

MOTORCYCLING AUSTRALIA POLICY

Title:	Child Welfare Code of Conduct
Last Review Date:	11 August 2020
Next Review Date:	August 2022
Responsible Persons:	Motorcycling Australia Board
Authority:	This Policy is made under clause 15 of the MA Constitution. It is binding on all MA Members and volunteers, and all employees of MA and its State Controlling Bodies, and is to be interpreted in accordance with the MA Constitution.

1. PURPOSE

- 1.1 MA is committed to promoting the welfare of all Members and is dedicated to providing an inclusive environment able to be embraced by everyone wishing to participate in the Sport.
- 1.2 This includes providing CYP with a positive and enriching sporting environment that promotes their participation and development in the sport.
- 1.3 MA has developed this Code of Conduct to equip its Personnel with the tools to identify and prevent behaviour that may be harmful to CYP in our Sport.
- 1.4 All Personnel:
 - 1.4.1 Acknowledge individual responsibility for promoting the welfare of Members including CYP;
 - 1.4.2 Make a commitment to actively encourage behaviours that promote a supportive environment and contribute to MA's mission of advancing the Sport in Australia; and
 - 1.4.3 will promote and monitor this Policy to the fullest extent possible.
- 1.5 MA will treat a failure to observe this Code of Conduct as misconduct and will take appropriate disciplinary action. In addition to any internal disciplinary proceedings, MA will report to the police any breach of the law that has or may have occurred.
- 1.6 There may be exceptional situations where these guidelines do not apply, for example, in an emergency situation. It is crucial however that, where possible, you seek management authorisation prior to taking action that contravenes these guidelines or that you advise management as soon possible after any incident in which these guidelines are breached.

2. DEFINITIONS AND INTERPRETATION

- 2.1 **CYP** means children and young people being a person under the age of 18 years who engages in our Sport.
- 2.2 **MA** means Motorcycling Australia Ltd.
- 2.3 **Member** has the meaning given to it by the MA Constitution.
- 2.4 **Personnel** means all persons who are bound by this Code of Conduct.
- 2.5 **Sport** means the sport or recreational activity of motorcycling.
- 2.6 Headings are for convenience only and do not affect interpretation and unless the context indicates a contrary intention.
- 2.7 "Includes" in any form is not a word of limitation;
- 2.8 A reference to "month" is to a calendar month; and
- 2.9 A reference to "\$" or "dollar" is to Australian currency.

3. RESPONSIBILITIES

Position	Responsibility
CEO	Implement policy and procedures across the organisation Ensure personnel have access to and understand this policy and related procedures Ensure all managers/supervisors have access to support and advice to understand and implement procedures
Workforce/CEO Delegate	Review and update this document and supporting resources in consultation with relevant stakeholders Support the coordination of the MWP and implementation Provide training and advice in the application of procedures
Managers/ Supervisors/Key Officials	Ensure procedure is followed and implemented
Employees/ Volunteers	Compliance with procedure.

4. KEY REQUIREMENTS

- 4.1 MA requires certain standards of behaviour of everyone involved in the sport which are underpinned by the following core values:
- 4.1.1 Act within the rules and spirit of our sport.
- 4.1.2 Display respect and courtesy towards everyone involved in our sport and prevent discrimination and harassment.
- 4.1.3 Prioritise the wellbeing of CYP.
- 4.1.4 Help prevent the abuse of CYP by reporting any behaviour which is in breach of this Code of Conduct.

4.1.5 Encourage and support opportunities for participation in all aspects of our sport.

4.2 Sexual misconduct

4.2.1 Under no circumstances is any form of 'sexual behaviour' to occur between, with, or in the presence of, CYP. Engaging in sexual behaviour while participating in our sport is prohibited even if the young person involved may be above the legal age of consent.

