

**AUSTRALIAN
BASEBALL
FEDERATION**

**MEMBER
PROTECTION
POLICY**

PREFACE	i
PART A – MEMBER PROTECTION	1
A1 The Australian Baseball Federation's Core Values	1
A2 Purpose of this Policy.....	1
A3 Who this Policy Applies To.....	1
A4 Code of Conduct	1
A5 Organisational Responsibilities	2
A6 Individual Responsibilities	2
A7 Policy Position Statements.....	2
A8 Complaints Procedures.....	4
A9 What is a Breach of this Policy?	5
A10 Forms of Discipline.....	6
A11 Dictionary	6
PART B – CHILD PROTECTION	10
B1 Screening / Working With Children Check.....	10
B2 State and Territory Screening Requirements.....	10
B3 Member Protection Declaration.....	11
B4 State and Territory Working With Children Check Requirements.....	12
PART C – COMPLAINTS	16
C1 Complaints Overview	16
C2 Mediation.....	19
C3 Investigation Procedure – General	20
C4 Investigation Procedure – Child Abuse.....	21
C5 Hearings and Appeals Tribunals Procedures	23
C6 Disciplinary Measures	27
PART D – ROLE-SPECIFIC CODES OF CONDUCT / BEHAVIOUR	29
D1 Baseball's General Code of Behaviour	29
D2 Baseball Coaches' Code of Behaviour	29
D3 Baseball Officials' Code of Behaviour.....	31
D4 Baseball Players' Code of Behaviour.....	34
D5 Baseball Administrators' Code of Behaviour.....	36
D6 Baseball Parents' and Guardians' Code of Behaviour.....	36
D7 Baseball Spectators' Code of Behaviour	37
PART E – REPORTING DOCUMENTS AND FORMS.....	38
E1 Confidential Record of Informal Complaint	39
E2 Confidential Record of Formal Complaint.....	41
E3 Confidential Record of Child Abuse Allegation	45
E4 Record of Mediation	47
E5 Record of Tribunal Decision.....	49

PREFACE

The Australian Baseball Federation is committed to good governance, the growth of opportunities and continued improvement of the environment for all participants in the sport of Baseball.

This Member Protection Policy has been developed under the guidance of the Australian Sports Commission to set out the rights and responsibilities of those participating in the sport of Baseball.

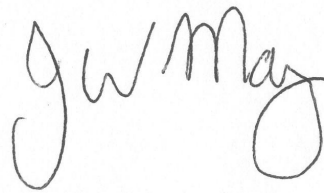
The Australian Baseball Federation is committed to providing a safe environment for children and an environment which is free from harassment and abuse for all participants. The Australian Baseball Federation fosters and promotes respectful and positive behaviour and values and it expects that its participants, officials and spectators will take up this view also.

This Policy is an essential part of the Australian Baseball Federation's proactive and preventative approach to tackling inappropriate behaviour in and around the sport of Baseball.

We are personally committed and the Australian Baseball Federation is committed to ensuring that everyone associated with the sport of Baseball complies with this Policy.



GEOFF PEARCE
ABF President



JOHN MAY
ABF Chief Executive Officer

PART A – MEMBER PROTECTION

A1: THE AUSTRALIAN BASEBALL FEDERATION'S CORE VALUES

The Australian Baseball Federation is committed to good governance, the growth of opportunities and continued improvement of the environment for all participants in the sport of Baseball.

A2: PURPOSE OF THIS POLICY

This Member Protection Policy ("this Policy") aims to ensure our core values, good reputation and positive behaviours and attitudes are maintained. It assists us in ensuring that every person involved in our sport is treated with respect and dignity and is safe and protected from abuse. This Policy also ensures that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities.

The Policy attachments provide the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, the Australian Baseball Federation ("ABF") will take disciplinary action against any person or organisation bound by this Policy in breach of this Policy.

This Policy has been endorsed by the ABF's Board of Directors and has been incorporated into our By-Laws. This Policy is to commence on 31 July 2005 and will operate until replaced. This Policy and / or its attachments may be amended from time to time by resolution of the Board of Directors. Copies of the Policy and its attachments can be obtained from our website www.baseball.com.au, or in writing from PO Box 1028, Mudgeeraba, QLD 4213.

A3: WHO THIS POLICY APPLIES TO

This Policy applies to the following whether they are in a paid or unpaid (voluntary) capacity:

- Individuals sitting on boards, committees and sub-committees.
- Employees and volunteers.
- Support personnel (eg, managers, physiotherapists, psychologists, masseurs, sport trainers).
- Coaches and assistant coaches.
- Athletes and players.
- Referees, umpires, scorers and other officials.
- Members, including life members.
- Member associations.
- Affiliated clubs and associated organisations.
- Peak associations and the national body.
- Any other person or organisation that is a member of or affiliated to the ABF.
- Parents, guardians, spectators, sponsors, player agents and scouts, to the full extent that is possible.

This Policy will continue to apply to a person, even after they have stopped their association or employment with the ABF, if disciplinary action relating to an allegation of child abuse against that person has commenced.

A4: CODE OF CONDUCT

The ABF requires every individual and organisation bound by this Policy to:

- (1) be ethical, fair and honest in all dealings with other people and the ABF;
- (2) treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- (3) always place the safety and welfare of children above other considerations;

- (4) comply with the ABF's constitution, rules and policies, including this Member Protection Policy;
- (5) operate within the rules and spirit of the sport of Baseball;
- (6) comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and child protection laws;
- (7) be responsible and accountable for their conduct; and
- (8) abide by the relevant role-specific codes of conduct outlined in Part D of this Policy.

A5: ORGANISATIONAL RESPONSIBILITIES

The National body, its member associations and all members must:

- (1) adopt, implement and comply with this Policy;
- (2) publish, distribute and otherwise promote this Policy and the consequences for breaching it;
- (3) promote appropriate standards of conduct at all times;
- (4) promptly deal with any breaches of or complaints made under this Policy in an impartial, sensitive, fair, timely and confidential manner;
- (5) apply this Policy consistently without fear or favour;
- (6) recognise and enforce any penalty imposed under this Policy;
- (7) ensure that a copy of this Policy is available or accessible to the persons to whom this Policy applies;
- (8) appoint or have access to appropriately trained people to receive and handle complaints and allegations (for example; Member Protection Information Officers ("MPIO") and / or complaint managers) and display the names and contact details in a way that is readily accessible; and
- (9) monitor and review this Policy at least annually.

A6: INDIVIDUAL RESPONSIBILITIES

Individuals bound by this Policy are responsible for:

- (1) making themselves aware of this Policy and complying with the standards of conduct outlined in this Policy;
- (2) consenting to a national Police check if the individual holds or applies for a role that involves direct and unsupervised contact with people under the age of 18-years;
- (3) complying with all other requirements of this Policy;
- (4) cooperating in providing a discrimination, child abuse and harassment free sporting environment; and
- (5) understanding the possible consequences of breaching this Policy.

A7: POLICY POSITION STATEMENTS

7.1 Child Protection Policy

Every person and organisation bound by this Policy must always place the safety and welfare of children above all other considerations.

The ABF acknowledges that our staff and volunteers provide a valuable contribution to the positive experiences of our juniors. The ABF aims to ensure this continues and to protect the safety and welfare of its junior participants. Several measures will be used to achieve this, such as:

- (1) prohibiting any form of abuse against children;
- (2) providing opportunities for our juniors to contribute to and provide feedback on our program development;
- (3) carefully selecting and screening people whose role requires them to work with, have regular contact with, or direct and unsupervised contact with children (Screening Procedures are outlined in Part B of this Policy);
- (4) ensuring our codes of conduct, particularly for roles associated with junior sport, are promoted, enforced and reviewed;
- (5) providing procedures for raising concerns or complaints (Complaints Procedure is outlined in Part A8 of this Policy); and
- (6) providing education and / or information to those involved in our sport on child abuse and child protection.

The ABF 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 an MPIO. Descriptions of the sorts of activity which may be abuse are in the Dictionary at Part A15.

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 Part A8 of this Policy.

If anyone bound by this Policy reasonably suspects that a child is being abused by his or her parent/s, they are advised to contact the relevant Government department for youth, family and community services in their State or Territory.

7.2 Anti-Discrimination and Harassment Policy

The ABF aims to provide a sport environment where all those involved in its activities are treated with dignity and respect and without harassment or discrimination.

The ABF 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, religion, political belief and / or industrial activity.

The ABF 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.

Descriptions of some of the types of behaviour which could be regarded as harassment or discrimination are provided in the Dictionary at Part A15.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this Policy, please refer to the Complaints Procedure outlined in Part A8 of this Policy. This will explain what to do about the behaviour and how the ABF will deal with the problem.

7.3 Sexual Relationships Policy

The ABF takes the position that sexual relationships between coaches and adult athletes that they coach should be avoided. The ABF 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. Such relationships tend to be intentionally or unintentionally exploitative because there is usually a disparity between coaches and athletes in terms of authority, power, maturity, status and dependence. The ABF'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.

Should a sexual relationship develop between a coach and athlete, the ABF will investigate whether any action against the coach is necessary. Factors that may be relevant to consider are the age and maturity of the athlete relative to the coach, the financial or emotional dependence of the athlete on the coach and the likelihood of the relationship having any adverse impact on the athlete and / or other athletes. If it is determined that the sexual relationship is inappropriate, action may be taken to stop the coaching relationship with the athlete. Action may include; transfer, a request for resignation, or dismissal from coaching duties.

In the event that 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 an MPIO or complaints officer, or other designated person if they feel harassed.

