



MEMBER PROTECTION POLICY

Adopted by Southbank Tennis Club at an Executive Committee meeting held on Tuesday, July 11, 2017.

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PART I - APPLICATION OF THE POLICY

1.0 Purpose of the Policy

- 1.1 Tennis Australia Limited is a not-for-profit organisation providing tennis and recreation services to Australians of all ages, as such this policy has been adopted by the Southbank Tennis Club at its meeting held on Tuesday July 11, 2017.
- 1.2 The purpose of this Policy is to protect the health, safety and well-being of those who participate in the activities of the Southbank Tennis Club.
- 1.3 Southbank Tennis Club operates at Hessing Crescent, Trott Park and provides services such as social tennis, tennis coaching, competitions and tournaments.
- 1.4 Southbank Tennis Club considers any form of abuse, neglect, harassment, discrimination, vilification, indecency or violence against any adult or child by a person involved in tennis as a serious offence, and such conduct will not be tolerated.

- 1.5 Southbank Tennis Club takes seriously its responsibility to provide a safe environment for those participating in any on-site tennis activity, particularly children under the age of 18 years. Southbank Tennis Club has a "zero tolerance" approach to child abuse and is committed to ensuring children are safe when participating in tennis activities, and to ensuring that services are delivered with the best interests of their young participants as a key focus. It is vital that all persons to whom this Policy applies understand the important responsibility they have to:
- (a) adopt the practices and behaviour set by Tennis Australia as the expected standard when carrying out their roles (including this Policy)
 - (b) implement screening measures to ensure only appropriate persons work with children
 - (c) report any abuse or neglect of which they become aware to Tennis SA or as appropriate to the Glenelg District Tennis Association where necessary, or to external authorities responsible for child protection, or to police, regardless of whether that abuse is being perpetrated by personnel within their organisation, or by others within the wider community, including members of a child's family, their extended network or strangers; and
 - (d) deal with alleged offending behaviour of harassment, abuse and discrimination.
- 1.6 Southbank Tennis Club is committed to providing a safe environment for all of its participants, including indigenous children and those from culturally or linguistically diverse backgrounds, and to providing a safe environment for children and adults living with a disability who participate in Tennis SA activities. This commitment is endorsed and approved at the highest levels of our organisation by the Board of Tennis Australia.
- 1.8 If anything in this Policy is inconsistent with any relevant Federal, State or Territory law, the relevant Federal, State or Territory law prevails to the extent of the inconsistency.

DEFINITIONS

The following terms have the following meanings in this Policy:

Abuse is as defined in clause 6.7.

Affiliated Clubs means those tennis clubs, which are a member of, or affiliated to, a Regional Association and/or a Member Association.

Affiliated Organisations means those organisations (other than Member Associations, Regional Associations and Affiliated Clubs) which are affiliated to Tennis SA from time to time in accordance with its constitution.

Child Abuse is as defined in clause 6.9.

Discrimination is as defined in clause 7.1.

Existing Appointee means a person currently elected, appointed or holding a position at the Southbank Tennis Club whether by way of employment, contract or otherwise, and whether paid or unpaid.

Harassment is as defined in clause 6.1.

Member Associations means members of Tennis Australia in accordance with its Constitution.

Member Protection Information Officer means a person appointed in accordance with clause 3(a), to act as the first point of contact for any enquiries, concerns or complaints around harassment, abuse and other inappropriate behaviour.

National Police Check means a current national police check conducted by a State, Territory or Federal law enforcement agency, obtained no earlier than the date of application for the relevant position.

Natural Justice incorporates the principles set out in clause 4.

Officials includes referees, court supervisors, umpires, lines people and other related officials.

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

Screening has the meaning as set out in clause 5.1.

Serious Sex Offence is as defined in clause 5.3.

Sexual Harassment is as defined in clause clauses 7.5 and 7.6.

Vilification is as defined in clause 8.6.

