

**NATIONAL
POLICY**



**MEMBER
PROTECTION
POLICY**

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MEMBER PROTECTION POLICY

PART I – APPLICATION

1. Purpose

- 1.1 Tennis Australia (TA) is a not-for-profit organisation providing tennis and recreation services to individuals of all ages.
- 1.2 TA operates in all Australian states and territories, and provides services including social tennis, tennis coaching, competitions and tournaments, player development, local and international events, education, and training.
- 1.3 The purpose of the Member Protection Policy (**Policy**) is to protect the health, safety and well-being of those who participate in the activities of tennis, including those delivered by TA, Padel Australia, Member Associations, Affiliated Organisations, Regional Associations and Affiliated Clubs (**Australian Tennis Organisations**, or hereafter **ATOs**).
- 1.4 TA and all ATOs will not tolerate any form of abuse, neglect, harassment, bullying, unlawful discrimination, vilification, victimisation, indecency or violence against any adult or child by Personnel, and such conduct is a breach of this Policy.
- 1.5 TA takes seriously its responsibility and commitment to provide a safe environment for those participating in the activities of ATOs, particularly Individuals at a Disadvantage, children and young people, Aboriginal and Torres Strait Islanders, and LGBTQI individuals. TA and all ATOs take a zero-tolerance approach to child abuse and any form of unlawful discrimination or harassment, including but not limited to homophobia, biphobia, transphobia, racism, sexism, ageism and ableism. All ATOs are committed to ensuring children are safe when participating in tennis activities, and ensuring that services are delivered in the best interests of their young participants. This commitment is endorsed and approved by the board of TA.
- 1.6 All persons bound by this Policy have the responsibility to:
 - (a) adopt the practices and behaviours set by TA as the expected standard when carrying out their roles (including those set out in this Policy);
 - (b) implement and comply with the screening measures set out in Part II of this Policy;
 - (c) report any conduct that may amount to a breach of this Policy to a Complaint Recipient (see Part IV of this Policy), and where necessary, to external authorities responsible for child protection (this subclause applies regardless of whether the abuse is being perpetrated by Personnel within their organisation, or by others within the wider community, including members of a child's family, their extended network or strangers); and
 - (d) manage alleged instances of harassment, abuse, discrimination and other conduct which may breach this Policy, as per the procedures outlined in this Policy.
- 1.7 If anything in this Policy is inconsistent with any relevant Federal, State or Territory law, the relevant Federal, State or Territory law prevails to the extent of the inconsistency.

2. Application

2.1 This Policy applies to the following individuals and organisations:

- (a) persons and administrators appointed or elected to boards of directors, executives and/or committees (including sub-committees) of ATOs and office bearers of ATOs such as presidents, vice-presidents, treasurers, secretaries and selectors;
 - (b) employees of ATOs (whether engaged as full time, part time or casual staff), volunteers of ATOs, and contractors of ATOs;
 - (c) persons appointed or elected by an ATO in relation to players and/or teams which represent such organisations including team management and/or support personnel (including managers, physiotherapists, and dietitians);
 - (d) tennis coaches (including assistant coaches) who:
 - (i) provide tennis coaching services to an ATO, and/or are appointed and/or employed by an ATO (whether paid or unpaid);
 - (ii) are a TA coach member and/or are appointed by a TA coach member to deliver tennis coaching services on the TA coach member's behalf (whether paid or unpaid);
 - (iii) are members of a coaching organisation (i.e. Tennis Coaches Australia or internationally recognised coaching associations); and/or
 - (iv) have an agreement (whether or not in writing) with an ATO to coach tennis at a facility owned, occupied or managed by, or affiliated with, that ATO;
 - (e) Officials;
 - (f) tennis players who:
 - (i) enter any tournament, competition, activity or event (including camps and training sessions) being held or sanctioned by an ATO;
 - (ii) are registered with a Regional Association and/or Affiliated Club as a player and/or are a member of that Regional Association and/or Affiliated Club;
 - (g) any other person who is a user of an ATO (including a spectator, or attendee, at an ATO for tennis-related purposes);
 - (h) any other person who is a member or affiliated to an ATO (including life member or service award holder);
 - (i) any other person or entity (i.e. a parent/guardian or sponsor) who or which agrees (whether on a ticket, entry form or otherwise), to be bound by this Policy; and
 - (j) all Australian Tennis Organisations,
- (collectively, **Personnel**).

2.2 Personnel shall be deemed to be bound by and comply with this Policy for a period of six months following the last time they were last captured by a provision under clause 2.1 of this Policy.

2.3 Notwithstanding clause 2.2, any Personnel who:

- (a) has had a Complaint made against them under this Policy;
- (b) was bound by the Policy at the time the Complaint was made or when the alleged conduct relating to the Complaint occurred; and
- (c) would, for any reason, otherwise have ceased to be bound by this Policy at any time after the Complaint was made or when the alleged misconduct relating to the Complaint occurred,

remains bound by this Policy in respect of the Complaint, and any related Complaint, until the complaint handling process has been finalised in accordance with this Policy.

3. Procedural Obligations

3.1 ATOs must:

- (a) adopt and comply with this Policy;
- (b) recognise and enforce any sanction(s) imposed under this Policy;
- (c) publish, distribute and promote this Policy (and any amendments made to it) to their members, in the manner required by TA or an MA 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; and
- (e) ensure that its members adopt this Policy (i.e. the MA imposes the Policy on its Affiliated Clubs, and the Affiliated Clubs in turn impose it on their individual members).

3.2 In addition, TA and MAs must:

- (a) appoint a Member Protection Information Officer (**MPIO**) to fulfil the functions set out in this Policy, and to publish and display the names and contact details of such persons to their members;
- (b) establish a tribunal in accordance with Part V of this Policy (if required);
- (c) develop and implement a plan to facilitate awareness and education in relation to this Policy; and
- (d) ensure its employee(s) and contractor(s) act in a discreet and confidential manner in discharging their obligations under this Policy.

3.3 Affiliated Organisations, Regional Associations and Affiliated Clubs do not have to establish procedures for dealing with Complaints and tribunal hearings pursuant to this Policy. However, if they wish to do so, those procedures for dealing with Complaints and tribunal hearings must comply with the requirements outlined in this Policy.

4. Definitions

4.1 The terms below have the following meanings in this Policy:

Abuse is defined as in clause 8.9.

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

Affiliated Organisation(s) means those organisations (other than Member Associations, Regional Associations and Affiliated Clubs) which are affiliated with Tennis Australia or a Member Association from time to time in accordance with the TA or MA constitution (as the case may be).

Australian Tennis Organisation (ATO) includes Tennis Australia, Member Associations, Affiliated Organisations, Regional Associations and Affiliated Clubs.

Bullying is as defined in clause 8.11.

Child/ren are any individuals under 18 years of age.

Child Abuse is as defined in clause 8.13.

Complaint is as defined in clause 9.1.

Complainant is the person or entity that makes a Complaint under this Policy.

Discrimination is as defined in clause 8.15.

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 as defined in clause 8.3.

Individuals at a Disadvantage refers to people who may experience systematic barriers or societal challenges that hinder their full and equitable participation in activities. These barriers may arise from various factors, including but not limited to race, ethnicity, sex, gender, sexual orientation, socioeconomic status, disability, age, religion, or cultural background.

Member Association(s) (MA or MAs) means members of Tennis Australia in accordance with its constitution.

Member Protection Information Officer (MPIO) means a person appointed in accordance with clause 3.2(a), to act as the first point of contact for any enquiries, concerns or complaints associated with harassment, abuse and other alleged breaches of this Policy.

National Police Check involves a search of the National Names Index for disclosable court outcomes across police records in all Australian states and territories. The search does not include spent convictions, unless a statutory obligation exists to disclose information based on the candidate's role.

Nominated Official is as defined in accordance with clause 10.1.

Officials includes referees, court supervisors, chair umpires, lines people and other related tournament officials involved in the regulation of the game of tennis appointed by an ATO and/or any person who holds a TA officials membership.

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.

Respondent is the person or entity against whom a Complaint is made.

Sexual Misconduct is as defined in clause 8.6.

TA National Policies means the policies, rules and codes of conduct as listed on Tennis Australia's website [here](#).

tennis means the sport of tennis and all alternative formats of the sport, including but not limited to, padel, pickleball, pop tennis and beach tennis.

Tennis Australia (TA) means Tennis Australia Limited (ABN 61 006 281 125) and all of its subsidiaries and affiliates, including, but not limited to, Padel Australia Limited.

Vilification is as defined in clause 8.20.

Victimisation is as defined in clause 8.21.

Working With Children Check is an ongoing assessment by the relevant government agency of a person's eligibility to work with children, examining relevant sexual offences and serious physical and serious drug offences in a person's national criminal history and, where appropriate, their professional history.

PART II – SCREENING

5. Screening of Appointees

- 5.1 TA recognises that robust screening processes are critical to reduce the risk of, and prevent, child abuse and other forms of improper conduct towards children and others.
- 5.2 For the purposes of this Policy, screening includes:
- (a) *Interviewing the person* – questioning the person as to their suitability for the role and their suitability for involvement with children;
 - (b) *Checking referees* – making verbal or written enquiries with the person’s nominated referees (at least two) as to the person’s suitability for the role and their suitability for involvement with children;
 - (c) *A Working with Children Check* – confirming the person’s suitability for the role and their suitability for involvement with children;
 - (d) *Member Protection Declarations* – providing a person with the opportunity to make disclosures; and
 - (e) *For TA and MAs only: A National Police Check* – confirming whether the person has any previous criminal convictions. Any person who has resided overseas for 12-months or more in the last ten years must obtain an international criminal history check.
- 5.3 Screening under this Policy is not a replacement for any other procedure required by law (see ATTACHMENT A - State and Territory Legislation Overview - Working With Children).
- 5.4 Screening is mandatory by ATOs for Preferred Appointees and Existing Appointees in the following types of roles:
- (a) persons who are elected or appointed to boards of directors, executives and/or committees (including subcommittees), advisory groups and office bearers such as presidents, vice-presidents, treasurers, secretaries and selectors of ATOs that have junior users, players and/or members;
 - (b) persons who are appointed or seeking appointment (whether employed, contracted or otherwise) to a role in which they will have unsupervised contact with children, whether it be as coaches, team managers, tournament directors, officials and umpires (paid or volunteers) or otherwise; and
 - (c) persons appointed or seeking appointment to a role in which they are likely to have unsupervised contact with children.
- 5.5 It is highly recommended, though not mandatory, that ATOs also undertake some or all elements of the screening process outlined in clause 5.2 for all Preferred Appointees and Existing Appointees. This is especially the case where the Preferred Appointee or Existing Appointee is or will perform a role that it is likely to involve contact with children but where such contact is supervised at all times by another adult.

