



# Member Protection Policy

Effective from July 2013

# AUSTRALIAN CROQUET ASSOCIATION

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## AMENDMENT HISTORY

The following substantive changes have been made in this version (7B) of the Policy:

### PART A – MEMBER PROTECTION POLICY

1. Summary amendments to Clause 7 – Policy Position Statements

	V7 November		V7B July
7.1	Paragraphs added regarding images of children		
		7.3	Deletion clause entitled 'Sexual Relationship Policy'
7.4	Pregnancy Policy	7.3	Pregnancy Policy (re-numbered)
7.5	Gender Identity Policy	7.4	Gender Identity Policy (re-numbered)
		7.5	Cyber Bullying/Safety (new clause)
		7.6	Social Networking Websites Policy (new clause)
7.6	Other Relevant Policies	7.7	Other Relevant Policies (re-numbered)

### PART B – SCREENING/WORKING WITH CHILDREN CHECK REQUIREMENTS

- 2a Title change and inclusion of Preamble; reworded as per ASC template
- 2b Attachment B3; reworded as per ASC template and included changes coming into effect in 2014 in the ACT.
- 2c Also included amendments to South Australian procedures as requested by SACA and added two additional attachments re SACA criminal history and regulation.

### PART C – PROCEDURES

- 3a Attachment C1; made explicit that appeals against selection or disciplinary decisions must follow the appeals process for those decisions; they cannot be 'appealed' via member protection.
- 3b replace all references to 'Hearings Officer' with 'Complaint Manager'.
- 3c Attachment C4; replaced with version from latest ASC template.
- 3d Attachment C5; Clause 4.5 added to provide for conduct of Tribunal via audio/video proceedings in lieu of physically meeting in one place.

### PART E – REPORT DOCUMENTS

- 4a Attachments E1-3; replaced with versions from latest ASC template.

## **PART A – MEMBER PROTECTION POLICY**

### **1 Australian Croquet Association Core Values**

The Australian Croquet Association (ACA) mission is to function as the controlling body for the sport and associated mallet sports in Australia. It aims to provide all players with fair competition, access to high standard facilities, and equity in participation in the sport at all levels.

### **2 Purpose of this Policy**

This Member Protection Policy aims to ensure ACA'S core values, good reputation, positive behaviours and attitudes are maintained. It assists in ensuring that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse. This policy ensures that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities. This policy reflects our support and implementation of the sport industry principles and values outlined in The Essence of Australian Sport – principles of fairness, respect, responsibility and safety.

The policy attachments provide the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment the ACA or relevant State Association will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by the ACA's Executive. The policy starts at the end of July 2013 and will operate until replaced. This policy and/or its attachments may be amended from time to time by resolution of the Executive. Copies of the policy and its attachments can be obtained from the ACA website <http://www.croquet-australia.com.au/> or from the ACA Office.

### **3 Who this Policy Applies To**

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

- 3.1 Individuals sitting on boards, committees and sub-committees;
- 3.2 Employees and volunteers;
- 3.3 Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- 3.4 Coaches and assistant coaches;
- 3.5 Players;
- 3.6 Referees, umpires and other officials;
- 3.7 Members, including life members;
- 3.8 Member associations;
- 3.9 Affiliated clubs and associated organisations;
- 3.10 Peak associations and the national body;
- 3.11 Any other person or organisation that is a member of, or affiliated to ACA;
- 3.12 Parents, guardians, spectators and sponsors to the full extent that is possible.

[This policy will continue to apply to a person even after they have stopped their association or employment with the ACA if disciplinary action, relating to an allegation of child abuse against that person, has commenced.]

#### **4 Code of Conduct**

The ACA requires every individual and organisation bound by this policy to:

- 4.1 Be ethical, fair and honest in all their dealings with other people and the ACA;
- 4.2 Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- 4.3 Always place the safety and welfare of children above other considerations;
- 4.4 Comply with the ACA's constitution, rules and policies including this member protection policy;
- 4.5 Operate within the rules and spirit of the sport;
- 4.6 Comply with all relevant Australian laws (Federal and State/Territory), particularly anti-discrimination and child protection laws;
- 4.7 Be responsible and accountable for their conduct; and
- 4.8 Abide by the relevant role-specific Codes of Conduct outlined in Part D of this policy.

#### **5 Organisational Responsibilities**

The Member Associations must –

- 5.1 Adopt, implement and comply with this policy;
- 5.2 Publish, distribute and otherwise promote this policy and the consequences for breaching it;
- 5.3 Promote appropriate standards of conduct at all times;
- 5.4 Promptly deal with any breaches of, or complaints made under, this policy in an impartial, sensitive, fair, timely and confidential manner;
- 5.5 Apply this policy consistently without fear or favour;
- 5.6 Recognise and enforce any penalty imposed under this policy;
- 5.7 Ensure that a copy of this policy is available or accessible to the persons to whom this policy applies;
- 5.8 Appoint, or have access to, appropriately trained people to receive and handle complaints and allegations (e.g. Member Protection Information Officers (MPIOs) and/or Complaint Managers) and display the names and contact details in a way that is readily accessible; and
- 5.9 Monitor and review this policy at least annually.

#### **6 Individual Responsibilities**

Individuals bound by this policy are responsible for:

- 6.1 Making themselves aware of the policy and complying with its standards of behaviour.
- 6.2 Complying with all screening requirements and any state/territory 'Working with Children' checks.
- 6.3 Complying with all other requirements of this policy.
- 6.4 Co-operating in providing a discrimination, child abuse and harassment-free sporting environment.
- 6.5 Placing the safety and welfare of children above other considerations.
- 6.6 Being accountable for their behavior.
- 6.7 Following the procedures outlined in this policy if they wish to make a complaint, or report a concern about possible child abuse, discrimination, harassment or

other inappropriate behaviour.

6.8 Complying with any decisions and/or disciplinary measures imposed under this policy.

## **7 Policy Position Statements**

### **7.1 Child Protection Policy**

Every person and organisation bound by this policy must always place the safety and welfare of children above all other considerations.

The ACA acknowledges that its staff, members and volunteers provide a valuable contribution to the positive experiences of our juniors. The ACA aims to ensure this continues and to protect the safety and welfare of its junior participants. Several measures will be used to achieve this such as:

- 7.1.1 Prohibiting any form of abuse against children;
- 7.1.2 Providing opportunities for our juniors to contribute to, and provide feedback on, our program development;
- 7.1.3 Carefully selecting and screening people whose role requires them to work with children (screening procedures are outlined in Part B of this policy);
- 7.1.4 Ensuring our codes of conduct, particularly for roles associated with junior sport, are promoted, enforced and reviewed;
- 7.1.5 Providing procedures for raising concerns or complaints (our complaints procedure is outlined in Part C of this policy); and
- 7.1.6 Providing education and/or information to those involved in our sport on child abuse and child protection.

The ACA requires that any child who is abused, or anyone who reasonably suspects that a child has been or is being abused, by someone within our sport, to report it immediately to the police or relevant government agency and advise the MPIO. Descriptions of the sorts of activity which may be abuse are in the Dictionary at Clause 11.

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. Our procedures for handling allegations of child abuse are outlined in Attachment C4 of this policy.

If anyone bound by this policy reasonably suspects that a child is being abused by his or her parent/s, they are advised to contact the relevant government department for youth, family and community services in their State/Territory.

ACA 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 and ensure that the parent knows the way the image will be used. We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If an image of a child is used it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming

tools by paedophiles or other persons. We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc. Where possible we will seek permission to use these images.

We require our members, member associations and clubs to do likewise.

## 7.2 **Anti-Discrimination and Harassment Policy**

The ACA aims to provide a sporting environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.

The ACA recognises that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of their age, disability, family responsibilities, gender identity, homosexuality or sexual orientation, irrelevant medical or criminal record, marital status, political belief, pregnancy or breastfeeding, race, religion, sex, social origin and/or trade union membership/activity.

The ACA prohibits all forms of harassment and discrimination based on personal characteristics listed in the Dictionary. Discrimination and harassment are extremely distressing, offensive, humiliating and/or threatening and create an uncomfortable and unpleasant environment. In most circumstances discrimination and harassment are against the law.

Descriptions of some of the types of behaviour which could be regarded as harassment or discrimination are provided in the Dictionary at clause 11.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in attachment C of this policy. This will explain what to do about the behaviour and how the ACA will deal with the problem.

## 7.3 **Pregnancy Policy**

The ACA is committed to providing an inclusive sporting environment for pregnant women involved in its activities. The ACA expects everyone bound by this policy to treat pregnant women with dignity and respect and to remove any unreasonable barriers to participation in our sport that disadvantage them. We will not tolerate any unlawful discrimination or harassment against pregnant women or women who may become pregnant.

Descriptions of some of the types of behaviour which could be regarded as pregnancy discrimination or harassment are provided in the Dictionary at Clause 11.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in Attachment C of this policy. This will explain what to do about the behaviour and how the ACA will deal with the problem.

While many sporting activities are safe for pregnant women to participate in, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the particular sporting activity and the particular pregnant woman's circumstances.

The ACA 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 wellbeing, and that of their unborn children, are of utmost importance in their decision making about the extent and manner in which they participate in our sport.

We encourage all pregnant women to consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation in particular sporting activities.

We will only require pregnant women to sign a disclaimer if we require other participants to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

#### **7.4 Gender Identity Policy**

The ACA is committed to providing an inclusive sporting environment where transgender or transsexual people involved in its activities are able to contribute and participate. The ACA expects everyone who is bound by this policy to treat people who identify as transgender or transsexual fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any unlawful discrimination or harassment against a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual.

Descriptions of some of the types of behaviour which could be regarded as transgender or transsexual discrimination or harassment are provided in the Dictionary at clause 11.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in attachment C of this policy. This will explain what to do about the behaviour and how the ACA will deal with the problem.

The ACA recognises that the exclusion of transgender or transsexual people from participation in sporting events has significant implications for their health, well-being and involvement in community life. In general, the ACS will facilitate transgender or transsexual persons participating in our sport of the sex with which they identify.

