
Australian Canoeing

Member Protection Policy ByLaw



Version 2

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Bylaw #4

Australian Canoeing
PO Box 6805
Silverwater, NSW 2128

T: (02) 8116 9727

F: (02) 8732 1610

W: canoe.org.au

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PREFACE

Australian Canoeing believes that the well-being of every member is integral to the future of our sport. We need to look at practices and procedures that create safe, welcoming and enjoyable environments.

In addition AC must comply with legislative requirements (such as anti-discrimination and racial and religious vilification laws), identify the potential for any incidents relating to harassment and abuse of our members and Develop strategies to reduce the likelihood or severity of its occurrence. This Member Protection Bylaw is about ensuring policies and procedures are in place that ensure that all people associated with our organisation - including players, administrators, coaches, officials, referees, instructors and guides - can participate in activities in an environment free from inappropriate behaviours such as harassment, discrimination or abuse.

As Australians, we greatly value the importance of sport in our culture and our community, and we all have the right to enjoy our sport, at whichever level we participate. We commend this Member Protection Policy Bylaw to you and wish you all safe and successful canoeing.



Danielle Woodward
President & Chair

Australian Canoeing Inc.
Date: 22nd January 2014



Greg Doyle
Chief Executive Officer

REVIEW HISTORY OF AUSTRALIAN CANOEING MEMBER PROTECTION POLICY

Version	Date reviewed	Content reviewed/purpose
One	June 2012	
Two	January 2014	General update to ensure compliance against Australian Sports Commission Version 7 template dated January 2013 and update of the information relating to Working with Children Checks (most notably relating to the Australian Capital Territory)

PART A: MEMBER PROTECTION POLICY

1. INTRODUCTION

Australian Canoeing (**AC**) is the national body responsible for the management, coordination, development and promotion of paddle sports in Australia.

2. PURPOSE OF THIS POLICY

This Member Protection Policy Bylaw (**Policy**) aims to assist AC to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport. It sets out our commitment to ensure that every person involved in our sport is treated with respect and dignity and protected from discrimination, harassment and abuse. It also ensures that everyone involved in our sport is aware of their legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

The policy attachments describe the practical steps we will take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, AC will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by AC's Board of Directors and has been incorporated into our Bylaws. The policy commences with effect on 22nd January 2014 and will operate until replaced.

The current policy and its attachments can be obtained from our website at: www.canoe.org.au.

This policy is supported by Member Protection Policies that have been adopted and implemented by our member associations and affiliated clubs

3. WHO IS BOUND BY THIS POLICY

This policy applies to the following people whether they are in a paid or unpaid/voluntary capacity:

- 3.1 persons appointed or elected to boards, committees and sub-committees;
- 3.2 employees of AC;
- 3.3 members of the AC Board;
- 3.4 support personnel, including but not limited to managers, physiotherapists, psychologists, masseurs, sport trainers and others;
- 3.5 coaches and assistant coaches;
- 3.6 athletes;
- 3.7 referees, umpires and other officials involved in the regulation of the sport;

- 3.8 members, including life members of AC;
- 3.9 athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by AC; and
- 3.10 any other person including spectators, parents/guardians and sponsors, who or which agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this policy.

This policy will continue to apply to a person even after he or she has stopped their association or employment with AC, if disciplinary action against that person has begun.

This policy also applies to:

- 3.12 any member of AC;
- 3.13 member associations;
- 3.14 affiliated clubs and associated organisations; and
- 3.15 any other associations, such as Coaches Association, Players Association, etc.

4. ORGANISATIONAL RESPONSIBILITIES

AC must:

- 4.1 adopt, implement and comply with this policy;
- 4.2 ensure that the Constitution, By-laws or other rules and policies include the necessary clauses for this policy to be enforceable;
- 4.3 publish, distribute and promote this policy and the consequences of any breaches;
- 4.4 promote and model appropriate standards of behaviour at all times;
- 4.5 deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner;
- 4.6 apply this policy consistently;
- 4.7 recognise and enforce any penalty imposed under this policy;
- 4.8 ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies;
- 4.9 use appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour; and
- 4.10 monitor and review this policy at least annually.

5. INDIVIDUAL RESPONSIBILITIES

Individuals bound by this policy are responsible for:

- 5.1 making themselves aware of the policy and complying with the codes of behaviour it sets out;
- 5.2 consenting to our screening requirements and any state/territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18;
- 5.3 placing the safety and welfare of children above other considerations;
- 5.4 being accountable for their behaviour;
- 5.5 following the steps outlined in this policy for making a complaint or reporting possible child abuse; and
- 5.6 complying with any decisions and/or disciplinary measures imposed under this policy.

6. POSITION STATEMENTS

6.1 Child protection

AC is committed to the safety and well-being of all children and young people who participate in our sport or access our services. We support the rights of the child and will act at all times to ensure that a child-safe environment is maintained.

We acknowledge the valuable contribution made by our staff, members and volunteers and we encourage their active participation in providing a safe, fair and inclusive environment for all participants.

6.1.1 Identify and analyse risk of harm

We will develop and implement a risk management strategy, including a review of our existing child protection practices, to determine how child-safe our organisation is and to identify any additional steps we can take to minimise and prevent the risk of harm to children because of the actions of an employee, volunteer or another person.

6.1.2 Develop codes of behaviour

We will develop and promote a code of behaviour that sets out the conduct we expect of adults when they deal and interact with children involved in our sport, especially those in our care. We will also implement a code of behaviour to promote appropriate conduct between children.

These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour. (Refer to the attachments in Part B of this policy.)

6.1.3 Choose suitable employees and volunteers

We will take all reasonable steps to ensure that our organisation engages suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This will include using a range of screening measures.

We will ensure that Working with Children Checks are conducted for all employees and volunteers who work with children, where an assessment is required by law. If a criminal history report is obtained as part of their screening process, we will handle this information confidentially and in accordance with the relevant legal requirements. (Refer to the attachments in Part C of this policy.)

6.1.4 Support, train, supervise and enhance performance

We will ensure that all our employees and volunteers who work with children have ongoing supervision, support and training. Our goal is develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment.

6.1.5: Empower and promote the participation of children

We will encourage children and young people to be involved in developing and maintaining a child-safe environment for our sport.

6.1.6: Report and respond appropriately to suspected abuse and neglect

We will ensure that all our employees and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under state laws to make a report if they suspect on reasonable grounds that a child has been, or is being, abused or neglected. (Refer to the attachments in Part E of this policy.)

Further, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child, or is in breach of this policy, he or she may make an internal complaint. (Refer to the attachments in Part D of this policy.)

6.2 Taking images of children

Images of children can be used inappropriately or illegally. AC requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own. They should also make sure the parent/guardian understands how the image will be used.

To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets.

When using a photo of a child, we will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the

parent/guardian. We will not provide information about a child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" a child.

We will only use images of children that are relevant to our sport and we will ensure that they are suitably clothed in a manner that promotes participation in the sport. We will seek permission from the parents/guardians of the children before using the images. We require our member associations and clubs to do likewise.

6.3 Anti-discrimination and harassment

AC aims to provide an environment where all those involved in our activities and events are treated with respect.

We recognise that people cannot participate, enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.

We prohibit all forms of harassment, discrimination and bullying based on the personal characteristics listed in the "Definitions" set out in our Dictionary of Terms (see clause 10 of this policy). In most circumstances, this behaviour is against the law.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, they may make an internal complaint. In some circumstances, they may also be able to make a complaint to an external organisation. (Refer to the attachments in Part D of this policy.)

6.4 Sexual relationships

AC takes the position that consensual sexual relationships between coaches or officials and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's public image.

These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach and the athlete.

If a sexual relationship exists between an athlete and a coach, we will consider whether disciplinary action is necessary. Factors that will be taken into account include the relative age and maturity of the athlete to the coach, the financial or emotional dependence of the athlete on the coach and the likelihood of the relationship having an adverse impact on the athlete and/or other athletes.

If we determine that the sexual relationship is inappropriate, action may be taken to stop the coaching relationship with the athlete. This could include a transfer, a request for resignation or dismissal from coaching duties.

If an athlete attempts to initiate an intimate sexual relationship with a coach, it is the coach's responsibility to discourage the approach and to explain why such a relationship is not appropriate.

The coach or athlete may wish to seek advice or support from the Grievance Officer if they feel harassed. Our complaints procedure is outlined in Part D of this policy.

6.5 Pregnancy

Pregnant women should be treated with respect and any unreasonable barriers to their full participation in our sport should be removed. We will not tolerate any discrimination or harassment against pregnant women.

AC will take reasonable care to ensure the safety, health and well-being of pregnant women and their unborn children. We will advise pregnant women that there may be risks involved and encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and well-being, and that of their unborn children, are of utmost importance in their decision-making about the extent they choose to participate in our sport.

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in our sport. We will only require pregnant women to sign a disclaimer if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant woman feels she has been harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint. (Refer to the attachments in Part D of this policy.)

6.6 Gender identity

AC is committed to providing a safe, fair and inclusive sporting environment where people of all backgrounds can contribute and participate. People who identify as transgender or transsexual should be treated fairly and with dignity and respect at all times. This includes acting with sensitivity when a person is undergoing gender transition.

We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual. If a transgender or transsexual person feels he or she has been harassed or discriminated against by another person or organisation bound by this policy, he or she may make a complaint. (Refer to the attachments in Part D of this policy.)

AC recognises that excluding transgender and transsexual people from participating in sporting events and activities has significant implications for their health, well-being and involvement in community life. In general, we will support their participation in our sport on the basis of the gender with which they identify.

We also recognise that there is debate over whether a male-to-female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, we will seek advice on the application of those laws in the particular circumstances.

