



**MEMBER PROTECTION POLICY**  
**(Pursuant to Athletics Australia By-Laws)**

**Adopted 14 January 2013**

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## **PREFACE**

Providing a safe and enjoyable sporting and working environment is an important consideration for any sports organisation seeking to support its athletes, coaches, volunteers, officials and staff in their respective endeavours.

Athletics Australia has developed this Member Protection Policy as a part of and in support of the Athletics Australia's Constitution and By-Laws so that all who participate in athletics may do so with the knowledge of the sport's commitment to ensuring an appropriate and conducive environment is provided and that appropriate protections are available if required.

Athletics Australia encourages all involved in athletics to familiarise themselves with and work to this policy. Embracement will ensure all participants enjoy their involvement in their chosen sport.

ND (David) Grace QC  
President  
18 February 2014

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

### **1. Athletics Australia’s Vision and Purpose**

Athletics is a strong, vibrant and growing sport:

- Leading, fostering and encouraging participation in athletics in Australia and promoting excellence in performance.
- Delivering its strategies in accordance with the values of leadership, respect, integrity, inclusion, fairness, excellence, accountability, transparency and commitment.
- Providing clear direction and efficient communication, demonstrating strong leadership and governance, developing a culture of success within the athletics community.
- Deploying people and providing processes and sustainable systems as a platform for success.

### **2. Purpose of this policy**

This Member Protection Policy (hereafter referred to as “Policy”) aims to maintain ethical and informed decision-making and responsible behaviours within our sport. It outlines our commitment to a person’s right to be treated with respect and dignity and to be safe and protected from abuse. This Policy informs everyone involved in our sport of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.

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, Athletics Australia will take disciplinary or other appropriate action against any person or body bound by this policy breaching it.

This updated Policy has been passed by the Board as a By-Law of Athletics Australia. The policy takes effect from 13 January 2013 and will operate until replaced. This Policy and/or its attachments may be amended from time to time by resolution of the Board. Copies of the Policy and its attachments can be obtained from our website at <http://www.athletics.org.au> or by contacting the MPIO.

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

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

- Individuals appointed or elected to boards, commissions, committees and sub-committees;
- Employees and volunteers;
- Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers, etc);
- Coaches and assistant coaches (whether or not they are accredited)
- Athletes, coaches, officials and any other personnel participating in any teams, events and activities, including camps and training sessions, conducted or sanctioned by Athletics Australia or any of its Member Associations
- Referees, judges and other officials;
- Members, including life members;
- Member associations and each of its members, including life members;
- Affiliated clubs and associated bodies of Athletics Australia and/or its Member Associations
- Peak associations and other national and state bodies engaged in any form of athletics;
- Any other person or body that is a member of or affiliated to Athletics Australia or any of its Member Associations;
- 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 ceased their membership, association or employment with Athletics Australia, if disciplinary action against that person has commenced and may subsequently invoked should they later seek such membership, association or employment.

Any Member Association which does not have a member protection policy in broad conformity with this Policy, is required to adopt and implement this Policy in full in such a way that the terminology either when read directly or appropriately read down can be applied to the Member Association.

Any Member Association is required upon request to provide to Athletics Australia a copy of their current policy and documentation as to its approval by the relevant entity in accordance with its constitution.

Each Member Association will use reasonable endeavours to ensure that its affiliates and individual members are bound by this and the Association's policies and are made aware of its existence and contents.

Any Member Association affiliate which does not have a member protection policy in broad conformity with this Policy, is deemed to have adopted and must implement this Policy in full in such a way that the terminology either when read directly or appropriately read down can be applied to the affiliate; .

#### **4. Code Of Conduct/Behaviour**

Athletics Australia requires every individual and body bound by this policy to:

- 4.1 Be ethical, fair and honest in all their dealings with other people and Athletics Australia;
- 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 Athletics Australia's, the IAAF's, the National and International Olympic and Paralympic Committees' constitution, rules and policies including this Policy;
- 4.5 Operate within the rules and spirit of the sport;
- 4.6 Comply with all relevant Australian laws (federal and state), particularly anti-discrimination and child protection laws;
- 4.7 Be responsible and accountable for their conduct; and
- 4.8 Abide by the relevant specific Codes of Conduct referred to in Part B of this Policy.

#### **5. Responsibilities of Athletics Australia**

Athletics Australia, its Member Associations and their affiliates must:

- 5.1 Adopt, implement and comply with this Policy (and/or where applicable their own);
- 5.2 Make such amendments to their constitutional and related documents necessary for this Policy to be enforceable
- 5.3 Publish, distribute and otherwise promote this Policy and the consequences of breaches;
- 5.4 Promote and model appropriate standards of conduct/behaviour at all times;
- 5.4 Promptly deal with any breaches of, or complaints made under, this Policy in a sensitive, fair, timely and confidential manner;
- 5.5 Apply this Policy consistently;
- 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 and bodies to whom this Policy applies
- 5.8 Appoint or have access to appropriately trained people to receive and handle complaints and allegations such as Member Protection Information Officers (MPIOs) and/or the CEO; 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 Consenting to a national police check and/or State/Territory Working with Children Check (or other screening requirements) if the individual holds or applies for any position (voluntary or paid) within the sport.
- 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 Being accountable for their behaviour and understanding the possible consequences of breaching this Policy.
- 6.6 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; and
- 6.7 Complying with any decisions and/or disciplinary measures imposed under this Policy.

