



## FOOTBALL MEMBER PROTECTION POLICY

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## **Message from the Chief Executive Officer**

This Member Protection Policy aims to ensure Football Federation Australia Limited's (**FFA**) core values, good reputation and positive behaviours and attitudes are maintained. It assists us in ensuring that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse. Through this Policy, we aim to ensure that everyone involved in Football is aware of his or her legal and ethical rights and responsibilities.

This Policy also provides the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from Football. As part of this commitment, FFA will take disciplinary action against any person or organisation bound by this Policy if they breach it.

FFA is committed to providing an environment safe for children, which is free from harassment and abuse for everyone, and promotes respectful and positive behaviour and values. This Policy provides codes of conduct and behaviour that form the basis of appropriate and ethical conduct which everyone must abide by.

This Member Protection Policy is an essential part of our organisation's proactive and preventative approach to tackling inappropriate behaviour.

As Chief Executive Officer, I endorse this Member Protection Policy and am personally committed to ensuring that everyone associated with FFA complies with it.

.....  
**Ben Buckley**  
**Chief Executive Officer**

**12 October 2009**

This Member Protection Policy forms part of the FFA Statutes that apply to all state and territory federations, district associations, competition administrators, clubs, officials and players within FFA's jurisdiction. This Member Protection Policy is effective from 1 June 2005 and will operate until it is replaced.

The objectives of the Member Protection Policy are to:

- (a) meet our legal obligations in relation to harassment, discrimination and child protection;
- (b) recognise that we have a moral obligation to establish standards of appropriate behaviour and to provide a safe, respectful and appropriate sporting environment;
- (c) emphasise that the safety and welfare of children is of paramount importance; and
- (d) form part of FFA's overall risk management plan through the implementation of policies and procedures for addressing harassment, discrimination and child protection.

The MPP is divided into the following 8 parts:

- A. Core Policy;
- B. Roles and Responsibilities;
- C. State Specific Requirements;
- D. Complaint Procedures and Disciplinary Action;
- E. Codes of Conduct and Behaviour;
- F. Definitions and Interpretation;
- G. Prescribed Forms; and
- H. Appendices.

Given the importance of this area, FFA is committed to the implementation, enforcement and continual review of this Member Protection Policy.

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## PART A: CORE POLICY

### 1. POLICY POSITION STATEMENT

- 1.1 Football Federation Australia Limited (**FFA**) is committed to providing a sport and work environment free of discrimination and harassment (sexual or otherwise), where individuals are treated with respect and dignity.
- 1.2 FFA does not tolerate discriminatory or harassment behaviour under any circumstances and will take disciplinary action against anyone who breaches this Policy.
- 1.3 FFA is committed to ensuring that the safety, welfare and wellbeing of children are maintained at all times during their participation in activities run by FFA, Member Federations and Clubs. Accordingly, any person involved in the management, coaching or administration of any Player under the age of 18 years may be asked to undergo screening procedures including police and other probity checks.
- 1.4 The law is always the minimum standard for behaviour within FFA and therefore any criminal offence will be reported to the appropriate authorities.

### 2. APPLICATION AND SCOPE

- 2.1 This Policy applies to FFA, Member Federations, District Associations, Competition Administrators, Clubs, Officials, Agents and Players (**Members**). To the fullest extent possible, it also applies to parents or guardians of Players and to spectators at Matches.
- 2.2 This Policy:
  - (a) applies to behaviour occurring both within and outside the course of FFA's business, activities and events, when the behaviour involves Members and negatively affects relationships within FFA's sport and work environment;
  - (b) continues to apply to a Member even after that Member's association or employment or engagement has ended, if that Member breached this Policy while a current Member and, particularly, if a complaint had been lodged in accordance with this Policy; and
  - (c) does not limit or restrict the National Disciplinary Regulations or the National Code of Conduct, which seek to promote and strengthen the reputation of football in Australia by establishing a standard of performance, behaviour and professionalism for its Members on and off the field.
- 2.3 An entity (such as FFA or a Member Federation, District Association or Club) retains primary responsibility for the actions and behaviour of its staff and personnel, including Players and Officials.
- 2.4 A person will be deemed to have engaged in conduct or behaviour:
  - (a) regardless of whether or not it was committed deliberately or negligently;
  - (b) if that person has attempted, threatened, or encouraged others, to engage in that conduct or behaviour; or
  - (c) where that person knowingly takes part in the conduct or behaviour.

### 3. POLICY COVERAGE

- 3.1 Discrimination, all forms of harassment and child abuse are unlawful under Federal, State and Territory legislation. The legislation provides the minimum standards of behaviour and has been taken into account in this Policy. If there is, however, any

inconsistency between a term of any legislation and a term of this Policy, the term of that legislation applies to the extent of the inconsistency.

3.2 This Policy imposes rights and obligations on Members in the following key areas:

- (a) child protection;
- (b) anti-discrimination;
- (c) anti-harassment; and
- (d) intimate relations.

3.3 In addition, a Member must not subject any person to Victimisation. Victimisation means subjecting, or threatening to subject, a person to any detriment or unfair treatment because that person has or intends to pursue his or her right to make a complaint or support another person in making a complaint against another person.

