

1. Purpose

Social media offers the opportunity for people to gather in online communities of shared interest and create, share or consume content.

Tennis NSW embraces social media as an important tool of corporate and business engagement. Tennis NSW also encourages its employees to use social media in a personal capacity as a new way to reach out and share information and views with friends and communities – both old and new.

With the rapid growth and application of social media, Tennis NSW recognised the need to have a policy which ensures that employees who use social media either as part of their job, or in a personal capacity, have guidance as to the company's expectations where the social media engagement is about Tennis NSW, its products and services, its people, its competitors and/or other business related individuals or organisations.

This policy aims to provide some guiding principles to follow when using social media. It is important to note that this policy does **not** apply to employees' personal use of social media platforms where the employee makes no reference to Tennis NSW related issues.

2. Scope

Tennis NSW appreciates the value in using media to build more meaningful relationships with customers, communities and other relevant stakeholders. This policy applies to Tennis NSW staff or any individual representing themselves or passing themselves off as being a member of Tennis NSW.

This policy covers all forms of social media. Social media includes, but is not limited to, such activities as:

- Maintaining a profile page on social or business networking sites (such as LinkedIn, Facebook, Shutterfly, Twitter or MySpace);
- Content sharing including Flickr (photo sharing) and YouTube (video sharing);
- Commenting on blogs for personal and business reasons;
- Leaving product or service reviews on retailer sites, or customer review sites;
- Taking part in online votes and polls;
- Taking part in conversations on public and private web forums (message boards);
- and,
- Editing a Wikipedia page.

The intent of this policy is to include anything posted online where information is shared that might affect members/affiliates, colleagues, clients, sponsors or Tennis NSW as an organisation.

3. Guiding Principles

3.1 The web is not anonymous. Tennis NSW members/affiliates and staff should assume that everything they write can be traced back to them.

3.2 Due to the unique nature of Tennis NSW, the boundaries between a member's profession, volunteer time and social life can often be blurred. It is therefore essential that members/affiliates make a clear distinction between what they do in a professional capacity and what they do, think or say in their capacity as a volunteer for Tennis NSW. Tennis NSW considers all members/affiliates of Tennis NSW are its representatives.

3.3 Honesty is always the best policy, especially online. It is important that Tennis NSW members/affiliates think of the web as a permanent record of online actions and opinions.

3.4 When using the internet for professional or personal pursuits, all members/affiliates must respect the Tennis NSW brand and follow the guidelines in place to ensure Tennis NSW's intellectual property or its relationships with sponsors and stakeholders is not compromised or the organisation is brought into dispute.

4. Usage

4.1 For Tennis NSW members/affiliates and staff using social media, such use:

- Must not contain, or link to, libellous, defamatory or harassing content. This also applies to the use of illustrations or nicknames;
- Must not comment on, or publish, information that is confidential or in any way sensitive to Tennis NSW, its members/affiliates, partners or sponsors; and,
- Must not bring the organisation into disrepute.

For Tennis NSW staff using social media, such use:

- Must not interfere with work commitments.

4.2 All Tennis NSW members/affiliates are also subject to the Tennis Australia Disciplinary Policy and Member Protection Policy (refer to appendix A).

5. Branding and Intellectual Property (IP)

5.1 It is important that any trademarks belonging to Tennis NSW and or Tennis Australia are not used in personal social media applications.

6. Official Tennis NSW blogs, social pages and online forums

When creating a new website, social networking page or forum for staff/club member use, care should be taken to ensure the appropriate person at the club/state level has given written consent to create the page or forum.

Similarly, appropriate permissions must be obtained for the use of logos or images. Images of minor children may not be replicated on any site without the written permission of the child's parent and/or guardian.

For official Tennis NSW blogs, social pages and online forums:

- Post must not contain, nor link to, pornographic or indecent content;
- Some hosted sites may sell the right to advertise on their sites through 'pop up' content which may be of a questionable nature. This type of hosted site should not be used for online forums or social pages as the nature of the 'pop up' contact cannot be controlled;
- Tennis NSW employees must not use Tennis NSW online pages to promote personal projects; and,
- All materials published or used must respect the copyright of third parties.

7. Consideration towards others when using social networking sites

Social networking sites allow photographs, videos and comments to be shared with thousands of other users. Tennis NSW members/affiliates and staff must recognise that it may not be appropriate to share photographs, videos and comments in this way. For example, there may be an expectation that photographs taken at a private Tennis NSW event will not appear publicly on the internet. In certain situations, Tennis NSW members/affiliates or staff could potentially breach the privacy act or inadvertently make Tennis NSW liable for breach of copyright.

7.1 Under no circumstance should offensive comments be made about Tennis NSW members/affiliates or staff online.

8. Breach of Policy

8.1 Tennis NSW's continually monitors online activity in relation to the organisation and its members/affiliates. Detected breaches of this policy should be reported to Tennis NSW.

8.2 If detected, a breach of this policy may result in disciplinary action from Tennis NSW. A breach of this policy may also amount to breaches of other Tennis NSW policies. This may involve a verbal or written warning or in serious cases, termination of your employment or engagement with Tennis NSW. Tennis NSW members/affiliates may be disciplined in accordance with Tennis NSW disciplinary regulations.

9. Consultation and Advice

This policy has been developed to provide guidance for Tennis NSW members/affiliates and staff in a new area of social interaction. Tennis NSW members/affiliates or staff who are unsure of their rights, liabilities or actions online and seek clarification, should contact Tennis NSW Marketing and Communications Department.

APPENDIX A

September 2011

Tennis Australia ("TA") Disciplinary Policy

1. Application and Administration

- 1.1 This Policy applies to conduct and behaviour which is not otherwise captured by TA's Code of Behaviour, Member Protection Policy or Anti-Doping Policy ("**Other TA Policies**"). Typically, the offences captured by this Policy will relate to behaviour and conduct that occurs 'off-field'. Where there is any inconsistency between this Policy and the Other TA Policies, those Other TA Policies shall prevail to the extent of such inconsistency.
- 1.2 The Policy applies to and binds all individuals described in clause 2.1 of TA's Member Protection Policy and Code of Behaviour for Tournaments.
- 1.3 Subject to this paragraph 1.3, the administration of an alleged offence under this Policy is at first instance the responsibility of the Member Association in the state or territory in which the alleged offence occurred, except where:
 - (a) the relevant individual that is alleged to have contravened or breached this Policy is a national academy or other representative player, official (including tournament directors), coach or other tennis participant pursuant to a separate agreement or arrangement with TA, in which case TA may elect to deal with and prosecute the alleged contravention or breach separately pursuant to the terms of that agreement or arrangement; and
 - (b) TA otherwise notifies that Member Association that TA itself will assume responsibility for the administration of the relevant alleged offence. TA will only assume control of the administration of an alleged offence where it considers that the relevant alleged offence affects or is likely to affect the integrity, management, reputation or brand of TA or the sport of tennis in Australia, or where it believes that the relevant alleged breach is otherwise sufficiently serious to warrant TA assuming administration of the alleged breach,and in such circumstances applicable references in this Policy to a Member Association or its Nominated Officer shall be deemed to be a reference to TA.

For the avoidance of doubt, all appeals against a Tribunal decision under paragraph 5 shall be administered by TA or the Court of Arbitration for Sport (CAS) in accordance with paragraph 5.
- 1.4 Any penalty imposed upon a person under this Policy must be recognised and respected by all Australian Tennis Organisations. A player is not permitted to play or participate in any tennis tournament, competition, tour, team, function, training or practice sessions or other event conducted or managed by or under the auspices of an Australian Tennis Organisation during the time of any suspension imposed under this Policy.
- 1.5 Unless otherwise indicated, capitalized terms used in this Policy shall have the meaning given to them in TA's Member Protection Policy.
- 1.6 All parties to any matter dealt with pursuant to this Policy shall bear their own costs.

2. Categories of Offences

- 2.1 This Policy recognises two categories of offences: minor offences and serious offences. Without limiting the discretion of TA, Member Associations and their nominated officials pursuant to paragraphs 2.2 and 2.3, the following is an indicative, although non-exhaustive, classification of what may constitute a minor or serious offence. TA may at any time add to or amend this list of offences.

Minor offences

Any of the following if done during or in connection with a tennis tournament, competition, tour, team, function or other event conducted or managed under the auspices of an Australian Tennis Organisation:

- (a) inappropriate consumption of alcohol or tobacco (including consumption of alcohol whilst under the age of 18) and/or being drunk and disorderly;
- (b) breaching a curfew or other team or tournament rule imposed by an Australian Tennis Organisation (including a failure to properly prepare for a tennis match or tournament); and
- (c) any other disruptive, disorderly, unreasonable, untoward or inappropriate behaviour.