## 7. Policy Position Statements

### 7.1 Child Protection Policy

Every person and body bound by this Policy must always when applicable place the safety and welfare of children above all other considerations.

Athletics Australia acknowledges that because of the breadth of its operations, its child protection policy must be harmonised with applicable State and territory legislation and that this will result in the need to apply, read and interpret this Policy in accordance with such laws when conducting events of activities within the various jurisdictions.

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

- Being committed to the safety and wellbeing of all children accessing its services, events and activities
- Supporting the rights of children and endeavouring to ensure child-safe environments are provided;
- Supporting the rights of staff, members and volunteers and encouraging them to actively participate in building and maintaining secure environments for all participants;
- Prohibiting any form of abuse against children;
- Ensuring people have completed a satisfactory Working with Children Check where the relevant state/territory law requires this [*state/territory requirements are summarised in Part B of this policy*];
- Recognising the value of involving children in developing and maintaining child-safe environments;
- Carefully selecting and screening people whose role requires them to work with children. (Screening procedures are outlined in Part B of this policy);
- Developing and implementing codes of conduct that specify standards of behaviour and care when dealing and interacting with children, and appropriate behaviours between children and ensuring such codes of conduct, particularly for roles associated with under age sport, are promoted, enforced and reviewed;
- Carefully selecting and screening people over the age of 16 years who work, coach or have regular unsupervised contact with children;
- Promoting and enforcing our codes of conduct, particularly for roles associated with children;
- Responding to all reports and complaints of abuse promptly, seriously and confidentially;
- Making information about child protection available, particularly for roles associated with children;
- Developing and implementing risk management strategies and practices which include a review of existing child protection policies from time to time, so as to determine what additional strategies may be required to minimise and prevent risk of harm to children;
- Providing to those involved in the sport, education and/or information on child abuse and child protection.

Athletics Australia requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within the sport, to report it immediately to the police or relevant government agency and MPIO and/or CEO. Descriptions of the sorts of activities which may constitute 'abuse' are in the Dictionary at clause 11. To this end, Athletics Australia will endeavour to ensure that staff, members and volunteers are:

- able to identify and respond to children at risk of harm;
- aware of their responsibilities under the applicable State and Territory legislation if they have suspicion on reasonable grounds that a child has been or is being abused or neglected (See Part E)

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 D4 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.

## **7.2 Taking Images of Children**

Athletics Australia acknowledges that images of children can be used inappropriately or illegally. Athletics Australia 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. It also requires the privacy of others to be respected and disallows the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If Athletics Australia uses an image of a child it will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. Athletics Australia will only use appropriate images of a child and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc. Where such images are used for commercial or other purposes or by a third party, Athletics Australia will itself, and requires others, to obtain permission for the use of such images.

Athletics Australia requires all others bound by this Policy to act in accordance with this clause.

Athletics Australia requires all photographers seeking permission or accreditation to act as a photographer at any of its events or activities which involve the participation of children to have undertaken the relevant Working with Children check (or alternatively where such check is not available in their normal place of residence, a National Police check) and upon request to provide evidence of same. In the event that Athletics Australia or any person or body authorised by it, is not satisfied of the applicant's suitability at any time, permission or accreditation may be denied or withdrawn.

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

Athletics Australia opposes all forms of harassment, discrimination and bullying. Subject always to any rule or regulation made by the IAAF for the appropriate governance of the sport and conduct of competition, this includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers. Some forms of harassment, discrimination and bullying, based on personal characteristics such as those listed in the Dictionary at clause 11, are against the law.

If any person feels they are being harassed or discriminated against by another person or body bound by this Policy, they should refer to the complaints procedure outlined in Attachment D of this Policy. This will explain what to do about the behaviour and how Athletics Australia will deal with the problem.

#### **7.4 Sexual Relationships Policy**

Athletics Australia takes the position that intimate relationships (other than those within a married, de facto or other legally recognised relationship), whether or not of a sexual nature, between coaches and athletes, while not necessarily constituting harassment, can have harmful effects on the athlete, on other athletes and on the sport's public image. Such relationships may be perceived to be exploitative because there is usually a disparity between coaches and athletes in terms of authority, maturity, status, influence and dependence. Given there is always a risk that the relative power of the coach has been a factor in the development of such relationships, they should be avoided by coaches at all levels. In the event that an athlete attempts to initiate an intimate relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such actions.

