



Version	Issue Date	Comments	Created By	Approved By	Approval Date	Next Review
1.0	August 2021	New Policy	Legal	SACA Board	26 July 2021	July 2022

## **South Australian Cricket Association Limited**

### **Affiliated Clubs and Associations Affiliate Protection Policy**



## Contents

1.	Purpose .....	3
2.	Scope & Application .....	3
3.	Responsibilities & Accountability .....	5
4.	Position Statements.....	6
5.	Complaints.....	15
6.	What is a breach of this Policy? .....	19
7.	Disciplinary Measures .....	20
8.	Definitions.....	22
	<b>ANNEXURE A: CODES OF BEHAVIOUR .....</b>	<b>27</b>
	<b>ANNEXURE B: COMPLAINT HANDLING PROCEDURES .....</b>	<b>30</b>
	<b>ANNEXURE C: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS.....</b>	<b>31</b>
	<b>ANNEXURE D: PROCEDURE FOR HANDLING CONCERNS OR ALLEGATIONS OF PROHIBITED CONDUCT OR A CHILD OR YOUNG PERSON AT RISK OF HARM OR NEGLECT .....</b>	<b>32</b>
	<b>Attachment B1: COMPLAINTS PROCEDURE .....</b>	<b>37</b>
	<b>Attachment B2: MEDIATION.....</b>	<b>43</b>
	<b>Attachment B3: INVESTIGATION PROCESS .....</b>	<b>45</b>
	<b>Attachment C1: RECORD OF INFORMAL COMPLAINT.....</b>	<b>54</b>
	<b>Attachment C2: RECORD OF FORMAL COMPLAINT .....</b>	<b>56</b>
	<b>Attachment D1: AUSTRALIAN CRICKET PROCEDURE FOR HANDLING COMPLAINTS AND ALLEGATIONS OF PROHIBITED CONDUCT .....</b>	<b>59</b>
	<b>Attachment D2: PROHIBITED CONDUCT.....</b>	<b>64</b>
	<b>Attachment D3: CONFIDENTIAL RECORD OF ALLEGATION OF PROHIBITED CONDUCT, HARM OR NEGLECT .....</b>	<b>66</b>
	<b>Attachment D4: CHILD AND YOUNG PERSON PROTECTION PROCEDURE FLOWCHART .....</b>	<b>69</b>



## 1. Purpose

1.1 This Policy aims to:

- (a) assist SACA's Affiliated Clubs and Associations to create a safe, fair and inclusive environment for participants in cricket in South Australia, free from all forms of Discrimination, Bullying, abuse, Harassment and Sexual Harassment;
- (b) ensure that all persons within the scope of this Policy (Affiliates) are treated with respect and dignity and protected from Discrimination, Harassment and harm by those persons and organisations bound by this Policy;
- (c) set out key rights, responsibilities and expected standards of behaviour of those persons and organisations bound by this Policy; and
- (d) provide a clear framework and procedure for addressing Complaints or breaches under this Policy and any resulting disciplinary measures.

1.2 The Attachments to this Policy describe some of the practical steps that SACA and/or Affiliated Clubs and Associations may take to reduce Discrimination, Harassment, Bullying and other forms of inappropriate behaviour in cricket in South Australia. SACA and/or Affiliated Clubs and Associations may take disciplinary action against any person or organisation bound by this Policy if they breach it.

1.3 This Policy is effective from 26 July 2021 and will operate until replaced. It may be amended from time to time by SACA. It replaces the previous SACA "Affiliates and Club Protection Policy".

## 2. Scope & Application

2.1 This Policy will apply to:

- (a) directors, officers or committee/sub-committee members of an Affiliated Club or Association (whether in a paid or unpaid/voluntary capacity);
- (b) employees, consultants or contractors of an Affiliated Club or Association;
- (c) volunteers of an Affiliated Club or Association;
- (d) members of an Affiliated Club or Association (including any life members);
- (e) players that are registered with, or have agreed to participate in the activities of, an Affiliated Club or Association;
- (f) coaches (including assistant coaches) appointed or engaged by an Affiliated Club or Association (whether in a paid or unpaid/voluntary capacity);
- (g) umpires, selectors or other officials who umpire or officiate cricket matches for an Affiliated Club or Association (whether in a paid or unpaid/voluntary capacity);



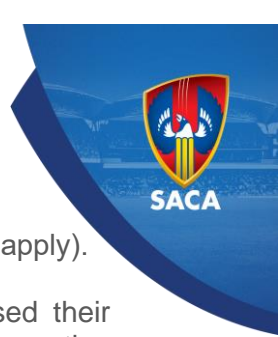
- (h) support personnel of an Affiliated Club or Association including, but not limited to, managers, physiotherapists, psychologists, massage therapists, sport trainers and others (whether in a paid or unpaid/voluntary capacity);
- (i) persons participating in events and activities including, but not limited to camps and training sessions held, sanctioned or endorsed by an Affiliated Club or Association or in which an Affiliated Club or Association is involved or participating (whether in a paid or unpaid/voluntary capacity);
- (j) parents/guardians of players registered with, or who have agreed to participate in the activities of, an Affiliated Club or Association, or who hold a specific role within an Affiliated Club or Association (including but not limited to regular scorers); and
- (k) any other person who, or organisation which, has agreed to be bound by this Policy.

2.2 This Policy will also apply to:

- (a) Affiliated Associations;
- (b) Affiliated Clubs; and
- (c) SACA, solely in respect of clauses 5 and 7 of this Policy, to the extent that SACA may be involved in overseeing, managing/handling and/or addressing or resolving any Complaint or alleged breach under this Policy, and to the extent that this Policy sets out specified SACA requirements or expectations of its Affiliated Clubs and Associations.

2.3 This Policy will apply in the following circumstances:

- (a) during all cricket-related activities held, sanctioned or endorsed by an Affiliated Club or Association, or in which an Affiliated Club or Association is involved or participating, including but not limited to cricket matches, training, competitions, carnivals and camps;
- (b) at any Affiliated Club or Association function, event or workplace, including outside of normal working hours;
- (c) during work or voluntary activities held, sanctioned or endorsed by an Affiliated Club or Association;
- (d) to dealings with or between the persons listed in 2.1(a) to (k) above;
- (e) at all times when providing services on behalf of, or to, an Affiliated Club or Association;
- (f) at all times when acting on behalf of, or otherwise representing, an Affiliated Club or Association (whether in a paid or unpaid/voluntary capacity); and
- (g) the participation or involvement of any Affiliate in any representative team or in a representative capacity at any regional, State or national cricket match, competition or carnival (including training and camps), sanctioned or endorsed by SACA or by Cricket Australia (but only where the "Cricket Australia Code of



Conduct for Players and Player Support Personnel” does not otherwise apply).

- 2.4 This Policy will continue to apply to a person even after they have ceased their association or employment with any Affiliated Club or Association if disciplinary action against that person has commenced.
- 2.5 For the avoidance of doubt, this Policy only applies in the event that the SACA Premier Cricket By-Laws do not otherwise apply.

### 3. Responsibilities & Accountability

#### Organisations

- 3.1 All Affiliated Clubs and Associations must:
  - (a) adopt, implement and comply with this Policy;
  - (b) ensure that this Policy is enforceable;
  - (c) make such amendments to their Constitution, Rules of Incorporation, By-Laws or policies necessary for this Policy to be enforceable;
  - (d) publish, distribute and promote this Policy and the consequences of any breaches of this Policy;
  - (e) promote and model appropriate standards of behaviour at all times;
  - (f) promptly deal with any alleged or established Complaints or breaches under this Policy in an appropriate manner;
  - (g) recognise and enforce any disciplinary measure(s) imposed under this Policy;
  - (h) ensure that a copy of this Policy is available or accessible to all persons and organisations to whom it applies; and
  - (i) use appropriately trained people to receive and manage Complaints and/or any other concerns or allegations as to any breach or other inappropriate behaviour under this Policy (e.g. Member Protection Information Officers and/or Complaint Manager/Investigator).
- 3.2 Each Affiliated Club and Association must annually pass a resolution at a committee meeting, or otherwise annually pass a resolution in accordance with its Constitution or Rules of Incorporation, adopting this Policy. Where permitted by its Constitution or Rules of Incorporation, this could include the passage of a circular resolution by its committee adopting this Policy (e.g. via email). Affiliated Clubs and Associations must each annually confirm their adoption of this Policy to SACA, in writing, in the manner advised by SACA from time to time.



## Individuals

### 3.3 Individuals to whom this Policy applies must:

- (a) make themselves aware of the contents of this Policy;
- (b) comply with all relevant provisions of this Policy, including any applicable Codes of Behaviour and the steps for making and addressing Complaints, reporting any alleged breach(es) and/or reporting and addressing any concerns or allegations regarding Prohibited Conduct or any relevant suspected risk of harm or neglect involving a Child or Young Person;
- (c) be accountable for their behaviour; and
- (d) comply with any decisions made, investigations undertaken and/or disciplinary measures imposed under this Policy.

## 4. Position Statements

### 4.1 Safeguarding Children & Young People

- (a) SACA's Affiliated Clubs and Associations are committed to the safety and wellbeing of Children and Young People participating in, or associated in any way, with cricket in South Australia and to seeking to ensure a child safe environment is maintained.
- (b) They are committed to identifying and responding appropriately to concerns or allegations of Prohibited Conduct involving Children and Young People and/or Children and Young People at risk of harm or neglect.
- (c) In South Australia, relevant child safety laws are set out in the *Children and Young People (Safety) Act 2017 (SA)*, *Children and Young People (Safety) Regulations 2017 (SA)*, *Child Safety (Prohibited Persons) Act 2016 (SA)* and the *Child Safety (Prohibited Persons) Regulations 2019 (SA)* (collectively, the **Child Safety Law**).
- (d) All Affiliated Clubs and Associations must comply with the Child Safety Law.
- (e) All Affiliated Clubs and Associations must adopt, implement and comply with:
  - (i) the SACA Policy for Safeguarding Children and Young People;
  - (ii) Australian Cricket's Policy for Safeguarding Children and Young People;
  - (iii) Australian Cricket's Commitment to Safeguarding Children and Young People (contained within the Policy for Safeguarding Children and Young People); and
  - (iv) Australian Cricket's Code of Behaviour for Looking After Our Kids for Affiliated Associations and Clubs  
  
(together, the **Safeguarding Children and Young People Framework**).



(NOTE: These documents may be accessed at <https://www.saca.com.au/about/about/policies>. The national Australian Cricket documents can also be accessed at the Safeguarding Children and Young People website at <https://www.cricketaustralia.com.au/about/safeguarding/safeguarding-kids>.)

- (f) Where there are any concerns or allegations:
- (i) of Prohibited Conduct (as defined in Australian Cricket's Policy for Safeguarding Children and Young People); and/or
  - (ii) that a Child or Young Person is at risk, or suspected risk, of harm or neglect (as defined/interpreted under the Child Safety Law),

involving a Child or Young Person and any Affiliated Club or Association and/or any Affiliate(s), the relevant steps and procedures for identifying, raising and handling such concerns or allegations are set out in clause 5.2 and Annexure D of this Policy.

- (g) Affiliated Clubs and Associations and all Affiliates must also be aware of, and comply with, any applicable mandatory reporting obligations. Refer to clause 5.2 and Annexure D of this Policy for further guidance and direction.

## 4.2 Harassment, Discrimination and Bullying

SACA's Affiliated Clubs and Associations are committed to providing an environment in which people are treated fairly and equitably. Any form of Harassment, Discrimination or Bullying has the potential to result in significant negative consequences for an individual's health and wellbeing and is regarded as unacceptable in cricket.

### 4.2.1 Harassment

- (a) Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and which happens because a person has a certain personal characteristic protected by State or Federal anti-Discrimination legislation (see clause 4.2.2(b) of this Policy).
- (b) The offensive behaviour does not have to take place a number of times. A single incident can constitute Harassment.
- (c) Sexual Harassment is one type of Harassment. Sexual Harassment involves unwelcome conduct, remarks or innuendo of a sexual nature. It covers a wide range of behaviours and can be verbal, written, visual or physical. Sexual Harassment is not limited to members of the opposite sex.

### 4.2.2 Discrimination

- (a) Unlawful Discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by State or Federal anti-Discrimination laws.



- (b) The personal characteristics protected by anti-Discrimination laws include attributes such as race, age, disability and gender. The full list of protected personal characteristics is set out in the “Definitions” at clause 8 of this Policy.
- (c) Legislation also prohibits racial, religious, homosexual, Transgender and HIV/AIDS Vilification, as well as any Victimisation.
- (d) Discrimination includes both direct and indirect Discrimination:
  - (i) **Direct** Discrimination occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.
  - (ii) **Indirect** Discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic merely because that person has that particular personal characteristic and that requirement, condition or practice is not reasonable.

For the purposes of determining Discrimination, the perpetrator’s awareness and motive are irrelevant.

#### **4.2.3 Bullying**

- (a) Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Behaviour is considered Bullying if a reasonable person in the circumstances would expect that behaviour would Victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or group.
- (b) The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered Bullying (by way of example):
  - (i) verbal abuse, including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
  - (ii) excluding or isolating a group or person;
  - (iii) spreading malicious rumours; or
  - (iv) psychological Harassment such as intimidation.
- (c) Whilst generally characterised by repeated behaviours, one-off instances can amount to Bullying.
- (d) Bullying includes cyber-Bullying which occurs through the use of technology (see clause 4.8 of this Policy).





#### **4.2.4 Prohibition against Harassment, Discrimination and Bullying**

- (a) SACA's Affiliated Clubs and Associations prohibit all forms of Harassment and Discrimination based on the personal characteristics listed in the "Definitions" at clause 8 of this Policy.
- (b) SACA's Affiliated Clubs and Associations also prohibit all forms of Bullying.
- (c) Any person to whom this Policy applies who believes they are being, or have been, Harassed or Discriminated against, and/or Bullied, by another person or organisation bound by this Policy is encouraged to raise their concerns. They may make an internal Complaint, and in some circumstances, they may also be able to make a complaint to an external organisation. The internal Complaints procedures are outlined in clause 5 and Annexure B of this Policy.

