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# PFA Discipline and Member Protection Policy

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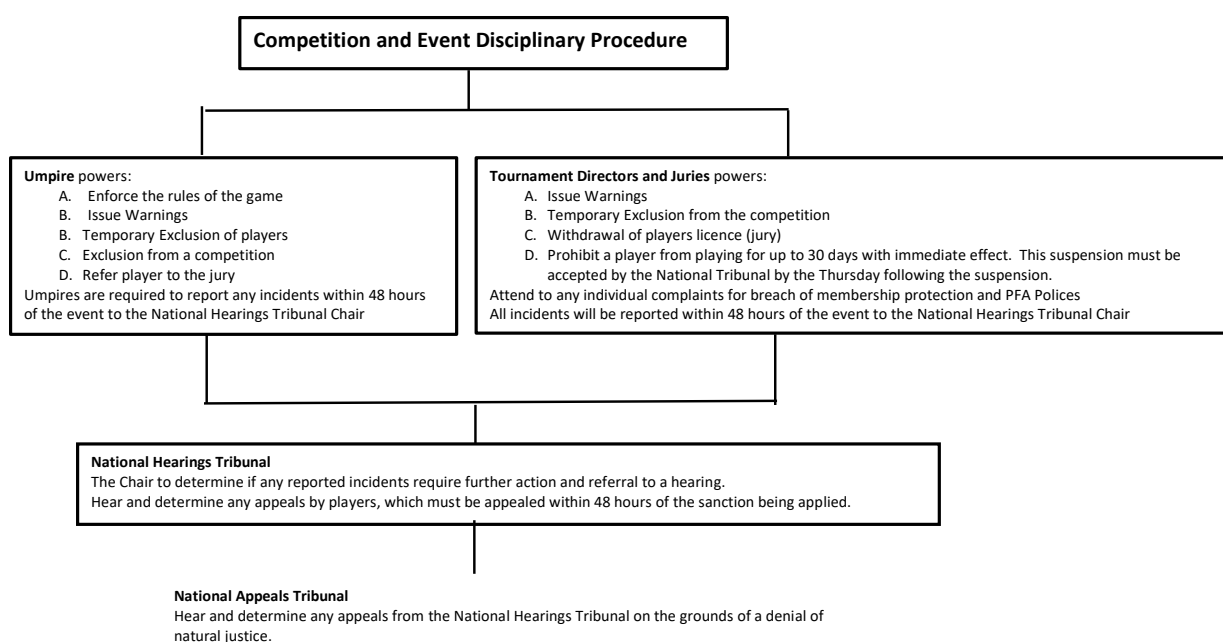
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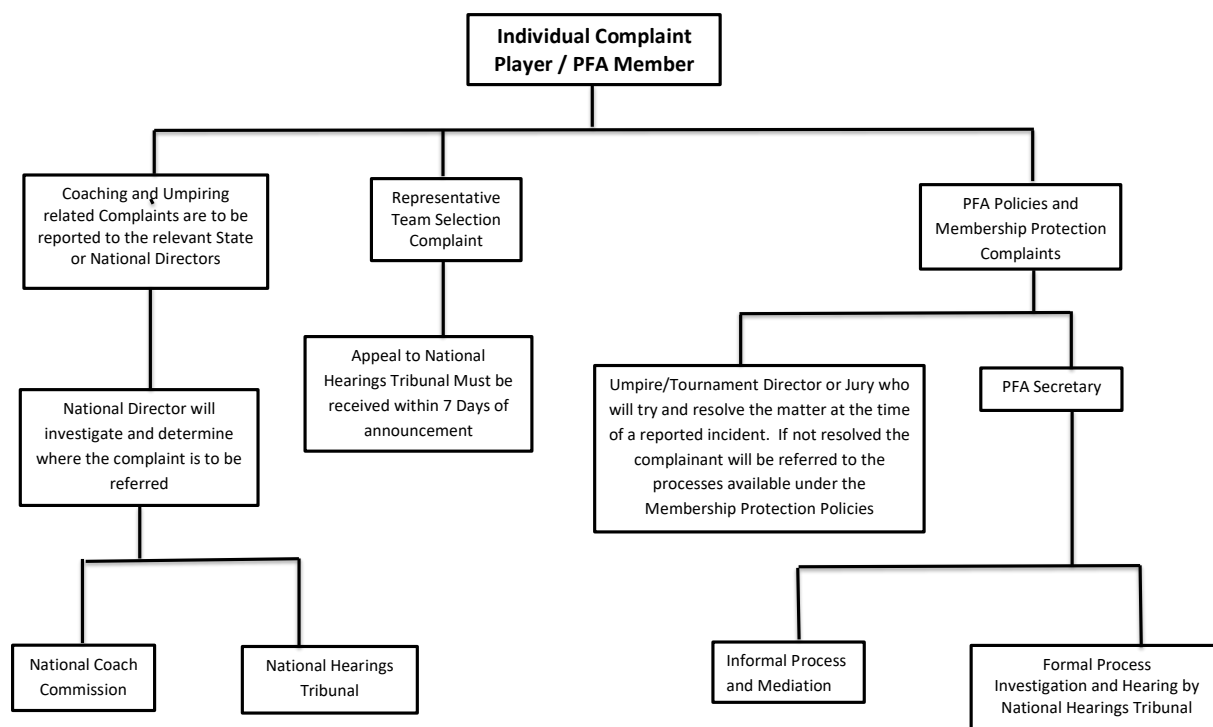
# 1 Disciplinary Procedure

