



# AFFILIATES AND CLUB PROTECTION POLICY

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## 1. Preface

The South Australian Cricket Association has developed this policy to ensure it and its affiliated groups recognise that as sporting organisations, they have legal responsibilities in relation to harassment and discrimination.

The South Australian Cricket Association also has moral obligations in relation to establishing standards of appropriate behaviour and in providing safe, respectful and appropriate sporting environments.

Unlawful discrimination, sexual harassment, bullying and abuse in any form will not be tolerated by the South Australian Cricket Association. The organisation is committed to provide an environment that is free from harassment and abuse of anyone and promote respectful and positive behaviour, values and attitudes.

SACA is also committed to providing a safe environment for children. Refer to the separate SACA Policy – Safeguarding Children and Young People.

The policy provides a binding code of conduct forming the basis of appropriate and ethical conduct and has been designed to reinforce the values of the South Australian Cricket Association to best create an environment that is appropriate for all affiliated with the organisation.

It is also an essential part of the South Australian Cricket Association's proactive and preventative approach to tackling inappropriate behaviour.

This policy begins with effect from 27 September 2018 and will operate until replaced. This policy and/or its attachments may be amended from time to time by the South Australian Cricket Association or Cricket Australia. This policy will be reviewed from time to time.

As Chief Executive I am committed to ensuring everyone associated with the South Australian Cricket Association complies with the policy.

Chief Executive  
South Australian Cricket Association

## 2. Dictionary

This Dictionary sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words. South Australian Cricket Association specific definitions and more details on some of the words in this dictionary can be sourced from the South Australian Cricket Association.

**Abuse** is a form of harassment and includes physical abuse, emotional abuse, sexual abuse, neglect, and abuse of power. Examples of abusive behaviour include bullying, humiliation, verbal abuse and insults.

**Affiliated Association** means those cricket associations that are members of associations affiliated with the South Australian Cricket Association.

**Affiliated club** means those clubs that are members of associations affiliated with the South Australian Cricket Association.



**Affiliates** means affiliated associations, affiliated clubs, as well as players, parents, guardians, employees and volunteers of affiliated associations and affiliated clubs  
**CE** means the Chief Executive of the South Australian Cricket Association or his delegate.

**Complaint** means an expression of displeasure with an Affiliate or with the South Australian Cricket Association.

**Complainant** means a person making a complaint.

**Discrimination** means treating or proposing to treat someone less favourably because of a particular characteristic in the same or similar circumstances in certain areas of public life (**Direct Discrimination**), or imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics (Indirect Discrimination). Includes all characteristics prescribed by various anti-discrimination laws in South Australia and the Commonwealth.

**Harassment** is any type of behaviour that the other person does not want and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and a reasonable person would recognise it as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

**Mediator** means an impartial/neutral person appointed to mediate Complaints.

**Member Protection Information Officer (MPIO)** means a person appointed by SACA or an affiliated association or club and trained to be the first point of contact for a person reporting a complaint under, or a breach of, this Policy. The MPIO is to be trained by the Office of Recreation and Sport (South Australia).

**Natural justice** (Also referred to as procedural fairness) incorporates the following principles:

- Both the Complainant and the Respondent must know the full details of what is being said against them and have the opportunity to respond;
- All relevant submissions must be considered
- No person may judge their own case;
- The decision maker/s must be unbiased, fair and just;
- The penalties imposed must be fair.

**This policy** means Affiliates and Club Protection Policy.

**Respondent** means the person who is being complained about.

**Role-specific codes of conduct** (or behaviour) means standards of conduct required of certain roles (e.g. coaches).

**Sexual harassment** means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.



**Victimisation** means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make a complaint under government legislation (e.g. anti-discrimination) or under this Policy, or for supporting such a person.

**Vilification** involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

## 3. Affiliates and Club Protection Policy

### 3.1 Purpose of this Policy

Cricket is a game that owes much of its unique appeal to the fact that it should be played not only within the parameters of the law but also within the spirit of the game. Any action which is seen to abuse this spirit causes injury to the game itself. This policy aims to ensure that the South Australian Cricket Association's reputation and good behaviour continues to be considered as world class and that all actions and behaviour are a reflection of the Association's core value statement, which is;

*"To provide a commitment to a culture of customer service and excellence to Affiliates of The South Australian Cricket Association."*

This Affiliates and Club Protection Policy ("this policy") aims to maintain ethical and informed decision-making and responsible behaviours within cricket. It outlines the South Australian Cricket Association's commitment to a person's right to be treated with respect and dignity and to be safe and protected from abuse. This policy informs everyone involved in cricket of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.

The policy attachments outline the procedures that support the South Australian Cricket Association's commitment to eliminating discrimination, harassment and other forms of inappropriate behaviour from cricket. As part of this commitment, the South Australian Cricket Association will take disciplinary procedures, in accordance with this policy, against any person or organisation affiliated under this policy if they breach it.

SACA also has in place a policy dealing specifically with child protection, which all Affiliates must comply with. Refer to SACA's Safeguarding Children and Young People Policy.

### 3.2 Who this Policy applies to

The following policies and Codes of Behaviour apply to all Affiliates of the South Australian Cricket Association, whether employed in a paid or unpaid capacity.

Proof is to be provided by affiliated associations, affiliated clubs and associated organisations that this policy has been adopted and implemented to the South Australian Cricket Association including the approval by the relevant board in accordance to its constitution. This proof must be provided to SACA within 90 days after the affiliated association, affiliated club or associated organisation is notified of this policy's implementation and amendments. Affiliated associations, affiliated clubs or associated organisations that do not adopt and implement this policy will be in breach of this policy.



