



As an affiliate of the Victorian Metropolitan Cricket Union the RDCA and its member clubs are bound by the following document. At the Annual General Meeting of the Association each season a Member Protection Officer is appointed and should be utilised in all instances where Club's are required to take action in accordance with this document.

The RDCA Board has the discretion to apportion to clubs some or all of the costs incurred in any mediation process.

MEMBER PROTECTION BY-LAW

UPDATED 23 NOVEMBER 2016



PREFACE

Cricket is a game that owes much of its unique appeal to the fact that it is to be played not only within its Laws, but also within the spirit of the game. Any action seen as abusing this spirit causes injury to the game itself.

Embracing the spirit of the game means participating, either as a player or as an official, fairly and exhibiting respect for other players and officials and the game's traditional values such as graciousness in defeat and humility in victory.

Cricket has a distinct place in Australian society and history. As an element in Australia's national identity, cricket plays a significant role. This status brings with it particular responsibilities for players and officials to conform to high standards of fair play and personal behaviour on and off the field.

This By-law is intended to protect and enshrine such important qualities and standards so that all may continue to enjoy the game of cricket now and in the future.

The Premier Clubs and Community Cricket Peak Bodies are committed to the health, safety and well-being of all its members and participants and is dedicated to providing a safe environment for participating in the sport of cricket throughout Victoria.

The positive virtues of involvement in the sport of cricket are well heralded and evidenced by the thousands of young Victorians participating in cricket activities and competition across the State each week. The value of regular exercise gained through cricket to an individual's personal health and fitness should not be underestimated, nor the role that social interaction provided through the cricket club environment can play in developing a young person's self-esteem and involvement in their local community.

However, harassment in sport can serve to drastically undermine these intrinsic benefits of involvement in cricket. The unfortunate reality is that cricket, as a sport, is not immune from acts of discrimination, harassment and abuse, rather to the contrary, sport provides an environment which in many cases lends itself to conduct which is not only inappropriate, but also unlawful.

Depending on the nature of the case, instances of harassment or abuse in sport can have devastating effects for not only the individuals involved, but also the sporting organisation itself. Apart from exposing the club or association to potential legal liability, officials may be faced with low morale, an unpleasant environment, higher turnover of volunteers and the prospect of long-term damage to the organisation's image and reputation.

The adoption of the Member Protection By-Law reflects the dedication of community cricket organisations and premier clubs to serving and protecting its members and participants throughout all levels of the sport. However, the adoption of the Member Protection By-Law itself is just the first step in affording our members and participants the protection they deserve. The successful implementation and enforcement of this Member Protection By-Law requires the cooperation and commitment of community cricket associations and participants at all levels.

The following Member Protection By-Law conveys a strong message to all community cricket associations and participants, and prospective members and participants, that as a sport, we are committed to ensuring the safety of our most valuable asset well into the future.

CONTENTS

PART I – INTRODUCTION	1
1. What is the purpose of this By-law?	1
2. Who does this By-law apply to?	1
3. What is the status of this By-law?	2
4. What do words in this By-law mean?	2
5. Responsibilities under the By-law	2
6. Commitment and POSITION STATEMENTS relating to Child Safety	4
7. General Position statements	6
PART II – PREVENTATIVE ACTION	9
8. What is Screening?	9
9. Further preventative practices	12
10. identifying and reducing risks of Child abuse	12
11. Responding to and Reporting Child safety concerns	13
12. Prohibited Person Declaration	14
PART III – BREACHES	18
13. What is Harassment?	18
14. What is Discrimination	21
15. Codes of Behaviour and POLICIES	22
16. What is a Breach of this By-law?	23
PART IV – COMPLAINT RESOLUTION PROCEDURE	24
17. Complaint	24
18. Informal Complaint Resolution Procedure	24
19. Formal Complaint Resolution Procedure	25
20. Suspected Breaches	27
21. HEARINGS	27
22. COMMUNITY CRICKET PEAK BODY OR REGION Hearings	28
23. PREMIER CLUBS HEARINGS	31
24. What Penalties may be Imposed?	33
25. How can a Decision be Appealed?	35
26. RECOGNITION OF PENALTIES	37
ATTACHMENT A - POLICY DEFINITIONS	38
ATTACHMENT B - PREVENTATIVE ACTION (CLAUSES 8 AND 9) FLOW DIAGRAM	41
ATTACHMENT C - COMPLAINT RESOLUTION PROCEDURE (CLAUSES 18 AND 19) FLOW DIAGRAM	41
ATTACHMENT D – HEARING TRIBUNAL PROCESS (CLAUSE 21) FLOW DIAGRAM	42
ATTACHMENT E - CODES OF BEHAVIOUR	45
ATTACHMENT F - PROHIBITED PERSON DECLARATION	57

PART I – INTRODUCTION

This Part sets out the purpose of this By-law, who it applies to, when it commences, what words mean and who has responsibilities under the By-law.

1. WHAT IS THE PURPOSE OF THIS BY-LAW?

1.1 The purpose of this By-law is to provide guidelines for the protection of the health, safety and wellbeing of all persons who participate in the activities of CV Organisations. For the purposes of this By-Law, a CV Organisation means all of Cricket Victoria, Premier Clubs, Community Cricket Peak Bodies, Regions and Affiliated Clubs and Associations.

1.2 This By-law sets out the procedures to be followed in dealing with Harassment and other forms of inappropriate behaviour in an effective, appropriate and timely manner. The By-law provides a procedure for informal and formal resolution of complaints and a procedure for the appeal of such complaints.

2. WHO DOES THIS BY-LAW APPLY TO?

2.1 This By-law applies to the following organisations and individuals:

- (a) persons appointed or elected to boards of directors, executives and/or committees (including sub-committees) of a CV Organisation;
- (b) employees of a CV Organisation;
- (c) officials appointed or elected by a CV Organisation in relation to players and/or teams which represent such organisations including team management personnel such as managers, physiotherapists and other support personnel (whether paid or unpaid); (d) coaches (including assistant coaches) who:
 - (i) are appointed and/or employed by a CV Organisation (whether paid or unpaid); or
 - (ii) have an agreement (whether or not in writing) with a CV Organisations to coach at a facility (whether owned or managed by such organisation or otherwise);
- (e) umpires and other officials involved in the regulation of the sport appointed by a CV Organisation;
- (f) players who enter any competition, carnival, activity or events (including camps, training sessions etc.) which are held or sanctioned by or under the auspices of a CV Organisation;
- (g) CV Organisations;
- (h) any other person or organisation, who or which is, a member of, or affiliated to a CV Organisation; and
- (i) any other person or organisation (for example, a parent/guardian, spectator or sponsor) who or which agrees, in writing or otherwise (whether on a

ticket, entry form etc.) to be bound by this By-law or to whom this By-law otherwise applies.

3. WHAT IS THE STATUS OF THIS BY-LAW?

- 3.1** This By-law is issued by the Board of each Premier Club, Community Cricket Peak Body under their respective constitutions and comes into force on the date of adoption.
- 3.2** This By-law may be changed from time to time by the respective Premier Clubs and Community Cricket Peak Bodies in accordance with their respective constitutions, provided that such changes must have received prior written approval from Cricket Victoria.

4. WHAT DO WORDS IN THIS BY-LAW MEAN?

- 4.1** In this By-law, words appearing with a capital shall be have the meaning set out in Attachment A or as defined elsewhere in this By-law, and Attachment A will form part of this By-law.
- 4.2** In this By-law, unless the context requires otherwise;
- (a) Words denoting the singular shall include the plural and vice versa;
 - (b) Including means including without limitation and include shall be construed accordingly; and
 - (c) Words denoting a gender shall include a reference to the other gender and the neutral gender.

5. RESPONSIBILITIES UNDER THE BY-LAW

- 5.1** Premier Clubs, Community Cricket Peak Bodies and Regions must:
- (a) adopt, implement and comply with this By-law (by adopting this By-law, each Premier Club, Community Cricket Peak Body, Region and the respective members of such Premier Club, Community Cricket Peak Body or Region, will be bound by the terms of this By-law);
 - (b) promote and model appropriate standards of behaviour at all times;
 - (c) recognise and enforce any penalty imposed under this By-law;
 - (d) publish, distribute and promote this By-law (and any amendments made to it from time to time) to its members and make this By-law available for inspection, or provide a copy on request;
 - (e) make such amendments to its constitution, rules and/or by laws in order for this By-law to be enforceable;
 - (f) use any forms, contracts and clauses recommended by Cricket Victoria in order to give effect to this By-law in such documents as contracts, entry forms and player registration forms, as recommended by Cricket Victoria;

- (g) promptly deal with any breaches or complaints made under this By-law in a sensitive, fair, timely and confidential manner;
- (h) apply this By-law consistently;
- (i) seek advice and refer serious issues to Cricket Victoria;
- (j) appoint at least one Member Protection Information Officer and one Mediator to fulfil the functions set out in clauses 18, 19 and 20, and to publish and display the names and contact details of such persons to its members (for the avoidance of doubt Cricket Victoria will appoint a Member Protection Information Officer and Mediator in relation matters related to Premier Clubs;
- (k) appoint a Hearings Convenor to fulfil the functions set out in this By-law (including those set out in clauses 21) and to publish and display the name of such person to its members;
- (l) establish a Hearings Tribunal in accordance with clause 22.2, to fulfil the functions set out in clauses 21 and 23; and
- (m) monitor and review this By-law at least annually.

5.2 Affiliated Clubs and Associations must:

- (a) adopt, implement and comply with this By-law (by adopting this By-law, all Affiliated Clubs and Associations, and the respective members of such Affiliated Clubs and Associations, will be bound by the terms of this Bylaw);
- (b) recognise and enforce any penalty imposed under this By-law;
- (c) publish, distribute and promote this By-law (and any amendments made to it from time to time) to their members and make this By-law available for inspection, or provide a copy on request;
- (d) make such amendments to their constitution, rules and/or by laws in order for this By-law to be enforceable, as required by a Premier Club, Community Cricket Peak Body;
- (e) use any forms, contracts and clauses prescribed by a Premier Club, Community Cricket Peak Body in order to give effect to this By-law in such documents as contracts, entry forms and player registration forms, as directed by a Premier Club, Community Cricket Peak Body.

5.2A Notwithstanding clauses 5.1 and 5.2 above, Affiliated Clubs and Associations are not required to establish procedures for dealing with Complaints and hearings under this By-law. Such Complaints and hearings are to be dealt with at the Premier Club, Community Cricket Peak Body and Region level.

5.3 All other organisations and persons (for example, administrators, employees, officials, coaches, players, parents) to which this By-law applies, must:

- (a) make themselves aware of this By-law and comply with its standards of behaviour;

- (b) place the safety and welfare of Children above other considerations;
- (c) follow the procedures outlined in Part V of this By-law when lodging a Complaint and comply with any decision or measure imposed under this By-law; and
- (d) comply with all codes and policies (including the Codes of Behaviour) (as applicable).

5.4 The CV Organisations are responsible for taking all reasonable steps to ensure implementation, compliance and enforcement of this By-law.

6. COMMITMENT AND POSITION STATEMENTS RELATING TO CHILD SAFETY

6.1 Statement of Commitment to Child Safety

CV Organisations recognise that Children need special care and attention. As such, CV Organisations are committed to the protection and safety of Children. CV Organisations aim to protect the welfare of Children involved in the sport of cricket by creating, implementing and complying with the following measures.

In recognising the need for an emphasis to be placed on the safety of Children in cricket, CV Organisations are committed to:

- (a) ensuring the safety and wellbeing of Children who participate in Cricket Victoria's activities and ensuring that their experiences within cricket in Victoria are positive;
- (b) ensuring Children are empowered and know what behaviour is and is not acceptable;
- (c) ensuring Children know how to report (and where to report) an incident if and feel empowered to do so if they are either subject to, or become aware of, potential abuse or misconduct;
- (d) prioritising and addressing the concerns of Children in relation to their safety;
- (e) undertaking thorough screening processes to reduce the risk of people with improper motives being involved in Cricket Victoria's activities.
- (f) communicating openly with parents of Children and always ensuring safety of Children is paramount; and
- (g) remaining vigilant to ensure best practice standards in relation to Child safety are utilised in delivering Cricket Victoria's services and activities.

CV will, in addition to the above, also take reasonable steps to promote the cultural safety of Aboriginal Children and Children from culturally and/or linguistically diverse backgrounds as well as promoting the safety of Children with a disability.

6.2 Child Safety Position Statements

- (a) Identify and analyse risk of harm

Each CV Organisation will develop and implement a risk management strategy to determine how safe that CV Organisation is for Children, and identify any additional strategies that may be required to minimise and prevent harm to Children.

- (b) Develop codes of conduct for adults and Children

CV Organisations will use reasonable endeavours to develop and implement a Child protection policy that specifies the standards of behaviour expected of a person when engaging in Child related work where applicable.

- (c) Support, train, supervise and enhance performance

CV Organisations will ensure that relevant people who engage in Child-related work have ongoing supervision, support and training to promote a Child-safe environment.

- (d) Empower and promote the participation of Children

CV Organisations will promote the involvement and participation of Children in developing and maintaining Child safe environments.

- (e) Response and reporting of suspected abuse and neglect

CV Organisations will take steps to make relevant people aware of their responsibilities under Victorian law in the event that they suspect on reasonable grounds that a Child has been or is being abused or neglected.

In addition to any legal obligation, if a person feels that a person or organisation bound by this By-law is acting inappropriately towards a Child, he or she may make a complaint in accordance with Part IV of this Policy.

Those involved in the handling or resolution of a complaint will document the complaint in accordance with the requirements of this By-law.

- (f) Taking images of Children

- (i) If a person wishes to take an image of a Child that is not his or her own, the person must obtain prior permission from the Child's parent or guardian and advise of the way in which the image will be used, wherever possible.
- (ii) CV Organisations do not permit the use of camera phones, videos and cameras inside changing areas, showers and toilets.
- (iii) If a CV Organisation uses an image of a Child, it will seek to keep the Child anonymous wherever possible, unless it obtains consent from the

- (iv) Child's parent or guardian to publish a Child's personal information. A CV Organisation will only use appropriate images of a Child.