## 1.1 Summaries



**Note:** Any incident concerning a breach of a code of conduct, the membership protection policy or other conduct that has caused offence and does not come within the jurisdiction of the umpire, are encouraged to report the incident to an official on the day, so it can be dealt with at the time of the incident, in a prompt manner. If the complainant feels the matter is serious or unresolved, they can report it to the relevant Club, State League or PFA Secretary who will ensure it is dealt with in accordance with the relevant policies. The PFA is committed to having the sport played in a manner that fosters skill development, healthy sporting spirit and competition, free of prejudice.

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## 1.2 Power of Umpires


As well as the decisions that an umpire can take to ensure the application of the rules of the game, the umpires can take the following decisions:

- A. Issue a warning
- B. temporary exclusion of player(s), or a team
- C. Exclusion of player(s) or team(s) from a competition
- D. Refer player to the jury

## 1.3 Power of the Tournament Director and Tournament Jury

The Tournament Director or person in control of the event will assume full control of the event and ensure that all PFA rules, regulations and local rules are followed and respected.

The Tournament Director will liaise with the Umpire of the day, checking that all instructions

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from the Tournament Organiser and Tournament Flyer comply with PFA rules, local rules and administrative regulations.

The Tournament Director and/or the Tournament Jury (Composed of 3 members minimum and 5 maximum, including the tournament director as chair) and the umpire of the day, can take the following decisions:

- A. Issue a warning
- B. Temporary exclusion from the competition
- C. Withdrawal of a licence
- D. Prohibit a player from playing for up to 30 days maximum in any competitions, with immediate effect provided the Chair of the National Hearings Tribunal is advised within 24 hours and the Tribunal accepts the sanction by no later than the first Thursday following the incident.

## 1.4 Power of the National Hearings Tribunal


National Hearings Tribunal has the power to:

- A. To hear and determine breaches of rules and allegations of misconduct committed by players reported to the Chairperson by an Umpire, Tournament Director, Tournament Organiser, State League or Club Member which have been appealed by a player.
- B. On becoming aware of an incident where there are alleged breaches of the rules of the sport of Pétanque and allegations of misconduct committed by a player, which was not reported, provided it is within 30 days of the event where alleged misconduct took place.
- C. To apply disciplinary sanctions.
- D. Notwithstanding the codification of sanctions, the National Tribunal may, at its discretion, apply a suspended sentence in respect of all or part of the sanction.

## 1.5 Power of National Appeals Tribunal

The National Appeals Tribunal has the power to:

- A. To hear and determine appeals of decisions of the National Hearings Tribunal on the grounds of a denial of natural justice.
- B. To hear and determine matters referred to it by the PFA Board.
- C. To hear and determine appeals of decisions of the Coaching Commission.
- D. To hear and determine appeals of the Umpire Commission.

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- E. To hear and determine appeals regarding the non-selection or removal from the International Squad or national Team.
- F. The National Appeals Tribunal has the power to apply disciplinary sanctions.