### 3.3 Code of Conduct

The South Australian Cricket Association requires every affiliated individual and organisation bound by this policy to:

- Be ethical, fair and honest in all their dealings with other people and the South Australian Cricket Association.
- Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations.
- Always place the safety and welfare of children above other considerations.
- Comply with the South Australian Cricket Association's constitution, rules and policies including the Affiliates and Club Protection Policy.
- Operate within the law and spirit of the sport.
- Comply with all relevant Australian Laws (Federal and State) particularly anti-discrimination and child protection laws.
- Be responsible and accountable for their conduct; and
- Abide by the relevant Role-Specific Codes of Conduct and behaviour outlined in this policy.

### 3.4 Organisational responsibilities

The South Australian Cricket Association and all affiliated clubs must:

- Adopt, implement and comply with this policy.
- Make necessary amendments to Affiliates' constitutions to ensure this policy is enforceable.
- Publish, distribute, and promote this policy and the consequences of its breaches.
- Promote and model appropriate standards of behaviour at all times.
- Promptly deal with any breaches or complaints under this policy in a sensitive, fair, timely and confidential manner.
- Apply this policy consistently.
- Recognise and enforce any penalty imposed under this policy.
- Ensure that a copy of this policy is available or accessible to the persons and associations to whom this policy applies.
- Use appropriately trained people to receive and manage complaints and allegations, e.g. Member Protection Information Officers (MPIOs).
- Monitor and review this policy from time to time.

### 3.5 Individual responsibilities

Individual players, parents, guardians, employees and volunteers of affiliated associations and affiliated clubs are responsible for:

- Making themselves aware of the policy and complying with the standards of conduct outlined in this policy.
- Complying with all other requirements of this policy.
- Co-operating in providing discrimination and harassment free sporting environment.
- Understanding the possible consequences of breaching this policy.



## 4. Policy Position Statements

### 4.1 Child Protection

For requirements in relation to child protection, refer to the separate SACA Policy for Safeguarding Children and Young People.

### 4.2 Anti-discrimination and harassment policy

The South Australian Cricket Association aims to provide a sporting environment where all those involved are treated with dignity and respect, and without harassment or discrimination.

The South Australian Cricket Association has adopted the Cricket Australia Anti-Harassment Policy, as highlighted in the current *Cricket Australia Playing Conditions*, which is applicable to all its Affiliates. This policy should be read in conjunction with *the Cricket Australia Racial and Religious Vilification Code* and the *Cricket Australia Anti-Harassment Policy*.

Forms of harassment and discrimination regarding sex, chosen gender, sexuality, marital or domestic partner status, identity of a spouse or domestic partner, pregnancy, association with a child, caring responsibilities, race, age, disability, religion, religious appearance or dress, political belief, industrial association, and/or any other form of harassment or discrimination defined by South Australian or Commonwealth Legislation or Regulations in any form is not tolerated within the South Australian Cricket Association and its Affiliates.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to the Complaints Procedures outlined in Clause 6 of this policy.

### 4.3 Avoidance of conflict policy

The South Australian Cricket Association takes the position that all actual or perceived conflicts between coaches and the cricketers they coach should be avoided. This includes all conflicts based on association, commercial relationship, family or sexual relationship.

The South Australian Cricket Association takes the view that such conflicts can have harmful effects on the individual cricketer involved, on other cricketers, coaches and on the sport's public image.

The South Australian Cricket Association's avoidance of conflict policy position applies to the South Australian Cricket Association, affiliated associations, affiliated clubs or associated organisations.

Should a relationship develop between an athlete and a supervisory member of coaching staff of the particular team that the athlete is a member of the South Australian Cricket Association may investigate whether any action is necessary to ensure coaches and athletes are in their relevant positions based on their merit. Any action taken will be based on the merits of the case.

If it is determined that the conflict is inappropriate, action may be taken to transfer the party to a similar position elsewhere is appropriate.



#### 4.4 SACA heat policy

This policy applies to SACA affiliated club, players, umpires and club/SACA officials. For conciseness, these are referred to hereafter as “participants.”

The purpose of this policy is to ensure that no participant suffers significant health damage due to participating in hot conditions.

Participating in hot conditions will affect different individuals to different extents and in differing ways. Factors which can influence the effect on different individuals include;

- The individuals level of fitness and general health.
- The preparation the individual has undertaken in the lead-up to the match.
- Whether, and how much, the individual has participated in cricket (or other strenuous activities) in the days prior to the day of the match in which he/she is now participating.
- The age of the individual.

The responsibility for ensuring the safety of individual participants is primarily the responsibility of Clubs and the individuals themselves. The South Australian Cricket Association provides the guidelines in this policy, and makes specific directions and provisions in this policy, to ensure Clubs and Participants are aware of their responsibilities and have the opportunity to avoid unnecessary risk to individuals.

The South Australian Cricket Association has provisions to cancel play in the Premier Cricket Competition on specific days, or vary the starting time and number of overs bowled in any match. Matches will not be cancelled on the basis of the least fit participant or a participant who may have played in another match or matches in the days prior to the match under consideration, to the detriment of the game and the majority of participants. Individuals have a responsibility to withdraw from participating if their particular circumstances (such as those outlined above) place them at an unacceptable level of risk; Clubs also have a responsibility in this regard in that they have the power to call of a match.

No person is forced by the South Australian Cricket Association to participate in any match.

