



Issue 2 / April / 2014



▶ **GETTING YOUR MESSAGE ACROSS:  
YOU CAN PLAY**

PLAY BY THE RULES NEW ANTI-HOMOPHOBIA IN SPORT CAMPAIGN KICKS OFF WITH SUPPORT FROM TOP SPORTS MEN AND WOMEN

▶ **TOUCHING IN SPORT  
A TOUCHY TOPIC**

▶ **WOMEN FILLING THE SPORTS**

**GOVERNANCE GAP**

**PLUS** - MEMBER PROTECTION: A CLOSER LOOK AT BULLYING AND THE LAW. WHAT'S HAPPENING AT PORT POWER FOOTBALL CLUB AND A LOOK AT THE NEW CODES OF BEHAVIOUR FOR COACHES.



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## THE EDITOR

Welcome to this second edition of the Play by the Rules online magazine. First, thanks to all those words of encouragement and support following the release of the first edition in February. It makes the blood, sweat and tears all worthwhile! We will continue to evolve and change the content over the coming months as we venture further into the world of online publishing.

Onto the content. April is an exciting month for Play by the Rules as it sees the release of a new national initiative tackling the issue of homophobia in sport. - **You Can Play**. The TV and radio ads feature a host of top sportspeople, including Harry Kewell, Lauren Jackson, Mitchell Johnson and Alessandro Del Piero. You can find out more by visiting [www.youcanplay.com.au](http://www.youcanplay.com.au) - you can even join in the campaign by contributing your own message based on **You Can Play**. Lets make this go viral! There is a feature article in this edition on homophobia in sport.

Also, we address the 'touchy' subject of touching in sport and talk to Catherine Ordway about women and sport leadership and governance. Plus, of course, much more. Enjoy.



Peter Downs  
Manager - Play by the Rules

Please 'Like', 'Follow' and 'Subscribe' - a great way to support safe, fair and inclusive sport





# PORT POWER FOOTBALL CLUB HAS CHILD SAFETY IN IT'S SIGHTS

In 1996, First Lady of the United States Hillary Rodham Clinton published the book *It Takes a Village: and Other Lessons Children Teach Us*. Mrs Clinton's message focussed on the value individuals and groups outside of a family have on a child's wellbeing. For the past seven years, the ORS has run a Child Safe Officers course, which echoes that same belief especially within sporting communities: a child's wellbeing is everyone's responsibility.

The message is getting through. In the past four years, more than 1000 volunteers have gone through the free three-hour course – including, most recently, 59 Port Adelaide Football staff and players such as Chad Wingard, Ollie Wines, Daniel Flynn, Travis Boak, Brad Ebert and Jay Schulz. The course was held at the Port Adelaide Football Club and was presented by Mike Fennwick, from Alpha Facilitation and Learning.

“There is no requirement to go through the course so the fact that the Port Power club chose to take part really shows initiative,” said Jane Bartlett, ORS Senior Officer Sport Culture and Ethics. As the presenter, Mike was “extremely impressed” with the team. “For a young playing group, I found some very



senior wisdom,” he said. “After a hard training session in the heat, it was great to see them absorb the information and understand the importance of looking after kids.”

To date, the Port players and staff are the most high profile group to have enrolled. However, it is hoped that other well-known clubs and organisations will recognise the course’s relevance and benefit to the community and follow suit.

Despite the gravity of course content, it has been hugely popular among the sporting community. This is in part due to Mike’s dynamic and engaging presenting style but also because of the demonstrated need for and value of such a program. Jane has compiled more than 300 reviews of the course and has “never come across anything negative”.

The goal of the course is to ensure that clubs and individuals create an awareness of child safe environments and impress upon the sporting industry that it is everyone’s responsibility to care for children. “The culture within sport needs to change,” said Jane. “Old procedures need to be replaced in order to keep kids safe.”

The courses are held at various times during the year in Adelaide and throughout regional South Australia. Topics include:

- screening processes
- the importance of child protection policies for clubs
- definitions of child abuse and neglect
- requirements for staff and volunteers under the Children’s Protection Act 1993
- processes for reporting child abuse.

Before enrolling in the course, participants are required to complete the Play by the Rules online training in Child Protection and Harassment and Discrimination on [www.playbytherules.net.au](http://www.playbytherules.net.au) Once the ORS course has been completed, participants receive a handbook summarising the course’s contents and highlighting valuable resources and contacts.