Serious offences

Any of the following:

- (a) consuming or aiding and abetting the consumption of illegal or illicit drugs and other prohibited substances;
- (b) improperly incurring debts (e.g. telephone or accommodation charges) on behalf of Tennis Australia;
- (c) committing any criminal offence or any other unlawful activity;
- (d) acts, omissions, conduct and any other behaviour that brings, or is reasonably likely to bring, the game of tennis and/or Tennis Australia and any Australian Tennis Organisation into ridicule or disrepute;
- (e) any "match-fixing" or other act or omission that may artificially, improperly, illegally or unreasonably alter the outcome of a tennis match or tournament;
- (f) gambling, or placing any wager or bet or assisting another individual to gamble or place a wager or bet, on the outcome or details of a tennis match in respect of which the relevant individual is involved or has some specialist, confidential, "insider" or other sensitive information;
- (g) disclosing any specialist, confidential, "insider" or other sensitive information as described immediately above to any third party for the purposes of or relating to gambling, betting, "match-fixing", or any act or omission designed to artificially, improperly, illegally or unreasonably alter the outcome of a tennis match or tournament; and

- (h) underage or inappropriate sexual activity;
 - (i) inappropriate use of social media and technology, including:
 - (i) posting or distributing actual or potentially defamatory, offensive, derogatory, private or otherwise sensitive photos, videos, comments or other information of or relating to another person or Australian Tennis Organisation; and
 - (ii) recording and/or photographing another individual without their consent; and
 - (j) any other disruptive, disorderly, unreasonable, untoward or inappropriate behaviour, that is of a serious nature (even if such behaviour or conduct is capable of being classified as a "minor offence").
- 2.2 The appointed Disciplinary Officer of the applicable Member Association (or if there is no such officer, an appropriate person nominated by that Member Association), or such other officer nominated by that Member Association from time to time ("**Nominated Official**"), shall be solely responsible for characterising any alleged breach of this Policy by an individual referred to in clause 1.2. That Nominated Official must in his/her absolute discretion characterise the alleged offence as either a minor or serious offence in accordance with clause 2.3.
- 2.3 The relevant Nominated Official may be guided in the characterisation of an offence/s by one or more of the following non-exhaustive list of factors:
- (a) the categories of offences outlined in paragraph 2.1;
 - (b) the impact or damage caused by the alleged offence upon TA, an Australian Tennis Organisation, the sport of tennis, and/or the victim;
 - (c) the intent of the alleged offender;
 - (d) the need for a penalty to be imposed;
 - (e) the appropriate level of penalty proportionate to the offending conduct;
 - (f) the need for general and specific deterrence; and
 - (g) parity and consistency of approach.
- 2.4 This Policy sets out the disciplinary procedures for hearing both minor and serious offences and the penalties applicable to each category of offence.
- 2.5 In the event that the alleged offending conduct consists of both types of offences, the relevant Nominated Official may elect to deal with each category of offence separately according to the procedures provided for in this Policy, or alternatively, consolidate the matters into the one disciplinary procedure to be dealt with according to the procedures set out in this Policy for dealing with serious offences.
- 2.6 If a hearing is convened to determine both serious and minor offences, as provided for under paragraph 2.5 of this Policy, the Tribunal is limited in the scope of penalties it may impose in the following manner:

- (a) in relation to minor offences the Tribunal is limited to those penalties provided for in paragraph 3.6; and
- (b) in relation to serious offences the Tribunal may penalise an offender in accordance with paragraph 4.10.

3. Minor offences

- 3.1 Minor offences are less serious offences which attract penalties reflecting this fact.
- 3.2 Minor offences will be dealt with as expeditiously as possible but always adhering to the procedures set out in this Policy.
- 3.3 The alleged offender will be notified in writing by the Nominated Official of the following:
 - (a) details of the alleged offence; and
 - (b) confirmation that this Policy applies (a copy of this Policy should be provided).

If the alleged offender is under the age of 18 years old notification should be given to that person's parent / guardian as well as the alleged offender.

- 3.4 The alleged offender shall have 7 days (or such other longer period determined by the Nominated Official) from receipt of the notice in clause 3.3 to provide a written response to the alleged offence/s.
- 3.5 The Nominated Official will consider relevant facts and information concerning the alleged offence (including statements from witnesses and any response from the alleged offender) and must then make a determination on the balance of probabilities (i.e. more probable than not) as to whether the alleged offender committed the applicable minor offence. The Nominated Official shall then determine the sanction to be imposed under this Policy. Where possible in the circumstances, the alleged offender should be given the opportunity to address the Nominated Official regarding the penalty to be imposed for the alleged offence.
- 3.6 In imposing a penalty for a minor offence the Nominated Official may choose from one or more of the following range of penalties:
 - (a) impose a warning;
 - (b) the requirement for a written apology from the offender to specified persons/organisations;
 - (c) a reprimand; and/or
 - (d) suspending the alleged offender from a current or future tennis tournament, competition, tour, team, function, training or practice session, or other event conducted or managed under the auspices of an Australian Tennis Organisation (or any part); and
 - (e) sending the alleged offender home from a tour (if such offence is committed and administered on tour).

- 3.7 The Nominated Official will notify the offender in writing of any penalty imposed and will notify the Chief Executive Officer and President of TA and the Chief Executive Officer and President of the relevant Member Association which will immediately recognise the penalty imposed upon the offender. Such notification must be made within seven (7) days of the determination of the matter, or in the event the matter is dealt with on tour, within seven (7) days of return.
- 3.8 An offender may only appeal against a conviction or penalty for a minor offence on the grounds that:
- (a) the Nominated Official displayed bias or relied upon a manifest error in their decision making process;
 - (b) paragraphs 3.3 or 3.7 of this Policy have not been complied with; or
 - (c) the penalty imposed by the Nominated Official is manifestly disproportionate to the alleged offence.

Any appeal against a conviction or penalty for a minor offence must otherwise follow the procedure outlined in paragraph 5.

- 3.9 Subject only to paragraphs 3.8 and 5:
- (a) the determination by the Nominated Official will be final and binding on all parties; and
 - (b) no further right of appeal exists within TA, or to an external tribunal or any civil court of law.

4. Serious offences

- 4.1 Any person bound by this Policy must report conduct they consider to be a serious offence to the Disciplinary Officer of the applicable Member Association as soon as possible in the circumstances. A brief report setting out the circumstances surrounding the alleged offence as well as identifying material witnesses and a summary of the evidence those material witnesses can give must be submitted with the report. Without limiting to paragraph 2, a failure to report an offence under this paragraph 4.1 is not generally itself an offence.
- 4.2 The alleged offender will be notified in writing of the following by the Disciplinary Officer of the Member Association responsible for hearing an offence:
- (a) details of the alleged offence, and possible penalties that may be imposed by the Tribunal;
 - (b) confirmation that this Policy applies (a copy of this Policy should be provided);
 - (c) the date, time and place of the Tribunal hearing, and the likely composition of the Tribunal; and
 - (d) the alleged offender's right to accept the penalty proposed by the Nominated Official pursuant to paragraph 4.19 (if the alleged offender accepts this option, there shall be no need for a hearing, and the nominated penalty shall apply, if the Tribunal ratifies the Nominated Official's proposed penalty, once notice is given by the Tribunal pursuant to paragraph 4.19. If the Tribunal does not ratify the Nominated Official's proposed penalty, the Tribunal must itself issue a notice to the alleged offender, such notice which must be in the form required by this clause 4.2 and which shall be dealt with in accordance with this clause 4.2).

If the alleged offender is under the age of 18 years old notification should be given to that person's parent / guardian as well as the alleged offender.

- 4.3 The Board of Directors of the Member Association responsible for hearing an offence will appoint a Tribunal of three members to hear and determine the matter, such Tribunal which shall be comprised of the following persons:

- (a) a lawyer or, if after reasonable attempts have been made to obtain one without success, then a person with considerable previous experience in the legal aspects of a disciplinary tribunal (who shall be Chairperson);
- (b) a person with a thorough knowledge of tennis; and
- (c) one other person of experience and skills suitable to the functions of a disciplinary tribunal,

in each case as determined by the relevant Member Association's Board of Directors in their sole discretion. However, the following cannot be Tribunal members:

- (d) a person who is a member of the Board of Directors; or
 - (e) a person who would, by reason of their relationship with the alleged offender, or otherwise, be reasonably considered to be other than impartial.
- 4.4 The Tribunal must allow the alleged offender and the applicable Member Association's representative reasonable opportunity to speak and state their case. The alleged offender and the applicable Member Association's representative may each elect to provide written submissions instead of oral submissions, in which case any party who elects to provide written submission shall not also be entitled to provide verbal submissions at the hearing, other than in accordance with paragraph 4.7 or if the Tribunal so permits. The Tribunal shall otherwise:
- (a) hear and determine the alleged offence in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with the principles of natural justice;
 - (b) not be required to adhere to any specific legal rules, formalities or processes (including any rules of evidence), and shall be free to hear and consider any materials, information or evidence whatsoever that it considers appropriate (including evidence of past indiscretions, breaches or convictions); and
 - (c) make its decision on a matter by majority vote.

