



Brisbane Tritons Water Polo Inc.
Member Protection Policy

Updated 21 October 2022

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1. Introduction

This Part sets out the purpose of this Member Protection Policy, to whom it applies, when it commences, what words mean and who has responsibilities under this policy.

A dictionary of terms used in this policy including its attachments is set out at Appendix C of this policy.

2. Purpose of this policy

This Member Protection Policy aims to assist Brisbane Tritons Water Polo Inc. (the Brisbane Tritons) to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport. It sets out our commitment to ensure that every person bound by this policy is treated with respect and dignity and protected from discrimination, harassment and abuse. It also seeks to ensure that everyone involved with our club is aware of their key legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

The attachments to this policy describe the practical steps we will take to eliminate discrimination, harassment and other forms of inappropriate behaviour from our sport and club. As part of this commitment, this policy allows the Tritons to take disciplinary action against any person bound by this policy if they breach the policy.

This policy has been endorsed by the committee of the Brisbane Tritons and the committee has formally resolved that this Member Protection Policy be adopted as a policy of Brisbane Tritons Water Polo Inc. This policy came into force on 27th November 2022.

The current policy and its attachments can be obtained from our website: brisbanetritons.org

This policy is consistent with, and borrows heavily from, the Member Protection Policy endorsed by Water Polo Queensland Inc. which is available on their website at www.waterpoloqlld.com.au

3. Who is bound by this policy?

This policy should apply to as many persons as possible who are involved with the activities of the Brisbane Tritons, whether they are in a paid or unpaid/voluntary capacity, including:

- Persons appointed or elected to Brisbane Tritons committees, subcommittees and commissions
- Employees of Water Polo Queensland
- Coaches and assistant coaches
- Athletes
- Rookies

- Referees, umpires and other officials
- Athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by the Brisbane Tritons.
- Any other person including spectators, parents/guardians and sponsors, who or which agree in writing (whether on a ticket, entry form or otherwise) to be bound by this policy.
- This policy will continue to apply to a person even after he or she has stopped their association or employment with the Brisbane Tritons, if disciplinary action against that person has begun.

Individuals should also be aware that they may also be bound by the policies of Water Polo Queensland Inc., Brisbane Water Polo Inc., International Gay and Lesbian Aquatics Inc. or the policies of organisations responsible for hosting events that they attend.

4. Brisbane Tritons' Responsibilities

The Brisbane Tritons, as a member of Water Polo Queensland Inc., must:

- Comply with the Member Protection Policy endorsed by the Board of Water Polo Qld Inc. that is available on their website (www.waterpoloqld.com.au), and where relevant adopt and implement a member protection policy which is consistent with Water Polo Qld's policy
- Ensure that the Member Protection Policy of Water Polo Qld Inc. (and by extension, this policy) is enforceable including by, where relevant, ensuring that the constitution, by-laws or other rules and policies include the necessary clauses for this policy to be enforceable;
- publish, distribute and promote these policies and the consequences of any breaches of these policies,
- promote and model appropriate standards of behaviour at all times;
- deal with any complaints made under this policy in an appropriate manner;
- deal with any breaches of this policy in an appropriate manner;
- recognise and enforce any penalty imposed under this policy;
- ensure that a copy of this policy is available or accessible to all people to whom this policy applies;
- use appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour e.g. Member Protection Information Officers;
- monitor and review this policy at least every two years.

5. Individual responsibilities

Individuals bound by this policy must:

- Make themselves aware of the contents of this policy;

- Comply with all relevant provisions of this policy, including any codes of conduct and the steps for making a complaint set out in this policy;
- Be accountable for their behaviour;
- Comply with any decisions and/or disciplinary measures imposed under this policy.

6. Position Statements

6.1. Participation of children

The Brisbane Tritons are an 18+ association. Under no circumstances do we accept responsibility, or accept the duty of care for young people. We only participate in competitions and events that are 18+. As such we do not screen coaches, referees, officials, etc. on their suitability to work with children. If the matter arises, we will encourage young people to seek out other water polo clubs or associations that are more appropriate for their participation.

However, if we do become aware of potential issues affecting the safety of minors we will immediately refer the matter to Water Polo Queensland Inc., Brisbane Water Polo Inc. and/or the Queensland Police so that they may manage these issues in line with their own policies and processes.

6.2. Photography

To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets which we control or are used in connection with our sport and club.