The ACA also recognises 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, the ACA will seek advice on the application of those laws in the particular circumstances.

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

The ACA notes that drug testing procedures and prohibitions also apply to people who identify as transgender or transsexual. 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.

## 7.5 **Cyber Bullying/Safety**

Bullying and harassment in all forms is unacceptable in this sport. Given the emergence of new telephone and internet social networks, the opportunity for unwanted and improper comments and statements has dramatically increased. Messages or statements made in these ways using these means of communication are largely instantaneous, and can easily be abused. Others may also manipulate a person by encouraging a statement to be made on twitter or Facebook, for example, when the writer may be upset or vulnerable. Bullying has the potential to cause great anxiety and distress to the person who has been the target of any comments or statements. In some cases, bullying is regarded as a criminal offence punishable by imprisonment, amongst other things. Frustration at a referee, team-mate, coach, or sporting body should never be communicated on social network channels, but rather by way of reasoned and logical verbal and written statements and where appropriate, complaints, to the relevant controlling club, league or peak sporting body.

## 7.6 **Social Networking Websites Policy**

ACA acknowledges the emergence of new technology and communication mediums (new media), and wishes to enable such new media to be used to benefit the sport and its participants, and to applaud achievements. This can occur due to the immediate nature of communication to a wide audience using channels such as facebook, twitter, and SMS. However, participants within the sport need to be very mindful of inappropriate use of new media, at times unintended, and at other times without a proper understanding that once comments are made or published, they are in public for a long time, and hard to take back (retract). Cautions we recommend:

- 7.6.1 Do not include personal information of yourself or others in social media channels;
- 7.6.2 Do not use offensive, provocative or hateful language;
- 7.6.3 Use your best judgment – do not publish something that makes you the slightest bit uncomfortable, and never write/publish if you are feeling emotional or upset (or are intoxicated);
- 7.6.4 Always ask for a person's permission before posting their picture on a social networking forum;
- 7.6.5 Never comment on rumours, do not deny or affirm them or speculate about rumours; and
- 7.6.6 Always use social network forums to add value and promote the sport in a positive way.

## 7.7 **Other Relevant Policies**

Other ACA relevant policies can be found at <http://www.croquet-australia.com.au/>.

## 8. **Complaints Procedures**

### 8.1 **Complaints**

The ACA aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a complaint (complainant) about a person/s or organisation bound by this policy if they reasonably believe that a person/s or a sporting organisation has breached this policy. A complaint should be reported to a MPIO.

A complaint may be reported as an informal or formal complaint. The complainant

decides whether the complaint will be dealt with informally or formally unless the person tasked with resolving the matter considers that the complaint falls outside the parameters of this policy and would be better dealt with another way.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in attachment C of this policy.

## **8.2 Vexatious Complaints and Victimisation**

The ACA aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the relevant authority (state association, ACA Executive Committee or external authority) considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the relevant authority for appropriate action which may include disciplinary action against the complainant (including reimbursement of the costs of the dispute resolution process).

The ACA will also take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to sort it out. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

The lowest level at which a matter can be dealt with shall always be preferred. Therefore, 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; or 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.

## **8.3 Mediation**

The ACA aims to sort out complaints with the minimum of fuss wherever possible. In many cases, complaints can be sorted out by agreement between the people involved with no need for disciplinary action. The people involved in a formal complaint - the complainant and the person complained about (respondent) - may also seek the assistance of a neutral third person or a mediator. Lawyers are not able to negotiate on behalf of the complainant and/or respondent.

Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to try and resolve the complaint with the assistance of a mediator, the MPIO will, in consultation with the complainant, arrange for a mediator to mediate the complaint. More information on the mediation process is outlined in attachment C of this policy.

## **8.4 Tribunals**

A hearing tribunal may be formed to hear a formal complaint or an alleged breach of the policy. The tribunal hearing procedure is outlined in attachment C5 of this policy.

A respondent may lodge one appeal only to the appeal tribunal in respect of a decision of a hearing tribunal. The decision of the appeal tribunal is final and binding on the people involved to the appeal. The appeals process is outlined in attachment C5 of this policy.

Every organisation bound by this policy will recognise and enforce any decision made, and form of discipline imposed, by an appeals tribunal under this policy.

Members of hearing and appeal tribunals will be indemnified by the organisation that appointed them against any claim for loss, compensation or damages, and for costs incurred defending a claim made against them, because of their function as a member of a hearings or appeals tribunal.

## 9. **What is a Breach of this Policy?**

It is a breach of this policy for any person or organisation to which this policy applies, to have been found to have;

- 9.1 Done anything contrary to this policy;
- 9.2 Breached the Code of Conduct or role-specific Codes of Conduct;
- 9.3 Brought the sport and/or the ACA into disrepute;
- 9.4 Failed to follow ACA policies and procedures for the protection, safety and welfare of children;
- 9.5 Appointed, or continued to appoint, a person to a role that involves working with children and young people contrary to this policy;
- 9.6 Discriminated against or harassed any person;
- 9.7 Victimised another person for reporting a complaint;
- 9.8 Engaged in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;
- 9.9 Disclosed to any unauthorised person or organisation any ACA information that is of a private, confidential or privileged nature;
- 9.10 Made a complaint they knew to be untrue, vexatious, malicious or improper;
- 9.11 Failed to comply with a penalty imposed after a finding that the individual or organisation has breached this policy;
- 9.12 Failed to comply with a direction given to the individual or organisation during the discipline process.

## 10 **Forms of Discipline**

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. These may include making a verbal or written apology, paying a fine, being suspended or de-registered or having a person's appointment or employment terminated. More information on the range of disciplinary measures and the factors that will be considered before imposing discipline is at attachment C6 of this policy.

## 11. **Dictionary**

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. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection commissions or equal opportunity and anti-discrimination commissions.

- 11.1 **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.
- 11.2 **Child** means a person who is under the age of 18 years (see also definition of young person).

- 11.3 Child abuse** relates to children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms. Children may be harmed by both verbal and physical actions and by people failing to provide them with basic care. Child abuse 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 food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).
- 11.4 Complaint** means a complaint made under Part A 8.1.7 of this policy.
- 11.5 Complainant** means the person making a complaint.
- 11.6 Discrimination** means treating or proposing to treat someone less favourably than someone else because of a particular characteristic in the same or similar circumstances in certain areas of public life (this is Direct Discrimination). The law also covers Indirect Discrimination. This is imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics. The characteristics covered by discrimination law across Australia are:
- 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 characteristics such as physical features or association with a person with one or more of the characteristics listed above.

### 11.6.1 Examples of Discrimination

11.6.1	Age:	A club refuses to allow an older person to coach a team simply because of their age.
11.6.2	Breastfeeding:	A member of the club who is breastfeeding her baby in the club rooms is asked to leave.
11.6.3	Disability:	A junior player is overlooked because of her mild epilepsy.
11.6.4	Family responsibilities:	A club decides not to promote an employee because he has a child with a disability even though the employee is the best person for the job.
11.6.5	Gender Identity:	A transgender contract worker is harassed when employees refuse to call her by her female name.
11.6.6	Homosexuality:	A player is ostracised from her team after she tells a team mate that she is a lesbian.
11.6.7	Marital Status:	A player is deliberately excluded from team activities and social functions because she is single.
11.6.8	Pregnancy:	A woman is dropped from her squad when she becomes pregnant.
11.6.9	Race:	An Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race.
11.6.10	Sex:	Specialist coaching is only offered to male players in a mixed team.

**11.7 Double Jeopardy** refers to the principle that a person who has been the subject of a finalised tribunal hearing cannot be subjected to a further disciplinary process in relation to the same instance of an alleged offence.

**11.8 Harassment** is any type of behaviour that the other person does not want and does not return and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and of a type that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

**11.9 Unlawful harassment** includes the above but is either sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or other characteristic (see characteristic list under discrimination).

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident or repeated. It may be

explicit or implicit, verbal or non-verbal.

Under this policy discrimination and harassment are not permitted in employment (including volunteer and unpaid employment); when providing sporting goods and services including access to sporting facilities; when providing education and accommodation; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any player or other person to any competition and the obtaining or retaining membership of clubs and organisations (including the rights and privileges of membership).

Some exceptions to state and federal anti-discrimination law apply. Examples include:

- (a) holding a competitive sporting activity for females only who are 12 years of age or over where strength, stamina or physique is relevant or
- (b) 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 sporting activity.

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law.

It is also against discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment. Example: a player is ostracised by her male coach for complaining about his sexist behaviour to another club official or for supporting another player who has made such a complaint.

Public acts of racial hatred which are reasonably likely in the circumstances 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 on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability – see vilification.

**11.10 Hearings Convenor**

in relation to a complaint made to the ACA means a person appointed by the ACA Executive Committee to manage a formal complaint referred by an MPIO.

**11.11 Hearings Convenor**

in relation to a complaint made to a state member association means a person appointed by the Committee of that state association to manage a formal complaint referred by an MPIO.

**11.12 Junior**

means a person under the age of eighteen (18) years who is participating in an activity.

- 11.13 Mediator** means a person appointed to mediate complaints made under this policy. It is preferable that the mediator has relevant skills, qualifications and/or training in mediation.
- 11.14 Member** means the recognised controlling body of croquet in each State that has paid any fees as decided by the Council from time to time.
- 11.15 Member Protection** is a term used by the Australian sport industry to describe the practices and procedures that protect members – both individual members such as players, coaches and officials, and the member organisations such as clubs, state associations, other affiliated associations and the national body. Member protection involves:
- 11.15.1 protecting those that are involved in sport activities from harassment, abuse, discrimination and other forms of inappropriate behavior
  - 11.15.2 adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with juniors, and
  - 11.15.3 providing education.
- 11.16 MPIO** Member Protection Information 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. The MPIO provides confidential information and moral support to the person with the concern or who is alleging harassment or a breach of this policy. They help the complainant deal with any emotions they may have about what has happened and operate as a sounding board as the complainant decides what they want to do. The MPIO may accompany the complainant in anything they decide to do, if it feels appropriate and they are happy to do it.
- 11.17 Natural Justice** incorporates the following principles:
- 11.17.1 a person who is the subject of a complaint must be fully informed of the allegations against them
  - 11.17.2 a person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence
  - 11.17.3 all parties need to be heard and all relevant submissions considered
  - 11.17.4 irrelevant matters should not be taken into account
  - 11.17.5 no person may judge their own case
  - 11.17.6 the decision maker/s must be unbiased, fair and just
  - 11.17.7 the penalties imposed must not outweigh the ‘crime’
- 11.18 Police Check** means a national criminal history record check conducted as a prudent pre-employment or pre-engagement background check on a person.