##### 4.4.1 SACA responsibilities

- Prepare, publish and disseminate this policy, and the Sports Medicine Australia (S.A. Branch) publication “Drink Up.” [© SMA SA Branch 2016 ] in sufficient quantities for clubs to provide copies to all players.
- Provide guidelines and directions to clubs and participants.
- Cancel matches in any grade when a combination of conditions leads to an undue risk of heat illness to a significant proportion of participants in that Grade.
- Establish and apply guidelines as to when such cancellations shall be made, and establish a group who shall make any determinations.
- Ensure the Premier cricket Bylaws and playing conditions permit proper health care during matches.

##### 4.4.2 Club responsibilities

- Ensure club, team and match officials are aware of this policy, and their responsibilities under it.





- Ensure that all participants are given written copies of this policy and the Sports Medicine Australia (S.A. Branch) publication “Drink Up.” [© SMA SA Branch 2016 .]
- Ensure that individuals are aware of their own responsibilities in regard to preparing themselves for playing in hot conditions, and to withdraw if they are at an undue risk due to individual circumstances.
- Monitor participants and ensure that individuals at particular risk (due, for example, to having played in hot conditions over a number of preceding days, or to having a fitness level lower than most) do not take part in conditions in which they are at undue risk.
- Place no pressure on any participant to refrain from withdrawing from any match, or day of a match, or part of a day, for health reasons.
- Ensure participants have every opportunity under the laws and bylaws to rehydrate during and after participation.

#### 4.4.3 Individual responsibilities

- Read and understand this heat policy and the guidelines in the Sports Medicine Australia (S.A. Branch) publication “Drink Up.” [© SMA SA Branch 2016 ].
- Follow the recommendations in “Drink Up.” Before, during and after participation.
- In conjunction with your Club, assess your own susceptibility to heat stress, using the factors in the Introduction to this policy.
- Withdraw from participation if you or your Club assesses your risk level to be unacceptable.
- Immediately inform Club officials and/or seek assistance from a qualified medical practitioner should you start to feel any of the symptoms of heat injury as listed in “Drink Up.”

#### 4.4.4 Guidelines for umpires

The Bylaws provide for drinks to be taken more than twice per session in excessively hot weather. The number of drinks breaks in a session may be increased, provided only that the periods of play between drinks, or between interval and drinks, are not less than 35 minutes.

As a guide, the weather may be considered to be excessively hot when it is 37 degrees Celsius or higher for adult matches, or 34 degrees Celsius or high in under age matches (including Ray Sutton Shield matches).

The estimated maximum should be used as a guide; however, drinks should not be taken as frequently as these guidelines when unnecessary (e.g. the day is cooler than predicted, or a significant breeze is present and/or humidity level reduce the severity of conditions).

#### 4.5 Anti-doping policy

The South Australian Cricket Association has adopted the Cricket Australia Anti – doping policy as its own.

These anti-doping rules apply to:

- Affiliates.
- Players.
- Player support personnel.



- Employees and contractors of the South Australian Cricket Association, affiliated associations, affiliated clubs or associated organisations.

The South Australian Cricket Association condemns the Use of Prohibited Substances and Prohibited Methods in cricket. The Use of Prohibited Substances and Prohibited Methods is contrary to the ethics of cricket, potentially harmful to the health of Players and detrimental to the reputation of cricket as a sport.

The only legitimate Use of Prohibited Substances and Prohibited Methods is under the supervision of a physician for a clinically justified purpose in accordance with Article 8 of Cricket Australia's Anti-Doping Rules.

By Cricket Australia's definition, Doping refers to the occurrence of one or more the Anti-Doping Rule Violations set out in Article 5 of the Cricket Australia Anti-Doping Rule Violations as described in their Cricket Australia playing guide handbook.

Please refer to the Cricket Australia anti-doping procedure outlined in this document for rules and regulations regarding Anti-Doping Procedures.

## 5. Codes of Behaviour

### 5.1 Cricket Australia code of behaviour

Cricket is a game that owes much of its unique appeals to the fact that it is to be played not only within its Laws, but also within the spirit of the game. Any action seen as abusing this spirit causes injury to the game itself.

Embracing the spirit of the game means participating, either as a player or as an official, fairly and exhibiting respect for other players and officials and the game's traditional values such as graciousness in defeat and humility in victory.

Cricket has a distinct place in Australian society and history. As an element in Australia's national identity, cricket plays a significant role. This status brings with it particular responsibilities for players and officials to conform to high standards of fair play and personal behaviour on and off the field.

This Code of Behaviour is intended to protect and enshrine such important qualities and standards so that all may continue to enjoy the game of cricket now and in the future.

The South Australian Cricket Association has adopted this code of behaviour and it is to be adopted by all Affiliates of the Association. The entire Code of Behaviour can be located in the Cricket Australia Playing Conditions.

It is noted that a separate Code of Behaviour exists in relation to child safety. Refer to the SACA Policy – Safeguarding Children and Young People for further information.

### 5.2 South Australian Cricket Association coaches code of behaviour

- Be reasonable in your demands on players' time and enthusiasm.
- Teach your players that rules of the sport are mutual agreements which no one should evade or break.
- Whenever possible, group players to give a reasonable chance of success.
- Avoid over-playing the talented players. All young players need and deserve equal time.



