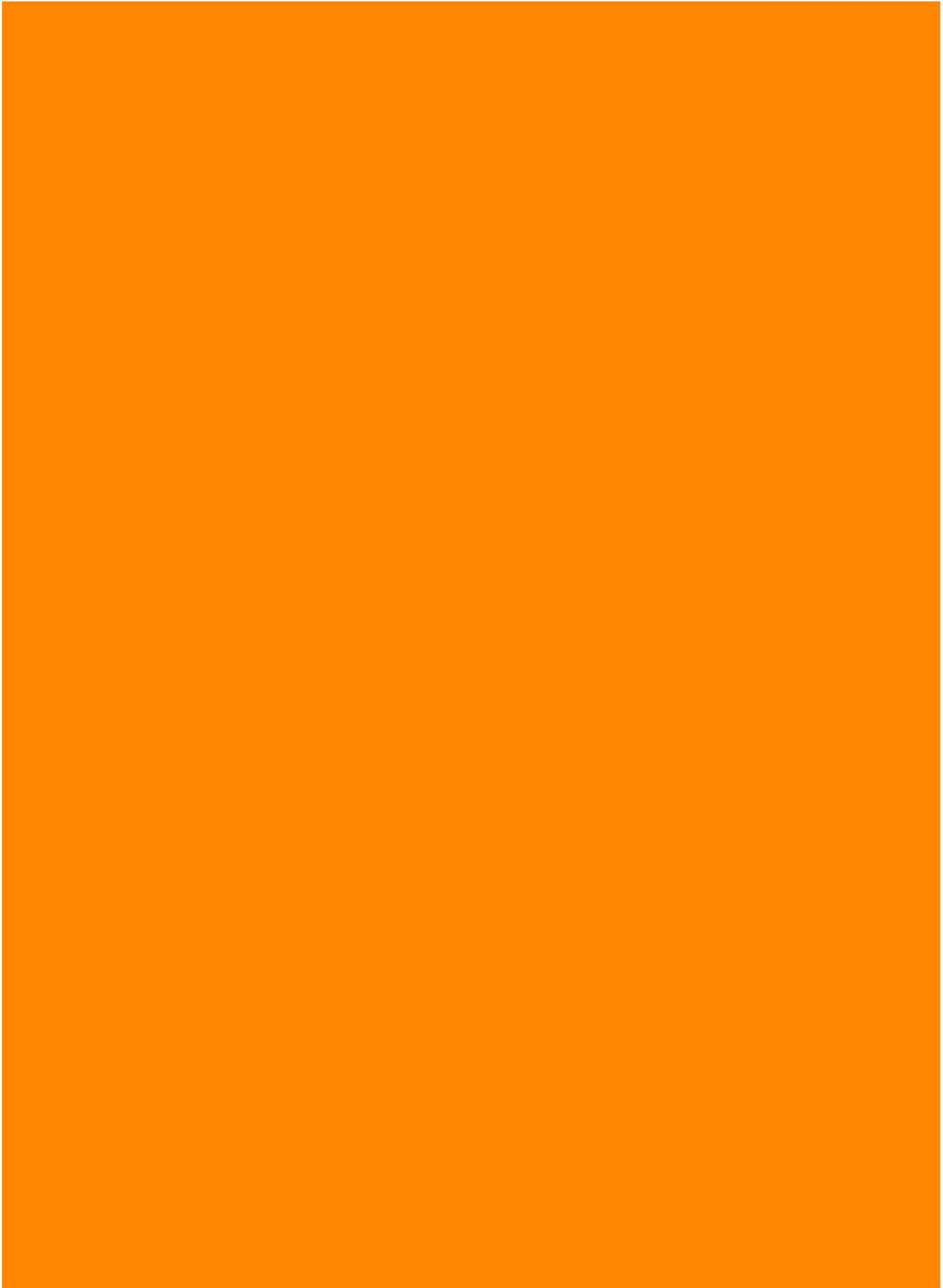


Tennis Australia Member  
Protection

By-Law



# Preface

## Tennis Australia Member Protection By-Law

Tennis Australia is committed to the health, safety and well-being of all its members and participants and is dedicated to providing a safe environment for participating in the sport of Tennis throughout Australia.

The positive virtues of involvement in the sport of tennis are well heralded and evidenced by the thousands of young Australians freely swinging their racquets across the country each week. The value of regular exercise gained through tennis to an individual's personal health and fitness should not be underestimated, nor the role that social interaction provided through the club environment can play in developing a young person's self esteem and involvement in their local community.

However, harassment in sport can serve to drastically undermine these intrinsic benefits of involvement in tennis. The unfortunate reality is that tennis, as a sport, is not immune from acts of discrimination, harassment and abuse, rather to the contrary, sport provides an environment which in many cases lends itself to conduct which is not only inappropriate, but also unlawful.

Depending on the nature of the case, instances of harassment or abuse in sport can have devastating effects for not only the individuals involved, but also the sporting organisation itself. Apart from exposing the club or association to potential legal liability, officials may be faced with low morale, an unpleasant environment, higher turnover of volunteers and the prospect of long-term damage to the organisation's image and reputation. These are all unnecessary harms which Tennis Australia is anxious to avoid.

The adoption of the Tennis Australia Member Protection By-Law reflects Tennis Australia's dedication to serving and protecting its members and participants throughout all levels of the sport. However the adoption of the Member Protection By-Law itself is just the first step in affording our members and participants the protection they deserve. The successful implementation and enforcement of this Member Protection By-Law requires the cooperation and commitment of Tennis Australia members and participants at all levels.

The following Member Protection By-Law conveys a strong message to all Tennis Australia members and participants, and prospective members and participants, that as a sport, we are committed to ensuring the safety of our most valuable asset well into the future.

Geoff Pollard AM  
President  
Tennis Australia



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# Part I – Introduction

**This Part sets out the purpose of this By-Law, what it covers, who it applies to and when it commences.**

## 1- What is the Purpose of this By-Law?

- 1.1** The purpose of this By-Law is to protect the health, safety and well being of all Tennis Australia members and of those who participate in the activities of Tennis Australia, Member Associations, Affiliated Organisations, Member Affiliated Organisations, Regional Associations and Affiliated Clubs.
- 1.2** Tennis Australia also seeks to provide a safe environment for those participating in the activities of Tennis Australia, and its Members.
- 1.3** This By-Law confirms that Tennis Australia, and its Members will not tolerate harassment, discrimination or abuse of those involved in its or its Members' activities.
- 1.4** This By-Law also records Tennis Australia's commitment to strong ethical principles and its requirement that all people participating in its activities must comply with principles of responsible and professional behaviour.
- 1.5** Tennis Australia believes everyone who participates in its, and its Members' activities has the right to be treated with respect and dignity. They also have the right to have any complaints dealt with in a fair, confidential and sensitive manner, and to be given the opportunity to be heard before any penalties are imposed.
- 1.6** This By-Law also recognises that certain types of harassment and discrimination are unlawful and that the notification of abuse to the relevant governmental authority, in certain cases, is a legal requirement.
- 1.7** Tennis Australia, and its Members also seek to recruit and retain only those people who commit to the principles set out in this By-Law. To this end Tennis Australia, and its Members seek the right to obtain a Police Check and undertake a rigorous recruitment process before appointing people to be involved in their activities, especially those in roles involving people who have unsupervised contact with children under 18 years of age.

## 2- What does this By-Law Cover?

- 2.1** This By-Law details a number of ways in which Tennis Australia and its Members seek to fulfil the purposes set out in clause 1.
- 2.2** In summary, this By-Law sets out the following:
- it is a mandatory requirement from the date this By-Law comes into force for Tennis Australia and its Member Associations to screen Preferred Potential Appointees and Existing Appointees in certain roles. It is mandatory for Affiliated Organisations, Member Affiliated Organisations, Regional Associations and Affiliated Clubs to do the same from 1 October 2002 (see Part II, clause 6);
  - it is a mandatory requirement from the date this By-Law comes into force for Tennis Australia and its Member Associations to obtain a Prohibited Persons Declaration from Preferred Potential Appointees and Existing Appointees in certain roles. It is mandatory for Affiliated Organisations, Member Affiliated Organisations, Regional Associations and Affiliated Clubs to do the same from 1 October 2002 (see Part II, clause 7);

- it is a requirement for Tennis Australia, Member Associations, Affiliated Organisations, Member Affiliated Organisations, Regional Associations and Affiliated Clubs to promote and distribute this By-Law and to enforce and recognise any penalties imposed under it (see Part II, clause 8);
  - it is an offence under this By-Law to engage in "Harassment", including engaging in Sexual Harassment, Abuse and Vilification (see Part III, clause 9);
  - it is an offence under this By-Law to engage in "Discrimination" (see Part III, clause 10);
  - all coaches, umpires, administrators, other officials, players and parents/guardians are bound by a Code of Conduct (see Part III, clause 12 and attachments);
  - a process for making a Complaint about a possible breach of this By-Law (see Part III, clauses 14, 15 and 16);
  - a process for investigating a possible breach of this By-Law (see Part III, clause 16);
  - a process for a hearing about an alleged breach of this By-Law (see Part III, clause 17);
  - a list of possible penalties which can be imposed (see Part III, clause 18); and
  - an appeal process (see Part III, clause 19);
  - this By-Law records the legal requirement to notify abuse to the relevant governmental authority in certain situations (see Part III, clause 20).
- (c) officials appointed or elected by Tennis Australia, Member Associations, Affiliated Organisations, Member Affiliated Organisations, Regional Associations and Affiliated Clubs in relation to players and/or teams which represent such organisations including team management personnel such as coaches, managers, physiotherapists etc;
  - (d) tennis coaches (including assistant coaches) who:
    - (i) are appointed and/or employed by Tennis Australia, Member Associations, Affiliated Organisations, Member Affiliated Organisations, Regional Associations and Affiliated Clubs (whether paid or unpaid); or
    - (ii) are Accredited Coaches; or
    - (iii) have an agreement (whether or not in writing) with Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club to coach tennis at a facility owned or managed by such organisation;
  - (e) referees, umpires and other officials (eg lines persons) involved in the regulation of the game of tennis appointed by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisations, a Regional Association or an Affiliated Club;
  - (f) tennis players who:
    - (i) enter any tournament, activity or events (including camps, training sessions) which are held or sanctioned by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisations, a Regional Association or an Affiliated Club; or
    - (ii) are registered with a Regional Association and/or Affiliated Club as a player and/or member of that Regional Association and/or Affiliated Club;
  - (g) Member Associations;
  - (h) Affiliated Organisations;
  - (i) Member Affiliated Organisations;
  - (j) Regional Associations;
  - (k) Affiliated Clubs;
  - (l) any other person or organisation who or which is a member of, or affiliated to Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisations, a Regional Association or an Affiliated Club (including Life Members);

### 3- Who does this By-Law Apply to?

**3.1** This By-Law applies to the following organisations and individuals:

- (a) persons and administrators appointed or elected to boards of directors, executives and/or committees (including sub-committees), including office bearers such as presidents, vice-presidents, treasurers, secretaries and selectors of Tennis Australia, Member Associations, Affiliated Organisations, Member Affiliated Organisations, Regional Associations and Affiliated Clubs;
- (b) employees of Tennis Australia, Member Associations, Affiliated Organisations, Member Affiliated Organisations, Regional Associations and Affiliated Clubs;



- (m) any other person or organisation (for example a parent/guardian, spectator or sponsor) who or which agrees, in writing, (whether on a ticket, entry form or otherwise) to be bound by this By-Law.

## 4- What is the Status of this By-Law?

- 4.1** This By-Law is issued by special resolution of the Council of Tennis Australia under article 66 of the Tennis Australia Constitution.
- 4.2** Affiliated Organisations, Member Affiliated Organisations, Regional Associations and Affiliated Clubs shall not be required to comply with clauses 6 and 7 of Part II (screening and Prohibited Person Declaration) of this By-Law until 1 October 2002, except where otherwise required by law.
- 4.3** The reference to allegations in Part III shall only include allegations which arise out of incident(s) occurring on or after the date this By-Law comes into force, unless the allegation is of Sexual Harassment, Discrimination, Abuse or Vilification of a sexual or physical nature, in which case the allegation must arise out of an incident(s) which occurred on or after 1 April 1999.
- 4.4** This By-Law may be changed from time to time by the Council of Tennis Australia.

## 5- What do words in this By-Law Mean?

- 5.1** In this By-Law the following words, shall be construed with the following meaning:
- “Abuse”** means a form of Harassment and as more specifically set out in Part III, clauses 9.9 to 9.11 of this By-Law.
- “Accredited Coach”** means a coach who is accredited by a Tennis Australia Approved Coach Education Provider.
- “Affiliated Clubs”** means those tennis clubs, which are a member of or affiliated to a Regional Association and/or a Member Association.
- “Affiliated Organisations”** means those organisations (other than Member Associations, Regional Associations and Affiliated Clubs) which are affiliated to Tennis Australia including but not limited to the following:

- Tennis Coaches Australia Limited
- Tennis Umpires Australia Inc
- Veterans Tennis Association of Australia Inc trading as Tennis Veterans Australia
- The Australian Davis Cup Tennis Foundation
- Australian Federation Cup Tennis Foundation trading as Australian Fed Cup Tennis Foundation.

**“Australian Sports Commission”** means the government agency established under the Australian Sports Commission Act 1989 and includes the Australian Institute of Sport.

**“By-Law”** and **“this By-Law”** means this Member Protection By-Law.

**“Complaint”** means a complaint made under Part III, clauses 14 and 15 of this By-Law.

**“Disciplinary Officer”** means a person appointed in accordance with clauses 8.1(g) and 8.3 (b).

**“Disciplinary Tribunal”** means the tribunal of Tennis Australia, a Member Association or if applicable, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club established to hear and determine alleged offences and appeals under this By-Law.

**“Discrimination”** means a form of harassment and as more specifically set out in Part III, clause 10 of this By-Law.

**“Existing Appointee”** means a person currently elected, appointed or holding a position, whether by way of employment, contract or otherwise and whether paid or unpaid.

