



Member Protection Policy

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Table of Contents

| | | |
|-----|--|----|
| 1. | Introduction | 2 |
| 2. | Purpose of This Policy | 2 |
| 3. | Scope of Policy | 3 |
| 4. | Organisational Responsibilities | 4 |
| 5. | Individual Responsibilities | 4 |
| 6. | Position Statement: Child Protection | 5 |
| 7. | Position Statement: Taking Images of Children | 7 |
| 8. | Position Statement: Anti-Discrimination, Bullying, Sexual Harassment and Victimisation | 7 |
| 9. | Position Statement: Sexual Relationships | 9 |
| 10. | Position Statement: Pregnancy | 10 |
| 11. | Position Statement: Gender Identity | 11 |
| 12. | Position Statement: Cyber Bullying and Safety | 11 |
| 13. | Position Statement: Social Networking Websites | 12 |
| 14. | Complaints Procedures | 12 |
| 15. | What is a Breach of This Policy? | 13 |
| 16. | Disciplinary Measures | 14 |
| 17. | Amendment and Interpretation | 15 |
| 18. | Attachments | 16 |
| | Part A: Employment Screening/Working with Children Check Requirements | |
| | Part B: National Complaint Handling Regulation | |
| | Part C: National Reporting Requirements and Documents/Forms | |

1. Introduction

- 1.1. Netball's vision is that "everyone in Australia values their connection with netball". Netball Australia and its Member Organisations will know that this vision is achieved when everyone in Australia has an opportunity to be involved in netball in a way that brings them good health, recognition, achievement, enjoyment and a sense of belonging.
- 1.2. This Policy is applicable to the following organisations, with appropriate variations at State/Territory, association and club levels:
 - 1.2.1. Netball Australia: The national entity which is a member of or is recognised by the International Netball Federation as the entity governing netball in Australia.
 - 1.2.2. Member Organisation: The entity which is the official representative of and controlling authority for, Netball in a State. The current Member Organisations are: Australian Capital Territory Netball (ABN 85 800 220 698), Netball New South Wales (ABN 19 001 685 007), Northern Territory Netball (ABN 73 772 881 978), Netball Queensland (ABN 58 429 487 881), Netball South Australia (ABN 12 814 437 874), Netball Tasmania (ABN 62 028 131 759), Netball Victoria (ABN 83 704 752 745), and Netball Western Australia (ABN 36 657 982 648), as amended from time to time.
 - 1.2.3. Affiliates: Means a region, district, association or club, howsoever described, whether incorporated, unincorporated or otherwise, which is a member of a Member Organisation.

2. Purpose of This Policy

- 2.1. This Policy aims to ensure the core values, good reputation, positive behaviours and attitudes of Netball Australia, Member Organisations and Affiliates are maintained and enhanced.
- 2.2. This Policy assists Netball Australia, Member Organisations and Affiliates as it seeks to ensure that every person involved in netball is treated with respect and dignity, and is protected from discrimination, harassment and abuse. This Policy also seeks to ensure that everyone involved in netball is aware of her/his legal and ethical rights and responsibilities as well as the standards of behaviour expected of them.
- 2.3. This Policy also reflects netball's support of the sport industry principles and values outlined in *The Essence of Australian Sport* – principles of fairness, respect, responsibility and safety.
- 2.4. This Policy is accompanied by attachments that describe the practical steps Netball Australia, Member Organisations and Affiliates (where applicable and relevant) will take to reduce discrimination, harassment, child abuse and other forms of inappropriate behaviour from netball. Netball Australia, Member Organisations and Affiliates may take disciplinary action against any person or organisation bound by this Policy if they breach it.
- 2.5. Netball Australia's employees and other workplace participants are required to comply with this Policy at all times. If an employee breaches this Policy, he or she may be subject to disciplinary action which in serious cases may include termination of employment. Agents and contractors who are found to have breached this Policy may have their contracts with Netball Australia terminated. For the purpose of a contract between employees, agents or contractors and Netball Australia, Netball Australia is not contractually bound by the terms of this policy.
- 2.6. The Netball Australia Board of Directors ("Board") has adopted this Policy in accordance with Rule 35.1 of the Netball Australia Constitution.
- 2.7. This Policy is effective from [insert date] and will operate until replaced. This Policy may be amended from time to time by the Netball Australia Board.
- 2.8. This Policy is supported by Member Protection procedures that have been adopted by Member Organisations and their Affiliates (associations and clubs).

- 2.9. This Policy and accompanying documents can be obtained from the Netball Australia website - www.netball.com.au or by contacting the relevant Member Organisation.

3. Scope of Policy

3.1. Who Does This Policy Apply To?

- 3.1.1. This Policy applies to the following people/organisations whether they are operating in a paid or unpaid/voluntary capacity in Netball Australia or with a Member Organisation or Affiliate:
- (a) Netball Australia.
 - (b) Member Organisations.
 - (c) Affiliates (including associations and clubs).
 - (d) Individual Members, including service award holders and life members.
 - (e) Individuals sitting on boards, committees and sub-committees.
 - (f) All employees, volunteers, independent contractors and other workplace participants, including:
 - (i) Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
 - (ii) Coaches and assistant coaches;
 - (iii) Athletes and players; and
 - (iv) Umpires, bench officials and other officials.
 - (g) Any other person or organisation that is a member of or affiliated to Netball Australia.
 - (h) Parents, guardians, spectators and sponsors and any other person or organisation to the full extent that is possible.
 - (i) Members of the Players Association.
 - (j) Any other Person who has agreed to be bound by this Policy.

3.2. When Does This Policy Apply?

- 3.2.1. This Policy applies:
- (a) at any Netball Australia, Member Organisation or Affiliate function, event or workplace, including outside normal working hours;
 - (b) during work or voluntary activities, including dealing with Members, media, sponsors, other support employees, volunteers, independent contractors and other workplace participants or attending other external premises;
 - (c) during all netball related activities including games, training events and camps;
 - (d) at all times when providing services on behalf of Netball Australia, a Member Organisation or Affiliate; and
 - (e) at all times when acting in any capacity, whether voluntary or paid on behalf of Netball Australia, a Member Organisation or Affiliate.
- 3.2.2. This Policy will continue to apply to a person even after they have stopped their association or employment with Netball Australia, Member Organisation or Affiliates if disciplinary action, against that person, has commenced.

4. Organisational Responsibilities

- 4.1. Netball Australia, Member Organisations and Affiliates will seek to:
 - 4.1.1. Adopt, implement and comply with this Policy and its regulations and attachments.
 - 4.1.2. Ensure that the Constitution, By-Laws, Rules, Policies or other documents include the necessary clauses for this Policy to be enforceable.
 - 4.1.3. Publish, distribute and otherwise promote this Policy and the consequences of any breach.
 - 4.1.4. Promote appropriate standards of conduct at all times.
 - 4.1.5. Deal with any breaches of, or complaints made, under this Policy in an impartial, sensitive, fair, timely and confidential manner.
 - 4.1.6. Apply this Policy consistently without fear or favour.
 - 4.1.7. Recognise and enforce any penalty imposed under this Policy.
 - 4.1.8. Endeavour to ensure that a copy of this Policy is available or accessible to all people and organisations to whom this Policy applies.
 - 4.1.9. Appoint or have access to appropriately trained people to receive and handle complaints and allegations (e.g. Member Protection Information Officers - MPIOs).
 - 4.1.10. Monitor and review this Policy as required.

5. Individual Responsibilities

- 5.1. Individuals bound by this Policy are responsible for:
 - 5.1.1. Making themselves aware of the Policy and complying with the codes and standards of behaviour it sets out.
 - 5.1.2. Undertaking any training required by Netball Australia, Member Organisations and/or Affiliates in relation to this Policy.
 - 5.1.3. Consenting to undergo screening as per Attachment A: Employment Screening/Working with Children Check Requirements and/or relevant State/Territory Legislation if the person holds or applies for a role that involves regular unsupervised contact with people under the age of 18 years.
 - 5.1.4. Placing the safety and welfare of children above other considerations.
 - 5.1.5. Being accountable for their behaviour.
 - 5.1.6. Following the steps outlined in this Policy for making a complaint or reporting possible child abuse.
 - 5.1.7. Complying with any decisions and/or disciplinary measures imposed under this Policy.
 - 5.1.8. Co-operating to provide a netball environment free of discrimination, child abuse, bullying, sexual harassment or victimisation.
 - 5.1.9. Understanding the possible consequences of breaching this Policy.
 - 5.1.10. Complying with all other requirements of this Policy.