#### **4.3 Intimate relationships**

- (a) SACA's Affiliated Clubs and Associations understand that consensual intimate relationships (including, but not limited to, sexual relationships) between coaches or officials and adult players may take place legally. However, this Policy seeks to ensure that the behaviour expected of coaches and officials is clear and that if an intimate relationship does exist or develop between a coach or official and an adult player, that relationship will be managed in an appropriate manner.
- (b) Coaches and officials are required to conduct themselves in a professional and appropriate manner in all interactions with players. In particular, they must ensure that they treat players in a respectful and fair manner and that they do not engage in Sexual Harassment, Bullying, favouritism or exploitation.
- (c) SACA's Affiliated Clubs and Associations take the position that consensual intimate relationships between coaches or officials and the adult players they coach or officiate should be avoided as they can have harmful effects on the player involved, other players and coaches or officials and on the sport's public image. These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach or official and the player.
- (d) If a player attempts to initiate an intimate relationship with a coach or official, the coach or official should discourage the player's approach and explain to the player why such a relationship is not appropriate.
- (e) If a consensual intimate relationship does exist or develop between an adult player and a coach or official, the coach or official is expected to ensure that the relationship is appropriate and that it does not compromise impartiality, professional standards or the relationship of trust the coach or official has with the player and/or other players.
- (f) In assessing the appropriateness of an intimate relationship between a coach or official and an adult player, relevant factors include, but are not limited to:
  - (i) the relative age and social maturity of the player;
  - (ii) any potential vulnerability of the player;



- (iii) any financial and/or emotional dependence of the player on the coach or official;
  - (iv) the ability of the coach or official to influence the progress, outcomes or progression of the player's performance and/or career;
  - (v) the extent of power imbalance between the player and coach or official; and
  - (vi) the likelihood of the relationship having an adverse impact on the player and/or other players.
- (g) It will often be difficult for a coach or official involved in an intimate relationship with an adult player to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from a Member Protection Information Officer, or another appropriate person within the relevant Affiliated Club or Association, to ensure that they have not involved themselves in inappropriate or unprofessional conduct.
- (h) If it is determined that an intimate relationship between a coach or official and an adult player is inappropriate or unprofessional, disciplinary action under this Policy may be taken against the coach or official up to and including dismissal. Action may also be taken to stop the coaching relationship with the player. This could include a transfer, a request for resignation or dismissal from coaching duties.
- (i) If a coach, official or player to whom this Policy applies believes they are being, or have been, subjected to Harassment or Discrimination by another person bound by this Policy they may make a Complaint by following the Complaints procedures outlined in clause 5 and Annexure B of this Policy.

#### **4.4 Pregnancy**

- (a) SACA's Affiliated Clubs and Associations are committed to treating pregnant women fairly, to removing any unreasonable barriers to their full participation in cricket in South Australia and not tolerating any Discrimination or Harassment against pregnant women.
- (b) Affiliated Clubs and Associations will take reasonable steps to ensure the continuing safety, health and wellbeing of pregnant women. They will (in an appropriate manner) advise pregnant women that there may be risks involved with their continuing participation in sport and will encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn child, is of utmost importance in their decision-making about the extent they choose to participate in cricket.
- (c) Affiliated Clubs and Associations encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in cricket. Pregnant women should make these decisions themselves, in consultation with their medical advisers and in discussion with any relevant Affiliated Club or Association.
- (d) Affiliated Clubs and Associations will only require pregnant women to sign a disclaimer in relation to their participation in cricket whilst they are pregnant if all



other participants are required to sign one in similar circumstances. Affiliated Clubs and Associations will not require women to undertake a pregnancy test.

- (e) If a pregnant woman to whom this Policy applies believes she is being, or has been, subjected to Harassment or Discrimination by another person or organisation bound by this Policy, on the grounds of pregnancy, she may make a Complaint. The Complaints procedures are outlined in clause 5 and Annexure B of this Policy.

#### **4.5 Gender Identity, Intersex Status and Gender Affirmation / Transition**

- (a) Federal, State and Territory anti-Discrimination laws provide protection from Discrimination against people on the basis of their Gender Identity or Intersex Status.
- (b) All persons, regardless of Gender Identity or Intersex Status are entitled to be treated fairly and with dignity and respect at all times.
- (c) It is unlawful to Discriminate against or Harass a person because of their Gender Identity or Intersex Status, because they are (or are assumed to be) Transgender or gender diverse, or because they have an association with someone who has or is assumed to be Transgender or gender diverse.
- (d) All Affiliated Clubs and Associations and Affiliates bound by this Policy must act with sensitivity when a person is undertaking Gender Affirmation or Transition and respect that person's right to privacy and confidentiality.
- (e) If any person to whom this Policy applies believes that they are being, or have been, Harassed or Discriminated against by another person or organisation bound by this Policy because of their Gender Identity or Intersex Status or when undertaking Gender Affirmation or Transition, they may make a Complaint. The Complaints procedures are outlined in clause 5 and Annexure B of this Policy.
- (f) SACA's Affiliated Clubs and Associations recognise that excluding people from participating in sporting events and activities because of their Gender Identity may have significant implications for their health, wellbeing and involvement in community life and are committed to supporting participation in cricket on the basis of the gender with which a person identifies. If issues of performance advantage arise, SACA's Affiliated Clubs and Associations will consider whether the established discrimination exceptions for participation in sport are relevant in the circumstances.
- (g) Affiliated Clubs and Associations are also encouraged to acquaint themselves with Cricket Australia's "Guidelines for the Inclusion of Transgender & Gender Diverse People in Community Cricket" and to promote, where feasible, an inclusive environment, including as contemplated by those guidelines.

#### **4.6 Responsible service and consumption of alcohol**

- (a) SACA's Affiliated Clubs and Associations are committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol.
- (b) In general:



- (i) alcohol should not be available or consumed at sporting events involving Children and Young People;
- (ii) alcohol-free social events should be provided for Children and Young People and families;
- (iii) food and low-alcohol and non-alcoholic drinks will be made available at events held, endorsed or sanctioned by an Affiliated Club or Association where alcohol is served;
- (iv) a staff member/office bearer/designated person will be present at events held, endorsed or sanctioned by an Affiliated Club or Association where alcohol is served to ensure appropriate practices in respect of the consumption of alcohol are followed;
- (v) safe transport options will be promoted as part of any event held, endorsed or sanctioned by an Affiliated Club or Association where alcohol is served; and
- (vi) alcohol will only be sold/served/consumed in accordance with liquor licencing laws and regulations.

#### **4.7 Smoke-free environment**

- (a) SACA's Affiliated Clubs and Associations are committed to providing a safe and healthy environment at all sporting and social events held, endorsed or sanctioned by an Affiliated Club or Association.
- (b) In general:
  - (i) no smoking will occur at or near sporting events involving Children and Young people. This policy will apply to all Affiliates in attendance at these sporting events and to spectators;
  - (ii) social events will be largely smoke-free, with smoking permitted only at designated outdoor smoking areas; and
  - (iii) Affiliates will refrain from smoking while they are involved in an official capacity in South Australian cricket, both on and off the field.

#### **4.8 Cyber-Bullying or Harassment**

- (a) As set out in clause 4.2 above, SACA's Affiliated Clubs and Associations are committed to providing an environment that is free from Bullying or Harassment.
- (b) This extends to Bullying or Harassment which occurs through the use of technology. Electronic communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be Bullied or subjected to Harassment through unwanted and inappropriate comments.
- (c) Affiliated Clubs and Associations will not tolerate abusive, Discriminatory, intimidating or offensive statements being made online. Frustration at an umpire, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a Complaint – to the relevant controlling club, association or sporting body.



- (d) If any person believes they are being, or have been, Bullied or subjected to Harassment by another person or organisation bound by this Policy, they may make a Complaint. The Complaints procedure is outlined in clause 5 and Annexure B of this Policy.

#### **4.9 Social networking**

- (a) SACA's Affiliated Clubs and Associations acknowledge the enormous value of social networking to promote cricket and celebrate the achievements and success of the people involved in cricket.
- (b) Social networking refers to any interactive website or technology that enables people to communicate and/or share content via the internet. This includes social networking websites such as Facebook, Instagram and Twitter.
- (c) Affiliated Clubs and Associations expect all persons bound by this Policy to conduct themselves appropriately when using social networking sites to share information related to cricket.
- (d) In particular, social media activity including, but not limited to, posts, blogs, status updates and tweets:
  - (i) must not contain material which is, or has the potential to be, offensive, aggressive, defamatory, threatening, Discriminatory, obscene, profane, Harassing, embarrassing, intimidating, sexually explicit, Bullying, hateful, racist, sexist or otherwise inappropriate;
  - (ii) must not contain material which is inaccurate, misleading or fraudulent;
  - (iii) must not contain material which is in breach of laws, court orders, undertakings or contracts;
  - (iv) should respect and maintain the privacy of others; and
  - (v) should promote cricket (and South Australian cricket in particular) in a positive way.
- (e) The Complaints procedure is outlined in clause 5 and Annexure B of this Policy.

#### **4.10 Avoidance of conflicts of interest**

- (a) SACA's Affiliated Clubs and Associations are committed to promoting fair and transparent decision-making by Affiliated Clubs or Associations and/or relevant Affiliates. Affiliates should, where feasible, avoid conflicts of interest in carrying out their role and duties for or on behalf of a relevant Affiliated Club or Association.
- (b) Conflicts of interest may be actual or perceived. Broadly:
  - (i) an "actual" conflict of interest involves a conflict between a person's professional duties and their existing private interests which influences or impairs their ability to act objectively in exercising their professional duties; and



- (ii) a “perceived” conflict of interest involves a conflict between a person’s professional duties and their existing private interests which appears to influence or impair their ability to act objectively in exercising their professional duties.
- (c) A private interest can be financial (e.g. actual, potential or perceived financial gain or loss) or non-financial (e.g. arising from personal relationships and a tendency towards favour or prejudice resulting from a personal relationship).
- (d) Affiliated Clubs and Associations should have in place appropriate policies and procedures for identifying, disclosing, monitoring and managing conflicts of interest that may arise within the scope of application of this Policy.

#### **4.11 Cricket participation – hot conditions**

- (a) SACA’s Affiliated Clubs and Associations are committed to seeking to ensure the health, safety and wellbeing of relevant Affiliates while participating in cricket activities in the heat/hot conditions.
- (b) Affiliated Clubs and Associations and Affiliates are expected to comply with any SACA heat policies, procedures, protocols or guidelines as may be issued, amended notified or directed by SACA from time to time.
- (c) Affiliated Clubs and Associations may also have in place or develop their own heat policies, procedures, protocols or guidelines, but these must be consistent with any applicable SACA heat policies, procedures, protocols or guidelines (and SACA’s heat policies, procedures, protocols or guidelines will apply and prevail to the extent of any inconsistency).

#### **4.12 Anti-Doping**

- (a) SACA’s Affiliated Clubs and Associations do not permit or condone any doping or use of any prohibited performance enhancing substances or methods.
- (b) Any doping issues or concerns and alleged doping violations involving any Affiliate should be referred to SACA for appropriate management, including under any SACA anti-doping policy, protocols, procedures or guidelines as may be issued, amended notified or directed by SACA from time to time.

(NOTE: Guidance as to what may constitute doping, a doping violation or a prohibited substance or measure in this context, may also be obtained from the “Cricket Australia Anti-Doping Code” (as amended from time to time).)

#### **4.13 Codes of Behaviour**

- (a) SACA’s Affiliated Clubs and Associations have adopted certain Codes of Behaviour, setting out the conduct expected of specified Affiliates.
- (b) Affiliates are expected to comply with Codes of Behaviour (or aspects of such Codes of Behaviour) applicable to them, including as specified in Annexure A or as may otherwise be issued, amended, notified or directed by SACA from time to time.
- (c) For the avoidance of doubt, this Policy does not incorporate and has no application with respect to the Premier Cricket Code of Conduct contained within the SACA Premier Cricket By-Laws. The SACA Premier Cricket By-Laws will



apply with respect to the Premier Cricket Code of Conduct (and any alleged breach/non-compliance).

#### 4.14 Public Health, COVID-19 pandemic and biosecurity

- (a) Affiliated Clubs and Associations and Affiliates are committed to ensuring appropriate management of public health, including (without limitation) as arising from the COVID-19 pandemic (or any subsequent strain or variant) or any other relevant biosecurity or public health risk, threat or event.
- (b) Affiliated Clubs and Associations and Affiliates are expected to comply with any policies, procedures, protocols and/or guidelines applicable to them (or any of them) relating to public health, the COVID-19 pandemic (or any subsequent strain or variant) and/or any other relevant biosecurity or public health risk, threat or event, as may be issued, amended, notified or directed by SACA from time to time.
- (c) Refer to <https://www.saca.com.au/return-to-cricket/return-to-play> for current applicable policies, procedures or protocols relating to the COVID-19 pandemic.

#### 4.15 SACA directed policies, procedures, protocols and/or guidelines

Affiliated Clubs and Associations and/or Affiliates are expected to comply with any policies, procedures, protocols or guidelines applicable to them (or any of them) as may be issued, amended, notified or directed by SACA as applicable to Affiliated Clubs and Associations and/or any Affiliates from time to time.

## 5. Complaints

### 5.1 Handling Complaints

- (a) SACA and its Affiliated Clubs and Associations aim to provide simple, trustworthy options and procedures for resolving Complaints under this Policy based on the principles of Procedural Fairness, maintaining confidentiality where, and to the extent it is, appropriate and feasible.
- (b) Any person or organisation (**Complainant**) may make/report a complaint about any person(s) or organisation(s) to whom this Policy applies (**Respondent**) if they consider that the person or organisation has, or may have, committed a breach of this Policy (**Complaint**).
- (c) In the first instance, a Complaint should be made/reported to:
  - (i) a Member Protection Information Officer (**MPIO**) or the President of the relevant Affiliated Club or another appropriate person within the relevant Affiliated Club (e.g. committee member, complaints manager, Child Safe Officer, administrator, coach or team manager etc);
  - (ii) a MPIO or the President of the relevant Affiliated Association or another appropriate person within the relevant Affiliated Association (e.g. committee member, complaints manager, Child Safe Officer, administrator etc);
  - (iii) a SACA MPIO (in writing); or



- (iv) SACA GM Community Cricket (or delegate) (in writing),
- depending on the nature and/or gravity of the Complaint, any sensitivities or other special circumstances involved and guided by the considerations set out at clauses 5.1(e) and 5.1(f) of this Policy.
- (d) Complaints reported to the relevant Affiliated Club or Association do not need to be made in writing. Any Complaint reported to SACA (either a SACA MPIO or the SACA GM Community Cricket (or delegate)) must be made in writing.
- (e) If a Complaint relates to behaviour or an incident or event that occurred at the:
- (i) Affiliated Club level, or involves people operating at club level, then the Complaint should be reported to and handled by the relevant Affiliated Club in the first instance (where reasonable, feasible and appropriate);
  - (ii) Affiliated Association level, or involves people operating at the association level, then the Complaint should be reported to and handled by the relevant Affiliated Association in the first instance (where reasonable, feasible and appropriate); or
  - (iii) State level, or involves people operating at the State level, then the Complaint should be reported to and handled by SACA in the first instance.
- (f) Only Complaints occurring at State level, the most serious Complaints at Affiliated Club or Affiliated Association level or Complaints involving sensitivities or other special circumstances, should be reported to and handled/managed by SACA, at least in the first instance.
- (g) A Complaint may be handled and addressed informally or formally (or using a combination of informal and formal procedures/approaches).
- (h) The Complainant(s) may indicate their preferred option for handling and addressing the Complaint. The MPIO or other person within the relevant organisation receiving the Complaint or responsible for handling the Complaint should consider whether that is an appropriate way to handle the Complaint. The relevant organisation responsible for handling the Complaint at the time may recommend, or refer the Complaint to, an appropriate procedure/approach (formal or informal) under this Policy, having regard to (without limitation) any expressed preference of the Complainant(s), the nature, circumstances and gravity of the Complaint and any other relevant considerations or special circumstances. For example, the law may require that the Complaint/allegation be reported to an appropriate authority.
- (i) All Complaints will be dealt with promptly, seriously, sensitively and, where and to the extent it is appropriate and feasible, confidentially.
- (j) The procedures for handling and resolving Complaints (informally and formally) under this Policy are outlined in Annexure B of this Policy.





