



Sport Inclusion AUSTRALIA

Member Protection Policy

VERSION [10]

[Adopted by Sport Inclusion Australia – 16th September 2016]

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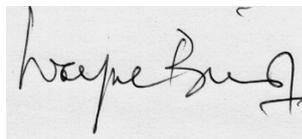
PREFACE

Sport Inclusion Australia is unique in that it does not conduct events, but facilitates the inclusion of athletes with integration difficulties, particularly those with an intellectual disability into mainstream activities.

1. This Member Protection Policy **ONLY** applies to events or activities specifically auspiced by Sport Inclusion Australia or our State/Territory Member Organisations (e.g. AGM, Workshops, Management, Global Games etc.). It has been developed to ensure the safety, well-being and protection of all persons (players/athletes, coaches, officials, spectators, volunteers, board members, employees and parent/guardians) when participating in or involved with sport or activities auspiced by Sport Inclusion Australia or our affiliated members.
2. In all other cases, National and International sporting events or activities organised or auspiced by National Sporting Organisations, (NSO's) persons (players/athletes, coaches, officials, spectators, volunteers and parent/guardians) participating will be protected by and need to comply with the Member Protection Policy of the respective NSO.
3. Sport Inclusion Australia will take a lead role with NSO's, SSO's, APC, School Sport etc. and any other relevant organisation to ensure:
 - 3.1 Their respective Member Protection Policy meets current legal standards and reflects the principals promoted in the Sport Inclusion Australia Member Protection Policy;
 - 3.2 That all events and/or activities conducted for persons involved with Sport Inclusion Australia are done so in a safe sporting environment;
 - 3.3 Where a person with an intellectual disability commits an offence and is unable to satisfactorily represent themselves we will make every effort to provide an advocate;
 - 3.4 That disciplinary action will be taken against individuals if there is a breach of the policy.
4. Sport Inclusion Australia will ensure a safe environment for everyone, in particular for children, which is free from harassment, abuse, discrimination and all other inappropriate behaviour, and promotes positive behaviour and values.
5. Sport Inclusion Australia will ensure, staff, Member Organisations, Affiliate members, athletes, contractors and volunteers working within DFAT funded projects in countries other than Australia must adhere to this policy.
6. An integral component of the policy is the code of conduct, which outlines and states the behaviour and ethical conduct expected to be adhered to by all persons. Sport Inclusion Australia will also liaise with NSO's in the development of mutually agreed code of conduct policies for all concerned.
7. The President, CEO and Member Protection Information Officer of Sport Inclusion Australia are committed to ensuring the successful implementation of the policy.



*Chief Executive Officer
Sport Inclusion Australia*



*President
Sport Inclusion Australia*

Friday 16th September 2016

REVIEW HISTORY OF SPORT INCLUSION AUSTRALIA'S MEMBER PROTECTION POLICY

<i>Version</i>	<i>Date reviewed</i>	<i>Date endorsed</i>	<i>Content reviewed/purpose</i>
<i>One</i>	<i>Created 17th January 2004</i>	<i>Never endorsed before amendments</i>	<ul style="list-style-type: none"> • Template developed to assist sporting organisations meet legal obligations and moral responsibilities in relation to harassment-free sport and child protection
<i>Two</i>	<i>13th October 2004</i>	<i>1st January 2005</i>	<ul style="list-style-type: none"> • Template rewritten to reduce legalese and make it easier for sporting organisations review and revise their policies • Sample codes of conduct, record keeping information and policy position statements on child protection, harassment and sexual relationships developed • Child Protection requirements revised to reflect changes to child protection legislation • Complaints handling procedures reviewed and expanded to provide sports with more options for managing complaints.
<i>Three</i>	<i>June 2006</i>	<i>1st July 2006</i>	<ul style="list-style-type: none"> • QLD Child Protection requirements updated to reflect changes in legislation. • Information on WA Child Protection requirements added to reflect new legislation
<i>Four</i>	<i>February 2007</i>	<i>1st March 2007</i>	<ul style="list-style-type: none"> • Part B restructured to allow new attachments to be added • Reference to The Essence of Australian Sport (2) • Amendments to the Dictionary (discrimination and harassment) • Minor amendment to the Anti-discrimination and harassment Policy Statement (7.2) • Second version of suggested wording for Sexual Relationships Policy Statement added (7.3) • Suggested wording for Pregnancy Policy Statement added (7.4) • Suggested wording for Gender Identity Policy Statement added (7.5) • Ability for sports to include reference to other relevant existing policies (7.6) • QLD and NSW Child Protection attachments updated to reflect changes in legislation (Part B) • Information on SA and VIC Child Protection requirements added to reflect new legislation (Part B) • Minor changes to wording to investigation of child abuse procedures (Part C)
<i>Five</i>	<i>September 2009</i>	<i>December 2009</i>	<ul style="list-style-type: none"> • Inclusion of clause on taking images of children • Revised to cover amendments to child protection laws • Reduction in/simplified wording in attachments • Optional inclusion of duty statements • Modified to provide national and club versions of the template • Reference to cyber bullying included (6.3) • General Code of Behaviour removed
<i>Six</i>	<i>May 2012</i>		<ul style="list-style-type: none"> • Position statements in Part A expanded in Section 6 Child Protection • Introduction of additional recommended Policies in Section 6 • Modified wording in section 7.1 • Modified wording in 7.2 heading • Update to Part C Working with Children Checks to incorporate changes to State/Territory requirements • Addition of reporting requirements by State/Territory in Part E

<i>Seven</i>	<i>January 2014</i>		<ul style="list-style-type: none"> • Introduction to the template shortened and simplified • Template rewritten in plain language to make it easier for sporting organisations to review and update their policies • Links to relevant resources included in the template; for example, links to guidance on developing an Alcohol Policy or a Communications Policy on the Play by the Rules website • Dictionary of terms shortened and simplified • Short introductions included in the template to Part B: Codes of Behaviour; Part C: Working with Children Check Requirements; Part D: Complaint Handling Requirements; and Part E: Reporting Requirements and Documents/Forms • All attachments rewritten in plain language and links to fact sheets and other relevant information included, as appropriate Information in Part C: Working with Children Check Requirements edited and contact details and links included for relevant government agencies in each state and territory
<i>Eight</i>	<i>June 2015</i>		<ul style="list-style-type: none"> • Revised and expanded Dictionary of Terms. • Terminology reviewed and amended throughout document reflecting input from the Australian Human Rights Commission and the Victorian Equal Opportunity and Human Rights Commission. • Large scale amendments to Section 6 to more accurately reflect current terminology. • Tribunal Processes amended. • Complaints Procedure amended. • All Attachments amended to reflect up-to-date and practical language. • Part C: amended to reflect mandatory requirements in Tasmania.
<i>Nine</i>	<i>August 2015</i>		<ul style="list-style-type: none"> • Name change from SPORT INCLUSION AUSTRALIA to Sport Inclusion Australia
<i>Ten</i>	<i>September 2016</i>		<ul style="list-style-type: none"> • Revise and Amend policy to incorporate criteria, particularly in relation to Child Protection issues for DFAT funded projects in countries other than Australia. •

PART A: NATIONAL MEMBER PROTECTION POLICY

1. Introduction

SPORT INCLUSION AUSTRALIA's Core Values

Vision

Community Inclusion through Sport

Mission

To implement its vision, Sport Inclusion Australia works in partnership with State, National and International sporting bodies and other relevant organisations to facilitate inclusiveness in Sport for people with integration difficulties, primarily those with an intellectual disability.

