

## SLSQ Policy

<b>Title:</b> Policy and Protocols for Dealing with Police Investigations, Criminal Charges, Guilty Pleas and/or Convictions	<b>Division:</b> Membership Services
<b>Policy No:</b> MS03	<b>Version:</b> 3
<b>Effective Date:</b> 27.07.2020	<b>Approved Date:</b> 25.07.2020
<b>Revision Date:</b> 31.08.2022	<b>Approved by:</b> SLSQ Board

### 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.

### Purpose

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

### 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:

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;

drug offences, including the cultivation, supply, importation, trafficking, misuse etc. of prohibited or restricted substances; and

robbery, fraud, extortion, misappropriation or other offence involving dishonesty.

**Charge** means a charge in any form, including, for example, the following—

a charge on an arrest;

a notice to appear served under the [Police Powers and Responsibilities Act 2000, section 382](#);

a complaint under the [Justices Act 1886](#);

a charge by a court under the [Justices Act 1886, section 42\(1A\)](#), or another provision of an Act;  
an indictment.

## **Application**

This Policy adopts and applies the following principles:

No Member or Entity shall compromise any Police investigation related to the Association;

Members and Entities shall cooperate fully with any related Police investigation, and any government and/or judicial authority;

Subject to the law, an Entity shall deal with allegations, investigations, charges and convictions proficiently, promptly, openly, impartially and honestly; exercising an appropriate duty of care to the member/s;

At all times, Members and Entities shall act with integrity; and

All Members and Entities shall remain focused on business continuity;

Counselling support for Members shall be communicated and/or offered to relevant Members by the relevant Entity in keeping with the SLSQ Peer Support policy.

### **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:**

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

1.1 Appoint and assist a spokesperson for the Entity;

1.2 Produce and deliver (if appropriate, necessary or required) internal and external "Official Statements" and/or media releases at the direction of SLSQ;

1.3 Liaise (as appropriate or necessary) with the involved parties and their families and provide welfare support where appropriate and;

1.4 ensure this policy is complied with.

1.5 The Entity (or its appointed nominee) and the SLSQ CEO (or their appointed nominee) may, if appropriate, liaise with relevant parties, police and other authorities to ascertain details about the alleged offences being investigated.

1.6 The SLSQ CEO, on consideration of available evidence/information shall determine what action is to be taken pending the Police investigation. The SLSQ CEO shall determine whether it is appropriate to restrict membership duties, or suspend the member (in part or full) pending the outcome of the matter.

1.7 SLSQ shall advise relevant authorities (e.g. SLSA and Blue Card Services) where appropriate .

1.8 Counselling support for Members shall be communicated and/or offered to relevant Members by the relevant Entity in keeping with the SLSQ Peer Support policy.

1.9 The SLSQ CEO shall acknowledge and formally adopt the “Position Statement” as per Appendix A.

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

2.1 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:

- a. The Entity shall immediately advise the SLSQ CEO who shall appoint a person to liaise with, and assist the Entity to 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 involved parties and their families; and provide welfare support where appropriate and,
- d. Ensure this Policy is complied with.

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

2.3 The Entity, in consultation with the SLSQ 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.

2.4 The charged Member, the Entity and the SLSQ 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.

2.5 SLSQ shall advise relevant authorities (e.g. SLSA and Blue Card Services) where appropriate.

2.6 The SLSQ CEO should consider potential conflicts of interest or perceptions of conflict of interest until the matter is resolved.

2.7 Counselling support for Members shall be communicated and/or offered to relevant Members by the relevant Entity in keeping with the SLSQ Peer Support policy.

## **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. Produce and deliver (if appropriate, necessary or required) internal and external official statements;
- c. Liaise (as appropriate or necessary) with the involved parties and their families; and provide welfare support where appropriate and 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, consideration should be given to suspending the member 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

3.4 Counselling support for Members shall be communicated and/or offered to relevant Members by the relevant Entity in keeping with the SLSQ Peer Support policy.

3.5 SLSQ shall advise relevant authorities (e.g. SLSA, Blue Card services).

#### **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:

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

- a. Appoint and assist a spokesperson for the Entity;
- b. Produce (if appropriate, necessary or required) internal and external “Official Statements”;
- c. Ensure these protocols are complied with and;
- d. Monitor and protect the well-being of any victim(s).

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.]

4.3 The Entity shall use its best endeavours to monitor and support, where appropriate, the well-being of all relevant parties; and

4.4 SLSQ shall advise relevant authorities (e.g. SLSA, Blue Card Services).

#### **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 knowingly 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 determine whether to accept the person into membership and any conditions for such acceptance.

5.3 There is no appeal against the CEO's decision under this clause.

## 6. Breaches

Any breaches of this policy will be dealt with as per the requirements of the SLSQ Constitution and by-laws.

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

- a. The Entity's Liaison Officer shall provide a report on the outcomes of the investigation to the Entity's Management Committee and SLSQ;
- b. Proven breaches may, subject to clause 6.2, result in suspension
- c. A repeated breach may, subject to clause 6.2, result in termination of membership; and,
- d. The penalised Member may appeal any such penalties.

6.2 The accused shall be required to 'show cause', under clauses 6.1b and 6.1c why the penalties should not be applied. Should the accused fail to satisfactorily 'show cause', the penalties set out in clauses 6.1b and 6.1c shall be applied.



Dave Whimpey  
**Chief Executive Officer**  
**Surf Life Saving Queensland**

## **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.