

Australian Football Member Protection Policy

August 2013



TABLE OF CONTENTS

1	Member Protection Policy Statement	Page 3
2	Australian Sports Commission & the AFL	Page 4
3	The AFL, Affiliated State & Territory Bodies & Community Bodies	Page 5
4	Member Protection Policy Application	Page 6
5	Member Responsibilities	Page 7
6	National Policies	Page 8
7	Policy Breach	Page 9
8	Complaints & Investigation	Page 10
9	Disciplinary & Match Tribunals	Page 11
10	Defined Terms	Page 13

1. MEMBER PROTECTION POLICY STATEMENT

The Australian Football League ACN 004 155 211 (**AFL**) regards violence, unlawful discrimination, sexual harassment, bullying and abuse in any form as intolerable. The AFL believes that all people have the right to work, play and socialise in an environment which is safe and inclusive.

Any reports of inappropriate behaviour as defined in this document will be treated seriously, sympathetically and confidentially by the AFL, its Affiliated State & Territory Bodies and its Community Bodies, and if necessary will be investigated thoroughly. The AFL, its Affiliated State & Territory Bodies and its Community Bodies will ensure that complainants and witnesses are not victimised in any way.

This policy aims to promote ethical and informed decision-making and responsible behaviours within Australian Football. Although certain kinds of undesirable conduct are contemplated under various provisions of State and Commonwealth legislation, the AFL seeks through this policy to formally record its commitment to upholding the right of its numerous stakeholders to be treated with respect, dignity and to be safe and protected from abuse.

The policy seeks to achieve this objective by setting out the standards of behaviour that the AFL requires of all individuals associated with Australian football.

This policy has been endorsed by the AFL Executive. The policy begins with effect from 1 August 2012 and will operate until replaced. This policy and its Schedules may be amended from time to time. Copies of the relevant schedules to this policy can be obtained from the AFL website at www.afl.com.au/policy.

Andrew Demetriou
Chief Executive Officer

2. AUSTRALIAN SPORTS COMMISSION & THE AFL

The AFL is recognised by the Australian Sports Commission (**ASC**) as the governing body responsible for the management and development of Australian Football in Australia. The AFL recognises the legislative and regulatory mandate of the ASC to develop sport and sporting excellence in Australia and to increase participation, including through the provision of funding, in accordance with the *Australian Sports Commission Act 1985* (Cth). Wherever reasonably practicable, the AFL adopts the guidelines, governance, accountability and transparency mechanisms promulgated by the ASC.

As part of the AFL's recognition as the governing body responsible for the management and development of Australian Football, the AFL is committed to being accountable at the national level for providing all of its Members with technically and ethically sound sport programs, policies and services. This policy is drafted having regard to that commitment and is formally endorsed by the AFL. As the national governing body of Australian Football, the AFL commends this policy and schedules to all Football Bodies for adoption and implementation.

3. THE AFL, AFFILIATED STATE & TERRITORY BODIES & COMMUNITY BODIES

As the formally recognised governing body of Australian Football, the AFL retains the exclusive power to amend and vary the *Laws of Australian Football* from time to time.

While Australian Football is governed nationally through this exclusive reservation of power, the game it is administered at State and Territory level as follows:

- NSW/ACT: AFL (NSW/ACT) Commission Ltd ACN 086 839 385
- NT: AFL (Northern Territory) Ltd ACN 097 620 525
- QLD: AFL (Queensland) ACN 090 629 342
- SA: South Australian Football League Inc ABN 59 518 757 737
- TAS: AFL (TAS) ACN 135 346 986
- Victoria: Australian Football League (Victoria) ACN 147 664 579;
- WA: West Australian Football Commission Inc ABN 51 167 923 136

(Affiliated State & Territory Bodies)

Each Affiliated State & Territory Body is affiliated to the AFL through the existence of an affiliation agreement. The affiliation agreement places certain terms and conditions on affiliation with the AFL, including recognition that the power to produce and amend the *Laws of Australian Football* is expressly reserved for the AFL.

As the regional authority for Australian Football affiliated with the AFL, each Affiliated State & Territory Body affiliates with (or, using slightly different terminology, “licences”) various Australian Football leagues, generally located within the geographical borders of the relevant Affiliated State & Territory Body. These Australian Football leagues range from the State or Territory “elite” league, such as the SANFL and NEAFL, to the numerous community leagues across Australia (**Community Bodies**).