2. Purpose of this policy

This Member Protection Policy ("policy") aims to assist Sport Inclusion Australia to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our events/activities. It sets out our commitment to ensure:

- Every person involved in our events/activities is treated with respect and dignity and protected from discrimination, harassment and abuse;
- We work towards an organisational culture of safety, in particular children and vulnerable individuals;
- We protect children and vulnerable individuals in programs conducted or organised by Sport Inclusion Australia or a partner organisation from all forms of harm or exploitation;
- Everyone involved in our events/activities is aware of their legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them;
- We protect Sport Inclusion Australia staff, contractors and representatives from undue suspicion, incorrect or malicious allegations of misconduct by having a clear and transparent reporting system;
- We protect Sport Inclusion Australia's reputation, as well as its partners, by deterring sex offenders, particularly child sex offenders with a sound policy and related procedures, and
- Comply with the Australian Governments Child and Vulnerable person Protection Policy for Aid programs.

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

This policy has been endorsed by Sport Inclusion Australia Board and has been incorporated into our By-Laws. The policy starts on 16 September 16 and will operate until reviewed in August 2017.

The current policy and its attachments can be obtained from our website at: sportinclusionaustralia.org.au or a copy can be obtained from the Sport Inclusion Australia Office at 4 Lowry Place, Benalla, Victoria, 3672.

This policy is supported by Member Protection Policies that have been adopted and implemented by our member organisations.

3. Who is bound by this policy

In activities which Sport Inclusion Australia conducts e.g. workshops, forums, AGM, meetings, foreign aid programs and in the coordination of national teams where an NSO is not involved, this policy applies to the following, whether they are in a paid or unpaid/voluntary capacity:

- persons appointed or elected to national boards, committees and sub-committees;
- employees of Sport Inclusion Australia or funded contractors;
- members of the Sport Inclusion Australia Board;
- Individuals within partner organisations subcontracted to work on behalf of Sport Inclusion Australia;
- volunteers co-opted to assist in any Sport Inclusion Australia initiative;
- support personnel, managers, physiotherapists, psychologists, masseurs, sport trainers and others;
- coaches and assistant coaches;
- Registered athletes;
- referees, umpires and other officials;
- member organisations, including life members of Sport Inclusion Australia;
- accompanying dependents and other family members;
- athletes, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by Sport Inclusion Australia;
- any other person including spectators, parents/guardians and sponsors, who or which agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this policy and
- sponsors, individual and affiliated members or associated organisations

This policy will continue to apply to a person/organisation even after they have stopped their association or employment with Sport Inclusion Australia, if disciplinary action against that person/organisation has begun.

4. Organisational Responsibilities

Sport Inclusion Australia and its State/Territory Member Organisations must:

- adopt, implement and comply with this policy;
- ensure that the Constitution, By-laws or other rules and policies include the necessary clauses for this policy to be enforceable;
- publish, distribute and promote this policy and the consequences of any breaches;
- promote and model appropriate standards of behaviour at all times;
- deal with breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner;
- apply this policy consistently;
- recognise and enforce any penalty imposed under this policy;
- ensure that a copy of this policy is accessible to all people and organisations to whom this policy applies;
- use appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour (e.g. Member Protection Information Officer where possible); and
- monitor and review this policy at least annually.

5. Individual Responsibilities

Individuals bound by this policy are responsible for:

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

6. Position Statements

6.1 Child Protection

Sport Inclusion Australia is committed to the safety and well-being of all children and young people who participate in our events/activities or access our services. We support the rights of the child and will act at all times to ensure that a child-safe environment is maintained, particularly children with a disability.

We uphold the rights and obligations of the United Nations Convention on the Rights of the Child and are dedicated to protecting children from harm, exploitation and abuse and recognize that children can be extremely vulnerable, especially in situations of poverty and or humanitarian crisis or conflict and need to be protected.

- **Identify and analyse risk of harm**

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

- **Develop codes of behaviour**

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

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

- **Choose suitable employees and volunteers**

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

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

- **Support, train, supervise and enhance performance**

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

- **Empower and promote the participation of children**

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

- **Report and respond appropriately to suspected abuse and neglect**

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

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

6.2 Taking Images of Children

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

To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets which we control or are used in connection with our events/activities.

When using a photo of a child, we will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the parent/guardian. We will not provide information about a child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" a child.

We will only use images of children that are relevant to our events/activities and we will ensure that they are suitably clothed in a manner that promotes participation in event/activity. We will seek permission from the parents/guardians of the children before using the images. We require all stakeholders bound by this policy to do likewise.

6.3 Anti-Discrimination and Harassment

Sport Inclusion Australia is committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination and harassment.

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

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

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

- **Discrimination**

Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by state or federal anti-discrimination laws.

The personal characteristics protected by anti-discrimination laws include attributes such as race, age, disability, gender and race. The full list of protected personal characteristics is in the "Definitions" set out in the Dictionary of Terms.

Discrimination can be either direct or indirect.

- **Direct** discrimination occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.
- **Indirect** discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

For the purposes of determining discrimination, the offender's awareness and motive are irrelevant.

- **Harassment**

Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and which happens because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation.

The offensive behaviour does not have to take place a number of times, a single incident can constitute harassment.

Sexual harassment is one type of harassment. Sexual harassment is unwelcome conduct, remarks or innuendo of a sexual nature. It covers a wide range of behaviours and can be verbal, written, visual or physical. Sexual harassment is not limited to members of the opposite sex.

- **Prohibition against discrimination and harassment**

We prohibit all forms of harassment and discrimination based on the personal characteristics listed in the “Definitions” set out in the Dictionary of Terms [see clause 10].

Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy is encouraged to raise their concerns with us. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation. (Refer to the attachments in Part D of this policy.)

6.4 Intimate Relationships

Sport Inclusion Australia understands that consensual intimate relationships (including, but not limited to sexual relationships) between coaches or officials and adult athletes may take place legally. However, this policy will help ensure that the expectations of coaches or officials are clear and, to ensure that if an intimate relationship does exist or develop between a coach or official and an adult athlete, that relationship will be managed in an appropriate manner.

Coaches and officials are required to conduct themselves in a professional and appropriate manner in all interactions with athletes. In particular, they must ensure that they treat athletes in a respectful and fair manner, and that they do not engage in sexual harassment, bullying, favouritism or exploitation.

We take the position that consensual intimate relationships between coaches or officials and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport’s public image. These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach or official and the athlete.

We recommend that if an athlete attempts to initiate an intimate relationship with a coach or official, the coach or official should discourage the athlete’s approach and explain to the athlete why such a relationship is not appropriate.

If a consensual intimate relationship does exist or develop between an adult athlete and a coach or official, the coach or official is expected to ensure that the relationship is appropriate and that it does not compromise impartiality, professional standards or the relationship of trust the coach or official has with the athlete and/or other athletes.

In assessing the appropriateness of an intimate relationship between a coach or official and an adult athlete, relevant factors include, but are not limited to:

- the relative age and social maturity of the athlete;
- any potential vulnerability of the athlete;
- any financial and/or emotional dependence of the athlete on the coach or official;

- the ability of the coach or official to influence the progress, outcomes or progression of the athlete's performance and/or career;
- the extent of power imbalance between the athlete and coach or official; and the likelihood of the relationship having an adverse impact on the athlete and/or other athletes.