- 11.19 **Policy** and this policy mean this Member Protection Policy.
- 11.20 **Respondent** means the person who is being complained about.
- 11.21 **Role-specific codes of conduct** means standards of conduct required of certain roles (e.g. coaches).
- 11.22 **Sexual Harassment** means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display 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.
- 11.23 **Sexual Offence** means a criminal offence involving sexual activity or acts of indecency including but not limited to (due to differences under State/Territory legislation):
- 11.23.1 Rape
  - 11.23.2 Indecent assault
  - 11.23.3 Sexual assault
  - 11.23.4 Assault with intent to have sexual intercourse
  - 11.23.5 Incest
  - 11.23.6 Sexual penetration of child under the age of 16
  - 11.23.7 Indecent act with child under the age of 16
  - 11.23.8 Sexual relationship with child under the age of 16
  - 11.23.9 Sexual offences against people with impaired mental functioning
  - 11.23.10 Abduction and detention
  - 11.23.11 Procuring sexual penetration by threats or fraud
  - 11.23.12 Procuring sexual penetration of child under the age of 16
  - 11.23.13 Bestiality
  - 11.23.14 Soliciting acts of sexual penetration or indecent acts
  - 11.23.15 Promoting or engaging in acts of child prostitution
  - 11.23.16 Obtaining benefits from child prostitution
  - 11.23.17 Possession of child pornography
  - 11.23.18 Publishing child pornography and indecent articles.
- 11.24 **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.
- 11.25 **Victimisation** means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make a complaint under



government legislation (e.g. anti-discrimination) or under this policy, or for supporting another person to make a complaint.

**11.26 Vilification**

involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

**11.27 Young People/Person** means people in the 13 – 18 year age group.

## **PART B – SCREENING/WORKING WITH CHILDREN CHECK REQUIREMENTS**

### **Background**

Child protection is about keeping children safe from harm/abuse. Child abuse is illegal, and all states and territories have their own systems and laws that cover screening and/or the reporting and investigation of cases of child abuse.

Working With Children Check (WWCC) laws aim to prevent people who pose a risk from working with children as paid employees or volunteers. In New South Wales, Queensland, Western Australia, Victoria Northern Territory and South Australian laws require individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with children. This is done by checking certain criminal history and other matters. In some states this also involves reviewing relevant findings from disciplinary proceedings. There are also requirements placed on organisations.

Tasmania are currently reviewing their screening laws. There is no current screening process or formal legislation, however, individual employers or sporting organisations may require police checks at their discretion. The ACT has introduced background checking legislation which will become effective for clubs and associations in November 2014.

Please be aware that state and territory WWCC requirements may also apply to individuals who visit states with screening laws. For example, if a state association or club takes players U18 into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with NSW law.

The state WWCC requirements apply regardless of our national, state or club [Member Protection Policy].

The following attachments provide:

- summary information on state and territory WWCC requirements and where to obtain more information and relevant forms
- our Member Protection Declaration (for all states/territories except NSW who must complete a Prohibited Employment Declaration provided by the NSW Commission for Children and Young People)
- our screening requirements for people residing in ACT and Tasmania

[Please note: Working with children check exemptions]

The communiqué from the Standing Council on Community, Housing and Disability Services meeting held on 21 October 2011 outlined new arrangements for national short term exemptions to Working with Children Checks. The Commonwealth, State and Territory Ministers agreed to introduce, by late 2012, national exemptions to Working with Children Checks for paid employees and volunteers who are required to cross state or territory borders for work related purposes. These exemptions will be for up to 30 days in any 12 month period and will enable workers to participate in national and inter-jurisdictional activities on a short- term basis.

This means volunteers and workers with a valid check in their home state or territory will be able to participate in short-term activities across state and territory borders without the need for additional checks. The ASC has no further detail at this stage, but is working to get additional information on the changes. It will communicate this information to sports and sector partners as soon as it becomes available.

The full communiqué is available at

[http://www.jennymacklin.fahcsia.gov.au/statements/Pages/jm\\_c\\_livingstandards\\_21october2011.aspx](http://www.jennymacklin.fahcsia.gov.au/statements/Pages/jm_c_livingstandards_21october2011.aspx)

## ATTACHMENT B1 – SCREENING REQUIREMENTS – ACT and TASMANIA

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

The ACA will, and also requires state associations and clubs to:

- 1 Identify positions that involve working, coaching, supervising or regular unsupervised
- 2 Obtain a completed *Member Protection Declaration* (MPD) (Attachment B2) 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.

*Note that the ACT's Working With Vulnerable People (Background Checking) Act came into force in November 2012. It will apply to clubs and associations and their employees/volunteers in the ACT from November*

## ATTACHMENT B2 – MEMBER PROTECTION DECLARATION

The ACA 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 national Member Protection Policy applies. As a requirement of our national Member Protection Policy, the ACA or the relevant State Association 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) \_\_\_\_\_

\_\_\_\_\_ State \_\_\_\_\_ Postcode \_\_\_\_\_

Date of Birth \_\_\_\_\_

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, acts of violence or narcotics.
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, acts of violence or narcotics
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 ACA may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the President 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 \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

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

I (name) \_\_\_\_\_ 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.

Signature \_\_\_\_\_ Date \_\_\_\_\_

## **ATTACHMENT B3 – STATE-SPECIFIC CHILD PROTECTION REQUIREMENTS**

The following information was updated in November 2011. It is subject to change at any time.

### **1. 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 dialing 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.

### **2. NEW SOUTH WALES**

Anyone who suspects, on reasonable grounds, that a child or young person is at risk of being neglected or physically, sexually or emotionally abused, should report it to Community Services.

Reasonable grounds is the standard that reporters must use in deciding whether or not to report to Community Services.

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.

### **3. 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 dialing 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/>

#### **4. 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/>

#### **5. 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/](http://www.childrenandfamilies.nt.gov.au/Child_Protection/)

#### **6. AUSTRALIAN CAPITAL TERRITORY (ACT)**

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](http://www.dhcs.act.gov.au/ocyfs/services/care_and_protection)

Note that the ACT legislature has passed the Working With Vulnerable People (Background Checking) Act, which will come into effect for clubs and associations on 8 November 2014. Irrespective of where a person is domiciled (eg in NSW), if they work or volunteer with children or other vulnerable persons in the ACT, they will be required to apply for registration under the Act and will be subject to background checks.

For more information: [http://ors.act.gov.au/community/working\\_with\\_vulnerable\\_people](http://ors.act.gov.au/community/working_with_vulnerable_people)

## 7. 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](http://www.dhhs.tas.gov.au/children/child_protection_services)

## 8. 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.families.sa.gov.au/childsafe](http://www.families.sa.gov.au/childsafe).

The South Australian Croquet Association procedure is documented below:

## **ATTACHMENT B4 – WORKING WITH CHILD PROTECTION REGULATION – SOUTH AUSTRALIA**

### **Position Statements**

#### **1. Child Protection**

The South Australian Croquet Association (SACA) is committed to the safety and well being of all children and young people accessing our service. We support the rights of the child and will act without hesitation to ensure a child safe environment is maintained at all times. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.

The SACA acknowledges that our staff, members and volunteers provide a valuable contribution to the positive experiences of children involved in our sport. The SACA aims to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

#### **1.2 Identify and Analyse Risk of Harm**

The SACA will develop and implement a risk management strategy, which includes a review of existing child protection practices, to determine how child-safe and child-friendly the organisation is and to determine what additional strategies are required to minimise and prevent risk of harm to children because of the action of an employee, volunteer or another child.

#### **1.3 Identifying affected positions**

The SACA will conduct an assessment of the criminal history of every person who is, or will be, engaged to work with children in this organisation, its affiliated associations and clubs (unless an exemption applies).

The SACA has identified all individuals and positions within the organisation that involve working with children.

These positions are all members, volunteers and employees who:

- manage, supervise or are in regular contact or work in close proximity with children at programs
- have access to children's records including those that are supplied by Education, Health or Disability services

List of prescribed positions:

- Coach
- Child Protection Officer
- Membership Database Manager

#### **1.4 Develop Codes of Conduct for Adults and Children**

The SACA will ensure that the organisation implements the Croquet Australia codes of conduct that specify standards of conduct and care when dealing and interacting with children, particularly those in the organisation's care. The organisation will also implement a code of conduct to address appropriate behaviour between children.

The code(s) of conduct set out professional boundaries, ethical behaviour and unacceptable behaviour see Croquet Australia Member Protection policy.

#### **1.5 Choose Suitable Employees and Volunteers**

The SACA will ensure that the organisation takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children (in prescribed positions).

This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

The SACA will ensure that criminal history assessments are conducted for employees and volunteers working with children, where an assessment is required by law.<sup>1</sup>

If a criminal history report is obtained as part of their screening process, the SACA will ensure that the criminal history information is dealt with in accordance with the standards developed by the Chief

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<sup>1</sup> Children's Protection Act 1993 Section 8B.



Executive, Department for Education and Child Development<sup>2</sup> (See Part C)

### **1.6 Support, Train, Supervise and Enhance Performance**

The SACA will ensure that volunteers and employees who work with children or their records have ongoing supervision, support and training such that their performance is developed and enhanced to promote the establishment and maintenance of a child-safe environment.

### **1.7 Empower and Promote the Participation of Children In Decision-Making And Service Development**

The SACA will promote the involvement and participation of children and young people in developing and maintaining child-safe environments.