The purpose of the hearing shall be to determine whether the alleged offender has committed a serious offence. If the tribunal determines that on the balance of probabilities (i.e. more probable than not) a serious offence has been committed, it may impose any one or more of the penalties set out in paragraph 4.10.

- 4.5 If within 30 minutes of the notified time for commencement of the hearing, the alleged offender is not present, the Tribunal may elect to conduct the hearing in the absence of the alleged offender or adjourn the hearing and reconvene at a later date advised to the alleged offender. The time and place of the tribunal hearing will be determined at the sole and reasonable discretion of the Disciplinary Officer.

- 4.6 The parties may be represented at the hearing by any person who is not a legal practitioner save that the Tribunal may give leave for the parties to be legally represented where it considers it is necessary in order to do justice to both parties. One observer may be present with the alleged offender in the hearing room however this person may not involve themselves in the hearing in any manner. If the alleged offender is under the age of 18 years old, two observers may be present.
- 4.7 If the charge is proven the offender will be given an opportunity to be heard in relation to mitigation of penalty only. This is not an opportunity for the offender to re-argue his/her case and any attempt to do so will be immediately halted.
- 4.8 The relevant Member Association's representative will also be afforded the opportunity to make submissions to the Tribunal on the appropriate penalty to be imposed in the circumstances. The offender will not be given the opportunity to respond to these submissions.
- 4.9 Prior convictions of a disciplinary tribunal may be disclosed to the Tribunal who may give weight to prior convictions of a similar nature.
- 4.10 In imposing a penalty for a serious offence, the Tribunal may impose any of the following range of penalties:
- (a) in extreme circumstances, permanent suspension from all competitions;
 - (b) suspension from all competitions for a period reasonably determined by the Tribunal;
 - (c) suspension from competition at international level only for a period reasonably determined by the Tribunal;
 - (d) suspension from competition at national level only for a period reasonably determined by the Tribunal;
 - (e) suspension from competition at state level only for a period reasonably determined by the Tribunal;
 - (f) suspension from competing in one or more specified championships, tournaments, team events or challenge matches;

and may also impose any one or more of the following penalties:

- (g) suspension from attending or participating in tours, teams, functions, training or practice sessions, or other functions or events conducted by or under the auspices of TA and/or another Australian Tennis Organisation for a period reasonably determined by the Tribunal;
- (h) directing the offender to attend counselling to address their conduct;
- (i) recommending termination of any appointment of any role the offender holds with a tennis organisation;
- (j) imposing a monetary fine;
- (k) in the case of a coach or other tennis official or administrator, suspending or directing relevant bodies not to renew that person's TA or Member Association accreditation or membership for a period or indefinitely; and

- (l) any other such penalty the Tribunal considers appropriate in the circumstances (including any penalty that may be imposed on an offender under clause 12 of the Member Protection Policy).

In considering the length of any suspension, the Tribunal must consider what is reasonable in the circumstances. Without limiting the Tribunal's powers, the Tribunal should also note that any suspension in excess of one year is likely to have a materially adverse effect upon the career of a tennis player.

- 4.18 The findings of the Tribunal will be delivered orally and there is no obligation on the Tribunal to publish reasons for its decision.
- 4.19 The Chairperson of the Tribunal will confirm in writing with the offender any penalty imposed and will notify the Chief Executive Officer and President of TA and the Chief Executive Officer and President of any relevant Member Association which will immediately recognise the penalty imposed upon the offender. Such notification must be made within seven (7) days of the determination of the matter, or in the event the matter is dealt with on tour, within seven (7) days of return.
- 4.20 Subject only to the appeals process outlined in paragraph 5:
 - (a) the determination by the Tribunal will be final and binding on all parties; and
 - (b) no further right of appeal exists within TA, or to an external tribunal or any civil court of law.

5. Appeals procedures

- 5.1 Appeals may only be lodged against:

- (a) a minor offence on the grounds listed in paragraph 3.8; and
- (b) subject only to (a), Tribunal decisions relating to serious offences. Where a matter for determination involves both minor and serious offences, an appeal can only be lodged in relation to those offences categorised and dealt with by the Tribunal as serious.

- 5.2 An appeal may only be lodged:

- (a) in the case of appeals from a Tribunal established by a Member Association – to an Appeal Tribunal established by TA in accordance with this paragraph 5, in which case an appeal is only validly lodged where:
 - (i) an appeal notice in the prescribed form (Schedule 1) is lodged with the applicable Disciplinary Officer of that Member Association within seven (7) days of the Tribunal's decision;
 - (ii) the appeal notice is accompanied by a written submission as specified in paragraph 5.6 and an appeal application fee of \$1,000 (in the form of a bank cheque) refundable only at the discretion of the Appeal Tribunal (as defined below) and in circumstances where the offender is successful in overturning the Tribunal's finding of guilt and/or reduces the penalty imposed. The Appeal Tribunal may withhold all or part of the amount to cover the costs of the Appeal Tribunal hearing and deal with those monies and any fines payable by an offender

as it considers appropriate (including by donating those monies into the Australian Tennis Foundation); and

- (b) in the case of an appeal from a Tribunal established by TA – to the appeal Division of the Court of Arbitration for Sport (Oceania Registry) (“CAS”), in which case an appeal is only validly lodged where an application is competed and filed in accordance with the Code of Sports Related Arbitration and other relevant requirements of CAS.

Both the CAS, and an Appeal Tribunal established by TA, shall be the “**Appeal Tribunal**” for the purposes of this paragraph 5.

- 5.3 For all appeals, other than appeal to CAS, the Disciplinary Officer of the applicable Member Association shall immediately refer the appealed matter to TA’s own Disciplinary Officer, and immediately provide to TA’s Disciplinary Officer:

- (a) the written submissions and appeal application fee referred to in paragraph 5.2; and
- (b) all such other information, materials and other assistance requested by TA’s Disciplinary Officer in relation to the offence, the Tribunal’s initial decision and/or the appeal of that initial decision.

- 5.4 An appeal against the findings of the Tribunal and/or the imposition of a penalty shall be conducted:

- (a) in the case of appeals that proceed under paragraph 5.2(a) – within 21 days of receipt by TA’s Disciplinary Officer of the notice of appeal, although TA shall have the discretion to convene an appeal hearing outside of the 21 day period but only after it has been established that it would be impossible to hear the appeal any earlier; and
- (b) in the case of appeals that proceed under paragraph 5.2(b) – in accordance with the Code of Sports Related Arbitration and other relevant prescribed processes and timelines of CAS.

- 5.5 The Appeal Tribunal shall:

- (a) in the case of appeals that proceed under paragraph 5.2(a) – a consist of three members appointed by TA’s Board of Directors who comply with paragraph 4.3, none of which has had a prior involvement in the matter. An Appeal Tribunal Chairman shall be appointed by TA’s Board of Directors. The Appeal Tribunal will have the discretion to conduct proceedings at their discretion and in accordance with the powers described in paragraph 4.4, subject always to the procedures set out in this Policy. A majority decision will determine the matter; and
- (b) in the case of appeals that proceed under paragraph 5.2(b) – be constituted in accordance with the Code of Sports Related Arbitration and other relevant rules of CAS, in which case paragraphs 5.6 to 5.9 (inclusive) of this Policy will not apply to that appeal.

- 5.6 In order for a matter to proceed to an appeal, the offender must establish on the balance of probabilities that it is more likely than not that s/he has an arguable case. This shall be done by written submissions only, lodged pursuant to paragraph 5.2(b). TA’s Disciplinary Officer will have the right of reply to any submissions lodged by the offender, such submissions in reply which must be lodged with the Appeal Tribunal and served upon the offender within seven (7) days of receipt by TA’s Disciplinary Officer of the offender’s submissions. The Appeal Tribunal Chairman alone shall determine whether the offender has sufficiently made out one or more ground/s of appeal

within seven (7) days of receiving TA's Disciplinary Officer's submissions. There is no right to appeal against this decision. The Appeal Tribunal Chairman's decision will be conveyed to each of the parties.

