



# SURF LIFE SAVING AUSTRALIA POLICY

<b>Title:</b>	Criminal Conviction
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<b>Responsible Portfolio:</b>	Governance
<b>Authority</b>	This Policy is made under clause 39 of the SLSA Constitution. It is binding on all Members of SLSA and is to be interpreted in accordance with the SLSA Constitution.

## 1. INTRODUCTION

This Policy supports all Surf Life Saving Entities' commitment to the safety and welfare of members and others who engage with Surf Life Saving.

## 2. POLICY

- a. This Policy directs, and is binding on, all SLS Entities and Members when dealing with the situation where a Member is subject to a police investigation or has been charged with, committed to trial for, and/or convicted of, a Serious Criminal Offence. This Policy is not intended to capture drink driving offences or minor offences.
- b. This Policy seeks to protect Surf Life Saving's image and reputation within the community as well as reinforcing its "zero tolerance" position with respect to those who choose not to respect the dignity, health and welfare of others.

## 3. APPLICATION

### 3.1 Principles

This Policy adopts and applies the following principles. At all times:

- a. Members and SLS Entities must cooperate fully with any police investigation and any government and/or judicial authority.;
- b. Members and SLS Entities must cooperate fully with any investigation or action or reasonable direction of SLSA or their State Centre made under or in relation to this Policy;
- c. Subject to the law, an SLS Entity shall deal with criminal allegations, investigations, charges and convictions promptly, openly, and honestly;
- d. Member and SLS Entities must treat any matter or information arising from the application of this Policy in confidence;
- e. Members and SLS Entities shall act in good faith and with integrity; and
- f. Members and SLS Entities shall remain focused on maintaining effective surf lifesaving operations and services (patrols).

### 3.2 When a Member is the subject of a police investigation

- a. As soon as an SLS Entity or an officer of an SLS Entity **becomes aware** that a Member is subject to a police investigation, the SLS Entity or officer shall:
  - i. immediately advise the relevant State Centre's Chief Executive Officer (**State Centre CEO**) who shall appoint a person to liaise with, and assist, that SLS Entity, to:
    - A. appoint and assist a spokesperson for the SLS Entity;
    - B. produce and deliver (if appropriate, necessary or required) internal and external "Official Statements";
    - C. liaise (as appropriate or necessary) with involved parties and their families;
    - D. monitor and protect the welfare of involved parties; and
    - E. ensure this Policy is otherwise complied with;
  - ii. formally adopt the "Position Statement & Protocols" in **Appendix A** (as applicable to the particular circumstances);
  - iii. in consultation with the State Centre CEO, determine what action is to be taken pending the conclusion of the police investigation. The State Centre CEO may, depending on the circumstances of any particular matter, take such actions as he or she considers to be in the best interests of all parties and Surf Lifesaving whilst any investigation is underway. Notwithstanding the generality of the foregoing, a Member under investigation may be:
    - A. suspended (in part or full) or placed on "Restricted Activities"; and/or
    - B. required to step-aside from any position(s) within any relevant SLS Entity; and
  - iv. ensure that counselling and/or peer support is available to relevant Members directly affected if required in the circumstances.
- b. The SLS Entity (or its appointed nominee) and the State Centre 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.
- c. The State Centre shall advise relevant authorities (e.g. SLSA and other authorities as required by law), if the alleged offence involves a minor.

### 3.3 When a Member is charged with a Serious Criminal Offence

- a. As soon as an SLS Entity or an Officer of an SLS Entity becomes aware that a Member has been charged with a Serious Criminal Offence, clause 3.2 (as varied below) will apply.
- b. When a Member is charged with a Serious Criminal Offence they are automatically suspended and required to step-aside from any position(s) within, any relevant SLS Entity, whilst the charges are being heard and resolved.

- c. Subject to this Policy, the State Centre CEO shall as soon as practicable notify the charged Member and the relevant SLS Entities of the suspension under clause 3.3(b).
- d. The charged Member, the SLS Entity and the State Centre CEO acknowledge and agree that whatever sanction(s) and actions as are dictated in the circumstances by law or government policy will apply.
- e. The relevant SLS Entity may convene a meeting of Members and other interested parties as soon as practicable to inform them of certain aspects of the situation and to reinforce the application of this Policy. Information provided to Members in any such meeting must be treated confidentially. Under no circumstances can any information be provided which could identify the identity of a complainant/victim where the complainant/victim is a minor.
- f. Immediate relatives and/or close friends (who are also Members of the relevant SLS Entity) of the charged Member and/or accusing Member may, at the direction of the State Centre CEO, be required to step aside from any official position(s) with any relevant SLS Entity to diffuse any real or potential conflict of interest or perceptions of conflict of interest, until the matter is resolved.

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

As soon as an SLS Entity or an officer of an SLS Entity becomes aware that a Member is to appear before a committal hearing or trial (other than as a witness) or has been committed to trial, clauses 3.3(a) - 3.3(f) will apply.

