



CRICKET NORTH WEST MEMBER PROTECTION POLICY

Adopted – 1st July 2016

Message from the President

Cricket North West takes its responsibilities as the peak regional cricket association seriously, and strives to provide a safe and nurturing environment for its members.

As a result, the Cricket North West Member Protection Policy has been developed and adopted. The principles and aims of the policy are to provide the desired environment, where all involved are treated with respect and dignity, are safe and protected from abuse, and Cricket North West's core values are maintained.

The policy is a reference document and provides guidelines to assist Cricket North West personnel to deal with all matters which may arise under the auspices of the Policy.

Importantly, Cricket North West encourages all affiliated clubs and associations to develop and adopt their own policies for the protection of their members and participants.

Adoption of this policy and adherence will assist Cricket North West to achieve its goal of making cricket the summer sport of choice in North West Tasmania, and to ensure the growth and development of cricket excellence and participation in the region.

Kind Regards

Sam Samec
President

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1. PURPOSE OF THIS POLICY

- 1.1 This Policy aims to ensure that Cricket North West's ("**CNW**") core values are respected and maintained by persons involved in cricket. It aims to ensure that every person involved in the sport of cricket under the auspices of CNW is treated with respect and dignity and is safe and protected from abuse.
- 1.2 This Policy sets out the procedures that support CNW's commitment to eliminating discrimination, Child Abuse and other forms of inappropriate behaviour in an effective, appropriate and timely manner. The Policy provides a procedure for informal and formal resolution of Complaints and a procedure for the appeal of such Complaints.

2. WHO DOES THIS POLICY APPLY TO?

- 2.1 This Policy applies to the following organisations and individuals (collectively, the "**Members**"):
 - (a) persons appointed or elected to boards of directors, executives and/or committees (including sub-committees) of CNW;
 - (b) employees of CNW;
 - (c) officials elected or appointed by CNW in relation to players and/or teams which represent such organisations including team management personnel such as managers, physiotherapists and other medical staff;
 - (d) coaches (including assistant coaches) who:
 - A. are appointed and/or employed by CNW (whether paid or unpaid); or
 - B. have an agreement (whether or not in writing) with CNW to coach at a facility owned, managed or hired by such organisation;
 - (e) umpires and other officials involved in the regulation of sport appointed by CNW;
 - (f) players who enter any tournament, activity or events (including camps, training sessions, etc) which are held or sanctioned by CNW and who agree to be bound by CNW's codes and policies, including players in the following men's and women's teams and squads:
 - A. the Senior Male Representative team;
 - B. the Senior Female Representative team;
 - C. any team or squad selected under the auspices of CNW;
 - (g) support staff of CNW representative teams; and
 - (i) any other person or organisation under the jurisdiction of CNW.
- 2.2 This Policy continues to apply to a person even they have ceased their association, employment or engagement with CNW, if that person has breached this Policy whilst associated, engaged or employed by CNW and, particularly, if a complaint has been lodged in accordance with this Policy.
- 2.3 A person will be deemed to have engaged in conduct or behaviour:
 - (a) regardless of whether or not it was committed deliberately or negligently;
 - (b) if that person has attempted, threatened, or encouraged others, to engage in that conduct or behaviour; or

(c) where that person knowingly takes part in the conduct or behaviour.

3. WHAT IS THE STATUS OF THIS POLICY?

- 3.1 This Policy has been endorsed by CNW and formally adopted by the Board of Directors of CNW.
- 3.2 This Policy comes into effect on 1 July 2016, and replaces in full Cricket North West's previous Policy.
- 3.3 This Policy may be amended from time to time by CNW.