2. Who does this Policy Apply to?

2.1 This Policy applies to the following individuals:

- (a) persons and administrators appointed or elected to the Executive Committee and/or sub-committees), including office bearers such as presidents, vice-presidents, club captains, junior coordinators, treasurers and secretaries of Southbank Tennis Club.
- (b) employees of Southbank Tennis Club.
- (c) tennis coaches (including assistant coaches) who:
 - (i) are appointed and/or employed by Southbank Tennis Club (whether paid or unpaid) or
 - (ii) are a Tennis Australia Coach Member
 - (iii) are members of a coaching organisation e.g. Tennis Coaches Australia, ATPCA and internationally recognised coaching associations
 - (iv) have an agreement (whether or not in writing) to coach tennis at a facility managed by Southbank Tennis Club, or affiliated with that Tennis SA.
- (d) tennis players who:
 - (i) enter any tournament, competition, activity or event (including camps and training sessions) which are held or sanctioned by Southbank Tennis Club; or
 - (ii) are registered with an Affiliated Association as a player (and/or member of Southbank Tennis Club),
- (e) any other person who is member of or affiliated to Southbank Tennis Club (including life members) and
- (f) any other person or entity (for example a parent/guardian, spectator or sponsor) who by their attendance agree to be bound by this Policy.

Code of Conduct

The Southbank Tennis Club Code of Conduct is appended to this document for information.

3. Member Protection Information Officer

It is noted that as a member association of Tennis Australia, both Tennis SA and the Glenelg District Tennis Association must appoint a Member Protection Information Officer to fulfil the functions set out in clauses 10 of this Policy, and to publish and display the names and contact details of such person to their members.

4. Natural Justice

All procedures set out in this Policy shall follow the principles of Natural Justice which are:

- (i) a person who is the subject of a complaint must be fully informed of the allegations against them;
- (ii) 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;
- (iii) all parties need to be heard and all relevant submissions considered; and
- (iv) the decision maker/s must be unbiased, fair and just.

5. Member Protection Policy

5.1 Screening

Screening is an important element of Southbank Tennis Club's prevention and reduction of the risk of Child Abuse and other improper conduct occurring. For the purposes of this Policy, Screening shall mean:

- (a) Checking referees - including making verbal or written enquiries of the person's nominated referees (preferably at least two) as to the person's suitability for the role and their suitability for involvement with children under 18 years of age;
- (b) Interviewing the person - including questioning the person as to their suitability for the role and their suitability for involvement with children under 18 years of age; and
- (c) Obtaining a National Police Check - investigating to see whether the person has any previous criminal convictions; and
- (d) Obtaining a Child Safety Screening which is applicable to the state in which you intend to work.

Screening is mandatory by Southbank Tennis Club for preferred appointees and existing appointees in the following types of roles:

- (a) persons who are appointed or seeking appointment (whether employed, contracted or otherwise) to work with children under 18 years of age, e.g. tennis coaches
- (b) persons appointed or seeking appointment to a role in which they are likely to have unsupervised contact with children under 18 years of age.

It is highly recommended, though not mandatory, that Southbank Tennis Club also screen preferred appointees and existing appointees for any role likely to have contact with children under 18 years of age but where such contact is supervised at all times by another adult.

- 5.2** If the National Police Check or Child Safety Screening requirements as set out in clause 4.1 of this Policy reveals that the person has been found guilty of any criminal offence, whether or not a conviction is recorded, the following requirements apply:

- (a) regardless of when the offence occurred, if it involved an offence of violence, abuse or assault against a child, murder or a Serious Sex Offence (as defined in clause 5.3) then:
 - (i) in the case of a preferred appointee, the person must not be appointed.
 - (ii) in the case of an existing appointee, subject to obtaining appropriate legal advice beforehand the appointment of the person should be ended.
- (b) If the offence is one other than an offence identified in clause 5.2(a) then:
 - (i) the preferred appointee may, at the discretion of the Executive Committee, be appointed, subject to satisfaction of any other criteria for the role;
 - (ii) an existing appointee may continue in his/her role subject to any modifications to his/her duties that the Executive Committee may in its complete discretion make.

5.3 Under this Policy, "Serious Sex Offence" means an offence involving sexual activity or acts of indecency including but not limited to:

- (a) Rape;
- (b) Indecent assault;
- (c) Sexual assault;
- (d) Assault with intent to have sexual intercourse;
- (e) Incest;
- (f) Sexual penetration of a child under the age of 16;
- (g) Indecent act with a child under the age of 16;
- (h) Sexual relationship with a child under the age of 16;
- (i) Sexual offences against people with impaired mental functioning;
- (j) Abduction and detention;
- (k) Procuring sexual penetration by threats or fraud;
- (l) Procuring sexual penetration of a child under the age of 16;
- (m) Bestiality;
- (n) Soliciting acts of sexual penetration or indecent acts;
- (o) Promoting or engaging in acts of child prostitution;
- (p) Obtaining benefits from child prostitution;
- (q) Possession of child pornography; and
- (r) Publishing child pornography or indecent articles.