- 5.6 If, as part of the screening process, it is revealed that a Preferred Appointee or an Existing Appointee has been found guilty of any criminal offence the following applies:
- (a) The relevant ATO should consider:
 - (i) the nature, circumstances and seriousness of the conviction or offence;
 - (ii) when the conviction or offence occurred and the length of time since the conviction or offence occurred;
 - (iii) the age of the person when the offence occurred;
 - (iv) whether there is a pattern of behaviour; and
 - (v) the attitude of the person to the previous offending.
 - (b) If the criminal offence involved violent conduct, abuse or an assault against a child, or a sexual offence then:
 - (i) *in the case of a Preferred Appointee*: the person must not be appointed.
 - (ii) *in the case of an Existing Appointee*: the appointment of the person should be terminated.

Note that before any action is taken pursuant to this clause 5.6(b), the relevant ATO should obtain independent legal advice to consider whether the proposed course of action is lawful. Also note that Section 6 provides further guidance on procedural steps to follow if a criminal offence is revealed through the Member Protection Declaration.

- (c) If the offence relates to a matter other than the offences identified in clause 5.6(b) then the relevant ATO should consider whether, based on the factors outlined in clause 5.6(a), the conviction or offence impacts on the person's ability to perform the inherent functions of their role and/or the appropriateness of the person having unsupervised contact with children. Depending on the outcome of that analysis the relevant ATO should either:
 - (i) *in the case of a Preferred Appointee*:
 - A. appoint the person or appoint the person pending further investigations;
 - B. appoint the person subject to certain conditions; or
 - C. not appoint the person.
 - (ii) *in the case of an Existing Appointee*:
 - A. allow the person to continue in their current role;
 - B. modify the person's duties, or impose conditions on how the person is to fulfil their duties, so that the person does not have any unsupervised contact with children; or
 - C. terminate the person's appointment.

Note that before any action is taken pursuant to this clause 5.6(c), the relevant ATO should obtain independent legal advice to consider whether the proposed course of action is lawful.

5.7 All Existing Appointees and Preferred Appointees for roles of the type set out in clause 5.4 must agree to undertake the screening processes outlined within Part II. The screening should be completed prior to the appointment of a Preferred Appointee and immediately for Existing Appointees. Evidence of the screening (in the form of original and other supporting documentation) must be provided to, and stored by, the ATO. In addition, National Police Checks and Working With Children Checks, must be repeated every three years (or for Working With Children Checks, any other period as mandated under State law).

5.8 If a Preferred Appointee or Existing Appointee is not willing to agree to the Screening, the ATO:

- (a) *in the case of a Preferred Appointee*: shall not appoint that person to the role concerned;
- (b) *in the case of an Existing Appointee*: shall take steps to transfer the person to another role which does not fall within the categories set out in clause 5.4. If no appropriate alternative role exists, the appointment of the person should be terminated.

Note that before any action is taken pursuant to this clause 5.8, the relevant ATO should obtain independent legal advice to consider whether the proposed course of action is lawful.

5.9 If any successful Preferred Appointee or Existing Appointee is charged with or convicted of any criminal offence subsequent to their initial National Police Check (or they are subject to some other formal disciplinary process by an employer or government organisation), they are required to provide immediate, written notification of this to the Member Protection Information Officer (or, in their absence, a nominee) of the ATO that appointed them. The relevant ATO should follow the procedures outlined in clause 5.6 to determine whether any action should be taken as a result of the subsequent disclosure by the Preferred Appointee or Existing Appointee (as the case may be).

6. Member Protection Declaration

6.1 A Member Protection Declaration (**MPD**) is part of tennis' risk mitigation strategies and a mechanism designed to minimise the chances of inappropriate behaviour occurring. An MPD requires persons to make disclosures concerning criminal convictions, criminal charges, criminal proceedings, disciplinary proceedings and involvement in other behaviours or activities that pose or could pose a risk to working with children (ATTACHMENT B - Member Protection Declaration).

6.2 If, through an MPD, the person discloses a matter that the relevant ATO considers may impact the person's ability to perform the inherent requirements of their role, and/or the appropriateness of them having unsupervised contact with children, then the relevant ATO should provide an opportunity for the person to respond/provide an explanation for the disclosure.

6.3 The relevant ATO should consider:

- (a) the nature, circumstances and seriousness of the disclosure;
- (b) when the matters outlined in the disclosure occurred and the length of time since the matters outlined in the disclosure;
- (c) the age of the person when the matters outlined in the disclosure occurred; and

(d) the attitude of the person to the matters outlined in the disclosure.

6.4 Based on the factors outlined in clause 6.3, the relevant ATO must determine whether the disclosure impacts on the person's ability to perform the inherent requirements of their role, and/or whether the disclosure is such that it would be inappropriate for the person to have unsupervised contact with children. Depending on the outcome of that analysis the relevant ATO should either:

(a) *in the case of a Preferred Appointee:*

- (i) appoint the person or appoint the person pending further investigations;
- (ii) appoint the person subject to certain conditions; or
- (iii) not appoint the person.

(b) *in the case of an Existing Appointee:*

- (i) let the person continue in their current role;
- (ii) modify the person's duties or impose conditions on how the person is to fulfil the duties of their role so that they do not have any unsupervised contact with children; or
- (iii) terminate the person's appointment.

Note that before any action is taken pursuant to this clause 6.4, the relevant ATO should obtain independent legal advice to consider whether the proposed course of action is lawful.

7. Screening and Privacy Law

- 7.1 All information obtained during screening, including the National Police Check, must be kept strictly confidential in accordance with the *Privacy Act 1988*, *Sex Discrimination Act 1984 (Cth)*, Australian Privacy Principles and the Tennis Privacy Policy (which can be found [here](#)).
- 7.2 Access to information collected during the course of screening should be limited to the advisers and the persons within an ATO who have been delegated the task of screening or making the appointment. All such information must be destroyed or de-identified after a period of seven years post the ceasing of an appointees' engagement with the ATO or one year post application that did not result in an appointment, unless that person agrees to that information or a part of it being retained by the ATO.

PART III – OFFENCES

8. Offences under this Policy

- 8.1 Harassment, Sexual Misconduct, Abuse, Child Abuse, Discrimination, Victimisation and Vilification are unlawful and prohibited and they also constitute a breach of this Policy. This Part III outlines in more detail the types of behaviours that are a breach of this Policy.
- 8.2 In addition to the offences prescribed in this part of this Policy, Personnel/ATOs are considered to have breached this Policy if they:
- (a) fail to cooperate in the investigation of a Complaint and/or any other part of any Complaint handling process;
 - (b) knowingly provide any inaccurate and/or misleading information during the course of any Complaint handling process;
 - (c) fail to promptly report any conduct which is reasonably likely to be a breach of this Policy;
 - (d) fail to comply with obligations under this Policy to keep information confidential; and/or
 - (e) deliberately aid, procure, enable or facilitate conduct that is considered an offence under this Policy.

Harassment

- 8.3 **Harassment** is any unwelcome or unsolicited behaviour, which is also intimidating, humiliating, offensive, belittling or threatening to a person, whether in-person or online. It can be expressed or implied, physical, verbal or non-verbal (i.e. visual). It can be a single incident or repeated behaviour.
- 8.4 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 in possession of the same information would think amounted to harassment. It does not matter whether or not the person harassing intended to offend or not.
- 8.5 For clarity, harassment can be, but is not limited to, any one or more of the following:
- (i) offensive and/or unwanted physical contact;
 - (ii) intimidating acts;
 - (iii) asking intrusive questions about someone's personal life;
 - (iv) comments that put down or stereotype people;
 - (v) electronic messages or other types of communication which are threatening, abusive or offensive;
 - (vi) derogatory, crude or demeaning jokes, taunts and/or comments;

- (vii) unwanted intrusions into someone's life that causes them to feel concerned about their own safety and/or fear physical or psychological harm (i.e. stalking someone either in-person or online);
- (viii) sending explicit, excessive, unwanted and/or inappropriate emails, text messages and/or other electronic communications; and
- (ix) name calling or physical threats.

Sexual Misconduct

8.6 **Sexual Misconduct** consists of:

- (a) any unwelcome sexual advances;
- (b) any unwelcome requests for sexual favours; and/or
- (c) unwelcome conduct of a sexual nature (including oral or written statements of a sexual nature).

8.7 Examples of **Sexual Misconduct** may include:

- (a) Unsolicited touching, kissing, embracing, massaging;
- (b) Sexually explicit physical contact;
- (c) Insults or taunts based on sex or gender identity or that have sexual connotations;
- (d) Suggestive jokes and comments that contain sexual innuendo;
- (e) Persistent or intrusive questions and comments about people's private lives or bodies;
- (f) Repeated invitations to go out on dates, especially after prior refusal;
- (g) Unwanted sexual propositions or requests for sexual activity;
- (h) The use of promises or threats to coerce someone into sexual activity;
- (i) The display of sexually explicit material e.g. internet use, computer screen savers, calendars, posters;
- (j) Unnecessary familiarity, such as deliberately brushing up against a person or getting undressed in front of others of the opposite sex;
- (k) Invading the privacy of persons while showering or toileting;
- (l) Photographing others while undressing, showering or toileting;
- (m) The use of sexually offensive written or electronic communication;
- (n) Sexual insults and name-calling; and/or

- (o) The showing and/or sharing of unsolicited, sexually explicit images or videos.

8.8 **Sexual Misconduct** may be a criminal offence, for example indecent assault, rape, sex with a minor, photography including “upskirting”, obscene telephone calls, texts or letters. If you suspect that a criminal offence may have been committed, you should immediately notify the police. For the avoidance of doubt, any criminal offence involving sexual activity or actions of indecency will be considered a breach of this Policy.

