AUSTRALIAN CALISTHENIC FEDERATION INC.

ABN: 83 741 804 818

Member Protection Policy

Effective from
26/03/07

Australian Government
Australian Sports Commission

PREFACE

It is unlawful to discriminate against people on the basis of an attribute or personal characteristic.

It is unlawful to harass and bully people.

It is therefore unlawful, let alone socially unacceptable to discriminate, harass or bully our calisthenics members. We will take all measures possible to create a safe and happy environment for all participants.

This Policy provides a code of conduct forming the basis of appropriate and ethical behaviour which everyone must abide by. This Policy confirms that the Australian Calisthenic Federation Inc is committed to the principles of The Essence of Australian Sport.

This Policy stipulates what compulsory actions all states and clubs must take including screening, legal requirements and complaint procedures if in the unfortunate event that these practices crept into our classes.

The policy also details the relevant child protection requirements for States having Child protection/working with children legislation.

The ideology of our members experiencing only happy, respectful and fulfilling experiences in calisthenics will be a forthright philosophy.

Lynne Hayward
President

November 2006

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PART A: MEMBER PROTECTION POLICY

1. AUSTRALIAN CALISTHENIC FEDERATION MISSION AND CORE VALUES

1.1 Vision

Our vision is to facilitate continual growth of calisthenics within Australia.

1.2 Mission

Our mission is to nationally develop, promote, administer and co-ordinate in a professional and efficient manner the uniquely Australian sport of Calisthenics for the enjoyment and benefit of all.

1.3 Core Values

- Strive for excellence and innovation.
- Value the well being and diversity of our people.
- Be responsive to our stakeholders' needs.
- Listen and communicate openly.
- Be open and transparent.
- Be co operative and work as a team.
- Be objective, fair and nationally focused in our decision making.

2. WHAT IS THE PURPOSE OF THIS POLICY?

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

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

This Policy has been endorsed by the ACF Council under Rule 37 of the ACF Constitution. The Policy starts on 26 March 2007 and will operate until replaced. This Policy and/or its attachments may be amended from time to time by amendments, by resolution of the ACF Council. Copies of the Policy and its attachments can be obtained from our website or from your State/Territory administration.

3. WHO DOES THIS POLICY APPLY TO?

This Policy applies to the following organisations and individuals whether they are in a paid or unpaid/voluntary capacity:

(a) Individuals appointed or elected to boards of directors, executives and/or committees and sub-committees of ACF, Member States and Affiliated Clubs;

(b) Employees, paid contractors and volunteers of ACF, Member States and Affiliated Clubs;

(c) Support personnel (including, but not limited to, team managers and chaperones);

(d) Coaches and assistant coaches who:

(i) are appointed and/or employed by ACF, Member States and Affiliated Clubs (whether paid or unpaid);

(ii) have an agreement (whether or not in writing) with ACF, a Member State or an Affiliated Club to coach at a facility owned/hired or managed by such organisation;

(iii) are registered members of a coaching association.

(e) Participants who participate in calisthenics or who enter any competition, activity or events (including, but not limited to, camps and training sessions, etc) which are held or sanctioned by ACF, a Member State or an Affiliated Club;

(f) Adjudicators and other competition officials including members of the Australian Society of Calisthenics Adjudicators;

(g) Members, including Life Members;

(h) Member States;

(i) Affiliated Clubs;

(j) Any other person or organisation that is a member of or affiliated to ACF, a Member State or an Affiliated Club (including Life Members);

(k) Parents, guardians, spectators and sponsors to the full extent that is possible including where such persons or organisations have agreed, in writing or otherwise, to be bound by this Policy.

This Policy will continue to apply to a person even after they have stopped their association with ACF, a Member State or an Affiliated Club, if disciplinary action, relating to an allegation of child abuse against that person, has commenced.

4. CODE OF CONDUCT

ACF requires every individual and organisation bound by this Policy to:

(a) Be ethical, fair and honest in all their dealings with other people and the ACF;

(b) Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;

(c) Always place the safety and welfare of children above other considerations;

(d) Comply with ACF's Constitution, rules and policies including this Member Protection Policy;

(e) Operate within the rules and spirit of the sport;

(f) Comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and child protection laws;

(g) Be responsible and accountable for their conduct; and

(h) Abide by the relevant Codes of Conduct outlined in Part D of this Policy.

5. ORGANISATIONAL RESPONSIBILITIES UNDER THIS POLICY

5.1 ACF, Member States and Affiliated Clubs must:

(a) Adopt, implement and comply with this Policy;

(b) Publish, distribute and otherwise promote this Policy and the consequences for breaching it;

(c) Promote appropriate standards of conduct at all times;

(d) Promptly deal with any breaches of or complaints made under this Policy in an impartial, sensitive, fair, timely and confidential manner;

(e) Apply this Policy consistently without fear or favour;

(f) Recognise and enforce any penalty imposed under this Policy;

(g) Ensure that a copy of this Policy is available or accessible to the persons to whom this Policy applies;

(h) Appoint at least one MPIO to receive and handle complaints and allegations and display the names and contact details of such person(s) in a way that is readily accessible;

(i) Monitor and review this Policy at least annually; and

(j) Make such amendments to their constitution, rules or by laws in order for this Policy to be enforceable, as required by ACF.

5.2 The Committee of Management of ACF, the Member States and the Affiliated Clubs are responsible for taking all reasonable steps to ensure implementation, compliance and enforcement of this Policy.

6. INDIVIDUAL RESPONSIBILITIES

Individuals bound by this Policy are responsible for:

(a) making themselves aware of the policy and complying with the standards of conduct outlined in this Policy;

(b) consenting to a national police check if the individual is a registered coach or holds or applies for a role that involves direct and unsupervised contact with people under the age of 18 years;

(c) complying with all other requirements of this Policy;

(d) co-operating in providing a discrimination, child abuse and harassment free sporting environment; and

(e) understanding the possible consequences of breaching this Policy.

7. POLICY POSITION STATEMENTS

7.1 Child Protection Policy

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

ACF and affiliated bodies acknowledge that our staff and volunteers provide a valuable contribution to the positive experiences of our junior participants. ACF aims to ensure this

continues and to protect the safety and welfare of its junior participants. Several measures will be used to achieve this such as:

(a) Prohibiting any form of abuse against children;

(b) Providing opportunities for our juniors to contribute to and provide feedback on our program development;

(c) Carefully selecting and screening people whose role requires them to work with junior participants and or have direct and unsupervised contact with children.(Screening procedures are outlined in Part B of this Policy);

(d) Ensuring our codes of conduct, particularly for roles associated with junior sport, are promoted, enforced and reviewed;

(e) Providing procedures for raising concerns or complaints (complaints procedure is outlined in Part C of this Policy); and

(f) Providing education and/or information to those involved in our sport on child abuse and child protection.

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

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

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

7.2 Anti-Discrimination and Harassment Policy

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

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

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

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

7.3 Sexual Relationships Policy

ACF takes the view that intimate relationships (whether or not of a sexual nature) between coaches and participants, while not necessarily constituting Harassment, can have harmful effects on the individual participant involved, on other participants and on the sport's public

image. Such relationships may be perceived to be exploitative because there is usually a disparity between coaches and participants in terms of authority, maturity, status and dependence. Given there is always a risk that the relative power of the coach has been a factor in the development of such relationships, they should be avoided by coaches at all levels. In the event that a participant attempts to initiate an intimate relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such actions.

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

7.4 Pregnancy Policy

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

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

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

While many sporting activities are safe for pregnant women to participate in, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the particular sporting activity and the particular pregnant woman's circumstances. ACF will take reasonable care to ensure the safety, health and well being of pregnant women and their unborn children. We will advise pregnant women that there may be risks involved, and encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, are of utmost importance in their decision making about the extent and manner in which they participate in our sport.

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

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

7.5 Gender Identity Policy

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

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

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

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

8. COMPLAINTS PROCEDURES

8.1 Complaints

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

A complaint may be reported as an informal or formal complaint. The complainant decides whether the complaint will be dealt with informally or formally unless the MPIO considers that the complaint falls outside the parameters of this Policy and would be better dealt with another way.

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

8.2 Vexatious Complaints & Victimisation

ACF aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the MPIO considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the relevant Member State Committee of Management or the ACF Committee of Management for appropriate action which may include disciplinary action against the complainant.

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

8.3 Mediation

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

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

8.4 Tribunals

A hearings tribunal may be formed to conduct a hearing into an alleged breach of the policy or a formal complaint that has been referred by the ACF Committee of Management or the Committee of Management of a Member State. Our tribunal hearings procedure is outlined in attachment C of this Policy.

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

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

9. WHAT IS A BREACH OF THIS POLICY?

It is a breach of this Policy for any person or organisation to which this Policy applies, to:

(a) do anything contrary to this Policy;

(b) breach the Code of Conduct or any of the Role-Specific Codes of Conduct incorporated in this Policy;

(c) bring the sport, ACF, Member States or the Member States affiliated Clubs into disrepute;

(d) fail to follow the ACF and Member State policies and procedures for the protection, safety and welfare of children;

(e) have appointed or continue to appoint a person to a role that involves working with children and young people contrary to this Policy;

(f) discriminate against or harass any person;

(g) victimise another person for reporting a complaint;

(h) engage in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;

(i) disclose to any unauthorised person or organisation any ACF, Member State or Affiliated Club, information that is of a private, confidential or privileged nature;

(j) make a complaint they **knew** to be untrue, vexatious, malicious or improper;

(k) fail to comply with a penalty imposed after a finding that the individual or organisation has breached this Policy;

(l) fail to comply with a direction given to the individual or organisation during the discipline process.

10. FORMS OF DISCIPLINE

If an individual or organisation to which this Policy applies breaches this Policy, one or more forms of discipline may be imposed. These may include making a verbal or written apology, paying a fine, being suspended or de-registered or having a person's appointment or employment terminated.

11. DICTIONARY

This Dictionary sets out the meaning of words used in this Policy and its attachments without limiting the ordinary and natural meaning of the words. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection commissions or equal opportunity and anti-discrimination commissions.

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

ACF means the Australian Calisthenic Federation Inc, the national governing body for calisthenics in Australia.