6.3 Further Strategies to ensure culture of Child Safety

Cricket Victoria is committed to ensuring all participants or those otherwise involved at a CV Organisation are aware of Cricket Victoria's focus and culture of Child safety. On that basis, Cricket Victoria will use reasonable endeavours to undertake the following steps (outside of this By-Law) to increase the emphasis and culture of Child safety for all involved in Cricket Victoria's services and activities:

- (a) ensure induction and training for Cricket Victoria staff includes training on recognising and responding to Child abuse;
- (b) have a section regarding Child safety in the Cricket Victoria annual report;
- (c) allocate responsibilities to senior Cricket Victoria staff to embed a culture of Child safety;
- (d) develop and promote a confidential reporting culture for concerns of Child abuse;
- (e) produce and distribute materials for use by clubs and associations which demonstrate, in a manner able to be understood by Children, what is not acceptable behaviour and what do if they have a concern;
- (f) implement adequate record keeping requirements in relating to reports of, and handling of, Child safety issues; and
- (g) promote and enforce the Appropriate Behaviour With Children Code of Behaviour provided in this By-Law.

7. GENERAL POSITION STATEMENTS

7.1 Harassment

CV Organisations oppose all forms of Harassment, as defined by clauses 13 and 14 of this By-law.

7.2 Sexual Relationships

CV Organisations all take the position that consensual intimate relationships (whether or not of a sexual nature) between coaches and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's public image.

These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach and the athlete.

If an athlete attempts to initiate an intimate sexual relationship with a coach, it is the coach's responsibility to discourage the approach and to explain why such a relationship is not appropriate.

The coach or athlete may wish to seek advice or support from the Member Protection Information Officer if they feel harassed. Our complaints procedure is outlined in Part IV of this policy.

7.3 Pregnancy

- (a) Everyone bound by this By-law must treat pregnant women with dignity and respect. Any unreasonable barriers to participation by pregnant women in cricket should be removed. Harassment against pregnant women will not be tolerated.
- (b) While many sporting activities are safe for pregnant women, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the sporting activity and the particular pregnant woman's circumstances. Pregnant women should be aware that their own health and wellbeing, and that of their unborn Children, should be of utmost importance in their decision making about the way they participate in cricket.
- (c) CV Organisations recommend that pregnant women that want to participate in cricket should consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation. CV Organisations will not require women to undertake a pregnancy test or to sign a disclaimer unless other participants are asked to sign one in similar circumstances.

7.4 Gender Identity

- (a) Everyone bound by this By-law must show dignity and respect to people who identify as transgender, or people who are undergoing a gender transition.
- (b) CV Organisations will not tolerate Harassment against people who identify as transgender, or who is thought to be transgender.
- (c) CV Organisations will facilitate transgender people participating in cricket in the gender in which they identify. If a person raises an issue about a performance advantage of a person who identifies as transgender to a CV Organisation, that CV Organisation is permitted to seek legal advice on the issue.
- (d) As drug testing prohibitions also apply to people who identify as transgender, a person receiving treatment that involves a prohibited substance or method that is listed on the world anti-doping agency prohibited list should apply for a standard therapeutic exemption.

7.5 Responsible service and consumption of alcohol

CV Organisations are committed to the promotion of the responsible consumption of alcohol by:

- (a) ensuring that alcohol is served responsibly;

- (b) wherever possible, providing food when alcohol is being served; and
- (c) wherever possible, ensuring that there are appropriate transport facilities when alcohol is being served.

Every person that is involved in an activity held by or associated with a CV Organisations agrees to consume alcohol responsibly at this activity.

7.6 Smoke-free environment

CV Organisations are committed to the promotion of smoking free zones by, wherever possible:

- (a) making people aware that no person shall smoke at a cricket event or competition involving Children;
- (b) making people aware that smoking should only occur within designated areas at social activities; and
- (c) people involved in an official capacity will refrain from smoking on and off the field, when exercising their official role.

7.7 Cyber-bullying

CV Organisations oppose all forms of bullying. CV Organisations recognise that the emergence of new telephone and internet networks increases the risk of cyber bullying, but does not believe that this is an excuse for unacceptable behaviour.

CV Organisations regard bullying and harassment in all forms as unacceptable. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.

New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied though unwanted and inappropriate comments.

CV Organisations will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. In some cases, bullying is a criminal offence punishable.

Frustration at a referee, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting body.

7.8 Social Networking

CV Organisations recognise the importance and potential consequences that can arise from the use of social media. The Social Media Code of Conduct is set out in Attachment H forms part of this By-law.

PART II – PREVENTATIVE ACTION

This Part sets out the requirement for mandatory screening and declarations for certain roles.

8. WHAT IS SCREENING?

- 8.1** One of the ways that CV Organisations seek to protect the health, safety and wellbeing of people participating in their activities is to screen people for certain roles.
- 8.2** Screening (as set out in clause 8.4) is **mandatory** for CV Organisations for Preferred Applicants and Existing Appointees in the following types of roles:
- (a) coaches who are appointed or seeking appointment (whether employed, contracted or otherwise) by CV Organisations for **reward**;
 - (b) volunteer personnel appointed or seeking appointment by CV Organisations, who will or are likely to travel away with teams of players **under** 18 years of age; and
 - (c) persons appointed or seeking appointment by CV Organisations to a role in which that person is likely to have individual and unsupervised contact with players **under** 18 years of age.

- 8.3** Screening is **highly recommended**, but not mandatory, for Preferred Applicants and Existing Appointees in the following types of roles:
- (a) volunteer coaches appointed or seeking appointment by CV Organisations who will or are likely to travel away with teams of players of or **over** 18 years of age; and
 - (b) persons appointed or seeking appointment (whether paid or unpaid) by CV Organisations to a role in which that person is likely to have contact with players **under** 18 years of age but where such contact is supervised at all times by another adult.

Screening under this By-law is **not** a replacement for any similar requirement prescribed by law. If Victorian or Federal working with Children legislation sets an equivalent or higher standard of screening to that set under this By-law, the requirement to screen under this By-law need not be followed as it would be superseded by any similar requirement prescribed by law. See below and **Attachment G** for further details about the Working with Children Check.

- 8.4** For the purposes of this By-law, screening shall mean:
- (a) checking the Preferred Applicant's or Existing Appointee's referees; and
 - (b) conducting a face-to-face interview with the Preferred Applicant or the Existing Appointee as to his or her suitability for the proposed role and his or her suitability for involvement with Children under 18 years of age or to travel away with teams of players of or over 18 years of age under clause 8.3(a).
- 8.5** Checking the Preferred Applicant's or Existing Appointee's referees includes making verbal or written inquiries of their nominated referees (preferably at least two) as to the Preferred Applicant's or Existing Appointee's suitability for the proposed role and

their suitability for involvement with Children under 18 years of age. A completed 'Reference Check' form is to be filed in a successful applicant's personnel file prior to the applicant starting their engagement with the relevant CV organisation.

8.6 In addition to the screening procedures above, CV Organisations will have to conduct a Working with Children Check of Preferred Applicants and Existing Appointees where the person will have direct and unsupervised contact with people under the age of 18 years. The purpose of a Working with Children Check is to see whether the person has any previous relevant criminal convictions and is suitable to work with Children.

8.7 The Working with Children Check:

- (a) is valid for five years (unless revoked) and generally will not need to be updated or amended within this term if a person changes employer or organisation;
- (b) only considers some offences, not all on a person's criminal record (although it also considers any relevant findings made against a person by a professional disciplinary body);
- (c) is monitored in an ongoing manner by the Department of Justice;
- (d) is free for volunteers; and
- (e) must be renewed before its expiry if the Preferred Applicant or Existing Appointee continues to undertake Child-related work.

See **Attachment G** for further details about the Working with Children Check.

8.8 Individuals working with Children that are required to undergo a Working with Children Check will still be required to undergo the Working with Children Check even if they have previously completed a Police Check.

8.9 If:

- (a) a Preferred Applicant or Existing Appointee is not willing to agree to a screening;
- (b) or if screening reveals that the Preferred Applicant or Existing Employee is not suitable for the role; or
- (c) the Preferred Applicant or Existing Appointee is issued with a negative notice (including after the issue of an interim negative notice) following the Working with Children Check; CV Organisations shall:
 - (d) in the case of a Preferred Applicant, not appoint the person to any of the roles;
 - (e) in the case of an Existing Appointee:
 - (i) ensure that the Existing Appointee does not have unsupervised and direct contact with a person under the age of 18 or travel away with teams of players over 18 years of age (if applicable); and

- (ii) take steps to transfer the person to another role which is not set out in clause 8.2 or if no such alternatives exist, to end the appointment of the person. **Note: legal advice should be sought before the process of transfer or termination begins.**

- 8.10** If a Preferred Applicant or Existing Appointee is issued with an interim negative notice following the Working with Children Check, then CV Organisations shall not allow the Preferred Applicant or Existing Appointee to have unsupervised and direct contact with a person under the age of 18 until such time as the interim negative notice is no longer in place.
- 8.11** Until such time as a Preferred Applicant or Existing Appointee is issued with a Working With Children Check Card, negative notice or interim negative notice (as applicable), that Preferred Applicant or Existing Appointee shall not have direct and unsupervised contact with Children under the age of 18. If a Preferred Applicant or Existing Appointee is issued with a negative notice or interim negative notice the foregoing clauses shall apply.
- 8.12** If a Police Check for a Preferred Applicant or Existing Appointee produces a criminal history report, the CV Organisation must ensure that the criminal history information is dealt with in accordance with the laws of Victoria.
- 8.13** All information obtained during the course of screening (including any Working with Children Check) must be kept confidential to the persons or committee within the CV Organisation who has been delegated the task of investigating and/or making the appointment for the role (subject to any disclosure requirements under the law). Information collected during screening about a Preferred Applicant who is not appointed to the role must be returned to the Preferred Applicant and not retained unless the Preferred Applicant agrees.
- 8.14** CV and all to whom this By-law applies must comply with relevant laws in relation to record keeping. Best practice record keeping requires CV and all to whom this Bylaw applies to maintain:
- (a) Records of all employees and volunteers, including proof of identify and proof of qualification documents and/or records;
 - (b) A register of Working with Children Check and/or National Criminal History Checks for all employees and volunteers for whom checks have been obtained. This register must detail application and approval or rejection details (including Working with Children Check or equivalent identifiers), expiry dates and any other identifying and useful information; and
 - (c) a record of all employees and volunteers reference checks completed.
- 8.15** CV and all to whom this By-law applies will work together in the best interests of their Members and participants. As such, when requested by CV, Clubs and other relevant CV organisations must (to the extent permitted by law) share information from relevant employment records and/or their register of Working with Children Check and/or National Criminal History Checks in order to resolve any recruitment or screening issues and/or in the interests of resolving any complaints relating to Children or young people within CV.

- 8.16** For the avoidance of any doubt, all applicants for a position within CV or any CV Organisation provide their consent to CV and other CV Organisations disclosing their personal information as set out above.
- 8.17** Successful Preferred Applicants or Existing Appointees must immediately advise, in writing, the President or the CEO (or in their absence their Nominee) of the organisation that appointed them if they are convicted of a criminal offence.

9. FURTHER PREVENTATIVE PRACTICES

- 9.1** Practices in recruiting which are aimed to reduce the risk of Child abuse are important. However, Cricket Victoria acknowledges that screening in recruitment is only an element of preventative practice. There are further preventative practices which can be implemented to relate to a person once they have been brought into an organisation, either as an employee or a volunteer.
- 9.2** Further preventative practices that CV Organisations will strive to implement are to:
- (a) regularly provide information and training for staff and volunteers about Child safety on a needs basis;
 - (b) ensure induction processes inform new staff and volunteers about Child safety policies and processes;
 - (c) train staff and volunteers on how to address situations with Children and how to talk to Children about Child safety;
 - (d) consider the use of probation periods, where reasonable; and
 - (e) provide ongoing training, support and feedback to staff and volunteers.

10. IDENTIFYING AND REDUCING RISKS OF CHILD ABUSE

10.1 Identification and risk-reduction

- (a) Cricket Victoria understands the importance of taking steps to increase the level of safety of the Children who are participating in Cricket Victoria's activities or services.
- (b) This By-Law addresses Child safety in many ways. Various mechanisms included in order to reduce the risk of Child abuse include:
 - (i) the screening requirements provided at clause 8 of this By-Law;
 - (ii) the focus and promotion of Child safety during the training of staff, as per clause 9.2 of this By-Law;
 - (iii) the focus and promotion of Child safety during the induction of staff, as per clause 9.2 of this By-Law; and
 - (iv) a focus on educating and empowering Children to know how to identify Child abuse and where to report a concern if they experience or become aware of Child abuse.

- (c) In order to further ensure that Cricket Victoria remains vigilant in terms of Child safety, Cricket Victoria is committed to regularly reviewing its services and activities from a Child safety perspective in order to identify risks to its participants. Cricket Victoria will implement further risk-reduction mechanisms as deemed appropriate.

10.2 Empowering Children in relation to Child safety

- (a) It is crucial that Children who are participating in Cricket Victoria's activities are aware of what behaviour from adults is and is not acceptable.
- (b) To enable this to occur, Cricket Victoria is committed to making available education and resources which are primarily targeted at Children. Cricket Victoria understands that this By-Law may not be accessible for Children to the same degree as adults, and Children therefore require other means of education. Cricket Victoria will also consider how to ensure those from diverse cultural or linguistic backgrounds, or those with learning difficulties are also catered for when providing education and resources. It is important that all are able to understand the importance of Child safety, and failing to cater for those from diverse backgrounds or learning difficulties will only further marginalise those who may already be less catered for. This aim is to ensure that Children know and understand what is not acceptable, and what to do if they experience, or otherwise become aware of, concerns relating to Child safety.
- (c) Cricket Victoria will also endeavour to introduce surveys and other means of allowing Children to provide their feedback on whether they feel safe to, and whether they feel that they would be taken seriously should they, raise concerns regarding their safety when they are participating in cricket.

