



BASEBALL
AUSTRALIA

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NATIONAL MEMBER PROTECTION POLICY

VERSION SIX

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PREFACE

Baseball Australia is committed to good governance, the growth of opportunities and continued improvement of the environment for all participants in the sport.

This Member Protection Policy has been developed under the guidance of the Australian Sports Commission to set out the rights and responsibilities of those participating in the sport of baseball.

Baseball Australia is committed to providing a safe environment for children, an environment which is free from harassment and abuse for all participants. Baseball Australia fosters and promotes respectful and positive behaviour and values, and it expects that its participants, officials, and spectators will take up this view.

This Policy is an essential part of Baseball Australia's proactive and preventative approach to tackling inappropriate behaviour in and around the sport.

We are personally committed, and Baseball Australia is committed, to ensuring that everyone associated with the sport of baseball complies with this Policy.



David Hynes, President



Brett Pickett, Chief Executive Officer

Review history of Baseball Australia Member Protection Policy

| Version | Date reviewed | Date endorsed | Content reviewed/purpose |
|----------------|----------------------|----------------------|---------------------------------|
| One | | 31 July 2005 | • Original Policy |
| Two | February 2006 | 2 March 2006 | • Complete Policy |
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PART A: NATIONAL MEMBER PROTECTION POLICY

1. Introduction

Baseball Australia (BA) is committed to good governance, the growth of opportunities and continued improvement of the environment for all participants in the sport.

2. Purpose of this policy

This National Member Protection Policy (“policy”) aims to assist Baseball Australia to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport. It sets out our commitment to ensure that every person involved in our sport is treated with respect and dignity and protected from discrimination, harassment and abuse. It also ensures that everyone involved in our sport is aware of their legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

The policy attachments describe the practical steps we will take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, Baseball Australia will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by the Board of Baseball Australia and has been incorporated into our By-laws. The policy starts on 7 September 2013 and will operate until replaced.

The current policy and its attachments can be obtained from our website at: www.baseball.org.au

This policy is supported by Member Protection Policies that have been adopted and implemented by our member associations and affiliated clubs.

3 Who is bound by this policy

This policy applies to the following people operating at or representing the national level, whether they are in a paid or unpaid/voluntary capacity:

- 3.1 persons appointed or elected to national boards, committees and sub-committees
- 3.2 employees of Baseball Australia
- 3.3 members of the Baseball Australia Executive
- 3.4 support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers and others
- 3.5 coaches and assistant coaches
- 3.6 athletes
- 3.7 umpires, scorers and other officials
- 3.8 members, including life members of Baseball Australia
- 3.9 athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by Baseball Australia
- 3.10 any other person to whom the policy may apply.

This policy will continue to apply to a person even after he or she has stopped their association or employment with Baseball Australia, if disciplinary action against that person has begun.

This policy also applies to:

- 3.12 member associations
- 3.13 affiliated clubs and associated organisations.
- 3.14 any other associations, such as Coaches Association, Players Association, and Officials Associations etc

4. Organisational responsibilities

All member/ affiliated members must:

- 4.1 adopt, implement and comply with this policy
- 4.2 ensure that the Constitution, By-laws or other rules and policies include the necessary clauses for this policy to be enforceable
- 4.3 publish, distribute and promote this policy and the consequences of any breaches
- 4.4 promote and model appropriate standards of behaviour at all times
- 4.5 deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner
- 4.6 apply this policy consistently
- 4.7 recognise and enforce any penalty imposed under this policy
- 4.8 ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies
- 4.9 use appropriately trained people to receive and manage complaints and allegations of inappropriate behavior [e.g. Member Protection Information Officers]
- 4.10 monitor and review this policy at least annually.

5. Individual responsibilities

Individuals bound by this policy are responsible for:

- 5.1 making themselves aware of the policy and complying with the codes of behaviour it sets out
- 5.2 consenting to our screening requirements and any state/territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18
- 5.3 placing the safety and welfare of children above other considerations
- 5.4 being accountable for their behaviour
- 5.5 following the steps outlined in this policy for making a complaint or reporting possible child abuse
- 5.6 complying with any decisions and/or disciplinary measures imposed under this policy.

6. Position statements

6.1 Child protection

Baseball Australia is committed to the safety and well-being of all children and young people who participate in our sport or access our services. We support the rights of the child and will act at all times to ensure that a child-safe environment is maintained.

We acknowledge the valuable contribution made by our staff, members and volunteers and we encourage their active participation in providing a safe, fair and inclusive environment for all participants.

6.1.1 Identify and analyse risk of harm

We will develop and implement a risk management strategy, including a review of our existing child protection practices, to determine how child-safe our organisation is and to identify any additional steps we can take to minimise and prevent the risk of harm to children because of the actions of an employee, volunteer or another person.

6.1.2 Develop codes of behaviour

We will develop and promote a code of behaviour that sets out the conduct we expect of adults when they deal and interact with children involved in our sport, especially those in our care. We will also implement a code of behaviour to promote appropriate conduct between children.

These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behavior. (Refer to the attachments in Part B of this policy.)

6.1.3 Choose suitable employees and volunteers

We will take all reasonable steps to ensure that our organisation engages suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This will include using a range of screening measures.

We will ensure that Working with Children Checks are conducted for all employees and volunteers who work with children, where an assessment is required by law. If a criminal history report is obtained as part of their screening process, we will handle this information confidentially and in accordance with the relevant legal requirements. (Refer to the attachments in Part C of this policy.)

6.1.4 Support, train, supervise and enhance performance

We will ensure that all our employees and volunteers who work with children have ongoing supervision, support and training. Our goal is develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment.

6.1.5: Empower and promote the participation of children

We will encourage children and young people to be involved in developing and maintaining a child-safe environment for our sport.

6.1.6: Report and respond appropriately to suspected abuse and neglect

We will ensure that all our employees and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under state laws to make a report if they suspect on reasonable grounds that a child has been, or is being, abused or neglected. (Refer to the attachments in Part E of this policy.)

Further, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child, or is in breach of this policy, he or she may make an internal complaint. (Refer to the attachments in Part D of this policy.)

6.2 Taking images of children

Images of children can be used inappropriately or illegally. Baseball Australia requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own. They should also make sure the parent/guardian understands how the image will be used.

To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets.

When using a photo of a child, we will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the parent/guardian. We will not provide information about a child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" a child.

We will only use images of children that are relevant to our sport and we will ensure that they are suitably clothed in a manner that promotes participation in the sport. We will seek permission from the parents/guardians of the children before using the images. We require our member associations and clubs to do likewise.

6.3 Anti-discrimination and harassment

Baseball Australia aims to provide an environment where all those involved in our activities and events are treated with respect.

We recognise that people cannot participate, enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.

We prohibit all forms of harassment, discrimination and bullying based on the personal characteristics listed in the “Definitions” set out in our Dictionary of Terms see clause 10. In most circumstances, this behaviour is against the law.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, they may make an internal complaint. In some circumstances, they may also be able to make a complaint to an external organisation. (Refer to the attachments in Part D of this policy.)

6.4 Sexual relationships version one – potential disciplinary action

Baseball Australia takes the position that consensual sexual relationships between coaches or officials 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 a sexual relationship exists between an athlete and a coach, we will consider whether disciplinary action is necessary. Factors that will be taken into account include the relative age and maturity of the athlete to the coach, the financial or emotional dependence of the athlete on the coach and the likelihood of the relationship having an adverse impact on the athlete and/or other athletes.

If we determine that the sexual relationship is inappropriate, action may be taken to stop the coaching relationship with the athlete. This could include a transfer, a request for resignation or dismissal from coaching duties.

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, Complaints Manager or other official if they feel harassed. Our complaints procedure is outlined in Part D of this policy.

6.4 Sexual relationships version two – no disciplinary action

Baseball Australia takes 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, complaints officer or other official if they feel harassed. Our complaints procedure is outlined in Part D of this policy.

6.5 Pregnancy

Pregnant women should be treated with respect and any unreasonable barriers to their full participation in our sport should be removed. We will not tolerate any discrimination or harassment against pregnant women.

Baseball Australia will take reasonable care to ensure the safety, health and well-being of pregnant women and their unborn children. We will advise pregnant women that there may be risks involved and encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and well-being, and that of their unborn children, are of utmost importance in their decision-making about the extent they choose to participate in our sport.

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in our sport. We will only require pregnant women to sign a disclaimer if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant woman feels she has been harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint. (Refer to the attachments in Part D of this policy.)

