



9.14 NRL Member Protection Policy

National Rugby League Member Protection Policy – July 2015



NATIONAL RUGBY LEAGUE MEMBER PROTECTION POLICY

(Updated July 2015)



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NRL MEMBER PROTECTION POLICY STATEMENT

The National Rugby League (NRL) has a policy of using world's best practice in risk management to support and enhance activities in all areas of our organisation and to ensure that risk management is an integral part of our decision-making process.

We use a structured risk management process to minimise reasonably foreseeable physical, financial, legal and ethical harm to people, disruption to operations and damage to the environment and property. We identify and take advantage of opportunities as well as minimising adverse effects.

We train our people to implement risk management effectively. We strive to continually improve our risk management practices.

Included as part of the National Rugby League's Risk Management Program are Member Protection Policies and Procedures for the National Body, all Affiliated State Leagues and their affiliated organisations. These policies and procedures are an essential part of our organisation's proactive and preventative approach to tackling inappropriate behaviour. These policies are governed by the NRL and adopted by its all Affiliated State Leagues and their affiliated organisations.

The National Rugby League and its affiliates are dedicated to providing a safe, healthy and professional environment for all members and providers participating in rugby league activities – including players, coaches, officials, volunteers and paid and unpaid administrators.

As Australians we have a very high regard for sport in our culture and community. The National Rugby League, the Affiliated State Leagues and all their affiliated bodies recognise the right of each and every individual to participate in and enjoy our sport, at whichever level they choose to participate. We are committed to providing for all participants, particularly children, an environment which is free from harassment and abuse, and promotes respectful and positive behaviour and values. The codes of conduct included in the Member Protection Policy form the basis of appropriate and ethical conduct that everyone must abide by.

Rugby League as a sport is proud to lead the way in ensuring safe and harassment free sport for all our participants, from loyal fans to juniors to first grade players. The National Rugby League is committed to ensuring that everyone associated with our organisation complies with these policies and procedures.

Andrew Hill
General Manager, Game Development & League Integration
National Rugby League



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PART A: MEMBER PROTECTION POLICY

1. Introduction

National Rugby League's Vision, Mission and Values

- to make a difference by leading change
- Putting the game ahead of individual needs
- Having the strength to make the right decisions, placing fact ahead of emotion

Teamwork

- Encouraging and supporting others to achieve common goals
- Committing to a culture of honesty and trust
- Motivating those around us to challenge themselves
- Respecting the contribution of every individual

Included in the core values of our sport is the general principle that every participant, including players, parents, spectators, coaches, referees and officials should respect the rights, dignity and worth of every person regardless of their gender, ability/disability, sexual orientation, cultural background or religion. We discourage all instances of unsportsmanlike behaviour, foul or illegal play, or acts of violence, both on and off the field. We also condemn the use of recreational and performance enhancing drugs and doping practices.

Vision

Rugby League – The Greatest Game of All

The most entertaining, most engaging and most respected sport

Mission

To bring people together and enrich their lives

Values

Excellence

- Valuing the importance of every decision and every action
- Striving to improve and innovate in everything we do
- Setting clear goals against which we measure success
- Inspiring the highest standards in ourselves and others

Inclusiveness

- Engaging and empowering everyone to feel welcome in our game
- Reaching out to new participants and supporters
- Promoting equality of opportunity in all its forms
- Respecting and celebrating diversity in culture, gender and social background

Courage

- Standing up for our beliefs and empowering others to do the same



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2. Purpose of this policy

This Member Protection Policy aims to ensure that our core values, good reputation and positive behaviours and attitudes are maintained. It assists us in ensuring that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse. This policy also ensures that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities. This policy also reflects our support and implementation of the sport industry principles and values outlined in **The Essence of Australian Sport** – principles of fairness, respect, responsibility and safety.