Abuse

8.9 **Abuse** means any type of behaviour that has caused, is causing or is likely to cause harm to a person’s wellbeing, whether in-person or online, including:

- (a) Physical abuse – abuse which occurs when any person subjects another person to non-accidental or reckless physical acts or contact, either directly or indirectly, without the other person’s consent. Physically abusive behaviour includes (but is not limited to) pushing, pulling, shoving, hitting, slapping, shaking, throwing, punching, biting, burning or kicking;
- (b) Sexual abuse – abuse which occurs when a person involves another person in any unwanted or non-consensual sexual activity. It includes both contact and non-contact behaviour, and when a person is encouraged or forced to watch or engage in a sexual activity, or any other inappropriate conduct of a sexual nature. Examples include sexual intercourse, masturbation, kissing or fondling, oral sex, making sexual comments, engaging a person in sexual conversations in-person or online, voyeurism (i.e. observing a person in an action that is considered to be of a private nature, such as undressing in a change room), nudity (i.e. an abuser exposing themselves or another person), touching a person’s genitals or breasts, encouraging a person to view pornography including child pornography or other inappropriate touching or conversations;
- (c) Emotional abuse and/or Psychological abuse – abuse which occurs when a person intentionally or recklessly engages in behaviour/s that threaten, manipulate, control, or demean another person’s emotions, thoughts, or self-worth. Often there is a pattern of emotional or psychological abuse, however a single incident could also occur. Such abuse may involve humiliating, terrorising, name-calling, belittlement, inappropriate symbolic acts, taunting, sarcasm, yelling, negative criticism, placing unrealistic expectations on a person or continual coldness from any person, to an extent that results in significant harm and/or trauma to the person’s physical, intellectual or emotional wellbeing and development;
- (d) Neglect – abuse involving the persistent failure or deliberate denial by a person in a position of responsibility to provide another person with the necessary care and support required for their wellbeing and safety. For example, failing to give adequate food, clean water, adequate supervision, medical attention, shelter, clothing or to protect a child from danger or foreseeable risk of harm or injury;
- (e) Abuse of Power – the misuse of power, influence, authority or control that a perpetrator holds over another person. For example, relationships that involve a power disparity such as a coach-player, adult-child, 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, particularly around children;
- (f) Grooming – when a perpetrator, typically in a position of trust or authority, builds an inappropriate relationship with a vulnerable person with the intention of gaining their trust, emotional connection and/or loyalty, for the purposes of sexual abuse. Grooming behaviour

is used by the perpetrator to create an environment conducive to abuse, by manipulating and/or preparing the victim for potential sexual abuse, or other forms of harm. Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing an inappropriate relationship with the child, parent or guardian (e.g. giving special attention, providing favours, encouraging secrets and giving gifts) for the purpose of facilitating sexual activity at a later time; and

- (g) Family and Domestic violence – refers to any form of abusive behaviour or violence occurring within familial or domestic relationships, including parent-child relationships, partner relationships, members of a family or those fulfilling the role of family in a person's life. It can include witnessing violence or the consequences of violence. Exposure to family and domestic violence places people, in particular, children at increased risk of physical injury and harm and has a significant impact on their wellbeing and development.

8.10 Some forms of abuse may also constitute a criminal offence. If you suspect that a criminal offence may have been committed you should immediately notify the police.

Bullying

8.11 **Bullying** means when a person or group of people repeatedly and intentionally use words or actions, or inappropriately use power, against someone or a group of people to cause distress and risk to their wellbeing, whether in person or online.

8.12 Bullying includes, but is not limited to, repeatedly:

- (a) making rude gestures, calling names, being rude, constantly negative and teasing;
- (b) spreading rumours or lies, or misrepresenting someone; and
- (c) taking advantage of any power over someone else.

Child Abuse

8.13 **Child Abuse** means any Abuse where the offending conduct is against a child, and includes, but is not limited to:

- (a) Physical abuse – abuse as described in clause 8.9(a) of this Policy when the victim is a child;
- (b) Sexual abuse – abuse as described in clause 8.9(b) of this Policy when the victim is a child;
- (c) Emotional and/or Psychological abuse – abuse as described in clause 8.9(c) of this Policy when the victim is a child;
- (d) Neglect – abuse as described in clause 8.9(d) of this Policy when the victim is a child;
- (e) Abuse of Power – abuse as described in clause 8.9(e) of this Policy when the victim is a child;
- (f) Grooming – as described in clause 8.9(f) of this Policy when the victim is a child; and
- (g) Family and Domestic violence – as described in clause 8.9(g) of this Policy when the victim is a child.

- 8.14 If you suspect or have been provided with information that indicates Child Abuse has, may have or is likely to occur, then it is a mandatory requirement to notify the police and/or the relevant state/territory government agency (See ATTACHMENT C - Information for Reporting Allegations of Child Abuse & ATTACHMENT D - State/Territory government agency contact details to report alleged Child Abuse).

Discrimination

- 8.15 **Discrimination** is defined as treating a person or a group less favourably based on a particular protected personal characteristic without lawful excuse. Discrimination may include, but is not limited to, exclusion, unfair treatment, harassment, or denial of opportunities, because of protected characteristic(s). Requesting, assisting, instructing, inducing or encouraging another person to engage in Discrimination is also considered Discrimination.
- 8.16 The protected characteristics are:
- (a) Sex (including pregnancy, marital or relationship status, family and carer responsibilities, breastfeeding, intersex status or gender identity);
 - (b) Race or ethnicity (including skin colour, nationality, or migrant status);
 - (c) Age;
 - (d) Disability;
 - (e) Sexual orientation;
 - (f) Religion; and
 - (g) Industrial, political or trade union activity,
- (collectively, **Protected Characteristics**).
- 8.17 Discrimination may be either direct or indirect. Direct discrimination occurs when a person treats or proposes to treat someone less favourably because of a Protected Characteristic.
- 8.18 Indirect discrimination occurs where a person imposes, or proposes to impose, an unreasonable requirement, rule, condition or practice that has, or is likely to have, the effect of disadvantaging people with a Protected Characteristic.
- 8.19 Note that under Federal and State legislation, certain forms of discrimination may be lawful. Examples include:
- (a) discrimination in relation to age where competitions have been formed to ensure fair play exists between opponents, for example, senior tennis players are not permitted to participate in junior tennis competitions; and
 - (b) discrimination in relation to sex, for example, ensuring female tennis players receive female chaperones;

ATOs are strongly advised to obtain their own independent legal advice in relation to any action which the ATO considers to be lawful discrimination.

Vilification

8.20 **Vilification** involves a person inciting hatred towards, serious contempt for, or severe ridicule of, a person or group of persons by a public act, conduct or behaviour, either in-person or online, including any form of communication to the public and any conduct observable by the public based on a Protected Characteristic. For the purpose of this definition, public refers to any act, conduct or behaviour that is observable or accessible by a broad audience or the general community, such as actions or communications that takes place in public spaces, events, or any form of media or platform where a number of people can witness or be exposed to the behaviour.

Victimisation

- 8.21 **Victimisation** occurs when one person subjects, or threatens to subject, either in-person or online, another person to some form of detriment or harm because that person has or intends to make a complaint or lawful disclosure under a TA National Policy, applicable legislation or by supporting another person taking such action (for example, that person has exercised their right to lodge a harassment complaint under this Policy, or supported someone else's complaint of a similar nature).
- 8.22 TA will take all necessary steps to ensure that people involved in a Complaint are not victimised for coming forward or providing assistance. Individuals have the option to report victimisation to TA's whistle-blower service confidentially (see [TAs Whistle-blower Policy](#)). Conduct which amounts to victimisation is a breach of this Policy and will not be tolerated. There are Federal laws which may protect a person from being victimised for making a Complaint.

PART IV – COMPLAINT HANDLING PROCEDURE

The complaint handling procedure set out in this Part IV applies to Complaints of alleged breaches of this Member Protection Policy as well as other TA National Policies, specifically the [Safeguarding Children Code of Conduct](#), the [Social Media Policy](#) and the [Improper Use of Drugs and Medicine Policy](#).

9. Complaints

- 9.1 If any person considers that a relevant TA National Policy has been breached, they may make a complaint (**Complaint**). All parties must keep a Complaint confidential unless disclosure is required under this Policy or authorised by law.
- 9.2 TA aims to resolve all Complaints in a fair, timely and effective manner. However, due to the complexity of some Complaints, the process and timelines involved in resolving them may vary from time to time. A summary of the Complaint handling process is depicted in the diagram set out in ATTACHMENT E – Complaint handling flowchart. All persons considering making a Complaint are encouraged to review ATTACHMENT E – Complaint handling flowchart to gain an overarching understanding of the Complaint handling process set out in this Policy.
- 9.3 A Complaint should be made to:
- (a) an MPIO of an ATO;
 - (b) the President, or in their absence the nominee, of the relevant Affiliated Organisation, Regional Association or Affiliated Club (as the case may be);
 - (c) the TA Integrity and Compliance Unit (**TAICU**); or
 - (d) TA’s Whistle-Blower Service - Stopline. Stopline can be contacted via their [website](#) or via their hotline 1800 11 SAFE,
- (in each case, a **Complaint Recipient**).
- 9.4 Following receipt of the Complaint, the Complaint Recipient must register the Complaint with the TAICU through TA’s online Complaint Management System (**CMS**) or by sending the Complaint to integrity@tennis.com.au.
- 9.5 A Complaint must be reported within 14 days of the alleged breach. However, the TAICU may extend or waive this requirement where it is of the reasonable belief that the circumstances warrant such action. Accordingly, all Complaint Recipients must lodge any Complaint received in the CMS regardless of when the alleged conduct of the Complaint occurred.
- 9.6 Notwithstanding the procedures outlined in this Policy, for a Complaint which involves any behaviour that may constitute a criminal offence, the matter should be reported to the relevant state/territory law enforcement agency/agencies.
- 9.7 The Complaint handling process outlined in this Policy may be suspended whilst a criminal investigation is undertaken. If a matter is referred to external law enforcement (i.e. police), the TAICU has the power to apply for a provisional suspension under clauses 10.8-10.22 of this Policy.

Assessing a Complaint

- 9.8 The Complaint must be assessed by a member of the TAICU (**Assessor**) to determine if it is in-scope. The Assessor must be independent and have no actual or perceived conflict of interest in relation to the Complaint that might reasonably call into question the impartiality of the Complaint handling process.
- 9.9 The Complaint is considered in-scope if:
- (a) TA has jurisdiction to manage the Complaint (i.e. if the Respondent is bound by the relevant TA National Policy. For example: (i) if a Complaint is made in relation to this Member Protection Policy, TA will have jurisdiction if the Respondent is bound by the Application provision set out in Section 2; or (ii) if a Complaint is made in relation to the Safeguarding Children Code of Conduct, TA will have jurisdiction if the Respondent is bound by the Application provision of that Policy as set out in Section 3); and
 - (b) The Assessor believes the Complaint gives rise to allegations of conduct that would constitute a breach of the relevant TA National Policy.
- 9.10 The Complaint is considered out-of-scope if:
- (a) TA does not have jurisdiction to manage the Complaint (i.e. if the Respondent is not bound by the relevant TA National Policy. For example: (i) if a Complaint is made in relation to this Member Protection Policy, TA will not have jurisdiction if the Respondent is not bound by the Application provision set out in Section 2; or (ii) if a Complaint is made in relation to the Safeguarding Children Code of Conduct, TA will not have jurisdiction if the Respondent is not bound by the Application provision of that Policy as set out in Section 3);
 - (b) the Assessor believes the Complaint does not give rise to an alleged breach of the relevant TA National Policy;
 - (c) the Assessor believes the Complaint is predominantly an employment matter or gives rise to a personal grievance between two or more parties;
 - (d) the Assessor believes the Complaint is vexatious, baseless or trivial in nature (i.e. the Assessor considers the complaint is being made for an improper purpose, without merit, or that it is not of significant importance); or
 - (e) the Assessor believes the Complaint is best resolved outside of this Policy or any TA National Policy.
- 9.11 The Complaint may satisfy the conditions of clause 9.9 and clause 9.10(e). In these circumstances, the Complaint will be assessed at the Assessor's discretion under the clause it believes is most appropriate for the Complaint.
- 9.12 If the Assessor is unable to assess if the Complaint is in-scope from the information provided in the Complaint then the Assessor may also, at their absolute discretion, undertake further fact-finding with the Complainant, the Respondent, a witness and/or any other parties the Assessor deems appropriate.
- 9.13 For Complaints assessed as falling within sub-clauses 9.10(a)-(d) above, the Complaint will be permanently discontinued, and the Complainant advised of the outcome.