Through the existence of these affiliation (and licence) agreements, the AFL is able to effectively govern Australian Football on a national scale. This governance relates to both the “on-field” behaviour of Australian Football: players; coaches; officials; spectators; and administrators, and the “off-field” behaviour of all people reasonably connected to Australian Football.

4. MEMBER PROTECTION POLICY APPLICATION

4.1 Football Bodies

The Affiliated State & Territory Bodies and Community Bodies are “**Football Bodies**” within the contemplation of this policy. This policy may therefore operate across all levels of Australian Football. However, to the extent that the policy conflicts with the *AFL Player Rules & Regulations*, the *AFL Player Rules & Regulations* shall prevail. The *AFL Player Rules & Regulations* are available to be viewed at www.afl.com.au/policies.

4.2 Application

This Member Protection Policy shall apply to all Matches of Australian Football organised and conducted by a Controlling Body.

4.3 Variation/Exemption

- (a) A Controlling Body may apply to the AFL to vary this Member Protection Policy as it applies to the competition or competitions conducted by the Controlling Body.
- (b) An application to the AFL by a league, association or body affiliated to the AFL Affiliate shall be made through the AFL Affiliate.
- (c) (c)Unless specifically allowed under this Member Protection Policy or a variation is allowed by the AFL under Member Protection Policy 4.3 (a), a Controlling Body shall not prescribe any policies in addition to or which conflict with or affect the full operation of this Policy..

4.4 Members

Individual persons who are reasonably connected with the Football Bodies are “**Members**” within the contemplation of this policy

The policy may therefore apply to:

- (d) any “Person” as that term is defined in clause 1.1 of the *AFL Player Rules and Regulations*, as well as any other natural person or body corporate otherwise contemplated in the *AFL Player Rules and Regulations* whether they are in a paid or unpaid/voluntary capacity insofar as the policy does not conflict with the *AFL Player Rules & Regulations*; and
- (e) with respect to the Football Bodies, all people under the purview of the Football Body, whether they are in a paid or unpaid capacity, including, but not limited to:
 - (i) Individuals sitting on boards, committees and sub-committees;
 - (ii) Employees and volunteers;
 - (iii) Support personnel (eg managers, physiotherapists, psychologists, masseurs, sport trainers);
 - (iv) Coaches and assistant coaches;
 - (v) Players;

- (vi) Umpires and other officials;
- (vii) Members, including life members;
- (viii) Affiliated clubs;
- (ix) Any other person or organisation that is a member of or affiliated to the AFL or Affiliated State & Territory Body; and
- (x) Parents, guardians, spectators and sponsors to the full extent that is possible.

Members may remain subject to the policy even after they have temporarily or permanently terminated their association or employment with the Football Body. This policy and/or its schedules may be amended from time to time by the AFL or the relevant Football Body.

5. MEMBER RESPONSIBILITIES

5.1 Member Responsibilities

Members should:

- a) Make themselves aware of this policy and comply with all National Policies that are incorporated to it by reference;
- b) If required, consent to a national police check
- c) Be ethical, fair, honest and respectful in all their dealings with other people including, but not limited to, other members;
- d) Comply with all relevant Australian laws (Federal and State), including anti-discrimination and child protection laws;
- e) Co-operate in providing a sporting environment which is a safe, welcoming and inclusive environment which is free from unlawful discrimination, harassment, bullying and abuse;
- f) Adopt, implement and comply with this policy; and
- g) Apply this policy consistently and enforce or abide by any penalty imposed under it.

5.2 Football Body Responsibilities

Football Bodies should:

- a) Comply with all National Policies that are adopted by the Football Body (as set out in the Schedules to this policy and incorporated to it by reference);
- b) Make such amendments to Constitutions, Rules, Regulations or By-Laws as may be necessary for this policy and, if adopted, one or more of the National Policies set out in the Schedules, to be enforceable;
- c) Publish, distribute, promote and educate Members about this policy and, if adopted, one or more of the National Policies set out in the Schedules, and the consequences for breaching it;
- d) Apply this policy and if necessary the National Policies, and promote appropriate standards of conduct at all times;
- e) Promptly deal with any breaches of or complaints made under this policy in an impartial, sensitive, timely and confidential manner;
- f) Ensure that a copy of this policy and, if adopted, one or more of the National Policies set out in the Schedule is available or accessible to all members;
- g) Appoint or have access to trained people to receive and handle complaints and allegations and display the names and contact details in a way that is readily accessible;
- h) Monitor and review this policy and, if adopted, one or more of the National Policies set out in the Schedules at least annually.