### **1.8 Report and Respond Appropriately To Suspected Abuse and Neglect**

The SACA will ensure that volunteers and employees are able to identify and respond to children at risk of harm.

The SACA will make all volunteers and employees aware of their responsibilities under the *Children's Protection Act 1993* to call the **Child Abuse Report Line 13 14 78** if they have suspicion on reasonable grounds that a child has been or is being abused or neglected.

In addition to their obligation as a mandated notifier, if any person feels another person or organisation bound by this policy is acting inappropriately towards a child or is breaching the code(s) of practice set out they may make an internal complaint. Please refer to our complaints procedure outlined in attachment [C1] of this policy. This will explain what to do about the behaviour and how the SACA will deal with the problem.

## **2. Taking Images of Children**

The SACA acknowledges that in South Australia under the Summary Offences Act 1953 a person must not engage in indecent filming. Images of children and adults should not be used inappropriately or illegally.

The SACA 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 and ensure that the parent knows the way the image will be used. We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If the SACA uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by pedophiles or other persons. We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc.

## **3. Procedures**

The SACA will obtain criminal history reports using the following procedures:

### **3.1. Existing staff**

- 3.1.1 All staff holding a prescribed position must obtain and National Police Certificate by making application to the South Australian Police (or present an appropriate document that is less than three years old).
- 3.1.1a The cost of obtaining this check will be paid by the SACA. A paid employee is not entitled to a free check using the organisations VOAN.]
- 3.1.2 On receipt of the check the original document must be presented the Child protection Officer.

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<sup>2</sup> Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children (2012)

- 3.1.3 The document will be assessed in accordance with standard C4 (Families SA) and returned to the person as soon as practicable.
- 3.1.4 The criminal history assessment will be repeated every three years or as requested by the Board.

### **3.2. New Staff**

- 3.2.1. All new staff selected to fill a prescribed position must obtain National Police Certificate by making application to the South Australian Police (or present an appropriate document that is less than three years old).
- 3.2.1a The cost of obtaining this check will be paid by the SACA. A paid employee is not entitled to a free check using the organisations VOAN.]
- 3.2.2 On receipt of the check the original document must be presented to the Child Protection officer.
- 3.2.2a Using a 100-point check, the SACA will establish the true identity of the applicant.
- 3.2.3 The document will be assessed in accordance with standard C4 and returned to the person as soon as practicable.
- 3.2.4 The criminal history assessment will be repeated every three years or as requested by the Board.

### **3.3 Existing Members and Volunteers**

- 3.3.1 All existing members and volunteers holding a prescribed position must obtain a National Police Check by making application to the South Australian Police (or present an appropriate document that is less than three years old).
- 3.3.1a The cost of obtaining this check will be met by using the organisations VOAN.
- 3.3.2 On receipt of the check the original document must be presented to the Child Protection Officer.
- 3.3.3 The document will be assessed in accordance with standard C4 and returned to the person as soon as practicable.
- 3.3.4 The criminal history assessment will be repeated every three years or as requested by the Board.

### **3.4. New Member and Volunteers**

- 3.4.1 All new members or volunteers selected to fill a prescribed position must obtain National Police Check (or present an appropriate document that is less than three years old) by making application to the South Australian Police.
- 3.4.1a The cost of obtaining this check will be met by using the organisations VOAN.
- 3.4.2 On receipt of the check the original document must be presented to the Child Protection Officer.
- 3.4.3 Using a 100-point check, the SACA will establish the true identity of the applicant.
- 3.4.4 The document will be assessed in accordance with standard C4 and returned to the person as soon as practicable.
- 3.4.5 The criminal history assessment will be repeated every three years or as requested by the Board.

## **4. Accepting “other evidence”**

The SACA will, in lieu of undertaking a criminal history screening check as set out, accept the following forms of evidence (obtained within the last three years) to assess a person’s suitability to work with children.

- 4.1.1 A National Police Certificate that does not expressly state that it cannot be used as a clearance to work with children
- 4.1.2 A Letter of clearance to work with children from a CrimTrac accredited agency: Such as the Department for Communities and Social Inclusion Screening Unit, Teacher Registration Board or Catholic Education Office.
- 4.1.3 An interstate working with children check, from: Queensland, Victoria or Western Australia.

Acceptance of any of these checks is subject to the person completing a 100-point check, to enable the SACA to establish the true identity of the applicant.<sup>3</sup>

The SACA 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.

## **5. Assessing criminal history information**

In the majority of cases, a person will have no criminal history. In these cases, the assessment will be successfully completed and no further action in respect to an assessment will be required.

Offences that indicate a prima-facie risk of harm

The SACA believes the following categories of criminal convictions present a prima-facie *risk of harm* to children. No person will be considered suitable to be employed, contracted, hired, retained, accepted as a volunteer, or allowed to undertake prescribed functions for the SACA, its affiliated associations or clubs if he or she has been convicted of:

- murder or sexual assault
- violence in relation to a child
- an offence relating to child pornography
- an offence involving child prostitution
- a child abuse offence, for example criminal neglect.

The following offences potentially indicate unsuitability to undertake prescribed functions.

The SACA believes that there can be a presumption that there is a risk of harm to children but further assessment is necessary before a decision to exclude a person can be made.

These types of criminal offences include:

- sexually-motivated offences
- violence offences/assault including any form of assault which has resulted in a sentence of imprisonment
- offences relating to cruelty to animals
- any other offences against a child (including drug offences).

In addition, other criminal offences may be relevant to specific, prescribed functions, including: dishonesty offences, serious drug-related matters or serious traffic offences.

None of these offences will automatically preclude an individual from being engaged to undertake prescribed functions.

Any such person will be asked to make further application to the DCSI Screening Unit for a more thorough assessment. This cost of this screening check to be met by the individual.

The decision of this process will be deemed to be final and binding on all parties.

## **6. Ensuring procedural fairness if a person has a criminal history**

### **6.1 Existing staff, members and volunteers:**

- 6.1.1 All existing staff, members and volunteers 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.
- 6.1.2 Prior to a decision being made, the SACA will communicate to the applicant a pending decision not to employ or engage them because of their criminal history and the reasons for this decision.
- 6.1.3 Staff (who are also members of the SACA its affiliated associations or clubs), members and volunteers may request:
  - that the final assessment be referred to the Screening Unit (if it has not already been done). Which decision shall be final and binding.

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<sup>3</sup> A 100-point check should include one primary document such as a Birth Certificate or International Travel Document (e.g. Current Passport) or Citizenship Certificate and must include one secondary document such as a Driver's Licence, employee identification card, Centrelink card or student identification card.

- where this has already been done, to make an appeal under the process set out in this policy.
  - To be advised of any other avenues of appeal (if applicable).
- 6.1.4 Existing employees who are not also members of the SACA, its affiliated associations or clubs may refer to the dispute resolution process set out by the relevant Enterprise Agreement or Industrial Award for dispute resolution.

## **6.2 New staff, members and volunteers:**

- 6.2.1 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.
- 6.2.2 The SACA 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.
- 6.2.3 There will be no appeal to this decision.

## **7. Records management**

The SACA will take specific actions to store and recording information obtained through conducting a criminal history assessment. This includes taking measures to ensure information is protected and confidentially stored and safeguards to protect against loss, unauthorised access, modification, disclosure or other misuse.

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. The SACA will retain the following information regarding their decision:

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

The SACA will retain appropriate records to demonstrate their compliance with their legal requirements. The criminal history register and criminal history assessment template (where applicable) will be used to record this information (see attached)

## **8. Exemptions from the requirement to conduct criminal history assessments**

In accordance with guidelines the SACA has agreed to exempt the following persons from the requirement to undertake a criminal history assessment, unless that person is also involved in a function or event conducted by the SACA, 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).

## **9. Handling an allegation of child abuse**

### **9.1 Process for dealing with members charged with, or under investigation for, a criminal offence**

This process sets out the procedure that the SACA will follow in the event that it becomes aware that a member has been charged with, or is being investigated for, a relevant criminal offence.

#### **9.1.1 Guiding Principle**

The paramount consideration is the rights, interests and wellbeing of children and their protection from harm.

#### **Procedure**

##### **9.1.2 Risk Assessment**

In the event that the SACA becomes aware that a member has been charged with, or is being investigated for, a relevant criminal offence, the managing authority of the SACA or senior appointed officers shall make a risk assessment of the risk of harm to children and consider taking protective action.

The risk assessment will:

- Be conducted in accordance with the guidelines and principles set out under Standard 5 of the Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children;
- Recognise that an investigation or charge does not mean that the person is guilty and that the matter needs to be resolved through proper legal avenues;
- Consider all matters on an individual basis and include an assessment of all relevant circumstances;
- Provide the member an opportunity to make submissions on whether he or she had been charged with an offence warranting some action, and what action should be taken;
- Be made in accordance with the principles of natural justice and procedural fairness. Assessment procedures will be transparent, documented and consistently applied;
- Not compromise any police investigations or evidence.

##### **9.1.3 Outcome**

- Where the outcome of the risk assessment is that protective action is necessary, the SACA may:
- Control or supervise contact between the member and children
- Prevent contact between the member and children
- Remove the member from duties until the outcome of the investigation or charge is known;
- Take any other action that is necessary and reasonable in the circumstances.

## **10. Voluntary removal of member pending outcome of charge or investigation**

Where the risk assessment determines that protective action is necessary against a member to safeguard and protect children, The SACA will give the member the opportunity to voluntarily remove him or herself from activities until the outcome of the charge or investigation is known.

## **11. Resolution to suspend or remove member**

In the event that the member will not voluntarily remove him or herself from activities until the outcome of the charge or investigation is known, the SACA will put forward a resolution to the committee to suspend or temporarily remove the member.

The outcome of the resolution will be recorded in the committee's minutes and then implemented.

The outcome recorded in the committee minutes will not contain unnecessary information relating to the investigation or charge or identify (directly or indirectly) any junior members.