The coach or athlete may wish to approach the MPIO or other designated person if they feel harassed. The complaints procedure is outlined in Attachment D1 of this policy.

Should such an intimate relationship develop or exist between an athlete and coach, Athletics Australia will consider whether any action is necessary. Factors that may be relevant to consider are the age and maturity of the athlete relative to the coach, the financial or emotional dependence of the athlete on the coach, and the likelihood of the relationship having any adverse impact on the athlete and/or other athletes. If it is determined that the relationship is inappropriate, action may be taken to stop the coaching relationship with the athlete.

The law is always the minimum standard for behaviour within Athletics Australia and therefore sex with a child is a criminal offence.

#### **7.5 Pregnancy Policy**

Athletics Australia is committed to providing an inclusive sporting environment for pregnant women involved in its activities. Athletics Australia expects everyone bound by this policy to treat pregnant women with dignity and respect and to remove any unreasonable barriers to participation in the sport that disadvantage them. It will not tolerate any discrimination or harassment against pregnant women.

While many sporting activities are safe for pregnant women, 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.

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.

Athletics Australia recommends that pregnant women wishing to participate in athletic competition should consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation.

Athletics Australia 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.

The provisions of the IAAF Rules and Regulations, including in particular the authority of the Medical Delegate or equivalent shall prevail over this Policy, should any conflict arise.

#### **7.6 Gender Identity Policy**

Athletics Australia expects everyone who is bound by this Policy to treat people who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. It will not tolerate any unlawful discrimination or harassment against a person who identifies as transgender or transsexual or who is thought to be transgender.



Athletics Australia recognises that the exclusion of transgender people from participation in sporting events and activities has significant implications for their health, well-being and involvement in community life. In general Athletics Australia will facilitate transgender persons participating in our sport of the sex with which they identify, always subject to any overriding effect of its own and/or the IAAF's Rules and Regulations.

Athletics Australia 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, Athletics Australia will apply the relevant Athletics Australia and/or IAAF Rules and Regulations and if appropriate seek advice on the application of those laws in the particular circumstances.

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

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

Athletics Australia recognises change of gender and, in circumstances of a change in gender, requires the individual to undertake a gender verification test as reasonably required by the IAAF and/or Athletics Australia on the advice of a medical expert.

## **7.7 Alcohol Policy**

Athletics Australia recommends that bodies bound by this Policy, particularly its Member Associations and their affiliated bodies, adhere to sound and reasonable guidelines regarding the responsible consumption of alcohol. Responsible service and consumption of alcohol should apply to any alcohol to be consumed, including light alcohol and soft drinks always being available; wherever possible, food being available to be consumed when alcohol is available; service being denied to children; responsible transport policies, and appropriate persons being in attendance to ensure appropriate practices are followed. Guidance can be obtained from the "Alcohol Management Policy" available at <http://www.playbytherules.net.au/resources/club-toolkit>

## **7.8 Smoking Policy**

Athletics Australia will implement at events and activities it directly conducts and recommends in other circumstances that, the following policies should be applied to sporting and social events:

- No smoking shall occur at or near any sporting event or competition. This policy shall apply to coaches, players, trainers, officials, volunteers and spectators;
- Social functions shall be smoke free, with smoking permitted only in designated outdoor smoking areas;

## **7.9 Cyber Bullying/Safety Policy**

Bullying and harassment in all forms is regarded by Athletics Australia as 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 an official, 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.

## 7.10 Social Networking Websites Policy

Athletics Australia 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 a few key matters that could lead to 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). The following cautions are recommended:

- The non-inclusion of personal information or that of others in social media channels;
- The avoidance of offensive, provocative or hateful language;
- Obtaining permission before posting another person's picture on a social networking forum;
- Never comment on rumours, do not deny or affirm them or speculate about rumours; and
- Always use social network forums to add value and promote the sport in a positive way.

## 7.11 Other relevant policies

Other relevant policies of Athletics Australia can be found at <http://www.athletics.org.au>. Some of the policies, which contribute to the welfare of all those involved in our activities include:

- *Privacy Policy* (refer website: <http://www.athletics.com.au/privacy>);
- *Risk Management Policy* (refer website: [http://www.athletics.com.au/inside/428/risk\\_management](http://www.athletics.com.au/inside/428/risk_management))  
and
- *Anti-doping Policy* (refer website: [http://www.athletics.com.au/inside/428/anti\\_doping\\_policy](http://www.athletics.com.au/inside/428/anti_doping_policy)).

## 8. Complaints Procedures

### 8.1 Complaints

Athletics Australia aims to provide a simple procedure for complaints based on the principles of procedural fairness (natural justice). Any person (a complainant) may report a complaint about a person/s or body (a respondent) bound by this Policy. A complaint should be reported to MPIO, another responsible person and/or CEO of Athletics Australia.

