Australian Government
Sport Integrity Australia

SPORT INTEGRITY AUSTRALIA

NATIONAL INTEGRITY FRAMEWORK

Member Protection Policy

MOTORCYCLING AUSTRALIA LIMITED

Commencement date: 1 January 2024

Policy to be reviewed by Sport Integrity Australia
July 2025

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1. Policy Intent

Motorcycling Australia Limited (**MA**) is committed to ensuring that everyone involved with Motorcycle sport is treated with respect and dignity and is protected from Abuse, Bullying, Harassment, Sexual Misconduct, Discrimination, Victimisation, and Vilification.

This Policy seeks to ensure that everyone involved in Motorcycle sport is aware of their rights and responsibilities and sets out the standards of behaviour expected of those involved in Motorcycle sport and the behaviours that are not acceptable (**Prohibited Conduct**).

2. Definitions

The following words have the corresponding meaning in this Policy: Definitions of Abuse, Bullying, Harassment, Sexual Misconduct, Discrimination, Victimisation and Vilification must be read in the context of Appendix A.

Activity means a sporting contest, match, competition, event, or activity (including training), whether on a one-off basis or as part of a series, league, or competition, which is sanctioned or organised by a Relevant Organisation.

Abuse means any type of behaviour (including physical, emotional/psychological, sexual, and inappropriate use of power and/or process) that has caused, is causing or is likely to cause harm to a person's wellbeing, whether in-person or online.

Bullying means a person or group of people repeatedly and intentionally using words or actions, or the inappropriate use of power, against someone or a group of people to cause distress and risk to their wellbeing, whether in-person or online.

Complaints, Disputes and Discipline Policy means the policy adopted by MA for the handling and resolution of allegations regarding Prohibited Conduct.

Contractor means any person or organisation engaged to provide services for, or on behalf of, a Relevant Organisation. This includes agents, advisers and subcontractors of a Relevant Organisation and Employees, officers, Volunteers, and agents of the Contractor or subcontractor.

Discrimination includes both direct and indirect discrimination (either in-person or online) which have the following meaning**:**

(a) 'Direct discrimination' occurs where, because a person has a Protected Characteristic, they are treated less favourably than a person without that characteristic would be treated in the same or similar circumstances.

(b) 'Indirect discrimination' occurs where a practice, rule, requirement or condition that applies to everyone disadvantages people with a Protected Characteristic and the practice, rule, requirement or condition is not reasonable in the circumstances.

Employee means a person employed by a Relevant Organisation.

Harassment means behaviour towards a person that they do not want and that is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment, whether in-person or online.

Member means a member of a Relevant Organisation, including:

(a) **Member Organisation**, which means each company or incorporated association that is a member of MA - including each:

  i. State, Territory, and club Member; and

  ii. affiliate that is a member of a State and Territory Member.

(b) **Individual Member**, which means individuals who are individuals registered with a Relevant Organisation.

Motorcycle sport means the sport of motorcycling, as governed by MA and FIM from time to time.

National Integrity Framework or NIF means the National Integrity Framework as developed by Sport Integrity Australia (SIA) and consisting of the following five policies:

(a) Safeguarding Children and Young People Policy;

(b) Competition Manipulation and Sport Gambling Policy;

(c) Improper Use of Drugs and Medicine Policy;

(d) Member Protection Policy;

(e) Complaints, Disputes and Discipline Policy.

Participant means:

(a) Athletes;

(b) coaches appointed to train an Athlete or team in an Activity;

(c) administrators who have a role in the administration or operation or Activity of a Relevant Organisation including owners, directors, committee members or other persons;

(d) officials including referees, umpires, technical officials, or other officials appointed by a Relevant Organisation, or any league, competition, series, club or team sanctioned by a Relevant Organisation;

(e) support personnel who are appointed in a professional or voluntary capacity by a Relevant Organisation, MA, or any league, competition, series, club or team sanctioned by a Relevant Organisation including sports science sports medicine personnel, team managers, agents, selectors, and team staff members.

Policy means this Member Protection Policy including any appendices.

Prohibited Conduct means the conduct proscribed at clause 4 of this Policy.

Protected Characteristic means:

(a) age;

(b) disability;

(c) race or ethnicity;

(d) sex;

(e) sexual orientation or gender identity; or

(f) religion.

Relevant Organisation means any of the following organisations:

(a) MA;

(b) Member Organisations; or

(c) any other organisation that has agreed to be bound by the National Integrity Framework and/or the Relevant Policies.

Relevant Person means any of the following persons:

(a) Individual Member;

(b) Participant;

(c) Employee;

(d) Contractor;

(e) Volunteer; or

(f) any other individual who has agreed to be bound by the National Integrity Framework and/or the Relevant Policies.

