



MEMBER PROTECTION POLICY

Preface

Bowls Queensland Limited Member Protection Policy

1. Bowls Queensland Limited (**BQ**) is the state peak body for the administration of the sport of lawn bowls in Queensland. One of the objects for which BQ has been established is to encourage conduct and promote all forms of the sport of lawn bowls throughout Queensland.
2. BQ is committed to the safety and well-being of all its Members and those who play lawn bowls throughout Queensland. BQ is also committed to ensure that all participants in the sport are treated fairly and equally and they all have an equal opportunity to participate in the sport.
3. The value to all participants in the sport of regular exercise together with social interaction provided in a Club environment is paramount to the objectives of BQ. Unfortunately, harassment can dramatically undermine these benefits of participation in lawn bowls. Depending on the particular case, harassment or abuse can have devastating effects not only for an individual but for a Club and even an association in the form of potential legal liability, low morale, a reluctance of people to be involved both as players and volunteers and long term damage to an organisation's reputation.
4. BQ's Constitution authorises it to adopt appropriate policies relevant to the administration of the sport in Queensland. This Policy is a reflection of the high priority which BQ places on serving and protecting its Members and all participants in the sport – both bowlers and non-bowlers alike.
5. The Policy binds BQ Member's as defined in clause 1 of the Constitution and all Members must comply with this Policy.
6. This Policy is the Policy referred to in clauses 16 and 17 of the By Laws of BQ and as such must be incorporated into the mandatory rules of each District and Club affiliated with BQ.
7. Member Districts and their affiliated Clubs may make their own rules or policies in relation to matters covered by this Policy provided that such rules or policies do not contravene any legislation or statutory rules in Queensland and provided they are consistent with this Policy. This Policy must be read in the context of the BQ's Constitution, BQ's Code of Conduct and any other policies made by BQ from time to time. If there is any conflict or ambiguity between this Policy and the Constitution, the Code of Conduct or any other BQ Policy the conflicting documents must be read in such a way as to achieve BQ's objective of promoting and encouraging participation in and the opportunity to participate in the sport of lawn bowls.
8. It is intended that this Policy is implemented and observed not only by BQ's Members but also all organisations and individuals associated with Lawn Bowls in Queensland including but not limited to bowls Clubs affiliated with Member Districts, Members of committees or other management bodies of Members, employees, contractors, sub-contractors and agents of Members, volunteers and honorary workers, players, coaches and administrators.
9. Whilst BQ is ultimately responsible for achieving the objectives of this Policy the implementation of it cannot be achieved without the active participation and adherence to this Policy by BQ's Members and all other organisations and persons to whom the Policy is directed.
10. I commend this Policy to all Members, participants and prospective participants in the sport. Together we can ensure the safety and well-being of all concerned and continue to promote and develop the sport we all love.

Board Chair
Bowls Queensland

PART A - INTRODUCTION

1. What is the purpose of this Policy?

- 1.1. The purpose of this Policy is to protect the health, safety and well-being of all Members of Bowls Queensland (BQ) and those who participate in the sport of lawn bowls, both bowlers and non-bowlers alike.
- 1.2. BQ is committed to endorsing a safe environment for all participants that is free from harassment, abuse and other unfair treatment and promotes respectful and positive behaviour towards everybody.
- 1.3. The Policy provides the basis for appropriate and ethical conduct by ensuring all those involved with BQ act in compliance with these principles and requirements. It aims to ensure that BQ's core values, good reputation and positive behaviour and attitude are maintained. It assists in ensuring that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse or other inappropriate behaviour. The Policy also ensures that everyone involved is aware of his or her legal and ethical rights and responsibilities.
- 1.4. The Policy will provide the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from BQ. As part of this commitment, BQ will take disciplinary action against any person or organisation bound by this Policy if BQ considers such person or organisation is in breach of the Policy.
- 1.5. The Policy contains a comprehensive Complaints and Discipline Procedure. The Policy is intended to ensure that everyone involved in our sport is aware of the procedures in place and does not attempt to resolve Complaints by any method other than the method set out in this Policy.
- 1.6. The Policy has been endorsed by the Board of Directors and commences on [date] and will operate until replaced. The Policy and/or its attachments may be amended from time to time by a resolution of the Board. Copies of the Policy and its attachments and forms can be obtained from the BQ website www.bowlsqld.org or from the BQ office, telephone (07) 3355 9988.
- 1.7. Defined terms used in this Policy are set out in paragraph 11.

2. What does this Policy cover?

- 2.1. In summary, this Policy sets out the following ways BQ and its Members seek to fulfil the purposes:
 - (a) BQ and its Members must screen preferred applicants and existing appointees in certain roles as set out in Part B and it is highly recommended but not mandatory in other types of roles;
 - (b) BQ and its Members must promote, distribute and otherwise uphold this Policy including enforcing and recognising any penalties or other sanctions imposed pursuant to this Policy;
 - (c) All coaches, umpires, administrators, other officials, volunteers, players and parents/guardians are bound by the Code of Conduct in Section 4;
 - (d) The Policy provides a detailed and consistent process for making a Complaint concerning a possible breach of the Policy including a process for investigating such possible breach and determining, by way of hearing or otherwise, whether or not such a breach has occurred. The Policy also provides for a hierarchical and fair Appeal process.

3. Who does this Policy apply to?

- 3.1.** This Policy applies to the following organisations and individuals to the fullest extent possible, whether they are in a paid, unpaid or voluntary capacity:
- (a) Individuals sitting on boards, committees and sub-committees including but not limited to office bearers of BQ, Members, and affiliated Clubs;
 - (b) Employees of BQ, Members, and affiliated Clubs associations;
 - (c) Officials appointed or elected by BQ, Members and affiliated Clubs;
 - (d) Bowls Clubs or other bodies affiliated with Members in relation to players or teams which represent such organisations including but not limited to team managers, coaches, physiotherapists, psychologists, masseurs and sports trainers;
 - (e) Coaches and assistant coaches appointed and/or employed by BQ or its Members or bowls Clubs affiliated with its Members, or affiliated or regional associations whether in a paid or voluntary capacity;
 - (f) Referees, umpires and other officials involved in the regulation of the game of lawn bowls whether in a paid or unpaid capacity;
 - (g) Bowlers who enter any tournament, activity or events (including camps and training sessions) which are held, organised or sanctioned by BQ, its Members, bowls Clubs affiliated with its Members.
 - (h) Members, including Life Members;
 - (i) Lawn bowls Clubs affiliated with Members;
 - (j) Affiliated bowlers;
 - (k) Any other person or organisation that is a Member of or affiliated with a Member; and
 - (l) Parents, guardians, spectators and sponsors of BQ, Members, affiliated bowlers, bowls Clubs affiliated with Members, affiliated and regional associations.

4. Code of Conduct

BQ requires every individual and organisation bound by this Policy to:

- 4.1.** Be ethical, fair and honest in all their dealings with other people;
- 4.2.** Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- 4.3.** Always place the safety and welfare of children above other considerations;
- 4.4.** Comply with BQ's Constitution, rules and policies including this Policy;
- 4.5.** Operate within the rules of the spirit of the sport by upholding ethics, fair play and honesty of the sport;
- 4.6.** Comply with all relevant Australian laws (Federal and State), particularly any antidiscrimination and child protection laws;
- 4.7.** Be responsible and accountable for their conduct; and
- 4.8.** Abide by the relevant Role-Specific Codes of Conduct outlined in part D of this Policy.