4. POLICY COVERAGE

- 4.1 To the extent that there is any inconsistency between a term of any legislation and a term of this Policy, the term of that legislation overrides the Policy and applies to the extent of the inconsistency.
- 4.2 This Policy does not restrict or limit the application CNW's Codes of Conduct, which establish important standards of behaviour and professionalism for cricket played under the auspices of CNW. To the extent that any act carried out by a Member falls within the jurisdiction of CNW's Racial and Religious Vilification Code, the CNW Racial and Religious Vilification Code overrides this Policy and applies, exclusively (other than with respect to any applicable laws) to the relevant conduct.
- 4.3 This Policy imposes rights and obligations on Members in the following key areas:
 - (a) Child Abuse; and
 - (b) certain discrimination

5. RESPONSIBILITIES UNDER THIS POLICY

5.1 CNW must:

- (a) adopt and comply with this Policy, as amended from time to time;
- (b) promptly deal with any alleged breaches of or Complaints made under this Policy in an appropriate manner;
- (c) recognise and enforce any disciplinary measures against any Member found to have breached this Policy;
- (d) appropriately publicise this Policy (and any amendments made to it from time to time);
- (e) ensure that a copy of this Policy is available or accessible to persons to whom this Policy applies; and
- (f) appoint or have access to persons to handle complaints and allegations (i.e. Member Protection Officers).

5.2 A Member must:

- (a) comply with this Policy;
- (b) be responsible and accountable for that Member's own conduct;
- (c) not make any vexatious or knowingly untrue claim that another person is in breach of this Policy; and
- (d) submit to the Complaints Handling Procedure if an allegation is made against that Member.

5.3 In addition to the general responsibilities under clause 5.2, persons to which this Policy applies are responsible for:

- (a) making themselves aware of the contents of this Policy, including the possible consequences of breaching it;
- (b) consenting to a Tasmanian or National (see Schedule 1 point 5) police or criminal record check if the individual holds or applies for a role that involves direct and unsupervised contact with people under the age of 18 years;
- (c) co-operating in providing a discrimination and Child Abuse free sporting environment; and
- (d) understanding the possible consequences of breaching this Policy.

5.4 A Member must not subject any person or organisation to Victimisation. Disciplinary measures shall be imposed on any Member found to have engaged in Victimisation.

6. POLICY POSITION STATEMENTS

6.1 Child Protection Policy

- (a) Every Member must always place the welfare and safety of children above all other considerations.
- (b) CNW acknowledges that its staff, Members and volunteers provide a valuable contribution to the positive experiences of Children participating and involved in cricket. CNW aims to continue this and to protect the safety and welfare of Children participating in cricket. Accordingly, CNW:
 - A. prohibits any form of Child Abuse;
 - B. will ensure people have completed a satisfactory Working with Children Check where the relevant state/territory law requires this (see Schedules 1 to 3 of this Policy);
 - C. will carefully select and screen people over the age of 16 years who work, coach or have regular unsupervised contact with Children;
 - D. will promote and enforce our codes of behaviour, particularly for roles associated with juniors;
 - E. will respond to all reports and complaints of abuse promptly, seriously and confidentially;
 - F. will make information about Child protection available, particularly for roles associated with children;
 - G. adopt practices that reduce risks and provide the greatest opportunity of having a Child safe environment.
 - H. otherwise meet, and ensure Members meet, the mandatory legislative requirements relevant to activities involving Children in all Australian jurisdictions, including as set out in Schedule 2.
- (c) Schedule 1 sets out the mandatory screening process for people who currently occupy or who apply for any work (paid or voluntary) with CNW that involves direct and unsupervised contact with Children. Screening under this Policy is not a replacement

for any other procedure required by law. If applicable State or Territory legislation sets an equivalent or higher standard of screening (as determined by CNW from time to time), the requirement to screen people under the process in Schedule 1 need not be followed.

- (d) CNW requires that any Child Abuse and any Child who is abused by a Member, or anyone who reasonably suspects any Child Abuse or that a Child has been or is being abused by a Member or any other person, is immediately reported to the police or relevant government agency, and to the CNW Member Protection Officer. If anyone suspects that a Child is being abused or subjected to Child Abuse by his or her parent/s, they are advised to contact the relevant government department for youth, family and community services in their state/territory.
- (e) All allegations of Child Abuse are to be dealt with promptly, seriously, sensitively and confidentially. The Complaint Handling Procedures are detailed in clause 9 below.
- (f) A person will not be victimised for reporting possible Child Abuse and the privacy of all persons concerned will be respected.
- (g) Images of Children can be used inappropriately or illegally. CNW requires that Members, wherever possible, obtain permission from a Child's parent or guardian before taking an image of a Child that is not their own and ensure that the parent knows the way the image will be used (eg talent release form). We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If CNW uses an image of a Child it will avoid naming or identifying the Child or it will, wherever possible, avoid using both the first name and surname. CNW will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by paedophiles or other persons. CNW will only use appropriate images of a Child, relevant to our sport and ensure that the Child is suitably clothed in a manner that promotes the sport, displays its successes, etc.