## 12. Glossary

- Relevant criminal offence:** means an offence that indicates a prima-facie risk of harm or that potentially indicates unsuitability to work with children.
- Natural justice:** means observing the following principles:
- people are entitled to be informed of allegations made against them
  - all persons affected by a decision should be given the relevant information to enable an informed submission to be made to the decision-maker or person subsequently reviewing a decision
  - during the review of a decision, all persons affected by a decision should have an opportunity to put their case, relevant arguments should be heard, and relevant information should be accessible to all parties decision-makers act fairly and impartially.

**Offence that indicates a prima-facie risk of harm:** has the same meaning as described under Standard 5 of the Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children.

**Offence that potentially indicates unsuitability to work with children:** has the same meaning as described under Standard 5 of the Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children.

**Member:** means a member of the SACA

**Risk assessment:** in the context of child protection 'refers to a process of evaluating the information received to reach a decision about the risk of harm a person may pose to children'. **(Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children)**

[http://www.recsport.sa.gov.au/trainingsupport/documents/cpse\\_Standards\\_for\\_dealing\\_with\\_information.pdf](http://www.recsport.sa.gov.au/trainingsupport/documents/cpse_Standards_for_dealing_with_information.pdf)

## ATTACHMENT B4a – THE SACA CRIMINAL HISTORY ASSESSEMENT FORM

<b>Name of person</b>	
<b>Description of position that the person occupies or will occupy</b>	
<p><b>The person provided, or consented to providing, acceptable evidence relating to their criminal history</b></p> <p><i>(For example, an original or certificate copy report of his/her police certificate, a letter of clearance or an interstate working with children clearance.)</i></p> <p><b>See Standards 1 – 4</b></p>	<p>Yes <i>Record type of evidence accepted (e.g. police certificate, letter of clearance, interstate clearance)</i></p> <p>No <i>A person who does not provide evidence, or consent to evidence being obtained, is precluded from engagement to work with children in a prescribed position.</i></p>
<b>Date evidence requested</b>	
<b>Date evidence received</b>	
<b>The police certificate or other evidence disclosed no convictions</b>	
<b>The police certificate or other evidence disclosed a conviction requiring further assessment</b>	
<p><b>The police certificate or other evidence disclosed convictions that indicate a prima-facie risk of harm</b></p> <p><b>See Standard 5</b></p>	<i>Ensure there is evidence on file regarding the further assessment that was undertaken and the result of the assessment.</i>
<p><b>The police certificate or other evidence disclosed convictions that potentially indicate a unsuitability to undertake prescribed functions</b></p> <p><b>See Standard 5</b></p>	<i>Ensure there is evidence on file regarding the further assessment that was undertaken and the result of the assessment.</i>

**Name of Assessor (s):** \_\_\_\_\_

**Position/Title:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**ATTACHMENT B4b – THE SACA CRIMINAL HISTORY ASSESSEMENT  
REGISTRER**

<b>Name</b>	<b>Position</b>	<b>Police Certificate Reference Number (or other acceptable evidence)</b>	<b>Date of certificate or other evidence*</b>	<b>Date for renewal**</b>

\* This date refers to the day that the police certificate or other evidence was received and not the day the assessment was completed.

\*\* The date of renewal is a maximum of three years from the day the police certificate or other evidence was issued.



## PART C – PROCEDURES

To ensure due process, consistency and that the principles of natural justice are followed in all aspects of handling or conducting complaints, allegations, investigations, tribunals and disciplinary measures, the ACA or relevant state association will follow and implement the following procedures:

### ATTACHMENT C1 – COMPLAINTS PROCEDURE

A complaint can be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this policy. Complaints may be about individual or group behaviour; they may be extremely serious or relatively minor; they may be about a single incident or a series of incidents; and the person about who the allegation is made may admit to the allegations or emphatically deny them.

Note however that a person who disagrees with a selection decision or a disciplinary decision must use the specific appeal mechanisms for those types of decisions. They cannot be “appealed” using the member protection policy.

Given all of the variables that can arise, the ACA provides a step-by-step complaint procedure that people may use/enter at any stage. Individuals and organisations to which this policy applies may also pursue their complaint externally under anti-discrimination, child-protection or other relevant legislation.

If at any point in the complaint process the Member Protection Information Officer (MPIO) considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter will be referred to the tribunal for appropriate action. 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.

#### Step 1

As a first step you (the complainant) should try to sort out the problem with the person or people involved if you feel able to do so.

#### Step 2

If:

- the first step is not possible/reasonable; or
- you are not sure how to handle the problem by yourself; or
- you just want to talk confidentially about the problem with someone and get some more information about what you can do; or
- the problem continues after you tried to approach the person or people involved; then talk with a Member Protection Information Officer. The ACA can refer you to an appropriate MPIO at your request. (Each State Association should also have a trained MPIO).

The MPIO will:

- take notes about your complaint with your permission (which the MPIO will keep in a secure and confidential place);
- try to sort 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;
- explain how our complaints procedure works;
- act as a support person if you both agree;
- refer you to an appropriate person to help you resolve the problem, if necessary;
- inform the relevant government authorities and/or police if required by law to do so; and
- maintain strict confidentiality.

#### Step 3

After talking with the MPIO, 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 an MPIO); or
- to seek an informal mediated resolution with the help of a third person (such as a mediator or Executive).

If you wish to remain anonymous, the ACA can't assist you to resolve your complaint. We have to follow the principles of natural justice and be fair to both sides. This means that the MPIO or you may be required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond to all the allegations.

#### **Step 4**

If your complaint is not resolved to your satisfaction, you may:

- make a formal complaint in writing to the MPIO; or
- approach a relevant external agency such as an equal opportunity commission, for advice.

#### **Step 5**

If you decide to make a formal complaint in writing under Step 4, the MPIO will refer the matter to the ACA Complaint Manager or relevant state association, who will on receiving the formal complaint and based on the material you have provided, decide whether:

- the matter meets the criteria for a member protection complaint, and does not constitute an instance of double jeopardy;
- they are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure. Some complaints may be of a minor and/or purely personal nature with no connection to the activities of the ACA. In these cases, the Hearings Convenor may determine that the complaint does not warrant a formal resolution procedure;
- to appoint a person to investigate the complaint;
- to refer the complaint to an informal or formal mediation session;
- 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 administrative or other arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the following will be taken into account:

- whether they have had any personal involvement in the circumstances giving rise to the complaint and, if so, whether their ability to impartially manage the complaint is compromised or may appear to be compromised;
- whether, due to the nature of the complaint, specific expertise or experience may be required to manage the complaint;
- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- whether, due to the nature of the complaint, the relationship between you and the respondent and any other relevant factors, the complaint should be referred (or should not be referred) to informal or formal mediation or to a hearings tribunal. Relevant factors may include an actual or perceived power imbalance between you and the respondent, the nature of any ongoing working relationship between you and the respondent, and the personal attributes of you and the respondent (for example, if one party does not speak English fluently, some of the possible complaints resolution mechanisms may not be appropriate);

- the nature and sensitivity of any information or other material that must be provided by you, the respondent, and any of the other people involved in the complaint;
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the likelihood and the consequences (if the complaint is ultimately proven) that you will be subject to further unacceptable behaviour while the complaint process set out in these Procedures is being conducted.

The person handling your complaint will, to the extent that these steps are necessary:

- get full information from you (the complainant) about your complaint and how you want it resolved (if this information has not already been obtained through earlier steps);
- 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 whether 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 Attachment C6, appointing a person to investigate the complaint, referring the complaint to an informal or a formal mediation session or a hearings tribunal and/or referring the complaint to the police or other appropriate authority.

## Step 6

If:

- a person is appointed to investigate the complaint under **Step 5**, the investigator will conduct the investigation and provide a written report to *the* hearings tribunal who will determine what, if any, further action to take. This action may include a direction to the investigator to make further enquiries and obtain additional information, disciplinary action in accordance with Attachment C6, and referring the complaint to an informal or a formal mediation session, a hearings tribunal and/or the police or other appropriate authority;
- the complaint is referred to an informal or a formal mediation session under **Step 5**, the mediation session will be conducted in accordance with Attachment C2 or as otherwise agreed by you and the respondent;
- the complaint is referred to a hearings tribunal under **Step 5**, the hearing will be conducted in accordance with Attachment C5;
- the complaint is referred to the police or other appropriate authority under **Step 5**, the ACA or relevant state association will use its best endeavours to provide all reasonable assistance lawfully required by the police or other appropriate authority; and
- interim administrative or other arrangements are implemented under **Step 5**, the ACA or relevant state association will periodically review these arrangements to ensure that they are effective.

Any costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or hearings tribunal) are to be met by the ACA or the relevant State Association. Each party to the process shall bear their own costs in relation to the hearing.

## Step 7

If, under **Step 6**, an informal or formal mediation session is conducted, and you and the respondent(s) cannot reach a mutually acceptable mediated solution to the complaint, you may request that the MPIO request that the Complaint Manager reconsider the complaint in accordance with **Step 5**.

You or the respondent(s) may be entitled to appeal where:

- under **Step 5**, a decision was made:
  - not to take any action; or
  - to take disciplinary action; or
- under **Step 6**, a decision was made by a hearings tribunal:
  - not to take any action; or

- to take disciplinary action.

The grounds for appeal and the process for appeals under this Policy are set out in Attachment C5.

If the internal complaints processes set out in this Policy do not achieve a satisfactory resolution/outcome for you, or if you believe it would be impossible to get an impartial resolution within the ACA or relevant state association you may choose to approach an external agency such as an equal opportunity commission to assist with a resolution.

### **Step 8**

The person handling your complaint will document the complaint, the process followed 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 procedure**

There may be a range of external options available to you 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 equal opportunity commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be a type of harassment that comes within its jurisdiction, you may then make a decision as to whether or not to lodge a formal complaint with the commission.

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

An anti-discrimination commission can decline to investigate a complaint, or dismiss a complaint at any point in the investigation, conciliation or public hearing stages.