The course is supported by STARCLUB, the ORS’ club development program, which lists appointing a Child Safe Officer and compliance with legal obligations to provide child safe environments as two of its 25 steps to becoming a recognised STARCLUB ([www.recSPORT.sa.gov.au/starclub](http://www.recSPORT.sa.gov.au/starclub)).

If you or a member of your organisation would like to take part in an ORS Child Safe Officer course, visit [www.recSPORT.sa.gov.au](http://www.recSPORT.sa.gov.au) or contact:

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Revised Coach Code of Behaviour Walk-Through video on Play by the Rules

The Coach's Code of Behaviour is one of the cornerstone documents for coaches. It's a requirement for all coaches who wish to register under the National Coaching Accreditation Scheme (NCAS) and is highly recommended for coaches that are not registered under the NCAS.

The Code has been around for a long time but has recently gone through a review to reflect more contemporary issues that impact on coaches. It still contains statements around broad issues of health and safety, coaching excellence, integrity, respect and honour, such as promoting fair play and the spirit of the game. But now there are three new statements that coaches need to be aware of:

## NEW COACH CODE OF BEHAVIOUR

### **ONE.**

Be aware of and support the sport's injury management plans and return to play guidelines.

### **TWO.**

Never advocate or condone the use of illicit drugs or other performance enhancing substances or methods.

### **THREE.**

Never participate in or advocate practices that involve match fixing.

To obtain your copy go to: [http://playbytherules.net.au/assets/COACH\\_codes\\_of\\_behaviour.docx](http://playbytherules.net.au/assets/COACH_codes_of_behaviour.docx)

# ROOSTERS AGAINST RACISM

Community Migrant Resource Centre  
and Left-field Business Solutions.

The program will involve the delivery of presentations to targeted schools and sporting clubs across the Eastern Suburbs by Roosters players who have been affected by racism who will share their story, explain how it impacted upon them and how they overcame the issue. Players will be accompanied by appropriately qualified personnel who can discuss with participants the appropriate strategies for dealing with racism and respond to any questions on the day.

The program will extend to include an online education resource on the Sydney Roosters website that will cover information shared in the classroom sessions and provide additional information. The resource will be available to the wider community on the Roosters website, and will also include clips of players and community identities discussing the importance of diversity and social cohesion.

For more information go to [www.roosters.com.au](http://www.roosters.com.au) and #RAR on Twitter

**ROOSTERS AGAINST RACISM**

Racism is about believing people are different and treating them unequally because of their race. It causes a society where people don't trust and respect each other.

Treating people unfairly because of their race is against the law. The NSW Department of Education and Communities **does not tolerate any form of racism at school.**

**RACISM IS NEVER OK**

Every school has an Anti-Racism Contact Officer (ARCO). The job of the ARCO is to help resolve complaints dealing with racism.

**IF YOU EXPERIENCE RACISM YOU COULD**

- Say something if you feel OK to do so
- Say nothing and walk away
- Report it to a teacher, ARCO, counsellor, police, online.
- Talk to someone: friends, teachers, parents
- Tell your parents and friends so that they can support you.

**IF YOU SEE RACISM TOWARDS SOMEONE ELSE YOU COULD**

- Show them your support: sit next to them, send them a message of support through Facebook, Twitter, SMS or email
- Say something if it feels OK to do so
- Report it to a teacher, ARCO, counsellor, responsible adult, Australian Human Rights Commission
- Encourage the person to get support
- Talk with your teachers about starting a campaign to stop racism at your school.