4.2.2 'Sexual behaviour' must be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:

- (a) 'contact behaviour', such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution; and
- (b) 'non-contact behaviour', such as flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

4.3 Positive guidance and discipline

4.3.1 Personnel who witness behaviour that falls short of this Code of Conduct must act to restore an effective and positive environment and to protect the wellbeing of CYP. In doing so MA requires that you use techniques and behaviour management strategies that are fair, respectful and appropriate to the developmental stage of the CYP involved. The CYP needs to be provided with clear directions and given an opportunity to redirect their misbehaviour in a positive manner.

4.3.2 It is inappropriate, and a breach of the MWP, to take disciplinary action involving physical punishment or any form of treatment that could reasonably be considered as degrading, cruel, frightening or humiliating.

4.4 Adhering to professional role boundaries

4.4.1 Personnel must NOT:

- (a) provide unauthorised transportation to CYP, for example, from school to club.
- (b) engage in activities with CYP outside of MA-authorised activities without the consent of the CYP's parent or guardian.
- (c) seek contact with CYP outside the Sport, either via social media or any other means.

4.4.2 Personnel who become aware of a situation in which a CYP requires assistance that is beyond the confines of that person's role or authority, or beyond the sporting environment, should do any or all of the following at the earliest opportunity:

- (a) refer the matter to an appropriate support agency if there is any risk to the CYP;
- (b) refer the CYP to an appropriate support agency;
- (c) contact the CYP's parent or guardian;
- (d) seek advice from the appropriate person in management.

4.5 Uniform

4.5.1 Personnel should only wear their Sport uniform while actively engaged in MA-authorized activities.

4.6 Use of language and tone of voice

4.6.1 Language and tone of voice used in the presence of CYP should:

- (a) provide clear direction, boost their confidence, encourage or affirm them
- (b) not be harmful to children – in his respect, avoid language that is:
 - (i) discriminatory, racist or sexist
 - (ii) derogatory, belittling or negative, for example, by calling a child a 'loser' or telling them they are 'too fat'
 - (iii) intended to threaten or frighten
 - (iv) profane or sexual.

4.7 Monitoring

4.7.1 Personnel are to use their best endeavours to ensure the CYP :

- (a) engage positively
- (b) behave appropriately toward one another
- (c) are protected from external threats.

4.7.2 Personnel are to avoid one-to-one unsupervised situations with CYP, and (where possible) to conduct all activities and/or discussions with them in view of their parent/guardian or other Personnel.

4.8 Use of electronic or online communications

4.8.1 Personnel must obtain the express permission of a parent or guardian prior to engaging in any electronic communication with CYP, and that permission should be recorded. Wherever possible, such electronic communication should be copied to their parent or guardian.

4.8.2 Where a parent or guardian is not included in the electronic communication, that communication:

- (a) Should be confined to issues directly associated with delivering our sport, such as advising that a scheduled event is cancelled.
- (b) Should limit the personal or social content to what is required to convey the service-related message in a polite, friendly manner. In particular, do not communicate anything that a reasonable observer could view as being of a sexual nature.

- (c) Must not promote unauthorised 'social' activity or to arrange unauthorised contact.
- (d) Must not request a CYP to keep a communication a secret from their parents or guardian.
- (e) Should not originate from an internet chat room or similar forums such as social networking sites, game sites or instant messaging.
- (f) Must not include a request to be linked to an individual CYP through social media, or follow or make comments on their social media activities.

4.8.3 Personnel shall use their best endeavours to monitor CYP when they use MA's, SCB's or a clubs' electronic communication equipment to avoid them placing themselves at risk of abuse or exploitation via social networking sites, gaming sites or through web searches, or inappropriate email communication.

4.9 Giving gifts

4.9.1 Gifts to CYP or to their families, including rewards, treats, second-hand equipment or prizes awarded as part of authorised events or competitions, must be approved by both their parents or guardians and the organisation on whose behalf it is gifted.

4.10 Photographs of children and young people

4.10.1 Photography of CYP requires the prior authorisation of MA, SCB or club, and must comply with MA policies including this Code of Conduct, Privacy Policy and Social Media Policy.

