

## Member Protection Policy (MPP) – Record of Changes

Part of MPP	Summary of Key Changes	
<b>All</b>	Throughout the document, we've made general grammatical updates, moved various paragraphs / sentences around and made stylistic changes to the wording for readability and to enhance clarity.	
<b>Part I APPLICATION</b>	<p>This Part is generally similar to the previous version of the MPP.</p> <p>We note the following key changes:</p> <ul style="list-style-type: none"> <li>(i) Removed the “Code of Conduct” from the MPP. Breaches of the Code (as set out in the old version of the MPP) did not amount to a breach of the MPP. As a result, the Code was rarely used. Additionally, by providing for the classification of complaints into “minor” and “serious” matters in this new version of the MPP (see “Part IV” of this summary below), we have effectively removed the need for the Code (hence its deletion from the MPP).</li> <li>(ii) In the definition of “coaches” in the Application section (see clause 3.1(d) in the old MPP, clause 2.1(d) in the new version), we have removed the reference to coaches being members of ATPCA as TA does not have a current/formal agreement/arrangement/relationship in place with the ATPCA.</li> <li>(iii) Inserted new definitions in Section 4 of the new version of the MPP for the following terms: ‘<i>Child/ren</i>’, ‘<i>Complaint</i>’, ‘<i>Complainant</i>’, ‘<i>Nominated Official</i>’, ‘<i>Respondent</i>’, ‘<i>Sexual Offence</i>’ and ‘<i>Working with Children Check</i>’.</li> </ul>	
<b>Part II SCREENING OF APPOINTEES</b>	<p>This Part is also generally similar to the old version of the MPP.</p> <p>We note the following key changes:</p> <ul style="list-style-type: none"> <li>(i) In the old version of the MPP, clause 9.2 said that the screening set out in the MPP did not have to be followed if someone had documentation to show that they had undergone a higher level of screening than that set out in the MPP. This clause has been removed because, in practice, TA/ATOs were never given the opportunity to review such higher levels of screening, and thus could not confirm whether the proposed appointee was eligible or suitable to work with children. Essentially, this clause unworkable in practice.</li> <li>(ii) A list of considerations has been inserted into this Part of the policy so that when an ATO assesses criminal offences and other declarations of appointees (revealed through the screening process), there is a structured process in place to determine whether these matters will affect: <ul style="list-style-type: none"> <li>• the ability of the preferred appointee to perform the inherent requirements of the role for which they are being screened; and/or</li> <li>• the appropriateness of the preferred appointee to work with children.</li> </ul> <p>We have also inserted a note around the importance of obtaining legal advice in relation to this tricky area of the law.</p> </li> <li>(iii) Inserted requirements for the safe and secure handling of information collected during the screening process.</li> </ul>	
<b>Part III OFFENCES</b>	<p>This Part is also generally similar to the old version of the MPP.</p> <p>We have added policy positions on ‘<i>Pregnancy</i>’ and ‘<i>Gender identity</i>’ to align with other sporting codes and organisations, and to provide a position on current issues experienced in tennis. Other than this change, this Part remains generally consistent with the previous version of the policy.</p>	
<b>Part IV COMPLAINTS HANDLING PROCEDURE</b>	<p>This Part of the MPP has been significantly reworked. However, in practice, it largely accords with what is currently happening in practice within the integrity team. In that regard, the new complaint handling procedure set out in this version of the MPP should not have a major impact on the ATO’s role in complaint handling. The complaint handling process is described below. It is also visually depicted in one of the Attachments to the new version of the MPP (the visual depiction of the complaint handling process is set out on page 4 of this summary for your ease of review).</p>	
	<b>Old MPP process</b>	<b>New MPP process</b>
	<p><b>Complaints (Section 12)</b></p> <p>The old process allowed for the complainant to choose how the complaint was processed. The only options available to the complainant were mediation or an investigation, <u>and</u> a tribunal (including if mediation was unsuccessful).</p>	<p><b>Assessment of complaints (see Section 10)</b></p> <ul style="list-style-type: none"> <li>(i) The new process introduces the ability for the integrity unit to assess and categorise a complaint as vexatious/baseless/trivial, minor, or serious following fact finding with the complainant. Through this categorisation, complaints of varying degrees of seriousness will be dealt with differently and more appropriately (as opposed to one complaint handling approach for all different types of complaints).</li> </ul>