AC is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender person intends to compete at an elite level, we will encourage them to obtain advice about the IOC's criteria, which may differ from the position we have taken.

Drug testing procedures and prohibitions also apply to people who identify as transgender. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard Therapeutic Use Exemption.

6.7 Responsible service and consumption of alcohol

AC is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that state associations and member clubs follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy is that:

- alcohol should not be available or consumed at sporting events involving children and young people under the age of 18
- alcohol-free social events will be provided for young people and families
- food and low-alcohol and non-alcoholic drinks will be available at events we hold or endorse where alcohol is served
- a committee member will be present at events we hold or endorse where alcohol is served to ensure appropriate practices are followed
- safe transport options will be promoted as part of any event we hold or endorse where alcohol is served.

Further guidance on developing an Alcohol Policy is available at: www.playbytherules.net.au/resources/club-toolkit.

6.8 Smoke-free environment

AC recommends that the following policies be applied to all sporting and social events that we hold or endorse.

- No smoking shall occur at or near sporting events involving children and young people under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers.
- Social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas.
- Coaches, officials, trainers, volunteers and players will refrain from smoking and remain smoke-free while they are involved in an official capacity in our sport, both on and off the field.

6.9 Cyber-bullying

AC regards bullying and harassment in all forms as unacceptable in our sport. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.

New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments.

AC will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. In some cases, bullying is a criminal offence punishable.

Frustration at a referee, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting body.

6.10 Social networking websites

AC acknowledges the enormous value of social networking websites, such as Facebook and Twitter, to promote our sport and celebrate the achievements and success of the people involved in our sport.

We expect all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to our sport.

Social media postings, blogs, status updates and tweets:

- must not use offensive, provocative or hateful language
- must not be misleading, false or injure the reputation of another person
- should respect and maintain the privacy of others
- should promote the sport in a positive way.

Further guidance on developing a Communications Policy is available at: www.playbytherules.net.au/resources/club-toolkit.

7. COMPLAINTS PROCEDURES

7.1 Handling complaints

AC aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of natural justice.

Any person (a complainant) may report a complaint about a person, people or organisation bound by this policy (respondent) if they feel they have been harassed, bullied or discriminated against or there has been a breach of this policy.

In the first instance, complaints should be reported to the CEO.

If a complaint relates to behaviour or an incident that occurred at the:

- state level, or involves people operating at the state level, then the complaint should be reported to and handled by the relevant state association in the first instance
- club level, or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.

Only matters that relate to, or which occurred at, the national level, as well as serious cases referred from the state and club level, should be dealt with by the national body.

A complaint may be handled informally or formally. The complainant will usually indicate his or her preferred option unless the Grievance Officer considers that the complaint falls outside this policy and should be handled another way. For example, the law may require that the complaint/allegation be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our procedures for handling and resolving complaints are outlined in Attachment [D1].

Individuals and organisations may also seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

7.2 Improper complaints and victimisation

AC aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against the person making the complaint.

We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint or supporting another person's complaint.

If at any point in the complaint handling process the Grievance Officer considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or intended to cause distress to the respondent, the matter may be referred to the Tribunal for review and appropriate action, including possible disciplinary action against the complainant.

7.3 Mediation

AC aims to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action.

Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It may occur before or after the investigation of a complaint.

If a complainant wishes to resolve the complaint with the help of a mediator, the relevant official e.g. Grievance Officer will, in consultation with the complainant, arrange for an independent mediator where possible. We will not allow lawyers to negotiate on behalf of the complainant and/or the respondent.

More information on the mediation process is outlined in Attachment [D2].

7.4 Tribunals

A Tribunal may be convened to hear a formal complaint referred to it by the CEO. The CEO has the discretion to determine whether a complaint is:

- Referred to a Tribunal under this policy;
- Referred to a Disciplinary Tribunal of AC; or
- Not suitable for referral to a Tribunal.

Our Tribunal procedure is outlined in Attachment D4.

A respondent may only lodge an appeal to the Appeal Tribunal in respect of a Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved. Our appeals process is outlined in Attachment D4.

Every organisation bound by this policy will recognise and enforce any decision of a Tribunal or Appeal Tribunal under this policy.

8. WHAT IS A BREACH OF THIS POLICY?

It is a breach of this policy for any person or organisation bound by this policy to do anything contrary to this policy, including but not limited to:

- 8.1 breaching the codes of behaviour (see Part B of this policy);
- 8.2 bringing the sport and/or AC into disrepute, or acting in a manner likely to bring the sport and/or AC into disrepute;
- 8.3 failing to follow AC policies (including this policy) and our procedures for the protection, safety and well-being of children;
- 8.4 discriminating against, harassing or bullying (including cyber-bullying) any person

- 8.5 victimising another person for making or supporting a complaint;
- 8.6 engaging in a sexually inappropriate relationship with a person that he or she supervises, or has influence, authority or power over;
- 8.7 verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- 8.8 disclosing to any unauthorised person or organisation any AC information that is of a private, confidential or privileged nature;
- 8.9 making a complaint that they know to be untrue, vexatious, malicious or improper;
- 8.10 failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; and
- 8.11 failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

9. DISCIPLINARY MEASURES

AC may impose disciplinary measures on an individual or organisation for a breach of this policy.

Any disciplinary measure imposed will be:

- fair and reasonable;
- applied consistent with any contractual and employment rules and requirements;
- be based on the evidence and information presented and the seriousness of the breach; and
- be determined in accordance with our Constitution, By-laws, this policy and/or the rules of the sport.

9.1 Individual

Subject to contractual and employment requirements, if a finding is made by a Tribunal that an individual has breached this policy, one or more of the following forms of discipline may be imposed:

- 9.1.1 A direction that the individual make a verbal and/or written apology;
- 9.1.2 A written warning;
- 9.1.3 A direction that the individual attend counselling to address their behaviour;

- 9.1.4 A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by AC;
- 9.1.5 A demotion or transfer of the individual to another location, role or activity;
- 9.1.6 A suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.7 Termination of the individual's membership, appointment or engagement;
- 9.1.8 A recommendation that AC terminate the individual's membership, appointment or engagement;
- 9.1.9 In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- 9.1.10 A fine;
- 9.1.11 Any other form of discipline that designated person/committee considers appropriate.

9.2 Organisation

If a finding is made that an AC member or affiliated organisation has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by a Tribunal.

- 9.2.1 A written warning;
- 9.2.2 A fine;
- 9.2.3 A direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period;
- 9.2.4 A direction that any funding granted or given to it by AC cease from a specified date;
- 9.2.5 A direction that AC cease to sanction events held by or under the auspices of that organisation;
- 9.2.6 A recommendation to AC that its membership has be suspended or terminated in accordance with the relevant constitution or rules;
- 9.2.7 Any other form of discipline that the national body or peak organisation considers reasonable and appropriate.

9.3 Factors to consider

The form of discipline to be imposed on an individual or organisation will depend on factors, such as:

- the nature and seriousness of the breach;
- if the person knew, or should have known, that the behaviour was a breach of the policy;

- the person's level of contrition;
- the effect of the proposed disciplinary measures on the person, including any personal, professional or financial consequences;
- if there have been any relevant prior warnings or disciplinary action the ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by the policy);
- any other mitigating or relevant circumstances.

10. DICTIONARY OF TERMS

This Dictionary sets out the meaning of words used in this policy and its attachments, without limiting the ordinary and natural meaning of the words. Further detail or definitions that are specific to different states and territories can be sourced from the relevant child protection authorities or equal opportunity and anti-discrimination commissions.

Abuse is a form of harassment and includes physical abuse, emotional abuse, sexual abuse, neglect and abuse of power. Examples of abusive behaviour include bullying, humiliation, verbal abuse and insults.

Affiliated club means a club affiliated with AC or one of its members.

Child means a person who is under the age of 18.

Child abuse involves conduct which puts a child at risk of harm and may include:

- **physical abuse**, by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity)
- **sexual abuse** by adults or other children, where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography, including child pornography, or inappropriate touching or conversations)
- **emotional abuse**, by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name-calling, ignoring or placing unrealistic expectations on a child)
- **neglect** (e.g. failing to give a child food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

Complaint means a complaint made under clause 7 of this policy

Complainant means the person making a complaint.

Complaint handler/manager means the person appointed under this policy to investigate a complaint.

Discrimination occurs when someone is treated unfairly or less favourably than another person in the same or similar circumstances because of a particular personal characteristic. This is known as direct discrimination. Indirect discrimination occurs when a rule, policy or practice disadvantages one group of people in comparison with others, even though it appears to treat all people the same.

In Australia, it is against the law to discriminate against someone because of their:

- age
- disability
- family/carer responsibilities
- gender identity/transgender status
- homosexuality and sexual orientation
- irrelevant medical record
- irrelevant criminal record
- political belief/activity
- pregnancy and breastfeeding
- race
- religious belief/activity
- sex or gender
- social origin;
- trade union membership/activity.

Some states and territories include additional protected characteristics, such as physical features or association with a person with one or more of the characteristics listed above.

Examples of discrimination are available on the Play by the Rules website: www.playbytherules.net.au/legal-stuff/discrimination

Some exceptions to state and federal anti-discrimination law apply, such as:

- holding a competitive sporting activity for boys and girls only who are under the age of 12, or of any age where strength, stamina or physique is relevant
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular activity.

Grievance Officer means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this policy. He or she provides impartial and confidential support to the person making the complaint.

Harassment is any type of behaviour that the other person does not want and is likely to make the person feel intimidated, insulted or humiliated. Unlawful harassment can target a person because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law (see the list under "Discrimination").

Public acts of racial hatred which are reasonably likely to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some states and territories also prohibit public acts that vilify people on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability (see also "Vilification").