The law is always the minimum standard for behaviour within the ABF and therefore sex with a child is a criminal offence.

A8: COMPLAINTS PROCEDURE

8.1 Complaints

The ABF aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a complaint ("the Complainant") about a person or persons, or an organisation bound by this Policy if they reasonably believe that a person or persons, or an organisation has breached this Policy. A complaint should be reported to the Chief Executive Officer.

A complaint may be reported as an informal or formal complaint. The Complainant decides whether the complaint will be dealt with informally or formally, unless the Chief Executive Officer considers that the complaint falls outside the parameters of this Policy and would be better dealt with another way.

All complaints will be dealt with promptly, seriously, sensitively and confidentially.

8.2 Vexatious Complaints and Victimisation

The ABF aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation. If, at any point in the complaint process, the MPIO considers that a complainant has knowingly made an untrue complaint, or the complaint is vexatious or malicious, the matter may be referred to the Member Protection Tribunal consisting of two independent members, plus one ABF person or Board member for appropriate action which may include disciplinary action against the Complainant.

The ABF will also take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint, or for helping to sort it out. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

8.3 Mediation

The ABF aims to sort out complaints with the minimum of fuss wherever possible. In many cases, complaints can be sorted out by agreement between the people involved with no need for

disciplinary action. The people involved in a formal complaint (the Complainant and the person complained about – the “Respondent”) 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 the Respondent.

Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to try and resolve the complaint with the assistance of a mediator, the Chief Executive Officer will (in consultation with the Complainant) arrange for a mediator to mediate the complaint. More information on the mediation process is outlined in Part C2 of this Policy.

8.4 Tribunals

A *hearings tribunal* may be formed to hear a formal complaint that has been referred by the Chief Executive Officer, or an alleged breach of this Policy. Our hearings tribunal procedure is outlined in Part C5 of this Policy.

A Respondent may lodge one appeal only to the *appeals tribunal* in respect to a decision of a hearings tribunal. The decision of the appeal tribunal is final and binding on the people involved to the appeal. Our appeals process is outlined in Part C5 of this Policy.

Every organisation bound by this Policy will recognise and enforce any decision made and form of discipline imposed by an appeals tribunal under this Policy.

Members of hearing and appeal 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 hearings or appeals tribunal.

A9: 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:

- (1) done anything contrary to this Policy;
- (2) breached the code of conduct and role-specific codes of conduct;
- (3) brought the sport and / or the ABF into disrepute;
- (4) failed to follow the ABF’s policies and procedures for the protection, safety and welfare of children;
- (5) appointed or continued to appoint a person to a role that involves working with children and young people contrary to this Policy;
- (6) discriminated against or harassed any person;
- (7) victimised another person for reporting a complaint;
- (8) engaged in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority, or power over;
- (9) disclosed to any unauthorised person or organisation any ABF information that is of a private, confidential, or privileged nature;
- (10) made a complaint they knew to be untrue, vexatious, malicious, or improper;
- (11) failed to comply with a penalty imposed after a finding that the individual or organisation breached this Policy;
- (12) failed to comply with a direction given to the individual or organisation during the discipline process.

A10: FORMS OF DISCIPLINE

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 making a verbal or written apology, paying a fine, being suspended or de-registered, or having a person's appointment or employment terminated. More information on the range of disciplinary measures and the factors that will be considered before imposing discipline is at Part C6 of this Policy.

A11: 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	A form of harassment, including: physical abuse, emotional abuse, sexual abuse, neglect and abuse of power. Examples of abusive behaviour include: bullying, humiliation, verbal abuse and insults.
Affiliated Club	An independent entity recognised under Rule 3.1 of the ABF's Constitution to administer the sport of Baseball in its particular State or Territory.
Child	A person who is under the age of 18-years (see also definition of Young Person).
Child Abuse	Relates to children at risk of harm, usually by adults, sometimes by other children and often by those they know and trust. 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 (eg, hitting, shaking, or other physical harm, giving a child alcohol or drugs, giving bad nutritional advice, or training that exceeds a 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 (eg, sexual intercourse, masturbation, oral sex, pornography (including child pornography), or inappropriate touching or conversations).
Emotional Abuse	By ill-treating a child (eg, humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring, or placing unrealistic expectations on a child).
Neglect	Failing to give food, water, shelter or clothing, or to protect a child from danger or foreseeable risk of harm or injury.
Complaint	A complaint made under Part C1 of this Policy.
Complainant	The person making a complaint.
Discrimination	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. The relevant attributes or characteristics are: age, disability, marital status, parental / carer status, physical features, political belief / activity, pregnancy, race, religious belief / activity, sex or gender, sexual orientation, trade union membership / activity, transgender orientation. Some States and Territories include additional characteristics.

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.

Discrimination may be direct or indirect. Direct discrimination is treating, or proposing to treat someone less favourably because of a characteristic (such as race, sex, age, etc), in the same or similar circumstances. Indirect discrimination is imposing or intending to impose a requirement, condition, or practice that is the same for everyone but which has an unequal or disproportionate effect on particular individuals or groups.

Harassment

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

A person under the age of 18-years who is participating in an activity of the ABF.

Mediator

A 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

A member for the time being of the ABF under Part III of the ABF's Constitution.

Member Protection

A term used by the Australian sports industry to describe the practices and procedures that protect members – both individual members such as players, coaches and officials and 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.

Member Protection Information Officer ("MPIO")

A person trained to be the first point of contact for a person reporting a complaint under or a breach of this Policy. The MPIO provides confidential information and moral support to the person with the concern or who is alleging harassment or a breach of this Policy. They help the complainant deal with any emotions they may have about what has happened and

operate as a sounding board as the Complainant decides what they want to do. The MPIO may accompany the Complainant in anything they decide to do if it feels appropriate and they are happy to do it.

Natural Justice	<p>Incorporates the following principles:</p> <ul style="list-style-type: none">• 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.• The penalties imposed must not outweigh the 'crime'.
Police Check	A national criminal history record check conducted as a prudent pre-employment or pre-engagement background check on a person.
Policy / This Policy	This Member Protection Policy.
Respondent	The person who is being complained about.
Role-Specific Codes of Conduct	Standards of conduct required of certain roles (eg, coaches).
Sexual Harassment	<p>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.</p> <p>Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.</p>
Sexual Offence	<p>A criminal offence involving sexual activity or acts of indecency, including but not limited to (due to differences under State / Territory legislation):</p> <ul style="list-style-type: none">• rape;• indecent assault;• sexual assault;• assault with intent to have sexual intercourse;• incest;• sexual penetration of a child under the age of 16-years;• indecent act with a child under the age of 16-years;• sexual relationship with a child under the age of 16-years;• sexual offences against people with impaired mental functioning;• abduction and detention;• procuring sexual penetration by threats or fraud;• procuring sexual penetration of a child under the age of 16-years;• 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.
Victimisation	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 (eg, 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

People in the 13 to 18-year age group

PART B: CHILD PROTECTION

B1: SCREENING / WORKING WITH CHILDREN CHECK

Child protection is about keeping children safe from harm / abuse. Child abuse is illegal and all States and Territories have their own systems and laws that cover screening and / or the reporting and investigation of cases of child abuse.

Working with Children Check (“WWCC”) laws aim to prevent people who pose a risk from working with children as paid employees or volunteers. In New South Wales, Queensland, Western Australia, Victoria and South Australia laws require individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with children. This is done by checking certain criminal history and other matters. In some States and Territories this also involves reviewing relevant findings from disciplinary proceedings. There are also requirements placed on organisations.

The Northern Territory Government has passed new law and screening will be compulsory from January 2010. The Australian Capital Territory and Tasmania are currently reviewing their screening laws. New requirements and amendments will be added to this Policy as they are introduced.

Please be aware that State and Territory WWCC requirements may also apply to individuals who visit States and Territories with screening laws. For example, if a state association or club takes players under 18-years of age into New South Wales for training camps, competition, or other activities, those travelling with the teams must comply with New South Wales law.

The State WWCC requirements apply regardless of national, state, or club member protection policies.

The following provide:

- summary information on State and Territory WWCC requirements and where to obtain more information and relevant forms;
- a *Member Protection Declaration* (for all States and Territories, except New South Wales who must complete a *Prohibited Employment Declaration* provided by the New South Wales Commission for Children and Young People);
- screening requirements for people residing in the Australian Capital Territory and Tasmania.

B2: STATE AND TERRITORY SCREENING REQUIREMENTS

(For States and Territories without WWCC – ie, Australian Capital Territory and Tasmania.)

Part B2 sets out the screening process for people in the ABF who work, coach, supervise, or have regular unsupervised contact with people under the age of 18-years.

The ABF will; and also requires state associations and clubs to:

- (1) identify positions that involve working, coaching, supervising, or regular unsupervised contact with people under the age of 18-years;
- (2) obtain a completed *Member Protection Declaration* (“MPD”) (refer Part B3) from all people identified in (1) above and keep in a secure place;
- (3) provide opportunity for a person to explain if a MPD isn’t provided, or it reveals that the person doesn’t satisfactorily meet any of the clauses in the MPD. Undertake an assessment as to whether the person may be unsuitable to work with people under the age of 18-years. If found unsuitable, the person cannot be appointed to the role / position;

- (4) where possible, check a person's referees (verbal or written) about his or her suitability for the role / position;
- (5) request those identified in (1) above sign a consent form for a national Police check;
- (6) possibly request (or ask the person to request) a national '*part exclusion*' Police check from the relevant Police jurisdiction. This check excludes irrelevant records. If the Police check indicates a relevant offence, provide opportunity for the person to explain. Undertake an assessment as to whether the person may pose a risk to, or be unsuitable to work with people under the age of 18-years. If found to pose a risk or is unsuitable, the person cannot be appointed to the role / position;
- (7) undertake an assessment as to whether the person may be unsuitable to work with people under the age the 18-years if the person does not agree to a national Police check after explaining why it is a requirement under this Policy. If found unsuitable, the person cannot be appointed to the role / position;
- (8) decide whether to offer the person the role / position, taking into account the result of the Police check and any other information the club has available. Where it is not practical to complete a Police check prior to the person commencing in the role / position, complete a check as soon as possible and if necessary act immediately upon an outcome;
- (9) protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the checking process;
- (10) return information collected during screening (such as a completed MPD form, Police records and referee reports) to the person if that person is not appointed to the position, or otherwise destroy the information within 28 days of the date of the decision or the expiry of any appeal period, unless within that time the person requests that the information be returned to them. For appointed persons, information is to be kept on file in a secure location.