6.6 Gender identity

Baseball Australia is committed to providing a safe, fair and inclusive sporting environment where people of all backgrounds can contribute and participate. People who identify as transgender or transsexual should be treated fairly and with dignity and respect at all times. This includes acting with sensitivity when a person is undergoing gender transition.

We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual. If a transgender or transsexual person feels he or she has been harassed or discriminated against by another person or organisation bound by this policy, he or she may make a complaint. (Refer to the attachments in Part D of this policy.)

Baseball Australia recognises that excluding transgender and transsexual people from participating in sporting events and activities has significant implications for their health, well-being and involvement in community life. In general, we will support their participation in our sport on the basis of the gender with which they identify.

We also recognise that there is debate over whether a male-to-female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, we will seek advice on the application of those laws in the particular circumstances.

Baseball Australia is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender person intends to compete at an elite level, we will encourage them to obtain advice about the IOC's criteria, which may differ from the position we have taken.

Drug testing procedures and prohibitions also apply to people who identify as transgender. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard Therapeutic Use Exemption.

6.7 Responsible service and consumption of alcohol

Baseball Australia is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that state associations and member clubs follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy is that:

- alcohol should not be available or consumed at sporting events involving children and young people under the age of 18
- alcohol-free social events will be provided for young people and families
- food and low-alcohol and non-alcoholic drinks will be available at events we hold or endorse where alcohol is served
- a committee member will be present at events we hold or endorse where alcohol is served to ensure appropriate practices are followed
- safe transport options will be promoted as part of any event we hold or endorse where alcohol is served.

[Further guidance on developing an Alcohol Policy is available at: www.playbytherules.net.au/resources/club-toolkit.]

6.8 Smoke-free environment

Baseball Australia recommends that the following policies be applied to all sporting and social events that we hold or endorse.

- No smoking shall occur at or near sporting events involving children and young people under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers.
- Social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas.
- Coaches, officials, trainers, volunteers and players will refrain from smoking and remain smoke-free while they are involved in an official capacity in our sport, both on and off the field.

6.9 Cyber-bullying

Baseball Australia regards bullying and harassment in all forms as unacceptable in our sport. 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 through unwanted and inappropriate comments.

Baseball Australia 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.

6.10 Social networking websites

Baseball Australia acknowledges the enormous value of social networking websites, such as Facebook and Twitter, to promote our sport and celebrate the achievements and success of the people involved in our sport.

We expect all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to our sport.

Social media postings, blogs, status updates and tweets:

- must not use offensive, provocative or hateful language
- must not be misleading, false or injure the reputation of another person
- should respect and maintain the privacy of others
- should promote the sport in a positive way.

[Further guidance on developing a Communications Policy is available at: www.playbytherules.net.au/resources/club-toolkit.]

7. Complaints procedures

7.1 Handling complaints

Baseball Australia aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of natural justice.

Any person (a complainant) may report a complaint about a person, people or organisation bound by this policy (respondent) if they feel they have been harassed, bullied or discriminated against or there has been a breach of this policy.

In the first instance, complaints should be reported to the Member Protection Information Officer, Complaints Manager, CEO.

If a complaint relates to behaviour or an incident that occurred at the:

- state level, or involves people operating at the state level, then the complaint should be reported to and handled by the relevant state association in the first instance
- club level, or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.

Only matters that relate to, or which occurred at, the national level, as well as serious cases referred from the state and club level, should be dealt with by the national body.

A complaint may be handled informally or formally. The complainant will usually indicate his or her preferred option unless the Member Protection Information Officer, Complaints Manager, CEO considers that the complaint falls outside this policy and should be handled another way. For example, the law may require that the complaint/allegation be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our procedures for handling and resolving complaints are outlined in Attachment [\[D1\]](#).

Individuals and organisations may also seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

7.2 Improper complaints and victimisation

Baseball Australia aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against the person making the complaint.

We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint or supporting another person's complaint.

If at any point in the complaint handling process the Member Protection Information Officer, Complaints Manager, CEO considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or intended to cause distress to the respondent, the matter may be referred to the a Tribunal for review and appropriate action, including possible disciplinary action against the complainant.

7.3 Mediation

Baseball Australia aims to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action.

Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It may occur before or after the investigation of a complaint.

If a complainant wishes to resolve the complaint with the help of a mediator, the Member Protection Information Officer, Complaints Manger will, in consultation with the complainant, arrange for an independent mediator where possible. We will not allow lawyers to negotiate on behalf of the complainant and/or the respondent.

More information on the mediation process is outlined in Attachment D2.

7.4 Tribunals

A Tribunal may be convened to hear a formal complaint:

- referred to it by CEO or other designated official
- referred to it or escalated by a state association because of the serious nature of the complaint, because it was unable to be resolved at the state level or because the policy of the state association directs it to be
- for an alleged breach of this policy.

Our Tribunal procedure is outlined in Attachment D4.

A respondent may only lodge an appeal to the Appeal Tribunal in respect of a Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved. Our appeals process is outlined in Attachment D4.

Every organisation bound by this policy will recognise and enforce any decision of a Tribunal or Appeal Tribunal under this policy.

8. What is a breach of this policy?

It is a breach of this policy for any person or organisation bound by this policy to do anything contrary to this policy, including but not limited to

- 8.1 breaching the codes of behaviour (see Part B of this policy)
- 8.2 bringing the sport and/or Baseball Australia into disrepute, or acting in a manner likely to bring the sport and/or Baseball Australia into disrepute
- 8.3 failing to follow Baseball Australia policies (including this policy) and our procedures for the protection, safety and well-being of children
- 8.4 discriminating against, harassing or bullying (including cyber-bullying) any person
- 8.5 victimising another person for making or supporting a complaint

- 8.6 engaging in a sexually inappropriate relationship with a person that he or she supervises, or has influence, authority or power over
- 8.7 verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport
- 8.8 disclosing to any unauthorised person or organisation any Baseball Australia information that is of a private, confidential or privileged nature
- 8.9 making a complaint that they know to be untrue, vexatious, malicious or improper
- 8.10 failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy
- 8.11 failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

9. Disciplinary measures

Baseball Australia may impose disciplinary measures on an individual or organisation for a breach of this policy.

Any disciplinary measure imposed will be:

- fair and reasonable
- applied consistent with any contractual and employment rules and requirements
- be based on the evidence and information presented and the seriousness of the breach
- be determined in accordance with our Constitution, By-laws, this policy and/or the rules of the sport.

9.1 Individual

Subject to contractual and employment requirements, if a finding is made by a Tribunal that an individual has breached this policy, one or more of the following forms of discipline may be imposed.

- 9.1.1 A direction that the individual make a verbal and/or written apology;
- 9.1.2 A written warning;
- 9.1.3 A direction that the individual attend counselling to address their behaviour;
- 9.1.4 A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Baseball Australia;
- 9.1.5 A demotion or transfer of the individual to another location, role or activity;
- 9.1.6 A suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.7 Termination of the individual's membership, appointment or engagement;
- 9.1.8 A recommendation that Baseball Australia terminate the individual's membership, appointment or engagement;
- 9.1.9 In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- 9.1.10 A fine;
- 9.1.11 Any other form of discipline that the designated official/committee considers appropriate.

9.2 Organisation

If a finding is made that a Baseball Australia member or affiliated organisation has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by the relevant official/committee/Tribunal

- 9.2.1 A written warning;
- 9.2.2 A fine;
- 9.2.3 A direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period;
- 9.2.4 A direction that any funding granted or given to it the Baseball Australia or a peak association cease from a specified date;
- 9.2.5 A direction that Baseball Australia and peak associations cease to sanction events held by or under the auspices of that organisation;
- 9.2.6 A recommendation to the national body and/or the association that its membership of the national body or peak association be suspended or terminated in accordance with the relevant constitution or rules;
- 9.2.7 Any other form of discipline that the national body or peak organisation considers reasonable and appropriate.

9.3 Factors to consider

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

- the nature and seriousness of the breach
- if the person knew, or should have known, that the behaviour was a breach of the policy
- the person's level of contrition
- the effect of the proposed disciplinary measures on the person, including any personal, professional or financial consequences
- if there have been any relevant prior warnings or disciplinary action
- the ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by the policy)
- any other mitigating circumstances.

10. Dictionary of terms

Dictionary of terms

This Dictionary sets out the meaning of words used in this policy and its attachments, without limiting the ordinary and natural meaning of the words. Further detail or definitions that are specific to different states and territories can be sourced from the relevant child protection authorities or equal opportunity and anti-discrimination commissions.