- 5.7 If it is determined by the Appeal Tribunal Chairman on the balance of probabilities that the offender has an arguable case and the appeal is in relation to penalty only, the matter will proceed by way of written submissions only.
- 5.8 Each party will be required to submit in writing their arguments with the offender obliged to lodge their written arguments no less than three (3) business days before the matter is scheduled to proceed. A copy of the submissions of the offender will be provided to TA's Disciplinary Officer who will then have a further 48 hours to submit their own reasons.
- 5.9 If the appeal is against both conviction and penalty, the appeal will proceed according to the procedures set out in paragraph 4 of this Policy (to the extent applicable, as determined by the Appeal Tribunal's Chairman).
- 5.10 An appeal against conviction is a re-hearing of the matter and the parties may recall any earlier relevant witnesses and may submit fresh evidence, provided that the Appeal Tribunal is satisfied that the new evidence is relevant to the matter. The Appeal Tribunal has the power to dismiss the appeal, grant the appeal, impose any of the penalties provided for in paragraph 4.10, and/or impose a new penalty as provided for in paragraph 4.10 of this Policy, the new penalty which may be greater than the penalty handed down by the original Tribunal.
- 5.11 The determination by the Appeal Tribunal will be final and binding on all parties. No further right of appeal exists within TA, or to an external tribunal or any civil court of law.
- 5.12 The Disciplinary Officer in each Member Association and TA's own Disciplinary Officer will keep a register of all penalties imposed for serious offences.
- 5.13 If the offender is suspended by the Tribunal, this suspension shall remain in force pending the determination of the matter by way of appeal.
- 5.14 The Appeal Body has no power to award costs and each party shall bear their own costs in relation to the appeal.

Schedule 1

Notice of Intention to Appeal

I, [insert name]

of [insert address]

wish to lodge an appeal against my conviction only / penalty only / conviction and penalty [strike out inapplicable portion] in accordance with *paragraph 5.2* of the Tennis Australia Disciplinary Policy.

In lodging an appeal I acknowledge that:

1. An appeal may only be lodged in relation to an offence described in para. 5.1 of the Tennis Australia Disciplinary Policy.
2. This Notice must be lodged with the applicable Disciplinary Officer within 7 days of the Tribunal's decision (para 5.2).
3. The Notice will not be considered unless it is accompanied by an appeal application fee of \$1,000 (in the form of a bank cheque) refundable only at the discretion of the Appeals Tribunal (para 5.2).
4. An appeal hearing is not automatic. I must establish by written submission lodged with the Disciplinary Officer with this Appeal Notice the reason why I have an arguable case. This issue will be determined by the Appeal Tribunal Chairman (para 5.6).
5. An appeal against penalty only will be dealt with by way of written submissions lodged with the Appeal Tribunal at least 3 business days before the matter is scheduled to proceed (para 5.8).
6. An appeal is a rehearing of the matter and the Appeals Tribunal has the power to increase the penalty (para 5.10).
7. The finding of the Appeals Tribunal will be binding on all parties and no further right of appeal exists within TA or to an external tribunal or any civil court of law (para 5.11).
8. My suspension (if any) remains in place until the Appeal Tribunal reaches its finding (para 5.13).

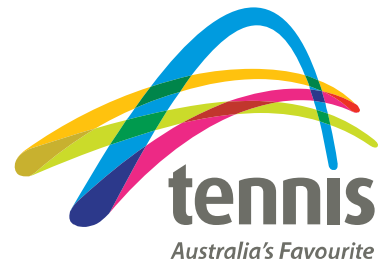
.....
Applicant's signature acknowledging the above

.....
Date

Send to: The Disciplinary Officer
[insert relevant Member Association]

By post [insert postal address]

By fax [insert fax number]



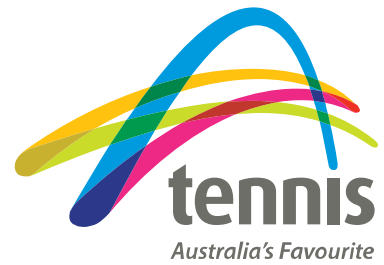
Member Protection Policy

Effective 11 September 2011

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Application of the Policy

Member Protection Policy

1. Purpose of the Policy and Definitions

1.1 The purpose of this Policy is to protect the health, safety and well-being of those who participate in the activities of Tennis Australia, Member Associations, Affiliated Organisations, Member Affiliated Organisations, Regional Associations and Affiliated Clubs ('Australian Tennis Organisations' or hereafter 'ATOs').

1.2 Tennis Australia seeks to provide a safe environment for those participating in the activities of ATOs particularly children under the age of 18 years by:

- (a) Implementing screening measures to ensure only appropriate persons work with children (clause 6); and
- (b) Dealing with alleged offending behaviour of harassment, abuse and discrimination (clause 8).

1.3 The following terms have the following meanings in this Policy:

Abuse is a form of Harassment defined in clauses 8.8 and 8.9.

Affiliated Clubs means those tennis clubs, which are a member of or affiliated to a Regional Association and/or a Member Association.

Affiliated Organisations means those organisations (other than Member Associations, Regional Associations and Affiliated Clubs) which are affiliated to Tennis Australia from time to time in accordance with its constitution.

Child Abuse relates to children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. Child Abuse as defined in clause 8.8(e) is an offence and will not be tolerated.

Discrimination is singling someone out and treating them unfairly because of certain personal characteristics as defined in s 8.11 and 8.12. Discrimination is an offence and will not be tolerated.

Existing Appointee means a person currently elected, appointed or holding a position in any ATO whether by way of employment, contract or otherwise and whether paid or unpaid.

Harassment is repeated unwelcome behaviour that is offensive, belittling, or threatening to a person as defined in clauses 8.2 and 8.4. Harassment is an offence and will not be tolerated.

Member Affiliated Organisations means those organisations (other than Regional Associations and Affiliated Clubs) which are members of or affiliated to Member Associations and / or Affiliated Organisations and by way of example include:

- Tennis Umpires Australia Queensland Division Inc
- Tennis Seniors New South Wales Inc

Member Associations means members of Tennis Australia in accordance with its constitution.

Member Protection Officer means a person appointed in accordance with clause 4.2.

Natural Justice incorporates the principles set out in clause 13.1(c).

Officials include referees, court supervisors, chair umpires, lines people and other related tournament officials.

Police Check means a current national police check conducted by a State, Territory or Federal law enforcement agency, obtained no earlier than the date of application for the relevant position.

Preferred Appointee means a person short listed for a position in any ATO whether by way of employment, contract or otherwise and whether paid or unpaid.

Regional Associations means those regional or metropolitan tennis associations which are members of, or affiliated to, a Member Association.

Screening has the meaning as set out in clause 6.1.

Serious Sex Offence means an offence involving sexual activity or acts of indecency including but not limited to those acts listed in clause 6.6.

Sexual Harassment is unwelcome conduct of a sexual nature as defined in clauses 8.5 and 8.6. Sexual Harassment is an offence and will not be tolerated.

Tennis Australia (TA) means Tennis Australia Limited (ABN 61 006 281 125).

Vilification involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of others and is a form of Discrimination as defined in clause 8.15. Vilification is an offence and will not be tolerated.

2. Who does this Policy Apply to?

2.1 This Policy applies to the following individuals:

- (a) persons and administrators appointed or elected to boards of directors, executives and/or committees (including sub-committees), including office bearers such as presidents, vice-presidents, treasurers, secretaries and selectors of ATOs;
- (b) employees of ATOs;
- (c) officials appointed or elected by an ATO in relation to players and/or teams which represent such organisations including team management personnel such as coaches, managers, physiotherapists etc;
- (d) tennis coaches (including assistant coaches) who:
 - (i) are appointed and/or employed by an ATO (whether paid or unpaid) or;
 - (ii) are a Tennis Australia Coach Members ; or
 - (iii) are members of a coaching organisation e.g. Tennis Coaches Australia, ATPCA and internationally recognised coaching associations;
 - (iv) have an agreement (whether or not in writing) with an ATO to coach tennis at a facility owned or managed by, or affiliated with that ATO;
- (e) referees, umpires and other officials (eg lines persons) involved in the regulation of the game of tennis appointed by an ATO;
- (f) tennis players who:
 - (i) enter any tournament, competition, activity or event (including camps and training sessions) which are held or sanctioned by an ATO; or
 - (ii) are registered with a Regional Association and/or Affiliated Club as a player and/or member of that Regional Association and/or Affiliated Club:
- (g) any other person who is member of or affiliated to an ATO (including life members); and
- (h) any other person or entity (for example a parent/guardian, spectator or sponsor) who or which agrees, in writing, (whether on a ticket, entry form or otherwise) to be bound by this Policy.

