



## MEMBER PROTECTION POLICY

VERSION 7

RA Board Approved

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## Preface

Rowing is a sport that values teamwork, cooperation & leadership and one that can be enjoyed by people of all ages and abilities.

Rowing Australia is committed to ensuring that a diverse range of athletes continue to enjoy our sport for years to come and to providing a safe environment in which to do so.

Rowing Australia has developed this policy to reinforce its commitment to providing an environment for participants of all ages and backgrounds that is safe, free from harassment and abuse, and promotes respectful and positive behaviour and values.

The policy provides a code of conduct forming the basis of appropriate and ethical conduct which everyone must abide by. All State and Territory Associations and rowing clubs will also be required to adopt this policy.

Inappropriate or unlawful behaviour will not be tolerated by Rowing Australia or its State and Territory Associations, and disciplinary action will be taken against individuals if there is a breach of this policy.

This policy is an essential part of Rowing Australia's proactive and preventative approach to tackling inappropriate behaviour within our sport. I trust that all administrators, coaches, athletes and support staff will assist me in promoting safe and responsible behaviour within rowing.



**Rob Scott**  
**President and Chairman**  
**Rowing Australia**  
**October 2015**

## Review history of Rowing Australia Member Protection Policy

Version	Date Reviewed	Content Reviewed/Purpose
One	May 2005	<ul style="list-style-type: none"> <li>Establish an RA Member Protection Policy</li> </ul>
Two	July 2007	<ul style="list-style-type: none"> <li>Overall review</li> <li>Update the Child Protection Requirements to ensure Australian Sports Commission Compliance</li> </ul>
Three	December 2009	<ul style="list-style-type: none"> <li>Overall review</li> <li>Update the Child Protection Requirements pertaining to Working with Children Check laws to ensure Australian Sports Commission Compliance</li> </ul>
Four	March 2010	<ul style="list-style-type: none"> <li>Update the Child Protection Requirements pertaining to Working with Children Check laws according to Australian Sports Commission advice.</li> </ul>
Five	June 2012	<ul style="list-style-type: none"> <li>Overall review</li> <li>Policy modified to provide a national version and an alternative (condensed) club version</li> <li>Inclusion of clause on taking images of children</li> <li>Inclusion of clause on cyber bullying</li> <li>Refinement to wording in all clauses (to provide greater clarity)</li> <li>Updated working with children check/ child protection clauses</li> </ul>
Six	December 2013	<ul style="list-style-type: none"> <li>Overall review</li> <li>Policy rewritten in plain language to make it more accessible for clubs and members</li> <li>Links to relevant resources included in the policy</li> <li>Dictionary of terms shortened and simplified</li> <li>Additional introduction and context provided for 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</li> <li>All attachments rewritten in plain language and links to fact sheets and other relevant information included, as appropriate</li> <li>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</li> </ul>
Seven	October 2015	<ul style="list-style-type: none"> <li>Revised and expanded Dictionary of Terms.</li> <li>Terminology reviewed and amended throughout document reflecting input from the Australian Human Rights Commission and the Victorian Equal Opportunity and Human Rights Commission.</li> <li>Large scale amendments to Section 6 to more accurately reflect current terminology.</li> <li>Tribunal Processes amended.</li> <li>Complaints Procedure amended.</li> <li>All Attachments amended to reflect up-to-date and practical language.</li> <li>Part C: amended to reflect mandatory requirements in Tasmania.</li> </ul>



## **PART A: NATIONAL MEMBER PROTECTION POLICY**

### **1. Introduction**

#### **Rowing Australia's Vision and Core Values**

The whole of sport vision of Rowing Australia and its Members is:

*"To be the number one rowing nation in the world"*

This vision will be achieved by conducting its business with trust, respect and fairness whilst adhering to the core values of rowing:

- Integrity
- Determination
- Respect
- Inclusivity;
- Generosity; and
- Unity.