**“Harassment”** has the meaning set out in Part III, clause 9 of this By-Law.

**“Member Affiliated Organisations”** means those organisations (other than Regional Associations and Affiliated Clubs) which are members of or affiliated to Member Associations and /or Affiliated Organisations and by way of example include:

- Tennis Coaches Australia – South Australia Inc
- Tennis Umpires Australia Queensland Division Inc
- Tennis Veterans New South Wales Inc.

**“Member Associations”** means those entities which are members of Tennis Australia in accordance with its constitution and which include:

- Royal Queensland Lawn Tennis Association Ltd (ABN 59 791 018 345)
- Northern Territory Tennis Council Inc (ABN 58 257 241 220)

- Tennis SA Inc (ABN 19 103 003 187)
- Victorian Tennis Association Inc (ABN 29 757 304 158)
- New South Wales Tennis Association Ltd (ABN 30 000 011 558)
- Australian Capital Territory Tennis Association Inc (ABN 90 299 507 250)
- Tennis Tasmania Inc (ABN 58 889 629 361)
- The Western Australian Tennis Association Inc (ABN 90 803 634 736)

**“Member Protection Officer”** means a person appointed in accordance with clauses 8.1(e) and 8.3 (a).

**“Members”** means the Affiliated Organisations, Member Affiliated Organisations, Member Associations, Regional Associations and Affiliated Clubs.

**“Police Check”** means a police records check which provides a search on a national basis.

**“Preferred Potential Appointee”** means a person short listed for a position, whether by way of employment, contract or otherwise and whether paid or unpaid.

**“Prohibited Person”** means a person who has been convicted of a Serious Sex Offence.

**“Prohibited Person Declaration”** means a declaration in relation to Serious Sex Offences as set out in Attachment H (see clause 7 of Part III of this By-Law).

**“Regional Associations”** means those regional or metropolitan tennis associations, which are members of, or affiliated to a Member Association.

**“Serious Sex Offence”** means an offence involving sexual activity or acts of indecency including but not limited to:

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality

- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

**“Sexual Harassment”** means a form of Harassment and as more specifically set out in Part III, clauses 9.5 to 9.8 of this By-Law.

**“Tennis Australia”** means the Lawn Tennis Association of Australia Ltd [ABN 61 006 281 125]

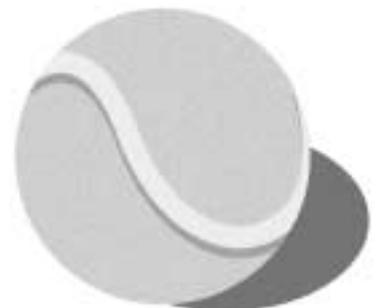
**“Tennis Australia Approved Coach Education Provider”** means an individual or organisation approved by Tennis Australia to undertake development and advanced coaches courses in accordance with the Tennis Australia guidelines as amended from time to time.

**“Tennis Australia Code of Conduct”** means the code set out as Appendix II to the “Rules of Tennis - the Official Book of Tennis Umpires Australia Inc”, as approved by Tennis Australia and as amended from time to time.

**“Tennis Australia Constitution”** means the memorandum and articles of association of Tennis Australia as amended from time to time.

**“their Nominee”** means the person who is, under the constitution of the relevant organisation, empowered to act in the President’s absence and may include a Vice-President, Deputy Chairperson or other similar title, however described.

**“Vilification”** means a form of Harassment and as more specifically set out in Part III, clause 9.12 of this By-Law.



# Part II - Preventative Action

**This Part sets out the requirement for mandatory screening and declarations for certain roles within tennis and the requirement for Members to distribute and enforce this By-Law.**

## 6- What is Screening?

- 6.1** One of the ways Tennis Australia and its Members seek to protect the health, safety and well being of all the people participating in their activities is to screen people for certain roles.
- 6.2** Subject to clause 4.2 of Part I, screening (as set out in clause 6.4 below) is mandatory for Tennis Australia, Member Associations, Affiliated Organisations, Member Affiliated Organisations, Regional Associations and Affiliated Clubs for Preferred Potential Appointees and Existing Appointees in the following types of roles:
- (a) coaches who are appointed or seeking appointment (whether employed, contracted or otherwise) by Tennis Australia, Member Associations, Affiliated Organisations, Member Affiliated Organisations, Regional Associations or Affiliated Clubs for reward;
  - (b) volunteer coaches appointed or seeking appointment by Tennis Australia, Member Associations, Affiliated Organisations, Member Affiliated Organisations, Regional Associations or Affiliated Clubs, who will or are likely to travel away with teams of players under 18 years of age; and
  - (c) persons appointed or seeking appointment by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club to a role in which that person is likely to have individual and unsupervised contact with players under 18 years of age (for example, a team manager).
- 6.3** Screening is highly recommended, but not mandatory, for Preferred Potential Appointees and Existing Appointees in the following types of roles:
- (a) volunteer coaches appointed or seeking appointment by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club who will or are likely to travel away with teams of players over 18 years of age; and
  - (b) persons appointed or seeking appointment by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club to a role in which that person is likely to have contact with players under 18 years of age but where such contact is supervised at all times by another adult.
- 6.4** For the purposes of this By-Law, screening shall mean:
- (a) Checking the Preferred Potential Appointees' referees;
  - (b) Interviewing the Preferred Potential Appointees; and
  - (c) Obtaining a Police Check of the Preferred Potential Appointees and Existing Appointees.
- 6.5** Checking the Preferred Potential Appointees' referees (in clause 6.4(a)) includes making verbal or written inquiries of the Preferred Potential Appointees' nominated referees (preferably at least 2) as to the Preferred Potential Appointees' suitability for the proposed role and their suitability for involvement with children under 18 years of age.
- 6.6** Interviewing the Preferred Potential Appointee (in clause 6.4(b)) includes questioning the Preferred Potential Appointee as to their suitability for the proposed role and their suitability for involvement with children under 18 years of age.

- 6.7** The purpose of a Police Check is to see whether the person has any previous criminal convictions. If the Police Check reveals that the person has committed any criminal offences then the following requirements apply:
- (a) If the offence (whenever it occurred) is one involving dishonesty, drugs, violence, an offence against a person (e.g. sex offences, assault) or an offence which in any way involved persons under 18 years of age, then:
    - (i) in the case of a Preferred Potential Appointee, they must not be appointed to the role. If that person is appointed to a role, it is an offence under this By-Law (see Part III, clause 13) and the Member who appointed the person will be penalised in accordance with this By-Law;
    - (ii) in the case of an Existing Appointee, steps must be taken to end the appointment. Note legal advice should be sought before such termination occurs.
  - (b) If the offence is one other than those in clause 6.7(a), such as an offence to property or a minor traffic offence, then the Preferred Potential Appointee may be appointed, subject to satisfaction of any other criteria for the role.
- 6.8** All persons to whom this By-Law applies must agree to Tennis Australia, the relevant Member Association, the relevant Affiliated Organisation, the relevant Member Affiliated Organisation, the relevant Regional Association or the relevant Affiliated Club obtaining a Police Check of them, if they apply for or currently hold a role of the type set out in clause 6.2. The Police Check must be obtained, in the case of:
- (a) a Preferred Potential Appointee, prior to the appointment;
  - (b) an Existing Appointee:
    - (i) in the case of Tennis Australia and Member Associations, by 1 April 2002;
    - (ii) in the case of Affiliated Organisations, Member Affiliated Organisations, Regional Associations and Affiliated Clubs, by 1 April 2003.
- 6.9** If a Preferred Potential Appointee or Existing Appointee is not willing to agree to a screening, Tennis Australia, the relevant Member Association, the relevant Affiliated Organisation, the relevant Member Affiliated Organisation, the relevant Regional Association and/or the relevant Affiliated Club shall:
- (a) in the case of a Preferred Potential Appointee, not appoint that person to the role concerned. Breach of this requirement is an offence under this By-Law (see Part III) and will be penalised in accordance with this By-Law;
  - (b) in the case of an Existing Appointee, steps must be taken to end the appointment. Note legal advice should be sought before such termination occurs.
- 6.10** All information obtained during the course of screening (including any Police Check) must be kept confidential to the legal advisers, persons or committee within Tennis Australia, the Member Association, the Affiliated Organisation, the Member Affiliated Organisation, the Regional Association or the Affiliated Club who has been delegated the task of investigating and/or making the appointment for the role. Information collected during screening about a person who is not appointed to the role must be returned to the Preferred Potential Appointee and not retained unless the Preferred Potential Appointee agrees.
- 6.11** After an initial Police Check has been provided by either a successful Preferred Potential Appointee or an Existing Appointee under this By-Law, such appointee is required to advise the President (or in their absence their Nominee), of the organisation which appointed them, in writing, immediately upon any conviction for a criminal offence by them.
- 6.12** Screening under this By-Law is not a replacement for any similar requirement prescribed by law, for example in New South Wales the requirements under the Child Protection (Prohibited Employment) Act 1998 and in Queensland the requirements of the Commission for Children and Young People Act 2000. If a person is to be screened under State screening legislation and that State screening legislation sets an equivalent or higher standard of screening to that set under this By-Law, then to the extent of any duplication, the requirement to screen under this By-Law need not be followed as it would be superseded by any similar requirement prescribed by law.

## 7- Prohibited Person Declaration

**7.1** In addition to screening, another mechanism which Tennis Australia and its Members consider appropriate to minimise the chances of inappropriate behaviour occurring is mandatory Prohibited Person Declarations of all Preferred Potential Appointees and Existing Appointees appointed to a role set out in clause 7.2.

**7.2** Subject to clause 4.2 of Part I, it is mandatory for Tennis Australia, Member Associations, Affiliated Organisations, Member Affiliated Organisations, Regional Associations and Affiliated Clubs to obtain a Prohibited Person Declaration (as set out in clause 7.5 below) from Preferred Potential Appointees and Existing Appointees in the following types of roles:

- (a) coaches who are appointed or seeking appointment (whether employed, contracted or otherwise) by Tennis Australia, Member Associations, Affiliated Organisations, Member Affiliated Organisations, Regional Associations or Affiliated Clubs for reward;
- (b) volunteer coaches appointed or seeking appointment by Tennis Australia, Member Associations, Affiliated Organisations, Member Affiliated Organisations, Regional Associations or Affiliated Clubs, who will or are likely to travel away with teams of players under 18 years of age; and
- (c) persons appointed or seeking appointment by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club to a role in which that person is likely to have individual and unsupervised contact with players under 18 years of age (for example, a team manager).

**7.3** It is an offence under this By-Law (see Part III, clause 13) for a Prohibited Person to work or seek work in the roles set out in clause 7.2.

**7.4** It is also an offence under this By-Law (see Part III, clause 13) for Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club to:

- (a) in the case of a Preferred Potential Appointee,

to appoint the Preferred Potential Appointee in any of the roles set out in clause 7.2 without first obtaining a Prohibited Person Declaration or to appoint a Preferred Potential Appointee who is a Prohibited Person;

- (b) in the case of an Existing Appointee, to continue to appoint a Prohibited Person in the roles set out in clause 7.2.

**7.5** The Prohibited Person Declaration must be obtained, in the case of:

- (a) a Preferred Potential Appointee, prior to the appointment;
- (b) an Existing Appointee:
  - (i) in the case of Tennis Australia and Member Associations, by 1 April 2002;
  - (ii) in the case of Affiliated Organisations, Member Affiliated Organisations, Regional Associations and Affiliated Clubs, by 1 April 2003.

**7.6** If the Prohibited Person Declaration is not provided in accordance with clause 7.2 and 7.5, or the Prohibited Person Declaration reveals that the person is a Prohibited Person, Tennis Australia, the relevant Member Association, the relevant Affiliated Organisation, the relevant Member Affiliated Organisation, the relevant Regional Association and/or the relevant Affiliated Club must:

- (a) in the case of a Preferred Potential Appointee, not appoint the person to any of the roles. If that person is appointed to a role, it is an offence under this By-Law (see Part III, clause 13) and the Member who appointed the person will be penalised in accordance with this By-Law;
- (b) in the case of an Existing Appointee, steps must be taken to transfer the person to another role which is not set out in clause 7.2 or if no such alternatives exist, to end the appointment of the person. Note legal advice should be sought before such termination occurs.

**7.7** All information in the Prohibited Person Declaration must be kept confidential to the legal advisers, persons or committee within Tennis Australia, the Member Association, the Affiliated Organisation, the Member Affiliated Organisation, the Regional Association or the Affiliated Club who has been delegated the task of requesting and reviewing the Prohibited Person Declaration.

- 7.8** After an initial Prohibited Person Declaration has been provided by either a successful Preferred Potential Appointee or an Existing Appointee under this By-Law, such appointee is required to advise the President (or in their absence their Nominee), of the organisation which appointed them, in writing, immediately upon becoming a Prohibited Person.
- 7.9** Obtaining a Prohibited Person Declaration under this By-Law is not a replacement for any similar requirement prescribed by law, for example in New South Wales the requirements under the Child Protection (Prohibited Employment) Act 1998.
- 8.2** Affiliated Organisations, Member Affiliated Organisation, Regional Associations and Affiliated Clubs must:
- (a) adopt and comply with this By-Law;
  - (b) recognise and enforce any penalty imposed under this By-Law;
  - (c) publish, distribute and promote this By-Law (and any amendments made to it from time to time) to their members, in the manner required by Tennis Australia and make this By-Law available for inspection, or provide a copy;
  - (d) make such amendments to their constitution, rules or by-laws in order for this By-Law to be enforceable, as required by Tennis Australia;
  - (e) use any forms, contracts and clauses prescribed by Tennis Australia in order to give effect to this By-Law in such documents as contracts, entry forms and player registration forms, as directed by Tennis Australia.

