

MEMBER PROTECTION POLICY

POLICY INFORMATION

OWNER:	Head of Integrity, Risk and Legal
EFFECTIVE DATE:	29 September 2022
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APPROVAL AUTHORITY:	Cricket NSW Board
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VERSION INFORMATION

Effective period	Document Title	Version	Amendments
2013 to 28 September 2022	Member Protection Policy	N/A	
29 September 2022	Member Protection Policy	v1.0	New version implemented as part of the CNSW Integrity Framework
8 August 2023	Member Protection Policy	v1.1	<ol style="list-style-type: none">1. Typographical error2. Clause 2.2 - At the end of the clause, insert: “but is not intended to be a complete or exhaustive list”3. Schedule B – typographical amendments

ASSOCIATED INFORMATION

Effective period	Document Title
From 29 September 2022	CNSW Complaints and Dispute Resolution Policy
	CNSW Safeguarding Children and Young People Policy
	CNSW Anti-Corruption Policy
	CNSW Code of Conduct (contained in the CNSW By-laws)

CNSW Member Protection Policy

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Part 1 Purpose and application

- (1.1) CNSW is committed to ensuring that cricket remains a safe, welcoming and inclusive environment and that everyone involved with cricket is treated with respect and dignity and is protected from abuse, bullying, any form of harassment, sexual misconduct, unlawful discrimination, victimisation and vilification.
- (1.2) This Policy seeks to ensure that everyone involved in our cricket community is aware of their rights and responsibilities. This Policy sets out the standards of behaviour expected of those involved in cricket in New South Wales and the behaviours that are unacceptable and not tolerated.
- (1.3) This Policy applies to:
- (a) Cricket Participants; and
 - (b) Cricket Organisations.
- (1.4) All Cricket Participants and Cricket Organisations to which this Policy applies must always comply with this Policy (whilst they are a Cricket Participant or Cricket Organisation), including:
- (a) in relation to any dealings they have with Cricket Organisations or their staff, contractors, and representatives;
 - (b) when dealing with other Cricket Participants or Cricket Organisations in their capacity as a Cricket Participant/Cricket Organisation; and
 - (c) in relation to their Membership or standing as a Cricket Participant or Cricket Organisation in general.
- (1.5) The following is not within the scope of this Policy:



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- (a) where an interaction (including social media interactions) occurs involving one or more Cricket Participants or Cricket Organisations, and the only link or connection between the interaction and cricket is the fact that one or more individuals are Cricket Participants or Cricket Organisations.

For example, two members of a Cricket Organisation getting into a verbal or physical argument at a shopping centre, or two members sending abusive social media messages to each other that have no direct link to cricket.

- (b) where Prohibited Conduct occurs in contravention of this Policy, any subsequent conduct or interaction(s) that, whilst related to the original Prohibited Conduct, no longer directly relates to cricket (even where such conduct or interaction(s) would otherwise be Prohibited Conduct).

For example, where a member of a Cricket Organisation allegedly breaches this Policy by physically assaulting another member at a match, but then the personal grievance(s) between those two individuals spills into issues not directly related to cricket, such as social media abuse or trolling.

- (c) where CNSW or the Cricket Organisation determines, in their absolute discretion, that the alleged Prohibited Conduct would be more appropriately dealt with under a different CNSW or CA policy, code, rule, regulation or agreement.

Part 2 Prohibited Conduct

- (2.1) A Cricket Participant or Cricket Organisation commits a breach of this Policy when they, either alone or in conjunction with another or others, engage in any of the following conduct against one or more Cricket Participants or Cricket Organisations, in the circumstances outlined in Part 1 – Purpose and application:

- (a) Abuse;
- (b) Bullying;
- (c) Harassment;
- (d) Sexual Misconduct;
- (e) Unlawful Discrimination;
- (f) Victimisation; or
- (g) Vilification.

- (2.2) Schedule A sets out examples of what may constitute Prohibited Conduct under this Policy but is not intended to be a complete or exhaustive list.

Part 3 Complaints and Dispute Resolution Policy



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- (3.1) Subject to this Part 3, the Complaints and Dispute Resolution Policy applies to any alleged Prohibited Conduct, including reports of breaches of this Policy.
- (3.2) In the event of a Complaint or allegation of Child Abuse that indicates Child Abuse has, may have or is likely to occur, anyone bound by this Policy must immediately notify the police and/or the relevant state/territory government agency (See Schedule B – Information for Reporting Allegations of Child Abuse and refer to the Child Safeguarding Policy).
- (3.3) A Complaint or allegation relating to this Policy that is serious or criminal in nature must be reported to the Head of Integrity. The Head of Integrity will report such Complaint or allegation to the police or relevant government agency and will apply the procedures set out in Part 5 – Investigation and External Referral of the Complaints and Dispute Resolution Policy.