5.4 An up-to-date National Police Check or Child Safety Screening must be evidenced by original documentation and provided to Southbank Tennis Club every three years.

5.5 All information obtained during Screening, including the National Police Check, must be kept strictly confidential. Disclosure of such information should be limited to the legal advisers and the Executive Committee who have been delegated the task of Screening or making the appointment. All such information must be returned to any potential appointees not appointed to the role or destroyed, unless that person agrees to that information or a part of it being retained.

5.6 If any successful preferred appointee or existing appointee is charged with any criminal offence subsequent to their initial National Police Check or Child Safety Screening, they are required to provide immediate, written notification of this to the Member Protection Information Officer (or, in their absence the nominee appointed by the Southbank Tennis Club, or the GDТА.

6.0 Declaration

6.1 In addition to Screening, another mechanism designed to minimise the chances of inappropriate behaviour occurring is mandatory Member Protection Declarations of all preferred appointees and existing appointees appointed to a role set out in clause 6.2.

6.2 It is mandatory for Southbank Tennis Club to obtain a Member Protection Declaration (attached) from preferred appointees and existing appointees in the following types of roles:

- (a) persons who are appointed or seeking appointment (whether employed, contracted or otherwise) to work with children under 18 years of age, as a coach
- (b) persons appointed or seeking appointment to a role in which they are likely to have unsupervised contact with children under 18 years of age.

6.3 If a Member Protection Declaration reveals that a person has something to disclose, Southbank Tennis Club will:

- (a) provide an opportunity for the person to respond/provide an explanation; and
- (b) make an assessment as to whether the person may pose a risk to or be unsuitable to work with children under the age of 18 years having regard to clause 5.2.

6.4 If unsatisfied that a preferred appointee or existing appointee is appropriate to hold a position under clause 6.2, then Southbank Tennis Club will:

- (a) in the case of a preferred appointee, not appoint that person to the role concerned;
- (b) in the case of an existing appointee, take steps to transfer the person to another role which is not set out in clause 5.1. If no appropriate alternative role exists, subject to obtaining appropriate legal advice beforehand, the appointment of the person should be ended.

PART II – HARASSMENT, ABUSE, CHILD ABUSE, DISCRIMINATION AND SOCIAL NETWORKING

Harassment, Abuse, Child Abuse, Discrimination and Vilification are unlawful and prohibited and constitute an offence under this Policy.

7.1 Harassment is any unwelcome behaviour which is offensive, abusive, belittling or threatening to a person. It can be express or implied, physical, verbal or non-verbal.

- 7.2** Whether or not the behaviour is Harassment is determined from the point of view of the person receiving the behaviour, assessed objectively. That is, it must be behaviour that a reasonable person with those characteristics would find unwelcome. It does not matter whether or not the person harassing intended to offend or not.
- 7.3** Harassment includes:
- (a) Sexual Harassment;
 - (b) Abuse; and
 - (c) Discrimination, including Vilification.
- 7.4** Sexual Harassment means:
- (a) an unwelcome sexual advance;
 - (b) an unwelcome request for sexual favours;
 - (c) unwelcome conduct of a sexual nature (including oral or written statements of a sexual nature), in circumstances where a reasonable person would have anticipated that the person receiving the behaviour would be offended, humiliated or intimidated.
- 7.5** Examples of Sexual Harassment may include:
- (a) Uninvited touching, kissing, embracing, massaging;
 - (b) Staring, leering, ogling;
 - (c) Smutty jokes and comments;
 - (d) Persistent or intrusive questions about people's private lives;
 - (e) Repeated invitations to go out, especially after prior refusal;
 - (f) Unwanted sexual propositions;
 - (g) The use of promises or threats to coerce someone into sexual activity;
 - (h) The display of sexually explicit material e.g. internet use, computer screen savers, calendars and posters;
 - (i) Getting undressed in front of others of the opposite sex;
 - (j) Invading the privacy of persons while showering or toileting;
 - (k) Photographing others while undressing, showering or toileting;
 - (l) The use of sexually offensive emails, letters, faxes, notes; and
 - (m) Sexual insults and name-calling.
- 7.6** **Sexual Harassment** may be a criminal offence, for example indecent assault, rape, sex with a minor, photography including "upskirting", obscene telephone calls or letters. If you suspect that a criminal offence may have been committed, you should notify the police and/or seek legal advice.
- 7.7** Abuse is a form of Harassment; it includes:
- (a) physical abuse; this occurs when any person subjects another person to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally, or inadvertently as a result of physical punishment or the aggressive treatment. Physically abusive behaviour includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, kicking; or training that exceeds the person's development or maturity