**IT TAKES COURAGE TO STAND UP TO RACISM**

**YOUR SCHOOL ARCO IS**

**ROOSTERS.COM.AU**  
#RAR

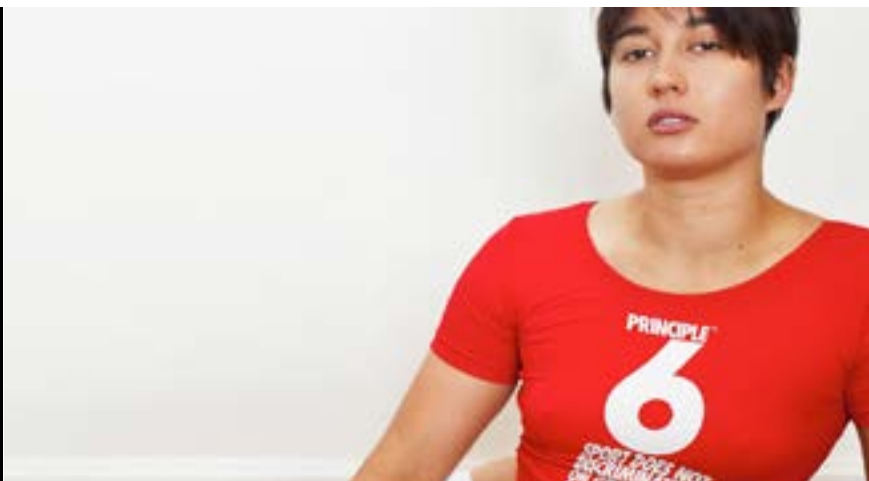
See <http://act.gov.au/indigenous/humanrights/gov> to get more ideas.

One of the great things about working with Play by the Rules is that you get involved in the development of some significant initiatives that go a long way to making sport safe, fair and inclusive. One such initiative is Roosters Against Racism.

'Roosters Against Racism' will work towards raising awareness of the importance of mutual respect, fair treatment of all people regardless of their cultural, racial or religious backgrounds and promoting the benefits of cultural diversity and social cohesion. The 'Roosters Against Racism' program has been developed in accordance with the Australian Government National Anti-Racism Strategy and is being supported by program partners, the Australian Human Rights Commission, Play By The Rules,

## IT'S OKAY TO BE 'OUT'

*"I honestly find it a little bit disrespectful and a little sad, not only to me, but to other athletes ... it's my dream and I want to be who I am, be proud of who I am"*  
Belle Brockhoff



# GETTING YOUR MESSAGE OUT - 'YOU CAN PLAY'

Australian sport owes Russian President Vladimir Putin a big *dasvidaniya*. In this winter Olympics year, Putin put homophobia in sport on the global agenda, and it has resonated all the way down under.

Last year Putin enacted laws criminalising gay 'propaganda' and foreigners considered to be spreading gay propaganda, particularly to minors, could be arrested and deported. Yet Putin said that homosexual visitors to the Sochi Winter Olympics would be welcome: 'so you will feel quite secure, at ease, but leave kids alone, please'. In August during an interview with the ABC, Australian snowboarder Belle Brockhoff became the first GLBTI (gay, lesbian, gay, bisexual, transgender or intersex) Olympian to come out

in protest of Russia's legislation saying: "I honestly find it a little bit disrespectful and a little bit sad, not only to me, but to other athletes and, you know, it's my dream and I want to be able to be who I am, be proud of who I am and be proud of all the work that has gotten me to the Olympics and not have to deal with this kind of a law."

Brockhoff's comments were taken up by international media. They were printed in national newspapers, and her remarks became the subject of television and radio talk shows, web blogs and tweets across the globe. For a brief period an enormous number of people across the world were engaged in considering homophobic harassment and its effects. And then the peak passed. But what if that moment could be sustained? What if a genuine, long-term dialogue was established

that changed attitudes and had a real and cumulative effect on the ground? In the United States of America, a two-year-old initiative aimed at keeping homophobic language and attitudes out of change rooms and fields of play is rapidly gaining momentum.

The 'You Can Play' campaign honours Brendan Burke, a hockey player and the son of a US National Hockey League executive. Brendan opened up about his homosexuality in 2009 and was supported by his father and the Miami University hockey team where he was the student manager. Four months later, Brendan died in a car accident. His brother Patrick wrote an article in tribute to Brendan including the phrase "If you can play, we welcome you". And it struck him that this was his brother's legacy.



Since then, Patrick began working with GForce, a hockey team comprised of LGBT athletes and from that You Can Play was born. Described as a 'social activism' campaign, You Can Play is unique in that it has been based on supporters creating their own video messaging in a viral movement where clips are sent from site to site and person to person. The campaign also enlists famous athletes to help sell the effort.