- 9.14 For Complaints assessed as falling under sub-clause 9.10(e), the Complaint will be dealt with via other means, at the discretion and as directed by the Assessor, and the Complainant advised of the assessment.
- 9.15 There is no right of appeal from a determination by the Assessor that the Complaint is out of scope of the relevant TA National Policy.
- 9.16 In the event that the conduct which is the subject of the Complaint consists of a number of alleged breaches of the relevant TA National Policy, and some of the alleged breaches (in the Assessor's opinion) involve different classifications, the Assessor may elect to either:
- (a) deal with each alleged breach separately; or
 - (b) consolidate the alleged breaches into one matter and assess and categorise the Complaint as whole.

Unreasonable Demands

- 9.17 Where a Complainant makes unreasonable demands or exhibits unreasonable behaviours including but not limited to:
- (a) raising the same issues, which have previously been reported without presenting new evidence;
 - (b) unreasonable persistence regarding outcomes;
 - (c) unreasonable demands relating to resolutions; and/or
 - (d) being rude, aggressive, or abusive towards the Assessor, the Nominated Official and/or any other TA staff member administering the Complaint or the relevant TA National Policy,

then TA may minimise or control its dealings with the Complainant. The Complainant will be provided with clear advice as to how the dealings will be minimised and/or controlled and the reasons why.

10. Management of Complaint

- 10.1 If a Complaint has been determined to be in-scope, the Assessor must decide whether to continue managing the Complaint or refer the management of the Complaint to a specified Personnel of another appropriate ATO (**Nominated Official**).
- 10.2 In determining whether to refer the Complaint to the ATO, the Assessor will consider:
- (a) whether the relevant ATO has the resources and established processes to deal with the Complaint in accordance with this Policy;
 - (b) whether the relevant ATO is independent and has no actual or perceived conflict of interest in relation to the Complaint that might reasonably call into question the impartiality of the Complaint handling process; and
 - (c) the general appropriateness of the relevant ATO managing the Complaint.

- 10.3 For the avoidance of doubt, if the Assessor decides to continue managing the Complaint and does not refer the matter to an ATO, the Assessor will be considered the Nominated Official for the purposes of this Policy.
- 10.4 The Nominated Official must ensure the Complaint is dealt with in accordance with the procedures set out in Part IV of this Policy.
- 10.5 At any time, the Assessor may take over the management of a Complaint if it is determined by the Assessor that the Complaint is not being appropriately managed by the Nominated Official.
- 10.6 The Nominated Official must communicate with the Complainant and Respondent at appropriate intervals throughout the Complaint handling process to ensure both parties remain informed.
- 10.7 Once it has been determined who will manage the Complaint, the Nominated Official may undertake the following steps:
- (a) Provisional Action;
 - (b) Investigation of Complaint; and/or
 - (c) Complaint Resolution.

Provisional Action

- 10.8 For in-scope Complaints, if the Nominated Official considers that the Respondent presents a risk to the safety and welfare of the Complainant or others, or may cause harm to the reputation of TA, an MA, an ATO or the sport of tennis generally, the Nominated Official may refer the Complaint to the Director of the TAICU who may decide to provisionally suspend the Respondent.
- 10.9 If the Nominated Official decides to refer the Complaint to the Director of the TAICU for provisional action, then the Nominated Official must provide written notification to the Respondent of the following:
- (a) the alleged conduct which is the subject of the Complaint;
 - (b) that the Nominated Official has sought a provisional suspension from the Director of the TAICU; and
 - (c) the Respondent may make written submissions to the Director of TAICU within a period of time (at least 48 hours) specified by the Nominated Official,

(Notice of Application for Provisional Suspension).

- 10.10 The Respondent is entitled to make written submissions to the Director of TAICU within the timeframe set out in the Notice of Application for Provisional Suspension before a decision is made under clause 10.8 with respect to any provisional suspension being sought. If the Respondent does not provide written submissions within the timeframe set out in the Notice of Application for Provisional Suspension, the Director of TAICU may make a decision on the provisional suspension without any submissions from the Respondent.
- 10.11 In determining whether the criteria in clause 10.8 have been met, the Director of the TAICU may consider any one or more of the following factors:

- (a) the nature and seriousness of the allegation(s);
- (b) the effect or impact that the Respondent has had or may have on the Complainant or any other persons;
- (c) the relationship/role of the Respondent to the Complainant;
- (d) the effect or impact that the provisional suspension may have on the Respondent;
- (e) whether the provisional suspension would provide a protective role for the Complainant;
- (f) whether there is a likelihood or risk of the alleged behaviour being repeated or ongoing; and/or
- (g) any other factor that the Director of the TAICU deems appropriate to consider in the circumstances.

10.12 A provisional suspension may cover any one or more of the following for a specified period of time:

- (a) suspension from any role or duty the Respondent holds within an ATO;
- (b) a ban from any event/s or activity/activities held by or sanctioned by any ATO;
- (c) a ban from attending any venue, facility or premises of an ATO;
- (d) the imposition of a requirement on the Respondent not to contact or in any way associate with the Complainant or other person to whom the Complaint relates until the determination of the Complaint; and/or
- (e) restriction of any rights, privileges or any other benefits to their position.

10.13 If the Director of the TAICU imposes a provisional suspension, then the Nominated Official must provide written notification to the Respondent of the decision within seven days. The notification must include:

- (a) the date of commencement of the provisional suspension and the period of time of the provisional suspension;
- (b) the specific constraints of the provisional suspension in accordance with clause 10.12 of this Policy;
- (c) The factors outlined in clause 10.11 that the Director of the TAICU relied upon in making their decision to impose a provisional suspension; and
- (d) option to appeal,

(Notice of Provisional Suspension).

10.14 Following any decision, the Nominated Official must notify the following persons/organisations of any outcome of the Application for Provisional Suspension:

- (a) the Complainant;

- (b) the Respondent;
 - (c) the relevant ATO (as the case may be); and
 - (d) at the discretion of the Nominated Official, any other individual and/or organisation affected by the decision or that could reasonably impact on the compliance of the imposed sanction(s).
- 10.15 With respect to a provisional suspension, the Respondent may appeal a decision of the Director of the TAICU on the following grounds:
- (a) that the Director of the TAICU relied on a clear error in their decision making process;
 - (b) that the Nominated Official and/or Director of the TAICU failed to comply with the procedures outlined in clauses 10.8 - 10.14;
 - (c) the provisional suspension imposed by the Director of the TAICU under clause 10.11 of this Policy is manifestly disproportionate to the alleged breaching conduct; or
 - (d) no reasonable decision maker in the position of the Director of the TAICU, based on the material before them, could reasonably make such a decision.
- 10.16 The Respondent must provide written notice to the TAICU of their Intention to Appeal with 72 hours of notification. The provisional suspension imposed will remain in effect while an appeal is taking place.
- 10.17 TAICU will refer the appeal to be heard by a TA Tribunal Chairperson.
- 10.18 The Respondent may provide written submissions to be considered by the Tribunal Chairperson within seven days. If the Respondent does not provide written submissions within the timeframe, the Tribunal Chairperson may make a decision on appeal of the provisional suspension without any submissions from the Respondent.
- 10.19 The Tribunal Chairperson shall hear and determine the Appeal in whatever manner they consider appropriate (including by way of “on the papers” or otherwise).
- 10.20 Following the hearing of the appeal, the Tribunal Chairperson may do any one or more of the following:
- (a) dismiss the appeal;
 - (b) uphold the appeal; or
 - (c) withdraw or amend by reducing, increasing or otherwise varying the terms of the provisional suspension imposed by the Director of the TAICU.
- 10.21 The decision of the Tribunal Chairperson with respect to the provisional suspension is final and binding on the Respondent. There is no right to appeal the decision of the Tribunal Chairperson.
- 10.22 Following the hearing of the appeal, the TAICU must provide written notification to the Respondent of the decision within seven days.

Investigation of Complaint

- 10.23 Following a Complaint being assessed as in-scope, and any Provisional Action (if applicable), the Nominated Official must then conduct an investigation into the Complaint. In conducting investigations, the rules of procedural fairness will apply, and both the Complainant and the Respondent will be provided a reasonable opportunity to be heard.
- 10.24 As part of the investigation and at an appropriate time as determined by the Nominated Official, they must notify the Respondent in writing of the following:
- (a) The alleged conduct which is the subject of the Complaint;
 - (b) The in-scope assessment of the Complaint;
 - (c) That the Complaint will be investigated and managed in accordance with this Policy, including possible sanctions; and
 - (d) The Respondent will be provided with an opportunity to respond to the allegations within such period determined by the Nominated Official,

(Notice of Complaint Investigation).

- 10.25 If the Respondent is a child, an Individual at a Disadvantage, a vulnerable person, or under the care of a recognised carer, the Notice of Complaint should also or instead be given to that child's parent, guardian or carer.
- 10.26 The investigation process conducted by the Nominated Official may or may not include any one or more of the following steps:
- (a) Collecting witness statements from any other parties that the Nominated Official deems necessary;
 - (b) Conducting interviews; and
 - (c) Collecting any other information, which may include video footage, photos, recordings etc. that the Nominated Official deems necessary.
- 10.27 As part of the investigation, the Nominated Official must provide both the Complainant and Respondent the opportunity to provide their own version of events and any supporting material.
- 10.28 If the Complainant and/or Respondent is a child, an Individual at a Disadvantage, a vulnerable person, or under the care of a recognised carer, they should be appropriately supported by that child's parent, guardian or carer, and/or a support person of their choosing. The support person of the Complainant and/or Respondent cannot also be a witness to the matter.

Truthful information and general cooperation

- 10.29 All Personnel must assist and cooperate with the Nominated Official in relation to any investigation into a Complaint, including:
- (a) attending an interview, or interviews, with the Nominated Official as requested;

- (b) fully and truthfully answering any questions asked by the Nominated Official during an investigation;
- (c) giving information; and
- (d) producing documents or things in their possession that is reasonably requested by the Nominated Official.