6. Position Statement: Child Protection

- 6.1. Netball Australia, Member Organisations and Affiliates are committed to seeking to ensure the safety and wellbeing of all children and young people who participate in netball and access netball's services. Netball Australia supports the rights of the child and will seek to ensure a child-safe environment is maintained.
- 6.2. Netball Australia, Member Organisations and Affiliates acknowledge the valuable contribution made by staff, members and volunteers and encourage their active participation in providing and maintaining a safe, fair and inclusive environment for all participants.
- 6.3. Netball Australia, Member Organisations and Affiliates prohibit all forms of child abuse.
- 6.4. Child abuse involves conduct which puts a child at risk of harm and may include:
 - 6.4.1. **Physical abuse**, by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity)
 - 6.4.2. **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)
 - 6.4.3. **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)
 - 6.4.4. **Neglect** (e.g. failing to give a child food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).
- 6.5. **Procedures to support child protection:**
 - 6.5.1. **Identify and Analyse Risk of Harm**

Netball Australia, Member Organisations and/or Affiliates (where applicable and relevant) will seek to, so far as reasonably practicable, develop and implement a risk management strategy, including a review of existing child protection practices, to determine how child-safe netball is and to identify any additional steps that can be taken to minimise and prevent the risk of harm to children because of the actions of an employee, volunteer or another person.
 - 6.5.2. **Develop Codes of Behaviour**
 - (a) Netball Australia, Member Organisations and/or Affiliates (where applicable and relevant) will seek to develop and promote codes of behaviours that set out the conduct expected of all adults when they deal and interact with children involved in netball, especially those in the care of Netball Australia, Member Organisation and Affiliates.
 - (b) Netball Australia, Member Organisations and/or Affiliates (where applicable and relevant) will seek to develop and promote codes of behaviour that set out the conduct appropriate between children covered by this Policy.
 - 6.5.3. **Choose Suitable Employees and Volunteers**
 - (a) Netball Australia, Member Organisations and/or Affiliates will endeavour to ensure that their organisation takes reasonable steps to engage the most suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This may be achieved using a range of screening measures.

- (b) Netball Australia, Member Organisations and/or Affiliates will ensure that working with children checks or screening are conducted for all employees and volunteers who work with children, where an assessment is required by law.
- (c) If a criminal history report is obtained as part of the screening process of Netball Australia, a Member Organisation and/or Affiliate, the organisation will handle this information confidentially and in accordance with relevant State/Territory requirements.

6.5.4. Support, Train, Supervise and Enhance Performance

Netball Australia, Member Organisations, Affiliates and organisations (where applicable and relevant) bound by this Policy, will endeavour to take all reasonably practicable steps to ensure that all volunteers and employees who work with children have ongoing supervision, support and training. The goal is to develop skills and capacity to enhance their performance so as to maintain a child-safe netball environment.

6.5.5. Empower and Promote the Participation of Children

Netball Australia, Member Organisations and Affiliates (where applicable and relevant) will encourage junior participants to be involved in developing and maintaining a child-safe environment for netball.

6.5.6. Report and Respond Appropriately To Suspected Abuse and Neglect

- (a) Netball Australia and the organisations bound by this Policy will endeavour to ensure that all volunteers and employees are able to identify and respond appropriately to children at risk of harm at that they are aware of their responsibilities under respective State/Territory laws to make a report if they suspect on reasonable grounds that a child has been or is being abused or neglected. (Refer to Attachments in this Policy).
- (b) Netball Australia requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within netball, report it immediately to the police or relevant government agency and the CEO of Netball Australia or the CEO of the relevant Member Organisation.
- (c) If any person believes that another person or organisation bound by this Policy is acting inappropriately towards a child, or is in breach of this Policy, s/he may make an internal complaint. (Refer to Attachments in this Policy).
- (d) Netball Australia, Member Organisations and Affiliates will seek to ensure that all allegations of child abuse are dealt with promptly, seriously, sensitively and confidentially. A person should not be victimised for reporting an allegation of child abuse and Netball Australia will seek to ensure that the privacy of all persons concerned will be respected. Netball Australia's procedures for handling allegations of child abuse are outlined in the Attachments to this Policy.
- (e) If anyone bound by this Policy reasonably suspects that a child is being abused by her/his parent/s, they are advised to contact the relevant government department for youth, family and community services in their State or Territory.

7. Position Statement: Taking Images of Children

- 7.1. Images of children can be used inappropriately or illegally. Netball Australia requires every person and organisation bound by this Policy, wherever possible, to obtain permission from a child's parent/guardian before taking an image of a child that is not their own. They should make sure the parent/guardian understands how the image will be used.
- 7.2. Netball Australia, Member Organisation and Affiliates (where applicable and relevant) also require the privacy of others to be respected and prohibit the use of camera phones, videos and cameras inside changing areas, showers and toilets.
- 7.3. When using a photo of a child, Netball Australia, Member Organisations and Affiliates (where applicable and relevant) will not name or identify the child, publish personal information such as residential address, email address or telephone numbers without the consent of the parent/guardian.
- 7.4. Netball Australia, Member Organisations and Affiliates (where applicable and relevant) will not publicly provide or publish to any person or organisation, information about a child's hobbies, interests, school, or the like, as this information can be used by paedophiles or other persons to groom a child.
- 7.5. Netball Australia, Member Organisations and Affiliates (where applicable and relevant) will only use images of children that are relevant to netball and will ensure that they are suitably clothed in a manner that promotes participation in netball. Wherever possible, the organisation will seek permission from a child's parent/guardian before using the image.

8. Position Statement: Anti-Discrimination, Bullying, Sexual Harassment and Victimisation

- 8.1. Netball Australia, Member Organisations and Affiliates aim to provide a sporting environment where all those involved in netball activities are treated with dignity and respect.
- 8.2. Netball Australia, Member Organisations and Affiliates recognise that people cannot participate, enjoy themselves or perform at their best if they are discriminated against, sexually harassed or bullied.
- 8.3. This Policy sets out what conduct will constitute discrimination, bullying, sexual harassment and victimisation.
- 8.4. **Discrimination**
 - 8.4.1. Discrimination occurs when someone is treated unfavourably on the basis of a particular personal characteristic. This is known as direct discrimination.
 - 8.4.2. Discrimination may also be indirect. Indirect discrimination is unreasonably imposing, or proposing to impose a requirement, condition or practice that has or is likely to have the effect of disadvantaging persons with a particular personal characteristic.
 - 8.4.3. In Australia, it is against the law to discriminate against someone because of their:
 - (a) age
 - (b) disability/impairment (physical, intellectual, mental, or psychiatric)
 - (c) HIV/AIDs status
 - (d) employment activity
 - (e) industrial activity/inactivity or membership of an industrial association
 - (f) lawful sexual activity/sexual orientation
 - (g) gender identity
 - (h) transgender, transsexual or intersex status

- (i) marital or relationship status
- (j) physical features
- (k) political belief or activity
- (l) pregnancy, potential pregnancy or breastfeeding
- (m) race, colour, descent
- (n) national or ethnic origin
- (o) religious belief or activity
- (p) sex or gender
- (q) status as a parent or carer
- (r) family responsibilities
- (s) irrelevant criminal conviction
- (t) medical record
- (u) personal association with someone who is identified by reference to any of the above attributes.

8.4.4. Unlawful discrimination may occur in a person's treatment in their employment or prospective employment; in the provision of goods, services or facilities; in their access to premises or through their participation in the activities of a club or sport.

8.4.5. Examples of discrimination are available on the Play by the Rules website:
www.playbytherules.net.au/legal-stuff/discrimination

8.4.6. Some specific exceptions to State/Territory and Federal anti-discrimination law apply. For example, it is not unlawful discrimination for Netball Australia to hold a competitive sporting activity for boys and girls only who are under the age of 12, or of any age where strength, stamina or physique is relevant.

8.5. Bullying

8.5.1. Bullying is repeated, unreasonable behaviour directed towards a person, or group of persons, that creates a risk to health and safety.