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

Affiliated club means an independent entity recognised under Rule 3.1 of the ABF's Constitution to administer the sport of baseball in its particular State or Territory.

Child means a person who is under the age of 18.

Child abuse involves conduct which puts a child at risk of harm and may include:

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

- **sexual abuse** by adults or other children, where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography, including child pornography, or inappropriate touching or conversations)
- **emotional abuse**, by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name-calling, ignoring or placing unrealistic expectations on a child)
- **neglect** (e.g. failing to give a child food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

Complaint means a complaint made under clause 7 of this policy

Complainant means the person making a complaint.

Complaint handler/manager means the person appointed under this policy to investigate a complaint.

Discrimination occurs when someone is treated unfairly or less favourably than another person in the same or similar circumstances because of a particular personal characteristic. This is known as direct discrimination. Indirect discrimination occurs when a rule, policy or practice disadvantages one group of people in comparison with others, even though it appears to treat all people the same.

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

- age
- disability
- family/carer responsibilities
- gender identity/transgender status
- homosexuality and sexual orientation
- irrelevant medical record
- irrelevant criminal record
- political belief/activity
- pregnancy and breastfeeding
- race
- religious belief/activity
- sex or gender
- social origin;
- trade union membership/activity.

Some states and territories include additional protected characteristics, such as physical features or association with a person with one or more of the characteristics listed above.

Examples of discrimination are available on the Play by the Rules website:
www.playbytherules.net.au/legal-stuff/discrimination

Some exceptions to state and federal anti-discrimination law apply, such as:

- holding a competitive sporting activity for boys and girls only who are under the age of 12, or of any age where strength, stamina or physique is relevant
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular activity.

Harassment is any type of behaviour that the other person does not want and is likely to make the person feel intimidated, insulted or humiliated. Unlawful harassment can target a person because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law (see the list under "Discrimination").

Public acts of racial hatred which are reasonably likely to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some states and territories also prohibit public acts that vilify people on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability (see also "Vilification").

Mediator means an impartial person appointed to help those people involved in a complaint to talk through the issues and resolve the matter on mutually agreeable terms.

Member means a member for the time being of the ABF in Part III of the ABF's Constitution

Member Protection Information Officer means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this policy. He or she provides impartial and confidential support to the person making the complaint.

Natural justice (or procedural fairness) requires that:

- both the complainant and the respondent must know the full details of what is being said against them and have the opportunity to respond
- all relevant submissions must be considered
- no person may judge their own case
- the decision-maker(s) must be unbiased, fair and just
- the penalties imposed must be fair.

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

Policy, policy and this policy means this Member Protection Policy.

Respondent means the person whose behaviour is the subject of the complaint.

Role-specific codes of conduct (or behaviour) means standards of conduct required of people holding certain roles in our organisation (e.g. coaches, officials, umpires).

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

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

Sexual offence means a criminal offence involving sexual activity or acts of indecency.

Because of differences under state and territory laws, this can include but is not limited to:

- rape
- indecent assault
- sexual assault
- assault with intent to have sexual intercourse
- incest
- sexual penetration of child under the age of 16
- indecent act with child under the age of 16
- sexual relationship with child under the age of 16
- sexual offences against people with impaired mental functioning
- abduction and detention
- procuring sexual penetration by threats or fraud

- procuring sexual penetration of child under the age of 16
- bestiality
- soliciting acts of sexual penetration or indecent acts
- promoting or engaging in acts of child prostitution
- obtaining benefits from child prostitution
- possession of child pornography
- publishing child pornography and indecent articles.

Transgender is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation.

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

Vilification involves a person or an organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of people having any of the characteristics listed under the definition of “Discrimination”.

PART B: CODES OF BEHAVIOUR

We seek to provide a safe, fair and inclusive environment for everyone involved in our organisation and in our sport.

To achieve this, we require certain standards of behavior of players/athletes, coaches, officials, administrators, parents/guardians (of child participants) and spectators.

Our codes of behaviour are underpinned by the following core values.

- To act within the rules and spirit of our sport.
- To display respect and courtesy towards everyone involved in our sport and prevent discrimination and harassment.
- To prioritise the safety and well-being of children and young people involved in our sport.
- To encourage and support opportunities for participation in all aspects of our sport.

ATTACHMENTS

Codes of behaviour are generally not binding on non-members, such as parent/guardians and spectators, unless they have signed the code or another document in which they agree to be bound by the code or the Member Protection Policy. It may therefore be difficult to discipline a parent/guardian or spectator under this policy.

NSOs, state associations and individual clubs are encouraged to ask all parents, coaches, officials, administrators and others to sign an agreement to be bound by this policy and/or any code of behaviour they adopt.]

AUSTRALIAN BASEBALL FEDERATION

PLAYER CODE OF CONDUCT

The ABF Player Code of Conduct has been developed for all players participating in Open Age National Championships and ABF Development Programs as well as Representatives on the Australian Team.

A player's public behaviour will be closely observed by others as he represents his State or Country at special events. Any behaviour that is unlawful or disrespectful to others is a slur on everyone associated with the team. Any serious breach of this code or any behaviour detrimental to the game of baseball must be notified to the TMC representative.

If, in the opinion of team officials, there is a serious breach of Code of Conduct the player will be banned from the remainder of the Championship or program, the State Association notified and the player sent home by the first available transport. Any additional expense incurred will be the responsibility of the player.

Code of Conduct

- Compete by the competition conditions and rules.
- Verbal abuse against umpires, opposing players or fans will not be tolerated.
- Control your temper - no criticism by words or gesture.
- Co-operate with your coach and team mates. Show respect for your opponents and their skills.
- No drug use of any kind will be tolerated unless prescribed by a licensed physician.
- Refrain from profanity at all times.
- The use or possession of any form of tobacco, tobacco products, illegal drugs, drug paraphernalia or alcohol of any description while in team uniform or venue is banned.
- The team officials shall have the right to conduct a search of a player's room, bags, clothing or personal belongings if he or she has a reasonable suspicion that a serious breach of the code of conduct has occurred. This must be conducted in the presence of the player, and/or his/her agent and an independent adult witness
- Any activity likely to result in loss or wilful damage to private property or to cause a disturbance will not be tolerated.
- All press statements and interviews of players must have ABF approval.
- No jewellery (eg earrings or studs) at all times.
- No eating or drinking on the baseball field, except what is provided by the executive officer.
- Music on planes and buses is to be confined to individual headphones.

- Report all injuries to a coach or trainer and schedule proper treatment with the physiotherapist when necessary.
- No cameras will be allowed in the dugouts during games.
- No one other than team personnel are allowed in locker rooms unless permission is obtained from the management.
- Promptness for meetings, training sessions and games is mandatory.
- Uniformity and sharpness in proper on-field dress is a must. This applies for practice sessions as well as games.
- Proper off field walk-out dress will be worn as designated for flights and functions.
- Personal hygiene is the player's responsibility. It is essential that showers are taken after each game or practice.
- Players are responsible for cleaning and maintaining their equipment.
- Abuse of equipment such as throwing helmets or bats will not be tolerated.

**AUSTRALIAN BASEBALL FEDERATION
PLAYERS CODE OF CONDUCT CONSENT FORM**

I have read the
(print name)

ABF Player Code of Conduct and fully understand the responsibilities and conditions disclosed.

I will to the best of my ability, abide by the Player Code of Conduct during all ABF endorsed events.

Player's signature:

Date:

AUSTRALIAN BASEBALL FEDERATION

PLAYER CODE OF CONDUCT

The ABF Player Code of Conduct has been developed for all players participating in Underage National Championships and ABF Youth Development Programs as well as Representatives on the Australian Youth Team.

A player's public behaviour will be closely observed by others as he represents his State or Country at special events. Any behaviour that is unlawful or disrespectful to others is a slur on everyone associated with the team. Any serious breach of this code or any behaviour detrimental to the game of baseball must be notified to the TMC representative.

If, in the opinion of team officials, there is a serious breach of Code of Conduct the player will be banned from the remainder of the Championship or program, the parents and State Association notified and the player sent home by the first available transport. Any additional expense incurred will be the responsibility of the parents.