Mediator means an impartial person appointed to help those people involved in a complaint to talk through the issues and resolve the matter on mutually agreeable terms.

Member means a member of AC or of an affiliated organization (such as a State/Territory Association or a club which is a member of a State/Territory Association).

Natural justice (or procedural fairness) requires that:

- both the complainant and the respondent must know the full details of what is being said against them and have the opportunity to respond
- all relevant submissions must be considered
- no person may judge their own case
- the decision-maker(s) must be unbiased, fair and just
- the penalties imposed must be fair.

Police check means a national criminal history record check conducted as a pre-employment, pre-engagement or current employment background check on a person.

Policy, policy and this policy means this Member Protection Policy.

Respondent means the person whose behaviour is the subject of the complaint.

Role-specific codes of conduct (or behaviour) means standards of conduct required of people holding certain roles in our organisation (e.g. coaches, officials, umpires).

Sexual harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

Sexual offence means a criminal offence involving sexual activity or acts of indecency. Because of differences under state and territory laws, this can include but is not limited to:

- rape
- indecent assault
- sexual assault
- assault with intent to have sexual intercourse
- incest
- sexual penetration of child under the age of 16
- indecent act with child under the age of 16
- sexual relationship with child under the age of 16
- sexual offences against people with impaired mental functioning
- abduction and detention
- procuring sexual penetration by threats or fraud
- procuring sexual penetration of child under the age of 16
- bestiality
- soliciting acts of sexual penetration or indecent acts
- promoting or engaging in acts of child prostitution
- obtaining benefits from child prostitution
- possession of child pornography
- publishing child pornography and indecent articles.

Transgender is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation.

Victimisation means subjecting a person, or threatening to subject a person, to any unfair treatment because that person has or intends to pursue their right to make any complaint, including a complaint under government legislation (e.g. anti-discrimination) or under this policy, or for supporting another person to make complaint.

Vilification involves a person or an organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of people having any of the characteristics listed under the definition of “Discrimination”.

PART B: CODES OF BEHAVIOUR

We seek to provide a safe, fair and inclusive environment for everyone involved in our organisation and in our sport.

To achieve this, we require certain standards of behaviour of players/athletes, coaches, officials, administrators, parents/guardians (of child participants) and spectators.

Our codes of behaviour are underpinned by the following core values.

- To act within the rules and spirit of our sport.
- To display respect and courtesy towards everyone involved in our sport and prevent discrimination and harassment.
- To prioritise the safety and well-being of children and young people involved in our sport.
- To encourage and support opportunities for participation in all aspects of our sport.

ATTACHMENTS

- B1. General Code of Conduct
- B2. Coaches, Registered Instructors and Guides Code of Conduct
- B3. Officials Code of Conduct
- B4. Canoeist Code of Conduct
- B5. Administrator (volunteer) Code of Conduct
- B6. Parent/Guardian Code of Conduct
- B7. Board Member Code of Conduct
- B8. Spectator Code of Conduct

ATTACHMENT B1: GENERAL CODE OF CONDUCT

Australian Canoeing Inc. expects high standards of behaviour from all people involved in the sport. It is vital that the integrity of the sport is maintained in accordance with the four guiding principles: Fairness, Respect, Responsibility and Safety as outlined in *The Essence of Australian Sport's* Universal Code of Behaviour.

As a person required to comply with this By-Law, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Australian Canoeing, a State Association or an Affiliated Club and in any role you hold within Australian Canoeing, a State Association or an Affiliated Club:

Fairness

1. Operate within the rules and spirit of your sport, promoting fair play over winning at any cost.
2. Encourage opportunities for participants to learn appropriate behaviours and skills
3. Encourage participation in all aspects of the sport.
4. Be fair, considerate and honest in all dealing with others.

Respect

5. Treat each person as an individual.
6. Be a positive role model.
7. Display control, tolerance and courtesy to all involved with the sport.
8. Value the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.
9. Do not use your involvement with Australian Canoeing, a State Association or an Affiliated Club to promote your own beliefs, behaviours or practices where these are inconsistent with those of Australian Canoeing, the State Associations or the Affiliated Clubs.

Responsibility

10. Ensure interaction with persons under the age of 18 years is appropriate and that unaccompanied and unobserved activities are avoided wherever practical.
11. Adopt appropriate behaviour in relation to the use of alcohol and recreational and performance enhancing drugs.
12. Act with integrity and accept responsibility for your actions.
13. Make a commitment to providing quality service.
14. Understand your responsibility if you breach, or are aware of any breaches of this Code of Behaviour.

Safety

15. Ensure your actions contribute to a safe environment.
16. Ensure your actions contribute to a harassment free environment.
17. Do not tolerate violence or abusive behaviours.
18. Show concern and caution towards others who may be sick or injured.

ATTACHMENT B2: COACH, REGISTERED INSTRUCTOR AND GUIDE CODE OF CONDUCT

In addition to the General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Australian Canoeing, a State Association or an Affiliated Club and in your role as a coach or registered instructor and guide of Australian Canoeing, a State Association or an Affiliated Club:

1. Treat all canoeists with respect at all times. Be honest and consistent with them.
2. Honour all promises and commitments, both verbal and written.
3. Provide feedback to canoeists in a caring sensitive manner to their needs. Avoid overly negative feedback.
4. Recognise canoeists' rights to consult with other coaches and advisers. Cooperate fully with other specialists (e.g. sports scientists, doctors, physiotherapists etc).
5. Treat all canoeists fairly within the context of their sporting activities, regardless of gender, race, place of origin, athletic potential, colour, sexual orientation, religion, political beliefs, socio-economic status, and other condition.
6. Encourage and facilitate canoeists' independence and responsibility for their own behaviour, performance, decisions and actions.
7. Involve the canoeists in decisions that affect them.
8. Determine, in consultation with canoeists and others, what information is confidential and respect that confidentiality.
9. Encourage a climate of mutual support among your canoeists.
10. Encourage canoeists to respect one another and to expect respect for their worth as individuals regardless of their level of play.
11. At all times use appropriate training methods that in the long term will benefit the canoeists and avoid those which could be harmful.
12. Ensure that the tasks/training set are suitable for age, experience, ability and physical and psychological conditions of the canoeists.
13. Be acutely aware of the power that you as a coach / registered instructor and guide develop with your canoeists in the coaching relationship and avoid any sexual intimacy with canoeists that could develop as a result.
14. Avoid situations with your canoeists that could be construed as compromising.
15. Refrain from any form of sexual harassment towards canoeists. Any physical contact with a person should be appropriate to the situation and necessary for the canoeist's skill development.
16. Actively discourage the use of performance enhancing drugs, the use of alcohol and tobacco and illegal substance.
17. Respect the fact that your goal as a coach / registered instructor and guide for the canoeist may not always be the same as that of the canoeist. Aim for excellence based upon realistic goals and due consideration for the canoeist's growth and development.
18. Recognise individual differences in canoeists and always think of the canoeist's long term best interests.
19. Help each canoeist reach their potential
20. Set challenges for each canoeist which are both achievable and motivating.
21. At all times act as a role model that promotes the positive aspects of sport and of canoeing by maintaining the highest standards of personal conduct and projecting a favourable image of the sport of canoeing and of coaching at all times.
22. Do not exploit any coaching relationship to further personal, political, or business interests at the expense of the best interest of your canoeists.
23. Encourage canoeists and coaches to develop and maintain integrity in their relationship with others.

24. Respect other coaches / registered instructors and guides and always act in a manner characterised by courtesy and good faith.
25. When asked to coach a canoeist, ensure that any previous coach-canoeist relationship has been ended by the canoeist-others in a professional manner.
26. Accept and respect the role of officials in ensuring that competitions are conducted fairly and according to established rules.
27. Know and abide by Australian Canoeing rules, regulations and standards, and encourage canoeists to do likewise. Accept both the letter and the spirit of the rules.
28. Be honest and ensure that qualifications are not misrepresented.
29. Be open to other people's opinion and willingness to continually learn and develop.

ATTACHMENT B3: OFFICIALS CODE OF CONDUCT

In addition to General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Australian Canoeing, a State Association or an Affiliated Club and in your role as an official appointed by Australian Canoeing, a State Association or an Affiliated Club:

1. Place the safety and welfare of the canoeists/participants above all else.
2. Accept responsibility for all actions taken.
3. Condemn unsporting behaviour and promote respect for all opponents.
4. Avoid any situation that may lead to a conflict of interest.
5. Be courteous, impartial respectful and open to discussion and interaction.
6. Value the individual in sport.
7. Encourage and promote rule changes that will make participation more enjoyable.
8. Encourage inclusivity and access to all areas of officiating.

ATTACHMENT B4: CANOEIST CODE OF CONDUCT

In addition to the General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Australian Canoeing, a State Association or an Affiliated Club and in your role as a canoeist of Australian Canoeing, a State Association or an Affiliated Club:

1. Give your best at all times
2. Participate for your own enjoyment and benefit.
3. Respect the rights, dignity and worth of fellow canoeists, coaches, registered instructors and guides, officials and spectators.
4. Refrain from conduct which could be regarded as sexual or other harassment towards fellow canoeists and coaches / registered instructors and guides.
5. Respect the talent, potential and development of fellow squad members and competitors.
6. Care and respect the equipment provided to you as part of your program.
7. Be frank and honest with your coach / registered instructor and guide concerning illness and injury and your ability to train fully within the program requirements.
8. Conduct yourself in a professional manner relating to language, temper and punctuality.
9. Maintain high personal behaviour standards at all times.

10. Abide by the rules and respect the decision of the adjudicator, making all appeals through the formal process and respecting the final decision.
11. Be honest in your attitude and preparation to training. Work equally hard for yourself and your team/crew.
12. Cooperate with coaches, registered instructors and guides and staff in development of programs to adequately prepare you for competition at the highest level.

