



MEMBER PROTECTION POLICY

OF

MOTORCYCLING AUSTRALIA LIMITED

Date Adopted by the Motorcycling Australia Ltd Board

4 December 2006

Date Member Protection Policy Effective

1 January 2007

PREFACE

The goal of Motorcycling Australia (MA) is to develop the sport of motorcycling throughout Australia and internationally for the safety and enjoyment of its participating members.

MA is committed to providing a sport and work environment free of harassment and discrimination. MA aims to ensure the core values, good reputation and positive behaviours and attitudes of MA are maintained. MA believes that anyone who works for it, and everyone with whom it deals, has the right to be treated with respect and dignity. MA will not tolerate any type of behaviour, which will bring the sport of motorcycling into disrepute, and this policy is an essential part of MA's proactive and preventative approach to tackling inappropriate behaviour. MA will therefore take all complaints seriously, and will ensure they are dealt with promptly, sensitively and with confidentiality.

MA is committed to ensure that everyone associated with the organisation complies with this policy.

Ron Kivovitch

President MA

December 2006

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MOTORCYCLING AUSTRALIA LIMITED (“MA”)

1. Purpose of this policy

This Member Protection Policy (policy) aims to ensure the core values, good reputation and positive behaviours and attitudes of Motorcycling Australian (MA) 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 also provides 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, MA will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by the board of the MA and has been incorporated into our Regulations in accordance with clause 71 of the MA constitution. The policy starts on 1 January 2006 and will operate until replaced. This policy and/or its attachments may be amended from time to time by a resolution of the Board in accordance with the constitution of MA. Copies of the policy and its attachments can be obtained from our office, or website at www.ma.org.au.

2. Who this Policy Applies To

This policy applies to the following organisations and individuals:

- MA;
- Members;
- Persons appointed or sitting on boards, committees and sub-committees of MA and Members;
- Employees, officials and volunteers appointed or elected by MA or Members;
- Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- Coaches (including assistant coaches) who
 - are appointed and/or employed by MA or Members (whether paid or unpaid);or
 - have an agreement (whether or not in writing) with MA or a Members;
- Riders who enter or participate in any activity or event (including camps and training sessions) which are held or sanctioned by MA or a Member;
- Any person or organisation, who or which is a member of, or affiliated to, MA, or a Member;
- Any other person or organisation who, or which agrees in writing or otherwise to be bound by this policy; and
- Parents, guardians, spectators and sponsors to the full extent that is possible.

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

3. Code of Conduct

MA requires every individual and organisation bound by this policy to:

- (a) be ethical, fair and honest in all their dealings with other people and MA;
- (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 MA's constitution, rules and policies including this 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 Code of Conduct outlined in **Attachment A** to this policy.

4. Organisational Responsibilities

4.1 MA 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 or have access to appropriately trained people to receive and handle complaints and allegations and display the names and contact details in a way that is readily accessible; and
- (i) monitor and review this policy at least annually.

4.2 Members 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) comply with their respective state specific child protection requirements (see **Attachment C**); and
- (h) ensure that a copy of this policy is available or accessible to the persons to whom this policy applies.

5. 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 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;
- (e) being aware of state specific child protection requirements; and
- (f) understanding the possible consequences of breaching this policy.

6. Policy Position Statements

6.1 Child Protection Policy

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

MA acknowledges that its staff and volunteers provide a valuable contribution to the positive experiences of its junior participants. MA 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:

- prohibiting any form of abuse against children;
- providing opportunities for our juniors to contribute to and provide feedback on our program development;
- carefully selecting and screening people whose role requires them to have direct and unsupervised contact with children. (Screening procedures are outlined in **clause 7** of this policy);
- ensuring our codes of conduct, particularly for roles associated with junior sport, are promoted, enforced and reviewed;
- providing procedures for raising concerns or complaints (our complaints procedure is outlined in **clause 10** of this policy); and
- providing education and/or information to those involved in our sport on child abuse and child protection.

MA requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within its sport, to report it immediately to the police or relevant government agency and the Member Protection Information Officer ("MPIO"). Descriptions of the sorts of activity which may be abuse are in the Dictionary at **clause 13**.

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. MA's procedures for handling allegations of child abuse are outlined in **clause 9.1** 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.

6.2 Anti-Discrimination and Harassment Policy

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

MA 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. MA 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 13**.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to clause 16 of the MA Constitution.

6.3 Sexual Relationships Policy

MA takes the position that sexual relationships between coaches and adult athletes that they coach should be avoided. MA takes the view that such relationships while not necessarily constituting unlawful harassment can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sport's public image. Such relationships tend to be intentionally or unintentionally exploitative because there is usually a disparity between coaches and athletes in terms of authority, power, maturity, status and dependence. MA's policy position is similar to other organisations who disallow professionals such as teachers, doctors and counsellors to have sexual relationships with their clients or students.