Member Protection Policy

3. Code of Conduct

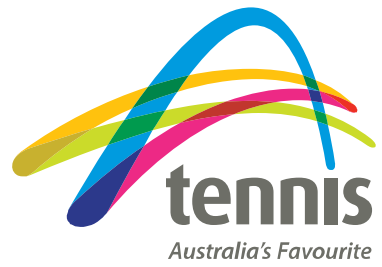
- 3.1** Tennis Australia has developed and issued a Code of Conduct setting the parameters of expected behaviour of all the people participating in the activities of ATOs and to which they all agree to be bound. The Code is set out in Attachment A of this Policy. A Breach of the Code is not an offence under this Policy.
- 3.2** The Code of Conduct is designed to encourage individuals associated with ATOs to conduct themselves in a way which Tennis Australia considers is appropriate taking into account community expectations and standards governed by human rights legislation.

4. Procedural Obligations of ATO

- 4.1** All Member Associations of TA must:
- (a) adopt and comply with this Policy;
 - (b) recognise and enforce any penalty imposed under this Policy;
 - (c) publish, distribute and promote this Policy (and any amendments made to it from time to time) to their members, in the manner required by Tennis Australia and upon reasonable request make this Policy available for inspection, or copying;
 - (d) make such amendments to their constitution, rules or policies necessary for this Policy to be enforceable;
 - (e) ensure that its members adopt the Policy thus imposing it on its members' members (e.g. a Member Association imposes the Policy on its member clubs and the clubs in turn impose it on their individual club members).
- 4.2** In addition TA and its Member Associations must:
- (a) appoint a Member Protection Officer to fulfil the functions set out in clauses 9, 10 and 11 of this Policy, and to publish and display the names and contact details of such person to their members;
 - (b) establish a Disciplinary Tribunal in accordance with clause 11 of this Policy, to fulfil the functions set out in clauses 11 and 12.
- 4.3** Affiliated Organisations, Member Affiliated Organisations, Regional Associations and Affiliated Clubs do not have to establish procedures for dealing with Complaints and Hearings under Part IV of this Policy. If they wish to do so, however, they must comply with the requirements of clause 4.2.
- 4.4** All procedures set out in this Policy shall follow the principles of Natural Justice.

5. Status of this Policy

- 5.1** This Policy is issued by resolution of the Board of Tennis Australia under article 18 of the Tennis Australia constitution.
- 5.2** This Policy may be amended from time to time by the Board of Tennis Australia.



Child Protection

Member Protection Policy

6. Screening

6.1 For the purposes of this Policy, Screening shall mean:

- (a) Checking referees - including making verbal or written inquiries of the person's nominated referees (preferably at least two) as to the person's suitability for the role and their suitability for involvement with children under 18 years of age;
- (b) Interviewing the person - including questioning the person as to their suitability for the role and their suitability for involvement with children under 18 years of age; and
- (c) Obtaining a Police Check – investigating to see whether the person has any previous criminal convictions

Screening under this policy is not a replacement for any other procedure required by law. Refer to Attachment C.

6.2 If a person is required to be screened under a State or Territory law which has an equivalent or higher standard than that set under this Policy, (refer to Attachment C) the requirement to screen under this process outlined in this clause 6 need not be followed provided the ATO sights the original documentation evidencing that the Preferred Appointee or Existing Appointee has undergone the State or Territory screening and is appropriate to work with children under 18 years of age.

6.3 Screening is mandatory by ATOs for Preferred Appointees and Existing Appointees in the following types of roles:

- (a) persons who are appointed or seeking appointment (whether employed, contracted or otherwise) to work with children under 18 years of age, as coaches, team managers, tournament directors; and umpires (paid or volunteers); and
- (b) persons appointed or seeking appointment to a role in which they are likely to have unsupervised contact with children under 18 years of age.

6.4 It is highly recommended, though not mandatory, that ATOs also screen Preferred Appointees and Existing Appointees for any role likely to have contact with children under 18 years of age but where such contact is supervised at all times by another adult.

6.5 If the Police Check or requirements as set out in clause 6.2 of this Policy reveals that the person has been found guilty of any criminal offence, whether or not a conviction is recorded, the following requirements apply:

- (a) regardless of when the offence occurred, if it involved an offence of violence, abuse or assault against a child, murder or a Serious Sex Offence (as defined in clause 6.6) then:
 - (i) in the case of a Preferred Appointee, the person must not be appointed.
 - (ii) in the case of an Existing Appointee, subject to obtaining appropriate legal advice beforehand the appointment of the person should be ended.
- (b) If the offence is one other than an offence identified in clause 6.5(a) then:
 - (i) the Preferred Appointee may, at the discretion of the relevant ATO, be appointed, subject to satisfaction of any other criteria for the role;
 - (ii) an Existing Appointee may continue in his/her role subject to any modifications to his/her duties that the relevant ATO may in its complete discretion make.

- 6.6** Under this Policy, “**Serious Sex Offence**” means an offence involving sexual activity or acts of indecency including but not limited to:
- Rape
 - Indecent assault
 - Sexual assault
 - Assault with intent to have sexual intercourse
 - Incest
 - Sexual penetration of a child under the age of 16
 - Indecent act with a child under the age of 16
 - Sexual relationship with a child under the age of 16
 - Sexual offences against people with impaired mental functioning
 - Abduction and detention
 - Procuring sexual penetration by threats or fraud
 - Procuring sexual penetration of a child under the age of 16
 - Bestiality
 - Soliciting acts of sexual penetration or indecent acts
 - Promoting or engaging in acts of child prostitution
 - Obtaining benefits from child prostitution
 - Possession of child pornography
 - Publishing child pornography or indecent articles.
- 6.7** All Existing Appointees and Preferred Appointees for roles of the type set out in clause 6.3 must agree to a Police Check. Subject to clause 6.2 the Police Check must be obtained prior to the appointment of a Preferred Appointee and immediately for Existing Appointees. A Police Check evidenced by original documentation must be provided to the ATO and must then be obtained every three years
- 6.8** If a Preferred Appointee or Existing Appointee is not willing to agree to the Screening, the ATO:
- (i) in the case of a Preferred Appointee, shall not appoint that person to the role concerned;
 - (ii) in the case of an Existing Appointee, shall take steps to transfer the person to another role which is not set out in clause 6.3. If no appropriate alternative role exists, subject to obtaining appropriate legal advice beforehand, the appointment of the person should be ended.
- 6.9** All information obtained during Screening, including the Police Check, must be kept strictly confidential by the ATO which seeks it. Disclosure of such information should be limited to the legal advisers and the persons within an ATO who have been delegated the task of Screening or making the appointment. All such information must be returned to any Potential Appointees not appointed to the role or destroyed, unless that person agrees to that information or a part of it being retained by the ATO.
- 6.10** If any successful Preferred Appointee or Existing Appointee is found guilty of any criminal offence subsequent to their initial Police Check, they are required to provide immediate, written notification of this guilty finding to the Member Protection Officer (or, in their absence, their nominee) of the ATO that appointed them.

Member Protection Policy

7. Declaration

- 7.1** In addition to Screening, another mechanism designed to minimise the chances of inappropriate behaviour occurring is mandatory Member Protection Declarations of all Preferred Appointees and Existing Appointees appointed to a role set out in clause 7.2.
- 7.2** It is mandatory for an ATO to obtain a Member Protection Declaration (Attachment B) from Preferred Appointees and Existing Appointees in the following types of roles:
- (a) persons who are appointed or seeking appointment (whether employed, contracted or otherwise) to work with children under 18 years of age, as coaches, team managers, tournament directors and Officials (paid or volunteer); and
 - (b) persons appointed or seeking appointment to a role in which they are likely to have unsupervised contact with children under 18 years of age.
- 7.3** If a Member Protection Declaration reveals that a person has something to disclose, the relevant ATO will:
- (a) provide an opportunity for the person to respond/provide an explanation; and
 - (b) make an assessment as to whether the person may pose a risk to or be unsuitable to work with children under the age of 18 years having regard to clause 6.5.
- 7.4** If unsatisfied that a Preferred Appointee or Existing Appointee is appropriate to hold a position under clause 7.2, then the ATO will:
- (a) in the case of a Preferred Appointee, not appoint that person to the role concerned;
 - (b) in the case of an Existing Appointee, take steps to transfer the person to another role which is not set out in clause 7.2. If no appropriate alternative role exists, subject to obtaining appropriate legal advice beforehand, the appointment of the person should be ended.