The You Can Play website also promotes the 'Captain's Challenge', encouraging team captains of any sport, no matter the level of competition to sign a form in support of You can Play and its message. The challenge reads: As team captain, I pledge to respect the talents and work of all my teammates. I will encourage my teammates to speak up for each other when confronted with slurs of any sort in the locker room or on the playing field. And I'll start discussions that promote the acceptance of all my teammates in order to build trust and a winning ethic. Co-founder of You Can Play Glenn Witman has said that from a competition point of view

**'coaches and teams don't get the best performance when a member of the team is forced to keep any secret or when any player feels shut out. You Can Play shows coaches, team captains and players how important it is to focus on skills and work ethic, not personal**



Alessandro Del Piero in 'You Can Play'

### **differences'.**

In Australia high profile sporting figures have been successfully used in general anti-homophobia campaigns but little has been done in the way of a national education campaign aimed at sport. That's about to change now that Play by the Rules has released its own national anti-homophobia in sport campaign, based on '[You Can Play](#)' following on from its highly successful joint campaign with the Australian Human Rights Commission, Racism. It Stops with Me.

Since social marketing principles and approaches have informed most of Australia's successful health promotion and behaviour change initiatives including road safety campaigns, anti-smoking initiatives and HIV/AIDS prevention, the anti-homophobia in sport campaign will 'speak' personally and directly to audiences.

Yet, as with all campaigns, an awareness strategy that seeks to change attitudes is only one element of the approach. Sports too, can

play their part by becoming more adept at identifying and challenging homophobic abuse amongst their fans and by establishing clear policies and practices. Australia are leading the way here with the recent launch of Anti-Homophobia and Inclusion Policies for all the major football codes and Cricket Australia. More locally, great work has been done by Hockey Victoria who took part in a Fair Go Sport project where four pilot clubs came up with ideas to make the game more inclusive. Pilot club Camberwell held a game in which the team wore rainbow socks as a sign of solidarity with the gay community and produced a "What you Say Matters" poster, highlighting the impact of homophobic language. The initiative was so successful it was replicated across the competition with 650 teams state-wide competing in a Fair Go Sport round in which every club captain wore rainbow socks.

Play by the Rules has put together an information sheet that discusses homophobia issues. You can find it at [http://www.playbytherules.net.au/assets/media/interactive/Homophobia\\_in\\_Sport.pdf](http://www.playbytherules.net.au/assets/media/interactive/Homophobia_in_Sport.pdf).

# TOUCHING IN SPORT

## A VERY TOUCHY TOPIC



**TOUCHING IS A  
PART OF SPORT  
- BUT WHERE  
IS THE MIDDLE  
GROUND?**

**T**ouching in sport. It's a tough topic – emotionally charged and influenced by cultural, social and legal issues and nuances.

When is it okay to touch? How do we decide? How do we write policies to govern touching in our sporting clubs?

Child sex abuse seems to be a regular item on news bulletins these days and, with the Royal Commission into Institutional Responses to Child Sexual Abuse well under way, it's time sporting clubs took a good hard look at their own practices and policies surrounding touching, particularly as it relates to junior participants.

Any coach will tell you touch is an important part of teaching a person new skills and techniques. Indeed, some sports actually include touching as part of the game (touch football for example) and there are many other sports that have been modified to encourage juniors to touch in preference to full body contact or tackling.

However clubs, just like any other type of institution, have a clear duty of care to protect those involved from all types of abuse, including sexual abuse and inappropriate touching. So, where is the middle ground? How do we protect athletes (and everyone else involved in club sport) while also ensuring coaches in particular are able to perform their job without regulations and rules holding them back?

### **Consider your sport**

Every sport is different to the next. Touching may be a codified part of the game or it may just be incidental to the way it is played. The development of new skills may require coaches to touch athletes. Other skills may be best taught with a hands-off approach.

What are the unique characteristics of your sport? What is “acceptable

touching” for your sport? Talk to coaches about when and why they need to touch athletes. How do they do it?

## What about the participants?

No-one knows better than the athletes what makes them feel uncomfortable. Talk to them about what they think is acceptable touching in the context of sport. What is okay? What touching behaviours are acceptable?

Remember that each person will be different from the next. This is particularly relevant if your club or your sport attracts people from varying cultural backgrounds. Culture can play a huge role in determining whether touching is acceptable or not. Be aware of cultural differences and do your research. How will your club cater for someone whose views on touching are very different to those around them?

Even once you have good policy in place and all your coaches are familiar with the new guidelines, it's always good policy to ask someone before you touch them. “Is it okay if I put my hand on your back to demonstrate the correct position?” “Do you mind if I place my hand there to support your knee?”. Think of it as a common courtesy.