In all cases, the lowest level at which a matter can be dealt with shall always be preferred (e.g. if the club can deal with the complaint, then it should; if not, then if the Member Association can deal with the complaint, then it should). Therefore, if a complaint relates to behaviour or an incident that occurred at:

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

Only matters that relate to or occur at national level and the most serious cases from other levels should be referred to and handled by Athletics Australia.

A complaint may be dealt with formally or informally. The complainant usually decides unless MPIO and/or CEO of Athletics Australia or other authorised person, considers that the complaint falls outside this Policy and would be better dealt with another way and/or the law requires the complaint/allegation be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Complaint procedures are outlined in attachment D1 of this policy.

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

## 8.2 Improper and Vexatious Complaints and Victimisation

Athletics Australia aims to ensure its complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the MPIO and/or CEO considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious or intended to cause distress to the person complained of, the matter may be referred to the relevant entity for appropriate action which may include disciplinary action against the complainant.

Athletics Australia will also take necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures may be imposed on anyone who harasses or victimises another person for making a complaint.

## 8.3 Mediation

Athletics Australia aims to resolve complaints with the minimum of fuss wherever possible. In many cases, complaints can be resolved by agreement between the people involved with no need for disciplinary action. Mediation allows those involved to be heard and to come up with mutually agreed solutions.

The people involved in a formal complaint - the complainant and the respondent - may also seek the assistance of a neutral third person or a mediator. Lawyers are 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 resolve the complaint with the assistance of a mediator, the MPIO and/or CEO will, in consultation with the complainant, arrange for a neutral third party (mediator) to mediate the complaint. More information on the mediation process is outlined in attachment D2 of this policy.

## 8.4 Tribunals

A hearings tribunal may be formed to hear a formal complaint that has been referred by CEO or, for an alleged breach of the policy. Refer to Athletics Australia's By-Laws for the tribunal hearings procedure/s.

A respondent may lodge one appeal only to the tribunal in its appellate jurisdiction in respect of a decision of an original hearing tribunal. The decision of the tribunal on appeal is final and binding on the people involved to the appeal.

Every body bound by this policy will recognise and enforce any decision made by a tribunal (acting in either an original or appellate basis) under this Policy.

## 9. What is a Breach of this Policy

It is a breach of this policy for any person or body to which this policy applies, to do anything contrary to this policy, including but not limited to:

- 9.1 Breaching any applicable Code of Behaviour or Conduct (see clause 4 and attachment B to this Policy);
- 9.2 Bringing the sport and/or Athletics Australia into disrepute or acting in a manner likely to bring the sport and/or Athletics Australia into disrepute;
- 9.3 Failing to follow Athletics Australia's policies (including this policy) and procedures for the protection, safety and welfare of children;
- 9.4 Appointing or continuing to appoint a person to a role that involves working with children and young people contrary to this Policy;
- 9.5 Discriminating against or harassing or bullying (including cyber-bullying) any person;
- 9.6 Victimising another person for reporting a complaint;
- 9.7 Engaging in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;
- 9.8 Disclosing to any unauthorised person or organisation any of Athletics Australia's information that is of a private, confidential or privileged nature;
- 9.9 Making a complaint they knew to be untrue, vexatious, malicious or improper;

- 9.10 Failing to comply with a penalty imposed after a finding that the individual or body has breached this policy;
- 9.11 Failing to comply with a direction given to the individual or body during the disciplinary process;
- 9.12 Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- 9.13 Being charged with an offence which would if proven amount to a breach of this Policy;
- 9.14 Being the recipient of a *Negative Notice* or equivalent documentation under any *Working with Children* or equivalent legislation and
- 9.15 Being the subject of an Apprehended Violence Order, the nature of which amounts to a breach of this Policy.

## 10. Disciplinary Measures

If an individual or body 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.

Any disciplinary measure imposed under this Policy must be read in conjunction with Athletics Australia's Constitution and By-laws and must:

- observe and be applied consistently with any contractual and/or employment rules and requirements;
- conform to the principles of natural justice and be fair and reasonable;
- be based on the evidence and information presented and the seriousness of the breach; and
- be within the powers of the hearings tribunal and/or the CEO to impose the disciplinary measure

### 10.1 Individual

Subject to contractual and employment requirements, if a finding is made by the CEO or a Tribunal that an individual has breached this Policy (including the Codes of Behaviour/Conduct) one or more of the following forms of discipline may be imposed by the hearings tribunal and/or the CEO:

- 10.1.1 A direction that the individual make a verbal and/or written apology;
- 10.1.2 A written warning;
- 10.1.3 A direction that the individual attend counselling to address their behaviour;
- 10.1.4 A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any meets, activities or events held or sanctioned by Athletics Australia;
- 10.1.5 A demotion or transfer of the individual to another location, role or activity;
- 10.1.6 A suspension of the individual's membership or participation or engagement in a role or activity;
- 10.1.7 Termination of the individual's membership, appointment or engagement;
- 10.1.8 A recommendation that Athletics Australia terminate the individual's membership, appointment or engagement;
- 10.1.9 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;
- 10.1.10 A fine;
- 10.1.11 Any other form of discipline that is considered appropriate.