### ***Child Protection Policy***

3.4 Each Member acknowledges and agrees that the welfare and safety of children is paramount and must be placed above all other considerations.

3.5 A Member must:

- (a) use best efforts to ensure children are kept safe from Child Abuse and are protected from people who are unsuitable to work with children;
- (b) provide information and education on Child Abuse and child protection to those involved in Football, including Officials, Players and parents;
- (c) carefully screen and select people whose roles require them to have direct and unsupervised access to children;
- (d) protect the privacy of any person who is screened and the confidentiality of any information obtained through the screening process; and
- (e) meet the additional requirements outlined in Part C based on the State in which their activities are conducted.

3.6 A Member must not employ or engage a person (whether paid or unpaid) to coach, instruct or otherwise have direct and unsupervised contact with a child (***applicant***) without first undertaking the following 4 step screening process:

- (a) obtain from the applicant a completed and signed Member Protection Declaration (see Prescribed Form MP1);
- (b) check the applicant's referees (verbal or written);
- (c) interview the applicant about his or her suitability for the role and for working with children; and
- (d) if the applicant is to be paid by the Member, obtain a national police check or clearance (noting consent is obtained through the Member Protection Declaration).

3.7 If a Member Protection Declaration or consent to police check is not provided, or the screening process reveals that an applicant does not satisfactorily meet the requirements of that process, FFA or the relevant Member must:

- (a) provide an opportunity for the applicant to respond or provide an explanation; and
- (b) make an assessment as to whether the applicant may pose a risk to, or be unsuitable to work with, children. If unsatisfied, FFA or the relevant Member must:
  - (i) in the case of an applicant currently working with the Member, transfer the applicant to another role that does not require them to work with children. If this is not possible or reasonable, then the appointment must be ended in accordance with legal process; and
  - (ii) in the case of someone applying for a position, the applicant must not be appointed.

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- 3.8 Where it is not practical to complete a police check prior to the applicant starting work, a Member must still complete the check as soon as possible and advise the applicant that his or her ongoing engagement is conditional on the satisfactory outcome of the check.
- 3.9 Where a national police check is obtained under this Policy by a Member (such as a Member Federation), another Member (such as a District Association) that is also required to screen an applicant may obtain a copy of the national police check provided that the consent of the applicant is obtained and the national police check was performed in the immediately preceding two years.
- 3.10 A Member must notify the Member Protection Officer and the appropriate authorities of:
- (a) any applicant that the Member rejected as a result of risks identified through the screening process;
  - (b) any child that they reasonably suspect has been or is the subject of Child Abuse by someone within Football; and
  - (c) the name and other identifying details of any person against whom relevant disciplinary proceedings have been completed by the Member in relation to Child Abuse, irrespective of the findings.

### ***Taking Images of Children***

- 3.11 Images of children can be used inappropriately or illegally. FFFFA requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and ensure that the parent knows the way the image will be used. We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If FFA uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by pedophiles or other persons. We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc.

We require our members, member associations and clubs to do likewise.

### ***Anti-Discrimination Policy***

- 3.12 A Member must not treat a person less favourably on the basis of an Attribute than someone else without that Attribute in the same or similar circumstances. This means that a Member must not engage in discriminatory behaviour, including public disparagement of, discrimination against, or vilification of, a person on account of an Attribute.
- 3.13 A Member must not impose a requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect or result on particular groups. Unless this type of requirement is reasonable in all the circumstance it is likely to be indirect discrimination, even if there was never any intention to discriminate.

### ***Anti-Harassment Policy***

- 3.14 A Member must not engage in any form of Harassment (including Sexual Harassment).

3.15 By way of example, Harassment could include:

- (a) written, verbal or physical abuse or threats;
- (b) unwelcome physical contact;
- (c) display of offensive materials;
- (d) promises or threats in return for sexual favours;
- (e) unwelcome sexual comments, jokes or propositions;
- (f) homophobic comments or behaviours; or
- (g) jokes or comments directed at a person's body, looks or Attributes.

### ***Intimate Relations Policy***

3.16 FFA takes the position that sexual relationships between coaches and the adult athletes that they coach should be avoided as these relationships can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sport's public image. Such relationships may be intentionally or unintentionally exploitative due to a disparity between coaches and athletes in terms of authority, power, maturity, status, influence and dependence.

Should a sexual relationship exist between an athlete and coach, FFA will consider whether any action is necessary. Factors that may be relevant in this consideration are the age and maturity of the athlete relative to the coach, the financial or emotional dependence of the athlete on the coach, and the likelihood of the relationship having any adverse impact on the athlete and/or other athletes. If it is determined that the sexual relationship is inappropriate, action may be taken to stop the coaching relationship with the athlete. Action may include transfer, a request for resignation or dismissal from coaching duties.

In the event that an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach or athlete may wish to approach the FFA MPIO or complaints officer or other designated person] if they feel harassed. Our complaints procedure is outlined in Attachment [D1] of this policy.