## 8- Disclosure and Enforcement of this By-Law

- 8.1** Tennis Australia and Member Associations must:
- (a) adopt and comply with this By-Law;
  - (b) recognise and enforce any penalty imposed under this By-Law;
  - (c) publish, distribute and promote this By-Law (and any amendments made to it from time to time) to their members, in the manner required by Tennis Australia and make this By-Law available for inspection, or provide a copy;
  - (d) make such amendments to their constitution, rules or by-laws in order for this By-Law to be enforceable, as required by Tennis Australia;
  - (e) appoint two Member Protection Officers annually to fulfil the functions set out in Part III, clauses 14, 15 and 16 of this By-Law, and to publish and display the names and contact details of such persons to their members;
  - (f) use any forms, contracts and clauses prescribed by Tennis Australia in order to give effect to this By-Law in such documents as contracts, entry forms and player registration forms, as directed by Tennis Australia;
  - (g) appoint a Disciplinary Officer annually to fulfil the functions set out in Part III, clause 16 and 17 of this By-Law and to publish and display the names of such person to their members; and
  - (h) establish a Disciplinary Tribunal in accordance with Part III, clause 17 of this By-Law, to fulfil the functions set out in clauses 17 and 18 of Part III.
- 8.3** It is not mandatory for Affiliated Organisations, Member Affiliated Organisations, Regional Associations and Affiliated Clubs to establish procedures for dealing with Complaints and hearings under Part III of this By-Law. If an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Clubs wishes to establish procedures for dealing with Complaints and hearings under Part III of this By-Law, they must:
- (a) appoint two Member Protection Officers annually to fulfil the functions set out in Part III, clauses 14, 15 and 16 of this By-Law, and to publish and display the names and contact details of such persons to their members;
  - (b) appoint a Disciplinary Officer annually to fulfil the functions set out in Part III, clause 16 and 17 of this By-Law and to publish and display the names of such person to their members; and
  - (c) establish a Disciplinary Tribunal in accordance with Part III, clause 17 of this By-Law, to fulfil the functions set out in clauses 17 and 18 of Part III.
- 8.4** Tennis Australia, Member Associations, Affiliated Organisations, Member Affiliated Organisations, Regional Associations and Affiliated Clubs are responsible for taking all reasonable steps to ensure compliance with this By-Law. All other organisations and persons to which this By-Law applies to, have a direct responsibility to ensure they comply with this By-Law.
- 8.5** The failure to comply with any one of the requirements in this clause 8 is an offence under this By-Law.

# Part III - Offences

**This Part makes it an offence to engage in Harassment, Discrimination and Other Misconduct.**

## 9- What is Harassment?

- 9.1** Harassment is any behaviour by a person or organisation to whom this By-Law applies which is offensive, abusive, belittling or threatening which is directed at any other person or a group of people and which refers to a particular characteristic of that person or group of people.
- 9.2** Whether or not the behaviour is Harassment is to be determined from the point of view of the person receiving the Harassment. The recipient must consider the behaviour to be unwelcome. It does not matter whether or not the person harassing intended to offend. The behaviour must also be assessed objectively in that it must be the type of behaviour that a reasonable person would find unwelcome.
- 9.3** Harassment can be expressed or implied, physical, verbal or non-verbal. Examples include, but are not limited to:
- Abusive behaviour aimed at humiliating or intimidating (this may also be Vilification);
  - Jokes or comments directed at a person's body, looks, age, race, religion, sexual orientation or disability (this may also be Discrimination);
  - Unwelcome remarks including teasing, name calling or insults (for example to umpires or other officials);
  - Innuendo or taunting;
  - Offensive emails, letters, notes;
  - Displaying offensive materials e.g. posters, computer screen savers;
  - Sexual propositions (see also Sexual Harassment).
- 9.4** Harassment includes:
- (a) Sexual Harassment (see clauses 9.5 to 9.8 below);
  - (b) Discrimination (see clause 10);
  - (c) Abuse (see clauses 9.9 to 9.11 below); and
  - (d) Vilification (see clause 9.12 below).
- 9.5** Sexual Harassment means:
- (a) an unwelcome sexual advance; or
  - (b) an unwelcome request for sexual favours; or
  - (c) unwelcome conduct of a sexual nature (including a statement, orally or in writing, of a sexual nature), in circumstances where a reasonable person would have anticipated that the person being harassed would be offended, humiliated or intimidated.
- 9.6** Sexual Harassment is often, but need not be, behaviour which either:
- (a) involves blackmail or a quid pro quo, in that the harassment is accompanied by a direct or implied threat, promise or benefit. For example, a coach who implies that a player's selection to a team is dependent on compliance with a sexual proposition; or
  - (b) creates a hostile or sexually permeated environment in that the harassment consists of crude remarks, jokes, the display of offensive material or by making the environment uncomfortable.
- 9.7** Examples of Sexual Harassment may include:
- Uninvited touching, kissing, embracing, massaging;
  - Staring, leering, ogling;
  - Smutty jokes and comments;
  - Persistent or intrusive questions about people's private lives;
  - Repeated invitations to go out, especially after prior refusal;
  - Sexual propositions;
  - The use of promises or threats to coerce someone into sexual activity;

- The display of sexually explicit material e.g. internet use, computer screen savers, calendars, posters;
- Getting undressed in front of others of the opposite sex;
- Invading the privacy of others while showering or toileting;
- Photographing others while undressing showering or toileting;
- Sleeping in close quarters with children without other adults present;
- The use of sexually offensive emails, letters, faxes, notes;
- Sexual insults and name-calling.

**9.8** Sexual Harassment may be a criminal offence, for example indecent assault, rape, sex with a minor, obscene telephone calls or letters. If you have any doubt that a criminal offence may have been committed you should seek legal advice and / or notify the police.

**9.9** Abuse is a form of Harassment. It includes:

- (a) physical abuse (e.g. assault);
- (b) emotional abuse, (e.g. blackmail, repeated requests or demands);
- (c) neglect (i.e. failure to provide the basic physical and emotional necessities of life);
- (d) abuse of power which the harasser holds over the harassed.

Examples of relationships in (d) that involve a power disparity include a coach-player, manager-player, employer-employee, doctor-patient. People in such positions of power need to be particularly wary not to exploit that power.

**9.10** Examples of abusive behaviour include:

- Bullying and humiliation of players by coaches;
- Abuse and insults directed by players or parents at opposing participants;
- Abuse of umpires by players and coaches;
- Physical intimidation of other players in competition;
- Practical jokes which cause embarrassment or which endanger the safety of others.

**9.11** Some forms of Abuse may constitute a criminal offence, for example assault. If you have any doubt that a criminal offence may have been committed you should seek legal advice and / or notify the police.

**9.12** Vilification involves a person inciting hatred towards, serious contempt for, or severe ridicule of, a person or group of persons by

public act. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public. Vilification is an offence under this By-Law where it is based on any of the attributes or characteristics set out in clause 10.2.

**9.13** Some forms of Vilification may constitute a criminal offence, for example where harm is threatened. If you have any doubt that a criminal offence may have been committed you should seek legal advice and / or notify the police.

**9.14** Persons or organisations to whom this By-Law applies who engage in Harassment commit an offence under this By-Law (see Part III, clause 13) and will be penalised in accordance with this By-Law (see Part III, clause 18).

**9.15** Tennis Australia takes the view that intimate personal relationships or sexual relationships between coaches, managers, umpires or staff members and players, while not necessarily constituting Harassment, can have harmful effects on the individual player involved, on other players, and on the sport's public image. Such relationships may be perceived to be exploitative because there is usually a disparity between coaches, managers, umpires or staff members and players in terms of authority, maturity, status and dependence.

Given there is always a risk that the relative power of the coach, manager, umpire or staff member has been a factor in the development of such relationships, they should be avoided by coaches, managers, umpires or staff members working at all levels.

In the event that a player attempts to initiate an intimate sexual relationship, the coach, manager, umpire or staff member must take personal responsibility for discouraging such approaches, explaining the ethical basis for such actions.

## 10- What is Discrimination?

**10.1** Discrimination is treating or proposing to treat a person less favourably than someone else in certain areas of public life on the basis of an attribute or personal characteristic they have.

**10.2** The applicable attributes or characteristics are:

- Age;
- Disability - this includes loss of bodily function (e.g. deaf or blind), presence of disease

(e.g. hepatitis or HIV), loss of part of the body, disfigurement, malfunction of part of the body, psychological disease, slow learning difficulties;

- Marital status - this covers whether the person is single, married, de facto, married but living separately from one's spouse, divorced, or widowed;
- Parental/Carer status - this includes whether the person is a step parent, adoptive parent, foster parent or guardian and also includes whether the person is childless or is a carer (e.g. of children, or other dependents);
- Physical features - this includes a person weight, size, height and other physical features;
- Political belief/activity;
- Pregnancy - this includes whether the person is with child, has the supposed signs or symptoms of pregnancy (e.g. large stomach, morning sickness);
- Race;
- Religious belief/activity;
- Sex or gender;
- Sexual orientation;
- Transgender orientation.

**10.3** The areas in which discrimination under this By-Law are not permitted are in:

- (a) employment (including unpaid employment) by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club;
- (b) the provision of goods and services by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club;
- (c) the selection or otherwise of any person for competition or team (domestic or international) by or on behalf of Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club;
- (d) the entry or otherwise of any player or other person to any competition held or sanctioned by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club (note the exception in clause 10.9 below);
- (e) obtaining or retaining membership (including the

rights and privileges of membership) of Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club.

- 10.4** Not only is Discrimination unlawful, but Tennis Australia and the Members, also consider it is wrong because it denies people a chance by judging them on the basis of stereotypes or assumptions about what they can or cannot achieve.
- 10.5** Discrimination includes direct discrimination and indirect discrimination. Direct discrimination occurs if a person treats, or proposes to treat, someone with an attribute or characteristic less favorably than the person treats or would treat, someone without that attribute or characteristic, in the same or similar circumstances. Indirect discrimination occurs where a person imposes or intends to impose a requirement, condition or practice which on its face is not discriminatory, but has the effect of discriminating against a person(s) with a particular attribute.
- 10.6** Discrimination also includes victimisation. This is where a person is subject to, or is threatened to suffer, any detriment or unfair treatment, because that person has or intends to pursue their legal rights under anti-harassment legislation or this By-Law.
- 10.7** Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination, is also Discrimination.
- 10.8** In addition to the description of Discrimination in clauses 10.1 to 10.7, any behaviour or conduct which is discrimination under any Federal or State legislation is Discrimination for the purposes of this By-Law and is an offence.
- 10.9** Discrimination is permitted if one of the exemptions under the applicable Federal or State legislation applies. These may include the following:
  - (a) in relation to the selection of a team for competition or entry to a competition (in clauses 10.3 (c) and (d) above), Discrimination on the basis of a person's gender is permitted if the strength, stamina and physique of the competitor is relevant. However this exception cannot be used to discriminate against the selection or entry in competitions of coaches, umpires, or administrators; or
  - (b) Discrimination because of the person's pregnancy, disability or physical features is

permitted if it is necessary to protect the health and safety or property of any person or of the public generally.

**10.10** Persons or organisations to whom this By-Law applies who engage in Discrimination commit an offence under this By-Law (see Part III, clause 13) and will be penalised in accordance with this By-Law.

## 11- What Other Misconduct is an Offence?

**11.1** Conduct by persons or organisations to whom this By-Law applies which is not Harassment and which (if committed) is an offence under this By-Law, (referred to as "Other Misconduct") means and includes the following:

- (a) Conduct which:
  - (i) occurs on the court or on the site of any tournament, event or activity held or sanctioned by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club; and
  - (ii) is not covered by the Tennis Australia Code of Conduct; and
  - (iii) brings the game of tennis and/or Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club into disrepute;
- (b) Damage to property which occurs during or in connection with a tournament, event or activity held or sanctioned by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club;
- (c) If the person is under 18 years of age, consuming alcohol during or in connection with a tournament, event or activity held or sanctioned by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club except where such consumption is expressly permitted or authorised by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club;
- (d) Being drunk and disorderly during or in connection with a tournament, event or activity held or sanctioned by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club;
- (e) Consuming, or aiding and abetting the consumption of, illegal drugs during or in connection with a tournament, event or activity held or sanctioned by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club, provided that this clause does not apply to doping offences which are covered by the Tennis Australia Anti-Doping Program;
- (f) If the person is under 18 years of age, breaching a curfew imposed by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club during a tournament, event or activity held or sanctioned by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club;
- (g) Disruptive or disorderly behaviour during or in connection with a tournament, event or activity held or sanctioned by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club;
- (h) Committing any criminal offence or any other unlawful activity during or in connection with a tournament, event or activity held or sanctioned by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club;
- (i) Incurring debts (eg telephone or accommodation charges) on behalf of Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club during or in connection with a tournament, event or activity held or sanctioned by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club where such debts were or are not authorised by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club;
- (j) Breach of any one of the Tennis Australia Codes of Conduct (see Part III, clause 12).

## 12- Tennis Australia's Codes of Conduct

**12.1** To protect the health, safety and well being of all the people participating in the activities of Tennis Australia and its Members, Tennis Australia has developed and issued a Code of Conduct. It is set out in Attachment C of this By-Law, and forms a part of them.

**12.2** The Tennis Australia Code of Conduct applies to the same people to whom this By-Law applies (see Part 1, clause 3).

**12.3** The Code of Conduct is designed to reinforce conduct which Tennis Australia considers is appropriate and to discourage behaviour which Tennis Australia considers inappropriate. It sets criteria to help those to whom it applies to distinguish between correct and incorrect moral judgments.

**12.4** Part of the Code of Conduct deals with specific standards and requirements for administrators, coaches, players and parents/guardians. These are called the "Administrators Code of Conduct", the "Coaches Code of Conduct", the "Players Code of Conduct" and the "Parent/Guardian Code of Conduct", respectively (set out in Attachments D, E, F and G of this By-Law). These are in addition to the general Code of Conduct.

**12.5** Breach of the Code of Conduct, including any of the specific parts of it which apply to administrators, coaches, players or parents/guardians, is an offence under this By-Law and will be penalised in accordance with this By-Law.

