



**BOWLS**  
NEW SOUTH WALES

---

# MEMBER PROTECTION POLICY

---

Updated July 2017

## 1. Preface

- 1.1. Bowls NSW is the peak body for the administration of the sport of lawn bowls in New South Wales. One of the objects for which Bowls NSW has been established is to encourage conduct and promote all forms of the sport of lawn bowls throughout New South Wales.
- 1.2. Bowls NSW is committed to the safety and well-being of all its Members and those who play lawn bowls throughout New South Wales. Bowls NSW is also committed to ensure that all participants in the sport are treated fairly and equally and they all have an equal opportunity to participate in the sport.
- 1.3. The value to all participants in the sport of regular exercise together with social interaction provided in a club environment is paramount to the objectives of Bowls NSW. Unfortunately, harassment can dramatically underline these benefits of participation in lawn bowls. Depending on the particular case, harassment or abuse can have devastating effects not only for an individual but for a club and even an association in the form of potential legal liability, low morale, a reluctance of people to be involved both as players and volunteers and long term damage to an organisation's reputation.
- 1.4. The Bowls NSW Constitution authorises it to adopt appropriate policies relevant to the administration of the sport in New South Wales. This policy is a reflection of the high priority which Bowls NSW places on serving and protecting its members and all participants in the sport – both bowlers and non-bowlers alike.
- 1.5. The policy binds Bowls NSW Member's as defined in the Constitution and all Members must comply with this policy.
- 1.6. District and Zone Associations, Member Clubs and Affiliated Sub-Clubs may make their own rules or policies in relation to matters covered by this policy provided that such rules or policies are consistent with this policy and do not contravene any state or federal legislation or statutory rules. This policy must be read in the context of the Bowls NSW Constitution, General Code of Conduct and any other policies made by Bowls NSW from time to time. If there is any conflict or ambiguity between this policy and the Constitution, Code of Conduct or any other Bowls NSW policy the conflicting documents must be read in such a way as to achieve the objects of Bowls NSW, that is promoting and encouraging participation, and the opportunity to participate in the sport of lawn bowls.
- 1.7. It is intended that this policy is implemented and observed not only by Bowls NSW Members but also all organisations and individuals associated with Lawn Bowls in New South Wales including but not limited to bowls clubs, members of committees or other

management bodies of Members, employees, contractors, sub-contractors and agents of members, volunteers and honorary workers, players, coaches and administrators.

- 1.8. Whilst Bowls NSW is ultimately responsible for achieving the objectives of this policy the implementation of it cannot be achieved without the active participation and adherence to this policy by Bowls NSW Members and all other organisations and persons to whom the policy is directed.
- 1.9. Bowls NSW commends this policy to all Members, participants and prospective participants in the sport. Together we can ensure the safety and well-being of all concerned and continue to promote and develop the sport we all love.

## 2. INTRODUCTION

### 2.1. What is the purpose of this policy?

- a) The purpose of this policy is to protect the health, safety and well-being of all Members of Bowls NSW, and all those who participate in the sport of lawn bowls, both bowlers and non-bowlers alike.
- b) Bowls NSW is committed to providing a safe environment for all participants, that is free from harassment, abuse and other unfair treatment and promotes respectful and positive behaviour towards everybody.
- c) For that reason the policy provides the basis for appropriate and ethical conduct and all those involved in the sport of lawn bowls must comply with these principles and the specific requirements of this policy. The policy aims to ensure that the core values, good reputation and positive behaviour and attitude of Bowls NSW are maintained at all times. It assists in ensuring that every person involved in the sport is treated with respect and dignity, and is safe and protected from abuse or other inappropriate behaviour. The policy also ensures that everyone involved in the sport is aware of his or her legal and ethical rights and responsibilities.
- d) The policy will provide the procedures that support the commitment of Bowls NSW to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from the sport. As part of this commitment, Bowls NSW will take disciplinary action against any person or organisation who is bound by this policy if Bowls NSW considers such person or organisation is in breach of this policy.
- e) The policy has been endorsed by the Board of Bowls NSW and commences 19<sup>th</sup> July 2017 and will operate until replaced. The policy and/or its attachment may be amended from time to time by a resolution of the Board. Copies of the policy and its attachments can be obtained from the Bowls NSW website [www.rnswba.org.au](http://www.rnswba.org.au) or from the Bowls NSW office, telephone (02) 9283 4555.

### 2.2. What does this policy cover?

In summary, this policy sets out the following ways Bowls NSW and its Members seek to fulfil the purposes set out in clause 1 as follows:

- a) Bowls NSW and its Members must screen Preferred Applicants and Existing Appointees in certain roles, particularly any role dealing with children or vulnerable people, and is highly recommended but is not mandatory in other types of roles;
- b) Bowls NSW and its Members must promote and distribute this policy and enforce and recognise any penalties or other sanctions imposed pursuant to this policy;
- c) All coaches, umpires, administrators, other officials, volunteers, players and parents/guardians are bound by the Bowls NSW General Code of Conduct;
- d) The policy provides a process for making a Complaint concerning a possible breach of the policy including a process for investigating such possible breach

and determining, by way of hearing or otherwise, whether or not such a breach has occurred and an appropriate appeal process.

- e) Breaches of this policy are outlined in Clause 7 of this policy.

### 2.3. Who does this policy apply to?

This policy applies to the following organisations and individuals to the fullest extent possible whether they are in a paid, unpaid or voluntary capacity:

- a) Individuals sitting on boards, committees and sub-committees including but not limited to office bearers of Bowls NSW, Affiliated District or Zone Associations and Member or Affiliated Clubs.
- b) Employees of Bowls NSW, Affiliated District or Zone Associations and Member or Affiliated Clubs.
- c) Officials appointed or elected by Bowls NSW, Affiliated District or Zone Associations and Member or Affiliated Clubs.
- d) Clubs or other bodies affiliated with Member Clubs in relation to players or teams which represent such organisations including but not limited to team managers, coaches, physiotherapists, psychologists, masseurs and sports trainers;
- e) Coaches and assistant coaches appointed and/or employed by Bowls NSW, Affiliated District or Zone Associations and Member or Affiliated Clubs;
- f) Referees, Umpires and other officials involved in the regulation of the game of lawn bowls;
- g) Any player who enters any tournament, activity or event (including camps and training sessions) which are hosted, organised or sanctioned by Bowls NSW, Affiliated District or Zone Associations and Member or Affiliated Clubs.
- h) Individual Members and Registered Players, including Life Members;
- i) A Member Club or Affiliated Sub-Club;
- j) An Affiliated District or Zone Association;
- k) Any other person or organisation that is a Member of or affiliated with a Member;
- l) Parents, guardians, spectators and sponsors of Bowls NSW, Affiliated District or Zone Associations, Member or Affiliated Clubs and Individual Members or Registered Players.