Code of Conduct

- Compete by the competition conditions and rules.
- Verbal abuse against umpires, opposing players or fans will not be tolerated.
- Control your temper - no criticism by words or gesture.
- Co-operate with your coach and team mates. Show respect for your opponents and their skills.
- No drug use of any kind will be tolerated unless prescribed by a licensed physician.
- Refrain from profanity at all times.
- Entering licensed premises or casinos unless under the supervision of team officials or billeting parents is strictly forbidden.
- Be friendly to all participants.
- The use or possession of any form of tobacco, tobacco products, illegal drugs, drug paraphernalia or alcohol of any description is banned.
- The team officials shall have the right to conduct a search of a player's room, bags, clothing or personal belongings if he or she has a reasonable suspicion that a serious breach of the code of conduct has occurred. This must be conducted in the presence of the player, and/or his/her agent and an independent adult witness
- Any activity likely to result in loss or wilful damage to private property or to cause a disturbance will not be tolerated.
- All press statements and interviews of players must have ABF approval.
- No jewellery (eg earrings or studs) at all times.
- No eating or drinking on the baseball field, except what is provided by the executive officer.

- Music on planes and buses is to be confined to individual headphones.
- Report all injuries to a coach or trainer and schedule proper treatment with the physiotherapist when necessary.
- No cameras will be allowed in the dugouts during games.
- No one other than team personnel are allowed in locker rooms unless permission is obtained from the management.
- Promptness for meetings, training sessions and games is mandatory.
- Uniformity and sharpness in proper on-field dress is a must. This applies for practice sessions as well as games.
- Proper off field walk-out dress will be worn as designated for flights and functions.
- Personal hygiene is the player's responsibility. It is essential that showers are taken after each game or practice.
- Players are responsible for cleaning and maintaining their equipment.
- Abuse of equipment such as throwing helmets or bats will not be tolerated.
- No player is to be permitted to drive a motor vehicle or motorcycle.

Billeting Situation

Players will:

- Advise your hosts when and where you will be at all times.
- Be courteous.
- Assist with household chores and help wash your own clothes.
- Social activities other than those organised or approved by team managers or host committees are not permitted.
- Pay for phone calls.
- Don't borrow money.
- If delayed unexpectedly, contact your hosts immediately.
- Respect the wishes and routine of your billeting family.
- Present a small gift to your billeting family and write a letter of thanks.
- Say thank you - often.

**AUSTRALIAN BASEBALL FEDERATION
PLAYERS CODE OF CONDUCT CONSENT FORM**

I have read the
(print name)

ABF Player Code of Conduct and fully understand the responsibilities and conditions disclosed.

I will to the best of my ability, abide by the Player Code of Conduct during all ABF endorsed events.

Player's signature:

Date:

Parent's or Guardian's signature:

Date:

AUSTRALIAN BASEBALL FEDERATION

Spectator Code of Behaviour

As a spectator in any activity held by or under the auspices of Baseball, a member association or an affiliated club, you must meet the following requirements in regard to your conduct during any such activity or event:

1. Respect the decisions of officials and teach young people to do the same.
2. Never ridicule or scold a young player for making a mistake. Positive comments are motivational.
3. Condemn the use of violence in any form, whether it is by other spectators, coaches, officials or players.
4. Show respect for your team's opponents. Without them there would be no game.
5. Do not use violence, harassment or abuse in any form (that is, do not use foul language, sledge or harass players, coaches, officials or other spectators).
6. Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.

BY ATTENDING AN ABF NATIONAL CHAMPIONSHIP YOU AGREE TO ABIDE BY THIS CODE OF CONDUCT

AUSTRALIAN BASEBALL FEDERATION

COACHES / MANAGERS / EXECUTIVE OFFICERS CODE OF ETHICS

The coach/manager/executive officer of a team may be the second most influential person in a player's life. Coaches, through their own behaviour (on and off the field) have an enormous impact on the development of young players.

In establishing a solid foundation of character building with players, the key responsibility of any coach is to lead by example. This holds true at all levels of development.

The responsibilities and duties of a coach are not simple and should be dealt with in a professional manner.

For these reasons and many more the ABF has developed a Code of Ethics for all coaches/managers participating in ABF endorsed and organised tournaments, development programs and special events.

These principles are considered practicable and are within the aims and objectives of this Federation.

- Provide supervision of the behaviour of the team at all times.
- Do not criticise players in front of spectators, parents and other teams. Review constructive criticism with a player in private or in the presence of the team.
- Accept decisions of the umpire as being fair and called to the best of their ability. Do not abuse or ridicule the umpire nor allow your players to do so.
- Develop team respect for opponents, spectators and officials. Do not criticise other teams, supporters or officials by words or gestures.
- Set a good example in personal appearance and behaviour.
- Encourage sportsmanlike behaviour among the players.
- Ensure whenever possible all players have equal time on the diamond. Avoid overplaying the talented players - the average players need and deserve equal time.
- Encourage players to work together as a unified group (teamwork).
- Keep yourself informed of sound coaching principles and seek more skilled advice when necessary.
- Encourage your team to hustle on and off the playing field at all times.
- All press statements and/or interviews must have ABF approval.
- Place the welfare and development of the individual above a winning or losing record.
- Do not embarrass your opponents.

- Do not use any form of tobacco or alcohol of any description on the field, in the dugouts, bullpens or while in uniform.
- Whenever possible provide assistance with coaching expertise and knowledge to developing teams.
- Abide by the tournament rules and regulations established by the ABF.
- Be aware of any player with medical problems.
- Strive to develop a positive image and self sufficient attitude with each player.
- Enforce the ABF Player Code of Conduct.
- Present Australian Baseball in a positive image.

Note: In cases where there are breaches of this code of ethics, the breaches can be reported to the Series Tribunal. If the breach (es) are found proved then the matter (s) will be referred to the Tournament Management Committee for adjudication of penalty.

AUSTRALIAN BASEBALL FEDERATION

COACHES / MANAGERS / EXECUTIVE OFFICERS CODE OF ETHICS

Team: _____

Age Group: _____

I have been provided with a copy of the ABF Coaches Code of Ethics, and am aware of and fully understand the responsibilities and conditions disclosed. I acknowledge that I am bound by that Code, and that any breaches can be reported to the Series Tribunal for their deliberation. If the breach(es) are found proved, then the matter (s) will be referred to the Tournament Management Committee for adjudication of possible (further) penalty.

Name: _____

Signature: _____

Date: _____

Position: _____

MEMBER PROTECTION DECLARATION

The ABF has a duty of care to all those associated with the sport at the national level and to the individuals and organisations to whom our national Member Protection Policy applies. As a requirement of our national Member Protection Policy, the ABF must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

I (name) of

..... (address) born/...../.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence or narcotics.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence or narcotics.
4. I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
6. To my knowledge there is no other matter that the ABF may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed.

Declared in the *State/Territory of*

on/...../.....(date) Signature

Parent/Guardian Consent (in respect of a 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:

AUSTRALIAN BASEBALL
OFFICE FOR UMPIRE DEVELOPMENT
UMPIRE CODE OF CONDUCT

The Australian Baseball Umpire Code of Conduct has been developed for all umpires participating in National Championships and Australian Baseball Development Programs as well as International Representatives.

An umpire's public behaviour will be closely observed by others as the umpire represents Australian Baseball, his State or Country at special events. Any behaviour that is unlawful or disrespectful to others is a slur on everyone associated with Australian Baseball.

If, in the opinion of an Instructor or Coordinator, there is a serious breach of Code of Conduct the umpire will be banned from the remainder of the Championship or program, the Manager for Umpire Development and State Association notified and the umpire sent home by the first available transport. Any additional expense incurred will be the responsibility of the umpire.

Code of Conduct:

- Officiate by the competition conditions and rules and the mechanics taught in the Umpire Development Program.
- Verbal abuse towards players, managers, coaches, officials or fans will not be tolerated.
- Control your temper - no criticism by words or gesture.
- Co-operate with your instructor, coordinator and fellow umpires. Show respect for the participants and their skills.
- No drug use of any kind will be tolerated unless prescribed by a licensed physician.
- Refrain from profanity at all times.
- Be courteous to all participants.
- The use of any form of tobacco or alcohol of any description on the field, or while in uniform, is banned.
- Any activity likely to result in loss or wilful damage to private property or to cause a disturbance will not be tolerated.
- No smoking in the rooms at the tournament, seminars, school and on or around the baseball field.
- Make no comments to the media and do not partake in media interviews unless you have Australian Baseball approval.
- No jewellery (eg. earrings or studs) at all times.
- No eating on the baseball field and drinking shall be limited to water and other soft drink.
- Report all injuries to an instructor or coordinator and schedule proper treatment with the physiotherapist when necessary.
- No one other than umpire personnel is allowed in umpire's locker rooms unless permission is obtained from an instructor or coordinator.