ATTACHMENT B5: ADMINISTRATOR (VOLUNTEER) CODE OF CONDUCT

In addition to the General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held by or under the auspices of Australian Canoeing, a State Association or an Affiliated Club and in any role as an administrator of Australian Canoeing, a State Association or an Affiliated Club:

1. Be fair, considerate and honest in all dealing with others.
2. Be professional in, and accept responsibility for your actions. Your language, presentation, manners and punctuality should reflect high standards.
3. Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.
4. Resolve conflicts fairly and promptly through established procedures.
5. Maintain strict impartiality.
6. Maintain a safe environment for you and others.
7. Be aware of your legal responsibilities.
8. Be a positive role model for others.
9. Act honestly, in good faith and in the best interests of the sport as a whole.
10. Ensure that any information acquired or advantage gained from the position is not used improperly.
11. Conduct responsibilities with due care, competence and diligence.
12. Do not allow prejudice, conflict of interest or bias to affect your objectivity.

ATTACHMENT B6: PARENT/GUARDIAN CODE OF CONDUCT

In addition to the General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Australian Canoeing, a State Association or an Affiliated Club and in your role as a parent/guardian of a canoeist of Australian Canoeing, a State Association or an Affiliated Club:

1. Treat your child the same irrespective of them winning or losing.
2. Remember that your child participates in the sport of canoeing for their enjoyment not yours.
3. Try to have fun when you are around your children at competitions and regattas.
4. Well-directed humour can be a great de-stressor.
5. Look relaxed, calm and positive on the sidelines.
6. Make friends with other parents at competitions.
7. Get involved in appropriate ways if your child or the coach behaves in unacceptable ways during competitions.
8. Respect officials' and coaches' decisions and teach children to do likewise.
9. Show appreciation for coaches, officials and administrators.

10. Understand that children will benefit from a break sometimes and that involvement in other sports is okay.
11. Be there when your child performs poorly. Be an understanding listener rather than a critic, judge and/or fixer.
12. Be prepared to give your child some space so that he/she can grow and develop as an independent person.
13. Let your child know that your love for them is not associated with their sporting performances.
14. Communicate with your child and ask them how they are really feeling about their sport and about competing in particular.
15. Occasionally let your child compete without you being there and hovering over them.
16. Emphasise the good things your child did in preparing for and during the competition/regatta.
17. Try to avoid:
 - Saying “we’re racing today”. Instead say “you’re racing today”. Give your child credit for accepting the responsibility of performing.
 - Getting too pushy or believe that you are indispensable. Let the coach do the coaching.
 - Living through your child’s performances.
 - Turning away when your child performs.
 - Turning away when your child’s behaviour is unsportsmanlike.
 - Telling your child what he/she did wrong after a tough race.
 - Making enemies with your child’s opponents or family during a competition/regatta.
 - Making your child feel guilty by reminding them about all the time, money and sacrifices you are making for his or her sport.
 - Thinking of your child’s sporting performances as an investment for which you expect a return.
 - Badgering, harassing or use sarcasm to motivate your child.
 - Comparing your child’s performances with those of other children.
 - Forcing your child to go to training. If they are sick of training find out why and discuss it with them.
 - Ridiculing or yell at a child for making a mistake or losing a competition.

ATTACHMENT B7: BOARD MEMBER CODE OF CONDUCT

1. A Director should act honestly, in good faith and in the best interests of AC at all times.
2. A Director should use due care and diligence in fulfilling the functions of office and exercising the powers attached to that office.
3. A Director should not make improper use of information acquired as a Director.
4. A Director should not take improper advantage of the position as a Director.
5. A Director should be independent in judgment and actions and take all reasonable steps to be satisfied as to the soundness of all decisions taken by the Board of Directors.
6. A Director should not engage in conduct likely to bring discredit upon AC.
7. A Director should advise the Board immediately when he/she becomes aware of any issue that may give rise to legal, regulatory or disciplinary actions. If such actions may impact on AC reputation, he/she should either step down until the matter has been resolved or resign from the Board. Once the matter has been resolved, it will be for the Board to decide whether the Director should resume his/her position or resign.
8. A Director should not place himself or herself in a position where there is a possibility of conflict.
9. A Director should advise the Board if he/she have a material personal interest in a matter that relates to the affairs of AC. If this matter is being voted upon, then he/she must not vote on the matter or be present while the matter is being considered.

10. A Director should not solicit or accept benefits, entertainment, gifts, bribes, secret commissions or illegal inducements of any kind.
11. A Director must not disclose confidential information unless that disclosure has been duly authorised by the Board.
12. A Director should show concern and courtesy towards others.

ATTACHMENT B8: SPECTATOR CODE OF CONDUCT

1. Respect the decisions of officials and teach young people to do the same.
2. Never ridicule or scold a young player for making a mistake. Positive comments are motivational.
3. Condemn the use of violence in any form, whether it is by other spectators, coaches, officials or players.
4. Show respect for your team's opponents. Without them there would be no game.
5. Do not use violence, harassment or abuse in any form (that is, do not use foul language, sledge or harass players, coaches, officials or other spectators).
6. Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.

PART C: EMPLOYMENT SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

We are committed to providing a child-safe environment. As part of this, we will recruit staff and volunteers who do not pose a risk to children.

Employment screening and Working with Children Checks can involve criminal history checks, signed declarations, referee checks and other appropriate checks that assess a person's suitability to work with children and young people.

Working with Children Check laws are currently in place in New South Wales, Queensland, Western Australia, Victoria, the Northern Territory and South Australia. The relevant Australian Capital Territory laws will commence fully on 8 November 2014, however it is relevant to note that some laws are already in operation and have taken effect.

AC, including our state associations and clubs, will meet the requirements of the relevant state or territory Working with Children Check laws.

Employment screening requirements will also be followed in the Australian Capital Territory (up to 7 November 2014) and Tasmania.

Individuals travelling with children and young people to another state or territory in a work-related capacity must comply with the screening requirements of that particular state or territory.

ATTACHMENTS

- Attachment C1: Screening requirements (for the Australian Capital Territory and Tasmania)
- Attachment C2: Member Protection Declaration
- Attachment C3: Working with Children Check requirements

ATTACHMENT C1: SCREENING REQUIREMENTS

for states/territories without Working With Children Checks such as ACT (up to 8 November 2014) and Tasmania

This attachment sets out the screening process for people in AC who work, coach, supervise or have regular unsupervised contact with people under the age of 18 years.

AC will, and also requires state associations and clubs to:

1. Identify positions that involve working, coaching, supervising or regular unsupervised contact with people under the age of 18 years.
2. Obtain a completed *Member Protection Declaration (MPD)* (Attachment C2) from all people who are identified in the above step and keep it in a secure place.
3. Provide an opportunity for a person to give an explanation if a MPD isn't provided or it reveals that the person doesn't satisfactorily meet any of the clauses in the MPD. We will then make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years. If unsatisfied, we will not appoint them to the role/position.
4. Where possible, check a person's referees (verbal or written) about his/her suitability for the role.
5. Ask the people identified in step 1 to sign a consent form for a national police check.
6. Possibly request (or ask the person to request) a national 'Part Exclusion' police check from our relevant police jurisdiction. This check excludes irrelevant records. If the police check indicates a relevant offence, we will provide an opportunity for the person to give an explanation, and then we will make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years. If unsatisfied, we will not appoint them to the role/position.
7. Make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years if the person does not agree to a national police check after explaining why it is a requirement under our policy. If unsatisfied, we will not appoint them.
8. Decide whether to offer the person the position taking into account the result of the police check and any other information the club has available to it. Where it is not practical to complete the police check prior to the person commencing in the position, we will complete the check as soon as possible, and if necessary, act immediately on the outcome.
9. Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the checking process.
10. Return information collected during screening (such as a completed MPD form, police records and referee reports) to the relevant person if that person is not appointed to the position, or otherwise be destroyed within 28 days of the date of the decision or the expiry of any appeal period, unless within that time the person requests that the documents be returned to them. For appointed persons, information will be kept on file in a secure location.

ATTACHMENT C2: MEMBER PROTECTION DECLARATION

AC has a duty of care to all those associated with the sport at the national level and to the individuals and organisations to whom our Member Protection By-Law applies. As a requirement of our Member Protection Policy, AC must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

I (name) of

..... (address) born/...../.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence.
4. I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
6. To my knowledge there is no other matter that the AC may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed.

Declared in the State/Territory of

on/...../.....(date) Signature

Parent/Guardian Consent (in respect of a person under the age of 18 years)

I have read and understood the declaration provided by my child. I confirm and warrant that the contents of the declaration provided by my child are true and correct in every particular.

Name:.....

Signature:.....

Date:

The following information was updated in January 2014. It is subject to change at any time.

1. QUEENSLAND

A person will need a Working with Children Check, also known as the **blue card**, if they propose to work in a paid or voluntary capacity or to carry on a business in a child-related area regulated by the *Commission for Children and Young People and Child Guardian Act 2000*. Once a person is checked and approved they are issued with a "blue card." **Volunteers and paid employees employed in sporting organisations generally fall under the 'churches, clubs and associations' category of regulated employment. Volunteers and paid employees employed in private businesses may fall under the 'sport and active recreation' category of regulated employment. The check is a detailed national criminal history check including charges and investigations relating to children.**

People such as those with previous convictions involving children are disqualified from applying for or renewing a blue card (refer to website below for details).

A blue card remains current for two years. Existing card holders will be notified by the Queensland Commission for Children and Young People and Child Guardian before their card expires.

In addition to obligations regarding the blue card, **employers** must develop and implement a written child protection risk management strategy and review it each year.