ACF Constitution means the constitution of ACF as amended from time to time.

Affiliated Club means a club (whether incorporated, unincorporated or otherwise) which is a member of a Member State.

Child means a person who is under the age of 18 years (see also definition of young person)

Child abuse relates to children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms. Children may be harmed by both verbal and physical actions and by people failing to provide them with basic care. Child abuse may include:

- physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; giving bad nutritional advice; or training that exceeds the child's development or maturity);

- sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations);

- emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child);

- neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

Codes of Conduct means the standard of conduct required by ACF which is set out in the ACF Code of Conduct and the Role-specific Codes of Conduct annexed to this Policy.

Complaint means a complaint made under this Policy.

Complainant means the person making a complaint.

Discrimination means treating or proposing to treat someone less favourably than someone else because of a particular characteristic in the same or similar circumstances in certain areas of public life (this is **Direct Discrimination**). The law also covers Indirect Discrimination. This is imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics. The characteristics covered by discrimination law across Australia are:

- age;

- disability;

- family/carer responsibilities;

- gender identity/transgender status;

- homosexuality and sexual orientation;

- irrelevant medical record;

- irrelevant criminal record;

- political belief/activity;

- pregnancy and breastfeeding;

- race;

- religious belief/activity;

- sex or gender;

- social origin;

- trade union membership/activity.

Some States and Territories include additional characteristics such as physical features or association with a person with one or more of the characteristics listed above.

Examples of Discrimination

- age: a club refuses to allow an older person to coach a team simply because of their age;

- breastfeeding: a member of the club who is breastfeeding her baby in the class venue is asked to leave;

- disability: a junior player is overlooked because of her mild epilepsy;
- family responsibilities: a club decides not to appoint a person because they have a child with a disability even though the person is the best person for the job;
- gender identity: a transgender contract worker is harassed when employees refuse to call her by her female name;
- homosexuality: an athlete is ostracised from her team after she tells a team mate that she is a lesbian;
- marital status: a player is deliberately excluded from team activities and social functions because she is single;
- pregnancy: a woman is dropped from her team when she becomes pregnant.

Frivolous means trifling or futile.

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

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

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

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

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

- holding a competitive sporting activity for females only who are 14 years of age or over where strength, stamina or physique is relevant; or
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that sporting activity.

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

It is also against discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment..

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

Hearings Convenor means a person appointed in accordance with **Attachment C4**, who is responsible for the administration of hearings by the Hearings Tribunal.

Hearings Tribunal means the tribunal of ACF or a Member State established to hear and determine alleged breaches and appeals under this Policy.

Junior means a person under the age of eighteen (18) years who is participating in an activity of the ACF, Member State or Affiliated Club.

Malicious means with wrongful intention.

Mediator means a person appointed to mediate complaints made under this Policy. It is preferable that the mediator has relevant skills, qualifications and/or training in mediation.

Member State has the same meaning as in the ACF Constitution.

Member protection is a term used by the Australian sport industry to describe the practices and procedures that protect members – both individual members such as players, coaches and officials, and the member organisations such as clubs, state associations, other affiliated associations and the national body. Member protection involves:

- protecting those that are involved in sport activities from harassment, abuse, discrimination and other forms of inappropriate behaviour;
- adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with juniors; and
- providing education.

Member Protection Information Officer ("MPIO") means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this Policy. The MPIO provides confidential information and moral support to the person with the concern or who is alleging harassment or a breach of this Policy. They help the complainant deal with any emotions they may have about what has happened and operate as a sounding board as the complainant decides what they want to do. The MPIO may accompany the complainant in anything they decide to do, if it feels appropriate and they are happy to do it.

Natural justice incorporates the following principles:

- a person who is the subject of a complaint must be fully informed of the allegations against them;
- a person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence;
- all parties need to be heard and all relevant submissions considered;
- irrelevant matters should not be taken into account;
- no person may judge their own case;
- the decision maker/s must be unbiased, fair and just;
- the penalties imposed must not outweigh the 'crime'.

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

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

Respondent means the person who is being complained about.

Role-specific Codes of Conduct means standards of conduct required of people in certain roles (e.g. coaches).

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

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

Sexual offence means a criminal offence involving sexual activity or acts of indecency including but not limited to (due to differences under state/territory legislation):

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

Vexatious means malicious or trivial of intent.

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

Vilification involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the

attributes or characteristics within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

Young People/person means people in the 13 – 18 year age group.

PART B: CHILD PROTECTION REQUIREMENTS

Background

Child Protection is about keeping children safe from abuse and protecting them from people who are unsuitable to work with children. Child abuse is illegal in all states and territories of Australia, with each having their own child protection laws that cover the reporting and investigation of cases of child abuse.

In New South Wales, Queensland, Western Australia, Victoria and South Australia child protection legislation places specific requirements upon individuals and organisations involved in a range of areas including sport and recreation. The Northern Territory, Australian Capital Territory and Tasmania governments are currently reviewing their child protection legislation. We will add new requirements or any amendments to existing requirements to our Member Protection Policy as they are introduced.

Please be aware that state and territory child protection requirements may apply to individuals and organisations originating outside of the states with the legislation in place. For example, if one of our state associations or affiliated clubs takes junior participants into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with the NSW legislative requirements.

Please note that the state specific legislation child protection requirements apply despite the existence or absence of our Member Protection Policy. The law is always the required standard.

As part of ACF's commitment to protecting the safety and welfare of children and young people involved in calisthenic activities, ACF requires the requirements outlined in attachments B1 to B7.

Attachment B1: Child Protection Requirements

This attachment sets out the screening process for people who currently occupy or who apply for any work (paid or voluntary) in our sport that involves direct and unsupervised contact with people under the age of 18 years.

Screening under this Policy is not a replacement for any other procedure required by law. If State or Territory legislation sets an equivalent or higher standard of screening, the requirement to screen people under the process outlined below need not be followed.

Association/club requirements

Under this Policy, ACF, Member States and Affiliated Clubs are required to:

1. Identify positions (paid and voluntary) that involve working with people under the age of 18 years.

2. Obtain a completed Member Protection Declaration (MPD) (Attachment B2) from all people who are bound by this Policy if they occupy or apply for a position that involves direct and unsupervised contact with people under the age of 18 years. The MPD will be kept in a secure place.

   If a MPD is not provided, or it reveals that a person does not satisfactorily meet with one or more of the clauses in the MPD (e.g. has a relevant criminal conviction), the organisation will:

   - provide an opportunity for the person to respond/provide an explanation; and
   - make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years.

   If unsatisfied, then the organisation will:

   - in the case of an existing employee/volunteer, seek legal advice and transfer the person to another role which does not require them to work directly and unsupervised with people under the age of 18 years. If this is not possible, then end the appointment;
   - in the case of someone applying for the position/role, not appoint them.

3. Check a person's referees (verbal or written) and interview a person about his/her suitability for the role and his/her suitability for working with children for both paid and voluntary positions.

4. Ask people applying for a position that involves direct and unsupervised contact with people under the age of 18 years to **sign a consent form** for a national police check. (Information on police checks and forms can be found at www.ausport.gov.au/ethics/policechecks.asp).

5. Request a national police check from the relevant police jurisdiction for people applying for paid and voluntary positions that involves direct and unsupervised contact with people under the age of 18 years.

   In most police jurisdictions a 'Part Exclusion' check for people working with children can be requested. This check excludes irrelevant records.

   If the police check indicates a relevant offence, the relevant organisation will:

   - provide an opportunity for the person to respond/provide an explanation; and
   - make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years.

If unsatisfied, then the organisation will:

- in the case of an existing employee/volunteer, seek legal advice and transfer the person to another role which does not require them to work directly and unsupervised with people under the age of 18 years. If this is not possible, then end the appointment;

- in the case of someone applying for the position/role, not appoint them.

If the person does not agree to a national police check after explaining why it is a requirement, the relevant organisation shall make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years. If unsatisfied, the organisation will:

- in the case of an existing employee/volunteer, seek legal advice and transfer the person to another role which does not require them to work directly and unsupervised with people under the age of 18 years. If this is not possible, then end the appointment;

- in the case of someone applying for the position/role, not appoint them.

6. Decide whether to offer the person the position or, if applicable, retain the person in the position, taking into account the result of the police check and any other information ACF has available. Where it is not practical to complete the police check prior to employment commencing, ACF must still complete the check as soon as possible. ACF will advise the person that their ongoing employment is conditional upon the satisfactory outcome of the check.

7. Where a national police check is obtained under this Member Protection Policy, another organisation which is also required to screen may obtain a copy of the national police check provided that the consent of the relevant person is obtained and the national police check was performed in the immediately preceding two years.

8. Protect the privacy of any person who is checked and the confidentiality of any information obtained through the checking process. Information collected during screening (such as a completed MPD form, police records and referee reports) will be returned to the relevant person if that person is not appointed to/will not remain in the position, or otherwise be destroyed with the consent of the person concerned.

Attachment B2: Member Protection Declaration

ACF has a duty of care to its members and to the general public who interact with its employees, volunteers, members and others involved with ACF's activities. As part of this duty of care and as a requirement of ACF's Member Protection Policy, the ACF must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that involves direct and unsupervised contact with people under the age of 18 years.

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

.....(address)

born.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.

2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.

3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment.

4. To my knowledge there is no other matter that the ACF may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.

5. I will notify the President of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in the clauses above has changed for whatever reason.

Declared in the State/Territory of .....

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

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

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

Name: .....

Signature:.....

Date: .....

Attachment B3: Queensland Blue Card Requirements

This information is subject to change at any time. Refer to the Queensland Commission for Children and Young People and Child Guardian's (Commission) website: www.bluecard.qld.gov.au or contact 1800 113611 if you have any queries about your obligations under their legislation. This information was updated on 1 April 2006 and is provided as a guide only.

In Queensland the *Commission for Children and Young People and Child Guardian Act 2000* requires people who work with children under 18 years of age in certain categories of paid or voluntary employment regulated by the Act, and people carrying on certain categories of business regulated by the Act to hold a blue card, unless specifically exempt.