6. NATIONAL POLICIES

6.1 National Policies Incorporated by Reference

The following policies and guidelines (**National Policies**) shall be incorporated to this policy by reference (such reference being this section 5.2):

- (a) The *National Child Protection Policy* (set out in Schedule 1 to this policy);
- (b) The *National Social Media Engagement Policy* (set out in Schedule 2 to this policy);
- (c) The *National Privacy Policy* (set out in Schedule 3 to this policy);
- (d) The *National Vilification & Discrimination Policy* (set out in Schedule 4 to this policy)
- (e) The *National Player Transfer Regulations* (set out in Schedule 5 to this policy);
- (f) The *National Anti-Doping Code* (set out in Schedule 6 to this policy);
- (g) The *National Extreme Weather Policy* (set out in Schedule 7 to this policy);
- (h) The *National Gambling Policy* (set out in Schedule 8 to this policy);
- (i) The *National Sexuality & Pregnancy Guidelines* (set out in Schedule 9 to this policy);
- (j) The *National Complaint & Investigation Guidelines* (set out in Schedule 10 to this policy);
- (k) The *National Match Tribunal Guidelines* (set out in Schedule 11 to this policy);
- (l) The *National Disciplinary Guidelines* (set out in Schedule 12 to this policy); and
- (m) Any other policy from time to time determined by the AFL to be incorporated into this policy.

7. POLICY BREACH

7.1 National Policy Breach

A Member may breach this policy by failing to comply with a National Policy that has been adopted by the Football Body.

7.2 General Breach

In addition to any contravention of an applicable National Policies and without limiting the generality of this policy, a Member may breach this policy by:

- a) Bringing into disrepute, or acting in a manner that is likely to be prejudicial to the interest of or likely bring disrepute to, any of the following:
 - i. Australian Football;
 - ii. the AFL;
 - iii. an Affiliated State & Territory Body; or
 - iv. a Community Body
- b) Failing to follow AFL policies (including this policy) and procedures for the protection, safety and welfare of children;
- c) Directly or indirectly discriminating against, harassing or bullying (including cyber bullying) any person;
- d) Victimising another person for reporting a complaint;
- e) Engaging in a sexually inappropriate relationship with a person that the member coaches, supervises, or has influence, authority or power over;
- f) Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within Australian Football;
- g) Disclosing to any unauthorised person or organisation any Australian Football-related information that is of a private, confidential or privileged nature;
- h) Making a complaint the member knew to be untrue, vexatious, malicious or improper;
- i) Failing to comply with a penalty imposed after a finding that the member has breached this policy; or
- j) Failing to comply with a direction given to the member during the discipline process.

8. COMPLAINTS & INVESTIGATIONS

8.1 Introduction

If a Member is reasonably suspected to have breached this policy (including any National Policy adopted by the Football Body), that Member may be the subject of a formal or informal complaint. In certain circumstances, an investigation may be ordered into the complaint. An investigation may also be ordered in the absence of either a formal or informal complaint.

A complaint and/or investigation should be made in accordance with the *National Complaint & Investigation Guidelines* set out in Schedule 10 to this policy.

8.2 Disciplinary & Match Breaches

An alleged breach of this policy (including any National Policy adopted by the Football Body) may relate to conduct/alleged conduct occurring in the course of an Australian Football Match conducted by:

- (a) an Affiliated State & Territory Body; or
- (b) a Community Body

(Alleged Match Breach)

Additionally, an alleged breach of this policy (including any National Policy adopted by the Football Body) may **not** relate to conduct/alleged conduct occurring in the course of an Australian Football Match (**Alleged Disciplinary Breach**).

8.3 Complaints

A Member or person may make a formal or informal complaint in relation to either an Alleged Match Breach or an Alleged Disciplinary Breach.

8.4 Power to Investigate

An investigation into an Alleged Match Breach and/or an Alleged Disciplinary Breach may be ordered by:

- (a) the CEO, General Manager (or nominee) of the Affiliated State & Territory Body for alleged breaches occurring at the elite State or Territory level; or
- (b) by the CEO (or equivalent) of the Community League for alleged breaches occurring at the community level,.