8.5.2. Bullying can be direct or indirect and it can include, but is not limited to, behaviours such as:

- (a) abusive, insulting or offensive language;
- (b) intimidating behaviour, for example, an attack or threat;
- (c) malicious teasing or practical jokes;
- (d) giving unreasonable assignments or deadlines;
- (e) intruding on an employee's privacy by spying or stalking;
- (f) displaying offensive material;
- (g) taking credit for someone else's work;
- (h) giving unfavourable duties to specific employees;
- (i) excluding or socially isolating employees; or
- (j) failure to intervene to stop bullying.

8.5.3. Bullying is not:

- (a) legitimate and reasonable management action;
- (b) legitimate and reasonable performance management processes;
- (c) legitimate and reasonable disciplinary action; or
- (d) legitimate and reasonable allocation of work in compliance with systems.

8.6. Sexual harassment

- 8.6.1. Means unwanted, unwelcome or uninvited behaviour of a sexual nature which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment.
- 8.6.2. Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.
- 8.6.3. Sexual harassment can occur regardless of any “innocent intent” on the part of the offender, and can take many forms and can be physical, visual, verbal or written.
- 8.6.4. Sexual harassment is prohibited regardless of the gender of the parties. A person can complain if he or she is harassed by someone of the same sex.

8.7. Victimisation

- 8.7.1. Means subjecting a person, or threatening to subject a person, to any unfair treatment because that person has or intends to pursue their right to make any complaint, including a complaint under government State or Federal legislation (e.g. anti-discrimination) or under this Policy, or for supporting another person to make complaint.
- 8.8. Discrimination, sexual harassment, bullying and victimisation are not only unacceptable, they may be unlawful pursuant to State and Federal legislation.
- 8.9. Netball Australia, Member Organisations and Affiliates prohibit all forms of sexual harassment, bullying, discrimination and victimisation.
- 8.10. It is the responsibility of all employees, volunteers, other workplace participants and all others bound by this Policy to ensure that proper standards of conduct are upheld in connection with netball and to take action to prevent discrimination, sexual harassment, bullying and victimisation.
- 8.11. If any person feels they are being sexually harassed, bullied, discriminated against or victimised by another person or organisation bound by this Policy, they may make an internal complaint in accordance with clause 14 of this Policy. In some circumstances they may also be able to make a complaint to an external organisation. (Refer to Attachments in this Policy).

9. Position Statement: Sexual Relationships

- 9.1. Consensual sexual relationships between coaches, officials or athlete support personnel and the adult athletes they engage with due to on-court netball involvement, may not necessarily constitute sexual harassment or be contrary to any other law. However, Netball Australia, Member Organisations and Affiliates (where applicable and relevant) take the position that such relationships should be avoided as they can have harmful effects on the person involved, on other persons and on netball's public image.

- 9.2. These relationships can also be perceived to be exploitative due to the differences in authority, maturity, status and dependence between the athlete and coach, official, or athlete support personnel.
- 9.3. Recognising the risk that the relative power of the coach, official or athlete support personnel may be a factor in the development of such relationships, the coach, official, or athlete support personnel at all levels should avoid them.
- 9.4. In the event that a player attempts to initiate an intimate relationship, the coach, official, or athlete support personnel must take personal responsibility for discouraging such approaches and explaining the ethical basis for their actions.
- 9.5. Netball Australia, Member Organisations and Affiliates remind all employees, volunteers, independent contractors, other workplace participants and all others bound by this Policy that sex with a child is a criminal offence and such conduct will not be tolerated.

10. Position Statement: Pregnancy

- 10.1. Netball Australia has a distinct Pregnancy in Netball Policy. (Available on the Netball Australia website).
- 10.2. Netball Australia seeks to provide an inclusive sporting environment for pregnant women involved in netball. Netball Australia expects everyone who is bound by this Policy to treat pregnant women with dignity and respect.
- 10.3. All those bound by this policy should seek to remove any unreasonable barriers to participation in netball that disadvantage women due to pregnancy or potential pregnancy.
- 10.4. Netball Australia will not tolerate any unlawful discrimination or sexual harassment against pregnant women or women who may become pregnant. Further details about behaviour that may amount to discrimination or sexual harassment are provided in the clause 8 of this Policy.
- 10.5. Netball Australia, Member Organisations and Affiliates will endeavour to take all reasonably practicable steps to ensure the safety, health and well-being of pregnant women and their unborn children.
- 10.6. Netball Australia, Member Organisations and Affiliates (where applicable and relevant) will seek to advise pregnant women of the risks involved in participating in netball while pregnant and encourage them to obtain medical advice about those risks.
- 10.7. Netball Australia, Member Organisations and Affiliates encourage all pregnant women to consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation in particular sporting activities, including netball.
- 10.8. Netball Australia, Member Organisations and Affiliates will only require pregnant women to sign a disclaimer if all other participants are required to sign one in similar circumstances. Women will not be required to undertake a pregnancy test prior to participation in any netballing activities.
- 10.9. If any person feels they are being sexually harassed or discriminated against by another person or organisation bound by this Policy, they may make a complaint in accordance with clause 14 of this Policy.

11. Position Statement: Gender Identity

- 11.1. Netball Australia, Member Organisations and Affiliates seek to provide a safe, fair and inclusive netball environment in which people from all backgrounds can contribute and participate.
- 11.2. People who identify as transgender or transsexual should be treated fairly and with dignity and respect at all times. This includes acting with sensitivity when a person is undergoing gender transition.
- 11.3. Netball Australia, Member Organisations and Affiliates will not tolerate any unlawful discrimination, bullying or sexual harassment against a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual. Descriptions of some of the types of behaviour that could be regarded as discrimination, sexual harassment or bullying are provided clause 8 of this Policy
- 11.4. Netball Australia, Member Organisations and Affiliates recognise that the exclusion of transgender or transsexual people from participation in netball has significant implications for their health, well-being and involvement in community life. Netball Australia, Member Organisations and Affiliates will seek to support participation in netball by all people on the basis of the gender with which they identify.
- 11.5. Netball Australia, Member Organisations and Affiliates recognise there is debate over whether a male to female transgender person may obtain any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, Netball Australia will seek advice on the application of those laws in the particular circumstances.
- 11.6. Netball Australia notes that drug testing procedures and prohibitions also apply to people who identify as transgender or transsexual. A person receiving treatment involving a prohibited substance or method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a Therapeutic Use Exemption to legitimately use a Prohibited Substance and Method in accordance with the International Standard for Therapeutic Use Exemptions under an applicable anti-doping policy or granted under a Rule.
- 11.7. If any person feels they are being sexually harassed, bullied or discriminated against by another person or organisation bound by this Policy, they may make a complaint in accordance with clause 14 of this Policy.

12. Position Statement: Cyber Bullying and Safety

- 12.1. Bullying and sexual harassment in all forms are regarded by Netball Australia, Member Organisations and Affiliates as unacceptable in netball. These forms of conduct are unlawful and have the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.
- 12.2. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments.
- 12.3. Netball Australia, Member Organisations and Affiliates will not tolerate abusive, discriminatory, intimidating or offensive statements being made online.
- 12.4. Frustration at an umpire, official, teammate, coach or sporting body should never be communicated on social networking or internet websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant Affiliate, Member Organisation or Netball Australia.

13. Position Statement: Social Networking Websites

- 13.1. Netball Australia acknowledges the enormous value of social networking websites, such as Facebook and Twitter, to promote netball and celebrate the achievements and success of the people involved in netball.
- 13.2. Netball Australia expects all people bound by this Policy to conduct themselves appropriately when using social networking sites to share information related to netball.
- 13.3. Netball Australia's policy with regard to social media engagement is that when engaging in social media, all those bound by this Policy are clear about what/who they are representing; take responsibility for ensuring that any references to Netball Australia, Member Organisations and Affiliates, their staff and volunteers, Members and other netball participants are factually correct and accurate and do not breach confidentiality requirements and laws; and that respect is shown for the individuals, companies and communities with which there is interaction.
- 13.4. Social media postings, blogs, status updates and tweets:
 - 13.4.1. Must not use offensive, provocative or hateful language.
 - 13.4.2. Must not be misleading, false or injure the reputation of another person.
 - 13.4.3. Should respect and maintain the privacy of others.
 - 13.4.4. Should, where relevant, promote netball in a positive way.
- 13.5. All those persons bound by this Policy should not post, send, forward or use any inappropriate information or material in any form of social media including but not limited to material which is:
 - 13.5.1. Intended to (or could possibly) cause insult or offence to, or intimidation or humiliation of Netball Australia, Member Organisations, Affiliates, sponsors, their staff and volunteers, Members and other netball participants;
 - 13.5.2. Defamatory of or could adversely affect the image, reputation or viability of Netball Australia, Member Organisations, Affiliates, sponsors, their staff and volunteers, Members and other netball participants;
 - 13.5.3. Contains any form of confidential information relating to Netball Australia, Member Organisations, Affiliates, sponsors, their staff and volunteers, Members and other netball participants.