When a person applies for a blue card the Commission conducts a Working with Children Check which is an assessment of a person's eligibility to work with children based on their criminal history, certain disciplinary information (if any) and investigative information (if any) held by the Police Commissioner. If a person is eligible for a blue card, the Commission issues a positive notice letter and a blue card which remains current for a period of 2 years.

Association/club requirements

Calisthenics Association of Queensland Inc. and its affiliates are responsible for applying for a blue card on behalf of their paid employees and volunteers where the nature of their work falls under one of the categories regulated by the Act.

Interstate sporting organisations, associations and clubs visiting Queensland for sporting training camps, competition or other activities taking place in Queensland may also need to apply for a blue card if the nature of their activities falls under one of the categories in the Act.

People carrying on a regulated business are responsible for applying for a blue card if the activities of the business are regulated under one of the categories in the Act.

Relevant categories of employment regulated by the Act

Paid employees who commenced work in one of the following categories of employment after 1 May 2001 will need to apply for a blue card unless exempt under the relevant category:

- private teaching, coaching or tutoring;
- sport and active recreation;
- clubs and associations involving children;
- child accommodation services (which incorporates billets);
- paid employees commencing employment in the following category need a blue card irrespective of when they commenced their employment – i.e. before or after 1 May 2001;
- schools: employees other than teachers and parents.

Paid employees

Paid employees falling under one of the above listed categories of employment regulated by the Act need a blue card, unless exempt, if they work or are likely to work over a period of 12 months for at least:

- eight consecutive days, or
- once a week, each week, over four weeks, or
- once a fortnight, each fortnight, over eight weeks, or

- once a month, each month over six months.

Once a blue card application has been lodged, a paid employee can commence or continue to work in regulated employment while waiting for the outcome of their blue card application.

Volunteers

Volunteers working with children who fall under one of the above listed categories of employment regulated by the Act need a blue card, unless exempt, before they can commence the child related activity, regardless of how often they come into contact with children and young people.

Exemptions

The following people are exempt from the Working with Children Check and do not need a blue card:

- children under 18 who are volunteers (except trainee students required to work in regulated employment as part of their studies with an education provider such as a registered training organisation, or university);
- a volunteer guest of a school or a registered charity, corporation or incorporated association:
    - for the purpose of observing, supplying information or entertainment to 10 or more people, and
    - the activity is for 10 days or less on no more than two occasions per year, and
    - the person is unlikely to be physically present with a child without another adult being present, or
- an event volunteer performing the function of employment at a national or state event organised by a school or a registered charity, corporation or incorporated association (operating at a state or national level) for:
    - a sporting, cultural or skill based activity, and
    - the event is attended by more than 100 people, and
    - the work is for 10 days or less on no more than two occasions per year; and
    - the person is unlikely to be physically present with a child without another adult being present.

In addition, the following specific exemptions apply under each category regulated by the Act. It is critical to note that the exemptions below apply to the specific categories of regulated employment and business as stated, and therefore are not transferable. For example, a 'registered teacher' is only exempt in the first two categories of regulated employment mentioned below, as that specific exemption does not apply to the remaining three identified categories of employment.

1. Schools: employees other than teachers and parents

- a 'registered teacher'; and
- a volunteer parent of a child attending the school.

2. Private teaching, coaching or tutoring

- a 'registered teacher'; or
- a person carrying out work in their capacity as an employee of an 'education provider' .

3. Sport and active recreation

- the employment takes place at an ‘amusement park’; or
- the person provides the service or conducts the activity in their capacity as an employee of a ‘government entity’; or
- a volunteer parent of a child to whom the services are provided; or
- a volunteer parent of a child in relation to whom the activities are conducted
- the services are provided, or the activities are conducted by or within a club or association or similar entity and are regulated under that category (See Item 4: Clubs and associations involving children).

4. Clubs and associations involving children

- the person carries out the work in their capacity as an employee of a ‘government entity’; or
- a volunteer parent of a child who receives the same or similar services to which the employment relates; or
- a volunteer parent of a child who participates in the same or similar activities to the employment.

5. Child accommodation services (including billets)

- the ‘child accommodation service’ is being provided to a relative of the home stay provider;
- the work is carried out for a ‘government service provider’ that carries on a business which includes arranging a ‘child accommodation service’; or
- the employment is organised by a school or a registered charity, corporation or incorporated association and is for 10 days or less and provided on no more than two occasions per year.

Relevant categories of business regulated by the Act

A person or a corporation carrying on the following regulated businesses in Queensland must also apply for a blue card:

- private teaching, coaching or tutoring
- child accommodation services including homestays (including billets)
- Sport and active recreation (which may include recreational activities such as sporting camps and programs (excluding amusement parks)

Exemptions

1. Private teaching, coaching or tutoring

If the business is conducted by an education provider

2. Child accommodation services including homestays (including billets)

If the business is conducted at a:

- boarding facility;
- residential facility funded by the Commonwealth government, or the Department of Child Safety, Disabilities Services Queensland, Department of Communities, Qld Health; or licensed by the Child Protection Act;
- another place mainly providing accommodation for children which is funded by the Commonwealth government or Education Queensland.

3. Sport and active recreation

- If the business takes place at an amusement park; or
- The activities are conducted by or within a club, association or similar entity and are regulated under that category (See Item 4 above).

Where the business is a corporation, each person whose principal place of residence is in Australia, who takes part in the management of the corporation needs a blue card.

A person carrying on a regulated business must hold a blue card before they commence the regulated activity regardless of how often they come into contact with children and young people.

Application forms

Blue card application forms for a paid employee, volunteer, or person carrying on a regulated business can be downloaded from www.ccypcg.qld.gov.au. Volunteer applications are processed free of charge; there is a $40 processing fee for paid employees and business applications.

Change in criminal history

If Calisthenic Association of Queensland Inc or its affiliates knows or reasonably suspects that an employee who commenced employment prior to 1 May 2001 and therefore does not require a blue card, has a criminal history relevant to their work with children or young people, Calisthenic Association of Queensland Inc or its affiliates can apply for a blue card for that person. In such a case, the relevant application form to submit is a 'current employee blue card application form'.

This requirement also applies to interstate Calisthenics State/Territory Associations and their affiliates that visit Queensland and apply to the Commission for a Working with Children Check.

Risk management

Amendments to the Act, effective January 2005, require organisations engaging paid employees or volunteers that need a blue card, and persons or organisations carrying on a business for which a blue card is required to develop and implement annually, a risk management strategy to promote the well-being of children in their care and protect them from harm.

The key elements an organisation needs to consider in creating a risk management strategy includes:

- a child protection policy, which outlines:
    - a Code of Conduct;
    - recruitment, training and management procedures for staff;
    - reporting guidelines and directions for handling disclosures or suspicions of harm; and
    - consequences to staff for non-compliance with the policy
- communication and support strategies, such as:
    - information sheets for staff, volunteers and parents about policies, procedures and Codes of Conduct; and
    - training materials and communication strategies which help staff, volunteers and parents identify risks of harm.
- documentation of risk management processes including:
    - registers of staff;
    - strategies and plans for high-risk and special events;
    - complaints registers; and
    - forms to ensure consistent handling of incidents, disclosures of harm, permissions and approvals for related activities.

Attachment B4: New South Wales Requirements To Check People Working With Children

This information will change during 2006 once the Commission for Children and Young People Amendment Act 2005 is proclaimed. Refer to the NSW Commission for Children and Young People website: www.kids.nsw.gov.au or contact 02 9286 7219 to ensure you have up-to-date information. This information was updated 27 April 2006.

All NSW clubs and associations who engage/employ people in child-related activities (in a paid or voluntary capacity) must meet the requirements of the Working With Children Check. This is a legal requirement. Interstate clubs and organisations that visit NSW and engage/employ people in child-related activities (in a paid or voluntary capacity) may also be required to complete a Working with Children Check with the NSW Commission for Children and Young People. We are required to:

1. register with the NSW Department of Sport and Recreation Employment Screening Unit;

2. Identify positions (paid and voluntary) which are child-related positions;

3. obtain a Prohibited Employment Declaration (PED) from all existing employees in child-related positions. PED forms can be downloaded from www.kids.nsw.gov.au/check/resources.html. If the person is a prohibited person we must remove him/her from the child-related employment;

4. keep the PED in a secure place for as long as the person is employed;

5. ask preferred applicants for paid child-related positions to sign a Consent Form for a background check;

6. include advice about the Working With Children Check in information being provided about child-related positions (e.g. coach of junior team);

7. request a background check for preferred applicants for paid child-related employment before they start work;

8. decide whether to offer the applicant the position, taking into account the result of the Working With Children Check and any other information we have available;

9. where it is not practical to complete the background check prior to employment commencing, we must still complete the check as soon as possible. We must advise employees that their ongoing employment is conditional upon the satisfactory outcome of the check;

10. notify the NSW Commission for Children and Young People of any person whose application for child-related employment has been rejected primarily because of a risk assessment in the Working With Children Check. We must do this even if we offer the person an alternative position;

11. advise the person if their application was rejected primarily because of an adverse risk assessment in the Working With Children Check;

12. notify the NSW Commission for Children and Young People of any person against whom ***relevant employment proceedings*** have been completed; and

13. protect the privacy of any person who is checked and the confidentiality of any information obtained through the checking process.

Child-related employment is any work (paid or unpaid) that involves direct and unsupervised contact with children in several types of areas such as sporting and recreation clubs and associations that have a significant child membership or involvement.

Employment includes work done:

- under a contract of employment;

- as a sub-contractor;
- as a volunteer for an organisation;
- as a minister of religion (whether or not ordained); and
- undertaking practical training as part of an educational or vocational course

Prohibited person is a person convicted of committing a serious sex offence or is a registrable person.

Registrable person is someone who has been found guilty of the following offences against children:

- murder
- sexual offences
- indecency offences
- kidnapping
- child prostitution
- child pornography

Relevant employment proceedings are disciplinary proceedings completed in NSW, or elsewhere, where an employer or professional body that supervises the conduct of the employee has found that '**reportable conduct'** or an act of violence occurred, or there is some evidence that it occurred. An act of violence will be relevant only if it was committed by an employee in the course of employment and in the presence of a child.