We require our Members to do likewise.

6.2 Anti-discrimination Policy

- (a) CNW is committed to providing a sports environment free of discrimination.
- (b) CNW encourages the reporting of all incidents of discrimination.
- (c) Subject to paragraph (e) below, a Member must not treat a person less favourably on the basis of an Attribute than someone else without an Attribute in the same or similar circumstances. This means that a Member must not engage in discriminatory behaviour, including public disparagement of, discrimination.
- (d) Subject to paragraph (e) below, if any person feels they are being discriminated against by another person or organisation bound by this Policy, they should utilise the Complaints Handling Procedure detailed in clause 9 of this Policy.
- (e) To the extent that any act carried out by a Member falls within the jurisdiction of CNW's Racial and Religious Vilification Code, the CNW Racial and Religious Vilification Code

overrides this clause 6.2 and applies, exclusively (other than with respect to any applicable laws) to the relevant conduct.

7. STATE AND TERRITORY SPECIFIC LEGISLATION

- 7.1 Legislation governing discrimination, harassment and child protection in each State and Territory may differ slightly. Accordingly, an organisation or person bound by the Policy may need to comply with additional terms or procedures from time to time.
- 7.2 The specific legislative requirements are detailed in Schedule 2.
- 7.3 The information specified in Schedule 2 is subject to change at any time. As a State or Territory government introduces or varies legislation that affects this Policy, CNW will add new requirements or amend existing requirements to this Policy as required. However, it is a Member's responsibility to ensure you have the most current legislative information.

8. COMPLAINTS

- 8.1 A person may report a complaint about a Member bound by this Policy, if they reasonably believe that a Member has breached this Policy. A complaint should be made in accordance with the Complaints Handling Procedure.
- 8.2 CNW must deal with any complaints about breaches in accordance with the Complaints Handling Procedure.

9. COMPLAINTS HANDLING PROCEDURE

- 9.1 The Complaints Handling Procedure applies exclusively to the reporting, investigation and resolution of Complaints.
- 9.2 Subject to clause 9.3, a Complainant:
 - (a) must initially attempt to resolve the Complaint with the Member involved; and
 - (b) if this is not possible or reasonable given the sensitivity of the Complaint, or that attempt does not provide a satisfactory outcome, the Complainant may notify the Member Protection Officer and make a formal or informal complaint.
- 9.3 In the event of a complaint or allegation of Child Abuse:
 - (a) where the Member Protection Officer reasonably believes that the allegation is serious or criminal in nature, it should be actioned as soon as possible;
 - (b) where the allegation is less serious or urgent, it should be actioned as soon as reasonably practicable;
 - (c) for allegations of a serious or criminal nature (for example, sexual abuse):
 - A. the Member Protection Officer shall immediately report any such allegation to the police or relevant government agency following clarification of the basic details of the allegation;
 - B. the relevant appropriate authority should be contacted for advice if there is **any doubt** about whether the allegation should be reported; and
 - C. advice should be sought from the police and the relevant government agency as to whether CNW should carry out its own internal investigation (in addition to any police or relevant government agency investigation).