It will often be difficult for a coach or official involved in an intimate relationship with an adult athlete to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from (*the Member Protection Information Officer, Complaints Manager or other official*) to ensure that they have not involved themselves in inappropriate or unprofessional conduct.

If it is determined that an intimate relationship between a coach or official and an adult athlete is inappropriate or unprofessional we may take disciplinary action against the coach or official up to and including dismissal. Action may also be taken to stop the coaching relationship with the athlete. This could include a transfer, a request for resignation or dismissal from coaching duties.

If a coach, official or athlete believes they are being, or have been, harassed they are encouraged to seek information and support from [*the Member Protection Information Officer, Complaints Manager or other official*]. Our complaints procedure is outlined in Part D of this policy.)

6.5 Pregnancy

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

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

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

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

6.6 Gender Identity

Gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person. This includes the way people express or present their gender and recognises that a person's gender identity may be an identity other than male or female. Some terms used to describe a person's gender identity include trans, transgender and gender diverse.

- **Gender identity discrimination and harassment**

Federal, state and territory anti-discrimination laws provide protection from discrimination against people on the basis of their gender identity. (See definition in Dictionary of terms).

Sport Inclusion Australia is committed to providing a safe, fair and inclusive sporting environment all where people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity.

All persons, regardless of gender identity, are entitled to be treated fairly and with dignity and respect at all times. We will not tolerate any unlawful discrimination or harassment of a person because of their

gender identity. This includes discrimination or harassment of a person who is transgender or transsexual, who is assumed to be transgender or transsexual or has an association with someone who has or is assumed to be transgender or transsexual. (Refer to the attachments in Part D of this policy.)

We expect all people bound by this policy to act with sensitivity when a person is undergoing gender transition/affirmation.

If any person believes that they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy because of their gender identity, they may make a complaint.

- **Participation in sport**

Sport Inclusion Australia recognises that excluding people from participating in sporting events and activities because of their gender identity may have significant implications for their health, wellbeing and involvement in community life. We are committed to supporting participation in our sport on the basis of the gender with which a person identifies.

If issues of performance advantage arise, we will consider whether the established discrimination exceptions for participation in sport are relevant in the circumstances. Discrimination is unlawful unless an exception applies.

Sport Inclusion Australia is aware that Inas has established criteria for selection and participation in International Events. Where a transgender person intends to compete at an elite level, we will encourage them to obtain advice about Inas's criteria.

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.

- **Intersex status**

Federal anti-discrimination law, and some state and territory anti-discrimination laws, provide protection from discrimination against a person on the basis of their intersex status. (See Dictionary of terms).

Sport Inclusion Australia is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their intersex status.

6.7 Responsible Service and Consumption of Alcohol

Sport Inclusion Australia is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that state/territory member organisations follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy is that:

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

6.8 Smoke-free Environment

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

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

6.9 Bullying/Cyber-bullying

Sport Inclusion Australia is committed to providing an environment that is free from bullying. We understand that bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and we regard bullying in all forms as unacceptable in our sport.

Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or a group.

Whilst generally characterised by repeated behaviours, one-off instances can amount to bullying.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

- verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- excluding or isolating a group or person;
- spreading malicious rumours; or
- psychological harassment such as intimidation.

Bullying includes cyber-bullying which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. Sport Inclusion Australia will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at a referee, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting body.

If any person believes they are being, or have been, bullied by another person or organisation bound by this policy, he or she may make a complaint. (Refer to the attachments in Part D of this policy.)

6.10 Social networking websites

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

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

Social media postings, blogs, status updates and tweets:

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

7. Complaints procedures

7.1 Handling complaints

Sport Inclusion Australia aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of natural justice. Any person (a complainant) may report a complaint about a person, people or organisation bound by this policy (respondent) if they feel they have been harassed, bullied or discriminated against or there has been a breach of this policy.

In the first instance, complaints should be reported to the MPIO or Sport Inclusion Australia Chief Executive Officer. Contact details for MPIO can be obtained by contacting the Sport Inclusion Australia office on 03 5762 7494 or email mail@sportinclusionaustralia.org.au

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 to and handled by the relevant state/territory member organisation in the first instance

Only matters that relate to, or which occurred at, the national level, as well as serious cases referred from state/territory level, should be dealt with by Sport Inclusion Australia.

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

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

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

7.2 Improper complaints and victimisation

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

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

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

7.3 Mediation

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

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

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

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

7.4 Tribunals

A Tribunal may be convened to hear a formal complaint:

- referred to it by the CEO;
- referred to it or escalated by a state association] [because of the serious nature of the complaint, because it was unable to be resolved at the state level or because the policy of the state association directs it to be and/or
- for an alleged breach of this policy.

Our Tribunal procedure is outlined in Attachment [D3]. A respondent may only lodge an appeal to the Appeal Tribunal in respect of a Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved. Our appeals process is outlined in Attachment [D3].

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

8. What is a breach of this policy?

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

- breaching the codes of behaviour (see Part B of this policy);
- bringing Sport Inclusion Australia into disrepute;
- failing to follow Sport Inclusion Australia policies (including this policy) and our procedures for the protection, safety and well-being of children;
- discriminating against, harassing or bullying (including cyber-bullying) any person;
- victimising another person for making or supporting a complaint;
- engaging in a sexually inappropriate relationship with a person that he or she supervises, or has influence, authority or power over;
- verbally or physically assaulting another person, intimidating another person or creating a hostile environment within sport;
- disclosing to any unauthorised person or organisation any Sport Inclusion Australia information that is of a private, confidential or privileged nature;
- making a complaint that they know to be untrue, vexatious, malicious or improper;
- failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; and
- failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

9. Disciplinary measures

Sport Inclusion Australia may impose disciplinary measures on an individual/organisation for a breach of this policy.

Any disciplinary measure imposed will be:

- fair and reasonable;
- applied consistent with any contractual and employment rules and requirements;
- be based on the evidence and information presented and the seriousness of the breach;
- be determined in accordance with Sport Inclusion Australia's Constitution, By-laws, or policy.

9.1 Individual

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

- A direction that the individual make a verbal and/or written apology;
- A written warning;
- A direction that the individual attend counselling to address their behaviour;
- A suspension of the individual's membership/participation or engagement in a role or activity;
- Termination of the individual's membership, appointment or engagement;
- A recommendation that Sport Inclusion Australia terminate the individual's membership, appointment or engagement;
- Any other form of discipline that Sport Inclusion Australia considers appropriate.

9.2 Organisation

If a finding is made that a State/Territory Member Organisation has breached its own or this MPP, one or more of the following forms of discipline may be imposed by the Tribunal.

A written warning;

- A direction that any rights, privileges and benefits provided to that organisation by Sport Inclusion Australia be suspended for a specified period;
- A recommendation to the Member Organisation that its membership of Sport Inclusion Australia be suspended or terminated in accordance with the relevant constitution or rules;
- Any other form of discipline that Sport Inclusion Australia considers reasonable and appropriate.

9.3 Factors to consider

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

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

10. Dictionary of terms

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

Abuse is the violation of an individual's human or civil rights through the act or actions of another person or persons. Types of abuse include physical abuse, psychological or emotional abuse, sexual abuse, constraints and restrictive practices, financial abuse, legal or civil abuse and systemic abuse.

Affiliated club means State/Territory Member Organisation.

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

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

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

Complaint means a complaint made under clause [7] of this policy

Complainant means the person making a complaint.