When using a photo of an individual, we may attempt, where possible, to gain the consent of the person shown. However, this may not always be possible when group or wide angle shots are shown. We will not publish personal information, such as residential address, email address, telephone number, or social media handles, without the consent of the individual involved.

We will only use images of individuals that are relevant to our sport and club and we will ensure that they are suitably clothed in a manner that promotes participation in our sport or club.

Individuals should be aware that Water Polo Queensland Inc. also requires that individuals, clubs, schools and associations, comply with the provisions of their policy: WPQ004 – Video & Photography Policy.

6.3. Anti-discrimination and harassment

The Brisbane Tritons are committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination and harassment.

We recognise that people may not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.

6.3.1. 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 antidiscrimination laws.

The personal characteristics protected by anti-discrimination laws include attributes such as race, age, disability, gender and sexuality. The full list of protected personal characteristics is in the “Definitions” set out in the Dictionary of Terms.

Given that a primary objective of the Brisbane Tritons is to expand participation in the sport who may otherwise feel excluded, the committee may also choose to protect additional attributes beyond the extent required by law, and behaviour that is considered discriminatory will be treated seriously.

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 unfavourably 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.

6.3.2. 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 protected personal characteristic.

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 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.

6.3.3. Prohibition against discrimination and harassment

We prohibit all forms of harassment and discrimination based on the personal characteristics listed in the “Definitions” set out in the Dictionary of Terms.

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. (Refer to Appendix A of this policy.)

6.4. Intimate Relationships

The Brisbane Tritons understand that consensual intimate relationships (including, but not limited to sexual relationships) between adult coaches, officials, athletes and other individuals associated with our club 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 athlete, that relationship will be managed in an appropriate manner.

All individuals associated with the Brisbane Tritons are expected to treat each other in a way that is respectful and fair, promotes consent, and that they do not engage in sexual harassment, bullying, favoritism or exploitation.

Coaches and officials are required to conduct themselves in a professional and appropriate manner in all interactions with athletes.

If a consensual intimate relationship does exist or develop between an adult athlete and a coach or official, the coach or official is expected to ensure that the relationship is appropriate and that it does not compromise impartiality, professional standards or the relationship of trust the coach or official has with the athlete and/or other athletes.

In assessing the appropriateness of an intimate relationship between a coach or official and an adult athlete, or between an existing member and a rookie, relevant factors include, but are not limited to:

- The relative social maturity of the athlete;
- Any potential vulnerability of the athlete;
- Any financial and/or emotional dependence of the athlete on the coach or official;

- The ability of the coach or official to influence the progress, outcomes or progression of the athlete's performance and/or career;
- The extent of power imbalance between the athlete and coach or official; and the likelihood of the relationship having an adverse impact on the athlete and/or other athletes.

If a coach, official or other individual involved in an intimate relationship with another associate of the Brisbane Tritons finds it difficult to make an objective assessment of its appropriateness they are encouraged to seek advice from the MPO or President to ensure that they have not involved themselves in inappropriate or unprofessional conduct.

If a coach, official, athlete, rookie, or other associate of the Brisbane Tritons believes they are being, or have been, harassed they are encouraged to seek information and support from the MPO or President. Our complaints procedure is outlined in Appendix A of this policy.

Furthermore, individuals involved in events sanctioned by Water Polo Qld Inc. or Water Polo Brisbane Inc. should make themselves familiar with the policies of these organisations regarding intimate relationships.

6.5. Pregnant People

Pregnant people are encouraged to familiarise themselves with the policies of Queensland Water Polo Inc. The Brisbane Tritons are committed to treating pregnant people fairly and to removing any unreasonable barriers to their full participation in our sport. We will not tolerate any discrimination or harassment against pregnant people.

6.6. 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.

6.6.1. 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 (see Appendix C).

The Brisbane Tritons are committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate.

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.
- Genuinely attempt to use the preferred pronouns of other individuals
- Respect people's right to choose the clothing, restroom and competition that they are most comfortable with

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.

6.6.2. Participation in sport

The Brisbane Tritons are committed to promoting participation in sport for gender diverse individuals. Where possible we will advocate for mixed divisions in social competitions to make their inclusion as easy as possible. Where this is not possible, we will advocate on the person's behalf to participate in the division in which they are most comfortable.