Reportable conduct is:

- any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence);
- any assault, ill treatment or neglect of a child; or
- any behaviour that causes psychological harm to a child.

Attachment B5: Western Australia Child Protection Requirements

This information is subject to change at any time. Refer to the Department of Community Development Working with Children Screening Unit website www.checkwwc.wa.gov.au or contact 1800 883 979. This information was updated on 1 April 2006.

From 1 January 2006, certain people working with children in Western Australia will be required to have a Working with Children Check (Check) – a national criminal history check and assessment of any record that appears as part of this check. The Check is compulsory under the *Working With Children (Criminal Record Checking) Act 2004,* and will be introduced progressively to different sectors over the next 5 years.

The Check will take into account convictions for any offence and charges for serious sexual and violent offences and will cost $10.00 for volunteers and unpaid workers and $50.00 for paid workers and self-employed people.

Applicants whose check is "successful" will be issued with either an 'assessment notice' in the form of an ID card which allows that person to work or volunteer with children across different types of 'child-related work'. Applicants whose Check is "unsuccessful" will be issued with a 'negative notice', which prohibits any child-related work. In some cases an Interim Negative Notice may be issued while the screening process is completed. This means that you must not start or continue that person in 'child-related work' while the notice is current, and you can only start or continue that person in child-related work if they are later issued an Assessment Notice.

The Screening Unit must notify the employer, where known, of the outcome of applications for a Check.

Assessment notices will be valid for three years, unless the person has a "relevant change" in criminal record. If this occurs, the person is required to report this to their employer, who must then inform the Screening Unit, and a reassessment of the record takes place. The Police may also inform the Screening Unit where a person in child-related work has had a relevant change in criminal record.

Who needs to apply for a Check

People doing **child-related work** must have a Check by the date required under the phasing-in arrangements. The definition of **child-related work,** under Section 6 of the *Working with Children (Criminal Record Checking) Act 2004* includes:

"Work is **child-related work** if the **usual duties** of the work involve, or are likely to involve, contact with a child in connection with:

- an educational institution for children;
- a coaching or private tuition service of any kind, but not including an informal arrangement entered into for private or domestic purposes;
- a club, association or movement (including of a cultural, recreational or sporting nature and whether incorporated or not) with a significant membership or involvement of children, but not including an informal arrangement entered into for private or domestic purposes;
- an overnight camp.

Note that categories of work not relevant to the activities of our sport have not been listed above. A full list of the categories of child-related work is available on the Working with Children website (www.checkwwc.wa.gov.au) or by calling the Screening Unit on (08) 6217 8100.

General exemptions

The following people are exempt from the legislation and will not need to have a Check:

- volunteers under 18 years;

- employers of and fellow employees working with young people, so long as they are not otherwise in child-related work;
- parents volunteering where their child is also involved (This exemption does not apply to parents volunteering in connection with overnight camps);
- Short-term visitors to WA, for 2 weeks after their arrival, and for no more than 2 weeks in a 12 month period;
- People who carry out child-related work on no more than 5 days in a calendar year (except those working in child care services).

Specific exemptions from certain categories of child-related work

Category	Parent Exemption	Other exemptions
Educational institution for children	Work carried out on a voluntary basis by a parent of a child who is **enrolled** at the educational institution	WA College of Teaching members (for 2006 only)
Coaching or private tuition service of any kind	Work carried out on a voluntary basis by a parent of a child to whom the service is being provided in connection with an activity in which the child is **participating or ordinarily participates**	• An informal arrangement entered into for private or domestic purposes • Coaching or private tuition provided to a class of 2 or more students that is not provided primarily for children
Club, association or movement (including of a cultural, recreational or sporting nature and whether incorporated or not) with a significant membership or involvement of children	Work carried out on a voluntary basis by a parent of a child who is **involved or is ordinarily involved** in some or all of the activities of the club, association or movement	An informal arrangement entered into for private or domestic purposes
an overnight camp, regardless of the type of accommodation or how many children are involved	No parent exemption.	WA College of Teaching members, where overnight camp is in connection with: • Community kindergarten; • Educational institution for children; or • Coaching or private tuition service

Obligations of employers, including organisations using volunteers include:

- You must not employ a person in child-related employment on more than five days in a calendar year unless he or she:
    - has applied for a Check, or
    - already holds a current Assessment Notice

by the date they are required to under the phasing-in arrangements.

- You must not employ someone in child-related employment if you are aware that he or she holds a Negative Notice or Interim Negative Notice.

- You must not employ a person in child-related employment if you are aware that the person has withdrawn his or her Check application.

- You must not employ a person in child-related employment if you are aware that he or she:

  - has a conviction or pending charge for a Class 1 or Class 2 offence, and

  - does not have a current Assessment Notice or an application for one that is still being considered.

- If an employee or volunteer reports a relevant change in criminal record to you, you must report this (in writing) to the Working with Children Screening Unit, as soon as practicable.

- If you receive a written request from the Working with Children Screening Unit, you must provide information or documents to show your compliance with your obligations as an employer.

It is permissible for employers to start someone in child-related work once they have applied for a Check in line with the phasing-in arrangements (outlined below) and while the Check is being processed. The employer does not have to wait until the card is issued. Safeguards are in place to ensure that the Screening Unit notifies the employer if, in the mean time, a Negative Notice or Interim Negative Notice is issued, or if the person subsequently withdraws their application.

Phasing-in Arrangements

Checks are being phased-in over 5 years. If a person is carrying out child-related work and needs to apply for a Check, they must apply by the date required under the phasing-in arrangements. The information provided below about phasing-in arrangements is general information only. Only those categories of child-related work relevant to our sport are listed. For full details of the phasing-in arrangements for Checks please see Factsheet 2 “When to apply for a Working with Children Check”, available at www.checkwwc.wa.gov.au, or by calling (08) 6217 8100.

Commencing in 2006

- Volunteers working with children aged 0 – 7 years in any category of child-related work.
- Self-employed people working with children in connection with any category of child-related work, **EXCEPT**
    - child care licensees and “managerial officers”
    - registered teachers working in educational settings
    - persons with an F or T drivers licence endorsement who carry out a transport service specifically for children
    - people providing coaching or private tuition services for a TAFE or a Registered Training Organisation.
- “New” paid employees (who are not public sector employees) who commence child-related work after 1 January 2006 in the following categories of child-related work:
    - coaching or private tuition services
    - clubs, associations or movements with a significant membership or involvement of children
    - overnight camps
    - children’s entertainment or party services

Commencing in 2007

- Volunteers working with children aged 8 – 12 years in any category of child-related work.
- "New" public sector employees who commenced child-related work after 1 January 2006.
- “New” paid employees who commenced work after 1 January 2006 in the following categories of child-related work:
    - Educational institutions for children
    - People providing coaching and private tuition services for a TAFE, Registered Training Organisation or education service provider registered under the *Education Service Providers (Full Fee Overseas Students) Registration Act 1991*.

Commencing in 2008

- Volunteers Working with Children aged 13 – 17 years in any category of child-related work.

Commencing in 2009-2010

- “Continuing” paid employees (including public sector employees) who have remained in the same child-related work they were in before 1 January 2006, and are still in that position.

Attachment B6: Victoria Child Protection Requirements

This information is subject to change at any time. Refer to the Department of Justice website: http://www.justice.vic.gov.au and follow the Working with Children Check link under Business Units or contact 1300 652 879. This information was updated 1 April 2006.

Under *the Working with Children Bill* (2005) the Victorian Working with Children Check (Check) will require individuals who work or volunteer with children in certain capacities in identified occupations and activities to undergo screening for criminal offences.

A person who has no relevant criminal or professional disciplinary history will be granted an assessment notice. That notice will entitle the person to undertake child-related work. A person deemed unsuitable to work or volunteer with children will be given a negative notice and cannot work in child-related work. A negative notice can be appealed to Victorian Civil and Administrative Tribunal (VCAT) provided the individual is not listed on the Sex Offenders Register or subject to an extended supervision order.

Who needs to apply for a Check

Any person who works in, or in connection with, in a paid or voluntary capacity, any of the 20 child-related occupational fields listed in the Act. This work must also usually involve (or be likely to involve) regular, direct contact with a child where that contact is not directly supervised. The following child-related categories are relevant to our sport.

- educational institutions for children (such as schools and some TAFE programs);
- clubs, associations or movements that provide services or conduct activities for or directed at children or whose membership is mainly comprised of children;
- coaching or private tuition services of any kind for children; and
- direct commercial provision (and not incidental or in support of other business activities) of gym or play facilities specifically for children.

Exemptions

The following people will not need to have a Check:

- individuals aged under 18
- volunteers involved in an activity in which their child ordinarily participates
- individuals working only with children who are close family relations
- secondary school students aged under 20 performing volunteer work arranged through the school where they are studying
- sworn members of Victoria Police
- teachers registered with the Victorian Institute of Teaching
- a visiting worker who does not ordinarily reside and perform child-related work in Victoria.

Phasing-in Arrangements

Checks are being phased in over the next five years, commencing in April 2006. The type of child-related work determines when people need to apply for a check. **At this stage it is anticipated that the sport sector will be phased in 2008/09.** More information on the phasing-in of Checks is available from www.justice.vic.gov.au.

Employer requirements

As an employer or volunteer organisation you must:

- ensure all employees or volunteers who are required to get a Check do so at the correct time, which is indicated in the phasing plan.
- where your employees or volunteers are not required to get a Check because their contact with children is directly supervised, ensure the supervisor has a Check unless an exemption applies. For example, the supervisor may be a registered teacher with the Victorian Institute of Teaching, making them exempt
- ensure that employees or volunteers issued with a Negative Notice do not undertake child-related work as defined by the Working With Children Act 2005.

As an employer or volunteer organisation you should:

- record your employee's and volunteer's unique Application Receipt Number received when they submit their application. The Act enables a person to continue or commence work while their application is pending
- confirm that your employees and volunteers have been issued with an Assessment Notice after Check applications have been assessed by the Department of Justice
- sight your employee’s or volunteer’s Working with Children Check Card and confirm the status of their Card Number to verify that they have passed the Check. You can do this online from 1 July 2006, or by calling 1300 652 872
- record your employee’s or volunteer’s Card Number, which is different from their Application Receipt Number
- develop internal processes in the event of an existing employee or volunteer being issued with an Interim Negative Notice or Negative Notice.