## 13- What is an Offence under this By-Law?

**13.1** It is an offence under this By-Law for any person or organisation to whom this By-Law applies to:

- (a) Appoint, or continue to appoint, a person to a role of the type to which clause 6.2 refers:
  - (i) without first undertaking screening (see clause 6.4); and
  - (ii) where the Police Check reveals the person has committed an offence of the type set out in clause 6.7(a);
- (b) Appoint, or continue to appoint, a person to a role of the type to which clause 7.2 refers:

- (i) without first obtaining a Prohibited Person Declaration; or
- (ii) where the Prohibited Person Declaration reveals the person is a Prohibited Person;
- (c) Where the person is a Prohibited Person, to work or seek work in the roles set out in clause 7.2;
- (d) Fail to publish, distribute and promote this By-Law in accordance with Part III, clause 8.1(c) and 8.2(c);
- (e) Fail to appoint Member Protection Officers and a Disciplinary Officer in accordance with clause 8.1(e) and (g) and clause 8.3(a) and (b);
- (f) Fail to use the forms and clauses prescribed by Tennis Australia in accordance with clause 8.1(f) and 8.2(e);
- (g) Engage in Harassment;
- (h) Engage in Sexual Harassment;
- (i) Engage in Discrimination as set out in applicable Federal or State legislation and/or on the grounds set out in clause 10.2 and in the areas set out in clause 10.3;
- (j) Engage in Abuse;
- (k) Engage in Vilification;
- (l) Breach any part of the Tennis Australia Code of Conduct including any part of the Administrators Code of Conduct, the Coaches Code of Conduct, the Players Code of Conduct or the Parent/Guardian Code of Conduct;
- (m) For a person listed in clause 14.3, fail to comply with the procedures in this By-Law for dealing with a Complaint;
- (n) Make a frivolous, vexatious or malicious Complaint under Part III, clause 14;
- (o) Fail to establish a Disciplinary Tribunal in accordance with clause 17;
- (p) Fail to enforce a penalty imposed by a Disciplinary Tribunal under Part III, clause 18;
- (q) Fail to notify the relevant authorities as set out in Attachment I of abuse.

**13.2** Any circumstances which may be an offence may be the subject of a Complaint (under Part III, clause 14) and/or be investigated and referred to a hearing under Part III, clause 17 of this By-Law.

## 14- How to make a Complaint?

**14.1** Any person or organisation may make a complaint about a person or organisation to whom this By-Law applies to, if they consider that person or organisation has, or may have, committed an offence and/or breached any part of this By-Law (a "Complaint").

**14.2** A Complaint must be made in writing however it need not be called or referred to as a Complaint. In addition, please note that a person or organisation may provide information verbally under clause 16.1.

**14.3** A Complaint must be made to any one of the following people:

- (a) a Member Protection Officer of Tennis Australia or the relevant Member Association. If the relevant Affiliated Organisation, the relevant Member Affiliated Organisation, the relevant Regional Association or the relevant Affiliated Club has established the procedures for dealing with Complaints and hearings under Part III of this By-Law then the Member Protection Officer of the relevant organisation. (A list of the member protection officers must be made available to any person requesting such list and shall be displayed at the premises of Tennis Australia, Member Associations, Affiliated Organisations, Member Affiliated Organisations, Regional Associations and Affiliated Clubs); or
- (b) the President or in their absence their Nominee of Tennis Australia, the relevant Member Association, the relevant Affiliated Organisation, the relevant Member Affiliated Organisation, the relevant Regional Association or the relevant Affiliated Club.

**14.4** Making a frivolous, vexatious or malicious Complaint is an offence under this By-Law and will be dealt with as set out in Part III, clause 17.4.

## 15- What is the Process if a Complaint is Made?

**15.1** Complaint of Sexual Nature or Discrimination: If a person listed in clause 14.3 receives a Complaint and that Complaint alleges Sexual Harassment, Discrimination, Abuse or Vilification

of a sexual or physical nature, then such person must do the following:

- (a) If such person is not a Member Protection Officer, then they shall forward such Complaint as soon as possible to a Member Protection Officer at either Tennis Australia, the Member Association, the Affiliated Organisation, the Member Affiliated Organisation, the Regional Association or the Affiliated Club, whichever organisation the alleged harasser holds the highest role.
- (b) If the person in sub clause (a) does not know in which organisation the alleged harasser holds the highest role, they must forward the Complaint to the Member Protection Officer of the organisation in which they believe the alleged harasser holds the highest role in and advise the Member Protection Officer of their uncertainty. The Member Protection Officer will then be required to make reasonable enquiries of the other Member Protection Officer's at the other organisations to determine the correct organisation. If it is ascertained that the alleged harasser does hold a higher position in another organisation, the Complaint must be transferred to the Member Protection Officer of that organisation.
- (c) The Member Protection Officer must then ask the complainant whether s/he wishes them to:
  - (i) listen and advise the complainant about what their options are and what the complainant might do; and/or
  - (ii) act as a mediator between the complainant and the alleged offender to try and resolve the Complaint by agreement; or
  - (iii) refer the Complaint to Tennis Australia, the relevant Member Association, the relevant Affiliated Organisation (if applicable), the relevant Member Affiliated Organisation (if applicable), the relevant Regional Association (if applicable) or the relevant Affiliated Club (if applicable) whichever organisation the alleged harasser holds the highest role, for a hearing to be held under clause 17.
- (d) Having determined the complainant's wishes in clause 15.1(c), the Member Protection Officer shall:
  - (i) subject to clauses 15.2 and 15.3, act in accordance with the complainant's direction in relation to the options set out in clause 15.1(c);
  - (ii) keep the matter confidential and only discuss it with those people whom the complainant

has authorised them to speak to about the Complaint; and

- (iii) inform the relevant governmental authority, if required by law (see Part III, clause 20).

**15.2** If the complainant wishes the Member Protection Officer to act as a mediator between the complainant and the alleged offender to try and resolve the Complaint by agreement, the Member Protection Officer shall:

- (a) immediately notify the alleged offender, in writing, that a Complaint has been made and provide them with a copy of the written Complaint;
- (b) attempt to mediate a resolution between the complainant and the alleged offender.

**15.3** If following the process in clause 15.2, an agreed resolution is reached between the complainant and the alleged offender, the Complaint shall be deemed to have been withdrawn and no further action in relation to that Complaint under this By-Law (except for that which is agreed) may be taken. (Note this does not prevent action being taken under State or Federal legislation).

**15.4** If following the process in clause 15.2 an agreed resolution is not reached, or the complainant requests, the Member Protection Officer shall, with the complainant's agreement, refer the Complaint to the Disciplinary Officer at Tennis Australia, the relevant Member Association, the relevant Affiliated Organisation (if applicable), the relevant Member Affiliated Organisation (if applicable), the relevant Regional Association (if applicable) or the relevant Affiliated Club (if applicable), whichever organisation the alleged harasser holds the highest role, for a hearing to be held under clause 17.

**15.5** If a complainant withdraws the Complaint (which alleges Sexual Harassment, Discrimination, Abuse or Vilification of a sexual or physical nature), no further action in relation to that Complaint under this By-Law may be taken. (Note this does not prevent action being taken under State or Federal legislation).

**15.6** Other Complaints:

- (a) If a person listed in clause 14.3 receives a Complaint and that Complaint is not one of the types set out in clause 15.1, then such person must refer the Complaint to the Disciplinary Officer at Tennis Australia, the relevant Member Association, the relevant Affiliated Organisation (if applicable), the relevant Member Affiliated

Organisation (if applicable), the relevant Regional Association (if applicable) or the relevant Affiliated Club (if applicable), whichever organisation the alleged offender holds the highest role, for a hearing to be held under clause 17.

- (b) If the person listed in clause 14.3, does not know in which organisation the alleged offender holds the highest role, they must forward the Complaint to the Disciplinary Officer of the organisation in which they believe the alleged offender holds the highest role in and advise the Disciplinary Officer of their uncertainty. The Disciplinary Officer will then be required to make reasonable inquiries of the other Disciplinary Officer's at the other organisations to determine the correct organisation. If it is ascertained that the alleged offender does hold a higher position in another organisation, the Complaint must be transferred to the Disciplinary Officer of that organisation

**15.7** If an Affiliated Organisation has not appointed two Member Protection Officers and a Disciplinary Officer, the Complaint shall be referred to the Member Protection Officers and / or Disciplinary Officer of Tennis Australia.

**15.8** If a Member Affiliated Organisation has not appointed two Member Protection Officers and a Disciplinary Officer, the Complaint shall be referred to the Member Protection Officers and / or Disciplinary Officer of the Member Association they are affiliated to.

**15.9** If a Regional Association has not appointed two Member Protection Officers and a Disciplinary Officer, the Complaint shall be referred to the Member Protection Officers and / or Disciplinary Officer of the Member Association they are a member of or affiliated to.

**15.10** If an Affiliated Club has not appointed two Member Protection Officers and a Disciplinary Officer, the Complaint shall be referred to the Member Protection Officers and / or Disciplinary Officer of the Regional Association or Member Association they are a member of or affiliated to. If they are a member of or affiliated to a Regional Association who has not appointed two Member Protection Officers and a Disciplinary Officer, the Complaint shall be referred to the Member Protection Officers and / or Disciplinary Officer of the Member Association the Regional Association is a member of or affiliated to.

## 16- Investigation of Suspected Offences

- 16.1** If a Complaint is not received, but the President, or in their absence their Nominee or a Member Protection Officer of Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club receives information (whether or not in writing) which gives them reasonable cause to suspect that an offence under this By-Law may have been committed, then s/he shall do the following:
- (a) if the information gives them reasonable cause to suspect an offence involving Sexual Harassment, Discrimination, Abuse or Vilification of a sexual or physical nature, then such person shall follow the procedures set out in clauses 15.1 to 15.4 as if a Complaint had been received, provided that in order to comply with clause 15.2(a) the Member Protection Officer must first request and receive as soon as possible the information regarding the alleged offence in writing and upon receiving such information supply it to the alleged offender.
  - (b) if the information gives them reasonable cause to suspect an offence under this By-Law other than one set out in clause 15.1, then s/he shall refer the information to the Disciplinary Officer at Tennis Australia, the relevant Member Association, the relevant Affiliated Organisation, the relevant Member Affiliated Organisation, the relevant Regional Association or the relevant Affiliated Club, whichever organisation the alleged offender holds the highest role, for a hearing to be held under clause 17. If the person does not know which organisation the alleged offender holds the highest role in, then the process set out in clause 15.6(b) applies.
- 16.2** Clauses 15.7 to 15.10 also apply to this clause 16.
- 16.3** Except as otherwise provided in this By-Law, all information obtained by the President, their Nominee or the Member Protection Officer in accordance with this clause 16 must be kept confidential.

## 17- Hearings

- 17.1** Where the Disciplinary Officer at Tennis Australia, a Member Association, an Affiliated Organisation (if applicable), a Member Affiliated Organisation (if applicable), a Regional Association (if applicable) or an Affiliated Club (if applicable) receives:
- (a) a Complaint referred to it under clause 15.4 or 15.6; or
  - (b) information referred to it under clause 16.1 s/he shall follow the procedures set out in this clause 17.
- 17.2** Upon receipt of the Complaint or the information, the Disciplinary Officer shall as soon as possible do the following:
- (a) Determine the composition of the Disciplinary Tribunal, as detailed in clause 17.3;
  - (b) Send to the alleged offender:
    - (i) a notice setting out the alleged offence including details of when/where it is alleged to have occurred; and
    - (ii) a notice setting out the date, time and place for the hearing of the alleged offence which shall be as soon as reasonably practicable after receipt of the Complaint or information,
    - (iii) a copy of the Complaint or the information received if in writing, ("referred to as Notice of Alleged Offence");
  - (c) Send to the complainant(s) and the Chairperson of the Disciplinary Tribunal a copy of the Notice of Alleged Offence.
- 17.3** The Disciplinary Tribunal for each hearing shall be appointed by the Board of Directors (however described) of Tennis Australia, the relevant Member Association, the relevant Affiliated Organisation (if applicable), the relevant Member Affiliated Organisation (if applicable), the relevant Regional Association (if applicable) or the relevant Affiliated Club (if applicable) and shall comprise of the following persons:
- (a) 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 tribunal;
  - (b) a person with a thorough knowledge of tennis;
  - (c) one other person of experience and skills suitable to the function of the Disciplinary Tribunal.

Provided that such persons may not include:

- (i) a person who is a member of the Board of Directors (however described) of the organisation which appoints the Disciplinary Tribunal; or
- (ii) a person who would, by reason of their relationship with the complainant or the alleged offender, be reasonably considered to be other than impartial.

**17.4** Frivolous, vexatious or malicious Complaints

- (a) If within 48 hours of sending the Notice of Alleged Offence, the alleged offender alleges in writing to the Disciplinary Officer that the Complaint is frivolous, vexatious or malicious, the Chairperson shall as a preliminary issue, determine whether or not such Complaint is frivolous, vexatious or malicious and shall advise the parties of his or her determination.
- (b) The Disciplinary Officer shall provide a copy of the written allegation of the alleged offender that the Complaint is frivolous, vexatious or malicious to the other parties to the hearing (see clause 17.6).
- (c) The Chairperson shall determine such preliminary issue as soon as practicable and in whatever manner the Chairperson considers appropriate in the circumstances provided that he or she does so in accordance with the principles of natural justice.
- (d) The decision of the Chairperson under this clause 17.4 may be appealed within 48 hours of the determination to the relevant appeal body under clause 19.

**17.5** The Disciplinary Tribunal shall hear and determine the alleged offence 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 alleged offender has committed an offence under this By-Law. If the Disciplinary Tribunal considers that the alleged offender has committed an offence under this By-Law, it may impose any one or more of the penalties set out in clause 18.

**17.6** The parties to the hearing shall include the complainant, the alleged offender, and the relevant organisation (being Tennis Australia, the relevant Member Association, the relevant

Affiliated Organisation, the relevant Member Affiliated Organisation, the relevant Regional Association and/or the relevant Affiliated Club) and any witnesses which any such party wishes to have participate in the hearing.