Individuals may also want to familiarise themselves with the policies of Queensland Water Polo Inc. on this matter.

6.7. Bullying

The Brisbane Tritons are 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.

While 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;
- Excluding or isolating a group or person from an activity they should otherwise reasonably expect to be involved in;
- Spreading malicious rumours, even veiled or anonymous; or
- Psychological harassment such as intimidation.

Bullying includes cyber-bullying.

Frustration at a referee, teammate, coach, sporting body or the club 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 person, 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. (Refer Appendix A of this policy.)

6.8. Social Networking

The Brisbane Tritons acknowledge the enormous value of social networking 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, Twitter, TikTok, Instagram, Snapchat, Reddit and BeReal as well as 'dating apps' such as Grindr, Scruff, or Tinder.

We expect all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to our sport.

Social media activity includes, but is not limited to, postings, blogs, status updates, tweets and messages.

If the Brisbane Tritons are mentioned or referenced in a social media activity or on the bio/description/profile of an account, then we require that this activity:

- 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;

- Must not use social media as a means to make a complaint or airing a grievance instead of following the complaints procedure;
- Should respect and maintain the privacy of others;
- Should promote the club and sport in a positive way; and
- Should promote the values of the Brisbane Tritons.

Given the risk that activity on dating apps may be easily misconstrued and thus present the Brisbane Tritons in a negative light, we request that persons bound by this policy do not use images of themselves in Brisbane Tritons merchandise, or directly mention the Brisbane Tritons, in their profiles on these apps.

6.9. Code of Conduct

Coaches, officials, athletes and other persons bound by this policy are reminded that their behaviour may reflect upon the club as a whole.

Individuals should be especially considerate of their behaviour when:

- Attending competitions on one of our teams,
- Attend one of our official events (e.g. the Christmas party or Mardi Gras float),
- Attend less formal activities booked under the name of the Brisbane Tritons (e.g. the booking at post-training drinks is often booked under the 'Tritons'),
- Or are wearing our merchandise

When representing the club, persons are expected to treat others with respect and present a high degree of sportspersonship (e.g. shaking hands after a game).

The Brisbane Tritons seek to provide a safe, fair and inclusive environment for everyone involved in our organisation and in our sport. To achieve this, we require minimum standards of behaviour of players/athletes, coaches, officials, administrators, and spectators.

We expect the following behaviour to be followed by all people bound by this policy:

- operate within the rules, policies and spirit of our sport, promoting fair play over winning at any cost;
- encourage and support opportunities for people to learn appropriate behaviours and skills;
- support opportunities for participation in all aspects of water polo;
- treat each person as an individual;
- display control and courtesy to all involved with our sport;
- control your temper;
- respect the rights and worth of every person regardless of their gender, ability, cultural background or religion;
- respect the decisions of officials, coaches and administrators in the conduct of our sport;
- do not abuse players, officials, coaches or administrators.
- adopt appropriate and responsible behaviour in all interactions, including online activity;
- ensure your decisions and actions contribute to a harassment free environment;

- do not tolerate harmful or abusive behaviours;
- take reasonable care for their own health and safety, and ensure that his or her acts or
- omissions do not adversely affect the health and safety of others;
- act in good faith in the best interests of the Brisbane Tritons, act with integrity and objectivity, demonstrate accountability and take responsibility for your actions;
- do not engage in activities that may bring the Brisbane Tritons into disrepute;
- act fairly and impartially, avoid bias, discrimination, caprice or self-interest;
- use information appropriately, ensure information gained as a volunteer, coach, official etc. is only applied to proper purposes and is kept confidential.

Individuals should also familiarise themselves with the Water Polo Queensland Core Code and Code of Conduct.

7. Complaints

7.1. Handling complaints

The Brisbane Tritons aim to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of procedural fairness.

Any person may report a complaint about a person, or people, bound by this policy if they feel they have been discriminated against, harassed, bullied or there has been any other breach of this policy.

In the first instance, complaints should be reported to the MPO or the President. They may appoint a person to deal with the complaint.

In some cases, the MPO or President may choose to refer the complaint to Water Polo Queensland Inc., Brisbane Water Polo Inc. or a more appropriate organisation.

A complaint may be handled informally or formally. The complainant may indicate his or her preferred option and the relevant person should consider whether that is an appropriate way to handle the particular complaint. 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. Our procedures for handling and resolving complaints are outlined in Attachment A.