The policy attachments provide the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, National Rugby League and its Affiliated Organisations will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by the National Rugby League Limited and has been incorporated into our By-Laws. The policy starts on 13 May 2014 and will operate until replaced. This policy and/or its attachments may be amended from time to time by resolution of the NRL. Copies of the policy and its attachments can be obtained from our website www.nrl.com.au and from the National Rugby League and its Affiliated State League offices. Policies are subject to review and change at any time. In the event there has been a change, the policy will be updated to reflect this.

3. Who is bound by this policy

This policy applies to the following, whether they are in a paid or unpaid/voluntary capacity:

- Individuals sitting on boards, committees and sub-committees;
- Volunteers;
- Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- Coaches and assistant coaches;
- Athletes and players;
- Referees, umpires and other officials;
- Members, including life members;
- Member associations;
- Affiliated clubs and associated organisations;
- Peak associations and the national body;
- Any other person or organisation that is a member of or affiliated to the National Rugby League;
- Parents, guardians, spectators and sponsors to the full extent that is possible.

National Rugby League Limited paid employees are subject to internal policies endorsed by the National Sporting Organisation.

This policy will continue to apply to a person even after they have stopped their association or employment with the National Rugby League and its affiliated organisations if disciplinary action, relating to an allegation of child abuse against that person, has commenced.

NRL registered players and officials are **not** covered by the Member Protection Policy while undertaking their activities in the NRL or NYC (where they are subject to the NRL Rules). But those players and officials are covered by this Policy if they are engaged in other league related activities covered by the Member Protection Policy.



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4. Organisational responsibilities

The NRL, Affiliated State Leagues and their Affiliated Leagues and Clubs must:

- 4.1 Adopt, implement and comply with this policy;
- 4.2 Publish, distribute and otherwise promote this policy and the consequences for breaching it;
- 4.3 Promote appropriate standards of behaviour at all times;
- 4.4 Promptly deal with any breaches of or complaints made under this policy in an impartial, sensitive, fair, timely and confidential manner;
- 4.5 Ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies;
- 4.6 Apply this policy consistently without fear or favour;
- 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 the persons to whom this policy applies;
- 4.9 Appoint or have access to appropriately trained people i.e. Member Protection Information Officers, to receive and handle complaints and allegations and display their names and contact details in a way that is readily accessible; and
- 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 standards of conduct outlined in this policy;
- 5.2 Consenting to our screening requirements and any state/territory working with children check if the individual holds or applies for a role that involves regular contact with a child or young person under the age of 18 years;
- 5.3 Placing the safety and welfare of children above considerations;
- 5.4 Being accountable for their behaviour;
- 5.5 Complying with all other requirements of this policy;
- 5.6 Co-operating in providing a discrimination, child abuse and harassment free sporting environment;
- 5.7 Understanding the possible consequences of breaching this policy.

6. Position statements

6.1 Child protection

The purpose of this policy is to ensure a safe and positive environment for children and young people to participate in activities. This policy will assist the National Rugby League (NRL) in establishing coordinated strategies for dealing with the problem of child abuse and neglect in a responsible, consistent and effective manner.

Every person and organisation bound by this policy must always place the safety and welfare of children above all other considerations.

The NRL aims to promote a safe environment for all children and to assist all staff, officials, players, coaches, members and volunteers to recognise child abuse and neglect and follow the appropriate notification procedures when reporting alleged abuse.

Administrators, coaches, officials, members and volunteers often have a high level of contact with children in the sporting environment and play a major part in the successful operation of sporting



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activities. Coaches and officials are often seen as role models. They have significant influence on the children they come into contact with and therefore have significant responsibilities.

The NRL expects that all administrators, coaches and officials whether paid or unpaid, who participate in organised sport will commit to implementing risk management strategies developed by the NRL for child protection and intervention.

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 to develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment in our sport.

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 to us. (Refer to the attachments in Part D of this policy.)



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6.2 Taking images of children

A high level of care needs to be exercised by clubs, associations and administrators when dealing with the issue of photo images of children.