- Remember that children participate for fun and enjoyment and that winning is only part of their motivation. Never ridicule or yell at a player for making mistakes or losing a game.
- Ensure that the equipment and facilities meet safety standards and are appropriate to the age and ability of the players.
- The scheduling and length of practice times and competition should take into consideration the maturity level of the players.
- Develop team respect for the ability of opponents as well as for the judgment of officials and opposing coaches.
- Follow the advice of physician when determining when an injured player is ready to recommence training or competition.
- Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

### 5.3 South Australian Cricket Association parents code of behaviour

- Do not force an unwilling child to participate in cricket.
- Remember, children are involved in cricket for their enjoyment, not yours.
- Encourage your child to play by the rules.
- Focus on the child's efforts and performance rather than winning or losing.
- Never ridicule or yell at a child for making a mistake or losing a game.
- Remember that children learn best by example. Appreciate good performances and skilful plays by all participants.
- Support all efforts to remove verbal and physical abuse from sporting activities.
- Respect officials' decisions and teach children to do likewise.
- Show appreciation for volunteer coaches, officials and administrators. Without them, your child could not participate.
- Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

### 5.4 South Australian Cricket Association players code of behaviour

- Play by the rules.
- Never argue with an umpire. If you disagree, have your captain, coach or manager approach the official during a break or after the game.
- Control your temper. Verbal abuse of officials and sledging other players, deliberately distracting or provoking an opponent is not acceptable or permitted in any sport. Do not show you are unhappy when given out.
- Be a good sport. Applaud all good plays whether they are made by your team, an opponent or the other team.
- Treat all participants in cricket as you like to be treated. Do not interfere with, bully or take unfair advantage of another player.
- Cooperate with your coach, teammates and opponents. Without them there would be no competition.
- Place in proper perspective the isolated incidents of unsporting behaviour rather than make such incidents the 'highlight' of the event.
- All talk must stop when the bowler reaches his bowling mark.
- Bad language (swearing) is not permitted.
- Once a batter is dismissed, members of the fielding team are not permitted to give the batter a 'send off'.
- Participate for your own enjoyment and benefit, not just to please parents and coaches.



- Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.

## 5.5 Cricket Australia racial and religious vilification code

- The South Australian Cricket Association has adopted the Cricket Australia Racial and Religious Vilification Code.
- The purpose of this Code is to:
  - Recognise the commitment of Cricket Australia (“Cricket Australia”) to the elimination of racial and religious vilification of players.
  - Establish a framework for handling complaints made by players who believe they have been subjected to racial or religious vilification by another player.
  - The entire Racial and Religious Vilification Code is located in the Cricket Australia Playing conditions.

## 6. Procedures

### 6.1 Complaints procedure

The South Australian Cricket Association aims to provide a simple procedure for complaints based on the principles of procedural fairness (natural justice). Any person (A complainant) may report a complaint about a person/s or organisation bound by this policy (respondent.) Such complaints should be reported to the CE of the South Australia Cricket Association.

Procedural fairness (natural justice) means that the South Australian Cricket Association is required to provide the person/people you have complained about with the full details of the complaint so they have a fair chance to respond.

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:

- Club level or involves people operating at the club level, and then the complaint should be reported to and handled by the relevant club in the first instance.
- Association level or involves people operating at the association level, and then the complaint should be reported to and handled by the relevant association in the first instance.
- State level or involves people operating at the state level, then the complaint should be reported to and handled by the South Australian Cricket Association in the first instance.

Only matters that relate to or occur at the state level and the most serious cases from associations and club level should be referred to the South Australian Cricket Association.

A complaint may be dealt with informally or formally. The complainant usually decides this unless the CE considers that complaint falls outside this policy and would be better dealt with another way and/or the law requires the complaint/allegation to be reported to an appropriate authority.

Individual and organisations may also pursue their complaint externally under anti-discrimination and other relevant legislation.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint handling procedures are outlined in this document.



## 6.2 Vexatious complaints and victimisation

South Australian Cricket Association 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 CE or the Code of Behaviour Commissioner for appropriate action which may include disciplinary action against the complainant.

The South Australian Cricket Association 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.

## 6.3 Code of Behaviour Commissioner

A hearing before a Code of Behaviour Commissioner ("the Commissioner") may be convened to hear a formal complaint:

- Referred to by the CE.
- Referred to it or escalated by an association or club because of the serious nature of the complaint, or unable to be resolved at the association or club level, or the state policy directs it to be; and/or
- For an alleged breach of this policy.
- Our Hearing Procedure is outlined in this policy.
- Every Affiliate bound by this policy will recognise and enforce any decision of a Commissioner under this policy.
- The Commissioner will be appointed in accordance with the Terms of Reference adopted from time to time by the South Australian Cricket Association Board of Management.

## 6.4 Informal approaches

### **Step 1 Talk with the other person (where this is reasonable and appropriate)**

In the first instance, you (the Complainant) should try to sort out the problem with the person or people involved (Respondent) if you feel able to do so.

### **Step 2 Contact a Member Protection Information Officer**

Talk with one of our Member Protection Information Officers (MPIOs) if:

- The first step is not possible/reasonable;
- You are not sure how to handle the problem by yourself;
- You want to talk confidentially about the problem with someone and obtain more information about what you can do; or
- The problem continues after you tried to approach the person or people involved.

The MPIO will:

- Take confidential notes about your complaint;
- Try to find out the facts of the problem;
- Ask what outcome/how you want the problem resolved and if you need support;
- Provide possible options for you to resolve the problem;
- Act as a support person if you wish;
- Refer you to an appropriate person (e.g. Mediator) to help you resolve the problem, if necessary;



- Inform the relevant government authorities and/or police if required by law to do so;
- Maintain confidentiality to the extent permitted at law.