In some circumstances, Individuals and organisations may also seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

7.2. Improper complaints and victimisation

The Brisbane Tritons aim to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against any person making a complaint.

We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures may be undertaken in respect of a person who harasses or victimises another person for making a complaint or supporting another person's complaint.

Only complaints made directly will be considered. The committee may not respond to complaints made via public social media posts or hearsay. Complaints made 'on behalf of' another person may only be considered in severe circumstances. Members should not make unsubstantiated complaints against others in public before they can be confirmed lest they be treated as bullying or harassment.

7.3. Mediation

The Brisbane Tritons aim 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 MPO or President will, in consultation with the complainant, arrange for an independent mediator where possible.

More information on the mediation process is outlined in Attachment A.

7.4. Committee Meetings

In accordance with the Brisbane Tritons constitution, the committee may hear a formal complaint referred to it by the MPO, President or appointed person, for an alleged breach of this policy. This may be considered in their standard meeting or during a special meeting.

A respondent may lodge an appeal to the committee with respect to their decision. They are also entitled to raise a motion for consideration at the annual general meeting. However, the decision of the committee will stand until any appeal or motion is considered.

7.5. Water Polo Queensland Tribunal

Every member organisation of Water Polo Queensland Inc., including the Brisbane Tritons, are bound by these policies of Water Polo Queensland, and must recognise and enforce any decision of a Water Polo Queensland Tribunal or Appeal Tribunal under their policies.

8. What is a breach of this policy?

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

- Breaching the codes of conduct (see section 6.9 of this policy);
- bringing the Brisbane Tritons or the sport of water polo into disrepute, or acting in a manner likely to bring the Brisbane Tritons or the sport of water polo into disrepute, including on social media,
- failing to follow the Brisbane Tritons or Water Polo Queensland policies (including this policy)
- discriminating against, harassing or bullying (including cyber-bullying) any person;
- victimising another person for making or supporting a complaint;
- Treating a person inequality as a consequence of an intimate relationship with a person they have 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 Brisbane Tritons information that is of a 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 has breached this policy;
- failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

9. Disciplinary measures

The Brisbane Tritons may impose disciplinary measures on an individual for a breach of this policy.

Any disciplinary measure imposed will be:

- fair and reasonable;
- applied consistent with any contractual and employment rules and requirements;
- be based on the evidence and information presented and the seriousness of the breach; and
- be determined in accordance with our Constitution, By-laws, this policy and/or the rules of the sport.

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

- A direction that the individual make a verbal and/or written apology;
- A written warning;
- A direction that the individual attend counselling to address their behaviour;
- A suspension of the individual's membership or participation or engagement in a role or activity;
- Banning the individual from attending official social events;
- Termination of the individual's membership, appointment or engagement;
- Referral to the disciplinary processes of Water Polo Qld Inc., or Brisbane Water Polo Inc.
- Any other form of discipline that the Committee considers appropriate.

9.1. Factors to consider

The form of discipline to be imposed on an individual or organisation will depend on factors, including without limitation:

- The nature and seriousness of the breach;
- If the person knew, or should have known, that the behaviour was a breach of the policy;
- The person's level of contrition;
- The effect of the proposed disciplinary measures on the person, including any personal, professional or financial consequences;
- If there have been any relevant prior warnings or disciplinary action;
- The ability to enforce disciplinary measures if the person is a spectator (even if they are bound by the policy);
- Any expressed wishes of the victim of the complaint;
- Any other mitigating circumstances.

Appendix A: Complaint Handling Procedures

The Brisbane Tritons will deal with all complaints in a fair, timely and transparent manner. All complaints will be treated seriously.

We will provide individuals with a formal and informal process to resolve the matter, based on the nature of the complaint and our rules and regulations. We will maintain confidentiality where possible and as provided in this policy and seek to ensure that no one is victimised for making, supporting or providing information about a complaint.

The Brisbane Tritons will ensure that all the complaints we receive, both formal and informal, are properly documented. This includes recording how the complaint was resolved and the outcome of the complaint. This information, and any additional records and notes, will be treated confidentially (subject to disclosure required by law or permitted under this policy) and stored in a secure place.

We will endeavour to deal with complaints on a confidential basis. We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us to disclose this information or it is necessary to properly deal with the complaint.

To ensure fairness for everyone involved, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously.