This policy will continue to apply to a person or entity even after they have stopped their association, affiliation or employment with Bowls NSW, if disciplinary action against them has begun.

## 3. General Code of Conduct

Bowls NSW requires every individual and organisation bound by this Policy to:

- a) Be ethical, fair and honest in all their dealings with other people;

- b) Treat all persons with respect and courtesy and have proper regard for another person's dignity, rights and obligations, regardless of gender, ability cultural background or religion;
- c) Always place the safety and welfare of children above other considerations, and adopt appropriate and responsible behaviour in any interactions with children.
- d) Comply with Bowls NSW constitution, Regulations and policies including this Member Protection Policy;
- e) Operate within the Laws of the Sport as well as the spirit of the sport;
- f) Comply with all relevant laws (Federal and State), particularly any discrimination and child protection laws;
- g) Act with integrity and be responsible and accountable for their conduct;
- h) Do not tolerate, encourage or condone any harmful or abusive behaviours;
- i) Abide by the relevant Role-Specific Codes of Conduct outlined in part D of this policy.

#### 4. **Individual and Organisational Responsibilities**

##### 4.1. **Bowls NSW must:**

- a) Adopt, implement and comply with this policy;
- b) Publish, distribute and otherwise promote this policy and the consequences of breaching it;
- c) Promote appropriate standards of conduct at all times;
- d) Promptly deal with any breaches of or complaints made under this policy in an impartial, sensitive, fair, timely and confidential manner;
- e) Apply this policy consistently;
- f) Recognise and enforce any penalty or other sanction imposed under this policy;
- g) Ensure that a copy of this policy is available or accessible to the persons to whom the policy applies;
- h) Appoint or have access to appropriately trained people to receive and handle complaints and allegations and display the names and contact details of such person or persons in a way that is readily accessible;
- i) Monitor and review this policy at least annually.

##### 4.2. **Individuals and organisations bound by this policy are responsible for:**

- a) Making themselves aware of the policy and complying with the standards of conduct outlined in it;
- b) Where required, consent to a national police check or provide relevant a prohibited person declaration.
- c) Comply with all other requirements of the policy;
- d) Co-operate in providing a discrimination, child abuse and harassment free sporting environment;

- e) Understanding the possible consequences of the breach of this policy;

## 5. Policy Position Statements

### 5.1. Child Protection Policy

- a) Every person and organisation bound by this policy must always place the safety and welfare of children above all other considerations.
- b) Bowls NSW acknowledges that staff and volunteers provide a valuable contribution to the positive experiences of junior members under the age of 18 years.

Bowls NSW aims to ensure this continues and to protect the safety and welfare of junior members. Several measures will be used to achieve this such as:

- (i) Prohibiting any form of abuse against children;
  - (ii) Providing opportunities for junior members to contribute to and provide feedback on our program development;
  - (iii) Ensuring that our organisation engages suitable and appropriate people to work with children especially those in positions that involve regular unsupervised contact with children. (Screening procedures are outlined in Part B of this policy);
  - (iv) Ensuring that a Working with Children Check is conducted for all employees and volunteers working in a position identified as a child-related, and where an assessment is required by law. If a criminal history report is obtained as part of their screening process, we will handle this information confidentially and in accordance with the relevant legal requirements.
  - (v) Ensuring codes of conduct, particularly for roles associated with junior sport, are promoted, enforced and reviewed annually;
  - (vi) Providing procedures for raising concerns or complaints (complaints procedure is outlined in Part C of this policy); and
  - (vii) Providing education and/or information to those involved in our sport on child abuse and child protection.
- c) Child Abuse is a criminal offence. Bowls NSW requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within the sport, to report it immediately to the police or relevant government agency and the Bowls NSW Chief Executive Officer. Descriptions of the sorts of activity which may be abuse are in the Dictionary at clause 11.
  - d) All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. Bowls NSW procedures for handling allegations of child abuse are outlined in attachment C of this policy.

- e) If anyone bound by this policy reasonably suspects that a child is being abused by his or her parent/s, they should contact the relevant government department for community services.

### **5.2. Anti-Discrimination and Harassment Policy**

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

### **5.3. Coach/Athlete Relationship Policy**

- a) Bowls NSW takes the view that sexual relationships between coaches and the adult athletes that they coach should be avoided. Such relationships while not necessarily constituting unlawful harassment, can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sport's public image. Such relationships tend to be intentionally or unintentionally exploitative because there is usually a disparity between coaches and athletes in terms of authority, power, maturity, status and dependence.
- b) The policy position of Bowls NSW is similar to other organisations who disallow professionals such as teachers, doctors and counsellors to have sexual relationships with their clients or students.
- c) Should a sexual relationship develop between an athlete and coach, Bowls NSW will investigate whether any action against the coach is necessary. Factors that may be relevant to consider are the age and maturity of the athlete relative to the coach, the financial or emotional dependence of the athlete on the coach, and the likelihood of the relationship having any adverse impact on the athlete and/or other athletes. If it is determined that the sexual relationship is inappropriate, action may be taken to stop the coaching relationship with the athlete. Action may include transfer, a request for resignation or dismissal from coaching duties.



- d) If an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach may wish to approach the Bowls NSW Chief Executive Officer if he/she feels harassed.
- e) The law is always the minimum standard for behaviour within Bowls NSW and therefore any type of sexual or inappropriate relationship with a child is not only prohibited under this policy but is also a criminal offence.