## 1.6 Sanctions and Penalties


- A. Possible penalties;
  - I. Warning
  - II. Sporting penalty
  - III. Final warning
  - IV. Financial penalties
  - V. Withdrawal of licence
  - VI. Life ban
- B. Persons or Committee who can award a Penalty and related Penalty

Umpires – During of the event using Art 32 to 41 of the FIPJP Rules

- I. Temporary exclusion from a competition (one game or more).
- II. Exclusion from competition.
- III. Request the withdrawal of licence followed by a report within 48 hours to the National Hearings Tribunal.

Jury of a Tournament

- I. Warning.
- II. Immediate withdrawal of licence.
- III. Exclusion from competition.
- IV. Withdrawal of licence for a maximum of 30 days, provided the Chair of the National Tribunal is advised within 48 hours following the event by the chair of the Jury. The chair of the National Tribunal must convene the hearing preferably by the Wednesday and in any event, no later than the Thursday following the event.

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Penalties imposed immediately by the Jury are to be reported to chair of the National Tribunal:

- I. Automatically gives a right of appeal by the person concerned to the National Hearings Tribunal.
- II. The appeal must be forwarded by email to the Chair of the National Hearings Tribunal, within 48 hours of the notice of the sanction.
- III. A Player whose licence is suspended cannot play until there has been a decision by the National Hearings Tribunal in relation to the suspension.

### C. Offences with Penalties

Licensed Players:


Category 1:

- a) Failure to comply with the rules of the Sport of Petanque. A warning
- b) Second incident of failure to comply with the Rules of the Sport of Petanque. Temporary or Permanent exclusion from the competition

Category 2:

- a) Game not played correctly in competition, as determined by the Umpire or Tournament Director.
- b) Change of player during a competition.
- c) Playing for money (any way or form) at a competition venue and during the competition.
- d) Failure to comply with the dress code, provocation, disturbance (excluding obscene gestures, verbal threats, obscene language, pushing, physical incidents e.g. trying to hit someone).
- e) Buying a game during competition (ie match fixing).
- f) Writing, publication or speech in public with the intention of defaming PFA, bringing the game into disrepute or to defaming any Official (Committee member).
- g) Verbal or physical abuse or insults towards a player or a spectator.

Suspension of licence for 3 months + \$50.00 fine

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#### Category 3:

- a) Holding more than one licence or a false licence.
- b) Giving false information to obtain a licence.
- c) Offensive language or unacceptable behaviour towards an umpire or committee member.
- d) Verbal threats, aggressive behaviour, obscene gestures, physical pushing or abuse to a player or spectator.

Suspension of licence for 6 months + \$100.00 fine

#### Category 4:

- a) Theft
- b) Destruction of official documents or material).
- c) Verbal threats or abusive language, aggressive behaviour, obscene gestures, physical intimidation or threats to an Umpire or any Official (Committee Member).
- d) Internationally pushing or spitting at an Umpire or a Tournament Official.


Withdrawal of licence for 1 year + \$100.00 fine

#### Category 5:

- a) Writing, publication or public speech with the intention to defame PFA or bring the game into disrepute or to defame any Official (Committee Member).
- b) Physical attacks of a minor nature, without injury, and not needing to stop work against a player or spectator.
- c) Using irregular boules, or re-heated boules.
- d) Stealing money whilst in charge of a club, league or Federation.
- e) Stealing money during the organization of an Official competition.
- f) Physical attack with injuries, leading to inability to attend work for 5 working days or more (medical certificate) against an Umpire, Official or any Official (Committee member), whether or not this occurs during the exercise of his/her duties.
- g) Refusing to accept the control of boules by the Umpire or Tournament Officials.

Suspension of licence for 5 years + \$500.00 fine



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## 1.7 Umpire Conduct and Sanctions

Any complaints of concerning the conduct of an Umpire can only be reported to the National Director and the Umpire Commission is responsible for hearing determining any sanctions that may be determined appropriate including.

- a. A Warning.
- b. An inability to nominate to umpire certain competitions (State or National Championships).
- c. A removal of the umpire designation for a period.
- d. A lowering of the umpire's rank.
- e. Cancellation of the umpire licence.

## 1.8 Reports

All Umpire, Tournament Director, Tournament Organiser, State League or Club Member Umpires, Committee Members, Tournament Organisers must ensure incidents relating to breaches of the rules for the sport of Pétanque, policies, guidelines and regulations are reported to the Chairperson of the National Hearings Tribunal within 48 hours of completion of the event.