Attachment B7: South Australian Child Protection Requirements

This information is subject to change at any time. Refer to the Department of Families and Communities website www.familiesandcommunities.sa.gov.au or the South Australian Office for Recreation and Sport's website www.resport.sa.gov.au or contact 08 8416 6633 if you have any queries about your obligations under the legislation. This information was updated on 1 May 2006.

Recent amendments to the *Children's Protection Act 1993*, in South Australia as per the *Children's Protection (Miscellaneous) Amendment Act 2005*, promote a whole of community responsibility to the care and protection of children and young people. Whilst yet to be proclaimed, new provisions relating to the establishment of child safe environments, facilitating effective criminal history checks and the extension of mandated notifiers, will all have an impact upon sporting and recreational organisations.

The new provisions will require government, non-government and volunteer organisations that are entrusted with the care of children or regularly come into contact with children to have strategies in place to prevent and minimise opportunities for abuse and to appropriately respond when abuse occurs or is suspected. Organisations will also be required to implement guidelines and processes that clearly outline effective and timely responses to child protection issues and steps of action.

Standards will be developed to assist organisations move towards creating safer environments for children. Requirements under the standards are likely to include:

- Codes of conduct and principles of good practice for working with children;
- Guidance on standards of conduct for adults in dealing with children;
- Advice on how to deal with cases of bullying or harassment of a child;
- Guidance on informing on cases of child abuse and neglect, or suspected abuse or neglect;
- Advice on the recruitment and supervision of staff of Government and non-government organisations;
- Guidance on how to handle procedures for complaints, and making the complaints process easier for children;
- Monitoring progress of child safe environments in Government and non-government sectors and periodic reporting; and
- Developing and issuing standards in dealing with information about the criminal history of employees and volunteers.

The amendments to the *Children's Protection Act 1993* **may** also require sport and recreation organisations to develop or comply with new criminal history check provisions. This **may** mean undertaking a criminal history check for any person in a prescribed position (including employees, volunteers, agents, subcontractors and contractors) who has:

- Regular contact/close proximity to children; or
- Supervision of such a person; or
- Access to children's records;
- Or else as prescribed by regulation.

Mandatory reporting is currently a requirement by law in South Australia. Mandatory reporting means that those people covered by the law must report reasonable suspicions of child abuse or neglect. Those currently mandated under the law include teachers, medical practitioners, health professionals, child care workers, day care providers, social workers and workers, volunteers and managers within

government departments or non-government agencies that provide services to children. **Under the new legislation a person employed by, or volunteering in, organisations that provide sporting or recreational services for children will also be mandated.**

Throughout the year, further information and advice relating to proclamation and implementation of these provisions will be provided by the Office for Recreation and Sport in South Australia. Once proclaimed, penalties of up to $10,000 will apply for non-compliance with the requirements under the legislation. ***Until this time recreation and sport organisations should continue to follow the generic child protection requirements and the risk management process set out in 'Child Protection in Sport***: ***National Overview' document provided by the Australian Sports Commission.***

PART C: PROCEDURES

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

Attachment C1: Complaints Procedure

1. Complaint Resolution Procedure

(a) Any person or organisation may make a complaint about a person or organisation to whom this Policy applies, if they consider that person or organisation has, or may have, committed a breach of any part of this Policy (a "Complaint").

(b) The Complaint always belongs to the complainant, who will also determine how their Complaint is dealt with and is not divulged to another person without the complainant's agreement, except in the case where a person is required by law to report the matter to governmental authorities (for example, in the case of suspected child abuse).

2. Informal Complaint Resolution Procedure

(a) It is not necessary to provide a written Complaint under this clause.

(b) A person or organisation that has a Complaint ("a complainant") may seek to resolve the Complaint informally. The complainant **may** make an initial approach to:

(i) a MPIO;

(ii) the President (or in their absence their Nominee) of ACF, a Member State or an Affiliated Club; or

(iii) another appropriate person within the organisation (eg team manager, coach etc).

(c) If the person approached is a MPIO, they may:

(i) listen to and inform the complainant about their possible options; and/or

(ii) act as a support person for the complainant, including supporting them through any mediation process undertaken to resolve the Complaint.

(d) The MPIO will:

(i) keep the matter confidential and only discuss it with those people whom the complainant has authorised them to speak to about the Complaint;

(ii) inform the relevant governmental authority, if required by law.

(e) If the complainant wishes to try and resolve the Complaint by mediation, the MPIO will arrange for a mediator (either the Mediator of ACF, the relevant Member State or a relevant third person) to mediate the Complaint.

(f) The Mediator shall:

(i) notify the person complained about that an informal Complaint has been made and provide them with details of the Complaint;

(ii) attempt to mediate a resolution between the complainant and the person complained about.

(g) If an agreed resolution is reached between the complainant and the person complained about, the Complaint shall be deemed to have been withdrawn and no further action in relation to that Complaint may be taken (except for that which is agreed) under this Policy.

(h) If the Complaint is not resolved informally following this process, the complainant may make a formal Complaint as set out below.

(i) Nothing in this Policy prevents the complainant taking action under federal or state legislation.

3. Formal Complaint Resolution Procedure

(a) In order for a Complaint to be dealt with in accordance with this clause, a Complaint must be made in writing (however it need not be called or referred to as a Complaint).

(b) A written Complaint must be made to one of the following people:

(i) a MPIO of ACF or the relevant Member State. (A list of the MPIOs must be made available to any person requesting such list and shall be displayed at the premises of ACF, Member States and Affiliated Clubs); or

(ii) the President (or in the case of ACF, the Executive Officer) or in their absence their Nominee, of ACF or the relevant Member State.

(c) If a person listed in clause 3(b) above receives a Complaint then they must do the following:

(i) if such person is not a MPIO, they shall forward such Complaint as soon as possible to a MPIO at either ACF or the Member State, whichever organisation the person complained about holds the highest role.

(ii) the MPIO must then ask the complainant whether s/he wishes them to:

A. listen to and inform the complainant about their possible options; and/or

B. act as a support person for the complainant, including supporting them through any mediation process undertaken to resolve the Complaint; or

C. refer the Complaint to the Hearings Convenor at ACF or the relevant Member State, whichever organisation the person complained about holds the highest role, for a hearing to be held under the procedure in Attachment C4 (if mediation is not a relevant/appropriate option).

(d) having determined the complainant's wishes in clause 3(c)(ii), the MPIO will:

(i) act in accordance with the complainant's direction in relation to the options set out in clause 3(c)(ii);

(ii) keep the matter confidential and only discuss it with those people whom the complainant has authorised them to speak to about the Complaint;

(iii) inform the relevant governmental authority, if required by law.

(e) If the complainant wishes to try and resolve the Complaint by mediation, the MPIO shall immediately notify the Mediator of ACF or the Member State that a Complaint has been made and provide them with a copy of the written Complaint. If an attempt to mediate was made under clause 2(f), the Mediator under this clause cannot be the same person.

(f) The Mediator shall:

(i) notify the person complained about, in writing, that a Complaint has been made and provide them with a copy of the written Complaint;

(ii) attempt to mediate a resolution between the complainant and the person complained about.

(g) If an agreed resolution is reached between the complainant and the person complained about, the Complaint shall be deemed to have been withdrawn and no further action in relation to that Complaint may be taken (except for that which is agreed) under this Policy.

(h) If following the process above an agreed resolution is not reached then, with the complainant's agreement, the Mediator shall refer the Complaint to the Hearings Convenor at ACF or the relevant Member State, whichever organisation the person complained about holds the highest role, for a hearing to be held under the procedure in Attachment C4.

(i) If a complainant withdraws the Complaint, no further action in relation to that Complaint may be taken (unless required by law) under this Policy.

(j) For the avoidance of doubt, any Complaint relating to an Affiliated Club, shall be referred to the MPIO and/or Hearings Convenor of the Member State.

(k) Nothing in this Policy prevents the complainant taking action under federal or state legislation.

4. External procedure

There may be a range of external options available to you depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from your State or Territory equal opportunity commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be a type of harassment that comes within its jurisdiction, you may then make a decision as to whether or not to lodge a formal complaint with the commission.

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

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

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

Attachment C2: Investigation Process

If a Complaint is not received, but the President or in their absence their Nominee, or a MPIO of ACF or a Member State receives information (whether or not in writing) which gives them reasonable cause to suspect that a breach of this Policy may have been committed, then he or she shall use their reasonable endeavours to advise the person who is suspected of being subject to Harassment, of the complaints procedures under this Policy.

Except as otherwise provided in this Policy, all information obtained by the President or in their absence their Nominee or the MPIO in accordance with this clause must be kept confidential.

If an investigation needs to be conducted the following steps should be followed where relevant:

1. A written brief will be provided to the investigator to ensure the terms of engagement and scope of the investigator's role and responsibilities are clear.

2. The complainant will be interviewed and the complaint documented in writing.

3. The details of the complaint will be conveyed to the person/people complained about (respondent(s)) in full. The respondent(s) must be given sufficient information to enable them to properly respond to the complaint.

4. The respondent(s) will be interviewed and given the opportunity to respond. The respondent(s) response to the complaint will be documented in writing.

5. If there is a dispute over the facts, then statements from witnesses and other relevant evidence will be obtained to assist in a determination.

6. The investigator will make a finding as to whether the complaint is:

   - substantiated (there is sufficient evidence to support the complaint);
   - inconclusive (there is insufficient evidence either way);
   - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
   - mischievous, vexatious or knowingly untrue.

7. A report documenting the complaint, investigation process, evidence, finding and, if requested, recommendations, will be given to the relevant person/tribunal.

8. A report documenting the complaint and summarising the investigation process and key points that were found to be substantiated, inconclusive, unsubstantiated and/or mischievous will be provided to the complainant and the respondent(s).

9. Both the complainant and the respondent(s) are entitled to support throughout this process from their chosen support person/adviser (e.g. MPIO or other person).

10. The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation. Information on our appeals process is in Attachment C4.

