



DATE 10 August, 2005
SUBJECT Policy and Protocols for Dealing with Police Investigations, Criminal Charges, Guilty Pleas and/or Convictions

The following policy statement was adopted as State Policy from 10 August, 2005.

POLICY

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.

This Policy also 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.

This Policy provides direction to all Surf Life Saving Clubs, Branches and SLSQ for dealing effectively when a Member is subject to a police investigation or has been charged and/or convicted of criminal offence(s) which breach SLQA and/or SLSQ policies or codes.

DEFINITIONS

For the purpose of this policy, the following definitions apply:-

"ENTITY" – means a Surf Life Saving Club, or a Branch, or an auxiliary organisation affiliated or formally recognised by SLSQ (e.g. a SLS Supporters Club), or SLSQ itself.

"MEMBER" means an individual member of an Entity.

"NATURAL JUSTICE" – means the rules and procedures to be followed by any person or body which has the responsibility for adjudicating upon disputes or the rights of others.

"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 CRIMINAL OFFENCE” – means any offence defined as an “Excluding Offence” in the Commission for Children and Young People and Child Guardians Act (2000) and also 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;
3. robbery, fraud, extortion, misappropriation or other offence involving dishonesty;
4. offences such as the possession, making, procurement or sale of child pornography and/or other objectionable literature, film, computer games etc.

PRINCIPLES

This Policy has been produced in accordance with the following principles:

1. no Member or Entity shall compromise any Police investigations;
2. Members and Entities shall cooperate fully with investigating Police, and any government and/or judicial authority, without diminishing any common law or legislated rights available to them;
3. an Entity 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;
6. Members and Entities shall remain focussed on maintaining effective surf lifesaving operations and services (patrols); and,
7. Members and Entities shall respect and comply with the rules of Natural Justice.

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 shall ensure the following actions are taken:

- 1.1 The Entity shall immediately advise SLSQ’s Chief Executive Officer (“CEO”) who shall appoint a person to liaise and assist the Entity to:
 - (a) appoint and assist a spokesperson for the Entity;
 - (b) produce and deliver internal and external “Official Statements”;
 - (c) liaise (as appropriate) 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.
- 1.2 The Entity (or appointed senior Officer(s) of the Entity) and the CEO (or his nominee) may, if appropriate, liaise with the Member, police and other authorities to ascertain details about the alleged offences being investigated.
- 1.3 1.3 The Entity’s Committee or appointed senior officer(s), in consultation with 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 Officer position(s) within the Entity or SLSQ.
- 1.4 SLSQ shall advise relevant authorities (e.g. SLSA and the Children’s Commission), if the alleged offence involves a minor.
- 1.5 Offers for counseling support (e.g. DES, LifeLine, Anglicare, Sexual Assault Support Services) for Members shall be communicated to Members by the relevant Entity.
- 1.6 The Entity shall acknowledge and formally adopt the “Position Statement” as per Appendix A.

2. WHEN A MEMBER IS CHARGED WITH A ‘SERIOUS CRIMINAL OFFENCE’

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

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) where appropriate, produce and deliver internal and external “Official Statements”;
- (c) where appropriate, liaise 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.

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

The Entity’s Committee or appointed senior officer(s), in consultation with the CEO, shall determine whether the charged Member is suspended (in full or part) or placed on “Restricted Activities”.

The Entity’s Committee or appointed senior officer(s), in consultation with the CEO, shall also determine whether the Member being investigated shall be required to step-aside from any official position(s) within the Entity or SLSQ.

SLSQ shall advise relevant authorities (e.g. SLSA and the Children’s Commission) if the alleged offence involves a minor.

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.

The charged Member, and 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.

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.

Offers for counselling support (eg DES, LifeLine, Anglicare, Sexual Assault Support Services) for Members shall be communicated to Members by the Entity.

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:

- 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) where appropriate, produce and deliver internal and external “Official Statements”;
 - (c) where appropriate, liaise 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.
- 3.2 The Entity shall acknowledge and formally adopt the ‘Position Statement & Protocols’ as per Appendix A.
- 3.3 If the Member is committed to trial he/she shall be suspended pending the outcome of the Trial.
- 3.4 The Entity shall 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];
- 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.
- 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.

- 3.7 Offers for counselling support (eg DES, LifeLine, Anglicare, Sexual Assault Support Services) for Members shall be communicated to Members by the Entity.
- 3.8 SLSQ shall advise relevant authorities (e.g. SLSA, Children’s Commission etc).

4. WHEN A MEMBER IS CONVICTED OF A SERIOUS CRIMINAL OFFENCE

As soon as an Entity or an officer of an Entity becomes aware that a Member has been found guilty of a serious criminal 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:

- 4.1 The Entity shall immediately inform the CEO who shall appoint a person to liaise and assist the Entity with the following:-
- (a) appointing and assisting a spokesperson for the Entity;
 - (b) producing internal and external “Official Statements”;
 - (c) ensuring these protocols are complied with; and,
 - (d) monitor and protect the well-being of any victim(s).
- 4.2 The convicted person shall be automatically expelled from the Association. [Note: A Life Member who is convicted shall also have his/her Life Membership(s) automatically revoked.];
- 4.3 The Entity shall 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 The Entity shall use its best endeavours to monitor and support, where appropriate, the well being of the victim(s); and,
- 4.5 SLSQ shall advise relevant authorities (e.g. SLSA, Children’s Commission etc).

5. MEMBERSHIP (NEW & RENEWAL) APPLICATIONS FROM PERSONS WITH PAST CONVICTIONS FOR SERIOUS CRIMINAL OFFENCE(S)

- 5.1 No Club shall knowingly accept a membership application for a person who has a prior recorded conviction for a Serious Criminal Offence without the prior approval of SLSQ.
- 5.2 If a Club receives an application for membership from a person who has a prior recorded conviction for a Serious Criminal Offence, the application must be referred to the CEO who shall, taking Association 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 the State Judiciary Committee for determination as to whether to accept the person into membership and any conditions for such acceptance.
- 5.3 The procedures to be followed in dealing with such matters, including any appeals against the CEO’s or Judiciary Committee’s decisions shall be as prescribed in SLSQ By-Laws..

6. BREACHES OF PROTOCOLS

Any breaches of this policy will be dealt with severely.

Allegations of breaches eg 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 6.5, result in suspension for not less than 12 months;
- 6.3 A repeated breach may, subject to 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', pursuant to 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 6.2 and 6.3 shall be applied.

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 (eg 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.

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