directed mainly towards children; or
- conducting activities mainly involving children; or
- accessing the personal details of children i.e. database access;

are required to obtain a Suitability or Blue Card.

In practice that means all administrators, committee members, coaches, managers, officials, scorers, members and any other personnel who perform regular duties on behalf of Queensland Cricket, an affiliated club or association, involving players **under the age of 18** must apply for and obtain a Blue Card.

2.2 Exemptions

Volunteers are not required to obtain a Suitability Card if the volunteer:

- is under 18 years of age (except students required to work in regulated employment as part of their studies); or
- is a parent whose child is involved in the service provided or activity conducted by the parent.

For this exemption to apply it generally means that the parent must have a child participating in the team with which the parent is involved.

3 HOW TO APPLY FOR A BLUE CARD

3.1 Employees

Step 1

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Employees who require a Blue Card must complete a Blue Card Application Form which can be obtained either from QC's Human Resources Manager or from the Commission's web site www.ccypcg.qld.gov.au

In completing and signing the form the employee consents to a criminal history check. Copies of certain documents proving identity of the applicant must be included as required by the application.

Step 2

QC must sight at least one Primary Identification Document and one Secondary Identification Document proving the applicant's identity as listed in the application. A list of acceptable Primary and Secondary Identification Documents are set out on page 3 of the application form. At least one of the documents provided must show the employee's signature.

The QC Human Resources Manager adds required employer related information and arranges payment of the stipulated fee.

Step 3

Upon receipt of the application the Commission will carry out necessary enquiries and assess the applicant's suitability to work with children.

Step 4

If an applicant is deemed suitable, a Blue Card is then issued to the applicant. The Blue Card is valid for 3 years and a renewal notice is sent to the employee prior to its expiry. The Employer is notified by the Commission of the applicant's suitability status and this notification is kept on file.

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Attachment B2: MEMBER PROTECTION DECLARATION



Cricket Queensland (“**QC**”) 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 QC Member Protection Policy applies. It is a requirement of QC’s Member Protection Policy that QC 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 QC 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 QC 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.

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

Queensland

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

Website: www.ccypcg.qld.gov.au

Phone: 1800 113 611

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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

QC 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.

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

QC 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"/> PhysiQCI abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimization <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 Queensland 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 Queensland (“**QC**”) will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

All people working with QC 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 QC 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 QC.
- 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 QC).
- Regardless of the findings of the police and/or child protection agency investigations, QC 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 QC 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, QC will follow the procedures set out in clause 8 of the QC Member Protection Policy.
- QC 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

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

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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.