

# DRAGONBOAT SA

(Incorporation Number: A10004)

(ABN: 40579674377)

## MEMBER PROTECTION POLICY (South Australia) VERSION 4



# **SOUTH AUSTRALIAN MEMBER PROTECTION POLICY**

**VERSION 4**

**Created November 2009**

**Updated June 2011**

**Updated March 2014**

Review History  
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## REVIEW HISTORY OF Dragonboat SA MEMBER PROTECTION POLICY

<b>Version</b>	<b>Date reviewed</b>	<b>Date endorsed</b>	<b>Content reviewed/purpose</b>
One	Created – November 2009	09/12/09	
Two	Reviewed June 2011		• Child Protection requirements
Three	Reviewed March 2014		• Update re changes to legislation

### Preface

- Dragon Boat SA (DBSA) made a commitment to adopt the Australian Sports Commission Member Protection Policy template in November 2009 and have reviewed this policy in line with the changes in legislative requirements in 2011 and 2013.
- We are committed to providing a safe environment for children which is free of harassment, discrimination and abuse and promoting the positive behaviour and values of our sport.
- All members will be provided with an environment, which is free of harassment, discrimination and abuse.
- DBSA has always had a zero tolerance for bad behaviour and this policy provides Codes of Conduct for the Coach; Official; Player/Athlete; Administrator (volunteer); Board Member; Parent and Spectator which underpin the ethical conduct demonstrated in our sport.
- As the sport of Dragon Boat Racing is a recognised Sport by the Australian Sports Commission and DBSA currently receives funding from the Office of Recreation and Sport, it is important that DBSA falls into line with the current Corporate Governance policies that are recommended by the above Organisations.

As the current President, I will ensure that all of DBSA policies and guidelines are available on the DBSA website ([www.dragonboatsa.com](http://www.dragonboatsa.com)) and accessible for all members.

John Holland - President

DragonBoat SA

Date: 31/03/14

Review Date: \_\_\_\_\_

## **PART A: DRAGON BOAT SA MEMBER PROTECTION POLICY**

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### **1. DBSA's Core Values**

DBSA seeks to increase participation in the sport of Dragon Boating by making it an activity of choice for people of all ages and backgrounds seeking healthy activity and competition.

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

DBSA 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, DBSA will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by DBSA and has been incorporated into our Policies. The policy starts on September 2008 and will operate until replaced. This policy and/or its attachments may be amended from time to time by resolution of the Board. Copies of the policy and its attachments can be obtained from our website [www.dragonboatsa.com](http://www.dragonboatsa.com)

### **3. Who this Policy Applies To**

This DBSA policy applies to the following people operating at or representing the state level, whether they are in a paid or unpaid/voluntary capacity

- 3.1 Persons appointed or elected to the state board, committees and sub-committees.
- 3.2 Employees and volunteers of DBSA.
- 3.3 Support personnel appointed or elected to state teams and squads (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- 3.5 Coaches and assistant coaches.
- 3.6 Athletes and paddlers.
- 3.7 Referees, umpires and other officials.
- 3.8 Members, including life members of DBSA.
- 3.9 Athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by DBSA.
- 3.10 Any other person including spectators, parents/guardians and sponsors, who or which agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this policy.

This policy also applies to the following organisations:

- 3.11 Member associations.
- 3.12 Affiliated clubs and associated organisations.
- 3.13 Peak associations and the national body.

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

#### **4. Code Of Conduct**

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

- 4.1 Be ethical, fair and honest in all their dealings with other people and *DBSA*.
- 4.2 Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations.
- 4.3 Always place the safety and welfare of children above other considerations.
- 4.4 Comply with *DBSA's* constitution, rules and policies including this member protection policy.
- 4.5 Operate within the rules and spirit of the sport.
- 4.6 Comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and child protection laws.
- 4.7 Be responsible and accountable for their conduct.
- 4.8 Abide by the relevant Role-Specific Codes of Conduct outlined in Part D of this policy.

#### **5. Responsibilities of the Organisation**

Dragonboat SA must:

- 5.1 Adopt, implement and comply with this policy.
- 5.2 Make such amendments to *DBSA* Constitution, Rules or Policies necessary for this policy to be enforceable.
- 5.3 Publish, distribute and promote this policy and the consequences of breaches.
- 5.4 Promote and model appropriate standards of behaviour at all times.
- 5.5 Promptly deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner.
- 5.6 Apply this policy consistently without fear or favour.
- 5.7 Recognise and enforce any penalty imposed under this policy.
- 5.8 Ensure that a copy of this policy is available or accessible to the persons and associations to whom this policy applies.
- 5.9 Appoint or have access to appropriately trained people to receive and handle complaints and allegations *Member Protection Information Officers (MPIOs) and/or Complaint Managers* and display the names and contact details in a way that is readily accessible.
- 5.10 Monitor and review this policy at least annually.