## Other reasons to touch

Of course, it's not just about skill development. The coach-athlete relationship can be a very strong one. A coach is often first on the scene when an injury occurs. Athletes often turn to their coaches in moments of jubilation, when they're upset or disappointed or when they just need comfort.

Touching in these situations should not be discouraged. After all, it's a perfectly natural and human response. However, it is possible to anticipate these situations and give coaches a set of guidelines outlining acceptable types of touching, for example:

- Non-intrusive comforting gestures such as a hand on the upper arm or upper back.
- Non-intrusive congratulatory gestures like shaking hands or patting on the upper arm or back.

## Develop sound policy

All clubs should have a Code of Behaviour that sets

out how the club expects members, players, officials and administrators to behave, both on and off the area of play. Although this can include guidelines about appropriate touching, we recommend developing a separate policy document dealing with this specific issue.

It's important to establish boundaries that will clarify the coach's role, make the coach-athlete relationship predictable and create a safe learning environment. You can begin by focussing on three key areas: physical boundaries, social boundaries and sexual boundaries. Some examples include:

- The coach may touch an athlete on the shoulder, arm or hand to demonstrate how to make contact with the ball (physical).
- The coach is not allowed in the locker room when athletes are changing or showering (physical).
- The coach will not attend parties with athletes outside of sport-related situations (social).
- The coach will not date his/her athletes (social).
- The coach will not be alone with an athlete (sexual).
- The coach will not share a room with any athletes for away trips (sexual).

Dealing with touching specifically and setting out more detailed guidelines is a good idea. Be careful though not to over-regulate as this may cause coaches to adopt the “safer” option of avoiding touching altogether, undoubtedly detrimental to any athlete-coach relationship.

## Follow the rules

Fundamental to every child-safe environment is the recruitment of staff and volunteers who do not pose a risk to children. Each state and territory requires anyone working with children to undergo a process that can involve criminal history and referee checks, among other things. Screening requirements vary across Australia so make sure you know and understand the relevant process.

Play by the Rules has developed a range of resources to help clubs understand and address issues just like this. Coaches should read the information about managing risk and the Interactive Scenarios are also a valuable recourse.

# WOMEN FILLING THE SPORTS GOVERNANCE GAP

Having more women in governance positions on sports boards may be the spark needed to help sports increase their relevance, be innovative, and gain a fresh perspective according to a sports lawyer and University of Canberra academic.

Catherine Ordway who specialises in sports governance and practice is investigating whether more diverse boards could positively impact on sports' integrity. Catherine—who also conceived the highly successful [Women on Boards](#) network with now Chair, Ruth Medd, 13 years ago—said although the concept of diverse board composition is broader than just having more women, gender equity is the simplest measurement and a good starting point.

In an interview with Play the Game, Catherine strongly advocated for a 50/50 gender split for every board. “Women occupy half the population, so let's make it a representative 50/50 split on every board straight off, and then ask why not? Are there any valid reasons not to have a 50/50 split? There may well be perfectly good circumstances that justify deviating from that starting position,” she said. Catherine agreed that there may be valid reasons not to have a 50/50 split, citing the example of a board she had come across who oversee a domestic violence women's shelter comprised of 100% women. She said that even in that situation “to exclude men entirely was to shut themselves off from positive opportunities.”

“A board should be strategic and not operationally focused. By broadening your board composition to include both men and women you increase the opportunity for including people who know how to get sponsorships, who have contacts in the government and who know who the decision-makers are. That can really help your organisation.”

“I don't think it makes sense to have an all-women's board any more than it does to have an all men's board.” A number of people have raised with Catherine the example of netball; neither Netball Australia nor its international board have any male representatives. “In the same way that I would respond to the other 91

of the 92 ASC recognised sports that have male-dominated boards, I would ask:

**“Why would you exclude half the population who have the expertise, contacts and interesting ideas to help your sport?”**

Catherine said one of the key advantages of having diversity on your board and in senior management is to encourage open-minded thinking: “You want to seek out ideas from different perspectives, from people who have different lives and have had different experiences from you.” She said sports should embrace such diversity if they wanted to appeal to the majority of the population. An ASC commissioned report found 89% of the group surveyed to be primarily motivated by factors other than competition.