Rowing Australia, its Member Associations and clubs are committed to:

- providing a healthy, safe, welcoming, inclusive and nurturing environment
- ensuring transparency and integrity in our governance and decision making
- operating with teamwork, cooperation, trust, effective communication and mutual respect
- continuing to develop a performance based culture ensuring a strong work ethic and accountability in all we do
- continuing to demand zero drug tolerance within our sport
- continuing to promote altruism and recognising our dedicated volunteer workforce

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

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

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

This policy:

- 2.1 has been made pursuant to the Constitution of Rowing Australia Ltd and has been endorsed by the Rowing Australia Board;
- 2.2 and/or its attachments may be amended from time to time by resolution of the Rowing Australia Board;
- 2.3 and its attachments can be obtained from our website ([www.rowingaustralia.com.au](http://www.rowingaustralia.com.au));

- 2.4 will commence on 9<sup>th</sup> October 2015 and will operate until replaced; and
- 2.5 is supported by Member Protection Policies that have been adopted and implemented by Rowing Australia's Member State and Territory Associations, and affiliated clubs and schools.

### 3 Who is bound by this policy

This policy applies to the following people, unless they have varied agreements with RA by consenting to be bound by a Policy which complements or supersedes this policy, whether they are in a paid or unpaid/voluntary capacity:

- 3.1 Rowing Australia Ltd;
- 3.2 Persons appointed or elected to RA's Board, committees and sub-committees;
- 3.3 Employees of RA;
- 3.4 Members of the RA Executive;
- 3.5 Support personnel appointed or elected to RA teams and squads (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers, etc);
- 3.6 Coaches and assistant coaches, including national representative coaches;
- 3.7 Athletes, including national representative athletes;
- 3.8 Boat Race Officials including referees, umpires and other officials involved in the regulation of rowing;
- 3.9 Employees and volunteers;
- 3.10 Members, including life members of RA;
- 3.11 Athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by RA;
- 3.12 Any other person or organisation that is a member of or affiliated to RA; and
- 3.13 Parents, guardians, spectators and sponsors to the full extent that is possible, including where spectators, parents/guardians and sponsors, who or which agree in writing (whether on a ticket, entry form or otherwise) to be bound by this policy;

This policy also applies to and shall be adopted by Rowing Australia's Member State and Territory Associations, Affiliated clubs and associated organisations.

*Member Associations are required to adopt and implement this policy and to provide proof to Rowing Australia Ltd of the approval of the policy by the relevant Board in accordance with its Constitution. Member Associations must also undertake to ensure that affiliated Clubs and individual Members are bound by this policy and are made aware of this policy and of its contents.*

This policy will continue to apply to a person even after they have stopped their association or employment with RA if disciplinary action against that person has commenced.

### 4 Organisational responsibilities

RA, its State and Territory Associations and member clubs and schools must:

- 4.1 adopt, implement and comply with this policy
- 4.2 make such amendments to its/their Constitution, Rules or Policies necessary for this policy to be enforceable;
- 4.3 publish, distribute and promote this policy and the consequences of any breaches
- 4.4 promote and model appropriate standards of behaviour at all times
- 4.5 deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner
- 4.6 apply this policy consistently
- 4.7 recognise and enforce any penalty imposed under this policy
- 4.8 ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies

- 4.9 use appropriately trained people to receive and manage complaints and allegations of inappropriate behavior
- 4.10 monitor and review this policy at least annually.

## 5. Individual responsibilities

Individuals bound by this policy are responsible for:

- 5.1 making themselves aware of the policy and complying with the codes of behaviour it sets out;
- 5.2 complying with all relevant provisions of the policy, including any codes of conduct and the steps for making a complaint or reporting possible child abuse set out in this policy ;
- 5.3 consenting to the screening requirements set out in this policy, and any state/territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18 or where otherwise required by law;
- 5.4 placing the safety and welfare of children above other considerations;
- 5.5 being accountable for their behaviour;
- 5.6 following the steps outlined in this policy for making a complaint or reporting possible child abuse, discrimination, harassment or other inappropriate behaviour;
- 5.7 co-operating in providing a discrimination, child abuse and harassment free sporting environment;
- 5.8 understanding the possible consequences of breaching this policy; and
- 5.9 complying with any decisions and/or disciplinary measures imposed under this policy.

## 6. Position statements

### 6.1 Child protection

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

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

#### 6.1.1 Identify and analyse risk of harm

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

#### 6.1.2 Develop codes of behaviour

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

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

#### 6.1.3 Choose suitable employees and volunteers

We will take all reasonable steps to ensure that our organisation engages suitable and appropriate people to work with children, especially those in positions that involve

regular unsupervised contact with children. This will include using a range of screening measures.