For more information , including current forms, contact the Commission for Children and Young People and Child Guardian:

- www.ccyg.qld.gov.au
- 1800 113 611

2. NEW SOUTH WALES

The Child Protection (Working with Children) Act 2012 (NSW) provides minimum standards for those who work with children. The new regime commenced June 2013 and is consistent with other State and Territory checks. All people in child-related work need to apply for a WWC Check. Child related work is defined as face-to-face contact with children in a child-related sector, or work in a stipulated, child-related role.

If you are starting a new job in child-related work, you must apply for a WWC Check before you start. If you are already in paid child-related work or you are a volunteer, you will be phased in over a five year period, according to your industry sector. If you are self-employed, you can continue to use your Certificate for Self Employed People until it expires. If you don't have a Certificate or it has already expired, you must apply for the new Check before you take on any new child-related jobs. The phase in schedule is available as a fact sheet from the website <http://www.kids.nsw.gov.au/Working-with-children/New-Working-With-Children-Check/Fact-sheets-and-resources/Publications-and-resources>.

If you require a WWC Check, you will need to fill in an online application form. The filled in application form and proof of identity must be taken to a NSW motor registry or NSW Council Agency that offers RMS services. The fee for WWC Checks for people in paid work is \$80; for volunteers it is free of charge.

A WWC Check will result in a clearance of a bar. A successful WWC Check is valid for 5 years for any child-related work in NSW. All cleared applicants will be subject to ongoing monitoring and relevant new records may lead to a bar and the clearance being revoked. If a bar is being considered, you will be contacted in writing and asked to submit information which must be considered in the final decision. If a bar is applied, you will be notified in writing. While a bar is in place it is an offence to engage in any child-related work, paid or unpaid. In most cases, you can apply for a review of a bar to the Administrative Decisions Tribunal.

For more information, including the required forms, contact the Commission for Children and Young People:

- Visit: www.kids.nsw.gov.au
- www.dsr.nsw.gov.au/children/resources.asp or 02 9006 3700
- www.check.kids.nsw.gov.au/; or
- Call: 02 9286 7276

3. WESTERN AUSTRALIA

The Working with Children Check (WWC Check) is a compulsory and rigorous criminal record check for certain people who carry out 'child-related work' in WA. A person is in 'child-related work' if the usual duties of their work involves, or is likely to involve contact with a child in connection with specified categories of work (see the website below for further details) It includes child-related work carried out by paid employees, volunteers, unpaid people and the self-employed. Parents volunteering in connection with their child's activity are exempt (although this does not apply to overnight camps); however they should still be required to complete the non-WWC Check screening process. There are other exemptions, for example volunteers under 18 years old. Further details about exemptions can be found on the website below. Only those in child-related work under the Act may apply.

Applicants will be issued with either:

- An Assessment Notice in the form of a WWC Card enabling them to be in all types of child-related work for three years unless there are new offences of concern.
- An Interim Negative Notice, which prohibits them from child-related work until a final decision is made on their application.
- A Negative Notice, which prohibits them from child-related work.

There are set obligations and strong penalties for non-compliance including for employers and volunteer co-ordinators.

For more information contact the Department for Child Protection:

- www.checkwwc.wa.gov.au or call 1800 883 979 (toll free)

4. VICTORIA

The Working with Children (WWC) Check creates a mandatory minimum checking standard across Victoria. The *Working with Children Act 2005* requires that some people who work or volunteer in child-related work require a WWC Check. Child related work means your work or volunteer duties involve contact with children in connection with one of the 20 listed child-related occupational fields; you volunteer or do this work on a regular basis; you have direct contact with children under 18 years of age; and you are not directly supervised and you do not qualify for an exemption. The check involves a national police records check and a review of relevant findings from prescribed professional disciplinary bodies (currently only the Victorian Institute of Teaching). There is an exemption for volunteers whose own children are involved in the particular activity; however they should still be required to complete the screening process.

A person who has no criminal or professional disciplinary history will be granted an *assessment notice*. This notice will entitle the person to undertake child-related work in Victoria and is valid for five years (unless revoked). A person deemed unsuitable to work or volunteer with children will be given a *negative notice* and cannot work in child-related work in Victoria.

For more information contact the Department of Justice:

- www.justice.vic.gov.au/workingwithchildren or 1300 652 879

5. SOUTH AUSTRALIA

In South Australia the requirement to conduct criminal history assessments for people working with children is being phased-in over three years.

For recreation and sporting organisations this requirement commences from 1 January 2012 and is to be completed by 31 December 2013.

The obligation to conduct the Criminal History Assessment rests with the organisation providing the service. Organisations who provide services wholly or partly for children in South Australia therefore must comply with this requirement, so must include these requirements in their member protection policy documentation

The organisation may conduct a criminal history assessment themselves or apply to a third party (such as the state sporting body for an assessment and letter of clearance).

Assessments required for prescribed positions

All staff and volunteers who occupy a prescribed position (as set out under section 8B (8) of the South Australian *Children's Protection Act 1993*) are required to undergo a criminal history assessment once every three years unless an exemption applies. (see below)

Criminal history assessments are also required prior to the appointment of new staff or volunteers to prescribed positions.

This includes all people who regularly work with or around children in an unsupervised capacity or have access to children's records.

Procedure for conducting criminal history assessments

Note: The Children's Protection Act 1993 enables organisations to decide the manner in which they will conduct criminal history assessments. Please choose the option below that reflects the method of assessment that your organisation has adopted.

Option 1

A National Police Check (NPC) from South Australia Police will be required for all persons taking on a role in a prescribed position prior to their appointment and then at three yearly intervals or as requested by the board.

For many volunteers the cost for this application will be covered under the Volunteer Organisation Authorisation number (VOAN) through the governing body/State Sporting Organisation.

South Australia Police require the explicit written consent of the applicant prior to the release of criminal history information. The NPC application form is available from http://www.police.sa.gov.au/sapol/services/information_requests/national_police_certificate.jsp On receipt of the NPC the applicant must present the letter for viewing and recording to the organisation.

Where a person has no criminal history to disclose, the assessment is successfully completed and no further action in respect to an assessment is required.

Where an individual does have a criminal history, the organisation must assess this information in accordance with Standard 5 of the ***Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children.*** <http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=281>

Each assessment is conducted on its individual merits and with consideration to the inherent requirements of the position. As required by ***the Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children,*** principles of procedural fairness and natural justice are applied throughout the decision-making process and the individual is provided an opportunity to confirm or dispute the information contained within the report and to provide contextual information for consideration during the assessment process.

Criminal history information will not be retained once a decision has been made regarding the person's suitability to work with children. No criminal history information will be retained beyond three months.

In accordance with its legal requirements, the organisation will retain the following information regarding its decision:

- That a criminal history report was obtained
- How the criminal history information affected decision making processes
- Statutory declarations (where applicable)

The organisation may obtain a further criminal history assessment for a staff member or volunteer at any time that they believe it necessary or desirable for the purpose of maintaining a child safe environment.

New applicants for employment, membership and volunteer positions will be provided with the opportunity to confirm or dispute the information contained within the National Police Certificate report and to provide contextual information if they wish before the assessment is conducted.

The organisation will communicate to the applicant the decision not to employ or engage them or to accept their application for membership. They will not be provided with the reasons for this decision.

There will be no appeal to this decision.

Option 2

A current letter of clearance from the Department for Communities and Social Inclusion (DSCI) Screening Unit is a requirement for all persons taking on a role in a prescribed position prior to their appointment and then at three yearly intervals.

The cost of obtaining a letter of clearance will be negotiated between the relevant organisation and the applicant.

The organisation may obtain a further criminal history assessment for an employee at any time that the organisation believes it necessary or desirable for the purpose of maintaining a child safe environment.

The informed written consent of the applicant or employee is required prior to conducting a criminal history assessment. The Screening Unit's informed consent form is available from <http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=934>

- Information relating to a persons criminal history and the assessment process is managed securely and confidentially and in accordance with the ***Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*** issued by the Chief Executive, Department for Families and Communities. <http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=281>

Other evidence (optional)

Where appropriate, the organisation may utilise a number of forms of evidence (obtained within the last three years) to assess a person's suitability to work with children. This includes:

- A National Police Certificate that does not expressly state that it cannot be used as a clearance to work with children
- A letter of clearance to work with children from the Department for Families and Communities Screening Unit
- A valid and current interstate working with children check.

Acceptance of other forms of evidence is at the discretion of the organisation and is subject to the person completing a 100-point check to confirm the true identity of the applicant.

This organisation may also at its discretion seek a statutory declaration for any *employee(s)* or *volunteer(s)* who have been citizens or permanent residents of another country other than Australia since turning 18 years of age.

Exemptions from the requirement to conduct criminal history assessments

In accordance with guidelines, the following persons are exempt from the requirement to undertake a criminal history assessment unless:

- a) the organisation determines otherwise; or
- b) that person is also involved in a function or event conducted by the organisation its affiliated associations or clubs which involves the care of children in overnight accommodation:

- A person volunteering in an activity in which their child ordinarily participates;
- A person who volunteers who is less than 18 years of age;
- A person working or volunteering for a short-term event or activity of less than 10 days duration or for no more than 1 day in any month;
- A person occupying a position in which all work involving children is undertaken in the physical presence of the child's parents or guardians and in which there is ordinarily no physical contact with the children;
- A person who undertakes, or a position that only involves, work that is primarily provided to adults or the community generally and is not provided to any child on an individual basis;
- An organisation that provides equipment, food or venues for children's parties or events but does not provide any other services to children;
- A person who has regular contact with a child as part of an employment relationship with that child (such as a person working alongside a child or supervising an employee who is a child);
- A person who is appointed as a police officer or is a registered teacher. (Police officers and teachers are already subject to comprehensive criminal history assessments as a prerequisite for employment).