**17.7** If upon receipt of the Notice of Alleged Offence, the Disciplinary Tribunal considers that pending the determination of the matter the alleged offender may put at risk the safety and welfare of the complainant or others, it may order that the alleged offender be:

- (a) suspended from any role they hold with Tennis Australia, the relevant Member Association, the relevant Affiliated Organisation, the relevant Member Affiliated Organisation, the relevant Regional Association and/or relevant the Affiliated Club; and/or
- (b) banned from any event or activities held by or sanctioned by Tennis Australia, the Member Associations, the relevant Affiliated Organisation, the relevant Member Affiliated Organisation, the Regional Associations and/or the Affiliated Clubs; and/or
- (c) required not to contact or in any way associate with the complainant or other person about whom the alleged offence relates; pending the determination of the hearing.

**17.8** There is no right of appeal of the decision by a Disciplinary Tribunal under clause 17.7.

**17.9** Any party to the hearing may be represented at the hearing by any person, including a legal representative.

**17.10** Each party to the hearing shall bear their own costs in relation to the hearing.

**17.11** The Disciplinary Tribunal shall give its decision as soon as practicable after the hearing and will deliver to the following a statement of its written reasons:

- (a) the President of the organisation which established the Disciplinary Tribunal;
- (b) the complainant;
- (c) the alleged offender; and
- (d) any other party represented in the hearing.

**17.12** Each member of each Disciplinary Tribunal established under this By-Law 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 Disciplinary Tribunal under this By-Law.

**17.13** Except as otherwise provided in this By-Law, all members of the Disciplinary 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 Disciplinary Tribunal) confidential.

## 18- What Penalties May be Imposed?

**18.1** If the Disciplinary Tribunal considers that a person or organisation to whom this By-Law applies, has committed an offence under this By-Law, it may impose any one or more of the following penalties:

**18.1.1** For offences committed by organisations:

- If the Disciplinary Tribunal considers that Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club has committed an offence under this By-Law, it may impose any one or more of the following penalties on such organisation:
- (a) direct that any funding granted or given to it by Tennis Australia or a Member Association cease from a specified date;
  - (b) impose a monetary fine for an amount determined by the Disciplinary Tribunal;
  - (c) impose a warning;
  - (d) recommend to Tennis Australia and/or the relevant Member Association and/or the relevant Affiliated Organisation and / or the relevant Member Affiliated Organisation and/or the relevant Regional Association that its membership of such organisation be suspended or terminated in accordance with their applicable constitution;
  - (e) direct that any rights, privileges and benefits provided to that organisation by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, or a Regional Association be suspended for a specified period and/or terminated;
  - (f) direct that Tennis Australia, Member Associations, Affiliated Organisations, Member Affiliated Organisations and Regional Associations cease to sanction events held by or under the auspices of that organisation;

(g) any other such penalty as the Disciplinary Tribunal considers appropriate.

**18.1.2** For offences committed by individual persons: If the Disciplinary Tribunal considers that an individual person to whom this By-Law applies has committed an offence under this By-Law, it may impose any one or more of the following penalties on such person:

- (a) direct that the offender attend counselling to address their conduct;
- (b) recommend that Tennis Australia, the relevant Member Association, the relevant Affiliated Organisation, the relevant Member Affiliated Organisation, the relevant Regional Association and/or the relevant Affiliated Club terminate the appointment of the role which the offender holds with such organisation;
- (c) 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;
- (d) impose a monetary fine for an amount determined by the Disciplinary Tribunal;
- (e) impose a warning;
- (f) in the case of an Accredited Coach, direct the relevant Affiliated Organisation and/or the relevant Member Affiliated Organisation and / or Tennis Australia Approved Coach Education Provider to de-register such accreditation for a period or indefinitely;
- (g) withdraw any awards, placings, records won in any tournaments, activities or events held or sanctioned by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club;
- (h) direct the offender to repay all or part of any financial assistance (excluding any fee for service, wages or expenses) given to them by the Australian Sports Commission, any Federal or State funding agency, the Australian Olympic Committee, Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association, an Affiliated Club or any other organisation which has provided funding;
- (i) any other such penalty as the Disciplinary Tribunal considers appropriate.

**18.2** If an organisation or individual commits a second or subsequent offence under this By-Law, then the Disciplinary Tribunal shall

have regard to the previous offence, the penalty imposed and any other relevant factors, in imposing a penalty for the second or subsequent offence.

- 18.3** If a penalty is imposed by the Disciplinary Tribunal under clause 18.1, the President of the organisation from which the Disciplinary Tribunal is established shall as soon as possible notify in writing Tennis Australia and each Member Association, Affiliated Organisation, Member Affiliated Organisation, Regional Association and Affiliated Club of such penalty.
- 18.4** Every organisation to whom this By-Law applies shall recognise and enforce any decision and penalty imposed by a Disciplinary Tribunal under this By-Law. The failure to do so is an offence under this By-Law.

## 19- How can a Decision be Appealed?

- 19.1** Any party to a hearing held under clause 17 (including an organisation) may appeal a decision of a Disciplinary Tribunal.
- 19.2** An appeal shall be made to the following Appeal Body:
- (a) an appeal against a decision of a Disciplinary Tribunal established by an Affiliated Club, shall be made to the Disciplinary Tribunal of the relevant Regional Association or Member Association of which they are a member of or affiliated to. If they are a member of or affiliated to a Regional Association who has not established a Disciplinary Tribunal, the appeal shall be made to the Disciplinary Tribunal of the relevant Member Association of which the Regional Association is a member of or affiliated to;
  - (b) an appeal against a decision of a Disciplinary Tribunal established by a Regional Association, shall be made to the Disciplinary Tribunal of the relevant Member Association;
  - (c) an appeal against a decision of a Disciplinary Tribunal established by a Member Affiliated Organisation, shall be made to the Disciplinary Tribunal of the Member Association;
  - (d) an appeal against a decision of a Disciplinary Tribunal established by a Member Association, shall be made to the Disciplinary Tribunal of Tennis Australia;
  - (e) an appeal against a decision of a Disciplinary Tribunal established by an Affiliated Organisation, shall be made to the Disciplinary Tribunal of Tennis Australia;
  - (f) an appeal against a decision of a Disciplinary Tribunal established by Tennis Australia, shall be made to the appeal division of the Court of Arbitration for Sport (Oceania Registry) ("CAS"); (referred to as the "Appeal Body").
- 19.3** There is only one right of appeal following the decision of the initial Disciplinary Tribunal. Any appeal must be solely and exclusively resolved by the Appeal Body and the decision of such Appeal Body is final and binding on the parties. It is agreed that no party to such appeal may institute or maintain proceedings in any court or tribunal other than the relevant Appeal Body. (NOTE: This provision does not prevent any person or organisation taking action under any State or Federal legislation for Harassment or any criminal offence.)
- 19.4** The process for such appeal is as follows:
- (a) the party wishing to appeal ("the Appellant") shall within 72 hours of the Disciplinary Tribunal delivering its decision:
    - (i) advise, in writing, the President of the organisation of the relevant Appeal Body of their intention to appeal ("Notice of Intention to Appeal"); and
    - (ii) in the case of an appeal from a decision of a Disciplinary Tribunal established by Tennis Australia which is to CAS, complete and file an application to appeal with CAS in accordance with the Code of Sports Related Arbitration; and
  - (b) for all appeals, except those to CAS, as soon as possible after receipt of the Notice of Intention to Appeal, the President of the organisation of the relevant Appeal Body shall appoint a Disciplinary Tribunal to hear and determine the appeal, which shall comprise of persons who comply with clause 17.3 of this By-Law; and
  - (c) within 5 days of lodging the Notice of Intention to Appeal, (or such shorter time as determined by the Appeal Body if there is urgency) the Appellant shall:
    - (i) pay the appeal fee to the Chairperson of the Appeal Body, which shall be \$100 (including GST) which is non-refundable, except for an appeal to CAS which shall be as per the Code of Sports-Related Arbitration applicable to CAS; and

- (ii) submit to the Chairman of the Appeal Body or CAS (as the case may be), the grounds of the appeal in writing and provide copies to the complainant, the President of the organisation which established the Disciplinary Tribunal who made the decision which is the subject of the appeal and the President of the organisation which established the Appeal Body.

If either of the requirements in this sub-clause are not met by the due time the appeal shall be deemed to be withdrawn;

- (d) on completion of the procedures in (a) to (c) above, the Chairman of the Appeal Body shall determine a place, time and date for the hearing of the appeal and as soon as possible thereafter notify all parties to the appeal in writing of such details; and
- (e) the procedure for the appeal shall be the same as the procedure for the Disciplinary Tribunal set out in clause 17 except where the Appeal Body is CAS, in which case the Code of Sports-Related Arbitration shall apply.

**19.5** Upon hearing the appeal, the Appeal Body may do any one or more of the following:

- (a) dismiss the appeal;
- (b) uphold the appeal;
- (c) impose any of the penalties set out in clause 18;
- (d) reduce, increase or otherwise vary any penalty imposed by the initial Disciplinary Tribunal.

**19.6** The Appeal Body has no power to award costs and each party shall bear their own costs in relation to any appeal.

## 20- When and to Who are you required to Notify of Abuse to Authorities?

**20.1** Each State and Territory in Australia has reporting requirements for certain people and organisations to notify where there is suspected abuse of children.

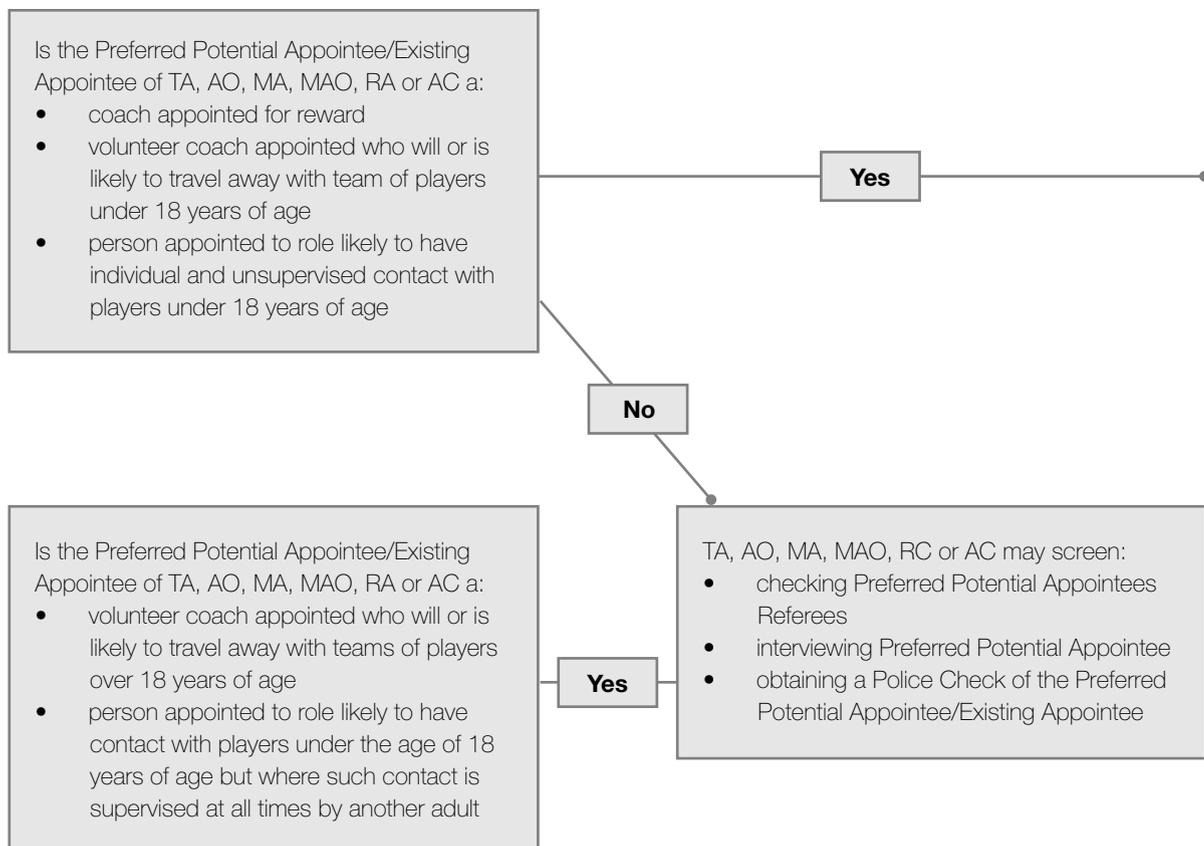
**20.2** Attachment I contains a summary of the grounds on which persons to whom this By-Law applies may have to report suspected abuse and the contact details for doing so.