### ***Pregnancy***

3.17 Everyone bound by this policy must treat pregnant women with dignity and respect and any unreasonable barriers to participation by them in our sport should be removed. We will not tolerate any discrimination or harassment against pregnant women.

While many sporting activities are safe for pregnant women, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the sporting activity and the particular pregnant woman's circumstances. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in our sport.

FFA recommends that pregnant women wanting to participate in our sport consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation. We will only require pregnant women to sign a disclaimer if we require other participants to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

**Gender Identity**

- 3.18 Everyone bound by this policy must treat people who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender. Descriptions of the types of behaviour which could be regarded as transgender discrimination or harassment are provided in the Dictionary at clause 17.

FFA recognises that the exclusion of transgender people from participation in sporting events has significant implications for their health, well-being and involvement in community life. In general FFA will facilitate transgender persons participating in our sport with the gender with which they identify.

FFA also recognises there is debate over whether a male to female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, FFA will seek advice on the application of those laws in the particular circumstances.

FFA is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender person intends competing at an elite level, we will encourage them to obtain advice about the IOC's criteria which may differ from the position taken by FFA

Drug testing procedures and prohibitions also apply to people who identify as transgender. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard Therapeutic Use Exemption.

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## PART B: ROLES AND RESPONSIBILITIES

### 4. ALL MEMBERS' RESPONSIBILITIES

A Member must:

- (a) comply with:
  - (i) all applicable standards, awards, laws and regulations (particularly anti-discrimination and child protection laws); and
  - (ii) FFA Statutes, including this Policy and the National Code of Conduct;
- (b) treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- (c) be responsible and accountable for that Member's own conduct;
- (d) make complaints about a breach of the Policy, or any unethical incident involving others who are bound by this MPP, in accordance with the Complaints Handling Procedure;
- (e) not make any vexatious or knowingly untrue claim that another person is in breach of this Policy; and
- (f) submit to the Complaints Handling Procedure if an allegation is made against that Member.

### 5. MEMBER FEDERATIONS' ROLE AND RESPONSIBILITIES

- 5.1 FFA is the member association of FIFA and is responsible for the organisation, promotion and administration of football throughout Australia.
- 5.2 Each Member Federation is a member of FFA and is responsible for the organisation, promotion and administration of football throughout its own state or territory jurisdiction. This means a Member Federation is responsible for the implementation, enforcement and education of this Policy throughout its jurisdiction.
- 5.3 A Member Federation must:
  - (a) adopt this Member Protection Policy or, if it has its own member protection policy, ensure that its terms are not inconsistent with this Member Protection Policy;
  - (b) investigate complaints brought by or against its District Associations, Clubs, Players or Officials within its jurisdiction; and
  - (c) impose disciplinary sanctions against a party found to have breached this Policy.
- 5.4 A Member Federation must, and must ensure its District Associations, Competition Administrators and Clubs:
  - (a) provide and promote an environment free from discrimination and harassment in relation to its employment functions, its membership eligibility and participation in Football;
  - (b) distribute, promote and implement this Policy;
  - (c) encourage reporting of discrimination, harassment or Child Abuse;
  - (d) provide appropriate training to those who manage and implement this Policy; and
  - (e) deal with complaints in an impartial, sensitive, timely and confidential manner.

## **6. AN INDIVIDUAL'S RESPONSIBILITIES**

In addition to the general responsibilities under clause 4, a Player, an Official and an Agent must:

- (a) make themselves aware of the contents of this Policy, including the possible consequences of breaching it;
- (b) consent to a national police or criminal record check if the individual holds or applies for a position that involves direct and unsupervised contact with children; and
- (c) co-operate in providing a discrimination, harassment and Child Abuse free sporting environment.

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## PART C: STATE SPECIFIC REQUIREMENTS

### 7. STATE SPECIFIC LEGISLATION

- 7.1 Legislation governing discrimination, harassment and child protection in each State and Territory may differ slightly. Accordingly, a Member Federation may need to comply with additional terms or procedures from time to time.
- 7.2 The information specified in this Part C is subject to change at any time. As a State or Territory government introduces or varies legislation that affects this Policy, FFA will add new requirements or amend existing requirements to this Policy as required.
- 7.3 In New South Wales, Queensland, Western Australia, Victoria and South Australia child protection legislation places specific requirements upon individuals and organisations involved in a range of areas, including sport and recreation. State specific information is attached as follows:
- Queensland Blue Card Requirements – Appendix H1
  - New South Wales Requirements to Check People Working with Children – Appendix H2
  - Western Australia Child Protection Requirements – Appendix H3
  - Victorian Child Protection Requirements – Appendix H4
  - South Australian Child Protection Requirements – Appendix H5

The Northern Territory, Australian Capital Territory and Tasmanian governments are currently reviewing their child protection legislation.

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## PART D: COMPLAINT PROCEDURES AND DISCIPLINARY ACTION

### 8. COMPLAINTS

8.1 Any person may report a complaint about a Member bound by this Policy if they reasonably think that a Member has breached this Policy or has otherwise engaged in unethical or inappropriate conduct or behaviour.