There have been a number of instances where photos of children in sporting magazines and sporting websites have been misused and/or altered for inappropriate purposes.

Clubs, associations and administrators also need to be alert to the possibility that photo images bearing the name of the child and also identifying the club, can lead to the child being located and contacted by third parties for inappropriate purposes.

The NRL urges its member clubs and associations to be aware of such risks and to take steps, where possible, to minimise those risks.

The NRL 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 which we control or are used in connection with our sport.

Third Party Photographers

The NRL recommends that steps be taken to verify the bona fides of any third party photographer wishing to take photographs of children participating in your Club or Association. Even when the bona fides are verified, NRL recommends that the third party photographer be required to complete the Authority to Photograph form, which vests all of the intellectual property in the photos directly to your Club.

Use of Child Images in websites or newsletters

It is common practice for clubs and associations to use images of participating children on the club's website and in newsletters.

The NRL recommends the selection of images which are not likely to be used by others in an inappropriate manner. Wherever possible, use images which portray the children in full playing uniform.

Clubs, associations and administrators should only use images of children when so authorised by the children's parent or guardian.

General Caution on Personal Information

The NRL recommends that only the contact details for club officials are displayed on your published material and also recommends the exercise of caution in publishing the full names of children appearing in any published material.

The NRL cautions clubs and association regarding the possibility of misuse of personal information such as phone numbers, addresses or names published by your club or association, especially when such information can be cross referenced to photo images naming those children appearing.

When publishing photo images on a website, The NRL recommends that advice be sought from a computer specialist to minimise the possibility of images on the website being copied and misused inappropriately.

The NRL do not permit under any circumstance access by a photographer to a child for personal or unsupervised photo sessions.



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Where the Club is aware of upcoming exposure by the Club to newspaper or television exposure, a general caution should be issued to parents, notifying them of the media exposure and giving them the opportunity to make enquiries or objections.

6.3 Anti-discrimination and harassment

The National Rugby League is committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination and harassment.

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

6.3.1 Discrimination Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by state or federal anti-discrimination laws.

The personal characteristics protected by anti-discrimination laws include attributes such as race, age, disability, gender and race. The full list of protected personal characteristics is in the "Definitions" set out in the Dictionary of Terms.

Discrimination can be either direct or indirect.

- **Direct** discrimination occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.
- **Indirect** discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

For the purposes of determining discrimination, the offender's awareness and motive are irrelevant.

6.3.2 Harassment

Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and which happens because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation.

The offensive behaviour does not have to take place a number of times, a single incident can constitute harassment.

Sexual harassment is one type of harassment. Sexual harassment is unwelcome conduct, remarks or innuendo of a sexual nature. It covers a wide range of behaviours and can be verbal, written, visual or physical. Sexual harassment is not limited to members of the opposite sex.

6.3.3 Prohibition against discrimination and harassment

The NRL prohibits all forms of harassment and discrimination based on the personal characteristics listed in the "Definitions" set out in the Dictionary of Terms [see clause 10].

Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy is encouraged to raise their concerns with us. A person may make an internal complaint, and 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 Intimate relationships

The NRL understands that consensual intimate relationships (including, but not limited to sexual relationships) between coaches or officials and adult athletes may take place legally. However, this policy will help ensure that the expectations of coaches or officials are clear and, to ensure that if an intimate relationship does exist or develop between a coach or official and an adult athlete, that relationship will be managed in an appropriate manner.

Coaches and officials are required to conduct themselves in a professional and appropriate manner in all interactions with athletes. In particular, they must ensure that they treat athletes in a respectful and fair manner, and that they do not engage in sexual harassment, bullying, favoritism or exploitation.

The NRL takes the position that consensual intimate 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 or official and the athlete.

The NRL recommends that if an athlete attempts to initiate an intimate relationship with a coach or official, the coach or official should discourage the athlete's approach and explain to the athlete why such a relationship is not appropriate.