#### **6. Individual Responsibilities**

Individuals bound by this policy are responsible for:

- 6.1 Making themselves aware of the policy and complying with its standards of behaviour.
- 6.2 Complying with our screening requirements and any state/territory working with children checks.
- 6.3 Placing the safety and welfare of children above other considerations.
- 6.4 Being accountable for their behaviour.
- 6.5 Following the procedures outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour.
- 6.6 Complying with any decisions and/or disciplinary measures imposed under this policy.

## **7. Policy Position Statements**

### **7.1 Child Protection**

DBSA is committed to the safety and wellbeing of all children and young people accessing our service. We support the rights of the child and will act without hesitation to ensure a child safe environment is maintained at all times. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.

DBSA acknowledges that our staff, members and volunteers provide a valuable contribution to the positive experiences of children involved in our sport. DBSA aims to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

#### **7.1.1: Identify and Analyse Risk of Harm**

DBSA will develop and implement a risk management strategy, which includes a review of existing child protection practices, to determine how child-safe and child-friendly the organisation is and to determine what additional strategies are required to minimise and prevent risk of harm to children because of the action of an employee, volunteer or another child.

#### **7.1.2: Develop Codes of Conduct for Adults and Children**

DBSA will ensure that the organisation has codes of conduct that specify standards of conduct and care when dealing and interacting with children, particularly those in the organisation's care. The organisation will also implement a code of conduct to address appropriate behaviour between children.

The code(s) of conduct will set out professional boundaries, ethical behaviour and unacceptable behaviour. (See Part D).

#### **7.1.3: Choose Suitable Employees and Volunteers**

DBSA will ensure that the organisation takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children (in prescribed positions).

This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

DBSA will ensure that criminal history assessments are conducted for employees and volunteers working with children, where an assessment is required by law.<sup>1</sup>

If a criminal history report is obtained as part of the screening process, DBSA will ensure that the criminal history information is dealt with in accordance with the Standards developed by the Chief Executive, Department for Education and Child Development (DECD)

#### **7.1.4: Support, Train, Supervise and Enhance Performance**

DBSA will ensure that volunteers and employees who work with children or their records have ongoing supervision, support and training such that their performance is developed and enhanced to promote the establishment and maintenance of a child-safe environment.

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<sup>1</sup> Child Safe environments: Principles of good practice. (DECD) 2012

2. Child Protection Act 1993 Section B

### **7.1.5: Empower and Promote the Participation of Children in Decision-Making and Service Development**

DBSA will promote the involvement and participation of children and young people in developing and maintaining child-safe environments.

### **7.1.6: Report and Respond Appropriately to Suspected Abuse and Neglect**

DBSA will ensure that volunteers and employees are able to identify and respond to children at risk of harm.

DBSA will make all volunteers and employees aware of their responsibilities under the *Children's Protection Act 1993* if they have suspicion on reasonable grounds that a child has been or is being abused or neglected.

In addition to their obligation as a mandated notifier, if any person feels another person or organisation bound by this policy is acting inappropriately towards a child or is breaching the code'(s) of practice set out they may make an internal complaint.

Please refer to our complaints procedure outlined in Attachment [C1] of this policy. This will explain what to do about the behaviour and how the *DBSA* will deal with the problem.

## **7.2 Taking Images of Children**

DBSA acknowledges that in South Australia under the *Summary Offences Act 1953* a person must not engage in indecent filming. Images of children and adults should not be used inappropriately or illegally.

DBSA requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and ensure that the parent knows the way the image will be used. We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If DBSA uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc. as this information can be used as grooming tools by paedophiles or other persons. We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc.

We require our members, member associations and clubs to do likewise.

## **7.3 Anti-Discrimination and Harassment Policy**

DBSA opposes all forms of harassment, discrimination and bullying.

This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers.

Some forms of harassment, discrimination and bullying, based on personal characteristics such as those listed in the Dictionary at [clause 11], are against the law.

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 C1 of this policy. This will explain what to do about the behaviour and how DBSA will deal with the problem.

#### **7.4 Sexual Relationships**

DBSA takes the position that sexual relationships between coaches and the adult athletes that they coach should be avoided as these relationships can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sport's public image. Such relationships may be intentionally or unintentionally exploitative due to a disparity between coaches and athletes in terms of authority, power, maturity, status, influence and dependence.