## 1.9 Appeals Against Reported Conduct

A Licenced Player who wishes to appeal a reported incident or penalty must notify the Chair of the National Hearing Tribunal by email within 48 hours of the completion of the event that they are appealing the report and decision.

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## 2 PFA Member Protection Policy

### 2.1 Purpose of the MPP

To assist PFA to uphold its core values and create a safe, fair and inclusive environment for everyone associated with the sport of Petanque. It sets out our commitment to ensure that every person involved in our sport is treated with respect and dignity and protected from discrimination, harassment and abuse. It also ensures that everyone involved in our sport is aware of their legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.


The policy describes the practical steps we will take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, PFA will take disciplinary action against any person or organisation bound by this policy if they breach the MMP.

### 2.2 Who is bound by this policy

This policy applies to the following, whether they are in a paid or unpaid/voluntary capacity:

- persons appointed or elected to PFA Board, committees and sub-committees
- employees of PFA
- members of the PFA Board of Directors
- support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers and others
- coaches and assistant coaches
- licenced players
- umpires and other tournament officials
- members, including life members of PFA

This policy will continue to apply to a person even after they have stopped their association or employment with PFA, if disciplinary action against that person has begun.

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## 2.3 Organisational responsibilities

- to implement and comply with the MPP
- publish, distribute and promote the MPP
- promote and model appropriate standards of behaviour at all times
- deal with any breaches or complaints made under the MPP in a sensitive, fair, timely and confidential manner
- apply the MPP consistently
- recognise and enforce any penalty imposed under the MPP
- ensure that a copy of the MPP is available or accessible to all people and organisations to whom this policy applies
- use appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour
- monitor and review this policy regularly.

## 2.4 Individual Responsibilities

Individuals bound by this policy are responsible for:

- making themselves aware of the policy
- complying with all relevant provisions of the MMP, including any codes of conduct and the steps for making a complaint or reporting possible child abuse set out in the MPP
- consenting to PFA screening requirements and any state/territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18 or where otherwise as required by law
- placing the safety and welfare of children above other considerations
- being accountable for their behaviour
- complying with any decisions and/or disciplinary measures imposed under the MMP.

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## 2.5 Position Statements

### 2.5.1 Child protection

- PFA is committed to the safety and well-being of all children and young people who participate in our sport or access our services. We support the rights of the child and will act at all times to ensure that a child-safe environment is maintained.
- We acknowledge the valuable contribution made by our coaches, umpires, members and volunteers and we encourage their active participation in providing a safe, fair and inclusive environment for all participants.

#### 2.5.1.1 Identify and analyse risk of harm

- We will develop and implement a risk management strategy, including a review of our existing child protection practices, to determine how child-safe our organisation is and to identify any additional steps we can take to minimise and prevent the risk of harm to children because of the actions of an employee, volunteer or another person.

#### 2.5.1.2 Develop codes of behaviour

- We will develop and promote a code of behaviour that sets out the conduct we expect of adults when they deal and interact with children involved in our sport, especially those in our care. We will also implement a code of behaviour to promote appropriate conduct between children.
- These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour. (Refer to Codes earlier in this document)

#### 2.5.1.3 Choose suitable employees and volunteers

- We will take all reasonable steps to ensure the PFA engages suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This will include using a range of screening measures.
- We will ensure that Working with Children Checks are conducted for all employees and volunteers who work with children, where an assessment is required by law. If a criminal history report is obtained as part of their screening process, we will handle this information confidentially and in accordance with the relevant legal requirements.

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#### *2.5.1.4 Support, train, supervise and enhance performance*

- We will ensure that all our coaches, umpires and volunteers who work with children have ongoing supervision, support and training. Our goal is to develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment.

#### *2.5.1.5 Empower and promote the participation of children*

- We will encourage children and young people to be involved in developing and maintaining a child-safe environment for our sport.

#### *2.5.1.6 Report and respond appropriately to suspected abuse and neglect*

- We will ensure that all our employees and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under state laws to make a report if they suspect on reasonable grounds that a child has been, or is being, abused or neglected.
- Further, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child, or is in breach of this policy, they may make an internal complaint.