For more information contact the Department for Education and Child Development:

- <http://www.families.sa.gov.au/childsafes>
- <http://www.recsport.sa.gov.au>
- 08 8463 6468

6. NORTHERN TERRITORY

From January 2010, all persons employed in child related work, either paid or as a volunteer, must hold a valid clearance notice issued by the SAFE NT Screening Authority. There are penalties for failure to comply. Sports coaches, trainers, team administrators, officials and volunteers of Sporting Organisations that deal with children are included under the legislative requirements.

Clearance notices are valid for two years from date of issue unless revoked, and are transferable within employment fields. As a part of the assessment process, SAFE NT will consider the applicant's criminal history record and other relevant information.

For more information contact the Northern Territory Screening Authority:

- 1800 SAFE NT (1800 723 368)
- www.workingwithchildren.nt.gov.au

7. AUSTRALIAN CAPITAL TERRITORY

The *Working with Vulnerable People (Background Checking) Act 2011* (the Act) commenced on 8 November 2012. The Act requires people to be registered with the Office of Regulatory Services ("ORS") if engaging in certain activities or services for vulnerable people (children and vulnerable adults). Activities and services that are covered under the Act are called 'Regulated Activities' and registration for these activities begin in different years depending on the type of activity or service worked in.

From 8 November 2014, all employees and volunteers who provide coaching and tuition specifically for children should begin to register with ORS. Similarly, registration is required where activities or services are provided by

a club and/or an association and the club/association has a significant membership or involvement by children. In these situations, employees and volunteers must be registered by 7 November 2015.

It is important to note that as of 8 November 2013, registration is required for any person participating in a child accommodation service, including overnight camps for children.

The registration process includes a national criminal history check including relevant information from a range of agencies such as state and territory police and child protection services. Once the application is received, a risk assessment is completed using the approved risk assessment guidelines. Individuals that pose an unacceptable risk may be stopped from working with children.

For more information contact the ORS:

- 02 6207 3000
- www.ors.gov.au

PART D: COMPLAINT HANDLING PROCEDURES

We will deal with all complaints in a fair, timely and transparent manner. All complaints will be treated seriously.

We will provide individuals with an informal and informal process to resolve the matter, along with access to an external complaint handling body, based on their preferences and the nature of the complaint.

We also provide an appeals process for those matters where it is required.

We will maintain confidentiality as far as possible and ensure that no one is victimised for making, supporting or providing information about a complaint.

ATTACHMENTS

- Attachment D1: Complaints procedure
- Attachment D2. Mediation
- Attachment D3. Investigation procedure
- Attachment D4. Tribunal procedure

ATTACHMENT D1: COMPLAINTS PROCEDURE

All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection or other relevant legislation.

If you wish to remain anonymous, AC may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that AC is required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond.

INFORMAL APPROACHES

STEP 1: TALK WITH THE OTHER PERSON (WHERE THIS IS REASONABLE, SAFE AND APPROPRIATE)

In the first instance, you (the Complainant) should try to sort out the problem with the person or people involved (respondent) if you feel able to do so.

STEP 2: CONTACT A GRIEVANCE OFFICER

We encourage you to talk with our Grievance Officer if:

- the first step is not possible/reasonable;
- you are not sure how to handle the problem by yourself;
- you want to talk confidentially about the problem with someone and obtain more information about what you can do; or
- the problem continues after you tried to approach the person or people involved.

The Grievance Officer or - insert relevant information/designated person/s will:

- take confidential notes about your complaint;
- try to find out the facts of the problem;
- ask what outcome/how you want the problem resolved and if you need support;
- provide possible options for you to resolve the problem;
- act as a support person if you so wish;
- refer you to an appropriate person (e.g. Mediator) to help you resolve the problem, if necessary;
- inform the relevant government authorities and/or police if required by law to do so;
- maintain confidentiality.

STEP 3: OUTCOMES FROM INITIAL CONTACT

After talking with the Grievance Officer, you may decide:

- there is no problem;

- the problem is minor and you do not wish to take the matter forward;
- to try and work out your own resolution (with or without a support person such as the Grievance Officer); or
- to seek a mediated resolution with the help of a third person (such as a mediator); or
- to seek a formal approach.

FORMAL APPROACHES

STEP 4: MAKING A FORMAL COMPLAINT

If your complaint is not resolved or informal approaches are not appropriate or possible, you may:

- make a formal complaint in writing to the Grievance Officer; or
- approach a relevant external agency such as an anti-discrimination commission, for advice.

On receiving a formal complaint and based on the material you have provided, the Grievance Officer will decide whether:

- they are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure;
- to refer the complaint to mediation;
- to appoint a person to **investigate** (gather more information on) the complaint;
- to refer the complaint to a hearings tribunal;
- to refer the matter to the police or other appropriate authority; and/or
- to implement any interim arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the Grievance Officer will take into account:

- whether they have had any personal involvement in the circumstances which means that someone else should handle the complaint;
- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- the relationship between you and the respondent (for example an actual or perceived power imbalance between you and the respondent);
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the possibility that you will be subject to further unacceptable behaviour while the complaint process is underway.

If the Grievance Officer is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

- put the information they've received from you to the person/people you're complaining about and ask them to provide their side of the story;
- decide if they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- determine what, if any, further action to take. This action may include disciplinary action in accordance with this policy.

STEP 5: INVESTIGATION OF THE COMPLAINT

- A person appointed under Step 3 (or other authorised person), will conduct an investigation (following the process set out in attachment D3) and provide a written report to the CEO who will determine what further action to take;
- If the complaint is referred to mediation, it will be conducted in accordance with Attachment C2 or as otherwise agreed by you and the respondent and the mediation provider;
- If the complaint is referred to a hearings tribunal, the hearing will be conducted in accordance with Attachment D5;
- If the complaint is referred to the police or other appropriate authority, AC will use its best endeavours to provide all reasonable assistance required by the police or other authority.
- It must be made clear to all parties that the investigator is not seeking to resolve the matter, nor to decide whether any breach of this Policy has occurred, nor to impose any penalty. Any decision about Policy breach must be referred to an independent tribunal, and wherever possible, mediations should be conducted by an independent mediator.

STEP 6: RECONSIDERATION OF INITIAL OUTCOME/INVESTIGATION OR APPEAL

If, under the formal complaint process, mediation is unsuccessful, you may request that the CEO reconsider the complaint in accordance with **Step 3**.

You or the respondent(s) may be entitled to appeal. The grounds and process for appeals under this Policy are set out in Attachment D5.

STEP 7: DOCUMENTING THE RESOLUTION

AC will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at a state/district level, the information will be stored in the state association office. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at the national office with a copy stored at the state office.

EXTERNAL APPROACHES

There are a range of other options available depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from your State or Territory anti-discrimination commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be harassment within its jurisdiction, you may lodge a formal complaint with the commission.

Once a complaint is received by an anti-discrimination commission, it will investigate. If it appears that unlawful harassment or discrimination has occurred, the commission will attempt to conciliate the complaint confidentially. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made. The tribunal will decide upon what action, if any, will be taken. This could include an apology or financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred.

If you do lodge a complaint under anti-discrimination law, you may use an appropriate person from our organisation (e.g. a Grievance Officer) as a support person throughout the process. It is also common to have a legal representative, particularly at the formal hearing stage of a complaint.

Serious incidents, such as assault or sexual assault, should be reported to the police.

Contact details for the state and territory anti-discrimination and equal opportunity commissions are available on the Play by the Rules website: www.playbytherules.net.au/resources/quick-reference-guide

Mediation is a process that allows the people involved in a complaint to talk through the issues with an impartial person – the mediator – and work out a mutually agreeable solution.

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to talk through the issues and makes sure that the process is as fair as possible for all concerned.

Our approach to mediation follows the steps set out below.

1. The Grievance Officer will appoint a mediator to help resolve the complaint. This will be done under the direction of AC and in consultation with the complainant and the respondent(s).
2. The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
3. All issues raised during mediation will be treated confidentially. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. If the complaint is resolved by mediation, the mediator will prepare a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). We expect the parties involved to respect the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
 - write to CEO to request that the CEO or other designated official reconsider the complaint in accordance with **Step 3**
 - approach an external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

We recognise that there are some **situations where mediation will not be appropriate**, including:

- when the people involved have completely different versions of the incident
- when one or both parties are unwilling to attempt mediation
- when the issues raised are sensitive in nature
- when there is a real or perceived power imbalance between the people involved
- matters that involve serious, proven allegations.

There will be times when a complaint will need to be investigated and evidence gathered.

An investigation helps determine the facts relating to the incident, as well as possible findings and recommendations.

Any investigation that we conduct will be fair to all people involved.

If we decide that a complaint should be investigated, we will follow the steps outlined below.

1. We will provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities. The investigator will:
 - interview the complainant and record the interview in writing
 - provide full details of the complaint to the respondent(s) so that they can respond
 - interview the respondent(s) to allow them to answer the complaint and record the interview in writing
 - obtain statements from witnesses and collect other relevant evidence, if there is a dispute over the facts
 - make a finding as to whether the complaint is:
 - **substantiated** (there is sufficient evidence to support the complaint)
 - **inconclusive** (there is insufficient evidence either way)
 - **unsubstantiated** (there is sufficient evidence to show that the complaint is unfounded)
 - **mischievous, vexatious or knowingly untrue.**
 - provide a report to the Grievance Officer documenting the complaint, the investigation process, the evidence, the finding(s) and, if requested, any recommendations.
2. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (e.g. Grievance Officer).
4. The complainant and the respondent(s) may have the right to appeal any decision based on the investigation. Information on our appeals process is in Attachment D4.