10.30 Notwithstanding clause 10.29, Personnel interviewed as a suspect in a criminal investigation, charged or arrested by a law enforcement agency in respect of a criminal offence shall not be required to give any information, give any evidence or make any statement to the Nominated Official if the Personnel can establish that to do so would breach any privilege against self-incrimination, or legal professional privilege. This clause does not limit any other rules or obligations on Personnel in this Policy or other TA National Policies.

Standard of Proof

10.31 The standard of proof that applies to all substantive decisions (including by a Nominated Official, Tribunal Chairperson and/or TA Tribunal panel) made under this Policy and relevant TA National in respect of allegations is "balance of probabilities". Balance of probabilities requires that something must be more likely to have happened than not to have happened.

10.32 Where a Respondent has been convicted or found guilty in a criminal, civil, disciplinary or professional proceeding of engaging in conduct which would be an equivalent breach of this Policy or an alternative TA National Policy, the Respondent is deemed under this Policy to have committed an offence(s) without requiring further Investigation.

11. Complaint Resolution Process

11.1 Where a Complaint is subject to an investigation, the Nominated Official will determine if the Complaint is unable to be substantiated to the requisite Standard of Proof.

11.2 Following the investigation, if the Nominated Official determines the Complaint is unable to be substantiated the Complaint will be re-assessed as out-of-scope of the relevant TA National Policy and the Nominated Official will follow clause 9.10 - 9.16 of this Policy.

11.3 If clauses 11.1 and 11.2 of this Policy do not apply to the Complaint then the Nominated Official must categorise the Complaint into one of the following categories:

- (a) Category A is a complaint which the Assessor considers the Offence(s) to be serious based on its assessment of one or more of the list of factors set out in clause 11.4; or
- (b) Category B is any complaint which the Assessor has not classified as Category A.

11.4 In categorising the Complaint, the Assessor will be guided by one or more of the following non-exhaustive list of factors:

- (a) the nature of the alleged breach of Policy;
- (b) the impact, damage or harm caused by the alleged breach of Policy on the victim or Complainant, TA, an ATO and/or the sport of tennis generally;
- (c) the alleged intent of the Respondent;

- (d) the need for a penalty to be imposed if it were found that the alleged conduct occurred;
 - (e) the appropriate level of penalty proportionate to this type of alleged conduct;
 - (f) the need for general and specific deterrence from this type of alleged conduct;
 - (g) the potential for the Complaint to escalate;
 - (h) the public interest in the Complaint and/or the alleged conduct;
 - (i) the desired outcome of the Complainant;
 - (j) any history between the Complainant and the Respondent and/or any other parties relevant to the Complaint;
 - (k) the complexity of the circumstances surrounding the Complaint; and
 - (l) parity and consistency of approach to dealing with Complaints generally.
- 11.5 The Nominated Official has the discretionary power to downgrade or upgrade the categorisation of the Complaint during the management of the Complaint (i.e. in instances where new information is discovered that would impact the original categorisation).
- 11.6 Where a Complaint is categorised as Category A, the Nominated Official must follow the complaint handling process outlined in Section 12. Where a Complaint is categorised as Category B, the Nominated Official must follow the complaint handling process outlined in Section 13.

12. Complaint – Category A

- 12.1 Following categorisation of a Complaint as Category A, the Nominated Official must notify the Respondent in writing, within seven days of the following:
- (a) the alleged conduct and alleged breach(es) of Policy;
 - (b) the categorisation of the alleged breach(es) as Category A;
 - (c) the Respondent has a right to a hearing in relation to the alleged breach(es);
 - (d) if deemed appropriate by the Nominated Official, a proposed sanction for the alleged breach(es) pursuant to clause 12.2 that the Respondent may accept, thereby waiving their right to a hearing; and
 - (e) if subclause 12.1(d) applies, that if the Respondent does not respond within 21 days of receipt of the Notice of Category A Breach, they will be deemed to have accepted the findings, waived their right to a hearing and accepted the proposed sanction,
- (Notice of Category A Breach).**
- 12.2 If the Nominated Official wishes to outline a proposed sanction to the Respondent in accordance with clause 12.1(d), the Nominated Official will be guided by any one or more of the following non-exhaustive list of factors in determining that proposed sanction:

- (a) the seriousness of the behaviour;
- (b) the impact, damage or harm caused by the conduct on other persons, ATOs, or the sport of tennis in general;
- (c) whether it was a one-off incident or part of an overall pattern of behaviour;
- (d) the intent of the Respondent in committing the conduct in question;
- (e) the Respondent's attitude towards the Complaint and the allegations;
- (f) the need for general and specific deterrence;
- (g) the views and opinion of the Complainant;
- (h) fairness and consistency in dealing with matters generally; and
- (i) any relevant aggravating or mitigating factors (i.e. any relevant prior history of the Respondent).

12.3 In response to a Notice of Category A Breach(es), a Respondent may:

- (a) accept the alleged breach(es), waive their right to a hearing and accept the proposed sanction; or
- (b) dispute the alleged breach and/or the proposed sanction, in which case the alleged breach(es) will be referred to a Tribunal.

12.4 The Respondent has a maximum of 21 days to notify the Nominated Official of their decision. If they do not respond this will be deemed as the Respondent accepting the alleged breach(es), waiving their right to a hearing, and accepting the proposed sanction.

12.5 If the Respondent accepts the alleged breach(es) and/or is deemed to have accepted the alleged breach(es), the Nominated Official must then notify the following persons/organisations of the outcome of the "Category A" Complaint:

- (e) the Complainant;
- (f) the Respondent;
- (g) the relevant ATO (as the case may be); and
- (h) at the discretion of the Nominated Official, any other individual and/or organisation affected by the decision or that could reasonably impact on the compliance of the imposed sanction(s).

Referral to a Tribunal

12.6 If no proposed sanction is provided by the Nominated Official, or if the Respondent disputes the alleged breach(es) and/or the proposed sanction pursuant to clause 12.3(b), the Complaint will be referred to a Tribunal pursuant to Part V of this Policy.

- 12.7 The Complainant and Respondent and any other witnesses must be advised as soon as possible as to the date, time and location of the Tribunal hearing, and the likely composition of the Tribunal.

13. Complaint – Category B

- 13.1 Following categorisation of a Complaint as Category B, the Nominated Official must advise the parties of the categorisation and:
- (a) Refer the matter to mediation and follow the process outlined in clauses 13.2 - 13.9; or
 - (b) Make a decision in relation to sanction and follow the process outlined in clauses 13.10 – 13.16.

Mediation

- 13.2 Mediation is an alternative dispute resolution procedure that gives the parties more control over the outcome of the Complaint. Mediation requires the parties to agree to the outcome of the Complaint as no third party can impose a solution or decision on the parties.
- 13.3 If the Nominated Official makes a decision to refer the Complaint to mediation, as per clause 13.1(a), they must notify the Respondent in writing, within 14 days, of the following:
- (a) the alleged conduct and alleged breach(es) of Policy;
 - (b) the categorisation of the alleged breach(es) as Category B; and
 - (c) a recommendation that the Complaint is referred to mediation and if the Respondent refuses to participate in mediation then the Nominated Official will otherwise determine a sanction for the substantiated breach(es),
- (Notice of Referral to Mediation).**
- 13.4 If at mediation the Complainant and Respondent do not agree on the result or outcome of the Complaint, the Complaint will remain unresolved and will continue to be dealt with in accordance with the remaining sections of this Policy.
- 13.5 By virtue of its nature, all parties to the Complaint must agree to participate in a mediation. The Nominated Official should seek approval from the Complainant to attend a mediation prior to canvassing the idea of a mediation with the Respondent. In the usual course, once the Complainant has agreed to mediation, the Nominated Official will contact the Respondent to seek their consent to participate in a mediation. If both parties agree to the mediation, the Nominated Official should assist the parties to coordinate the logistics of the mediation.
- 13.6 The mediation should be conducted by an independent third party. Mediation will generally be undertaken by an organisation outside of TA. A list of approved mediation providers is attached at ATTACHMENT F - State/Territory Mediation service providers. The Nominated Official will provide recommendations for a suitable mediator or the relevant state/territory mediation service.
- 13.7 Mediation should occur within two months of the parties agreeing to mediate. Once mediation is completed, the parties must notify the Nominated Official in writing of whether the Complaint was resolved. The parties are encouraged, but not required, to disclose the details of the resolution of the Complaint to the Nominated Official.

13.8 If the Complainant and Respondent resolve the Complaint at the mediation, the Complaint will be considered finalised and closed and no further action will be taken in relation to the Complaint.

13.9 However, if:

- (a) the Complaint is not resolved at mediation;
- (b) one of the parties refuses to attend the mediation;
- (c) the mediation has not occurred within the timeframe set out in clause 13.7; or
- (d) the Nominated Official does not believe that mediation is appropriate,

the Nominated Official will make a decision in relation to the Complaint.

Decision by the Nominated Official

13.10 In making a decision in relation to the Complaint, the Nominated Official will consider if the Respondent has breached the relevant TA National Policy (**Category B Breach**) to the requisite Standard of proof (as described in clause 10.31). If the Nominated Official decides there has been a breach of the relevant TA National Policy, the Nominated Official must then also determine the sanction to be imposed on the Respondent.

13.11 With consideration of the factors outlined in clause 12.2, the Nominated Official may impose any one or more of the following sanctions on the Respondent for a Category B Breach:

- (a) A formal warning;
- (b) A censure;
- (c) A written apology from the Respondent to the Complainant or any other specified persons or entities as deemed appropriate by the Nominated Official. The Nominated Official may also impose a suspended sanction(s) on the Respondent which would remain suspended conditional on the Respondent apologising as directed pursuant to this subclause;
- (d) Suspension of the Respondent from ATO activity for a maximum period of three months. For the avoidance of doubt the suspension may prohibit the Respondent from taking part in any one or more of the following ATO activities: future tennis tournaments, competitions, tours, teams, functions, training or practice sessions, and/or other events conducted or managed under the auspices of an ATO;
- (e) Direct that the Respondent attends counselling, or training, or education programs to address their conduct;
- (f) A suspended sanction with any conditions attached to the suspended sanction that the Nominated Official deems necessary; and/or
- (g) Any other such penalty that the Nominated Official considers appropriate.

13.12 Following a decision on sanction, the Nominated Official must notify the Respondent in writing within 14 days, of the following:

- (a) the alleged conduct;

- (b) the categorisation of the Complaint as Category B; and
- (c) a determined sanction for the breach(es);

(Notice of Category B Breach).

13.13 The Nominated Official must notify the following persons/organisations of any outcome decision they make with respect to a “Category B” Complaint:

- (a) the Complainant;
- (b) the Respondent;
- (c) the relevant ATO (as the case may be); and
- (d) at the discretion of the Nominated Official, any other individual and/or organisation affected by the decision or that could reasonably impact on the compliance of the imposed sanction(s).