### **2.5.2 Taking images of children**

- Images of children can be used inappropriately or illegally. PFA 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. They should also make sure the parent/guardian understands how the image will be used.
- To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets.
- When using a photo of a child, we will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the parent/guardian. We will not provide information about a child's hobbies, interests, school or the like, as this can be used by pedophiles or other persons to "groom" a child.
- PFA will only use images of children that are relevant to our sport and we will ensure that they are suitably clothed in a manner that promotes participation in the sport. We will seek permission from the parents/guardians of the children before using the images.

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### 2.5.3 Anti-discrimination and harassment

- PFA is committed to providing an environment in which people are treated fairly and equitably and that it is as far as practicable, free from all forms of discrimination.
- We recognise that people cannot participate, enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.
- We prohibit all forms of harassment, discrimination and bullying based on the personal characteristics of a person.
- If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, they may make an internal complaint. In some circumstances, they may also be able to make a complaint to an external organisation.

#### 2.5.3.1 Discrimination

- Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by state or federal anti-discrimination laws.
- The personal characteristics protected by anti-discrimination laws include attributes such as race, age, disability, gender and race.
- Discrimination can be either direct or indirect.
- Direct discrimination occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavorably because of that personal characteristic.
- Indirect discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.
- For the purposes of determining discrimination, the offender's awareness and motive are irrelevant.

#### 2.5.3.2 Harassment

- Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and which happens because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation.
- The offensive behaviour does not have to take place a number of times. A single incident can constitute harassment.
- Sexual harassment is one type of harassment. Sexual harassment is unwelcome

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conduct, remarks or innuendo of a sexual nature. It covers a wide range of behaviours and can be verbal, written, visual or physical. Sexual harassment is not limited to members of the opposite sex.

#### *2.5.3.3 Prohibition against discrimination and harassment*

- We prohibit all forms of harassment and discrimination based on the personal characteristics of the person.
- Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy is encouraged to raise their concerns with us. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation.

#### **2.5.4 Intimate relationships**

- PFA understands that consensual intimate relationships (including, but not limited to sexual relationships) between coaches or officials and adult athletes may take place legally. However, this policy will help ensure that the expectations of coaches or officials are clear and, to ensure that if an intimate relationship does exist or develop between a coach or official and an adult athlete, that relationship will be managed in an appropriate manner.
- Coaches and officials are required to conduct themselves in a professional and appropriate manner in all interactions with athletes. In particular, they must ensure that they treat athletes in a respectful and fair manner, and that they do not engage in sexual harassment, bullying, favoritism or exploitation.

#### **2.5.5 Pregnancy**

- PFA is committed to treating pregnant women fairly and to removing any unreasonable barriers to their full participation in our sport. We will not tolerate any discrimination or harassment against pregnant women.
- PFA will take reasonable care to ensure the safety, health and well-being of pregnant women and their unborn children. We will advise pregnant women that there may be risks involved and encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and well-being, and that of their unborn children, are of utmost importance in their decision-making about the extent they choose to participate in our sport.

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- We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in our sport. Pregnant women should make these decisions themselves, in consultation with their medical advisers and in discussion with PFA.
- We will only require pregnant women to sign a disclaimer in relation to their participation in our sport whilst they are pregnant if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.
- If a pregnant woman feels she has been harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint.

### 2.5.6 Gender Identity

- Gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person. This includes the way people express or present their gender and recognises that a person's gender identity may be an identity other than male or female. Some terms used to describe a person's gender identity include trans, transgender and gender diverse.

#### 2.5.6.1 Gender identity discrimination and harassment

- Federal, state and territory anti-discrimination laws provide protection from discrimination against people on the basis of their gender identity.
- PFA is committed to providing a safe, fair and inclusive sporting environment all where people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity.
- All persons, regardless of gender identity, are entitled to be treated fairly and with dignity and respect at all times. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity. This includes discrimination or harassment of a person who is transgender or transsexual, who is assumed to be transgender or transsexual or has an association with someone who has or is assumed to be transgender or transsexual.
- We expect all people bound by this policy to act with sensitivity when a person is undergoing gender transition/affirmation.
- If any person believes that they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy because of their gender identity, they may make a complaint.