B3: MEMBER PROTECTION DECLARATION

The ABF has a duty of care to all those associated with the sport at the national level and to the individuals and organisations to whom the Member Protection Policy applies. As a requirement of the Member Protection Policy, the ABF must enquire into the background of those whose position involves working, coaching, supervising, or regular unsupervised contact with people under the age of 18-years.

I (name) of

..... (address), born/...../.....

sincerely declare:

- (1) I do not have any criminal charge pending before the courts.
- (2) I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children, acts of violence, or narcotics.
- (3) I have not had any disciplinary proceedings brought against me by an employer, sporting organisation, or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment, or acts of violence, or narcotics.

- (4) I am not currently serving a sanction for an anti-doping rule violation under an ASADA-approved anti-doping policy applicable to me.
- (5) I will not participate in, facilitate, or encourage any practice prohibited by the World Anti-Doping Agency Code, or any other ASADA-approved anti-doping policy applicable to me.
- (6) To my knowledge there is no other matter that the ABF 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 the organisation/s engaging me immediately upon becoming aware that any of the matters set out in clauses (1) to (6) above has changed.

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:/...../.....

B4: STATE AND TERRITORY WORKING WITH CHILDREN CHECK REQUIREMENTS

(The following information was updated May 2010 and is subject to change at any time.)

4.1 Queensland

A person will require a Working With Children Check (“WWCC”), also known as a “Blue Card”, if they propose to work in a paid or voluntary capacity, or to carry on a business in a child-related area regulated by the *Commission for Children and Young People and Child Guardian Act 2000*.

Once a person is checked and approved they are issued with a Blue Card. Volunteers and paid employees employed in sporting organisations generally fall under the *churches, clubs and associations* category of regulated employment. Volunteers and paid employees employed in private businesses may fall under the *sport and active recreation* category of regulated employment. The check is a detailed national criminal history check including charges and investigations relating to children.

People such as those with previous convictions involving children are disqualified from applying for or renewing a Blue Card (refer to website below for details).

A Blue Card remains current for two years. Existing card holders will be notified by the Queensland Commission for Children and Young People and Child Guardian before their card expires.

In addition to obligations regarding the Blue Card, employers must develop and implement a written child protection risk management strategy and review it each year.

For more information on the Blue Card, including current forms:

- Web: www.ccypg.qld.gov.au
- Ph: 1800-113 611

4.2 New South Wales

All organisations within New South Wales that employ people in child-related employment (in a paid or unpaid capacity) must meet the requirements of the Working With Children Check ("WWCC"). Child-related employment is work which primarily involves direct, unsupervised contact with children. The WWCC involves three components:

- (1) Ensuring all paid and unpaid employees sign a "*Prohibited Employment Declaration*" ("PED") which states they ARE NOT prohibited from working with children.
- (2) Submitting all applicants for paid employment to New South Wales Sport and Recreation for a WWCC background check. New South Wales Sport and Recreation only carries out checks for paid employees.
- (3) Reporting relevant employment proceedings for any paid and unpaid employees to the Commission for Children and Young People. A relevant employment proceeding involves any reportable conduct committed outside of work as well as in the workplace with or in the presence of a child / ren.

Sporting organisations are responsible for managing the WWCC process. Individuals cannot apply for a WWCC directly. Sporting organisations should register with New South Wales Sport and Recreation, providing a contact who will receive the information on the background checks.

A WWCC is valid for employment in that position within that organisation. Short-term employees (where that person is being employed for a period of less than six months and returning for short periods throughout a 12 month period) only need to be checked once every 12 months.

For more information, including relevant forms:

- Web: www.kids.nsw.gov.au, or phone 02-9286 7219
- Web: www.dsr.nsw.gov.au/children/resources.asp, or phone 02-9006 3700

4.3 Western Australia

The Working With Children Check ("WWCC") is a compulsory and rigorous criminal record check for certain people who carry out child-related work in Western Australia.

A person is in child-related work if the usual duties of their work involve, or is likely to involve, contact with a child in connection with specified categories of work (see the website below for further details). It includes child-related work carried out by paid employees, volunteers, unpaid people and self-employed. Parents volunteering in connection with their child's activity are exempt (although this does not apply to overnight camps); however, they should still be required to complete the non-WWCC screening process. There are other exemptions; for example, volunteers under 18-years of age. Further details about exemptions can be found on the website below also. Only those in child-related work under the *Act* may apply.

Applicants will be issued with either:

- an *assessment notice* in the form of a WWCC card enabling them to be in all types of child-related work for three years unless there are new offences of concern;
- an *interim negative notice* which prohibits a person from child-related work until a final decision is made on their application;
- a *negative notice* which prohibits a person from child-related work.

There are set obligations and strong penalties for non-compliance, including for employers and volunteer coordinators.

For more information:

- Web: www.checkwwc.wa.gov.au
- Ph: 1800-883 979 (toll free)

4.4 Victoria

The Working With Children Check (“WWCC”) creates a mandatory minimum checking standard across Victoria.

The *Working With Children Act 2005* requires that some people who work or volunteer in child-related work require a WWCC. The check involves a national Police records check and a review of relevant findings from prescribed professional disciplinary bodies (currently only the Victorian Institute of Teaching). There is an exemption for volunteers whose own children are involved in the particular activity; however, they should still be required to complete the screening process.

A person who has no criminal or professional disciplinary history will be granted an *assessment notice*. This notice will entitle the person to undertake child-related work in Victoria and is valid for five years (unless revoked). A person deemed unsuitable to work or volunteer with children will be given a *negative notice* and cannot work in child-related work in Victoria.

For more information:

- Web: www.justice.vic.gov.au/workingwithchildren
- Ph: 1300-652 879

4.5 South Australia

There are provisions under the *Children’s Protection (Miscellaneous) Amendment Act 2005* that apply to non-Government and volunteer organisations that are entrusted with the care of children, or who regularly come into contact with children. These provisions require organisations to have strategies in place to prevent and minimise opportunities for abuse and to appropriately respond when abuse occurs or is suspected and to implement guidelines and processes that clearly outline effective and timely responses to child protection issues and steps of action.

Be aware that criminal history reports are likely to be introduced and mandatory for some positions in sporting organisations from 2010 / 11.

Staff and volunteers who work with children are mandated notifiers and have a legal obligation to report any suspected child abuse and / or neglect.

For more information:

- Web: www.families.sa.gov.au/childsafe
- Ph: 08-8226 7000

4.6 Northern Territory

From January 2010 all persons employed in child-related work, either paid or as a volunteer, must hold a valid clearance notice issued by the SAFE NT Screening Authority. There are penalties for failure to comply. Sports coaches, trainers, team administrators, officials and volunteers of sporting organisations that deal with children are caught.

Clearance notices are valid for two years from date of issue unless revoked and are transferable within employment fields. As part of the assessment process, SAFE NT will consider the applicant's criminal history record and other relevant information.

For more information:

- Ph: 1800-SAFE NT (1800-723 368)

C: COMPLAINTS

C1: COMPLAINTS PROCEDURE

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

Given all of the variables that can arise, the ABF provides a step-by-step complaints procedure that people may use or enter at any stage. Individuals and organisations to which this Policy applies may also pursue their complaint externally under anti-discrimination, child-protection, or other relevant legislation.

If at any point in the complaint process the Chief Executive Officer considers that a Complainant has knowingly made an untrue complaint, or the complaint is vexatious or malicious, the matter will be referred to an appeals tribunal for appropriate action. All complaints will be kept confidential and will not be disclosed to another person without the Complainant's consent, except if law requires disclosure, or if disclosure is necessary to effectively deal with the complaint.

1.1 Step 1

As a first step, you (the Complainant) should try to sort out the problem with the person or people involved if you feel able to do so.

1.2 Step 2

If:

- the first step is not possible / reasonable; or
- you are not sure how to handle the problem by yourself; or
- you just want to talk confidentially about the problem with someone and obtain more information about what you can do; or
- the problem continues after you tried to approach the person or people involved;

then talk with a MPIO. A list of MPIOs is available from the ABF.

The MPIO will:

- take notes about your complaint (which the MPIO will keep in a secure and confidential place);
- try to sort out the facts of the problem;
- ask what outcome / how you want the problem resolved and if you need support;
- provide possible options for you to resolve the problem;
- explain how the complaints procedure works;
- act as a support person if you so wish;
- refer you to an appropriate person to help you resolve the problem if necessary;
- inform the relevant Government authorities and / or Police if required by law to do so; and
- maintain strict confidentiality.

1.3 Step 3

After talking with the MPIO, you may decide:

- there is no problem;
- the problem is minor and you do not wish to take the matter further;
- to try and work out your own resolution (with or without a support person such as a MPIO); or

- to seek an informal mediated resolution with the help of a third person (such as a mediator or a manager).