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

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

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

- age
- sex or gender
- gender identity
- intersex status
- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration
- disability, mental and physical impairment
- family/carer responsibilities, status as a parent or carer
- marital status
- pregnancy, potential pregnancy, breastfeeding
- sexual orientation and gender identity
- physical features
- irrelevant medical record
- irrelevant criminal record, spent convictions
- political beliefs or activities
- religion, religious beliefs or activities
- national extraction or social origin
- lawful sexual activity
- profession, trade, occupation or calling
- member of association or organisation of employees or employers, industrial activity, trade union activity
- defence service
- personal association with someone who has, or is assumed to have, any of the above characteristics

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

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

Some exceptions to state, territory and federal anti-discrimination law apply, including exceptions for sporting activities, such as:

- holding a competitive sporting activity for a specific age or age group (e.g. only those who are under the age of 15 years);
- excluding people on the basis of their sex and/or gender identity status from participation in a competitive sporting activity where the strength, stamina or physique of competitors is relevant to the specific activity (note that this does not apply to activity by children who are under the age of 12 years); and
- 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.

Harassment is any type of unwelcome behaviour which has the effect of offending, humiliating or intimidating the person harassed. Unlawful harassment can be based on any of the personal characteristics covered by anti-discrimination law, such as a person's race, sex, pregnancy, marital status or sexual orientation (see the list under "Discrimination").

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

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

Member means a State/Territory Member organisation of Sport Inclusion Australia or a person/organisation registered with Sport Inclusion Australia.

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. He or she provides impartial and confidential support to the person making the complaint.

Natural justice (or procedural fairness) requires that:

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

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

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

Registered Athlete means a person who is registered with Sport Inclusion Australia

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

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

Sexual harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

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

- rape
- indecent assault
- sexual assault
- assault with intent to commit sexual acts
- 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 a child under the age of 16 years to take part in an act 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.

Sexual orientation: The term 'sexual orientation' refers to a person's emotional or sexual attraction to another person, including, amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual or same-sex attracted.

Gender identity: The term 'gender identity' refers to a person's deeply held internal and individual sense of gender.

Gender expression: The term 'gender expression' refers to the way in which a person externally expresses their gender or how they are perceived by others.

Intersex: The term 'intersex' refers to people who have genetic, hormonal or physical characteristics that are not exclusively 'male' or 'female'. A person who is intersex may identify as male, female, intersex or as being of indeterminate sex.

Victimisation means treating someone unfairly or unfavourably, or threatening to do so, because that person has, or intends to, pursue their right to make any complaint, including a complaint under government legislation (e.g. anti-discrimination legislation) or under this policy, or for supporting another person to make complaint.

Vilification means behaviour that occurs in public which incites hatred towards, serious contempt for, or revulsion or severe ridicule of a person or group of people because that person or persons have a particular personal characteristic. Anti-discrimination laws in Australia make it unlawful to vilify a person or group of persons on the basis of race, religion, homosexuality, transgender status and HIV/AIDS status.

NOTE : Additional obligations may apply under relevant/applicable state or territory anti-discrimination laws.

PART B: CODES OF BEHAVIOUR

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

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

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

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

Note: Codes of Behaviour are generally not binding on non-Members such as parent/guardians and spectators unless they have signed the Codes or other form/document agreeing to be bound by the codes and the Member Protection Policy. It may therefore be difficult to discipline a parent/guardian or spectator under this policy. This will vary for every organisation and depends on what measures have been taken to bind 'non-members' to the policy (e.g. through purchasing tickets to venues, through a child's membership form).

ATTACHMENT Final B – including

- Attachment B1: General Code of Conduct
- Attachment B2: Coach Code of Conduct
- Attachment B3: Official Code of Conduct
- Attachment B4: Player/Athlete Code of Conduct
- Attachment B5: Administrator (Volunteer) Code of Conduct
- Attachment B6: Employee Code of Conduct
- Attachment B7: Board Member Code of Conduct
- Attachment B8: Parent/Guardian Code of Conduct
- Attachment B9: Spectator Code of Conduct
- Attachment B10: Child Protection Code of Conduct

PART C: EMPLOYMENT SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

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

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

Working with Children Check laws are currently in place in New South Wales, Queensland, Western Australia, Victoria, Australian Capital Territory, the Northern Territory and South Australia.

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

Employment screening requirements will also be followed in Tasmania.

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

ATTACHMENT Final C - Including

- Attachment C1: Screening requirements (for Tasmania only)
- Attachment C2: Member Protection Declaration
- Attachment C3: Working with Children Check requirements

PART D: COMPLAINT HANDLING PROCEDURES

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

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

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

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

ATTACHMENT Final D - Including

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

PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

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

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

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

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

ATTACHMENT Final E - Including

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

PART B: CODES OF BEHAVIOUR

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

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

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

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

Note:

Codes of Behaviour are generally not binding on non-Members such as parent/guardians and spectators unless they have signed the Codes or other form/document agreeing to be bound by the codes and the Member Protection Policy. It may therefore be difficult to discipline a parent/guardian or spectator under this policy. This will vary for every organisation and depends on what measures have been taken to bind 'non-members' to the policy (e.g. through purchasing tickets to venues, through a child's membership form).

ATTACHMENT Final B – including

- Attachment B1: General Code of Conduct
- Attachment B2: Coach Code of Conduct
- Attachment B3: Official Code of Conduct
- Attachment B4: Player/Athlete Code of Conduct
- Attachment B5: Administrator (Volunteer) Code of Conduct
- Attachment B6: Employee Code of Conduct
- Attachment B7: Board Director Code of Conduct
- Attachment B8: Parent/Guardian Code of Conduct
- Attachment B9: Spectator Code of Conduct
- Attachment B10: Child Protection Code of Conduct

Attachment B1: General Code of Conduct

As a registered member of Sport Inclusion Australia you must comply with the outlined regulation. It is necessary that you meet the following requirements in relation to your conduct during any event or activity held or sanctioned by Sport Inclusion Australia;

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, Sport Inclusion Australia's standards, rules, regulations and policies.
6. Operate within the rules of the sport including national and international guidelines which govern the respective sport, the member associations and their affiliated clubs.
7. Do not use your involvement with Sport Inclusion Australia or their member associations to promote your own beliefs, behaviours or practices where these are inconsistent with those of Sport Inclusion Australia or their member associations.
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 Sport Inclusion Australia or a member association into disrepute.
12. Provide a safe environment for the conduct of the event or 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 B2: Coach Code of Conduct

This Code of Conduct is to apply in cases when the relevant National Sporting Organisation has not provided a Code of Conduct.