If a consensual intimate relationship does exist or develop between an adult athlete and a coach or official, the coach or official is expected to ensure that the relationship is appropriate and that it does not compromise impartiality, professional standards or the relationship of trust the coach or official has with the athlete and/or other athletes.

In assessing the appropriateness of an intimate relationship between a coach or official and an adult athlete, relevant factors include, but are not limited to:

- the relative age and social maturity of the athlete;

- any potential vulnerability of the athlete;
- any financial and/or emotional dependence of the athlete on the coach or official;
- the ability of the coach or official to influence the progress, outcomes or progression of the athlete's performance and/or career;
- the extent of power imbalance between the athlete and coach or official; and
- the likelihood of the relationship having an adverse impact on the athlete and/or other athletes.

It will often be difficult for a coach or official involved in an intimate relationship with an adult athlete to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from the Member Protection Information Officer, Complaints Manager or other official to ensure that they have not involved themselves in inappropriate or unprofessional conduct.

If it is determined that an intimate relationship between a coach or official and an adult athlete is inappropriate or unprofessional the NRL may take disciplinary action against the coach or official up to and including dismissal. Action may also 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 a coach, official or athlete believes they are being, or have been, harassed they are encouraged to seek information and support from the Member Protection Information Officer. 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.

The NRL will take reasonable care to ensure the continuing safety, health and well-being of pregnant women. We will advise pregnant women that there may be risks involved in participating 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 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

Gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person. This includes the way people express or present their gender and recognises that a person's gender identity may be an identity other than male or female. Some terms used to describe a person's gender identity include trans, transgender and gender diverse.

6.6.1 Gender identity discrimination and harassment

Federal, state and territory anti-discrimination laws provide protection from discrimination against people on the basis of their gender identity. (See definition in Dictionary of terms).

The NRL is committed to providing a safe, fair and inclusive sporting environment where all individuals can contribute and participate. 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.

6.6.2 Participation in sport

The NRL recognises that excluding people from participating in sporting events and activities because of their gender identity may have significant implications for their health, wellbeing and involvement in community life. We are committed to supporting participation in our sport on the basis of the gender with which a person identifies.

If issues of performance advantage arise, we will consider whether the established discrimination exceptions for participation in sport are relevant in the circumstances. Discrimination is unlawful unless an exception applies.

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.



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The NRL 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.

6.6.3. Intersex status

Federal anti-discrimination law, and some state and territory anti-discrimination laws, provide protection from discrimination against a person on the basis of their intersex status. (See Dictionary of terms).

The NRL is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their intersex status.

6.7 Responsible service and consumption of alcohol

The NRL 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, the NRL 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 held or endorsed where alcohol is served
- a committee member will be present at events held or endorsed where alcohol is served to ensure appropriate practices are followed
- safe transport options will be promoted as part of any event held or endorsed where alcohol is served.

6.8 Smoke-free environment

The NRL recommends that the following policies be applied to all sporting and sporting related 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 Bullying

The NRL 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.

Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable



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person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or a group.

Whilst generally characterised by repeated behaviours, one-off instances can amount to bullying.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

- verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- excluding or isolating a group or person;
- spreading malicious rumours; or psychological harassment such as intimidation

Bullying includes cyber-bullying which occurs through the use of technology. 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.

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

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

The NRL 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
- Must not contain material which is in breach of laws, court orders, undertakings or contracts;
- Should respect and maintain the privacy of others
- Should promote the sport in a positive way.

7. Complaints procedures

7.1 Handling complaints

The National Rugby League aims for all complaints to be dealt with promptly, seriously, sensitively and confidentially.

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 relevant State/Territory or relevant body representative or junior club or District /Group/ Region Member Protection Information Officer,

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



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- Club/ district/group/region level, or involves people operating at the this 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 official e.g. Member Protection Information Officer, 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

The NRL 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 relevant official 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 National Governing Body- National Rugby League for review and appropriate action, including possible disciplinary action against the complainant.