If you wish to remain anonymous, the ABF cannot assist you to resolve your complaint. The ABF is required to follow the principles of natural justice and be fair to both sides. This means that the ABF, or you, may be required to provide the person / people you have complained about with full details of the complaint so they have a fair chance to respond to all the allegations.

1.4 Step 4

If your complaint is not resolved to your satisfaction, you may:

- make a formal complaint in writing to the Chief Executive Officer; or
- approach a relevant external agency (such as an equal opportunity commission) for advice.

1.5 Step 5

If you decide to make a formal complaint in writing under Step 4 above, the Chief Executive Officer will, on receiving the formal complaint and based on the material you have provided, decide whether:

- they are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure; (Some complaints may be of a minor and / or purely personal nature with no connection to the activities of the ABF. In these cases, the Chief Executive Officer may determine that the complaint does not warrant a formal resolution procedure.);
- to appoint a person to investigate the complaint;
- to refer the complaint to an informal or formal mediation session;
- to refer the complaint to a hearings tribunal;
- to refer the matter to the Police or other appropriate authority; and / or
- to implement any interim administrative or other arrangements that will apply until the complaint process set out in these procedures is complete.

In making the decision/s outlined above, the Chief Executive Officer will take into account:

- whether they have had any personal involvement in the circumstances giving rise to the complaint and if so, whether their ability to impartially manage the complaint is compromised or may appear to be compromised;
- whether, due to the nature of the complaint, specific expertise or experience may be required to manage the complaint;
- your wishes, and the wishes of the Respondent, regarding the manner in which the complaint should be handled;
- whether, due to the nature of the complaint, the relationship between you and the Respondent and any other relevant factors, the complaint should be referred (or should not be referred) to informal or formal mediation, or to a hearings tribunal; (Relevant factors may include an actual or perceived power imbalance between you and the Respondent, the nature of any ongoing working relationship between you and the Respondent and the personal attributes of you and the Respondent - for example, if one party does not speak English fluently, some of the possible complaints resolution mechanisms may not be appropriate);
- the nature and sensitivity of any information or other material that must be provided by you, the Respondent and any other people involved in the complaint;
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the likelihood and the consequences (if the complaint is ultimately proven) that you will be subject to further unacceptable behaviour while the complaint process set out in these procedures is being conducted.

If the Chief Executive Officer is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

- get full information from you (the Complainant) about your complaint and how you want it resolved (if this information has not already been obtained through earlier steps);
- put the information they've received from you to the person / people you're complaining about and ask them to provide their side of the story;
- decide whether they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and / or
- determine what, if any, further action to take. This action may include disciplinary action in accordance with Part C6: *Appointing a Person to Investigate the Complaint*, referring the complaint to an informal or a formal mediation session, or a hearings tribunal and / or referring the complaint to the Police, or other appropriate authority.

1.6 Step 6

If:

- a person is appointed to investigate the complaint under Step 5 above, the investigator will conduct the investigation and provide a written report to the Chief Executive Officer who will determine what, if any, further action to take. This action may include a direction to the investigator to make further enquiries and obtain additional information, disciplinary action in accordance with Part C6 and referring the complaint to an informal or a formal mediation session, a hearings tribunal and / or the Police, or other appropriate authority;
- the complaint is referred to an informal or a formal mediation session under Step 5 above, the mediation session will be conducted in accordance with Part C2, or as otherwise agreed by you and the Respondent;
- the complaint is referred to a hearings tribunal under Step 5 above, the hearing will be conducted in accordance with Part C5;
- the complaint is referred to the Police or other appropriate authority under Step 5 above, the ABF will use its best endeavours to provide all reasonable assistance lawfully required by the Police or other appropriate authority; and
- interim administrative or other arrangements are implemented under Step 5 above, the ABF will periodically review these arrangements to ensure that they are effective.

Any costs relating to the complaint process set out in this Policy (eg, investigation and / or mediation and / or hearings tribunal) are to be met by the individual.

1.7 Step 7

If, under Step 6 above, an informal or formal mediation session is conducted and you and the Respondent can not reach a mutually acceptable mediated solution, you may request that a complaints manager reconsider the complaint in accordance with Step 5 above.

You or the Respondent may be entitled to appeal where:

- under Step 5 above, a decision was made by the Chief Executive Officer:
 - not to take any action; or
 - to take disciplinary action; or
- under Step 6 above, a decision was made by the Chief Executive Officer, or a hearings tribunal:
 - not to take any action; or
 - to take disciplinary action.

The grounds for appeal and the process for appeals under this Policy are set out in Part C5.

If the internal complaints process set out in this Policy does not achieve a satisfactory resolution / outcome for you (the Complainant), or if you believe it would be impossible to get an impartial resolution within the ABF, you may choose to approach an external agency such as an equal opportunity commission to assist with a resolution.

1.8 Step 8

The Chief Executive Officer will document the complaint, the process followed and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at a state or regional level, the information is to be stored in the state association office. If the matter is of a serious nature, or if the matter was escalated to and / or dealt with at the national level, the original documentation is to be stored at the national office with a copy stored at the state association office.

There may be a range of external options available to you depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from your State or Territory equal opportunity commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be a type of harassment that comes within its jurisdiction, you may then make a decision as to whether or not to lodge a formal complaint with the commission.

Once a complaint is received by an anti-discrimination commission, an investigation will be conducted. If it appears that unlawful harassment or discrimination has occurred, there will usually be an attempt to conciliate the complaint confidentially first. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made as to whether unlawful harassment or discrimination occurred. The tribunal will decide upon what action, if any, will be taken. This could include financial compensation for such things as distress, lost earnings, or medical and counselling expenses incurred.

An anti-discrimination commission can decline to investigate a complaint, or dismiss a complaint at any point in the investigation, conciliation, or public hearing stages.

If you do lodge a complaint under the anti-discrimination law, you may use an appropriate person (eg, an MPIO) as a support person throughout the process. It is also common to have a legal representative, particularly at the hearing stage of a complaint.

C2: MEDIATION

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 dispute. 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.

Part C2 outlines the general procedure of mediation that will be followed by the ABF.

The people involved in a formal complaint (the Complainant and the Respondent) may work out their own resolution of the complaint, or seek the assistance of a neutral third person or a mediator.

Mediation may occur either before or after an investigation of the complaint.

Mediation (getting those involved to come to a joint agreement about how the complaint should be resolved) will only be recommended:

- after the Complainant and Respondent have had their chance to tell their version of events to the Chief Executive Officer on their own; and
- the Chief Executive Officer does not believe that any of the allegations warrant any form of disciplinary action; (Proven serious allegations will not be mediated no matter what the Complainant desires.); and
- mediation looks like it will work (ie, the versions given by the Complainant and the Respondent 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).

Mediation will not be recommended if:

- the respondent has a completely different version of events and they won't deviate from these;
- the Complainant or the Respondent is unwilling to attempt mediation; or
- due to the nature of the complaint, the relationship between the Complainant and the Respondent and any other relevant factors, the complaint is not suitable for mediation.

If mediation is chosen to try and resolve the complaint, the Chief Executive Officer will, in consultation with the Complainant and the Respondent, arrange for a mediator to mediate the complaint.

The Chief Executive Officer will notify the Respondent that a formal complaint has been made, provide them with details of the complaint and notify them the ABF has decided to refer the matter to mediation to resolve the complaint.

The mediator's role is to assist the Complainant and the Respondent reach an agreement on how to resolve the problem. The mediator, in consultation with the Complainant and the Respondent, 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.

The mediation will be conducted confidentially and without prejudice to the rights of the Complainant and the Respondent to pursue an alternative process if the complaint is not resolved.

At the end of a successful mediation, the mediator will prepare a document that sets out the agreement reached between the Complainant and the Respondent and it will be signed by them as their agreement.

If the formal complaint is not resolved by mediation, the Complainant may:

- write to the Chief Executive Officer to request that he / she reconsider the complaint in accordance with Step 5 Part C1; or
- approach an external agency, such as an anti-discrimination commission.

C3: INVESTIGATION PROCEDURE - GENERAL

If an investigation needs to be conducted, the following steps are to be followed:

3.1 Step 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.

3.2 Step 2:

The Complainant will be interviewed and the complaint documented in writing.

3.3 Step 3:

The details of the complaint will be conveyed to the person / people complained about (the Respondent/s) in full. The Respondent/s must be given sufficient information to enable them to properly respond to the complaint.

3.4 Step 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.

3.5 Step 5:

If there is a dispute over the facts, then statements from witnesses and other relevant evidence will be obtained to assist in a determination.

3.6 Step 6:

The investigator will make a finding as to whether the complaint is:

- substantiated; (there is sufficient evidence to support the complaint)
- inconclusive; (there is insufficient evidence either way)
- unsubstantiated; (there is sufficient evidence to show that the complaint is unfounded) and / or

- mischievous, vexatious, or knowingly untrue.

3.7 Step 7:

A report documenting the complaint, investigation process, evidence, finding and if requested, recommendations, will be given to the Chief Executive Officer.

3.8 Step 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.

Both the Complainant and the Respondent/s are entitled to support throughout this process from their chosen support person / advisor.

The Complainant and the Respondent/s may have the right to appeal against any decision based on the investigation. Information on the appeals process is in Part C5.

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

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 is serious or criminal in nature, while less serious / urgent allegations should be actioned as soon as possible, preferably within twenty four 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.