Part 4 Definitions and interpretation

- (4.1) In this Policy:
 - (a) references to ‘including’ or similar words are not words of limitation;
 - (b) all notices must be in writing and in English;
 - (c) words in the singular include the plural and vice-versa;
 - (d) 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; and
 - (e) 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) Defined terms not otherwise defined in this Policy have been defined in, and have the meaning given to them in, the CNSW Complaints and Dispute Resolution Policy. In this Policy, the following words have the corresponding meaning:

Term	Meaning
Abuse	Any type of abuse (including physical, emotional, psychological, sexual and inappropriate use of power) that has caused, is causing or is likely to cause harm to a person's wellbeing, whether in person or as the result of a publication viewable by any other person by any means and which includes those examples set out at Schedule A to this Policy.
Bullying	Where a person or group of people repeatedly and intentionally using words or actions, or the inappropriate use of power, against someone or a group of people to cause distress and risk to their wellbeing and which includes those examples set out at Schedule A to this Policy.
Child Abuse	Has the meaning given in the Child Safeguarding Policy.



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Child or Young Person	A child or young person, or two or more children or young persons, who is or are under the age of 18 years.
Child Safeguarding Policy	The CNSW Safeguarding Children and Young People Policy.
Harassment	Any type of behaviour towards a person that they do not want and that is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment and which includes those examples set out at Schedule A to this Policy.
Sexual Misconduct	Includes any of the following: <ul style="list-style-type: none">(a) Sexual Harassment, which is any unwanted or unwelcome sexual behaviour where a reasonable person would anticipate the possibility that the person being harassed would feel offended, humiliated, or intimidated; and(b) Sexual Offences, which include any criminal offence involving sexual activity or actions of indecency.
Unlawful Discrimination	Includes any of the following: <ul style="list-style-type: none">(a) Direct Discrimination, when a person or group of people is treated less favourably than another person or group, because of a personal characteristic; and(b) Indirect Discrimination, when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share, where such personal characteristic is protected by applicable anti-discrimination legislation.
Victimisation	Subjecting a person, or threatening to subject a person, to any unfair treatment because the person has made, or intends to pursue their right to make, a complaint or lawful disclosure, including under applicable legislation or this Policy, or for supporting another person to take such action.
Vilification	A public act, conduct or behaviour that incites hatred, serious contempt for, or revulsion or severe ridicule of, a person or group of people because of a particular characteristic they hold, as covered by applicable legislation, including their race or religion, or homosexuality, transgender or HIV/AIDS status.

SCHEDULE A: Examples of Prohibited Conduct

- (1) Abuse occurs when any person subjects another person to non-accidental physically aggressive acts or contact and includes:
- (a) physical abuse and assault including shoving, hitting, shaking, slapping, throwing, punching, burning, kicking, destroying property, sleep and food deprivation, forced feeding, unreasonable physical restraint, spitting at another person or biting;
 - (b) training that exceeds the person's development or maturity;
 - (c) practical jokes which cause embarrassment or which endanger the safety of others;
 - (d) any form of Sexual Misconduct;
 - (e) emotional abuse and/or psychological abuse (which may be repeated or as a single incident) such as intentional embarrassment in public, preventing or excluding someone from participating in sport activities, stalking, humiliation, intimidation, inappropriate symbolic acts, taunting, yelling, placing unrealistic expectations on a person or a continued adverse attitude towards a person that results in significant damage to the person's physical, intellectual or emotional wellbeing and development;
 - (f) verbal abuse (which may be repeated or as a single incident) such as offensive insults, name calling, criticism, swearing and humiliation, attacks on someone's intelligence, body shaming, or aggressive yelling;
 - (g) financial abuse such as restricting access to bank accounts, taking control of finances and money, forbidding someone from working, taking someone's pay and not allowing them to access it;
 - (h) neglect of a person's needs, involving the persistent failure or deliberate denial to provide a person with the basic necessities of life, for example failing to give adequate food, clean water, adequate supervision, medical attention, shelter, clothing or to protect a child from danger or foreseeable risk of harm or injury; or
 - (i) family and/or domestic violence – violence between members of a family or extended family, or those fulfilling the role of family in a person's life. It occurs when a person is forced to live with violence between people in or beyond their place of residence. It can include witnessing violence or the consequences of violence. Exposure to family and domestic violence places people, in particular children, at increased risk of physical injury and harm and has a significant impact on their wellbeing and development.