#### 5.4. Gender Identity Policy

- a) Bowls NSW acknowledges and is committed to the principles of anti discrimination laws throughout New South Wales which prohibit discrimination against or among people on the basis of their sex or gender identity.
- b) For the purposes of this policy the phrase “gender identity’ includes the gender-related identity, appearance or mannerisms or other gender related characteristics of a person.
- c) Some terms used to describe a person’s gender identity include trans, transgender and gender diverse. This includes any person who has or is in the process of changing their gender identity or who identifies with a gender that is different to their birth gender regardless of whether or not such person has undergone or is undergoing gender reassignment surgery and includes persons who are of indeterminable sex.
- d) Participation by a transgender or gender diverse person in the sport of lawn bowls must be dealt with in accordance with this policy.
- e) The fundamental principle upon which this policy is based and upon which it must be implemented is that no Member may discriminate against a transgender or gender diverse person in relation to that person’s participation or opportunity to participate in sport of lawn bowls.
- f) Notwithstanding anything contained in the previous paragraph:
  - (i) In accordance with the Bowls NSW Regulations, an Individual Member or Registered Player of Bowls NSW shall be identified as male on their current birth certificate.
  - (ii) Bowls NSW or Member Clubs shall ensure that their Members, employees or agents must not require that any person undergo any medical test to ascertain their gender at birth.
  - (iii) Any transgender person eligible to be an Individual Members or Registered Players shall be permitted to play lawn bowls as their reassigned gender in any game played under a Controlling Body as that phrase is defined in the Laws of the Game of Bowls in Australia.
  - (iv) Members shall, at all times, respect the privacy of a transgender person and comply with all relevant privacy legislation in force in New South Wales.
  - (v) Members shall have or establish a procedure for dealing with grievances, complaints or other matters arising under or in relation to

this policy that protects the privacy of individuals and is the same as or substantially the same as the procedures under this policy.

- (vi) Members must not victimise a person or permit the victimisation by any person to occur or to continue after it becomes known of another person who makes a complaint or raises a grievance under this policy. For the purposes of this policy, victimisation means treating a person unfairly because that person or someone with whom they associate has or intended to make a complaint or lodge a grievance under this policy. Quite apart from this policy victimisation is also unlawful under all anti discrimination laws enforced in New South Wales.

#### **5.5. Smoke-free greens policy**

- a) Bowls NSW is committed to providing a safe and healthy environment at all sporting and social events that we hold or endorse.
- b) The Bowls NSW policy is outlined in the Bowls NSW Smoke Free Greens Policy.

#### **5.6. Social Media/Networking Policy**

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

## 6. Complaints

### 6.1. Complaints Procedure

- a) Bowls NSW aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice.
- b) Any person may seek information, advice, raise a concern or report a complaint (complainant) in relation to inappropriate behaviour of a person/s or organisation bound by this policy if they reasonably believe that a person/s or a sporting organisation has breached this policy.
- c) Any such contact should first be made with a Member Protection Information Officer (MPIO) at the level at which the breach occurred. In the case of an MPIO not being available at that level, other first options may include a Club President, General Manager or other person of authority.
- d) A complaint may be reported as an informal or formal complaint. The complainant decides whether the complaint will be dealt with informally or formally unless the MPIO considers after first discussing it with the complainant that the complaint falls outside the parameters of this policy and would be better dealt with another way.
- e) All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in attachment C of this policy.

### 6.2. Vexatious Complaints & Victimisation

- a) Bowls NSW aims to ensure this complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the an MPIO or Bowls NSW Chief Executive Officer considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the Bowls NSW Board for appropriate action which may include disciplinary action against the complainant.
- b) Bowls NSW will also take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to sort it out. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

### 6.3. Mediation

- a) Bowls NSW aims to resolve complaints with the minimum of fuss wherever possible. In many cases, complaints can be resolved by agreement between the people involved with no need for disciplinary action. The people involved in a formal complaint - the complainant and the person complained about (respondent) - may also seek the assistance of a neutral third person or a mediator. A legally trained or qualified person (e.g solicitors or barristers) is not able to negotiate on behalf of the complainant and/or respondent but all parties may have one support person present with them throughout the mediation provided that support person is not legally trained.
- b) Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to try and resolve the complaint with the assistance of a

mediator, the Bowls NSW Chief Executive Officer will, in consultation with the complainant, arrange for a mediator to mediate the complaint. More information on the mediation process is outlined in attachment C of this policy.

#### 6.4. Hearings Tribunal

- a) A Hearings Tribunal may be formed to hear a formal complaint that has been referred by the Bowls NSW Chief Executive Officer, for an alleged breach of the policy.
- b) Bowls NSW Hearings Tribunal procedure is outlined in attachment C of this policy.
- c) The Tribunal shall be appointed by the Board and comprise of no less than 3 Bowls NSW Directors
- d) A respondent may lodge one appeal only to the Board in respect of a decision of a Hearings Tribunal. The decision of the Board is final and binding on the people involved to the appeal. Our appeals process is outlined in attachment C of this policy.
- e) Every organisation bound by this policy will recognise and enforce any decision made, and form of discipline imposed, by the Hearing Tribunal or the Board under this policy.
- f) Members of Hearing Tribunal and Board will be indemnified by the organisation that appointed them against any claim for loss, compensation or damages, and for costs incurred defending a claim made against them, because of their function as a member of a Hearings Tribunal or Board.

#### 7. What is a Breach of this policy

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

- a) Done anything contrary to this policy;
- b) Breached the General Code of Conduct and/or Role-Specific Codes of Conduct;
- c) Brought the sport and/or Bowls NSW into disrepute;
- d) Failed to follow Bowls NSW policies and procedures for the protection, safety and welfare of children;
- e) Appointed or continued to appoint a person to a role that involves working with children and young people contrary to this policy;
- f) Discriminated against or harassed any person;
- g) Victimised another person for reporting a complaint;
- h) Engaged in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;
- i) Disclosed to any unauthorised person or organisation any Bowls NSW information that is of a private, confidential or privileged nature;
- j) Made a complaint they knew to be untrue, vexatious, malicious or improper;

- k) Failed to follow the principles of natural justice in the course of disciplinary proceedings.
- l) Failed to comply with a penalty imposed after a finding that the individual or organisation has breached this policy;
- m) Failed to comply with a direction given to the individual or organisation during the discipline process.