### 10.2 Organisations

If a finding is made by the CEO or a Tribunal that Athletics Australia, a Member Association or any body or affiliate of either has breached its own or this Policy (including the Codes of Behaviour/Conduct) one or more of the following forms of discipline may be imposed by the hearings tribunal or the CEO:

- 10.2.1 A written warning;
- 10.2.2 A fine;
- 10.2.3 A direction that any rights, privileges and benefits provided to it by Athletics Australia or other peak association cease from a specified date or be suspended for a specified period;
- 10.2.4 A direction that Athletics Australia or other peak association cease to sanction events held by or under the auspices of that organisation;
- 10.2.5 A recommendation to that organisation that its membership of Athletics Australia or other peak association be suspended or terminated in accordance with the relevant constitution or rules; and/or
- 10.2.6 Any other form of discipline that Athletics Australia or peak organisation considers to be reasonable and appropriate.

### 10.3 Factors to consider

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

- nature and seriousness of the breach;
- in a case where action is taken concurrently with or in lieu of a resolution of a formal complaint, the wishes of the complainant
- if the respondent(s) knew or should have known that the behaviour was a breach;
- level of contrition of the respondent(s);
- the effect of the proposed disciplinary measures on the respondent(s) including any personal, professional or financial consequences;
- if there have been relevant prior warnings or disciplinary action;
- ability to enforce discipline if the person is a parent or spectator (even if they are bound by the policy); and/or
- any other mitigating circumstances (such that the respondent(s) should not be disciplined at or not so seriously).

## 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.

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

**Affiliated club** means clubs in association with Athletics Australia or its Member Associations.

**Child Children** means a person or persons who is/are under the age of 18 years

**Child abuse** involves conduct which puts 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 including 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; giving bad nutritional advice; 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).

**CEO** means the Chief Executive Officer of Athletics Australia and with the guidance of the Board is authorised to represent Athletics Australia.

**Company** means Athletics Australia.

**Complaint** means a complaint made under clause D1 of this Policy.

**Complainant** means the person making a complaint.

**Complaint Handler/Manager** means a person appointed under this Policy to investigate a Complaint

**Discrimination** means treating or proposing to treat a person less favourably because of a particular characteristic in the same or similar circumstances in certain areas of public life (Direct Discrimination), or 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 (Indirect Discrimination) Relevant attributes or characteristics covered by discrimination law in various Australian jurisdictions include:

- Age (except insofar that events or activities are restricted to persons of a specified age);
- Disability (except insofar that events or activities are restricted to persons of a specified disability classification);
- Marital status;
- Parental/family/carer responsibility and status
- Gender identity/transgender status (subject always to the overriding nature of the IAAF Rules and Regulations);
- Physical features;
- Political belief/activity;
- Pregnancy and breast feeding;
- Race;
- Religious belief/activity;
- Sex or gender (subject always to the overriding nature of the IAAF Rules and Regulations);
- Sexual orientation;
- Trade union membership/activity;
- Social origin
- Irrelevant medical record
- Irrelevant criminal record

Some States and Territories include additional characteristics.

### Examples of Discrimination

- **Age:** A club refuses to allow an older person to coach a team simply because of age.
- **Breastfeeding:** A member of the club who is breastfeeding a baby in the club rooms is asked to leave.
- **Disability:** A player is overlooked because of mild epilepsy.
- **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.
- **Gender Identity:** A transgender contract worker is harassed when employees refuse to call her by her female name.
- **Homosexuality:** An athlete is ostracised from her team after it becomes known that she is a lesbian.
- **Marital Status:** A player is deliberately excluded from team activities and social functions because she is single
- **Pregnancy:** A woman is dropped from a squad when she becomes pregnant.
- **Race:** An Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race.
- **Sex:** Specialist coaching is only offered to male players in a mixed team.

**Harassment** is any type of behaviour that the other person does not want 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.

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 personal characteristic protected by law (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 but is usually repeated. It may be explicit or implicit, verbal or non-verbal, and includes electronic cyber communication.

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:

- holding a competitive sporting activity for females only who are under 12 years of age or of any age where strength, stamina or physique is relevant or
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular 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 a breach of 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 or for supporting another player who has made such a complaint.