- Fraternising with team personnel, other than at official functions, without approval of the coordinator is prohibited.
- Promptness for meetings, training sessions and games is mandatory.
- Uniformity and sharpness in proper on-field dress is a must. This applies for seminars and schools as well as games.
- Proper off field walkout dress will be worn as designated for flights and functions.
- The use of any form of tobacco or alcohol of any description while in walk out dress is banned.
- The use of any form of tobacco or alcohol of any description while in the presence or vicinity of under age players is banned.
- The wearing of clothing containing the Australian Baseball Logo or Insignia in licensed premises, (with the exception of official functions), is banned.
- Personal hygiene is the umpire's responsibility. It is essential that showers be taken after each game or practice.
- Umpires are responsible for cleaning and maintaining their equipment.
- Strict observance and implementation of the Infectious Diseases Policy.

1 September 2103

**AUSTRALIAN BASEBALL
OFFICE FOR UMPIRE DEVELOPMENT
UMPIRES CODE OF CONDUCT**

CONSENT FORM

I have read the
(Print name)

Australian Baseball Umpire Code of Conduct, dated September 2013 fully understand and accept the responsibilities and conditions disclosed.

I will, to the best of my ability, abide by the Umpire Code of Conduct during all Australian Baseball endorsed events.

Signature:

Date:

MEMBER PROTECTION DECLARATION

The ABF has a duty of care to all those associated with the sport at the national level and to the individuals and organisations to whom our national Member Protection Policy applies. As a requirement of our national Member Protection Policy, the ABF must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

I (name) of
..... (address) born/...../.....

sincerely declare:

8. I do not have any criminal charge pending before the courts.
9. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence or narcotics.
10. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence or narcotics.
11. I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping policy applicable to me.
12. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
13. To my knowledge there is no other matter that the ABF may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
14. I will notify the CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed.

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

Parent/Guardian Consent (in respect of a 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:

AUSTRALIAN BASEBALL FEDERATION INC.

OFFICE FOR UMPIRE DEVELOPMENT

DIRECTOR, UMPIRE INSTRUCTOR, CO-ORDINATOR

CODE OF ETHICS

An Umpire Official plays an important part in the development of umpiring in Australia. Through their own behaviour (on and off the field) they have an enormous impact on the development of other umpires, especially the young and inexperienced.

In establishing a solid foundation of character building with umpires, the key responsibility of any Umpire Official is to lead by example. This holds true at all levels of development.

The responsibilities and duties of an instructor are not simple and should be dealt with professionally.

For these reasons and many more the ABF has developed a Code of Ethics for all Umpire Officials and Umpires participating in ABF endorsed and organised tournaments, development programs and special events.

These principles are considered practicable and are within the aims and objectives of this Federation.

- Provide supervision of the behaviour of the Umpires at all times.
- Do not criticise umpires in front of players, spectators, and teams.
- Review constructive criticism with an umpire in private or in the presence of the umpiring team.
- Develop respect for teams, managers, coaches, and officials. Do not criticise umpires, teams, supporters or officials by words or gestures.
- Set a good example in personal appearance and behaviour.
- Encourage sportsmanlike behaviour among the players.
- Encourage umpires to work together as a unified group (teamwork).
- Keep yourself informed of sound umpiring principles and seek more skilled advice when necessary.
- Make no comments to the media and do not partake in media interviews unless you have ABF approval.
- Place the development of baseball umpiring above your own personal record.
- Do not embarrass your other umpires.
- Do not use any form of tobacco or alcohol of any description on the field, adjacent to it, or in public view while in uniform.

- Whenever possible provide assistance with coaching expertise and knowledge to developing umpires.
- Abide by the tournament rules and regulations established by the ABF.
- Be aware of any umpire with medical problems.
- Strive to develop a positive image and self sufficient attitude with each umpire
- Enforce the ABF Umpire Code of Conduct.
- Strict observance and implementation of the Infectious Diseases Policy.
- Present Australian Baseball in a positive image.

AUSTRALIAN BASEBALL FEDERATION
OFFICE FOR UMPIRE DEVELOPMENT
DIRECTOR, UMPIRE INSTRUCTOR,
CODE OF ETHICS

I have read the ABF Director, Umpire
(print name)
Instructor, Code of Ethics, fully understand and accept the responsibilities and conditions
disclosed.

I will, to the best of my ability, abide by the Umpire Instructor Code of Ethics during all ABF
endorsed events.

Signature:

Date:

MEMBER PROTECTION DECLARATION

The ABF has a duty of care to all those associated with the sport at the national level and to the individuals and organisations to whom our national Member Protection Policy applies. As a requirement of our national Member Protection Policy, the ABF must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

I (name) of

..... (address) born/...../.....

sincerely declare:

15. I do not have any criminal charge pending before the courts.
16. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence or narcotics.
17. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence or narcotics.
18. I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping policy applicable to me.
19. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
20. To my knowledge there is no other matter that the ABF may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
21. I will notify the CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed.

Declared in the *State/Territory of*

on/...../.....(date) Signature

Parent/Guardian Consent (in respect of a 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:

AUSTRALIAN BASEBALL
OFFICE FOR UMPIRE DEVELOPMENT
UMPIRE CODE OF CONDUCT
Junior

The Australian Baseball Umpire Code of Conduct has been developed for all umpires participating in National Championships and Australian Baseball Development Programs as well as International Representatives.

An umpire's public behaviour will be closely observed by others as the umpire represents Australian Baseball, his State or Country at special events. Any behaviour that is unlawful or disrespectful to others is a slur on everyone associated with Australian Baseball.

If, in the opinion of an Instructor or Coordinator, there is a serious breach of Code of Conduct the umpire will be banned from the remainder of the Championship or program, the Technical Officials Manager and State Association notified and the umpire sent home by the first available transport. Any additional expense incurred will be the responsibility of the umpire.

Code of Conduct:

- Officiate by the competition conditions and rules and the mechanics taught in the Umpire Development Program.
- Verbal abuse towards players, managers, coaches, officials or fans will not be tolerated.
- Control your temper - no criticism by words or gesture.
- Co-operate with your instructor, coordinator and fellow umpires. Show respect for the participants and their skills.
- No drug use of any kind will be tolerated unless prescribed by a licensed physician.
- Refrain from profanity at all times.
- Be courteous to all participants.
- The use of any form of tobacco or alcohol of any description, on or off the field, is banned.
- Any activity likely to result in loss or wilful damage to private property or to cause a disturbance will not be tolerated.
- Make no comments to the media and do not partake in media interviews unless you have Australian Baseball approval.
- No jewellery (eg. earrings or studs) at all times.
- No eating on the baseball field and drinking shall be limited to water and other soft drink.
- Report all injuries to an instructor or coordinator and schedule proper treatment with the physiotherapist when necessary.
- No one other than umpire personnel is allowed in umpire's locker rooms unless permission is obtained from an instructor or coordinator.

- Fraternising with team personnel, other than at official functions, without approval of the coordinator is prohibited.
- Promptness for meetings, training sessions and games is mandatory.
- Uniformity and sharpness in proper on-field dress is a must. This applies for seminars and schools as well as games.
- Proper off field walkout dress will be worn as designated for flights and functions.
- Entering of licensed premises is banned, unless in the company of the Umpire Coordinator or their nominated representative.
- Entering premises where alcohol is served, with the exception of obtaining a meal is banned, and only then in the company of the Umpire Coordinator or their nominated representative.
- Adhere to any curfew imposed by the Umpire Coordinator.
- Advise the Umpire Coordinator if you are spending time with your family away from the venue or official accommodation.
- The wearing of clothing containing the Australian Baseball Logo or Insignia in licensed premises, (with the exception of official functions), is banned.
- Personal hygiene is the umpire's responsibility. It is essential that showers be taken after each game or practice.
- Umpires are responsible for cleaning and maintaining their equipment.
- Strict observance and implementation of the Infectious Diseases Policy.

1 September 2013

**AUSTRALIAN BASEBALL
OFFICE FOR UMPIRE DEVELOPMENT
UMPIRES CODE OF CONDUCT**

CONSENT FORM

I have read the
(Print name)

Australian Baseball Umpire Code of Conduct, dated 1 September 2013 fully understand and accept the responsibilities and conditions disclosed.

I will, to the best of my ability, abide by the Umpire Code of Conduct during all Australian Baseball endorsed events.

Signature:

Date:

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

I have read and understood the declaration provided by my child. I am confident that my child will, to the best of their ability, abide by the Umpire Code of Conduct during all Australian Baseball endorsed events.