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

## ATTACHMENT C2 – MEDIATION

Mediation is a process by which people who are in conflict can be helped to communicate with each other about what is important for them and how to make decisions about resolving their dispute. Mediators provide a supportive atmosphere and method of talking to one another, to assist in sorting out the issues, coming up with acceptable solutions and making mutually satisfactory agreements.

This attachment outlines the general procedure of mediation that will be followed by the ACAS or relevant state association.

- 1 The people involved in a formal complaint (complainant and respondent(s)) may work out their own resolution of the complaint or seek the assistance of a neutral third person or a mediator. Mediation may occur either before or after an investigation of the complaint.
- 2 Mediation (getting those involved to come to a joint agreement about how the complaint should be resolved) will only be recommended:
  - 2.1 After the complainant and respondent have had their chance to tell their version of events to the MPIO on their own; and
  - 2.2 MPIO does not believe that any of the allegations warrant any form of disciplinary action - proven serious allegations will not be mediated, no matter what the complainant desires; and
  - 2.3 Mediation looks like it will work (i.e. the versions given by the complainant and respondent tally or almost tally and/or at the very least, it looks as though it will be possible for each party to understand the other party's point of view).
- 3 Mediation will **not** be recommended if:
  - 3.1 The respondent has a completely different version of the events and they won't deviate from these;
  - 3.2 The complainant or respondent are unwilling to attempt mediation; or
  - 3.3 Due to the nature of the complaint, the relationship between you and the respondent(s) and any other relevant factors, the complaint is not suitable for mediation.
- 4 If mediation is chosen to try and resolve the complaint, the MPIO will advise the ACA or relevant state association and that association will, in consultation with the complainant and the respondent(s), arrange for a mediator to mediate the complaint.
- 5 The ACA or relevant state body will notify the respondent(s) that a formal complaint has been made, provide them with details of the complaint and notify them the ACA or relevant state association has decided to refer the matter to mediation to resolve the complaint.
- 6 The mediator's role is to assist the complainant and respondent(s) reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and respondent(s), will choose the procedures to be followed during the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.
- 7 The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
- 8 At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached between the complainant and respondent(s) and it will be signed by them as their agreement.
- 9 If the formal complaint is not resolved by mediation, the complainant may:
  - 9.1 Write to the President of the Association to request that the President reconsider the complaint in accordance with **Step 5**; or
  - 9.2 Approach an external agency such as an anti-discrimination commission.

## ATTACHMENT C3 – INVESTIGATION PROCESS

If an investigation needs to be conducted the following steps are to be followed:

- 1 A written brief will be provided to the investigator to ensure the terms of engagement and scope of the investigator's role and responsibilities are clear.
- 2 The complainant will be interviewed and the complaint documented in writing.
- 3 The details of the complaint will be conveyed to the person/people complained about (respondent(s)) in full. The respondent(s) must be given sufficient information to enable them to properly respond to the complaint.
- 4 The respondent(s) will be interviewed and given the opportunity to respond. The respondent(s) response to the complaint will be documented in writing.
- 5 If there is a dispute over the facts, then statements from witnesses and other relevant evidence will be obtained to assist in a determination.
- 6 The investigator will make a finding as to whether the complaint is:
  - 6.1 substantiated (there is sufficient evidence to support the complaint);
  - 6.2 inconclusive (there is insufficient evidence either way);
  - 6.3 unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
  - 6.4 mischievous, vexatious or knowingly untrue.
- 7 A report documenting the complaint, investigation process, evidence, finding and, if requested, recommendations, will be given to the hearings tribunal.
- 8 A report documenting the complaint and summarising the investigation process and key points that were found to be substantiated, inconclusive, unsubstantiated and/or mischievous will be provided to the complainant and the respondent(s).
- 9 Both the complainant and the respondent(s) are entitled to support throughout this process from their chosen support person/adviser (e.g. MPIO or other person).
- 10 The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation. Information on our appeals process is in Attachment C5.

More detailed information on conducting internal investigations can be found at –

[http://www.ausport.gov.au/supporting/integrity\\_in\\_sport/resources](http://www.ausport.gov.au/supporting/integrity_in_sport/resources)

## **ATTACHMENT C4 – INVESTIGATION PROCEDURE –CHILD ABUSE**

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. It is not the responsibility of anyone working in the ACA or its member associations in a paid or unpaid capacity to decide whether or not child abuse has taken place. However, there is a responsibility to act on any concerns by reporting these to the appropriate authorities. The following outlines the key steps to follow. More information can be obtained from State or Territory government agencies.

### **Step 1 – Initial Receipt of an Allegation**

If a child or young person discloses an allegation involving harm or abuse to them or another child, then it is crucial that you:

- Stay calm;
- Listen, be supportive and do not challenge or undermine what the child says;
- Reassure the child that what has occurred is not the fault of the child;
- Be honest with the child and explain that other people may need to be told in order to stop what is happening;
- Ensure you are clear about what the child has said but do not elicit detailed information, ask leading questions or offer an opinion;
- Act promptly to accurately record the discussion in writing;
- Do not discuss the details with any person other than those detailed in these procedures; and
- Do not contact the alleged offender.

### **Step 2 – Report allegations**

Immediately report any allegation or disclosure of child abuse or situation involving a child at risk of harm, to the police and/or government child protection agency. You may need to report to both.

Contact the relevant child protection agency or police for advice if there is any doubt about whether the complaint should be reported (for example, the allegation may relate to poor/inappropriate practice).

If the child's parent/s is suspected of committing the abuse, you should report the allegation to the relevant government agency.

If the allegation involves anyone to whom our policy applies, then also report the allegation to the ACA so that they can manage the situation (e.g. contact the parents following advice from the authorities, deal with any media enquiries and manage steps 3 and 4).

### **Step 3 – Protect the child and manage the situation**

The will assess the risks and take interim action to ensure the child's/children's safety. Actions the ACA may implement includes redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined. [Please be aware it is not the MPIO's role to undertake action such as redeploying someone and seek legal advice if person is in a paid employment].

The ACA will consider the kind of support that the child/ren and parents may need (e.g. counselling, helplines, support groups).

The ACA will address the support needs of the alleged offender.

The ACA will also put in place measures to protect the child and the person against whom the complaint is made from victimisation and gossip. If the person is stood down, it should be made clear to any persons aware of the incident that this does not mean the respondent is guilty and a proper investigation will be undertaken.

### **Step 4 – Internal action**

Where there is an allegation made against a person to whom this policy applies, there may be three types of investigations:

- Criminal (conducted by police)
- Child protection (conducted by child protection authority)
- Disciplinary or misconduct (conducted by [NSO])

Irrespective of the findings of the child protection and/or police inquiries, the ACA will assess the allegation to decide whether the person should be reinstated, banned, have their employment or position terminated or any other action.

The decision-maker(s) will consider all the information, including the findings of the police, government agency and/or court, and determine a finding, recommend action and explain its rationale for the action. This may be a difficult decision particularly where there is insufficient evidence to uphold any action by the police.

If disciplinary action is to be taken, the procedures outlined in the policy will be followed.

If disciplinary action is taken, the ACA will advise and provide a report to the relevant government authority should this be required (e.g. the NSW Commission for Children and Young People requires notification of relevant employment proceedings).



## ATTACHMENT C5 – HEARINGS AND APPEALS TRIBUNAL PROCEDURE

The following Tribunal Hearing Procedure will be followed by hearings tribunals established by the ACA or relevant state association.

### 1 Tribunal Formation and Notification

Where the Hearings Convenor determines that a formal complaint should be referred to a Hearings Tribunal, the Hearings Convenor shall make arrangements to appoint the members of the Hearings Tribunal. The Tribunal Panel shall comprise:

- 1.1 a barrister or solicitor (or if unavailable a person with considerable experience in the legal aspects of a disciplinary/hearings tribunal) who shall be the Chairperson;
- 1.2 a person with a thorough knowledge of the sport;
- 1.3 one other person with appropriate experience and skills.

2 The Complaint Manager will organise for a Tribunal to be convened by notifying Tribunal Panel members that they are required to hear a complaint. The Tribunal Panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the MPIO 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 to respond to the complaint.

4 The number of Tribunal Panel members required to be present throughout the Tribunal Hearing Process will be three.

4.1 The Tribunal Panel will not include any person who has any actual or perceived conflict of interest, preconceived opinions, vested interests or personal involvement relating to the complaint.

4.2 The Tribunal Panel will comprise at least one person who has knowledge, and preferably experience, of any relevant laws relating to the complaint (e.g. anti-harassment).

4.3 If a member of the Tribunal Panel cannot continue once the Tribunal Hearing has commenced, and the minimum number required for the Tribunal Hearing is still maintained, the discontinuing member will not be replaced.

4.4 If the specific or minimum number is not maintained, the discontinuing member may be replaced if it is considered appropriate by the Tribunal Chairperson. Factors to consider should include the circumstances of the complaint and the ability of the new Tribunal Panel member to be reasonably and impartially informed of the hearing evidence up until the time of their appointment. If the Tribunal Chairperson believes it is not appropriate for a new Tribunal Panel member to be appointed then the Tribunal will be rescheduled to a later date. The Tribunal Chairperson will inform the Complaint Manager of the need to reschedule, and the Complaint Manager will organise for the Tribunal Hearing, with a new Tribunal Panel to be reconvened.

4.5 A Tribunal Hearing may be conducted via audio or video conference, rather than by meeting in person.

5 The Complaint Manager will inform the respondent(s) by written notification that a tribunal hearing will take place. The written notification will outline:

- 5.1 That wherever possible the person will be given an opportunity to appear at the tribunal hearing to defend the complaint/allegation;
- 5.2 Details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately);
- 5.3 The date, time and venue of the tribunal hearing;
- 5.4 That they can make either verbal or written submissions to the Tribunal;
- 5.5 That they may arrange for witnesses to attend the Tribunal in support of their position;

- 5.6 An outline of any possible penalties that may be imposed if the complaint is found to be true; and
- 5.7 That legal representation will not be allowed.
- 5.8 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 ACA or relevant state association activities and events, pending the decision of the Tribunal, including any available appeal process, unless the MPIO believes it is warranted to exclude the respondent(s) from all or some of the Association's activities and events, after considering the nature of the complaint.