5. Organisational Responsibilities

BQ must:

- 5.1.** Adopt, implement and comply with this Policy;
- 5.2.** Publish, distribute and otherwise promote this Policy and the consequences of breaching it;

- 5.3. Promote appropriate standards of conduct at all times;
- 5.4. Promptly deal with any breaches of or complaints made under this Policy in an impartial, sensitive, fair, timely and confidential manner;
- 5.5. Apply this Policy consistently;
- 5.6. Recognise and enforce any penalty or other sanction imposed under this Policy;
- 5.7. Ensure that a copy of this Policy is available or accessible to the persons to whom the Policy applies;
- 5.8. Appoint or have access to appropriately trained people to receive and handle complaints and allegations and display the names and contact details of such person or persons in a way that is readily accessible; and
- 5.9. Monitor and review this Policy at least annually.

6. Individual Responsibilities

Individuals and organisations bound by this Policy are responsible for:

- 6.1. Making themselves aware of the Policy and complying with the standards of conduct outlined in it;
- 6.2. Where required, consenting to a national police check;
- 6.3. Complying with all other requirements of the Policy;
- 6.4. Co-operating in providing a discrimination, child abuse and harassment free sporting environment; and
- 6.5. Understanding the possible consequences of the breach of this Policy;

7. Policy Position Statements

7.1 Child Protection Policy

- (a) Every person and organisation bound by this Policy must place the safety and welfare of children above all other considerations.
- (b) BQ acknowledges that our staff and volunteers provide a valuable contribution to the positive experiences of our juniors. BQ aims to ensure continuing protection of the safety and welfare of its junior participants. Several measures will be used to achieve this such as:
 - (i) Prohibiting any form of abuse against children;
 - (ii) Providing opportunities for our juniors to contribute to and provide feedback on our program development;
 - (iii) Carefully selecting and screening people whose role requires them to have direct and unsupervised contact with children. (Screening procedures are outlined in Part B of this Policy);
 - (iv) Ensuring our codes of conduct, particularly for roles associated with junior sport, are promoted, enforced and reviewed;
 - (v) Providing procedures for raising concerns and resolving Complaints (the BQ Complaints and Discipline Procedure is outlined in Part C of this Policy); and
 - (vi) Providing education and/or information to those involved in our sport on child abuse and child protection.
- (c) BQ requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within our sport, to report it immediately to the police or relevant government agency and the CEO. Descriptions of the sorts of activity which may be abuse are in the Dictionary at clause 11.

- (d) All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. Our procedures for handling allegations of child abuse are outlined in attachment E of this Policy.
- (e) If anyone bound by this Policy reasonably suspects that a child is being abused by his or her parent/s, they should contact the relevant government department for youth, family and community services in their state/territory.

7.2 Taking images of children

- (a) There is a risk that images of children may be used inappropriately or illegally. BQ requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own. They should also make sure that the parent/guardian understands how the image will be used.
- (b) To respect people's privacy, BQ does not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets which BQ controls or are used in connection with our sport.
- (c) When using a photo of a child, BQ will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the child's parent/guardian. BQ will not provide information about a child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" a child.
- (d) BQ will only use images of children that are relevant to our sport and will ensure that they are suitably clothed in a manner that promotes participation in the sport. BQ will seek permission from the parents/guardians of the children before using the images. BQ requires our member associations and clubs to do likewise.

7.3 Anti-Discrimination and Harassment Policy

- (a) BQ aims to provide an environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.
- (b) BQ recognises that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of their sex, marital status, pregnancy, parental status, race, age, disability, homosexuality, sexuality, transgender status, religion, political belief and/or industrial activity.
- (c) BQ prohibits all forms of harassment and discrimination not only because it is against the law, but because it is extremely distressing, offensive, humiliating and/or threatening and creates an uncomfortable and unpleasant environment.
- (d) Descriptions of some of the types of behaviour which could be regarded as harassment or discrimination are provided in the Dictionary at clause 11.
- (e) If any person feels they are being harassed or discriminated against by another person or organisation bound by this Policy, they should refer to our Complaints and Discipline Procedure outlined in attachment C1 of this Policy. This will explain what to do about the behaviour and how the BQ will deal with the problem.

7.4 Sexual Relationships Policy

- (a) BQ discourages sexual relationships between adult athletes and their coaches. BQ takes the view that such relationships while not necessarily constituting unlawful harassment can have harmful effects on the individual

athlete involved, on other athletes and coaches, and on the sport's public image. BQ's Policy position is similar to other organisations who disallow professionals such as teachers, doctors and counsellors to have sexual relationships with their clients or students as in such situations, there is a tendency for disparity between coaches and athletes in terms of authority, power, maturity, status or dependence.

- (b) If it considers that such a potentially harmful sexual relationship has developed between an athlete and a coach, BQ may consider factors such as the age, maturity, financial or emotional dependence of the athlete on the coach, and the overall likelihood of any adverse impact on the athlete and/or other athletes with a view to taking action to stop the coaching relationship with the athlete. Taking action may include a transfer, a request for resignation or dismissal from coaching duties.
- (c) If an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach may wish to approach the CEO if he/she feels harassed.

7.5 Bullying

- (a) BQ is committed to providing an environment that is free from bullying. BQ understands that bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and BQ regards bullying in all forms as unacceptable in our sport.
- (b) Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or a group.
- (c) Whilst generally characterised by repeated behaviours, one-off instances can amount to bullying.
- (d) The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:
 - (i) Verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
 - (ii) Excluding or isolating a group or person;
 - (iii) Spreading malicious rumours; or
 - (iv) Psychological harassment such as intimidation.
- (e) Bullying includes cyber-bullying which occurs through the use of technology. New technology and communication tools, such as smart phones, and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. BQ will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at a referee, teammate or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club.
- (f) If any person believes they are being, or have been bullied by another person or organisation bound by this policy, he or she may make a complaint (refer to the attachments in Part C of this policy).

7.6 Social networking

- (a) BQ acknowledges the enormous value of social networking to promote our sport and celebrate the achievements and success of the people involved in our sport.
- (b) Social networking refers to any interactive website or technology that enables people to communicate and/or share content via the internet. This includes social networking websites such as Facebook and Twitter.
- (c) BQ expects all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to our sport.
- (d) In particular, social media activity including, but not limited to, postings, blogs, status updates and tweets:
 - (i) must not contain material which is, or has the potential to be, offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate;
 - (ii) must not contain material which is inaccurate, misleading or fraudulent;
 - (iii) must not contain material which is in breach of laws, court orders, undertakings or contracts;
 - (iv) should respect and maintain the privacy of others; and
 - (v) should promote the sport in a positive way.

7.7 Transgender Persons

- (a) BQ acknowledges and is committed to the principles of anti discrimination laws throughout Queensland which prohibit discrimination against or among people on the basis of their sex or gender identity.
- (b) For the purposes of this Policy the phrase “transgender person” includes any person who has changed or is in the process of changing their gender identity or who identifies with a gender that is different to their birth gender regardless of whether or not such person has undergone or is undergoing gender reassignment surgery and includes persons who are of indeterminable sex.
- (c) Notwithstanding the different law in various states and territories around Australia in relation to transgender persons, participation by a transgender person in the sport of lawn bowls must be dealt with in accordance with this Policy.
- (d) The fundamental principle upon which this Policy is based and upon which it must be implemented is that no Member may discriminate against a transgender person in relation to that person’s participation or opportunity to participate in sport of lawn bowls. For the purpose of this Policy “participation” includes Membership of, employment with or Membership of, engagement as a volunteer or enjoyment of any facilities provided by a Club or other organisation whose primary objective is the playing of the sport of lawn bowls.
- (e) Notwithstanding anything contained in the previous paragraph:
 - (i) Members shall and shall ensure that their Members, employees, servants and agents must not require that any person undergo any medical test to ascertain their gender at birth.
 - (ii) Transgender persons shall be permitted to play lawn bowls as their preferred gender in any game played under a Controlling Body as that

phrase is defined in section 1 of the Laws of the Game of Bowls in Australia.