Part of MPP	Summary of Key Changes	
	<p><b>Enquiries and Investigations (Section 13)</b></p> <p>(i) The old process allowed the MPIO to conduct an investigation if they believed, prima facie, that a breach of the policy had occurred.</p> <p>(ii) If an investigation was commenced, then the matter had to go to a tribunal.</p>	<p>(ii) After categorisation, the integrity unit, in consultation with the relevant ATO, will determine the most appropriate organisation/person to manage the complaint (<b>Nominated Official</b>).</p> <p>(iii) The Nominated Official will generally manage the complaint process in accordance with the policy.</p> <p><b>Vexatious, baseless or trivial (see Section 11)</b></p> <p>(i) Complaints assessed as vexatious, baseless, or trivial will be closed out straight away.</p> <p>(ii) If someone makes multiple vexatious complaints, this may amount to abuse (and therefore a breach of this policy).</p> <p>To date, many complaints made to the integrity unit have been considered vexatious, baseless or trivial. Under the old MPP, the integrity unit could not make such a classification, meaning complaints often dragged out unnecessarily.</p> <p><b>Minor (see Section 12)</b></p> <p>(i) The first step for a minor complaint is for the Nominated Official to investigate the matter.</p> <p>(ii) Mediation will then be canvassed as an option to try and resolve the complaint.</p> <p>(iii) If mediation is not pursued, or does not resolve the matter, the complaint is referred back to the Nominated Official, who makes a decision in relation to the complaint (including imposing a sanction – if applicable).</p> <p>(iv) A decision of the Nominated Official can be appealed in limited circumstances.</p> <p>To date, the majority of complaints made to the integrity unit would be considered minor. However, under the old MPP, minor complaints often had to proceed to a tribunal which was considered excessive and undesirable for relatively innocuous matters.</p> <p><b>Serious (see Section 13)</b></p> <p>(i) As with a minor complaint, the first step for a serious complaint is for the Nominated Official to investigate the matter.</p> <p>(ii) All serious complaints must go to a tribunal (see “Part V” below for tribunal processes).</p> <p>(iii) For serious complaints, we have also included a clause in the new MPP (see clause 13.8) requiring those involved in the complaint to generally cooperate with the Nominated Official (i.e. attending interviews, answering questions, etc) to ensure the matter is dealt with smoothly and efficiently.</p> <p>(iv) When a serious complaint is received, if the respondent poses a perceived or actual risk to the health and safety of others, a provisional suspension may be imposed on him/her.</p> <p>The management of a serious breach is unique in that it must go to an independent panel of tribunal members for a decision to be made as to whether the breach occurred.</p> <p><b>Other comments</b></p> <p>Complainants and respondents also now have an obligation to provide truthful information at all times during the complaint handling process (see clause 11.5).</p>