As well as Sport Inclusion Australia's General Code of Behaviour, you must meet the requirements outlined below with regard to your conduct during any activity or competition held by or under the auspices of Sport Inclusion Australia or a State/Territory Member Organisation and in your role as a Coach under Sport Inclusion Australia or a State/Territory Member Organisation;

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 advisors. Cooperate fully with other specialists (e.g., 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 B3: Official Code of Conduct

As well as Sport Inclusion Australia's General Code of Behaviour, you must meet the requirements outlined below with regard to your conduct during any activity or competition held by or under the auspices of Sport Inclusion Australia or a State/Territory Member Organisation and in your role as an Official under Sport Inclusion Australia or a State/Territory Member Organisation;

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 B4: Player/Athlete Code of Conduct

As well as Sport Inclusion Australia's General Code of Behaviour, you must meet the requirements outlined below when participating any activity, event or competition held by or under the auspices of Sport Inclusion Australia or a State/Territory Member Organisation;

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

Attachment B5: Administrator (volunteer) Code of Conduct

As well as Sport Inclusion Australia's General Code of Behaviour, you must meet the requirements outlined below with regard to your conduct during any activity, event or competition held by or under the auspices of Sport Inclusion Australia or a State/Territory Member Organisation and in your role as an Administrator (volunteer) under Sport Inclusion Australia or a State/Territory Member Organisation;

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

Attachment B6: Employee Code of Conduct

As well as Sport Inclusion Australia's General Code of Behaviour, you must meet the requirements outlined below with regard to your conduct during any activity, event or competition held by or under the auspices of Sport Inclusion Australia or a State/Territory Member Organisation and in your role as an Employee of Sport Inclusion Australia or a State/Territory Member Organisation;

1. Resolve conflicts fairly and promptly through established procedures;
2. Maintain strict impartiality;
3. Be aware of your legal responsibilities;
4. Be fair, considerate and honest in all dealings with others;
5. Be professional in, and accept responsibility for your actions. Your language, presentation, manners and punctuality should reflect high standards;
6. Develop a positive sport environment by allowing for the special needs of the players (especially children), by emphasising enjoyment and providing appropriate development and competitive experiences;
7. Involve players in the planning, leadership, evaluation and decision-making relating to the activity;
8. Ensure activities, equipment and facilities are safe and appropriate to the level of participating players. Activities, rules, equipment, lengths of games and training schedules should take into account the age, ability and maturity level of participating players;
9. Ensure that everyone (Administrators, Coaches, Players, Spectators, Umpires, Parents, Sponsors and Physicians) emphasise fair play in activities and games;
10. Where appropriate distribute a Code of Behaviour sheet to Coaches, Players, Umpires, Parents, Spectators and the Media.

Attachment B7: Board Director Code of Conduct

As well as Sport Inclusion Australia's General Code of Behaviour, you must meet the requirements outlined below with regard to your conduct during any activity, event or competition held by or under the auspices of Sport Inclusion Australia or a State/Territory Member Organisation and in your role as a Board Director of Sport Inclusion Australia or a State/Territory Member Organisation;

1. Resolve conflicts fairly and promptly through established procedures;
2. Maintain strict impartiality;
3. Declare any conflict of interest before or during Board meetings;
4. Be aware of your legal responsibilities.

Attachment B8: Parent/Guardian Code of Conduct

As well as Sport Inclusion Australia's General Code of Behaviour, as a Parent/Guardian of a player participating in any activity, event or competition held by or under the auspices of Sport Inclusion Australia or a State/Territory Member Organisation, you must meet the requirements outlined below during any such activity or competition;

1. Respect the rights, dignity and worth of others regardless of their gender, ability, cultural background or religion;
2. If your child is interested, encourage them to participate in the appropriate sporting activity. However, if your child is not willing to participate, do not force him or her. Remember, children are involved in organised activity for their enjoyment, not yours;
3. Focus upon your child's efforts and performance rather than the overall outcome of the event. This assists your child in setting realistic goals related to his/her ability by reducing the emphasis on winning;
4. Teach your child that an honest effort is as important as victory, so that the result of each game is accepted without undue disappointment;
5. Encourage your child to always play according to the rules;
6. Never ridicule or yell at a child for making a mistake or losing a game;
7. Remember that children learn best from example. Applaud good play by all players;
8. If you disagree with an umpire or coach raise the issue through the appropriate channels rather than question their judgement and honesty in public;
9. Support all efforts to remove verbal and physical abuse;
10. Recognise and respect the value and importance of volunteer administrators, coaches and umpires. They give up their time and resources to provide recreational activities for players and deserve your support;
11. Be a model of good sports behaviour for children to copy;
12. Be courteous in communication with administrators, coaches, players and umpires. Teach children to do likewise;
13. Support the use of age appropriate development activities and modified rules;
14. Understand the repercussions if you breach, or are aware of any breaches of, this code of behaviour.

Attachment B9: Spectator Code of Conduct

As a spectator in any activity held by or under the auspices of *Sport Inclusion Australia*, 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. If there is a disagreement, follow the appropriate procedure in order to question the decision and teach children to do likewise;
2. Never ridicule or scold a young player for making a mistake. Positive comments are motivational. Applaud good performance and efforts by all players. When watching a game congratulate both teams upon their performance regardless of the game's outcome;
3. Condemn the use of violence in any form, whether it is by other spectators, coaches, officials, players or parent/guardians;
4. Show respect for your team's coach, the umpire and opponents. Without them there would be no game;
5. Encourage players to play according to the rules and the official decisions, and develop your own knowledge of the rules;
6. Demonstrate appropriate social behaviour by not using violence, harassment or abuse in any form (that is, do not use foul language, sledge or harass players, coaches, officials or other spectators);
7. Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion;
8. Support the use of age appropriate development activities and modified rules.

Attachment B10: Child Protection Code of Conduct

The Child Protection Code of Conduct

I _____ acknowledge that I have read and understand Sport Inclusion Australia's Member Protection Policy, September 2016, and agree that in the course of my association with Sport Inclusion Australia, I must:

1. Treat children with respect regardless of race, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;
2. Not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
3. Not engage children under the age of 18 in any form of sexual intercourse or sexual activity, including paying for sexual services or acts;
4. Wherever possible, ensure that another adult is present when working in the proximity of children;
5. Not invite unaccompanied children into my home, unless they are at immediate risk or injury or in physical danger;
6. Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible;
7. Use any computers, mobile phones, video cameras, cameras or social media appropriately, and never to exploit or harass children or access child exploitation material through any medium;
8. Not use physical punishment on children;
9. Not hire children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury;
10. Comply with all relevant Australian and local legislation, including labour laws in relation to child labour;
11. Immediately report concerns or allegations of child exploitation and abuse and policy non-compliance in accordance with appropriate procedures;
12. Immediately disclose all charges, convictions and other outcomes of an offence, which occurred before or occurs during my association with Sport Inclusion Australia which relates to child exploitation and abuse;
13. Conduct themselves in a manner appropriate with their position representing Sport Inclusion Australia in all their dealings with children;
14. Immediately raise concerns regarding a child's safety or wellbeing in accordance with Sport Inclusion Australia's Reporting Procedures and observe procedural fairness when engaged in decision-making;
15. Be visible when working with children and, wherever possible, ensure that another adult is present when working in the proximity of children;
16. Listen to children and allow them to be engaged in decisions that may affect them;
17. Comply with all relevant Australian and other pertinent legislation and, including labour laws in relation to child labour; and
18. Follow organisational policy and guidelines regarding the safety of children.

PART C: EMPLOYMENT SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

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

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

Working with Children Check laws are currently in place in New South Wales, Queensland, Western Australia, Victoria, Australian Capital Territory, the Northern Territory and South Australia.

Sport Inclusion Australia, including our state/territory member organisations, will meet the requirements of the relevant state or territory Working with Children Check laws.

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

ATTACHMENT Final C - Including

- Attachment C1: Member Protection Declaration
- Attachment C2: Working with Children Check requirements

Attachment C1:**MEMBER PROTECTION DECLARATION**

Sport Inclusion Australia has a duty of care to all those associated with our organisation. It is a requirement of our Member Protection Policy that we check the background of each person who works, coaches or has regular unsupervised contact with children and young people under the age of 18.

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, acts of violence or use of illegal substances.
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 use of illegal substances.
4. I am not currently serving a sanction for an anti-doping rule violation under an Australian Sports Anti-Doping Authority (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 Sport Inclusion 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 the organisation/s engaging me immediately upon becoming aware that any matter set out above has changed.