11. RESPONDING TO AND REPORTING CHILD SAFETY CONCERNS

11.1 Responding to Child safety concerns

- (a) If a concern or allegation of Child abuse is made to you, it is important that you:
 - (i) talk to the person making the complaint without any judgement and in a manner which indicates you are taking the complaint seriously;
 - (ii) conduct the conversation in a private manner;
 - (iii) confirm the details of the complaint with open questions;
 - (iv) take detailed notes of the complaint; and
 - (v) report the complaint to a Cricket Victoria employee or official, or a senior person at your CV Organisation as applicable.

11.2 Reporting Child safety concerns

- (a) Once you are made aware of a complaint relating to Child safety, you should consider whether there is any impending danger and whether the complaint should be reported to appropriate authorities. If you consider that there is an immediate threat of harm to anyone, then you must report the

complaint to Victoria Police by calling 000 as required by law. If you are in any doubt as to whether a matter should be reported, you should contact the Department of Human Services on 131 278 or at www.dhs.vic.gov.au.

- (b) If you are made aware of a complaint relating to Child safety, it should be reported to either of:
- (i) the Member Protection Information Officer of the relevant CV Organisation;
 - (ii) the President or General Manager (or in their absence their Nominee) of the relevant CV Organisation; or
 - (iii) another appropriate person within the CV Organisation (e.g. team manager, coach etc),
- who will then decide whether the complaint is able be dealt with in accordance with the complaint resolution structure detailed in clause 19.9 or whether, due to the gravity and circumstances of the complaint, it should be reported directly to Cricket Victoria under clause 11.2(c) below
- (c) Where a complaint relating to Child safety arises at a CV Organisation it must be reported as soon as possible to Cricket Victoria where:
- (i) the complaint is deemed serious enough to warrant reporting to Victoria Police in accordance with all applicable laws;
 - (ii) where the complaint relates to serious Child abuse including sexual abuse, grooming or physical violence;
 - (iii) where the relevant CV Organisation considers the gravity of the complaint to warrant making a report to Cricket Victoria.
- (d) Where Cricket Victoria receive a report of a complaint relating to Child safety in accordance with clause 11.2(c), Cricket Victoria will determine whether they will handle the complaint, or whether they will refer the Complaint back to the referring CV Organisation, to resolve the complaint in accordance with the structure provided in clause 19.9.

12. PROHIBITED PERSON DECLARATION

12.1 In addition to screening, CV Organisation require a Prohibited Person Declaration of all Preferred Applicants and Existing Appointees appointed to a role set out in clause 12.3.

12.2 In this By-law, the following words shall mean:

“Prohibited Person” means a person who has been convicted of a Serious Sex Offence.

“Prohibited Person Declaration” means a declaration in relation to Serious Sex Offences as set out in Attachment F.

“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 person under the age of 16;
- (g) indecent act with person under the age of 16;
- (h) sexual relationship with person 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 person 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 and indecent articles.

In relation to Child Sexual Offences this occurs when a person involves the Child in sexual activity, or deliberately puts the Child in the presence of sexual behaviours that are exploitive or inappropriate to his or her age and development. Child sexual abuse can involve a range of sexual activity including fondling, masturbation, penetration, voyeurism and exhibitionism. It can also include exposure to or exploitation through pornography or prostitution, as well as grooming behaviour.

12.3 It is mandatory for CV Organisation to obtain a Prohibited Person Declaration from Preferred Applicants and Existing Appointees in the following types of roles:

- (a) coaches who are appointed or seeking appointment (whether employed, contracted or otherwise) by CV Organisations for **reward**;
- (b) volunteer personnel appointed or seeking appointment by CV Organisations, who will or are likely to travel away with teams of players **under** 18 years of age;

- (c) persons appointed or seeking appointment by CV Organisations to a role in which that person is likely to have individual and unsupervised contact with players **under** 18 years of age;
- (d) volunteer coaches appointed or seeking appointment by CV Organisations who will or are likely to travel away with teams of players of or **over** 18 years of age; and
- (e) persons appointed or seeking appointment (whether paid or unpaid) by CV Organisations to a role in which that person will or is likely to have contact with players **under** 18 years of age but where such contact is supervised at all times by another adult.

12.4 It is a breach of this By-law for a Prohibited Person to work or seek work in the roles set out in clause 12.3.

12.5 It is also a breach of this By-law for CV Organisations to:

- (a) in the case of a Preferred Applicant, appoint the Preferred Applicant in any of the roles set out in clause 12.3 without first obtaining a Prohibited Person Declaration or to appoint a Preferred Applicant who is a Prohibited Person;
- (b) in the case of an Existing Appointee, not transfer the person to another role which is not set out in clause 12.3 or if no such alternatives exist, to continue to appoint a Prohibited Person in the roles set out in clause 12.3.
NOTE: legal advice should be sought before the process of transferral or termination begins.

12.6 The Prohibited Person Declaration must be obtained, in the case of:

- (a) a Preferred Applicant, prior to the appointment;
- (b) an Existing Appointee (who has not obtained a Prohibited Person Declaration) as soon as possible from the date of adoption of this Policy.

12.7 If the Prohibited Person Declaration is not provided in accordance with clause 12.6, or the Prohibited Person Declaration reveals that the person is a Prohibited Person, CV Organisations must:

- (a) in the case of a Preferred Applicant, not appoint the person to any of the roles set out in clause 12.3;
- (b) in the case of an Existing Appointee, steps must be taken to transfer the person to another role which is not set out in clause 12.3 or if no such alternatives exist, to end the appointment of the person. **Note: legal advice should be sought before the process of transfer or termination begins.**

12.8 All information in the Prohibited Person Declaration must be kept confidential to the persons or committee within the CV Organisation who has been delegated the task of requesting and reviewing the Prohibited Person Declaration (subject to disclosure requirements under the law).

- 12.9** A completed Prohibited Person Declaration is to be filed in a successful applicant's personnel file prior to the applicant starting their engagement with the relevant CV Organisation.
- 12.10** Successful Preferred Applicants or Existing Appointees must immediately advise, in writing, the President or the CEO (or in their absence their Nominee) of the organisation that appointed them, upon becoming a Prohibited Person.
- 12.11** Obtaining a Prohibited Person Declaration under this By-law is **not** a replacement for any similar requirement prescribed by law. If State or Federal legislation sets an equivalent or higher standard to that set under this By-law the requirement to obtain a Prohibited Person Declaration under this By-law need not be followed as it would be superseded by any similar requirement prescribed by law.

PART III – BREACHES

This Part outlines what constitutes a breach of this By-law.

13. WHAT IS HARASSMENT?

13.1 Harassment is any behaviour by a person or CV Organisation which is offensive, abusive, belittling or threatening and which is directed at a person or a group of people because of a particular characteristic of that person or group of people. The behaviour must be unwelcome and the sort of behaviour a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated. Whether or not the behaviour is Harassment is to be determined from the point of view of the person receiving the Harassment.

13.2 Harassment includes:

- (a) Sexual Harassment (clauses 13.3 to 13.6);
- (b) Racial Harassment (clauses 13.7 and 13.8);
- (c) Sexuality Harassment (clauses 13.9 to 13.11);
- (d) Disability Harassment (clauses 13.12 and 13.13);
- (e) Abuse (clauses 13.14 to 13.17);
- (f) Vilification (clauses 13.18 and 13.19); and
- (g) Discrimination (clause 14).

13.3 Sexual Harassment includes:

- (a) an unwelcome sexual advance;
- (b) an unwelcome request for sexual favours; or
- (c) unwelcome conduct of a sexual nature (including a statement, orally or in writing, of a sexual nature),

in circumstances where a reasonable person would have anticipated that the person being harassed would be offended, humiliated or intimidated.

13.4 Sexual Harassment is often, but need not be, behaviour which either:

- (a) involves blackmail, in that the harassment is accompanied by a direct or implied threat, promise or benefit. For example, a coach who implies that a player's selection to a team is dependent on compliance with a sexual proposition; or
- (b) creates a hostile or sexually permeated environment, in that the harassment consists of crude remarks, jokes, the display of offensive material or makes the environment uncomfortable.

13.5 Examples of Sexual Harassment may include:

- (a) uninvited touching, kissing, embracing, massaging;
- (b) staring, leering, ogling, whistling;
- (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) the use of propositions, promises or threats to coerce someone into sexual activity or in return for sexual favours;
- (g) the display of sexually explicit material e.g. internet use, computer screen savers, calendars, posters, sms text phone messages;
- (h) the circulation of sexually explicit or sexually inappropriate material;
- (i) getting undressed in front of others of the opposite sex;
- (j) invading the privacy of others while undressing, showering or toileting;
- (k) photographing others while undressing, showering or toileting;
- (l) offering sexual favours;
- (m) sex-based insults, taunting, name-calling, innuendos; and
- (n) engaging in behaviour which is sexually embarrassing, humiliating or intimidating.

13.6 Sexual Harassment may be a criminal offence, for example indecent assault, rape, sex with a minor, obscene telephone calls or letters. If you believe that a criminal offence may have been committed you should seek legal advice and/or notify the police.

13.7 Racial Harassment includes harassment based on colour, descent, national or ethnic origin, cultural activity and sometimes religion.

13.8 Examples of Racial Harassment include:

- (a) jokes in which race is a significant characteristic of the "butt" of the joke;
- (b) hostile comments about food eaten, dress or religious or cultural practices;
- (c) inferences that all members of a racial or cultural group have particular negative characteristics, such as laziness, drunkenness, greed or sexual promiscuity; and
- (d) parodying accents.

13.9 Sexuality Harassment includes harassment based on actual or assumed homosexuality, heterosexuality, bi-sexuality or transsexuality.

13.10 Examples of Sexuality Harassment include:

- (a) jokes in which sexuality is a significant characteristic of the “butt” of the joke;
- (b) hostile comments about actual or assumed sexual practices or social activities; and
- (c) hostility based on actual or assumed AIDS or HIV infection.

13.11 In severe cases, such as threats or acts of violence against a person based on their sexuality, Sexuality Harassment may be a criminal offence. If you believe that a criminal offence may have been committed you should seek legal advice and/or notify the police.

13.12 Disability Harassment includes harassment based on physical, mental or psychological disability or harassment of an associate or aide of a person with a disability.

13.13 Examples of Disability Harassment include:

- (a) jokes where a particular disability is a significant characteristic of the “butt” of the joke;
- (b) interfering with a disability aid (e.g. hearing aid);
- (c) obstructing a person in a manner that compounds his or her disability (e.g. putting obstacles in the path of a person with a vision impairment); and (d) mocking a person’s disability.

13.14 Abuse is a form of Harassment. It includes:

- (a) physical abuse (e.g. assault);
- (b) emotional abuse, (e.g. blackmail, repeated requests or demands);
- (c) neglect (e.g. failure to provide the basic physical and emotional necessities of life); and
- (d) abuse of power, which the harasser holds over the harassed.

13.15 Examples of relationships in sub-clause 13.2(d) that involve a power disparity

include a coach-player, manager-player, employer-employee, doctor-patient. People in such positions of power need to be particularly wary not to exploit that power.

13.16 Examples of Abuse include verbal and/or physical abuse (including bullying, humiliation and insults) by any of the following to any of the following:

- (a) players;
- (b) parents of players;
- (c) coaches;
- (d) team personnel;

- (e) spectators;
- (f) umpires; and
- (g) any other person acting in an official capacity.

- 13.17** Some forms of Abuse may constitute a criminal offence, for example assault and Child abuse. If you believe that a criminal offence may have been committed you should seek legal advice and/or notify the police.
- 13.18** Vilification involves a person inciting hatred towards, serious contempt for, or severe ridicule of, a person or group of persons by public act. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public. Vilification is a breach of this By-law where it is based on any of the attributes or characteristics set out in clause 14.2.
- 13.19** Some forms of Vilification may be a criminal offence, for example where harm is threatened. If you believe that a criminal offence may have been committed you should seek legal advice and/or notify the police.
- 13.20** CV Organisations take the view that intimate relationships between coaches and players, while not necessarily constituting Harassment, can have harmful effects on the individual player involved, on other players, and on the sport's public image. Such relationships may be perceived to be exploitative because there is usually a disparity between coaches and players in terms of authority, maturity, status and dependence. Given there is always a risk that the relative power of the coach has been a factor in the development of such relationships, they should be avoided by coaches at all levels. In the event that a player attempts to initiate an intimate relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such actions.

14. WHAT IS DISCRIMINATION?

- 14.1** Discrimination means treating, proposing to treat or requesting, assisting, instructing or encouraging another person to treat a person less favourably than someone else on the basis of an attribute or personal characteristic they have.
- 14.2** The applicable attributes or characteristics are:
- (a) age;
 - (b) disability;
 - (c) marital status;
 - (d) parental/Carer status; (e) physical features;
 - (f) political belief/activity;
 - (g) pregnancy;
 - (h) race;
 - (i) religious belief/activity;

- (j) sex or gender;
- (k) sexual orientation; and
- (l) transgender orientation.
- (m) Social origin; and
- (n) trade union/membership or activity.

14.3 The areas in which Discrimination under this By-law are not permitted are in:

- (a) employment or engagement (whether paid or unpaid) by CV Organisations;
- (b) the provision of goods and services by CV Organisations;
- (c) the selection or otherwise of any person for competition or a team (domestic or international) by or on behalf of CV Organisations;
- (d) the entry or otherwise of any player or other person to any competition held or sanctioned by CV Organisations (note the exception in clause 14.9);
- (e) obtaining or retaining membership (including the rights and privileges of membership) of CV Organisations.

14.4 Not only is Discrimination unlawful, but CV Organisations also consider it is wrong because it denies people a chance by judging them on the basis of stereotypes or assumptions about what they can or cannot achieve.

14.5 Discrimination includes direct Discrimination and indirect Discrimination. Direct Discrimination occurs if a person treats, or proposes to treat, someone with an attribute or characteristic (as outlined in clause 14.2) less favourably than the person treats or would treat, someone without that attribute or characteristic, in the same or similar circumstances. Indirect Discrimination occurs where a person imposes or intends to impose a requirement, condition or practice which on its face is not discriminatory, but has the effect of discriminating against a person(s) with a particular attribute or characteristic as outlined in clause 14.2.