Name:.....

Signature:.....

Date:

MEMBER PROTECTION DECLARATION

The ABF has a duty of care to all those associated with the sport at the national level and to the individuals and organisations to whom our national Member Protection Policy applies. As a requirement of our national Member Protection Policy, the ABF must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

I (name) of

..... (address) born/...../.....

sincerely declare:

22. I do not have any criminal charge pending before the courts.
23. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence or narcotics.
24. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence or narcotics.
25. I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping policy applicable to me.
26. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
27. To my knowledge there is no other matter that the ABF may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
28. I will notify the CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed.

Declared in the *State/Territory of*

on/...../.....(date) Signature

Parent/Guardian Consent (in respect of a 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:

PART C: EMPLOYMENT SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

We are committed to providing a child-safe environment. As part of this, we will recruit staff and volunteers who do not pose a risk to children.

Employment screening and Working with Children Checks can involve criminal history checks, signed declarations, referee checks and other appropriate checks that assess a person's suitability to work with children and young people.

Working with Children Check laws are currently in place in New South Wales, Queensland, Western Australia, Victoria, the Northern Territory and South Australia.

Baseball Australia including our state associations and clubs, will meet the requirements of the relevant state or territory Working with Children Check laws.

Employment screening requirements will also be followed in the Australian Capital Territory and Tasmania.

Individuals travelling with children and young people to another state or territory in a work-related capacity must comply with the screening requirements of that particular state or territory.

ATTACHMENTS

- **Attachment C1: SCREENING REQUIREMENTS**

for states/territories without Working With Children Checks such as ACT and Tasmania

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

The ABF will, and also requires state associations and clubs to:

1. Identify positions that involve working, coaching, supervising or regular unsupervised contact with people under the age of 18 years.
2. Obtain a completed *Member Protection Declaration (MPD)* (Attachment C2) from all people who are identified in the above step and keep it in a secure place.
3. Provide an opportunity for a person to give an explanation if a MPD isn't provided or it reveals that the person doesn't satisfactorily meet any of the clauses in the MPD. We will then make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years. If unsatisfied we will not appoint them to the role/position.
4. Where possible, check a person's referees (verbal or written) about his/her suitability for the role.
5. Ask the people identified in step 1 to sign a consent form for a national police check.
6. Possibly request (or ask the person to request) a national 'Part Exclusion' police check from our relevant police jurisdiction. This check excludes irrelevant records. If the police check indicates a relevant offence, we will provide an opportunity for the person to give an explanation, and then we will make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years. If unsatisfied we will not appoint them to the role/position.
7. Make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years if the person does not agree to a national police check after explaining why it is a requirement under our policy. If unsatisfied, we will not appoint them.
8. Decide whether to offer the person the position taking into account the result of the police check and any other information the club has available to it. Where it is not practical to complete the police check prior to the person commencing in the position, we will complete the check as soon as possible, and if necessary, act immediately on the outcome.
9. Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the checking process.
10. Return information collected during screening (such as a completed MPD form, police records and referee reports) to the relevant person if that person is not appointed to the position, or otherwise be destroyed within 28 days of the date of the decision or the expiry of any appeal period, unless within that time the person requests that the documents be returned to them. For appointed persons, information will be kept on file in a secure location.

Attachment C2: MEMBER PROTECTION DECLARATION

The ABF has a duty of care to all those associated with the sport at the national level and to the individuals and organisations to whom our national Member Protection Policy applies. As a requirement of our national Member Protection Policy, the ABF must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

I (name) of

..... (address) born/...../.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children, acts of violence or narcotics.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence or narcotics.
4. I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
6. To my knowledge there is no other matter that the ABF may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed.

Declared in the State/Territory of

on/...../.....(date) Signature

Parent/Guardian Consent (in respect of a 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 C3: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS

The following information was updated in April 2011. It is subject to change at any time.

1. QUEENSLAND

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

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

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

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

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

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

2. NEW SOUTH WALES

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

1. **Ensuring** all paid employees in a child-related position sign an [Applicant Declaration and Consent Form](#) which declares they are not prohibited from working with children.
2. **Submitting** all applicants for **paid** employment to NSW Commission For Children and Young People for a Working With Children Background Check.
3. All volunteers and students on placement whose work is categorised as 'child-related employment' must sign a [Volunteer/Student Declaration](#); except those volunteers who mentor disadvantaged children in family-like relationships, or provide intimate personal care (e.g. bathing or toileting) for disabled children. These volunteers require a Working With Children Background Check. (see 1. and 2. above)
4. **Reporting** relevant employment proceedings for any paid and unpaid employees to the Commission for Children and Young People. A relevant employment proceeding involves any reportable conduct committed outside of work as well as in the workplace with or in the presence of a children.

Sporting organisations are responsible for managing the WWCC process. Individuals cannot apply for a WWCC directly. Sporting organisations should register with the **NSW Commission for Children and Young People** providing a contact who will receive the information on the background checks.

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

For more information, including the required forms visit:

- <https://check.kids.nsw.gov.au/index.php> or contact 02 9286 7219 during business hours.

3. WESTERN AUSTRALIA

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

Applicants will be issued with either:

PART D: COMPLAINT HANDLING PROCEDURES

We will deal with all complaints in a fair, timely and transparent manner. All complaints will be treated seriously.

We will provide individuals with an informal and informal process to resolve the matter, along with access to an external complaint handling body, based on their preferences and the nature of the complaint.

We also provide an appeals process for those matters where it is required.

We will maintain confidentiality as far as possible and ensure that no one is victimised for making, supporting or providing information about a complaint.

Attachment D1: COMPLAINTS PROCEDURE

All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection or other relevant legislation.

If you wish to remain anonymous, the ABF may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that the ABF is required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond.

INFORMAL APPROACHES

Step 1: Talk with the other person (where this is reasonable, safe and appropriate)

In the first instance, you (the Complainant) should try to sort out the problem with the person or people involved (respondent) if you feel able to do so.

Step 2: Contact a Member Protection Information Officer

Talk with one of our Member Protection Information Officers (MPIOs) if the first step is not possible/reasonable;

- you are not sure how to handle the problem by yourself;
- you want to talk confidentially about the problem with someone and obtain more information about what you can do; or
- the problem continues after you tried to approach the person or people involved.

A list of our sport's MPIOs can be found by contacting:

| | | |
|--------------|--|--------------------------|
| Baseball ACT | actbaseball@bigpond.com | 0262477244 |
| Baseball NSW | admin@baseballnsw.com.au | 0296756872 or 0282260267 |
| Baseball NT | baseballnt@baseballnt.com | 0889274788 |
| Baseball QLD | admin@baseballqld.asn.au | 0738762222 |
| Baseball SA | admin@baseballsa.org.au | 0883312675 |
| Baseball VIC | playball@baseballvictoria.com.au | 0396458000 |
| Baseball WA | admin@baseballwa.asn.au | 0893837735 |

The MPIO will:

- take confidential notes about your complaint;
- try to find out the facts of the problem;
- ask what outcome/how you want the problem resolved and if you need support;
- provide possible options for you to resolve the problem;
- act as a support person if you so wish;
- refer you to an appropriate person (e.g. Mediator) to help you resolve the problem, if necessary;
- inform the relevant government authorities and/or police if required by law to do so;
- maintain confidentiality.

Step 3: Outcomes from initial contact

After talking with the MPIO, you may decide:

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

FORMAL APPROACHES

Step 4: Making a Formal complaint

If your complaint is not resolved or informal approaches are not appropriate or possible, you may:

- make a formal complaint in writing to the CEO,
- approach a relevant external agency such as an anti-discrimination commission, for advice.

On receiving a formal complaint and based on the material you have provided, the CEO will decide whether:

- they are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure;
- to refer the complaint to mediation;
- to appoint a person to **investigate** (gather more information on) the complaint;
- to refer the complaint to a hearings tribunal;
- to refer the matter to the police or other appropriate authority; and/or
- to implement any interim arrangements that will apply until the complaint process set out in these Procedures is completed.

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

- whether they have had any personal involvement in the circumstances which means that someone else should handle the complaint;
- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- the relationship between you and the respondent (for example an actual or perceived power imbalance between you and the respondent);
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the possibility that you will be subject to further unacceptable behaviour while the complaint process is underway.

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

- put the information they've received from you to the person/people you're complaining about and ask them to provide their side of the story;
- decide if they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- determine what, if any, further action to take. This action may include disciplinary action in accordance with this policy.