8.2 FFA and the Member Federations:

- (a) must deal with any complaints about breaches of this Policy promptly, seriously, sensitively and confidentially and in accordance with this Complaints Handling Procedure;
- (b) must keep complaints confidential and will not disclose to another person without the complainant's consent, except if required by law or if disclosure is necessary to effectively deal with the complaint; and
- (c) recognise that natural justice is the minimum standard of fairness to be applied in the investigation and adjudication of a complaint.

### 9. COMPLAINTS HANDLING PROCEDURE

9.1 The Complaints Handling Procedure applies exclusively to the reporting, investigation and resolution of complaints reported under this Policy.

9.2 The lowest level at which a matter can be dealt with shall always be preferred. Therefore, if a complaint relates to behaviour or an incident that occurred at the:

- state level or involves people operating at the state level, then the complaint should be reported to and handled by the relevant state association in the first instance; or
- club level or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.

Only matters that relate to or occur at the national level and the most serious cases from club and state level should be referred to the national body.

9.3 A complainant:

- (a) must initially attempt to resolve the complaint with the person involved; and
- (b) if this is not possible or reasonable given the sensitivity of the complaint, or that attempt does not provide a satisfactory outcome, the complainant may notify the Member Protection Officer and make an informal or formal complaint.

9.4 FFA aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation. If at any point in the complaints process the MPIO, considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the Disciplinary Committee for appropriate action which may include disciplinary action against the complainant.

FFA will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint.

9.5 In the event of an informal complaint, the MPIO:

- (a) may refer the complainant back to attempt to resolve the complaint directly with the other person involved;

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- (b) will assist the complainant to resolve the complaint, including through the suggestion of possible solutions;
  - (c) explains how the Complaints Handling Procedure works;
  - (d) acts as a support person if required by the complainant or may refer the complainant to an appropriate person;
  - (e) informs the relevant government authorities or police if legally required to do so;
  - (f) keeps a written record in Prescribed Form MP2 (Record of Informal Complaint); and
  - (g) maintains strict confidentiality.
- 9.6 If the informal process does not resolve the complaint to the complainant's satisfaction or if the complainant wants to make a formal complaint, the complainant must submit to the MPIO a completed and signed Prescribed Form MP3 (Record of Formal Complaint).
- 9.7 On receipt of a formal complaint, FFA will appoint its Chief of Staff (or if he or she is unable to act, FFA's General Counsel or other senior manager) or, if it considers appropriate in the circumstances, an independent expert (**Investigator**) to investigate the complaint.
- 9.8 The Investigator may:
- (a) implement any administrative or other arrangements that will apply until the completion of the investigation;
  - (b) attempt to mediate the complaint;
  - (c) refer the complaint to the Disciplinary Committee in accordance with the Grievance Resolution Regulations; or
  - (d) refer the complaint to the police or an appropriate authority or agency.
- 9.9 The Investigator has the right to determine all procedures to be adopted in investigating a complaint and may during the course of the investigation:
- (a) admit or request a copy of any relevant written evidence available to a complainant, respondent or any other person; or
  - (b) interview the complainant, respondent or any other person for the purpose of asking questions relevant to the complaint.
- 9.10 On completion of his or her investigation, the Investigator must provide FFA with a written determination and a finding that the complaint:
- (a) has been successfully mediated between the complainant and the respondent;
  - (b) is substantiated (and, if so, the Investigator may make a recommendation as to an appropriate disciplinary sanction);
  - (c) is inconclusive, in that there was insufficient evidence either way;
  - (d) is unsubstantiated (or there was sufficient evidence that the complaint was unfounded); or
  - (e) was knowingly untrue or vexatious.
- 9.11 If an informal or formal complaint relates to a Child Abuse allegation, the MPIO must complete Prescribed Form MP4 (Record of Child Abuse Allegation) and, if it is of a serious or criminal nature:
- (a) take immediate steps to ensure the child's safety and well-being; and
  - (b) notify, and obtain advice from, the police and other appropriate authorities.

## 10. CONFIDENTIALITY AND TIMEFRAMES

- 10.1 All Prescribed Forms and determinations of Investigators will be kept:

- (a) confidential and will not be disclosed without the complainant's consent, except if required by law or if disclosure is necessary to effectively deal with the complaint;
- (b) in a secure location with authorised access restrictions; and
- (c) for a period of 5 years from when the initial complaint was made.

10.2 Unless a complainant can establish that exceptional circumstances exist, a complaint must be brought within 2 years from the time the subject matter of the complaint arose.

## **11. RIGHT TO BE HEARD AND OF INTERVENTION**

A Member Federation has jurisdiction to implement and enforce this Policy throughout its respective territory. FFA, however, reserves the right to be heard or to intervene in a Member investigation or hearing in accordance with FFA Statutes.

## **12. DISCIPLINARY SANCTIONS**

12.1 Disciplinary action will be taken by FFA against anyone who is found to:

- (a) be in breach of this Policy;
- (b) victimise or retaliate against a person who has complained of a breach of this Policy or who has supported another person in making a complaint;
- (c) have made a vexatious complaint or a complaint the complainant knew to be untrue; or
- (d) have not complied with a sanction.