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

**IAAF** means the International Association of Athletics Federations, the international governing body for the sport of athletics

**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. This person must be impartial and neutral.

**Member Association** means State or Territory Associations of Athletics Australia and **Member** means a body or person who is a member of any such Member Association or of Athletics Australia directly

**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 athletes, coaches and officials, and the member organisations such as clubs, state associations, other affiliated associations and the national body. Member protection involves:

- Protecting those that are involved in sport activities from harassment, abuse, discrimination and other forms of inappropriate behaviour
- Adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with children, and
- Providing education.

**Member Protection Information Officer (MPIO)** 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 impartial and confidential support to the person making the complaint.

**Natural justice** (also referred to as procedural fairness) incorporates the following principles:

- both the Complainant and the Respondent must know the full details of what is being said against them and have the opportunity to respond
- all relevant submissions considered
- irrelevant matters should not be taken into account
- no person may judge their own case
- the decision maker/s must be unbiased, fair and just
- the penalties imposed must be fair and not outweigh the matter complained of

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

**Policy** and **this Policy** mean this Member Protection Policy.

**Respondent** means the person who is being complained about.

**Role-specific codes of conduct (or behaviour)** means standards of conduct required of certain roles (e.g. coaches).

**Sexual harassment** means unwanted, unwelcome or uninvited behaviour of a sexual nature, which could reasonably be anticipated to make a person, feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, 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.

**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):

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

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

**Tribunal** means a tribunal appointed and acting pursuant to the Athletics Australia Constitution and By-laws

**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 such a person.

**Vilification** involves a person or body 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.



## **PART B: CODES OF CONDUCT AND BEHAVIOUR**

Athletics Australia will approve from time to time specific codes of conduct and/or behavior relating to the roles of various individuals and organisations that are subject to this Policy. Such current Codes of Conduct and/or Behaviour shall be posted on the Athletics Australia website from time to time and shall be deemed to be incorporated within Part B of this Policy.

## **PART C: SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS**

[last updated by the Australian Sports Commission in October 2013]

Working with Children Checks aim to create a child-safe environment and to protect children and young people involved in our sport from physical and sexual harm.

They assess the suitability of people to work with children and young people and can involve:

- criminal history checks
- signed declarations
- referee checks, and
- other relevant background checks to assess a person's suitability to work with children and young people.

Working with Children Check requirements vary across Australia. They apply regardless of National, State or club member protection policies. [Fact Sheets](#) for each state and territory are available on the Play by the Rules website: [www.playbytherules.net](http://www.playbytherules.net).

Detailed information, including the forms required to complete a Working with Children Check, are available from the relevant agencies in each state and territory:

### **New South Wales**

Contact the Commission for Children and Young People

Website: [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)

Phone: 02 9286 7276

### **Northern Territory**

Contact the Northern Territory Screening Authority

Website: [www.workingwithchildren.nt.gov.au](http://www.workingwithchildren.nt.gov.au)

Phone: 1800 SAFE NT (1800 723 368)

### **Queensland**

Contact the Commission for Children and Young People and Child Guardian about the "Blue Card" system.

Website: [www.ccyipcq.qld.gov.au](http://www.ccyipcq.qld.gov.au)

Phone: 1800 113 611

### **South Australia**

Contact the Department for Education and Child Development

Website: [www.families.sa.gov.au/childsafes](http://www.families.sa.gov.au/childsafes)

Phone: 08 8463 6468.

### **Victoria**

Contact the Department of Justice

Website: [www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren)

Phone: 1300 652 879

### **Western Australia**

Contact the Department for Child Protection

Website: [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au)

Phone: 1800 883 979

Members should refer to the above websites for updates on the requirements for Working With Children Checks in the relevant jurisdictions.

In relation to ACT and Tasmania we have attached at C1 the screening requirements for States and Territories without Working With Children Checks.

Attached at C2 is 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)

### **Travelling to other states or territories**

It is important to remember that when travelling to other states or territories, representatives of sporting organisations must comply with the legislative requirements of that particular state or territory.

In October 2011 at the Standing Council on Community, Housing and Disability Services, 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 that 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 Australian Sports Commission will provide more information as soon as it becomes available.

*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.*

## **Attachment C1: SCREENING REQUIREMENTS**

*[for states/territories without Working With Children Checks such as ACT and Tasmania]*

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This attachment sets out the screening process for people under the jurisdiction of Athletics Australia and/or its Member Associations who work, coach, supervise or have regular unsupervised contact with people under the age of 18 years.

Athletics Australia will, and also requires Member Associations and clubs to:

1. Identify positions that involve working, coaching, supervising or regular unsupervised contact with people under the age of 18 years.
2. Obtain a completed *Member Protection Declaration (MPD)* (Attachment C2) from all people who are identified in the above step and keep it in a secure place.
3. Provide an opportunity for a person to give an explanation if a MPD isn't provided or it reveals that the person doesn't satisfactorily meet any of the clauses in the MPD. Athletics Australia and/or the relevant Member Association will then make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years.
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, they will not be appointed 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, they will not be appointed to the role/position.
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, the check should be completed as soon as possible, and if necessary, action taken immediately on the outcome.
9. Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the checking process.
10. Return information collected during screening (such as a completed MPD form, police records and referee reports) to the relevant person if that person is not appointed to the position, or otherwise be destroyed within 28 days of the date of the decision or the expiry of any appeal period, unless within that time the person requests that the documents be returned to them. For appointed persons, information will be kept on file in a secure location.