13.14 In circumstances where the Respondent fails to follow the sanctions imposed by the Nominated Official, the Nominated Official may increase or vary the sanction(s), but only in accordance with clause 13.11 (i.e. the Nominated Official may impose an additional suspension on the Respondent for a further period of up to three months).

Appealing a Decision by the Nominated Official

13.15 A Respondent may appeal against a sanction imposed under clause 13.10 of this Policy only on the following grounds:

- (a) that the Nominated Official relied on a clear error in their decision making process;
- (b) that the Nominated Official failed to comply with the procedures outlined in Part IV of this Policy;
- (c) the sanction imposed by the Nominated Official is manifestly disproportionate to the breaching conduct; or
- (d) no reasonable decision maker in the position of the Nominated Official, based on the material before them, could reasonably make such a decision.

13.16 The Respondent must, within 72 hours of the Nominated Official delivering his or her decision, give written notification of the Respondent’s intention to Appeal (**Notice of Intention to Appeal**) to the TAICU and the ATO of the Nominated Official.

13.17 As soon as practicable following receipt of the Notice of Intention to Appeal, the TAICU must determine the appropriate body to convene the Appeal. The following principles apply:

- (a) *In the case of the Nominated Official being a member of the TAICU:* the Appeal will be heard by one member of the TA Tribunal Panel (see Section 14 for further detail on the TA Tribunal Panel) or the Appeals Division of the National Sports Tribunal (which is the Australian tribunal established by the National Sports Tribunal Act 2019 (Cth)) in accordance with the National Sports Tribunal’s rules and procedures; or

(b) *In the case of the Nominated Official being someone other than a member of the TAICU:* the Appeal will be heard by one tribunal member who will be appointed by, at the discretion of the TAICU, any higher ranking ATO to that of the Nominated Official's ATO,

(in either case, **Appellant Tribunal Member**).

- 13.18 The Appellant Tribunal Member must be independent and unbiased, have one of the skills or qualifications referred to in clause 14.2(a) and not be a person of the type referred to in clause 14.4.
- 13.19 Within five days of lodging the Notice of Intention to Appeal, (or if there is urgency such shorter time as determined by the Appellant Tribunal Member) the Respondent must submit in writing the grounds of the Respondent's appeal, copies of which will be provided by the Nominated Official to the Appellant Tribunal Member and any other parties to the Complaint, and pay an appeal fee of \$1,500 (including GST) to TA.
- 13.20 If the timelines in clause 13.19 are not met, the appeal shall be deemed to be withdrawn and the decision of the Nominated Official will be deemed to be upheld.
- 13.21 The Appellant Tribunal Member shall hear and determine the Appeal in whatever manner it considers appropriate (including by way of "on the papers" or otherwise) provided that the appeal accords with the principles of natural justice. The Appellant Tribunal Member also has the power to direct the parties to attend a mediation to try and resolve the matter before hearing and/or determining the Appeal pursuant to this clause of the Policy.
- 13.22 The Appellant Tribunal Member can also request up to two additional tribunal members be appointed to hear the appeal. The ATO convening the appeal will ensure such additional tribunal members are so appointed and satisfy the criteria set out in clause 14.2 and 14.4.
- 13.23 Following the hearing of the appeal, the Appellant Tribunal Member may maintain, withdraw, amend, decrease or increase any or all of the sanction(s) imposed by the Nominated Official. However, any increase in sanction must be in accordance with clause 13.11 of this Policy.
- 13.24 The decision of the Appellant Tribunal Member is final and binding on the parties. There is no right to appeal the decision of the Appellant Tribunal Member.
- 13.25 Except as otherwise provided in this Policy, the Appellant Tribunal Member and any others present at any appeal hearing shall keep all matters relating to the hearing, other than the decision and sanction (if any), confidential. Accordingly, matters such as the nature of the Complaint and the information obtained during the hearing, must not be disclosed to any person who is not a party to the Complaint.

PART V – TRIBUNAL HEARINGS AND PROCEDURES

14. Tribunals

- 14.1 Upon referral of a Category A Complaint to a tribunal, the Nominated Official shall as soon as practicable:
- (a) Determine the composition of the tribunal, as per the requirements set out in clauses 14.2 – 14.4 of this Policy (**Tribunal**);
 - (b) Send to the Respondent(s) a notice setting out:
 - (i) the provisions of this Policy which the Respondent is alleged to have breached;
 - (ii) the date, time and place for the hearing of the alleged breach(es) which shall be as soon as reasonably practicable whilst complying with all procedural requirements under this Policy;
 - (iii) a copy of the Complaint and any relevant evidence; and
 - (iv) a Notice of Intent, requiring the Respondent to advise the Nominated Official of their intention to attend the hearing and be represented,

(**Notice of Hearing**).
 - (c) Send to the Complainant(s) and the Chairperson of the Tribunal a copy of the Notice of Hearing; and
 - (d) Send a Notice to Attend to any witnesses required to attend the hearing for the purpose of giving evidence.
- 14.2 The Tribunal for a hearing shall be appointed by the Nominated Official and shall be comprised of the following persons:
- (a) a qualified legal practitioner 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 tribunal (who shall be the Chairperson); and
 - (b) two other persons, each of which must meet at least one of the following criteria:
 - (i) a thorough knowledge of tennis or sport;
 - (ii) experience and skills suitable to the function of a sports tribunal; and/or
 - (iii) subject matter experts with respect to the nature or context of the allegations.
- 14.3 In the case of a Tribunal convened by TA, the Tribunal must be comprised of persons on the TA Tribunal Panel. For the avoidance of doubt, a tribunal member that hears an appeal of a decision to impose a provisional suspension in accordance with this Policy, can also be a part of the tribunal panel for the substantive hearing of the same matter.

14.4 The following persons cannot be Tribunal members:

- (a) a person who is or was within the last 12 months an employee or director of the ATO which is convening the Tribunal; and
- (b) a person who would, by reason of their relationship with the Complainant, Respondent, or otherwise, be reasonably considered to be biased (this may include but is not limited to a person who has provided within the last 12 months, or is currently providing, services for a fee to the ATO that is convening the Tribunal).

Tribunal procedure

14.5 The person appointed as Chairperson of the Tribunal shall have the following responsibilities:

- (a) to chair hearings of the tribunal;
- (b) to ensure accurate records are kept of all the Tribunal's proceedings and decisions, including at a minimum:
 - (i) particulars of the hearing(s), including date, time and location;
 - (ii) the names of each Tribunal member, Respondent, Complainant, witnesses called, and any other parties permitted to attend the tribunal;
 - (iii) the decision of the tribunal, including any sanction imposed, whether given to the parties orally, in writing or a combination of both, and the date(s) of communication;
- (c) to ensure that the hearing is conducted in accordance with the principles of procedural fairness and this Policy; and
- (d) to communicate to all parties to the tribunal hearing the results of such tribunal and a copy of the record of result to the parties (i.e. an audio or video recording and/or a transcript of the hearing to be made available to all parties for 30 days after the conclusion of the hearing).

14.6 The Tribunal shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances, including:

- (a) convene the hearing by way of teleconference, video conference or otherwise;
- (b) invite written and/or oral submissions from the parties;
- (c) consider any evidence, and in any form that it deems relevant;
- (d) question any person giving evidence;
- (e) limit the number of witnesses to individuals who provide new evidence; and
- (f) act in an inquisitorial manner in order to establish the truth of the case before it,

provided that it does so in accordance with the principles of natural justice.

14.7 The purpose of the hearing shall be to determine whether the Respondent is in breach of the relevant TA National Policy, and if so, an appropriate sanction.

- 14.8 The tribunal may not discuss and consider any prior breaches of TA National Policies at the hearing except as set out in Section 15 of this Policy.
- 14.9 The Respondent and any witnesses sent a Notice to Attend will be required to attend the hearing before the Tribunal at the time and place notified to them (however it is conducted). If after 30 minutes of the notified time for commencement of the hearing, the Respondent or any witness is not present, the 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 Respondent and witnesses.
- 14.10 The parties to the hearing shall include the Complainant, the Respondent, and the relevant ATO represented by an appointed advocate, whose role shall be to assist the Tribunal by presenting evidence, including material facts, and to make any submissions on behalf of the ATO in relation to the alleged breach(es), including the appropriateness of sanction (if applicable).
- 14.11 The Respondent and/or Complainant is entitled to have a support person attend a tribunal hearing.
- 14.12 A party to the hearing may be represented at the hearing by a third party as long as that third party is not a legal practitioner. A party can only be legally represented at a hearing if the Tribunal considers and determines that it is necessary in the interests of justice.
- 14.13 Each party to the hearing shall bear their own costs in relation to the hearing.
- 14.14 The tribunal may, at its discretion, modify or adapt its procedures to recognise and respond to the vulnerabilities of a party involved, particularly if a party to the hearing is a child or young person, an Individual at a Disadvantage or a vulnerable person. Options the tribunal may elect to impose on the parties include, but are not limited to:
- (a) that additional instructions or breaks be provided to the parties during the hearing;
 - (b) that the Complainant is not required to participate in the hearing;
 - (c) that the Complainant is not required to attend the hearing whilst the Respondent is present;
 - (d) that the Complainant (or any other witness) is able to provide a statement of their version of events in writing prior to the hearing and be available to answer questions of the Respondent and/or Tribunal in writing only;
 - (e) that the tribunal ask specific, or all, questions of the Complainant (or any other witness). In these circumstances, the Respondent should be provided with an opportunity to lodge questions with the tribunal in advance which the tribunal may ask if they deem relevant; or
 - (f) any other change to process the tribunal considers reasonable in all of the circumstances.
- 14.15 The Tribunal must make a decision on the balance of probabilities (i.e. more probable than not) as to whether the Respondent committed the alleged breach/es.
- 14.16 The 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 relevant ATO(s);

- (b) the Complainant;
- (c) the Respondent, and
- (d) any other individual and/or organisation affected by the decision.

- 14.17 If the Tribunal finds the Complaint proven on the balance of probabilities, it may impose any one or more of the sanctions set out in clause 15.3 of this Policy.
- 14.18 Each member of a 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 Tribunal under this Policy.
- 14.19 Except as otherwise provided in this Policy, all members of a Tribunal and others present at the hearing shall keep all matters relating to the hearing, other than the decision and sanction (if any), confidential. Accordingly, matters such as the nature of the Complaint and information obtained as part of an investigation and before and during the tribunal hearing, must not be disclosed to any person who is not a party to the tribunal hearing.