- 6 The Complaint Manager will inform the person making the complaint (complainant) by written notification that a tribunal hearing will take place. The written notification will outline:
  - 6.1 That wherever possible the person will be given an opportunity to appear at the tribunal hearing to support their complaint;
  - 6.2 Details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately);
  - 6.3 The date, time and venue of the tribunal hearing;
  - 6.4 That they can make either verbal or written submissions to the Tribunal;
  - 6.5 That they may arrange for witnesses to attend the Tribunal in support of their position; and
  - 6.6 That legal representation will not be allowed.
  - 6.7 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.
  - 6.8 Each party to the hearing shall bear their own costs in relation to the hearing.
  - 6.9 No party to the hearing may be represented by barrister or solicitor. However, the Chairperson of the Hearings Tribunal may grant leave for a party to the hearing to be represented by a barrister or solicitor where their livelihood or proprietary is at risk. A party may be represented by an advocate who is not a barrister or solicitor at the hearing.
- 7 If the complainant believes the details of the complaint are incorrect or insufficient they should inform the MPIO as soon as possible so that the respondent and the Tribunal Panel members can be properly informed of the complaint.

## 8 **Tribunal Hearing Procedure**

The following people will be allowed to attend the Tribunal Hearing:

- 8.1 The Tribunal Panel members;
- 8.2 The respondent(s);
- 8.3 The complainant;
- 8.4 Any witnesses called by the respondent;
- 8.5 Any witnesses called by the complainant;
- 8.6 Any parent / guardian or support person required to support the respondent or the complainant.
- 9 The Tribunal Chairperson will call the hearing to order at the designated time and determine if the respondent(s) is present.
- 10 If the respondent(s) is not present 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 carried out correctly.
- 11 If the Tribunal Chairperson considers that a valid reason for the non-attendance of the respondent(s) is presented, or the Tribunal Chairperson does not believe the Tribunal notification requirements have been carried out correctly, then the Tribunal Hearing will be rescheduled to a later date.

- 12 The Tribunal Chairperson will inform the organiser of the Tribunal of the need to reschedule, and that person will through the relevant national or state association, organise for the Tribunal Hearing to be reconvened.
- 13 The Tribunal Chairperson will read out the complaint that is to be judged, ask the respondent(s) if they understand the complaint being made against them, and if they agree or disagree with the complaint.
- 14 If the person agrees with the complaint, they will be asked to provide any evidence or witnesses that should be considered by the Tribunal Panel when determining any disciplinary measures.
- 15 If the person disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
  - 15.1 Brief notes may be referred to.
  - 15.2 The complainant will be allowed to call witnesses.
  - 15.3 The respondent(s) may be allowed to question the complainant and their witnesses.
- 16 The respondent(s) will then be asked to respond to the complaint.
  - 16.1 Brief notes may be referred to.
  - 16.2 The respondent will be allowed to call witnesses.
  - 16.3 The complainant may be allowed to ask questions of the respondent and their witnesses.
- 17 Both the complainant and respondent will be allowed to be present when evidence is presented to the Tribunal. Witnesses may be asked to wait outside the Tribunal Hearing until required.
- 18 The Tribunal will be allowed to:
  - 18.1 consider any evidence, and in any form, that it deems relevant.
  - 18.2 question any person giving evidence
  - 18.3 limit the number of witnesses presented if it is agreed by all parties that they will support the person who requested them, but will not provide any new evidence.
- 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 that there is any unreasonable or intimidatory behaviour from anyone allowed to be present, the Tribunal Chairperson shall have the power to stop any further involvement of the person in the Tribunal Hearing.
- 21 After all of the evidence has been presented the Tribunal Panel will make its decision in private. If the Tribunal believes the complaint has been substantiated on the balance of probabilities (i.e. more probable than not), the respondent will then be given an opportunity to address the Tribunal Panel and make a submission on any disciplinary measures that may be imposed. Only those disciplinary measures outlined in the ACA's Constitution/Member Protection Policy will be considered. Any disciplinary measure imposed must be reasonable in the circumstances.
- 22 All decisions made by the Tribunal will be based on a 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.
- 24 Within 48 hours, the Tribunal Chairperson will:
  - 24.1 Forward to the Complaint Manager and the complainant a copy of the tribunal decision including any disciplinary measures imposed.

- 24.2 Forward a letter to the respondent(s) reconfirming the Tribunal's decision and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an appeal to be made.

## 25 Appeals Procedure

Any party to a hearing held under **Step 7** (including an organisation) may appeal a decision of a Hearing Tribunal on the grounds that natural justice has not been provided.

25.1 Where a complaint is rejected under Step 5 by the Hearings Convenor of the ACA or of a member association, on the grounds that it does not meet the criteria for a member protection complaint, or that it does not warrant a formal resolution procedure, the complainant may within 72 hours notify in writing their intention to lodge a formal written appeal to the ACA.

25.2 The grounds for an appeal under clause 25A must be submitted to the ACA in writing within one week of lodging the notification of intention to appeal. The grounds are limited to the following:

- (i) if the Hearings Convenor had determined that the complaint does not meet the criteria for a member protection complaint, the grounds for appeal are limited to proving that the complaint does in fact meet one or more of those criteria;
- (ii) if the Hearings Convenor had determined that the complaint does not warrant a formal resolution procedure, the grounds for appeal are limited to proving that the complaint is of such a serious nature that it should be heard by a Hearings Tribunal.

25.3 An appeal under clause 25A shall be heard by an ACA Hearings Tribunal which shall be constituted of a single member, being a barrister or solicitor (or if unavailable a person with considerable experience in the legal aspects of a disciplinary/hearings tribunal).

25.4 The decision of the Tribunal in relation to an appeal under clause 25A shall be final and no further avenue of appeal shall be available. The provisions of clauses 28 to 33 inclusive apply insofar as they are relevant to an appeal under clause 25A and insofar as they are not inconsistent with clauses 25A-25D.

26 An appeal shall be made to the following Appeal Body:

26.1 an appeal against a decision of a Hearing Tribunal established by a Member State shall be made to the Hearing Tribunal of the ACA, provided the complainant and the Member State agree or to the appeal division of the Court of Arbitration for Sport (Oceania Registry) ("CAS"), (referred to as the "Appeal Body");

26.2 an appeal against a decision of a Hearing Tribunal established by the ACA, shall be made to the appeal division of the Court of Arbitration for Sport (Oceania Registry) ("CAS"),(referred to as the "Appeal Body").

27 There is only one right of appeal following the decision of the initial Hearing Tribunal. Any appeal must be solely and exclusively resolved by the Appeal Body and the decision of such Appeal Body is final and binding on the parties. It is agreed that no party to such appeal may institute or maintain proceedings in any court or tribunal other than the relevant Appeal Body.

Note: This provision does not prevent any person or organisation taking action under State, Territory or Federal Legislation.

28. The process for such appeal is as follows:

28.1 the party wishing to appeal ("the Appellant") shall within 72 hours of the Hearings Tribunal delivering its decision:

- (i) in the case of an appeal from a Member State, advise in writing, the Hearings Convenor of the ACA of their intention to appeal; or
- (ii) in the case of an appeal to CAS from a decision of a Hearings Tribunal established by the ACA, complete and file an application to appeal with CAS in accordance with the Code of Sports Related Arbitration; and ("Notice of Intention to Appeal");

- 28.2 for an appeal to the ACA, as soon as possible after receipt of the Notice of Intention to Appeal, the Hearings Convenor of the ACA shall appoint a Hearings Tribunal to hear and determine the appeal, which shall comprise of persons in accordance with clause C5 point 1 and
- 28.3 within 5 days of lodging the Notice of Intention to Appeal, (or such shorter time as determined by the Appeal Body if there is urgency) the Appellant shall:
- (i) pay the appeal fee to the Hearings Convenor of the ACA, which shall be \$550 (including GST) which is non-refundable, or in the case of an appeal to CAS, the fee as per the Code of Sports-Related Arbitration applicable to CAS; and
  - (ii) submit to the Hearings Convenor of the ACA or CAS (as the case may be), four written copies of the grounds of appeal. The Hearings Convenor of the ACA shall provide a copy of the grounds of appeal to the other party, to the Hearings Convenor of the organisation which established the Hearings Tribunal who made the decision which is the subject of the appeal and the Chairperson of the Appeal Body. If either of the requirements in this subclause is not met by the due time the appeal shall be deemed to be withdrawn;
- 28.4 on completion of the procedures in (a) to (c), the Hearings Convenor of the ACA or the Chairperson of CAS (as the case may be) shall determine a place, time and date for the hearing of the appeal and as soon as possible thereafter notify all parties to the appeal in writing of such details; and (e) the procedure for the appeal shall be the same as the procedure for the Hearings Tribunal set out in C5 except where the Appeal Body is CAS, in which case the Code of Sports-Related Arbitration shall apply.
29. The Appeal Body may reject an appeal on the basis that the grounds of appeal are not satisfied.
30. Upon hearing the appeal, the Appeal Body may do any one or more of the following:
- 30.1 dismiss the appeal;
  - 30.2 uphold the appeal;
  - 30.3 impose any of the penalties set out in C6;
  - 30.4 reduce, increase or otherwise vary any penalty imposed by the initial Hearings Tribunal.
31. If the penalty imposed by the Appeal Body affects other organisations required to comply with this Policy, the Hearings Convenor of the ACA shall as soon as possible notify in writing the relevant organisation of the penalty. Every organisation to which this Policy applies shall recognise and enforce any decision and penalty imposed by an Appeal Body under this Policy.
32. The Appeal Body has no power to award costs and each party shall bear their own costs in relation to any appeal.
33. To the extent of any inconsistency between the hearing appeal procedure set out in the ACA Constitution or the Constitution of Member States and the hearing appeal procedure set out in this Policy, this Policy shall prevail in relation to all Complaints under this Policy

## ATTACHMENT C6 – DISCIPLINARY MEASURES

Any disciplinary measure imposed by hearings tribunal under this policy must:

- Observe any contractual and employment rules and requirements;
- Conform to the principles of natural justice;
- Be fair and reasonable;
- Be based on the evidence and information presented;
- Be within the powers of the hearings tribunal to impose the disciplinary measure.