7.3 Mediation

The NRL 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 *relevant official* 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 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.

The Tribunal procedure is outlined in Attachment *[D4]*



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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. The 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 to which this policy applies, to have been found to have:

- a) Breached the codes of behaviour (see part B);
- b) Brought the sport and/or the National Rugby League and its affiliates into disrepute;
- c) Failing to follow the National Rugby League policies and procedures for the protection, safety and welfare of children;
- d) Discriminated against, harassed or bullied (including cyber-bullying) any person;
- e) Victimised another person for reporting a complaint;
- f) Engaged in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;
- g) Verbally or physically assaulted another person, intimidated another person or created a hostile environment within the sport;
- h) Disclosed to any unauthorised person or organisation any National Rugby League or its affiliated organisations' information that is of a private, confidential or privileged nature;
- i) Made a complaint they **knew** to be untrue, vexatious, malicious or improper;
- j) Failed to comply with a penalty imposed after a finding that the individual or organisation has breached this policy;
- k) Failed to comply with a direction given to the individual or organisation during the discipline process.

9. Disciplinary measures

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed.

Any disciplinary measure imposed will be:

- Fair and reasonable
- Applied consistently with any contractual 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, placing's, records, achievements bestowed in any tournaments, activities or events held or sanctioned by the NRL or *relevant body*;
- 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;



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- 9.1.8 A recommendation that NRL 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 relevant body considers appropriate.

9.2 Organisation

If a finding is made that the National Rugby League or relevant body has breached its own or this Member Protection Policy, one or more of the following forms of discipline

- 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 by the Australian Rugby League Commission cease from a specified date;
- 9.2.5 A direction that the Australian Rugby League Commission cease to sanction events held by or under the auspices of that organisation;
- 9.2.6 A recommendation to Australian Rugby League 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

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 the violation of an individual's human or civil rights through the act or actions of another person or persons. Types of abuse include physical abuse, psychological or emotional abuse, sexual abuse, constraints and restrictive practices, financial abuse, legal or civil abuse and systemic abuse.

Affiliated club means an organisation that is affiliated with the National Rugby League or its affiliated state leagues.

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:



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- **physical abuse**, which occurs when a child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. This may include, but is not limited to, hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity.
- **sexual abuse**, which occurs when an adult, other child, or adolescent uses their power or authority to involve a child in a sexual activity or 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**, which occurs when a child's social, emotional, cognitive or intellectual development is impaired or threatened. Emotional abuse can include, but is not limited to, emotional deprivation due to persistent rejection or criticism, hostility, teasing/bullying, humiliation, taunting, sarcasm, yelling, name-calling or placing unrealistic expectations on a child.
- **neglect**, which occurs when a child's basic necessities of life are not met and their health and development are affected. Basic needs include food, water, shelter, adequate clothing, personal hygiene, timely provision of medical treatment and adequate supervision.

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 (or is proposed to be treated) unfairly or less favourably than another person in the same or similar circumstances because of one of the personal characteristics covered by anti-discrimination laws. This is known as direct discrimination. Indirect discrimination occurs when there is (or is proposed) an unreasonable requirement, condition or practice that seems to treat everyone equally, but which has or is likely to have the effect of disadvantaging persons with a personal characteristic covered by anti-discrimination laws.

