

Northern Suburbs District Cricket Club

Member Protection Policy

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1. PURPOSE AND INTENT

The main objective of the Northern Suburbs District Cricket Club's (NSDCC) Member Protection Policy ("policy") is to maintain responsible behaviour and the making of informed decisions by members and other participants in this club. It outlines our commitment to a person's right to be treated with respect and dignity, and to be safe and protected from Abuse, Bullying, Harassment, Sexual Misconduct, Discrimination, Victimisation and Vilification.

This Policy seeks to ensure that everyone involved in NSDCC is aware of their rights and responsibilities and sets out the standards of behaviour expected of those involved in our cricket club and the behaviours that are not acceptable (Prohibited Conduct).

2. DEFINITIONS

The following words have the corresponding meaning in this Policy: Definitions of Abuse, Bullying, Harassment, Sexual Misconduct, Discrimination, Victimisation and Vilification must be read in the context of Appendix A.

Activity means a sporting contest, match, competition, event, or activity (including training), whether on a one-off basis or as part of a series, league, or competition, which is sanctioned or organised by a Relevant Organisation.

Abuse means any type of behaviour (including physical, emotional/psychological, sexual, and inappropriate use of power and/or process) that has caused, is causing or is likely to cause harm to a person's wellbeing, whether in-person or online.

Bullying means a person or group of people repeatedly and intentionally using words or actions, or the inappropriate use of power, against someone or a group of people to cause distress and risk to their wellbeing, whether in-person or online.

Complaints Policy means the policy adopted by the Club for the handling and resolution of allegations regarding Prohibited Conduct.

Discrimination includes both direct and indirect discrimination (either in-person or online) which have the following meaning:

- (a) 'Direct discrimination' occurs where, because a person has a Protected Characteristic, they are treated less favourably than a person without that characteristic would be treated in the same or similar circumstances.
- (b) 'Indirect discrimination' occurs where a practice, rule, requirement or condition that applies to everyone disadvantages people with a Protected Characteristic and the practice, rule, requirement or condition is not reasonable in the circumstances.

Harassment means behaviour towards a person that they do not want and that is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment, whether in-person or online.

Policy means this Member Protection Policy including any appendices.

Prohibited Conduct means the conduct proscribed at clause #7 of this Policy.

Protected Characteristic means:

- (a) age;
- (b) disability;
- (c) race or ethnicity;

- (d) sex;
- (e) sexual orientation or gender identity; or
- (f) religion.

Sexual Misconduct means:

- (a) sexual harassment, which is any unwanted or unwelcome sexual behaviour where a reasonable person would anticipate the possibility that the person being harassed would feel offended, humiliated, or intimidated; and
- (b) behaviour that may constitute a sexual offence that is unlawful.

Victimisation means subjecting a person, or threatening to subject a person, either in-person or online, to any unfair treatment because the person has made, or intends to pursue their right to make, a complaint, report or lawful disclosure, including under applicable legislation or this Policy, or for supporting another person to take such action.

Vilification means a public act, conduct or behaviour, either in-person or online, that incites hatred, serious contempt for, or revulsion or severe ridicule of, a person or group of people because of a Protected Characteristic they hold, as covered by applicable legislation.

3. SCOPE – WHO OUR POLICY APPLIES TO

This policy applies to everyone involved in the activities of our cricket club whether they are in a paid or unpaid/voluntary capacity and including:

- club committee members, administrators and other club officials/staff/volunteers;
- coaches and assistant coaches and other personnel participating in events and activities, including camps and training sessions;
- support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers and others;
- referees, umpires and other officials;
- athletes and players;
- members, including any life members;
- parents;
- spectators; and
- any other individual who has agreed to be bound by the NSDCC Constitution and By-Laws

(each referred to a **Relevant Person/s**)

4. EXTENT OF OUR POLICY

Our policy covers all matters directly and indirectly related to NSDCC and its activities. In particular, the policy governs club decisions and actions, breaches of our code of behaviour and behaviour that occurs at training sessions, in the club rooms, at social events organised or sanctioned by the club (or our sport), and on away and overnight trips. It also covers private behaviour where that behaviour brings our club or sport into disrepute.