14.6 Discrimination also includes victimisation. Victimisation is where a person is subject to, or is threatened to suffer, any detriment or unfair treatment, because that person has or intends to pursue their legal rights under anti-harassment legislation or under this By-law.

14.7 Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination, is also Discrimination.

14.8 Any behaviour or conduct that is discrimination under any Federal or State legislation is also Discrimination for the purposes of this By-law.

14.9 Discrimination under this By-law may be permitted if an exemption under the applicable Federal or State legislation applies.

15. CODES OF BEHAVIOUR AND POLICIES

To protect the health, safety and wellbeing of all the people participating in the activities of CV Organisations, the Codes of Behaviour set out in Attachment E has

been developed and issued (Attachment E form part of this By-law). For the avoidance of doubt, the Policies are set out in this By-law also forms part of this By-law.

16. WHAT IS A BREACH OF THIS BY-LAW?

16.1 It is a breach of this By-law for any person or CV Organisation to:

- (a) fail to comply with any of the obligations or responsibilities set out in this By-law;
- (b) with respect to a Prohibited Person, appoint, continue to appoint, or allow that person to undertake Child-related work without first undertaking screening under clause 8, a police check and obtaining a Prohibited Person Declaration;
- (c) with respect to a person referred to in clause 8.2, appoint, continue to appoint, or allow that person to undertake Child-related work:
 - (i) without first obtaining a Prohibited Person Declaration; or
 - (ii) where the Prohibited Person Declaration reveals the person is a Prohibited Person.
- (d) where the person is a Prohibited Person, to work or seek work in the roles set out in clause 8.3;
- (e) engage in any form of Harassment;
- (f) make a frivolous, vexatious or malicious Complaint under this By-law;
- (g) fail to comply with the Codes of Behaviour set out in Attachment E;
- (h) fail to comply with the policies set out this By-law;
- (i) fail to enforce a penalty imposed by a Hearings Tribunal or an Appeal Body

16.2 Any circumstances that may be a breach may be the subject of a Complaint and/or referred to a hearing under clause 21.

16.3 For the avoidance of doubt, it will be a breach of this By-Law if any of the actions set out under clause 16.1 occur either directly or indirectly, including but not limited to through any form of social media. For the purposes of this By-Law, the term "social media" refers to any electronic medium which is used by individuals or organisations to disseminate information or opinions to one or more other individuals or organisations. The term "social media" encapsulates the use of websites including, but not limited to, Facebook, Twitter and MySpace."

If there is any confusion or uncertainty arising as to whether a particular incident, complaint, act, omission or breach ought be dealt with in accordance with this Bylaw or alternatively, as a disciplinary matter under the disciplinary procedures of a CV Organisation, the matter shall be referred to the Member Protection Information Officer of the relevant Community Cricket Peak Body or Region or the Member Protection Information Officer appointed by Cricket Victoria for matters related to Premier Clubs for determination in the discretion of that person.

PART IV – COMPLAINT RESOLUTION PROCEDURE

17. COMPLAINT

- 17.1** Any person or organisation may make a complaint about a CV Organisation or a person to whom this By-law applies, if they consider that person or CV organisation has, or may have, committed a breach of any part of this By-law (a “Complaint”).
- 17.2** The Complaint always belongs to the Complainant, who will also determine how their Complaint is dealt with and is not divulged to another person without the Complainant’s agreement, except in the case where a person is required by law to report the matter to governmental authorities (for example, in the case of suspected Child abuse).

18. INFORMAL COMPLAINT RESOLUTION PROCEDURE

- 18.1** It is not necessary to provide a written Complaint under this clause.
- 18.2** A Complainant may seek to resolve the Complaint informally. The Complainant **may** initially approach:
- (a) a Member Protection Information Officer of the relevant CV Organisation;
 - (b) the President or General Manager (or in their absence their Nominee) of the relevant CV Organisation; or
 - (c) another appropriate person within the CV Organisation (e.g. team manager, coach etc.).
- 18.3** If the person approaches a Member Protection Information Officer, the Member Protection Information Officer may:
- (a) listen to and inform the Complainant about his or her possible options; and/or
 - (b) act as a support person for the Complainant, including supporting them through any mediation process undertaken to resolve the Complaint.
- 18.4** The Member Protection Information Officer will:
- (a) keep the matter confidential and only discuss it with those people whom the Complainant has authorised them to speak to about the Complaint; and (b) inform the relevant governmental authority, if required by law.
- 18.5** If the Complainant wishes to try and resolve the Complaint by mediation, the Member Protection Information Officer will arrange for a mediator (in the case of a Community Cricket Peak Body, being the Mediator of the relevant Community Cricket Peak Body or Region or a relevant third person nominated by the President or General Manager of the relevant Community Cricket Peak Body or Region, and in the case of a Premier Club, being the Mediator nominated by Cricket Victoria on behalf of the Premier Clubs) to mediate the Complaint.
- 18.6** The Mediator shall:

- (a) notify the person complained about that an informal Complaint has been made and provide them with details of the Complaint;
- (b) attempt to mediate a resolution between the Complainant and the person complained about.

18.7 Each party to the mediation shall bear their own costs in relation to the mediation.

18.8 If an agreed resolution is reached between the Complainant and the person complained about, the Complaint shall be deemed to have been withdrawn and no further action in relation to that Complaint may be taken (except for that which is agreed) under this By-law.

18.9 If following the process in clause 18.6 the Complaint is not resolved informally, the Complainant may make a formal Complaint under clause 19.

18.10 Nothing in this By-law prevents the Complainant taking action under State or Federal legislation or affects the rights or obligations of any person under State and Federal law.

18.11 CV organisations must keep records of all informal Complaints made to it under this clause 18. Records must be maintained in a secure and confidential place - preferably both in electronic and hard copy (if any) versions. All CV Organisations will share records of Complaints with Cricket Victoria as soon as practicable after receipt and otherwise within 3 days. Such records are to be maintained regardless of whether the Complaint proceeds to a formal Complaint resolution procedure or not.

19. FORMAL COMPLAINT RESOLUTION PROCEDURE

19.1 In order for a Complaint to be dealt with in accordance with this clause, a Complaint must be made in writing (however it need not be called or referred to as a Complaint).

19.2 A written Complaint must be made to one of the following people:

- (a) a Member Protection Information Officer of the relevant CV Organisation . (A list of the Member Protection Information Officers must be made available to any person requesting such list and shall be displayed at the premises of CV Organisations, or on their respective internet websites); or
- (b) the President or General Manager (or in their absence their Nominee) of the relevant CV Organisation.

19.3 If a person listed in clause 19.2 receives a Complaint, then they must do the following:

- (a) If such person is not a Member Protection Information Officer, they shall forward such Complaint as soon as possible to a Member Protection Information Officer.
- (b) The Member Protection Information Officer must then ask the Complainant whether s/he wishes them to:
 - (i) listen to and inform the Complainant about their possible options; and/or

- (ii) act as a support person for the Complainant, including supporting them through any mediation process undertaken to resolve the Complaint if the Complainant wishes to resolve the Complaint by mediation in accordance with clause 19.4; or
 - (iii) refer the Complaint to the Hearings Convenor at the relevant CV Organisation, whichever organisation the person complained about holds the highest role, for a hearing to be held under clause 21 (if mediation is not a relevant/appropriate option).
- (c) Having determined the Complainant's wishes in clause 19.3(b), the Member Protection Information Officer will:
- (i) act in accordance with the Complainant's direction in relation to the options set out in clause 19.3(b);
 - (ii) keep the matter confidential and only discuss it with those people whom the Complainant has authorised them to speak to about the Complaint;
 - (iii) inform the relevant governmental authority, if required by law.

19.4 If the Complainant wishes to try and resolve the Complaint by mediation, the Member Protection Information Officer shall immediately notify the Mediator appointed in respect of the relevant CV Organisation that a Complaint has been made and provide them with a copy of the written Complaint. If an attempt to mediate was made under clause 18.6, the Mediator under this clause cannot be the same person.

19.5 The Mediator shall:

- (a) notify the person complained about, in writing, that a Complaint has been made and provide them with a copy of the written Complaint;
- (b) attempt to mediate a resolution between the Complainant and the person complained about.

19.6 If an agreed resolution is reached between the Complainant and the person complained about, the Complaint shall be deemed to have been withdrawn and no further action in relation to that Complaint may be taken (except for that which is agreed) under this By-law.

19.7 If following the process in clause 19.5 an agreed resolution is not reached within fourteen business days and with the Complainant's agreement, the Mediator shall refer the Complaint to the Hearings Convenor at the relevant CV Organisation, whichever organisation the person complained about holds the highest role, for a hearing to be held under clause 21.

19.8 If a Complainant withdraws the Complaint, no further action in relation to that Complaint may be taken (unless required by law) under this By-law.

19.9 To avoid any doubt, any Complaint relating to:

- (a) a Premier Club shall be referred to the Member Protection Information Officer appointed by Cricket Victoria to deal with matters related to Premier Clubs and/or the Hearings Convenor of the VCA Tribunal;

- (b) a Community Cricket Peak Body shall be referred to the Member Protection Information Officer and/or Hearings Convenor of the Community Cricket Peak Body;
- (c) a Region, shall be referred to the Member Protection Information Officer and/or Hearings Convenor of the Region. If a Region has not appointed at least one Member Protection Information Officer and a Hearings Convenor, the Complaint shall be referred to the Member Protection Information Officers and/or Hearings Convenor of the relevant Community Cricket Peak Body;
- (d) an Affiliated Club and Association, shall be referred to the Member Protection Information Officer and/or Hearings Convenor of the Region of which the Affiliated Club and Association is a member. If a Region has not appointed at least one Member Protection Information Officer and a Hearings Convenor, the Complaint shall be referred to the Member Protection Information Officers and/or Hearings Convenor of the relevant Premier Club or Community Cricket Peak Body.

19.10 Nothing in this By-law prevents the Complainant taking action under State or Federal legislation.

19.11 CV Organisations must keep records of all formal Complaints made under this clause 19. Records must be maintained in a secure and confidential place - preferably both in electronic and hard copy (if any) versions. All Affiliated Clubs and Associations will share records of Complaints with Cricket Victoria as soon as practicable after receipt and otherwise within 3 days. Such records are to be maintained regardless of whether the Complaint proceeds to a formal Complaint resolution procedure (e.g. a Hearings Tribunal) or not.

20. SUSPECTED BREACHES

20.1 If a Complaint is not received, but the President, General Manager (or in their absence their Nominee) or Member Protection Information Officer of a CV Organisation receives information (whether or not in writing) which gives them reasonable cause to suspect that a breach of this By-law may have been committed, then he or she shall use their reasonable endeavours to advise the person who is suspected of being subject to the event giving rise to the Complaint, of the Complaints procedures under this By-law.

20.2 Clause 19 also applies to this clause.

20.3 Except as otherwise provided in this By-law, all information obtained by the President, the General Manager, their Nominee, the Member Protection Information Officer, the Mediator or the Hearings Convenor in accordance with this clause must be kept confidential.

21. HEARINGS

21.1 Where the Hearings Convenor at a Community Cricket Peak Body or Region receives a Complaint referred to it under clause 19 he or she shall follow the procedures set out in clause 22.

21.2 Where the Hearings Convenor receives a Complaint in relation to a Premier Club referred to it under clause 15 he or she shall follow the procedures set out in clause 23.

22. COMMUNITY CRICKET PEAK BODY OR REGION HEARINGS

22.1 Upon receipt of the Complaint or the information, the Hearings Convenor shall as soon as possible do the following:

- (a) determine the composition of the Hearings Tribunal, as detailed in clause 22.2;
- (b) send to the person complained about:
 - (i) a notice setting out the alleged breach including details of when/where it is alleged to have occurred; and
 - (ii) a notice setting out the date, time and place for the hearing of the alleged breach which shall be as soon as reasonably practicable after receipt of the Complaint or information;
 - (iii) a copy of the Complaint or the information received if in writing; ("referred to as Notice of Alleged Breach");
- (c) send to the Complainant(s) and the Chairperson of the Hearings Tribunal a copy of the Notice of Alleged Breach.

22.2 The Hearings Tribunal for each hearing shall be appointed by the Board of Directors (however described) of the relevant Community Cricket Peak Body or Region and shall comprise of the following persons:

- (a) a barrister or solicitor (who shall be the Chairperson) or, if after reasonable attempts have been made to obtain one without success, then a person with considerable previous experience in the legal aspects of a disciplinary/hearings tribunal;
- (b) a person with a thorough knowledge of the sport;
- (c) one other person of experience and skills suitable to the function of the Hearings Tribunal, **provided that** such persons do not include:
 - (i) a person who is a member of the Board of Directors (however described) of the organisation which appoints the Hearings Tribunal; or
 - (ii) a person who would, by reason of their relationship with the Complainant or the person complained about, be reasonably considered to be other than impartial.

22.3 In appointing a Hearing Tribunal, the Board of Directors of the relevant Community Cricket Peak Body or Region shall have regard to the desirability of drawing upon members of the Community Cricket Hearings Panel to hear and determine the matter in accordance with this By-law.