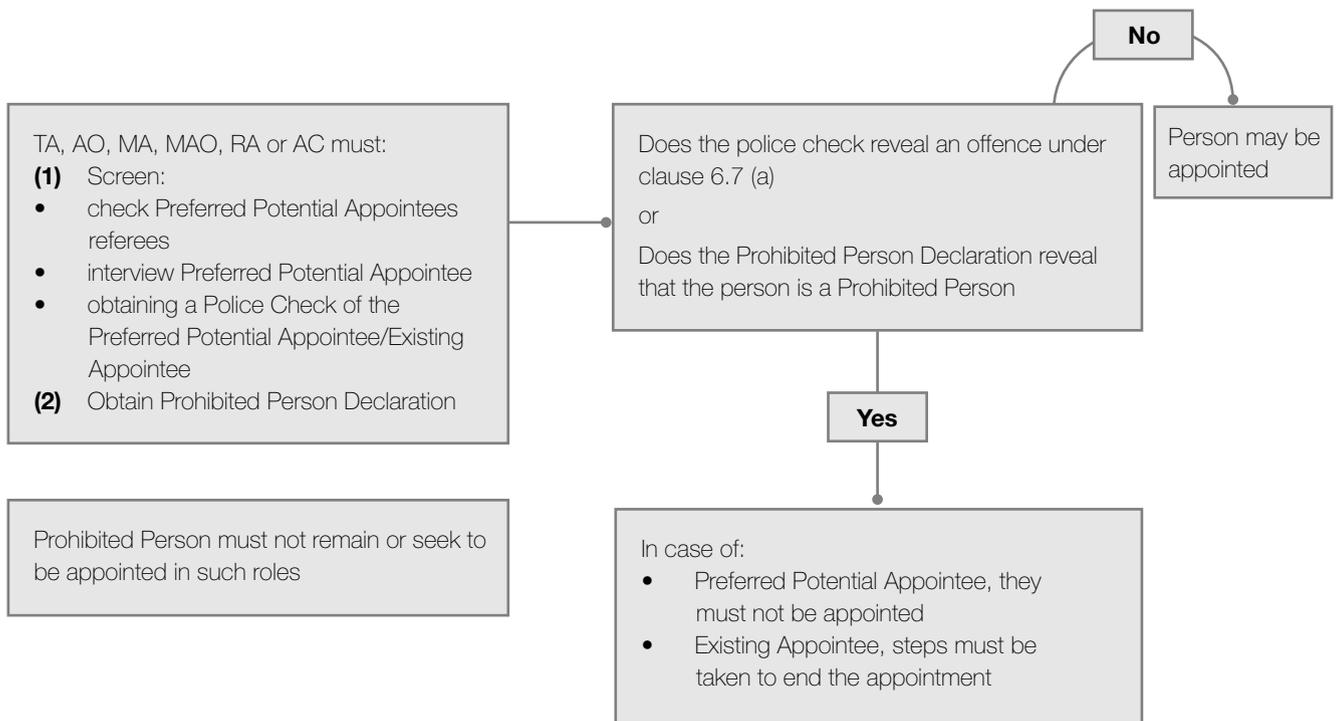
## Attachment A

Attachment A has been included in this By-Law by way of summary and it is not to be used for the interpretation of this By-Law.

### Tennis Australia - Member Protection By-Law Preventitive Action (Part II)



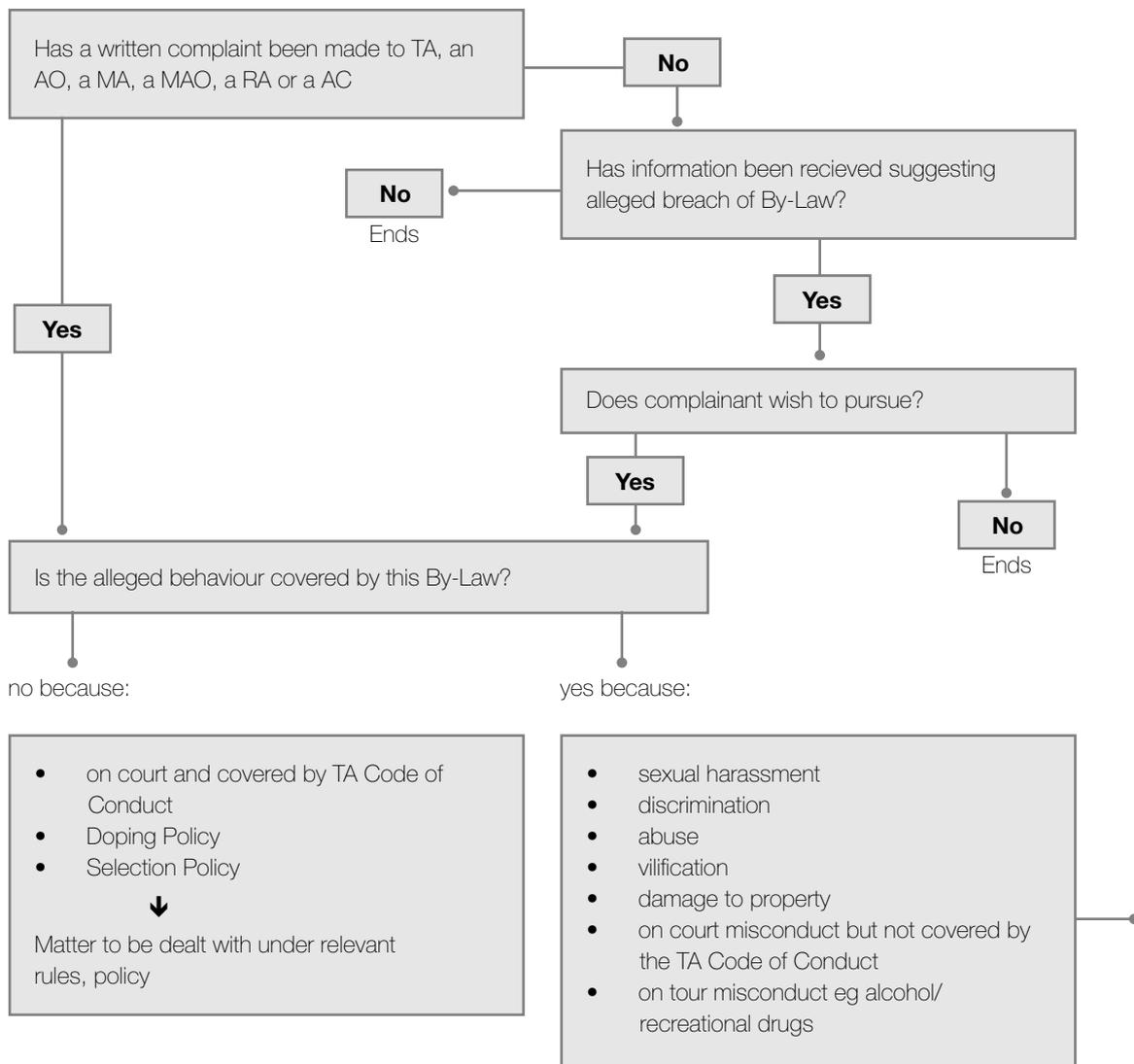
## Attachment A



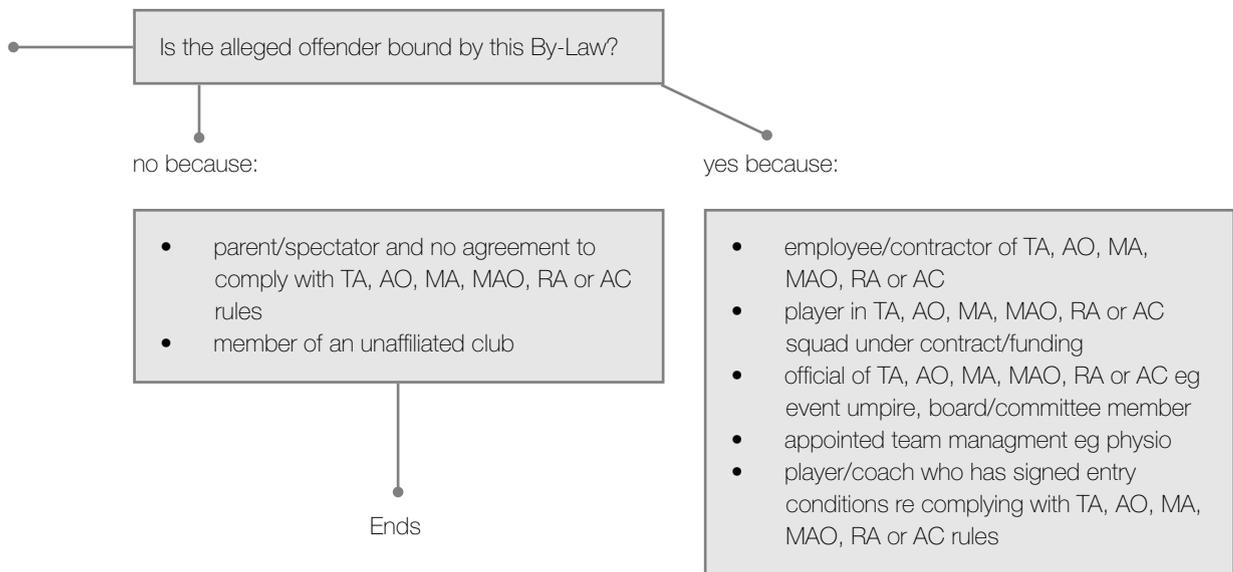
# Attachment B

Attachment B has been included in this By-Law by way of summary and it is not to be used for the interpretation of this By-Law.

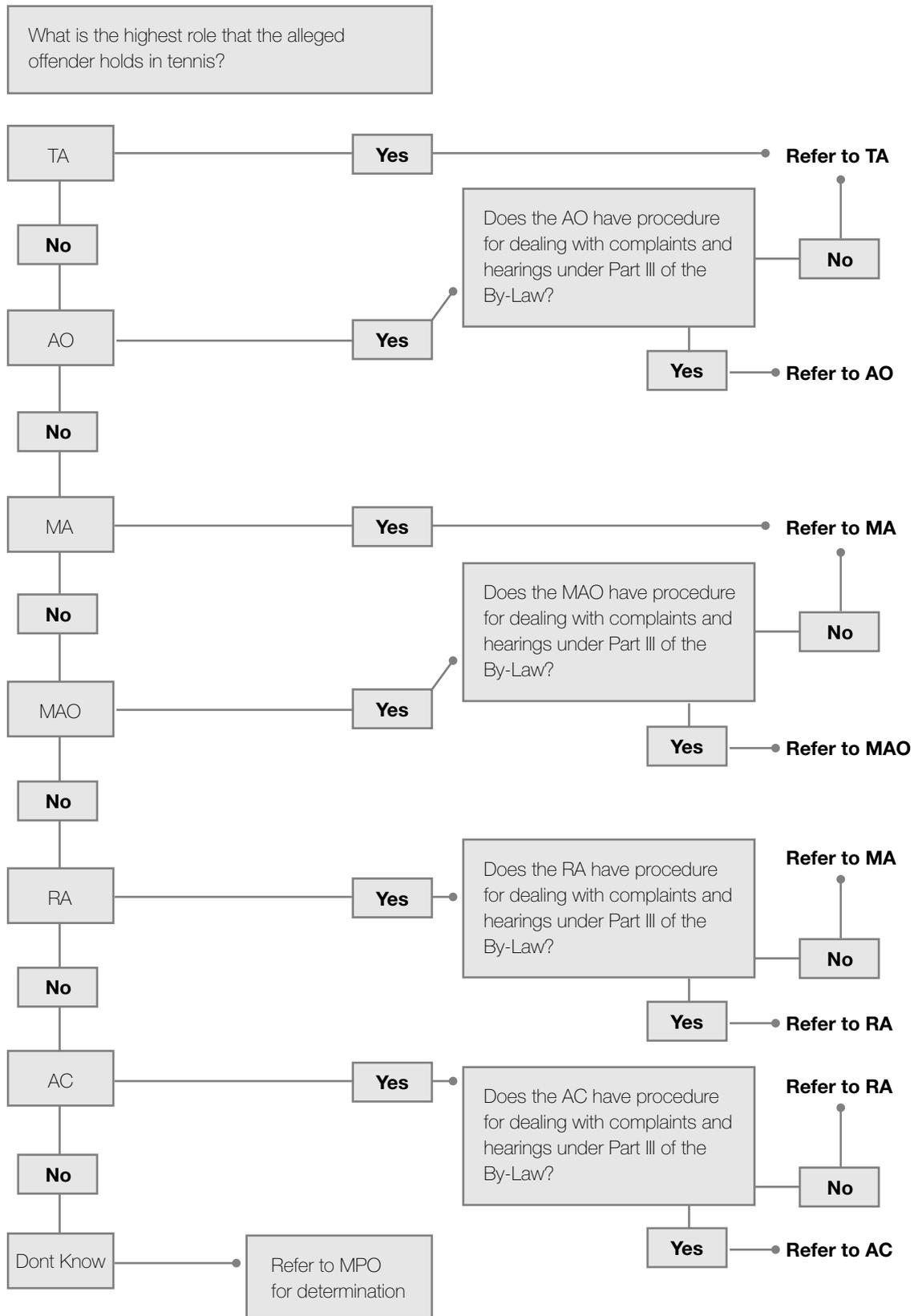
## Tennis Australia - Member Protection By-Law Complaints and Appeals (Part III)