- (k) If/where a Complaint is not resolved by an Affiliated Club, it may be escalated to the relevant Affiliated Association (by the Affiliated Club or at the request of a Complainant or Respondent, providing reasons/justification for the proposed escalation, and subject to the Affiliated Association's consent/approval to assume management of the Complaint). If/where a Complaint is not resolved by the relevant Affiliated Association, it may be escalated to SACA (by the Affiliated Association or at the request of a Complainant or Respondent, providing reasons/justification for the proposed escalation, and subject to SACA's consent/approval to assume management of the Complaint). Any escalation will be at the discretion of the organisation to assume management/handling of the Complaint.
- (l) If/where a Complaint has already proceeded through a particular Complaints procedure/approach under this Policy, this does not preclude a further referral to/attempt at that procedure/approach upon escalation under clause 5.1(k) by another organisation assuming management/handling of the Complaint (except for a Commissioner Hearing).
- (m) Individuals and organisations may also seek to have their Complaint handled by an external agency under anti-discrimination, child safety/protection, criminal or other relevant legislation, where relevant and appropriate.

## **5.2 Safety of Children and Young Persons – Prohibited Conduct/risk of harm or neglect**

- (a) Where a Complaint involves, or may involve, any concerns or allegations:
  - (i) of Prohibited Conduct (as defined in Australian Cricket's Policy for Safeguarding Children and Young People); and/or
  - (ii) that a Child or Young Person is at risk, or suspected risk, of harm or neglect (as defined/interpreted under the Child Safety Law),involving a Child or Young Person and any Affiliated Club or Association and/or any Affiliate(s), the steps and procedures outlined in Annexure D of this Policy must be followed.
- (b) All Affiliated Clubs and Associations and Affiliates must also be aware of any applicable mandatory reporting obligations. (NOTE: Refer to Annexure D of this Policy for further guidance and direction.)

## **5.3 Improper Complaints and Victimisation**

- (a) SACA and its Affiliated Clubs and Associations aim to ensure that the Complaints procedure under this Policy has integrity and is free of unfair repercussions or Victimisation against any person making a Complaint.
- (b) SACA and its Affiliated Clubs and Associations will take all reasonably necessary steps to make sure that any person(s) involved in a Complaint are not Victimised. Disciplinary measures may be implemented in relation to any person who Harasses or Victimises another person for making a complaint or supporting another person's Complaint.
- (c) If at any point in the Complaint handling process the MPIO or other person responsible for handling the Complaint within the relevant Affiliated Club or



Association or SACA (as applicable) considers that a Complainant has knowingly made an untrue Complaint, or the Complaint is malicious or inappropriately intended to cause distress to the Respondent, the matter may be referred in writing to the SACA GM Community Cricket (or delegate) for review and appropriate action, including possible disciplinary action against a Complainant.

#### 5.4 Mediation

- (a) SACA and its Affiliated Clubs and Associations aim to resolve Complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action.
- (b) Mediation is a confidential process that allows those involved in a Complaint to discuss the issues, incident or event in question and come up with mutually agreed solutions. It may occur before or after the investigation of a Complaint.
- (c) If a Complainant seeks to resolve the Complaint with the help of a Mediator, the MPIO or other person within the organisation responsible for handling the Complaint may, in consultation with any Complainant, arrange for an independent mediator where possible. Lawyers will generally not be permitted to participate in the mediation process.
- (d) The relevant organisation responsible for handling the Complaint at the time may also recommend, or refer the Complaint to, mediation in appropriate circumstances.
- (e) The attitude of the Respondent(s) to any proposed mediation will also be relevant in making any decision to refer any Complaint to mediation.
- (f) More information on the mediation process is outlined in Attachment B2 of this Policy.

#### 5.5 Referral to Commissioner/Commissioner Hearing

- (a) SACA (through the SACA GM Community Cricket (or delegate)) may, if/where appropriate (at SACA's discretion), appoint a Commissioner to hear and determine a Complaint under this Policy (**Commissioner Hearing**).
- (b) A Commissioner Hearing may be convened to hear a proceeding in respect of a formal Complaint referred to the Commissioner by the SACA GM Community Cricket (or delegate):
  - (i) because of the serious nature or circumstances of the Complaint/any allegations;
  - (ii) because the Complaint was otherwise unable to be resolved (informally or formally) at the Affiliated Club and/or Affiliated Association and/or State level (as appropriate); or
  - (iii) because the SACA GM Community Cricket (or delegate) considers referral to the Commissioner appropriate in all of the circumstances.
- (c) The Commissioner's powers will be as specified in Attachment B4 and clause 7 of this Policy.



- (d) The Commissioner Hearing procedure under this Policy is outlined in Attachment B4 of this Policy.
- (e) A Respondent may request a review of the Commissioner's finding(s) and/or decision on limited specified grounds. The review process under this Policy is outlined in Attachment B4 of this Policy.
- (f) Every organisation bound by this Policy will recognise and enforce any decision of the Commissioner under this Policy (subject to any review process).
- (g) Individuals bound by this Policy will respect and abide by a decision of the Commissioner under this Policy (subject to any review process).

## 6. What is a breach of this Policy?

- (a) It is a breach of this Policy for any person or organisation to which this Policy applies to do anything contrary to this Policy, including, but not limited to:
  - (i) failing to comply with an obligation, responsibility, requirement or prohibition set out in this Policy;
  - (ii) Discriminating against, Harassing or Bullying (including cyber-Bullying) any person to whom this Policy applies;
  - (iii) Victimising another person for making or supporting a Complaint under this Policy;
  - (iv) engaging in an inappropriate intimate relationship with a person that they supervise, or over whom they have influence, authority or power;
  - (v) verbally or physically assaulting another person, intimidating another person or creating a hostile environment at or within an Affiliated Club or Association;
  - (vi) failing to comply with an applicable Code of Behaviour (refer to Annexure A of this Policy);
  - (vii) bringing the sport of cricket into disrepute, or acting in a manner likely to bring the sport of cricket, SACA and/or any Affiliated Club or Association into disrepute;
  - (viii) failing to comply with the SACA policies set out, or referenced, in this Policy applicable to Affiliated Clubs and Associations including, but not limited to, the Safeguarding Children and Young People Framework;
  - (ix) disclosing to any unauthorised person or organisation any Affiliate information that is of a private, confidential or privileged nature;
  - (x) making a Complaint that they know to be untrue, frivolous, vexatious, malicious or improper;
  - (xi) failing to comply with a penalty imposed after a finding that the individual or organisation has breached this Policy; and



- (xii) failing to comply with a direction given to the individual or organisation as part of a disciplinary process under this Policy.
- (b) Any circumstances that may be a breach of this Policy may be the subject of a Complaint.

## 7. Disciplinary Measures

7.1 SACA, the relevant Affiliated Club or Association and/or their MPIO and/or the Commissioner (as appropriate) may impose disciplinary measures on an individual or organisation to whom this Policy applies for a breach of this Policy.

7.2 Any disciplinary measures imposed under this Policy will be:

- (a) fair and reasonable;
- (b) applied consistently with any contractual and employment rules and requirements;
- (c) based on the evidence and information presented and the seriousness of the breach;
- (d) determined in accordance with the relevant Affiliated Club or Affiliation Association and/or SACA's Constitution, By-Laws, this Policy or the rules of the sport;
- (e) imposed consistently with the relevant complaints procedure(s) under this Policy; and
- (f) within the scope of this clause 7.

### ***Individual(s)***

7.3 Subject to contractual and employment requirements, if a finding is made by an Affiliated Club or Association, SACA or the Commissioner (as applicable) that an individual has breached this Policy, one or more of the following forms of discipline may be imposed:

- (a) a direction that the individual make a verbal and/or written apology;
- (b) a written warning;
- (c) a direction that the individual attend counselling to address their behaviour;
- (d) a withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by SACA or the relevant Affiliated Club or Association;
- (e) a demotion or transfer of the individual to another location, role or activity;



- (f) a suspension of the individual's membership or participation or engagement in a role or activity;
- (g) termination of the individual's membership, appointment or engagement;
- (h) a recommendation that the relevant Affiliated Club or Association or SACA (as applicable) terminate the individual's membership, appointment or engagement;
- (i) in the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- (j) a fine; and/or
- (k) any other form of discipline considered reasonable and appropriate.

### ***Affiliated Club or Association***

7.4 If a finding is made by SACA or the Commissioner (as applicable) that an Affiliated Club or Association has breached this Policy, one or more of the following forms of discipline may be imposed by SACA or the Commissioner (as applicable):

- (a) a written warning;
- (b) a fine;
- (c) a direction that any rights, privileges and benefits provided to that organisation by SACA be suspended for a specified period;
- (d) a direction that any funding granted or given to it by SACA ceases from a specified date;
- (e) a direction that SACA ceases to sanction events held by or under the auspices of that organisation;
- (f) a direction that its affiliation with SACA be suspended or terminated; and/or
- (g) any other form of discipline considered reasonable and appropriate.

### ***Factors to consider***

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

- (a) the nature and seriousness of the relevant breach, behaviour or incident;
- (b) consequences of the breach;
- (c) if the person knew, or should have known, that the behaviour was a breach of the Policy;
- (d) the person's level of contrition;
- (e) the effect of the proposed disciplinary measures on the person, including any personal, professional or financial consequences;



- (f) if there have been any relevant prior warnings or disciplinary action;
- (g) the ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by the Policy); and
- (h) any other mitigating circumstances.

## 8. Definitions

For the purposes of this Policy:

**Affiliate** means any of the persons listed in clause 2.1(a) to (k) of this Policy.

**Affiliated Association** means any cricket association that has satisfied SACA's affiliation requirements as specified by SACA from time to time and which has been approved by SACA as affiliated or is a member of such an association.

**Affiliated Club** means any cricket club that is a member of an Affiliated Association or has itself satisfied SACA's affiliation requirements as specified by SACA from time to time and which has been approved by SACA as affiliated, including (without limitation) those clubs defined in the SACA Constitution.

**Affiliated Clubs and Associations** is a reference to Affiliated Clubs and Affiliated Associations collectively.

**Affiliated Club or Association** is a reference to a relevant Affiliated Club or Affiliated Association, as applicable.

**Bullying** has the meaning given in clause 4.2.3 and **Bully** and **Bullied** have corresponding meanings.

**Child and Young Person** means a person under the age of 18 that participates or is involved in any program or services delivered by an Affiliated Club or Association and **Children and Young People** and **Children or Young People** have corresponding meanings (adopting the definition in Australian Cricket's Policy for Safeguarding Children and Young People).

**Child Safety Law** has the meaning given in clause 4.1(c) of this Policy.

**Codes of Behaviour** means the standards of conduct or behaviour applicable to specified categories of Affiliates, as set out in Annexure A to this Policy or as otherwise may be issued or directed by SACA and amended from time to time.

**Commissioner** means a person appointed under clause 5.5(a).

**Commissioner Hearing** has the meaning given in clause 5.5(a).

**Complaint** has the meaning given in clause 5.1(b) of this Policy and means a complaint made under clause 5 of this Policy (and includes an alleged breach of this Policy).

**Complainant** has the meaning given in clause 5.1(b) of this Policy and means the person or organisation making a Complaint.



**Complaint Manager/Investigator** means the person appointed under this Policy appointed to investigate a Complaint.

**Discrimination** occurs when someone is treated (or is proposed to be treated) unfairly or less favourably than another person in the same or similar circumstances because of one of the personal characteristics covered by anti-discrimination laws. This is known as direct discrimination. Indirect discrimination occurs when there is (or is proposed to be) an unreasonable requirement, condition or practice that seems to treat everyone equally, but which has or is likely to have the effect of disadvantaging persons with a personal characteristic covered by anti-discrimination laws.

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

- age;
- sex or gender;
- gender identity;
- intersex status;
- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin or immigration;
- disability, mental or physical impairment;
- family/carer responsibilities, status as a parent or carer;
- marital status;
- pregnancy, potential pregnancy or breastfeeding;
- sexual orientation and gender identity;
- physical features;
- irrelevant medical record;
- irrelevant criminal record or spent convictions;
- political beliefs or activities;
- religion, religious beliefs or activities;
- national extraction or social origin;
- lawful sexual activity;
- profession, trade, occupation or calling;
- membership of association or organisation of employees or employers, industrial activity or trade union activity;
- defence service; or
- personal association with someone who has, or is assumed to have, any of the above characteristics,

and **Discriminate**, **Discriminated** and **Discriminatory** have corresponding meanings.

(NOTE: Examples of discrimination are available on the Play by the Rules website: [www.playbytherules.net.au/legal-stuff/discrimination](http://www.playbytherules.net.au/legal-stuff/discrimination).)

Some exceptions to State, Territory and Federal anti-discrimination law apply, including exceptions for sporting activities, such as:

- holding a competitive sporting activity for a specific age or age group (e.g. only those who are under the age of 15 years);
- excluding people on the basis of their sex and/or gender identity status from participation in a competitive sporting activity where the strength, stamina or physique of competitors is relevant to the specific activity (note that this does not apply to activity by children who are under the age of 12 years); and



- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity.

**Gender Affirmation** refers to the social, medical or legal steps that a transgender person takes to affirm their gender identity. Gender affirmation may or may not involve medical treatment, including surgeries or hormone therapy. People can affirm their gender as children, adolescents or as adults and each person's gender affirmation is different.

- **Social Affirmation** is the process by which a person changes their gender expression to better match their gender identity. This may include changing their name, pronouns, and appearance.
- **Medical Affirmation** is the process by which a person changes their physical sex characteristics to align with their gender identity. This may include hormone therapy, surgery or both.
- **Legal Affirmation** is the process by which a person changes their identity documents, name, or both, to reflect their gender identity. This may include changing their gender marker on a passport or birth certificate or changing their name on a driver's licence or bankcard.

**Gender Identity** refers to a person's deeply held internal and individual sense of gender.

**Gender Expression** refers to the way in which a person externally expresses their gender or how they are perceived by others.

**Harassment** is any type of unwelcome behaviour which has the effect of offending, humiliating or intimidating the person harassed (and **Harass**, **Harassed** and **Harassing** have corresponding meanings). Unlawful harassment can be based on any of the personal characteristics covered by anti-discrimination law, such as a person's race, sex, pregnancy, marital status or sexual orientation (see the list under "Discrimination").

Public acts of racial hatred which are reasonably likely to offend, insult, humiliate or intimidate are also considered Harassment. This applies to spectators, participants or any other person who engages in Harassing behaviour. Some States and Territories also prohibit public acts that Vilify people on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability (see also "Vilification").

**Intersex** refers to people who have genetic, hormonal or physical characteristics that are not exclusively 'male' or 'female'. A person who is intersex may identify as male, female, intersex or as being of indeterminate sex.

**Mediator** means an impartial/neutral person appointed to mediate Complaints.

**Member Protection Information Officer (or MPIO)** means a person appointed by SACA or an Affiliated Club or Association to be a first point of contact for a person reporting an issue or Complaint under (including an alleged breach of) this Policy.

**Policy** means this Affiliated Clubs and Associations – Affiliate Protection Policy (except in Attachment D1).





**Procedural Fairness** requires that:

- a Respondent knows the full details of what is being said against them and they have the opportunity to respond;
- no person may judge their own case; and
- the decision-maker(s) must be unbiased, fair and just.