#### 10. **Forms of Discipline**

- a) If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed.
- b) These may include, but shall not be limited to, making a verbal or written apology, paying a fine, suspension or termination of membership, appointment of office or employment.
- c) More information on the range of disciplinary measures and the factors that will be considered before imposing discipline is in the Disciplinary Policy attachment C6 of this policy.

#### 11. **Dictionary**

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

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

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

**Child abuse** relates to children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms. Children may be harmed by both verbal and physical actions and by people failing to provide them with basic care. Child abuse may include:

- Physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; giving bad nutritional advice; or training that exceeds the child's development or maturity).
- Sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations).

- Emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child).
- Neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

**Complaint** means a complaint made under clause [ ] of this policy.

**Complainant** means the person making a complaint.

**Discrimination** means treating or proposing to treat a person less favourably than someone else in certain areas of public life on the basis of an attribute or personal characteristic they have. The relevant attributes or characteristics are:

- Age;
- Disability;
- Marital status;
- Parental/carer status;
- Physical features;
- Political belief/activity;
- Pregnancy;
- Race;
- Religious belief/activity;
- Sex or gender;
- Sexual orientation;
- Trade union membership/activity;
- Transgender orientation.

Some States and Territories include additional characteristics.

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

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

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

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

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

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

**Junior** means a person under the age of eighteen (18) years who is participating in an activity of the Bowls NSW or a Member

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

**Member** means a person or organisation as defined in the Bowls NSW Constitution.

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

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

**Natural justice** incorporates the following principles:

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

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

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

**Respondent** means the person who is being complained about.

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

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

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

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

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

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

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

**Young People/person** means people in the 13 – 18 year age group.



**PART B - BOWLS NEW SOUTH WALES'S CHILD PROTECTION REQUIREMENTS**

---

**Background**

Child Protection is about keeping children safe from abuse and protecting them from people who are unsuitable to work with children. Child abuse is illegal in New South Wales.

In New South Wales child protection legislation places specific requirements upon individuals and organisations involved in a range of areas including sport and recreation. The New South Wales government is currently developing child protection legislation that will also impact upon sport. We will add these new requirements or any amendments to existing requirements to our Member Protection Policy as they are introduced.

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

As part of the commitment to protecting the safety and welfare of children and young people involved in Bowls NSW activities, Bowls NSW requires the following measures to be met for junior programs;

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

**Attachment B1: NEW SOUTH WALES REQUIREMENTS FOR CHECKING PEOPLE TO WORK WITH CHILDREN**

---

***This information is subject to change at any time. Refer to the NSW Office of the Children's Guardian website: [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au) or contact 02 8219 3600.***

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

1. Register with the NSW Office of Children's Guardian as an employer in child-related work.
2. Identify positions (paid and voluntary) which are ***child-related positions***;
3. Verify clearances for any person holding a position identified as child-related within the organisation.
4. Include advice about the Working With Children Check in information being provided about child-related positions (e.g. coach of junior team);
5. Where it is not practical to complete the background check prior to employment commencing, we must still complete the check as soon as possible. We must advise employees that their ongoing employment is conditional upon the satisfactory outcome of the check;
6. Protect the privacy of any person who is checked and the confidentiality of any information obtained through the checking process.

Any person holding a position identified as a child-related position within the organisation (including District and Zone) is required to:

1. Apply for a Working With Children Check online at [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au).
2. Notify Bowls NSW of the Working With Children Check Number as well as Full Name and date of birth to enable verification.
3. Ensure that the Working With Children Check is renewed at the appropriate time and is current at all times when working or volunteering in the position.

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

***Employment*** includes work done:

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

***Prohibited person*** is a person convicted of committing a serious sex offence or a registrable person.

**Registrable person** is someone who has been found guilty of the following offences against children:

- murder
- sexual offences
- indecency offences
- kidnapping
- child prostitution
- child pornography

**Relevant employment proceedings** are disciplinary proceedings completed in NSW, or elsewhere, where an employer or professional body that supervises the conduct of the employee has found that '**reportable conduct**' or an act of violence occurred, or there is some evidence that it occurred. An act of violence will be relevant only if it was committed by an employee in the course of employment and in the presence of a child.

**Reportable conduct** is:

- any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence);
- any assault, ill treatment or neglect of a child; or
- any behaviour that causes psychological harm to a child.

**Attachment B2: Deleted.**

---

(Formerly Member Protection Declaration for Prohibited Person Declaration background Check which has been superseded in NSW by the Working With Children Check)

**PART C: PROCEDURES**

---

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

- C1 Complaints Procedure
- C2 Mediation Procedure
- C3 Investigation Procedure
- C4 Investigation Procedure for allegations of child abuse
- C5 Hearings Tribunal Procedure
- C6 Disciplinary Policy

## **Attachment C1: COMPLAINTS PROCEDURE**

---

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

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

If at any point in the complaint process the Chief Executive Officer of Bowls NSW (Bowls NSW CEO) or the Member Protection Information Officer (MPIO) considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the Bowls NSW Board for appropriate action. All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

### **STEP 1**

If you feel able to do so, as a first step you (the complainant) may try to address the incident/issue with the person or people involved.

In accordance with Rule 25 of the Constitution, if possible, the dispute should be resolved within fourteen (14) days after the dispute has come to the attention of all parties.

If the dispute remains unresolved after this meeting, or if a party fails to attend, then the parties must within ten (10) days refer the dispute to an MPIO.