14. Complaints Procedures

14.1. Handling Complaints

- 14.1.1. Netball Australia aims to provide an easy to use, confidential and trustworthy procedure for complaints.
- 14.1.2. Any person (complainant) may report a breach of this Policy.
- 14.1.3. If a complainant feels comfortable doing so, they may wish to raise the issue with the person concerned and request that he or she stops engaging in the behaviour.
- 14.1.4. If the complainant does not feel comfortable confronting the person directly, or they have tried this and the behaviour continues, they may wish to make a complaint to their supervisor, contact person or Member Protection Information Officer (MPIO).
- 14.1.5. It is a good idea to make a written note about the behaviour including details of the date and time of the incident, what happened and any witnesses.

- 14.1.6. All complaints are treated seriously by Netball Australia, Member Organisations and Affiliates. Once a complaint is received, the relevant organisation will deal with the matter in accordance with the procedures set out in Attachment C to this Policy.
- 14.1.7. Where a complaint relates to behaviour or an incident that occurred at the State/Territory level, or involves people operating at the State/Territory level, then the complaint should be reported to and handled by the relevant Member Organisation.
- 14.1.8. Where a complaint relates to behaviour or an incident that occurred at the club level, or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club.
- 14.1.9. Where a complaint that relates to behaviour or an incident that occurred at the club or State/Territory level is serious, the applicable Member Organisation or club may seek advice on the matter from Netball Australia.
- 14.1.10. Individuals and organisations may also seek to have their complaint handled by an external agency under anti-discrimination, occupational health and safety, child protection, criminal or other relevant legislation.

14.2. Improper Complaints & Victimisation

- 14.2.1. Netball Australia seeks to provide a complaints procedure that has integrity and is free of unfair repercussions or victimisation against the person making the complaint.
- 14.2.2. Netball Australia also seeks to take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to sort it out. Disciplinary measures may be imposed on anyone who victimises another person for making a complaint or supporting another person's complaint.
- 14.2.3. Any person covered by this Policy who is found to have knowingly made an untrue complaint, vexatious or malicious complaint may be subject to disciplinary action.

15. What is a Breach of This Policy?

- 15.1. It is a breach of this Policy for any person or organisation bound by this Policy to do anything contrary to this Policy, including but not limited to:
 - 15.1.1. Acting in a manner contrary to this Policy.
 - 15.1.2. Bringing netball, Netball Australia, Member Organisations or Affiliates into disrepute, or acting in a manner likely to bring netball, Netball Australia, Member Organisations or Affiliates into disrepute. This includes conduct that is dishonest, fraudulent, corrupt, illegal, unethical, improper, unsafe and conduct that many cause financial or reputational loss.
 - 15.1.3. Failing to follow Netball Australia, Member Organisations or Affiliates policies (including this Policy) and procedures for the protection, safety and well-being of children.
 - 15.1.4. Discriminating against, sexually harassing or bullying (including cyber-bullying) any person covered by this Policy.
 - 15.1.5. Victimising another person for making or supporting a complaint.
 - 15.1.6. Engaging in a sexually inappropriate relationship with a person that s/he supervises, or has influence, authority or power over.

- 15.1.7. Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within netball.
- 15.1.8. Appointing or continuing to appoint a person to a role that involves working with children and young people contrary to this Policy.
- 15.1.9. Disclosing to any unauthorised person or organisation any Netball Australia, Member Organisations or Affiliates information that is of a private, confidential or privileged nature.
- 15.1.10. Making a complaint that they know to be untrue, vexatious, malicious or improper.
- 15.1.11. Failing to comply with a penalty imposed after a finding that the individual has breached this Policy.
- 15.1.12. Failing to comply with a direction given to the individual as part of a disciplinary process.

16. Disciplinary Measures

- 16.1. Netball Australia, Member Organisations or Affiliates may impose disciplinary measures on an individual or organisation for a breach of this Policy.
- 16.2. Netball Australia, Member Organisations or Affiliates will seek to ensure that any disciplinary measure imposed is:
 - 16.2.1. Fair and reasonable.
 - 16.2.2. Applied consistent with any contractual and employment rules and requirements.
 - 16.2.3. Based on the evidence and information presented and the seriousness of the breach.
 - 16.2.4. Determined in accordance with netball's Constitution, By-laws, this Policy and/or the rules of netball.
- 16.3. If a finding is made that an individual has breached this Policy, one or more of the following forms of discipline may be imposed:
 - 16.3.1. A direction that the individual make a verbal and/or written apology.
 - 16.3.2. A written warning.
 - 16.3.3. A direction that the individual attend counselling or training to address their behaviour.
 - 16.3.4. A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Netball Australia, Member Organisation and Affiliates.
 - 16.3.5. A demotion or transfer of the individual to another location, role or activity.
 - 16.3.6. A suspension of the individual's membership or participation or engagement in a role or activity.
 - 16.3.7. Termination of the individual's membership, appointment or engagement.
 - 16.3.8. A recommendation that Netball Australia, the Member Organisation and/or Affiliate terminates the individual's membership, appointment or engagement.
 - 16.3.9. In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently.
 - 16.3.10. A fine.
 - 16.3.11. Any other form of discipline that the decision maker considers appropriate.

16.4. Factors to Consider

- 16.4.1. The form of discipline to be imposed on an individual or organisation may depend on factors such as:
- (a) The nature and seriousness of the breach.
 - (b) If the person knew, or should have known, that the behaviour was a breach of this Policy.
 - (c) The person's level of contrition.
 - (d) The effect of the proposed disciplinary measures on the person including any personal, professional or financial consequences.
 - (e) If there have been any relevant prior warnings or disciplinary action.
 - (f) The ability to enforce discipline if the person is a parent or spectator (even if they are bound by the Policy).
 - (g) Any other mitigating circumstances.

17. Amendment and Interpretation

- 17.1. This Policy and its attachments may be amended withdrawn or replaced from time to time by Netball Australia in its sole discretion.
- 17.2. Headings used in this Policy are for convenience only and shall not be deemed part of the substance of this Policy or to affect in any way the language of the provisions to which they refer.
- 17.3. Words in the singular include the plural and vice versa.
- 17.4. Reference to "including" and similar words are not words of limitation.
- 17.5. The Attachments shall be considered an integral part of this Policy.
- 17.6. This Policy shall apply from its specified effective date.
- 17.7. A Person includes a body corporate.
- 17.8. Words importing a gender include any other gender.
- 17.9. A reference to a clause is a reference to a clause or subclause of this Policy.
- 17.10. Where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.
- 17.11. In the event any provision of this Policy is determined invalid or unenforceable, the remaining provisions shall not be affected. This Policy shall not fail because any part of this Policy is held invalid.
- 17.12. Except as otherwise stated herein, failure to exercise or enforce any right conferred by this Policy shall not be deemed to be a waiver of any such right nor operate so as to bar the exercise or enforcement thereof or of any other right on any other occasion.

18. Attachments

- Part A: Employment Screening/Working with Children Check Requirements**
- Part B: National Complaint Handling Regulation**
- Part C: National Reporting Requirements and Documents/Forms (including Child Protection Reporting Requirements)**

Member Protection Policy - Attachment A Employment Screening/Working with Children Check Requirements

Netball Australia seeks to provide a child-safe environment. As part of this, Netball Australia, Member Organisations and Affiliates will seek to recruit appropriate and competent staff and volunteers who do not pose a risk to children. To this end, volunteers, independent contractors, employees and other workplace participants will be required to undertake employment screening and provide the state/territory relevant Working with Children (WWC) check.

Employment screening and WWC checks involves criminal history checks, signed declarations, referee checks and other appropriate checks that assess a person's suitability to work with children and young people.

Employment screening must be completed for all appointments to positions that involve direct, unsupervised contact with children as outlined in Attachment A1 – Employment Screening Requirements. In addition, all persons appointed to positions must sign Attachment A2 - Member Protection Declaration.