- (iii) Members shall, at all times, respect the privacy of a transgender person and comply with all relevant privacy legislation in force in Australia.
- (iv) Members shall have or establish a procedure for dealing with grievances, complaints or other matters arising under or in relation to this Policy that protects the privacy of individuals and is the same as or substantially the same as the procedures under this Policy.
- (v) Members must not victimise a person or permit the victimisation by any person to occur or to continue after it becomes known of another person who makes a complaint or raises a grievance under this Policy. For the purposes of this Policy, victimisation means treating a person unfairly because that person or someone with whom they associate has or intended to make a complaint or lodge a grievance under this Policy. Quite apart from this Policy victimisation is also unlawful under all anti discrimination laws enforced in Australia and each of the states and territories.

8. Complaints and Discipline Procedures

8.1. Complaints

- (a) BQ aims to provide a simple, consistent and confidential procedure for dealing with complaints based on the principles of natural justice. Any person may lodge a Notice of Complaint about one or more persons or organisations bound by this Policy if they reasonably believe that the person/s or organisation has breached this Policy. A Notice of Complaint should be reported in the first instance to the appropriate person at the Complainant's Club.
- (b) All Complaints will be dealt with promptly, seriously, sensitively and confidentially. Complaints will be dealt with according to the BQ Complaints and Discipline Procedure as set out in Attachment C1 to this Policy.

8.2. Vexatious Complaints & Victimisation

- (a) BQ aims to ensure the Complaints and Discipline Procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the Complaints and Discipline Procedure there is evidence that a Complainant has knowingly made an untrue Complaint or that the Complaint is vexatious, trivial or malicious, the matter may be referred to the CEO for appropriate action which may include disciplinary measures against the Complainant.
- (b) BQ will also take all necessary steps to make sure that Parties involved in a Complaint are not victimised by anyone for coming forward with a Complaint or for helping to resolve it. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

8.3 Mediation

- (a) BQ aims for the rapid resolution of Complaints wherever possible. In many cases, Complaints can be resolved by agreement between the people involved with no need for disciplinary action. The Parties may also seek the assistance of a neutral third person or a mediator. Lawyers are not able to negotiate on behalf of the Complainant and/or Respondent but all parties may have a support person present with them throughout the mediation provided that support person is not legally trained.

- (b) Mediation may occur either before or after an investigation of a Complaint. More information on the mediation process is outlined in attachment C2 of this Policy.

8.4 Hearings

- (a) A hearings tribunal may be formed to make a Decision regarding a Complaint.
- (b) A tribunal can be formed by a Club, District or by the CEO, depending on what stage of the Complaints and Discipline Procedure the Complaint has reached.
- (c) Every organisation bound by this Policy will recognise and enforce any decision made, and form of discipline imposed, by a tribunal under this Policy.
- (d) Members of tribunals will be indemnified by the organisation that appointed them against any claim for loss, compensation or damages, and for costs incurred defending a claim made against them, because of their function as a Member of a tribunal.

9. What is a Breach of this Policy

It is a breach of this Policy for any person or organisation to which this Policy applies, to have been found to have:

- (a) Done anything contrary to this Policy;
- (b) Breached the Code of Conduct and Role-Specific Codes of Conduct;
- (c) Brought the sport and/or BQ into disrepute;
- (d) Failed to follow BQ policies and procedures for the protection, safety and welfare of children;
- (e) Appointed or continued to appoint a person to a role that involves working with children and young people contrary to this Policy;
- (f) Discriminated against or harassed any person;
- (g) Victimised another person for reporting a Complaint;
- (h) Engaged in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;
- (i) Disclosed to any unauthorised person or organisation any BQ information that is of a private, confidential or privileged nature;
- (j) Made a complaint they knew to be untrue, vexatious, malicious or improper;
- (k) Failed to comply with a penalty imposed after a finding that the individual or organisation has breached this Policy;
- (l) Failed to comply with a direction given to the individual or organisation during the discipline process.

10. Forms of Discipline

- (a) If an individual or organisation to which this Policy applies breaches this Policy, one or more forms of discipline may be imposed. These may include requiring a verbal or written apology, imposing a fine, imposing suspension or de-registration or having a person's appointment or employment terminated.
- (b) Any disciplinary measure imposed will be:
 - (i) fair and reasonable;

- (ii) applied consistent with any contractual and employment rules and requirements;
 - (iii) be based on the evidence and information presented and the seriousness of the breach; and
 - (iv) be determined in accordance with our constituent documents, by-laws, this policy and/or the rules of the sport.
- (c) More information on the range of disciplinary measures and the factors that will be considered before imposing discipline is at attachment C5 of this Policy.

11. Dictionary

This Dictionary sets out the meaning of words used in this Policy and its attachments without limiting the ordinary and natural meaning of the words. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection commissions or equal opportunity and anti-discrimination commissions.

Abuse is a form of harassment and includes physical abuse, emotional abuse, sexual abuse, neglect, and abuse of power. Examples of abusive behaviour include bullying, humiliation, verbal abuse and insults.

Affiliated Club means a Club affiliated with BQ or a Member District.

Appointee means any person, person or body appointed by a Club or District to make decisions according to the Complaints and Discipline Procedure.

Board of Directors means the Board of Directors of BQ.

CEO means the Chief Executive Officer of BQ.

Child means a person who is under the age of 18 years (see also definition of young person).

Child abuse involves conduct which puts a child at risk of harm. It can take many forms. Children may be harmed by both verbal and physical actions and by people failing to provide them with basic care. Child abuse may include:

- Physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity).
- Sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations).
- Emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child).
- Neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

Club means an affiliated Club formed under the BQ Constitution.

Complaint includes any circumstances where a breach of the Policy is alleged. Complaint includes an Appeal made in accordance with the Complaints and Discipline Procedure.

Complainant includes any Member of BQ who is witness to or subject to a suspected breach of the Member Protection Policy.

Decision is the resolution of a Complaint by the Club, District or CEO or the Board of Directors according to this Policy and any relevant Club rules and policies.

Disciplinary Measure means a measure imposed according to attachment C5 of this Policy.

Discrimination occurs when someone is treated unfairly or less favourably than another person in the same or similar circumstances because of a particular personal characteristic. This is known as direct discrimination. Indirect discrimination occurs when a rule, policy or practice disadvantages one group of people in comparison with others, even though it appears to treat all people the same.

In Australia, it is against the law to discriminate against someone because of their:

- age
- disability
- family/carer responsibilities
- gender identity/transgender status
- homosexuality and sexual orientation
- irrelevant medical record
- irrelevant criminal record
- political belief/activity
- pregnancy and breastfeeding
- race
- religious belief/activity
- sex or gender
- social origin;
- trade union membership/activity.

Some States and Territories include additional characteristics, such as physical features or association with a person with one or more of the characteristics listed above.

Discrimination is not permitted in the areas of employment (including volunteer and unpaid employment); the provision of goods and services; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any player or other person to any competition; obtaining or retaining Membership of an organisation (including the rights and privileges of Membership).

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination may also be discriminatory conduct.

District means an affiliated district organisation formed under the BQ Constitution.

Executive means the executive body or committee of any Club or District.

Harassment is any type of behaviour that the other person does not want and does not return and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and of a type that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Unlawful harassment includes the above but is either sexual or targets a person because of their race, sex, pregnancy, marital status, sexuality or other characteristic (see characteristic list under discrimination).

Whether or not the behaviour is harassment is determined from the point of view of the person receiving the harassment. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

Junior means a person under the age of eighteen (18) years who is participating in an activity of the BQ or a Member or an affiliated Club.

Mediator means an impartial person appointed to mediate complaints made under this Policy. It is preferable that the mediator has relevant skills, qualifications and/or training in mediation.