- 22.4** Each Community Cricket Peak Body shall be required to nominate two persons to be members of the Community Cricket Hearings Panel who shall comply with one or more of the criteria set out in clause 22.2. Such persons shall be notified to the Community Cricket Department at Cricket Victoria which shall maintain a register of names and contact details of the members of the Community Cricket Hearings Panel from time to time. The members of the Community Cricket Hearings Panel shall be available to hear and determine matters on behalf of Community Cricket Peak Bodies and Regions in accordance with this By-law.
- 22.5** Frivolous, vexatious or malicious Complaints
- (a) If within 48 hours of sending the Notice of Alleged Breach, the person complained about alleges in writing to the Hearings Convenor that the Complaint is frivolous, vexatious or malicious, the Chairperson shall as a preliminary issue, determine whether or not such Complaint is frivolous, vexatious or malicious and shall advise the parties of his or her determination.
 - (b) The Hearings Convenor shall provide to the other parties to the hearing a copy of the written allegation made by the person complained about, that the Complaint is frivolous, vexatious or malicious.
 - (c) The Chairperson shall determine such preliminary issue as soon as practicable and in whatever manner the Chairperson considers appropriate in the circumstances provided that he or she does so in accordance with the principles of natural justice.
 - (d) The decision of the Chairperson under this clause may be appealed within 72 hours of the determination to the relevant appeal body under clause 25.
- 22.6** The Hearings Tribunal shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with the principles of natural justice. **The purpose of the hearing shall be to determine whether the person complained about has committed a breach of this By-law.** If the Hearings Tribunal considers that the person complained about has committed a breach of this By-law, it may impose any one or more of the penalties set out in clause 23.
- 22.7** The parties to the hearing shall include the Complainant, the person complained about and the relevant CV Organisation and any witnesses, which any such party wishes to have participate in the hearing.
- 22.8** If upon receipt of the Notice of Alleged Breach, the Chairperson considers that pending the determination of the matter the person complained about may put at risk the safety and welfare of the Complainant or others, he/she may order that the person complained about be:
- (a) suspended from any role they hold with the relevant CV Organisation;
 - (b) banned from any event or activities held by or sanctioned by the relevant CV Organisation; and/or

- (c) required not to contact or in any way associate with the Complainant or other person about whom the alleged breach relates, pending the determination of the hearing.
- 22.9** There is no right of appeal of the decision by a Chairperson under clause 22.8.
- 22.10** Any party to the hearing may be represented at the hearing by any person, excluding a legal representative.
- 22.11** Each party to the hearing shall bear their own costs in relation to the hearing.
- 22.12** The Hearings Tribunal shall give its decision as soon as practicable after the hearing and will deliver to the following a statement of its written reasons:
- (a) the President or the CEO of the CV Organisation which established the Hearings Tribunal;
 - (b) the Complainant;
 - (c) the person complained about; and
 - (d) any other party represented in the hearing.
- 22.13** Each member of each Hearings Tribunal established under this By-law shall be indemnified by the CV Organisation which appointed them, from any claim or action for loss, damages, or costs made against them arising out of, or in connection with, their function as a member of the Hearings Tribunal under this By-law.
- 22.14** Except as otherwise provided in this By-law, all members of the Hearings Tribunal shall keep all matters relating to the hearing (including but not limited to the nature of the Complaint, information obtained before and during the hearing and the decision of the Hearings Tribunal) confidential.
- 22.15** The relevant CV Organisation must keep records of all Complaints that proceed to a Hearings Tribunal process for a minimum of 7 years.
- 22.16** Records must be maintained in a secure and confidential place – preferably both in electronic and hard copy (if any) versions.
- 22.17** When recording details at the finalisation of a Complaint, the person from the relevant CV Organisation recording the Complaint must:
- (a) file all materials lodged by each party to the Complaint in a confidential and secure location;
 - (b) document the decision made with respect to the Complaint;
 - (c) document any disciplinary measures arising out of the Complaint; and (d) record any additional outcomes of the Complaint.
- 22.18** As soon as possible after the Complaint is resolved, the relevant CV Organisation must also notify CV of the outcome of the Complaint,

22.19 To the extent of any inconsistency between the hearing procedure set out in the constitution of the relevant Community Cricket Peak Body or Region and the hearing procedure set out in this By-law, this By-law shall prevail in relation to all Complaints under this By-law.

23. PREMIER CLUBS HEARINGS

23.1 Upon receipt of the Complaint or the information in relation to a matter involving Premier Clubs, the relevant Hearings Convenor shall as soon as possible do the following:

(a) make arrangements for the VCA Tribunal to be empaneled; (b)

send to the person complained about:

(i) a notice setting out the alleged breach including details of when/where it is alleged to have occurred; and

(ii) a notice setting out the date, time and place for the hearing of the alleged breach which shall be as soon as reasonably practicable after receipt of the Complaint or information;

(iii) a copy of the Complaint or the information received if in writing; ("referred to as Notice of Alleged Breach");

(c) send to the Complainant(s) and the Chairperson of the VCA Tribunal a copy of the Notice of Alleged Breach.

23.2 Frivolous, vexatious or malicious Complaints

(a) If within 48 hours of sending the Notice of Alleged Breach, the person complained about alleges in writing to the relevant Hearings Convenor that the Complaint is frivolous, vexatious or malicious, the Chairperson of the VCA Tribunal shall as a preliminary issue, determine whether or not such Complaint is frivolous, vexatious or malicious and shall advise the parties of his or her determination.

(b) The Hearings Convenor shall provide to the other parties to the hearing a copy of the written allegation made by the person complained about, that the Complaint is frivolous, vexatious or malicious.

(c) The Chairperson of the VCA Tribunal shall determine such preliminary issue as soon as practicable and in whatever manner the Chairperson considers appropriate in the circumstances provided that he or she does so in accordance with the principles of natural justice.

23.3 The VCA Tribunal shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with the principles of natural justice. **The purpose of the hearing shall be to determine whether the person complained about has committed a breach of this By-law.** If the VCA Tribunal considers that the person complained about has committed a

breach of this By-law, it may impose any one or more of the penalties set out in clause 23.

- 23.4** The parties to the hearing shall include the Complainant, the person complained about and the relevant CV Organisation (being the relevant Premier Club) and any witnesses, which any such party wishes to have participate in the hearing.
- 23.5** If upon receipt of the Notice of Alleged Breach, the Chairperson of the VCA Tribunal considers that pending the determination of the matter the person complained about may put at risk the safety and welfare of the Complainant or others, he/she may order that the person complained about be:
- (a) suspended from any role they hold with the relevant Premier Club;
 - (b) banned from any event or activities held by or sanctioned by the relevant Premier Club; and/or
 - (c) required not to contact or in any way associate with the Complainant or other person about whom the alleged breach relates, pending the determination of the hearing.
- 23.6** Any party to the hearing may be represented at the hearing by any person, excluding a legal representative.
- 23.7** Each party to the hearing shall bear their own costs in relation to the hearing.
- 23.8** The VCA Tribunal shall give its decision as soon as practicable after the hearing and will deliver to the following a statement of its written reasons:
- (a) the CEO of Cricket Victoria;
 - (b) the President or the CEO of the relevant Premier Club(s) involved in the matter;
 - (c) the Complainant;
 - (d) the person complained about; and
 - (e) any other party represented in the hearing.
- 23.9** Each member of each Hearings Tribunal established under this By-law shall be indemnified by the CV Organisation which appointed them, from any claim or action for loss, damages, or costs made against them arising out of, or in connection with, their function as a member of the VCA Tribunal under this By-law.
- 23.10** Except as otherwise provided in this By-law, all members of the VCA Tribunal shall keep all matters relating to the hearing (including but not limited to the nature of the Complaint, information obtained before and during the hearing and the decision of the VCA Tribunal) confidential.
- 23.11** The record keeping requirements provided in clauses 22.15 to 22.8 in relation to a Hearings Tribunal procedure under clause 22 apply equally to a VCA Tribunal hearing conducted under this clause 23.
- 23.12** To the extent of any inconsistency between the hearing procedure of the VCA Tribunal set out in the Cricket Victoria constitution (or any associated by-laws) and

the hearing procedure set out in this By-law, this By-law shall prevail in relation to all Complaints made under this By-law.

24. WHAT PENALTIES MAY BE IMPOSED?

- 24.1** If the Hearings Tribunal or the VCA Tribunal (as the case may be) considers that a person or organisation, to whom this By-law applies, has breached this By-law, it may impose any one or more of the following penalties:
- (a) **For breaches committed by CV Organisations:** If the Hearings Tribunal or VCA Tribunal (as the case may be) considers that a CV Organisation has breached this By-law, it may impose any one or more of the following penalties on such organisation:
- (i) direct that any funding granted or given to it by a CV Organisation cease from a specified date;
 - (ii) impose a monetary fine for an amount determined by the Hearings Tribunal;
 - (iii) impose a warning;
 - (iv) recommend to the relevant CV Organisation that its membership of such CV Organisation be suspended or terminated in accordance with their applicable constitution;
 - (v) direct that any rights, privileges and benefits provided to that CV Organisation by a CV Organisation be suspended for a specified period and/or terminated;
 - (vi) direct that a CV Organisation cease to sanction events held by or under the auspices of that organisation;
 - (vii) any other such penalty as the Hearings Tribunal considers appropriate.
- (b) **For breaches committed by persons:** If the Hearings Tribunal or VCA Tribunal considers that a person to whom this By-law applies has breached this By-law, it may impose any one or more of the following penalties on such person:
- (i) direct that the offender attend counselling to address their conduct;
 - (ii) recommend that the relevant CV Organisation terminate the appointment of the role which the offender holds with such organisation;
 - (iii) recommend that the relevant CV Organisation suspend the individual person from participating in further activities, fixtures, competitions or events of the relevant CV Organisation for a period determined appropriate by the Hearings Tribunal;
 - (iv) where there has been damage to property, direct that the offender pay compensation to the relevant CV Organisation which controls or has possession of the property;

- (v) impose a monetary fine for an amount determined by the Hearings Tribunal;
- (vi) impose a warning;
- (vii) in the case of a coach, direct the relevant CV Organisation to de-register the accreditation of the coach for a period or indefinitely;
- (viii) withdraw any awards, placings, records won in any competitions, carnivals, activities or events held or sanctioned by a CV Organisation;
- (ix) direct the offender to repay all or part of any financial assistance (excluding any fee for service, wages or expenses) given to them by a CV Organisation, or any other organisation which has provided funding;
- (x) any other such penalty as the Hearings Tribunal considers appropriate.

24.2 If a CV Organisation or person commits a second or subsequent breach under this By-law, then the Hearings Tribunal or VCA Tribunal (as the case may be) shall have regard to the previous breach, the penalty imposed and any other relevant factors, in imposing a penalty for the second or subsequent breach.

24.3 When the Hearings Tribunal or VCA Tribunal imposes a penalty under clause 24.1, the Hearings Tribunal may consider, but is not limited to considering, the following factors:

- (a) nature and seriousness of the breach;
- (b) whether the CV Organisation or person knew or ought to have known that the behaviour constituted a breach;
- (c) the CV Organisation's or person's level of contrition;
- (d) the effect of the proposed penalty on the person, including any personal, professional or financial consequences;
- (e) if the CV Organisation or person has received any relevant prior warnings or disciplinary actions;
- (f) the ability to enforce the penalty; and (g) any other mitigating factors.

24.4 When the Hearings Tribunal imposes a penalty under clause 24.1, the penalty must be:

- (a) consistent with any contractual and employment rules and requirements;
- (b) fair and reasonable;
- (c) based on the evidence and information presented and the seriousness of the breach; and

- (d) comply with Cricket Victoria's Constitution, By-laws, this By-law and Rules of Cricket.

24.5 If a penalty is imposed by the Hearings Tribunal under clause 24.1, the President or the General Manager of the CV Organisation from which the Hearings Tribunal is established shall as soon as possible notify in writing Cricket Victoria and each Premier Club, Community Cricket Peak Body and Region of such penalty.

24.6 Any penalty imposed by a Hearings Tribunal under this clause 24 are to be recorded in the record maintained in accordance with either clauses 22.17 or 23.11.

25. HOW CAN A DECISION BE APPEALED?

25.1 Any party to a hearing held under clause 21 (including an organisation, and for the avoidance of doubt, being a matter related to a Community Cricket Peak Body or Region) may appeal a decision of a Hearings Tribunal.

25.2 To avoid doubt, there is no right by any party to a hearing held by the VCA Tribunal under clause 19 to appeal such decision.

25.3 An appeal shall be made to the relevant Community Cricket Peak Body or Region, which shall convene a Hearings Tribunal comprising three members of the Community Cricket Hearings Panel (none of whom may have been members of the initial Hearings Tribunal which determined the matter at first instance) (referred to as the "**Appeal Body**").

- (a) an appeal against a decision of a Hearings Tribunal established by a Region shall be made to the Hearings Tribunal of the relevant Community Cricket Peak Body;
- (b) an appeal against a decision of a Hearings Tribunal established by a Community Cricket Peak Body shall be made to an independent appeal tribunal convened by the Community Cricket Peak Body; (referred to as the "Appeal Body").

25.4 There is only one right of appeal following the decision of the initial Hearings Tribunal. Any appeal must be solely and exclusively resolved by the Appeal Body and the decision of such Appeal Body is final and binding on the parties. It is agreed that no party to such appeal may institute or maintain proceedings in any court or tribunal other than the relevant Appeal Body. **Note: This provision does not prevent any person or organisation taking action under State or Federal legislation.**

25.5 The process for such appeal is as follows:

- (a) the party wishing to appeal ("the Appellant") shall within 72 hours of the Hearings Tribunal delivering its decision advise, in writing, the President or the General Manager of the relevant Community Cricket Peak Body or Region of their intention to appeal ("**Notice of Intention to Appeal**"); and
- (b) for all appeals, as soon as possible after receipt of the Notice of Intention to Appeal, the Hearings Convenor of the relevant Community Cricket Peak Body or Region shall appoint an Appeal Body to hear and determine the appeal; and

- (c) within five days of lodging the Notice of Intention to Appeal, (or such shorter time as determined by the Appeal Body if there is urgency) the Appellant shall:
- (i) pay the appeal fee to the Chairperson of the Appeal Body, which shall be \$110.00 (including GST) which is non-refundable; and
 - (ii) submit to the Chairperson of the Appeal Body the grounds of the appeal in writing and provide copies to the other party, to the President or the General Manager of the relevant Community Cricket Peak Body or Region.

If either of the requirements in this sub-clause is not met by the due time the appeal shall be deemed to be withdrawn;

- (d) on completion of the procedures in (a) to (c), the Chairperson of the Appeal Body shall determine a place, time and date for the hearing of the appeal and as soon as possible thereafter notify all parties to the appeal in writing of such details; and
- (e) the procedure for the appeal shall be the same as the procedure for the Hearings Tribunal set out in clause 18.

25.6 Upon hearing the appeal, the Appeal Body may do any one or more of the following:

- (a) dismiss the appeal;
- (b) uphold the appeal;
- (c) impose any of the penalties set out in clause 20;
- (d) reduce, increase or otherwise vary any penalty imposed by the initial Hearings Tribunal.