**Prohibited Conduct** has the meaning given in Australian Cricket's Policy for Safeguarding Children and Young People, as amended from time to time.

**Respondent** has the meaning given in clause 5.1(b) of this Policy and means a person or organisation who or which is the subject of a Complaint.

**SACA** means South Australian Cricket Association Limited.

**SACA GM Community Cricket** means the SACA General Manager, Community Cricket.

**Safeguarding Children and Young People Framework** has the meaning given in clause 4.1(e) of this Policy.

**Sexual Harassment** means unwelcome behaviour of a sexual nature which could reasonably be expected to make a person feel humiliated, intimidated or offended. Sexual Harassment can take many different forms and may include unwelcome physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual Harassment does not have to be intentional.

**Sexual Offence** means a criminal offence involving sexual activity or acts of indecency. Because of differences under State and Territory laws, this can include but is not limited to:

- rape;
- indecent assault;
- sexual assault;
- assault with intent to commit sexual acts;
- incest;
- sexual penetration of child under the age of consent in the relevant State or Territory;
- indecent act with child under the age of consent in the relevant State or Territory;
- sexual relationship with child under the age of consent in the relevant State or Territory;
- sexual offences against people with impaired mental functioning;
- abduction and detention;
- procuring sexual intercourse by threats or fraud;
- procuring sexual penetration of child under the age of consent in the relevant State or Territory;
- bestiality;
- soliciting a child under the age of consent in the relevant State or Territory to take part in an act of sexual intercourse or an indecent act;
- promoting or engaging in acts of child prostitution;
- obtaining benefits from child prostitution;
- possession of child pornography; or
- publishing child pornography or indecent articles.



**Sexual Orientation** refers to a person's emotional and/or sexual attraction to another person, including, amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual or same-sex attracted.

**Transgender** is an umbrella term that refers to a person whose Gender Identity is different to their physical sex as recorded at birth.

**Transitioning** refers to the process where a transgender person commences living as a member of another sex. This is sometimes referred to as the person 'affirming' their gender because transitioning means they start living in what they identify as their true gender.

**Victimisation** means treating someone unfairly or unfavorably, or threatening to do so, because that person has, or intends to, pursue their right to make any complaint, including a complaint under government legislation (e.g. anti-discrimination legislation) or under this Policy, or for supporting another person to make a complaint (and **Victimise**, **Victimised** and **Victimising** have corresponding meanings).

**Vilification** means behaviour that occurs in public which incites hatred towards, serious contempt for, or revulsion or severe ridicule of a person or group of people because that person or persons have a particular personal characteristic (and **Vilify**, **Vilified** and **Vilifying** have corresponding meanings). Anti-discrimination laws in Australia make it unlawful to Vilify a person or group of persons on the basis of race, religion, homosexuality, transgender status or HIV/AIDS status.



## ANNEXURE A: CODES OF BEHAVIOUR

---

SACA's Affiliated Clubs and Associations seek to provide a safe, fair and inclusive environment for everyone involved in South Australian cricket.

To achieve this, Affiliated Clubs and Associations have adopted and promote certain Codes of Behaviour, setting out standards and expectations for specified categories of Affiliates. These may be amended or supplemented from time to time. New/additional Codes of Behaviour may also be issued or directed by SACA for adoption by Affiliated Clubs and Associations and/or Affiliates.

The Codes of Behaviour are underpinned by the following core values.

- to act within the rules and spirit of South Australian cricket.
- to display respect and courtesy towards everyone involved in South Australian cricket and prevent Discrimination, Harassment and Bullying.
- to prioritise the safety and wellbeing of Children and Young People involved in South Australian cricket.
- to encourage and support opportunities for participation in all aspects of South Australian cricket.

Current Codes of Behaviour include:

### COACHES CODE OF BEHAVIOUR

1. Remember that Children and Young People participate for pleasure and winning is only part of the fun.
2. Never ridicule or yell at a Children and Young Person for making a mistake.
3. Be reasonable in your demands on players' time, energy and enthusiasm.
4. Operate within the rules and spirit of cricket and teach your players to do the same.
5. Ensure that the time players spend with you is a positive experience.
6. Avoid overplaying the talented players; all Children and Young People need and deserve equal time, attention and opportunities.
7. Ensure that equipment and facilities meet safety standards and are appropriate to the age and ability of all players.
8. Display control and respect for all those involved in cricket. This includes opponents, coaches, umpires, administrators, parents and spectators. Encourage your players to do the same.
9. Show concern and caution toward sick and injured players. Follow the advice of a physician when determining whether an injured player is ready to recommence training or competition.



10. Obtain appropriate qualifications and keep up to date with the latest cricket coaching practices and principles of growth and development of Children and Young People.
11. Any physical contact with a Child or Young Person should be appropriate to the situation and necessary for the player's skill development.
12. Respect the rights, dignity and worth of every Child and Young Person regardless of their gender, ability, cultural background or religion.

## **PARENTS CODE OF BEHAVIOUR**

1. Do not force an unwilling Child and Young Person to participate in cricket.
2. Remember, Children and Young People are involved in cricket for their enjoyment, not yours.
3. Encourage your Children or Young Person to play by the rules.
4. Focus on the Child or Young Person's efforts and performance rather than winning or losing.
5. Never ridicule or yell at a Child or Young Person for making a mistake or losing a game.
6. Remember that Children and Young People learn best by example. Appreciate good performances and skilful play by all participants.
7. Support all efforts to remove verbal and physical abuse from sporting activities.
8. Respect officials' decisions and teach Children and Young People to do likewise.
9. Show appreciation for volunteer coaches, officials and administrators. Without them, your Child or Young Person could not participate.
10. Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.

## **PLAYERS CODE OF BEHAVIOUR**

1. Play by the rules.
2. Never argue with an umpire. If you disagree, have your captain, coach or manager approach the umpire during a break or after the game.
3. Control your temper. Verbal abuse of officials, sledging other players and/or deliberately distracting or provoking an opponent, is unacceptable behaviour and is not permitted in cricket.
4. Work equally hard for yourself and your teammates. Your team's performance will benefit and so will you.
5. Treat all participants in cricket as you like to be treated. Do not Bully or take unfair advantage of another competitor.



6. Cooperate with your coach, teammates and opponents. Without them there would be no competition.
7. Participate for your own enjoyment and benefit not just to please parents and coaches.
8. Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.

## **AUSTRALIAN CRICKET'S CODE OF BEHAVIOUR FOR LOOKING AFTER OUR KIDS FOR AFFILIATED ASSOCIATIONS AND CLUBS**

Separately, as part of the Safeguarding Children and Young People Framework, SACA's Affiliated Clubs and Associations have adopted Australian Cricket's Code of Behaviour for Looking After Our Kids for Affiliated Associations and Clubs.

See: <https://www.cricketaustralia.com.au/about/safeguarding/safeguarding-kids>.

## **SAFEGUARDING CHILDREN AND YOUNG PEOPLE FRAMEWORK CODES OF BEHAVIOUR**

The Safeguarding Children and Young People Framework also incorporates Codes of Behaviour for players, coaches, umpires and parents.

See: <https://www.community.cricket.com.au/clubs/protecting-your-club/codes-of-conduct>.

Relevant Affiliates should also observe those Codes of Behaviour.

(NOTE: Codes of Behaviour may include some expectations that are expressed as more aspirational in nature and they may be interpreted as such in the context of addressing a Complaint.)

(NOTE: For the avoidance of doubt, this Policy does not incorporate, and has no application with respect to, the Premier Cricket Code of Conduct contained within the SACA Premier Cricket By-Laws. The SACA Premier Cricket By-Laws will apply with respect to the Premier Cricket Code of Conduct (and any alleged breach/non-compliance).)



## ANNEXURE B: COMPLAINT HANDLING PROCEDURES

---

SACA and/or Affiliated Clubs and Associations will:

- deal with all Complaints in a fair, timely and transparent manner;
- treat all Complaints seriously;
- provide individuals with an informal and formal process to resolve the matter, along with access to an external complaint handling body, based on the nature of the Complaint and the applicable rules and regulations;
- provide a review process; and
- maintain confidentiality where possible, appropriate or feasible and as provided in this Policy and seek to ensure that no one is Victimised for making, supporting or providing information about a Complaint.

### ATTACHMENTS

- Attachment B1: Complaints procedures
- Attachment B2: Mediation
- Attachment B3: Investigation procedure
- Attachment B4: Commissioner Hearing procedure (and review process)
- Attachment B5: Complaint procedure flow chart



## **ANNEXURE C: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS**

---

SACA and/or Affiliated Clubs and Associations will ensure that all Complaints received, both formal and informal, are properly documented. This includes recording how the Complaint was resolved and the outcome of the Complaint.

This information, and any additional records and notes, will be treated confidentially (subject to disclosure required by law or permitted under this Policy) and stored in a secure place.

### **ATTACHMENTS**

- Attachment C1: Record of informal Complaint
- Attachment C2: Record of formal Complaint



## **ANNEXURE D: PROCEDURE FOR HANDLING CONCERNS OR ALLEGATIONS OF PROHIBITED CONDUCT OR A CHILD OR YOUNG PERSON AT RISK OF HARM OR NEGLECT**

SACA and/or Affiliated Clubs and Associations will treat any concerns or allegations of a Child or Young Person at risk of suspected Prohibited Conduct, harm or neglect, seriously and with sensitivity. Persons working with any Affiliated Club or Association in a paid or unpaid/voluntary capacity have a duty to report any such concerns or allegations to the appropriate authorities.

**If you believe that a Child or Young Person is in immediate danger or a life-threatening situation, call the Police immediately on 000.**

All Affiliated Clubs and Associations have adopted the Safeguarding Children and Young People Framework.

This relevantly includes Australian Cricket's Policy for Safeguarding Children and Young People (and Annexure B of that policy), which sets out the relevant steps and procedures to be followed to identify, report and action concerns or allegations of a Child or Young Person at risk of suspected Prohibited Conduct (see Attachment D1 of this Policy for the relevant steps/procedures and Attachment D2 of this Policy for guidance as to what may constitute Prohibited Conduct).

Please refer to and adopt/implement the steps and procedures in Attachment D1 of this Policy in the event any Complaint under this Policy involves or may involve any concerns or allegations of a Child or Young Person at risk of suspected Prohibited Conduct, harm or neglect.

A summary is also set out below.

A flow chart appears in Attachment D4 of this Policy.

The relevant report form/record appears in Attachment D3 of this Policy.

### **1. Receive the allegation**

It is important to listen, stay calm and be supportive.

When receiving any allegations or Complaint you should:

- (a) listen carefully and maintain a calm and open manner;
- (b) promptly and accurately record the discussion in writing;
- (c) avoid seeking detailed information or asking leading questions;
- (d) not challenge or undermine the person making the Complaint or allegation;
- (e) explain that other people may need to be told to ensure the safety and wellbeing of the Child or Young Person; and
- (f) not discuss the details with any person, including the offender, except in accordance with the specified procedure.





Record the details in the form included in Attachment D3 of this Policy.

## 2. Report the allegation

Contact the Department for Child Protection (or other relevant government agency at the time) or police for advice if there is **any** doubt about whether the allegation should be reported.

If the allegation involves a person to whom this Policy applies, also report the allegation to the SACA GM Community Cricket (or delegate) so that SACA can ensure the situation is managed appropriately.

### Meaning/definition of Prohibited Conduct

Refer to Attachment D2 of this Policy for guidance as to what may be considered Prohibited Conduct and relevant definitions under Australian Cricket's Policy for Safeguarding Children and Young People.

### Concepts of "at risk" and "harm"

Under the Child Safety Law, broadly (by way of guidance), reporting obligations arise where there is "a reasonable suspicion" that a Child or Young Person may be "at risk". Under the Child Safety Law, a Child or Young Person is taken to be "at risk" if they have suffered relevant "harm" or there is a reasonable likelihood they will suffer relevant "harm". "Harm" in that context means physical or psychological harm including (but not limited to) such harm caused by "sexual, physical, mental or emotional abuse or neglect".

(NOTE: Under the Child Safety Law, psychological harm "does not include emotional reactions such as distress, grief, fear or anger that are a response to the ordinary vicissitudes of life".)

This Policy and the Safeguarding Children and Young People Framework (including Australian Cricket's Policy for Safeguarding Children and Young People) should be read and interpreted in light of the Child Safety Law (including as to where applicable reporting obligations arise).

## 3. Protect and manage and provide support

Refer and adhere to (and implement) the relevant steps and procedures outlined in Australian Cricket's Policy for Safeguarding Children and Young People (Annexure B) (included in Attachment D1 of this Policy for ease of reference).

The appropriate person from the relevant Affiliated Club or Association or SACA should assess the immediate risks to the Child or Young Person and take any appropriate interim steps to ensure their safety and the safety of any other Children or Young People.

This may include redeploying the alleged offender to a position where there is no unsupervised contact with Children or Young People, supervising the alleged offender or removing/suspending them until any investigations have been concluded. Legal advice should be sought before any interim steps are taken, particularly if the person is an employee.

The appropriate person from SACA or the relevant Affiliated Club or Association will consider what services may be most appropriate to support the Child or Young Person and their parent(s)/guardian(s).



The appropriate person from SACA or the relevant Affiliated Club or Association will consider what support services may be appropriate for the alleged offender.

The appropriate person from SACA or the relevant Affiliated Club or Association will seek to put in place measures to protect the Child or Young Person and the alleged offender from possible Victimisation and gossip.

#### **4. Internal action**

**Seek appropriate advice from police/relevant authorities before commencing or undertaking any internal action. It may also be necessary to obtain legal advice.**

At least three different investigations could be undertaken to examine allegations of Prohibited Conduct, harm or neglect, including:

- (a) a criminal investigation (conducted by the police);
- (b) a child protection investigation (conducted by the relevant government agency, currently the Department for Child Protection); and
- (c) a disciplinary or misconduct inquiry/investigation (conducted by SACA or the relevant Affiliated Club or Association, as appropriate).

SACA and/or the relevant Affiliated Club or Association should seek advice from the police and/or the relevant government agency (currently the Department for Child Protection) as to whether it/they should carry out its/their own internal investigation (in addition to or in conjunction with any police or relevant government agency investigation), and the manner in which an investigation (if any) may be conducted.

Regardless of the findings of the police and/or the Department for Child Protection's investigations, SACA and/or the relevant Affiliated Club or Association will assess the allegations to determine what action should be taken in the circumstances.

SACA and/or the relevant Affiliated Club or Association will consider all information relevant to the matter, including any findings made by the police, the Department for Child Protection (or relevant government agency at the time) and/or court, and then set out a finding, recommended actions and a rationale for those actions.

Any action may include considering whether the alleged offender should return to their position, be dismissed, banned, suspended or face other disciplinary action.

If disciplinary action is recommended or is to be taken, refer to clause 7 of this Policy as to available disciplinary measures. Again, SACA and/or the relevant Affiliated Club or Association should seek advice from the police and/or the Department for Child Protection (or relevant government agency at the time) as to the proposed action (as well as legal advice).

The appropriate person from SACA or the relevant Affiliated Club or Association may provide the Department for Child Protection (or relevant government agency at the time) with a report of any disciplinary action taken, where this is required or appropriate.



## Mandatory notification obligations

Under the *Children and Young People (Safety) Act 2017* (SA) mandated notifiers are required by law to notify the Department for Child Protection **Child Abuse Report Line 13 14 78**, if they suspect on reasonable grounds that a Child or Young Person is, or may be, at risk and the suspicion is formed in the course of the person's work (whether paid or voluntary) or in carrying out official duties.

Refer and adhere to (and implement) the Safeguarding Children and Young People Framework (and in particular Australian Cricket's Policy for Safeguarding Children and Young People and the SACA Policy for Safeguarding Children and Young People) for further detail and guidance as to mandatory reporting obligations.

By way of general guidance:

- (a) mandated notifiers are any person who is an employee of, or volunteer in, a government or non-government organisation that provides health, welfare, education, sporting or recreational, childcare or residential services wholly or partly for children;
- (b) employees of, or volunteers in, organisations that provide sporting or recreational services to Children and Young People (i.e. such as Affiliated Clubs and Associations) are "mandated notifiers" if they provide sporting or recreational services directly to Children and Young People, or if they manage or supervise the provision of such services; and
- (c) broadly, reporting obligations arise where there is "a reasonable suspicion" that a Child or Young Person may be "*at risk*". Under the Child Safety Law, a Child or Young Person is taken to be "*at risk*" if they have suffered relevant "*harm*" or there is a reasonable likelihood they will suffer relevant "*harm*". "*Harm*" in that context means physical or psychological harm including (but not limited to) such harm caused by "*sexual, physical, mental or emotional abuse or neglect*".

(NOTE: Under the Child Safety Law, psychological harm "*does not include emotional reactions such as distress, grief, fear or anger that are a response to the ordinary vicissitudes of life*".)

It is an offence to prevent a person from discharging the obligation of mandatory reporting through threat, intimidation or unfavourable treatment.

(NOTE: There is no legal requirement for a mandatory reporter to be trained. Rather, everyone in the above roles has a responsibility to report.)

SACA and all Affiliated Clubs and Associations support that all persons engaged in activities associated with SACA and any Affiliated Club or Association have a moral obligation to report any suspicion of harm or neglect involving a Child or Young Person.

Refer to the Safeguarding Children and Young People Framework, adopted by SACA and all Affiliated Clubs and Associations, for further details.

Further information can also be found at: <https://www.childprotection.sa.gov.au/reporting-child-abuse>.



## ATTACHMENTS

- Attachment D1: Australian Cricket's Policy for Safeguarding Children and Young People (Annexure B) (identification and reporting process/steps)
- Attachment D2: Prohibited Conduct – guidance for meaning/definition/interpretation
- Attachment D3: Report form - suspected Prohibited Conduct or a Child or Young Person at risk of harm or neglect
- Attachment D4: Flow chart for reporting concerns as to any suspected Prohibited Conduct or a Child or Young Person at risk of harm or neglect



## ATTACHMENT B1: COMPLAINTS PROCEDURE

---

SACA and/or its Affiliated Clubs and Associations are committed to supporting people associated with cricket in South Australia to make and resolve any Complaints they may have in a fair, timely and effective way.

SACA and/or Affiliated Clubs and Associations will endeavour to deal with Complaints on a confidential basis. Information about the Complaint will not be provided to another person without a Complainant's consent, except if the law requires disclosure of that information or it is necessary to properly deal with the Complaint. To ensure Procedural Fairness for everyone involved, ordinarily the full details of the Complaint will be provided to the person or people against whom the Complaint has been made (Respondent(s)) and their response will be sought. As a result, it may be difficult to resolve Complaints made anonymously.

Affiliated Clubs and Associations and SACA will provide **informal and formal procedures** to deal with Complaints. Individuals and organisations can also make **complaints to external organisations** under anti-discrimination laws, the Child Safety Law and other relevant laws.

References to "you" or "your" below are references to a Complainant.

### Informal processes / approaches

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

If you feel confident and comfortable to do so, you can approach the other person(s) (the Respondent(s)) to seek to discuss the issues and try and resolve the issue directly.

(NOTE: The nature and/or gravity of the Complaint/allegations may make this option/step unsuitable, inappropriate or unsafe in some circumstances, in which case this step/option should not be attempted/pursued.)

#### Step 2: Contact a Member Protection Information Officer (MPIO) (or other appropriate person)

1. You are encouraged to talk with a MPIO if:
  - (a) Step 1 (above) is not appropriate;
  - (b) you are not sure how to handle the problem by yourself;
  - (c) you want to talk confidentially with someone and find out what options are available to address your concern; or
  - (d) the concern continues after you approached the other person.
2. The names and contact details for:
  - (a) Affiliated Club or Association MPIOs may be found by contacting the relevant Affiliated Club or Association / on its website; and
  - (b) SACA MPIOs are available at the SACA website ([www.saca.com.au](http://www.saca.com.au)) or by contacting SACA Reception by phone: 08 8300 3800.



3. Alternatively, you may contact:
  - (a) an appropriate person within the relevant Affiliated Club (for example President, committee member, complaints manager, Child Safe Officer, administrator, team manager coach etc.);
  - (b) an appropriate responsible person within the relevant Affiliated Association (for example President, committee member, complaints manager, Child Safe Officer, administrator etc.); or
  - (c) SACA GM Community Cricket (or delegate).

They may then refer the Complaint to an appropriate MPIO or other appropriate person within the relevant organisation and/or to the appropriate organisation to receive and handle the Complaint (at least in the first instance).

4. The nature and gravity of the Complaint will guide and determine whether an Affiliated Club or Association or SACA is the appropriate organisation to receive and handle the particular Complaint (at least in the first instance). See clauses 5.1(e) and 5.1(f) of this Policy for guidance as to relevant considerations.
5. The MPIO or other appropriate person responsible for handling the Complaint within the relevant organisation will:
  - (a) ask how you would like your concern to be resolved and if you need support;
  - (b) seek to provide different options for you to address your concern;
  - (c) act as a support person, if you wish;
  - (d) refer you to an appropriate person (e.g. a Mediator) to help you address your concern, if appropriate;
  - (e) inform the relevant government authorities and/or police, if required by law to do so; and
  - (f) where feasible and appropriate, maintain confidentiality.

### **Step 3: Decide how to address your concern**

1. After talking with the MPIO or other person responsible for handling the Complaint within the relevant organisation, you may decide:
  - (a) there is no issue;
  - (b) the issue is minor and you do not wish to take the matter forward;
  - (c) to try and resolve the issue yourself, with or without a support person such as an MPIO or other appropriate person;
  - (d) to resolve the issue with the help of someone impartial, such as a Mediator; or
  - (e) to resolve the Complaint through a formal process.



2. If you wish to remain anonymous, the relevant Affiliated Club or Association and/or SACA may not be able to assist you to resolve your Complaint. To ensure Procedural Fairness, you may be required to provide the person(s) the subject of a Complaint with full details of the Complaint so they have a fair chance to respond. There may be some exceptions to this general principle in appropriate circumstances.
3. The relevant organisation responsible for handling the Complaint may recommend, or refer the Complaint to, an appropriate Complaints procedure/approach (informal or formal) under this Policy.

## Formal processes / approaches

### Step 4: Making a formal Complaint

1. If it is not possible or appropriate to resolve your Complaint through an informal process, you may make a formal Complaint in writing to:
  - (a) the Affiliated Club or Association (e.g. the President or a committee member or other person nominated to receive any formal Complaint); or
  - (b) the SACA GM Community Cricket (or delegate); or
  - (c) approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice and assistance.
2. After receiving a formal Complaint, and based on the material you provide, the person nominated to receive any formal Complaint within the relevant organisation will decide whether:
  - (a) they are the most appropriate person to receive and handle the Complaint or to refer the Complaint to a more appropriate person for management/handling;
  - (b) the organisation is the most appropriate organisation to receive and handle the Complaint or to refer the Complaint to a more appropriate organisation for management/handling;
  - (c) the nature and seriousness of the Complaint requires a formal resolution procedure;
  - (d) to refer the Complaint to **mediation** (informal or formal);
  - (e) to appoint a person to **investigate** the Complaint (**Complaint Manager/Investigator**);
  - (f) to refer the Complaint to a **Commissioner Hearing**;
  - (g) to engage **The State Sport Dispute Centre** to provide an independent mediation or Tribunal hearing;
  - (h) to refer the matter to the **police or other appropriate authority**; and/or
  - (i) to implement any interim arrangements that will apply until the Complaint process is completed.



3. In making the decision(s) outlined above and in dealing with your formal Complaint, the following factors will be taken into account:
  - (a) whether that person has had any personal involvement in the circumstances and if so, whether it is appropriate someone else should handle the Complaint;
  - (b) whether, having regard to the circumstances of the Complaint, it is appropriate that another (separate and more objective) organisation should handle the Complaint;
  - (c) whether, due to the nature of the Complaint, specific expertise or experience may be required to manage the Complaint;
  - (d) your wishes and the wishes of the Respondent regarding how the Complaint should be handled;
  - (e) the relationship between you and the Respondent (e.g. an actual or perceived power imbalance between you and the Respondent, any ongoing working relationship between you and the Respondent, or any relevant personal attributes of you or the Respondent) and whether the Complaint is appropriate to be referred to mediation (informal or formal) or a Commissioner Hearing;
  - (f) whether the facts of the Complaint are in dispute;
  - (g) the nature and sensitivity of any information or other material that must be provided by you, the Respondent(s) or any other person(s) involved in the Complaint; and
  - (h) the urgency of the Complaint, including the possibility that you might face further unacceptable behaviour while the Complaint process is underway.
4. If the appropriate person to handle the Complaint is within the relevant Affiliated Club or Association, they will, where appropriate and/or necessary:
  - (a) obtain full information from you about your Complaint and how you want it resolved (if this information has not already been obtained through earlier steps);
  - (b) provide the information received from you to the other person(s) involved in the Complaint (Respondent(s)) and ask for a response (as/where and to the extent appropriate, having regard to all of the circumstances, including any relevant sensitivities or vulnerability);
  - (c) decide if there is enough information to determine whether the matter alleged in your Complaint did or did not occur; and/or
  - (d) determine what, if any, further action to take, including but not limited to appointing a person to investigate the Complaint, referring the Complaint to a mediation, referring the matter to a Commissioner Hearing and/or referring the Complaint to the police or other appropriate authority.
5. If the SACA GM Community Cricket (or delegate) is the appropriate person to handle the Complaint, they will, where appropriate and/or necessary:
  - (a) obtain full information from you about your Complaint and how you want it resolved (if this information has not already been obtained through earlier steps);





- (b) provide the information received from you to the other person(s) involved in the Complaint (Respondent(s)) and ask for a response (as/where and to the extent appropriate, having regard to all of the circumstances, including any relevant sensitivities or vulnerability);
- (c) decide if there is enough information to determine whether the matter alleged in your Complaint did or did not occur; and/or
- (d) determine what, if any, further action to take, including but not limited to appointing a person to investigate the Complaint, referring the Complaint to a mediation, referring the matter to a Commissioner Hearing and/or referring the Complaint to the police or other appropriate authority.

### Step 5: Investigating the Complaint

1. In some cases, an investigation may be required to determine the facts surrounding the Complaint.
2. If investigation is considered appropriate, it will be conducted in accordance with the investigation process outlined in Attachment B3 of this Policy.
3. Following the investigation, a written report will be provided to:
  - (a) the relevant responsible person within the relevant Affiliated Club or Association handling the Complaint and commissioning the investigation (and/or the relevant Affiliated Club or Association's Board or committee); or
  - (b) the SACA GM Community Cricket (or delegate); or
  - (c) the Commissioner,(as appropriate, depending on how the Complaint is proposed to be handled), who will then determine any further action to be taken.
4. If the Complaint is referred to **mediation**, the steps outlined in Attachment B2 of this Policy will be followed or this will otherwise proceed as agreed by you, the Respondent(s) and the Mediator.
5. If the Complaint is referred to a **Commissioner Hearing**, the hearing will be conducted according to the steps outlined in Attachment B4 of this Policy.
6. If the Complaint is referred to the **police or another external agency**, SACA and the relevant Affiliated Club or Association will endeavour to provide all reasonable assistance required by the police or the agency.

### Step 6: Reconsidering a Complaint / reviewing a decision

1. If the matter is referred to mediation and is not resolved at mediation, you may request that the MPIO (or other person appointed to manage/handle the Complaint) reconsider the Complaint in accordance with Step 3.
2. If the matter is referred to a Commissioner Hearing, you or the Respondent(s) may also be entitled to review a finding or decision made at the Commissioner Hearing. The grounds and process for reviews are set out in Attachment B4 of this Policy.



### **Step 7: Documenting the resolution**

1. The appropriate person within the relevant organisation handling the Complaint will record the Complaint, the steps taken to resolve it and the outcome. This information will be stored in a confidential and secure place.
2. If the Complaint was dealt with at the State level, the information will be stored by SACA. Otherwise, the information will be stored by the relevant Affiliated Club or Association.

### **Approaching external organisations**

If you feel that you have been Harassed or Discriminated against, you can seek advice from the Equal Opportunity Commission. There is no obligation to make a formal complaint. However, if the Commission advises you that the issues appear to be within its jurisdiction, you may choose to lodge a formal complaint with the Commission.

The Commission may investigate your complaint. The Commission may also attempt to conciliate the complaint on a confidential basis. If this fails, or if it is not appropriate, the matter may be dealt with as a Complaint under this Policy, adopting the formal process outlined in this Attachment B1 of this Policy.

If you do lodge a complaint with the Commission, an appropriate person from the relevant Affiliated Club or Association or SACA (e.g. an MPIO) will be available to support you during the process. You may also wish to have legal representation, particularly if the complaint goes to a formal hearing.

**The Equal Opportunity Commission** can be contacted online at [www.eoc.sa.gov.au/](http://www.eoc.sa.gov.au/) or phone 08 8207 1977.

Serious incidents, such as an assault or Sexual Offence, should be reported to the police.



## ATTACHMENT B2: MEDIATION

---

Mediation is a process that seeks to resolve Complaints with the assistance of an impartial person – the Mediator.

The Mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, they help those involved to discuss the issues and seek to facilitate a mutually agreeable solution.

Where mediation is pursued or implemented:

1. The appropriate person within the relevant Affiliated Club or Association or SACA (as applicable) handling the Complaint will refer the Complaint to mediation and appoint an appropriate Mediator to help resolve the Complaint.
2. This will be done under the direction of the relevant Affiliated Club or Association or SACA (as applicable) and in consultation with the Complainant(s) and the Respondent(s).
3. The Mediator will be an independent person in the context of the Complaint, however this does not preclude a person with an association with the relevant Affiliated Club or Association or SACA acting as Mediator.
4. The Mediator will talk with the Complainant(s) and Respondent(s) about how the mediation will take place and who will participate. At a minimum, the Mediator will prepare an agenda of issues to be discussed.
5. All issues raised during mediation will be treated confidentially. The rights of the Complainant(s) and the Respondent(s) to pursue an alternative process if the Complaint is not resolved will also be respected and any mediation will be without prejudice to such rights.
6. If the Complaint is resolved by mediation, where appropriate the Mediator may seek to ensure the parties execute a document that sets out the agreement that has been reached. This agreement will be signed by the Complainant(s) and the Respondent(s). The parties involved are expected to respect and comply with the terms of the agreement.
7. If the Complaint is not resolved by mediation, the Complainant(s) may:
  - (a) write to:
    - (i) the person within the relevant Affiliated Club or Association handling the Complaint; or
    - (ii) the SACA GM Community Cricket (or delegate),to request that they reconsider the Complaint (including in accordance with Step 6 in Attachment B1 of this Policy); or
  - (b) write to:
    - (i) the person within the relevant Affiliated Club or Association handling the Complaint; or
    - (ii) the SACA GM Community Cricket (or delegate),to request that the Complaint be escalated in accordance with clause 5.1(k) of this Policy, providing reasons and a justification for the proposed escalation; or
  - (c) approach any relevant external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.