Member means Members of BQ and includes individual players, coaches and officials along with organisations such as Clubs, Districts and other affiliated associations.

Member protection is a term used by the Australian sport industry to describe the practices and procedures that protect Members – both individual Members such as players, coaches and officials, and the Member organisations such as Clubs, state associations, other affiliated associations and the national body. Member protection involves:

- protecting those that are involved in sport activities from harassment, abuse, discrimination and other forms of inappropriate behaviour;
- adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with juniors; and
- providing education.

Natural justice incorporates the following principles:

- a person who is the subject of a complaint must be fully informed of the allegations against them;
- a person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence;
- all parties need to be heard and all relevant submissions considered;
- irrelevant matters should not be taken into account;
- no person may judge their own case;
- the decision maker/s must be unbiased, fair and just; and
- the penalties imposed must not outweigh the 'crime'.

Notice of Complaint means a notice in the appropriate form as contained in attachment C1.

Party means a person or organisation directly or indirectly involved in a Complaint.

Procedure means any procedure as set out in Part C of this Policy.

Police check means a national criminal history record check conducted as a prudent pre-employment or pre-engagement background check on a person.

Policy and **this Policy** mean this Member Protection Policy.

Respondent means a person who is being complained about in a Complaint.

Role-specific codes of conduct means standards of conduct required of certain roles (e.g. coaches).

Sexual harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

Sexual offence means a criminal offence involving sexual activity or acts of indecency *including but not limited to (due to differences under state/territory legislation):*

- 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; and
- Publishing child pornography and indecent articles.

Transgender is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation.

Victimisation means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make a complaint under government legislation (e.g. anti-discrimination) or under this Policy, or for supporting another person to make a complaint.

Vilification involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics within the meaning of Discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

Young People/person means people under the age of 18 years.

CHILD PROTECTION REQUIREMENTS

Background

Child Protection is about keeping children safe from abuse and protecting them from people who are unsuitable to work with children. Child abuse is illegal in all states and territories of Australia, with each having their own child protection laws that cover the reporting and investigation of cases of child abuse.

In Queensland child protection legislation places specific requirements upon individuals and organisations involved in a range of areas including sport and recreation. Working with Children Check laws are currently in place in New South Wales, Queensland, Western Australia, Victoria, the Northern Territory, the Australia Capital Territory and South Australia. Working with Children laws are currently being introduced in Tasmania.

Please be aware that state and territory child protection requirements also apply to individuals and organisations originating outside of the states with the legislation in place. For example, if one of our state associations or affiliated Clubs takes junior players to New South Wales or Queensland for training camps, competition or other activities, those travelling with the teams must comply with the NSW or QLD legislative requirements.

As part of BQ's commitment to protecting the safety and welfare of children and young people involved in BQ activities, BQ requires the following measures to be met:

- Provide opportunities for juniors to contribute to and provide feedback on program development;
- Provide education and/or information on child abuse and child protection to those involved in our sport such as coaches, juniors, parents and officials; and
- Meet the requirements outlined in :
 - For QLD association/Club, see attachment B1
 - For NSW association/Club, see attachment B2

Attachment B1: QUEENSLAND CHILD PROTECTION REQUIREMENTS

This information is subject to change at any time. Refer to the Blue Card Services website: www.bluecard.qld.gov.au or contact 1800 113611 if you have any queries about your obligations under their legislation. This information is provided as a guide only.

In Queensland the *Working with Children (Risk Management and Screening) Act 2000* requires people who work with children under 18 years of age in certain categories of paid or voluntary employment or those who operate child-related businesses, to undergo a Working with Children Check. The Working with Children Check is a comprehensive assessment of a person's suitability to work with children based on their criminal history and teacher registration, if any. Those found suitable to work with children and young people are issued a suitability card, or blue card. The blue card must be renewed every three years.

Association/Club requirements

QLD State Associations and affiliated Clubs are responsible for applying to the Queensland Government Safety Business Agency ("QGSBA") for a blue card on behalf of their paid employees and volunteers where the nature of their work meets the criteria below. **These requirements apply despite the existence or absence of our Member protection Policy.**

1. **Paid Employees** who started a new job or renewed a contract after 1 May 2001, who work with children and young people must hold a blue card or an exemption card if their work falls into a category of regulated employment and they work, or are likely to work, for at least:
 - eight consecutive days,
 - once a week during a period of four weeks,
 - once a fortnight for each fortnight during a period of eight weeks, or
 - once a month for each month during a period of six months.

People working in regulated employment which is 'one-off' or on a short-term basis (where the duration of their employment is less than that listed above) are not required to undergo a criminal history check.

Once a blue card application has been lodged, a paid employee can commence or continue to work in regulated employment while waiting for the outcome of their blue card application but only to the extent of the above minimums.

Where we know or reasonably suspect that an existing employee has a criminal history that may make the employee unsuitable for child-related employment, then we may apply to the QGSBA for a suitability notice for that employee.

Application forms for us to apply for a blue card for a prospective paid employee can be downloaded from www.bluecard.qld.gov.au. The prescribed application fee is \$81.40 and is to be paid by the State Association or the affiliated Club as the case may be.

2. **Volunteers** who work with children and young people must hold a blue card if their work falls into the category of regulated employment, regardless of how often they will come into contact with children and young people, unless exempt. However, volunteers who signed an agreement before 1 May 2001 do not have to undergo employment screening until they enter into a new agreement. Application forms for us to apply for a blue card for a volunteer can also be downloaded from www.bluecard.qld.gov.au. Applications for volunteers is free.

A volunteer must not commence regulated child-related work until they hold a valid blue card.

3. **Exemptions**

The following people are exempt from the Working with Children Check:

- children under 18 who are volunteers (except trainee students required to work in regulated employment as part of their studies with an education provider such as a registered training organisation, or university);
- parents who volunteer their services or conduct activities through our Club or association if their child is involved in the same or similar service or activity;

- a volunteer guest of a school or a registered charity, corporation or incorporated association:
 - for the purpose of observing, supplying information or entertainment to 10 or more people, and
 - the activity is for 10 days or less on no more than two occasions per year, and
 - the person is unlikely to be physically present with a child without another adult being present, or
- an event volunteer performing the function of employment at a national or state event organised by a school or a registered charity, corporation or incorporated association (operating at a state or national level) for:
 - a sporting, cultural or skill based activity, and
 - the event is attended by more than 100 people, and
 - the work is for 10 days or less on no more than two occasions per year; and
 - the person is unlikely to be physically present with a child without another adult being present.

'Regulated employment' is any paid or voluntary work that falls under following categories:

- Out of home residential facilities;
- School boarding houses;
- Schools – employees other than teachers and parents;
- Child care and similar employment;
- Churches, Clubs and associations providing services mainly directed towards or involving children or conducting activities mainly involving children;
- Counselling and support services;
- Private teaching, coaching and tutoring;
- All education programs conducted outside of schools; or
- Sport or active recreation providing services mainly directed towards or children

Attachment B2: NEW SOUTH WALES REQUIREMENTS FOR CHECKING PEOPLE TO WORK WITH CHILDREN (Specific to Districts/Clubs that are governed by the laws of New South Wales)

This information is subject to change at any time. Refer to the NSW Commission for Children and Young People website: <http://www.kidsguardian.nsw.gov.au/> or contact 02 9286 7219.