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

#### **6.1.4 Support, train, supervise and enhance performance**

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

#### **6.1.5: Empower and promote the participation of children**

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

#### **6.1.6: Report and respond appropriately to suspected abuse and neglect**

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

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

## **6.2 Taking images of children**

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

To respect people's privacy, we do not allow any photography including without limitation camera phones, videos and cameras, inside changing areas, showers and toilets.

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

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

## **6.3 Anti-discrimination and harassment**

Rowing 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 may not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.

### 6.3.1 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.

### 6.3.2 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.

### 6.3.3 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.

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 Sexual relationships

Rowing 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, favoritism 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 or Rowing Australia Integrity Officer 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 or Rowing Australia Integrity Officer. Our complaints procedure is outlined in Part D of this policy.

## 6.5 Pregnancy

Rowing Australia is committed to treating pregnant women fairly and to removing any unreasonable barriers to their full participation in our sport. We will not tolerate any discrimination or harassment against pregnant women.

Rowing Australia will take reasonable care to ensure the continuing safety, health and wellbeing of pregnant women. We will advise pregnant women that there may be risks involved with their continuing participation in sport, and we will encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn child, is of utmost importance in their decision-making about the extent they choose to participate in our sport.

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in our sport. Pregnant women should make these decisions themselves, in consultation with their medical advisers and in discussion with Rowing Australia.

We will only require pregnant women to sign a disclaimer in relation to their participation in our sport whilst they are pregnant 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 believes she is being, or 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.

### **6.6.1 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).

Rowing 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.

### **6.6.2 Participation in sport**

Rowing 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.

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

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

### **6.6.3. 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).

Rowing 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**

Rowing 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 Associations and member clubs follow strict guidelines regarding the service and consumption of alcohol.

Further guidance for clubs on developing an Alcohol Policy is available at: [www.playbytherules.net.au/resources/club-toolkit](http://www.playbytherules.net.au/resources/club-toolkit).

### **6.8 Smoke-free environment**

Rowing Australia is committed to providing a safe and healthy environment at all sporting and social events that we hold or endorse.

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

- Sporting events involving children and young people under the age of 18 should be smoke-free, with smoking permitted at designated outdoor smoking areas. This policy shall apply to coaches, athletes, trainers, officials and volunteers.
- Social events should be smoke-free, with smoking permitted at designated outdoor smoking areas.
- Coaches, officials, trainers, volunteers and players should refrain from smoking and remain smoke-free while they are involved in an official capacity in our sport, both on and off the field.

### **6.9 Bullying**

Rowing 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. Rowing Australia will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at an official, 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**

Rowing Australia acknowledges the enormous value of social networking to promote our sport and celebrate the achievements and success of the people involved in our sport.

Social networking refers to any interactive website or technology that enables people to communicate and/or share content via the internet. This includes social networking websites such as Facebook and Twitter.

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

In particular, social media activity including, but not limited to, postings, blogs, status updates, and tweets:

- must not contain material which is, or has the potential to be, offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate;
- must not contain material which is inaccurate, misleading or fraudulent;
- must not contain material which is in breach of laws, court orders, undertakings or contracts;

- should respect and maintain the privacy of others; and
- should promote the sport in a positive way.

Further guidance for clubs on developing a Communications Policy is available at: [www.playbytherules.net.au/resources/club-toolkit](http://www.playbytherules.net.au/resources/club-toolkit).

### 6.11 Other relevant policies

Other relevant RA policies can be found at the Rowing Australia website ([www.rowingaustralia.com.au](http://www.rowingaustralia.com.au)).

Some of the policies which contribute to the welfare of all those involved in our activities include:

- Anti-Doping Policy
- Illicit Drugs in Sport Policy
- National Policy on Match Fixing
- Medical Management Policy
- Sports Foods, Medical and Performance Supplement Policy
- Privacy Policy
- No Needles Policy
- Classification Policy

## 7. 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:

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

## 8. Complaints procedures

Rowing Australia aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of procedural fairness.

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 discriminated against, harassed, bullied or there has been any other breach of this policy.

All complaints made under this Policy must follow the process detailed in Attachment D1 of this Policy.