- (b) sexual abuse; this occurs when a person involves another person in any sexual activity. It includes both contact and non-contact behaviour, and when a person is encouraged or forced to watch or engage in a sexual activity, or any other inappropriate conduct of a sexual nature. Examples include sexual intercourse, masturbation, kissing or fondling, oral sex, making sexual comments, engaging a person in sexual conversations in-person or via social media, voyeurism (i.e. observing a person in an action that is considered to be of a private nature, such as undressing in a change room), nudity (i.e. an abuser exposing themselves or another person) touching a person's genitals or breasts, encouraging a person to view pornography including child pornography or other inappropriate touching or conversations; and exploiting a person through prostitution.
- (c) emotional abuse or psychological abuse; this occurs when any person repeatedly rejects or threatens a person. Often there is a pattern of emotional or psychological abuse, rather than a single incident. Such abuse may involve humiliating, terrorising, name-calling, belittlement, inappropriate symbolic acts, taunting, sarcasm, yelling, negative criticism, placing unrealistic expectations on a person or continual coldness from any person, to an extent that results in significant damage to the person's physical, intellectual or emotional wellbeing and development.
- (d) neglect; is the persistent failure or deliberate denial to provide a person with the basic necessities of life. (e.g. failing to give adequate food, clean water, adequate supervision, medical attention, shelter, clothing or to protect a child from danger or foreseeable risk of harm or injury).
- (e) abuse of power which the harasser holds over the harassed. For example relationships that involve a power disparity such as a coach-player, adult-child, manager-player, employer or employee, doctor-patient have the potential for abuse of that power. People in such positions of power need to be particularly wary not to exploit that power; particularly around children.
- (f) Grooming is a term used to describe what happens when a perpetrator builds a relationship with a vulnerable person with a view to abuse them at some stage. Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer (e.g. giving special attention, providing favours, and giving gifts) for the purpose of facilitating sexual activity at a later time.
- (g) Family violence occurs when a person is forced to live with violence between people in their home. It can include witnessing violence or the consequences of violence. Family violence is defined as violence between members of a family or extended family or those fulfilling the role of family in a person's life. Exposure to family violence places people, in particular, children at increased risk of physical injury and harm and has a significant impact on their wellbeing and development.

7.8 Examples of abusive behaviour may include:

- (a) Bullying and humiliation of players by coaches;
- (b) Abuse and insults directed by players or parents at opposing participants;
- (c) Child Abuse;
- (d) Abuse of Officials by players, coaches or parents;
- (e) Bullying, humiliation and physical intimidation of other players in competition; and
- (f) Practical jokes which cause embarrassment or which endanger the safety of others.

Some forms of abuse may constitute a criminal offence for example assault. If you suspect that a criminal offence may have been committed you should immediately notify the police.

7.9 Child Abuse means any Abuse where the offending conduct is against a child, and includes, but is not limited to:

- (a) Physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity);
- (b) 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);
- (c) 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); and
- (d) 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).

If you suspect or have been provided with information that indicates Child Abuse has or may have occurred, then you must notify the police.

7.10 Where an allegation of Child Abuse has been reported, the Member Protection Information Officer must immediately be advised and will report any incident to the police and other relevant government agency.

8.1 Discrimination

Discrimination is defined as 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. Requesting, assisting, instructing, inducing or encouraging another person to engage in Discrimination is also considered Discrimination.

8.2 The personal attributes or characteristics against which a person may be discriminated are:

- (a) Age;
- (b) Disability – this includes loss of bodily function (e.g. deaf or blind), presence of disease (e.g. hepatitis or HIV), loss of part of the body, disfigurement, malfunction of part of the body, psychological disease, intellectual disability;
- (c) Marital status – this covers whether the person is single, married, de facto, married but living separately from their spouse, divorced, or widowed;
- (d) Family/Carer status - this includes whether the person is a step parent, adoptive parent, foster parent or guardian and also includes whether the person is childless or is a carer (e.g. of children, or other dependents);
- (e) Gender Identity and Transgender or Intersex status;
- (f) Homosexuality and sexual orientation;
- (g) Irrelevant medical record;
- (h) Irrelevant criminal record;
- (i) Physical features – this includes a person weight, size, height and other physical features;
- (j) Political belief or activity;

- (k) Pregnancy and breastfeeding– this includes whether the person has or supposedly has the signs or symptoms of pregnancy (e.g. morning sickness);
- (l) Race;
- (m) Religious beliefs or activity; and
- (n) Sex or gender.

