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NATIONAL MEMBER PROTECTION POLICY/NATIONAL COMPLAINT HANDLING REGULATION SUMMARY OF CHANGES AS AT 28 APRIL 2017

Background

Netball Australia commenced a review of the Member Protection Policy and Attachment B Complaint Handling Regulation in February 2016.

Netball Australia consulted with the Member Organisations in relation to the Member Protection Policy and Attachment B National Complaints Handling Regulation, asking for information regarding how the policy was being implemented at the community level and what were the problems that need to be addressed.

Feedback from the Member Organisations and Netball Australia was provided to K&L Gates to review and provide advice as to the required changes.

K&L Gates provided a briefing paper for the August 2016 Board meeting with suggested changes to the policy and relevant attachments. This paper was approved by the Board.

The updated Member Protection Policy and associated attachments were approved by the Netball Australia Board on 28 April 2017.

Member Protection Policy:

- Removal of parents, guardians, spectators and sponsors as people bound by the policy unless they have specific agreed to be (ie partner guardian agrees via child's membership form).
- Change in terminology from Member Protection Information Officer to Complaints Managers.
- For a complaint to be handled by Netball Australia, Member Organisations or Affiliates it must be made in writing using the Written Complaint Form.
- Any disciplinary measure imposed must:
 - Commensurate with the principles of natural justice.
 - Proportionate to the conduct engaged in.
 - Determined in accordance with the Complaint Handling Guidelines.
- Greater clarity around penalties that may be imposed for a minor, moderate and serious breach of the policy.



Attachment A – Employment Screening & WWCC: no change

Attachment B1 – National Complaint Handling Guidelines:

- Any member protection related complaint must be made within 6 months of the last incident.
- A complaint must be made using the C1 Written Complaints Form
- The Complaints Manager is a person who has undertaken the Play by the Rules training as well as any further training Netball Australia advises.
- Each club, association and Member Organisation is required to have a least one Complaint Manager.
- Where a complaint involves a person under the age of 18 year of age the parent or guardian may represent the interests of the child and support the child to manage the complaint.
- Requirement for all formal complaints not managed via Mediation to be determined by Evidence Collection and Hearing Tribunal Process unless another process is agreed to by both parties.
- The Hearings Tribunal will issue a proposed penalty (if any). Parties to the complaint may make submissions on the proposed penalty to the Hearings Tribunal. The Hearings Tribunal will then issue the final penalty.
- There is no right of appeal after the final penalty is imposed by the Hearings Tribunal.

Attachment B2 – Mediation Procedure: no change

Attachment B3 – Evidence Collection Process

- Change in title from Investigation Process to Evidence Collection Process
- The Evidence Collection Process is now a required step if the formal complaint is to be determined by a Hearing Tribunal. It will help the Hearings Tribunal to determine the facts of the complaint as well as possible findings and recommendations.
- Provides timelines for the Evidence Collection Process as well as what may constitute evidence.
- Allows for interim measures to be taken whilst the Evidence Collection Process in ongoing ie temporary suspension.
- The Record of Evidence is completed and provided to the Hearing Tribunal Members for consideration.

Attachment B4 – Procedure for handling allegations of Child Abuse: no change

Attachment B5 – Hearing Tribunal Process

- The Hearings Tribunal may determine a complaint by either assessing the papers or holding a hearing.
- The Hearings Tribunal will make a decision to either substantiate the complaint or dismiss the complaint (or part of the complaint)
- The Complaints Manager is responsible for appointing the Hearings Tribunal. The Hearings Tribunal will be comprised of two members, one with experience in dealing with matters involving procedural fairness and one person who has a thorough knowledge of the sport of netball.
- The process for considering the complaint via the papers or via a hearing is outlined.



- A decision of the Hearings Tribunal is final and binding on the parties and will only be reviewed if there is a failure to accord procedural fairness. The request to review must be made within 14 days.

Attachment B6 – Penalty Guidelines

- Change in title from Disciplinary Procedures to Penalty Guidelines
- Defining incidents as minor, moderate and serious and provide examples of proportionate penalties for each level.
- The parties may make submissions in relation to the proposed penalty within 7 days of notification.
- The hearings Tribunal will consider any submissions and finalise the penalty by approving the proposed penalty or amending the proposed penalty.

Attachment C – National Reporting Requirements Documents/Forms

- Updated to reflect new National Complaint Handling Guidelines.

Additional fact sheets have been develop to support volunteer personnel to correctly and effectively manage the National Complaint Handling Guidelines:

- Guidelines for Complaint Managers undertaking Evidence Collection Process
- Guidelines for Hearing Tribunal Members