### **Step 3 Outcomes from initial contact**

After talking with the MPIO you may decide:

- There is no problem;
- The problem is minor and you do not wish to take the matter forward;
- To try and work out your own resolution (with or without a support person such as a MPIO); or
- To seek a mediated resolution with the help of a third person (such as a mediator); or
- To seek a formal approach.

## **6.5 Formal approaches**

### **Step 4 Making a formal complaint**

If your complaint is not resolved or informal approaches are not appropriate or possible, you may;

- Make a formal complaint in writing to the South Australian Cricket Association CE or;
- Approach a relevant external agency such as an Equal Opportunity Commission, for advice or to lodge a complaint.

On receiving a formal complaint and based on the material you provide, the CE will decide whether:

- They are the most appropriate person to receive and handle the complaint;
- The nature and seriousness of the complaint warrants a formal resolution procedure;
- To appoint a person to investigate (gather more information on) the complaint;
- To refer the complaint to mediation;
- To refer the complaint to a Commissioner;
- To refer the matter to the police or other appropriate authority; and/or
- To implement any interim arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the South Australian Cricket Association CE will take into account:

- Whether they have had any personal involvement in the circumstances which means that someone else should handle the complaint;
- Your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- The relationship between you and the respondent (for example an actual or perceived power in-balance between you and the respondent).
- Whether the facts of the complaint are in dispute; and
- The urgency of the complaint, including the possibility that you will be subject to further unacceptable behaviour while the complaint process is underway.

If the South Australian Cricket Association CE is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

- Put the information they've received from you to the person/people you're complaining about and ask them to provide their side of the story;



- Decide if they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- Determine what, if any, further action to take. This action may include disciplinary action in accordance with this policy.

### **Step 5 Investigation of the complaint**

A person appointed under Step 4 will conduct an investigation and provide a written report to the South Australian Cricket Association CE or Code of Behaviour Commissioner who will determine what further action to take.

If the complaint is referred to mediation, it will be conducted in accordance with our Mediation processes or as otherwise agreed by you and the respondent and the mediation provider.

If the complaint is referred to the Code of Behaviour Commissioner, the hearing will be conducted in accordance with our Hearings Procedure.

If the complaint is referred to the police or other appropriate authority, the South Australian Cricket Association will use its best endeavours to provide all reasonable assistance required by the police or other authority.

### **Step 6 Reconsideration of initial outcome/investigation or review**

If, under the formal complaint process, mediation is unsuccessful, you may request that MPIO reconsider the complaint in accordance with Step 3.

You or the respondent(s) may be entitled to review. The ground and process for review under this Policy are set out in the Review Procedure in this document.

### **Step 7 Documenting the resolution**

The South Australian Cricket Association CE will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at a state/district level, the information will be stored in the state association office. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at the national office with a copy stored at the state office.

## **6.6 External approaches**

There are a range of other options available depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from your State or Territory anti-discrimination commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be harassment within its jurisdiction, you may lodge a formal complaint with the commission.

Once a complaint is received by an anti-discrimination commission, it will investigate. If it appears that unlawful harassment or discrimination has occurred, the commission will conciliate the complaint confidentially. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made. The Commissioner will decide upon what action, if any will be taken. This could include financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred.

If you do lodge a complaint under anti-discrimination law, you may use an appropriate person (e.g. an MPIO) as a support person throughout the process. It is



also common to have a legal representative, particularly at the hearing stage of a complaint.

You could also approach another external agency such as the police.

## 6.7 Mediation procedures

The South Australian Cricket Association aims to resolve complaints with a minimum of fuss. Complaints may be resolved by agreement between the people involved with no need for disciplinary action. Mediation allows those involved to be heard and to come up with mutually agreed solutions.

Mediation may occur before or after the investigation of a complaint. If a complainant wishes to resolve the complaint with the help of a mediator, the CE or his delegated officer will, in consultation with the complainant, arrange for a neutral third party mediator where possible. Lawyers are not able to negotiate on behalf of the complainant and/or the respondent.

Mediation is a process during which people in conflict are helped to communicate with each other to identify the areas of dispute and to make decisions about resolving it. This section outlines the general procedure of mediation that will be followed by the South Australian Cricket Association.

1. If the mediation is unsuccessful, the MPIO will, under the direction of the South Australian Cricket Association and in consultation with the complainant and the respondent(s), arrange for a mediator.
2. The mediator's role is to assist the complainant and respondent(s) reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and respondent(s), will choose the procedures to be followed during the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.
3. The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached which will be signed by them as their agreement.
5. If the complaint is not resolved by mediation, the complainant may;
  - a. Write to CE to request that the CE reconsider the complaint in accordance with Step 3;
  - b. Approach an external agency such as an anti- discrimination commission.
6. Mediation will not be recommended if;
  - a. The respondent has a completely different version of the events and will not deviate from these.
  - b. The complainant or respondent are unwilling to attempt mediation;
  - c. Due to the nature of the complaint, the relationship between the complainant and the respondent(s) or any other relevant factors, the complaint is not suitable for mediation; or





- d. The matter involves proven serious allegations, regardless of the wishes of the Complainant.