25.7 The President or the General Manager of the CV Organisation from which the Appeal Body is established shall as soon as possible notify in writing Cricket Victoria, each Community Cricket Peak Body and Region of the outcome of the appeal.

25.8 The Appeal Body has no power to award costs and each party shall bear their own costs in relation to any appeal.

25.9 Any appeals conducted by an Appeal Body under this clause 25 are to be recorded in the record maintained in accordance with clause 22.17.

25.10 To the extent of any inconsistency between the hearing appeal procedure set out in the constitution of a Community Cricket Peak Body or Region and the hearing appeal procedure set out in this By-law, this By-law shall prevail in relation to all Complaints under this By-law.

26. RECOGNITION OF PENALTIES

26.1 Every CV Organisation shall recognise and enforce any decision and penalty imposed by a Hearings Tribunal or the VCA Tribunal under this By-law.

26.2 The following details of any person suspended shall be forwarded to the relevant Premier Club and Community Cricket Peak Body:

- (a) player's name;
- (b) player's national registration number;
- (c) suspension expiry date;
- (d) reason for suspension; and
- (e) the name of the suspending organisation.

26.3 The Premier Club and Community Cricket Peak Body's responsible officer shall endorse the suspension and forward the details to Cricket Victoria's General Manager, Game Development (GMD) or his nominee, provided that the responsible officer has no reason to believe that the player has been dealt with inappropriately. The GMD shall arrange for the player's name, National registration number and date of suspension expiry to be added to the "Suspended Players" page on the Cricket Victoria website.

26.4 For the avoidance of doubt:

- (a) no CV Organisation shall register a person, club or association which would be ineligible to be registered by another CV Organisation by virtue of that person, club or association receiving a penalty under this By-law; and
- (b) any person who is currently serving a suspension or disqualification imposed upon that person by an organisation affiliated with or recognised by Cricket Australia (CV Organisations and or otherwise) shall not be eligible to play or be registered as a player or coach of any other organisation affiliated with or recognised by Cricket Australia, until that suspension or disqualification has been served. For the purposes of this rule, the appearance of the person's name and suspension expiry date on the "Suspended Players" page on the Cricket Victoria website shall constitute prima facie evidence that the player is legitimately suspended.

ATTACHMENT A - POLICY DEFINITIONS

Abuse means a form of Harassment, as more specifically set out in clauses 13.14, 13.16 and 13.17.

Affiliated Clubs and Associations means a member of a Community Cricket Peak Body, which may include leagues, associations, clubs or teams (howsoever described).

Appeal Body means a body comprising of three members of the Premier Club, Community Cricket Hearings Panel (none of whom may have been members of the initial Hearings Tribunal which determined the matter at first instance).

Appellant means a person that makes an appeal under clause 25.4.

By-law and **this By-law** mean this Member Protection By-law.

Child is a person under the age of eighteen years and **Children** mean more than one Child.

Codes of Behaviour means the codes of behaviour developed as set out in Attachment E.

Complaint means a complaint made under clauses 13 to 19.

Complainant means a person or organisation that makes a Complaint.

Community Cricket Peak Bodies means the Victorian Country Cricket League, Victorian Metropolitan Cricket Union, Sub-District Cricket Association and Victorian Women's Cricket Association.

Community Cricket Hearings Panel means the group of persons nominated by the Premier Clubs and/or Community Cricket Peak Bodies to comprise Hearing Tribunals in accordance with clauses 218 and 21.

Cricket Victoria means the Victorian Cricket Association Limited.

CV Organisation means all of Cricket Victoria, Premier Clubs, Community Cricket Peak Bodies, Regions and Affiliated Clubs and Associations.

Disability Harassment means a form of Harassment, as more specifically set out in clauses 13.12 and 13.13.

Discrimination means a form of Harassment, as more specifically set out in clause 14.

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

General Manager means the general manager of an organisation, howsoever described (may include the chief executive and executive officer or other similar title).

Harassment has the meaning set out in clause 13 and 14.

Hearings Convenor means a person who is responsible for the administration of hearings by the Hearings Tribunal (in the case of a matter involving a Community Cricket Peak Body or a Region) or the VCA Tribunal (in the case of a Premier Club).

Hearings Tribunal means:

- (a) in the case of a matter involving a Premier Club (or an individual from a Premier Club) means the VCA Tribunal, and
- (b) in the case of matter involving a Community Cricket Peak Body or a Region, means the Hearing Tribunal established to hear and determine alleged breaches and appeals under this By-law.

Mediator means a person appointed to mediate disputes and concerns in relations to Complaints under this By-law.

Member Protection Information Officer means:

- (a) in the case of a matter involving a Community Cricket Peak Body, Region or Affiliate Club and Association, a person appointed by a Community Cricket Peak Body, Region or Affiliate who may be the first point of contact for someone bringing a Complaint under this By-law.
- (b) in the case of a matter involving a Premier Club, a person appointed by Cricket Victoria and who may be the first point of contact for someone from a Premier Club to bring a complaint under this By-Law.

Notice of Alleged Breach means a notice setting out the alleged breach including details of when/where it is alleged to have occurred;

- (a) a notice setting out the date, time and place for the hearing of the alleged breach which shall be as soon as reasonably practicable after receipt of the Complaint or information; and
- (b) a copy of the Complaint or the information received if in writing.

Notice of Intention to Appeal means a notice, letter or document in writing by the Appellant to the President or the General Manager of the relevant Premier Club, Community Cricket Peak Body or Region, stating the Appellant's intention to appeal a decision of the Hearings Tribunal.

Nominee means the person who is, under the constitution of the relevant organisation, empowered to act in the President's or the General Manager's absence. In the case of the President, it may include a Vice-President, Deputy Chairperson or other similar title, however described and in the case of the General Manager it may include the acting General Manager, acting chief executive, acting executive officer or other similar title, however described.

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

Premier Clubs means the following clubs, subject to their possession of the necessary qualifications provided for in the Association's By-Laws: Camberwell Magpies, Carlton, Casey-South Melbourne, Dandenong, Essendon, Fitzroy-Doncaster, Footscray Edgewater, Frankston Peninsula, Geelong, Hawthorn-Monash University, Melbourne, Melbourne University, North Melbourne, Northcote, Prahran, Richmond, Ringwood, St. Kilda and such other clubs as may from time to time be approved by the Association.

Racial Harassment means a form of Harassment, as more specifically set out in clauses 13.7 and 13.8.

Region means an entity (whether incorporated or not) comprised of a number of Affiliated Clubs and Associations and recognised by Cricket Victoria or a Community Cricket Peak Body as being responsible for the development and conduct of the sport of cricket within a designated geographical area.

Serious Sex Offence means an offence involving sexual activity or acts of indecency as defined in clause 8.2.

Sexual Harassment means a form of Harassment, as more specifically set out in clauses 13.3 to 13.6.

Sexuality Harassment means a form of Harassment, as more specifically set out in clauses 13.9 to 13.11.

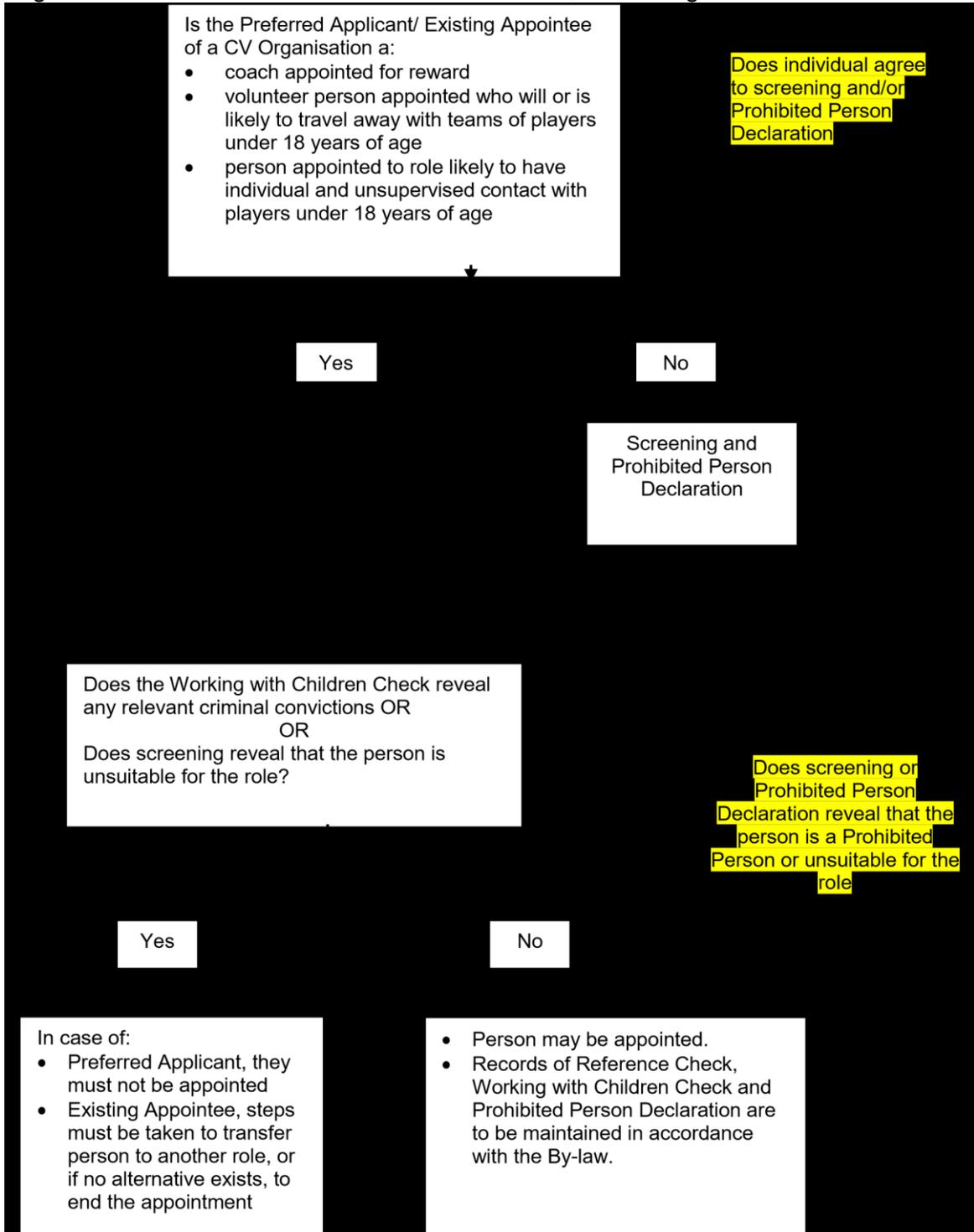
Spirit of Cricket means the philosophy developed by the Marleybone Cricket Club and adopted by cricket associations throughout the world which recognises that the game should be played in accordance with its traditional 'spirit' as well as within its laws. **VCA Tribunal** means the tribunal appointed under the Cricket Victoria Constitution.

Vilification means a form of Harassment, as more specifically set out in clauses 13.18 and 13.19.

Working with Children Check means the formal check conducted through the Department of Justice to ascertain if a person is appropriate engage in Child related work, such as work with Children under 18 years of age in a direct and unsupervised manner.

ATTACHMENT B - PREVENTATIVE ACTION (CLAUSES 8 AND 9) FLOW DIAGRAM

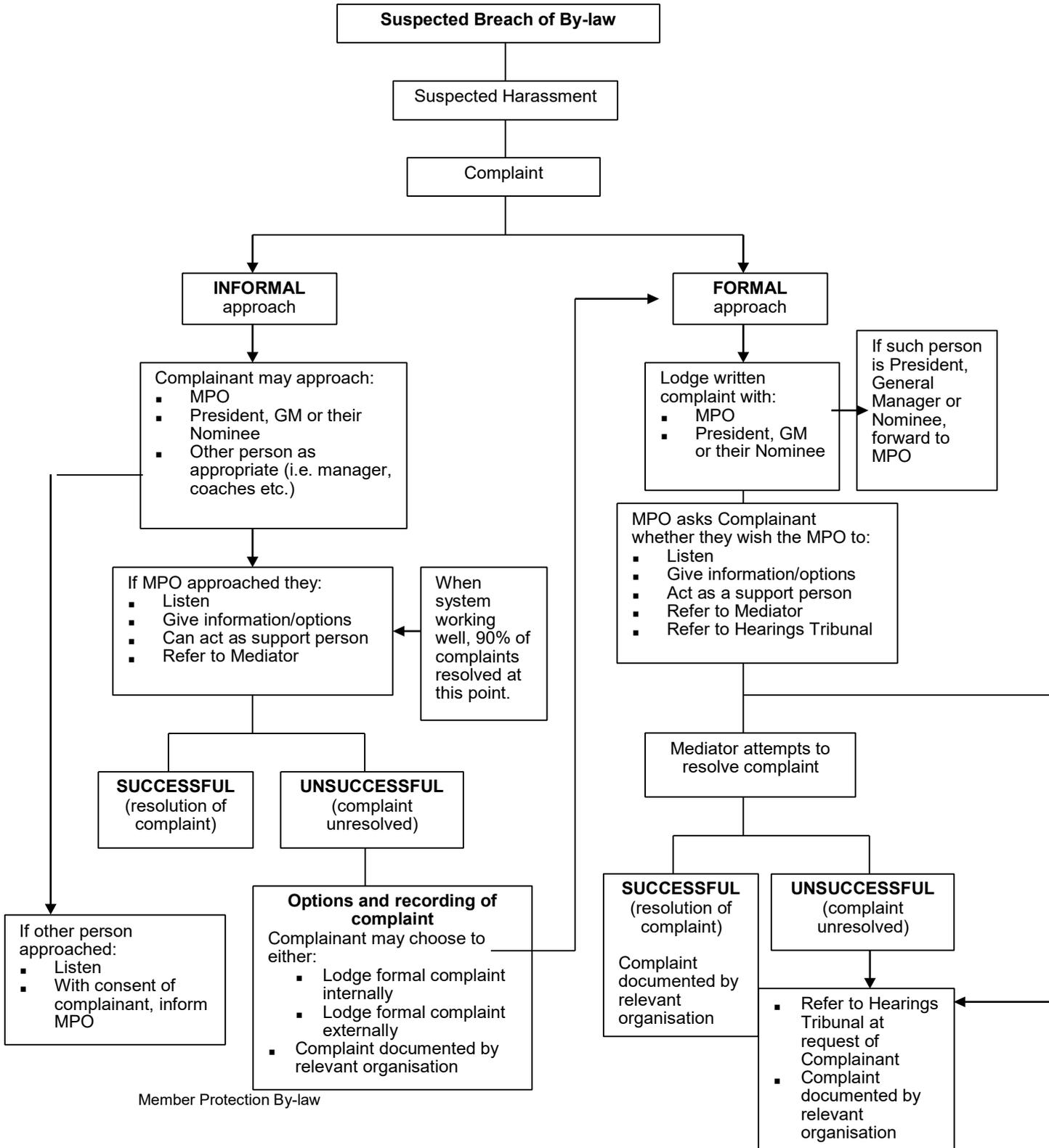
Attachment B has been included in this By-law by way of summary and it is not to be used for the interpretation of this By-law. In any circumstances where an Existing Appointee is being transferred or terminated from their current role, consult legal advice.