We will provide **informal and formal approaches** to deal with complaints. Individuals can also make complaints to external organisations under anti-discrimination, child protection and other relevant laws.

A1. Informal Approaches

Step 1: Talk with the other person (if safe, reasonable and appropriate)

If you feel confident and comfortable to do so, you can approach the other person to discuss the issues and try to resolve the problem directly.

Step 2: Contact the Member Protection Officer or the President

We encourage you to talk with the Member Protection Officer (MPO) or the President if:

- Step 1 (above) is not appropriate
- You are not sure how to handle the problem by yourself
- You want to talk confidently with someone and find out what options are available to address your concern, or
- The concern continued after you approached the other person.

The MPO or President will:

- Ask how you would like your concern resolved and if you need support

- Seek to provide different options for you to address your concern
- Act as a support person, if you wish
- Refer you to an appropriate person (e.g. a mediator) to help you address your concern, if appropriate
- Inform the relevant government authorities and/or police, if required by law to do so,
- Make a note of the complaint,
- Where possible and appropriate, maintain confidentiality,

Step 3: Decide how to address your concern

After talking with the MPO or CEO, you may decide:

- There is no problem
- The problem is minor and you do not wish to take the matter forward
- To try and resolve the problem yourself, with or without a support person
- To resolve the problem with the help of someone impartial, such as a mediator
- To resolve the matter through a formal process.

A2. Formal Approaches

Step 4: Making a formal complaint

If it is not possible or appropriate to resolve your complaint through an informal process, you may:

- make a formal complaint in writing to the MPO or president/appointed person; or
- approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice and assistance.

After receiving a formal complaint, and based on the material you provide, the MPO or resident/appointed person will decide whether:

- They are the most appropriate person to receive and handle the complaint
- The nature and seriousness of the complaint requires a formal resolution procedure
- To refer the complaint to mediation
- To appoint a person to investigate the complaint
- To refer the complaint to the Committee
- 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 is completed.

In dealing with your formal complaint, the MPO or President/appointed person will take into account:

- Whether he or she has had any personal involvement in the circumstances and if so whether it is appropriate someone else should handle the complaint
- Your wishes, and the wishes of the respondent, regarding how the complaint should be handled
- The relationship between you and the respondent (e.g. an actual or perceived power imbalance 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 might face further unacceptable behaviour while the complaint process is underway.

- If there is someone else who is better placed to handle the complaint,
- If their role would be compromised by furthering the complaint themselves (see Appendix B)

If the relevant person is the appropriate person to handle the complaint, they will, where appropriate and / or necessary:

- provide the information received from you to the other person(s) involved and ask for a response
- decide if there is enough information to determine whether the matter alleged in your complaint did or did not occur; and/or
- determine what, if any, further action to take, including referring the matter for investigation or disciplinary action in accordance with this policy.

Step 5: Investigating the complaint

In some cases, an investigation may be required to determine the facts surrounding the complaint. An investigation helps determine the facts relating to the incident and, if requested, recommendations as to possible findings and next steps.

The relevant person handling the complaint may request another neutral person to investigate the complaint, if they deem this appropriate.

If it is decided that a complaint should be investigated, the steps outlined below will be followed.

1. A written brief will be provided to the investigator that sets out the terms of engagement and their roles and responsibilities.
2. The investigator may:
 - interview the complainant and record the interview in writing
 - provide full details of the complaint to the respondent(s) so that they can respond
 - interview the respondent(s) to allow them to answer the complaint and record the interview in writing
 - obtain statements from witnesses and collect other relevant evidence
 - make a finding as to whether the complaint is:
 - substantiated (there is sufficient evidence to support the complaint)
 - inconclusive (there is insufficient evidence either way)
 - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded)
 - mischievous, vexatious or knowingly untrue.
 - provide a report to the MPO or CEO/appointed person documenting the complaint, the investigation process, the evidence and, if requested, any findings and recommendations.
3. A report will be provided to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points from the investigation.

The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (e.g. a MPO or President/appointed person, see Appendix B).

Step 6: Meeting of the Brisbane Tritons Committee

Following the investigation, the Brisbane Tritons Committee will consider next steps. This may occur at a regular meeting or an extraordinary meeting.

The committee will review the investigation, or known facts, consider next steps and vote on any action taken. Any committee member who believes they may be biased should abstain from any debate or vote. In some situations this may include the investigator if they are a member of the committee.