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

- age
- sex or gender
- gender identity
- intersex status
- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration
- disability, mental and physical impairment
- family/carer responsibilities, status as a parent or carer
- marital status
- pregnancy, potential pregnancy, breastfeeding
- sexual orientation and gender identity
- physical features
- irrelevant medical record
- irrelevant criminal record, spent convictions
- political beliefs or activities
- religion, religious beliefs or activities
- national extraction or social origin
- lawful sexual activity
- profession, trade, occupation or calling
- member of association or organisation of employees or employers, industrial activity, trade union activity
- defence service



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- personal association with someone who has, or is assumed to have, any of the above characteristics

Examples of discrimination are available on the Play by the Rules website:

www.playbytherules.net.au/legal-stuff/discrimination

Some exceptions to state, territory and federal anti-discrimination law apply, including exceptions for sporting activities, such as:

- holding a competitive sporting activity for a specific age or age group (e.g. only those who are under the age of 15 years);
- excluding people on the basis of their 'excluding people on the basis of their sex and/or gender identity status from participation in a competitive sporting activity where the strength, stamina or physique of competitors is relevant to the specific activity (note that this does not apply to activity by children who are under the age of 12 years); and
- 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 sporting activity.

Harassment is any type of unwelcome behaviour which has the effect of offending, humiliating or intimidating the person harassed. Unlawful harassment can be based on any of the personal characteristics covered by anti-discrimination law, such as a person's race, sex, pregnancy, marital status or sexual orientation (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").

Member means a registered member of the National Rugby League and its affiliated organisations, together with coaches, officials, paid or unpaid administrators and volunteers of those organisations.

Member Protection Information Officer means a person appointed by us to be the first point of contact for a person reporting an issue or a complaint under, or a breach of, this policy.

Procedural fairness requires that:

- the respondent knows the full details of what is being said against him or her and they have the opportunity to respond;
- no person may judge their own case; and
- the decision-maker(s) must be unbiased, fair and just.

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 unwelcome behaviour of a sexual nature which could reasonably be expected to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwelcome physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual harassment does not have to be intentional.



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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 commit sexual acts
- incest
- sexual penetration of child under the age of 16 years
- indecent act with child under the age of 16 years
- sexual relationship with child under the age of 16 years
- 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 years
- bestiality
- soliciting a child under the age of 16 years to take part in an act of sexual penetration, or an indecent act
- promoting or engaging in acts of child prostitution
- obtaining benefits from child prostitution
- possession of child pornography
- publishing child pornography and indecent articles.

Transgender 'Transgender' is an umbrella term that refers to a person whose gender identity is different to their physical sex as recorded at birth. Transitioning refers to the process where a transgender person commences living as a member of another sex. This is sometimes referred to as the person 'affirming' their gender because transitioning means they start living in what they identify as their true gender. For people who are transitioning/affirming their gender, having their identity fully recognised in all areas of life is a crucial part of the experience of living as their affirmed gender.

Sexual orientation: The term 'sexual orientation' refers to a person's emotional or sexual attraction to another person, including, amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual or same-sex attracted.

Gender identity: The term 'gender identity' refers to a person's deeply held internal and individual sense of gender.

Gender expression: The term 'gender expression' refers to the way in which a person externally expresses their gender or how they are perceived by others.

Intersex: The term 'intersex' refers to people who have genetic, hormonal or physical characteristics that are not exclusively 'male' or 'female'. A person who is intersex may identify as male, female, intersex or as being of indeterminate sex.

Victimisation means treating someone unfairly or unfavorably, or threatening to do so, because that person has, or intends to, pursue their right to make any complaint, including a complaint under government legislation (e.g. anti-discrimination legislation) or under this policy, or for supporting another person to make complaint.

Vilification means behaviour that occurs in public which incites hatred towards, serious contempt for, or revulsion or severe ridicule of a person or group of people because that person or persons have a particular personal characteristic. Anti-discrimination laws in Australia make it unlawful to vilify a person or group of persons on the basis of race, religion, homosexuality, transgender status and HIV/AIDS status.



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9. Other Resources Available	
Description	Available From
Australian Sports Commission – Ethics in Sport Material	Leverrier Crescent BRUCE, ACT, 2617 Phone: 02 6214 1111 Website: www.ausport.gov.au/ethics
Play By The Rules Website	www.playbytherules.net.au