12.2 The scope and implementation of disciplinary sanctions is as specified in Part V of the FFA Statutes.

## **13. NOTICE AND RIGHT TO BE HEARD**

FFA may enforce the terms of this Policy and invoke the sanctions only if it has given the party alleged to have breached this Policy:

- (a) reasonable details of the alleged breach;
- (b) notice of possible sanctions; and
- (c) the opportunity to be heard in relation to the issues of breach and sanction.

## **14. GRIEVANCE RESOLUTION REGULATIONS**

14.1 Any Grievance arising out of this Policy must be dealt with in accordance with the Grievance Resolution Regulations, including a Grievance in relation to the imposition of a disciplinary sanction. This means that if a Grievance arises under the jurisdiction of a Member Federation, the Member submits to the jurisdiction of that Member Federation's grievance procedure and must first exhaust its remedies under that grievance procedure before it initiates a Grievance in accordance with FFA's Grievance Resolution Regulations.

14.2 If a party disputes FFA's purported action taken under this Policy, that party must give notice to the Administrator of the Grievance Resolution Regulations:

- (a) within 7 days after the date on which the purported action was taken; and
- (b) specifying the relevant facts and the reason for the dispute.

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## PART E: ROLE SPECIFIC CODES OF CONDUCT

### 15. FOOTBALL CODE OF CONDUCT

15.1 The National Code of Conduct applies to all Members and governs:

- (a) bringing FFA or football into Disrepute, including through discriminatory behaviour, offensive behaviour and incitement of hatred or violence;
- (b) liability for spectator and supporter conduct;
- (c) betting, match-fixing and corruption; and
- (d) disparaging public or media statements.

### 16. SPECTATOR CODE OF BEHAVIOUR

16.1 A spectator at a Match or otherwise involved in any activity sanctioned or staged by, or held under the auspices of FFA, a Member Federation, a District Association or a Club must:

- (a) respect the decisions of Match Officials and teach children to do the same;
- (b) never ridicule or unduly scold a child for making a mistake;
- (c) respect the rights, dignity and worth of every person regardless of their gender, ability, race, colour, religion, language, politics, national or ethnic origin;
- (d) not use violence in any form, whether it is against other spectators, Team Officials (including coaches), Match Officials or Players;
- (e) not engage in discrimination, harassment or abuse in any form, including the use of obscene or offensive language or gestures, the incitement of hatred or violence or partaking in indecent or racist chanting;
- (f) comply with any terms of entry of a venue, including bag inspections, prohibited and restricted items such as flares, missiles, dangerous articles and items that have the potential to cause injury or public nuisance;
- (g) not, and must not attempt to, bring into a venue national or political flags or emblems (except for the recognised national flags of any of the competing teams) or offensive or inappropriate banners, whether written in English or a foreign language;
- (h) not throw missiles (including on to the field of play or at other spectators) and must not enter the field of play or its surrounds without lawful authority; and
- (i) conduct themselves in a manner that enhances, rather than injures, the reputation and goodwill of FFA and football generally.

16.2 Any person who does not comply with the Spectator Code of Behaviour or who otherwise causes a disturbance may be evicted from a venue and banned from attending future Matches.

## PART F: DEFINITIONS AND INTERPRETATION

### 17. DEFINITIONS

17.1 In this Policy:

**Agent** means a Player Agent and a Match Agent.

**Attribute** means race, colour, religion, language, politics, national or ethnic origin, gender, transgender, sexual orientation, age, marital status, pregnancy or intellectual or physical impairment or any other attribute specified under commonwealth or state legislation.

**child** means a person under the age of 18 years and **children** has a corresponding meaning.

**Child Abuse** means placing a child at risk of harm by verbal or physical actions or by failing to provide them with basic care and may include:

- (a) physical abuse by hurting a child or a child's development (such as hitting, shaking or other physical harm; giving a child alcohol or drugs; giving bad nutritional advice; or training that exceeds the child's development or maturity);
- (b) sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (such as sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations);
- (c) emotional abuse by ill-treating a child (such as humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child); and
- (d) neglect (such as failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

**Club** means any club that is registered with FFA in accordance with the National Registration Regulations from time to time. A reference to Club includes a club admitted by:

- (a) a Competition Administrator to field a team in a Competition; or
- (b) FFA to field a team in a National League or a National Championships.

**Club Official** means any person involved with the administration, management or organisation of a Club (whether paid or unpaid), including employees, contractors, consultants, officers and directors and representatives.

**Code of Conduct** means the National Code of Conduct as promulgated by FFA from time to time (a current version of which can be obtained on [www.footballaustralia.com.au](http://www.footballaustralia.com.au)).

**Competition Administrator** means the entity responsible for the conduct and staging of a competition, tournament or league registered with FFA in accordance with the National Registration Regulations.

**Complaints Handling Procedure** means the procedure for the reporting and investigation of complaints about a breach of this Policy, as specified in clause 12.