Sexual Misconduct means:

(a) sexual harassment, which is any unwanted or unwelcome sexual behaviour where a reasonable person would anticipate the possibility that the person being harassed would feel offended, humiliated, or intimidated; and

(b) behaviour that may constitute a sexual offence that is unlawful.

Victimisation means subjecting a person, or threatening to subject a person, either in-person or online, to any unfair treatment because the person has made, or intends to pursue their right to make, a complaint, report or

lawful disclosure, including under applicable legislation or this Policy, or for supporting another person to take such action.

Vilification means a public act, conduct or behaviour, either in-person or online, that incites hatred, serious contempt for, or revulsion or severe ridicule of, a person or group of people because of a Protected Characteristic they hold, as covered by applicable legislation.

Volunteer means any person engaged by a Relevant Organisation in any capacity who is not otherwise an Employee or Contractor, including directors and office holders, coaches, officials, administrators and team and support personnel.

Any capitalised term not defined in this Policy has the meaning given to it in the Complaints, Disputes and Discipline Policy.

3. Jurisdiction

3.1 Who the Policy applies to?

This Policy applies to:

(a) Relevant Persons; and

(b) Relevant Organisations.

3.2 When the Policy applies

(a) All Relevant Persons and Relevant Organisations to which this Policy applies must always comply with this Policy (whilst they are a Relevant Person or Relevant Organisation), including:

i. in relation to any dealings, they have with Relevant Organisations or their Employees, Contractors, and representatives;

ii. when dealing with other Relevant Persons or Relevant Organisations in their capacity as a Relevant Person/Relevant Organisation; and

iii. in relation to their membership or standing as a Relevant Person or Relevant Organisation in general.

(b) The following is not within the scope of this Policy:

i. where an interaction (including social media interactions) occurs involving one or more Relevant Persons or Relevant Organisations, and the only link or connection between the interaction and Motorcycle sport is the fact that one or more individuals are Relevant Persons or Relevant Organisations[1]; and

ii. where Prohibited Conduct occurs in contravention of this Policy, any subsequent conduct, or interaction(s) that, whilst related to the original Prohibited Conduct, no longer directly relates to Motorcycle sport (even where such conduct or interaction(s) would otherwise be Prohibited Conduct)[2].

4. Prohibited Conduct

4.1 Prohibited Conduct

A Relevant Person or Relevant Organisation commits a breach of this Policy when they, either alone or in conjunction with another or others, either in-person, online or via any other means of communication, engage in any of the following conduct against one or more Relevant Persons or Relevant Organisations, in the circumstances outlined in clause 3.2:

[1] Such as two Members of a Relevant Organisation getting into a verbal or physical argument at a shopping centre, or two Members sending abusive social media messages to each other that have no direct link to Motorcycle sport.

[2] Such as where a Member of a Relevant Organisation allegedly breaches this Policy by physically assaulting another Member at a match, but then the personal grievance(s) between those two individuals spills into issues not directly related to Motorcycle sport, such as social media abuse.

(a) Abuse;

(b) Bullying;

(c) Harassment;

(d) Sexual Misconduct;

(e) Discrimination;

(f) Victimisation; or

(g) Vilification.

Appendix A sets out examples of what may constitute Prohibited Conduct under this Policy.

5. Reporting and Complaints

(a) Reports or Complaints of alleged Prohibited Conduct under this Policy should only be submitted to SIA where the alleged behaviour relates to Discrimination. All other allegations of Prohibited Conduct under this Policy should be submitted to MA.

(b) Allegations of Prohibited Conduct under this Policy will be managed in accordance with the MA Complaints, Disputes and Discipline Policy.

(c) Any behaviour that may constitute a criminal offence should be reported to the relevant state/territory law enforcement agency.

6. Other Matters

6.1 Education

(a) To prevent breaches of this Policy, build positive behaviours in sport and protect participants from threats, MA is responsible for developing and implementing an education plan addressing the content and subject matter of this Policy.

(b) MA should engage SIA to assist in the design, implementation, and maintenance of the education plan and to determine priority education groups and appropriate interventions.

(c) The Relevant Organisation may, from time to time, direct certain Participants to undertake education, which will be relevant and proportionate to their level of participation in Motorcycle sport and the associated integrity risks.

(d) SIA has developed a range of education resources and training material to support the NIF which can be found here. MA has no responsibility for these resources.

6.2 Information sharing

Subject to the *Privacy Act 1988 (Cth)*, Relevant Organisations may share information they receive relating to this Policy with SIA to enable SIA to effectively perform its functions.