### **STEP 2**

If:

- Step 1 is not possible/reasonable; or
- you are not sure how to handle the problem by yourself; or
- you just want to talk confidentially about the problem with someone and get some more information about what you can do; or
- the problem continues after you tried to approach the person or people involved

contact a qualified Member Protection Information Officer (MPIO) at the level at which the incident/issue occurred, or person of authority such as Club President (both hereby referred to as the MPIO)

The MPIO will:

- take notes about your complaint (which the MPIO will keep in a secure and confidential place);

- try to sort out the facts of the problem;
- ask what outcome/how you want the problem resolved and if you need support;
- provide possible options for you to resolve the problem;
- explain how our complaints procedure works;
- act as a support person if you so wish;
- refer you to an appropriate person to help you resolve the problem, if necessary;
- inform the relevant government authorities and/or police if required by law to do so;  
and
- maintain strict confidentiality.

### **STEP 3**

After talking with the MPIO, you may decide:

- there is no problem;
- the problem is minor and you do not wish to take the matter forward;
- to try and work out your own resolution (with or without a support person such); or
- to seek an informal mediated resolution with the help of a third person (such as a mediator or a Manager).

### **Step 4**

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

- make a formal complaint in writing to the Bowls NSW CEO; or
- approach a relevant external agency such as an Equal Opportunity Commission, or other dispute resolution organisation or body for advice.

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

### **Step 5**

If you decide to make a formal complaint in writing under Step 4, the Bowls NSW CEO will, on receiving the formal complaint and based on the material you have provided, decide whether:

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

In making the decision(s) outlined above, the Bowls NSW CEO will take into account:

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

If the Bowls NSW CEO is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

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

## Step 6

If:

- a person is appointed to investigate the complaint under **Step 5**, the investigator will conduct the investigation and provide a written report to Bowls NSW who will determine what, if any, further action to take. This action may include a direction to the investigator to make further enquiries and obtain additional information, disciplinary action in accordance with Attachment C6, and referring the complaint to an



informal or a formal mediation session, the Bowls NSW Board and/or the police or other appropriate authority;

- the complaint is referred to an informal or a formal mediation session under **Step 5**, the mediation session will be conducted in accordance with Attachment C2 or as otherwise agreed by the complainant and the respondent;
- the complaint is referred to the Bowls NSW Board under **Step 5**, a Hearings Tribunal will be conducted in accordance with Attachment C5;
- the complaint is referred to the police or other appropriate authority under **Step 5**, Bowls NSW will use its best endeavours to provide all reasonable assistance lawfully required by the police or other appropriate authority; and
- interim administrative or other arrangements are implemented under **Step 5**, Bowls NSW will periodically review these arrangements to ensure that they are effective.

Any costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or Bowls NSW Board) are to be met by Bowls NSW unless otherwise stated in the relevant Attachment.

### Step 7

If, under **Step 6**, an informal or formal mediation session is conducted, and you and the respondent(s) can not reach a mutually acceptable mediated solution to the complaint, you may request that the Bowls NSW CEO reconsider the complaint in accordance with Step 5.

You or the respondent(s) may be entitled to appeal where:

- under **Step 5**, the Bowls NSW CEO made a decision:
  - not to take any action; or
  - to take disciplinary action; or
- under **Step 6**, a decision was made by the Bowls NSW Board:
  - not to take any action; or
  - to take disciplinary action.

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

If the internal complaints processes set out in this Policy do not achieve a satisfactory resolution/outcome for you, or if you believe it would be impossible to get an impartial resolution within Bowls NSW, you may choose to approach an external agency such as an equal opportunity commission or Bowls Australia to assist to seek a resolution.

### Step 8

The Bowls NSW CEO will document the complaint, the process followed and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at a District or Zone level, the information will be stored in the Bowls NSW office. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at the Bowls Australia office with a copy stored at the Bowls NSW office.

**External procedure**

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

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

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

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

## **Attachment C2: MEDIATION PROCEDURE**

---

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

This attachment outlines the general procedure of mediation that will be followed by Bowls NSW.

1. The people involved in a formal complaint (complainant and respondent/s) may work out their own resolution of the complaint or seek the assistance of a neutral third person or a mediator. Mediation may occur either before or after an investigation of the complaint.
2. Mediation (getting those involved to come to a joint agreement about how the complaint should be resolved) will only be recommended:
  - a. After the complainant and respondent have had their chance to tell their version of events to the Bowls NSW CEO on their own; *and*
  - b. The Bowls NSW CEO does not believe that any of the allegations warrant any form of disciplinary action - proven serious allegations will not be mediated, no matter what the complainant desires; and
  - c. Mediation looks like it will work (i.e. the versions given by the complainant and respondent tally or almost tally and/or at the very least, it looks as though it will be possible for each party to understand the other party's point of view).
3. Mediation will **not** be recommended if:
  - a. The respondent has a completely different version of the events and they won't deviate from these;
  - b. The complainant or respondent are unwilling to attempt mediation;
  - c. Due to the nature of the complaint, the relationship between you and the respondent(s) and any other relevant factors, the complaint is not suitable for mediation; or
  - d. Legal proceedings have been instigated by either party
4. If mediation is chosen to try and resolve the complaint, the Bowls NSW CEO will, in consultation with the complainant and the respondent(s), arrange for a mediator to mediate the complaint.
5. The Bowls NSW CEO will notify the respondent(s) that a formal complaint has been made and provide them with details of the complaint and notify them Bowls NSW has decided to refer the matter to mediation to resolve the complaint.
6. The mediator's role is to assist the complainant and respondent(s) reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and respondent(s), will choose the procedures to be followed during

the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.

7. The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
8. At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached between the complainant and respondent(s) and it will be signed by them as their agreement.
9. If the formal complaint is not resolved by mediation, the complainant may:
  - a. Write to the Bowls NSW CEO to request that the Bowls NSW CEO reconsider the complaint in accordance with **Step 5**; *or*
  - b. Approach an external agency such as an anti-discrimination commission.