The following will be followed by hearings tribunals established by AC to hear national member protection related complaints where determined appropriate by the CEO.

Preparation for Tribunal Hearing

1. A Tribunal Panel will be constituted following the rules outlined in AC's Constitution, to hear a complaint that has been referred to it by the CEO. The number of Tribunal members required to be present throughout the hearing will be 3.
2. The Tribunal members will be provided with a copy of all the relevant correspondence, reports or information relating to the complaint/allegations.
3. The Tribunal hearing will be scheduled as soon as practicable, but must allow adequate time for the person being complained about (respondent(s)) to prepare their case for the hearing.
4. The Tribunal Panel will not include any person who has any actual or perceived conflict of interest, or bias regarding the matter.
5. The CEO (or authorised person) will inform the respondent(s) in writing that a tribunal hearing will take place. The notice will outline:
 - That the person has a right to appear at the tribunal hearing to defend the complaint/allegation;
 - Details of the complaint, and details of all allegations and the clause of any policy or rule allegedly breached;
 - The date, time and venue of the tribunal hearing;
 - That they can make either verbal or written submissions to the Tribunal;
 - That they may arrange for witnesses to attend the Tribunal in support of their position (statutory declarations of witnesses not available or from character witnesses may also be provided to the Tribunal);
 - An outline of any possible penalties that may be imposed if the complaint is found to be true; and
 - That legal representation will not be allowed.
 - If the respondent is a minor, they may (and should be encouraged to) have a parent or guardian present.

A copy of any information / documents that have been given to the Tribunal (e.g. investigation report findings) will also be provided to the respondent.

The respondent(s) will be allowed to participate in all AC activities and events, pending the decision of the Tribunal, including any available appeal process, unless the CEO believes it is necessary to exclude the respondent(s) from all or some AC activities and events, after considering the nature of the complaint.

6. The AC CEO (or authorised person) will notify the complainant in writing that a tribunal hearing will take place. The notice will outline:
 - That the person has a right to appear at the tribunal hearing to support their complaint;
 - Details of the complaint, including any relevant rules or regulations the respondent is accused of breaching
 - The date, time and venue of the tribunal hearing;
 - That they can make either verbal or written submissions to the Tribunal;
 - That they may arrange for witnesses to attend the Tribunal in support of their position (or provide statutory declarations from witnesses unable to attend); and
 - That legal representation will not be allowed.

- If complainant is a minor, they may (and should be encouraged to) have a parent or guardian present.

A copy of any information / documents that have been given to the Tribunal (e.g. investigation report findings) will also be provided to the complainant.

7. If the complainant believes the details of the complaint are incorrect or insufficient they should inform the CEO (or authorised representative) as soon as possible so that the respondent and the Tribunal Panel members can be properly informed of the complaint.
8. It is preferable that the Tribunal include at least one person with knowledge or experience of the relevant laws/rules (e.g. Discrimination).

Tribunal Hearing Procedure

9. The following people will be allowed to attend the Tribunal Hearing:
 - The Tribunal members;
 - The respondent(s);
 - The complainant;
 - Any witnesses called by the respondent;
 - Any witnesses called by the complainant;
 - Any parent / guardian or support person required to support the respondent or the complainant;
 - Legal representation will not be allowed.
10. If the respondent(s) is not present at the set hearing time and the Tribunal Chairperson considers that no valid reason has been presented for their absence, the Tribunal Hearing will continue subject to the Tribunal Chairperson being satisfied that all Tribunal notification requirements have been met.
11. If the Tribunal Chairperson considers that a valid reason for the non-attendance of the respondent(s) has been presented, or the Tribunal Chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal will be rescheduled to a later date.
12. The Tribunal Chairperson will inform the CEO (or authorised representative) of the need to reschedule, and the CEO (or authorised representative) will organise for the Tribunal to be reconvened.
13. The Tribunal Chairperson will read out the complaint, ask the respondent(s) if they understand the complaint and if they agree or disagree with the complaint.
14. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal Panel when determining any disciplinary measures (penalty).
15. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
 - Reference may be made to brief notes.
 - The complainant may call witnesses.
 - The respondent(s) may question the complainant and witnesses.
16. The respondent(s) will then be asked to respond to the complaint.
 - Reference may be made to brief notes.
 - The respondent may call witnesses.
 - The complainant may ask questions of the respondent and witnesses.
17. Both the complainant and respondent may be present when evidence is presented to the Tribunal. Witnesses may be asked to wait outside the hearing until required.

18. The Tribunal may:
 - consider any evidence, and in any form, that it deems relevant.
 - question any person giving evidence.
 - limit the number of witnesses presented to those who provide any new evidence.
 - Require (to the extent it has power to do so) the attendance of any witness it deems relevant;
 - Act in an inquisitorial manner in order to establish the truth of the issue/case before it.
19. Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.
20. If the Tribunal considers that at any time during the Tribunal Hearing there is any unreasonable or intimidatory behaviour from anyone, the Chairperson may deny further involvement of the person in the hearing.
21. After all of the evidence has been presented the Tribunal will make its decision in private. The Tribunal must decide whether the complaint has been substantiated on the balance of probabilities (i.e. more probable than not). As the seriousness of the allegation increases, so too must the level of satisfaction of the Tribunal that the complaint has been substantiated. The respondent will be given an opportunity to address the Tribunal on disciplinary measures which might be imposed. Disciplinary measures imposed must be reasonable in the circumstances.
22. All Tribunal decisions will be by majority vote.
23. The Tribunal Chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed, or may advise those present that the decision is reserved and will be handed down in written form at a later time.
24. Within 48 hours, the Tribunal Chairperson will:
 - Forward to the CEO a notice of the Tribunal decision including any disciplinary measures imposed.
 - Forward a letter to the respondent(s) reconfirming the Tribunal decision and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an appeal. Where the matter is of unusual complexity or importance, the Tribunal Chairperson may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours.
25. The Tribunal does not need to provide written reasons for its decision.

Appeals Procedure

26. A complainant or a respondent(s) who is not satisfied with a Tribunal decision can lodge one appeal to the AC on one or more of the following bases:
 - 26.1 That a denial of natural justice has occurred; or
 - 26.2 That the decision or the disciplinary measure(s) imposed is so unjust or unreasonable that a reasonable tribunal could not have reached that decision.
27. A person wanting to appeal in accordance with clause 26 must lodge a letter setting out the basis for their appeal with the CEO within 30 days of the relevant decision. An appeal fee of \$500 shall be included with the letter of intention to appeal.
28. If the letter of appeal is not received by the CEO within the time period the right of appeal lapses. If the letter of appeal is received but the appeal fee is not received by the relevant time, the appeal lapses.

29. The letter of appeal and notice of tribunal decision (clause 24) will be forwarded to the relevant person to review and decide whether there are sufficient grounds for the appeal to proceed. The relevant person may invite any witnesses to the meeting it believes are required to make an informed decision.
30. If the appellant has not shown sufficient grounds for appeal in accordance with clause 26, then the appeal will be rejected. The appellant will be notified with reasons. The appeal fee will be forfeited.
31. If the appeal is accepted an Appeal Tribunal with a new panel will be convened to rehear the complaint and the appeal fee will be refunded.
32. The Tribunal Procedure shall be followed for the appeal.
33. The decision of an Appeal Tribunal will be final and binding and no party shall have any further rights of appeal.

PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

We will ensure that all the complaints we receive, both formal and informal, are properly documented. This includes recording how the complaint was resolved and the outcome of the complaint.

This information, and any additional records and notes, will be treated confidentially and stored in a secure place.

We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

We will ensure that everyone who works with our organisation in a paid or unpaid capacity understands how to appropriately receive and record allegations of child abuse and neglect and how to report those allegations to the relevant authorities in their state or territory.

The following information was updated in January 2014. It is subject to change at any time.

QUEENSLAND

If you have a reason to suspect a child in Queensland is experiencing harm, or is at risk of experiencing harm, you need to contact [Child Safety Services](#):

- **During normal business hours** - contact the [Regional Intake Service](#).
- **After hours and on weekends** - contact the Child Safety After Hours Service Centre on **1800 177 135** or (07) 3235 9999. The service operates 24 hours a day, seven days a week.

If you believe a child is in immediate danger or in a life-threatening situation, contact the Queensland Police Service immediately by dialling **000**.

Queensland Police Service has a number of child protection and investigation units across Queensland. To contact the Queensland Police Service, contact the [Police District Communication Centre](#) nearest you.

If you aren't sure who to call, or for assistance to locate your nearest child safety service centre, contact Child Safety Services' Enquiries Unit on **1800 811 810**. Child safety service centres have professionally trained child protection staff who are skilled in dealing with information about harm or risk of harm to children.

NEW SOUTH WALES

Anyone who suspects there are current concerns for a child (under 16 years) or young person (age 16 to 17 years) due to the risk of significant harm from abuse or neglect should report it to Community Services. You don't have to be certain, you only need to make sure your concerns are well founded and based on information you know or have from a reliable source. A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person are

present to a significant extent. Significant means that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

It does not mean that reporters are required to confirm their suspicions or provide solid proof before making a report. A useful rule of thumb is to consider whether another person, when faced with similar information, would also draw the same conclusion.

You can make a report by phoning the **Child Protection Helpline on 132 111** (TTY 1800 212 936) for the cost of a local call, 24 hours a day, 7 days a week.

For more information: http://www.community.nsw.gov.au/welcome_to_docs_website.html

WESTERN AUSTRALIA

If you are concerned about a child's wellbeing, [contact](#) the Department for Child Protection's district office closest to where the child lives or the [Crisis Care Unit](#) after hours.

If you believe a child is in immediate danger or in a life-threatening situation, contact the Western Australia Police immediately by dialling **000**.