**District Association** means a district or regional association or zone that is a member of a Member Federation from time to time.

**FFA Statutes** mean the FFA statutes, including the Constitution and by-laws and any other annexed national regulation or national policy promulgated by FFA, as amended on notification from FFA from time to time.

**FIFA Statutes** mean the statutes and accompanying standing orders and regulations promulgated by FIFA from time to time.

**Grievance Resolution Regulations** means the procedure that applies exclusively to facilitate the expeditious and fair resolution of disputes or grievances that arise between the Members, as promulgated by FFA from time to time (a current version of which can be obtained on [www.footballaustralia.com.au](http://www.footballaustralia.com.au)).

**Harassment** means any unwelcome verbal or written comments, conduct, or gestures directed toward an individual or group of individuals that the harasser knows, or should reasonably be expected to know, is insulting, intimidating, humiliating, malicious, degrading or offensive.

**Match** means any match staged or participated in, or sanctioned by, FFA, a Member Federation or a Competition Administrator.

**Match Agent** means a person licensed to act as a match agent by FFA from time to time. A current list of FFA licensed match agents is available on FFA's website ([www.footballaustralia.com.au](http://www.footballaustralia.com.au)).

**Match Official** means a referee, assistant referee, fourth official, match commissioner, referee inspector, selector, any person in charge of safety or any other person appointed by FFA, a Member Federation or a District Association to assume responsibility in connection with a Match.

**Member Protection Information Officer or MPIO** means the member protection officer appointed by FFA from time to time, who can be contacted on [MPIO@footballaustralia.com.au](mailto:MPIO@footballaustralia.com.au).

**Members** mean the FFA, Member Federations, District Associations, Competition Administrators, Clubs, Officials, Agents and Players or any other member of the Football community.

**National Championships** means any male and female national championships staged or sanctioned by FFA from time to time, including the national youth championships.

**National League** means the national men's and women's club competitions or tournaments conducted under the auspices of FFA, including the semi finals, preliminary final and grand final and any pre or post season or knockout cup competition conducted, organised or sanctioned by FFA.

**National Team** means any national team squad selected or nominated by FFA, including the men's and women's senior, under age, Olympics, Futsal and beach Football teams or any other national representative team determined by FFA from time to time.

**Official** means:

- (a) a Club Official, Match Official or Team Official;
- (b) an employee, consultant, officer or director of FFA, a Member Federation or a District Association; or
- (c) a member of a Standing Committee or other council, committee, panel or body constituted by FFA, a Member Federation or a District Association.

**Player** means any person who is registered with FFA as a player in accordance with the National Registration Regulations from time to time or is selected as a member of a representative team of FFA or a Member Federation.

**Player Agent** means a:

- (a) person licensed to act as a player agent by a National Association. A current list of FFA licensed player agents is available on FFA's website ([www.footballaustralia.com.au](http://www.footballaustralia.com.au));
- (b) parent, sibling or spouse of the Player; or
- (c) person legally authorised to practise as a lawyer in compliance with the rules in force in Australia.

**Sexual Harassment** means conduct or behaviour that has a sexual element, which is unwelcome and could reasonably be expected, in the circumstances in which it occurs, to offend, humiliate or intimidate the person or people at whom it is directed.

**Member Federation** means a State or Territory federation or association that is a member of FFA from time to time.

**Team Official** means any personnel involved with the management, preparation or participation of a Club (whether paid or unpaid), including the coaches, managers, medical staff (including team or match day doctor), physiotherapists, gear persons and other support staff.

**Transgender** is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation.

**Victimisation** means subjecting, or threatening to subject, a person to any detriment or unfair treatment because that person has or intends to pursue his or her right to make a complaint or support another person in making a complaint against another person.

## 18. INTERPRETATION

18.1 In this Policy:

- (a) any terms used but not defined has the meaning prescribed to it in the FFA Statutes;
- (b) any use of the word 'includes' or words such as 'for example' or 'such as' do not limit anything else that is included in general speech;
- (c) all notices must be in writing and in English; and
- (d) any reference to '\$' or 'dollars' is to Australian dollars.

18.2 This Policy will be interpreted, varied and reviewed in accordance with Part IX of the FFA Statutes

## 19. ANNUAL REVIEW

FFA must review this Policy every year to ensure it meets its stated objectives.

## **PART G: PRESCRIBED FORMS**

**20. PRESCRIBED FORM MP1: MEMBER PROTECTION DECLARATION**

As a requirement of FFA’s Member Protection Policy, a Member must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that involves direct and unsupervised contact with persons under the age of 18 years.