All NSW Clubs and associations who engage/employ people in child-related activities (in a paid or voluntary capacity) must meet the requirements of the Working With Children Check. The Check is valid for five years. This is a legal requirement. We are required to:

1. Register with the Office of the Children's Guardian;
2. Identify which roles within the organisation are **child-related** and need a Working with Children Check and which roles are not child-related or fall under an exemption ;
3. Use our online eprofile to verify workers' Working with Children Check numbers ("WWC numbers") including new paid workers before they commence any child-related work and existing workers and volunteers before the end of the sectors phase-in period;
4. Ensure our WWC number is verified online by an appropriate person in the organisation;
5. Keep records for each worker including full name, date of birth, WWC number, verification date, verification outcome, expiry date and whether the worker is in paid or volunteer work;
6. Remove any barred or unauthorised persons from child-related work (engaging barred persons in child-related work is an offence);

Child-related work is any work (paid or unpaid) that involves direct contact with children in several types of areas such as sporting Clubs and associations that have a significant child Membership or involvement.

Employment includes work done:

- under a contract of employment;
- as a sub-contractor;
- as a volunteer for an organisation;
- as a minister of religion (whether or not ordained); and
- undertaking practical training as part of an educational or vocational course

Attachment B3: MEMBER PROTECTION DECLARATION

BQ has a duty of care to its Members and to the general public who interact with its employees, volunteers, Members and others involved with BQ activities. As part of this duty of care and as a requirement of the BQ's Member Protection Policy, BQ must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that involves direct and unsupervised contact with people under the age of 18 years

I(name) of
.....(address) DOB...../...../.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for offences involving sexual activity, acts of indecency, child abuse or child.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment.
4. I have never been sanctioned for an anti-doping rule violation under any anti-doping policy applicable to me.
5. I have never participated in, facilitated or encouraged any practice prohibited by the World Anti-Doping Agency Code or any other anti-doping Policy applicable to me.
6. To my knowledge there is no other matter that BQ may consider to constitute a risk to its Members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the Chief Executive Officer of Bowls Queensland immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed for whatever reason.

Declared in the State/Territory of on
...../...../.....(date) Signature

Parent/Guardian Consent (in respect of person under the age of 18 years)

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

Name:.....

Signature:..... Date:

PART C: PROCEDURES

To ensure consistency and that the principles of natural justice are followed in all aspects of handling or conducting Complaints, allegations, investigations, tribunals and disciplinary measures, BQ will follow and implement the following procedures:

- C1 Complaints and Discipline Procedure
- C2 Mediation Procedure
- C3 Investigation Procedure
- C4 Investigation Procedure for allegations of child abuse
- C5 Disciplinary Measures

Attachment C1: COMPLAINTS AND DISCIPLINE PROCEDURE

This document sets out a comprehensive procedure to be followed in the event of a Complaint in regard to Member protection or discipline.

In the interest of fairness and consistency in varying circumstances, BQ provides a fixed Complaint resolution procedure. This document sets out the comprehensive process for commencing and appealing such procedures.

This document is created under the jurisdiction granted to BQ by clause 72 of the BQ Constitution.

This document does not prevent individuals and organisations to which this Policy applies pursuing their Complaint externally under anti-discrimination, child-protection or other relevant legislation.

If at any point in the Complaint process there is evidence that a Complainant has knowingly made an untrue Complaint or the complaint is vexatious or malicious, the matter may be dismissed and the person making the untrue, vexatious or malicious claim may be subject to the same procedures within this Policy, including disciplinary measures.

Unless disclosure is necessary for effective resolution of the Complaint or is otherwise required by law, the identity of Complainants will be treated confidentially and will not be disclosed without the Complainant's written consent.

2. Parties encouraged to attempt to resolve Complaint

- (a) To ensure that minor Complaints are dealt with as efficiently as possible, Parties to a Complaint are encouraged to attempt to resolve the Complaint themselves prior to commencing the Complaints and Discipline Procedure.
- (b) In circumstances where for any reason it is impossible, unreasonable or inappropriate for a Complainant to attempt to resolve the Complaint according to section 1(a), the Complainant may initiate the Complaints and Discipline Procedure set out below.

3. Initiating the Complaints and Discipline Procedure

3.1 Notice of Complaint

- (a) Any Member of BQ who is subject to or witness to a breach of this Policy may initiate the Complaints and Discipline Procedure by completing a Notice of Complaint and delivering the Notice of Complaint to their Club.
- (b) The Notice of Complaint must be substantially in the approved form (see Appendix 1).
- (c) The Notice of Complaint must be in writing, signed, dated and should contain:
 - (i) Notice of Complaint;
 - (ii) the Complainant Declaration;
 - (iii) the full names of all Parties involved in the Complaint;
 - (iv) the Clubs and Districts of which those Parties are Members;
 - (v) a detailed account of the circumstances that gave rise to the Complaint; and
 - (vi) any further information which the Complainant considers will assist the Club in resolving the Complaint.

3.2 Notice of Complaint Sent to District

- (a) A Complainant may deliver a Notice of Complaint directly to a relevant District organisation in circumstances where:
 - (i) the Complaint is made against or in relation to members of the Club Executive; or
 - (ii) the Complainant does not believe that the Complaint will be fairly determined by the Club.
- (b) If a District receives a Notice of Complaint directly in accordance with clause 3.2, the District Executive must decide whether the Complaint is appropriate to be determined at a District level or whether the Complaint should be referred back to the relevant Club for determination.
- (c) The District must notify, in writing, the Complainant of its decision made pursuant to clause 2.2(b).

4. Resolving the Complaint at Club Level

4.1 Relationship with Club Policies

- (a) This Procedure is intended to provide guidance for Clubs in regard to resolving Complaints.
- (b) This section does not prohibit a club from implementing any of its own rules and policies as it deems necessary provided they do not contradict any part of this policy. For the avoidance of doubt, this clause 3.1(b) is not intended to replace or deprive a club's rules and policies that may apply in accordance with its constitution or by-laws, but to provide a uniform approach to resolving complaints and establish a procedure for appeals after a club has dealt with the complaint at first instance.

4.2 Decision by Club

- (a) A Club which has received a Notice of Complaint must take reasonable steps, taking into account this Policy and any relevant Club rules and policies, to resolve the Complaint.

4.3 Preliminary Consideration by Club Executive

Within 28 days of a Club receiving a Notice of Complaint, the Club's Executive must consider the Notice of Complaint and make preliminary decisions including:

- (a) whether the Complaint should be referred to the relevant District body in accordance with clause 4.9; and
- (b) what steps the Club's Executive considers necessary, with reference to clause 4.5, in resolving the Complaint.

4.4 Club Executive to Appoint Decision Maker

The Club's Executive must appoint a person, persons, or body to make Decisions regarding the Complaint. The Club's Appointee has all the powers and obligations of the club under this Complaints and Discipline Procedure.

4.5 Powers of Clubs

In making a Decision regarding a Complaint a Club (by its Appointee) may (but is not limited to) do the following:

- (a) request written or oral statements from Parties involved in the Complaint;
- (b) conduct any inquiries that the Club considers necessary in resolving the Complaint;
- (c) conduct an Investigation Procedure (as set out in attachment C3);

- (d) refer the Parties to a Mediation Procedure (as set out in attachment C2); and
- (e) impose Disciplinary Measures.

4.6 Reporting Requirements to Parties

A Club must, within 7 days of making a Decision, provide written notice, by registered post, to all Parties of:

- (a) the Decision of the Club; and
- (b) the reasons for the Decision.

4.7 Reporting Requirements to District

Once, in each six month period during each calendar year, a Club must provide a report to the District of which the Club is a Member which lists all Notices of Complaint received in the previous 6 month period and all unresolved Complaints.

4.8 Referral to Police or other Authority

- (a) A Club may, at any stage during this Procedure, if it considers that it is appropriate, refer the Complaint to the police or to any other authority the Club considers to be appropriate.
- (b) The fact that a Complaint has been referred to the police or other authority under this clause does not prevent the Club from continuing its own investigations and making its own Decision in regard to the Complaint.