4.1 Step 1 - Clarify basic details of the allegation

- (1) Any complaints, concerns, or allegations of child abuse should be made or referred to the Chief Executive Officer.
- (2) 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:
 - listen to, be supportive and do not dispute what the child says;
 - reassure the child that what has occurred is not the fault of the child;
 - ensure the child is safe;
 - be honest with the child and explain that other people may need to be told in order to stop what is happening; and
 - 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.
- (3) The person receiving the complaint should obtain and clarify basic details (if possible) such as:
 - the child's name, age and address;
 - the person's reason for suspecting abuse (ie, observation, injury, or other); and
 - names and contact details of all people involved, including witnesses.

4.2 Step 2 – Report allegations of a serious or criminal nature

- (1) Any individual or organisation to which this Policy applies, should immediately report any incident of a serious or criminal nature to the Police and other appropriate authorities.

- (2) 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.
- (3) The relevant State or Territory authority should be contacted for advice if there is any doubt about whether the complaint should be reported.
- (4) If the child's parent/s is suspected of committing the abuse, report the allegation to the relevant Government agency.

4.3 Step 3 – Protect the child

- (1) The MPIO 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 duties until the allegations are finally determined.
- (2) The MPIO 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.

4.4 Step 4 – Further clarify and investigate allegation

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

- (1) seek advice from the Police and relevant Government agency as to whether the ABF should carry out its own internal investigation (in addition to any Police or relevant Government agency investigation). If the police and / or the 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:
 - contact the parents / carers of the child at an appropriate time and as directed by the Police or relevant Government agency;
 - if appropriate, meet with parents / carers and the child to clarify the incident and offer support on behalf of the ABF if required (ie, professional counselling);
 - 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 / advisor to attend at a meeting and should be offered support (ie, professional counselling) if necessary;
 - obtain a signed statement and record of interview from the person;
 - 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; and
 - obtain other information that could assist in making a decision on the allegation.
- (2) The information collected during the investigation should be made available to the relevant authorities.
- (3) Strict confidentiality, impartiality, fairness and due process must be maintained at all times.

For allegations of a less serious nature (eg, verbal abuse):

- (1) 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;
- (2) the investigator should follow the procedure set out in Part C3; and
- (3) strict confidentiality, impartiality, fairness and due process must be maintained at all times.

4.5 Step 5 – Record and analyse all information

- (1) If an internal investigation was conducted under Step 4 above, the investigator will provide a report to the Chief Executive Officer.
- (2) The decision-maker/s will be and appeals tribunal of the ABF and will remain separate and at arm's length from the investigator.
- (3) The appeals tribunal will consider all the information and determine a finding. It will also recommend action and its rationale for the action.

4.6 Step 6 – Undertake disciplinary action

- (1) For incidents of a serious or criminal nature, consideration must be given to the findings of the Police and / or the Government agency before making a decision on disciplinary proceedings.
- (2) If disciplinary action is to be taken, follow the procedures outlined in Part C6 of this Policy.
- (3) Implement any disciplinary decision recommended by the appeals tribunal. The action should be immediate.
- (4) Check with the relevant State Government authority to see if you need to forward a report (eg, the NSW Commission for Children and Young People requires notification of relevant employment proceedings).
- (5) Complete the Report form in Part E of this Policy. Retain the original in a secure place and forward a copy to the Chief Executive Officer of the ABF.

C5: HEARINGS AND APPEALS TRIBUNALS PROCEDURES

The following procedure will be followed by hearings tribunals established by the ABF.

5.1 Tribunal formation and notification

A tribunal panel will be constituted following the rules outlined in the ABF's Constitution to hear a complaint that has been referred to it by the Chief Executive Officer.

The Chief Executive Officer will organise for a tribunal to be convened by notifying all tribunal panel members that they are required to hear a complaint. The tribunal panel members will be provided with a copy of all the relevant correspondence, reports, and information received and sent by the Chief Executive Officer relating to the complaint / allegation.

The tribunal hearing will be scheduled as soon as practicable, but must allow adequate time for the person being complained about (the Respondent) to prepare to respond to the complaint.

The number of tribunal panel members required to be present throughout the tribunal hearing process will be three, consisting of two independent persons, together with one from the ABF who may be an ABF Board member.

The tribunal panel will not include any person who has any actual or perceived conflict of interest, preconceived opinions, vested interests, or personal involvement relating to the complaint.

The tribunal panel will comprise at least one person who has knowledge and preferably experience, of any relevant laws relating to the complaint (eg, anti-harassment).

If a member of the tribunal panel cannot continue once the tribunal hearing has commenced and the minimum number required for the tribunal hearing is still maintained, the discontinuing member will not be replaced. If the specific or minimum number is not maintained, the discontinuing member may be replaced if it is considered appropriate by the tribunal's chairperson. Factors to consider should include the circumstances of the complaint and the

ability of the new tribunal panel member to be reasonably and impartially informed of the hearing evidence up until the time of their appointment. If the tribunal's chairperson believes it is not appropriate for a new tribunal panel member to be appointed, then the tribunal will be rescheduled to a later date. The tribunal's chairperson will inform the Chief Executive Officer of the need to reschedule and the Chief Executive Officer will organise for the tribunal hearing with a new tribunal panel to be reconvened.

The Chief Executive Officer will inform the Respondent by written notification that a tribunal hearing will take place. The written notification will outline:

- (1) that the Respondent has a right to appear at the tribunal hearing to defend the complaint / allegation;
- (2) details of the complaint, including any relevant rules or regulations the Respondent is accused of breaching (if there is more than one complaint, these should be set out separately);
- (3) the date, time and venue of the tribunal hearing;
- (4) that the Respondent can make either verbal or written submissions to the tribunal;
- (5) that the Respondent may arrange for witnesses to attend the tribunal in support of their position;
- (6) outline of any possible penalties that may be imposed if the complaint is found to be true; and
- (7) that legal representation will not be allowed. If the respondent is considered a minor, they should have a parent or guardian present.

A copy of any information / documents given to the tribunal (eg, investigation report findings) will also be provided to the Respondent.

The Respondent will be allowed to participate in all ABF activities and events pending the decision of the tribunal; including any available appeal process, unless the Chief Executive Officer believes it is warranted to exclude the Respondent from all or some ABF activities and events, after considering the nature of the complaint.

The Chief Executive Officer will inform the person making the complaint (the Complainant) by written notification that a tribunal hearing will take place. The written notification will outline:

- (1) that the Complainant has a right to appear at the tribunal hearing to support the complaint;
- (2) details of the complaint, including any relevant rules or regulations the Respondent is accused of breaching (if there is more than one complaint these should be set out separately);
- (3) the date, time and venue of the tribunal hearing;
- (4) that the Complainant can make either verbal or written submissions to the tribunal;
- (5) that the Complainant may arrange for witnesses to attend the tribunal in support of their position; and
- (6) that legal representation will not be allowed. If the Complainant is considered a minor, they should have a parent or guardian present.

A copy of any information / documents given to the tribunal (eg, investigation report findings) will also be provided to the Complainant.

If the Complainant believes the details of the complaint are incorrect or insufficient, they should inform the Chief Executive Officer as soon as possible so that the Respondent and the tribunal panel members can be properly informed of the complaint.

5.2 Hearing tribunal procedure

(1) The following people will be allowed to attend the hearing tribunal:

- the tribunal panel members;
- the Respondent;
- the Complainant;
- any witnesses called by the Respondent;
- any witnesses called by the Complainant;
- any parent / guardian, or support person required to support the Respondent or the Complainant.

(2) The tribunal's chairperson will call the hearing to order at the designated time and determine if the Respondent is present.

If the Respondent is not present and the tribunal's chairperson considers that no valid reason has been presented for their absence, the hearing tribunal will continue subject to the tribunal's chairperson being satisfied that all tribunal notification requirements have been carried out correctly.

If the tribunal's chairperson considers that a valid reason for the non-attendance of the Respondent is presented, or the tribunal's chairperson does not believe the tribunal notification requirements have been carried out correctly, then the hearing tribunal will be rescheduled to a later date.

The tribunal's chairperson will inform the Chief Executive Officer of the need to reschedule and the Chief Executive Officer will organise for the hearing tribunal to be reconvened.

(3) The tribunal's chairperson will read out the complaint that is to be judged, ask the Respondent if they understand the complaint being made against them and if they agree or disagree with the complaint.

If the Respondent agrees with the complaint, they will be asked to provide any evidence or witnesses that should be considered by the tribunal panel in determining any disciplinary measures. Ensure the tribunal has the powers / authorisation to impose any disciplinary measures under your Constitution.

If the Respondent disagrees with the complaint, the Complainant will be asked to describe the circumstances that lead to the complaint being made.

- Brief notes may be referred to.
- The Complainant will be allowed to call witnesses.
- The Respondent may be allowed to question the Complainant and their witnesses.

(4) The Respondent will then be asked to respond to the complaint.

- Brief notes may be referred to.
- The Respondent will be allowed to call witnesses.
- The Complainant may be allowed to ask questions of the Respondent and their witnesses.

(5) Both the Complainant and the Respondent will be allowed to be present when evidence is presented to the tribunal. Witnesses may be asked to wait outside the hearing tribunal until required.

The tribunal will be allowed to:

- consider any evidence in any form it deems relevant;
- question any person giving evidence; and
- limit the number of witnesses presented if it is agreed by all parties that they will support the person who requested them, but will not provide any new evidence.

Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.

If the tribunal considers there to be unreasonable or intimidating behaviour from anyone present during the hearing tribunal, the tribunal's chairperson shall have the power to stop any further involvement of the person in the hearing tribunal.

- (6) After all the evidence has been presented, the tribunal panel will make its decision in private.