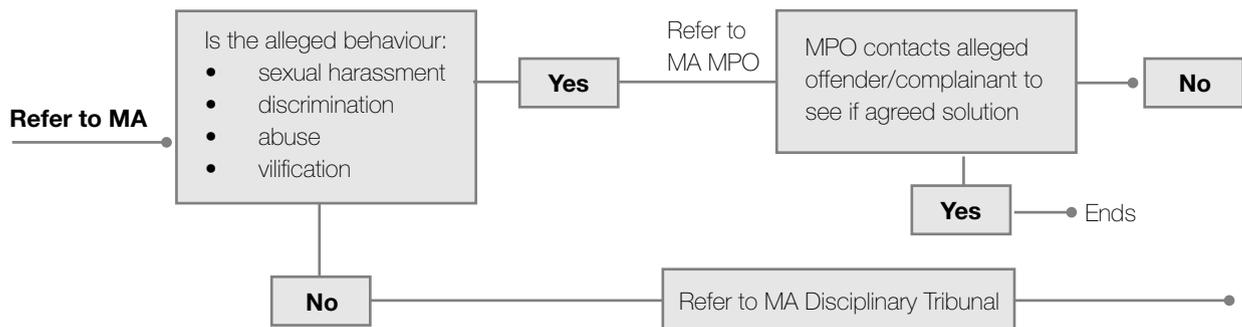
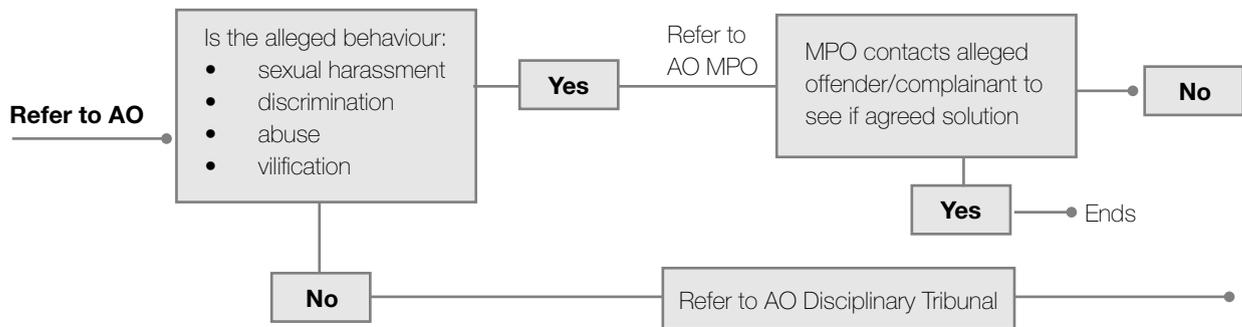
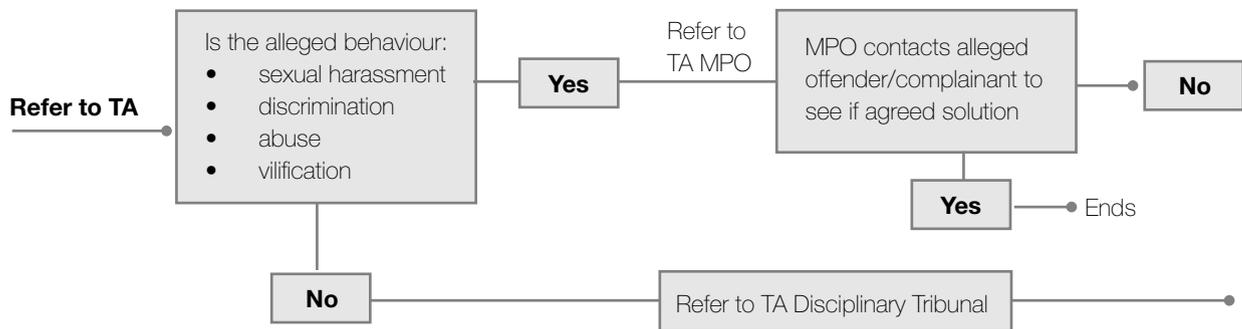
## Attachment B



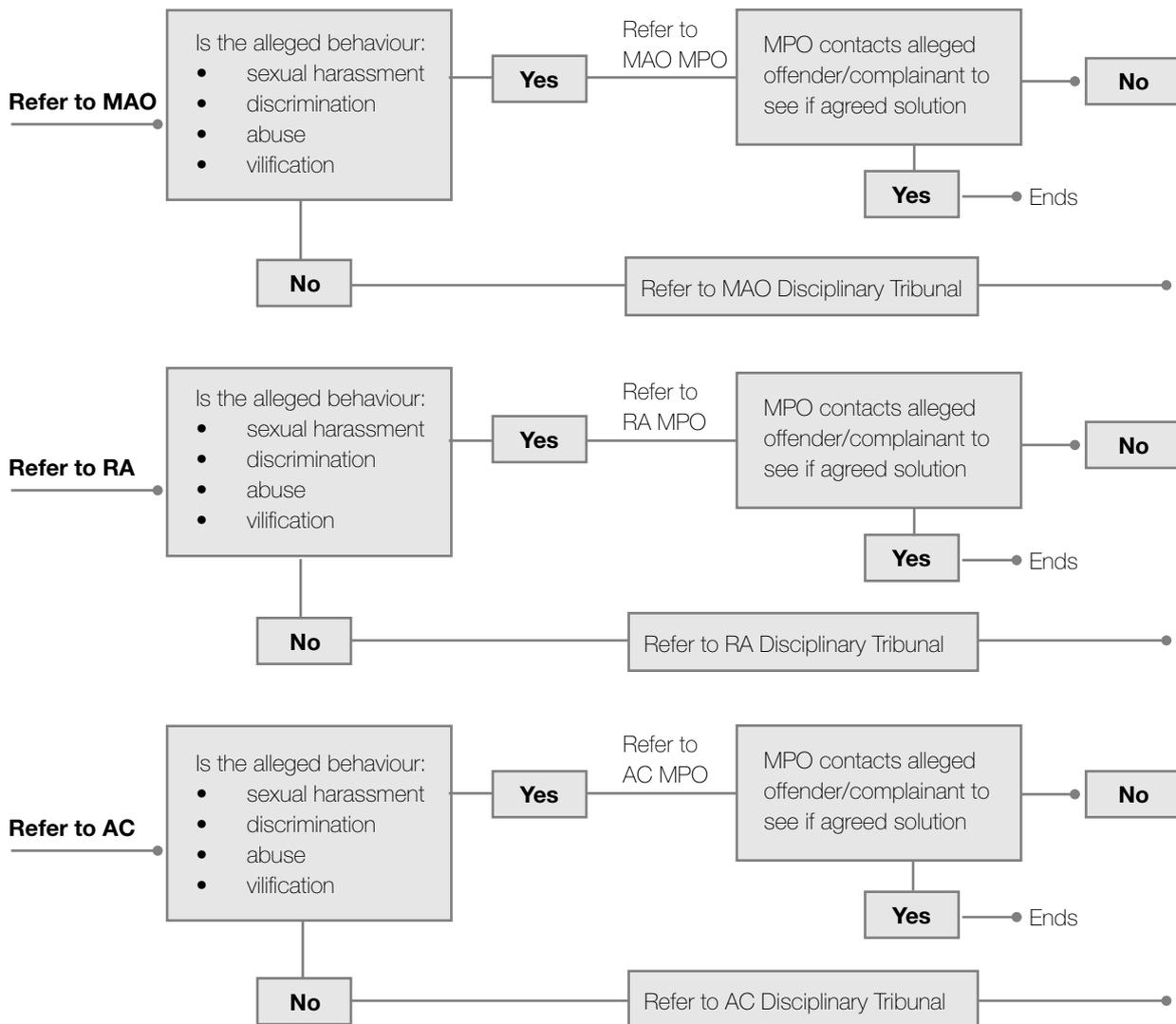
# Attachment B



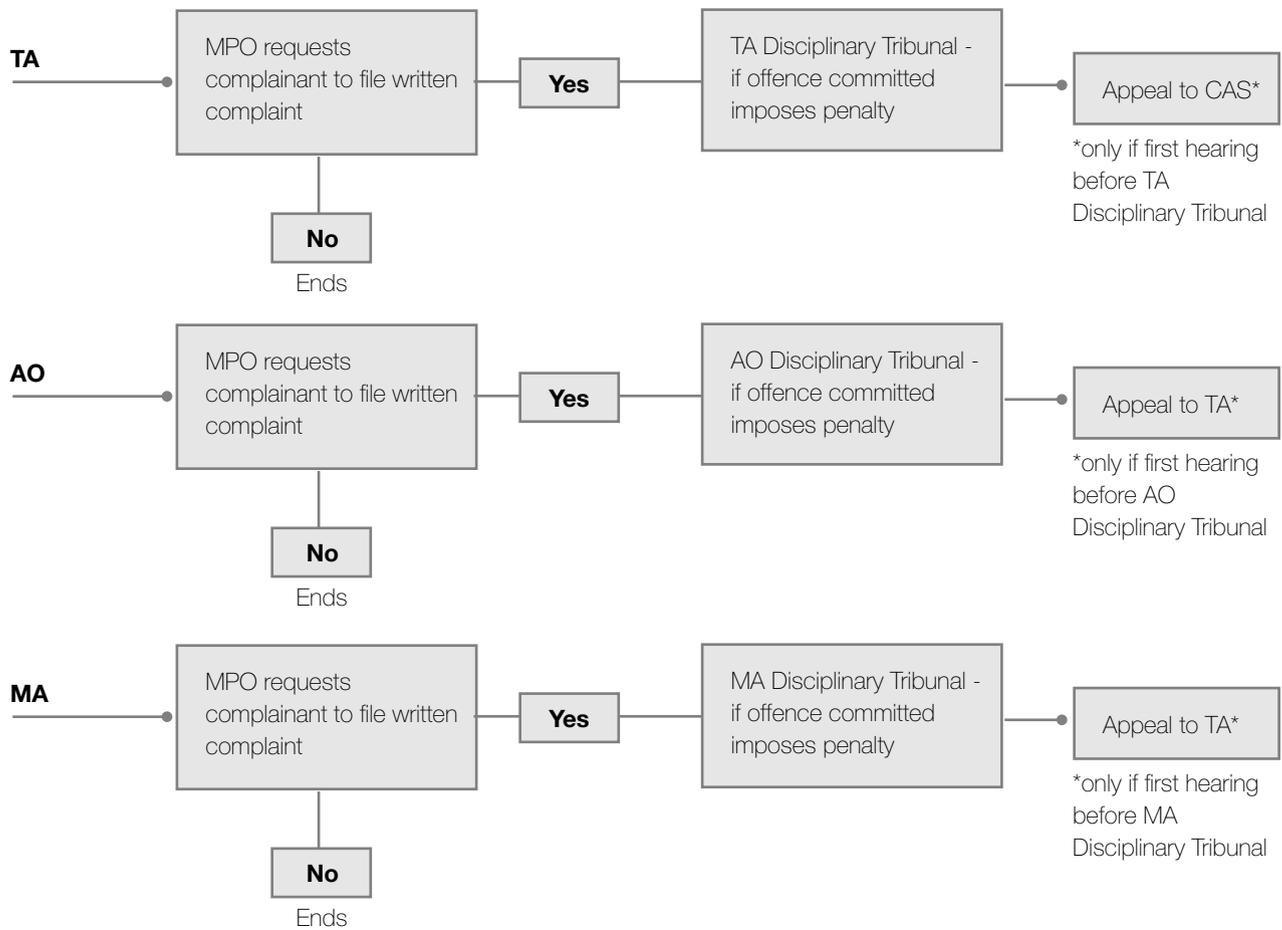
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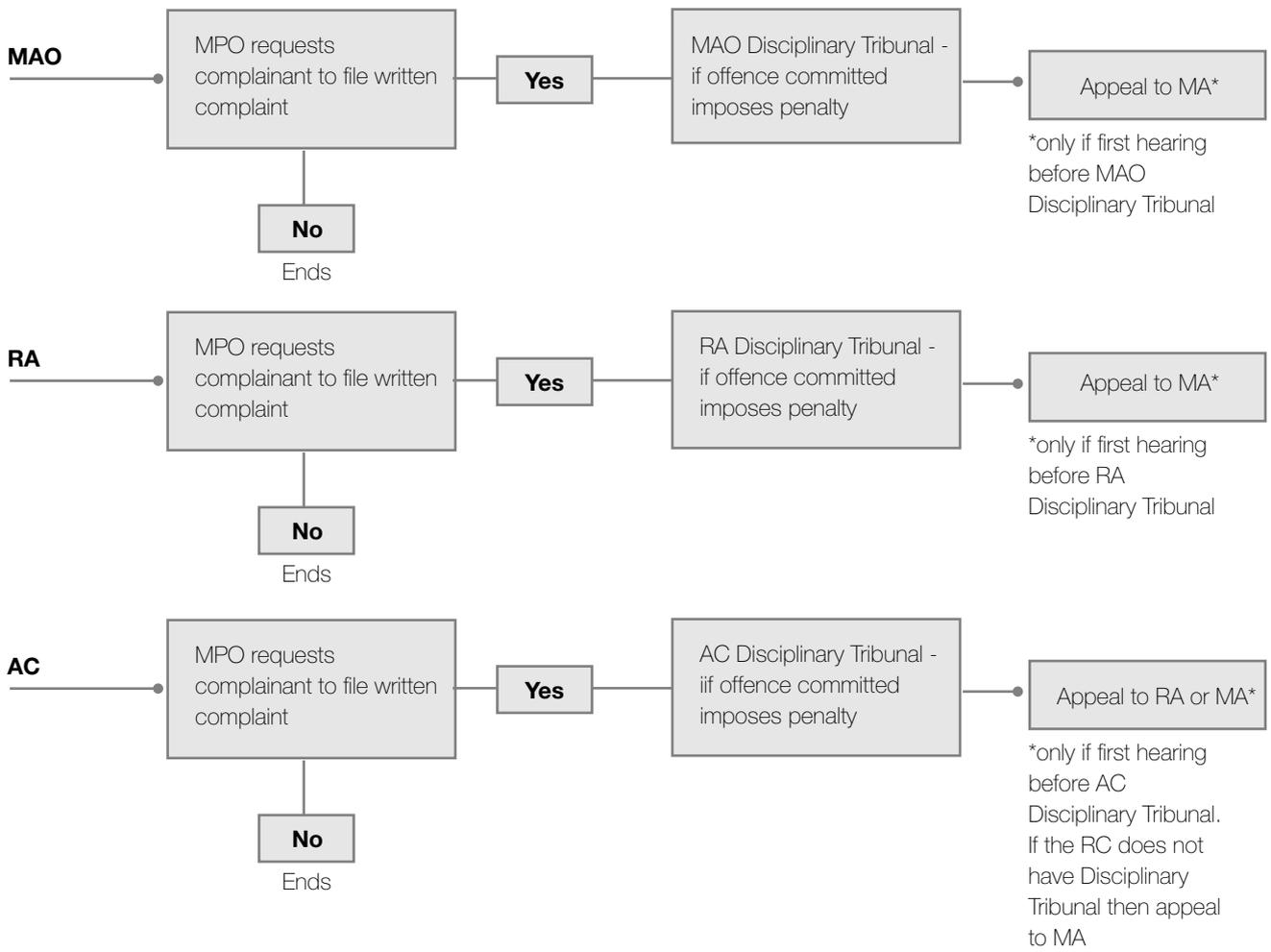
# Attachment B



# Attachment B



# Attachment B



## Attachment C

### **Tennis Australia General Code of Conduct**

*As a Member of Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club and in any role you hold within Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club:*

- 1** Respect the rights dignity and worth of others.
- 2** Be fair, considerate and honest in all dealing with others.
- 3** Be professional in, and accept responsibility for your actions.
- 4** Make a commitment to providing quality service.
- 5** Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.
- 6** Be aware of, and maintain an uncompromising adherence to Tennis Australia standards, rules regulations and policies.
- 7** Operate within the rules of tennis including national and international guidelines which govern Tennis Australia and the Member Associations.
- 8** Understand your responsibility if you breach, or are aware of any breaches of this Code of Conduct.
- 9** Do not use your involvement with Tennis Australia or a Member Association to promote your own beliefs, behaviours or practices where these are inconsistent with those of Tennis Australia and the Member Associations.
- 10** Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.
- 11** Refrain from any form of abuse towards others.
- 12** Refrain from any form of harassment towards, or discrimination of, others.
- 13** Provide a safe environment for the conduct of the activity.
- 14** Show concern and caution towards others who may be sick or injured.
- 15** Be a positive role model.