Should a sexual relationship develop between an athlete and coach, MA will investigate whether any action against the coach is necessary. Factors that may be relevant to consider are the age and maturity of the athlete relative to the coach, the financial or emotional dependence of the athlete on the coach, and the likelihood of the relationship having any adverse impact on the athlete and/or other athletes. If it is determined that the sexual relationship is inappropriate, action may be taken to stop the coaching relationship with the athlete. Action may include transfer, a request for resignation or dismissal from coaching duties.

If an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach may wish to approach MA or a MPIO if they feel harassed.

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

6.4 Gender Identity Policy

MA is committed to providing an inclusive sporting environment where transgender or transsexual people involved in its activities are able to contribute and participate. MA 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 13**.

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 **clause 10** of this policy. This will explain what to do about the behaviour and how MA will deal with the problem.

MA 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 MA will facilitate transgender or transsexual persons participating in our sport of the sex with which they identify.

MA also recognises there is debate over whether a male to female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, MA will seek advice on the application of those laws in the particular circumstances.

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

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

7. Screening

MA will implement screening procedures for people who currently occupy or who apply for any work (paid or voluntary) 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.

Under this policy MA and Members are required to:

- (a) identify positions (paid and voluntary) that involve working with people under the age of 18 years; and
- (b) obtain a completed Member Protection Declaration (MPD) in the form set out in **Attachment B** to this policy 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

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- 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, 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.
- (c) Check a person's referees (verbal or written) and interview a person about their suitability for the role and their suitability for working with children for both paid and voluntary positions.
- (d) Ask people applying for and people who currently occupy 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).
- (e) Request a national police check from the relevant police jurisdiction for people applying for and people who currently occupy paid or 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 the relevant organisation remains unsatisfied, or the person does not agree to a national police check after explaining why it is a requirement, then the relevant organisation will:

- in the case of an existing employee/volunteer, 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 a someone applying for the position/role, not appoint them.
- (f) Decide whether to offer the person the position or retain the person in the position, taking into account the result of the police check and any other information the organisation has available. Where it is not practical to complete the police check prior to employment commencing, the relevant organisation must still complete the check as soon as possible. The relevant organisation will advise the person that their ongoing employment is conditional upon the satisfactory outcome of the check.
- (g) 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.

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. Member Protection Information Officers (MPIOs)

MA and Members shall be responsible for appointing such number of MPIOs as they consider appropriate. It is the role of a MPIO to:

- (a) provide a point of contact for persons wishing to make a complaint under this policy;
- (b) inform complainants of the options and procedures for resolution of complaints under this policy;
- (c) refer complaints or allegations of breaches of this policy to the organisation which appointed him/her; and
- (d) carry out the functions assigned to MPIOs throughout this policy.

9. Child abuse procedures

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. The following is a basic outline of the key processes to follow. More information can be obtained from the relevant State or Territory government agency.

- (a) Any complaints, concerns or allegations of child abuse should be made or referred to a MPIO. The MPIO should obtain and clarify basic details (if possible) but should not elicit detailed information about the abuse. 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.
- (b) 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 is of a criminal nature, report the incident immediately to the police. If the allegation involves a child at risk of harm you may need to report to both the police and the relevant government agency.
- (c) The MPIO should assess the risks and take interim action to ensure the child's/children's safety. Some options could 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. The support needs of the person against whom the complaint is made should also be addressed.
- (d) Any further investigation by MA into allegations of a more serious or criminal nature should only be carried out upon advice from the police and relevant government agency.

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- (e) For allegations of a less serious nature (e.g. verbal abuse) and independent person with appropriate expertise shall be appointed to make contact and meet with each of the people involved to obtain details of the allegation. Strict confidentiality, impartiality, fairness and due process must be maintained at all times.
 - (f) If disciplinary action is to be taken, follow the procedures outlined in **clause 12** of this policy.

10. Complaints Procedures

10.1 Complaints

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

A complaint may be reported as an informal or formal complaint. The complainant decides whether the complaint will be dealt with informally or formally unless the 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.

10.2 Informal Complaint Resolution Procedure

If a complainant makes an approach to MA, a Full Member, a Club or a person within these organisations, it is desirable that the complainant also seeks the advice of a MPIO. The MPIO will:

- (a) listen to the complainant in an empathetic, supportive manner;
- (b) inform the complainant about their possible options;
- (c) act as a support person for the complainant, including supporting them through any mediation process if the complainant wishes;
- (d) keep the matter confidential;
- (e) inform the relevant government authority, if required by law; and
- (f) consult by seeking advice from the relevant state or territory authority that administers the relevant law.

