



SPORT | Issue No. 2 | *Men (and some women) behaving badly*

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We have been warned of the risk to Australian sport created by gambling and match fixing. Whilst this is undoubtedly a potential problem, in my opinion, the main challenge for Australian sport on a day to day basis is managing and dealing with behaviour of the participants. In this respect, I'm not just talking about high profile professional athletes who are behaving badly. At grassroots, the problems extend to spectators, parents, junior athletes, coaches, managers and participants in amateur sport.

The challenge for sporting administrators is how to deal with these people. For many years, sporting administrators have adequately dealt with on-field bad behaviour and set up disciplinary processes which have proved generally adequate. However, now it is the area of off-field bad behaviour which is causing them to lose sleep.

The Australian Sports Commission some time ago created what we all know as the Member Protection By-law and has, through various mechanisms, seen that this has been adopted by national and state sporting organisations. Some sports have taken the original document and changed it to make it their own,

but in most cases the Australian Sports Commission's document has been adopted by NSO's and SSO's.

Often it's not until a sports administrator tries to put these by-laws into effect that they find out that the by-laws are very difficult or actually don't work or produce unexpected consequences.

An example of this is: Recently, we looked at a very difficult disciplinary matter involving a number of people in relation to an off-field incident. Remarkably once the Tribunal had handed down its decision, on review of the policy it was found that the complainant actually had the right to appeal the outcome of the decision if the complainant was not happy. This is just one of the many strange anomalies you will find in member protection policies. That's like giving a victim of crime the right to appeal if they don't agree with the sentence. It just can't work.

The process of investigation and the process of dealing with the parties can be particularly difficult, onerous and nearly always expensive as it often requires hiring lawyers to help sort out the issues. Member protection policies which have been mandated often sit in the bottom drawer with many organisations not knowing what they even say until a

problem arises. One of the other problems which also occurs is trying to work out whether an issue actually needs to be dealt with under the member protection policy or pursuant to that sport's disciplinary policy or even pursuant to an employment contract where the perpetrator is an employed person.

In many cases the sport may not even have jurisdiction if the offender is a parent or a non-member.

To maintain the reputation and integrity of sport, it is necessary to deal with these matters and to deal with them efficiently and expeditiously. There is no simple solution to this problem other than making sure that the policy you have in place actually works when you need to deal with one of these highly emotional off-field dramas.

Administrators need to pull them out of the bottom drawer and review them. They might be surprised by what they said.



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