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#### 2.5.6.2 Participation in sport


- PFA recognises that excluding people from participating in sporting events and activities because of their gender identity may have significant implications for their health, wellbeing and involvement in community life. We are committed to supporting participation in our sport on the basis of the gender with which a person identifies.
- If issues of performance advantage arise, we will consider whether the established discrimination exceptions for participation in sport are relevant in the circumstances. Discrimination is unlawful unless an exception applies.
- PFA is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender person intends to compete at an elite level, we will encourage them to obtain advice about the IOC's criteria which may differ from the position we have taken.
- 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.

#### 2.5.6.3 Intersex status

- Federal anti-discrimination law, and some state and territory anti-discrimination laws, provide protection from discrimination against a person on the basis of their intersex status.
- PFA is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their intersex status.

#### 2.5.7 Responsible Service and Consumption of Alcohol

- PFA is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that state associations and member clubs follow strict guidelines regarding the service and consumption of alcohol.
- In general, our policy is that:
  - alcohol should not be available or consumed at sporting events involving children and young people under the age of 18;
  - alcohol-free social events will be provided for young people and families

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- food and low-alcohol and non-alcoholic drinks will be available at events we hold or endorse where alcohol is served
- a committee member will be present at events we hold or endorse where alcohol is served to ensure appropriate practices are followed
- safe transport options will be promoted as part of any event we hold or endorse where alcohol is served.

### 2.5.8 Smoke-free Environment

- PFA is committed to providing a safe and healthy environment at all sporting and social events that we hold or endorse.
- No smoking shall occur at or near sporting events involving children and young people under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers.
- Social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas.
- Coaches, officials, trainers, volunteers and players will refrain from smoking and remain smoke-free while they are involved in an official capacity in our sport on and off the field.

### 2.5.9 Bullying

- PFA is committed to providing an environment that is free from bullying. We understand that bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and we regard bullying in all forms as unacceptable in our sport.
- Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or a group.
- Whilst generally characterised by repeated behaviours, one-off instances can amount to bullying.
- The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:
  - verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;

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- excluding or isolating a group or person;
- spreading malicious rumors; or
- psychological harassment such as intimidation.
- Bullying includes cyber-bullying which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. PFA will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at a referee, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting body.
- If any person believes they are being, or have been, bullied by another person or organisation bound by this policy, he or she may make a complaint.

#### 2.5.10 Social Networking Websites

- PFA acknowledges the enormous value of social networking websites, such as Facebook and Twitter, to promote our sport and celebrate the achievements and success of the people involved in our sport.
- Social networking refers to any interactive website or technology that enables people to communicate and/or share content via the internet. This includes social networking websites such as Facebook and Twitter.
- We expect all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to our sport.
- In particular, social media activity including, but not limited to, postings, blogs, status updates, and tweets:
  - must not contain material which is, or has the potential to be, offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate;
  - must not contain material which is inaccurate, misleading or fraudulent;
  - must not contain material which is in breach of laws, court orders, undertakings or contracts;
  - should respect and maintain the privacy of others; and
  - should promote the sport in a positive way.

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## 2.6 Complaints Procedures

### 2.6.1 Handling Complaints

- PFA aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of procedural fairness.
- Any person (a complainant) may report a complaint about a person, people or organisation bound by this policy (respondent) if they feel they have been harassed, bullied or discriminated against or there has been a breach of this policy.
- Complaints arising out of conduct during competitions should be addressed by the competition Umpire and Jury according to those Policies where possible.
- Complaints which relates to behaviour or an incident that occurred at the:
  - state level, or involves people operating at the state level, the complaint should be reported to and handled by the relevant State League in the first instance.
  - club level, or involves people operating at the club level, the complaint should be reported to and handled by the relevant club in the first instance.
  - Matters that relate to, or which occurred at, the national level, as well as serious cases referred from the state and club level, will be dealt with by the PFA.
- Where a complaint has not been or could not be dealt with by a competition or umpire jury or at a Club or State level it can be dealt with at the National level.
- In the first instance, complaints which are to be handled at a National level should be reported to the Secretary of the PFA.
- A complaint may be handled informally or formally. The complainant will usually indicate their preferred option unless the Secretary considers that the complaint falls outside this policy and should be handled another way. For example, the law may require that the complaint/allegation be reported to an appropriate authority.
- All complaints will be dealt with promptly, seriously, sensitively and confidentially.
- Individuals and organisations may also elect to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