It is not a condition of the exercise of the power to investigate that a complaint be made in accordance with section 7.3 above.

9. DISCIPLINARY & MATCH TRIBUNALS

9.1 Introduction

If a Member is reasonably suspected to have breached this policy (including any adopted by the Football Body), that Member may be subject to an investigation conducted in accordance with:

- (a) *National Match Tribunal Guidelines*, set out in Schedule 11 to this policy; or
- (b) *National Disciplinary Tribunal Guidelines* set out in Schedule 12 to this policy;

9.2 Match Tribunals

If the suspected breach of this policy (including any National Policy adopted by the Football Body) relates to conduct or suspected conduct occurring within the course of an Australian Football Match conducted by:

- (a) an Affiliated State & Territory Body; or
- (b) a Community Body

the Tribunal should be constituted in accordance with the *National Match Tribunal Guidelines*.

9.3 Disciplinary Tribunals

If the suspected breach of this policy (including any National Policy adopted by the Football Body) relates to conduct or suspected conduct **not** occurring within the course of an Australian Football Match conducted by:

- (a) an Affiliated State & Territory Body; or
- (b) a Community Body

the tribunal should be constituted in accordance with the *National Disciplinary Tribunal Guidelines*.

9.4 Match & Disciplinary Tribunal Disciplinary Principles

Any sanction or disciplinary measure imposed in accordance with the *National Disciplinary Tribunal Guidelines* or the *National Match Tribunal Guidelines* must:

- (a) be applied consistent with any contractual and/or employment rules and requirements;
- (b) be fair and reasonable;
- (c) be based on the evidence and information presented and the seriousness of the breach; and
- (d) be determined in accordance with the Constitution, By Laws, this policy and/or Rules of the Football Body.

9.5 Match & Disciplinary Tribunal Sanctions

Subject to contractual and employment/or requirements, if a finding is made by a Disciplinary or Match Tribunal that a Member has breached this policy (including any National Policy adopted by the Football Body), one or more of the following forms of discipline may be imposed (without limitation):

- (a) A direction that the member make a verbal and/or written apology;
- (b) A written warning;
- (c) A direction that the member attend counselling or identified education to address their behaviour;
- (d) A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by the AFL, Affiliated State & Territory Body or Community Body;
- (e) A demotion or transfer of the member to another location, role or activity;
- (f) A suspension of the member's membership or participation or engagement in a role or activity;
- (g) Termination of the member's membership, appointment or engagement;
- (h) In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- (i) A fine or suspended fine;
- (j) A direction that any rights, privileges and benefits provided to a member organisation by the national body or other peak association be suspended for a specified period;
- (k) A direction that any funding granted or given to a member organisation by the AFL or Affiliated State & Territory Body cease from a specified date;
- (l) A direction that the AFL or Affiliated State & Territory Body or league or body that is affiliated with (or licensed by) an Affiliated State & Territory Body cease to sanction events held by or under the auspices of that member organisation;
- (m) A recommendation to the AFL or Affiliated State & Territory Body or league or body that is affiliated with (or licensed by) an Affiliated State & Territory Body that its membership of the AFL or Affiliated State & Territory Body or league or body that is affiliated with (or licensed by) an Affiliated State & Territory Body be suspended or terminated in accordance with the relevant constitution or rules; and/or
- (n) Any other form of discipline that the national body or peak organisation considers to be reasonable and appropriate.

9.6 Relevant Considerations

The form of discipline to be imposed on a Member or Football Body will depend on factors including but not limited to:

- (a) Nature and seriousness of the breach;
- (b) If the member knew or should have known that the behaviour was a breach;
- (c) Level of contrition;
- (d) The effect of the proposed disciplinary measures on the member including any personal, professional or financial consequences;
- (e) If there have been relevant prior warnings or disciplinary action;

- (f) Ability to enforce discipline if the member is a parent or spectator (even if they are bound by the policy); and/or
- (g) Any other mitigating circumstances.

10. DEFINED TERMS

Any term used within this policy that is not specifically defined within the policy has the meaning ascribed to it by the relevant National Policy, rules, regulation, by-law or other instrument related to or referenced in this policy, as the context requires.