Attachment C3: Investigation Procedure: Child Abuse

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. The initial response to a complaint that a child has allegedly been abused should be immediate if the incident/s are serious or criminal in nature while less serious/urgent allegations should be actioned as soon as possible, preferably within 24 hours.

The following is a basic outline of the key processes to follow. More information can be obtained from your relevant State or Territory government agency.

Step 1: Clarify basic details of the allegation

- Any complaints, concerns or allegations of child abuse should be made or referred to the MPIO.
- The initial response of the person that receives the complaint from the child (or person on behalf of the child) is crucial to the well-being of the child. It is important for the person receiving the information to:
    - listen to, be supportive and do not dispute what the child says;
    - reassure the child that what has occurred is not the fault of the child;
    - ensure the child is safe;
    - be honest with the child and explain that other people may need to be told in order to stop what is happening; and
    - ensure that what the child says is quite clear but do not elicit detailed information about the abuse. You should avoid suggestive or leading questions.
- The person receiving the complaint should obtain and clarify basic details (if possible) such as:
    - Child's name, age and address;
    - Person's reason for suspecting abuse (observation, injury or other); and
    - Names and contact details of all people involved, including witnesses.

Step 2: Report allegations of a serious or criminal nature

- Any individual or organisation to which this Policy applies, **should immediately report any incident of a serious or a criminal nature to the police and other appropriate authority**.
- If the allegation involves a child at risk of harm, the incident should immediately be reported to the police or other appropriate government agency. You may need to report to both the police and the relevant government agency.
- The relevant State or Territory authority should be contacted for advice if there is **<u>any</u>** doubt about whether the complaint should be reported.
- If the child's parent/s are suspected of committing the abuse, report the allegation to the relevant government agency.

Step 3: Protect the child

- The MIPO should assess the risks and take interim action to ensure the child's/children's safety. Some options that the ACF could implement include redeployment of the alleged

offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined. Please be aware it is not the MPIO's role to actually undertake action such as redeploying someone – an MPIO should only recommend possible actions.

- The MIPO should also address the support needs of the person against whom the complaint is made. Supervision of the person should ideally occur with the knowledge of the person. If stood down, it should be made clear to all parties that are aware of the incident that this does not mean the person is guilty and a proper investigation still needs to be undertaken.

Step 4: Further clarify and investigate allegation

- Seek advice from the police and relevant government agency as to whether the ACF/Member State should carry out its own internal investigation (in addition to or in conjunction with any police or relevant government agency investigation).

- If the police and/or relevant government agency advises that it is appropriate, then appoint an independent person (where possible) with appropriate expertise to conduct an investigation. The investigator should:

    - contact the parents/carers of the child at an appropriate time and as directed by the police or relevant government agency;

    - if appropriate, meet with parents/carers and the child to clarify the incident and offer support on behalf of ACF/Member State if required (example, professional counselling);

    - meet with the person against whom the allegation refers at an appropriate time and as directed by the relevant authority and give the person an opportunity to explain or respond to the allegation and identify any witnesses and supporting evidence. The person should have an opportunity to invite a support person/adviser to attend at a meeting and should be offered support (example, professional counselling) if necessary;

    - obtain a signed statement and record of interview from the person;

    - make contact with any witnesses and obtain written and signed statements outlining details of the allegation (what happened, when, how). This should only occur following advice from the relevant authority;

    - obtain other information that could assist in making a decision on the allegation;

- The information collected during the investigation should be made available to the relevant authorities.

- Strict confidentiality, impartiality, fairness and due process must be maintained at all times.

Step 5 – Record and analyse all information

- If an internal investigation was conducted under Step 4, the investigator will provide a report to the ACF/Member State President.
- The decision-maker(s) will be the nominee of the Committee of Management of ACF/Member State, and will remain separate and at arms length from the investigator.
- The decision-maker will consider all the information and determine a finding. It will also recommend action and its rationale for the action.

Step 6: Undertake disciplinary action

- For incidents of a serious or criminal nature, consideration must be given to the findings of the police and/or the government agency before making a decision on disciplinary proceedings.
- If disciplinary action is to be taken, follow the procedures outlined in Attachment C5 of the policy.
- Implement any disciplinary decision recommended. The action should be immediate.
- Check with the relevant State government authority to see if you need to forward a report (e.g. the NSW Commission for Children and Young People requires notification of relevant employment proceedings).

Attachment C4: Hearings & Appeals Tribunal Procedure

1. Hearings

(a) Where the Hearings Convenor at ACF or a Member State receives a Complaint referred to it under Attachment C1, he or she shall follow the procedures set out in this clause.

(b) Upon receipt of the Complaint, the Hearings Convenor shall as soon as possible do the following:

(i) Determine the composition of the Hearings Tribunal, as detailed in clause 1(c) below;

(ii) Send to the person complained about:

A. a notice setting out the alleged breach including details of when/where it is alleged to have occurred;

B. a notice setting out the date, time and place for the hearing of the alleged breach which shall be as soon as reasonably practicable after receipt of the Complaint; and

C. a copy of the Complaint;

("referred to as Notice of Alleged Breach");

(iii) Send to the complainant(s) and the chairperson of the Hearings Tribunal a copy of the Notice of Alleged Breach.

(c) The Hearings Tribunal for each hearing shall be appointed by the ACF Committee of Management (however described) or the relevant Member State and shall comprise of the following persons:

(i) A barrister or solicitor (who shall be the chairperson) or, if after reasonable attempts have been made to obtain one without success, then a person with considerable previous experience in the legal aspects of a disciplinary/hearings tribunal;

(ii) A person with a thorough knowledge of the sport;

(iii) One other person of experience and skills suitable to the function of the Hearings Tribunal, **provided that** such persons do not include:

A. a person who is a member of the Committee of Management (however described) of the organisation which appoints the Hearings Tribunal; or

B. a person who would, by reason of their relationship with the complainant or the person complained about, be reasonably considered to be other than impartial.

(d) Frivolous, vexatious or malicious Complaints

(i) If within 48 hours of sending the Notice of Alleged Breach, the person complained about alleges in writing to the Hearings Convenor that the Complaint is frivolous, vexatious or malicious, the chairperson shall as a preliminary issue, determine whether or not such Complaint is frivolous, vexatious or malicious and shall advise the parties of his or her determination.

(ii) The Hearings Convenor shall provide to the other parties to the hearing (see clause 1(f)) a copy of the written allegation made by the person complained about, that the Complaint is frivolous, vexatious or malicious.

(iii) The chairperson shall determine such preliminary issue as soon as practicable and in whatever manner the chairperson considers appropriate in the circumstances, provided that he or she does so in accordance with the principles of natural justice.

(iv) The decision of the chairperson under this clause 1(d) may be appealed within 48 hours of the determination to the relevant appeal body under clause 2 below.

(e) The Hearings Tribunal shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with the principles of natural justice. The purpose of the hearing shall be to determine whether the person complained about has committed a breach of this Policy. If the Hearings Tribunal considers that the person complained about has committed a breach of this Policy, it may impose any one or more of the penalties set out in Attachment C5.

(f) The parties to the hearing shall include the complainant, the person complained about and the relevant organisation (being ACF, the relevant Member State or the relevant Affiliated Club) and any witnesses which the Hearings Tribunal considers necessary to participate in the hearing.

(g) If upon receipt of the Notice of Alleged Breach, the Hearings Tribunal considers that pending the determination of the matter the person complained about may put at risk the safety and welfare of the complainant or others, it may order that the person complained about be:

(i) suspended from any role they hold with ACF, the relevant Member State or the relevant Affiliated Club; and/or

(ii) banned from any event or activities held by or sanctioned by ACF, the Member States and/or the Affiliated Clubs; and/or

(iii) required not to contact or in any way associate with the complainant or other person about whom the alleged breach relates,

pending the determination of the hearing.

(h) There is no right of appeal of the decision by a Hearings Tribunal under clause 1(g).

(i) No party to the hearing may be represented by a barrister or solicitor. However the chairperson of the Hearings Tribunal may grant leave for a party to the hearing to be represented by a barrister or solicitor where their livelihood or proprietary is at risk. A party may be represented by an advocate who is not a barrister or solicitor at the hearing.

(j) Each party to the hearing shall bear their own costs in relation to the hearing.

(k) The Hearings Tribunal shall give its decision as soon as practicable after the hearing and the Hearings Convenor will deliver to the following a statement of the written reasons:

(i) the complainant;

(ii) the person complained about; and

(iii) any other party represented in the hearing.

(l) Each member of each Hearings Tribunal established under this Policy shall be indemnified by the organisation which appointed them, from any claim or action for loss, damages, or costs made against them arising out of, or in connection with, their function as a member of the Hearings Tribunal under this Policy.

(m) Except as otherwise provided in this Policy, all members of the Hearings Tribunal shall keep all matters relating to the hearing (including but not limited to the nature of the Complaint, information obtained before and during the hearing and the decision of the Hearings Tribunal) confidential.

(n) To the extent of any inconsistency between the hearing procedure set out in the constitution of ACF and the Member States and the hearing procedure set out in this Policy, this Policy shall prevail in relation to all Complaints under this Policy.

2. How can a decision be appealed?

(a) The person complained about may appeal a decision of a Hearings Tribunal on the grounds that natural justice has not been provided.

(b) An appeal shall be made to the following appeal body:

(i) an appeal against a decision of a Hearings Tribunal established by a Member State, shall be made to the Hearings Tribunal of ACF. Subject to the discretion of the chairperson of the Hearings Tribunal, all appeals to ACF shall be heard at a location nominated by ACF;

(ii) an appeal against a decision of a Hearings Tribunal established by ACF, shall be made to the appeal division of the Court of Arbitration for Sport (Oceania Registry) ("CAS")

(referred to as the "Appeal Body").