**Attachment C3: INVESTIGATION PROCEDURE**

---

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

1. A written brief will be provided to the investigator to ensure the terms of engagement and scope of the investigator's role and responsibilities are clear.
2. The complainant will be interviewed and the complaint documented in writing.
3. The details of the complaint will be conveyed to the person/people complained about (respondent/s) in full. The respondent(s) must be given sufficient information to enable them to properly respond to the complaint.
4. The respondent(s) will be interviewed and given the opportunity to respond. The respondent(s) response to the complaint will be documented in writing.
5. If there is a dispute over the facts, then statements from witnesses and other relevant evidence will be obtained to assist in a determination.
6. The investigator will make a finding as to whether the complaint is:
  - substantiated (there is sufficient evidence to support the complaint);
  - inconclusive (there is insufficient evidence either way);
  - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
  - mischievous, vexatious or knowingly untrue.
7. A report documenting the complaint, investigation process, evidence, finding and, if requested, recommendations, will be given to Bowls NSW.
8. A report documenting the complaint and summarising the investigation process and key points that were found to be substantiated, inconclusive, unsubstantiated and/or mischievous will be provided to the complainant and the respondent(s).
9. Both the complainant and the respondent(s) are entitled to support throughout this process from their chosen support person/adviser.
10. The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation. Information on our appeals process is in Attachment C.

More detailed information on conducting internal investigations can be found at [www.ausport.gov.au/ethics/policy.asp](http://www.ausport.gov.au/ethics/policy.asp)

## **Attachment C4: INVESTIGATION PROCEDURE - CHILD ABUSE**

---

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

The following is a basic outline of the key processes to follow.

### **Step 1 - Clarify basic details of the allegation**

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

### **Step 2 – Report allegations of a serious or criminal nature**

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

### **Step 3 – Protect the child**

- The Bowls NSW CEO should assess the risks and take interim action to ensure the child's/children's safety. Some options could include redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined.
- The Bowls NSW CEO should also address the support needs of the person against whom the complaint is made. Supervision of the person should ideally occur with the knowledge of the person. If stood down, it should be made clear to all parties that are aware of the incident that this does not mean the person is guilty and a proper investigation still needs to be undertaken.

### **Step 4 – Further clarify and investigate allegation**

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

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

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

- Where possible, appoint an independent person with appropriate expertise to make contact and meet with each of the people involved to obtain details of the allegation.

- The investigator should follow the procedure set out in Attachment C3.
- Strict confidentiality, impartiality, fairness and due process must be maintained at all times.

#### **Step 5 – Record and analyse all information**

- If an internal investigation was conducted under **Step 4**, the investigator will provide a report to Bowls NSW.
- The decision-maker(s) will be Bowls NSW Board and will remain separate and at arm's length from the investigator.
- The Bowls NSW Board will consider all the information and determine a finding. It will also recommend action and its rationale for the action.

#### **Step 6 – Undertake disciplinary action**

- For incidents of a serious or criminal nature, consideration must be given to the findings of the police and/or the government agency before making a decision on disciplinary proceedings.
- If disciplinary action is to be taken, follow the procedures outlined in Attachment C6 of the policy.
- Implement any disciplinary decision recommended by the Bowls NSW Board. The action should be immediate.
- Check with the relevant state government authority to see if you need to forward a report (e.g. the NSW Commission for Children and Young People requires notification of relevant employment proceedings).
- Complete the report form in Part E of this policy. Retain the original in a secure place.



**Attachment C5: HEARINGS TRIBUNAL PROCEDURE**

---

In accordance with Rule 8(b) The Board may appoint a Hearings Tribunal to deal with any disciplinary matter referred to it. Such a Hearings Tribunal shall operate in accordance with these procedures but subject always to the Act.

**Step 1 - Notification**

- The Member accused or disputing parties shall receive a written notice clearly outlining the allegation/s in sufficient detail so as to allow the Member to properly prepare and respond.
- The notification shall;
  - outline the rule, regulation or policy they have allegedly breached, and any possible penalty that may be imposed.
  - be in writing and clearly outline the allegation/s in sufficient detail so as to allow the Member to properly prepare and respond at the hearing.
  - provide the option for admission of the allegation/s and acceptance of the advised penalty (if applicable) by a specified date, avoiding the need for a tribunal hearing.
  - clearly outline the date, time, venue and composition of the tribunal hearing.
  - clearly outline the expectations and rights of the accused, including any entitlement to legal representation.

**Step 2 - Opportunity to Respond**

- The Member accused or disputing parties;
  - should be given the opportunity to respond to the allegations.
  - must be given sufficient time to prepare and state their case, including calling any witnesses.

**Step 3 - Decision Makers to be Unbiased**

- There should not be any perceived or actual preconceived opinions, vested interests, personal involvement or conflict of interest by the tribunal members (i.e if any Tribunal members were involved in the alleged breach in any way, they should remove themselves from the tribunal)
- The tribunal members should ensure that Steps 1 to 3 are followed prior to conducting any hearing.

**Step 4 – Documentation**

- The Hearings Tribunal should be provided all necessary documentation relating to the complaint at least two weeks prior to a hearing taking place.

**Step 5 – Attendees**

- The accused Member or disputing parties shall be required to nominate any witnesses or supporting parties with direct relevance to the complaint two weeks prior to a hearing taking place.
  - The Hearing Tribunal of 5 members will be appointed the Bowls NSW Board.
  - The Bowls NSW CEO will also be in attendance to document the hearing.
-

- The Board may appoint an independent facilitator for the hearing if deemed appropriate.

#### **Step 6 – Failure to Appear**

- If a person has been correctly notified that they are required at a tribunal hearing and has chosen not to attend, the hearing may still proceed in their absence.
- If a valid reason is presented to the tribunal prior to the commencement or during the tribunal’s deliberation on the matter, or it is determined that the person has not been correctly notified, then the hearing should be rescheduled for a later time to ensure the requirements for natural justice are met.

#### **Step 7 - Hearing**

- The hearing will take place at a location nominated by the Bowls NSW CEO.
- The accused Member or Disputing parties and any witnesses will be invited to speak at the hearing and answer any questions that the hearing tribunal may deem as relevant.
- Written and/or Verbal evidence shall be accepted by the tribunal.
- A tribunal in its absolute discretion may determine whether they shall undertake an investigative or adversarial approach during a hearing.
- Legal representatives are not permitted to represent an accused member or disputing party or address the tribunal, but may attend the hearing to give guidance and advice to their clients.
- Natural Justice Principles must be followed at all times during the hearing procedure.