(NOTE: There are some **situations where mediation may not be appropriate**, including but not limited to:

1. when the people involved have completely different versions of the incident or event(s);
2. when the Complainant(s) or Respondent(s) (or both/a combination) are unwilling to attempt mediation;
3. when there is a real or perceived power imbalance or age or maturity disparity between the people involved; or
4. when the Complaint includes matters that involve serious allegations.)

### **Mediation Services**

In some circumstances SACA and/or the relevant Affiliated Club or Association (as applicable) may choose to engage **The State Sport Dispute Centre**, based at Sport SA, to provide independent mediation.



## ATTACHMENT B3: INVESTIGATION PROCESS

---

There will be times when a Complaint will need to be investigated and information gathered.

A Complaint may be referred for investigation by SACA and/or the relevant Affiliated Club or Association.

Where an investigation may have already proceeded at Affiliated Club level, this does not preclude any subsequent (further) investigation proceeding upon any referral by an Affiliated Association and/or SACA (as/where appropriate). Where an investigation may have already proceeded at Affiliated Association level this does not preclude any subsequent (further) investigation proceeding upon any referral by SACA (as/where appropriate).

A Complaint Manager/Investigator will be appointed to undertake the investigation process.

An investigation helps determine the facts relating to the issue, incident or event and, if requested, recommendations as to possible findings and next steps.

Any investigation conducted will be fair to all people involved. The investigation process will be undertaken by an unbiased person.

An investigation as contemplated below may not be appropriate in certain circumstances.

Particular care must be taken if/when conducting any investigation where a Complaint involves a Child or Young Person.

Investigation (or at least an investigation as contemplated below) may not be appropriate where, for example, a Complaint involves or may involve allegations as to suspected Prohibited Conduct, or a Child or Young Person being at risk of suspected harm or neglect. Advice should be sought from police/ the Department for Child Protection (or the relevant government agency at the time) as to appropriate steps/approach to be taken in this context, before referring such a Complaint to an investigation or commencing any investigation. Also refer to Annexure D of this Policy.

Separately, any proposed investigation otherwise involving a Child or Young Person also ought to be considered and approached carefully, and may need to be appropriately tailored to account for the involvement of a Child or Young Person (including but not limited to involvement of a parent or guardian or appropriate support person, for example). Advice should be sought regarding appropriate procedures, particularly if/where there may be any allegations to the effect that a Child or Young Person is a victim as result of misconduct of an adult Affiliate.

If SACA and/or the relevant Affiliated Club or Association (as applicable) decide that a Complaint should be investigated, the steps outlined below will (generally) be followed (as/where appropriate):

1. SACA and/or the relevant Affiliated Club or Association (as applicable) will provide a written brief to the Complaint Manager/Investigator that sets out the terms of engagement and their role and responsibilities.
2. The Complaint Manager/Investigator may:
  - (a) interview the Complainant(s) and record the interview in writing;



- (b) provide full details of the Complaint to the Respondent(s) so that they can respond (so far as feasible, where appropriate, having regard to any special circumstances);
  - (c) interview the Respondent(s) to allow them to answer the Complaint and record the interview in writing;
  - (d) obtain statements from witnesses and collect other relevant evidence;
  - (e) make a finding as to whether the Complaint is:
    - (i) **substantiated** (there is sufficient evidence to support the Complaint);
    - (ii) **inconclusive** (there is insufficient evidence either way);
    - (iii) **unsubstantiated** (there is sufficient evidence to show that the Complaint is unfounded); or
    - (iv) **mischievous, vexatious or knowingly untrue**; and
  - (f) provide a report to the appropriate person(s) within the relevant Affiliated Club or Association handling the Complaint (and/or its Board/committee), the SACA GM Community Cricket (or delegate) or the Commissioner (as applicable, depending on the manner in which the Complaint is being/proposed to be handled) documenting the Complaint, the investigation process, the evidence) and, if requested, any findings and recommendations.
3. SACA and/or the relevant Affiliated Club or Association (as applicable) will provide a report to the Complainant(s) and the Respondent(s) documenting the Complaint, or otherwise inform them of the findings of the investigation, the investigation process and summarising key points from the investigation, as appropriate.
4. The person(s) within SACA and/or the relevant Affiliated Club or Association handling the Complaint (and/or its Board/committee), the SACA GM Community Cricket (or delegate) or the Commissioner (as applicable, depending on the manner in which the Complaint is being/proposed to be handled) will determine what, if any, further action is warranted, informed by the investigation report.
5. The information collected will be stored securely and confidentiality and will only be provided to those who require further information to support a resolution or determination.
6. The Complainant(s) and the Respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (e.g. MPIO or other person).



## **Attachment B4: COMMISSIONER HEARING PROCEDURE**

---

The following steps will be followed by the Commissioner to hear formal Complaints made under this Policy.

### **Preparing for a Commissioner Hearing**

1. A Commissioner will be appointed by the SACA GM Community Cricket (or delegate) to hear a Complaint that has been referred to the Commissioner for a Commissioner Hearing by the SACA GM Community Cricket (or delegate).
2. The appointed Commissioner must not have any actual or perceived conflict of interest or bias.
3. There will be one Commissioner required to be present throughout the hearing.
4. The Commissioner will be provided with a copy of all the relevant correspondence, reports or information received and sent by the SACA GM Community Cricket (or delegate) relating to the Complaint/allegations.
5. The Commissioner Hearing will be held as soon as practicable. However, adequate time must be provided for the Respondent(s) to prepare for the Commissioner Hearing.
6. The SACA GM Community Cricket (or delegate) will inform the Respondent(s) in writing that a Commissioner Hearing will take place. The notice will outline:
  - (a) that the person has a right to appear at the hearing to defend the Complaint/allegations;
  - (b) the details of the Complaint and of all allegations, as well as the provision or clause of any policy, rule or regulation that has allegedly been breached;
  - (c) the date, time and venue of the hearing;
  - (d) that verbal and/or written submissions can be presented to the Commissioner at the hearing;
  - (e) that witnesses may attend the hearing to support the position of the Respondent(s);
  - (f) that statutory declarations from witnesses unable to attend or character witnesses may be presented to the Commissioner;
  - (g) an outline of any possible sanctions that may be imposed if the Complaint is found to be established;
  - (h) whether a Respondent will be permitted legal representation for the hearing (or otherwise), at the discretion of the Commissioner (including, without limitation, having regard to the nature and gravity of the circumstances of the Complaint/allegations and the nature and gravity of the potential consequences, should the Complaint/allegations be established);
  - (i) that a Respondent may be assisted by a support person at the hearing. For example, where a Respondent is a minor, they should have a parent or guardian present. However, a person cannot be a support person if they have been admitted to practice as a lawyer, unless the Commissioner has permitted legal representation; and



- (j) that a copy of any investigation report findings or otherwise a record of the investigation findings (as appropriate) will be provided to the Respondent(s), together with other relevant information or document supplied to the Commissioner (as appropriate).
7. The SACA GM Community Cricket (or delegate) will notify the Complainant(s) in writing that a Commissioner Hearing will take place. The notice will outline:
- (a) that they have a right to appear at the hearing to support their Complaint/allegations;
  - (b) the details of the Complaint, including any relevant rules or regulations that any Respondent is accused of breaching;
  - (c) the date, time and venue of the hearing;
  - (d) that verbal and/or written submissions can be presented to the Commissioner at the hearing;
  - (e) that witnesses may attend the hearing to support the position of the Complainant(s);
  - (f) that statutory declarations from witnesses unable to attend or character witnesses may be presented to the Commissioner;
  - (g) whether a Complainant will be permitted legal representation for the hearing (or otherwise), at the discretion of the Commissioner (including, without limitation, having regard to the nature and gravity of the circumstances of the Complaint/allegations);
  - (h) that a Complainant may be assisted by a support person at a hearing. For example, where a Complainant is a minor, they should have a parent or guardian present. However, a person cannot be a support person if they have been admitted to the practice as a lawyer, unless the Commissioner has permitted legal representation; and
  - (i) that a copy of any investigation report findings or otherwise a record of the investigation findings (as appropriate) will be provided to the Complainant(s), together with other relevant information or document supplied to the Commissioner (as appropriate).
8. If a Complainant believes the details of the Complaint are incorrect or insufficient, they should inform the SACA GM Community Cricket (or delegate) as soon as possible so that the Respondent(s) and the Commissioner can be properly informed of the Complaint.

### **Hearing procedure**

9. The following people will be allowed to attend the hearing:
- (a) the Commissioner;
  - (b) the SACA GM Community Cricket (or delegate);
  - (c) the Respondent(s);
  - (d) the Complainant(s);





- (e) any witnesses called by the Respondent(s);
  - (f) any witnesses called by the Complainant(s); and
  - (g) any parent/guardian or support person required to support the Respondent(s) or the Complainant(s).
10. If the Respondent(s) is/are not present at the set hearing time and the Commissioner considers that no valid reason has been presented for this absence, the hearing will continue subject to the Commissioner being satisfied that all hearing notification requirements have been met.
11. If the Commissioner considers that there is a valid reason for the non-attendance of the Respondent(s) or does not believe the hearing notification requirements have been met, then the hearing will be rescheduled to a later date.
12. If the Commissioner wishes to reschedule the hearing date, the Commissioner will inform the SACA GM Community Cricket (or delegate) of the need to reschedule the hearing and the SACA GM Community Cricket (or delegate) will arrange for the hearing to be reconvened.
13. The Commissioner will read out the Complaint, ask each Respondent if they understand the Complaint and if they each agree or disagree with the Complaint.
14. If any Respondent agrees with the Complaint, they will be asked to provide any evidence or witnesses that should be considered by the Commissioner when determining any disciplinary measures.
15. If any Respondent disagrees with the Complaint, the Complainant(s) will be asked to describe the circumstances that led to the Complaint being made and:
  - (a) the Complainant(s) may make reference to brief notes;
  - (b) the Complainant(s) may call witnesses; and
  - (c) the Respondent(s) may question the Complainant(s) and any witnesses (subject to any vulnerable witnesses or where this may otherwise be appropriate).
16. The Respondent(s) will then be asked to respond to the Complaint and:
  - (a) the Respondent(s) may make reference to brief notes;
  - (b) the Respondent(s) may call witnesses; and
  - (c) the Complainant(s) may ask questions of the Respondent(s) and any witnesses.
17. The Complainant(s) and Respondent(s) may be present when evidence is presented to the Commissioner. Witnesses may be asked to wait outside the hearing until they are required.
18. The Commissioner may:
  - (a) consider any evidence, in any form, that they deem relevant;
  - (b) ask questions of any person giving evidence;



- (c) limit the number of witnesses (including limiting witnesses to those persons who only provide new evidence);
  - (d) require (to the extent they have power to do so) the attendance of any witness they deem relevant; and
  - (e) act in an inquisitorial manner in order to establish the truth (or otherwise) of the issue/Complaint/allegations before them.
19. Video evidence, if available, may be presented. Arrangements for the viewing of this evidence must be made entirely by the person(s) wishing to offer this type of evidence.
20. If the Commissioner considers that at any time during the hearing there is any unreasonable or intimidatory behaviour from anyone, the Commissioner may deny further involvement of that person in the hearing.
21. After all of the evidence has been presented, the Commissioner will make their decision in private. The Commissioner must decide whether the Complaint has, on the balance of probabilities (i.e. more probable than not), been substantiated.
22. The Commissioner may announce their decision at the conclusion of the hearing. Alternatively, they may reserve their decision at the conclusion of the hearing and deliver the decision at a later time.
23. The Respondent(s) will have the opportunity to make submissions to the Commissioner in relation to any disciplinary measures that may be imposed.
24. Within 48 hours of the Commissioner delivering their decision, the Commissioner will:
- (a) forward a notice of the Commissioner's decision to the SACA GM Community Cricket (or delegate), including details of any disciplinary measures imposed or recommended; and
  - (b) forward a letter confirming the Commissioner's decision to the Respondent(s), including any disciplinary measures imposed or recommended. The letter should also outline the process and grounds for any review, if allowed.

This timeframe for the above may be extended if/where the Complaint is of unusual complexity or importance, but the Commissioner must notify the parties within the 48 hour period of the anticipated date for completion of those steps.

25. The Commissioner does not need to provide written reasons for their decision.

**(NOTE:** Care must be taken if/when conducting Commissioner Hearings that involve a Child or Young Person. Advice should be sought regarding appropriate procedures, particularly if/where there may be any allegations to the effect that a Child or Young Person is a victim as result of misconduct of an adult Affiliate or where any alleged suspected Prohibited Conduct, harm or Department for Child Protection (or the relevant government agency at the time) (as further discussed in the "internal action" section in Annexure D). In particular (but without limitation), consideration ought to be given to the mode and form of evidence for a Child or Young Person (e.g. submission of evidence via statutory declaration or otherwise in writing as opposed to requiring their attendance at a hearing).)