Step 5: Investigation of the complaint

- A person appointed under Step 3 will conduct an investigation and provide a written report to Member Protection Tribunal who will determine what further action to take;
- If the complaint is referred to mediation, it will be conducted in accordance with Attachment C2 or as otherwise agreed by you and the respondent and the mediation provider;
- If the complaint is referred to a hearings tribunal, the hearing will be conducted in accordance with Attachment C5;
- If the complaint is referred to the police or other appropriate authority, the ABF will use its best endeavours to provide all reasonable assistance required by the police or other authority.
- It must be made clear to all parties that the investigator is not seeking to resolve the matter, nor to decide whether any breach of this Policy has occurred, nor to impose any penalty. Any decision about Policy breach must be referred to an independent tribunal, and wherever possible, mediations should be conducted by an independent mediator.

Any costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or hearings tribunal) are to be met by the individual.

Step 6: Reconsideration of initial outcome/investigation or appeal

If, under the formal complaint process, mediation is unsuccessful, you may request that the CEO reconsider the complaint in accordance with **Step 3**.

You or the respondent(s) may be entitled to appeal. The grounds and process for appeals under this Policy are set out in Attachment C5.

Step 7: Documenting the resolution

The MPIO will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at a state/district level, the information will be stored in the state association office. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at the national office with a copy stored at the state office.

EXTERNAL APPROACHES

There are a range of other options available depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from your State or Territory anti-discrimination commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be harassment within its jurisdiction, you may lodge a formal complaint with the commission.

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

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

You could also approach another external agency such as the police.

Attachment D 2

MEDIATION

Mediation is a process that allows the people involved in a complaint to talk through the issues with an impartial person – the mediator – and work out a mutually agreeable solution.

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to talk through the issues and makes sure that the process is as fair as possible for all concerned.

Our approach to mediation follows the steps set out below.

1. The CEO or other designated official will appoint a mediator to help resolve the complaint. This will be done under the direction of Baseball Australia and in consultation with the complainant and the respondent(s).
2. The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
3. All issues raised during mediation will be treated confidentially. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. If the complaint is resolved by mediation, the mediator will prepare a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). We expect the parties involved to respect the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
 - write to the CEO or other designated official] to request that the CEO or other designated official reconsider the complaint in accordance with **Step 3**
 - approach an external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

We recognise that there are some **situations where mediation will not be appropriate**, including:

- when the people involved have completely different versions of the incident
- when one or both parties are unwilling to attempt mediation
- when the issues raised are sensitive in nature
- when there is a real or perceived power imbalance between the people involved
- matters that involve serious, proven allegations.

Attachment D 3

INVESTIGATION PROCESS

There will be times when a complaint will need to be investigated and evidence gathered.

An investigation helps determine the facts relating to the incident, as well as possible findings and recommendations.

Any investigation that we conduct will be fair to all people involved.

If we decide that a complaint should be investigated, we will follow the steps outlined below.

1. We will provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities. The investigator will:
 - interview the complainant and record the interview in writing
 - provide full details of the complaint to the respondent(s) so that they can respond
 - interview the respondent(s) to allow them to answer the complaint and record the interview in writing
 - obtain statements from witnesses and collect other relevant evidence, if there is a dispute over the facts
 - make a finding as to whether the complaint is:
 - **substantiated** (there is sufficient evidence to support the complaint)
 - **inconclusive** (there is insufficient evidence either way)
 - **unsubstantiated** (there is sufficient evidence to show that the complaint is unfounded)
 - **mischievous, vexatious or knowingly untrue.**
 - provide a report to relevant person/tribunal documenting the complaint, the investigation process, the evidence, the finding(s) and, if requested, any recommendations.
2. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser MPIO or other person.
4. The complainant and the respondent(s) may have the right to appeal any decision based on the investigation. Information on our appeals process is in Attachment D5.

Attachment D4: TRIBUNAL PROCEDURES

We will follow the steps set out below to hear formal complaints made under our Member Protection Policy.

Preparing for a Tribunal hearing

1. A Tribunal panel will be established, according to the rules set out in our Constitution, to hear a complaint that has been referred to it by [the CEO, Complaints Manager]. The number of Tribunal panel members required to be present throughout the hearing will be three (3).
2. The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by BA, MPIO relating to the complaint/allegations.
3. The Tribunal hearing will be held as soon as practicable. However, adequate time must be provided for the respondent(s) to prepare for the hearing.
4. The Tribunal panel will not include any person who has any actual or perceived conflict of interest or bias regarding the complaint/allegations.
5. The MPIO will inform the respondent(s) in writing that a Tribunal hearing will take place. The notice will outline:
 - that the person has a right to appear at the Tribunal hearing to defend the complaint/allegations
 - the details of the complaint and of all allegations, as well as the clause of any policy or rule that has allegedly been breached
 - the date, time and venue of the Tribunal hearing
 - that either verbal or written submissions can be presented at the Tribunal hearing
 - that witnesses may attend the Tribunal hearing to support the position of the respondent/s (statutory declarations of witnesses not available to attend and from character witnesses may also be provided to the Tribunal hearing)
 - an outline of any possible penalties that may be imposed if the complaint is found to be true
 - that legal representation will not be allowed. If the respondent is a minor, he or she should have a parent or guardian present.

A copy of any information/documents that have been given to the Tribunal panel (e.g. investigation report findings) will be provided to the respondent(s).

The respondent(s) will be allowed to participate in all Baseball Australia activities and events, pending the decision of the Tribunal, including any available appeal process, unless the MPIO believes it is necessary to exclude the respondent/s from all or some activities and events because of the nature of the complaint.

6. The MPIO will notify the complainant in writing that a Tribunal hearing will take place. The notice will outline:
 - that the person has a right to appear at the Tribunal hearing to support their complaint
 - the details of the complaint, including any relevant rules or regulations the respondent is accused of breaching
 - the date, time and venue of the Tribunal hearing
 - that either verbal or written submissions can be presented at the Tribunal hearing
 - that witnesses may attend the Tribunal hearing to support the complainant's position (statutory declarations of witnesses not available to attend may also be provided to the Tribunal Hearing)

- that legal representation will not be allowed. If the complainant is a minor, he or she should have a parent or guardian present.

A copy of any information / documents given to the Tribunal (e.g. investigation report findings) will be provided to the complainant.

7. If the complainant believes the details of the complaint are incorrect or insufficient, he or she should inform the MPIO as soon as possible so that the respondent(s) and members of the Tribunal panel can be properly informed of the complaint.
8. If possible, the Tribunal panel should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination).

Tribunal hearing procedure

9. The following people will be allowed to attend the Tribunal hearing:
 - Tribunal panel members
 - the respondent(s)
 - the complainant
 - any witnesses called by the respondent(s)
 - any witnesses called by the complainant
 - any parent/guardian or support person required to support the respondent or the complainant.
10. If the respondent(s) is not present at the set hearing time and the Tribunal chairperson considers that no valid reason has been presented for this absence, the Tribunal hearing will continue subject to the chairperson being satisfied that all Tribunal notification requirements have been met.
11. If the Tribunal chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.
12. The Tribunal chairperson will inform the MPIO of the need to reschedule the hearing and the MPIO will arrange for the Tribunal to be reconvened.
13. The Tribunal chairperson will read out the complaint, ask each respondent if he or she understands the complaint and if he or she agrees or disagrees with the complaint.
14. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any disciplinary measures or penalties.
15. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
 - Reference may be made to brief notes.
 - The complainant may call witnesses.
 - The respondent may question the complainant and any witnesses.
16. The respondent will then be asked to respond to the complaint.
 - Reference may be made to brief notes.
 - The respondent may call witnesses.
 - The complainant may ask questions of the respondent and any witnesses.
17. The complainant and respondent(s) may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required.
18. The Tribunal may:
 - consider any evidence, and in any form, that it deems relevant
 - question any person giving evidence
 - limit the number of witnesses presented to those who provide new evidence

- require (to the extent it has power to do so) the attendance of any witness it deems relevant
 - act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
19. Video evidence, if available, may be presented. Arrangements must be made entirely by the person(s) wishing to offer this type of evidence.
 20. If the Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidatory behaviour from anyone, the Tribunal chairperson may deny further involvement of that person in the hearing.
 21. After all the evidence has been presented, the Tribunal will make its decision in private. It must decide whether the complaint has, on the balance of probabilities, been substantiated. As the seriousness of the allegation increases, so too must the level of satisfaction of the Tribunal that the complaint has been substantiated. The respondent(s) have the opportunity to address the Tribunal on disciplinary measures which may be imposed. Any disciplinary measures imposed must be reasonable in the circumstances.
 22. All Tribunal decisions will be by majority vote.
 23. The Tribunal chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed. Alternatively, he or she may advise those present that the decision is reserved and will be handed down in written form at a later time.
 24. Within 48 hours, the Tribunal chairperson will:
 - forward a notice of the Tribunal's decision to the MPIO including any disciplinary measures imposed.
 - forward a letter reconfirming the Tribunal's decision to the respondent(s), including any disciplinary measures imposed. The letter should also outline the process and grounds for an appeal, if allowed. If matter is especially complex or important, the Tribunal chairperson may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours.
 25. The Tribunal does not need to provide written reasons for its decision.