#### **Step 8 – Determination**

- For a determination to be reached and binding, a simple majority of Tribunal members must be in agreement of the decision.
- A determination shall be rationale, transparent and consistent.
- The hearing tribunal will determine any necessary action in accordance with the Bowls NSW Disciplinary Policy.
- Any determination shall only be based on the evidence provided and not influenced by rumour, speculation or gossip.

#### **Step 9 – Notification of Determination**

- The accused Member or disputing parties will be notified of the outcome of the tribunal hearing in writing within seven (7) days of the hearing.
- The Hearings Tribunal shall make available the reasoning for any determination.

#### **Step 10 - Right of Appeal**

- The respondent has a right to appeal the decision of the hearing tribunal on the basis of denial of Natural Justice.
  - The respondent must forward in writing to the Bowls NSW CEO an appeal within 14 days of the hearing tribunal.
  - The Bowls NSW Board will have sole power to consider and act on this appeal under the Bowls NSW Constitution
  - Any Bowls NSW Director involved in the hearing tribunal must abstain from any involvement in the appeals process.
-

## **Attachment C6: DISCIPLINARY POLICY**

---

Any disciplinary penalties imposed at a Hearings Tribunal or by the Bowls NSW Board must:

- Observe any contractual and/or employment rules and requirements;
- Conform to the principles of natural justice;
- Be fair and reasonable;
- Be based on the evidence and information presented;
- Be within the powers of the Bowls NSW Board or Tribunal in accordance with this Policy.

### **Individual Member or Registered Player**

If a finding is made that an Individual Member or Registered Player has breached Bowls NSW Rules, Regulations or Policy (including the Codes of Conduct), one or more of the following forms of disciplinary penalties may be imposed;

1. A direction that the individual make a verbal and/or written apology;
2. A written warning;
3. A direction that the individual attend counselling to address their behaviour;
4. A withdrawal of any awards, placing, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Bowls NSW;
5. A demotion or transfer of the individual to another location, role or activity;
6. A suspension of the individual's membership/registration or participation or engagement in a role or activity or event;
7. Termination of the individual's membership/registration, appointment or engagement;
8. Recommend that Bowls NSW terminate the individual's membership/registration, appointment or engagement;
9. 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;
10. Any other form of discipline that the Bowls NSW Board or Hearings Tribunal considers appropriate for the breach.

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

### **Organisation (Member Club or Affiliate)**

If a finding is made that a Member Club or Affiliate of Bowls NSW, not being an individual, has breached the Bowls NSW Rules, Regulations or Policy (including the Codes of Conduct), one or more of the following forms of disciplinary penalties may be imposed:

1. A written warning;
2. A monetary fine;

3. A direction that any rights, privileges and benefits provided to that Organisation by a Club, District, Zone, State or National Association be suspended for a specified period;
4. A direction that any funding granted or given to it by Bowls NSW cease from a specified date;
5. A direction that the Bowls NSW cease to sanction events held by or under the auspices of that Organisation;
6. A recommendation that its membership or affiliation with Bowls NSW be suspended or terminated in accordance with the relevant constitution or rules; and/or
7. Any other form of discipline that Bowls NSW considers to be appropriate.

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

#### **Factors to consider when imposing discipline**

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

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

## **PART D: CODES OF CONDUCT**

---

Bowls NSW has adopted core values and General Codes of Conduct in our working environment that set the standard and tone for interactions internally and externally.

### **1. Core Values**

- We will strive for excellence and maximise our performance.
- We will be cooperative and work as a team
- We will be leaders in our field.
- We will listen and communicate openly.
- We will accept full accountability for decisions and actions.
- We value the well being and diversity of our people.
- We treat each other with dignity and respect.
- We will create inclusive opportunities for involvement.

### **2. General Codes of Conduct**

- Encourage and support opportunities for people to learn appropriate new behaviours and skills.
- Support and encourage people to participate in all aspects of sport.
- Treat each person as an individual.
- Display control and courtesy to all involved in our sport.
- Respect the rights and worth of every person regardless of their gender, ability, cultural background or religion.
- Wherever possible, avoid unaccompanied and unobserved one-on-one activity (when in a supervisory capacity or where a power imbalance will exist).
- Wherever possible, avoid unaccompanied and unobserved one-on-one activity with people under the age of 18 years.
- Adopt appropriate and responsible behaviour in all interactions.
- Adopt responsible behaviour in relation to alcohol and other drugs.
- Act with integrity and objectivity and accept responsibility for your decisions and actions.
- Ensure your decisions and actions contribute to a safe environment free from harassment.
- Do not tolerate harmful or abusive behaviours.

#### *Athletes Coaches Officials and Volunteers.*

- Give your best at all times.
- Participate for your own enjoyment and benefit.
- Place the safety and welfare of the athletes above all else.
- Help each person reach their potential, respect the talent, developmental stage and goals of each person and compliment and encourage with positive and supportive feedback.
- Any physical contact with a person should be appropriate to the situation.
- Be honest and do not allow your qualifications to be misrepresented.
- Be consistent and impartial when making decisions.
- Do not allow prejudice, conflict of interest or bias to affect your objectivity.
- Place the safety and welfare of the athletes above all else.
- Be consistent and impartial when making decisions.
- Address unsporting behaviour and promote respect for all people.

- Do not allow prejudice, conflict of interest or bias to affect your objectivity.

*Administrators*

- Act honestly, in good faith and in the best interests of the sport as a whole.
- Ensure that any information acquired or advantage gained from the position is not used improperly.
- Conduct your responsibilities with due care, competence and diligence.
- Do not allow prejudice, conflict of interest or bias to affect your objectivity.

*Spectators*

- Respect the performance and efforts of all people.

