



**CRICKET ACT
MEMBER PROTECTION POLICY**

Message from the Chief Executive Officer

It is my pleasure to introduce you to the Cricket ACT Member Protection Policy.

This Policy aims to ensure that Cricket ACT's (CACT) core values are respected and maintained by persons involved in cricket. It aims to ensure that every person involved in the sport of cricket is treated with respect and dignity, is safe and protected from abuse and that we provide a consistent and nurturing environment for all players and volunteers under our auspices.

While the policy is quite extensive, it has been designed in a way that allows for the quick referencing of key issues and guidelines and to assist clubs in developing their own policies for the protection of their participants.

While Australia has worked hard to become the world's leading cricket nation in both women's and men's cricket, we would not have been able to achieve this without the values, principles and experiences of our cricket system. As the custodians responsible for the future of the game of cricket, we are committed to ensuring others enjoy the rewards of life-long cricket involvement.

Adopting and understanding CACT's Member Protection Policy and guidelines provided in the policy will go a long way to ensuring that the quality and enjoyment of the cricket experience in the ACT will continue to grow and prosper.

Yours sincerely,

Cameron French
Chief Executive Officer

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1. PURPOSE OF THIS POLICY

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

2. WHO DOES THIS POLICY APPLY TO

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

3. WHAT IS THE STATUS OF THIS POLICY

- 3.1 This Policy has been endorsed by CACT and formally adopted by the Board of Directors of CACT.
- 3.2 This Policy comes into effect on 1 November 2008 .
- 3.3 This Policy may be amended from time to time by CACT.

4. POLICY COVERAGE

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

5. RESPONSIBILITIES UNDER THIS POLICY

- 5.1 CACT must:
 - (a) adopt and comply with this Policy, as amended from time to time;
 - (b) promptly deal with any alleged breaches of or Complaints made under this Policy in an appropriate manner;
 - (c) recognise and enforce any disciplinary measures against any Member found to have breached this Policy;
 - (d) distribute this Policy (and any amendments made to it from time to time);
 - (e) ensure that a copy of this Policy is available or accessible to persons to whom this Policy applies; and
 - (f) appoint or have access to persons to handle complaints and allegations (i.e. Member Protection Officers).
- 5.2 A Member must:
 - (a) comply with this Policy;
 - (b) be responsible and accountable for that Member's own conduct;
 - (c) not make any vexatious or knowingly untrue claim that another person is in breach of this Policy; and
 - (d) submit to the Complaints Handling Procedure if an allegation is made against that Member.
- 5.3 In addition to the general responsibilities under clause 5.2, persons to which this Policy applies are responsible for:
 - (a) making themselves aware of the contents of this Policy, including the possible consequences of breaching it;
 - (b) consenting to a national police or criminal record check if the individual holds or applies for a role that involves direct and unsupervised contact with people under the age of 18 years;
 - (c) co-operating in providing a discrimination and Child Abuse free sporting environment; and
 - (d) understanding the possible consequences of breaching this Policy.

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

6. POLICY POSITION STATEMENTS

6.1 Child Protection Policy

- (a) Every Member must always place the welfare and safety of children above all other considerations.
- (b) CACT acknowledges that its staff and its volunteers provide a valuable contribution to the positive experiences of Children participating in cricket. CACT aims to ensure that this continues and to protect the safety and welfare of Children participating in cricket. Accordingly, CACT must:
 - A. use reasonable efforts to ensure Children are kept safe from Child Abuse and are protected from people who are unsuitable to work with Children;
 - B. provide appropriate information and education on Child Abuse and child protection to Members;
 - C. screen and select people whose roles require them to have direct and unsupervised access to Children;
 - D. protect the privacy of any person who is screened and the confidentiality of any information obtained through the screening process in accordance with this Policy; and
 - E. meet the additional legislative requirements relevant to activities involving Children in New South Wales, Queensland or Western Australia respectively.
- (c) Schedule 1 sets out the screening process for people who currently occupy or who apply for any work (paid or voluntary) with CACT that involves direct and unsupervised contact with Children. Screening under this Policy is not a replacement for any other procedure required by law. If applicable State or Territory legislation sets an equivalent or higher standard of screening, the requirement to screen people under the process in Schedule 1 need not be followed.
- (d) CACT requires that any Child who is abused by a Member or anyone who reasonably suspects that a Child has been or is being abused by a Member, to report it immediately to the CACT Member Protection Information Officer.
- (e) All allegations of Child Abuse are to be dealt with promptly, seriously, sensitively and confidentially. The Complaint Handling Procedures are detailed in clause 9 below.