Harassment and Discrimination

Member Protection Policy

8. Harassment and Discrimination

- 8.1** Harassment, Abuse, Discrimination and Vilification is unlawful and is prohibited and an offence under this Policy.
- 8.2** **Harassment** is any unwelcome behaviour which is offensive, abusive, belittling or threatening to a person. It can be express or implied, physical, verbal or non-verbal.
- 8.3** Whether or not the behaviour is Harassment is determined from the point of view of the person receiving the behaviour, assessed objectively. That is, it must be behaviour that a reasonable person with those characteristics would find unwelcome. It does not matter whether or not the person harassing intended to offend or not.
- 8.4** Harassment includes:
- (a) Sexual Harassment (see clauses 8.5 to 8.7 below);
 - (b) Abuse (see clauses 8.8 to 8.10 below); and
 - (c) Discrimination, including Vilification (see clauses 8.11 to 8.16)
- 8.5** **Sexual Harassment** means:
- (a) an unwelcome sexual advance; or
 - (b) an unwelcome request for sexual favours; or
 - (c) unwelcome conduct of a sexual nature (including oral or written statements of a sexual nature), in circumstances where a reasonable person would have anticipated that the person receiving the behaviour would be offended, humiliated or intimidated.
- 8.6** Examples of Sexual Harassment may include -
- Uninvited touching, kissing, embracing, massaging;
 - Staring, leering, ogling;
 - Smutty jokes and comments;
 - Persistent or intrusive questions about people's private lives;
 - Repeated invitations to go out, especially after prior refusal;
 - Unwanted sexual propositions;
 - The use of promises or threats to coerce someone into sexual activity;
 - The display of sexually explicit material e.g. internet use, computer screen savers, calendars, posters;
 - Getting undressed in front of others of the opposite sex;
 - Invading the privacy of persons while showering or toileting;
 - Photographing others while undressing, showering or toileting;
 - The use of sexually offensive emails, letters, faxes, notes;
 - Sexual insults and name-calling.
- 8.7** Sexual Harassment may be a criminal offence, for example indecent assault, rape, sex with a minor, photography including "upskirting", obscene telephone calls or letters. If you suspect that a criminal offence may have been committed you should notify the police and/or seek legal advice.

Harassment, Abuse and Discrimination

8.8 Abuse is a form of Harassment. It includes:

- (a) physical abuse (e.g. assault);
- (b) emotional abuse, (e.g. blackmail, repeated requests or demands);
- (c) neglect (i.e. failure to provide the basic physical and emotional necessities of life);
- (d) abuse of power which the harasser holds over the harassed. For example relationships that involve a power disparity such as a coach-player, manager-player, employer-employee, doctor-patient have the potential for abuse of that power. People in such positions of power need to be particularly wary not to exploit that power; and
- (e) Child Abuse.

8.9 Examples of abusive behaviour include:

- Bullying and humiliation of players by coaches;
- Abuse and insults directed by players or parents at opposing participants;
- Abuse of Officials by players, coaches or parents;
- Bullying, humiliation and physical intimidation of other players in competition;
- Practical jokes which cause embarrassment or which endanger the safety of others.

Examples of Child Abuse include -

- Physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity)
- Sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations).
- Emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child).
- Neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

8.10 Some forms of Abuse may constitute a criminal offence, for example, assault and Child Abuse. If you suspect that a criminal offence may have been committed you should notify the police and/or seek legal advice.

Where an allegation of Child Abuse has been reported, the Member Protection Officer should immediately report any incident of a serious or a criminal nature to the police and other appropriate authority.

- (a) If the allegation involves a child at risk of harm, the incident should immediately be reported to the police or other appropriate government agency. The Member Protection Officer may need to report to both the police and the relevant government agency.
- (b) The relevant State or Territory authority should be contacted for advice if there is **any** doubt about whether the complaint should be reported.
- (c) If the child's parent/s are suspected of committing the abuse, report the allegation to the relevant government agency.

8.11 Discrimination is treating or proposing to treat a person less favourably than someone else in certain areas of public life on the basis of an attribute or personal characteristic.

Member Protection Policy

Requesting, assisting, instructing, inducing or encouraging another person to engage in Discrimination is also considered Discrimination.

8.12 The personal attributes or characteristics against which a person may be discriminated are:

- Age;
- Disability – this includes loss of bodily function (e.g. deaf or blind), presence of disease (e.g. hepatitis or HIV), loss of part of the body, disfigurement, malfunction of part of the body, psychological disease, intellectual disability;
- Marital status – this covers whether the person is single, married, de facto, married but living separately from their spouse, divorced, or widowed;
- Family/Carer status - this includes whether the person is a step parent, adoptive parent, foster parent or guardian and also includes whether the person is childless or is a carer (e.g. of children, or other dependents);
- Gender Identity and Transgender status;
- Homosexuality and sexual orientation;
- Irrelevant medical record;
- Irrelevant criminal record;
- Physical features – this includes a person weight, size, height and other physical features;
- Political belief or activity;
- Pregnancy and breastfeeding– this includes whether the person has or supposedly has the signs or symptoms of pregnancy (e.g. morning sickness);
- Race;
- Religious beliefs or activity;
- Sex or gender;

8.13 Discrimination also includes victimisation. This occurs where a person suffers or is threatened with any detriment or unfair treatment because that person has or intends to pursue their rights under anti-discrimination legislation or this Policy.

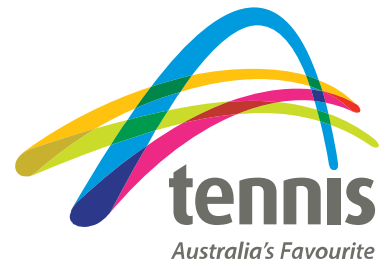
8.14 Exemptions under the Federal or State legislation may permit certain forms of Discrimination. These may include Discrimination:

- (a) in relation to the selection of a team for competition or entry to a competition, where the strength, stamina and physique of the competitor is relevant; or
- (b) if it is necessary to protect the health and safety or property of any person or of the public generally.

ATOs are strongly advised to obtain independent legal advice if such Discrimination is considered.

8.15 Vilification is a form of Discrimination and involves a person inciting hatred towards, serious contempt for, or severe ridicule of, a person or group of persons by a public act, including any form of communication to the public and any conduct observable by the public. Vilification is an offence under this Policy where it is based on any of the attributes or characteristics set out in clause 8.12.

8.16 Some forms of Vilification may constitute a criminal offence, for example where harm is threatened. If you suspect that a criminal offence may have been committed you should notify the police and/or seek legal advice.



Complaints Procedure

Member Protection Policy

9. Complaints

- 9.1** If any person considers that this Policy has been breached they may make a complaint ("**Complaint**").
- 9.2** A Complaint must be in writing and received by the relevant authority as outlined in clause 9.3 within 14 days of the alleged breach, however a person may provide information verbally during an Inquiry/Investigation under clause 10.1. The Recipient of a Complaint in its absolute discretion, may extend or waive the requirement that a Complaint be received within 14 days of the alleged breach where the Recipient is of the reasonable belief that the circumstances warrant it, giving consideration to the nature of the Complaint and the age of the Complainant at the time of the alleged breach.
- 9.3** A Complaint must be made to either:
- (a) a Member Protection Officer of an ATO (if any) of which the person is a member, or if the person is not a member of any ATO then to the ATO where the event or activity giving rise to a complaint is held, or incident occurred ("**Relevant ATO**"), if that ATO has established procedures for dealing with Complaints in accordance with clause 4.2; or
 - (b) the President, or in their absence, the nominee of the Relevant ATO.
- 9.4** Where the Complaint is referred to the Relevant ATO and that ATO has not established a procedure for dealing with Complaints in accordance with clause 4.2 of this Policy then the Complaint should be referred to the next highest ATO having such a complaints procedure.
- 9.5** If a Complaint is received, then the person listed under clause 9.3 (**Recipient**) must:
- (a) Ask the complainant whether he or she wishes them to:
 - (i) listen and advise the complainant about what their options are; and/or
 - (ii) act as a mediator between the complainant and the alleged offender to try and resolve the Complaint by agreement; or
 - (iii) refer the Complaint to the Relevant ATO for a hearing to be held under clause 11.
 - (b) Having determined the Complainant's wishes in accordance with clause 9.5(a), the Recipient shall:
 - (i) act in accordance with the complainant's wishes;
 - (ii) keep the matter confidential and only discuss it with people the complainant has authorised them to speak to about the Complaint or as permitted under this Policy; and
 - (iii) inform the relevant governmental authority, if required by law.
- 9.6** If the complainant wishes the Recipient to act as a mediator the Member Protection Officer shall:
- (a) immediately notify the alleged offender, in writing, that a Complaint has been made and provide them with a copy of the written Complaint; and
 - (b) attempt to mediate a resolution between the complainant and the alleged offender.
- 9.7** If a resolution is reached at mediation no further action may be taken under this Policy (except by agreement between the parties). This does not prevent action being taken under State or Federal legislation or criminal or civil law.
- 9.8** If the Complaint is not resolved at the mediation, or at the complainant's request under clause 9.5, the Recipient shall refer the matter to the Disciplinary Tribunal of the ATO which appointed him/her.