Where a complaint, incident or matter arises which may be dealt with under Australian Cricket's Policy for Safeguarding Children and Young People, then it is to be resolved in accordance with the processes in that Policy, to the exclusion of all other disciplinary or grievance policies or processes of NSDCC, unless otherwise provided for by the Australian Cricket policy.

For avoidance of doubt, this means that where a complaint relates to child safety and falls within the scope of Safeguarding Children & Young People, the Australian Cricket Policy for Safeguarding Children and Young People will prevail and any such complaint shall be dealt with in accordance with that Policy and not this Policy (being the Member Protection Policy).

5. CLUB RESPONSIBILITIES

NSDCC will:

- adopt, implement and comply with this policy;
- ensure that this policy is enforceable;
- publish, distribute and promote this policy and the consequences of any breaches of this policy;
- promote and model appropriate standards of behaviour at all times;
- deal with any complaints made under this policy in an appropriate manner;
- deal with any breaches of this policy in an appropriate manner;
- recognize and enforce any penalty imposed under this policy;
- ensure that a copy of this policy is available or accessible to all people who this policy applies;
- review this policy every 12-18 months; and
- seek advice from and refer serious issues to our state and national sporting bodies.

Serious issues included unlawful behaviour that involved or could lead to significant harm and includes criminal behaviour (e.g physical assault, sexual assault) and any other issues that our state or national bodies request to be referred to them.

6. INDIVIDUAL RESPONSIBILITIES

Everyone associated with NSDCC (Relevant Persons) must:

- make themselves aware of the contents of this policy;
- comply with all relevant provisions of this policy;
- treat other people with respect;
- be responsible and accountable for their behaviour;
- follow the guidelines outlined in this policy if they wish to make a complaint or report a concern about possible abuse, discrimination, harassment, bullying or other inappropriate behaviour; and
- comply with any decisions and/or disciplinary measures imposed under this policy.

7. PROHIBITED CONDUCT

A Relevant Person commits a breach of this Policy when they, either alone or in conjunction with another or others, either in-person or via any other means of communication, engage in any of the following conduct against one or more Relevant Persons, in circumstances outlined in clause #4 'Extend Of Our Policy':

- a) Abuse;
- b) Bullying;
- c) Harassment;
- d) Sexual Misconduct;
- e) Discrimination;
- f) Victimisation; or

g) Vilification.

Appendix A sets out examples of what may constitute Prohibited Conduct under this Policy.

8. REPORTING & COMPLAINTS

Allegations of Prohibited Conduct under this Policy will be managed and handled in accordance with the NSDCC Complaints Policy.

Any behaviour that may constitute a criminal offence should be reported to the relevant state law enforcement agency.

IMPORTANT REMINDER: NSDCC Members, Coaches and Officials are also bound by the Queensland Cricket Member Protection Policy when participating in QLD Premier Cricket competition or other QC-affiliated cricket activity.

APPENDIX A: EXAMPLES OF PROHIBITED CONDUCT

1. **Abuse** is behaviour of a nature and level of seriousness which includes, but is not limited to:
 - a) physical abuse and assault including hitting, slapping, punching, kicking, destroying property, deprivation of food, water or rest, forced feeding, unreasonable physical restraint, spitting at another person, biting or otherwise putting a person at unreasonable risk of physical harm, except where any physical contact is consistent with the rules of the sport and accepted and reasonable behaviour within the Activity when undertaking that Activity;
 - b) sexual abuse including rape and assault, using sexually degrading insults (either in-person or online), forced sex or sexual acts, deliberately causing pain during sex, unwanted touching or exposure to pornography, sexual jokes (either in-person or online), using sex to coerce compliance; or
 - c) **emotional/psychological abuse** (either in-person or online) such as repeated and intentional embarrassment in public, unreasonably preventing or excluding someone from participating in sport activities, stalking, humiliation, or intimidation, repeated or severe insults, name calling, criticism, swearing and humiliation, repeated attacks on someone's intelligence, homophobic, biphobic and transphobic comments, body shaming, or aggressive yelling.