### 1 Individual

Subject to contractual and employment requirements, if a finding is made that an individual has breached the ACA's Member Protection Policy (including the Codes of Conduct), one or more of the following forms of discipline may be imposed by the hearings tribunal:

- 1.1 A direction that the individual make a verbal and/or written apology;
- 1.2 A written warning;
- 1.3 A direction that the individual attend counselling to address their behaviour;
- 1.4 A withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by the ACA;
- 1.5 A demotion or transfer of the individual to another location, role or activity;
- 1.6 A suspension of the individual's membership or participation or engagement in a role or activity;
- 1.7 Termination of the individual's membership, appointment or engagement;
- 1.8 Recommend that the ACA terminate the individual's membership, appointment or engagement;
- 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;
- 1.10 Any other form of discipline that is considered appropriate.

When imposing any form of discipline, it will be accompanied by a warning that a similar breach of policy by that individual in the future may result in the imposition of a more serious form of discipline.

### 2 Organisations

If a finding is made that the ACA's member or affiliated organisation has breached the ACA Member Protection Policy (including the Codes of Conduct), one or more of the following forms of discipline may be imposed by hearings tribunal:

- 2.1 A written warning;
- 2.2 A monetary fine;
- 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;
- 2.4 A direction that any funding granted or given to it by the national body cease from a specified date;
- 2.5 A direction that the national body cease to sanction events held by or under the auspices of that organisation;
- 2.6 A recommendation to the national body that its membership of the association be suspended or terminated in accordance with the relevant constitution or rules; and/or
- 2.7 Any other form of discipline that the national body or peak organisation considers appropriate.

When imposing any form of discipline, it will be accompanied by a warning that a similar breach of policy by the organisation in the future may result in more serious form of discipline.

### 3 Factors to consider when imposing discipline

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

- 3.1 Nature and seriousness of the behaviour or incidents;
- 3.2 In a case where action is taken concurrently with or in lieu of a resolution of a formal complaint, the wishes of the complainant;
- 3.3 If the individual concerned knew or should have known that the behaviour was a breach of the policy;
- 3.4 Level of contrition of the respondent(s);
- 3.5 The effect of the proposed disciplinary measures on the respondent(s) including any personal, professional or financial consequences;
- 3.6 If there have been relevant prior warnings or disciplinary action; and/or
- 3.7 If there are any mitigating circumstances such that the respondent(s) should not be disciplined at all or not disciplined so seriously.

## **PART D – ROLE SPECIFIC CODES OF CONDUCT**

As a member association or an affiliated club or a person required to comply with the Member Protection Policy you must meet the following requirements in regard to your conduct during any activity held or sanctioned by the ACA, a member association or an affiliated club, and in any role you hold within the ACA, a member association, or an affiliated club:

- 1 Respect the rights, dignity and worth of others.
- 2 Be fair, considerate and honest in all dealing with others.
- 3 Be professional in, and accept responsibility for, your actions.
- 4 Make a commitment to providing quality service.
- 5 Be aware of, and maintain an uncompromising adherence to, croquet's standards, rules, regulations and policies.
- 6 Operate within the rules of the ACA including national and international guidelines which govern the ACA, the member associations and the affiliated clubs.
- 7 Do not use your involvement with the ACA, a member association or an affiliated club to promote your own beliefs, behaviours or practices where these are inconsistent with those of the ACA, a member association or an affiliated club.
- 8 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.
- 9 Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.
- 10 Refrain from any form of harassment of others.
- 11 Refrain from any behaviour that may bring the ACA, a member association or an affiliated club into disrepute.
- 12 Provide a safe environment for the conduct of the activity.
- 13 Show concern and caution towards others who may be sick or injured.
- 14 Be a positive role model.
- 15 Understand the repercussions if you breach, or are aware of any breaches of, this code of behaviour.



## ATTACHMENT D1 – COACH CODE OF CONDUCT

In addition to the ACA's General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by the ACA a member association or an affiliated club and in your role as a coach appointed by the ASA a member association or an affiliated club:

- 1 Do not tolerate acts of aggression.
- 2 Provide feedback to players and other participants in a manner sensitive to their needs. Avoid overly negative feedback.
- 3 Recognise players' rights to consult with other coaches and advisers. Cooperate fully with other specialists (for example, sports scientists, doctors and physiotherapists).
- 4 Treat all players 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 conditions.
- 5 Encourage and facilitate players' independence and responsibility for their own behaviour, performance, decisions and actions.
- 6 Involve the players in decisions that affect them.
- 7 Encourage players to respect one another and to expect respect for their worth as individuals regardless of their level of play.
- 8 Ensure that the tasks and/or training set are suitable for age, experience, ability, and physical and psychological conditions of the players.
- 9 Ensure any physical contact with players is appropriate to the situation and necessary for the player's skill development.
- 10 Be acutely aware of the power that you as a coach develop with your players in the coaching relationship and avoid any sexual intimacy with players that could develop as a result.
- 11 Avoid situations with your players that could be construed as compromising.
- 12 Actively discourage the use of performance enhancing drugs, and the use of alcohol, tobacco and illegal substances.
- 13 Do not exploit any coaching relationship to further personal, political or business interests at the expense of the best interest of your players.
- 14 Accept and respect the role of officials in ensuring that competitions are conducted fairly and according to established rules.
- 15 Know and abide by rules, regulations and standards, and encourage players to do likewise. Accept both the letter and the spirit of the rules.
- 16 Be honest and ensure that qualifications are not misrepresented.

## **ATTACHMENT D2 – OFFICIAL CODE OF CONDUCT**

In addition to the ACA's General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by the ACA, a member association or an affiliated club and in your role as an official appointed by the ACA, a member association or an affiliated club:

- 1 Place the safety and welfare of the players/participants above all else.
- 2 Accept responsibility for all actions taken.
- 3 Be impartial.
- 4 Avoid any situation which may lead to a conflict of interest.
- 5 Be courteous, respectful and open to discussion and interaction.
- 6 Value the individual in sport.

## **ATTACHMENT D3 – PLAYER/PARTICIPANT CODE OF BEHAVIOUR**

In addition to the ACA's General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by the ACA, a member association or an affiliated club and in your role as a player/participant in any activity held by or under the auspices of the ACA, a member association or an affiliated club:

- 1 Respect the rights, dignity and worth of fellow players, coaches, officials and spectators.
- 2 Do not tolerate acts of aggression.
- 3 Respect the talent, potential and development of fellow players and competitors.
- 4 Care for and respect the equipment provided to you as part of your program.
- 5 Be frank and honest with your coach concerning illness and injury and your ability to train fully within the program requirements.
- 6 At all times avoid intimate relationships with your coach.
- 7 Conduct yourself in a professional manner relating to language, temper and punctuality.
- 8 Maintain high personal behaviour standards at all times.

## **ATTACHMENT D4 – ADMINISTRATOR/VOLUNTEER CODE OF CONDUCT**

In addition to the ACA's 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 the ACA, a member association or an affiliated club and in your role as an administrator of the ACA, a member association or an affiliated club:

1. Resolve conflicts fairly and promptly through established procedures.
2. Maintain strict impartiality.
3. Be aware of your legal responsibilities

## **ATTACHMENT D5 – PARENT/GUARDIAN CODE OF CONDUCT**

As a parent/guardian of a player/participant in any activity held by or under the auspices of the ACA, a member association or an affiliated club, you must meet the following requirements in regard to your conduct during any such activity or event:

- 1 Respect the rights, dignity and worth of others.
- 2 Remember that your child participates in sport for their own enjoyment, not yours.
- 3 Focus on your child's efforts and performance rather than winning or losing.
- 4 Never ridicule or yell at your child and other children for making a mistake or losing a competition.
- 5 Show appreciation for good performance and skilful plays by all players (including opposing players).
- 6 Demonstrate a high degree of individual responsibility especially when dealing with or in the vicinity of persons under 18 years of age, as your words and actions are an example.
- 7 Respect officials' decisions and teach children to do likewise.

## **ATTACHMENT D6 – SPECTATOR CODE OF CONDUCT**


As a spectator in any activity held by or under the auspices of the ACA, a member association or an affiliated club, you must meet the following requirements in regard to your conduct during any such activity or event:

- 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 E – REPORT DOCUMENTS

### ATTACHMENT E1 – CONFIDENTIAL RECORD OF INFORMAL COMPLAINT

Name of person receiving complaint		Date:     /     /
Complainant's Name	<input type="checkbox"/> Over 18	<input type="checkbox"/> Under 18
Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other
Location/event of alleged issue		
Facts as stated by complainant		
Nature of complaint (category/basis/ grounds)  Can tick more than one box	<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 .....	
What they want to happen to fix issue		
What information provided		
What they are going to do now		

This record and any notes must be kept in a confidential and safe place – do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be sent to .

## ATTACHMENT E2 – CONFIDENTIAL RECORD OF FORMAL COMPLAINT

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



If went to hearing tribunal: Decision -  Action recommended -	
If mediated: Date of mediation - Were both parties present - Terms of Agreement -  Any other action taken -	
If went to appeals tribunal: 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 is escalated to and/or dealt with at the national level, the original must be forwarded to the national body and a copy kept at the club/state/district level (whatever level the complaint was made).

## ATTACHMENT E3 – CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing, ensure the procedures outlined in attachment C4 have been followed and advice has been sought from the relevant government agency and/or police.

Complainant's Name (if other than the child)	Date:    /    /
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 3 witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:
Interim action (if any) taken (to ensure child's safety and/or to support needs of person complained about)	
Police contacted	Who: When: Advice provided:
Government agency contacted	Who: When: Advice provided:

CEO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: _____ Date    /    /
Signed by	Complainant (if not a child)

This record and any notes must be kept in a confidential and safe place and provided to the relevant authorities (police and government) should they require them.