Declared in the State/Territory of

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

Consent of parent/guardian (on behalf of a person under the age of 18)

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:

Attachment C2: WORKING WITH CHILDREN CHECK REQUIREMENTS

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. [Fact Sheets](#) for each state and territory are available on the Play by the Rules website: 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.

Australian Capital Territory

Contact the Office of Regulatory Services

Website: www.ors.act.gov.au/community/working_with_vulnerable_people_wwpv

Phone: 02 6207 3000

New South Wales

Contact the Office of the Children's Guardian

Website: www.kidsguardian.nsw.gov.au/check

Phone: 02 9286 7276

Northern Territory

Contact the Northern Territory Screening Authority

Website: www.workingwithchildren.nt.gov.au

Phone: 1800 SAFE NT (1800 723 368)

Queensland

Contact the [Public Safety Business Agency](#) about the "Blue Card" system.

Website: www.bluecard.qld.gov.au

Phone: 1800 113 611

South Australia

Contact the Department for Education and Child Development for information

Website: www.families.sa.gov.au/childsafes

Phone: 08 8463 6468.

National Police Check: www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check

DCSI Child Related Work Screening: <http://www.dcsi.sa.gov.au/services/screening>

Victoria

Contact the Department of Justice

Website: www.workingwithchildren.vic.gov.au

Phone: 1300 652 879

Western Australia

Contact the Department for Child Protection

Website: www.checkwwc.wa.gov.au

Phone: 1800 883 979

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 certain jurisdictions, temporary, time limited exemptions from working with children checks may be available for interstate visitors with a Working with Children Check in their home state.

The laws providing interstate exemptions are not consistent across Australia.

If an employee or volunteer for your organisation is travelling interstate to do work that would normally require a working for children check, you will need to check the relevant requirements of that state or territory.

PART D: COMPLAINT HANDLING PROCEDURES

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

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

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

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

ATTACHMENT Final D - Including

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

Attachment D1: COMPLAINTS PROCEDURE

Sport Inclusion Australia is committed to supporting people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

We will endeavour to deal with complaints on a confidential basis. We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us disclose this information or if it is necessary to properly deal with the complaint.

To ensure fairness for everyone involved, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously.

We will provide **informal and formal procedures** to resolve complaints. Individuals and organisations can also **complain to external organisations** under anti-discrimination, child protection and other relevant laws.

Informal approaches

Step 1: Talk with the other person (if safe, reasonable and appropriate)

If you feel confident to do so, you can approach the other person to discuss the issues and try and resolve the problem directly.

Step 2: Contact a Member Protection Information Officer/CEO

We encourage you to talk with our Member Protection Information Officer (MPIO) or CEO if:

- Step 1 (above) is not appropriate
- you are not sure how to handle the problem by yourself
- you want to talk confidentially with someone and find out what options are available to address your concern; or
- the concern continues after you approached the other person.

The name and contact details for our MPIO/CEO can be obtained by contacting the Sport Inclusion Australia office on 03 5762 7494 or email mail@sportinclusionaustralia.org.au

The MPIO/CEO will:

- take confidential notes about your complaint
- try to find out the facts of your complaint
- ask how you would like your concern to be resolved and if you need support
- seek to provide different options for you to address your concern
- act as a support person, if you wish
- refer you to an appropriate person (e.g. a mediator) to help you address your concern, if appropriate
- inform the relevant government authorities and/or police, if required by law to do so
- where possible and appropriate, maintain confidentiality.

Step 3: Decide how to address your concern

After talking with the MPIO/CEO, you may decide:

- there is no problem
- the problem is minor and you do not wish to take the matter forward
- to try and resolve the problem yourself, with or without a support person
- to resolve the problem with the help of someone impartial, such as a mediator; or
- to resolve the matter through a formal process.

Formal approaches

Step 4: Making a formal complaint

If it is not possible or appropriate to resolve your complaint through an informal process, you may:

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

After receiving a formal complaint, and based on the material you provide, the *CEO* will decide whether:

- he or she is the most appropriate person to receive and handle the complaint
- the nature and seriousness of the complaint requires a formal resolution procedure
- to refer the complaint to **mediation**
- to appoint a person to **investigate** the complaint
- to refer the complaint to a **tribunal hearing**
- 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 is completed.

In dealing with your formal complaint, the *CEO* will take into account:

- whether he or she has had any personal involvement in the circumstances and if so, whether it is appropriate someone else should handle the complaint;
- your wishes, and the wishes of the respondent, regarding how the complaint should be handled;
- the relationship between you and the respondent (e.g. 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 might face further unacceptable behaviour while the complaint process is underway.

If the CEO is the appropriate person to handle the complaint, he or she will, where appropriate and/or necessary:

- provide the information received from you to the other person(s) involved and ask for a response;
- decide if there is enough information to determine whether the matter alleged in your complaint did or did not occur; and/or
- determine what, if any, further action to take, including referring the matter for investigation or disciplinary action in accordance with this policy.

Step 5: Investigating the complaint

In some cases, an investigation may be required to determine the facts surrounding the complaint. Our investigations procedure is outlined in *[Attachment D3]*.

Following the investigation, a written report will be provided to the CEO who will determine what further action to take.

- If the complaint is referred to **mediation**, we will follow the steps outlined in *[Attachment D2]* or as agreed by you, the respondent and the mediator.
- If the complaint is referred to a **tribunal hearing**, the hearing will be conducted according to the steps outlined in *[Attachment D4]*.
- If the complaint is referred to the **police or another external agency**, we will endeavour to provide all reasonable assistance required by the police or the agency.

[Any costs incurred by us relating to the complaint process set out in this policy (e.g. investigation, mediation and/or a tribunal hearing) are to be met by complainant, unless otherwise stated.]

Step 6: Reconsidering a complaint or appealing a decision

If the matter is referred to mediation and is not resolved at mediation, you may request that the CEO reconsider the complaint in accordance with Step 3.

In accordance with Sport Inclusion Australia rules you or the respondent(s) may also appeal a decision made at a tribunal hearing. The grounds and process for appeals are set out in *[Attachment D4]*.

Step 7: Documenting the resolution

The CEO will record the complaint, the steps taken to resolve it and the final outcome. This information will be stored in a confidential and secure place. If the complaint was dealt with at the state/district level, the information will be stored by the state association. If the matter is of a serious nature, or if it was dealt with at the national level, the original document will be stored by Sport Inclusion Australia and a copy stored by the state association.

Approaching external organisations

If you feel that you have been harassed or discriminated against, you can seek advice from your state or territory anti-discrimination or equal opportunity commission. There is no obligation to make a formal complaint. However, if the commission advises you that the issues appear to be within its jurisdiction, you may choose to lodge a formal complaint with the commission.

The commission may investigate your complaint. The commission may also attempt to conciliate the complaint on a confidential basis. If this fails, or if it is not appropriate, the complaint may go to a formal hearing. The tribunal will make a finding and decide what action, if any, will be taken.

If you do lodge a complaint with the commission, an appropriate person from our organisation (e.g. an MPIO) will be available to support you during the process. You may also wish to have a legal representation, particularly if the complaint goes to a formal hearing.

Contact details for the state and territory anti-discrimination and equal opportunity commissions are available on the Play by the Rules website:

<http://www.playbytherules.net.au/resources/quick-reference-guide>.

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

Attachment D2: MEDIATION

Mediation is a process that seeks to resolve complaints with the assistance of an impartial person – the mediator.