If the tribunal believes the complaint has been substantiated on the balance of probabilities (ie, more probable than not), the Respondent will be given an opportunity to address the tribunal panel and make a submission on any disciplinary measures that may be imposed. Only those disciplinary measures outlined in the ABF's Constitution / Member Protection Policy will be considered. Any disciplinary measure imposed must be reasonable in the circumstances.

All decisions made by the tribunal will be based on a majority vote.

- (7) The tribunal's chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed.

- (8) Within forty-eight hours, the tribunal's chairperson will:

- forward a copy of the tribunal decision, including any disciplinary measures imposed, to the Chief Executive Officer;
- forward a letter to the Respondent reconfirming the tribunal's decision and any disciplinary measures imposed. The letter should outline, if allowed, the process and grounds for an appeal to be made;

5.3 Appeals procedure

A Complainant or Respondent who is not satisfied with a decision described in Step 7 of C1: *Complaints Procedure* can lodge one appeal to the ABF on one or more of the following basis:

- That a denial of natural justice has occurred; or
- the disciplinary measure(s) imposed is unjust and / or unreasonable.

A person wanting to appeal in accordance with paragraph 25, must lodge a letter with the Chief Executive Officer stating their intention and the basis for their appeal, within twenty-one days of the relevant decision. An appeal fee of \$250.00 shall be included with the letter of intention to appeal.

If the letter of appeal is not received by the Chief Executive Officer within the relevant time period, the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received by the relevant time, the appeal shall be deemed to be withdrawn.

Upon receipt of the letter of appeal, the Chief Executive Officer must convene a special meeting of the ABF's appeals committee to review the letter of appeal and decide whether there are sufficient grounds for the appeal to proceed. The appeals committee will be able to invite any witnesses to the meeting it believes are required to make an informed decision.

If it is considered that the letter of appeal has not shown sufficient grounds for appeal in accordance with paragraph 25, the appeal will not proceed and the person will be notified of this decision and the reasons for this decision. The appeal fee will be forfeited.

If the appeal is considered to have sufficient grounds to proceed, a tribunal with a new panel will be convened to rehear the complaint and the appeal fee will be refunded. The appeals committee's chairperson shall follow the Tribunal Formation and Notification Procedures outlined above.

The *Tribunal Hearing Procedure* () shall be followed for the appeal.

The decision of the appeals committee will be final.

C6: DISCIPLINARY MEASURES

Any disciplinary measure imposed by the appeals committee and / or the Chief Executive Officer under this Policy must:

- observe any contractual and employment rules and requirements;
- conform to the principles of natural justice;
- be fair and reasonable;
- be based on the evidence and information presented; and
- be within the powers of the appeals committee and / or the Chief Executive Officer to impose the disciplinary measure.

6.1 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 by the hearings tribunal:

- A direction that the individual make a verbal and / or written apology.
- A written warning.
- A direction that the individual attend counselling to address their behaviour.
- A withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by the ABF.
- A demotion or transfer of the individual to another location, role, or activity.
- A suspension of the individual's membership, or participation, or engagement in a role or activity.
- Termination of the individual's membership, appointment, or engagement.
- A recommendation that the ABF terminate the individual's membership, appointment, or engagement.
- 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.
- Any other form of discipline that the appeal's tribunal considers appropriate.

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

6.2 Organisations

If a finding is made that a member or affiliated organisation of the ABF has breached this Policy (including the Codes of Conduct), one or more of the following forms of discipline may be imposed by the hearings tribunal:

- A written warning.
- A monetary fine.
- A direction that any rights, privileges and benefits provided to the organisation by the national body, or other peak association, be suspended for a specified period.
- A direction that any funding granted or given to the organisation by the ABF ceases from a specified date.
- A direction that the ABF cease to sanction events held by or under the auspices of the organisation.

- A recommendation to the ABF or affiliated association that its membership of the ABF or affiliated association be suspended or terminated in accordance with the relevant constitution or rules.
- Any other form of discipline that the national body or peak organisation considers appropriate.
- Ensure the above action can be taken.

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

6.3 Factors to consider when imposing discipline

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

- if the individual is a parent and / or spectator (ability to enforce a penalty may be difficult);
- the nature and seriousness of the behaviour or incidents;
- in a case where action is taken concurrently with or in lieu of a resolution of a formal complaint, the wishes of the Complainant;
- if the individual concerned knew or should have known that the behaviour was a breach of this Policy;
- the level of contrition of the Respondent;
- the effect of the proposed disciplinary measures on the Respondent, including any personal, professional, or financial consequences;
- if there have been relevant prior warnings or disciplinary action; and / or
- if there are any mitigating circumstances such that the Respondent shouldn't be disciplined at all or not disciplined so seriously.

D: ROLE-SPECIFIC CODES OF CONDUCT / BEHAVIOUR

D1: BASEBALL'S GENERAL CODE OF BEHAVIOUR

As a member of the ABF (a member association, an affiliated club, or a person) required to comply with this Policy, the following requirements are to be met in regards to conduct during any activity held or sanctioned by the ABF, a member association, or an affiliated club and in any role you hold within Baseball, a member association, or an affiliated club:

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

D2: BASEBALL COACHES' CODE OF BEHAVIOUR

2.1 Australian Baseball Federation's Coach's Code of Behaviour

In addition to the Australian Baseball Federation's General Code of Behaviour (D1), Coaches must meet the following requirements in regard to conduct during any activity held or sanctioned by the ABF, a member association, or an affiliated club.

- (1) Do not tolerate acts of aggression.

- (2) Provide feedback to players and other participants in a manner sensitive to their needs. Avoid overly negative feedback.
- (3) Recognise players' rights to consult with other coaches and advisors. Cooperate fully with other specialists (for example; sports scientists, doctors and physiotherapists).
- (4) Treat all players 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 conditions.
- (5) Encourage and facilitate players' independence and responsibility for their own behaviour, performance, decisions and actions.
- (6) Involve players in decisions that affect them.
- (7) Encourage players to respect one another and to expect respect for their worth as individuals regardless of their level of play.
- (8) Ensure tasks and / or training sets are suitable for age, experience, ability and physical and psychological conditions of players.
- (9) Ensure any physical contact with players is appropriate to the situation and necessary for players' skill development.
- (10) Be acutely aware of the power that you as a coach develop with your players in the coaching relationship and avoid any sexual intimacy with players that could develop as a result.
- (11) Avoid situations with your players that could be construed as compromising.
- (12) Actively discourage the use of performance enhancing drugs and the use of alcohol, tobacco and illegal substances.
- (13) Do not exploit any coaching relationship to further personal, political, or business interests at the expense of the best interest of your players.
- (14) Accept and respect the role of officials in ensuring that competitions are conducted fairly and according to established rules.
- (15) Know and abide by rules, regulations and standards and encourage players to do likewise. Accept both the letter and the spirit of the rules.
- (16) Be honest and ensure that qualifications are not misrepresented.

2.2 Australian Baseball Federation's Coach's / Manager's Code of Ethics

The coach / manager of a team may be the second most influential person in a player's life. Coaches, through their own behaviour (on and off the field) have an enormous impact on the development of young players.

In establishing a solid foundation of character building with players, the key responsibility of any coach is to lead by example. This holds true at all levels of development. For these reasons and many more, in addition to the ABF's Coach's Code of Behaviour (D2 above), the ABF has developed a Code of Ethics to encompass all coaches and managers participating in ABF endorsed and organised tournaments, development programs and special events. These principles are considered practicable and are within the aims and objectives of the ABF.

- (1) Supervise the behaviour of the team at all times.
- (2) Do not criticise players in front of spectators, parents and other teams. Review constructive criticism with a player in private or in the presence of the team.

- (3) Accept decisions of the umpire as being fair and called to the best of their ability. Do not abuse or ridicule an umpire, or allow your team members to do so.
- (4) Develop team respect for opponents, spectators and officials. Do not criticise other teams, supporters, or officials by words or gestures.
- (5) Set a good example in personal appearance and behaviour.
- (6) Encourage sportsmanlike behaviour among players.
- (7) Ensure whenever possible all players have equal time on the diamond. Avoid overplaying the talented players - average players need and deserve equal time.
- (8) Encourage players to work together as a unified group (team work).
- (9) Keep yourself informed of sound coaching principles and seek more skilled advice when required.
- (10) Encourage your team to hustle on and off the playing field at all times.
- (11) All press statements and / or interviews must be approved by the ABF.
- (12) Place the welfare and development of the individual above a winning or losing record.
- (13) Do not embarrass your opponents.
- (14) Do not use any form of tobacco or alcohol of any description on the field, in the dugouts or bullpens, or whilst in uniform.
- (15) Whenever possible provide assistance with coaching expertise and knowledge to developing teams.
- (16) Abide by the tournament's rules and regulations as established by the ABF.
- (17) Be aware of any player with a medical problem.
- (18) Strive to develop a positive image and self-sufficient attitude with each player.
- (19) Enforce the ABF's Player Code of Conduct (.....).
- (20) Present Australian Baseball in a positive image.

Note: In cases where there is a breach of this Code of Ethics, the breach can be reported to the Series Tribunal. If the breach is found proved, then the matter will be referred to the Tournament Management Committee for adjudication of penalty.

D3: BASEBALL OFFICIALS' CODE OF BEHAVIOUR

3.1 Australian Baseball Federation's Official's Code of Behaviour – General

In addition to the ABF's General Code of Behaviour (D1), officials must meet the following requirements in regard to conduct during any activity held or sanctioned by the ABF, a member association, or an affiliated club.