4.10.2 In all circumstances, photography of CYP must:

- (a) be in a context that directly relates to participation in our Sport;
- (b) have the CYP appropriately dressed and posed; and
- (c) be taken in the presence of other Personnel.

4.10.3 Images of CYP must not be distributed by any means (including as an attachment to an email) to anyone outside of MA, SCB or club other than the CYP themselves or their parent/guardian other than with prior approval of MA, SCB or club.

4.10.4 Images (digital or hard copy) are to be stored in a manner that prevents unauthorised access by others, for example if in:

- (a) hard-copy form, in a locked drawer or cabinet;
- (b) electronic form, in a 'password protected' folder.

4.10.5 Images (digital or hard copy) are to be destroyed or deleted as soon as they are no longer required.

4.11 Physical contact with children and young people

4.11.1 Any physical contact with children and young people must be appropriate to the delivery of our sport (such as technical instruction) and based on the needs specific to the CYP (such as to assist or comfort) .

4.11.2 Under no circumstances should any personnel have contact with CYP that:

- (a) involves touching:
 - (i) of genitals;
 - (ii) of buttocks;
 - (iii) of the breast area;
 - (iv) that is other than as part of delivering medical or allied health services
- (b) would appear to a reasonable observer to have a sexual connotation;
- (c) is intended to cause pain or distress to the CYP – for example corporal punishment;
- (d) is overly physical (for example, wrestling, horseplay, tickling or other roughhousing);
- (e) is unnecessary (for example, assisting with toileting when a child does not require assistance);
- (f) is initiated against the wishes of the CYP, except if such contact may be necessary to prevent injury to them or to others, in which case:
 - (i) physical restraint should be a last resort;
 - (ii) the level of force used must be appropriate to the specific circumstances, and aimed solely at the prevention of harm ; and;
 - (iii) the incident must be reported to management as soon as possible.

4.11.3 Personnel are required to report to management any physical contact initiated by a CYP that is sexual and/or inappropriate (such as acts of physical aggression) as soon as possible, to enable the situation to be managed in the interests of all concerned.

4.12 Overnight stays and sleeping arrangements

4.12.1 The prior, written approval of a parent or guardian and MA, SCB or club official for overnight stays by a CYP with Personnel.

4.12.2 Practices and behaviour by Personnel involved during an overnight stay must at all times be consistent with the practices and behaviours expressed in this Code of Conduct. For the avoidance of doubt, this includes:

- (a) privacy when bathing and dressing;
- (b) observing appropriate dress standards – such as no exposure to adult nudity;
- (c) not exposing CYP to pornographic material, for example, through movies, television, the Internet or magazines;
- (d) not leaving CYP under the supervision or protection of unauthorised persons such as hotel staff or friends;

- (e) appropriate sleeping arrangements including unsupervised or sharing a bed with an adult;
- (f) freedom of contact with their parents, or others.

4.13 Change room arrangements

4.13.1 Personnel must balance the need to monitor CYP in change rooms with that person's right to privacy. This requires:

- (a) avoidance of one-to-one situations with a CYP in a change room area;
- (b) adequate monitoring in 'public' change rooms when they are used;
- (c) female Personnel not entering male change rooms and male Personnel not entering female change rooms.

4.14 Use of, possession or supply of alcohol or drugs

4.14.1 While on duty, Personnel must not:

- (a) use, possess or be under the influence of an illegal drug;
- (b) use or be under the influence of alcohol;
- (c) be incapacitated by any other legal drug such as prescription or over-the-counter drugs;
- (d) supply alcohol or drugs (including tobacco) to children and young people participating in our sport.

4.15 Transporting children

4.15.1 Personnel may transport CYP only with prior authorisation of a parent/guardian and MA/SCB/club official, and only for reasons directly related to the delivery of the Sport, for example to and from competition and training.