Matters should be dealt with at the lowest level possible. If a complaint relates to behaviour or an incident that occurred at the:

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

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

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.

### **8.1 Improper complaints and victimisation**

Rowing 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 may be undertaken in respect of a person 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 RA CEO considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or inappropriately intended to cause distress to the respondent, the matter may be referred to the RA Board for review and appropriate action, including possible disciplinary action against the complainant.

### **8.2 Mediation**

Rowing Australia aims to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action. At certain stages of the complaints handling procedure it may be appropriate to attempt to mediate the matter.

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.

Any mediation under this Policy will be conducted in line with the mediation process outlined in Attachment D2.

### **8.3 Tribunals**

Pursuant to the Complaints handling Procedure of this Policy, a Tribunal may be convened to hear a proceeding:

- referred to it by the RA CEO;
- referred to it or escalated by a State or Territory Association with the consent of the RA CEO; or

- as otherwise required by this policy.

Our Tribunal procedure is outlined in Attachment D4.

Our Tribunal procedure also applies to Appeals lodged under this Policy in respect of a Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved.

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

## 9. Disciplinary measures

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

Any disciplinary measure imposed will be:

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

### 9.1 Individual

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

- 9.1.1 A direction that the individual make a verbal and/or written apology;
- 9.1.2 A written warning;
- 9.1.3 A direction that the individual attend counselling to address their behaviour;
- 9.1.4 A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by RA;
- 9.1.5 A demotion or transfer of the individual to another location, role or activity;
- 9.1.6 A suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.7 Termination of the individual's membership, appointment or engagement;
- 9.1.8 A recommendation that RA terminate the individual's membership, appointment or engagement;
- 9.1.9 In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- 9.1.10 A fine;
- 9.1.11 Any other form of discipline that the Tribunal considers appropriate.

### 9.2 Organisation

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

- 9.2.1 A written warning;
- 9.2.2 A fine;
- 9.2.3 A direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period;

- 9.2.4 A direction that any funding granted or given to it by the RA cease from a specified date;
- 9.2.5 A direction that RA cease to sanction events held by or under the auspices of that organisation;
- 9.2.6 A recommendation to RA that its membership of RA be suspended or terminated in accordance with the relevant constitution or rules;
- 9.2.7 Any other form of discipline that the national body or peak organisation considers reasonable and appropriate.

### 9.3 Factors to consider

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

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

## 10. Dictionary of terms

This dictionary of terms sets out the meaning of words used in this Policy without limiting the ordinary and natural meaning of the words. Where a term is not defined it should be given its ordinary and natural meaning. Further detail or definitions that are specific to different states and territories can be sourced from the relevant child protection authorities or equal opportunity and anti-discrimination commissions.

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

**Affiliated club** means a club that is affiliated with a Member State and/or Territory Association of Rowing Australia

**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).

**Chief Executive Officer** means the Chief Executive Officer of Rowing Australia, or their delegate.

**Complaint** means a complaint made under clause 8 of this policy

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

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

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

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

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

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

**Examples of discrimination** are available on the Play by the Rules website:  
[www.playbytherules.net.au/legal-stuff/discrimination](http://www.playbytherules.net.au/legal-stuff/discrimination)

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

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

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

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

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

**Member Protection Information Officer** means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this policy. 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.

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

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

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

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

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

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

- publishing child pornography and indecent articles.

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

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

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

## PART B: CODES OF BEHAVIOUR

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

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

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

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

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

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

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

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

Rowing Australia, including our state associations and clubs, 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.

### **ATTACHMENTS**

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

## **Attachment C1: EMPLOYMENT SCREENING REQUIREMENTS**

for Tasmania only. All other States and Territories refer to Attachment C3.

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Under the *Registration to Work with Vulnerable People Act 2013* (Tas) it will be mandatory for all people working or volunteering in the sport and recreation sector in Tasmania to hold a Working with Children Registration by 1 April 2015.

This attachment explains the procedures we will use up until 1 April 2015 to screen the people associated with our organisation who work, coach or have regular unsupervised contact with children and young people under the age of 18 years. We require our state associations and clubs to follow this procedure.