“If you're [a man] on a board purely because you were a good footballer 20 or 30 years ago and you scored the winning goal in the grand final, and you haven't done anything else in the business world since, then you may not have the skill set or the vision about where your sport is going to be in 20 years' time - or to be able to ask the right questions. You may not have had the international experience, for example, to see what the rest of the world is doing. Do you know what other industries are doing that could be brought into your sport? This is a new digital age, so do we have anyone on our board that is across what possibilities this brings? We have a new generation with different perspectives and different ideas, so how are we embracing that?”

“If the only thing you've ever done is grow up in your local community, gone through the ranks, played your football, your cricket, your boxing or whatever it is, and you've not seen much else outside of that narrow sphere, then you're probably not going to provide the broadest perspective to your board. That is the same whether you are a man or a woman in that respect.”

However Catherine did agree there was a definite need for people on boards who knew the sport they were administering. Australian Canoeing, of which Catherine is a director, has interested board members and independent board members. Independent board members are brought in because they have other perspectives to offer and different



skills. In March 2013 the Australian Sports Commission announced that the boards of the top 7 funded National Sporting Organisations would be required to meet a 40 per cent target of female directors by 2015. Catherine is keen to see how this target will be enforced.

“I’m personally in favour of quotas, rather than targets,” she said. “For a long time, the ASC has taken the view that their role was to be purely “aspirational” ie: they would not link funding to good governance requirements like gender equity. Unless you penalise or incentivise the establishment out of their comfort zone to incorporate the full breadth of talent that lies out there in the community, then it will stay as it is. In the almost 20 years I have been working in sport, I have seen very little change based on good will alone.”

For people to argue that the current system, that supports an 80/20 status quo, is merit based, makes Catherine “really frustrated”. She dismisses the view that the current system is entirely based on merit, and suggests that instead people should choose from a talented pool, and that they proactively include women.

“My view is that we’re not talking about putting up women for board positions who don’t have any merit. No-one is proposing that they just grab someone off the street and say: ‘here, you’re a woman: you’re now going to be on the NRL Board or you’re going to be on the Cricket Australia Board’ without any background, skills, knowledge or value-add at all. “Merit is also a difficult thing to assess because women haven’t had the same opportunity that men have. They haven’t had the 30 years of getting the tap on the shoulder to go and get the experiences at senior levels of management and so on to build the credentials so that they can clearly demonstrate that they’re the right person to sit on your board. If you are only going to look amongst the group you know, perhaps even only from the four you regularly play golf with, to select your successor, then chances are you are not considering the bright young women who are working in the next building, or in another industry.”

“Sometimes you are going to have to bring in women who are slightly less experienced than the men. I agree that amounts to affirmative action, which some people are uncomfortable with. I believe that women have so much catching up to do, that it is warranted.” She said there would be times when sports would get it wrong. “

“Absolutely we’re going to get some dud women on boards. Statistically we would have to have some dud men in positions of power now too. So we need to allow some dud women in with the brilliant ones, as that is diversity too.

**I don’t agree with the assertion that just because you’re born with one set of genitalia or the other that you’re by definition going to be a great board member. What we want are smart people and big picture people. You don’t want people on your board who are coloured by being ‘fans’ of your sport.** There are lots of examples of people from both genders who would make excellent leaders. You do have to choose a person on merit, but you do it from a mix of both genders.”

She pointed out that the Women on Boards organisation had almost 15,000 members which represented a deep pool of talented women from which to draw board members. “If you can’t find one woman to sit on your board out of 15,000, then I don’t think you’re trying very hard to find someone who will fit in with the culture and the skill set that you’re looking for.”

#### **Tips for sports looking to increase their board diversity:**

- Conduct a skills audit, usually around the time of your annual general meeting and see where there are gaps.
- Avoid concerns about ‘cultural fit’ by identifying a deep enough pool of qualified people of the gender you’re seeking. At least one will have an interest in your sport.
- If seeking more women for your board, post a message on the Women on Boards network or contact the organisation for a private search (<http://www.womenonboards.org.au/boardsearch/>). The ASC also has a Women in Sport Leadership register: [http://www.ausport.gov.au/participating/women/sport\\_leadership\\_register](http://www.ausport.gov.au/participating/women/sport_leadership_register)
- Avoid situations where there is one “lone” gender voice on a board. Women in particular, who are the only one of their gender on a board, have been found to not succeed as expected. The perception is that they are often put in a “pink ghetto”; organising social functions and encouraged to speak only on “women’s issues”.
- Actively nominate and recruit women into senior management roles, including operational roles.