A complainant may seek to try and resolve the complaint by mediation in accordance with **clause 10.4**.

If, following this information complaint procedure, the complaint is not resolved informally, the complainant may make a formal complaint to the CEO of MA. Nothing in this policy prevents the complainant taking action under state or federal legislation. It is not necessary to provide a written complaint under this clause.

10.3 Vexatious Complaints & Victimisation

MA 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 Board or a Judicial Committee appointed

by the Board for appropriate action which may include disciplinary action against the complainant.

MA 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.

10.4 Mediation

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

Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to try and resolve the complaint with the assistance of a mediator, the MPIO will, in consultation with the complainant, arrange for a mediator to mediate the complaint.

10.5 Tribunals

A hearings tribunal may be formed to hear a formal complaint that has been referred by MPIO, or an alleged breach of the policy. MA's tribunal hearings procedure is outlined in clause 16 of the MA Constitution and in MA's General Competition Rules (GCR).

There is no appeal in respect of a decision of a hearing tribunal. The decision of the hearing tribunal is final and binding on the people involved in the hearing.

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.

11. What is a Breach of this policy

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

- (a) done anything contrary to this policy;
- (b) breached the Code of Conduct;
- (c) brought MA into disrepute;
- (d) failed to follow MA policies and procedures for the protection, safety and welfare of children;
- (e) appointed or continued to appoint a person to a role that involves working with children and young people contrary to this policy;
- (f) discriminated against or harassed any person;
- (g) victimised another person for reporting a complaint;
- (h) engaged in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;
- (i) disclosed to any unauthorised person or organisation any MA information that is of a private, confidential or privileged nature;
- (j) made a complaint they **knew** to be untrue, vexatious, malicious or improper;

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- (k) failed to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; or
 - (l) failed to comply with a direction given to the individual or organisation during the discipline process.

12. Forms of Discipline

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

13. 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.

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).

Complaint means a complaint made under clause 10 of this policy.

Complainant means the person making a complaint.

Constitution means the constitution of MA in force from time to time.

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

disproportional 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;
- Physical features;
- 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.

Discrimination is not permitted in the areas of employment (including volunteer and unpaid employment); the provision of goods and services; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any player or other person to any competition; obtaining or retaining membership of an organisation (including the rights and privileges of membership).

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination may also be discriminatory conduct.

Member means any Member recognised as such under the MA Constitution.

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, sexuality 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.

Discrimination and harassment are not permitted in the areas of employment (including volunteer and unpaid employment); the provision of goods and services including access to sporting facilities; when providing education and accommodation; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any player or other person to any competition; obtaining or retaining

membership of clubs and organisations (including the rights and privileges of membership).

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

- holding a competitive sporting activity for females only who are 12 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.

Whether or not the behaviour is harassment is determined from the point of view of the person receiving the harassment. 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.

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

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

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

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 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, Full Members, 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 appointed under **clause 8.1** of this policy 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:

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- 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.

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.

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.

ATTACHMENT A

Code of Conduct

As a Member of MA or a person required to comply with MA's member protection policy you must meet the following requirements in regard to your conduct during any activity held or sanctioned by MA or a Member and in any role you hold within those organisations.

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

ATTACHMENT B

MEMBER PROTECTION DECLARATION

MA has a duty of care to its Members and to the general public who interact with its employees, volunteers, members and others involved with its activities. As part of this duty of care and as a requirement of MA's Member Protection Policy, MA must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that involved 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. I have never been sanctioned for an anti-doping rule violation under any anti-doping policy applicable to me.
5. I have never participated in, facilitated or encouraged any practice prohibited by the World Anti-Doping Agency Code or any other anti-doping policy applicable to me.
6. To my knowledge there is no other matter that MA may consider to constitute a risk to its Members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 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 C

CHILD PROTECTION REQUIREMENTS

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 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

QLD State Association and clubs 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

Note: Only those categories of employment relevant to the sport and recreation industry have been listed below.

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 which 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

Note: Only those categories of business relevant to sport and recreation industry have been listed below.

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; or
 - 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; or
 - or 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).

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. This fee is to be paid by the organisation seeking the relevant information.

Change in criminal history

If MA 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, the MA 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 sporting organisations 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.

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 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.

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](http://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. These fees will be paid by the organisation seeking the information.

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](http://www.checkwwc.wa.gov.au). 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	<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • 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 Noticeby 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 okay 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.

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.

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 contactif 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.***