1. We will identify all positions where people work, coach or have regular unsupervised contact with children and young people under the age of 18 years.
2. Before a person is offered such a position, we will ask him or her to complete a Member Protection Declaration (“MPD”) (see Attachment C2).
3. If a person is unable to provide a MPD, or if he or she cannot satisfactorily answer the questions in the MPD, we will ask that person to provide an explanation. We will then make an assessment about the person’s suitability to work with children and young people. If we are not satisfied of the person’s suitability to work with children and young people, we will not appoint them to the position.
4. Where possible, we will check a person’s referees (verbal or written) about his or her suitability for the position.
5. We will ask each person to sign a consent form for a national police check and explain why our policy requires a police check to be undertaken.
6. If a person does not agree to a national police check, we will make an assessment about his or her suitability to work with children and young people.
7. If the national police check indicates that a “relevant offence” has been recorded, we will ask the person to provide an explanation. We will then make an assessment about the person’s suitability to work with children and young people. If we are not satisfied of the person’s suitability to work with children and young people, we will not appoint them to the position.
8. We will protect the privacy of each person who undertakes the screening process and keep all information we obtain strictly confidential.
9. We will return all the information collected as part of the screening process (e.g. completed MPD forms, national police checks and referee reports) to the relevant person if he or she is not appointed to the position. Alternatively, all records will be destroyed within 28 days of the date of the decision or the expiry of any appeal period unless, within that time, the person requests the documents to be returned to him or her. The records of all people appointed to our organisation will be kept on file in a secure location.

**Attachment C2: MEMBER PROTECTION DECLARATION**

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RA has a duty of care to all those associated with our organisation and to the individuals and organisations to whom this policy applies. 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 years.

I ..... (name) of .....  
..... (address) born ...../...../.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence.
4. I am not currently serving a sanction for an anti-doping rule violation under an 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 RA may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the CEO and/or President (as appropriate) 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 .....

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**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 C3: WORKING WITH CHILDREN CHECK REQUIREMENTS**

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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](http://www.playbytherules.net)

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

### **Australian Capital Territory**

Contact the Office of Regulatory Services

Website: [www.ors.act.gov.au/community/working\\_with\\_vulnerable\\_people\\_wwvp](http://www.ors.act.gov.au/community/working_with_vulnerable_people_wwvp)

Phone: 02 6207 3000

### **New South Wales**

Contact the Office of the Children’s Guardian

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

Phone: 02 9286 7276

### **Northern Territory**

Contact the Northern Territory Screening Authority

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

Phone: 1800 SAFE NT (1800 723 368)

### **Queensland**

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

Website: [www.ccypcg.qld.gov.au](http://www.ccypcg.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/childsafe](http://www.families.sa.gov.au/childsafe)

Phone : 08 8463 6468.

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

### **Tasmania**

Contact the Department of Justice about the working with children registration system that is being phased in

Website: [www.justice.tas.gov.au/working\\_with\\_children](http://www.justice.tas.gov.au/working_with_children)

Phone: 1300 13 55 13

### **Victoria**

Contact the Department of Justice

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

Phone: 1300 652 879

### **Western Australia**

Contact the Department for Child Protection

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

Phone: 1800 883 979 **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.

## ATTACHMENT D1: COMPLAINTS PROCEDURE

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Rowing 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 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.

Individuals will be provided with an **informal and formal process** to resolve the matter. We will provide **informal and formal procedures** to deal with complaints. Individuals and organisations can also make **complaints to external organisations** under anti-discrimination, child protection and other relevant laws.

There will also be an appeals process for those matters where it is required.

All complaints made under this Policy must proceed in line with the complaints procedure detailed in this Attachment D1.

### INFORMAL APPROACHES

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

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

#### Step 2: Contact a Member Protection Information Officer (or similar)

If:

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

then you should talk in the first instance with an MPIO. A list of our sport's MPIOs can be found at the Australian Sports Commission's 'Play by the Rules' website - <http://www.playbytherules.net.au/>

The MPIO's role is to :

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

For Complaints relating to child abuse, fraud or criminal behaviour, the MPIO is under a positive obligation to forward details of the Complaint to the CEO of the Organisation involved and where required by law to advise the Police.

### Step 3: Outcomes from initial contact

After talking with the MPIO you may decide:

- there is no problem;
- the problem is minor and you do not wish to take the matter forward;
- to try and work out your own resolution (with or without a support person such as a MPIO); or
- to seek a mediated resolution with the help of a third person (such as a mediator); or
- to resolve the matter through a formal approach.