Complaints will be handled in the following order

- Mediation      See 2.6.3
- Investigation    See 2.6.4
- Tribunal        See 2.6.5

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### 2.6.2 Improper complaints and victimisation

- PFA aims to ensure that our complaints procedure has integrity and is free from unfair repercussions or victimisation against the person making the complaint.
- PFA will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures will be imposed on anyone who harasses or victimises another person for making a complaint or supporting another person's complaint.
- If at any point in the complaint handling process the PFA Secretary considers that a complainant has knowingly made an untrue complaint or the complaint is malicious or intended to cause distress to the respondent, the matter may be referred to the National Hearings Tribunal for review and appropriate action, including possible disciplinary action against the complainant.

### 2.6.3 Mediation

- PFA aims to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action.
- Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It 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 PFA will, in consultation with the complainant, arrange for an independent mediator where possible. Lawyers will not be permitted participate in any mediation unless they are the complainant or the appointed mediator.

### 2.6.4 Investigation

- If it is not possible or appropriate to resolve the complaint through an informal process or mediation the complainant may make a formal complaint in writing to the PFA Secretary.
- After receiving a formal complaint, and based on the material provided, the PFA Secretary may decide to investigate the matter or appoint a person to investigate the complaint and provide a written report.
- Following the investigation, the PFA Secretary will determine what further action to take or refer the report to the National Hearings Tribunal, which will hear and determine the complaint

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determine the penalty applicable, if appropriate.

- If the complainant or the subject of the complaint don't accept the decision of the Board they can seek to have the matter referred to a Tribunal.

### 2.6.5 Tribunal


See Section 3 for Tribunal definitions.

- In the case of mediation and Investigation not producing a suitable resolution of the dispute, the PFA Board may appoint a National Hearings Tribunal to hear the case.
- The Tribunal can call witnesses and examine the report of the Investigator. It may, at its own determination, convene a hearing to hear the evidence from the complainant and the person about whom the complaint is raised.
- The National Hearings Tribunal's decision can only be appealed on the grounds of a denial of natural justice. The National Hearings Tribunal can make any orders as it sees fit including: a party to attend counselling and/or education programs; remedial action; sanctions and penalties.

### 2.6.6 What is a breach of this policy?

It is a breach of this policy for any person or organisation bound by this policy to do anything contrary to this policy, including but not limited to:

- breaching the codes of behaviour
- bringing the sport of Pétanque and/or PFA into disrepute, or acting in a manner likely to bring the sport of Pétanque and/or PFA into disrepute
- failing to follow PFA policies (including the MPP) and our procedures for the protection, safety and well-being of children
- discriminating against, harassing or bullying (including cyber-bullying) any person
- victimising another person for making or supporting a complaint
- engaging in a sexually inappropriate relationship with a person that he or she supervises, or has influence, authority or power over
- verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport
- disclosing to any unauthorised person or organisation any PFA information that is of a

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private, confidential or privileged nature

- making a complaint that they know to be untrue, vexatious, malicious or improper
- failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy
- failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

## 2.7 Employment Screening/Working with Children Requirements

- PFA is committed to providing a child-safe environment. As part of this, we will recruit staff and volunteers who do not pose a risk to children.
- Employment screening and Working with Children Checks can involve criminal history checks, signed declarations, referee checks and other appropriate checks that assess a person's suitability to work with children and young people.
- Working with Children Check laws are currently in place in New South Wales, Queensland, Western Australia, Victoria, the Northern Territory and South Australia.
- PFA, including our state leagues and clubs, will meet the requirements of the relevant state or territory Working with Children Check laws.
- Employment screening requirements will also be followed in the Australian Capital Territory and Tasmania.
- Individuals travelling with children and young people to another state or territory in a work-related capacity must comply with the screening requirements of that particular state or territory.

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## 3 National Hearing and Appeals Tribunals

### 3.1 National Hearings Tribunal

#### 3.1.1 Composition


- A. The National Hearings Tribunal shall consist of a chairperson and four members appointed by the PFA Board;
- B. The appointments shall be for a period of 3 years;
- C. Quorum for any National Tribunal Hearing will be 3 Members;
- D. If the Chairperson is unable to hear and determine a matter, for whatever reason, the remaining Tribunal Members can nominate another member to chair the hearing; and
- E. The National Hearings Tribunal will consist of individuals who have no personal or professional involvement in the matter before the Hearings Tribunal.
- F. The PFA Board may remove a National Hearings Tribunal member who has been absent or unable to participate in three consecutive hearings, without approval, by notifying the member in writing.