### 6.7.1 Investigation procedure

If an investigation needs to be conducted to gather more information the following steps will be followed;

1. We will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator will:
  - a. Interview the complainant and record the interview in writing.
  - b. Convey full details of the complaint to the respondent(s) so that they can respond.
  - c. Interview the respondent to allow them to answer the complaint, and record the interview in writing.
  - d. Obtain statements from witnesses and other relevant evidence to assist in a determination, if there is a dispute over the facts.
  - e. Make a finding as to whether the complaint is:
    - Substantiated (there is sufficient evidence to support the complaint);
    - Inconclusive (there is sufficient evidence either way);
    - Unsubstantiated (there is sufficient evidence to show that the complaint is unfounded) and/or;
    - Mischievous, vexatious or knowingly untrue.
  - f. Provide a report to CE or Code of Behaviour Commissioner documenting the complaint, investigation process, evidence, finding and, if requested, recommendations.
2. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
3. The complainant and the respondent(s) may have the right to review against any decision based on the investigation. Information on our review process is outlined in this document.

### 6.8 Hearings before the Commissioner

The following will be followed by the Commissioner to hear state Affiliates and Club Protection related complaints.

#### *The Code of Behaviour Commissioner*

1. A Code of Behaviour Commissioner will hear a complaint that has been referred to it by the CE or his delegated officer. The number of Code of Behaviour Commission members required to be present throughout the hearing will be one .
2. The Code of Behaviour Commissioner will be provided with a copy of all the relevant correspondence, reports or information received and sent by CE or his delegated officer relating to the complaint/allegations.
3. The Code of Behaviour Commissioner will be scheduled as soon as practicable, but must allow adequate time for the person being complained about (Respondent(s)) to prepare their case for the hearing.



4. The Code of Behaviour Commissioner will not include any person who has any actual or perceived conflict of interest, or bias regarding the matter.
5. The Commissioner will be appointed in accordance with the Terms of Reference adopted from time to time by the South Australian Cricket Association Board of Management.

### *Hearings Procedure*

1. The CE of the South Australian Cricket Association will inform the respondent(s) in writing that a hearing will take place before a Commissioner. The notice will outline:
  - a. That the person has a right to appear at the hearing before the Commissioner to defend the complaint/allegation;
  - b. Details of the complaint, and details of all allegations and the clause of any policy or rule allegedly breached;
  - c. The date, time and venue of the hearing before the Commissioner;
  - d. That they can make either verbal or written submissions to the Commissioner;
  - e. That they may arrange for witnesses to attend the hearing in support of their position (statutory declarations of witnesses not available or from character witnesses may also be provided to the Commissioner).
  - f. An outline of any possible penalties that may be imposed if the complaint is found to be true; and
  - g. Parties can have a support person present at the hearing.
2. A copy of any information/documents that have been given to the Commissioner (e.g. investigation report findings) will also be provided to the respondent.
3. The respondent(s) will be allowed to participate in all South Australian Cricket Association activities and events, pending the decision of the Code of Behaviour Commission, including any available review process, unless the CE of the South Australian Cricket Association believes it is necessary to exclude the respondent(s) from all or some South Australian Cricket Association activities and events, after considering the nature of the complaint.
4. If the complainant believes the details of the complaint are incorrect or insufficient they should inform the CE as soon as possible so that the respondent and the Code of Behaviour Commissioner can be properly informed of the complaint.
5. It is preferable that the Code of Behaviour Commission include at least one person with knowledge or experience of the relevant laws/rules (e.g. Discrimination).
6. The following people will be allowed to attend the Hearing before the Commissioner:
  - a. The Code of Behaviour Commissioner;
  - b. The CE of the South Australian Cricket Association
  - c. The respondent(s);
  - d. The complainant;



- e. Any witnesses called by the respondent;
  - f. Any witnesses called by the complainant;
  - g. Any parent/guardian or support person required to support the respondent or the complainant.
7. If the respondent(s) is not present at the set hearing time and the Code of Behaviour Commissioner considers that no valid reason has been presented for their absence, the Hearing before the Commissioner will continue subject to the Code of Behaviour Commissioner being satisfied that all Code of Behaviour Commission notification requirements have been met.
  8. If the Code of Behaviour Commissioner considers that a valid reason for the non-attendance of the respondent(s) has been presented, or the Code of Behaviour Commissioner does not believe the Hearing before the Commissioner notification requirements have been met, then the Hearing before the Commissioner will be rescheduled to a later date.
  9. The Code of Behaviour Commissioner will inform the CE of the need to reschedule, and the CE or his delegated officer will organise for the Hearing before the Commissioner to be reconvened.
  10. The Code of Behaviour Commissioner will read out the complaint, ask the respondent(s) if they understand the complaint and if they agree or disagree with the complaint.
  11. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Code of Behaviour Commissioner when determining any disciplinary measures (penalty).
  12. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
    - a. Reference may be made to brief notes.
    - b. The complainant may call witnesses.
    - c. The respondent(s) may question the complainant and witnesses.
  13. The respondents will then be asked to respond to the complaint.
    - a. Reference may be made to brief notes.
    - b. The respondent may call witnesses.
    - c. The complainant may ask questions of the respondent and witnesses.
  14. Both the complainant and respondent may be present when evidence is presented to the Code of Behaviour Commissioner. Witnesses may be asked to wait outside the hearing until required.
  15. The Code of Behaviour Commissioner may;
    - a. Consider any evidence, and in any form, that it deems relevant.
    - b. Question any person giving evidence.
    - c. Limit the number of witnesses presented to those who provide any new evidence.
    - d. Require the attendance of any witness it deems relevant;
    - e. Act in an inquisitorial manner in order to establish the truth of the issue/case before it.



16. Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.
17. If the Code of Behaviour Commissioner considers that at any time that during the Hearing that there is any unreasonable or intimidatory behaviour from anyone the Code of Behaviour Commissioner may stop further involvement of the person in the hearing.
18. After all of the evidence has been presented the Code of Behaviour Commissioner will make its decision in private. The Code of Behaviour Commissioner must decide whether the complaint has been substantiated on the balance of probabilities (i.e. more probable than not.) As the seriousness of the allegation increases, so too must the level of satisfaction of the Code of Behaviour Commissioner that the complaint has been substantiated. The respondent will be given an opportunity to address the Code of Behaviour Commissioner on disciplinary measures which might be imposed. Disciplinary measures imposed must be reasonable in the circumstances.
19. The Code of Behaviour Commissioner will announce the decision in the presence of all those involved after considering the evidence (which may be at a later date), in the hearing and will declare the hearing closed, or may advise those present that the decision is reserved and will be handed down in written form.
20. Within 48 hours, the Code of Behaviour Commissioner will:
  - a. Forward to the CE a copy of the decision including any disciplinary measures imposed.
  - b. Forward a letter to the respondent(s) reconfirming the decision and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for a review. Where the matter is of unusual complexity or importance, the Code of Behaviour Commissioner may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours.
21. The Code of Behaviour Commissioner does not need to provide written reasons for its decision.
22. The Code of Behaviour Commissioner will also act in accordance with the Terms of Reference adopted from time to time by the South Australian Cricket Association Board of Management.

## 6.9 Review procedure

1. A complainant or a respondent(s) who is not satisfied with the decision from the Code of Behaviour Commissioner the outcome of mediation or a decision can lodge a letter of request for review to the South Australian Cricket Association on one or more of the following bases;
  - a. That a denial of natural justice has occurred; or
  - b. That the disciplinary measure(s) imposed is unjust and/or unreasonable.
  - c. That the decision was not supported by the information/evidence provided to the Mediator/Commissioner;



2. An Affiliate may request a review of a determination and/or decision of the CE or a Commissioner by giving written notice to the CE within 10 business days of the decision, setting out that the Affiliate wishes to have the decision reviewed. The written notice must be accompanied by a review fee of \$200, which shall be refunded to the Affiliate in the event that the review is successful.
3. If the letter of request for review and fees are not received by the South Australian Cricket Association within the time period the right of review lapses.
4. The letter of request for review and copy of Commissioner's decision report will be forwarded to the South Australian Cricket Association CE to review and decide whether there are sufficient grounds for the review to proceed. The South Australian Cricket Association CE may invite any witnesses to the meeting if believed they are required to make an informed decision.
5. If the appellant has not shown sufficient grounds for review in accordance with clause 6.9.1 then the request for review will be rejected. The appellant will be notified with reasons and the review fee will be forfeited.
6. If the request for review is accepted a hearing will be convened to rehear the complaint and the review fee will be refunded.
7. The Hearing Procedure shall be followed for the review process.

## 6.10 Discipline procedure

### 6.10.1 Forms of discipline

If a party is covered by this agreement they may be disciplined in accordance with this policy.

Any disciplinary measures imposed by the South Australian Cricket Association under this policy must:

- Observe any contractual and employment rules and requirements;
- Conform to the principles of natural justice;
- Be fair and reasonable;
- Be based on the evidence and information presented;
- Be within the powers of the Commissioners to impose the disciplinary measures.

### 6.10.2 Individual

Subject to contractual and employment requirements, if a finding is made by the South Australian Cricket Association that an individual has breached this policy, one or more of the following forms of discipline may be imposed:

- A direction that the individual is remorseful and/or written apology;
- A written warning;
- A direction that the individual attend counselling to address their behaviour;
- A demotion or transfer of the individual to another location, role or activity'
- A suspension of the individual's membership or participation or engagement in a role or activity;



- Termination of the individuals' membership, appointment or engagement;
- A recommendation that the South Australian Cricket Association terminate the individuals' membership, appointment or engagement;
- Any other forms of discipline that Commissioners consider appropriate.

### 6.10.3 Organisation

If a finding is made that the South Australia Cricket Association Affiliates or Club has breached its own or this policy, one or more of the following forms of discipline may be imposed by Commission:

- A written warning.
- A fine determined in accordance with the Code of Behaviour Commissioner's Terms of Reference adopted from time to time by the South Australian Cricket Association Board of Management;
- A direction that any rights, privileges and benefits provided to that organisation by the state body or other peak association be suspended for a specified period;
- A direction that any funding granted or given to it by the South Australian Cricket Association cease from a specified date;
- A direction that the South Australian Cricket Association cease to sanction events held by or under the auspices of that organisation;
- A recommendation to the South Australian Cricket Association that its membership of the South Australia Cricket Association be suspended or terminated in accordance with the relevant constitution or rules; and/or;
- Any other form of discipline that the South Australian Cricket Association CE or Code of Behaviour Commissioner considers being reasonable and appropriate.

### 6.10.4 Factors to consider when imposing discipline

The form of discipline to be imposed on an individual or organisation will depend on factors such as:

- Nature and seriousness of the behaviour or incidents;
- In a case where action is taken concurrently with or in lieu of a resolution of a formal complaint, the wishes of the complainant;
- If the individual concerned knew or should have known that the behaviour was a breach of the policy;
- Level of contribution of the respondent(s);
- The effect of the proposed disciplinary measures on the respondent(s) including any personal, professional or financial consequences;
- If there have been relevant prior warnings or disciplinary action; and/or
- If there are any mitigating circumstances such that the respondent(s) shouldn't be disciplined at all or not disciplined so seriously.