15. Sanctions

- 15.1 If the Tribunal considers that the Respondent has committed a Category A Breach, the parties to the hearing may make submissions to the Tribunal in relation to sanctions.
- 15.2 During these submissions, the appointed advocate for the ATO may disclose any prior history of misconduct and/or breaches of TA National Policies and this may be a factor for the Tribunal to consider when determining an appropriate sanction for the Category A Breach.
- 15.3 The Tribunal may impose on the Respondent any one or more of the following sanctions for a Category A Breach of the relevant TA National Policy:
- (a) direct that the Respondent attend counselling, or training or education programs to address their conduct;
 - (b) direct the Respondent to apologise to the Complainant (or any other person). The tribunal may also impose a suspended sanction(s) on the Respondent which would remain suspended conditional on the Respondent apologising as directed pursuant to this subclause;
 - (c) recommend that the relevant ATO(s) terminate the appointment of any role which the Respondent holds with those organisations;
 - (d) impose a monetary fine;
 - (e) impose a warning;
 - (f) censure the Respondent;
 - (g) in the case of a Respondent that is a Coach or Official, direct an ATO to suspend or cancel their accreditation or affiliation for a period or indefinitely;
 - (h) expel the Respondent from membership of an ATO;

- (i) withdraw any ranking points, awards, placings, records won in any tournaments, activities or events held or sanctioned by an ATO;
 - (j) direct the Respondent 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, Paralympics Australia, the Commonwealth Games Committee, or an ATO or any other organisation which has provided funding to the Respondent;
 - (k) suspend the Respondent from competition for such period as the Tribunals sees fit;
 - (l) ban the Respondent from taking part in any tennis activity for a particular period of time determined by the Tribunal. For the purposes of this subclause, ATO activities may include but is not limited to future tennis tournaments, competitions, tours, teams, functions, training or practice sessions, and/or other events conducted or managed under the auspices of an ATO;
 - (m) ban the Respondent from attending one or more tennis facilities and/or venues for a particular period of time determined by the Tribunal;
 - (n) impose a fully or partially suspended sentence on the Respondent with any conditions the Tribunal considers appropriate;
 - (o) cancellation of any TA or other ATO accreditation or licence or coaching accreditation;
 - (p) a direction that any rights, privileges and benefits provided to that individual by TA or any other ATO may be suspended for a specified period;
 - (q) a direction that any funding granted or given to the individual by TA or any other ATO will cease from a specified date;
 - (r) remove or withdraw any award(s) or achievement(s) (such as life membership); and/or
 - (s) any other such penalty or discipline that the Tribunal considers appropriate.
- 15.4 Where the Respondent is found to have breached more than one clause of the relevant TA National Policy, the Tribunal should determine an appropriate sanction(s) for the Respondent's misconduct in totality, rather than imposing a sanction for each breach.
- 15.5 In circumstances where the Respondent fails to follow the sanctions imposed by the Tribunal, the Nominated Official may refer the Respondent to the Tribunal Chairperson who may increase or vary the sanction(s) imposed as they see fit. The Respondent will be provided the opportunity to make written submissions to the Tribunal Chairperson before any decision is made with respect to increasing or varying the sanction(s). A decision of the Tribunal Chairperson to increase or vary a sanction under this clause 15.5 is final and binding on the parties.

16. Appeals

- 16.1 With respect to a Category A Complaint, the Respondent or the ATO may appeal (**Appellant**) a decision of a Tribunal at first instance (**Original Tribunal**) on the following grounds:
- (a) that the Original Tribunal relied on a clear error in their decision making process;

- (b) that the Nominated Official failed to comply with the procedures outlined in Part IV of this Policy and that failure has amounted to a serious miscarriage of justice;
- (c) that the Original Tribunal failed to comply with the procedures outlined in Part V of this Policy;
- (d) the sanction imposed by the Original Tribunal under clause 15.3 of this Policy is manifestly disproportionate to the breaching conduct; or
- (e) no reasonable decision maker in the position of the Original Tribunal, based on the material before them, could reasonably make such a decision,

(Appeal).

Appellant Tribunal procedure

16.2 The process for an Appeal is as follows:

- (a) the Appellant must, within 72 hours of the Original Tribunal delivering its decision give written notification to the TAICU of the Appellant's intention to Appeal (**Notice of Intention to Appeal**);
- (b) as soon as practicable following receipt of the Notice of Intention to Appeal, the TAICU must determine the appropriate body to convene the Appeal. The following principles apply:
 - (i) *In the case of the Original Tribunal being a tribunal convened by TA:* the Appeal will be heard by the Appeals Division of the National Sports Tribunal;
 - (ii) *In the case of the Original Tribunal being any other tribunal:* the Appeal will be heard by an appeal tribunal convened by, at the discretion of the TAICU, any higher ranking ATO to that of the ATO which established the Original Tribunal, or the Appeals Division of the National Sports Tribunal.

(in either case, the **Appellant Tribunal**).

- (c) unless the Appeal is being heard by the NST (in which case the rules of the NST apply), the TAICU or Nominated Official (as the case may be) must appoint the members of the Appellant Tribunal (including the Appellant Tribunal Chairperson). The Appellant Tribunal shall consist of persons who comply with clauses 14.2 – 14.4 of this Policy and who were not members of the Original Tribunal;
- (d) within five days of lodging the Notice of Intention to Appeal, (or if there is urgency such shorter time as determined by the Chairperson of the Appellant Tribunal) the Appellant must:
 - (i) pay an appeal fee of \$1,500 (including GST) to TA; and
 - (ii) submit to the Chairperson of the Appellant Tribunal the grounds of the appeal in writing, copies of which will be provided by the Nominated Official to the parties to the Complaint; and
- (e) the Chairperson of the Appellant Tribunal must determine in his or her sole discretion whether the Appellant has satisfied the criteria for an appeal under clause 16.1 of this Policy. If so satisfied, the Chairperson (or their nominee) 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.

- 16.3 If any of the timelines in clause 16.2 are not met, the Appeal shall be deemed to be withdrawn and the decision of the Original Tribunal will be deemed to be upheld.
- 16.4 The appeal fee referred to in clause 16.2(d)(i) is refundable only in circumstances where the Appellant is successful in overturning the Original Tribunal's decision or reducing the sanction(s) imposed by the Original Tribunal. Notwithstanding, TA may still withhold all or part of the appeal fee that is required to cover the costs of the Appeal (i.e. room hire, transport costs of members of the Appellant Tribunal, etc).
- 16.5 The Appellant Tribunal shall hear and determine the Appeal in whatever manner it considers appropriate (including by way of "on the papers" or otherwise) provided that the Appeal accords with the principles of natural justice.
- 16.6 Following the hearing of the Appeal, the Appellant Tribunal may do any one or more of the following:
- (a) dismiss the Appeal;
 - (b) uphold the Appeal;
 - (c) withdraw or amend any of the sanction(s) imposed by the Original Tribunal;
 - (d) impose any additional sanction(s) on the Appellant (the additional sanction/s must be from the list of sanction(s) set out in clause 15.3 of this Policy); and/or
 - (e) reduce, increase or otherwise vary any sanction imposed by the Original Tribunal.
- 16.7 The Appellant Tribunal has no power to award costs and each party shall bear their own costs in relation to the Appeal.
- 16.8 The Appellant Tribunal must provide a decision to the parties orally and/or in writing. The decision of the Appellant Tribunal is final and binding on the parties. There is no right to appeal the decision of the Appellant Tribunal. In addition, the parties agree that once an Appeal is concluded under this Policy, the parties waive any right to commence, institute or maintain an appeal of the Appellant Tribunal's decision on administrative or civil law grounds (however this provision does not prevent any criminal proceedings in relation to the Complaint or the Complainant pursuing civil remedies against the Respondent with respect to the conduct which is the subject of the Complaint).
- 16.9 Except as otherwise provided in this Policy, all members of an Appellant Tribunal and others present at the Appeal hearing shall keep all matters relating to the Appeal hearing, other than the decision and sanction (if any), confidential. Accordingly, matters such as the nature of the Complaint and Appeal and the information obtained during the Appeal hearing, must not be disclosed to any person who is not a party to the Appeal hearing.

PART VI – MISCELLANEOUS MATTERS

17. Enforcement and publication of decisions

- 17.1 The TAICU and/or the ATO that established the Tribunal or Appeal Tribunal (as the case may be) must, as soon as possible, notify all individuals and/or organisations affected by the decision and sanction(s) imposed under this Policy. Notification should include advising all individuals and/or organisations that could reasonably impact the enforcement of, or compliance with, the imposed sanction(s).
- 17.2 The TAICU may publish and distribute any decision and sanction(s) imposed under this Policy at its ultimate discretion.
- 17.3 Every organisation required to adopt this Policy shall recognise and enforce any decision and sanction (if applicable) imposed by a decision maker (whether that be a Nominated Official, a Tribunal, Tribunal Chairperson or an Appeal Tribunal) under this Policy.

18. Review and Promotion

- 18.1 This Policy will be reviewed on a regular basis. In addition to this regular review, recommendations for changes to this Policy may be submitted to the TAICU via integrity@tennis.com.au for consideration. If changes are made, the Policy will be updated via TA's website.
- 18.2 This Policy will be made available to the general public on TA's website and will be communicated to all board and staff members of TA and all ATOs.

19. Contact

- 19.1 Should a person wish to make any enquiries in relation to this Policy, please contact the TAICU via integrity@tennis.com.au.

Version Control

Version Number:	3
Effective Date:	12 October 2023
Previous Version(s):	Version 2: 6 October 2021 – 12 October 2023 Version 1: 19 February 2019 – 5 October 2021

ATTACHMENT A - State and Territory Legislation Overview - Working With Children

Working with Children Check requirements vary across Australia. Fact Sheets for each state and territory are available on the Play by the Rules website [here](#).

Detailed information, including the forms required to complete a Working with Children Check, are available from the relevant agencies in each state and territory.

Jurisdiction	Information
Australian Capital Territory	Working with Vulnerable People (WWVP) Registration Information on ACT's WWVP Ph: 13 22 81
New South Wales	Working with Children Check (WWCC) Information on NSW's WWCC Ph: (02) 8219 3777
Northern Territory	Working with Children Clearance (WWCC) Information on NT's WWCC Ph: 1800 SAFE NT (1800 723 368)
Queensland	Blue Card Check Information on Queensland's Blue Card Check Ph: (07) 3211 6999
South Australia	Working with Children Check (WWCC) Information on SA's WWCC Ph: 1300 321 592
Tasmania	Registration to Work with Vulnerable People (RWVP) Information on Tasmania's RWVP Ph: 1300 654 499
Victoria	Working with Children Check (WWCC) Information on Victoria's WWCC Ph: 1300 652 879
Western Australia	Working with Children Check (WWCC) Information on WA's WWCC Ph: 1800 883 979

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 enquire into the background of persons who are appointed or seeking appointment, whether employed, contracted or otherwise in a paid or volunteer capacity.