- (d) for allegations of a less serious nature (for example, verbal abuse), the Investigator should follow the procedure for formal complaints in accordance with this clause 9.
- 9.4 In the event of an informal complaint, the Member Protection Officer:
- (a) may refer the Complainant back to attempt to resolve the Complaint directly with the Member involved; and
 - (b) assists the Complainant to resolve the Complaint, including through the suggestion of possible solutions;
 - (c) explains how the Complaints Handling Procedure works;
 - (d) acts as a support person if required by the Complainant or may refer to the Complainant to an appropriate person;
 - (e) informs the relevant government authorities or police if legally required to do so;
 - (f) keeps a written record in Prescribed Form 2 as reproduced in Schedule 3; and
 - (g) maintains strict confidentiality.
- 9.5 If the informal complaint process does not resolve the Complaint to the Complainant's satisfaction or the Complainant wants to make a formal complaint, the Complainant must submit to the Member Protection Officer a completed and signed Prescribed Form 3 as reproduced in Schedule 3.
- 9.6 On receipt of a formal complaint, the Investigator shall investigate the complaint.
- 9.7 The Investigator may:
- (a) implement any administrative or other arrangements that will apply until the completion of the investigation;
 - (b) attempt to mediate the Complaint;
 - (c) refer the Complaint to the Tribunal; or
 - (d) refer the Complaint to the police or an appropriate authority or agency.
- 9.8 The Investigator and the Tribunal have the right to determine all procedures and processes to be adopted in investigating a Complaint. All relevant parties to the Complaint shall receive written notice of these procedures and processes. The Investigator and the Tribunal shall ensure that all such procedures and principles adhere to the principles of natural justice.
- 9.9 The Investigator or the Tribunal (whoever hears the Complaint) shall make a finding as to whether the Complaint is:
- (a) substantiated (there is sufficient evidence to support the Complaint);
 - (b) inconclusive (there is insufficient evidence either way);
 - (c) unsubstantiated (there is sufficient evidence to show that the Complaint is unfounded);
 - (d) mischievous, vexation or knowingly untrue; and/or
 - (e) successfully mediated between the Complainant and the respondent (if relevant).
- 9.10 On completion of his or her investigation, the Investigator must provide CNW with a written report documenting the complaint, investigation process, evidence, finding and recommendations as to the disciplinary measures which should be imposed (if any).

- 9.11 On completion of its investigation, the Tribunal shall advise of its decision and provide a written statement of its decision (including any disciplinary measures imposed) to the Complainant, the respondent and the President of CNW as soon as practicable after the hearing.
- 9.12 If an informal or formal complaint relates to a Child Abuse allegation, the Member Protection Officer must complete a Prescribed Form 4 as reproduced in Schedule 3 and follow the procedure detailed in clause 9.3 above.
- 9.13 If at any point in the Complaint process the Member Protection Officer, Investigator or Tribunal considers that a Complainant has knowingly made an untrue Complaint or the Complaint is vexatious or malicious, the matter may be referred to CNW's President or his/her nominee for appropriate action which may include, but not be limited to, the following disciplinary measures against the Complainant:
- (a) ban the person from participating in any tournament, activity or events (including camps, training sessions, etc) which are held or sanctioned by CNW;
 - (b) where the person is engaged or employed by CNW, impose a fine on the person;
 - (c) require the person to undergo counselling for a specified time;
 - (d) ban the person from holding a position with CNW; and/or
 - (e) require the person to perform voluntary service to cricket or the community.

10. CONFIDENTIALITY AND TIME FRAMES

- 10.1 All documentation of the Investigator and Tribunal (including the prescribed forms) shall be kept confidential, except where disclosure is required by law or is necessary to appropriately deal with the complaint.

11. DISCIPLINARY MEASURES

- 11.1 Disciplinary action will be taken by CNW against any Member found to:
- (a) be in breach of this Policy;
 - (b) engage in Victimisation or retaliation against a person who has complained of a breach of the Policy or has supported another person in making a complaint;
 - (c) have made a vexatious complaint or a complaint the complainant knew to be untrue; or
 - (d) have not complied with a disciplinary measure imposed on them.
- 11.2 If a finding is made that an organisation has breached this Policy, then one or more of the following forms of discipline may be imposed by CNW, or the Tribunal:
- (a) a written warning;
 - (b) a monetary fine;
 - (c) a direction that any rights, privileges and benefits provided to that organisation by CNW may be suspended for a specified period;
 - (d) a direction that any funding granted or given to it by CNW may cease from a specified date;
 - (e) reprimand;