#### 3.1.2 Conduct of Hearings

The Hearings Tribunal will determine its own procedures as required from time to time ensuring:

- A. The principles of natural justice are complied with;
- B. The respondent to any disciplinary proceeding or complaint may be represented, leave for legal representation will need to be sought from the Tribunal and the cost of any representation will be borne by the party obtaining it;
- C. Respondent/s have the right to present evidence and a defence to the allegations before the Tribunal;
- D. Unless there are exceptional circumstances, a Hearings Tribunal shall be convened to hear and determine reported incidents no later than the first Thursday following the reported incident;
- E. If the individual being disciplined chooses not to participate in the hearing, the hearing shall proceed in any event;
- F. Where the alleged offender acknowledges the facts of the incident, he or she may waive the hearing, in which case the Tribunal shall determine the appropriate disciplinary sanction;



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- G. Hearings can be conducted by video conference;
- H. The Tribunal may hold a hearing for the purpose of determining an appropriate sanction;
- I. Sanctions imposed by the Tribunal will remain in effect until such times as the Appeals Tribunal has rendered a decision unless otherwise ordered by the PFA Board.
- J. A responsible adult shall assist a minor in all proceedings under this policy;
- K. Decisions are taken by a majority vote and in case of a tie the Chairperson has the casting vote; and
- L. The Chairperson is to inform the relevant parties of its decision in writing within 24 hours of the hearing.

## 3.2 National Appeals Tribunal


### 3.2.1 Composition

- A. The National Appeals Tribunal shall consist of a chairperson and four members appointed by the PFA Board;
- B. The appointments shall be for a period of 3 years;
- C. Quorum for any National Appeals Tribunal will be 3 Members;
- D. If the Chairperson is unable to hear and determine a matter, for whatever reason, the remaining Appeal Tribunal Members can nominate another member to chair the hearing; and
- E. The National Appeals Tribunal will consist of individuals who have no personal or professional involvement in the matter before the National Appeals Tribunal.
- F. The PFA Board may remove a National Appeals Tribunal member who has been absent or unable to participate in three consecutive hearings, without approval, by notifying the member in writing.

### 3.2.2 Conduct of Appeals

The National Appeals Tribunal will determine its own procedures as required from time to time and ensuring:

- A. the principles of natural justice are complied with;
- B. the Appellant can be represented, leave for legal representation will need to be sought from the Tribunal and the cost of any representation will be borne by the party obtaining it;

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- C. Appellants have the right to make submissions on the matters before the Tribunal;
- D. Unless there are exceptional circumstances, a National Appeals Tribunal shall be convened to hear and determine the appeal within 7 days of the appeal being received;
- E. Decisions are taken by a majority vote and in case of a tie the Chairperson has the casting vote; and
- F. The Chairperson is to inform the relevant parties of its decision in writing within 24 hours of the hearing.

### 3.3 Appeals and Hearings Tribunals' Deliberation

- A. All decisions are taken by a majority vote of member's present. In case of equal votes, the Chair has the casting vote. Voting by proxy is not allowed.
- B. The Appeals and Hearings Tribunal can deliberate if a minimum of 3 members are present.
- C. May make orders as it sees fit to sanction or penalise a party and/or remedial action.
- D. PFA will advise the FIPJP in the case of any licence withdrawal.

### 3.4 Disciplinary File

A disciplinary file must be created by the Chairs of the National Hearings and Appeals Tribunals and used for the tracking and keeping a record of all sanctions reported and matters heard and determined by the National Hearings Tribunal.

### 3.5 Suspended Penalties

- A. A suspended penalty may be applied, particularly if it is the first time in front of the National Hearings Tribunal or National Appeals Tribunal.
- B. In case of a further report or complaint before the Hearings Tribunal, the suspended penalty will become a full penalty and will be added to the new penalty imposed.

### 3.6 Cost Relating to Hearings

All costs related to expenses incurred when attending National and Appeal Tribunal Hearings are to be met by the party or individual who incurred the expense.