4.9 Referral to District by Club

- (a) A Club may, at any stage during this Procedure, if it considers that it is not the appropriate organisation to resolve the Complaint, refer the Complaint to the District of which the Club is a Member. When referring a Complaint to a District a Club must:
 - (i) provide the District with all documents and information relevant to the Complaint; and
 - (ii) notify all Parties, in writing, of the Club's referral of the Complaint to the District.
- (b) When considering whether or not it is an appropriate organisation to resolve the Complaint a Club may (but is not limited to) take into account:
 - (i) whether the Club, or the Club's Executive has had any close or direct involvement in the circumstances giving rise to the Complaint and, if so, whether its ability to impartially manage and hear the Complaint is compromised or may appear to be compromised;
 - (ii) whether, due to the nature of the complaint, specific expertise or experience may be required to manage the Complaint; and
 - (iii) the nature and sensitivity of any information or other material relevant to the Complaint.

5. Appeals from Club Level

5.1 Appealing a Decision

After a Club has made its Decision and complied with the reporting requirements to Parties (according to clause 4.6), any Party has the right to appeal the Decision to the District of which the Club is a Member. A Party's right to appeal includes:

- (a) Appealing the Decision itself; and
- (b) Appealing any Disciplinary Measure imposed.

5.2 Appeal Procedure

- (a) To exercise a right to appeal, a Party must complete a Notice of Appeal and deliver it to the relevant District along with all parties involved in the Complaint.
- (b) The Notice of Appeal must be substantially in the approved form (see Appendix 2);
- (c) A Notice of Appeal must be in writing, signed, dated and should contain:
 - (i) Notice of Appeal;
 - (ii) Appellant Declaration
 - (iii) Details of Decision;
 - (iv) Reasons for Decision; and
 - (v) Reasons why the Appeal should be granted.
- (d) The Appellant Party must deliver the Notice of Appeal within 21 days of receiving notice of the Club's Decision.

5.3 Appeals from Club Level go only to District Level

An appellant Party must direct its Notice of Appeal to the District of which the relevant Club is a Member. Should a Notice of Appeal be sent to a Club or to BQ, it shall be immediately referred to the relevant District.

6. Resolving the Complaint at District Level

6.1 Relationship with District Policies

- (a) This Procedure is intended to provide guidance for Districts in regard to resolving Complaints;
- (b) This section is not exhaustive, and a District may implement any of its own rules and policies as it deems necessary provided they do not contradict any provision or procedure provided for by this Policy.

6.2 Decision by Districts

A District has the power to decide a Complaint where:

- (a) A Member Club has referred the Complaint to the District pursuant to clause 4.9; or
- (b) A Party has completed and delivered a valid Notice of Appeal pursuant to clause 5.2.

6.3 Preliminary Consideration by District Executive

Within 28 days of obtaining power to decide a Complaint in accordance with clause 6.2 a District's Executive must consider the Complaint and make preliminary decisions including:

- (a) whether the Complaint should be referred to the CEO in accordance with clause 6.8; and
- (b) what steps the District's Executive considers necessary, with reference to clause 6.5, in resolving the Complaint.

6.4 District Executive to Appoint Decision Maker

The District's Executive must appoint a person, persons, or body to make Decisions regarding the Complaint. The District's Appointee has all the powers and obligations of a District under this Complaints and Discipline Procedure.

6.5 Powers of Districts

- (a) In making a Decision regarding a Complaint a District (by its Appointee) may (but is not limited to) do the following:

- (i) resolve the Complaint solely on the basis of the material provided, without further enquiries;
- (ii) conduct any inquiries that the District considers necessary in resolving the Complaint;
- (iii) conduct an Investigation Procedure (as set out in attachment C3);
- (iv) refer the Parties to a Mediation Procedure (as set out in attachment C2); and
- (v) impose Disciplinary Measures.

6.6 Reporting Requirements

A District must, within 7 days of making a Decision, provide written notice, by registered post, to all Parties of:

- (a) the Decision of the District resolving the Complaint; and
- (b) the reasons for the Decision.

6.7 Referral to Police or other Authority

- (a) A District may, at any stage during this Procedure, if it considers that it is appropriate, refer the Complaint to the Police or to any other authority the District considers to be appropriate.
- (b) The fact that a Complaint has been referred to the Police or other authority under this clause does not prevent the District from continuing its own investigations and making its own Decision in regard to the Complaint.

6.8 Referral to CEO

- (a) A District may, at any stage during this Procedure, if it considers that it is not the appropriate organisation to resolve the Complaint, refer the Complaint to the CEO. When referring a Complaint to the CEO a District must:
 - (i) provide the CEO with all documents and information relevant to the Complaint; and
 - (ii) notify all Parties, in writing, of the District's referral of the Complaint to the CEO.
- (b) When considering whether or not it is an appropriate organisation to resolve the Complaint a District may (but is not limited to) take into account:
 - (i) whether the District has had any close or direct involvement in the circumstances giving rise to the Complaint and, if so, whether its ability to impartially manage the Complaint is compromised or may appear to be compromised;
 - (ii) whether the individuals who represent the District have had any personal involvement in the circumstances giving rise to the complaint and, if so, whether their ability to impartially manage the complaint is compromised or may appear to be compromised;
 - (iii) whether, due to the nature of the complaint, specific expertise or experience may be required to manage the Complaint; and
 - (iv) the nature and sensitivity of any information or other material relevant to the Complaint.

7. Appeals from District Level

7.1 Appealing a Decision

After a District has made its Decision and complied with the reporting requirements to Parties (according to clause 6.6), any Party has the right to appeal the Decision to the CEO. A Party's right to appeal includes:

- (a) appealing the Decision itself; and
- (b) appealing any Disciplinary Measure imposed.

7.2 Appeal Procedure

- (a) To exercise a right to appeal, a Party must serve a Notice of Appeal, in writing, upon the CEO along with all parties involved in the Complaint.
- (b) The Notice of Appeal must be substantially in the approved form (see Appendix 2).
- (c) A Notice of Appeal must be in writing, signed, dated and should contain:
 - (i) Notice of Appeal;
 - (ii) Appellant Declaration
 - (iii) Details of Decision;
 - (iv) Reasons for Decision; and
 - (v) Justification of Appeal.
- (d) The Appellant Party must serve its Notice of Appeal within 21 days of receiving the decision.

7.3 Appeals from Club Level go only to CEO

An Appellant Party must direct its Notice of Appeal to the CEO. Should a Notice of Appeal be sent to a Club or to a District, it shall be immediately referred to the CEO.

8. Resolution of Complaint by CEO and Board of Directors

8.1 Powers of CEO

- (a) In making a Decision regarding a Complaint the CEO may, subject to clause 7.1(b) do the following:
 - (i) Resolve the Complaint solely on the basis of the material provided, without further enquiries;
 - (ii) conduct any inquiries that the CEO considers necessary in resolving the Complaint;
 - (iii) conduct an Investigation Procedure (as set out in attachment C3);
 - (iv) refer the Parties to a Mediation Procedure (as set out in attachment C2); and
 - (v) make recommendations to the Board of Directors regarding the Complaint.
- (b) The CEO may refer a Complaint to the Board of Directors for Decision.

8.2 Powers of the Board of Directors

- (a) The Board of Directors has all the powers granted to it under Part 8 of the Constitution of BQ.
- (b) Upon the CEO referring a Complaint, the Board of Directors may:
 - (i) conduct any further enquiries or investigations that the Board of Directors considers necessary in resolving the Complaint;

- (ii) make a Decision resolving the Complaint;
- (iii) impose Disciplinary Measures.

8.3 CEO Power to Require Club or District to Refer Complaint

The CEO may require a Club or a District to refer a Complaint to the CEO at any time prior to the Club or District making a Decision in respect of the Complaint. When referring a Complaint to the CEO a Club or District must:

- (a) provide the CEO with all documents and information relevant to the Complaint; and
- (b) notify all Parties, in writing, of the Club's or District's referral of the Complaint to the CEO.