I, .....(name)  
of .....(address)  
born ...../...../..... sincerely declare:

- 1.1 I do not have any criminal charge pending before the courts.
- 1.2 I do not have any criminal convictions or findings of guilt for offences involving sexual activity, acts of indecency, child abuse or child pornography, the use of narcotics or other offences relevant to persons under 18 years.
- 1.3 I consent to FFA or its relevant Member conducting a police clearance check or any other probity check.
- 1.4 I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment.
- 1.5 I have never been sanctioned for an anti-doping rule violation under any Anti-Doping Policy applicable to me nor have I participated in, facilitated or encouraged any practice prohibited by the World Anti-Doping Agency Code or FFA’s Anti-Doping Policy.
- 1.6 To my knowledge there is no matter that FFA or its Member Federations may consider constituting a risk to children by engaging me.
- 1.7 I agree to comply with the FFA Statutes, including the Member Protection Policy and National Code of Conduct (copies of which are available on [www.footballaustralia.com.au](http://www.footballaustralia.com.au)).
- 1.8 I will notify the CEO of the organisation engaging me immediately on becoming aware that any of the matters set out above have changed for whatever reason.

Declared in the State/Territory of .....on ...../...../.....

Signature .....

**Parent/Guardian Consent (in respect of person under the age of 18 years)**

I have read and understood the Declaration provided by my child. I confirm and warrant that the contents of the Declaration provided by my child are true and correct in every particular.

Name:.....

Signature:.....

Date: .....



Facts as stated by complainant	
Feelings as expressed by complainant	
Desired outcome or resolution	
Information provided to complainant	
Complainant's next steps	

## 22. PRESCRIBED FORM MP3: RECORD OF FORMAL COMPLAINT

<b>COMPLAINANT'S DETAILS</b>	Name: Contact details: Date of birth:
Role in Football	<input type="checkbox"/> Administrator <input type="checkbox"/> Player <input type="checkbox"/> Club Official <input type="checkbox"/> Spectator <input type="checkbox"/> Match Official <input type="checkbox"/> Team Official <input type="checkbox"/> Parent <input type="checkbox"/> Other .....
<b>RESPONDENT'S NAME</b>	
Role in Football	<input type="checkbox"/> Administrator <input type="checkbox"/> Player <input type="checkbox"/> Club Official <input type="checkbox"/> Spectator <input type="checkbox"/> Match Official <input type="checkbox"/> Team Official <input type="checkbox"/> Parent <input type="checkbox"/> Other .....
<b>NATURE OF COMPLAINT</b>  Can tick more than one box	<input type="checkbox"/> Harassment <input type="checkbox"/> Discrimination <input type="checkbox"/> Child Abuse <input type="checkbox"/> Intimate relations <input type="checkbox"/> Victimisation <input type="checkbox"/> Bullying <input type="checkbox"/> Gender <input type="checkbox"/> Disability <input type="checkbox"/> Religion <input type="checkbox"/> Physical abuse <input type="checkbox"/> Race or ethnic origin <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Sexuality <input type="checkbox"/> Other .....
Location/event of alleged complaint	

Description of alleged complaint	
Methods of attempted informal resolution	
Desired outcome or resolution	

I warrant that the information contained in this Form is true and correct

.....  
Signature of complainant

.....  
Date

### 23. PRESCRIBED FORM MP4: RECORD OF CHILD ABUSE ALLEGATION

Complainant's Name (if other than the child)		Date:    /    /
Role in Football		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (eg observation, injury, disclosure)		
Respondent's Name (name of person complained about)		
Role in Football	<input type="checkbox"/> Administrator <input type="checkbox"/> Player <input type="checkbox"/> Club Official <input type="checkbox"/> Spectator <input type="checkbox"/> Match Official <input type="checkbox"/> Team Official <input type="checkbox"/> Parent <input type="checkbox"/> Other .....	
Witnesses (if more than 3 witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action taken (to ensure child's safety and/or to support needs of respondent)		
Police contacted	Who: When: Advice provided:	

Government agency contacted	Who: When: Advice provided:
CEO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position:  Signature:  Date:
Signed by complainant (if not a child)	Signature:  Date:

## **PART H: APPENDICES**

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## **24. PART C: SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS**

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### **Background**

Child protection is about keeping children safe from harm/abuse. Child abuse is illegal, and all states and territories have their own systems and laws that cover screening and/or the reporting and investigation of cases of child abuse.

Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with children as paid employees or volunteers. In New South Wales, Queensland, Western Australia, Victoria and South Australia laws require individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with children. This is done by checking certain criminal history and other matters. In some states this also involves reviewing relevant findings from disciplinary proceedings. There are also requirements placed on organisations.

The Northern Territory government has passed new law and screening will be compulsory from January 2010. The Australian Capital Territory and Tasmania are currently reviewing their screening laws. New requirements and amendments will be added to this policy as they are introduced.

Please be aware that state and territory WWCC requirements may also apply to individuals who visit states with screening laws. For example, if a state association or club takes players U18 into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with NSW law.

### **24.1 The state WWCC requirements apply regardless of our national, state or club Member Protection Policy.**

The following attachments provide:

- summary information on state and territory WWCC requirements and where to obtain more information and relevant forms
- our Member Protection Declaration (for all states/territories except NSW who must complete a Prohibited Employment Declaration provided by the NSW Commission for Children and Young People)
- our screening requirements for people residing in ACT and Tasmania

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**Attachment C1: SCREENING REQUIREMENTS**

*[for states/territories without Working With Children Checks such as ACT and Tasmania]*

This attachment sets out the screening process for people in who work, coach, supervise or have regular unsupervised contact with people under the age of 18 years.