## Attachment C2: MEMBER PROTECTION DECLARATION

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Athletics Australia has a duty of care to all those associated with the sport and to the individuals and organisations to whom its Member Protection Policy applies. As a requirement of its Member Protection Policy, Athletics Australia must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

I ..... (name) of .....

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

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence 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 or acts of violence, narcotics or breaches of anti-doping rules and regulations.
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 Athletics Australia may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the CEO of Athletics Australia or 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 .....

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

Signature .....

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

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

Name:.....

Signature:.....

Date: .....

## **PART D: COMPLAINT HANDLING PROCEDURES**

### **Attachment D1: COMPLAINTS PROCEDURE**

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

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

If a complainant wishes to remain anonymous, Athletics Australia may have difficulty assisting in resolving the complaint. Procedural fairness (natural justice) means that Athletics Australia is required to provide the person/people complained about with full details of the complaint so they have a fair chance to respond.

#### **ADVICE TO COMPLAINANTS INFORMAL APPROACHES**

##### **Step 1: Talk with the other person (where this is reasonable, safe and appropriate)**

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

##### **Step 2: Contact a Member Protection Information Officer**

Talk with one of the Member Protection Information Officers (MPIOs) appointed by Athletics Australia or the relevant Member Association or to a senior employee or office holder if:

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

The MPIO or senior employee or office holder will:

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

##### **Step 3: Outcomes from initial contact**

After talking with the MPIO or senior employee or office holder 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 a mediated resolution with the help of a third person (such as a mediator); or
- to seek a formal approach.

## FORMAL APPROACHES

### Step 4: Making a Formal complaint

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

- make a formal complaint in writing to the CEO of Athletics Australia or if a state or territory related matter to the Executive Officer of the relevant Member Association; or
- approach a relevant external agency such as an anti-discrimination commission, for advice.

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

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

In making the decision(s) outlined above, the complaints handler will take into account:

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

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

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

### Step 5: Investigation of the complaint

- A person appointed under Step 3 will conduct an investigation and provide a written report to the CEO of Athletics Australia or the Executive Officer of the relevant Member Association who will determine what further action to take;
- If the complaint is referred to mediation, it will be conducted in accordance with Attachment D2 or as otherwise agreed by you, the respondent and the mediation provider;
- If the complaint is referred to a tribunal, the hearing will be conducted in accordance with the processes as set out in the applicable Athletics Australia or Member Association constitutional documentation. Where the Member Association has no such constitutional documentation, the Athletics Australia By-laws will apply, read down to apply so as to enable that Member Association to handle the matter;
- If the complaint is referred to the police or other appropriate authority, Athletics Australia or the Member Association will use its best endeavours to provide all reasonable assistance required by the police or other authority.
- It must be made clear to all parties that the investigator is not seeking to resolve the matter, nor to decide whether any breach of this Policy has occurred, nor to impose any penalty. Any decision about Policy breach must be referred to an independent tribunal, and wherever possible, mediations should be conducted by an independent mediator.

- 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 relevant body unless otherwise stated in the relevant Attachment or as agreed with the complainant before a step in the process is taken, except for the costs of the complainant and any respondent which will always be met by the complainant and respondent respectively.

#### **Step 6: Reconsideration of initial outcome/investigation or hearing**

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

Further, you or the respondent(s) may be entitled to a tribunal hearing. The grounds and process for a hearing under this Policy are set out in the Athletics Australia By-laws.

#### **Step 7: Documenting the resolution**

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

### **EXTERNAL APPROACHES**

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

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

If you do lodge a complaint under anti-discrimination law, you may use an appropriate person (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.

You could also approach another external agency such as the police.



## Attachment D2: MEDIATION

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Mediation is a process during which people in conflict are helped to communicate with each other to identify the areas of dispute and to make decisions about resolving it. This attachment outlines the general procedure of mediation that will be followed by Athletics Australia or the relevant Member Association.

1. If mediation is chosen, the MPIO or other designated person will, under the direction of the Athletics Australia or the relevant Member Association and in consultation with the complainant and the respondent(s), arrange for a mediator.
2. 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.
3. 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.
4. At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached which will be signed by them as their agreement.
5. If the complaint is not resolved by mediation, the complainant may:
  - (a) Write to CEO/designated person to request that the CEO/designated person reconsider the complaint in accordance with **Step 3** set out in Attachment D1; or
  - (b) Approach an external agency such as an anti-discrimination commission.
6. Mediation will **not** be recommended if:
  - (a) The respondent has a completely different version of the events and will not deviate from these;
  - (b) The complainant or respondent are unwilling to attempt mediation;
  - (c) Due to the nature of the complaint, the relationship between the complainant and the respondent(s) or any other relevant factors, the complaint is not suitable for mediation; or
  - (d) The matter involves proven serious allegations, regardless of the wishes of the Complainant.