## Attachment D

### **Tennis Australia Administrators Code of Conduct**

*As an administrator of Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club you must meet the following requirements in regard to your conduct during any activity held by or under the auspices of Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club and in any role you hold within Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club:*

- 1** Be fair, considerate and honest in all dealing with others.
- 2** Be professional in, and accept responsibility for your actions. Your language, presentation, manners and punctuality should reflect high standards.
- 3** Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.
- 4** Resolve conflicts fairly and promptly through established procedures.
- 5** Maintain strict impartiality.
- 6** Maintain a safe environment for you and others.
- 7** Be aware of your legal responsibilities.
- 8** Be a positive role model for others.

## Attachment E

### **Tennis Australia Coaches Code of Conduct**

*As a coach appointed by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club and in any role you hold within Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club:*

- 1 Treat all students with respect at all times. Be honest and consistent with them. Honour all promises and commitments, both verbal and written.
- 2 Provide feedback to students and other participants in a caring sensitive manner to their needs. Avoid overly negative feedback.
- 3 Recognise students' rights to consult with other coaches and advisers. Cooperate fully with other specialists (eg. Sports scientists, doctors, physiotherapists etc).
- 4 Treat all students fairly within the context of their sporting activities, regardless of gender, race, place of origin, athletic potential, colour, sexual orientation, religion, political beliefs, socio-economic status, and other condition.
- 5 Encourage and facilitate students' independence and responsibility for their own behaviour, performance, decisions and actions.
- 6 Involve the students in decisions that affect them.
- 7 Determine, in consultation with students and others, what information is confidential and respect that confidentiality.
- 8 Encourage a climate of mutual support among your students.
- 9 Encourage students to respect one another and to expect respect for their worth as individuals regardless of their level of play.
- 10 At all times use appropriate training methods which in the long term will benefit the students and avoid those which could be harmful.
- 11 Ensure that the tasks/training set are suitable for age, experience, ability and physical and psychological conditions of the students.
- 12 Be acutely aware of the power that you as a coach develop with your students in the coaching relationship and avoid any sexual intimacy with students that could develop as a result.
- 13 Avoid situations with your students that could be construed as compromising.
- 14 Actively discourage the use of performance enhancing drugs, the use of alcohol and tobacco and illegal substance.
- 15 Respect the fact that your goal as a coach for the student may not always be the same as that of the student. Aim for excellence based upon realistic goals and due consideration for the student's growth and development.
- 16 Recognise individual differences in students and always think of the student's long-term best interests.
- 17 Set challenges for each student which are both achievable and motivating.
- 18 At all times act as a role model that promotes the positive aspects of sport and of tennis by maintaining the highest standards of personal conduct and projecting a favourable image of tennis and of coaching at all times.
- 19 Do not exploit any coaching relationship to further personal, political, or business interests at the expense of the best interest of your students.
- 20 Encourage students and coaches to develop and maintain integrity in their relationship with others.
- 21 Respect other coaches and always act in a manner characterised by courtesy and good faith.
- 22 When asked to coach a student, ensure that any previous coach-student relationship has been ended by the student in a professional manner.
- 23 Accept and respect the role of officials in ensuring that competitions are conducted fairly and according to established rules.
- 24 Know and abide by tennis rules, regulations and standards, and encourage students to do likewise. Accept both the letter and the spirit of the rules.
- 25 Be honest and ensure that qualifications are not misrepresented.
- 26 Be open to other people's opinion and willing to continually learn and develop.

## Attachment F

### **Tennis Australia Players Code of Conduct**

As a participant in any activity held by or under the auspices of Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club you must meet the following requirements in regard to your conduct during any such activity or event:

- 1 Respect the rights, dignity and worth of fellow players, coaches, officials and spectators.
- 2 Refrain from conduct which could be regarded as sexual or other harassment towards fellow players and coaches.
- 3 Respect the talent, potential and development of fellow squad players and competitors.
- 4 Care and respect the equipment provided to you as part of your program.

- 5 Be frank and honest with your coach concerning illness and injury and your ability to train fully within the program requirements.
- 6 Conduct yourself in a professional manner relating to language, temper and punctuality.
- 7 Maintain high personal behaviour standards at all times.
- 8 Abide by the rules and respect the decision of the umpire, match referee or other adjudicator, making all appeals through the formal process and respecting the final decision.
- 9 Be honest in your attitude and preparation to training. Work equally hard for yourself and your team/crew.
- 10 Cooperate with coaches and staff in development of programs to adequately prepare you for competition at the highest level.
- 11 Let your child know that your love for them is not associated with their sporting performances.
- 12 Communicate with your child and ask them how they are really feeling about their sport and about competing in particular.
- 13 Occasionally let your child compete without you being there and hovering over them.
- 14 Emphasise the good things your child did in preparing for and during the match/tournament.
- 15 Try to avoid:
  - Saying “we’re playing today”. Instead say “you’re playing today”. Give your child credit for accepting the responsibility of performing.
  - Getting too pushy or believe that you are indispensable. Let the coach do the coaching.
  - Living through your child’s performances.
  - Turning away when your child performs.
  - Turning away when your child’s behaviour is unsportsmanlike.
  - Telling your child what he/she did wrong after a tough match.
  - Making enemies with your child’s opponents or family during a match/ tournament.
  - Making your child feel guilty by reminding them about all the time, money and sacrifices you are making for his or her sport.
  - Thinking of your child’s sporting performances as an investment for which you expect a return.
  - Badgering, harassing or using sarcasm to motivate your child.
  - Comparing your child’s performances with those of other children.
  - Forcing your child to go to training. If they are sick of training find out why and discuss it with them.

## Attachment G

### Tennis Australia Parent / Guardian Code of Conduct

As a parent / guardian of a participant in any activity held by or under the auspices of Tennis Australia, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club you must meet the following requirements in regard to your conduct during any such activity or event:

- 1 Treat your child the same irrespective of them winning or losing.
- 2 Remember that your child plays tennis for their enjoyment not yours.
- 3 Try to have fun when you are around your children at competitions. Well-directed humour can be a great de-stressor.
- 4 Look relaxed, calm and positive on the sidelines.
- 5 Make friends with other parents at competitions.
- 6 Get involved in appropriate ways if your child or the coach behaves in unacceptable ways during competitions.
- 7 Let the coach do the coaching.
- 8 Understand that children will benefit from a break sometimes and that involvement in other sports is okay.
- 9 Be there when the child performs poorly. Be an understanding listener rather than a critic, judge and/or fixer.
- 10 Be prepared to give your child some space so that he/she can grow and develop as an independent person.

# Attachment H

## Prohibited Person Declaration

The Tennis Australia Member Protection By-Law makes it an offence for a Prohibited Person (defined as a person who has been convicted of a Serious Sex Offence) to work or seek work in the following roles:

- coaches who are appointed or seeking appointment (whether employed, contracted or otherwise) for reward;
- volunteer coaches appointed or seeking appointment, who will or are likely to travel away with teams of players under 18 years of age; and
- persons appointed or seeking appointment to a role in which that person is likely to have individual and unsupervised contact with players under 18 years of age (for example, a team manager).

The Tennis Australia Member Protection By-Law also makes it an offence to appoint, or continue to appoint, a person to a role set out above:

- without first obtaining this declaration; or
- where this declaration reveals the person is a Prohibited Person.

The Tennis Australia Member Protection By-Law defines a Serious Sex Offence to mean an offence involving sexual activity or acts of indecency including but not limited to:

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts

- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles

## Declaration

I am aware that I am ineligible to work or seek work in the roles set out above if I have been convicted of a Serious Sex Offence, as defined in the Tennis Australia Member Protection By-Law.

I have read and understood the above information in relation to the Tennis Australia Member Protection By-Law and understand my responsibilities and obligations under it.

I declare that I am not a person prohibited under the Tennis Australia Member Protection By-Law from working or seeking work in the roles set out above.

I acknowledge that I am required to advise the President of the organisation appointing me, immediately upon becoming a Prohibited Person.

Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Note:** Seek legal advice if you are unsure of your status.

# Attachment I

## Summary Of Grounds And Contacts For Notification Of Abuse

### See Part 20

## Grounds

**NSW:** (1) where medical practitioner, person in a profession (including teaching, counselling, early childhood teaching) or Principal or Dep Principal of a school, has reasonable grounds to suspects that a child (under 16 yrs) has been abused or (2) person in their professional work or other paid employment delivers health care, welfare, education, children's services, residential services or holds a management position in an organisation the duties of which include direct responsibility for or direct supervision of the provision of health care, welfare etc, and that person has reasonable grounds to suspect a child is at risk of harm.

Must report as soon as practicable.

In addition any person may report abuse of a child (under 17 years).

Children (Care & Protection) Act 1987

Children (Care & Protection) Regulations 1996

Children (Care & Protection) Act 1998

## Contact Details

Director General, Mr Loftus Harris  
Level 35 Govt. Macquarie Building  
1 Farrer Place  
Sydney, NSW 2000  
Phone (02) 9228 4787; or

Department of Community Services  
164-174 Liverpool Rd  
Ashfield, NSW 2131  
Phone (02) 9716 2222

**QLD:** where medical practitioner suspects on reasonable grounds the maltreatment or neglect of a child (under 17 yrs) which has or might subject a child to unnecessary injury, suffering or danger.

Must report within 24 hours. Health Act 1937

Family Youth & Community Care  
GPO Box 806  
Brisbane QLD 4001  
Phone (07) 3804 9133

**SA:** where medical practitioner, nurse, dentist, psychologist, member of police force, social worker, teacher, or person employed or volunteer in agency which provides health, welfare education child care partly or wholly for children, or holds a management position in an organisation the duties of which include direct responsibility for or direct supervision of the provision of those services, suspects on reasonable grounds that a child (under 18 yrs) has been or is being abused (including sexual, physical, emotional) or neglected.

Must report as soon as practicable.

Children's Protection Act 1993

Department of Youth Services  
Phone (08) 8226 7000  
Child Abuse Hotline 131478

## Grounds

**TAS:** any person who suspects on reasonable grounds that a child (under 17 yrs) has suffered maltreatment or there is substantial risk of maltreatment.

Discretionary whether or not to report  
Child Protection Act 1974

## Contact Details

Preston VIC  
Phone (03) 9479 6222

**NT:** any person who believes on reasonable grounds that a child (under 18yrs) has suffered or is suffering maltreatment (physical injury, emotional or intellectual impairment etc).

Must report as soon as practicable  
Community Welfare Act 1983

Police or  
Child Protection Unit  
Child & Family Protective Services  
P O Box 40596 Casuarina NT  
(08) 8922 7111

Minister for Health, Family & Community Services  
Stephen Dunhman MLA  
GPO Box 3146  
Darwin, NT  
Phone (08) 8999 6028

**VIC:** where medical practitioner, psychologist, nurse, teacher, police, youth worker etc in course of duties forms the belief in reasonable grounds that a child (under 17 yrs) is in need of protection (suffers significant harm as result of physical or emotional injury, abuse, harm or the child's development is or is likely to be harmed etc).

Must report as soon as practicable.  
Children & Young Persons Act 1989

Department of Human Services  
Child Protection and Juvenile Justice Unit  
Preston Office  
48-56 May St  
Department of Human Services  
Phone (03) 6233 3185

**WA:** There is no legislation requiring reporting.

## Grounds

**ACT:** where a person on reasonable grounds suspects there exists or has existed circumstances in respect of a child (under 18 yrs) that it considers appropriate that action should be taken, may report such circumstances; and

Where a medical practitioner, dentist, nurse, teacher, police, or person employed to counsel children in a school, public servant whose duties relate to children, person providing childcare at licensed premises, suspects on reasonable grounds that a child (under 18yrs) has suffered physical injury (other than by accident) or has been sexually abused.

Must report

Children Services Act 1986

## Contact Details

Education and Community Services

Child Protection Services and Family Services

Phone (02) 6207 1069 (north of Canberra)

Phone (02) 6207 1466 (south of Canberra)





# Contact Details

## Tennis Australia

Tel: (03) 9286 1177  
 Fax: (03) 9650 2743  
[info@tennisaustralia.com.au](mailto:info@tennisaustralia.com.au)  
[www.tennisaustralia.com.au](http://www.tennisaustralia.com.au)  
 Private Bag 6060  
 RICHMOND SOUTH VIC 3121  
 Melbourne Park  
 Batman Avenue  
 MELBOURNE VIC 3000

## Tennis NSW

Tel: (02) 9763 7644  
 Fax: (02) 9763 7655  
[tennis@tennisnsw.com.au](mailto:tennis@tennisnsw.com.au)  
[www.tennisnsw.com.au](http://www.tennisnsw.com.au)  
 PO Box 6204  
 SILVERWATER NSW 1811  
 Sydney International Tennis Centre  
 Rod Laver Drive  
 HOMEBUSH BAY NSW 2127

## Tennis Victoria

Tel: (03) 9286 1285  
 Fax: (03) 9650 6003  
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