2. **Bullying** is behaviour of a nature and level of seriousness which includes, but is not limited to, repeatedly:
 - a) keeping someone out of a group (either in-person or online);
 - b) making rude gestures, using inappropriate or derogatory names, being rude, constantly negative and teasing (either in-person or online);
 - c) spreading rumours or lies, or misrepresenting someone either in-person or online (e.g., using their social media account to post messages as if it were them);
 - d) harassing someone (either in-person or online) based on a Protected Characteristic such as age, race or ethnicity, sex, sexual orientation, gender identity, religion, or a disability;
 - e) intentionally and repeatedly hurting someone physically; or
 - f) taking advantage of any power over someone else (either in-person or online), but does not include legitimate and reasonable:
 - management action;
 - management processes;
 - disciplinary action; or
 - allocation of activities in compliance with agreed systems.

3. **Harassment** is behaviour of a nature and level of seriousness which includes, but is not limited to:
 - a) telling insulting jokes and/or making derogatory comments about racial groups or people of diverse genders and sexualities (either in-person or online);
 - b) sending explicit or sexually suggestive emails, text messages or other electronic communications;
 - c) displaying racially offensive or pornographic images or screen savers;
 - d) making derogatory comments or taunts about someone's race, disability, sexual orientation, gender identity or gender expression (either in-person or online);
 - e) asking intrusive questions about someone's personal life, including their sex life (either in-person or online);
 - f) intentionally stalking someone (either in-person or online); or
 - g) intentionally disclosing (either in-person or online) the transgender identity or sexual orientation of someone without consent.

4. **Sexual Misconduct** is behaviour including, but not limited to:
 - a) unwelcome touching;
 - b) suggestive comments or jokes (either in-person or online);
 - c) showing or sharing sexually explicit images or pictures (either in-person or online);

- d) unwanted invitations to go out on dates (either in-person or online);
 - e) requests for sexual intercourse (either in-person or online);
 - f) intrusive questions about a person's private life or body (either in-person or online);
 - g) unnecessary familiarity, such as deliberately brushing up against a person;
 - h) insults or taunts based on sex or gender identity (either in-person or online);
 - i) sexually explicit physical contact;
 - j) sending sexually explicit or suggestive emails, texts, or other electronic/social media messages;
 - k) displaying pornographic images or screen savers;
 - l) asking intrusive questions about someone's personal life, including about their sex life (either in-person or online); or
 - m) criminal offences such as rape, indecent or sexual assault, sexual penetration, or relationship with a child under the age of 16 and possession of child pornography.
5. **Discrimination** is differential treatment (either in-person or online) based on a personal characteristic including, but not limited to:
- a) age;
 - b) disability
 - c) race or ethnicity (including skin colour, nationality or migrant status);
 - d) sex (including pregnancy, marital or relationship status, family responsibilities, breastfeeding, intersex status or gender identity);
 - e) sexual orientation; or
 - f) religion.
6. **Victimisation** is behaviour including, but not limited to:
- a) dismissal of a person or disadvantage to their involvement in sport because they have or intend to make a complaint;
 - b) exclusion of a person from a sport activity because they were a witness to Prohibited Conduct; or
 - c) failure to select an individual on merit because they have supported another person in lodging a complaint.
7. **Vilification** is behaviour including, but not limited to:
- a) speaking, writing or otherwise communicating (either in-person or online) about a person's sex or gender identity in a way that could make other people dislike, hate, or ridicule them;
 - b) publishing claims that a racial or religious group is involved in serious crimes without any evidence in support;
 - c) repeated and/or serious verbal or physical abuse (either in-person or online) about a Protected Characteristic of another person;
 - d) encouraging violence against people (either in-person or online) who belong to a particular sex or gender identity, or damaging their property; or
 - e) encouraging people to hate a racial or religious group using flyers, stickers, posters, a speech, or publication, or using websites, social media applications or email.