8.4 Reporting Requirements

The Board of Directors must, within 7 days of making a Decision, provide written notice, by registered post, to all Parties of:

- (a) the Decision of the Board of Directors resolving the Complaint; and
- (b) the reasons for the Decision.

8.5 Referral to Police or other Authority

- (a) The CEO or the Board of Directors may, at any stage during this Procedure, if it is considered appropriate, refer the Complaint to the Police or to any other authority.
- (b) The fact that a Complaint has been referred to the Police or other authority under this clause does not prevent the CEO from continuing his or her own investigations and making their own Decision in regard to the Complaint.

8.6 Districts and Clubs must submit to Board of Directors

- (a) Pursuant to clause 72.1 of the BQ Constitution, all Clubs and Districts must submit to the disciplinary jurisdiction of BQ.
- (b) Once a Complaint has been referred to the CEO, either by referral from a District or by appeal from a Party, then all Districts and Clubs, whether involved in the Complaint or otherwise, shall cease to engage any investigative or decision making activity in relation to the Complaint.

9. Miscellaneous

9.1 Natural Justice

At all times throughout any Procedure a Club, District, or the CEO, when making a determination regarding a Complaint, must ensure that principles of natural justice are upheld and that each Party is given a reasonably opportunity, either in writing or in person, to plead their case.

9.2 Legal Representation

A Party cannot, without the consent of all other Parties to a Complaint, be represented by a Lawyer during this Procedure.

9.3 Confidentiality

In so far as it is appropriate and possible during the resolution of a Complaint Clubs, Districts and the CEO must ensure that information in relation to the Complaint is treated confidentially.

9.4 External Procedure

Nothing in this Policy is to prevent Parties from pursuing a Complaint externally under anti-discrimination, child-protection or other relevant legislation.

(Appendix 1)

NOTICE OF COMPLAINT

Notice of Complaint

I/We, (insert name), of (insert Club) state that I am the Complainant and this is a Notice of Complaint.

My/Our contact details are: (insert telephone contacts, address, and email if applicable).

.....
.....
.....

(You have a duty to inform the relevant Club, District or the CEO in the event that your contact details change)

Complainant Declaration

(READ CAREFULLY BEFORE SIGNING)

I understand my identity will be treated with confidentiality unless disclosure is necessary for effective Complaint resolution or it is required by law.

I believe that any attempt to resolve this Complaint between the respective parties on an informal basis would be impossible, unreasonable or inappropriate.

To my reasonable knowledge, this complaint is true and is not made with vexatious or malicious intention.

I understand that if it is found that this complaint is made with vexatious or malicious intention it could result in liability for discipline according to the same procedure in this Policy.

Full names of Parties involved in Complaint

.....
.....
.....

Club and District of which each Party is a Member

.....
.....
.....

(Please attach additional sheets if you require more space)

Detailed account of the circumstances which gave rise to the Complaint, including where, when, why and how the Complaint occurred

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Further information which could assist the Club in resolving the Complaint, such as the length of Membership, positions held and people who could help in the resolution of the Complaint

.....
.....
.....
.....
.....
.....

(Please attach additional sheets if you require more space)

As the Complainant, I understand the effect of this Notice of Complaint and thereby undertake to send this to my Club as noted above.

Signed: _____

Date: _____

(Appendix 2)
NOTICE OF APPEAL

Notice of Appeal

As a party to the Decision of dated and reported to all parties, I,
.....am exercising my right of appeal.

To (*Insert relevant District or CEO as appropriate*)

And all parties to the Complaint (*list all parties and contact details to Complaint as noted in decision*)

.....
.....
.....
.....

I hereby appeal against the Decision of dated

Appellant Declaration

(READ CAREFULLY BEFORE SIGNING)

To my reasonable knowledge, this complaint is true and is not made with vexatious or malicious intention.

I understand that if it is found that this complaint is made with vexatious or malicious intention it could result in liability for discipline according to the same procedure in this Policy.

I understand appeals from a Club Decision will go to District level, appeals from District level will go to the CEO, and appeals from the will go only to the BQ Arbitration Panel.

Details of Decision

The details of the Decision appealed against are –

.....
.....
.....
.....

Reasons for Decision

.....
.....
.....
.....

(Please attach additional sheets if you require more space)

Attachment C2: MEDIATION PROCEDURE

Mediation is a process by which people who are in conflict can be helped to communicate with each other about what is important for them and how to make decisions about resolving their Complaint. Mediators provide a supportive atmosphere and method of talking to one another, to assist in sorting out the issues, coming up with acceptable solutions and making mutually satisfactory agreements.

This attachment outlines the general procedure of mediation that will be followed by BQ and all affiliated Clubs and Districts.

1. The Parties involved in a Complaint may work out their own resolution of the Complaint or seek the assistance of a neutral third person or a mediator. Mediation may occur at any stage of the Complaint Resolution Process.
2. Mediation (getting those involved to come to a joint agreement about how the complaint should be resolved) will only be recommended:
 - (a) After the Club, District or CEO has had sufficient opportunity to consider the issues surrounding the Complaint; and
 - (b) The relevant Club, District or CEO does not believe that any of the allegations warrant any form of disciplinary action (i.e. proven serious allegations will not be mediated, no matter what the Complainant desires); and
 - (c) Mediation appears likely to succeed (i.e. the versions given by the Parties tally or almost tally and/or at the very least, it looks as though it will be possible for each Party to understand the other Party's point of view).
3. Mediation will **not** be recommended if:
 - (a) The Parties have a completely different version of the events and they won't deviate from these;
 - (b) The Parties are unwilling to attempt mediation; or
 - (c) Due to the nature of the Complaint, the relationship between you the Parties and any other relevant factors, the complaint is not suitable for mediation.
4. If mediation is chosen to try and resolve the complaint, the Club, District or CEO will, in consultation with the Parties, arrange for a mediator to mediate the Complaint.
5. The mediator's role is to assist the Parties to reach an agreement on how to resolve the problem. The mediator, in consultation with the Parties, will choose the procedures to be followed during the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.
6. The mediation will be conducted confidentially and without prejudice to the rights of the Parties to pursue an alternative process if the Complaint is not resolved.
7. At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached between Parties and it will be signed by them as their agreement.
 - (a) If the Complaint is not resolved by mediation, the relevant Club, District or CEO shall attempt to resolve the Complaint through other means, following the procedure set out in Attachment C1.

Attachment C3: INVESTIGATION PROCEDURE

If a Club, District or the CEO decides that a formal investigation needs to be conducted in relation to a Complaint, the following steps are to be followed:

1. A written brief will be provided to the investigator to ensure the terms of engagement and scope of the investigator's role and responsibilities are clear.
2. The Complainant will be interviewed and the Complaint documented in writing.
3. The details of the Complaint will be conveyed to the person/people complained about in full. The Respondent(s) must be given sufficient information to enable them to properly respond to the complaint.
4. The Respondent(s) will be interviewed and given the opportunity to respond. The Respondent(s) response to the complaint will be documented in writing.
5. If there is a Complaint over the facts, then statements from witnesses and other relevant evidence will be obtained to assist in a determination.
6. The investigator will make a finding as to whether the complaint is:
 - (a) substantiated (there is sufficient evidence to support the complaint);
 - (b) inconclusive (there is insufficient evidence either way);
 - (c) unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
 - (d) mischievous, vexatious or knowingly untrue.
7. A report documenting the Complaint, investigation process, evidence, finding and, if requested, recommendations will be given to person or body which ordered the investigation.
8. A report documenting the complaint and summarising the investigation process and key points that were found to be substantiated, inconclusive, unsubstantiated and/or mischievous will be provided to the Complainant and the Respondent(s).
9. Both the Complainant and the Respondent(s) are entitled to support throughout this process from their chosen support person/adviser.