Complaints Procedure

10. *Inquiries/Investigation*

- 10.1** If the President, their nominee, or a Member Protection Officer of an ATO receives information which suggests on reasonable grounds that this Policy may have been breached, then they shall:
- (a) make inquiries about the information to ascertain whether or not it appears to them that, prima facie, there has been a breach of this Policy; and
 - (b) if it appears that there has been a breach of this Policy, refer the matter to the relevant person listed in clause 9.3 and follow the procedures set out in clauses 9.4 to 9.8 insofar as they are applicable as if a Complaint had been received.
- 10.2** The Recipient may request copies of relevant documents and all persons bound by this Policy shall comply with all reasonable requests by the Recipient and co-operate in the conduct of the Investigation.

11. *Hearings*

- 11.1** On referral of a Complaint to the Recipient for Hearing under clause 9.5(a)(iii) or 9.8, they shall as soon as possible:

- (a) Determine the composition of the Disciplinary Tribunal, as detailed in clause 11.2;
- (b) Send to the alleged offender:
 - (i) a notice setting out the alleged offence including details of when and where it is alleged to have occurred, and setting out the date, time and place for the hearing of the alleged offence which shall be as soon as reasonably practicable after receipt of the Complaint or information;
 - (ii) a copy of the Complaint or the information received if in writing; and
 - (iii) a Notice of Intent to Attend, requiring the alleged offender to advise the Disciplinary Tribunal of their intention to attend the hearing.

("Collectively referred to as **Notice of Alleged Offence**");

- (c) Send to the complainant(s) and the Chairperson of the Disciplinary Tribunal a copy of the Notice of Alleged Offence.
- (d) Send a Notice to Attend to any witnesses required to attend the hearing for the purpose of giving evidence.

- 11.2** The Disciplinary Tribunal for each hearing shall be appointed by the Board of Directors (however described) of the Relevant ATO and shall be comprised of the following persons:

- (a) a lawyer or, if after reasonable attempts have been made to obtain one without success, a person with considerable previous experience in the legal aspects of a disciplinary tribunal (who shall be the Chairperson);
- (b) a person with a thorough knowledge of tennis; and
- (c) one person with experience and skills suitable to the function of the Disciplinary Tribunal.

However the following cannot be Disciplinary Tribunal members: a person who is a member of the Board of Directors (however described) of the ATO which appoints the Disciplinary Tribunal; or a person who would, by reason of their relationship with the complainant or the alleged offender, or otherwise, be reasonably considered to be other than impartial.

Member Protection Policy

11.3 Frivolous, vexatious or malicious Complaints

- (a) If the alleged offender considers that the Complaint is frivolous, vexatious or malicious, the alleged offender must notify the Recipient in writing within 48 hours of receipt of the Notice of Alleged Offence. On receipt of such notice, the Member Protection Officer must refer it to the Chairperson, who, sitting alone, shall first determine that issue and advise the parties of his or her determination. This determination shall be made as soon as practicable and in whatever manner the Chairperson considers appropriate in the circumstances, provided that he or she does so in accordance with the principles of Natural Justice.
- (b) The decision of the Chairperson under this clause 11.3 may be appealed within 48 hours of notification of the determination to the relevant appeal body under clause 13.

11.4 The Disciplinary Tribunal shall hear and determine the alleged offence in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with the principles of Natural Justice. The purpose of the hearing shall be to determine whether the alleged offender is in breach of this Policy. The Disciplinary Tribunal may not discuss and consider any prior offences at the Hearing. If the Disciplinary Tribunal finds the Complaint proven on the balance of probabilities, it may impose any one or more of the penalties set out in clause 12.

11.5 The alleged offender and any witnesses sent a Notice to Attend will be required to attend the hearing before the Disciplinary Tribunal at the time and place notified to them (however it is conducted). If within 30 minutes of the notified time for commencement of the hearing, the alleged offender or any witness is not present, the Disciplinary Tribunal may elect to conduct the hearing in the absence of that person or adjourn the hearing and reconvene at a later date advised to the alleged offender and witnesses.

11.6 The parties to the hearing shall include the complainant, the alleged offender, and the Relevant ATO represented by an appointed advocate, whose role shall be to assist the Disciplinary Tribunal by presenting evidence, including material facts, and to make any submissions on behalf of the ATO on the appropriateness of penalty.

11.7 If at any stage the Disciplinary Tribunal considers that the safety and welfare of the complainant or others is in jeopardy, it may order that the alleged offender be:

- (a) suspended from any role they hold within relevant ATOs; and/or
- (b) banned from any event or activities held by or sanctioned by relevant ATOs; and/or
- (c) required not to contact or in any way associate with the complainant or other person to whom the alleged offence relates pending the determination of the Complaint.

11.8 There is no right of appeal against an order of the Disciplinary Tribunal under clause 11.7.

11.9 Any party to the hearing may be represented at the hearing by a person who is not a legal practitioner save that the Disciplinary Tribunal may give leave for a party to be legally represented where it considers it is necessary in order to do justice to all the parties.

11.10 Each party to the hearing shall bear their own costs in relation to the hearing.

11.11 The Disciplinary Tribunal shall give its decision as soon as practicable after the hearing and will deliver a statement of its written reasons (together with information regarding the appeal process) to the following:

- (a) the President of the ATO which established the Disciplinary Tribunal;

Complaints Procedure

- (b) the Complainant;
- (c) the alleged offender; and
- (d) any other party represented at the hearing.

- 11.12** Each member of a Disciplinary Tribunal established under this Policy shall be indemnified by the ATO which appointed them, from any claim or action for loss, damages, or costs made against them arising out of or in connection with their function as a member of the Disciplinary Tribunal under this Policy.
- 11.13** Except as otherwise provided in this Policy, all members of a Disciplinary Tribunal and others present at the Hearing shall keep all matters relating to the hearing, other than the decision, including but not limited to the nature of the Complaint, information obtained before and during the hearing, confidential.

12. Penalties

- 12.1** If the Disciplinary Tribunal considers that a person, to whom this Policy applies, has breached this Policy, it may impose any one or more of the following penalties:
- (e) direct that the Offender attend counselling to address their conduct;
 - (f) recommend that relevant ATOs terminate the appointment of any role which the Offender holds with those Organisations;
 - (g) impose a monetary fine for an amount determined by the Disciplinary Tribunal;
 - (h) impose a warning;
 - (i) in the case of a Coach, direct the relevant Affiliated Organisation and/or the relevant Member Affiliated Organisation and/or coaching organisation to suspend or cancel such accreditation or affiliation for a period or indefinitely;
 - (j) withdraw any ranking points, awards, placings, records won in any tournaments, activities or events held or sanctioned by an ATO;
 - (k) direct the Offender to repay all or part of any financial assistance (excluding any fee for service, wages or expenses) given to them by the Australian Sports Commission, any Federal or State funding agency, the Australian Olympic Committee, the Commonwealth Games Committee, or an ATO or any other organisation which has provided funding to the Offender;
 - (l) suspend the Offender from competition for such period as the Disciplinary Tribunals sees fit;
 - (m) impose a fully or partially suspended sentence on the Offender with a period of good behaviour; and
 - (n) any other such penalty that the Disciplinary Tribunal considers appropriate.
- 12.2** If an Offender commits a second or subsequent offence under this Policy, then the Disciplinary Tribunal shall have regard to the previous offence, the penalty imposed and any other relevant factors, in imposing a penalty for the second or subsequent offence.
- 12.3** If a penalty is imposed by the Disciplinary Tribunal under clause 12.1, the President (or nominee) of the ATO that established the Disciplinary Tribunal shall, as soon as possible, notify the ATO of which the Offender is a member.
- 12.4** Every organisation required to adopt this Policy shall recognise and enforce any decision and penalty imposed by a Disciplinary Tribunal under this Policy.