## Member Protection: A closer look at bullying in sport and the law

**T**he release of the Ted Wells Report to the NFL has tarnished the mystique of the professional locker room. The report found that Jonathan Martin (an NFL offensive tackle) was subjected to consistent harassment, bullying and hazing by three team mates while he played for the Miami Dolphins.

Aside from losing two starters from their roster in the wake of the report, the Miami Dolphins terminated the employment of a coach and a trainer who were also involved in the scandal.

Unfortunately, this behaviour cannot be said to exist “only in America”. We have felt its effects in our backyard too.

Remember the London 2012 scandal involving allegations of bullying within the Australian Swimming Team? The issue is pandemic and sporting organisations can no longer turn a blind eye.

### Member protection policies

Sporting organisations (at both the national and local level) have duties and legal obligations to protect their members and constituents and to ensure that their sports are safe, fair and inclusive. In fact, sports supported by the Australian Government must have acceptable member protection policies in place in order to receive government funding. Member protection policies are risk management tools that outline the duties and legal obligations of sporting organisations and explain the decision-making process that will be used to ensure ethical and appropriate behaviour amongst members and constituents involved in a particular sport.

Effective member protection policies are the “first line of defence” in assisting sporting organisations with handling issues such as bullying, hazing and other inappropriate behaviours. However,

the challenge for sporting organisations is to ensure that their member protection policies (or any policies for that matter) are worth more than just the paper they are written on. In the realm of member protection, confronting this challenge is only possible if sporting organisations:

1. are aware of the current legal landscape affecting member protection;
2. ensure consistent implementation of their member protection policies;
3. establish and utilise effective complaints procedures and methods of investigation;
4. establish effective reporting systems; and
5. educate their members and constituents.

### The legal landscape affecting member protection

Navigating the current legal landscape as it applies to

member protection is challenging for sporting organisations, as member protection is governed by multiple areas of law (at both the state and federal level), including:

1. occupational health and safety;
2. anti-discrimination;
3. child protection;
4. common law;
5. industrial relations;
6. workers compensation; and
7. criminal law.

The difficulty for sporting organisations is that the law is applied differently amongst their various constituent groups. For example, professional athletes who are subjected to bullying can pursue different legal avenues to say child athletes who face the same issues. Additionally, the process and remedies available to each group also vary. In order to stay abreast of legal developments, sporting organisations need to ensure that their member protection policies provide broad protection to their members and constituents, and that they are updated regularly.

## Recent developments in bullying laws

On 1 January 2014, the Fair Work Amendment Act 2013 (Cth) came into effect. Under the amendment, if a worker experiences bullying at work they can apply to the Fair Work

Commission for an order to stop bullying.

So, how is “bullying at work” defined, what is a “worker” and what does this have to do with sports?

Under the amendment, a “worker” is “bullied at work” if they experience “repeated unreasonable behaviour (at work)...that creates a risk to health and safety.”

In the case of sports, an athlete who is employed by a sporting organisation (usually a professional athlete) would be considered “worker” under the amendment. In fact, the label of “worker” is quite broad and also includes contractors and volunteers.

The Commission has been given broad powers, under the amendment, to make any orders that it considers appropriate (except orders requiring penalty payments) to prevent workers from being bullied at work. The amendment also requires the Commission to deal with applications to stop bullying within 14 days. This will assist in providing an expeditious process for victims of bullying.

Another benefit to aggrieved workers is that they are able to commence and pursue multiple proceedings under other federal and state work health and safety laws, even if they have made an application to the Commission. This previously was not allowed.

The amendment provides another avenue for relief for aggrieved workers and may be utilised by athletes who are faced with situations like that of Jonathan Martin.

## Way forward

Although the amendment should prove to be a worthwhile step forward, the fight to stop inappropriate behaviours such as bullying, hazing, and discrimination in sports does not solely depend on legislation. Sporting organisations must be proactive in their efforts to not only educate their members and constituents about appropriate behaviour, they must also create an appropriate culture for change.

Conducting regular reviews of their member protection policies and rules will assist sporting organisations in their fight to prevent bullying and other inappropriate behaviours. Additionally, establishing effective reporting systems, complaints processes and methods of investigation will ensure that any grievances will be actioned appropriately and in a timely fashion.