See also: **ROLE-SPECIFIC CODES OF CONDUCT**

Attachment D1: Match Officials – *Updated February 2012*

Attachment D2: NSW Representative Players– *Updated February 2010*

Attachment D3: NSW Junior Representative Player– *Updated February 2012*

Attachment D4: Junior Bowls (Under 18's) Officials – *Updated February 2012*

Attachment D5: Bowls NSW Directors– *Updated February 2012*

Attachment D6: Bowls NSW State Councillors – *Updated February 2012*

Attachment D7: Bowls NSW Employees – *Updated February 2012*

## **PART E: REPORTING DOCUMENTS/FORMS**

---

To assist in consistency and accuracy in following procedure and reporting on the issues covered by the Bowls NSW Member Protection Policy, the following documents are to be used:

- E1 **Confidential Record of informal complaint** – to be used by the Bowls NSW CEO or others who receive a complaint or allegation
- E2 **Confidential Record of Formal Complaint** – to be used when a formal complaint is received by Bowls NSW
- E3 **Confidential Record of Child Abuse Allegation** – to be used by the Bowls NSW CEO or others who receive complaints/allegations of child abuse
- E4 **Record of Mediation** – to be used by those who conduct a mediation
- E5 **Record of Hearings Tribunal Decision**

### **General principles to be followed when completing a report of a complaint:**

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

**Attachment E1: CONFIDENTIAL RECORD OF INFORMAL COMPLAINT**

Name of Interviewer		Date: / /
Complainant's Name	<input type="checkbox"/> Over 18 <span style="margin-left: 200px;"><input type="checkbox"/> Under 18</span>	
Role/status in Bowls	<input type="checkbox"/> Administrator (volunteer) <span style="margin-left: 100px;"><input type="checkbox"/> Parent</span> <input type="checkbox"/> Athlete/player <span style="margin-left: 100px;"><input type="checkbox"/> Spectator</span> <input type="checkbox"/> Coach/Assistant Coach <span style="margin-left: 100px;"><input type="checkbox"/> Support Personnel</span> <input type="checkbox"/> Employee (paid) <span style="margin-left: 100px;"><input type="checkbox"/> Other</span> <input type="checkbox"/> Official ..... .....	
Location/event of alleged issue		
Facts as stated by complainant		
Nature of complaint (category/basis/grounds)  Can tick more than one box	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <span style="margin-left: 100px;"><input type="checkbox"/> Selection dispute</span> <input type="checkbox"/> Sexuality <span style="margin-left: 100px;"><input type="checkbox"/> Personality clash</span> <input type="checkbox"/> Race <span style="margin-left: 100px;"><input type="checkbox"/> Bullying</span> <input type="checkbox"/> Religion <span style="margin-left: 100px;"><input type="checkbox"/> Verbal abuse</span> <input type="checkbox"/> Pregnancy <span style="margin-left: 100px;"><input type="checkbox"/> Physical abuse</span> <input type="checkbox"/> Disability <span style="margin-left: 100px;"><input type="checkbox"/> Victimisation</span> <input type="checkbox"/> Child Abuse <input type="checkbox"/> Other .....	



Feelings expressed by complainant (completing this may help to separate emotional content from facts)	
What they want to happen to fix issue	
What information I provided	
What they are going to do now	

**This record and any notes must be kept in a confidential place – do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be sent to the Bowls NSW CEO.**

**Attachment E2: CONFIDENTIAL RECORD OF FORMAL COMPLAINT**

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Role/status in Bowls	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other ..... .....
Name of person complained about	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Role/status in Bowls	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other ..... .....
Location/event of alleged issue		
Description of alleged issue		
Nature of complaint (basis/grounds/category) Can tick more than one box	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Religion <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Pregnancy <input type="checkbox"/> Physical abuse <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Child Abuse <input type="checkbox"/> Other .....	

Methods (if any) of attempted informal resolution	
Support person (if any)	
Formal resolution procedures followed (outline)	
If investigated: Finding -	
If went to hearing tribunal: Decision -  Action recommended -	
If mediated: Date of mediation - Were both parties present - Terms of Agreement -  Any other action taken -	
If went to appeals tribunal: 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 in Bowls NSW: Signature: / /
Signed by:	Complainant:  Respondent:

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

**Attachment E3: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION**

Before completing, ensure the procedures outlined in attachment C4 have been followed and advice has been sought from the relevant government agency and/or police.

Complainant's Name (if other than the child)		Date Complaint Received: / /
Role/status in Bowls		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in Bowls	<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 ..... .....	
Witnesses (if more than 3 witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action (if any) taken (to ensure child's safety and/or to support needs of person complained about)		

Police contacted	Who: When: Advice provided:
Government agency contacted	Who: When: Advice provided:
CEO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position in Bowls NSW: Signature: / /
Signed by	Complainant (if not a child)

**This record and any notes must be kept in a confidential place and provided to the relevant authorities (police and government) should they require them.**

**Attachment E4: RECORD OF MEDIATION**

Present at Mediation	
Date of mediation	
Venue of mediation	
Mediator	
Summary of mediation (minutes attached)	
Outcome of mediation	
Follow-up to occur (if required)	
Completed by: (signature)	
Signed by: Complainant (signature)  Respondent (signature)	

**Attachment E5: RECORD OF HEARINGS TRIBUNAL DECISION**

Complainant's Name		Date Complaint Received: / /	Formal Received:
Role/status in Bowls	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other ..... .....	
Name of person complained about			
Role/status in Bowls	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other ..... .....	
Location/event of alleged issue			
Description of alleged issue			
Nature of complaint (basis/grounds/category)	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Religion <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Pregnancy <input type="checkbox"/> Physical abuse <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Child Abuse Other .....		
Methods (if any) of attempted informal resolution			
Support person (if any)			



Tribunal Members	
Tribunal Hearing Date and venue	
Tribunal Decision (attach report)	
Action recommended and any follow up report required	
Decision Appealed Date of Appeal lodged	
Appeal Hearing Date	
Appeal Decision (attach report)	
Action Recommended	
Completed by	Name: Position in Bowls NSW: Signature: / /
Signed by:	Complainant: Respondent: