

## SLSQ Policy

<b>Title:</b> Policy and Protocols for Dealing with Police Investigations, Criminal Charges, Guilty Pleas and/or Convictions	<b>Division:</b> Member Services
<b>Policy No:</b> MS03	<b>Version:</b> 1 June 2017
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### 1. Introduction

Surf Life Saving is a source of fun, enjoyment, health and well being for all who choose to participate.

This Policy supports Surf Life Saving Queensland's ("SLSQ") commitment to the safety and welfare of members and others who engage with Surf Life Saving.

### 2. Policy

This Policy provides direction to, and is binding on, all Surf Life Saving Clubs, Surf Life Saving Supporters Clubs, Branches and SLSQ for and when dealing effectively where a Member is subject to a police investigation or has been charged with and/or convicted of a criminal offence(s).

### 3. Purpose

This Policy seeks to protect Surf Life Saving's highly respected image and reputation within the community as well as reinforce its "zero tolerance" position with respect to those who choose not to respect the dignity, health and welfare of others.

### 4. Application

This Policy adopts and applies the following principles:

1. no Member or Entity shall compromise any Police investigation;
2. Members and Entities shall cooperate fully with any Police investigation, and any government and/or judicial authority;
3. all Entities shall be concerned about, and be protective of, the welfare of alleged or real "victims";
4. subject to the law, an Entity shall deal with allegations, investigations, charges and convictions proficiently, i.e., promptly, openly, and honestly;
5. at all times, Members and Entities shall act with integrity; and

6. All Members and Entities shall remain focused on maintaining effective surf lifesaving operations and services (patrols).

#### **4.1. When a member is the subject of a police investigation**

As soon as an Entity or an officer of an Entity becomes aware that a Member is subject to a Police investigation, the Entity or officer shall ensure the following actions are taken:

- 4.1.1. The Entity shall immediately advise the CEO who shall appoint a person to liaise with, and assist, the Entity, to:
- a) appoint and assist a spokesperson for the Entity;
  - b) produce and deliver (if appropriate, necessary or required) internal and external "Official Statements";
  - c) liaise (as appropriate or necessary) with the accused and accuser(s) and their families;
  - d) monitor and protect the welfare of the alleged/real "victim" and the accused; and,
  - e) ensure this Policy is complied with.
- 4.1.2. The Entity (or its appointed nominee) and the CEO (or his appointed nominee) may, if appropriate, liaise with relevant parties, police and other authorities to ascertain details about the alleged offences being investigated.
- 4.1.3. The Entity, in consultation with the CEO, shall determine what action is to be taken pending the Police investigation. The Member being investigated may be suspended (in part or full) and/or be required to step-aside from any position(s) within the Entity.
- 4.1.4. SLSQ shall advise relevant authorities (e.g. SLSA and Queensland Family and Child Commission, if the alleged offence involves a minor).
- 4.1.5. Counselling support for Members shall be communicated and/or offered to relevant Members by the relevant Entity.
- 4.1.6. The Entity shall acknowledge and formally adopt the "Position Statement" as per Appendix A.

#### **4.2. When a member is charged with a serious offence**

As soon as an Entity or an Officer of an Entity becomes aware that a Member has been charged with a Serious Offence, the following actions shall be taken:

- 4.2.1. The Entity shall immediately advise the CEO who shall appoint a person to liaise with, and assist the Entity, to:
- a) appoint and assist a spokesperson for the Entity;
  - b) produce and deliver (if appropriate, necessary or required) internal and external "Official Statements";
  - c) liaise (as appropriate or necessary), with the accused and accuser(s) and their families;
  - d) monitor and protect the welfare of the alleged/real "victim" and the accused; and

e) ensure this Policy is compiled with.

4.2.2. The Entity shall acknowledge and formally adopt the 'Position Statement & Protocols' as per Appendix A.

4.2.3. The Entity, in consultation with the CEO, shall determine whether the charged Member:

- a) is suspended (in full or part) or placed on "Restricted Activities"; and
- b) shall be required to step-aside from any official position(s) within the Entity or SLSQ.

4.2.4. The charged Member, the Entity and the CEO acknowledge that they may have little or no discretion due to legal or government policy requirements in regard to making determinations regarding suspension, "Restricted Activities" or requiring the charged Member to step aside from any position under clause 2.3. For the avoidance of doubt the Entity and/or the CEO will apply whatever sanction(s) are dictated in the circumstances by law or government policy.

4.2.5. SLSQ shall advise relevant authorities (e.g. SLSA and Queensland Family and Child Commission) if the alleged offence involves a minor.

4.2.6. The Entity may convene a general meeting of Members and other interested parties within 14 days to inform Members of certain aspects of the situation and to reinforce this Policy.

4.2.7. Immediate relatives of the charged Member and/or accusing member may, at the direction of the CEO, be required to step aside from any official position(s) with the Entity and SLSQ to diffuse any potential conflict of interest or perceptions of conflict of interest, until the matter is resolved.

4.2.8. Similarly, close friends of the charged Member may, at the direction of the CEO, be required to step aside from any official positions to diffuse any potential conflict of interest or perceptions of conflict of interest, until the matter is resolved.

4.2.9. Counselling support for Members shall be communicated and/or offered to relevant parties by the Entity.

#### **4.3. When a member is subject to a Committal Hearing or Trial**

As soon as an Entity or an officer of an Entity becomes aware that a Member is to appear before a Committal Hearing or Trial (other than as a witness), the following actions shall be taken:

4.3.1. The Entity shall immediately advise the CEO who shall appoint a person to liaise with and assist the Entity to:

- a) appoint and assist a spokesperson for the Entity;
- b) produce and deliver (if appropriate, necessary or required) internal and external "Official Statements";
- c) liaise (as appropriate or necessary), with the accused and accuser(s) and their families;

- d) monitor and protect the welfare of the alleged/real “victim” and the accused;  
and
- e) ensure this Policy is complied with.

4.3.2. The Entity shall acknowledge and formally adopt the “Position Statement & Protocols” as per Appendix A.

4.3.3. If the Member is committed to trial he/she is suspended from membership pending the outcome of the Trial. The charged Member, the Entity and the CEO acknowledge that they may have little or no discretion due to legal or government policy requirements in regard to making determinations regarding suspension under this clause 3.3. For the avoidance of doubt the Entity and/or the CEO will apply whatever sanction(s) are dictated in the circumstances by law or government policy

4.3.4. The Entity may convene a general meeting of members within 14 days and other interested parties to inform members of the situation and to reinforce these protocols [Note: Under no circumstances can any information be provided which could identify the identity of a complainant/victim where the complainant/victim is a minor];

4.3.5. The immediate relatives of the charged Member may, at the direction of the Entity’s Committee or the CEO, be required to step aside from any official position(s) within the Entity and SLSQ to diffuse any potential conflict of interests or perceived conflict of interest, until the matter is resolved.

4.3.6. Similarly, close friends of the charged Member may, at the direction of the CEO, be required to step aside from any official positions to diffuse any potential conflict of interest or perceptions of conflict of interest, until the matter is resolved.

4.3.7. Offers for counselling support for Members shall be communicated and/or offered to relevant parties by the Entity.

4.3.8. SLSQ shall advise relevant authorities (e.g. SLSA, Queensland Family and Child Commission).

#### **4.4. When a member is convicted of a Serious Offence**

As soon as an Entity or an officer of an Entity becomes aware that a Member has been found guilty of a Serious Offence (either on his/her own plea or following a Trial and irrespective of whether a conviction is recorded or not), the following actions shall be taken:

4.4.1. The Entity shall immediately inform the CEO who shall appoint a person to liaise and assist the Entity with the following:

- 1.1.a.1. appoint and assist a spokesperson for the Entity;
- 1.1.a.2. produce (if appropriate, necessary or required) internal and external “Official Statements”;
- 1.1.a.3. ensure these protocols are complied with; and,
- 1.1.a.4. monitor and protect the well-being of any victim(s).

- 4.4.2. The convicted person is automatically expelled from membership of Surf Life Saving at all levels. [Note: A Life Member who is convicted also has his/her Life Membership(s) automatically revoked.]
- 4.4.3. The Entity may convene a general meeting of members within 14 days and other interested parties to inform members of the situation and to reinforce these protocols [Note: Under no circumstances can any information be provided which could identify the identity of a complainant/victim where the complainant/victim is a minor];
- 4.4.4. The Entity shall use its best endeavours to monitor and support, where appropriate, the well being of all relevant parties; and
- 4.4.5. SLSQ shall advise relevant authorities (e.g. SLSA, Queensland Family and Child).