Appendix A: Examples of Prohibited Conduct

1. **Abuse** is behaviour of a nature and level of seriousness which includes, but is not limited to:

   (a) physical abuse and assault including hitting, slapping, punching, kicking, destroying property, deprivation of food, water or rest, forced feeding, unreasonable physical restraint, spitting at another person, biting or otherwise putting a person at unreasonable risk of physical harm, except where any physical contact is consistent with the rules of the sport and accepted and reasonable behaviour within the Activity when undertaking that Activity;

   (b) sexual abuse including rape and assault, using sexually degrading insults (either in-person or online), forced sex or sexual acts, deliberately causing pain during sex, unwanted touching or exposure to pornography, sexual jokes (either in-person or online), using sex to coerce compliance; or

   (c) emotional/psychological abuse (either in-person or online) such as repeated and intentional embarrassment in public, unreasonably preventing or excluding someone from participating in sport activities, stalking, humiliation, or intimidation, repeated or severe insults, name calling, criticism, swearing and humiliation, repeated attacks on someone's intelligence, homophobic, biphobic and transphobic comments, body shaming, or aggressive yelling.

2. **Bullying** is behaviour of a nature and level of seriousness which includes, but is not limited to, repeatedly:

   (a) keeping someone out of a group (either in-person or online);

   (b) making rude gestures, using inappropriate or derogatory names, being rude, constantly negative and teasing (either in-person or online);

   (c) spreading rumours or lies, or misrepresenting someone either in-person or online (e.g., using their social media account to post messages as if it were them);

   (d) harassing someone (either in-person or online) based on a Protected Characteristic such as age, race or ethnicity, sex, sexual orientation, gender identity, religion, or a disability;

   (e) intentionally and repeatedly hurting someone physically; or

   (f) taking advantage of any power over someone else (either in-person or online),

   but does not include legitimate and reasonable:

   (g) management action;

   (h) management processes;

   (i) disciplinary action; or

   (j) allocation of activities in compliance with agreed systems.

3. **Harassment** is behaviour of a nature and level of seriousness which includes, but is not limited to:

   (a) telling insulting jokes and/or making derogatory comments about racial groups or people of diverse genders and sexualities (either in-person or online);

   (b) sending explicit or sexually suggestive emails, text messages or other electronic communications;

   (c) displaying racially offensive or pornographic images or screen savers;

   (d) making derogatory comments or taunts about someone's race, disability, sexual orientation, gender identity or gender expression (either in-person or online);

   (e) asking intrusive questions about someone's personal life, including their sex life (either in-person or online);

   (f) intentionally stalking someone (either in-person or online); or

   (g) intentionally disclosing (either in-person or online) the transgender identity or sexual orientation of someone without consent.

4. **Sexual Misconduct** is behaviour including, but not limited to:

   (a) unwelcome touching;

   (b) suggestive comments or jokes (either in-person or online);

   (c) showing or sharing sexually explicit images or pictures (either in-person or online);

   (d) unwanted invitations to go out on dates (either in-person or online);

   (e) requests for sexual intercourse (either in-person or online);

   (f) intrusive questions about a person's private life or body (either in-person or online);

   (g) unnecessary familiarity, such as deliberately brushing up against a person;

(h) insults or taunts based on sex or gender identity (either in-person or online);

(i) sexually explicit physical contact;

(j) sending sexually explicit or suggestive emails, texts, or other electronic/social media messages;

(k) displaying pornographic images or screen savers;

(l) asking intrusive questions about someone's personal life, including about their sex life (either in-person or online); or

(m) criminal offences such as rape, indecent or sexual assault, sexual penetration, or relationship with a child under the age of 16 and possession of child pornography.

5. **Discrimination** is differential treatment (either in-person or online) based on a personal characteristic including, but not limited to:

(a) age;

(b) disability;

(c) race or ethnicity (including skin colour, nationality or migrant status);

(d) sex (including pregnancy, marital or relationship status, family responsibilities, breastfeeding, intersex status or gender identity);

(e) sexual orientation; or

(f) religion.

6. **Victimisation** is behaviour including, but not limited to:

(a) dismissal of a person or disadvantage to their involvement in sport because they have or intend to make a complaint;

(b) exclusion of a person from a sport activity because they were a witness to Prohibited Conduct; or

(c) failure to select an individual on merit because they have supported another person in lodging a complaint.

7. **Vilification** is behaviour including, but not limited to:

(a) speaking, writing or otherwise communicating (either in-person or online) about a person's sex or gender identity in a way that could make other people dislike, hate, or ridicule them;

(b) publishing claims that a racial or religious group is involved in serious crimes without any evidence in support;

(c) repeated and/or serious verbal or physical abuse (either in-person or online) about a Protected Characteristic of another person;

(d) encouraging violence against people (either in-person or online) who belong to a particular sex or gender identity, or damaging their property; or

(e) encouraging people to hate a racial or religious group using flyers, stickers, posters, a speech, or publication, or using websites, social media applications or email.