Member Protection Policy

13. Appeals

- 13.1** A party to a hearing held under clause 11 may appeal a decision (**Appellant**) of a Disciplinary Tribunal (**Original Tribunal**) only in circumstances where:
- (a) the Appellant's ability to earn their primary source of income is substantially affected by the decision of the Original Tribunal; and / or
 - (b) new evidence is available that was unable to be presented to the Original Tribunal and which, if accepted would on the balance of probabilities, be likely to have affected the decision of the Original Tribunal; and / or
 - (c) an alleged breach of Natural Justice. Natural Justice incorporates the following principles:
 - a person who is the subject of a complaint must be fully informed of the allegations against them;
 - a person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence;
 - all parties need to be heard and all relevant submissions considered;
 - the decision maker/s must be unbiased, fair and just.
- 13.2** Subject to clause 13.3, an appeal shall be made to the Disciplinary Tribunal established by the next highest ATO ("**Appeal Body**").
- 13.3** An appeal against a decision of a Disciplinary Tribunal established by Tennis Australia, shall be made to the appeal division of the Court of Arbitration for Sport (Oceania Registry) ("**CAS**") (also referred to as the "**Appeal Body**").
- 13.4** There is only one right of appeal following the decision of the Original Tribunal. Any appeal must be solely and exclusively resolved by the Appeal Body and the decision of such Appeal Body is final and binding on the parties. Further, no party to such appeal may institute or maintain proceedings in any court or tribunal other than the relevant Appeal Body. (NOTE: This provision does not prevent any person or organisation taking action under any State or Federal legislation for Harassment or any criminal or civil offence.)
- 13.5** The process for such appeal is as follows:
- (a) The Appellant shall within 72 hours of the Original Tribunal delivering its decision:
 - (i) Notify the Member Protection Officer in writing of the next highest ATO of the Appellant's intention to appeal (**Notice of Intention to Appeal**); or
 - (ii) in the case of an appeal to CAS, complete and file an application to appeal with CAS in accordance with the Code of Sports Related Arbitration;
 - (b) for all appeals, except those to CAS, as soon as possible after receipt of the Notice of Intention to Appeal, the Member Protection Officer of the next highest ATO shall:
 - (i) in the case of an appeal under clause 13.1, refer the matter to the Chairperson of the Appeal Body to determine in his or her sole discretion whether the Appellant has satisfied the criteria for an appeal under clause 13.1. If satisfied the Chairperson shall direct the Disciplinary Officer to convene a Disciplinary Tribunal to hear and determine the appeal;
 - (ii) in the case of an appeal under clause 11.3(b), the Chairperson shall direct the Member Protection Officer to convene a Disciplinary Tribunal to hear and determine the appeal;

Complaints Procedure

- (c) the Appeal Body shall comprise of persons who comply with clause 11.2 of this Policy and were not members of the Original Tribunal; and
- (d) within 5 days of lodging the Notice of Intention to Appeal, (or such shorter time as determined by the Appeal Body if there is urgency) the Appellant shall:
 - (i) pay an appeal fee of \$1000 (including GST) to the Appeal Body, or in the case of an appeal to CAS the relevant fee which shall be as per the Code of Sports-related Arbitration applicable to CAS; and
 - (ii) submit to the Chairperson of the Appeal Body or CAS (as the case may be) the grounds of the appeal in writing, copies of which will be provided by the Disciplinary Officer to the complainant, the President of the organisation which established the Original Tribunal and the President of the next highest ATO.

If either of the requirements in sub-clause (a) or (d) are not met by the due time the appeal shall be deemed to be withdrawn.

- 13.6** The appeal fee is refundable only at the discretion of the Appeal Body and in circumstances where the Appellant is successful in overturning the Original Tribunal's decision or reducing the penalty imposed by the Original Tribunal. The Appeal Body may withhold all or part of the appeal fee to cover the costs of the appeal.
- 13.7** (a) on completion of the procedures in clause 13.5 (a) to (c) above, the Chairperson of the Appeal Body shall determine a place, time and date for the hearing of the appeal and as soon as possible thereafter notify all parties to the appeal in writing of such details; and
(b) the procedure for the appeal shall be the same as the procedure for the Original Tribunal set out in clause 11 except where the Appeal Body is CAS, in which case the Code of Sports-related Arbitration shall apply.
- 13.8** Upon hearing the appeal, the Appeal Body may do any one or more of the following:
 - (a) dismiss the appeal;
 - (b) grant the appeal;
 - (c) impose any of the penalties set out in clause 12;
 - (d) reduce, increase or otherwise vary any penalty imposed by the Original Tribunal.
- 13.9** The Appeal Body has no power to award costs and each party shall bear their own costs in relation to any appeal.
- 13.10** All members of an Appeal Body and others present at the Appeal hearing shall keep all matters relating to the hearing confidential.

General Code of Conduct Attachment A

Tennis Australia General Code of Conduct

As a member of Tennis Australia and Australian Tennis Organisations or a person required to comply with Tennis Australia's Member Protection Policy, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Tennis Australia and an Australian Tennis Organisation and in any role you hold within Tennis Australia or an Australian Tennis Organisation.

- 1.** Respect the rights, dignity and worth of others.
- 2.** Be fair, considerate and honest in all dealing with others.
- 3.** Be professional in, and accept responsibility for, your actions.
- 4.** Make a commitment to providing quality service.
- 5.** Be aware of, and maintain an uncompromising adherence to, Tennis Australia's standards, rules, regulations and policies.
- 6.** Operate within the rules of the sport including national and international guidelines which govern Tennis Australia and Australian Tennis Organisations.
- 7.** Do not use your involvement with Tennis Australia or an Australian Tennis Organisation to promote your own beliefs, behaviours or practices where these are inconsistent with those of Tennis Australia and the Australian Tennis Organisations.
- 8.** Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.
- 9.** Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.
- 10.** Refrain from any form of harassment of others.
- 11.** Refrain from any behaviour that may bring Tennis Australia, and Australian Tennis Organisations into disrepute.
- 12.** Provide a safe environment for the conduct of the activity.
- 13.** Show concern and caution towards others who may be sick or injured.
- 14.** Be a positive role model.

*Member Protection
Declaration
Attachment B*

Member Protection Declaration

Tennis Australia has a duty of care to its members and to the general public who interact with its employees, volunteers, members and others involved with *Tennis Australia's* activities. As part of this duty of care and as a requirement of *Tennis Australia's* Member Protection Policy, Tennis Australia and Australian Tennis Organisations must inquire into the background of:

- persons who are appointed or seeking appointment with children under 18 years of age (whether employed, contracted or otherwise) as a coach, team manager, tournament director or umpire; (paid or volunteer); and
- persons appointed or seeking appointment to a role in which they are likely to have individual and unsupervised contact with players under 18 years of age.

I, (name)

..... (address)

Date of Birth / /

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, or related to, violence, child abuse, serious sexual offences or offences related to children.
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. To my knowledge there is no other matter that the Australian Tennis Organisation may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
5. I will notify the President or appointed person within the Australian Tennis Organisation engaging me immediately upon becoming aware that any of the matters set out in clauses [1 to 4] above has changed for whatever reason.

Declared in the State/Territory of:

on / / (date) Signature OR

I, (name)

of (address)

Date of Birth / /

SINCERELY declare:

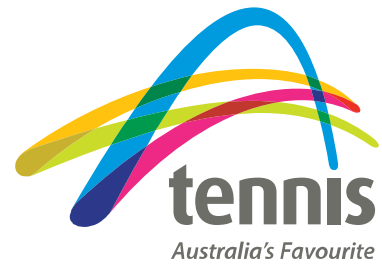
That, I have the following to disclose *[please provide details of the offence for which you are unable to make the above declaration, including the nature of the offence, when it was conducted and any disciplinary action or penalty imposed as a result of the offence]*.

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

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

Name:

Signature: Date: / /



Working with Children Attachment C

Summary of State/Territory Legislation regarding Working With Children

QUEENSLAND BLUE CARD REQUIREMENTS

This information is subject to change at any time. Refer to the Queensland Commission for Children and Young People and Child Guardian's (Commission) website: www.bluecard.qld.gov.au or contact 1800 113611 if you have any queries about your obligations the legislation. Please refer to website for current information.

NEW SOUTH WALES REQUIREMENTS TO CHECK PEOPLE WORKING WITH CHILDREN

This information is subject to change at any time. 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. Please refer to website for current information.

WESTERN AUSTRALIA CHILD PROTECTION REQUIREMENTS

This information is subject to change at any time. Refer to the Department of Community Development Working with Children Screening Unit website www.checkwwc.wa.gov.au or contact 1800 883 979. Please refer to website for current information.

A full list of the categories of child-related work is available on the Working with Children website (www.checkwwc.wa.gov.au) or by calling the Screening Unit on (08) 6217 8100.

VICTORIA CHILD PROTECTION REQUIREMENTS

This information is subject to change at any time. 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. Please refer to website for current information.

SOUTH AUSTRALIAN CHILD PROTECTION REQUIREMENTS

This information is subject to change at any time. 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. Please refer to website for current information.

NORTHERN TERRITORY

This information is subject to change at any time. Refer to Safe NT on 1800 723 368 if you have any queries about your obligations under the legislation.

AUSTRALIAN CAPITAL TERRITORY

This information is subject to change at any time. Refer to the Department of Housing Community Services website www.dhcs.act.gov.au or contact (02) 6205 8329 if you have any queries about your obligations. Please refer to website for current information.

TASMANIA

This information is subject to change at any time. Refer to the Tasmanian Commission for Children website www.childcomm.tas.gov.au or contact (03) 6233 4520 or the Office of Sport and Recreation, Tasmania website <http://www.development.tas.gov.au/sportrec> or contact 1800 252 476 if you have any queries about your obligations. Please refer to websites for current information.