### **3.5 When a member is convicted of a Serious Criminal Offence**

- a. As soon as an SLS Entity or an officer of an SLS 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), clause 3.2 (as varied below) will apply.
- b. Subject to this Policy, the convicted person is automatically expelled from membership of Surf Life Saving at all levels and in all States and Territories. A Life Member who is convicted also has his/her Life Membership(s) automatically revoked at whatever level of SLS Entity.

## **4. MEMBERSHIP (NEW & RENEWAL) APPLICATIONS FROM PERSONS WITH PAST CONVICTIONS FOR SERIOUS OFFENCE(S)**

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- a. No Club can or shall knowingly accept a membership application from or for a person who has a prior recorded conviction for a Serious Criminal Offence without the prior approval of its State Centre. If a Club or any other SLS Entity accepts an application from or for a person who has a prior recorded conviction for a Serious Criminal Offence without the prior written approval of its State Centre that acceptance, application and membership is null and void and of no effect. A State Centre is not obliged to consider or accept any application for membership from a person who has a prior recorded conviction for a Serious Criminal Offence.
- b. Where a Club receives a membership application from or for a person who has a prior recorded conviction for a Serious Criminal Offence, that the Club wants to accept, the application must be referred to the relevant State Centre CEO who shall, taking relevant

policies and any other relevant circumstances (in their sole discretion) into account, determine whether the application can be considered. Should there be any doubt or special circumstances, the State Centre CEO may refer the matter to a Judiciary Committee for determination as to whether to accept the person into membership and any conditions for such acceptance.

- c. Where a Club receives a membership application from or for a person who has a prior recorded conviction for a Serious Criminal Offence, that the Club has rejected, the Club will advise the relevant State Centre CEO of the application and the Club's decision.
- d. There is no appeal against a State Centre CEO's or a Judiciary Committee's decision or a Club's decision under this clause 4.

## 5. DISCRETION

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- a. Subject to clause 5(b), the State Centre CEO may in his/her absolute discretion but after making full and proper investigation and inquiry, vary a sanction imposed under this Policy.
- b. The discretion in clause 5(a) is not available to the State Centre CEO where the Serious Criminal Offence has involved a minor.

## 6. DEFINITIONS

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**Member** means an individual member of an SLS 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 Criminal Offence** means any offence so defined within or under State and/or Commonwealth laws as per the table in **Appendix B**.

**SLS Entity** means a Surf Life Saving Club, Surf Life Saving Supporters Club, Branch, State Centre, an auxiliary organisation affiliated or recognised by a State Centre or SLSA.

## 7. RELATED POLICY INSTRUMENTS

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

## **APPENDIX A - POSITION STATEMENT AND PROTOCOLS**

(SLS Entity) ..... acknowledges that serious allegations and/or charges have been laid against a Member which are subject to formal police investigation and/or court proceedings.

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

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

1. The legal issue(s) should be and are being dealt with by appropriate authorities.
2. [Name] has been appointed as the [SLS Entity's] Liaison Officer and spokesperson.
3. The legal processes must be allowed to run their course unhindered by all concerned.
4. The [SLS 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 [SLS 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 must maintain the confidentiality of the issues involved and will refrain from commenting on the issue to anyone except appropriate legal/law personnel. For the avoidance of doubt members must NOT in any circumstance speak to the media.
8. Members will refer any questions or queries to the appointed [SLS Entity] spokesperson.
9. Members will remain focussed on carrying out [SLS Entity's] duties and responsibilities.
10. No discussions on the issue or the legal proceedings shall be permitted at the [SLS Entity's] Meetings, unless approved by the State Centre.