## Disciplinary powers/measures

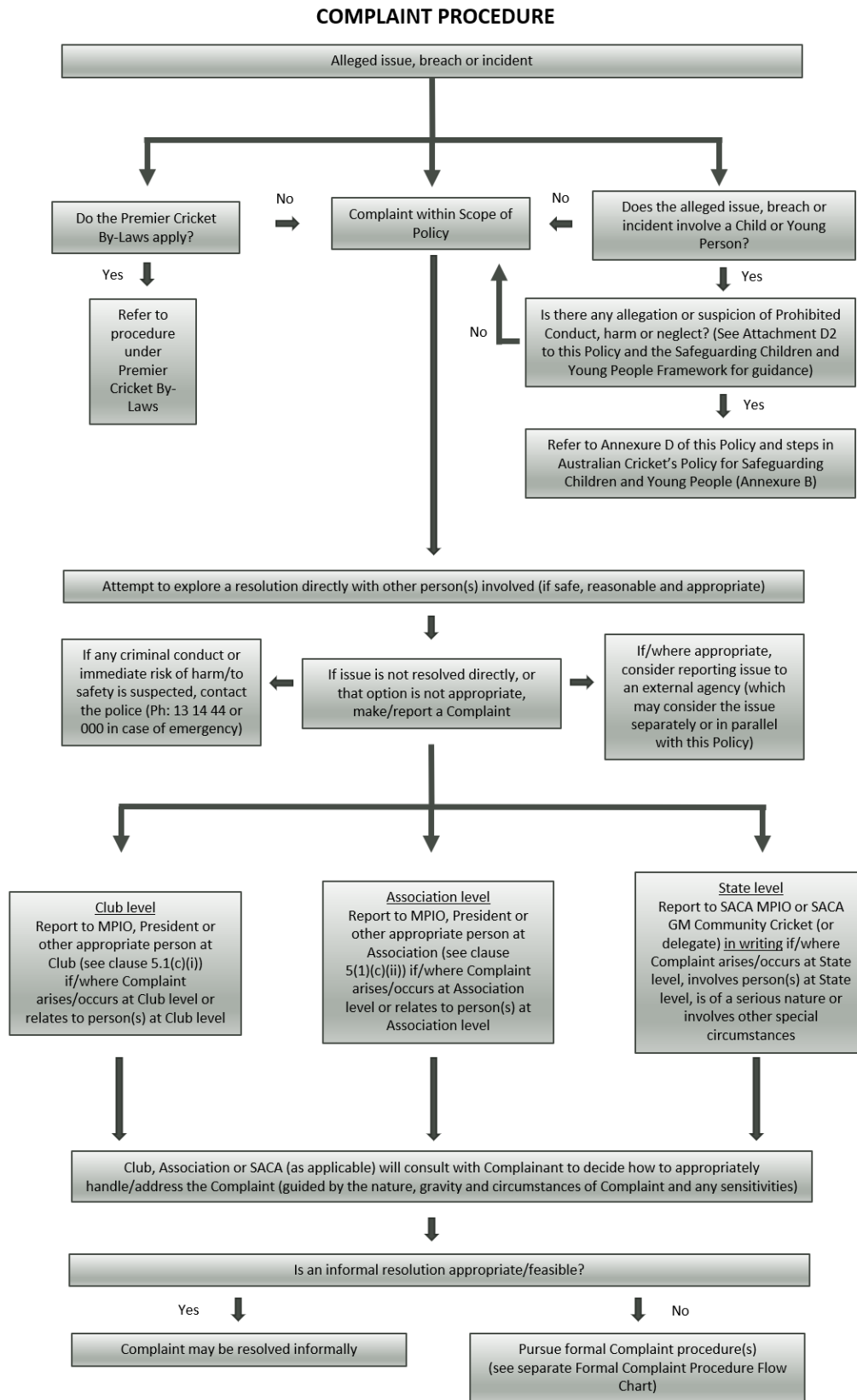
The Commissioner's disciplinary powers and the available disciplinary measures that the Commissioner may impose or recommend are specified in clause 7 of this Policy.

## Review procedure

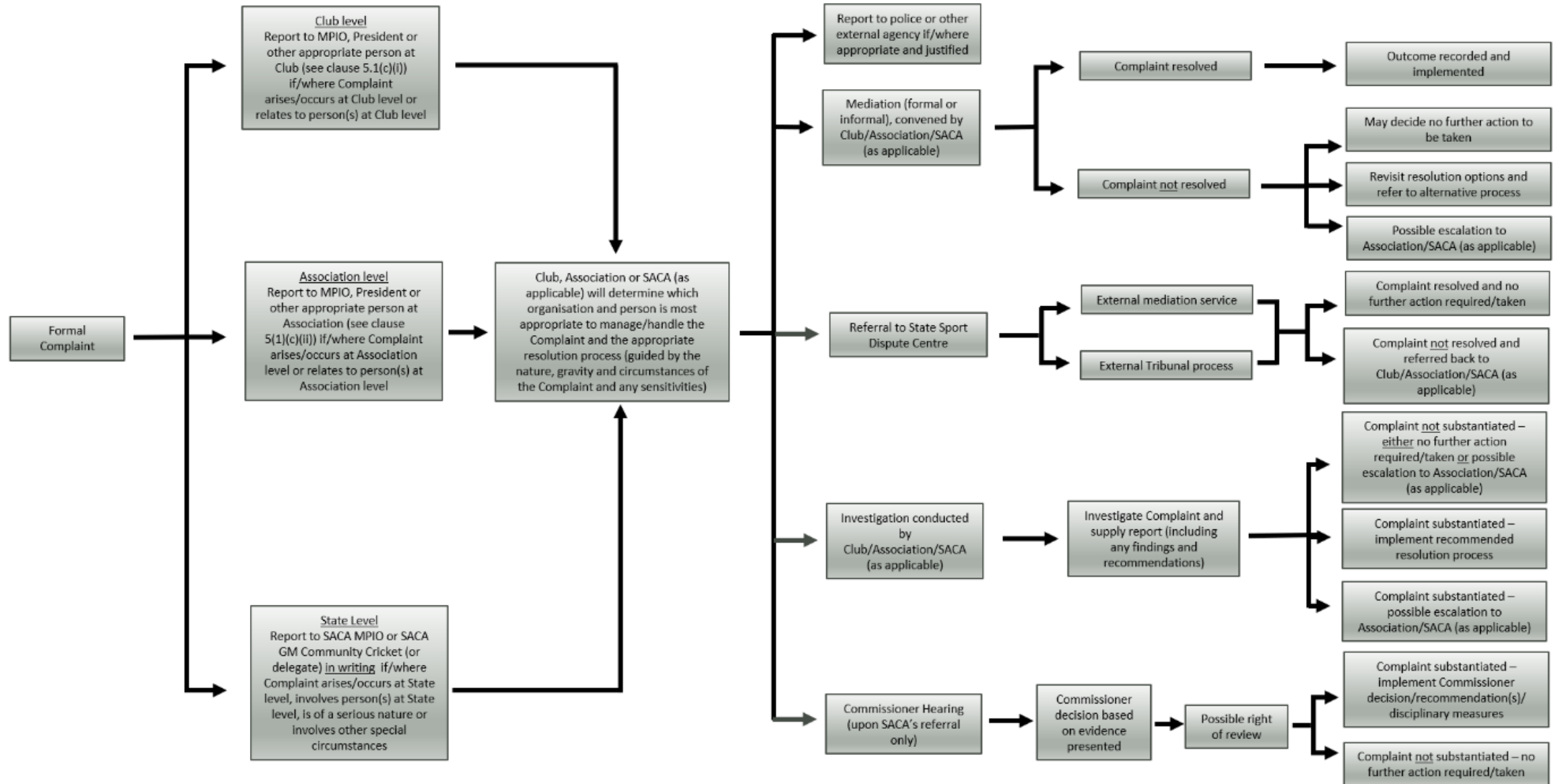
1. Any Complainant or any Respondent may request a review of the outcome of a hearing before the Commissioner.
2. A decision may only be reviewed on one or more of the following grounds:
  - (a) that a denial of Procedural Fairness has occurred;
  - (b) that the disciplinary measure imposed or recommended is unjust and/or unreasonable; or
  - (c) that the decision was not supported by the information/evidence provided to the Commissioner.
3. A person wanting to request a review must lodge a letter setting out the basis for their request with the SACA GM Community Cricket (or delegate) (**Review Request**), and pay a review fee to SACA of \$200 (**Review Fee**), within 10 business days of the relevant decision being made.
4. If the Review Request is not received by the SACA GM Community Cricket (or delegate) within the specified timeframe above, any right of review will lapse. If the Review Request is received but the Review Fee is not received (in full) within the specified timeframe above, any right of review will also lapse.
5. The Review Request, and the notice of the Commissioner's decision, will be forwarded to the SACA GM Community Cricket (or delegate) to review and decide whether there are sufficient grounds for the review to proceed.
6. The SACA GM Community Cricket (or delegate) may invite any witnesses that they believe are required to make an informed decision regarding the Review Request (and whether it ought to proceed) to a meeting to discuss matters relevant to the Review Request.
7. If the person(s) initiating the Review Request has not shown sufficient grounds for a review, then the Review Request will be rejected and they will be notified of this rejection in writing, including the reasons for the decision. The Review Fee will be forfeited (in full).
8. If the Review Request is accepted, a hearing will be convened before a new Commissioner to re-hear the Complaint (**Review Hearing**) and the Review Fee will be refunded.
9. The Commissioner Hearing procedure will be followed for the Review Hearing. The Commissioner will be a different person to the Commissioner involved in the hearing and decision the subject of the Review Request.
10. The decision of the Commissioner at the Review Hearing will be final and binding. There will be no further right of review.



## ATTACHMENT B5: COMPLAINTS FLOWCHARTS



## FORMAL COMPLAINT PROCEDURE







What is the Complainant going to do now?	
--	--

**This record and any notes must be kept confidential and secure.** If the issue becomes a formal Complaint, this record is to be sent to SACA (the SACA GM Community Cricket (or delegate)).



## ATTACHMENT C2: RECORD OF FORMAL COMPLAINT

To be completed by a MPIO of the Affiliated Club or Association or SACA (as appropriate).

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official .....	
Name of person complained about (Respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official .....	
Location of alleged incident/event/issue		
Description of alleged incident/event/issue		
Nature of Complaint (category/basis/grounds)  Tick more than one box if necessary	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist methods <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching  <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other .....	





Methods (if any) of attempted informal resolution	
Formal resolution procedures followed (outline)	
If investigated:	Finding
If mediated:	Date of mediation: Both/all parties present Agreement Any other action taken
If heard by Commissioner:	Decision Action recommended
If decision was reviewed	Decision Action recommended
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve



Completed by	Name: Position: Signature: _____ Date    /    /
Signed by:	Complainant:  Respondent:

**This record and any notes must be kept confidential and secure.**



## ATTACHMENT D1: AUSTRALIAN CRICKET PROCEDURE FOR HANDLING COMPLAINTS AND ALLEGATIONS OF PROHIBITED CONDUCT

---

*From Annexure B of the Australian Cricket Safeguarding Children and Young People Policy*

### STEP 1 – ACT IMMEDIATELY

Everyone involved in our game plays a crucial role in protecting Children and Young People and must follow the 7 steps set out below when responding to any allegations of Prohibited Conduct.

### STEP 2 – RESPOND TO IMMEDIATE THREATS

**If you believe a Child or Young Person is at risk of immediate harm, call 000 for medical or police assistance**

If there is no immediate risk of harm, go to Step 3.

### STEP 3 – RECEIVE COMPLAINT

If a complaint or allegation of Prohibited Conduct relating to a Child or Young Person is made to an Australian Cricket Personnel, Cricket Participant or Australian Cricket Player, that person must **REPORT** the complaint in accordance with Step 4.

When receiving any allegations, complaints or disclosures Australian Cricket Personnel, Cricket Participants or Australian Cricket Players should:

- (a) listen carefully and maintain a calm and open manner
- (b) promptly and accurately record the discussion in writing
- (c) avoid seeking detailed information or asking leading questions
- (d) not challenge or undermine the person making the complaint or allegation
- (e) explain that other people may need to be told to ensure the safety and wellbeing of the Child or Young Person
- (f) not discuss the details with any person, including the offender, except in accordance with this procedure



## STEP 4 – REPORT

Australian Cricket treats any complaint or allegation of Prohibited Conduct promptly, seriously and with a high degree of sensitivity and confidentiality.

If, while participating in an Australian Cricket or Affiliated Association or Club program or service, an Australian Cricket Personnel, Australian Cricket Player, a Cricket Participant (including an Affiliated Association or Club affiliated player) or any other person reasonably suspects that a Child or Young Person is at risk of being subject to Prohibited Conduct that has or could cause harm to a Child or Young Person, they **MUST**:

**MUST:**

1. **NOTIFY:** Immediately notify the **POLICE**, the **RELEVANT GOVERNMENT AGENCY**, and at least **2 RELEVANT CRICKET CONTACTS** identified in the table below and inform the complainant that the notification will take place. See **Annexure E** for contact details for these parties.

Relevant Cricket Contacts for:	
Australian Cricket Personnel & Australian Cricket Players	Cricket Participants (including Affiliated Association or Club players)
<p>The Australian Cricket Personnel's:</p> <ul style="list-style-type: none"> <li>• Executive General Manager or Line Manager (as the case may be); and</li> <li>• General Manager of People &amp; Culture (or equivalent role)</li> </ul> <p>Relevant Cricket Australia department/s</p> <p>Cricket Australia's Head of People &amp; Culture</p> <p>Cricket Australia Legal, Risk &amp; Integrity department (see contact details in <b>Annexure E</b>)</p> <p>State and Territory Cricket Association Legal department (if applicable)</p> <p>The Australian Cricket Player's:</p> <ul style="list-style-type: none"> <li>• State or Territory High Performance Manager; and</li> <li>• Cricket Australia Executive General Manager of High Performance</li> </ul> <p>State and Territory Cricket Association Legal department (if applicable)</p>	<p>The Affiliated Association or Club:</p> <ul style="list-style-type: none"> <li>• President;</li> <li>• Child Safe Officer; or</li> <li>• Member Protection Information Officer</li> </ul> <p>Cricket Australia Executive General Manager – Community Cricket</p> <p>Relevant State and Territory Cricket Association General Manager – Game &amp; Market Development</p> <p>Cricket Australia Legal, Risk &amp; Integrity department (see contact details in <b>Annexure E</b>)</p> <p>State and Territory Cricket Association Legal department (if applicable)</p>



2. **LIAISE AND SUPPORT:** With the support of the Cricket Australia Legal, Risk & Integrity department and State and Territory Cricket Association Legal department (if applicable), notify the Police and relevant Government Agency (as required) where this has not already happened. Cricket Australia Legal, Risk & Integrity department and State and Territory Cricket Association Legal department (if applicable) will liaise with the Police and/or Government Agency as to the progress of any investigation. In respect of matters involving Cricket Participants, Cricket Australia and the State or Territory Association will provide appropriate support to the Affiliated Association or Club as required.

## STEP 5 – PROTECT AND MANAGE

1. **FOLLOW ADVICE OF POLICE AND RELEVANT GOVERNMENT AGENCY:** The Relevant Cricket Contacts who receive the report in accordance with Step 4.1 will:
- Follow the advice of Police and/or Government Agency with respect to what and how information should be shared with parents/guardians, and who should lead this contact (i.e. police, relevant government agency or Australian Cricket/Affiliated Association or Club representative)
  - designate the Key Liaison Officer for the matter who shall be responsible for the liaison and information sharing between the relevant parties and compiling of information;
  - designate a State and Territory Cricket Association representative (as the case requires);
  - assess the immediate risks to Children and Young People;
  - on the direction and advice of the Police and/or Government Agency, take interim steps (as required) to ensure the safety and wellbeing of Children and Young People, including any Child or Young Person directly impacted by the alleged behaviour or circumstances relating to an Australian Cricket Personnel or Cricket Participant in line with Step 6 below;
  - establish next steps, making general enquiries with relevant individuals and determining the level of investigation required of the matter
2. **IMPLEMENT INTERIM MEASURES:** Where an allegation/complaint is made in respect of an **Australian Cricket Personnel** or **Cricket Participant (except players who do NOT hold specific roles within the Affiliated Associations or Club – refer to guidance below)** and there is a risk to the safety/wellbeing of Children and Young People whilst any enquiry/investigation is on foot, without limitation, Australian Cricket or the Affiliated Association or Club may, **in consultation with the advice of the Police and/or Government Agency:**
- temporarily redeploy the Australian Cricket Personnel or Cricket Participant to a position where there is no contact with Children and Young People;
  - restrict the duties the Australian Cricket Personnel or Cricket Participant to ensure that there is no contact with Children and Young People;
  - suspend the Australian Cricket Personnel or Cricket Participant, pending investigation;



- terminate the Australian Cricket Personnel or Cricket Participant, following investigation and substantiation of an allegation and/or complaint; or
- take other action as determined reasonable by Australian Cricket or the Affiliated Association and Club in the circumstances.