## FORMAL APPROACHES

### Step 4: Making a Formal complaint

If your complaint is not resolved or informal approaches are not appropriate or possible, you may, pursuant to the relevant sections of this Policy:

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

### Step 5: Hearing Officer Process

If you decide to make a formal Complaint in writing under Step 4, the CEO will, on receiving the formal Complaint and based on the material provided, decide whether:

- they are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure;
- to refer the complaint to mediation;
- to appoint a person to **investigate** (gather more information on) the complaint. If an investigator is appointed, the investigation process will proceed in accordance with Attachment D3;
- to refer the complaint to a hearings tribunal;
- to refer the matter to the police or other appropriate authority; and/or
- to implement any interim arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the RA CEO will take into account:

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

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

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

### **Step 6: Resolution Process**

If:

- A person appointed to investigate the Complaint under **Step 5**, the Investigator should conduct the Investigation and provide a written report to the RA CEO who may refer it to a Hearing Tribunal, to determine what, if any, further action to take. The CEO may direct the Investigator to make further enquiries and obtain additional information, may take disciplinary action in accordance with clause 9 of this Policy or may refer the Complaint to a mediation session, a Hearing Tribunal or the police or other appropriate authority;
- If the Complaint is referred to mediation session under **Step 5**, it will be conducted in accordance with Attachment D2 or as otherwise agreed by you and the respondent and the mediation provider;
- If the complaint is referred to a Hearings Tribunal under **Step 5**, the hearing will be conducted in accordance with Attachment D4; and
- If the complaint is referred to the police or other appropriate authority under **Step 5**, RA will use its best endeavours to provide all reasonable assistance required by the police or other authority.

### **Step 7: Reconsideration of the Initial Outcome, Investigation or Appeal**

If, under **Step 6**, an informal or formal mediation session is conducted, and the parties cannot reach a mutually acceptable mediated solution to the Complaint, the Complainant may request that the CEO reconsider the Complaint in accordance with **Step 5**. This request must be made within 48 hours of the initial decision.

You or the respondent(s) may be entitled to appeal. The grounds and process for appeals under this Policy are set out in Attachment D4.

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

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

### **EXTERNAL PROCEDURES**

There may be a range of external options available to the Complainant depending on the nature of the Complaint. Where the Complainant feels that they have been Harassed or Discriminated against, they can seek advice from their State or Territory equal opportunity commission without being obliged to make a formal Complaint

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

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

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

This section outlines the general procedure of mediation:

1. Mediation may occur either before or after an investigation of the Complaint under **Step 6** of the complaints procedure.
2. Mediation may only be recommended if:
  - both parties have had their chance to tell their version of events to the MPIO;
  - the MPIO does not believe that any of the allegations warrant any form of disciplinary action. Serious allegations should not be mediated, even if both parties would like to attempt mediation; and
  - mediation looks like it may work.
3. We recognise that there are some situations where mediation will not be appropriate, including:
  - when the people involved have completely different versions of the incident
  - when one or both parties are unwilling to attempt mediation
  - when the issues raised are sensitive in nature
  - when there is a real or perceived power imbalance between the people involved
  - matters that involve serious, proven allegations.
4. The MPIO or CEO should, in consultation with the Complainant and the Respondent(s), appoint a Mediator to help resolve the Complaint. The CEO's choice of Mediator will be final.
5. 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.
6. If 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.
7. or the avoidance of doubt, neither party is entitled to be represented by a legal practitioner at the mediation.
8. At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached between the Complainant and Respondent(s) and they should sign it as their agreement. We expect the parties involved to respect the terms of the agreement.
9. If the formal Complaint is not resolved by mediation, the Complainant may:
  - write to the CEO to request reconsideration of the Complaint in accordance with **Step 5** of the Complaints Procedure; or
  - approach an external agency such as an anti-discrimination commission or equal opportunity commission to resolve the matter.

## Attachment D3: INVESTIGATION PROCESS

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There will be times when a complaint will need to be investigated and evidence gathered. An investigation helps determine the facts relating to the incident, as well as possible findings and recommendations. Any investigation that we conduct will be fair to all people involved.