## Appendix B – Serious Criminal Offences

State	Serious Offence Definition
Cth	<p><b>Serious Offence</b>, for the purpose of Policy 6.16, defined in the <i>Crimes Act 1914</i> (Cth) is an offence, that is punishable by imprisonment for 2 years or more; and that is either, a Commonwealth offence, an offence against a law of a State that has a federal aspect or an offence against a law of a Territory; and that is not a serious terrorism offence.</p> <ol style="list-style-type: none"> <li>1. an offence relating to computer knowledge with a search warrants, assessor after the fact, disclosure and destruction of age determination information, unauthorised disclosure of information, disclosure of integrity testing operations, misuse of assumed identity, serious drug offences;</li> <li>2. Offence for making false statements in warrants, Offences relating to telephone warrants, Interfering with political liberty, Destroying or damaging Commonwealth property, Forgery of postage stamps, Conspiracy to bring false accusation, Attempting to pervert justice;</li> <li>3. Treachery, inciting mutiny, assisting prisoners of war to escape, Piracy, Sabotage.</li> </ol>
QLD	<p><b>Serious Offence</b>, for the purpose of Policy 6.16, means any offence that is defined as an indictable offence under the <i>Criminal Code Act 1899</i> (QLD) or a “disqualifying offence” under the <i>Working with Children (Risk Management and Screening) Act 2000</i> and includes:</p> <ol style="list-style-type: none"> <li>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, kidnapping, deprivation of liberty, cruelty;</li> <li>2. drug offences, including the cultivation, supply, importation, trafficking, misuse etc. of prohibited or restricted substances; and</li> <li>3. robbery, fraud, extortion, misappropriation or other offence involving dishonesty.</li> </ol>
VIC	<p><b>Serious Offence</b>, for the purpose of Policy 6.16, means any offence that is defined as an indictable offence under the <i>Crimes Act 1958</i> (Vic) or an offence within the meaning of “Category A offence” and “Category B offence” under the <i>Working with Children Act 2005</i> (Vic) and includes:</p> <ol style="list-style-type: none"> <li>1. offence against a person, including murder, inflict serious injury, assault, rape, stalking, serious bullying offences, kidnapping, failing to protect a child from harm, leaving a child unattended, installing a device to record or observe private activity;</li> <li>2. drug offences, including the trafficking and supply of a drug of dependents to a child; and</li> <li>3. fraud, armed robbery, aggravated burglary.</li> </ol>
NSW	<p><b>Serious Offence</b>, for the purpose of Policy 6.16, means any offence that is defined as a serious indictable offence under the <i>Crimes Act 1900</i> (NSW) or a “disqualifying offence” under the <i>Child Protection (Working with Children) Act 2012</i> (NSW) and includes:</p> <ol style="list-style-type: none"> <li>1. an offence against a person, including injury or sexual abuse, murder, assault, rape, fraud, acts of indecency, promoting or engaging in acts of child prostitution, kidnapping, incest, filming a person engaged in a private act, threat to kill or inflict bodily harm; and</li> <li>2. the infliction of physical, emotional, psychological harm that results in intellectual or physical development of a child to be significantly damaged.</li> </ol>

<p><b>WA</b></p>	<p><b>Serious Offence</b>, for the purpose of Policy 6.16, means any offence that is defined as an indictable offence as set out in the <i>Criminal Code Act Compilation Act 1913 (WA)</i> or an offence within the meaning of “Class 1 Offence” or “Class 2 Offence” under the <i>Working with Children (Criminal Record Checking) Act 2004 (WA)</i> and includes:</p> <ol style="list-style-type: none"> <li>1. offence against a person, including sexual penetration of child, murder, assault, indecency, causing grievous bodily harm, kidnapping, production and distribution of child pornography, failing to protect child from significant harm, leave child unsupervised in vehicle,</li> <li>2. drug offences, including selling or offering drug paraphernalia to a child</li> <li>3. aggravated robbery, non-aggravated robbery, burglary, theft, fraud</li> </ol>
<p><b>TAS</b></p>	<p><b>Serious Offence</b>, for the purpose of Policy 6.16, means any offence listed in “Appendix A – Crimes for which Offender may be Arrested without Warrant” and any offence listed in “Appendix D – Serious Crimes” in the <i>Criminal Code Act 1924 (Tas)</i>, or in “Schedule 1” under the <i>Registration to Work with Vulnerable People (Risk Assessment for Child-related Activities) Order 2014 (Tas)</i> and includes:</p> <ol style="list-style-type: none"> <li>1. offence against a person, including sexual intercourse with a person under 17 years of age, murder, assault, indecent assault, rape, involvement in child exploitation, distributing child exploitation material, acts that cause grievous harm, genital mutilation, aggravated assault, abduction, stalking,</li> <li>2. procuring by threats, fraud or drugs</li> <li>3. robbery, blackmail, and demanding with menaces with intent to steal</li> </ol>
<p><b>NT</b></p>	<p><b>Serious Offence</b>, for the purpose of Policy 6.16, means any offence that is defined as an indictable offence as set out in the <i>Criminal Code Act 1983 (NT)</i>, or would cause “harm to child” or would be considered “exploitation of child” under the <i>Care and Protection of Children Act 2007 (NT)</i> and includes:</p> <ol style="list-style-type: none"> <li>1. offence against a person that endagers, or is likely to endanger a person’s life or that is or is likely to be significant and longstanding, including sexual abuse, murder, prostitution, , recklessly endangering serious harm, assaults, sexual assault, rape, kidnapping, robbery, blackmail, fraud, arson; and</li> <li>2. causing a child to suffer from emotional or psychological harm where the emotional, physical, or intellectual development is likely to be significantly damaged such as, pornographic performance sexual relationship with a child possession of child abuse amterial, indecent dealing with a child, pornographic or abusive performance with a child, incest.</li> </ol>
<p><b>SA</b></p>	<p><b>Serious Offence</b>, for the purpose of Policy 6.16, means any offence that is defined as an indicatble or serious offence under the <i>Criminal Law Consolidation Act 1935 (SA)</i> or is within the meaning of a “qualifying offence” under the <i>Children and Young People (Safety) Act 2017 (SA)</i> and includes:</p> <ol style="list-style-type: none"> <li>1. offences that are punishable by imprisonment for life or for a term of 5 years or more.</li> <li>2. offence against the person, including murder, manslaughter, causing serious harm, creating risk of serious harm, abusing, or, kidnapping, rape, indecent assault, incest, arson, robbery,</li> <li>3. committing criminal neglect on a child, genital mutilation, production of pornographic material with a child</li> </ol>