

12th October, 2020

**Institution:** NSW Basketball Association  
(aka 'Basketball NSW' & 'BNSW')  
Unit 27, 11-21 Underwood Road Homebush, NSW, 2140

Basketball New South Wales (BNSW) is highly committed to the health, safety and well-being of each and every one of its participants, and is also dedicated to providing a safe sporting environment for all of its members throughout NSW - in particular its junior members.

The positive aspects of involvement in our sport are well founded and evidenced by the many thousands of people participating in basketball activities and competitions across the state each week. The value of regular exercise gained through basketball to an individual's personal health and fitness should not be underestimated, nor should the role that social interaction plays in the development a young person's self-esteem. This, in turn, can further enhance a young person's involvement within their local community. Any inappropriate or unlawful acts in sport can serve to drastically undermine these essential benefits that are formed from being part of the 'Basketball Family'.

For these reasons BNSW has appointed specially trained staff to perform the role of Member Protection Officers (MPO) who actively work to minimise all areas of risk to member's safety. The MPO's also have the ability to investigate complaints, and then recommend a wide variety of sanctions in order to prevent this type of conduct re-occurring or spreading within our sport. At a domestic or local level, Member Protection Information officers (MPIO's) are trained and utilised to provide a first point of contact to assist affected members with information and referral options.

Depending on the nature of each case, instances of harassment or abuse in sport can have a devastating impact on not only those individuals directly involved, but also for each of the clubs or associations that may be indirectly affected. Apart from exposing these organisations to potential criminal or civil actions, an unpleasant working environment for juniors and volunteers may develop, officials may be faced with low morale, there may be a higher turnover of personnel, and there is the real prospect of long-term damage being done to the organisation(s) image and reputation. These are all unnecessary and preventable harms which is why BNSW takes pro-active steps through providing regular information, updates and education programs to assist associations to develop and maintain a child safe 'culture' within our sport. The adoption of various state and national initiatives including the National Integrity Framework, the National Member Protection by-laws, BNSW Disciplinary by-laws, the BNSW Zero-Tolerance & Sports Rage policy and the establishment of BNSW Codes of Conduct for each of the various participants within our sport, further enhances this ongoing process. These guidelines not only set out the broad expectations for the conduct of all participants, but they also incorporate detailed policies to regulate behaviour and to ensure action can be taken against those who fail to adhere to acceptable behavioural standards and expose the sport of basketball to any undue risk, particularly those that involve children.

BNSW's strict adherence to these guidelines, and the various statutory responsibilities that govern our sport including, but not limited to, the NSW Crimes Act 1900, the Child Protection (Working with Children Act) 2012, the Children's Guardian Act 2019, & the Children and Young Persons (Care and Protection) Act 1998 reflects BNSW's dedication to serving and protecting its junior members and its participants throughout all levels of Basketball across NSW.

Non-criminal conduct, or certain conduct where members make an informed and conscious decision against reporting such allegations to the relevant government agency, can be dealt with in accordance with the *BA Member Protection Policy*, *BNSW Codes of Conduct* and *BNSW Disciplinary Tribunal by-laws*.



**A.C.N.** 003 359 680

**A.B.N.** 98 003 359 680

PO BOX 198 – Sydney Markets – NSW 2129

**Ph: (02) 8765 8555 | Fx: (02) 8765 8588 | [www.bnsw.com.au](http://www.bnsw.com.au)**

### **Making institutions child safe:**

Prior to the start of, and ultimately at the completion of, the 'Royal Commission Into Institutional Responses to Child Sexual Abuse', Basketball NSW had very sound complaints handling, investigation, and reporting processes already in place including the adoption of the Basketball Australia Member Protection Policy, mandatory reporting to the NSW Ombudsman's Office, various Codes of Conduct for all BNSW participants to adhere to, and a robust system of ensuring all staff and volunteers had valid & verified WWC. This was in addition to the existing 'fit and proper person' test for each adult volunteer participating at all BNSW events, programs and leagues, and the clear expectation of each affiliated association within NSW having a 'child safe' culture within their respective organisations.

In relation to the specific Royal Commission recommendations 6.4, 6.5, 6.6, 7.7, & 7.8, Basketball NSW has implemented the following which are consistent with *Article 3 of the United Nations Convention on the Rights of the Child*:

- Education of all BNSW staff of their legislative requirements and obligations within the child protection space.
- enhanced risk management strategies & guidelines in relation to day & overnight basketball camps as well as all BNSW tournaments involving children.
- regular information sharing and advising's provided to all affiliated basketball associations within NSW as to their legal and moral obligations in accordance with the various BNSW policies in addition to all current state and federal legislation.
- regular updates to each affiliated association's Presidents, GM's, staff & MPIO's requiring their adherence to the 'Child Safe Standards'.
- Enhanced investigation, recording and reporting systems being strictly adhered to by all relevant BNSW staff (CEO & Member Protection Officers) consistent with recommendations 8.1 & 8.4 of the Royal Commission's final report.

### **Children's Voices:**

- Adherence to the principals contained within the 'Charter of Victims Rights' as per the *NSW Victim's Rights & Support Act 2013*, which further enhances the existing culture where all adult participants are actively encouraged to listen to and then swiftly act upon each and every issue or concern raised by any child within our sport.
- Creation of the BNSW 'Child safety & basketball' information portal on the BNSW website where information can be easily and privately accessed by children & their parents, and allegations can be reported in a confidential manner.
- BNSW's consistent attendance at *NSW Office of Sport* and *NSW Office of the Children's Guardian* external workshops, courses, and webinars in order to maintain legislative updates and to gather relevant information for dissemination to affiliated associations within NSW.
- Continual information sharing and liaison with the OCG who recently took carriage of the 'Reportable Conduct Scheme' from the *NSW Ombudsman's office*.
- Adherence to BNSW's statutory requirements as a mandatory reporter within NSW, for the ongoing protection of children and maintenance of their individual rights & freedoms.
- Establishment of the *NSW Family & Community Services (FACS)* online reporting portal which is able to be accessed by each and every BNSW staff member.

### **Institution Specific recommendations:**

- In relation to recommendation 14.1 of the *Royal Commission's final report* BNSW previously had many of the 'Child Safe Standards' already implemented through existing policies and Codes of Conduct.
- BNSW has played a role in the development of Basketball Australia's 'Child Safe Sport Policy' which is in the final drafting phase and will be adopted by BNSW as soon as this document is implemented by Basketball Australia prior to the end of 2020. This policy codifies, in one document, the requirements for all basketball associations to have greater resistance to existing or potential 'child predators', as well as enhancing their knowledge and skills within the area of child safety now and into the future.
- BNSW has already educated, and will continue to provide ongoing education to each staff member and MPIO's in accordance with each of the recommendations arising from the 'Royal Commission Into Institutional Responses to Child Sexual Abuse'.
- BNSW also proposes to further educate each affiliated association and their staff through state-wide 'Child Safe Culture workshops' during 2021 so as to actively encourage cultural change where required.