WWC check laws exist in all states and territories and appointment of personnel must comply with the relevant legislation as outlined in Attachment A3 – Working with Children Check Requirements.

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 A1: EMPLOYMENT SCREENING REQUIREMENTS

ATTACHMENT A2: MEMBER PROTECTION DECLARATION

ATTACHMENT A3: WORKING WITH CHILDREN CHECK REQUIREMENTS

ATTACHMENT A1: EMPLOYMENT SCREENING REQUIREMENTS

This attachment explains the screening process for people who currently occupy or who apply for any work (paid or voluntary) in Netball Australia, Member Organisations or Affiliates that involves direct and unsupervised contact with people under the age of 18 years. Netball Australia, Member Organisations or Affiliates will seek to follow the below process where possible and relevant.

Screening under this policy is not a replacement for any other procedure required by law. All appointments must comply with the relevant state/territory Working with Children (WWC) legislation.

1. We will identify those 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, we will ask him or her to complete a Member Protection Declaration (MPD) (see Attachment A2).
3. If a person is unable to provide a MPD, or if he or she cannot satisfactorily answer the questions in the MPD, we will not appoint him or her to the position.
4. Where possible, we will check a person's referees (verbal or written) about his or her suitability for the position.
5. We will ask each person to provide the state/territory relevant Working with Children check. If a person does not agree to obtain a WWC check, we will not appoint him or her to the position.
6. We will protect the privacy of each person who undertakes the screening process and keep all information we obtain strictly confidential.
7. We will seek to return all the information collected as part of the screening process (e.g. completed MPD forms, WWC check 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.
8. The records of all people appointed to our organisation will be kept on file in a secure location.

ATTACHMENT A2: MEMBER PROTECTION DECLARATION

Netball Australia, Member Organisations and Affiliates have a duty of care to all those associated with netball. It is a requirement of the Member Protection Policy, that Netball Australia, Member Organisations and Affiliates check the background of each person who works, coaches or has regular unsupervised contact (paid or voluntary) with people under the age of 18 years.

I _____ born ____ / ____ / ____
 (full name) (DOB)

of _____
 (address/suburb/postcode)

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, acts of violence, intimidation or other forms of harassment or acts of violence.
4. I am not currently serving a sanction for an anti-doping rule violation under an Australian Sports Anti-Doping Authority (ASADA) approved anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
6. To my knowledge there is no other matter that Netball Australia, Member Organisations and Affiliates may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the relevant body (Netball Australia, Member Organisations and Affiliates) of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out above has changed.

Declared in the State/Territory of _____

Signature: _____

Date: _____

Consent of Parent/Guardian (on behalf of a person under the age of 18 years)

I have read and understood the declaration provided by my child. I confirm and warrant that the contents of the declaration provided by my child are true and correct in every particular.

Name: _____

Signature: _____

Date: _____

ATTACHMENT A3: STATE/TERRITORY BASED CHILD PROTECTION LEGISLATION

Working with Children (WWC) checks aim to create a child-safe environment and to protect children and young people involved in our sport from physical and sexual harm.

They assess the suitability of people to work with children and young people and can involve:

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

There is no national legislation and child protection system. However each state and territory has child protection laws specifying responsibilities for both organisations and individuals who work or have contact with children.

Volunteers, employees, independent contractors and other workplace participants must, if required to work with children, ensure that they comply with the requirements of the relevant state or territory legislation and hold a current WWC check.

Detailed information, including the forms required to complete a WWC check, are available from the relevant agencies in each state and territory.

Australian Capital Territory – Working with Vulnerable People

Contact Office of Regulatory Services

Website: www.ors.act.gov.au/community/working_with_vulnerable_people_wwvp

Phone: 02 6207 3000

New South Wales – Working with Children Check

Contact the Commission for Children and Young People

Website: www.kids.nsw.gov.au

Phone: 02 9286 7276

Northern Territory – Working with Children Clearance Notice

Contact the Northern Territory Screening Authority

Website: www.workingwithchildren.nt.gov.au

Phone: 1800 SAFE NT (1800 723 368)

Queensland – Blue Card System

Contact the Public Safety Business Agency – Blue Card Services

Website: www.bluecard.qld.gov.au

Phone: 1800 113 611

South Australia – Child related Employment Screening

Contact the Department for Education and Child Development

Website: www.families.sa.gov.au/pages/protectingchildren/AssessCrimHist

Phone: 1800 088 158

Tasmania - Working with Children Registration

Contact the Department of Justice

Website: www.justice.tas.gov.au/working_with_children

Phone: 1300 13 55 13

Victoria – Working with Children Check

Contact the Department of Justice and Regulation

Website: www.workingwithchildren.vic.gov.au

Phone: 1300 652 879

Western Australia – Working with Children Check

Contact the Department for Child Protection

Website: www.checkwwc.wa.gov.au

Phone: 1800 883 979

Travelling to other States or Territories

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

Member Protection Policy - Attachment B National Complaint Handling Regulation

Netball Australia, Member Organisations and Affiliates seek to deal with complaints in a fair, timely and transparent manner. All complaints will be treated seriously.

Individuals may seek to resolve complaints through an informal process, a formal process or through making a complaint to the relevant external body, based on their preferences and the nature of the complaint.

Netball Australia, Member Organisations and Affiliates aim to address complaints in a manner that maintains confidentiality as far as possible and will seek to ensure that no one is victimised for making, supporting or providing information about a complaint.

The following procedures may be followed to assist in the resolution of grievances and complaints.

ATTACHMENTS:

ATTACHMENT B1: COMPLAINTS PROCEDURE

ATTACHMENT B2: MEDIATION PROCEDURE

ATTACHMENT B3: INVESTIGATION PROCEDURE

ATTACHMENT B4: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

ATTACHMENT B5: HEARINGS AND APPEALS TRIBUNAL PROCEDURE

ATTACHMENT B6: DISCIPLINARY MEASURES

ATTACHMENT B1: COMPLAINTS PROCEDURE

Netball Australia aims to support people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

A complaint can be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this Policy. Complaints will always vary. They may be about individual or group behaviour; they may be extremely serious or relatively minor; they may be about a single incident or a series of incidents; and the person about who the allegation is made may admit to the allegations or emphatically deny them.

Given all of the variables that can arise, the approach of Netball Australia to an individual complaint may vary. Individuals and organisations to which this Policy applies may also pursue their complaint externally under anti-discrimination, child-protection or other relevant legislation.

If at any point in the complaint process it is determined that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter will be referred to the hearings tribunal for appropriate action. All complaints will be kept confidential as far as possible and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

Informal Approaches

The following steps may be taken to assist in the resolution of complaints under this Policy:

Step 1: Talk with the other person (if safe, reasonable and appropriate)

- 1.1 As a first step you (the complainant) should try to sort out the problem with the person or people involved if you feel confident to do so.

Step 2: Contact a Member Protection Information Officer (MPIO or similar)

- 2.1 If the first step is not possible or reasonable; if you are not sure how to handle the problem by yourself; if you want to talk confidentially with someone and find out what options are available to resolve the problem; or the problem continues after you approached the other person, you may contact:
 - 2.1.1 a MPIO; or
 - 2.1.2 another appropriate person within the organisation (eg administrator, team manager, coach etc).
- 2.2 If the person approached is a MPIO, they may:
 - 2.2.1 take notes about your complaint (which the MPIO will keep in a secure and confidential place);
 - 2.2.2 try to find out the facts of your complaint;
 - 2.2.3 ask what outcome/how you want the problem resolved and if you need support;
 - 2.2.4 provide possible options for you to resolve the problem;
 - 2.2.5 explain how our complaints procedure works;
 - 2.2.6 act as a support person if you so wish;
 - 2.2.7 refer you to an appropriate person to help you resolve the problem, if necessary;
 - 2.2.8 inform the relevant government authorities and/or police if required by law to do so; and
 - 2.2.9 maintain confidentiality as far as possible.

Step 3: Outcomes from Initial Contact

- 3.1 After talking with the MPIO you may decide
 - 3.1.1 there is no problem;
 - 3.1.2 the problem is minor and you do not wish to take the matter forward;
 - 3.1.3 to try and resolve the problem on your own, with or without a support person such as a MPIO;
 - 3.1.4 to resolve the problem with the help of someone impartial, such as a mediator; or
 - 3.1.5 to resolve the matter through a formal process.
- 3.2 If you wish to remain anonymous, Netball Australia, the Member Organisation or the Affiliate may not be able assist you to resolve your complaint. In order to follow the principles of natural justice and to be fair to both sides, Netball Australia, the Member Organisation, the Affiliate or you may be required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond to all the allegations.