**Brendan Hoffman (Partner, Gadens Lawyers, Sydney)**  
**Georgia Vanos (Solicitor, Gadens Lawyers, Sydney)**

## AROUND THE GROUNDS



One of the good things about this magazine is that we can showcase the good work being done to assist grass roots sport across the country. So today we'd like to introduce you to Sports Community.

"Sports Community's vision is to help build stronger communities by assisting 'grass roots' sports clubs to succeed through the empowerment of club volunteers. We believe healthy local sports clubs play a vital role within the community so we passionately endeavor to empower volunteers, around Australia, through the provision of information and training to help them achieve their objectives." - See more at: <http://sportscommunity.com.au>

### Training Programs

Complementing the Sports Community website, is a comprehensive range of training sessions for club volunteers covering topics

such as strategic planning, compliance and risk management, financial management, building a quality club culture, participation strategies, marketing and social media and of course maximising clubs fundraising opportunities. The training course is made up of 6 x 3 hour modules that are highly customisable and can be mixed and matched to suit our clients needs.

### Other Services

Sports Community also provides many other services to stakeholders in the grassroots sports club sector including all levels of government, state and national sporting organisations including:

- Sport Club Help Desk (local councils and sporting bodies can outsource their club enquiries to Sports Community)
- Providing grassroots sports related content that can be republished by councils, sports associations and other industry bodies
- Speakers for events and conferences

If you want to find out more about Sports Community then simply get in touch with them direct:

Steve Pallas - [stevep@sportscommunity.com.au](mailto:stevep@sportscommunity.com.au)



# ONLINE COURSE UPDATE



**A**t the end of April there will be a new - and substantially upgraded - platform for the Play by the Rules online courses.

Make no mistake - this will be a significant upgrade to what so many people are already familiar with.

While the content and basic in-course functionality will remain the same, the registration process and some of the tools - such as the navigation process - will be slicker and simpler for the user. There has also been a lot of work done in improving the 'backend' administration of the platform but users will just have to take our word for that as this will not

be noticeable for the user. It will mean though that the courseware will operate more efficiently and smoother for the user, resulting in fewer technical difficulties.

It's important to note that if you have started any of the online courses before 30th April, but not completed, then you will need to complete the course before the 30th April - otherwise your work will be lost as it is not possible to transfer partially completed courses into the new platform. For people that have completed courses then there is no problem - your records will be transferred over seamlessly to the new platform. You can access the courses [here](#).

## DID YOU KNOW

*That the platform that houses the Play by the Rules online courses will be significantly upgraded at the end of April.*

# RESOURCE PROFILE

This is where we profile some of the resources in Play by the Rules. We can't possibly profile all the resources here but we can point you in the direction of resources that we think will interest you.

## Quick reference guide



The Quick Reference Guide is pretty much a 'must have' resource for anyone interested in safe, fair and inclusive sport.

Sport and recreation organisations across the country regularly have to deal with a range of harassment, discrimination and child protection issues involving players, coaches, officials and spectators. This Quick Reference Guide shows where you can find the essential information and services to help you resolve these issues, including:

- Referring illegal or unlawful behaviour
- Promoting a positive, child-safe environment
- Making and resolving complaints

To get the Quick Reference Guide go to: <http://www.playbytherules.net.au/resources/quick-reference-guide>



## Posters and promotional material

Play by the Rules has a lot of promotional material, including posters in different sizes, postcards addressing different issues, and flyers advertising the online training and interactive scenarios.

Using promotional material like this is a quick and easy way to spread the message about safe, fair and inclusive sport. Put them in reception areas; send to club members and volunteers. You can download them directly from our site and we will soon have a bunch of customized graphics, such as the one above, that you can use in newsletters or other printed material and online.

Visit <http://www.playbytherules.net.au/resources/posters-cards> to get your free promotional material



# PARTNERS



**D**id you know that Play by the Rules is one of the best examples of a Collective Impact approach to addressing sport issues in the country? If not the best. Play by the Rules is a collaboration between multiple partners.







## Subscribe to the Play by the Rules Magazine

Keep up to date with safe, fair and inclusive sport by subscribing to the Play by the Rules Magazine. It comes out every two months - it's free to subscribers and will arrive direct to your inbox. Just click on the image and sign up - it's that easy!



Please subscribe me to the free Play by the Rules bi-monthly magazine

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We respect your [email privacy](#)