**AUSTRALIAN CRICKET PLAYERS:** Where an allegation or complaint is made in respect of an Australian Cricket Player, without limitation, Australian Cricket may take action as determined by Australian Cricket.

**AFFILIATED ASSOCIATION AND CLUB PLAYERS (who do not hold specific roles within the Affiliated Association or Club):** Where an allegation or complaint is made in respect of an Affiliated Association or Club player who does not hold a specific role within the Affiliated Association or Club, the Affiliated Association or Club may take action as determined by the Affiliated Association or Club, in accordance with their club constitution, rules of incorporation, relevant Member Protection Policy or other governing documents.

## STEP 6 – PROVIDE SUPPORT

It is important that the person providing support to a Child or Young Person does not attempt to provide support which is outside of the scope of their role.

Australian Cricket will consider what support services may be most appropriate to assist and support the Child or Young Person and their family and the Australian Cricket Personnel, Cricket Participant or Player involved. This may include referral to appropriate external support providers/resources.

Australian Cricket and the Affiliated Association and Club (as the case may be) will seek to put in place measures to protect the Child or Young Person, Australian Cricket Personnel, Cricket Participant or Player from possible victimisation.

## STEP 7 – TAKE INTERNAL ACTION

1. **TAKE DISCIPLINARY ACTION:** Australian Cricket recognises that further to making general enquiries, several investigations may be undertaken to examine allegations or complaints that are made against an Australian Cricket Personnel, Australian Cricket Player or Cricket Participant including:
  - a criminal investigation (conducted by the Police);
  - a child protection investigation (conducted by the relevant Government Agency);
  - where an allegation or complaint relates to an Australian Cricket Personnel, disciplinary action (including termination) in accordance with the Australian Cricket Disciplinary Policy and Grievance Procedures; and
  - where an allegation or complaint relates to a Cricket Participant, investigation and resolution under the relevant Australian Cricket Member Protection Policy.



## **2. COMPLETE AND PROVIDE CONFIDENTIAL RECORD OF COMPLAINT OR ALLEGATION**

The Confidential Record of Complaint or Allegation (**Annexure F**), must be completed by the designated Key Liaison Officer, nominated Step 5.1 and a copy must be provided to Cricket Australia's General Counsel (or person nominated by Cricket Australia's General Counsel).

The Confidential Record of Complaint or Allegation must remain confidential and not be shared more broadly than the Key Liaison Officer, the designated State and Territory Cricket Association representative and Cricket Australia's General Counsel (or their delegate), unless disclosure is required by law.



## ATTACHMENT D2: PROHIBITED CONDUCT

Australian Cricket’s Policy for Safeguarding Children and Young People prohibits any conduct that may adversely impact on the safety and wellbeing of Children and Young People, including (but not limited to):

- (a) Child Abuse;
- (b) Grooming;
- (c) Sexual Misconduct;
- (d) accessing, downloading, storing or distributing any form of child pornography;
- (e) any other inappropriate conduct (including conduct that is that is objectively age inappropriate) that places the Child or Young Person at risk of harm; or
- (f) engaging in any attempt to breach 5(a) – (f).

Any conduct within the above scope constitutes **Prohibited Conduct**.

In relation to paragraphs (a) – (c) above, the Australian Cricket’s Policy for Safeguarding Children and Young People further defines these terms. The relevant definitions are extracted below.

**Child Abuse** means the mistreatment of a Child or Young Person that harms, is harming or is likely to harm or endanger the Child or Young Person’s physical and/or emotional health, safety, development or wellbeing and includes (whether in person or online):

<b>Bullying</b>	When a person or group repeatedly and intentionally uses words, actions or inappropriate power against a person or group that causes distress, physical and/or psychological harm to their wellbeing.
<b>Emotional and/or Psychological Abuse</b>	Any act involving confinement, isolation, verbal assault, humiliation, intimidation, control, or other treatment that may diminish the sense of identity, dignity and self-worth of an individual. This may include repeated rejection or threats, constant criticism, teasing, ignoring, threatening, yelling, ridiculing, intentional exclusion or harmful training methods.
<b>Exposure to Family Violence</b>	Any abusive behaviour used by a person in a relationship to gain or maintain control over their partner or ex-partner, dependents or other family members, including any behaviour that causes fear and physical and/or psychological harm, to which a Child or Young Person is exposed.
<b>Harassment</b>	Any unwelcome behaviour that offends, humiliates or intimidates another person and is reasonably likely to cause harm to the person who is the subject of the harassment.
<b>Physical Abuse</b>	When a person subjects another person to deliberate physically aggressive acts, such as, hitting, slapping, throwing, punching, biting, kicking or striking a person with an object.
<b>Neglect</b>	The persistent or deliberate failure or denial to meet a Child or Young Person’s basic needs, including the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention, or supervision to the extent that the Child or Young Person’s health and





	development is or is likely to be harmed, whether the neglect is physical, medical, emotional or educational neglect in nature or takes the form of abandonment.
<b>Sexual Abuse</b>	When an adult or person in authority (i.e. older, or younger but more physically or intellectually developed) involves a Child or Young Person in sexual activity or exposes them to matter or communications of a sexual nature. Behaviours may include making sexual comments to a Child or Young Person, engaging the Child or Young Person in sexual conversations online or in person, kissing, touching a Child or Young Person’s genitals or other inappropriate touching of a Child or Young Person, oral sex or intercourse with a Child or Young Person, encouraging the Child or Young Person to view pornographic materials (whether that be online, magazines, videos) or engaging a Child or Young Person in sexual conversations (whether online or other forms of communication).
<b>Sexual Exploitation</b>	A form of Sexual Abuse that occurs when: <ul style="list-style-type: none"> <li>a) a Child or Young Person is forced into or involved in sexual activities that are then unlawfully recorded in some way, or recorded without the consent of one or more parties, or used to produce child sexual abuse material. Such material can be in the form of photographs or videos, whether published or circulated on the internet or social media; or</li> <li>b) a Child or Young Person is encouraged to view pornographic videos, websites, or images, or engaged to participate in sexual conversations over social media or otherwise.</li> </ul>
<b>Sexual Harassment</b>	Any unwanted, unwelcome or invited behaviour of a sexual nature, which could make a person feel humiliated, intimidated or offended, including unwanted physical contact, verbal remarks, jokes, sharing of inappropriate pornographic or offensive material either in person, online, through social media or other modes of communication.

**Grooming** means the process where an adult establishes a trusting relationship with a child or young person and those close to them, to create an environment in which abuse can occur. Grooming can take place in any setting, including without limitation training, at a match, in social settings, text messages, social media, online chatrooms or any other means of communication.

**Sexual Misconduct** means any of Sexual Offence or Sexual Harassment.

**Sexual Offence** means any criminal offence involving sexual activity or indecency. Sexual offence carries a different meaning in each jurisdiction and can include rape, indecent assault, sexual assault, incest, sexual penetration, indecent act or sexual relationship with a child under the age of 16, sexual offences against people with impaired capacity, publishing or possessing Child and Young Person pornography and indecent articles, promoting or engaging in acts of Child or Young Person prostitution, soliciting acts of sexual penetration or indecent acts.



## ATTACHMENT D3: CONFIDENTIAL RECORD OF ALLEGATION OF PROHIBITED CONDUCT, HARM OR NEGLECT

Before completing, ensure the procedures outlined in Annexure D of this Policy are followed.

Ensure that the requirements and steps prescribed in the Safeguarding Children and Young People Framework (in particular Australian Cricket's Policy for Safeguarding Children and Young People (Annexure B)) have been reviewed and are being followed. Also seek advice from the relevant government agency and/or police.

<b>Complainant's Name</b> (if other than the child, if complainant wishes to remain anonymous, please note)			
<b>Date complaint received</b>		<b>Complaint received by</b> (CA, State and Territory Cricket Association or Affiliated Association and Club)	
<b>Police contacted</b> (if required)	Who: When: Contact:		
<b>Government agency contacted</b> (if required)	Who: When: Advice provided:		
<b>Child's name</b> (use alias if Child's identity needs to be protected and detail that this is the case)			<b>Age:</b>
<b>Child's address</b> (if known and if can be disclosed in line any protection requirements)			
<b>Person's reason for suspecting Prohibited Conduct</b> (e.g. observation, injury, disclosure)			



<b>Name of person complained about</b>	
<b>Role/status in sport</b>	
<b>Australian Cricket Program or Service</b>	
<b>Affiliated Association or Club</b>	
<b>State and Territory Cricket Association Personnel notified</b> (Item 8, Step 2)	Representative: Date of Notification:  Representative: Date of Notification:  Representative: Date of Notification:
<b>CA Personnel notified</b> (Item 8, Step 2)	Representative: Date of Notification:  Representative: Date of Notification:  Representative: Date of Notification:
<b>Witnesses</b> (if more than 3 witnesses, attach details to this form)	Name (1): Contact details:  Name (2): Contact details:  Name (3): Contact details:
<b>Interim action (if any) taken (to ensure child's safety and/or to support needs of person complained about)</b>	
<b>Summary of enquiries made</b>	
<b>Other reporting</b> (ASC, CEO, Board as applicable depending on program or service)	Who: When:

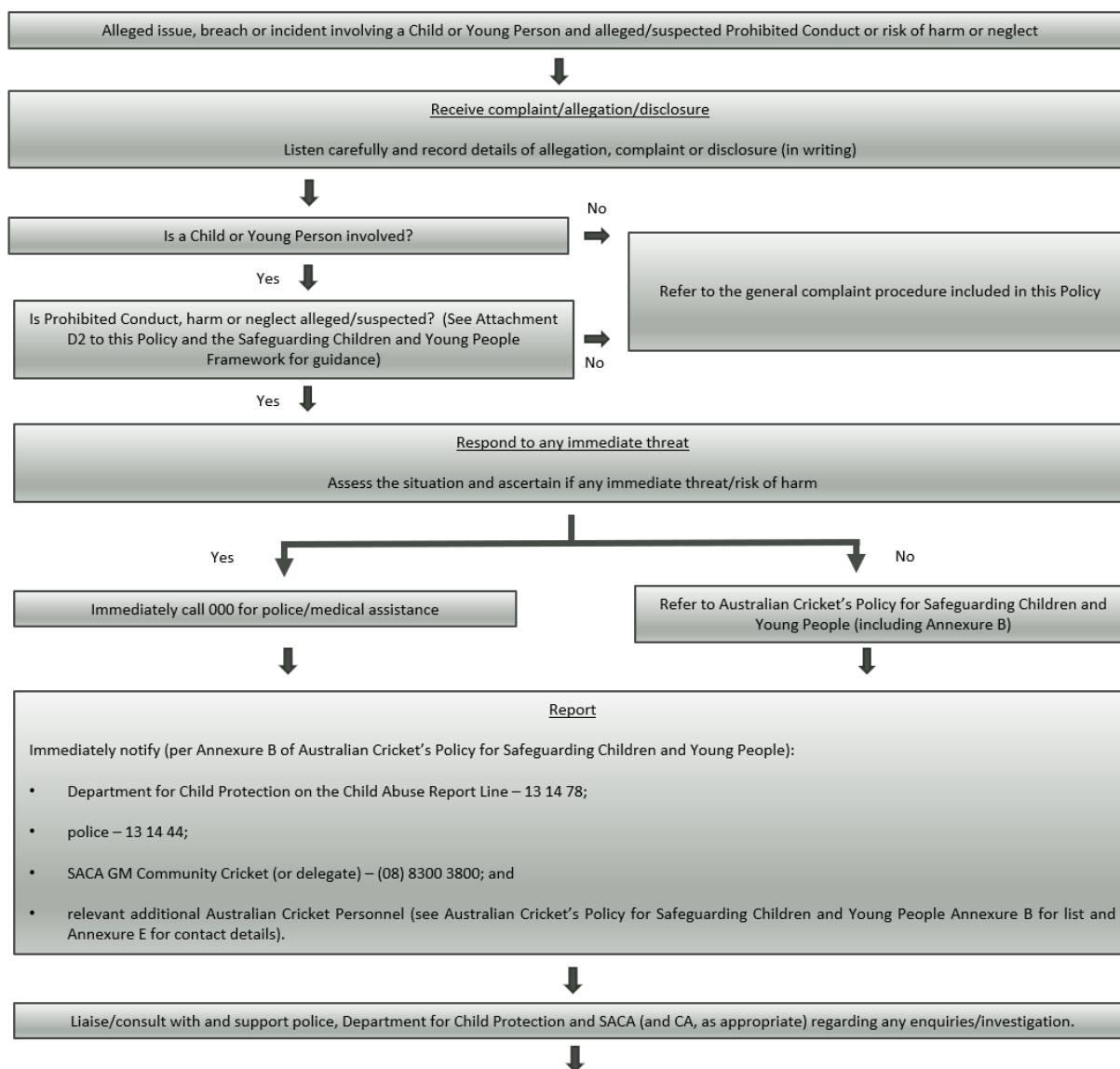


<b>Police and/or government agency investigation</b>	Finding:
<b>Internal investigation (if any)</b>	Finding:
<b>Action taken</b>	
<b>Completed by</b>	Name: Position: Signature: Date:



# ATTACHMENT D4: CHILD AND YOUNG PERSON PROTECTION PROCEDURE FLOWCHART

## CHILD AND YOUNG PERSON PROTECTION PROCEDURE





#### Protect and manage

- Obtain and follow advice of police/Department for Child Protection (including as to any information sharing).
- Designate a Key Liaison Officer responsible for information sharing between relevant parties and information compilation and a SACA representative (as required).
- Assess immediate risks to Children and Young People (including any Child or Young Person directly affected/involved).
- On direction/advice of police/Department for Child Protection, take interim steps to ensure safety/wellbeing of Children and Young People (including any Child or Young Person directly affected/involved), as required, pending further enquiries/investigation.
- Decide next steps.

Note: Interim steps may potentially include, e.g. temporary redeployment to a position with no contact with Children or Young People, restricted duties, suspension or other action, pending further enquiries/investigation, as determined appropriate by the Club or Association and/or SACA (and CA, as appropriate), in consultation with police/Department for Child Protection, guided by legal advice.



#### Provide support

Provide appropriate support to:

- Child or Young Person;
- Child or Young Person's family; and
- Respondent/alleged offender (including measures to protect against victimisation).



#### Take internal action

In consultation with, and guided by, police/Department for Child Protection it may be appropriate/necessary for the Club, Association and/or SACA (and/or CA) to conduct internal enquiries/investigations in addition to any criminal investigation (by police) or child protection investigation (by Department for Child Protection).

Disciplinary action may be taken by the relevant Club, Association and/or SACA (and/or CA), if/where an allegation, complaint or disclosure is substantiated following investigation (internal or external).

Seek legal advice.



#### Record of complaint or allegation

Complete Confidential Record of Complaint or Allegation contained in Annexure F of Australian Cricket's Policy for Safeguarding Children and Young People (see Attachment D3 of this Policy) and provide copy to SACA (and CA). This must be kept confidential unless disclosure is required by law.