The course of action may be any of the items in section 9.

After determining the course of action the MPO, or President/Appointed Person will inform the complainant(s) and respondent(s) of the outcome in writing.

Step 7: Appealing the complaint

The complainant(s) and respondent(s) may ask that the committee reconsider their decision, and the grounds of appeal. The MPO, or President/Appointed Person, will consider if the grounds are sufficient to raise the appeal at the next regular committee meeting. If so, they will reconsider the issue as per step 6.

In the interim, the committee's decision will stand.

Under the Brisbane Tritons constitution members may also have grounds to appeal the decision at a general meeting.

Step 8: Documenting the resolution

A record of the formal complaint will be kept, and will include:

- The date the complaint was received
- The complaint's details
- The complaint's role
- The respondent's details
- The respondent's role
- Location/event of alleged incident
- Date of alleged incident
- Details of the alleged incident
- Grounds for the complaint (see section 8)
- Methods (if any) of attempted information resolution
- Method of formal resolution followed
- Investigation findings / details (if relevant)

- Date/time of committee meeting
- Members of the committee who participated or abstained

This record will be kept confidential and safe.

A3: Approaching external organisations

If you feel that you have been harassed or discriminated against, you can seek advice from the Queensland Human Rights Commission (www.qhrc.qld.gov.au or 1300 130 670). There is no obligation to make a formal complaint. However, if the commission advises you that the issues appear to be within its jurisdiction, you may choose to lodge a formal complaint with the commission.

The commission may investigate your complaint. The commission may also attempt to conciliate the complaint on a confidential basis. If this fails, or if it is not appropriate, the complaint may go to a formal hearing.

If you do lodge a complaint with the commission, an appropriate person from the Brisbane Tritons (e.g. the MPO or President/appointed person) will be available to support you during the process. You may also wish to have legal representation, particularly if the complaint goes to a formal hearing.

Contact details for all state and territory anti-discrimination and equal opportunity commissions are available on the Play by the Rules website:
<http://www.playbytherules.net.au/resources/quick-reference-guide>.

Serious incidents, such as assault or sexual assault, should be reported to the police.

Appendix B: The role of the Member Protection Officer

According to Sports Integrity Australia, Member Protection Officers (MPO):

- Are trained to be the first point of contact for any person considering making a complaint under the sports' Member Protection Policy;
- Provide confidential, impartial and timely information and support.

They act as a sounding board and provide information about the local complaint resolution options available to address the persons concerns.

MPOs are not advocates but they may elect to accompany complainants, if requested, to talk with someone else.

In some cases it may be more appropriate for someone other than the official Member Protection Officer to fulfil the MPO role (e.g. when the MPO may be heavily biased).

The Member Protection Officer should:

- Listen and offer support
- Explain what constitutes inappropriate behaviour
- Explain rights and options available
- Explain complaint resolution process
- Assist others to determine best option/s for themselves
- Provide referral information
- Monitor and follow-up

The Member Protection Officer should not:

- Advocate
- Take sides or judge
- Give advice (legal or otherwise, although they do need to inform the complainant of their rights)
- Provide counselling
- Intervene
- Investigate
- Breach confidentiality.

The MPO role is impartial and does not normally intervene. Instead, MPOs assist others to access the complaint resolution options available.

MPOs are not a mandatory part of the resolution process; some people will feel confident about taking action without MPO support.

Appendix C: Dictionary of Terms

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.

Abuse is the violation of an individual's human or civil rights through the act or actions of another person or persons. Types of abuse include physical abuse, psychological or emotional abuse, sexual abuse, constraints and restrictive practices, financial abuse, legal or civil abuse and systemic abuse.

Complaint means a complaint made under section 7 of this policy.

Complainant means the person making a complaint.

Discrimination occurs when someone is treated (or is proposed to be treated) unfairly or less favourably than another person in the same or similar circumstances because of one of the personal characteristics covered by anti-discrimination laws. This is known as direct discrimination. Indirect discrimination occurs when there is (or is proposed) an unreasonable requirement, condition or practice that seems to treat everyone equally, but which has or is likely to have the effect of disadvantaging persons with a personal characteristic covered by anti-discrimination laws.