- (1) Place the safety and welfare of players and participants above all else.
- (2) Accept responsibility for all actions.
- (3) Be impartial.

- (4) Avoid any situation which may lead to a conflict of interest.
- (5) Be courteous, respectful and open to discussion and interaction.
- (6) Value the individual in sport.

3.2 Australian Baseball Federation's Umpire's Code of Conduct – National Championships, Development Programs and International Representation

This ABF's Umpire Code of Conduct has been developed for all umpires participating in national championships, ABF development programs and when representing Australia in international competition.

An umpire's public behaviour will be closely observed by others as the umpire represents the ABF, his / her country, or state at special events. Any behaviour that is unlawful or disrespectful to others is a slur on everyone associated with Australian Baseball.

If, in the opinion of an instructor or coordinator, there is a serious breach of this Code of Conduct, the umpire will be banned from the remainder of the event or program, the ABF's Officials and Technical Manager notified, the State Association office notified and the umpire sent home by the first available transport. Any additional expense incurred will be the responsibility of the umpire.

- (1) Officiate by the competition conditions and rules and the mechanics taught in the Umpire Development program.
- (2) Do not verbally abuse players, managers, coaches, other officials or spectators.
- (3) Control your temper – no criticism by words or gestures.
- (4) Cooperate with instructors, coordinators and fellow umpires.
- (5) Show respect for participants and their skills.
- (6) The use of any kind of drugs, with the exception of those prescribed by a licensed physician, are prohibited.
- (7) Refrain from profanity at all times.
- (8) Be friendly to all participants.
- (9) Do not use any form of tobacco or alcohol of any description on the field, or while in uniform.
- (10) Do not participate in any activity likely to result in loss or wilful damage to private property, or to cause disturbance.
- (11) Smoking is not permitted in rooms at tournaments, seminars, schools and on or around a Baseball field.
- (12) Make no comment to the media or partake in media interviews unless you have approval from the ABF.
- (13) Do not wear jewellery (eg, earrings or studs).
- (14) No eating on the Baseball field and limit drink to water or soft drink.
- (15) Report all injuries to an instructor or coordinator and schedule proper treatment with the physiotherapist if necessary.
- (16) Do not fraternise with team personnel other than at official functions without approval of the coordinator.

- (17) Be prompt to meetings, training sessions and games.
- (18) Dress in uniformity and sharpness in proper on-field dress to games, seminars and schools.
- (19) Dress in proper off-field walkout dress as designated for flights and functions.
- (20) Refrain from the use of any form of tobacco or alcohol of any description whilst in walkout dress.
- (21) With the exception of official functions, do not wear clothing containing the ABF's logo or insignia in licensed premises.
- (22) Take responsibility of maintaining personal hygiene, including taking a shower after each game or practice.
- (23) Clean and maintaining your equipment.
- (24) Observe and implement the Infectious Diseases policy.

3.3 Australian Baseball Federation's Umpire Instructor / Coordinator Code of Conduct

An umpire instructor / coordinator plays an important part in the development of umpiring in Australia. Through their own behaviour (on and off the field) they have an enormous impact on the development of other umpires, especially the young and inexperienced.

In establishing a solid foundation of character building with umpires, the key responsibility of any umpire instructor / coordinator is to lead by example. This holds true at all levels of development.

The responsibilities and duties of an umpire instructor / coordinator are not simple and should be dealt with professionally. For these reasons and many more, in addition to the ABF's Umpire Codes of Conduct above, the ABF has developed this Code of Conduct for all umpire instructors / coordinators and umpires participating in ABF endorsed and organised tournaments, development programs and special events.

These principles are considered practicable and are within the aims and objectives of the ABF.

- (1) Supervise the behaviour of umpires at all times.
- (2) Do not criticise umpires in front of players, spectators and teams.
- (3) Review constructive criticism with an umpire in private, or in the presence of an umpiring team.
- (4) Develop respect from teams, managers, coaches and officials. Do not criticise umpires, teams, spectators, or officials by words or gestures.
- (5) Set a good example in personal appearance and behaviour.
- (6) Encourage sportsmanlike behaviour among players.
- (7) Encourage umpires to work together as a unified group (team work).
- (8) Keep yourself informed of sound umpiring principles and seek more skilled advice when necessary.
- (9) Make no comment to the media and do not partake in media interviews unless you have the approval of the ABF.
- (10) Place the development of Baseball umpiring above your own personal record.

- (11) Do not embarrass other umpires.
- (12) Do not use any form of tobacco or alcohol of any description on the field, adjacent to it, or in public view while in uniform.
- (13) Whenever possible provide assistance with coaching expertise and knowledge to developing umpires.
- (14) Abide by the tournament's rules and regulations as established by the ABF.
- (15) Be aware of any umpire with a medical problem.
- (16) Strive to develop a positive image and self-sufficient attitude with each umpire.
- (17) Enforce the ABF's Umpire Code of Conduct (.....).
- (18) Observe and implement the Infectious Diseases policy.
- (19) Present Australian Baseball in a positive image.

D4: BASEBALL PLAYERS' CODE OF BEHAVIOUR

4.1 Players Code of Behaviour- General

In addition to the ABF's General Code of Behaviour (D1), players must meet the following requirements in regard to conduct during any activity held or sanctioned by the ABF, a member association, or an affiliated club.

- (1) Respect the rights, dignity and worth of fellow players, coaches, officials and spectators.
- (2) Do not tolerate acts of aggression.
- (3) Respect the talent, potential and development of fellow players and competitors.
- (4) Care for 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) At all times avoid intimate relationships with your coach.
- (7) Conduct yourself in a professional manner relating to language, temper and punctuality.
- (8) Maintain high personal behaviour standards at all times.
- (9) Abide by the rules and respect the decision of the official, making all appeals through the formal process and respecting the final decision.
- (10) Be honest in your attitude and preparation to training.
- (11) Work equally hard for yourself and your team.
- (12) Cooperate with coaches and staff in development of programs to adequately prepare you for competition at the highest level.

4.2 Players Code of Conduct – Underage National Championships, Youth Development Programs, Australian Youth Teams

The ABF has developed this Code of Conduct for players participating in underage national championships and youth development programs, as well as for representatives on Australian youth teams.

A player's public behaviour will be closely observed by others as he represents his state or country at special events. Any behaviour that is unlawful or disrespectful to others is a slur on everyone associated with Australian Baseball. A serious breach of this Code of Conduct, detrimental to the game of Baseball, must be notified to the ABF's Tournament Management Committee representative.

If, in the opinion of team officials, there is a serious breach of this Code of Conduct, the player will be banned from the remainder of the championship or program, the parents or guardian and the State Association office notified and the player sent home by the first available transport. Any additional expense incurred will be the responsibility of the parents.

- (1) Compete by the competition's conditions and rules.
- (2) Do not verbally abuse umpires, opposing players, or fans.
- (3) Control your temper - no criticism by words or gestures;
- (4) Cooperate with your team coach and team-mates.
- (5) Show respect for the opposition and their skills.
- (6) The use drugs of any kind, unless prescribed by a licensed physician, are prohibited.
- (7) Refrain from profanity at all times.
- (8) Do not enter licensed premises or casinos (unless under the supervision of team officials, or billeting parents).
- (9) Be friendly to all participants.
- (10) Do not use any form of tobacco, tobacco product, illegal drug, drug paraphernalia, or alcohol of any description. (Team officials have the right to conduct a search of a player's room, bags, clothing, or personal belongings if he or she has a reasonable suspicion that a serious breach of this Code of Conduct has occurred. This search must be conducted in the presence of the player and / or his / her agent and an independent adult witness.)
- (11) Do not perform any activity likely to result in loss or wilful damage to private property, or to cause a disturbance.
- (12) Receive prior approval from the ABF for all press statements and interviews.
- (13) Do not wear jewellery (eg, earrings or studs) at all times;
- (14) Refrain from eating or drinking on the Baseball field, except what is provided by an executive officer.
- (15) Confine the listening of music through headphones whilst on team transport.
- (16) Report all injuries to a coach or trainer and schedule proper treatment with the physiotherapist if required.
- (17) Do not use cameras in the dugout during games.
- (18) Do not enter locker rooms without permission from management.
- (19) Be prompt to meetings, training sessions and games.

- (20) Dress in uniformity and sharpness in on-field dress.
- (21) Dress in the proper off-field walk-out gear designated for flights and functions.
- (22) Be responsible for personal hygiene, taking a shower after each game or practice.
- (23) Clean and maintain your equipment.
- (24) Refrain from abusing equipment (ie, throwing helmets or bats).
- (25) Do not drive a motor vehicle or motor cycle.

In a billeting situation:

- (26) Inform your host of your whereabouts at all times.
- (27) Be courteous.
- (28) Assist with household chores and wash your own clothes.
- (29) Do not participate in social activities other than those organised or approved by team managers, or host committees.
- (30) Pay for all your phone calls.
- (31) Do not borrow money.
- (32) Contact your host immediately if you are delayed unexpectedly.
- (33) Respect the wishes and routine of your host family.
- (34) Present a small gift to your host family and write a letter of thanks.
- (35) Say "thank you" often.

D5: BASEBALL ADMINISTRATORS' CODE OF BEHAVIOUR

In addition to the ABF's General Code of Behaviour (D1), administrators must meet the following requirements in regard to conduct during any activity held by or under the auspices of the ABF, a member association, or an affiliated club.

- (1) Resolve conflicts fairly and promptly through established procedures.
- (2) Maintain strict impartiality.
- (3) Be aware of your legal responsibilities.