ATTACHMENT C - COMPLAINT RESOLUTION PROCEDURE (CLAUSES 18 AND 19)

FLOW DIAGRAM

Attachment C has been included in this By-law by way of summary and it is not to be used for the interpretation of this By-law. Nothing in this By-law prevents any person from taking any action under State or Federal law or affects the rights and obligations of any person under State or Federal law.



ATTACHMENT D – HEARING TRIBUNAL PROCESS (CLAUSE 21) FLOW DIAGRAM

Attachment D has been included in this Regulation by way of summary and it is not to be used for the interpretation of this Regulation.

Community Cricket Peak Body (CCPB)

Region

Affiliated Association

Affiliated Club

Don't Know

Refer to CCPB Hearings Tribunal

Refer to Region Hearings Tribunal

Refer to relevant Region Hearings Tribunal

Refer to Hearings Convenor for determination

CCPB Hearings Tribunal hears matter and if person complained about has breached the By-Law, penalty imposed

CV Region Hearings Tribunal hears matter and if person complained about has breached the By-Law, penalty imposed

Refer to CCPB or Region process

Has a party lodged an appeal?

Has a party lodged an appeal?

No

Yes

No

Appeal to Appeal Body convened by CCPB

- Matter Complete
- Complaint documented by relevant organisation (including any appeal and/or penalty imposed).

ATTACHMENT E - CODES OF BEHAVIOUR**GENERAL CODE OF BEHAVIOUR**

As a person required to comply with this By-law, you must meet the following requirements in regard to your conduct during any activity held by, sanctioned by or under the auspices of a CV Organisation:

- 1 Respect the rights, dignity and worth of others.
- 2 Be fair, considerate and honest in all dealings with others.
- 3 Be professional in, and accept responsibility for your actions.
- 4 Make a commitment to providing quality service.
- 5 Operate within the rules of the sport including state guidelines which govern CV Organisations.
- 6 Do not use your involvement with a CV Organisation to promote your own beliefs, behaviours or practices where these are inconsistent with those of the CV Organisation.
- 7 Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.
- 8 Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.
- 9 Refrain from any behaviour that may bring the sport of cricket or a CV Organisation into disrepute.
- 10 Provide a safe environment for the conduct of the activity.
- 11 Show concern and caution towards others who may be sick or injured.
- 12 Be a positive role model.
- 13 Where required by this By-law, ensure proper recording and documentation procedures required by the By-law are undertaken and completed.
- 14 Understand the repercussions if you breach, or are aware of any breaches of this Code of Behaviour.
- 15 Act at all times to protect and promote the sport of cricket in accordance with the Spirit of Cricket.

APPROPRIATE BEHAVIOUR WITH CHILDREN CODE OF BEHAVIOUR

In addition to the General Code of Behaviour set out in this By-law above, there are certain further requirements that apply when to you when you are interacting with Children. These further requirements are provided in this appropriate behaviour with Children code of conduct. These further requirements are as follows:

- 1 When disciplining or guiding Children, ensure that appropriate techniques are used to do so. At no stage should physical punishment or overly threatening or intimidating behaviour occur.
- 2 Understand the scope and limit of your authority. It is not appropriate for adults involved in cricket to take certain actions in relation to Children that aren't their own, without the express consent of the relevant Child's parents. For example, an adult should not provide unauthorised transportation to Children, contact Children outside of that required by virtue of the adult's role in cricket nor attend private functions with Children.
- 3 Use appropriate language and communication techniques.
- 4 Avoid discriminatory, derogatory, sexual or otherwise harmful language.
- 5 Avoid one-on-one unsupervised contact with Children.
- 6 Avoid use of electronic communications (text, email, social media, etc) to a Child without copying in their parent/guardian to the communication.
- 7 Do not give gifts to Children without the parent having previously approved of the gift being given.
- 8 Avoid taking photos, videos or other recordings of Children without the prior consent of their parent/guardian.
- 9 Ensure all physical contact is appropriate and necessary. Contact should not occur if it is rough, intended to cause pain, sexual or unnecessary.
- 10 Sexual behaviour Children is in no circumstances tolerated.
- 11 Ensure change room arrangements are appropriately considered. This means that you should avoid being in change rooms unsupervised with Children. Ensure that genders are adequately separated into different change rooms. Adults should not use the same facility as Children to get changed - to avoid exposing Children to adult nudity.
- 12 In no circumstances should you supply alcohol or drugs to Children. Nor should you be under the influence of either when in the presence of Children.

ADMINISTRATOR CODE OF BEHAVIOUR

In addition to the General Code of Behaviour set out in this By-law, you must meet the following requirements in regard to your conduct during any activity held by, sanctioned by or under the auspices of a CV Organisation and in your role as an administrator of a CV Organisation:

- 1 Be fair, considerate and honest in all dealings with others.
- 2 Be professional in, and accept responsibility for your actions. Your language, presentation, manners and punctuality should reflect high standards.
- 3 Resolve conflicts fairly and promptly through established procedures.
- 4 Maintain strict impartiality.
- 5 Be aware of your legal responsibilities.
- 6 Develop a positive sport environment by allowing for the special needs of the players (especially Children), by emphasising enjoyment and by providing appropriate development and competitive experiences.
- 7 Involve players in the planning, leadership, evaluation and decision making relating to the activity.
- 8 Ensure activities, equipment and facilities are safe and appropriate to the ability level of participating players. Activities, rules, equipment, lengths of games and training schedules should take into consideration the age, ability and maturity level of participating players.
- 9 Ensure that everyone (administrators, coaches, players, umpires, parents, spectators, sponsors and physicians) emphasise fair play in Cricket activities and games.
- 10 Where appropriate, distribute a Code of Behaviour sheet to coaches, players, umpires, parents, spectators and the media.
- 11 Protect and promote the sport of Cricket in accordance with the Spirit of Cricket.

COACH CODE OF BEHAVIOUR

In addition to the General Code of Behaviour set out in this By-law, you must meet the following requirements in regard to your conduct during any activity held by or under the auspices of a CV Organisation and in your role as a coach of a, CV Organisation:

- 1 Operate within the rules and Spirit of Cricket and teach your players to do the same.
- 2 Remember that young people participate for pleasure and winning is only part of the fun.
- 3 Never ridicule or yell at a young player for making a mistake or not coming first.
- 4 Be reasonable in your demands on players' time, energy and enthusiasm.
- 5 Avoid overplaying the talented players; all young players need and deserve equal time, attention and opportunities.
- 6 Ensure that equipment and facilities meet safety standards and are appropriate to the age and ability of all players.
- 7 Display control and respect to all those involved in Cricket. This includes opponents, coaches, umpires, administrators, parents and spectators. Encourage your players to do the same.
- 8 Show concern and caution toward sick and injured players. Follow the advice of a physician when determining whether an injured player is ready to recommence training or competition.
- 9 Obtain appropriate qualifications and keep up to date with the latest Cricket coaching practices and principles of growth and development of young people. Be honest and ensure that qualifications are not misrepresented.
- 10 Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.
- 11 Promote a climate of mutual support among your players. Encourage players to respect one another and to expect respect for their worth as individuals regardless of their level of play.
- 12 Encourage and facilitate players' independence and responsibility for their own behaviour, performance, decisions and actions.
- 13 Determine, in consultation with the players, what information is confidential and respect that confidentiality.
- 14 Provide feedback to players in a caring sensitive manner to their needs. Avoid overly negative feedback.
- 15 Refrain from any form of personal abuse towards your players. This includes verbal, physical and emotional abuse. Be alert to any forms of abuse directed toward your players from other sources while they are in your care. (Abide by Member Protection By-law).

- 16 Refrain from any form of harassment towards your players. Treat all players fairly within the context of their sporting activities, regardless of gender, race, place of origin, athletic potential, colour, sexual orientation, religion, political beliefs, socioeconomic status, and other condition. (Abide by Member Protection By-law).
- 17 Be acutely aware of the power that you as a coach develop with your players in the coaching relationship and avoid any sexual intimacy with players that could develop as a result.
- 18 Avoid situations with your players that could be construed as compromising. Any physical contact with a young person should be appropriate to the situation and necessary for the player's skill development.
- 19 At all times use appropriate training methods which will benefit the players and avoid those which could be harmful. Ensure that the tasks, trainings, equipment and facilities are safe and suitable for age, experience, ability and physical and psychological conditions of the players.
- 20 Ensure the players time spent with you is a positive experience. All players are deserving of equal attention and opportunities. Provide training and game opportunities that ensure everyone has a reasonable chance to succeed and to improve/acquire skills and develop confidence.
- 21 Actively discourage the use of performance enhancing drugs, the use of alcohol and tobacco and illegal substance. (Abide by the Cricket Victoria Anti-Doping Policy).
- 22 Recognise individual differences in players and always think of the player's long-term best interests.
- 23 Set challenges for each player which are both achievable and motivating.
- 24 Respect the fact that your goal as a coach for the player may not always be the same as that of the player. Aim for excellence based upon realistic goals and due consideration for the participant's growth and development.
- 25 At all times act as a role model that promotes the positive aspects of sport and of Cricket by maintaining the highest standards of personal conduct and projecting a favourable image of Cricket and of coaching at all times.
- 26 Recognise your player's rights to consult with other coaches and advisers. Cooperate fully with other specialists (e.g. sports scientists, doctors, physiotherapists etc.).
- 27 Do not exploit any coaching relationship or information gained through Cricket Victoria Programs, to further personal, political, or business interests.
- 28 Encourage players and coaches to develop and maintain integrity in their relationship with others.

JUNIOR PLAYER CODE OF BEHAVIOUR

In addition to the General Code of Behaviour set out in this By-law, as a player in any activity held by or under the auspices of a CV Organisation you must meet the following requirements in regard to your conduct during any such activity or event:

- 1 Play by the rules and within the Spirit of Cricket.
- 2 Never argue with an umpire. If you disagree, have your captain, coach or manager approach the umpire during a break or after the game.
- 3 Control your temper. Verbal abuse of officials and sledging other players, deliberately distracting or provoking an opponent are not acceptable or permitted behaviours in Cricket.
- 4 Work equally hard for yourself and your teammates. Your team's performance will benefit and so will you.
- 5 Be a good sport. Applaud all good plays whether they are made by your team or the opposition.
- 6 Treat all participants in cricket as you like to be treated. Do not bully or take unfair advantage of another competitor.
- 7 Cooperate with your coach, teammates and opponents. Without them there would be no competition.
- 8 Participate for your own enjoyment and benefit, not just to please parents and coaches.
- 9 Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.
- 10 Participate because you enjoy it, not just to please parents and coaches.
- 11 Participate fairly and safely.
- 12 Do not engage in practises that affect sporting performance (alcohol, tobacco and drug use.)
- 13 Respect and acknowledge the contribution of those who create the opportunity for you to play.
- 14 Respect your coach and train and play to the best of your ability and develop your participation in accordance with the Spirit of Cricket.

SENIOR PLAYER CODE OF BEHAVIOUR

In addition to the General Code of Behaviour set out in this By-law, as a player in any activity held by or under the auspices of a CV Organisation you must meet the following requirements in regard to your conduct during any such activity or event:

- 1 Play by the rules and abide by the Spirit of Cricket.
- 2 Never argue with an umpire. If you disagree, have your captain, coach or manager approach the umpire during a break or after the game.
- 3 Control your temper. Verbal abuse of officials and sledging other players, deliberately distracting or provoking an opponent are not acceptable or permitted behaviours in Cricket.
- 4 Work equally hard for yourself and your teammates. Your team's performance will benefit and so will you.
- 5 Be a good sport. Applaud all good plays whether they are made by your team or the opposition.
- 6 Treat all participants in cricket as you like to be treated. Do not bully or take unfair advantage of another competitor.
- 7 Cooperate with your coach, teammates and opponents. Without them there would be no competition.
- 8 Respect the rights, dignity and worth of fellow players, coaches, officials and spectators.
- 9 Refrain from conduct which could be regarded as sexual or other harassment.
- 10 Respect the talent, potential and development of fellow players and competitors.
- 11 Care and respect the uniform and equipment provided to you.
- 12 Be frank and honest with your coach concerning illness and injury and your ability to train and play fully.
- 13 Conduct yourself in a responsible manner relating to language, temper and punctuality.
- 14 Maintain a high standard of personal behaviour at all times.
- 15 Be honest in your attitude and preparation to training. Work equally hard for yourself and your team.
- 16 Cooperate with coaches and staff in relation to programs that adequately prepare you for competition.
- 17 Do not engage in practises that affect sporting performance (alcohol, tobacco and drug use.)