6.2 Anti-discrimination Policy

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

- (e) To the extent that any act carried out by a Member falls within the jurisdiction of CACT's Racial and Religious Vilification Code, the CACT Racial and Religious Vilification Code overrides this clause 6.2 and applies, exclusively (other than with respect to any applicable laws) to the relevant conduct.

7. STATE AND TERRITORY SPECIFIC LEGISLATION

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

8. COMPLAINTS

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

9. COMPLAINTS HANDLING PROCEDURE

- 9.1 The Complaints Handling Procedure applies exclusively to the reporting, investigation and resolution of Complaints.
- 9.2 Subject to clause 9.3, a Complainant:
 - (a) must initially attempt to resolve the Complaint with the Member involved; and
 - (b) if this is not possible or reasonable given the sensitivity of the Complaint, or that attempt does not provide a satisfactory outcome, the Complainant may notify the Member Protection Information Officer and make a formal or informal complaint.
- 9.3 In the event of a complaint or allegation of Child Abuse:
 - (a) where the Member Protection Information Officer reasonably believes that the allegation is serious or criminal in nature, it should be actioned as soon as possible;
 - (b) where the allegation is less serious or urgent, it should be actioned as soon as reasonably practicable;
 - (c) for allegations of a serious or criminal nature (for example, sexual abuse):
 - A. the Member Protection Information Officer shall immediately report any such allegation to the police or relevant government agency following clarification of the basic details of the allegation;
 - B. the relevant appropriate authority should be contacted for advice if there is **any doubt** about whether the allegation should be reported; and
 - C. advice should be sought from the police and the relevant government agency as to whether CACT should carry out its own internal investigation (in addition to any police or relevant government agency investigation).
 - (d) for allegations of a less serious nature (for example, verbal abuse), the Investigator should follow the procedure for formal complaints in accordance with this clause 9.

- 9.4 In the event of an informal complaint, the Member Protection Information Officer:
- (a) may refer the Complainant back to attempt to resolve the Complaint directly with the Member involved ; and
 - (b) assists the Complainant to resolve the Complaint, including through the suggestion of possible solutions;
 - (c) explains how the Complaints Handling Procedure works;
 - (d) acts as a support person if required by the Complainant or may refer to the Complainant to an appropriate person;
 - (e) informs the relevant government authorities or police if legally required to do so;
 - (f) keeps a written record in Prescribed Form 2 as reproduced in Schedule 3; and
 - (g) maintains strict confidentiality.
- 9.5 If the informal complaint process does not resolve the Complaint to the Complainant's satisfaction or the Complainant wants to make a formal complaint, the Complainant must submit to the Member Protection Information Officer a completed and signed Prescribed Form 3 as reproduced in Schedule 3.
- 9.6 On receipt of a formal complaint, the Investigator shall investigate the complaint.
- 9.7 The Investigator may:
- (a) implement any administrative or other arrangements that will apply until the completion of the investigation;
 - (b) attempt to mediate the Complaint;
 - (c) refer the Complaint to the Tribunal as defined in clause 13; or
 - (d) refer the Complaint to the police or an appropriate authority or agency.
- 9.8 The Investigator and the Tribunal have the right to determine all procedures and processes to be adopted in investigating a Complaint. All relevant parties to the Complaint shall receive written notice of these procedures and processes. The Investigator and the Tribunal shall ensure that all such procedures and principles adhere to the principles of natural justice.
- 9.9 The Investigator and the Tribunal shall make a finding as to whether the Complaint is:
- (a) substantiated (there is sufficient evidence to support the Complaint);
 - (b) inconclusive (there is insufficient evidence either way);
 - (c) unsubstantiated (there is sufficient evidence to show that the Complaint is unfounded);
 - (d) mischievous, vexation or knowingly untrue; and/or
 - (e) successfully mediated between the Complainant and the respondent (if relevant).
- 9.10 On completion of his or her investigation, the Investigator must provide CACT with a written report documenting the complaint, investigation process, evidence, finding and recommendations as to the disciplinary measures which should be imposed (if any).
- 9.11 On completion of its investigation, the Tribunal shall advise of its decision and provide a written statement of its decision (including any disciplinary measures imposed) to the Complainant, the respondent and the Chief Executive Officer of CACT as soon as practicable after the hearing.
- 9.12 If an informal or formal complaint relates to a Child Abuse allegation, the Member Protection Information Officer must complete a Prescribed Form 4 as reproduced in Schedule 3 and follow the procedure detailed in clause 9.3 above.

- 9.13 If at any point in the Complaint process the Member Protection Information Officer, Investigator or Tribunal considers that a Complainant has knowingly made an untrue Complaint or the Complaint is vexatious or malicious, the matter may be referred to the CACT Board for appropriate action which may include disciplinary measures against the Complainant.

10. CONFIDENTIALITY AND TIME FRAMES

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

11. DISCIPLINARY MEASURES

- 11.1 Disciplinary action will be taken by CACT against any Member found to:
- (a) be in breach of this Policy;
 - (b) engage in Victimisation or retaliation against a person who has complained of a breach of the Policy or has supported another person in making a complaint;
 - (c) have made a vexatious complaint or a complaint the complainant knew to be untrue; or
 - (d) have not complied with a disciplinary measure imposed on them.
- 11.2 If a finding is made that an organisation has breached this Policy, then one or more of the following forms of discipline may be imposed by the Association, or Tribunal:
- (a) a written warning;
 - (b) a direction that any rights, privileges and benefits provided to that organisation by CACT may be suspended for a specified period;
 - (c) a direction that any funding granted or given to it by CACT may cease from a specified date;
 - (d) reprimand;
 - (e) verbal or written apology to the complainant;
 - (f) deduction of match points;
 - (g) suspension from participation in a Match or Matches;
 - (h) expulsion; or
 - (i) such other of discipline as is appropriate in all the circumstances.
- 11.3 Subject to contractual and employment requirements, if a finding is made that an individual has breached this Policy, then one or more of the following forms of discipline may be imposed by ACTCA or the Tribunal:
- (a) a written warning;
 - (b) verbal or written apology to the complainant;
 - (c) direction to undergo counselling;
 - (d) ban from cricket facilities or venue;
 - (e) ban on taking any part in any cricket related activity;
 - (f) suspension from participation in a Match or Matches;
 - (g) transfer to another job or position;
 - (h) expulsion or termination of engagement or employment;

- (i) cancellation of any National accreditation or licence or coaching accreditation;
 - (j) a direction that any rights, privileges and benefits provided to that organisation by CACT may be suspended for a specified period;
 - (k) a direction that any funding granted or given to it by CACT may cease from a specified date; or
 - (l) such other discipline as is appropriate in the circumstances.
- 11.4 The implementation of a disciplinary measure may be suspended and, if so, the person is subject to a probationary period. If that person commits another breach of this Policy during the probationary period, the suspension is automatically revoked and the disciplinary measure is applied in addition to the disciplinary measure determined for the new breach.
- 11.5 The form of discipline measure to be imposed on an individual or organisation should include, but not be limited to, consideration of factors such as:
- (a) nature and seriousness of the behaviour or incidents;
 - (b) in a case where an action is taken concurrently with or in lieu of a resolution of a formal complaint, the wishes of the complainant;
 - (c) if the individual concerned knew or should have known that the behaviour was a breach of the Policy;
 - (d) the level of contrition of the respondents;
 - (e) the effect of the proposed disciplinary measures on the respondent, including any person, professional or financial consequences;
 - (f) if there has been any relevant prior warnings or disciplinary action; and/or
 - (g) if there are any mitigating circumstances such that the respondent should not be disciplined at all or not disciplined so seriously.

12. APPEALS

- 12.1 Any person or organisation found to be in breach of this Policy, may appeal to the Appeal Tribunal against the finding against them, including but not limited to in relation to the disciplinary measure imposed on them.
- 12.2 CACT shall determine the members who shall comprise the Appeal Tribunal.
- 12.3 The Appeal Tribunal has the right to determine all procedures and processes to be adopted in hearing an appeal. All relevant parties to the appeal shall receive written notice of these procedures and processes. The Appeal Tribunal shall ensure that all such procedures and principles adhere to the principles of natural justice.
- 12.4 An appeal may be withdrawn at any time, except that once the hearing of the appeal has commenced the appeal may be withdrawn only with the Appeal Tribunal's approval.
- 12.5 An appeal must be lodged with the Appeal Tribunal in writing in a form approved by the Appeal Tribunal within 10 business days of notification of the finding that the person or organisation breached this Policy. Any discretionary measures imposed on the person or organisation shall have full force and effect pending the outcome of any such appeal.
- 12.6 The Appeal Tribunal must notify the other parties of the appeal and its details as soon as practicable after the Appeal Tribunal receives the notice of appeal.
- 12.7 The appeal will be heard promptly after the other parties to the appeal have been notified pursuant to clause 12.5 above and will be commenced no later than 28 days after the appeal is lodged.