D6: BASEBALL PARENTS' AND GUARDIANS' CODE OF BEHAVIOUR

As a parent or guardian of a player / participant in any activity held by or under the auspices of the ABF, a member association, or an affiliated club, parents and guardians must meet the following requirements in regard to conduct during any such activity or event.

- (1) Respect the rights, dignity and worth of others.
- (2) Remember that your child participates in sport for their own enjoyment, not yours.
- (3) Focus on your child's efforts and performance rather than winning or losing.
- (4) Never ridicule or yell at your child and other children for making a mistake, or losing a competition.

- (5) Show appreciation for good performance and skilful plays by all players (including opposing players).
- (6) Demonstrate a high degree of individual responsibility, especially when dealing with or in the vicinity of people under the age of 18-years, as your words and actions are an example.
- (7) Respect the decisions made by officials and teach children to do likewise.
- (8) Do not physically or verbally abuse or harass anyone associated with the sport (player, coach, umpire and so on).
- (9) Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background, or religion.
- (10) Be a positive role-model.
- (11) Understand the repercussions if you breach or are aware of any breaches of this Code of Behaviour.

D7: BASEBALL SPECTATORS' CODE OF BEHAVIOUR

As a spectator in any activity held by or under the auspices of the ABF, a member association, or an affiliated club, spectators must meet the following requirements in regard to conduct during any such activity or event.

- (1) Respect decisions made by officials and teach young people to do the same.
- (2) Never ridicule or scold a young player for making a mistake. Positive comments are motivational.
- (3) Condemn the use of violence in any form, whether it is by other spectators, coaches, officials, or players.
- (4) Show respect for your team's opponents. Without them there would be no game.
- (5) Do not use violence, harassment, or abuse in any form (that is, do not use foul language, sledge or harass players, coaches, officials, or other spectators).
- (6) Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background, or religion.

PART E: REPORTING DOCUMENTS AND FORMS

To assist in consistency and accuracy in following procedures and reporting on the issues covered by this Policy, the following documents are to be used:

- **E1: Confidential Record of Informal Complaint** – to be used by MPIOs or others who receive a complaint or allegation.
- **E2: Confidential Record of Formal Complaint** – to be used when a formal complaint is received at the ABF.
- **E3: Confidential Record of Child Abuse Allegation** – to be used by MPIOs or others who receive complaints / allegations of child abuse.
- **E4: Record of Mediation** – to be used by those who conduct mediation.
- **E5: Record of Tribunal Decision** – to be used by the tribunal's nominated secretary.

When completing a record of complaint, follow these general principles:

- Treat all complaints seriously.
- Deal with complaints promptly, sensitively and confidentially.
- Maintain a calm attitude.
- Ask the Complainant if they will consent to you taking notes.
- Write the description of the complaint / issue using the Complainant's own words (as much as possible).
- Find out the nature of the relationship between the Complainant and the person complained about (for example; coach vs competitor, team member, etc) and if there is any relevant history.
- Take a note of the facts and do not pre-judge the situation.
- Ask the Complainant whether they fear victimisation or other consequences.
- Find out what outcome the Complainant wants and if they need any support.
- Ask the Complainant how they want the complaint to be dealt with under this Policy.
- Keep the complaint confidential and do not disclose it to another person without the Complainant's consent except if disclosure is required by law (for example; a report to Government authorities) or if disclosure is necessary to effectively deal with the complaint.

E1: CONFIDENTIAL RECORD OF INFORMAL COMPLAINT

Full name of MPIO:

Date:

Full name of Complainant:

Over 18-years

Under 18-years

Complainant's role / status in sport:

Administrator

Athlete / Player

Parent / Guardian

Spectator

Coaching Staff

Support Staff

Employee (Paid)

Volunteer (Unpaid)

Official

Other

Event and location of alleged issue:

Facts as stated by the Complainant:

Nature of complaint (tick as many boxes as required):

Harassment (category)

Discrimination (category)

Sexual / Sexist

Race

Religion

Pregnancy

Disability

Child Abuse

Personality Clash

Bullying

Verbal Abuse

Physical Abuse

Victimisation

Other

Feelings expressed by Complainant (to assist in separating emotional content from facts):

What resolution does the Complainant seek?

What action to obtain this resolution does the Complainant seek?

Information provided by the MPIO:

What is the Complainant going to do now?

This record and any notes must be kept in a confidential place. **DO NOT enter it onto a computer system.** If the issue becomes a formal complaint, this record is to be sent to the Chief Executive Officer of the Australian Baseball Federation. Please refer to the ABF's website for up-to-date posting details.

E2: CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Date formal complaint made:

Full name of Complainant:

Over 18-years

Under 18-years

Complainant's role / position in Sport:

Administrator

Parent

Athlete / Player

Spectator

Coaching Staff

Support Staff

Official

Employee (Paid)

Volunteer (Unpaid)

Other

Full name of person complained about?

Over 18-years

Under 18-years

Role / status in sport of person complained about?:

Administrator

Athlete / Player

Parent / Guardian

Spectator

Coaching Staff

Support Staff

Employee (Paid)

Volunteer (Unpaid)

Official

Other

Event and location of alleged issue:

Description of alleged issue:

Nature of complaint (tick as many boxes as required):

Harassment (category)

Discrimination (category)

Sexual / Sexist

Race

Religion

Pregnancy

Disability

Child Abuse

Personality Clash

Bullying

Verbal Abuse

Physical Abuse

Victimisation

Other

Method (if any) of attempted informal resolution:

Support person (if any):

Formal resolution procedures followed (outline):

Findings of any investigations:

Decision of any hearing tribunal:

Action recommended:

Date of any mediation

Were both parties present?

 Yes No

Terms of agreement at mediation:

Other action taken at mediation:

Decision from any appeals tribunal:

Action recommended at appeals tribunal:

Resolution – how long to resolve:

Less than 3 months

Between 3 to 8 months

More than 8 months

Completed by:

Full Name:

Title / Position:

Organisation:

Signature: Date:

Signed by:

Complainant:

Respondent:

This record and any notes must be kept in a confidential place. If the complaint is of a serious nature, or is escalated to and / or dealt with at the national level, the original must be forwarded to the national body and a copy kept at the club / state / district level (whatever level the complaint was made).

E3: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing this form, ensure the procedures outlined in C4 have been followed and advice has been sought from the relevant Government agency and / or the Police.

Full name of Complainant (if other than the child):

Date formal complaint made:

Complainant's role / position in Sport:

- Administrator
- Spectator
- Official
- Other

- Parent
- Coaching Staff
- Employee (Paid)

- Athlete / Player
- Support Staff
- Volunteer (Unpaid)

Full name of Child:

Age:

Child's residential address:

Complainant's reasons for suspecting abuse (eg, observation, injury, disclosure):

Name of person complained about (the Respondent):

Respondent's role / position in Sport:

- Administrator
- Spectator
- Official
- Other

- Parent
- Coaching Staff
- Employee (Paid)

- Athlete / Player
- Support Staff
- Volunteer (Unpaid)

Witnesses (if more than 3, attach details to this form):

Full name and contact details of Witness 1:

Full name and contact details of Witness 2:

Full name and contact details of Witness 3:

Interim action taken (if any) to ensure Child's safety and / or to support the needs of the Respondent:

Police contact:

Who?

When?

Advice received:

Government agency contact:

Who?

When?

Advice received:

Chief Executive Officer contact:

Who?

When?

Police and / or Government agency investigation findings:

Internal investigation (if any) findings:

Action taken:

Completed by:

Full Name:

Title / Position:

Organisation:

Signature: Date:

Signed by:

Complainant (if not a Child):

This record and any notes must be kept in a confidential place with a copy provided to the relevant authorities (Police and Government) should they require them.

E4: RECORD OF MEDIATION

Present at mediation:

Date of mediation:

Mediator:

Venue of mediation:

Summary of mediation (attach minutes to this form):

Outcome of mediation:

Follow up required:

Completed by:

Full Name:

Title / Position:

Organisation:

Signature: Date:

Signed by:

Complainant:

Respondent:

Once completed, this form is to be forwarded to the Chief Executive Officer of the Australian Baseball Federation. Please refer to our website for up-to-date posting details. Once received by the Chief Executive Officer, this document will be placed in a secure, sealed envelope and kept in a secured safe.

E5: RECORD OF TRIBUNAL DECISION

Full name of Complainant:

Date formal complaint made:

Complainant's role / position in Sport:

- Administrator
- Spectator
- Official
- Other

- Parent
- Coaching Staff
- Employee (Paid)

- Athlete / Player
- Support Staff
- Volunteer (Unpaid)

Name of person complained about (the Respondent):

Respondent's role / position in Sport:

- Administrator
- Spectator
- Official
- Other

- Parent
- Coaching Staff
- Employee (Paid)

- Athlete / Player
- Support Staff
- Volunteer (Unpaid)

Event and location of alleged issue:

Description of alleged issue:

Nature of complaint (tick as many boxes as required):

- Harassment (category)
- Race
- Disability
- Bullying
- Victimisation

- Discrimination (category)
- Religion
- Child Abuse
- Verbal Abuse
- Other

- Sexual / Sexist
- Pregnancy
- Personality Clash
- Physical Abuse

Methods (if any) of attempted informal resolution:

Support person (if any):

Tribunal members:

Hearing tribunal venue:

Date:

Summary of hearing tribunal decision (attach report):

Action recommended and any follow-up required:

Decision appealed:

Date of appeal lodged:

Appeal hearing date:

Summary of appeal decision (attach report):

Action recommended:

Completed by:

Full Name:

Title / Position:

Organisation:

Signature:

Date:

Signed by:

Complainant:

Respondent: