



Surf Life Saving Australia Policy

Policy Name:	Dealing with Police Investigations, Criminal Charges, Guilty Pleas and/or Convictions
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INTRODUCTION

Surf lifesaving is a source of fun, enjoyment, health and well being for all who choose to participate.

This policy supports Surf Life Saving Australia's ("SLSA") commitment to the safety and welfare of members and others who participate in, or engage with, Surf Lifesaving.

This policy also seeks to protect surf lifesaving's highly respected image and reputation within the community as well as reinforce its "zero tolerance" position with respect to those who choose not to respect the dignity, health and welfare of others.

This policy provides direction to all Surf Life Saving Clubs, Branches, State Centres and other affiliated and/or auxiliary organisations for dealing effectively with the situation when a member is subject to a police investigation or has been charged with, and/or convicted of, criminal offence(s) which breach, SLSA policies or codes.

DEFINITIONS

For the purpose of this Policy, the following definitions apply:

"ENTITY" means and includes a Surf Life Saving Club, or a Branch, or a State Centre, or an auxiliary organisation affiliated or formally recognised by a State Centre (e.g. a SLS Supporters Club) or SLSA itself.

"MEMBER" means an individual member of an Entity.

"NATURAL JUSTICE" means the principles to be followed by any person or body which has the responsibility for adjudicating upon disputes or the rights of others.

"RESTRICTED ACTIVITIES" means either part or full restriction to participate or engage in surf lifesaving activities. The scope and conditions of such restricted activities will be determined in accordance with this Policy.

"SERIOUS CRIMINAL OFFENCE" means any offence so defined within or under State and/or Commonwealth laws. For example:

- a) an offence against a person, including abduction, assault occasioning bodily harm, grievous bodily harm, rape, murder, indecent treatment, indecent dealing, maintaining a sexual relationship with a child, carnal knowledge, deprivation of liberty, cruelty;
- b) drug offences, including cultivation, supply, importation, trafficking, misuse etc of prohibited or restricted substances;
- c) robbery, fraud, extortion, misappropriation or other offence involving dishonesty;
- d) offences such as the possession, making, procurement or sale of child pornography and/or other objectionable literature, film, computer games etc.



PRINCIPLES

This Policy has been produced in accordance with the following principles:

- I. no Member or Entity shall compromise any Police investigation(s);
- II. Members and Entities shall cooperate fully with investigating Police and any government and/or judicial or administrative authority, without diminishing any common law or legislated rights available to them;
- III. an Entity shall be concerned about, and be protective of, the welfare of alleged or real "victims";
- IV. subject to the law, an Entity shall deal with allegations, investigations, charges and convictions proficiently, that is, promptly, openly, and honestly;
- V. at all times, Members and Entities shall act with integrity;
- VI. Members and Entities shall remain focussed on maintaining effective surf lifesaving operations and services (including patrols); and,
- VII. Members and Entities shall respect and comply with the rules of Natural Justice.

1. WHEN A MEMBER IS THE SUBJECT OF A POLICE INVESTIGATION

As soon as an Entity or an officer of an Entity becomes aware that a Member is subject to a Police investigation, the Entity shall ensure the following actions are taken:

- 1.1 The Entity shall immediately advise the relevant State Centre's Chief Executive Officer ("CEO") who shall appoint a person to liaise and assist the Entity to:
 - I. appoint and assist a spokesperson for the Entity (see Appendix B);
 - II. where appropriate, produce and deliver internal and external "Official Statements";
 - III. liaise (as appropriate and after consultation with Police) with the accused and accuser(s) and their families;
 - IV. monitor the welfare of the alleged/real "victim" and the accused; and
 - V. ensure this Policy is complied with.
- 1.2 The Entity (or appointed senior Officer(s) of the Entity) and the State Centre CEO (or his nominee) may, if appropriate, liaise with the Member, police and other authorities to ascertain details about the alleged offences being investigated.
- 1.3 The Entity's Board or appointed officer(s), in consultation with the State Centre CEO (or his nominee), shall determine what action is to be taken pending the police investigation. The Member being investigated may be suspended (in part or full) and/or be required to step-aside from any official position(s) within the Entity or other relevant Entities including the State Centre.
- 1.4 The State Centre shall advise relevant authorities (e.g. SLSA and other authorities as required by law), if the alleged offence involves a minor.
- 1.5 Offers for counseling support (e.g. Lifesaving Ministries, LifeLine, Anglicare, Sexual Assault Support Services) shall be communicated to Members by the relevant Entity.



1.6 The Entity shall acknowledge and formally adopt the “Position Statement & Protocols” as per Appendix A.

2. WHEN A MEMBER IS CHARGED WITH A ‘SERIOUS CRIMINAL OFFENCE’

As soon as an entity or an officer of an entity becomes aware that a member has been charged with a serious criminal offence the following actions shall be taken:

- 2.1 The Entity shall immediately advise the State Centre CEO who shall appoint a person to liaise with and assist the Entity to:
- I. appoint and assist a spokesperson for the Entity (see Appendix B);
 - II. where appropriate and after consultation with Police, produce and deliver internal and external “Official Statements”;
 - III. liaise (as appropriate and after consultation with Police) with the accused and accuser(s) and their families;
 - IV. monitor the welfare of the alleged/real “victim” and the accused; and
 - V. ensure this Policy is complied with.
- 2.2 The Entity shall acknowledge and formally adopt the “Position Statement & Protocols” as per Appendix A.
- 2.3 The Entity’s Board or appointed officer(s), in consultation with the State Centre CEO (or his nominee), shall determine whether the charged Member is suspended (in full or part) or placed on “Restricted Activities”.
- 2.4 The Entity’s Board or appointed officer(s), in consultation with the State Centre CEO (or his nominee), shall also determine whether the Member being investigated shall be required to step-aside from any official position(s) within the Entity or other relevant Entities including the State Centre.
- 2.5 The State Centre and/or SLSA shall advise relevant authorities (e.g. SLSA and the relevant State/Territory Children’s Commission) if the alleged offence involves a minor.
- 2.6 The Entity may convene a meeting of Members and other interested parties to inform Members of certain aspects of the situation and to reinforce this Policy.
- 2.7 The charged Member, and immediate relatives of the charged Member and/or accusing Member may, at the direction of the State Centre CEO, be required to step aside from any official position(s) with the Entity or other relevant Entities including the State Centre or SLSA to diffuse any potential conflict of interest or perceptions of conflict of interest, until the matter is resolved.
- 2.8 Similarly, close friends of the charged Member may, at the direction of the State Centre CEO, be required to step aside from any official positions to diffuse any potential conflict of interest or perceptions of conflict of interest, until the matter is resolved.
- 2.9 Offers for counseling support (eg Lifesaving Ministries, LifeLine, Anglicare, Sexual Assault Support Services) shall be communicated to Members by the Entity.



3. WHEN A MEMBER IS SUBJECT TO A COMMITTAL HEARING OR TRIAL

As soon as an entity or an officer of an entity becomes aware that a member is to appear before a committal hearing or trial (other than as a witness), the following actions shall be taken:

- 3.1 The Entity shall immediately advise the State Centre CEO who shall appoint a person to liaise with and assist the Entity to:
 - I. appoint and assist a spokesperson for the Entity (see Appendix B);
 - II. where appropriate, produce and deliver internal and external "Official Statements";
 - III. liaise (as appropriate) with the accused and accuser(s) and their families;
 - IV. monitor the welfare of the alleged/real "victim" and the accused; and
 - V. ensure this Policy is complied with.
- 3.2 The Entity shall acknowledge and formally adopt the 'Position Statement & Protocols' as per Appendix A.
- 3.3 If the Member is committed to trial he/she shall be suspended pending the outcome of the Trial.
- 3.4 The entity may convene a meeting of members and other interested parties to inform members of the situation and to reinforce these protocols [**note:** under no circumstances can any information be provided which could identify the identity of a complainant/victim where the complainant/victim is a minor].
- 3.5 The immediate relatives of the charged Member may, at the direction of the Entity's Board or the State Centre CEO, be required to step aside from any official position(s) within the Entity or other relevant Entities including the and SLSA to diffuse any potential conflict of interests or perceived conflict of interest, until the matter is resolved.
- 3.6 Similarly, close friends of the charged Member may, at the direction of the State Centre CEO, be required to step aside from any official positions to diffuse any potential conflict of interest or perceptions of conflict of interest, until the matter is resolved.
- 3.7 Offers for counseling support (eg Lifesaving Ministries, LifeLine, Anglicare, Sexual Assault Support Services) shall be communicated to Members by the Entity.
- 3.8 The state centre shall advise relevant authorities (e.g. Slsa, state/territory children's commission etc).

4. WHEN A MEMBER IS CONVICTED OF A SERIOUS CRIMINAL OFFENCE

As soon as an Entity or an officer of an Entity becomes aware that a Member has been found guilty of a serious criminal offence (either on his/her own plea or following a trial and irrespective of whether a conviction is recorded or not), the following actions shall be taken:

- 4.1 The entity shall immediately inform the state centre ceo who shall appoint a person to liaise and assist the entity with the following:
 - I. appointing and assisting a spokesperson for the Entity (see Appendix B);
 - II. producing internal and external "Official Statements";
 - III. ensuring these protocols are complied with; and



IV. monitor the well-being of any victim(s).

- 4.2 The convicted person shall be automatically expelled from all surf lifesaving entities of which he or she is a member. [note: a life member who is convicted shall also have his/her life membership(s) automatically revoked.]
- 4.3 the entity may convene a meeting of members and other interested parties to inform members of the situation and to reinforce these protocols. [note: under no circumstances can any information be provided which could identify the identity of a complainant/victim where the complainant/victim is a minor].
- 4.4 the entity shall use its best endeavours to monitor and support, where appropriate, the well being of the victim(s).
- 4.5 the state centre shall advise relevant authorities (e.g. Slsa, state/territory children's commission etc).

5. MEMBERSHIP (NEW & RENEWAL) APPLICATIONS FROM PERSONS WITH PAST CONVICTIONS FOR SERIOUS CRIMINAL OFFENCE(S)

- 5.1 No Club shall knowingly accept a membership application from a person who has a prior recorded conviction for a Serious Criminal Offence without the prior written approval of its State Centre.
- 5.2 If a Club receives an application for membership from a person who has a prior recorded conviction for a Serious Criminal Offence, the application must be referred to the State Centre's CEO who shall, taking SLSA policies into account, determine whether the application can be accepted for consideration. Should there be any doubt or special circumstances, the State CEO may refer the matter to the State Centre Judiciary Committee for review and determination as to whether to accept the person into membership and any conditions for such acceptance.
- 5.3 The procedures to be followed in dealing with such matters, including any appeals against the State Centre CEO or Judiciary Committee's decisions shall be as prescribed in the rules of the State Centre and SLSA.

6. BREACHES OF PROTOCOLS

Any breaches of this policy will be dealt with severely.

Allegations of breaches eg harassment, public comment, etc, shall be investigated promptly by the State Centre's appointed Liaison Officer as follows:

- 6.1 The Entity's Liaison Officer shall provide a report on the outcomes of the investigation to the Entity's Management Committee and the State Centre.
- 6.2 Proven breaches may, subject to clause 6.5, result in suspension for not less than 12 months.
- 6.3 A repeated breach may, subject to clause 6.5, result in termination of membership.
- 6.4 The penalised Member may appeal any such penalties.
- 6.5 The accused shall be required to 'show cause', under clauses 6.2 and 6.3, why the penalties should not be applied. Should the accused fail to satisfactorily 'show cause', the penalties set out in clauses 6.2 and 6.3 shall be applied.



APPENDIX "A"

POSITION STATEMENT AND PROTOCOLS

(Entity)..... acknowledges that concerning allegations and/or charges have been laid against a Member which are subject to formal Police/court proceedings.

The [Entity's] Board wishes to ensure that formal processes are unhindered and that the operations of the [Entity], and the valuable safety (and other) services provided to the community are not compromised in any way.

Members and supporters of the [Entity] acknowledge and will adhere to the following:

1. The issue(s) are being dealt with by appropriate authorities.
2. [Name] from State Centre has been appointed as the State Liaison Officer and spokesperson.
3. Formal processes must be allowed to run their course unhindered by all concerned.
4. The [Entity], its officers and Members will co-operate fully with appropriate authorities and acknowledge that any actions inhibiting "due process" may be interpreted as an attempt to pervert the course of justice.
5. Any actions, including adverse comments or any other dealings (eg harassment, abuse etc), against any members (or their families) concerned with the legal proceedings will not be tolerated.
6. The [Entity] Board will deal swiftly and sternly with any reports and/or actions, which adversely affect the interest or welfare of members, their families, witnesses, etc., involved in the legal proceedings.
7. Members will refrain from commenting on the issue to anyone except appropriate legal personnel.
8. Members will refer any questions or queries to the appointed [Entity] spokesperson.
9. Members will remain focussed on carrying out [Entity's] duties and responsibilities.
10. No discussions on the issue(s) or any administrative or legal proceedings shall be permitted at the [Entity's] meetings, unless approved by the State Centre.



APPENDIX "B"

JOB DESCRIPTION FOR ENTITY SPOKESPERSON

Skills and Knowledge

1. have appropriate media training
2. understand legal processes
3. have an understanding of grievance and harassment resolution strategies

Roles

1. Assist the State Centre liaison officer
2. Ensure that the Entity confirms to this policy
3. Complete the Position Statement & Protocols in Appendix A
4. Assist with the development of Official Statements