If an investigation is to be conducted, 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 will:
  - a) interview the complainant and record the interview in writing
  - b) provide full details of the complaint to the respondent(s) so that they can respond
  - c) interview the respondent(s) to allow them to answer the complaint and record the interview in writing
  - d) obtain statements from witnesses and collect other relevant evidence, if there is a dispute over the facts
  - e) make a finding as to whether the complaint is:
    - i. **substantiated** (there is sufficient evidence to support the complaint)
    - ii. **inconclusive** (there is insufficient evidence either way)
    - iii. **unsubstantiated** (there is sufficient evidence to show that the complaint is unfounded)
    - iv. **mischievous, vexatious or knowingly untrue.**
  - f) provide a report to the RA Board documenting the complaint, the investigation process, the evidence, the finding(s) and, if requested, any recommendations.
3. A report documenting the Complaint, the investigation process, evidence, finding and, if requested, recommendations, should be given to the CEO who may refer it to a Hearing Tribunal to determine what, if any, further action to take.
4. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
5. Both the complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (e.g. MPIO).
6. The complainant and the respondent(s) may have the right to appeal any decision based on the investigation. Information on our appeals process is in Attachment D4.

## Attachment D4: TRIBUNAL PROCEDURES

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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 to hear a complaint that has been referred to it by the RA CEO. The number of Tribunal panel members required to be present throughout the hearing will be determined by the Board from time to time.
2. The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information relating to the complaint/allegations.
3. The Tribunal hearing will be held as soon as practicable. However, adequate time must be provided for the respondent(s) to prepare for the hearing.
4. The Tribunal panel will not include any person who has any actual or perceived conflict of interest or bias regarding the complaint/allegations.
5. The RA 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 penalties that may be imposed if the complaint is found to be true
  - that legal representation will not be allowed. If the respondent is a minor, he or 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).

6. The RA 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. If the complainant is a minor, he or she should have a parent or guardian present.

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

7. If the complainant believes the details of the complaint are incorrect or insufficient, he or she should inform the RA CEO as soon as possible so that the respondent(s) and members of the Tribunal panel can be properly informed of the complaint.
8. 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**

9. 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.
10. If the respondent(s) is not present at the set hearing time and the Tribunal chairperson considers that no valid reason has been presented for this absence, the Tribunal hearing will continue subject to the chairperson being satisfied that all Tribunal notification requirements have been met.
11. 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 in which case the Tribunal chairperson will inform the RA CEO of the need to reschedule the hearing and the RA CEO will arrange for the Tribunal to be reconvened.
12. 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.
13. 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 disciplinary measures or penalties.
14. 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.
15. 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.
16. 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.
17. 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
  - act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.

18. Video evidence, if available, may be presented. Arrangements must be made entirely by the person(s) wishing to offer this type of evidence.
19. If the Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidatory behaviour from anyone, the Tribunal chairperson may deny further involvement of that person in the hearing.
20. After all the evidence has been presented, the Tribunal will make its decision in private. It 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.
21. All Tribunal decisions will be by majority vote.
22. The Tribunal chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed. Alternatively, he or she may advise those present that the decision is reserved and will be handed down in written form at a later time.
23. Within 48 hours, the Tribunal chairperson will:
  - forward a notice of the Tribunal's decision to the RA CEO, including any disciplinary measures imposed.
  - forward a letter reconfirming the Tribunal's decision to the respondent(s), including any disciplinary measures 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.
24. The Tribunal does not need to provide written reasons for its decision.

### Appeals procedure

25. 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 RA on one or more of the following grounds:
  - 25.1 that a denial of natural justice has occurred
  - 25.2 that the disciplinary measure/s imposed is unjust and/or unreasonable
  - 25.3 that the decision was not supported by the information/evidence provided at the mediation or to the Tribunal Hearing
26. A person wanting to appeal must lodge a letter setting out the basis for their appeal with the RA CEO within 48 hours of the decision being made. An appeal fee of \$500 shall be included with the letter of intention to appeal.
28. If the letter of appeal is not received by the RA 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.
29. The letter of appeal and the notice of the Tribunal's decision (clause 23) will be forwarded to the RA CEO to review and to decide whether there are sufficient grounds for the appeal to proceed. The RA CEO may invite any witnesses to the meeting that he or she believes are required to make an informed decision.
30. If the appellant has not shown sufficient grounds for an appeal in accordance with clause 25, 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.