## 7. Annexures

### 7.1 Confidential record of informal complaint

To be completed by a CSO or MPIO of an affiliated club or affiliated association or SACA.

CSO/MPIO's Name		Date: / /
Complainant's Name		



	<input type="checkbox"/> Over 18 <span style="float: right;"><input type="checkbox"/> Under 18</span>									
Complainants contact details	Phone: Email:									
Complainants club and/or association										
Complainants Role/status in cricket	<input type="checkbox"/> Administrator (volunteer) <span style="float: right;"><input type="checkbox"/> Parent</span> <input type="checkbox"/> Athlete/player <span style="float: right;"><input type="checkbox"/> Spectator</span> <input type="checkbox"/> Coach/Assistant Coach Personnel <span style="float: right;"><input type="checkbox"/> Support</span> <input type="checkbox"/> Employee (paid) <span style="float: right;"><input type="checkbox"/> Other</span> <input type="checkbox"/> Official .....									
Location/event of alleged issue										
Facts as stated by complainant										
Nature of complaint (category/basis/ground)  Can tick more than one box	<table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Harassment or methods</td> <td><input type="checkbox"/> Discrimination</td> <td><input type="checkbox"/> Coaching</td> </tr> <tr> <td><input type="checkbox"/> Sexual/sexist abuse</td> <td><input type="checkbox"/> Selection dispute</td> <td><input type="checkbox"/> Verbal</td> </tr> <tr> <td><input type="checkbox"/> Homosexuality abuse</td> <td><input type="checkbox"/> Personality clash</td> <td><input type="checkbox"/> Physical</td> </tr> </table>	<input type="checkbox"/> Harassment or methods	<input type="checkbox"/> Discrimination	<input type="checkbox"/> Coaching	<input type="checkbox"/> Sexual/sexist abuse	<input type="checkbox"/> Selection dispute	<input type="checkbox"/> Verbal	<input type="checkbox"/> Homosexuality abuse	<input type="checkbox"/> Personality clash	<input type="checkbox"/> Physical
<input type="checkbox"/> Harassment or methods	<input type="checkbox"/> Discrimination	<input type="checkbox"/> Coaching								
<input type="checkbox"/> Sexual/sexist abuse	<input type="checkbox"/> Selection dispute	<input type="checkbox"/> Verbal								
<input type="checkbox"/> Homosexuality abuse	<input type="checkbox"/> Personality clash	<input type="checkbox"/> Physical								



	<input type="checkbox"/> Race Victimisation <input type="checkbox"/> Bullying <input type="checkbox"/> <input type="checkbox"/> Religion decision <input type="checkbox"/> Disability <input type="checkbox"/> Unfair <input type="checkbox"/> Other..... .....
Feelings expressed by complainant (completing this may help to separate emotional content from facts).	
What they want to happen to fix issue	
What information provided	
What they are going to do now	

This record and any notes must be kept in a confidential place – do not enter it on a computer system. As a formal complaint, this document is to be sent to the South Australian Cricket Association.

### 7.2 Confidential record of formal complaint

To be completed by a CSO or MPIO of an affiliated club or an affiliated association or SACA.

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> <input type="checkbox"/> Under 18	Date:    /    / /    /
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Complainant's contact details	Phone: Email:
Complainants Role/status in cricket	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official .....
Location/event of alleged issue	
Description of alleged issue	
Nature of complaint (category/basis/ground)  Can tick more than one box	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Physical abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Victimisation <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other.....
Methods (if any) of attempted informal resolution	



Formal resolution procedures followed (outline)	
If investigated: Finding -	
If went to Commissioner:  Decision -  Action recommended -	
If mediated:  Date of mediation –  Were both parties present –  Terms of Agreement –  Any other action taken -	
If went to review  Decision  Action recommended	
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name:  Position:  Signature:  Date:
Signed by:	Complaint:  Respondent:

This record and any notes must be kept in a confidential place – do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be sent to the CE of the South Australian Cricket Association.



### 7.3 Record of mediation

To be completed by the Mediator

Present at Mediation:	
Date of mediation:	
Venue of mediation:	
Mediator:	
Summary of mediation: (minutes attached)	
Outcome of mediation:	
Follow-up to occur (if required):	
Completed by: (signature)	
Signed by: Complainant (signature)	



Respondent (signature)	
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The CE is to receive a copy of this report for secure storage at SACA.

#### 7.4 Record of Commissioner decision

To be completed by the CE of the South Australian Cricket Association

Complainant's Name		Date Formal Complaint Received: / /
Role/status in cricket	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach Personnel <input type="checkbox"/> Support <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official <input type="checkbox"/> Other .....	
Name of person complained about		
Role/status in cricket	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach Personnel <input type="checkbox"/> Support <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official <input type="checkbox"/> Other .....	
Location/event of alleged issue		
Description of alleged issue		



Nature of complaint (basis/grounds/category)	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Religion <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Pregnancy <input type="checkbox"/> Physical abuse <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Child Abuse Other .....
Methods (if any) of attempted informal resolution	
Support person (if any)	
Commission Members	
Commission Hearing Date and venue	
Commission Decision (attach report)	
Action recommended and any follow up report required	
Decision Review Date Review lodged	
Review Hearing Date	
Review Decision (attach report)	
Action Recommended	



Completed by	Name: Position in SACA: Signature: / /
Signed by:	Complainant Respondent