- (f) verbal or written apology to the complainant;
 - (g) deduction of match points;
 - (h) suspension from participation in a Match or Matches;
 - (i) expulsion; or
 - (j) such other of discipline as is appropriate in all the circumstances.
- 11.3 Subject to contractual and employment requirements, if a finding is made that an individual has breached this Policy, then one or more of the following forms of discipline may be imposed by CNW or the Tribunal:
- (a) a written warning;
 - (b) a monetary fine;
 - (c) verbal or written apology to the complainant;
 - (d) direction to undergo counselling;
 - (e) ban from cricket facilities or venue;
 - (f) ban on taking any part in any cricket related activity;
 - (g) suspension from participation in a Match or Matches;
 - (h) transfer to another job or position;
 - (i) expulsion or termination of engagement or employment;
 - (j) cancellation of any CNW accreditation or licence or coaching accreditation;
 - (k) a direction that any rights, privileges and benefits provided to that organisation by CNW may be suspended for a specified period;
 - (l) a direction that any funding granted or given to it by CNW may cease from a specified date; or
 - (m) such other discipline as is appropriate in the circumstances.
- 11.4 All fines payable under this Policy must be paid within 14 days after the date on which the fine is imposed unless otherwise agreed in writing by CNW, subject always to a finding being appealed in accordance clause 13 of this Policy.
- 11.5 If a suspension is combined with a fine, the suspension is prolonged until the fine is paid in full.
- 11.6 The implementation of a disciplinary measure may be suspended and, if so, the person is subject to a probationary period. If that person commits another breach of this Policy during the probationary period, the suspension is automatically revoked and the disciplinary measure is applied in addition to the disciplinary measure determined for the new breach.
- 11.7 The form of disciplinary measure to be imposed on an individual or organisation should include, but not be limited to, consideration of factors such as:
- (a) nature and seriousness of the behaviour or incidents;
 - (b) in a case where an action is taken concurrently with or in lieu of a resolution of a formal complaint, the wishes of the complainant;

- (c) if the individual concerned knew or should have known that the behaviour was a breach of the Policy;
- (d) the level of contrition of the respondents;
- (e) the effect of the proposed disciplinary measures on the respondent, including any person, professional or financial consequences;
- (f) if there has been any relevant prior warnings or disciplinary action; and/or
- (g) if there are any mitigating circumstances such that the respondent should not be disciplined at all or not disciplined so seriously.

12. APPEALS

- 12.1 Any person or organisation found to be in breach of this Policy, may appeal to the Appeal Tribunal against the finding against them, including but not limited to in relation to the disciplinary measure imposed on them.
- 12.2 CNW shall determine the members who shall comprise the Appeal Tribunal.
- 12.3 The Appeal Tribunal has the right to determine all procedures and processes to be adopted in hearing an appeal. All relevant parties to the appeal shall receive written notice of these procedures and processes. The Appeal Tribunal shall ensure that all such procedures and principles adhere to the principles of natural justice.
- 12.4 An appeal may be withdrawn at any time, except that once the hearing of the appeal has commenced the appeal may be withdrawn only with the Appeal Tribunal's approval.
- 12.5 An appeal must be lodged with the Appeal Tribunal in writing in a form approved by the Appeal Tribunal within 10 business days of notification of the finding that the person or organisation breached this Policy. Any discretionary measures imposed on the person or organisation shall have full force and effect pending the outcome of any such appeal.
- 12.6 The Appeal Tribunal must notify the other parties of the appeal and its details as soon as practicable after the Appeal Tribunal receives the notice of appeal.
- 12.7 The appeal will be heard promptly after the other parties to the appeal have been notified pursuant to clause 12.5 above and will be commenced no later than 28 days after the appeal is lodged.
- 12.8 The hearing will be a new hearing of the subject of the appeal (i.e. a hearing *de novo*) and the Appeal Tribunal will not be limited in any way by the previous hearing or the decision under appeal. Without limitation, in determining the appropriate disciplinary measure (if any) on an appeal, it is open to the Appeal Tribunal to vary the disciplinary measure as it sees fit.
- 12.9 Any decision made by the Appeal Tribunal will be final and binding on the parties thereto.
- 12.10 If an appeal is dismissed, the Appeal Tribunal shall have discretion to order the appellant to pay all or part of the costs associated with the appeal.
- 12.11 The address of the Appeal Tribunal for the purposes of the lodging of documents pursuant to this Policy shall be the address for the time being of Cricket North West, which is currently:
Devonport Oval, North Fenton Street, Devonport TAS 7310.