## Member Protection Policy (MPP) – Record of Changes

Part of MPP	Summary of Key Changes	
<b>Part V TRIBUNAL HEARINGS AND PROCEDURES</b>	This Part of the MPP has been reworked. It now provides greater flexibility for those managing complaints, and tribunal members, when hearing tribunal matters.	
	<b>Old MPP process</b>	<b>New MPP process</b>
	<p><b>Hearings (Section 14)</b></p> <p>All complaints alleging a breach of the MPP had to go to a tribunal.</p> <ul style="list-style-type: none"> <li>(i) The tribunal panel was to be made up of three members who were each appointed by the Board of Directors.</li> <li>(ii) The tribunal members compromised: a lawyer (as the chairperson), a person with a knowledge of tennis, and someone with the skills and knowledge to sit on a tribunal.</li> <li>(iii) The respondent had the power to write to the complaint recipient when they thought the complaint against them was frivolous, vexatious or malicious. The tribunal chairperson would then, alone, determine the matter (this elongated the dispute handling process).</li> </ul> <p><b>Penalties (Section 15)</b></p> <ul style="list-style-type: none"> <li>(i) If a respondent was found to have breached the MPP, any prior offences/penalties and other relevant factors would be considered in imposing a penalty.</li> <li>(ii) The list of penalties was limited and largely insufficient.</li> </ul> <p><b>Appeals (Section 16)</b></p> <ul style="list-style-type: none"> <li>(i) An appeal could be made for a number of reasons, including if the appellants source of income was substantially affected. The breadth of circumstances for an appeal meant that all tribunal decisions were generally appealed.</li> <li>(ii) An appeal could be heard by an 'appeal body', which would be the next highest ATO, or if the original tribunal was conducted by TA, then the Court of Arbitration for Sport (CAS).</li> <li>(iii) The requirement for the appeal body to adhere to the same process as the original tribunal meant that even the appeal body's decision could be appealed.</li> </ul>	<p>This Part only applies to serious complaints.</p> <p><b>Tribunal members (see Section 14)</b></p> <ul style="list-style-type: none"> <li>(i) The tribunal panel is made up of three members who are each appointed by the Nominated Official.</li> <li>(ii) The tribunal members must satisfy the selection criteria set out in clauses 14.2-14.4 of the new MPP. Under the selection criteria, one member must still be a lawyer. The second panel member must have relevant tennis or sport experience (as opposed to just tennis experience). The third panel member is a discretionary appointee.</li> <li>(iii) We've explicitly stated that tribunal members must not be paid by the ATO convening the tribunal as this will amount to bias (and often became an issue at MA level)</li> <li>(iv) All TA tribunal members must be appointed to a TA panel in order to be selected for a hearing.</li> </ul> <p>The appointment and selection of Tribunal members is a key element of the hearing process. We have made changes to ensure the panel is independent and unbiased so that all parties are treated justly and fairly.</p> <p><b>Tribunal procedures (see Section 14)</b></p> <p>These remain largely the same as per the previous version of the MPP.</p> <p><b>Sanctions (see Section 15)</b></p> <ul style="list-style-type: none"> <li>(i) If a respondent is found to have breached the MPP, any prior offences/breaches may be raised with the tribunal as part of the sanctioning process.</li> <li>(ii) In order to give greater flexibility, the options for sanctioning have now increased substantially so that the appropriate sanction can be given to the respondent (see clause 15.3). For example, if the respondent is directed to apologise, the tribunal may also impose a suspended sanction (i.e. suspension from competition) which will be withdrawn if the apology is made as per the direction of the tribunal.</li> </ul> <p>The changes to sanctioning provides the Tribunal with greater power to achieve fair and just outcomes. The purpose of making these changes was to ensure the correct outcome could be achieved for all types of complaints.</p> <p><b>Appeals (see Section 16)</b></p> <ul style="list-style-type: none"> <li>(i) As per a minor complaint, the tribunal decision can be appealed in limited circumstances.</li> <li>(ii) An appeal will be heard by an 'appellant tribunal' which must be comprised of different panel members from that of the original tribunal.</li> <li>(iii) The appellant tribunal's decision is final and binding and cannot be appealed.</li> </ul> <p>We have tried to limit the grounds of appeal. In practice, all tribunal decisions were being appealed, whether such appeal was justified or not. This was unworkable from a practical perspective.</p>

## Member Protection Policy (MPP) – Record of Changes

Part of MPP	Summary of Key Changes
<b>Part VI MISCELLANEOUS MATTERS</b>	Whilst still enshrining the principle of confidentiality, we have clarified that all decisions and penalties can now be published to parties affected by the decision. This is an important change because the integrity team found it difficult to uphold and enforce suspensions when decisions/penalties were prohibited from being communicated to third parties (as per the old version of the MPP).
<b>ATTACHMENTS</b>	We've inserted two new attachments into the policy: <ul style="list-style-type: none"><li>- one containing the contact details for state/territory mediation services, and</li><li>- the other depicting the complaint handling process in Part IV of the Policy (this attachment is also set out on the following page for ease of review and reference).</li></ul>