Formal Approaches**Step 4: Making a Formal Complaint**

- 4.1 If your complaint is not resolved to your satisfaction, you may make a formal complaint in writing to the relevant netballing body or approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice.
- 4.2 To avoid any doubt, any complaint relating to:
 - 4.2.1 a Netball Australia program or event shall be referred to a Hearing Officer of Netball Australia;
 - 4.2.2 a Member Organisation program or event shall be referred to a Hearing Officer of the Member Organisation.
 - 4.2.3 an Affiliate program or event shall be referred to a Hearing Officer of the Affiliate. If an Affiliate has not appointed at least one Hearing Officer, the complaint shall be referred to the Hearing Officer of the Member Organisation.
- 4.3 Upon receipt of a formal complaint, the relevant netballing body will appoint a Hearing Officer to handle the complaint and will inform you of the identity of the Hearing Officer appointed.

Step 5: Making a Formal Complaint: Hearing Officer Process

- 5.1 If you decide to make a formal complaint in writing under Step 4, the Hearing Officer will, on receiving the formal complaint and based on the material you have provided, decide whether:
 - 5.1.1 the complaint is properly made under this Policy;
 - 5.1.2 they are the most appropriate person to receive and handle the complaint;
 - 5.1.3 the nature and seriousness of the complaint requires a formal resolution procedure. Some complaints may be of a minor and/or purely personal nature with no connection to the activities of Netball Australia, the Member Organisation or the Affiliate. In these cases, the Hearing Officer may determine that the complaint does not warrant a formal resolution procedure;
 - 5.1.4 to appoint a person to investigate the complaint;
 - 5.1.5 to refer the complaint to an informal or formal mediation session;
 - 5.1.6 to refer the complaint to a hearings tribunal;
 - 5.1.7 to refer the matter to the police or other appropriate authority; and/or

- 5.1.8 to implement any interim administrative or other arrangements that will apply until the complaint process set out in the National Complaint Handling Regulation is completed.
- 5.2 In making the decision(s) outlined above, the Hearing Officer will take into account:
- 5.2.1 whether they have had any personal involvement in the circumstances giving rise to the complaint and, if so, whether their ability to impartially manage the complaint is compromised or may appear to be compromised;
- 5.2.2 whether, due to the nature of the complaint, specific expertise or experience may be required to manage the complaint;
- 5.2.3 your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- 5.2.4 whether, due to the nature of the complaint, the relationship between you and the respondent and any other relevant factors, the complaint should be referred (or should not be referred) to informal or formal mediation or to a hearings tribunal. Relevant factors may include an actual or perceived power imbalance between you and the respondent, the nature of any ongoing working relationship between you and the respondent, and the personal attributes of you and the respondent (for example, if one party does not speak English fluently, some of the possible complaints resolution mechanisms may not be appropriate);
- 5.2.5 the nature and sensitivity of any information or other material that must be provided by you, the respondent, and any of the other people involved in the complaint;
- 5.2.6 whether the facts of the complaint are in dispute; and
- 5.2.7 the urgency of the complaint, including the likelihood and the consequences (if the complaint is ultimately proven) that you will be subject to further unacceptable behaviour while the complaint process set out in these procedures is being conducted.
- 5.3 If the Hearing Officer determines they are the appropriate person to handle the complaint they will, to the extent that these steps are necessary:
- 5.3.1 get full information from you (the complainant) about your complaint and how you want it resolved (if this information has not already been obtained through earlier steps);
- 5.3.2 put the information they've received from you to the person/people you're complaining about and ask them to provide their side of the story;
- 5.3.3 decide whether they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- 5.3.4 determine what, if any, further action to take. This action may include disciplinary action in accordance with Attachment B6, appointing a person to investigate the complaint, referring the complaint to an informal or a formal mediation session or a hearings tribunal and/or referring the complaint to the police or other appropriate authority.

Step 6: Resolution Process

- 6.1 In some cases, an investigation may be required to determine the facts surrounding the complaint. If investigation is considered appropriate, it will be conducted in accordance with Attachment B3.
- 6.2 If the complaint is referred to an informal or a formal mediation session under Step 5, the mediation session will be conducted in accordance with Attachment B2 or as otherwise agreed by you and the respondent.
- 6.3 If the complaint is referred to a hearings tribunal under Step 5, the hearing will be conducted in accordance with Attachment B5.

- 6.4 If the complaint is referred to the police or other appropriate authority under Step 5, Netball Australia, the Member Organisation or Affiliate will use its best endeavours to provide all reasonable assistance lawfully required by the police or other appropriate authority.
- 6.5 If interim administrative or other arrangements are implemented under Step 5, Netball Australia, the Member Organisation or the Affiliate will endeavour to periodically review these arrangements to ensure that they are effective.
- 6.6 Any reasonable costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or hearings tribunal) are to be met by Netball Australia, the Member Organisation or Affiliate.

External Procedure

If you feel that you have been sexually harassed, discriminated against, or victimised, you can seek advice from your State or Territory anti-discrimination or equal opportunity commission or from the Australian Human Rights Commission.

Contact details for the state and territory anti-discrimination and equal opportunity commissions are available on the Play by the Rules website: www.playbytherules.net.au/resources/quick-reference-guide

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

ATTACHMENT B2: MEDIATION

Mediation is a process that allows the people involved in a complaint to talk through the issues with an impartial person – the mediator – and work out a mutually solution.

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to talk through the issues and makes sure that the process is as fair as possible for all concerned.

This attachment outlines the general procedure of mediation that will be followed by Netball Australia, Member Organisations and the Affiliates.

1. The people involved in a formal complaint (complainant and respondent(s) may work out their own resolution of the complaint or seek the assistance of a neutral third person or a mediator. Mediation may occur at any stage in the complaints process.
2. Mediation may not be appropriate if:
 - 2.1 The complainant or respondent are unwilling to attempt mediation;
 - 2.2 When the issues raised are sensitive in nature;
 - 2.3 When there is a real or perceived power imbalance between the people involved;
 - 2.4 Matters that involve serious, proven allegations;
 - 2.5 Due to the nature of the complaint, the relationship between you and the respondent(s) and any other relevant factors, the complaint is not suitable for mediation.
3. If mediation is chosen to try and resolve the complaint, Netball Australia, the Member Organisation or the Affiliate will arrange for a mediator to mediate the complaint.
4. The mediator's role is to assist the complainant and respondent(s) reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and respondent(s), will choose the procedures to be followed during the mediation.
5. The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
6. At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached between the complainant and respondent(s) and it will be signed by them as their agreement.
7. If a resolution is reached at mediation, no further action may be taken under this Policy (except by agreement between the parties).
8. If the complaint is not resolved by mediation, the complainant may:
 - 8.1 Request that the complaint proceed in accordance with Step 5; or
 - 8.2 Approach an external agency such as an anti-discrimination or equal opportunity commission to resolve the matter.

ATTACHMENT B3: INVESTIGATION PROCESS

There will be times when a complaint will need to be investigated and evidence gathered. Investigations may be conducted internally or externally.

An investigation helps determine the facts relating to the incident, as well as possible findings and recommendations.

Any investigation that netball conducts will seek to be fair to all people involved.

If Netball Australia, a Member Organisation or Affiliate decides that a complaint should be investigated, the following steps are to be followed:

1. An investigator will be appointed.
2. The investigator will be provided with the terms of engagement and scope of the investigator's role.
3. The complainant will be interviewed and the complaint documented in writing.
4. The details of the complaint will be conveyed to the person/people complained about (respondent(s)).
5. The respondent(s) will be interviewed and given the opportunity to respond. The respondent(s) response to the complaint will be documented in writing.
6. If there is a dispute over the facts, then statements from witnesses and other relevant evidence will be obtained to assist in a determination.
7. The investigator will make a finding as to whether the complaint is:
 - 7.1 substantiated (there is sufficient evidence to support the complaint);
 - 7.2 inconclusive (there is insufficient evidence either way);
 - 7.3 unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
 - 7.4 mischievous, vexatious or knowingly untrue.
8. The findings of the investigation will be communicated to the Hearing Officer or hearings tribunal to determine what, if any, further action is warranted. This action may include disciplinary action in accordance with Attachment B6, referring the complaint to an informal or a formal mediation session or a hearings tribunal and/or referring the complaint to the police or other appropriate authority.
9. The findings of the investigation will be communicated to the complainant and the respondent(s) as appropriate.
10. Both the complainant and the respondent(s) are entitled to support throughout this process from their chosen support person (e.g. MPIO or other person).