13. DEFINITIONS

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.

Appeal Tribunal means the tribunal appointed by CNW from time to time to hear appeals lodged pursuant to clause 13 of this Policy. The Appeal Tribunal shall comprise of 3 or more people.

Attribute means race, colour, religion, language, politics, national or ethnic origin, gender, transgender, sexual orientation, age, marital status, pregnancy or intellectual or physical impairment or any other attribute specified under commonwealth or state legislation.

CNW's Codes of Conduct means each of the following:

- (a) CNW's Code of Behaviour;
- (b) CNW's Anti Doping Policy;
- (c) CNW's Anti-Harassment Policy;
- (d) CNW's Racial and Religious Vilification Code; and
- (e) such other CNW codes of conducts which apply from time to time.

Child means a person who is under the age of 18 years, and **Children** has the associated meaning.

Child Abuse means placing a child at risk of harm by verbal or physical actions or by failing to provide them with basic care and 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).

Club means any club or team that is from time to time a member or affiliated to CNW.

Complaint means a complaint made pursuant to clause 9 of this Policy.

Complainant means the person making a complaint.

Complaints Handling Procedure means the procedure for reporting and investigating complaints about an alleged breach of this Policy, as detailed in clause 9.

Investigator means the person appointed by CNW to investigate any formal complaint received under this Policy.

Match means any cricket match conducted under the auspices of CNW.

Member has the meaning prescribed in clause 2.1.

Member Protection Declaration means a declaration in the form of Prescribed Form 1 as reproduced in Schedule 3.

Member Protection Officer means a person/s appointed to be the first point of contact for a person reporting a complaint under, or a breach of, this Policy. CNW should be contacted to obtain contact details for a Member Protection Officer.

Official means:

- (a) any Team Official of a Team;
- (b) the selectors of a Team;
- (c) any other person acting in an official capacity in relation to a Team;
- (d) an umpire of a Match; or
- (e) the referee of a Match.

Player means any person who is, from time to time, registered with, or contracted to CNW.

Policy means this Member Protection Policy.

Respondent means the person who is being complained about.

Team means any team which plays under the auspices of CNW.

Team Official means any personnel involved with the management, preparation or participation of a Team (whether paid or unpaid), including the coaches, managers, medical staff (including team or match day doctor), physiotherapists and other support staff.

Tribunal means the tribunal appointed by CNW from time to time to investigate a formal complaint which is referred by an Investigator pursuant to clause 9.7(c) of this Policy. The Tribunal shall be comprised of 2 or more people.

Victimisation means subjecting, 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.

14. INTERPRETATION

14.1 In this Policy:

- (a) reference to 'including' or similar words are not words of limitation;
- (b) 'business day' means a day other than a Saturday, a Sunday or a day which is lawfully observed as a public holiday in the State of Tasmania;
- (c) all notices must be in writing and in English;
- (d) words in the singular include the plural and vice-versa; and
- (e) a construction that would promote the purpose or object underlying this Policy must be preferred to a construction that would not promote that purpose or object.

14.2 CNW may vary this Policy from time to time as it deems appropriate.

SCHEDULE 1 – CHILD PROTECTION AND SCREENING REQUIREMENTS [See clause 6.1(c)]

This attachment sets out the screening process for people in or under the auspices of CNW and who work, coach, supervise or have regular unsupervised contact with people under the age of 18 years.