8.3 Discrimination also includes victimisation. Victimisation occurs when one person subjects, or threatens to subject, another person to some form of detriment or harm, because that person has asserted a right (for example, that person has exercised their right to lodge a harassment complaint, or supported someone else’s complaint of a similar nature).

8.4 Southbank Tennis Club will take all necessary steps to ensure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for providing assistance in relation to a complaint. Conduct which amounts to victimisation is a breach of this policy and will not be tolerated. There are Federal laws which may protect a person from being victimised for making a complaint.

8.5 Exemptions under the Federal or State legislation may permit certain forms of Discrimination. These may include Discrimination:

- (a) in relation to the selection of a team for competition or entry to a competition, where the strength, stamina and physique of the competitor is relevant
- (b) if it is necessary to protect the health and safety or property of any person or of the public generally.

8.6 Vilification is a form of Discrimination and involves a person inciting hatred towards, serious contempt for, or severe ridicule of, a person or group of persons by a public act, including any form of communication to the public and any conduct observable by the public. Vilification is an offence under this Policy where it is based on any of the attributes or characteristics set out in clause 8.2.

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

9.0 Social Networking

Social Networking refers to any interactive website or technology that enables persons to communicate and/or share content via the internet. This includes social networking websites such as Facebook and Twitter.

9.1 Persons bound by this policy must conduct themselves appropriately when using social networking sites to share information related to tennis; in particular, social media activity including, but not limited to, postings, blogs, status updates and tweets:

- (a) 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;
- (b) must not contain material which is inaccurate, misleading or fraudulent

- (c) must not contain material which is in breach of laws, court orders, undertakings or contracts
- (d) should respect and maintain the privacy of others, and
- (e) should promote tennis in a positive way.

PART III - COMPLAINTS PROCEDURE

10. Complaints

- 10.1** If any person considers that this Policy has been breached they may make a Complaint.
- 10.2** A Complaint must be in writing and received by the relevant authority as outlined in clause 10.4 within 14 days of the alleged breach, however a person may provide information verbally during an enquiry or investigation under clause 10.1. The Recipient of a complaint in its absolute discretion, may extend or waive the requirement that a Complaint be received within 14 days of the alleged breach where the Recipient is of the reasonable belief that the circumstances warrant it, giving consideration to the nature of the Complaint and the age of the Complainant at the time of the alleged breach.
- 10.3** A Complaint must be made to either:
 - (a) a Member Protection Information Officer of either Tennis SA or the Glenelg Districts Tennis Association of which the person is a member; or
 - (b) the Southbank Tennis Club President, or in their absence, the nominee of the Club. The President will then refer the matter to the Member Protection Information Officer as per Clause 10.3(a).

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SOUTHBANK TENNIS CLUB - MEMBER PROTECTION DECLARATION

Southbank Tennis Club has a duty of care to its members and to the general public who interact with its employees, volunteers, members and others involved with Southbank's activities. As part of this duty of care and as a requirement of Tennis Australia's Member Protection Policy, Southbank is required to enquire into the background of:

- Persons who are appointed or seeking appointment with children under 18 years of age (whether employed, contracted, volunteer or otherwise) as a coach, club captain or junior coordinator; and
- Persons appointed or seeking appointment to a role in which they are likely to have individual and unsupervised contact with players under 18 years of age.

I, _____ (name) _____ (date of birth)

of _____ (address)

SINCERELY declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt, for or related to, violence, child abuse, serious sexual offences related to children.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment.
4. To my knowledge there is no other matter that Southbank Tennis Club may consider to constitute a risk to its members, employees, volunteers, tennis players or reputation by engaging me.
5. I will notify the President within Southbank Tennis Club engaging me immediately upon becoming aware that any of the matters set out in clause (1 to 4) above has changed for whatever reason.

Declared in South Australia on _____ (date)

Signature: _____

OR, I SINCERELY declare:

That I have the following to disclose (please provide details of the offence for which you are unable to make the above declaration, including the nature of the offence, when it was conducted and any disciplinary action or penalty imposed as a result of the offence).

Name: _____

Signature: _____ (date)

For further information, including information for reporting allegations of child abuse, go the Tennis Australia website: <http://www.tennis.com.au/wp-content/uploads/2017/02/Tennis-Australia-Member-Protection-Policy-2016-1.pdf>