ATTACHMENT B4: 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.

Netball Australia, Member Organisations and Affiliates treat allegations of child abuse or neglect seriously and will endeavour to manage such complaints promptly and with sensitivity.

All people working with Netball Australia, Member Organisations and Affiliates 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

- 1.1 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

- 2.1 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.
- 2.2 Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.
- 2.3 If the allegation involves a person to whom this policy applies, then also report the allegation to Netball Australia, or the relevant Member Organisation or Affiliate.

Step 3: Protect the child and manage the situation

- 3.1 If Netball Australia, a Member Organisation or Affiliate receives a report of allegations of child abuse, the following steps may be taken as appropriate:
- 3.1.1 The appropriate person from Netball Australia, the Member Organisation or Affiliate 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.

- 3.1.2 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.
- 3.1.3 The appropriate person from Netball Australia, the Member Organisation or Affiliate will consider what services may be most appropriate to support the child and his or her parent/s.
- 3.1.4 The appropriate person from Netball Australia, the Member Organisation or Affiliate will consider what support services may be appropriate for the alleged offender.
- 3.1.5 The appropriate person from Netball Australia, Member Organisations or Affiliate will seek to put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

Step 4: Take internal action

- 4.1 If Netball Australia, a Member Organisation or Affiliate receives a report of allegations of child abuse, the following steps may be taken as appropriate:
 - 4.1.1 Regardless of the findings of any investigation conducted by the police and/or child protection agency, the appropriate person from Netball Australia, the Member Organisation or Affiliate may 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.
 - 4.1.2 The appropriate person from Netball Australia, the Member Organisation or Affiliate may consider all information relevant to the matter – including any findings made by the police, the child protection authority and/or court to determine a course of action.
 - 4.1.3 If disciplinary action is recommended, the appropriate person from Netball Australia, the Member Organisation or Affiliate may follow the procedures set out in the Member Protection Policy.
 - 4.1.4 The appropriate person from Netball Australia, the Member Organisations or Affiliate may provide the relevant government agency with a report of any disciplinary action taken, where this is required.

ATTACHMENT B5: HEARINGS PROCEDURE

The following hearing procedure will be followed by hearings tribunals established by Netball Australia, the Member Organisations and the Affiliates.

1. Where considered appropriate, a hearings tribunal may be formed to hear a formal complaint for an alleged breach of this Policy.
2. Where a hearings tribunal is considered appropriate, the following steps will be taken:
 - 2.1 the composition of the hearings tribunal will be determined, as detailed in clause 1.3;
 - 2.2 the respondent will be provided:
 - 2.2.1 a notice setting out the date, time and place for the hearing of the alleged breach which shall be as soon as reasonably practicable after receipt of the Complaint or information; and
 - 2.2.2 a copy of the Complaint; (“referred to as Notice of Alleged Breach”);
 - 2.3 the hearings tribunal will be provided with a copy of the Notice of Alleged Breach and any written response provided by the Respondent.
3. The hearings tribunal for each hearing shall be appointed by the board (however described) of Netball Australia, the relevant Member Organisation or the relevant Affiliate (if applicable) and shall comprise of the following persons:
 - 3.1 a barrister or solicitor (who shall be the chairperson) or, if after reasonable attempts have been made to obtain one without success, then a person with considerable previous experience in the legal aspects of a disciplinary/hearings tribunal;
 - 3.2 a person with a thorough knowledge of the sport;
 - 3.3 one other person of experience and skills suitable to the function of the hearings tribunal, provided that such persons do not include:
 - 3.3.1 a person who is a member of the board (however described) of the organisation which appoints the hearings tribunal; or
 - 3.3.2 a person, who would, by reason of their relationship with the complainant or the respondent, be reasonably considered to be other than impartial.
4. The hearings tribunal shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with the principles of natural justice. The purpose of the hearing shall be to determine whether the respondent has committed a breach of the Policy. If the hearings tribunal considers that the respondent has committed a breach of this Policy, it may impose any one or more of the penalties set out in Attachment B6.
5. The parties to the hearing shall include the complainant, the respondent, the relevant organisation (being Netball Australia, the relevant Member Organisation, the relevant Affiliate) and any witnesses which the hearings tribunal considers necessary to participate in the hearing.
6. If upon receipt of the Notice of Alleged Breach, the hearings tribunal considers that pending the determination of the matter the respondent may put at risk the safety and welfare of the complainant or others, it may order that the respondent be:
 - 6.1 suspended from any role they hold with Netball Australia, the relevant Member Organisation or the relevant Affiliate; and/or
 - 6.2 banned from any event or activities held by or sanctioned by Netball Australia, the relevant Member Organisation or the relevant Affiliate; and/or

- 6.3 transferred to an alternate role until the matter has been finally determined; and/or
- 6.4 required not to contact or in any way associate with the complainant or other person about whom the alleged breach relates, pending the determination of the hearing.
7. No party to the hearing may be represented by a barrister or solicitor. However the chairperson of the hearings tribunal may grant leave for a party to the hearing to be represented by a barrister or solicitor where their livelihood or property is at risk. A party may be represented by an advocate who is not a barrister or solicitor at the hearing.
8. Each party to the hearing shall bear their own costs in relation to the hearing.
9. The hearings tribunal shall provide its decision as soon as practicable after the hearing to:
 - 9.1 the complainant;
 - 9.2 the respondent ; and
 - 9.3 any other party represented in the hearing.
10. Each member of each hearings tribunal established under this Policy shall be indemnified by the organisation which appointed them, from any claim or action for loss, damages, or costs made against them arising out of, or in connection with, their function as a member of the hearings tribunal under this Policy.
11. Except as otherwise provided in this Policy, all members of the hearings tribunal shall keep all matters relating to the hearing (including but not limited to the nature of the Complaint, information obtained before and during the hearing and the decision of the hearings tribunal) confidential.
12. To the extent of any inconsistency between the hearing procedure set out in the constitution of Netball Australia, the Member Organisations or the Affiliates (if applicable) and the hearing procedure set out in this Policy, this Policy shall prevail in relation to all Complaints under this Policy.

ATTACHMENT B6: DISCIPLINARY MEASURES

1. Principles

- 1.1 Netball Australia, the Member Organisations or the Affiliates will seek to impose any disciplinary measure under this Policy in a manner that:
- 1.1.1 Observes any contractual and employment rules and requirements;
 - 1.1.2 Conforms to the principles of natural justice;
 - 1.1.3 Is fair and reasonable;
 - 1.1.4 Is based on the evidence and information presented;
 - 1.1.5 Is within the powers of the Hearing Officer or hearings tribunal to impose the disciplinary measure.

2. Disciplinary Penalties

- 2.1 If it is determined that an individual person to whom this Policy applies, has breached this Policy, any one or more of the following penalties may be imposed:
- 2.1.1 direct that the offender attend counselling or training to address their conduct;
 - 2.1.2 terminate the appointment of the role which the offender holds;
 - 2.1.3 where there has been damage to property, direct that the offender pay compensation to the relevant organisation which controls or has possession of the property;
 - 2.1.4 impose a monetary fine;
 - 2.1.5 impose a warning;
 - 2.1.6 in the case of a coach, direct the relevant organisation to de-register the accreditation of the coach for a period or indefinitely;
 - 2.1.7 withdraw any awards, placings, records won in any tournaments, activities or events held or sanctioned by Netball Australia, a Member Organisation or an Affiliate;
 - 2.1.8 direct the offender to repay all or part of any financial assistance (excluding any fee for service, wages or expenses) given to them by any Federal or State funding agency, Netball Australia, a Member Organisation, an Affiliate or any other organisation which has provided funding;
 - 2.1.9 any other such penalty as the appointed Hearing Officer or hearings tribunal considers appropriate.
- 2.2 If a penalty imposed under this Policy affects other organisations required to comply with this Policy, the relevant organisations shall be notified of the penalty as soon as possible. Notification of such penalty to a Member Organisation shall be deemed to be notification to all Affiliates which are members of the Member Organisation and notification of such penalty to an Affiliate shall be deemed to be notification to all members of the Affiliate.
- 2.3 Every organisation to which this Policy applies shall recognise and enforce any decision and penalty imposed under this Policy.