- 12.8 The hearing will be a new hearing of the subject of the appeal (i.e. a hearing *de novo*) and the Appeal Tribunal will not be limited in any way by the previous hearing or the decision under appeal. Without limitation, in determining the appropriate disciplinary measure (if any) on an appeal, it is open to the Appeal Tribunal to vary the disciplinary measure as it sees fit.
- 12.9 Any decision made by the Appeal Tribunal will be final and binding on the parties thereto.
- 12.10 If an appeal is dismissed, the Appeal Tribunal shall have discretion to order the appellant to pay all or part of the costs associated with the appeal.
- 12.11 The address of the Appeal Tribunal for the purposes of the lodging of documents pursuant to this Policy shall be the address for the time being of Cricket ACT, which is currently: **PO Box 3379, Maunka, ACT, 2603.**

13. DEFINITIONS

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

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

Association means Cricket ACT.

Association's Codes of Conducts means the various codes and policies of an Association which regulate on-field and off-field conduct of participants in cricket.

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

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

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

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

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

- physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; giving bad nutritional advice; or training that exceeds the child's development or maturity);
- sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations);
- emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child);

- neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

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

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

Complainant means the person making a complaint.

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

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

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

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

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

Official means:

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

Player means any person who is, from time to time, registered with, or contracted to CACT or an Association.

Policy means this Member Protection Policy.

Respondent means the person who is being complained about.

State Association means each of the following:

- (a) Cricket New South Wales;
- (b) Cricket Victoria;
- (c) Queensland Cricket;
- (d) South Australian Cricket Association;
- (e) Western Australian Cricket Association; and
- (f) Tasmanian Cricket Association.

Team means any team which plays under the auspices of CACT or a State or Territory Association.

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

Territory Association means each of Cricket ACT and Northern Territory Cricket.

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

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

14. INTERPRETATION

14.1 In this Policy:

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

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

SCHEDULE 1 – CHILD PROTECTION REQUIREMENTS

[See clause 6.1(c)]

1. CACT must identify positions (paid or unpaid) that involve direct and unsupervised contact with a Child (**applicant**) and must undertake the following 4 step screening process:
 - 1.1 obtain from the applicant a completed and signed Member Protection Declaration (see Schedule 3 – Prescribed Form 1);
 - 1.2 check the applicant’s referees (verbal and written);
 - 1.3 interview the applicant about his or her suitability for the role and for working with Children; and
 - 1.4 if the applicant is to be paid by CACT, obtain a national police check or clearance (noting consent is obtained through the Member Protection Declaration).
2. If a Member Protection Declaration or consent to police check is not provided, or the screening process reveals that an applicant does not satisfactorily meet the requirements of that process, CACT must make an assessment as to whether the person may pose a risk or be unsuitable to work with Children.

If unsatisfied, then CACT shall:

 - 2.1 in the case of an existing employee/volunteer, either transfer the person to another role which does not require them to work directly and unsupervised with Children or, if this is not appropriate in the absolute discretion of CACT, then the appointment must be ended in accordance with all applicable laws;
 - 2.2 in the case of someone applying for the position/role, not appoint them to that position/role.
3. Where it is not practical to complete a police check prior to the applicant commencing work, the check must be completed as soon as possible and advise the applicant that his or her ongoing engagement is conditional on the satisfactory outcome of the check.
4. Where a national police check is obtained under this Policy by CACT, Cricket Australia, State and Territory Associations that are also required to screen their employees/volunteers may obtain a copy of the national police check provided that the consent of the applicant is obtained and the national police check was performed in the immediately preceding two years.
5. CACT must notify the Member Protection Information Officer and the appropriate authorities of:
 - 5.1 any applicant that CACT rejects as a result or risks identified through the screening process;
 - 5.2 any Child that it reasonably suspects has been or is the subject of Child Abuse by a Member; and
 - 5.3 the name and other identifying details of any person against whom relevant disciplinary proceedings have been completed by CACT in relation to Child Abuse, irrespective of the findings.

SCHEDULE 2 – STATE AND TERRITORY SPECIFIC CHILD PROTECTION REQUIREMENTS

PART 1 – CHILD PROTECTION REQUIREMENTS IN NEW SOUTH WALES

All NSW clubs and associations who engage/employ people in child-related activities (in a paid or voluntary capacity) must meet the requirements of the Working With Children Check. This is a legal requirement. Interstate clubs and organisations that visit NSW and engage/employ people in child-related activities (in a paid or voluntary capacity) may also be required to complete a Working with Children Check with the NSW Commission for Children and Young People.

Refer to the NSW Commission for Children and Young People website: www.kids.nsw.gov.au or contact 02 9286 7219 to ensure you have to date information.