(c) There is only one right of appeal following the decision of the initial Hearings Tribunal. Any appeal must be solely and exclusively resolved by the Appeal Body and the decision of such Appeal Body is final and binding on the parties. It is agreed that no party to such appeal may institute or maintain proceedings in any court or tribunal other than the relevant Appeal Body. **Note: This provision does not prevent any person or organisation taking separate action under federal or state legislation.**

(d) The process for such appeal is as follows:

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

A. in the case of an appeal to ACF, advise in writing the Hearings Convenor of ACF of their intention to appeal ("Notice of Intention to Appeal"); and

B. in the case of an appeal to CAS, complete and file an application to appeal with CAS in accordance with the Code of Sports Related Arbitration; and

C. for an appeal to the ACF, as soon as possible after receipt of the Notice of Intention to Appeal, the Hearings Convenor of ACF shall appoint a Hearings Tribunal to hear and determine the appeal, which shall comprise of persons in accordance with clause 1(c) above; and

D. within 5 days of lodging the Notice of Intention to Appeal, (or such shorter time as determined by the Appeal Body if there is urgency) the Appellant shall:

(ii) pay the appeal fee to the Hearings Convenor of ACF, which shall be $110.00 (including GST) which is non-refundable, or in the case of an appeal to CAS, the fee as per the Code of Sports-Related Arbitration applicable to CAS; and

(iii) submit to the Hearings Convenor of ACF or CAS (as the case may be) four written copies of the grounds of appeal. The Hearings Convenor of ACF shall provide a copy of the grounds of appeal to the other party, to the Hearing Convenor of the organisation which established the Hearings Tribunal who made the decision which is the subject of the appeal and the chairperson of the Appeal Body.

(e) If either of the requirements in this sub-clause are not met by the due time the appeal shall be deemed to be withdrawn;

(i) on completion of the procedures in (d), the Hearings Convenor of ACF or the chairperson of CAS (as the case may be) shall determine a place, time and date for the hearing of the appeal and as soon as possible thereafter notify all parties to the appeal in writing of such details; and

(ii) the procedure for the appeal shall be the same as the procedure for the Hearings Tribunal set out in clause 1 except where the Appeal Body is CAS, in which case the Code of Sports-Related Arbitration shall apply.

(f) The Appeal Body may reject an appeal on the basis that the grounds of appeal are not satisfied.

(g) Upon hearing the appeal, the Appeal Body may do any one or more of the following:

(i) dismiss the appeal;

(ii) uphold the appeal;

(iii) impose any of the penalties set out in Attachment C5;

(iv) reduce, increase or otherwise vary any penalty imposed by the initial Hearings Tribunal.

(h) If the penalty imposed by the Appeal Body affects other organisations required to comply with this Policy, the Hearings Convenor of the Appeal Body shall as soon as possible notify in writing the relevant organisation of the penalty. Every organisation to which this Policy applies shall recognise and enforce any decision and penalty imposed by an Appeal Body under this Policy.

(i) The Appeal Body has no power to award costs and each party shall bear their own costs in relation to any appeal.

(j) To the extent of any inconsistency between the hearing appeal procedure set out in the constitution of ACF or the Member States and the hearing appeal procedure set out in this Policy, this Policy shall prevail in relation to all Complaints under this Policy.

Attachment C5: Disciplinary Measures

What Penalties may be Imposed?

1. **For breaches committed by organisations:** If the Hearings Tribunal considers that ACF, a Member State, an Affiliated Club or any other organisation has breached this Policy, it may impose any one or more of the following penalties on such organisation:

   (a) direct that any funding granted or given to it by ACF or a Member State cease from a specified date;

   (b) impose a monetary fine for an amount determined by the Hearings Tribunal;

   (c) impose a warning;

   (d) recommend to ACF and/or the relevant Member State that its membership of such organisation be suspended or terminated in accordance with their applicable constitution;

   (e) direct that any rights, privileges and benefits provided to that organisation by ACF or a Member State be suspended for a specified period and/or terminated;

   (f) direct that ACF and Member States cease to sanction events held by or under the auspices of that organisation;

   (g) any other such penalty as the Hearings Tribunal considers appropriate.

2. **For breaches committed by individual persons:** If the Hearings Tribunal considers that an individual to whom this Policy applies has breached this Policy, it may impose any one or more of the following penalties on such person:

   (a) direct that the offender attend counselling to address their conduct;

   (b) recommend that ACF, the relevant Member State or the relevant Affiliated Club terminate the appointment of the role which the offender holds with such organisation;

   (c) impose a monetary fine for an amount determined by the Hearings Tribunal;

   (d) impose a warning;

   (e) withdraw any awards, placings, records won in any competitions, activities or events held or sanctioned by ACF, a Member State or an Affiliated Club;

   (f) direct the offender to repay all or part of any financial assistance (excluding any fee for service, wages or expenses) given to them by any Federal or state funding agency, ACF, a Member State, an Affiliated Club or any other organisation which has provided funding;

   (g) any other such penalty as the Hearings Tribunal considers appropriate.

3. If an organisation or individual commits a second or subsequent breach under this Policy, then the Hearings Tribunal shall have regard to the previous breach, the penalty imposed and any other relevant factors, in imposing a penalty for the second or subsequent breach.

4. If the penalty imposed by the Hearings Tribunal affects other organisations required to comply with this Policy, the Hearings Convenor of the organisation from which the Hearings Tribunal is established shall as soon as possible notify the relevant organisations of the penalty.

5. Every organisation to which this Policy applies shall recognise and enforce any decision and penalty imposed by a Hearings Tribunal under this Policy.

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

Factors to consider when imposing discipline

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

- any difficulty that might arise in enforcing the penalty;
- nature and seriousness of the behaviour or incidents;
- in a case where action is taken concurrently with or in lieu of a resolution of a formal complaint, the wishes of the complainant;
- if the individual concerned knew or should have known that the behaviour was a breach of the policy;
- level of contrition of the respondent(s);
- the effect of the proposed disciplinary measures on the respondent(s) including any personal, professional or financial consequences;
- if there have been relevant prior warnings or disciplinary action; and/or
- if there are any mitigating circumstances such that the respondent(s) shouldn't be disciplined at all or not disciplined so seriously.

Any disciplinary measure imposed under this Policy must:

- observe any contractual and employment rules and requirements;
- conform to the principles of natural justice;
- be fair and reasonable;
- be based on the evidence and information presented;
- be within the powers of the relevant person or body to impose the disciplinary measure.

PART D: CODES OF CONDUCT

Attachment D1: General Code Of Behaviour

As a person required to comply with this Policy, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by ACF, a Member State or an Affiliated Club and in any role you hold within ACF, a Member State or an Affiliated Club:

1. Respect the rights dignity and worth of others.

2. Be fair, considerate and honest in all dealing with others.

3. Be professional in, and accept responsibility for your actions.

4. Make a commitment to providing quality service.

5. Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.

6. Be aware of, and maintain an uncompromising adhesion to ACF standards, rules, regulations and policies.

7. Operate within the rules of ACF including national policies and guidelines which govern ACF and the Member States.

8. Understand your responsibility if you breach, or are aware of any breaches of this Code of Behaviour.

9. Do not use your involvement with ACF, a Member State or an Affiliated Club to promote your own beliefs, behaviours or practices where these are inconsistent with those of ACF, the Member States or the Affiliated Clubs.

10. Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.

11. Refrain from any form of abuse towards others.

12. Refrain from any form of harassment towards, or discrimination of, others.

13. Provide a safe environment for the conduct of the activity.

14. Show concern and caution towards others who may be sick or injured.

15. Be a positive role model.

Attachment D2: Administrator Code Of Conduct

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

1. Be fair, considerate and honest in all dealing with others.

2. Be professional in, and accept responsibility for your actions. Your language, presentation, manners and punctuality should reflect high standards.

3. Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.

4. Resolve conflicts fairly and promptly through established procedures.

5. Maintain strict impartiality.

6. Maintain a safe environment for you and others.

7. Be aware of your legal responsibilities.

8. Be a positive role model for others.

Attachment D3: Coach Code Of Conduct

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

1. Treat all participants with respect at all times. Be honest and consistent with them. Honour all promises and commitments, both verbal and written.

2. Provide feedback to participants in a caring sensitive manner to their needs. Avoid overly negative feedback.

3. Recognise participants' rights to consult with other coaches and advisers. Cooperate fully with other specialists.

4. Treat all participants fairly within the context of their sporting activities, regardless of gender, race, place of origin, athletic potential, colour, sexual orientation, religion, political beliefs, socio-economic status and other conditions.

5. Encourage and facilitate participants' independence and responsibility for their own behaviour, performance, decisions and actions.

6. Involve the participants in decisions that affect them.

7. Determine, in consultation with participants and others, what information is confidential and respect that confidentiality.

8. Encourage a climate of mutual support among your participants.

9. Encourage participants to respect one another and to expect respect for their worth as individuals regardless of their level of play.

10. At all times use appropriate training methods which in the long term will benefit the participants and avoid those which could be harmful.

11. Ensure that the tasks/training set are suitable for age, experience, ability and physical and psychological conditions of the participants.

12. Be acutely aware of the power that you as a coach develop with your participants in the coaching relationship and avoid any sexual intimacy with participants that could develop as a result.

13. Avoid situations with your participants that could be construed as compromising.

14. Actively discourage the use of performance enhancing drugs, the use of alcohol and tobacco and illegal substance.

15. Respect the fact that your goal as a coach for the participant may not always be the same as that of the participant. Aim for excellence based upon realistic goals and due consideration for the participant's growth and development.

16. Recognise individual differences in participants and always think of the participant's long-term best interests.

17. Set challenges for each participant which are both achievable and motivating.

18. At all times act as a role model that promotes the positive aspects of sport and of calisthenics by maintaining the highest standards of personal conduct and projecting a favourable image of the sport of calisthenics and of coaching at all times.

19. Do not exploit any coaching relationship to further personal, political, or business interests at the expense of the best interest of your participants.

20. Encourage participants and coaches to develop and maintain integrity in their relationship with others.

21. Respect other coaches and always act in a manner characterised by courtesy and good faith.

22. When asked to coach participants, ensure that any previous coach-participant relationship has been ended by the participant-others in a professional manner.

23. Accept and respect the role of officials in ensuring that competitions are conducted fairly and according to established rules.

24. Know and abide by ACF rules, policies and standards, and encourage participants to do likewise. Accept both the letter and the spirit of the rules.

