



BOARD BACKGROUND CHECK POLICY

Board Background Check Policy

1. Purpose

- 1.1 At Tennis, we are committed to building a safe, inclusive culture across our sport. We also acknowledge that the integrity of our leaders is critical to achieving and maintaining the trust and confidence of others.
- 1.2 As a leading Australian sport, we have a responsibility to ensure that our Directors and Independent Committee Members appointed to Board Committees are fit and proper people to hold a leadership position within our sport.
- 1.3 The purpose of this Policy is to ensure that expectations are clear and only appropriate people elected or appointed as Directors or Independent Committee Members can continue to serve in those roles.
- 1.4 This Policy requires:
 - (a) The screening of candidates for Director and Independent Committee Member roles to check that they meet the requirements in Schedule 1 of this policy before they can be considered for election or appointment; and
 - (b) Ongoing checks including annual attestations from sitting Directors and Independent Committee Members as set out in Schedule 2 of this policy.
- 1.5 Only people who are comfortable that they meet the requirements in Schedule 1 of this policy and will be able to continue to meet the requirements in Schedule 2 of this policy should apply for positions of Directors or Independent Committee Members.
- 1.6 If a current Director or Independent Committee Member is unable to continue to meet the requirements in Schedule 2 of this policy, then they are expected to resign from their role. In some circumstances they may be in-eligible to continue in their role either as a matter of law or under the terms of the Constitution.

2. Application

- 2.1 This Policy has been adopted by the Board of Tennis Australia (TA) applies to all Directors and Independent Committee Members of TA.
- 2.2 Member Association Boards may decide to adopt this policy if they would like to do by passing a resolution to that effect. If a Member Association adopts this policy, it applies to their Directors and Independent Committee Members as well.
- 2.3 While this policy details a set of minimum standards, nothing in this policy restricts the Nomination Committee's authority to make further assessments of candidates for Board and Independent Committee Member positions and decide who is the most suitable candidate or candidates for a role.

3. Review

3.1 This policy should be reviewed annually.

Schedule 1 – Initial Screening before election or appointment

The Nomination Committee is to oversee the screening of candidates before they can be considered for election or appointment.

The initial screening is based around the following principles:

Principle 1: The person should have the skills, experience and personal qualities required to contribute constructively to the Board

This is to be assessed by the Nomination Committee having regard to the following minimum standards.

The candidate is:

<ul style="list-style-type: none">to be financially literate (comfortable with P&L Statements, Balance Sheets, and Cash Flows at a minimum)
<ul style="list-style-type: none">to understand and accept director duties and governance basics (confidentiality, conflict of interest, due diligence, board room etiquette, separation of board vs management responsibilities etc) This can come from other relevant Board experience or through education such as AICD courses
<ul style="list-style-type: none">to understand the imperatives of background checks and member protection
<ul style="list-style-type: none">to understand the public nature of the role
<ul style="list-style-type: none">to reinforce the culture and values of the organisation in the way they operate including having high personal integrity, and a communication style that fosters constructive debate
<ul style="list-style-type: none">to have the time and capacity to do the work required (we estimate a minimum of 30 days per year depending on committee and representation responsibilities)
<ul style="list-style-type: none">to have a genuine connection with tennis
<ul style="list-style-type: none">to be contemporary and future facing in considering the organisation's strategic direction and execution, which involves effective stakeholder communication and being a powerful advocate of the organisation's preferred 'future state'

Principle 2: The person should be of suitable character and background to serve as a leader within tennis

This is to be assessed by the Nomination Committee having regard to the information provided by the candidate and independently sourced information.

The candidate is required to submit the following:

- confirmation of their identity (copy of passport photo page and evidence of address (i.e. utilities bill)).
- a national police check in relation to their background undertaken in the last three years.
- a copy of a current working with children check from the Australian State or Territory in which they reside.
- a completed Member Protection Declaration, completed not more than 6 months prior.
- the names and contact details of two people they have worked with (referees).
- confirmation that they will comply with the Board Code of Conduct, this policy and all other policies that apply to Directors or Independent Committee members if elected or appointed.

The Nomination Committee may consider such other background checks as they consider appropriate including, without limitation:

- Bankruptcy check to confirm that the candidate is not an undischarged bankrupt.
- Searches to confirm that the candidate is not disqualified to act as a director under the Corporations Act.
- Public profile and social media checks.
- Searches for other roles and shareholdings.
- Formal and informal reference checking.

Directors and Independent Committee Members must immediately notify the Nomination Committee if there is a change in their circumstances during the process and the background checks that they have previously provided are no longer accurate or complete.

Any costs and expenses incurred in obtaining and/or renewing any required background checks will be the responsibility of the Director or Independent Committee Member.

Based on the available information, the Nomination Committee can form the view that the person is not a fit or proper person to serve as a Director or Independent Committee member based on any of the following considerations:

Considerations	
1	there is concern that the person does not possess the competence, character, diligence, experience, honesty, integrity and judgement to perform the duties. When making this assessment, regard is to be given to the specific list of competencies for the relevant role and the need for the person to contribute constructively to the role.
2	there is information to suggest the person has acted in a way which could bring the organisation sport into disrepute
3	there is information to suggest the person has acted in a way which could be detrimental to the organisation's relationship with key stakeholders (including players, partners, rights holders and government)
4	there is information to suggest that the person has an actual or perceived conflict of interest that is material which would not or may not be manageable
5	the person has been convicted in Australia of on indictment of an offence that: <ul style="list-style-type: none"> (a) concerns the making, or participation in making, of decisions that affect the whole or a substantial part of the business of the company; or (b) concerns an act that has the capacity to significantly affect the company's reputation or standing; or (c) is a contravention of the Corporations Act and is punishable by imprisonment for a period greater than 12 months; or (d) is otherwise punishable by imprisonment for a period of at least 3 months, or if convicted outside of Australia would be considered to be an indictable offence or an offence punishable on conviction by imprisonment for a period of not less than 3 months if that act was committed in Australia.
6	the person is an undischarged bankrupt or otherwise disqualified to act as a director under the Corporations Act.
7	the person has any criminal convictions or findings of guilt for, or related to, violence, child abuse, serious sexual offences or offences related to children.
8	the person has been found to have committed one or more serious offences in an independent investigation or disciplinary proceedings brought against them by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, bullying, intimidation or other forms of harassment.
9	the person is unwilling or unable to maintain current working with children certification.
10	The person is unable or unwilling to comply with a state of federal health direction that would render their position untenable or unworkable.
11	the person has not provided the required background checks

Schedule 2 – Ongoing checks

1. In connection with their ongoing appointment, a Director or Independent Committee Member must:
 - (a) complete a Member Protection Declaration each year declaring whether or not there has been any changes in their situation;
 - (b) complete a new National Police History Check around three years after the date of their previous National Police History Check;
 - (c) renew their Working With Children Check (or State/Territory equivalent) before their previous check expires; and
 - (d) submit a copy of their updated checks to the TA Company Secretary as and when they become due for renewal.
2. Directors and Independent Committee Members must immediately notify the Company Secretary if there is a change in their circumstances and the background checks that they have previously provided are no longer accurate or complete.
3. Any costs and expenses incurred in obtaining and/or renewing any required background checks will be the responsibility of the Director or Independent Committee Member.

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