31. If the appeal is accepted, an Appeal Tribunal with new panel members will be convened to rehear the complaint.
32. The Tribunal hearing procedure shall be followed for the Appeal Tribunal.
33. The decision of the Appeal Tribunal will be final.

For the avoidance of doubt, Appeals should be dealt with at the level that the original complaint was handled. If an Appeal relates to a complaint handled at the:

- state level, or involves people operating at the state level, then the appeal should be heard and handled by the relevant state association
- club level, or involves people operating at the club level, then the appeal should be heard and handled by the relevant club.

Only Appeals relating to complaints handled at or which relate to, or which occurred at, the national level, should be heard by RA.

## **PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS**

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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.

### **ATTACHMENTS**

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



## Attachment E2: CONFIDENTIAL RECORD OF FORMAL COMPLAINT

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

Formal resolution procedures followed (outline)	
If investigated:	Finding
If heard by Tribunal:	Decision  Action recommended
If mediated:	Date of mediation:  Both/all parties present  Agreement  Any other action taken
If decision was appealed	Decision  Action recommended
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position: Signature: <span style="float: right;">Date / /</span>
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 RA 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](http://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 RA 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 RA so that he or she can manage the situation.

### Step 3: Protect the child and manage the situation

- The RA 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 RA CEO.

- The CEO will consider what services may be most appropriate to support the child and his or her parent/s.
- The CEO will consider what support services may be appropriate for the alleged offender.
- The CEO will put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

#### Step 4: Take internal action

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

Australian Capital Territory	
ACT Police Non-urgent police assistance Ph: 131 444 <a href="http://www.afp.gov.au">www.afp.gov.au</a>	Office for Children, Youth and Family Services <a href="http://www.dhcs.act.gov.au/ocyfs/services/care_and_protection">www.dhcs.act.gov.au/ocyfs/services/care_and_protection</a> Ph: 1300 556 729
New South Wales	
New South Wales Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.nsw.gov.au">www.police.nsw.gov.au</a>	Department of Family and Community Services <a href="http://www.community.nsw.gov.au">www.community.nsw.gov.au</a> Ph: 132 111
Northern Territory	
Northern Territory Police Non-urgent police assistance Ph: 131 444 <a href="http://www.pfes.nt.gov.au">www.pfes.nt.gov.au</a>	Department of Children and Families <a href="http://www.childrenandfamilies.nt.gov.au">www.childrenandfamilies.nt.gov.au</a> Ph: 1800 700 250
Queensland	
Queensland Police Non-urgent police assistance Ph: 131 444	Department of Communities, Child Safety and Disability Services <a href="http://www.communities.qld.gov.au/childsafety">www.communities.qld.gov.au/childsafety</a>

<a href="http://www.police.qld.gov.au">www.police.qld.gov.au</a>	Ph: 1800 811 810
<b>South Australia</b>	
South Australia Police Non-urgent police assistance Ph: 131 444 <a href="http://www.sapolice.sa.gov.au">www.sapolice.sa.gov.au</a>	Department for Education and Child Development <a href="http://www.families.sa.gov.au/childsafes">www.families.sa.gov.au/childsafes</a> Ph: 131 478
<b>Tasmania</b>	
Tasmania Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.tas.gov.au">www.police.tas.gov.au</a>	Department of Health and Human Services <a href="http://www.dhhs.tas.gov.au/children">www.dhhs.tas.gov.au/children</a> Ph: 1300 737 639
<b>Victoria</b>	
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 <a href="http://www.police.vic.gov.au">www.police.vic.gov.au</a>	Department of Human Services <a href="http://www.dhs.vic.gov.au">www.dhs.vic.gov.au</a> Ph: 131 278
<b>Western Australia</b>	
Western Australia Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.wa.gov.au">www.police.wa.gov.au</a>	Department for Child Protection and Family Support <a href="http://www.dcp.wa.gov.au">www.dcp.wa.gov.au</a> Ph: (08) 9222 2555 or 1800 622 258

## Attachment E4: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing this form, please ensure that the steps outlined in Attachment E3 have been followed and advice has been sought from the police and/or the relevant child protection agency.

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

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

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