Appeals procedure

26. If a complainant or a respondent(s) is not satisfied with the outcome of a mediation process or a Tribunal decision, he or she can lodge an appeal to CEO of Baseball Australian one or more of the following grounds:
 - 26.1 that a denial of natural justice has occurred
 - 26.2 that the disciplinary measure/s imposed is unjust and/or unreasonable
 - 26.3 that the decision was not supported by the information/evidence provided at the mediation or to the Tribunal Hearing
27. A person wanting to appeal must lodge a letter setting out the basis for their appeal with the CEO within twenty one (21) days of the decision being made. An appeal fee of \$350.00 shall be included with the letter of intention to appeal.
28. If the letter of appeal is not received by the CEO within this time, the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received within this time, the appeal will also lapse.
29. The letter of appeal and the notice of the Tribunal's decision (clause 24) will be forwarded to the Appeals Committee to review and to decide whether there are sufficient grounds

for the appeal to proceed. The Chairperson of the Appeals Committee may invite any witnesses to the meeting that he or she believes are required to make an informed decision.

30. If the appellant has not shown sufficient grounds for an appeal in accordance with clause 26, then the appeal will be rejected. The appellant will be notified in writing, including the reasons for the decision. The appeal fee will be forfeited.
31. If the appeal is accepted, an Appeal Tribunal with new panel members will be convened to rehear the complaint, and the appeal fee will be refunded.
32. The Tribunal hearing procedure shall be followed for the Appeal Tribunal.
33. The decision of the Appeal Tribunal will be final.

PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

We will ensure that all the complaints we receive, both formal and informal, are properly documented. This includes recording how the complaint was resolved and the outcome of the complaint.

This information, and any additional records and notes, will be treated confidentially and stored in a secure place.

We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

We will ensure that everyone who works with our organisation in a paid or unpaid capacity understands how to appropriately receive and record allegations of child abuse and neglect and how to report those allegations to the relevant authorities in their state or territory.

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

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

| | |
|---|--|
| Formal resolution procedures followed (outline) | |
| If investigated: | Finding |
| If heard by Tribunal: | Decision Action recommended |
| If mediated: | Date of mediation: Both/all parties present Agreement Any other action taken |
| If decision was appealed | Decision Action recommended |
| Resolution | <input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve |
| Completed by | Name: Position: Signature: Date / / |
| Signed by: | Complainant: Respondent: |

This record and any notes must be kept in a confidential and safe place. If the complaint is of a serious nature, or if it is taken to and/or dealt with at the national level, the original record must be provided to Baseball Australia and a copy kept with the organisation where the complaint was first made.

Attachment E3: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

If you believe a child is in immediate danger or a life-threatening situation, contact the Police immediately on 000.

Fact sheets on reporting allegations of child abuse in different states and territories are available at www.playbytherules.net.au.

We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

All people working with Baseball Australia in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

Step 1: Receive the allegation

If a child or young person raises with you an allegation of child abuse or neglect that relates to them or to another child, it is important that you listen, stay calm and be supportive.

| Do | Don't |
|---|---|
| Make sure you are clear about what the child has told you | Do not challenge or undermine the child |
| Reassure the child that what has occurred is not his or her fault | Do not seek detailed information, ask leading questions or offer an opinion. |
| Explain that other people may need to be told in order to stop what is happening. | Do not discuss the details with any person other than those detailed in these procedures. |
| Promptly and accurately record the discussion in writing. | Do not contact the alleged offender. |

Step 2: Report the allegation

- Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.
- If the allegation involves a person to whom this policy applies, then also report the allegation to the the CEO of Baseball Australia so that he or she can manage the situation.

Step 3: Protect the child and manage the situation

- The CEO will assess the immediate risks to the child and take interim steps to ensure the child's safety and the safety of any other children. This may include redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is in paid employment with Baseball Australia
- The CEO will consider what services may be most appropriate to support the child and his or her parent/s.
- The CEO will consider what support services may be appropriate for the alleged offender.
- The CEO will put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

Step 4: Take internal action

- Up to three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
 - a criminal investigation (conducted by the police)
 - a child protection investigation (conducted by the relevant child protection agency)
 - a disciplinary or misconduct inquiry/investigation (conducted Baseball Australia)
- Regardless of the findings of the police and/or child protection agency investigations, Baseball Australia will assess the allegations to decide whether the alleged offender should return to his or her position, be dismissed, be banned or face any other disciplinary action.
- The CEO of Baseball Australia will consider all information relevant to the matter – including any findings made by the police, the child protection authority and/or court – and then set out a finding, recommend actions and the rationale for those actions.
- If disciplinary action is recommended, we will follow the procedures set out in Clause 9 of our Member Protection Policy.
- We will provide the relevant government agency with a report of any disciplinary action we take, where this is required.

Contact details for advice or to report an allegation of child abuse

| | |
|---|--|
| Australian Capital Territory | |
| ACT Police Non-urgent police assistance Ph: 131 444 www.afp.gov.au | Office for Children, Youth and Family Services www.dhcs.act.gov.au/ocyfs/services/care_and_protection Ph: 1300 556 729 |
| New South Wales | |
| New South Wales Police Non-urgent police assistance Ph: 131 444 www.police.nsw.gov.au | Department of Community Services www.community.nsw.gov.au Ph: 132 111 |
| Northern Territory | |
| Northern Territory Police Non-urgent police assistance Ph: 131 444 www.pfes.nt.gov.au | Department of Children and Families www.childrenandfamilies.nt.gov.au Ph: 1800 700 250 |
| Queensland | |
| Queensland Police Non-urgent police assistance Ph: 131 444 www.police.qld.gov.au | Department of Communities www.communities.qld.gov.au/childsafety Ph: 1800 811 810 |
| South Australia | |
| South Australia Police Non-urgent police assistance Ph: 131 444 www.sapolice.sa.gov.au | Department for Communities and Social Inclusion www.dcsi.sa.gov.au Ph: 131 478 |
| Tasmania | |
| Tasmania Police Non-urgent police assistance Ph: 131 444 www.police.tas.gov.au | Department of Health and Human Services www.dhhs.tas.gov.au/children Ph: 1300 737 639 |
| Victoria | |
| Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 www.police.vic.gov.au | Department of Human Services www.dhs.vic.gov.au Ph: 131 278 |
| Western Australia | |
| Western Australia Police Non-urgent police assistance Ph: 131 444 www.police.wa.gov.au | Department for Child Protection www.dcp.wa.gov.au Ph: (08) 9222 2555 or 1800 622 258 |

Attachment E4: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing this form, please ensure that the steps outlined in Attachment D4 have been followed and advice has been sought from the police and/or the relevant child protection agency.

| | | |
|--|---|--|
| Complainant's name (if other than the child) | | Date formal complaint received: / / |
| Role/status in sport | | |
| Child's name | | Age: |
| Child's address | | |
| Person's reason for suspecting abuse (e.g. observation, injury, disclosure) | | |
| Name of person complained about | | |
| Role/status in sport | <input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official | |
| Witnesses (if more than three witnesses, attach details to this form) | Name (1): Contact details: Name (2): Contact details: Name (3): Contact details: | |
| Interim action taken (if any) | | |
| Police contacted | Who: When: Advice provided: | |

| | |
|--|--------------------------------------|
| Child protection agency contacted | Who: When: Advice provided: |
| CEO contacted | Who: When: |
| Police investigation (if any) | Finding: |
| Child protection agency investigation (if any) | Finding: |
| Internal investigation (if any) | Finding: |
| Action taken | |
| Completed by | Name: Position: Signature: / / |
| Signed by | Complainant (if not a child) |

This record and any notes must be kept in a confidential and safe place. If required, they should be provided to the police and/or the relevant child protection agency.