FFA will, and also requires state associations and clubs to:

1. Identify positions that involve working, coaching, supervising or regular unsupervised contact with people under the age of 18 years.
2. Obtain a completed *Member Protection Declaration* (MPD) (Attachment C2) from all people who are identified in the above step and keep it in a secure place.
3. Provide an opportunity for a person to give an explanation if a MPD isn't provided or it reveals that the person doesn't satisfactorily meet any of the clauses in the MPD. We will then make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years. If unsatisfied we will not appoint them to the role/position.
4. Where possible, check a person's referees (verbal or written) about his/her suitability for the role.
5. Ask the people identified in step 1 to sign a consent form for a national police check.
6. Possibly request (or ask the person to request) a national 'Part Exclusion' police check from our relevant police jurisdiction. This check excludes irrelevant records. If the police check indicates a relevant offence, we will provide an opportunity for the person to give an explanation, and then we will make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years. If unsatisfied we will not appoint them to the role/position.
7. Make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years if the person does not agree to a national police check after explaining why it is a requirement under our policy. If unsatisfied, we will not appoint them.
8. Decide whether to offer the person the position taking into account the result of the police check and any other information the club has available to it. Where it is not practical to complete the police check prior to the person commencing in the position, we will complete the check as soon as possible, and if necessary, act immediately on the outcome.
9. Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the checking process.
10. Return information collected during screening (such as a completed MPD form, police records and referee reports) to the relevant person if that person is not appointed to the position, or otherwise be destroyed within 28 days of the date of the decision or the expiry of any appeal period, unless within that time the person requests that the documents be returned to them. For appointed persons, information will be kept on file in a secure location.

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**Attachment C2: MEMBER PROTECTION DECLARATION**

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FFA has a duty of care to all those associated with the sport at the national level and to the individuals and organisations to whom our Member Protection Policy applies. As a requirement of our Member Protection Policy, FFA must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

I ..... (name) of .....

..... (address) born ...../...../.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence or dealing/using illicit substances.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence dealing/using illicit substances.
4. I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
6. To my knowledge there is no other matter that the FFA may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the Chief Executive of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out above.

Declared in the State/Territory of .....

on ...../...../.....(date) Signature .....

---

**Parent/Guardian Consent (in respect of a person under the age of 18 years)**

I have read and understood the declaration provided by my child. I confirm and warrant that the contents of the declaration provided by my child are true and correct in every particular.

Name:.....

Signature:.....

Date: .....

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## **Attachment C3: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS**

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The following information was updated in April 2009. It is subject to change at any time.

### **1. QUEENSLAND**

A person will need a Working with Children Check, also known as the **blue card**, if they propose to work in a paid or voluntary capacity or to carry on a business in a child-related area regulated by the *Commission for Children and Young People and Child Guardian Act 2000*. Once a person is checked and approved they are issued with a "blue card." Volunteers and paid employees employed in sporting organisations generally fall under the 'churches, clubs and associations' category of regulated employment. Volunteers and paid employees employed in private businesses may fall under the 'sport and active recreation' category of regulated employment. The check is a detailed national criminal history check including charges and investigations relating to children.

People such as those with previous convictions involving children are disqualified from applying for or renewing a blue card (refer to website below for details).

A blue card remains current for two years. Existing card holders will be notified by the Queensland Commission for Children and Young People and Child Guardian before their card expires.

In addition to obligations regarding the blue card, **employers** must develop and implement a written child protection risk management strategy and review it each year.

For more information on the blue card, including current forms:

- [www.cypg.qld.gov.au](http://www.cypg.qld.gov.au)
- 1800 113 611

### **2. NEW SOUTH WALES**

All organisations within NSW that employ people in child-related employment (in a paid or unpaid capacity) must meet the requirements of the Working with Children Check (WWCC). Child related employment is work which primarily involves direct unsupervised contact with children. The WWCC involves three components:

1. **Ensuring** all paid and unpaid employees sign a [Prohibited Employment Declaration](#) which states they are not prohibited from working with children.
2. **Submitting** all applicants for **paid** employment to NSW Sport and Recreation for a WWCC background check. NSW Sport and Recreation only carries out checks for paid employees.
3. **Reporting** relevant employment proceedings for any paid and unpaid employees to the Commission for Children and Young People. A relevant employment proceeding involves any reportable conduct committed outside of work as well as in the workplace with or in the presence of a child/ren.

Sporting organisations are responsible for managing the WWCC process. Individuals cannot apply for a WWCC directly. Sporting organisations should register with [NSW Sport and Recreation](#), providing a contact who will receive the information on the background checks.

A WWCC is valid for employment in that position within the organisation. Short-term employees (where that person is being employed for periods of less than six months and returning for short periods throughout a 12 month period) only need to be checked **once** every 12 months.

For more information, including the required forms:

- [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au) or 02 9286 7219
- [www.dsr.nsw.gov.au/children/resources.asp](http://www.dsr.nsw.gov.au/children/resources.asp) or 02 9006 3700