If you make a report or disclose relevant information to the Department for Child Protection, there is legislative protection for the notifier. These are:

- Protection of identity - with some exceptions, your identity must not be disclosed without your consent. For further information, refer to section 240 of the *Children and Community Services Act 2004*
- Legal protection – you are not subject to legal liability under State law providing the information is provided in good faith.
- Professional protection – authorised disclosure of information cannot be held to constitute unprofessional conduct or a breach of professional ethics. As a result you cannot be disciplined by your professional body or incur any formal professional negative consequences at your workplace.

When you contact the Department, the Duty Officer will gather and record information that you provide and decide how best to respond. The type of information that the officer will gather includes:

- details about the child/young person and family
- the reasons you are concerned
- the immediate risk to the child
- whether or not the child or family has support
- what may need to happen to make the child safe
- your contact details, so that the officer can call you to obtain further information if required or to provide feedback.

You do not need to have all the details about the child or family when you contact the Department for Child Protection

For more information: <http://www.dcp.wa.gov.au/ChildProtection/>

VICTORIA

Some professionals such as doctors, nurses, police and school teachers are legally obliged to report suspected child abuse. In addition, any person who believes on reasonable grounds that a child needs protection can make a report to the Victorian Child Protection Service. It is the Child Protection worker's job to assess and, where necessary, further investigate if a child or young person is at risk of harm.

For more information: <http://www.dhs.vic.gov.au/>

SOUTH AUSTRALIA

Staff and volunteers who work with children are mandated notifiers and have a legal obligation to report any suspicion of child abuse and/or neglect that they may form in the course of their employment or volunteer activity based on reasonable grounds. This obligation extends to persons holding a management position whose duties include direct responsibility for, or direct supervision of the provision of services to children.

Reports are made to the CHILD ABUSE HELP LINE 13 14 78

A reasonable suspicion must be based on facts, for example:

- A disclosure of abuse by a child
- Professional judgement, based on the notifier's experience and observations

The organisation has an obligation to make each affected person aware of this legal obligation.

There is no obligation that recreation or sporting organisations require mandated reporters to undertake formal external training in the recognition of child abuse.

The law also stipulates that no person shall threaten or intimidate, or cause damage, loss or disadvantage to another person because that person has made a notification or proposes to make a notification pursuant to the *Children's Protection Act 1993*.

For more information: www.dcsi.sa.gov.au

NORTHERN TERRITORY

In the Northern Territory any person who believes that a child is being, or has been, abused or neglected is required by law to report their concerns.

Reports should be made to the 24 hour Centralised Intake Service by using the free-call phone number **1800 700 250**.

Remember, you do not need to prove abuse or neglect, you need only report your concerns. The Care and

Protection of Children Act provides legal protection against civil or criminal liability for people who make reports in good faith.

The Act also makes it clear that making a report does not breach any requirements of confidentiality or professional ethics.

For more information: http://www.childrenandfamilies.nt.gov.au/Child_Protection/

AUSTRALIAN CAPITAL TERRITORY

Care and Protection services is responsible for facilitating coordination across government for the care and protection of children and young people. Care and Protection services and an After Hours service, provide a continuum of service delivery to children and young people considered 'at risk' of serious harm.

Care and Protection Services is authorised to collect personal information under the *Children and Young People Act 2008* to ensure the safety and wellbeing of children and young people in the ACT. The information collected may be disclosed to government and non government agencies (including but not limited to the Australian Federal Police, ACT Children's Court, the Family Court, Health and Education Directorates and community organisations) to assist in ensuring the safety and wellbeing of children and young people. Information identifying a person making a child protection report is treated with the highest confidentiality and will not be disclosed except where a Court orders the disclosure.

For more information: http://www.dhcs.act.gov.au/ocyfs/services/care_and_protection

TASMANIA

Most professionals who provide services to children and families in Tasmania are 'mandatory reporters' of child abuse, under the Children, Young Persons and their Families Act 1997. This includes, but is not limited to, the following groups:

- DHHS employees
- Child Care providers
- Dentists, dental therapists or dental hygienists
- Police officers and probation officers
- Psychologists
- Registered medical practitioners and nurses
- School principals and teachers
- Volunteers and employees of any organisation that provides health, welfare, education, care or residential services and which receives government funding.

To make an urgent notification about abuse or neglect to Child Protection Services, please ring 1300 737 639 at any time.

Child Protection Services prefer to talk to a notifier in order to aid them in gathering information. However, if it is after hours and you are a mandatory reporter, an online notification can also be made.

For more information: http://www.dhhs.tas.gov.au/children/child_protection_services

ATTACHMENTS

- Attachment E1: Confidential record of informal complaint
- Attachment E2: Confidential record of formal complaint
- Attachment E3: Handling an allegation of child abuse
- Attachment E4: Confidential record of child abuse allegation

ATTACHMENT E2: CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Official <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other.....	
Location/event of alleged incident		
Description of alleged incident		
Nature of complaint (category/basis/grounds) Tick more than one box if necessary	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other	
Methods (if any) of attempted informal resolution		
Formal resolution procedures followed (outline)		

If investigated:	Finding
If heard by Tribunal:	Decision Action recommended
If mediated:	Date of mediation: Both/all parties present Agreement Any other action taken
If decision was appealed	Decision Action recommended
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position: Signature: Date / /
Signed by:	Complainant: Respondent:

This record and any notes must be kept in a confidential and safe place. If the complaint is of a serious nature, or if it is taken to and/or dealt with at the national level, the original record must be provided to AC and a copy kept with the organisation where the complaint was first made.

If you believe a child is in immediate danger or a life-threatening situation, contact the Police immediately on 000.

Fact sheets on reporting allegations of child abuse in different states and territories are available at www.playbytherules.net.au.

We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

All people working with AC in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

Step 1: Receive the allegation

If a child or young person raises with you an allegation of child abuse or neglect that relates to them or to another child, it is important that you listen, stay calm and be supportive.

Do	Don't
Make sure you are clear about what the child has told you	Do not challenge or undermine the child
Reassure the child that what has occurred is not his or her fault	Do not seek detailed information, ask leading questions or offer an opinion.
Explain that other people may need to be told in order to stop what is happening.	Do not discuss the details with any person other than those detailed in these procedures.
Promptly and accurately record the discussion in writing.	Do not contact the alleged offender.

Step 2: Report the allegation

- Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.
- If the allegation involves a person to whom this policy applies, then also report the allegation to the CEO of AC so that he or she can manage the situation.

Step 3: Protect the child and manage the situation

- The CEO will assess the immediate risks to the child and take interim steps to ensure the child's safety and the safety of any other children. This may include redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is in paid employment with AC.
- The CEO will consider what services may be most appropriate to support the child and his or her parent/s.
- The CEO will consider what support services may be appropriate for the alleged offender.
- The CEO will put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

Step 4: Take internal action

- Up to three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
 - a criminal investigation (conducted by the police)
 - a child protection investigation (conducted by the relevant child protection agency)
 - a disciplinary or misconduct inquiry/investigation (conducted AC).
- Regardless of the findings of the police and/or child protection agency investigations, AC will assess the allegations to decide whether the alleged offender should return to his or her position, be dismissed, be banned or face any other disciplinary action.
- The CEO of AC will consider all information relevant to the matter – including any findings made by the police, the child protection authority and/or court – and then set out a finding, recommend actions and the rationale for those actions.
- If disciplinary action is recommended, we will follow the procedures set out in Clause 9 of our Member Protection Policy.
- We will provide the relevant government agency with a report of any disciplinary action we take, where this is required.

Contact details for advice or to report an allegation of child abuse

Australian Capital Territory	
ACT Police Non-urgent police assistance Ph: 131 444 www.afp.gov.au	Office for Children, Youth and Family Services www.dhcs.act.gov.au/ocyfs/services/care_and_protection Ph: 1300 556 729
New South Wales	
New South Wales Police Non-urgent police assistance Ph: 131 444 www.police.nsw.gov.au	Department of Community Services www.community.nsw.gov.au Ph: 132 111
Northern Territory	
Northern Territory Police Non-urgent police assistance Ph: 131 444 www.pfes.nt.gov.au	Department of Children and Families www.childrenandfamilies.nt.gov.au Ph: 1800 700 250
Queensland	
Queensland Police Non-urgent police assistance Ph: 131 444 www.police.qld.gov.au	Department of Communities www.communities.qld.gov.au/childsafety Ph: 1800 811 810
South Australia	
South Australia Police Non-urgent police assistance Ph: 131 444 www.sapolice.sa.gov.au	Department for Communities and Social Inclusion www.dcsi.sa.gov.au Ph: 131 478
Tasmania	
Tasmania Police Non-urgent police assistance Ph: 131 444 www.police.tas.gov.au	Department of Health and Human Services www.dhhs.tas.gov.au/children Ph: 1300 737 639
Victoria	
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 www.police.vic.gov.au	Department of Human Services www.dhs.vic.gov.au Ph: 131 278
Western Australia	
Western Australia Police Non-urgent police assistance Ph: 131 444 www.police.wa.gov.au	Department for Child Protection www.dcp.wa.gov.au Ph: (08) 9222 2555 or 1800 622 258

ATTACHMENT E4: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing this form, please ensure that the steps outlined in Attachment D4 have been followed and advice has been sought from the police and/or the relevant child protection agency.

Complainant's name (if other than the child)		Date formal complaint received: / /
Role/status in sport		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Witnesses (if more than three witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action taken (if any)		
Police contacted	Who: When: Advice provided:	

Child protection agency contacted	Who: When: Advice provided:
CEO contacted	Who: When:
Police investigation (if any)	Finding:
Child protection agency investigation (if any)	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

This record and any notes must be kept in a confidential and safe place. If required, they should be provided to the police and/or the relevant child protection agency.