CNW will:

1. Identify positions that involve working, coaching, supervising or regular unsupervised contact with people under the age of 18 years.
2. Obtain a completed Member Protection Declaration (**MPD**) (See Schedule 3) from all people who are identified in the above step 1 and keep it in a secure place.
3. Provide an opportunity for a person to give an explanation if a MPD isn't provided or it reveals that the person doesn't satisfactorily meet any of the clauses in the MPD. We will then make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years. If unsatisfied we will not appoint them to the role/position.
4. Where possible, check a person's referees (verbal or written) about his/her suitability for the role.
5. Ask the people identified in step 1 to sign a consent form for a state police check, or national police check in the event the person has resided in another state of Australia within the past five years.
6. Request (or ask the person to request) a state or national (see above) 'Part Exclusion' police check from the relevant police jurisdiction. This check excludes irrelevant records. If the police check indicates a relevant offence, CNW will provide an opportunity for the person to give an explanation, and then CNW will make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years. If unsatisfied CNW will not appoint them to the role/position.
7. Make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years if the person does not agree to a police check after explaining why it is a requirement under our policy. If unsatisfied, CNW will not appoint them.
8. Decide whether to offer the person the position taking into account the result of the police check and any other information CNW has available to it. Where it is not practical to complete the police check prior to the person commencing in the position, CNW will complete the check as soon as possible, and if necessary, act immediately on the outcome.
9. Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the checking process.
10. Return information collected during screening (such as a completed MPD form, police records and referee reports) to the relevant person if that person is not appointed to the position, or otherwise be destroyed within 28 days of the date of the decision or the expiry of any appeal period, unless within that time the person requests that the documents be returned to them. For appointed persons, information will be kept on file in a secure location.

CNW will also request that Clubs adopt similar requirements.

SCHEDULE 2 – STATE AND TERRITORY SPECIFIC CHILD PROTECTION REQUIREMENTS

1. QUEENSLAND

A person will need a Working with Children Check, also known as the **blue card**, if they propose to work in a paid or voluntary capacity or to carry on a business in a child-related area regulated by the *Commission for Children and Young People and Child Guardian Act 2000*. Once a person is checked and approved they are issued with a “blue card.” Volunteers and paid employees employed in sporting organisations generally fall under the ‘churches, clubs and associations’ category of regulated employment. Volunteers and paid employees employed in private businesses may fall under the ‘sport and active recreation’ category of regulated employment. The check is a detailed national criminal history check including charges and investigations relating to children.

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

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

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

For more information on the blue card, including current forms:

- www.ccytg.qld.gov.au
- 1800 113 611

2. NEW SOUTH WALES

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

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

Sporting organisations are responsible for managing the WWCC process. Individuals cannot apply for a WWCC directly. Sporting organisations should register with [NSW Sport and Recreation](#), providing a contact who will receive the information on the background checks.

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

For more information, including the required forms:

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

3. WESTERN AUSTRALIA

The Working with Children Check (WWC Check) is a compulsory and rigorous criminal record check for certain people who carry out ‘child-related work’ in WA. A person is in ‘child-related work’ if the usual

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

Applicants will be issued with either:

- An Assessment Notice in the form of a WWC Card enabling them to be in all types of child-related work for three years unless there are new offences of concern.
- An Interim Negative Notice, which prohibits them from child-related work until a final decision is made on their application.
- A Negative Notice, which prohibits them from child-related work.

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

For more information:

- www.checkwwc.wa.gov.au or call 1800 883 979 (toll free)

4. VICTORIA

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

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

For more information:

- www.justice.vic.gov.au/workingwithchildren or 1300 652 879

5. SOUTH AUSTRALIA

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

Be aware that criminal history reports are likely to be introduced and mandatory for some positions in sporting organisations from 2010/2011.

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

For more information:

- www.families.sa.gov.au/childsafe or 08 8226 7000

6. NORTHERN TERRITORY

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

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

For more information contact 1800 SAFE NT (1800 723 368)

SCHEDULE 3 – PRESCRIBED FORMS

PRESCRIBED FORM 1: MEMBER PROTECTION DECLARATION

Cricket North West (“**CNW**”) has a duty of care to all those associated with the sport of cricket and to the individuals and organisations to whom our Member Protection Policy applies. As a requirement of CNW’s Member Protection Policy, CNW must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

I(name) of
.....(address) born
...../...../..... sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment.
4. I have never been sanctioned for, and am not currently serving a sanction for, an anti-doping rule violation under any anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage (and have never participated in, facilitated or encouraged) any practice prohibited by the World Anti-Doping Agency Code or any other anti-doping policy applicable to me.
6. To my knowledge there is no matter that CNW may consider constituting a risk to children, or a risk to its members, employees, volunteers, athletes or reputation, by engaging me.
7. I will notify the President of the organisation engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above have changed for whatever reason.