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to discuss the issues and seeks to facilitate a mutually agreeable solution.

Our approach to mediation follows the steps set out below.

1. The CEO will appoint an appropriate mediator to help resolve the complaint. This will be done under the direction of Sport Inclusion Australia and in consultation with the complainant and the respondent(s). The mediator will be an independent person in the context of the complaint, however this does not preclude a person with an association with Sport Inclusion Australia acting as mediator.
2. The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
3. All issues raised during mediation will be treated confidentially. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. If the complaint is resolved by mediation, where appropriate the mediator may seek to ensure the parties execute a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). We expect the parties involved to respect the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
 - write to CEO to request that the CEO reconsider the complaint; and
 - approach any relevant external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

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

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

Attachment D3: INVESTIGATION PROCESS

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

An investigation helps determine the facts relating to the incident, if requested, recommendations as to possible findings and next steps.

Any investigation we conduct will be fair to all people involved. The investigation process will be undertaken by an unbiased person.

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

1. We will provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities.
2. The investigator may:
 - Interview the complainant and record the interview in writing;
 - Provide full details of the complaint to the respondent(s) so that they can respond
 - Interview the respondent(s) to allow them to answer the complaint and record the interview in writing;
 - Obtain statements from witnesses and collect other relevant evidence;
 - Make a finding as to whether the complaint is:
 - **Substantiated** (there is sufficient evidence to support the complaint)
 - **Inconclusive** (there is insufficient evidence either way);
 - **Unsubstantiated** (there is sufficient evidence to show that the complaint is unfounded);
 - **Mischievous, vexatious or knowingly untrue.**
 - Provide a report to CEO/Tribunal documenting the complaint, the investigation process, the evidence, and if requested, any findings and recommendations.
3. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points from the investigation.
4. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or advisor (e.g. MPIO or CEO).

Attachment D4: TRIBUNAL PROCEDURES

We will follow the steps set out below to hear formal complaints made under our Member Protection Policy.

Preparing for a Tribunal hearing

1. A Tribunal panel will be established, according to the rules set out in our Constitution, to hear a complaint that has been referred to it by *CEO*.
2. The number of Tribunal panel members required to be present throughout the hearing will be *three*.
3. The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by *MPIO/CEO* relating to the complaint/allegations.
4. The Tribunal hearing will be held as soon as practicable. However, adequate time must be provided for the respondent(s) to prepare for the hearing.
5. The Tribunal panel will not include any person who has any actual or perceived conflict of interest or bias regarding the complaint/allegations.
6. The *CEO* will inform the respondent(s) in writing that a Tribunal hearing will take place. The notice will outline:
 - that the person has a right to appear at the Tribunal hearing to defend the complaint/allegations
 - the details of the complaint and of all allegations, as well as the clause of any policy or rule that has allegedly been breached
 - the date, time and venue of the Tribunal hearing
 - that either verbal or written submissions can be presented at the Tribunal hearing
 - that witnesses may attend the Tribunal hearing to support the position of the respondent/s (statutory declarations of witnesses not available to attend and from character witnesses may also be provided to the Tribunal hearing)
 - an outline of any possible sanctions that may be imposed if the complaint is found to be true;
 - that legal representation will not be allowed, but a person with an intellectual disability may be represented by an advocate or in the case of a minor, he/she should have a parent or guardian present.

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

The respondent(s) will be allowed to participate in all SPORT INCLUSION AUSTRALIA activities and events, pending the decision of the Tribunal, including any available appeal process, unless the *MPIO/CEO* believe it is necessary to exclude the respondent/s from all or some activities and events because of the nature of the complaint.

7. The *CEO* will notify the complainant in writing that a Tribunal hearing will take place. The notice will outline:
 - that the person has a right to appear at the Tribunal hearing to support their complaint
 - the details of the complaint, including any relevant rules or regulations the respondent is accused of breaching
 - the date, time and venue of the Tribunal hearing
 - that either verbal or written submissions can be presented at the Tribunal hearing
 - that witnesses may attend the Tribunal hearing to support the complainant's position (statutory declarations of witnesses not available to attend may also be provided to the Tribunal Hearing)

- that legal representation will not be allowed, but a person with an intellectual disability may be represented by an advocate or in the case of a minor, he/she should have a parent or guardian present.

A copy of the investigation report findings will be provided to the complainant.

8. If the complainant believes the details of the complaint are incorrect or insufficient, he or she should inform the *MPIO/CEO* as soon as possible so that the respondent(s) and members of the Tribunal panel can be properly informed of the complaint.
9. If possible, the Tribunal panel should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination).

Tribunal hearing procedure

10. The following people will be allowed to attend the Tribunal hearing:
 - Tribunal panel members
 - the respondent(s)
 - the complainant
 - any witnesses called by the respondent(s)
 - any witnesses called by the complainant
 - any parent/guardian or support person required to support the respondent or the complainant.
11. If the respondent(s) is not present at the set hearing time and the Tribunal chairperson considers that no valid reason has been presented for this absence, the Tribunal hearing will continue subject to the chairperson being satisfied that all Tribunal notification requirements have been met.
12. If the Tribunal chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.
13. If the Tribunal chairperson wishes to reschedule the Tribunal hearing date, the Tribunal chairperson will inform the *CEO* of the need to reschedule the hearing and the *CEO* will arrange for the Tribunal to be reconvened.
14. The Tribunal chairperson will read out the complaint, ask each respondent if he or she understands the complaint and if he or she agrees or disagrees with the complaint.
15. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any sanctions.
16. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
 - Reference may be made to brief notes.
 - The complainant may call witnesses.
 - The respondent may question the complainant and any witnesses.
17. The respondent will then be asked to respond to the complaint.
 - Reference may be made to brief notes.
 - The respondent may call witnesses.
 - The complainant may ask questions of the respondent and any witnesses.
18. The complainant and respondent(s) may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required.
19. The Tribunal may:
 - consider any evidence, and in any form, that it deems relevant
 - question any person giving evidence
 - limit the number of witnesses presented to those who provide new evidence

- require (to the extent it has power to do so) the attendance of any witness it deems relevant
 - ask questions of any person giving evidence;
 - limit the number of witnesses (including limiting witnesses to those persons who only provide new evidence);
 - require (to the extent it has power to do so) the attendance of any witness it deems relevant; and
 - act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
20. Video evidence, if available, may be presented. Arrangements for the viewing of this evidence must be made entirely by the person(s) wishing to offer this type of evidence.
21. If the Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidating behaviour from anyone, the Tribunal chairperson may deny further involvement of that person in the hearing.
22. After all the evidence has been presented, the Tribunal will make its decision in private. The Tribunal must decide whether the complaint has, on the balance of probabilities, been substantiated. (As the seriousness of the allegation increases, so too must the level of satisfaction of the Tribunal that the complaint has been substantiated. The respondent(s) have the opportunity to address the Tribunal on disciplinary measures which may be imposed. Any disciplinary measures imposed must be reasonable in the circumstances.)
23. All Tribunal decisions will be by majority vote.
24. The Tribunal chairperson may announce the decision of the Tribunal at the conclusion of the hearing. Alternatively, he or she may reserve the decision of the Tribunal at the conclusion of the hearing and deliver the decision a later time.
25. The respondent(s) will have the opportunity to make submissions to the Tribunal in relation to any sanctions that may be imposed.
26. Within 48 hours of the Tribunal delivering its decision, the Tribunal chairperson will:
- forward a notice of the Tribunal’s decision to the *CEO*, including details of any sanction imposed.
 - forward a letter reconfirming the Tribunal’s decision to the respondent(s), including any sanction imposed. The letter should also outline the process and grounds for an appeal, if allowed. (If matter is especially complex or important, the Tribunal chairperson may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours).
27. The Tribunal does not need to provide written reasons for its decision.