UMPIRE CODE OF BEHAVIOUR

In addition to the General Code of Behaviour set out in this By-law, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by or under the auspices of a CV Organisation and in your role as an umpire appointed by a CV Organisation:

- 1 Compliment and encourage all participants.
- 2 Be consistent, objective and courteous when making decisions.
- 3 Condemn unsporting behaviour and promote respect for all opponents.
- 4 Emphasise the spirit of the game rather than the errors.
- 5 Be a good sport yourself- actions speak louder than words.
- 6 Keep up to date with the latest available resources for umpiring and the principles of growth and development of young people.
- 7 Remember, you set an example. Your behaviour and comments should be positive and supportive.
- 8 Place the safety and welfare of participants above all else.
- 9 Treat all players with respect at all times.
- 10 Accept responsibility for all actions taken. Exercise reasonable care to prevent injury by ensuring players play within the rules. Reasonable care consists of advising the players of illegal body movements, showing due diligence in detecting infringements and penalising rule breakers.
- 11 Umpires must be impartial and maintain integrity in their relationship with other umpires, players and coaches.
- 12 Avoid situations which may lead to a conflict of interest.
- 13 Value the individual in sport. Ensure the players have the opportunity for discussion with you after the match.
- 14 Encourage inclusivity and access to all areas of officiating. Aim for excellence based upon realistic goals and due consideration for growth and development.
- 15 Be a positive role model in behaviour and personal appearance by maintaining the highest standards of personal conduct and projecting a favourable image of Cricket and umpiring at all times.
- 16 Refrain from any form of personal abuse towards players. This includes verbal, physical and emotional abuse. Be alert to any forms of abuse directed towards the players from other sources while they are playing. (Abide by Member Protection Bylaw).
- 17 Refrain from any form of harassment towards players. Treat all players fairly within the context of their sporting activities, regardless of gender, race, place of origin, athletic

potential, colour, sexual orientation, religion, political beliefs, socio-economic status, and other conditions. (Abide by Member Protection By-law).

- 18 Show concern and caution towards ill and injured players. You should enforce the blood rule and apply procedures regarding ill or injured players according to the rule book. Common sense must be applied in all cases.
- 19 In accordance with ACB and Cricket Victoria guidelines, modify rules and regulations to match the skill levels and needs of young people.
- 20 Encourage and promote rule changes which will make participation more enjoyable.
- 21 Give all young people a 'fair go' regardless of their gender, ability, cultural background or religion.
- 22 Institute disciplinary procedures when necessary without fear or favour in accordance with the rules of the competition and the Spirit of Cricket.
- 23 Participate in ongoing training, be aware of rule changes, be a member of an Umpires Association wherever possible and promote the Spirit of Cricket.

PARENT/GUARDIAN CODE OF BEHAVIOUR

In addition to the General Code of Behaviour set out in this By-law, as a parent/guardian of a player in any activity held by, sanctioned by or under the auspices of a CV Organisation you must meet the following requirements in regard to your conduct during any such activity or event:

- 1 Do not force an unwilling Child to participate in Cricket.
- 2 Remember, Children are involved in Cricket for their enjoyment, not yours.
- 3 Encourage your Child to play by the rules at all times.
- 4 Focus on the Child's efforts and performance rather than winning or losing.
- 5 Never ridicule or yell at a Child for making a mistake or losing a game. Positive comments are motivational.
- 6 Remember that Children learn best by example. Appreciate good performances and skilful plays by all participants.
- 7 Support all efforts to remove verbal and physical abuse from sporting activities.
- 8 Respect officials' decisions and teach Children to do likewise. If you disagree with an umpire or coach raise the issue through the appropriate channels rather than question their judgement and honesty in public.
- 9 Show appreciation for volunteer coaches, officials and administrators. Without them, your Child could not participate.
- 10 Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.
- 11 Teach your Child that an honest effort is as important as victory, so that the result of each game is accepted without undue disappointment.
- 12 Support all efforts to remove verbal and physical abuse.
- 13 Be a model of good sports behaviour for Children to copy.
- 14 Be courteous in communication with administrators, coaches, players and umpires. Teach Children to do likewise.
- 15 Support the use of age appropriate development activities and modified rules.
- 16 Do not undermine the efforts of coaches.
- 17 Encourage junior players to participate in the sport of cricket in a safe manner.

SPECTATOR CODE OF BEHAVIOUR

In addition to the General Code of Behaviour set out in this By-law, as a spectator in any activity held by, sanctioned by or under the auspices of a CV Organisation you must meet the following requirements in regard to your conduct during any such activity or event:

- 1 Most players (in particular Children) participate in Cricket activities for fun. They are not participating for entertainment of spectators only.
- 2 Applaud good performance and efforts by all players. When watching a game congratulate both teams upon their performance regardless of the game's outcome.
- 3 Respect the umpires' and coaches decisions. If there is a disagreement, follow the appropriate procedure in order to question the decision and teach Children to do likewise.
- 4 Never ridicule or scold a player for making a mistake during a competition. Positive comments are motivational.
- 5 Condemn the use of violence in any form, be it by administrators, coaches, players, umpires or parents/guardians.
- 6 Show respect for your team's coach, the umpire and opponents. Without them there would be no game.
- 7 Encourage players to play according to the rules and the official decisions, and develop your own knowledge of the rules.
- 8 Demonstrate appropriate social behaviour by not using foul language, and not harassing administrators, coaches, players or umpires.
- 9 Support the use of age appropriate development activities and modified rules.

MEDIA CODE OF BEHAVIOUR

In addition to the General Code of Behaviour set out in this By-law, as a media representative in any activity held by, sanctioned by or under the auspices of a CV Organisation, you must meet the following requirements in regard to your conduct during any such activity or event:

- 1 Provide coverage of all players' cricket activities, including development programs, competitive and non-competitive Cricket.
- 2 Be aware of the difference between adult cricket programs and Children's Cricket programs.
- 3 Place in proper perspective the isolated incidents of unsportsmanlike behaviour rather than make such incidents the "highlight" of the event.
- 4 Focus upon player's fair play and their honest effort.
- 5 Identify and report on the problems of players participating in organised cricket and report the violations and distortions of their rights as players.
- 6 Recognise the sporting achievements of players from disadvantaged groups, including adolescent girls, people with disabilities, Koories and Torres Strait islanders, people from non-English speaking backgrounds and rural population.
- 7 Recognise and report the achievements of volunteers as administrators, coaches, officials and mentors of cricket.

ATTACHMENT F - PROHIBITED PERSON DECLARATION

The Member Protection By-law makes it a breach of the policy for a Prohibited Person (defined as a person who has been convicted of a Serious Sex Offence) to work or seek work in the following roles:

- coaches who are appointed or seeking appointment (whether employed, contracted or otherwise) for reward;
- volunteer personnel appointed or seeking appointment, who will or are likely to travel away with teams of players under 18 years of age; and
- persons appointed or seeking appointment to a role in which that person is likely to have individual and unsupervised contact with players under 18 years of age.

The Member Protection By-law also makes it a breach of the policy to appoint, or continue to appoint, a person to a role set out above:

- without first obtaining this declaration; or
- where this declaration reveals the person is a Prohibited Person.

The Member Protection By-law defines a Serious Sex Offence to mean an offence involving sexual activity or acts of indecency including but not limited to:

- 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 person under the age of 16;
- sexual relationship with person 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 from a person 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; and
- publishing Child pornography and indecent articles. **Declaration**

I am aware that I am ineligible to work or seek work in the roles set out above if I have been convicted of a Serious Sex Offence, as defined in the Member Protection By-law.

I have read and understood the above information in relation to the Member Protection Bylaw and understand my responsibilities and obligations under it.

I declare that I am not a person prohibited under the Member Protection By-law from working or seeking work in the roles set out above.

I acknowledge that I am required to advise the President or the CEO of the organisation appointing me, immediately upon becoming a Prohibited Person.

Name:

Signature: Date:

Note: Seek legal advice if you are unsure of your status.

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:

ATTACHMENT G- WORKING WITH CHILDREN CHECK REQUIREMENTS IN VICTORIA

This information is subject to change at any time. Refer to the Working with Children Check website at <http://www.justice.vic.gov.au/workingwithchildren> or contact 1300 652 879. The Working with Children Check is administered by the Department of Justice who can also be contacted for more information. This information was updated on 12 August 2013.

The *Working with Children Act (2005) (Act)*, requires some people who work or volunteer with Children, or otherwise undertake Child-related work in Victoria to obtain a Working with Children Check (**Check**). A Check is valid for five years and must be renewed if a person intends to continue Child-related work after the Check expires.

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 relevant criminal or professional disciplinary history will be granted an assessment notice (which, as at 1 December 2010, became the Check card). That 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. A negative notice can be appealed to Victorian Civil and Administrative Tribunal (VCAT) provided the individual is not listed on the Sex Offenders Register or subject to an extended supervision order.

Who needs to apply for a Check

Under the Act, any person who works in, or in connection with, Child-related work (either paid or unpaid) must apply for the Check. This work also usually involves (or be likely to involve) regular, direct contact with a Child where that contact is not directly supervised. The following Child-related categories are relevant to our sport:

- educational institutions for Children (such as schools and some TAFE programs);
- clubs, associations or movements that provide services or conduct activities for or directed at Children or whose Membership is mainly comprised of Children;
- coaching or private tuition services of any kind for Children; and
- direct commercial provision (and not incidental or in support of other business activities) of gym or play facilities specifically for Children.

Cricket Victoria will have a policy about who should apply for the Check and this should be consulted from time to time. **Exemptions**

The following people will not need to have a Check:

- individuals aged under 18;
- volunteers involved in an activity in which their Child ordinarily participates;
- individuals working only with Children who are close family relations;

- secondary school students aged under 20 performing volunteer work arranged through the school where they are studying;
- members of Victoria Police;
- teachers registered with the Victorian Institute of Teaching;
- a visiting worker who does not ordinarily reside and perform Child-related work in Victoria;
- a driver who is an accredited driver for the purposes of the Act; and
- a driver who is an accredited commercial passenger vehicle driver for the purposes of the Act.

Employer requirements

An employer or volunteer organisation must:

- ensure all employees or volunteers who are required to get a Check do so;
- where employees or volunteers are not required to get a Check because their contact with Children is directly supervised, ensure the supervisor has a Check unless an exemption applies. For example, the supervisor may be a registered teacher with the Victorian Institute of Teaching, making them exempt;
- ensure that employees or volunteers issued with a Negative Notice do not undertake Child-related work as defined by the Act;
- record employee's and volunteer's unique application receipt number received when they submit their application. The Act enables a person to continue or commence work while his or her application is pending;
- confirm that employees and volunteers have been issued with an Assessment Notice after Check applications have been assessed by the Department of Justice;
- sight employee's or volunteer's Check card and confirm the status of his or her card number to verify that they have passed the Check. This can be done online or by calling 1300 652 872;
- record your employee's or volunteer's Card Number, which is different from his or her Application Receipt Number; and
- develop internal processes in the event of an existing employee or volunteer is issued with an interim negative notice or a negative notice.

ATTACHMENT H- SOCIAL MEDIA CODE OF CONDUCT Code of Conduct

1. Cricket Victoria recognises that social media is an important part of the way members communicate. Cricket Victoria actively encourages members to participate in social media and share their experiences in cricket. Cricket Victoria recognises the importance of the internet to improve and increase the flow of information, shaping public thinking about our organisation, members, sponsors and stakeholders. Accordingly, Cricket Victoria will look to develop and maintain its own online social media presence through which it hopes to deliver content to its members and the public to develop and increase opportunities in cricket at all levels in Victoria.
2. However, Cricket Victoria's public reputation is valuable and so are the reputations of Cricket Victoria's members, sponsors and stakeholders, so Cricket Victoria prohibits any communication on social media that is defamatory, obscene, proprietary, and misrepresentative of Cricket Victoria or for commercial purposes.
3. Social media is a broad and changing concept. It generally refers to interactive electronic forums or online media where people are communicating, posting participating, sharing, networking or bookmarking. For the purposes of this by-law, social media extends to:
 - A. electronically communicated material, whether written, photographic, video, or audio, which is accessible by more than the member alone;
 - B. Facebook, YouTube, twitter, MySpace, LinkedIn, Wikipedia, Flickr and related domains;
 - C. Blogs; social networking sites; instant messaging; social bookmarking, media sharing and collaborative editing websites;
 - D. Any other forum which might reasonably be classified as social media as that term is generally understood; and
 - E. Any other forum for public comment

Prohibitions

4. When using social media, a person must not:
 - A. Abuse others or expose others to content that is offensive, inappropriate or for an illegal purpose;
 - B. Impersonate or falsely represent any other person, including Cricket Victoria or another member;
 - C. Abuse, harass or threaten any other person, including Cricket Victoria or another member;
 - D. Make defamatory or libellous comments;
 - E. Use obscene, offensive, insulting, provocative or hateful language; F. Post material that infringes the intellectual property rights of others;
 - G. Intrude upon the privacy of other members of Cricket Victoria without the consent of such members;

- H. Interfere with the conduct of any event run by Cricket Victoria or with the role and responsibilities of Cricket Victoria as the peak body for the sport of cricket in Victoria; I. Violate security measures instituted at any facility of Cricket Victoria;
 - J. Comment in a way that may be construed as harming the reputation of him or herself, another member, or Cricket Victoria, including its sponsors and stakeholders;
-

and related to Cricket Victoria's social media platforms only:

- K. Make excessive postings on a particular issue or post multiple versions of the same opinion or information on social media platforms operated by Cricket Victoria;
 - L. Promote commercial interests in social media platforms operated by Cricket Victoria; or
 - M. Without authority, post internet addresses, links to websites, email addresses or other personal information on social media platforms operated by Cricket Victoria.
-

Consequences

- 5. Cricket Victoria and its Members continually monitor online activity in relation to the social media of Cricket Victoria and Members. Cricket Victoria encourages Members to report detected breaches or suspected breaches of this Policy to Cricket Victoria, and any use of Social Media which is likely to harm Cricket Victoria's reputation.
- 6. In circumstances of a breach or suspected breach of this Code of Conduct, Cricket Victoria may:
 - A. make a necessary public comment such as a correction, clarification, contradiction or apology;
 - B. issue a formal warning;
 - C. report any breach of any law to any local authority or wronged party;
 - D. take any disciplinary action available to it under this Member Protection Policy; or
 - E. exercise any of its available rights at law.
- 7. Cricket Victoria expressly reserves the right to take any action, including dealing directly with Social Media providers, to remove any posted material that it considers to be in breach of this By-law.