## **5. Membership (new & renewal) applications from persons with past convictions for Serious Offence(s)**

- 5.1. No Club shall knowingly accept a membership application for a person who has a prior recorded conviction for a Serious Offence without the prior approval of SLSQ. If a Club or any other Entity accept an application from a person who has a prior recorded conviction for a Serious Offence without the prior written approval of SLSQ that membership is null and void and of no effect. SLSQ is not obliged to consider or accept any application for membership from a person who has a prior recorded conviction for a Serious Offence.
- 5.2. If a Club receives an application for membership from a person who has a prior recorded conviction for a Serious Offence, the application must be referred to the CEO who shall, taking SLSQ policies into account, determine whether the application can be accepted for consideration. Should there be any doubt or special circumstances, the CEO may refer the matter to a State Judiciary Committee for determination as to whether to accept the person into membership and any conditions for such acceptance.
- 5.3. There is no appeal against the CEO's or a Judiciary Committee's decision under this clause 5.

## **6. Breaches**

Any breaches of this policy will be dealt with severely.

Allegations of breaches e.g. harassment, public comment, etc., shall be investigated promptly by the Entity's Liaison Officer in consultation with SLSQ's appointed Liaison Officer as follows:

- 6.1 The Entity's Liaison Officer shall provide a report on the outcomes of the investigation to the Entity's Management Committee and SLSQ;
- 6.2 Proven breaches may, subject to clause 6.5, result in suspension for not less than 12 months;
- 6.3 A repeated breach may, subject to clause 6.5, result in termination of membership; and,
- 6.4 The penalised Member may appeal any such penalties.

- 6.5 The accused shall be required to 'show cause', under clauses 6.2 and 6.3, why the penalties should not be applied. Should the accused fail to satisfactorily 'show cause', the penalties set out in clauses 6.2 and 6.3 shall be applied.

## 7. Definitions

**CEO** means the Chief Executive Officer of SLSQ.

**Entity** means a Surf Life Saving Club, Surf Life Saving Supporters Club, or a Branch, or an auxiliary organisation affiliated or recognised by SLSQ, or SLSQ itself.

**Member** means an individual member of an Entity.

**Restricted Activities** means either part or full restriction to participate or engage in surf lifesaving activities. The scope and conditions of such restricted activities will be determined in accordance with this Policy.

**Serious Offence** means any offence defined as a "serious offence" or a "disqualifying offence" under the *Working with Children (Risk Management and Screening) Act 2000* and includes:

1. an offence against a person, including abduction, assault occasioning bodily harm, grievous bodily harm, rape, murder, indecent treatment, indecent dealing, maintaining a sexual relationship with a child, carnal knowledge, deprivation of liberty, cruelty;
2. drug offences, including the cultivation, supply, importation, trafficking, misuse etc. of prohibited or restricted substances; and
3. robbery, fraud, extortion, misappropriation or other offence involving dishonesty.

## 8. Legislative Framework

*Working with Children (Risk Management and Screening) Act 2000* and all relevant criminal and other laws under which a person can be charged with a serious criminal offence or other offence for which you can be indicted.

## 9. Related Policy Instruments

The following documents can be found on the Members Portal (<https://portal.sls.com.au>):

- MS06 Blue Card Screening Policy

## **APPENDIX A - Position Statement and Protocols**

(Entity)..... acknowledges that concerning allegations and/or charges have been laid against a member which are subject to formal Police/court proceedings.

The [Entity's] Management Committee wishes to ensure that the judicial processes are unhindered and that the operations of the [Entity], and the valuable safety (and other) services provided to the community are not compromised in any way.

Members and supporters of the [Entity] acknowledge and will adhere to the following:

1. The legal issue(s) are being dealt with by appropriate authorities.
2. [Name] has been appointed as the [Entity's] SLSQ Liaison Officer and spokesperson.
3. The legal processes must be allowed to run their course unhindered by all concerned.
4. The [Entity], its officers and members will co-operate fully with appropriate authorities and acknowledge that any actions inhibiting "due process" may be interpreted as an attempt to pervert the course of justice.
5. Any actions, including adverse comments or any other dealings (e.g. harassment, abuse etc.), against any members (or their families) concerned with the legal proceedings will not be tolerated.
6. The [Entity] Management will deal swiftly and sternly with any reports and/or actions, which adversely affect the interest or welfare of members, their families, witnesses, etc., involved in the legal proceedings.
7. Members will refrain commenting on the issue to anyone except appropriate legal/law personnel.
8. Members will refer any questions or queries to the appointed [Entity] spokesperson.
9. Members will remain focussed on carrying out [Entity's] duties and responsibilities.
10. No discussions on the issue or the legal proceedings shall be permitted at the [Entity's] Meetings, unless approved by SLSQ.