PART 2 – CHILD PROTECTION REQUIREMENTS IN QUEENSLAND

In Queensland the *Commission for Children and Young People and Child Guardian Act 2000* requires people who work with children under 18 years of age in certain categories of employment regulated by the Act, and people carrying on certain categories of business regulated by the Act to hold a blue card, unless specifically exempt.

When a person applies for a blue card the Commission conducts a Working with Children Check which is an assessment of a person's eligibility to work with children based on their criminal history, certain disciplinary information (if any) and investigative information (if any) held by the police commissioner. If a person is eligible for a blue card, the Commission issues a positive notice letter and a blue card which remains current for a period of 2 years.

Refer to the Queensland Commission for Children and Young People and Child Guardian's (Commission) website: www.blueACTCArd.qld.gov.au or contact 1800 113611 if you have any queries about your obligations under their legislation.

PART 3 – CHILD PROTECTION REQUIREMENTS IN WESTERN AUSTRALIA

From 1 January 2006, the Western Australian Cricket Association and its relevant associations and clubs who require people to work with Children in certain paid or voluntary employment, must meet the requirements of the Working with Children Check, including the obtaining of an Assessment Notice which is valid for 3 years (further details of which are provided on www.community.wa.gov.au).

PART 4 – CHILD PROTECTION REQUIREMENTS IN VICTORIA

Under the *Working with Children Bill* (2005) the Victorian Working with Children Check (Check) will require individuals who work or volunteer with children in certain capacities in identified occupations and activities to undergo screening for criminal offences.

A person who has no relevant criminal or professional disciplinary history will be granted an assessment notice. That notice will entitle the person to undertake child-related work. A person deemed unsuitable to work or volunteer with children will be given a negative notice and cannot work in [child-related work](#). A negative notice can be appealed to Victorian Civil and Administrative Tribunal (VACTCAT) provided the individual is not listed on the Sex Offenders Register or subject to an extended supervision order.

Refer to the Department of Justice website: <http://www.justice.vic.gov.au> and follow the Working with Children Check link under Business Units or contact 1300 652 879.

PART 5 – CHILD PROTECTION REQUIREMENTS IN SOUTH AUSTRALIA

Recent amendments to the *Children's Protection Act 1993*, in South Australia as per the *Children's Protection (Miscellaneous) Amendment Act 2005*, promote a whole of community responsibility to the

CRICKET ACT MEMBER PROTECTION POLICY

ACTCare and protection of children and young people. Whilst yet to be proclaimed, new provisions relating to the establishment of child safe environments, facilitating effective criminal history checks and the extension of mandated notifiers, will all have an impact upon sporting and recreational organisations.

The new provisions will require government, non-government and volunteer organisations that are entrusted with the care of children or regularly come into contact with children to have strategies in place to prevent and minimise opportunities for abuse and to appropriately respond when abuse occurs or is suspected. Organisations will also be required to implement guidelines and processes that clearly outline effective and timely responses to child protection issues and steps of action.

Refer to the Department of Families and Communities website www.familiesandcommunities.sa.gov.au or the South Australian Office for Recreation and Sport's website www.resport.sa.gov.au or contact 08 8416 6633 if you have any queries about your obligations under the legislation.

SCHEDULE 3 – PRESCRIBED FORMS

PRESCRIBED FORM 1: MEMBER PROTECTION DECLARATION

As a requirement of Cricket ACT’s Member Protection Policy, CACT must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that involves direct and unsupervised contact with people under the age of 18 years.

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

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

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

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

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

Name:.....

Signature:.....

DATE:

CRICKET ACT MEMBER PROTECTION POLICY

PRESCRIBED FORM 2: CONFIDENTIAL RECORD OF INFORMAL COMPLAINT

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

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

CRICKET ACT MEMBER PROTECTION POLICY

PRESCRIBED FORM 3: CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Role/status in cricket	<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	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Role/status in cricket	<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 issue		
Description of alleged issue		
Nature of complaint (basis/grounds/category) can tick more than one box	<input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Religion <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Pregnancy <input type="checkbox"/> Physical abuse <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Child Abuse <input type="checkbox"/> Other	
Methods (if any) of attempted informal resolution		
Support person (if any)		
Formal resolution procedures followed (outline)		
If investigated: Finding -		

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If went to hearing tribunal: Decision - Action recommended -	
If mediated: Date of mediation – Were both parties present – Terms of Agreement - Any other action taken -	
If went to appeals tribunal: Decision Action recommended	
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position: Signature: / /
Signed by:	Complainant: Respondent:

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

CRICKET ACT MEMBER PROTECTION POLICY

PRESCRIBED FORM 4: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

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

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

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

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