In Australia, it is against the law to discriminate against someone because of their:

- age
- sex or gender
- intersex status
- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration, disability, mental and physical impairment
- family/carers responsibilities, status as a parent or carer
- marital status
- pregnancy, potential pregnancy, breastfeeding
- sexual orientation and gender identity
- physical features
- irrelevant medical record
- irrelevant criminal record, spent convictions
- political beliefs or activities
- religion, religious beliefs or activities
- national extraction or social origin
- lawful sexual activity
- profession, trade, occupation or calling
- member of association or organisation of employees or employers, industrial activity, trade union activity
- defence service

- personal association with someone who has, or is assumed to have, any of the above characteristics

The Queensland Government's anti-discrimination laws may change from time to time to also include

additional protected characteristics, such as physical features or association with a person with one or

more of the characteristics listed above.

Examples of discrimination are available on the Play by the Rules website:

www.playbytherules.net.au/legal-stuff/discrimination

Some exceptions to state and federal anti-discrimination law apply, including exceptions for sporting

activities, such as:

- holding a competitive sporting activity for a specific age or age group (e.g. only those who are over the age of 30 years);
- excluding people on the basis of their sex and/or gender identity status from participation in a competitive sporting activity where the strength, stamina or physique of competitors is relevant to the specific activity (note that this does not apply to activity by children who are under the age of 12 years); and
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity.

Gender expression: The term 'gender expression' refers to the way in which a person externally expresses their gender or how they are perceived by others.

Gender identity: The term 'gender identity' refers to a person's deeply held internal and individual sense of gender.

Harassment is any type of unwelcome behaviour which has the effect of offending, humiliating or intimidating the person harassed. Unlawful harassment can be based on any of the personal characteristics covered by anti-discrimination law, such as a person's race, sex, pregnancy, marital status or sexual orientation (see the list under "Discrimination").

Public acts of racial hatred which are reasonably likely to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some states and territories also prohibit public acts that vilify people on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability (see also "Vilification").

Intersex: The term 'intersex' refers to people who have genetic, hormonal or physical characteristics that are not exclusively 'male' or 'female'. A person who is intersex may identify as male, female, intersex or as being of indeterminate sex.

Member means any member or affiliate (in any category) of the Brisbane Tritons.

Member Protection Officer and MPO means a person elected by the processes of the Brisbane Tritons constitution to be the first point of contact for a person reporting an issue or a complaint under, or a breach of, this policy.

Respondent means the person whose behaviour is the subject of the complaint or allegation.

Sexual harassment means unwelcome behaviour of a sexual nature which could reasonably be expected to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwelcome physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual harassment does not have to be intentional.

Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

Sexual offence means a criminal offence involving sexual activity or acts of indecency. This can include but is not limited to:

- rape
- indecent assault
- sexual assault
- assault with intent to commit sexual acts
- incest
- sexual penetration of child under the age of 16 years
- indecent act with child under the age of 16 years
- sexual relationship with child under the age of 16 years
- sexual offences against people with impaired mental functioning
- abduction and detention
- procuring sexual penetration by threats or fraud
- procuring sexual penetration of child under the age of 16 years
- bestiality
- soliciting a child under the age of 16 years to take part in an act of sexual penetration or an indecent act
- promoting or engaging in acts of child prostitution
- obtaining benefits from child prostitution
- possession of child pornography
- publishing child pornography and indecent articles

Sexual orientation refers to a person's emotional or sexual attraction to another person, including, amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual or same-sex attracted.

Transgender is an umbrella term that refers to a person whose gender identity is different to their physical sex as recorded at birth. Transitioning refers to the process where a transgender person commences living as a member of another sex. This is sometimes referred to as the person 'affirming' their gender because transitioning means they start living in what they identify as their true gender.

For people who are transitioning/affirming their gender, having their identity fully recognised in all areas of life is a crucial part of the experience of living as their affirmed gender.

Victimisation means treating someone unfairly or unfavourably, or threatening to do so, because that person has, or intends to, pursue their right to make any complaint, including a complaint under government legislation (e.g. anti-discrimination legislation) or under this policy, or for supporting another person to make complaint.

Vilification means behaviour that occurs in public which incites hatred towards, serious contempt for, or revulsion or severe ridicule of a person or group of people because that person or persons have a particular personal characteristic. Anti-discrimination laws in Australia make it unlawful to vilify a person or group of persons on the basis of race, religion, homosexuality, transgender status and HIV/AIDS status.