Appeals procedure

28. If a complainant or a respondent(s) is not satisfied with the outcome of a mediation process or a Tribunal decision, he or she can lodge an appeal to Sport Inclusion Australia on one or more of the following grounds:
- 28.1 that a denial of natural justice has occurred
 - 28.2 that the disciplinary measure/s imposed is unjust and/or unreasonable
 - 28.3 that the decision was not supported by the information/evidence provided at the mediation or to the Tribunal Hearing
29. A person wanting to appeal must lodge a letter setting out the basis for their appeal with the CEO within five days of the decision being made. An appeal fee of \$50 amount shall be included with the letter of intention to appeal.

30. If the letter of appeal is not received by the CEO within this time, the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received within this time, the appeal will also lapse.
31. The letter of appeal and the notice of the Tribunal's decision (clause 24) will be forwarded to the Sport Inclusion Australia Board to review and to decide whether there are sufficient grounds for the appeal to proceed. The Sport Inclusion Australia Board may invite any witnesses to the meeting that he or she believes are required to make an informed decision.
32. If the appellant has not shown sufficient grounds for an appeal in accordance with clause 26, then the appeal will be rejected. The appellant will be notified in writing, including the reasons for the decision. The appeal fee will be forfeited.
33. If the appeal is accepted, an Appeal Tribunal with new panel members will be convened to rehear the complaint, and the appeal fee will be refunded.
34. The Tribunal hearing procedure shall be followed for the Appeal Tribunal.
35. The decision of the Appeal Tribunal will be final.

PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

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

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

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

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

ATTACHMENT Final E - Including

- Attachment E1: Confidential record of informal complaint
- Attachment E2: Confidential record of formal complaint
- Attachment E3: Handling an allegation of child abuse
- Attachment E4: Confidential record of child abuse allegation
- Attachment E5: State/Territory/National/International child protection legislation

Attachment E2:
CONFIDENTIAL RECORD OF FORMAL COMPLAINT

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

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

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

Attachment E3:
PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

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

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

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

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

Step 1: Receive the allegation

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

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

Step 2: Report the allegation

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

Step 3: Protect the child and manage the situation

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

Step 4: Take internal action

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

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

Australia	
If an issues arises in a DFAT funded project; childprotection@dfat.gov.au	Department of Foreign Affairs and Trade http://dfat.gov.au/aid
Australian Capital Territory	
ACT Police Non-urgent police assistance Tel: 131 444 www.afp.gov.au	Office for Children, Youth and Family Services www.dhcs.act.gov.au/ocyfs/services/care_and_protection Tel: 1300 556 729
New South Wales	
New South Wales Police Non-urgent police assistance Tel: 131 444 www.police.nsw.gov.au	Department of Community Services www.community.nsw.gov.au Tel: 132 111
Northern Territory	
Northern Territory Police Non-urgent police assistance Tel: 131 444 www.pfes.nt.gov.au	Department of Children and Families www.childrenandfamilies.nt.gov.au Tel: 1800 700 250
Queensland	
Queensland Police Non-urgent police assistance Tel: 131 444 www.police.qld.gov.au	Department of Communities, Child Safety and Disability Services www.communities.qld.gov.au/childsafety Tel: 1800 811 810
South Australia	
South Australia Police Non-urgent police assistance Tel: 131 444 www.sapolice.sa.gov.au	Department for Education and Child Development www.families.sa.gov.au/childsafes Tel: 131 478
Tasmania	
Tasmania Police Non-urgent police assistance Tel: 131 444 www.police.tas.gov.au	Department of Health and Human Services www.dhhs.tas.gov.au/children Tel: 1300 737 639
Victoria	
Victoria Police Non-urgent police assistance Tel: (03) 9247 6666 www.police.vic.gov.au	Department of Human Services www.dhs.vic.gov.au Tel: 131 278
Western Australia	
Western Australia Police Non-urgent police assistance Tel: 131 444 www.police.wa.gov.au	Department for Child Protection and Family Support www.dcp.wa.gov.au Tel: (08) 9222 2555 or 1800 622 258

Attachment E4:

CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing this form, please ensure that the steps outlined in [Appendix 2] have been followed and advice has been sought from the police and/or the relevant child protection agency.

Complainant's name (if other than the child)		Date formal complaint received: / /
Role/status in sport		
Child's name		Age:
Child's address (if known)		
Name of Parents/Guardians/Carers and Addresses (if known)		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in activity	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Witnesses (if more than three witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Where incident occurred		
Your observations		

<p>Details of any conversation with the child</p>	
<p>Details of Concern/Suspicion/Incident</p> <p>Describe what happened: time, dates, name of person(s) involved, behaviour or physical signs observed, any other relevant details.</p>	
<p>Action taken so far</p>	
<p>Child protection agency contacted</p>	<p>Who: Contact Number:</p> <p>When:</p> <p>Advice provided:</p>
<p>Sport Inclusion Australia CEO</p>	<p>Who: Contact Number:</p> <p>When:</p>
<p>Sport Inclusion Australia has contacted DFAT if a funded activity</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Police</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Who: Contact Number:</p> <p>When:</p> <p>Advice provided:</p>
<p>Local Authority</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Who: Contact Number:</p> <p>When:</p> <p>Advice provided:</p>

Other	Which Other: Contact Number: When: Advice Provided:
Completed by	Name: Position: Signature: / /

Attachment E5: STATE/TERRITORY/NATIONAL/INTERNATIONAL CHILD PROTECTION LEGISLATION

State and territory child protection legislation

State and territory laws provide legal protection to children and families that are affected by child exploitation and abuse that occurs in Australia.

State or Territory	Legislation	Source
New South Wales	<i>Children and Young Persons (Care/Protection) Act 1998</i>	www.legislation.nsw.gov.au
Victoria	<i>Children, Youth and Families Act 2005</i>	www.legislation.vic.gov.au
Queensland	<i>Child Protection Act 1999</i>	www.legislation.qld.gov.au/OQPChome.htm
Western Australia	<i>Children and Community Services Act 2004</i>	www.slp.wa.gov.au/legislation/statutes.nsf/default.html
South Australia	<i>Children's Protection Act 1993</i>	www.legislation.sa.gov.au
Tasmania	<i>Children, Young Persons and their Families Act 1997</i>	www.thelaw.tas.gov.au
Australian Capital Territory	<i>Children and Young People Act 2008</i>	www.legislation.act.gov.au
Northern Territory	<i>Care and Protection of Children Act 2007</i>	www.nt.gov.au/dcm/legislation/current.html

Local legislation

Most countries in which DFAT works have legislation relating to child exploitation and abuse.

When working in-country, DFAT staff and the personnel of contractors and civil society organisations implementing aid program activities are required to abide by local legislation, including labour laws with regard to child labour.

International Child Protection instruments that Australia is a signatory to

Instrument	Source
The United Nations Convention on the Rights of the Child	www.unicef.org/crc
Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	www.unhcr.org/refworld/docid/50b353232.html
Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict	www.unhcr.org/refworld/docid/47fdfb180.html
Geneva Declaration of the Rights of the Child	www.un-documents.net/gdrc1924.htm
International Labour Organization Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	www.ilo.org/ilolex/english/convdisp1.htm