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

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

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

Name:.....

Signature:.....

DATE:

CRICKET NORTH WEST MEMBER PROTECTION POLICY

PRESCRIBED FORM 2: CONFIDENTIAL RECORD OF INFORMAL COMPLAINT

MPO Name		Date: //
Complainant's Name	Over 18	Under 18
Role/status in cricket	Administrator (volunteer) Athlete/player Coach/Assistant Coach Employee (paid) Official	Parent Spectator Support Personnel Other
Location/event of alleged issue		
Facts as stated by complainant		
Nature of complaint (category/basis/grounds) Can tick more than one box	Discrimination Sexual/sexist Sexuality Race Religion Pregnancy Disability Child Abuse Other	Selection dispute Personality clash Bullying Verbal abuse Physical abuse Victimisation
Feelings expressed by complainant (completing this may help to separate emotional content from facts)		
Desired outcome or resolution for the complainant		
Information provided to the complainant		
Complainant's proposed next steps		

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 relevant Investigator of the formal complaint.

CRICKET NORTH WEST MEMBER PROTECTION POLICY

PRESCRIBED FORM 3: CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Complainant's Name	Over 18	Under 18	Date Formal Complaint Received://
Role/status in cricket	Administrator (volunteer) Athlete/player Coach/Assistant Coach Employee (paid) Official	Parent Spectator Support Personnel Other	
Name of person complained about	Over 18	Under 18	
Role/status in cricket	Administrator (volunteer) Athlete/player Coach/Assistant Coach Employee (paid) Official	Parent Spectator Support Personnel Other	
Location/event of alleged issue			
Description of alleged issue			
Nature of complaint (basis/grounds/category) Can tick more than one box	Discrimination Sexual/sexist Sexuality Race Religion Pregnancy Disability Child Abuse Other	Selection dispute Personality clash Bullying Verbal abuse Physical abuse Victimisation	
Methods (if any) of attempted informal resolution			
Support person (if any)			
Formal resolution procedures followed (outline)			
If investigated: Finding -			

CRICKET NORTH WEST MEMBER PROTECTION POLICY

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	Less than 3 months to resolve Between 3 – 8 months to resolve More than 8 months to resolve
Completed by	Name: Position: Signature: / /
Signed by:	Complainant: Respondent:

This record and any notes must be kept in a confidential place.

CRICKET NORTH WEST MEMBER PROTECTION POLICY

PRESCRIBED FORM 4: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing, ensure advice has been sought from the relevant government agency and/or police.

Complainant's Name (if other than the child)		Date Formal Complaint Received: / /
Role/status in cricket		
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 cricket	Administrator (volunteer)	Parent
	Athlete/player	Spectator
	Coach/Assistant Coach	Support Personnel
	Employee (paid)	Other
	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)		

CRICKET NORTH WEST MEMBER PROTECTION POLICY

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: 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.

PRESCRIBED FORM 5: TALENT RELEASE FORM

I, _____ (*insert full name*), and my parent/guardian, hereby give our full and complete permission, without reservation or restriction to Cricket North West, and its representatives, agents and assigns to photographs, statements, testimonials, video/audio recording of me obtained from the to use, reproduce and publish in any communication medium whatsoever, as determined by Cricket North West and its representatives, agents and assigns from time to time, for educational, promotional, commercial or marketing purposes.

I, and my parent/guardian, agree and acknowledge that this permission is unconditional and applies in perpetuity.

I, and my parent/guardian, accept that no fee or remuneration will be provided for my appearance in any such communication mediums.

I, and my parent/guardian, hereby waive, release and forever discharge Cricket North West and its officers, employees, agents and assigns from all claims, actions and liability relating to its use of said photographs, statements, testimonials, video/audio recording.

Participant's Name: _____

Signed: _____

Date: _____

Participant's parent or guardian who if first legal point of contact must sign:

Name: _____

Relationship to participant: _____

Signed: _____

Date: _____

Ph: _____