3. Considerations when imposing Discipline Penalties

- 3.1 The form of discipline to be imposed on an individual or organisation may depend on factors such as:
- 3.1.1 jurisdiction over the individual or organisation;

- 3.1.2 nature and seriousness of the behaviour or incidents;
- 3.1.3 in a case where action is taken concurrently with or in lieu of a resolution of a formal complaint, the wishes of the complainant;
- 3.1.4 if the individual concerned knew or should have known that the behaviour was a breach of the Policy;
- 3.1.5 level of contrition of the respondent(s);
- 3.1.6 the effect of the proposed disciplinary measures on the respondent(s) including any personal, professional or financial consequences;
- 3.1.7 if there have been relevant prior warnings or disciplinary action; and/or
- 3.1.8 if there are any mitigating circumstances such that the respondent(s) shouldn't be disciplined at all or not disciplined so seriously.

NETBALL AUSTRALIA MEMBER PROTECTION POLICY ATTACHMENT C: NATIONAL REPORTING DOCUMENTS/FORMS

Netball Australia, Member Organisations and Affiliates (where applicable and relevant) make available the attached forms to assist in the documenting of complaints received, both formal and informal, where necessary and appropriate.

Information about complaints, and any additional records and notes, will so far as reasonably practicable, be treated confidentially and stored securely.

Netball Australia, Member Organisations and Affiliates treat allegations of child abuse or neglect seriously and will endeavour to treat such allegations promptly and with sensitivity.

Netball Australia, Member Organisations and Affiliates (where applicable and relevant) will seek to ensure that everyone who works with netball 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: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

ATTACHMENT C4: RECORD OF MEDIATION

ATTACHMENT C5: RECORD OF HEARING TRIBUNAL DECISION

| | |
|--|--|
| What does the complainant want to happen to resolve the issue? | |
| What other information has the complainant provided? | |
| What is the complainant going to do now? | |

This record and any notes must be kept in a confidential and safe place. Do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be given to Netball Australia, the Member Organisations or the Affiliate Hearing Officer.

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 in netball | <input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official | |
| Name of person complained about (respondent) | <input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18 | |
| Respondent's role/position in netball | <input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official | |
| Location/event of alleged incident | | |
| Description of alleged incident | | |

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|---|---------------------------------------|--|-----------------------------------|---|------------------------------------|-------------------------------------|--|-------------------------------|--------------------------------------|--------------------------------|-----------------------------------|--|-------|------------------------------------|--|-------|
| <p>Nature of complaint (category/basis/grounds)</p> <p>Tick more than one box if necessary</p> | <table border="0"> <tr> <td><input type="checkbox"/> Sexual Harassment</td> <td><input type="checkbox"/> Discrimination</td> <td><input type="checkbox"/> Verbal abuse</td> </tr> <tr> <td><input type="checkbox"/> Sexual/sexist</td> <td><input type="checkbox"/> Bullying</td> <td><input type="checkbox"/> Physical abuse</td> </tr> <tr> <td><input type="checkbox"/> Sexuality</td> <td><input type="checkbox"/> Disability</td> <td><input type="checkbox"/> Victimisation</td> </tr> <tr> <td><input type="checkbox"/> Race</td> <td><input type="checkbox"/> Child Abuse</td> <td><input type="checkbox"/> Other</td> </tr> <tr> <td><input type="checkbox"/> Religion</td> <td></td> <td>_____</td> </tr> <tr> <td><input type="checkbox"/> Pregnancy</td> <td></td> <td>_____</td> </tr> </table> | <input type="checkbox"/> Sexual Harassment | <input type="checkbox"/> Discrimination | <input type="checkbox"/> Verbal abuse | <input type="checkbox"/> Sexual/sexist | <input type="checkbox"/> Bullying | <input type="checkbox"/> Physical abuse | <input type="checkbox"/> Sexuality | <input type="checkbox"/> Disability | <input type="checkbox"/> Victimisation | <input type="checkbox"/> Race | <input type="checkbox"/> Child Abuse | <input type="checkbox"/> Other | <input type="checkbox"/> Religion | | _____ | <input type="checkbox"/> Pregnancy | | _____ |
| <input type="checkbox"/> Sexual Harassment | <input type="checkbox"/> Discrimination | <input type="checkbox"/> Verbal abuse | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Sexual/sexist | <input type="checkbox"/> Bullying | <input type="checkbox"/> Physical abuse | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Sexuality | <input type="checkbox"/> Disability | <input type="checkbox"/> Victimisation | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Race | <input type="checkbox"/> Child Abuse | <input type="checkbox"/> Other | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Religion | | _____ | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Pregnancy | | _____ | | | | | | | | | | | | | | | | | |
| <p>Methods (if any) of attempted informal resolution</p> | | | | | | | | | | | | | | | | | | | |
| <p>Formal resolution procedures followed (outline)</p> | | | | | | | | | | | | | | | | | | | |
| <p>If investigated:</p> | <p>Finding</p> | | | | | | | | | | | | | | | | | | |
| <p>If heard by Tribunal:</p> | <p>Decision:</p> <p>Action recommended:</p> | | | | | | | | | | | | | | | | | | |

| | |
|--------------------------|--|
| 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 in Netball Australia/Member Organisation/Affiliate: Signature: _____ Date: / / |
| Signed by: | Complainant: Respondent: |

This record and any notes must be kept in a confidential and safe place. Do not enter it on a computer system. If the complaint is of a serious nature, or is escalated to and/or dealt with at the next level, the original must be forwarded to the higher body (ie. Netball Australia or Member Organisation) and a copy kept at the Member Organisation or Affiliate (whatever level the complaint was made).

| | |
|-----------------------------------|---|
| Police contacted | Who: When: Advice provided: |
| Child protection agency contacted | Who: When: Advice provided: |
| CEO contacted | Who: When: |
| Police investigation (if any) | Finding: |
| Child protection agency (if any) | Finding: |
| Internal investigation (if any) | Finding: |
| Action taken | |
| Completed by | Name: Position in Netball Australia/Member Organisation/Affiliate: Signature: _____ Date: / / |
| Signed by | Complainant (if not a child) |

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

ATTACHMENT C4: RECORD OF MEDIATION

| | |
|--|--|
| Present at Mediation | |
| Date of mediation | |
| Venue of mediation | |
| Mediator | |
| Summary of mediation (minutes attached) | |
| Outcome of mediation | |
| Follow-up to occur (if required) | |
| Completed by (signature) | |
| Signed by Complainant (signature) Respondent (signature) | |

This record and any notes must be kept in a confidential and safe place. A copy should be retained by Netball Australia, the Member Organisation or Affiliate (whatever level the complaint was made).

ATTACHMENT E5: RECORD OF HEARING TRIBUNAL DECISION

| | | |
|---|--|--|
| Complainant's Name | | Date Formal Complaint Received: / / |
| Role/status in netball | <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 Respondent | | |
| Role/status in netball | <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 issue | | |
| Description of alleged issue | | |
| Nature of complaint (category/basis/grounds) Tick more than one box if necessary | <input type="checkbox"/> Harassment or Sexual/sexist <input type="checkbox"/> Sexuality <input type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Pregnancy | <input type="checkbox"/> Discrimination <input type="checkbox"/> Bullying <input type="checkbox"/> Disability <input type="checkbox"/> Child Abuse |
| | | <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Physical abuse <input type="checkbox"/> Victimization <input type="checkbox"/> Other _____ _____ |
| Methods (if any) of attempted informal resolution | | |
| Support person (if any) | | |
| Hearing Tribunal Members | | |

| | |
|--|---|
| Hearing Tribunal Date and venue | |
| Hearing Tribunal Decision (attach report) | |
| Action recommended and any follow up report required | |
| Decision Appealed Date of Appeal lodged | |
| Appeal Hearing Date | |
| Appeal Decision (attach report) | |
| Action Recommended | |
| Completed by | Name: Position in Netball Australia/Member Organisation/Affiliate: Signature: _____ Date: / / |
| Signed by | Complainant Respondent |

This record and any notes must be kept in a confidential and safe place. A copy should be retained by Netball Australia, the Member Organisation or Affiliate (whatever level the complaint was made).