I, (name)
..... (address) Date of Birth/...../.....

SINCERELY declare:

1. I have not had any previous criminal charges brought against me and do not have any criminal charge pending before the courts in any country for, or related to, violence, child abuse, sexual or indecency related offences, or offences related to children, drugs, fraud/dishonesty, or sports integrity.
2. I do not have any criminal convictions or findings of guilt in any country for, or related to, violence, child abuse, serious sexual offences, offences related to children, drugs, fraud/dishonesty, or sports integrity.
3. I have not had any disciplinary allegations or proceedings brought against me, by an employer, government department, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment, drugs, fraud/dishonesty, or sports integrity.
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 MPIO, 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 or 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/Carer Consent (in respect of person under the age of 18 years or in the care of a recognised carer)

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:/...../.....

ATTACHMENT C - Information for Reporting Allegations of Child Abuse

If you believe a child is in immediate danger or in a life-threatening situation, contact the Police immediately on 000.

We will treat any allegation of child abuse promptly, seriously and with a high degree of sensitivity.

All people working with an ATO, in a paid or unpaid capacity, have a duty to report any concerns to the appropriate authorities, as set out in the steps below.

Step 1: Receive the allegation

If a child raises with you an allegation of child abuse or neglect that relates to them or to another child, it is important that you:

Do	Don't
Believe the child/young person	Do not make promises you cannot keep
Be calm and supportive	Do not promise secrecy
Concentrate on their feelings rather than on questions and answers	Do not challenge or undermine the child
Reassure the child that what has occurred is not their fault	Do not push the child to give details of the alleged abuse
Explain what you are going to do now that you have been told	Do not discuss the details with any person other than those detailed in these procedures
Promptly and accurately record the discussion in writing	Do not contact the alleged offender

Step 2: Report the allegation

- (a) Immediately report any allegation of child abuse, or any situation involving a child at risk of harm, to the Police and/or the relevant child protection agency. You may need to make a report to both.
- (b) If in any doubt about whether to contact the Police and/or a relevant government agency, please contact Tennis Australia's Integrity and Compliance Unit (**TAICU**) at integrity@tennis.com.au. The TAICU will assist you to determine whether the matter should be referred to the Police and/or a relevant government agency and/or will assist you with notifying Police and relevant government agencies.
- (c) If the allegation of child abuse involves a person to whom this policy applies to, then also report the allegation to TAICU so that they can manage the situation.

Step 3: Protect the child and manage the situation

- (a) TAICU will assess the immediate risks to the child and take interim steps to ensure the child's safety and the safety of any other children. This may include notifying the relevant MPIO and/or ATO, redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending them until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is in paid employment with an ATO.
- (b) TAICU will consider what services may be most appropriate to support the child and their family.
- (c) TAICU will consider what support services may be appropriate for the alleged offender.
- (d) TAICU will put in place measures to protect the child and the alleged offender from possible victimisation and to ensure the situation is kept confidential.

Step 4: Take internal action

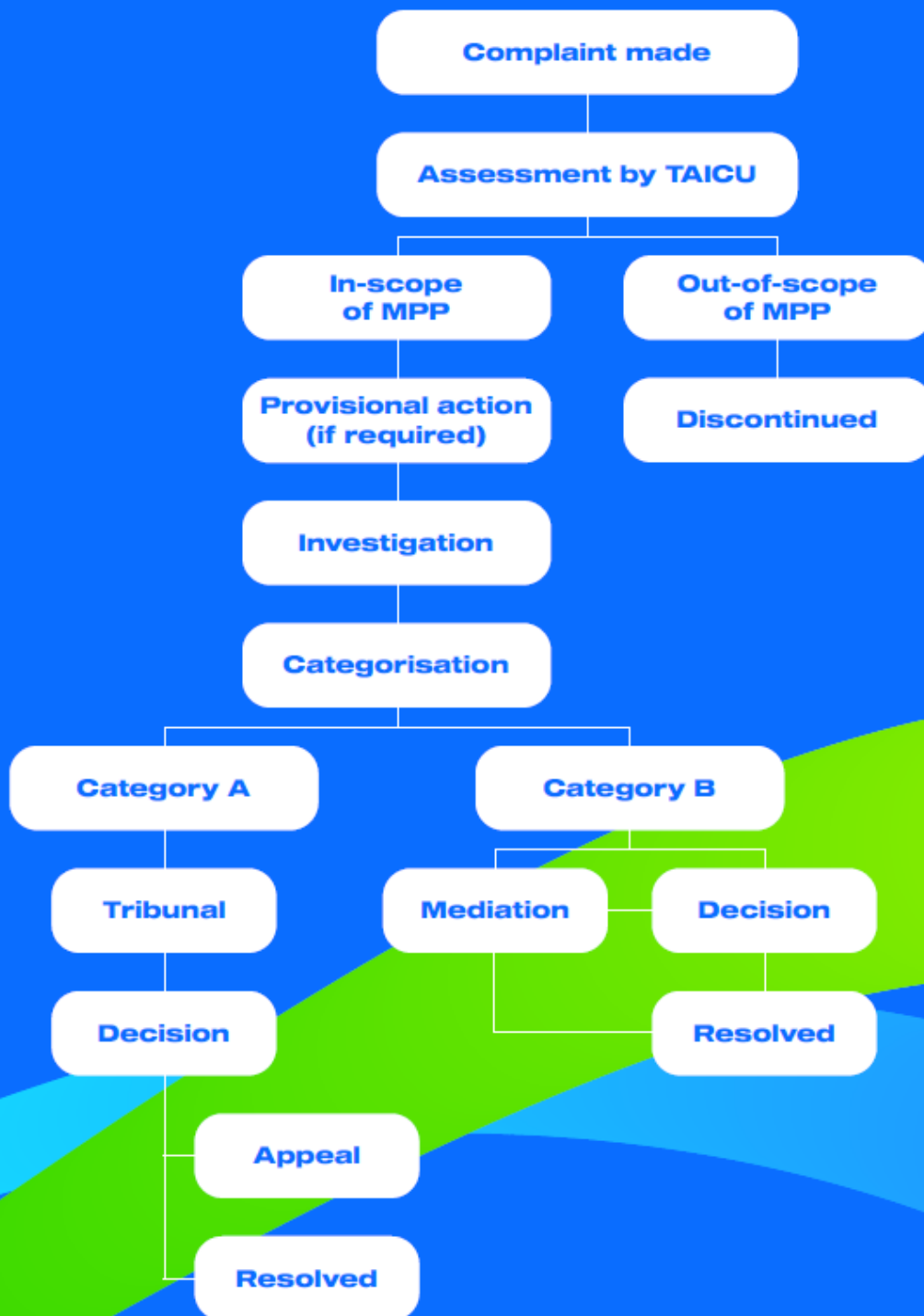
- (a) Up to three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
 - (i) a criminal investigation (conducted by the police);
 - (ii) a child protection investigation (conducted by the relevant child protection agency); and/or
 - (iii) a disciplinary or misconduct enquiry/investigation (conducted by a Member Association and/or TAICU).
- (b) Regardless of the findings of the police and/or child protection agency investigations, TAICU will assess the allegations to decide whether the alleged offender should return to their position, be dismissed, be banned or face any other disciplinary action.
- (c) TAICU will consider all information relevant to the matter – including any findings made by the police, the child protection authority and/or court – and then set out a finding, recommend actions and the rationale for those actions.
- (d) If disciplinary action is recommended, TAICU will follow the procedures set out in the Member Protection Policy.
- (e) TAICU will provide the relevant government agency with a report of any disciplinary action we take, where this is required.

ATTACHMENT D - State/Territory government agency contact details to report alleged Child Abuse

If you believe a child is in immediate risk of harm, contact the Police now by calling **000** (Triple Zero). If there is no immediate risk of harm: call Police Assistance Line on **131 444**.

Australian Capital Territory	
ACT Police https://www.police.act.gov.au	Child & Youth Protection Services (Community Services) Information on how to report child abuse in ACT Ph: 1300 556 729 (24 hours)
New South Wales	
New South Wales Police www.police.nsw.gov.au	Child Protection (Department of Communities and Justice) Information on how to report child abuse in New South Wales Ph: 132 111 (24 hours)
Northern Territory	
Northern Territory Police www.pfes.nt.gov.au	Child Protection & Care (Department of Families and Communities) Information on how to report child abuse in Northern Territory Ph: 1800 700 250 (24 hours)
Queensland	
Queensland Police www.police.qld.gov.au	Department of Child Safety, Seniors and Disability Services Information on how to report child abuse in Queensland Ph: 1800 811 810 or 1800 177 135 (outside of working hours)
South Australia	
South Australia Police https://www.police.sa.gov.au	Department for Child Protection Information on how to report child abuse in South Australia Ph: 131 478 or 131 611 (outside of working hours)
Tasmania	
Tasmania Police www.police.tas.gov.au	Department for Education, Children and Young People Information on how to report child abuse in Tasmania Ph: 1300 000 123 (24 hours)
Victoria	
Victoria Police www.police.vic.gov.au	Department of Families, Fairness and Housing Information on how to report child abuse in Victoria Ph: 131 278 (24 hours)
Western Australia	
Western Australia Police www.police.wa.gov.au	Child Protection (Department of Communities) Information on how to report child abuse in Western Australia Ph: 1800 273 889

Attachment E: Complaint Handling Procedure Flowchart



ATTACHMENT F - State/Territory Mediation service providers

Jurisdiction	Mediation service provider
Australian Capital Territory	Conflict Resolution Service http://www.crs.org.au/ Ph: (02) 6189 0590
New South Wales	Community Justice Centres http://www.cjc.justice.nsw.gov.au/ Ph: 1800 990 777
Northern Territory	Community Justice Centre https://nt.gov.au/law/processes/mediation/contact-the-community-justice-centre Ph: 1800 000 473
Queensland	Dispute Resolution Centres https://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/settling-disputes-out-of-court/dispute-resolution-centres Ph: see website for location specific contact.
South Australia	State Sport Dispute Centre – Sport SA (centre specifically established for sporting clubs) https://www.sportsa.org.au/index.php Ph: (08) 8353 7755
Tasmania	Positive Solutions (endorsed by Legal Aid Tasmania) http://www.positivesolutions.com.au/ Ph: (03) 6223 5612
Victoria	Dispute Settlement Centre of Victoria https://www.disputes.vic.gov.au/ Ph: 1300 372 888
Western Australia	Department of Local Government, Sport and Cultural Industries https://www.dsr.wa.gov.au/contact-us/department-of-sport-and-recreation Ph: see website for location specific contact.

Tennis Australia

Melbourne Park,
Olympic Boulevard
Private Bag 6060, Richmond
Victoria 3121, Australia