## **Attachment D3: INVESTIGATION PROCESS**

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If an investigation needs to be conducted to gather more information the following steps will be followed unless otherwise agreed:

1. Athletics Australia or the relevant Member Association will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator will:
  - 1.1 Interview the complainant and record the interview in writing.
  - 1.2 Convey full details of the complaint to the respondent (s) so that they can respond.
  - 1.3 Interview the respondent to allow them to answer the complaint, and record the interview in writing.
  - 1.4 Obtain statements from witnesses and other relevant evidence to assist in a determination, if there is a dispute over the facts
  - 1.5 Make a finding as to whether the complaint is:
    - substantiated (there is sufficient evidence to support the complaint);
    - inconclusive (there is insufficient evidence either way);
    - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
    - mischievous, vexatious or knowingly untrue.
  - 1.6 Provide a report to Athletics Australia or the relevant Member Association documenting the complaint, investigation process, evidence, finding and, if requested, recommendations.
2. Athletics Australia or the relevant Member Association will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person/adviser (e.g. MPIO or other person).
4. The complainant and the respondent(s) may have the right to a hearing by a tribunal in relation to any decision based on the investigation. Information on our hearings and tribunal process is in the Athletics Australia By-laws.

## **Attachment D4: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE**

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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 Athletics Australia or any of 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 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 CEO of Athletics Australia or the executive officer of the relevant Member Association 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 CEO of Athletics Australia or the executive officer of the relevant Member Association will assess the risks and take interim action to ensure the child's/children's safety. Action that may be implemented 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 CEO of Athletics Australia or the executive officer of the relevant Member Association will consider the kind of support that the child or children and parents may need (e.g. counselling, helplines, support groups).
- The CEO of Athletics Australia or the executive officer of the relevant Member Association will address the support needs of the alleged offender.
- The CEO of Athletics Australia or the executive officer of the relevant Member Association 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 Athletics Australia or the relevant Member Association)
- Irrespective of the findings of the child protection and/or police inquiries, Athletics Australia or the relevant Member Association 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 be the Board of Athletics Australia or the relevant Member Association and it 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 Clause 10 of this Policy will be followed.
- If disciplinary action is taken, Athletics Australia or the relevant Member Association 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 D5: HEARINGS & TRIBUNAL PROCEDURE**

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Any reference to a tribunal under this Policy will be conducted in accordance with the Constitution and By-laws of Athletics Australia or where applicable the Constitution and By-laws of the relevant Member Association. Where the relevant Member Association does not have such or sufficient provisions the relevant Athletics Australia provisions will apply read down to apply so as to enable that Member Association to handle the matter

## PART E: REPORTING REQUIREMENT AND DOCUMENTS

The following information was updated by the Australian Sports Commission in November 2011. It is subject to change at any time.

### QUEENSLAND

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

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

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

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

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

### NEW SOUTH WALES

Anyone who suspects, 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.

### WESTERN AUSTRALIA

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

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

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

- Protection of identity - with some exceptions, your identity must not be disclosed without your consent. For further information, refer to section 240 of the *Children and Community Services Act 2004*
- Legal protection – you are not subject to legal liability under State law providing the information is provided in good faith.

- Professional protection – authorised disclosure of information cannot be held to constitute unprofessional conduct or a breach of professional ethics. As a result you cannot be disciplined by your professional body or incur any formal professional negative consequences at your workplace.

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

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

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

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

## VICTORIA

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

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

## SOUTH AUSTRALIA

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

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

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

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

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

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

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

For more information: [www.families.sa.gov.au/childsafes](http://www.families.sa.gov.au/childsafes).

## 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/)

## AUSTRALIAN CAPITAL TERRITORY

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

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

For more information: [http://www.dhcs.act.gov.au/ocyfs/services/care\\_and\\_protection](http://www.dhcs.act.gov.au/ocyfs/services/care_and_protection)

## TASMANIA

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

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

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

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

For more information: [http://www.dhhs.tas.gov.au/children/child\\_protection\\_services](http://www.dhhs.tas.gov.au/children/child_protection_services)





## Attachment E2: CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official .....	
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's Role/status	<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 .....	
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"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other .....	

Methods (if any) of attempted informal resolution	
Formal resolution procedures followed (outline)	
If investigated: Finding -	
If 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 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: / /
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 D4 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 Formal Complaint Received: / /
Role/status in sport		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official    .....	
Witnesses (if more than 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: / /
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.