25. Be honest and ensure that qualifications are not misrepresented.

26. Be open to other people's opinion and willingness to continually learn and develop.

Attachment D4: Participants Code of Conduct

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

1. Respect the rights, dignity and worth of fellow participants, coaches, officials and spectators.

2. Refrain from conduct which could be regarded as sexual or other harassment towards fellow participants and coaches.

3. Respect the talent, potential and development of fellow team members and competitors.

4. Care and respect the equipment provided to you as part of your program.

5. Be frank and honest with your coach concerning illness and injury and your ability to train fully within the program requirements.

6. Conduct yourself in a professional manner relating to language, temper and punctuality.

7. Maintain high personal behaviour standards at all times.

8. Abide by the rules and respect the decision of the adjudicator.

9. Be honest in your attitude and preparation to training. Work equally hard for yourself and your team.

10. Cooperate with coaches and staff in development of programs to adequately prepare you for competition at the highest level.

Attachment D5: Officials Code of Conduct

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

1. Place the safety and welfare of the participants/participants above all else.

2. Accept responsibility for all actions taken.

3. Be impartial.

4. Avoid any situation which may lead to a conflict of interest.

5. Be courteous, respectful and open to discussion and interaction.

6. Value the individual in sport.

7. Encourage inclusivity and access to all areas of officiating.

Attachment D6: Parent/Guardian Code of Behaviour

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

1. Treat your child the same irrespective of them winning or losing.

2. Remember that your child participates in the sport of calisthenics for their enjoyment not yours.

3. Try to have fun when you are around your children at competitions. Well-directed humour can be a great de-stressor.

4. Look relaxed, calm and positive on the sidelines.

5. Make friends with other parents at competitions.

6. Get involved in appropriate ways if your child or the coach behaves in unacceptable ways during competitions.

7. Let the coach do the coaching.

8. Understand that children will benefit from a break sometimes and that involvement in other sports is okay.

9. Be there when your child performs poorly. Be an understanding listener rather than a critic, judge and/or fixer.

10. Be prepared to give your child some space so that he/she can grow and develop as an independent person.

11. Let your child know that your love for them is not associated with their sporting performances.

12. Communicate with your child and ask them how they are really feeling about their sport and about competing in particular.

13. Occasionally let your child compete without you being there and hovering over them.

14. Emphasise the good things your child did in preparing for and during the competition.

15. Try to avoid:

    - saying “we’re competing today”. Instead say “you’re competing today”. Give your child credit for accepting the responsibility of performing;
    - getting too pushy or believe that you are indispensable. Let the coach do the coaching;
    - living through your child’s performances;
    - turning away when your child performs;
    - turning away when your child’s behaviour is unsportsmanlike;
    - telling your child what he/she did wrong after a tough competition;
    - making enemies with your child’s opponents or family during a competition;

- making your child feel guilty by reminding them about all the time, money and sacrifices you are making for his or her sport;
- thinking of your child's sporting performances as an investment for which you expect a return;
- badgering, harassing or use sarcasm to motivate your child;
- comparing your child's performances with those of other children;
- forcing your child to go to training. If they are sick of training find out why and discuss it with them.

PART E: REPORTING DOCUMENTS/FORMS

To assist in consistency and accuracy in following procedure and reporting on the issues covered by ACF's Member Protection Policy, the following documents are to be used:

E1: Confidential Record of informal complaint – to be used by MPIOs or others who receive a complaint or allegation

E2: Confidential Record of Formal Complaint – to be used when a formal complaint is received by ACF/Member State

E3: Confidential Record of Child Abuse Allegation – to be used by MPIOs or others who receive complaints/allegations of child abuse

E4: Record of Mediation – to be used by those who conduct a mediation

E5: Record of Tribunal Decision

General principles to be followed when completing a report of a complaint:

- Treat all complaints seriously.
- Deal with complaints promptly, sensitively and confidentially.
- Maintain a calm attitude.
- Ask the complainant if they will consent to you taking notes.
- Write the description of the complaint /problem using the complainants own words (as much as is possible).
- Find out the nature of the relationship between the complainant and the person complained about (for example, coach/competitor, team members, etc) and if there is any relevant history.
- Take a note of the facts and do not pre-judge the situation.
- Ask the complainant whether they fear victimisation or other consequences.
- Find out what outcome the complainant wants and if they need any support.
- Ask the complainant how they want to the complaint to be dealt with under the policy.
- Keep the complaint confidential and do not disclose it to another person without the complainant's consent except if disclosure is required by law (for example, a report to government authorities) or if disclosure is necessary to effectively deal with the complaint.

Attachment E1: Confidential Record Of Informal Complaint

MPIO Name		Date: / /
Complainant's Name	☐ Over 18	☐ Under 18
Role/status in calisthenics	☐ Administrator (volunteer) ☐ Athlete/player ☐ Coach/Assistant Coach ☐ Employee (paid) ☐ Official ……	☐ Parent ☐ Spectator ☐ Support Personnel ☐ Other ……
Location/event of alleged issue		
Facts as stated by complainant		
Nature of complaint (category/basis/grounds) Can tick more than one box	☐ Harassment or ☐ Discrimination ☐ Sexual/sexist ☐ Sexuality ☐ Race ☐ Religion ☐ Pregnancy ☐ Disability ☐ Child Abuse ☐ Other ……	☐ Selection dispute ☐ Personality clash ☐ Bullying ☐ Verbal abuse ☐ Physical abuse ☐ Victimisation
Feelings expressed by complainant (completing this may help to separate emotional content from facts)		
What they want to happen to fix issue		
What information I provided		

What they are going to do now	

This record and any notes must be kept in a confidential place – do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be sent to the ACF President/Member State President or their nominee.

Attachment E2: Confidential Record Of Formal Complaint

Complainant's Name	☐ Over 18 ☐ Under 18	Date Formal Complaint Received: / /
Role/status in calisthenics	☐ Administrator (volunteer) ☐ Athlete/player ☐ Coach/Assistant Coach ☐ Employee (paid) ☐ Official …….	☐ Parent ☐ Spectator ☐ Support Personnel ☐ Other ……
Name of person complained about	☐ Over 18	☐ Under 18
Role/status in calisthenics	☐ Administrator (volunteer) ☐ Athlete/player ☐ Coach/Assistant Coach ☐ Employee (paid) ☐ Official …….	☐ Parent ☐ Spectator ☐ Support Personnel ☐ Other ……
Location/event of alleged issue		
Description of alleged issue		
Nature of complaint (basis/grounds/category) Can tick more than one box	☐ Harassment or ☐ Discrimination ☐ Sexual/sexist ☐ Sexuality ☐ Race ☐ Religion ☐ Pregnancy ☐ Disability ☐ Child Abuse ☐ Other ……	☐ Selection disupte ☐ Personality clash ☐ Bullying ☐ Verbal abuse ☐ Physical abuse ☐ Victimisation
Methods (if any) of attempted informal resolution		
Support person (if any)		
Formal resolution procedures followed (outline)		
If investigated: Finding -		
If went to hearing tribunal: Decision - Action recommended -		

If mediated: Date of mediation - Were both parties present - Terms of Agreement - Any other action taken -	
If went to appeals tribunal: Decision Action recommended	
Resolution	☐ Less than 3 months to resolve ☐ Between 3 – 8 months to resolve ☐ More than 8 months to resolve
Completed by	Name: Position in ACF/Member State: Signature: / /
Signed by:	Complainant: Respondent:

This record and any notes must be kept in a confidential place. If the complaint is of a serious nature, or is escalated to and/or dealt with at the national level, the original must be forwarded to the national body and a copy kept at the club/state/district level (whatever level the complaint was made).

Attachment E3: Confidential Record Of Child Abuse Allegation

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

Complainant's Name (if other than the child)		Date Formal Complaint Received: / /
Role/status in calisthenics		
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 calisthenics	☐ Administrator (volunteer) ☐ Athlete/player ☐ Coach/Assistant Coach ☐ Employee (paid) ☐ Official	☐ Parent ☐ Spectator ☐ Support Personnel ☐ Other …… ……
Witnesses (if more than 3 witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action (if any) taken (to ensure child's safety and/or to support needs of person complained about)		
Police contacted	Who: When: Advice provided:	
Government agency contacted	Who: When: Advice provided:	
CEO contacted	Who: When:	
Police and/or government agency investigation	Finding:	
Internal investigation (if any)	Finding:	
Action taken		

Completed by	Name: Position in ACF/Member State: Signature: / /
Signed by	Complainant (if not a child)

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

Attachment E4: Record Of Mediation

Present at Mediation	
Date of mediation	
Venue of mediation	
Mediator	
Summary of mediation (minutes attached)	
Outcome of mediation	
Follow-up to occur (if required)	
Completed by: (signature)	
Signed by: Complainant (signature) Respondent (signature)	

Attachment E5: Record Of Tribunal Decision

Complainant's Name		Date Formal Complaint Received: / /
Role/status in calisthenics	☐ Administrator (volunteer) ☐ Athlete/player ☐ Coach/Assistant Coach ☐ Employee (paid) ☐ Official …….	☐ Parent ☐ Spectator ☐ Support Personnel ☐ Other ……
Name of person complained about		
Role/status in calisthenics	☐ Administrator (volunteer) ☐ Athlete/player ☐ Coach/Assistant Coach ☐ Employee (paid) ☐ Official …….	☐ Parent ☐ Spectator ☐ Support Personnel ☐ Other ……
Location/event of alleged issue		
Description of alleged issue		
Nature of complaint (basis/grounds/category)	☐ Harassment or ☐ Discrimination ☐ Sexual/sexist ☐ Sexuality ☐ Race ☐ Religion ☐ Pregnancy ☐ Disability ☐ Child Abuse Other …….	☐ Selection disupte ☐ Personality clash ☐ Bullying ☐ Verbal abuse ☐ Physical abuse ☐ Victimisation
Methods (if any) of attempted informal resolution		
Support person (if any)		
Tribunal Members		
Tribunal Hearing Date and venue		
Tribunal Decision (attach report)		
Action recommended and any follow up report required		
Decision Appealed Date of Appeal lodged		
Appeal Hearing Date		
Appeal Decision (attach report)		
Action Recommended		

Completed by	Name: Position in ACF: Signature: / /
Signed by:	Complainant Respondent