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- (2) Bullying may be behaviour of a nature and level of seriousness which includes, but is not limited to, repeatedly:
- (a) intentionally excluding someone from a group (online or offline);
 - (b) acting in an unpleasant way near or towards someone;
 - (c) giving nasty looks, making rude gestures, calling names, being rude and impolite, and constantly negative teasing;
 - (d) spreading rumours or lies, or misrepresenting someone (i.e. using their social media account to post messages as if it were them);
 - (e) 'fooling around', 'messaging about' or other random or supposedly playful conduct that goes too far;
 - (f) harassing someone based on their race, sex, religion, gender or a disability;
 - (g) intentionally and repeatedly hurting someone physically;
 - (h) intentionally stalking someone; and
 - (i) taking advantage of any power over someone else,
- but does **not** include legitimate and reasonable:
- (i) management action;
 - (ii) management processes;
 - (iii) disciplinary action; or
 - (iv) allocation of activities in compliance with agreed systems.
- (3) Harassment may be behaviour of a nature and level of seriousness which includes, but is not limited to:
- (a) telling insulting jokes about racial groups;
 - (b) sending explicit or sexually suggestive emails or text messages;
 - (c) displaying racially offensive or pornographic images or screen savers;
 - (d) making derogatory comments or taunts about someone's race;
 - (e) asking intrusive questions about someone's personal life, including his or her sex life;
 - (f) sexual harassment or any of the above conduct in the workplace by employers, co-workers, and other workplace participants;
 - (g) any of the above conduct in the workplace, based on or linked to a person's disability or the disability of an associate; and



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- (h) offensive behaviour based on race or racial hatred, such as something done in public that offends, insults, or humiliates a person or group of people because of their race, colour, nationality or ethnicity.

(4) Sexual Misconduct may be behaviour including, but not limited to:

- (a) unwelcome touching;
- (b) staring or leering;
- (c) suggestive comments or jokes;
- (d) showing or sharing sexually explicit images or pictures;
- (e) unwanted invitations to go out on dates;
- (f) requests for sex;
- (g) intrusive questions about a person's private life or body;
- (h) unnecessary familiarity, such as deliberately brushing up against a person;
- (i) insults or taunts based on sex;
- (j) sexually explicit physical contact;
- (k) sending sexually explicit or suggestive emails, texts, or other electronic/social media messages;
- (l) displaying pornographic images or screen savers;
- (m) asking intrusive questions about someone's personal life, including about his or her sex life;
- (n) using sexually degrading insults, deliberately causing pain during sex, exposure to pornography, sexual jokes, using sex to coerce compliance; and
- (o) criminal offences such as rape, indecent or sexual assault, sexual penetration, or relationship with a child under the age of 16 and possession of child pornography.

(5) Unlawful Discrimination may be unfair treatment based on a person's:

- (a) age;
- (b) disability;
- (c) race, colour, nationality, ethnicity or migrant status;
- (d) sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding; and
- (e) sexual orientation, gender identity or intersex status.
- (f) Victimisation may be behaviour including, but not limited to:

- (g) dismissal of an employee/volunteer or disadvantage to their employment/involvement in sport;
 - (h) alteration of an employee's position or duties to his or her disadvantage;
 - (i) discrimination between an employee and other employees;
 - (j) repeated failure to select an individual on merit;
 - (k) a reduction in future contract value; and
 - (l) removal of coaching and other financial and non-financial support.
- (6) Vilification may be behaviour including, but not limited to:
- (a) speaking about a person's race or religion in a way that could make other people dislike, hate, or ridicule them;
 - (b) publishing claims that a racial or religious group is involved in serious crimes without any evidence in support;
 - (c) repeated and serious verbal or physical abuse about the race or religion of another person;
 - (d) encouraging violence against people who belong to a particular race or religion, or damaging their property; and
 - (e) encouraging people to hate a racial or religious group using flyers, stickers, posters, a speech or publication, websites or email.



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SCHEDULE B: Information for Reporting Allegations of Child Abuse in New South Wales

- (1) If you believe a child is in immediate danger or in a life-threatening situation, contact the Police immediately on 000.
- (2) Fact sheets on reporting allegations of Child Abuse in different states and territories are available at www.playbytherules.net.au.
- (3) The relevant contact details for police and government departments in New South Wales regarding complaints of Child Abuse are:

New South Wales Police
Non-urgent police assistance
Ph: 131 444
www.police.nsw.gov.au

Communities and Justice NSW
Child Protection Helpline
Ph: 132 111 (24 hours)
Domestic Violence Helpline
1800 656 463
<https://www.facs.nsw.gov.au/families>

- (4) Relevant Contacts within Cricket Organisations in New South Wales:

CNSW Employees and Players

Hannah Barnes, Head of Integrity
hannah.barnes@cricketnsw.com.au

CNSW Integrity Unit
integrity@cricketnsw.com.au

Cricket Australia's Legal, Risk and Integrity department can also be contacted as follows:

- Via the Cricket Australia Integrity Hotline FAIR GAME (1300 3247 4263)
- Email Cricket Australia's Integrity Partner, Core Integrity at: fairgame@coreintegrity.com.au; or
- Email Cricket Australia's Integrity Team at: integrity@cricket.com.au

Online: You can make a confidential (and anonymous) report/complaint to Cricket Australia's Integrity Partner, Core Integrity, using this link:
www.clearviewconnects.com/#/reporter/submit-report?org=cricketaustraliagp&lang=en
OR use this QR Code:



Cricket Participants (including affiliates or club players)

In addition to the contacts on the left, The Affiliated Association or Club:

- President;
- Child Safe Officer; or
- Member Protection Information Officer