More detailed information on conducting internal investigations can be found at www.ausport.gov.au/ethics/Policy.asp

Attachment C4: INVESTIGATION PROCEDURE – CHILD ABUSE

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. The initial response to a complaint that a child has allegedly been abused should be immediate if the incident/s are serious or criminal in nature while less serious/urgent allegations should be actioned as soon as possible, preferably within 24 hours.

The following is a basic outline of the key processes to follow. More information can be obtained from your relevant State or Territory government agency.

Step 1 - Clarify basic details of the allegation

- (a) Any complaints, concerns or allegations of child abuse should be referred to the CEO.
- (b) The initial response of the person that receives the Complaint from the child (or person on behalf of the child) is crucial to the well-being of the child. It is important for the person receiving the information to:
 - (i) Listen to, be supportive and do not dispute what the child says;
 - (ii) Reassure the child that what has occurred is not the fault of the child;
 - (iii) Ensure the child is safe;
 - (iv) Be honest with the child and explain that other people may need to be told in order to stop what is happening; and
 - (v) Ensure that what the child says is quite clear but do not elicit detailed information about the abuse. You should avoid suggestive or leading questions.
- (c) The person receiving the complaint should obtain and clarify basic details (if possible) such as:
 - (i) Child's name, age and address;
 - (ii) Person's reason for suspecting abuse (observation, injury or other); and
 - (iii) Names and contact details of all people involved, including witnesses.

Step 2 – Report allegations of a serious or criminal nature

- (a) Any individual or organisation to which this Policy applies, should immediately report any incident of a serious or a criminal nature to the police and other appropriate authority.
- (b) If the allegation involves a child at risk of harm, the incident should immediately be reported to the police or other appropriate government agency. You may need to report to both the police and the relevant government agency.
- (c) The relevant State or Territory authority should be contacted for advice if there is **any** doubt about whether the complaint should be reported.
- (d) If the child's parent/s are suspected of committing the abuse, report the allegation to the relevant government agency.

Step 3 – Protect the child

- (a) The CEO should assess the risks and take interim action to ensure the child's/children's safety. Some options could include redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined.

- (b) The CEO should also address the support needs of the person against whom the complaint is made. Supervision of the person should ideally occur with the knowledge of the person. If stood down, it should be made clear to all parties that are aware of the incident that this does not mean the person is guilty and a proper investigation still needs to be undertaken.

Step 4 – Further clarify and investigate allegation

For allegations of a serious or criminal nature (for example, sexual abuse):

- (a) Seek advice from the police and relevant government agency as to whether BQ should carry out its own internal investigation (in addition to any police or relevant government agency investigation).
- (b) If the police and/or relevant government agency advises that it is appropriate, then appoint an independent person (where possible) with appropriate expertise to conduct an investigation. The investigator should:
 - (i) Contact the parents/carers of the child at an appropriate time and as directed by the police or relevant government agency.
 - (ii) If appropriate, meet with parents/carers and the child to clarify the incident and offer support on behalf of BQ if required (example, professional counselling).
 - (iii) Meet with the person against whom the allegation refers at an appropriate time and as directed by the relevant authority and give the person an opportunity to explain or respond to the allegation and identify any witnesses and supporting evidence. The person should have an opportunity to invite a support person/adviser to attend at a meeting and should be offered support (example, professional counselling) if necessary.
 - (iv) Obtain a signed statement and record of interview from the person.
 - (v) Make contact with any witnesses and obtain written and signed statements outlining details of the allegation (what happened, when, how). This should only occur following advice from the relevant authority.
 - (vi) Obtain other information that could assist in making a decision on the allegation.
- (c) The information collected during the investigation should be made available to the relevant authorities.
- (d) Strict confidentiality, impartiality, fairness and due process must be maintained at all times.

For allegations of a less serious nature (e.g. verbal abuse):

- (e) Where possible, appoint an independent person with appropriate expertise to make contact and meet with each of the people involved to obtain details of the allegation.
- (f) The investigator should follow the procedure set out in Attachment C3.
- (g) Strict confidentiality, impartiality, fairness and due process must be maintained at all times.

Step 5 – Record and analyse all information

- (a) If an internal investigation was conducted under **Step 4**, the investigator will provide a report to BQ.

Step 6 – Undertake disciplinary action

- (a) For incidents of a serious or criminal nature, consideration must be given by the CEO to the findings of the police and/or the government agency before making a decision on disciplinary proceedings.
- (b) If disciplinary action is to be taken, the CEO should follow the procedures outlined in Attachment C5 of the Policy.

- (c) The CEO should check with the relevant state government authority to see if you need to forward a report (e.g. the NSW Commission for Children and Young People requires notification of relevant employment proceedings).

Attachment C5: DISCIPLINARY MEASURES

Any disciplinary measure imposed by a Club, District or the Board of Directors under this Policy must:

- (a) Observe any contractual and employment rules and requirements;
- (b) Conform to the principles of natural justice;
- (c) Be fair and reasonable; and
- (d) Be based on the evidence and information presented.

1. Individual

Subject to contractual and employment requirements, if a finding is made that an individual has breached this Policy (including the Codes of Conduct), one or more of the following forms of discipline may be imposed.

- (a) A direction that the individual make a verbal and/or written apology;
- (b) A written warning;
- (c) A direction that the individual attend counselling to address their behaviour;
- (d) A withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by BQ;
- (e) A demotion or transfer of the individual to another location, role or activity;
- (f) A suspension of the individual's Membership or participation or engagement in a role or activity;
- (g) A termination of the individual's Membership, appointment or engagement;
- (h) A recommendation that BQ terminate the individual's Membership, appointment or engagement;
- (i) In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- (j) Any other form of discipline that the Club, District or the Board of Directors considers appropriate.

When imposing any form of discipline, it will be accompanied by a warning that a similar breach of Policy by that individual in the future may result in the imposition of a more serious form of discipline.

2. Organisations

If a finding is made that a Member, not being an individual, has breached is Policy (including the Codes of Conduct) in addition to the powers set out in the BQ Disciplinary Regulations, one or more of the following forms of discipline may be imposed:

- (a) A written warning;
- (b) A monetary fine;
- (c) A direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period;
- (d) A direction that any funding granted or given to it by BQ cease from a specified date;

- (e) A direction that the BQ cease to sanction events held by or under the auspices of that organisation;
- (f) A recommendation to BQ that its Membership of BQ be suspended or terminated in accordance with the relevant Constitution or rules; and/or
- (g) Any other form of discipline that the Club, District or the Board of Directors considers to be appropriate.

When imposing any form of discipline, it will be accompanied by a warning that a similar breach of Policy by the organisation in the future may result in more serious form of discipline.

3. Factors to consider when imposing discipline

The form of discipline to be imposed on an individual or organisation will depend on factors such as:

- (a) Nature and seriousness of the behaviour or incidents;
- (b) In a case where action is taken concurrently with or in lieu of a resolution of a formal complaint, the wishes of the Complainant;
- (c) If the individual concerned knew or should have known that the behaviour was a breach of the Policy;
- (d) Level of contrition of the Respondent(s);
- (e) The effect of the proposed disciplinary measures on the Respondent(s) including any personal, professional or financial consequences;
- (f) If there have been relevant prior warnings or disciplinary action; and/or
- (g) If there are any mitigating circumstances such that the Respondent(s) shouldn't be disciplined at all or not disciplined so seriously.

PART D: ROLE-SPECIFIC CODES OF CONDUCT

BQ has role specific codes of conduct for its officials, committees, administration, coaches, umpires, players, parents/spectators. Each District/Club should draft codes of conduct to suit their own particular requirements.

Sample copies of these codes of conduct are available from BQ on request.