Should a sexual relationship exist between an athlete and coach, DBSA will consider whether any action is necessary. Factors that may be relevant in this consideration 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.

In the event that 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 or athlete may wish to approach the DBSA MPIO or complaints officer or other designated person] if they feel harassed. Our complaints procedure is outlined in Attachment C1 of this policy.

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

#### **7.5 Pregnancy Policy**

DBSA is committed to providing an inclusive sporting environment for pregnant women involved in its activities. DBSA 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 C1 of this policy. This will explain what to do about the behaviour and how the DBSA 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.

DBSA 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.

## **7.6 Gender Identity**

DBSA is committed to providing an inclusive sporting environment where transgender or transsexual people involved in its activities are able to contribute and participate. DBSA 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 C1 of this policy. This will explain what to do about the behaviour and how DBSA will deal with the problem.

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

DBSA 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, DBSA will seek advice on the application of those laws in the particular circumstances.

DBSA 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 DBSA.

DBSA 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.

## **7.7 Other relevant policies**

Other DBSA relevant policies can be found at [www.dragonboatsa.com](http://www.dragonboatsa.com).

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

- DBSA Anti-Doping Policy
- 003: Code of Conduct
- 008: Equity and Inclusive Policy
- 013: DBSA Appeals Process
- 014: Directors Code of Conduct
- 023: Privacy Policy

## 8. Complaints Procedures

### 8.1 Complaints

DBSA aims to provide a simple procedure for complaints based on the principles of procedural fairness (natural justice). Any person (a complainant) may report a complaint about a person/s or organisation bound by this policy (respondent). Such complaints should be reported State MPIO, President or nominee appointed by the Board. In all cases, the lowest level at which a matter can be dealt with shall always be preferred (e.g. if the club can deal with the complaint, then it should; if not, then if the State body can deal with the complaint, then it should). Only in the most serious cases should the matter be referred to the national body, unless the matter has arisen at or relates to the national level. Therefore, if a complaint relates to:

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

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 relevant* State MPIO or President 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 C1 of this policy.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in Attachment C1.

Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection, criminal or other relevant legislation.

### 8.2 Vexatious Complaints & Victimisation

DBSA aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation. If at any point in the complaints process the State MPIO or President or nominee appointed by the Board considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the DBSA Tribunal for appropriate action which may include disciplinary action against the complainant.

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

### 8.3 Mediation

DBSA aims to resolve complaints with a minimum of fuss. Complaints may be resolved by agreement between the people involved with no need for disciplinary action. Mediation allows those involved to be heard and to come up with mutually agreed solutions.

Mediation may occur before or after the investigation of a complaint. If a complainant wishes to resolve the complaint with the help of a mediator, the MPIO or other designated person will, in consultation with the complainant, arrange for a neutral third party mediator where possible. Lawyers are not able to negotiate on behalf of the complainant and/or the respondent. More information on the mediation process is outlined in Attachment C2.

## **8.4 Tribunals**

A hearings tribunal may be formed to hear a formal complaint that has been referred by President for an alleged breach of the policy. Our tribunal hearings procedure is outlined in attachment C5 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 C5 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.

Members of hearing and appeal tribunals will be indemnified by the organisation that appointed them against any claim for loss, compensation or damages, and for costs incurred defending a claim made against them, because of their function as a member of a hearings or appeals tribunal.

## **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 have been found to do anything contrary to this policy, including but not limited to:

- 9.1 Breaching the Codes of Conduct (Attachment D to this policy).
- 9.2 Bringing the sport and/or DBSA into disrepute, or acting in a manner likely to bring the sport and/or DBSA into disrepute.
- 9.3 Failing to follow DBSA policies (including this policy) and procedures for the protection, safety and welfare of children.
- 9.4 Discriminating against, harassing or bullying (including cyber bullying) any person and in particular, a child.
- 9.5 Victimising another person for reporting a complaint or discharging their obligation as a mandated notifier.
- 9.6 Engaging in a sexually inappropriate relationship with a person that they supervise, or have influence, authority or power over.
- 9.7 Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport.
- 9.8 Disclosing to any unauthorised person or organisation any DBSA information that is of a private, confidential or privileged nature.
- 9.9 Making a complaint they **knew** to be untrue, vexatious, malicious or improper;
- 9.10 Failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy.
- 9.11 Failing 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. Any disciplinary measure imposed under this policy must:

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

### **10.1 Individual**

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

- 10.1.1 A direction that the individual make a verbal and/or written apology.
- 10.1.2 A written warning.
- 10.1.3 A direction that the individual attend counselling to address their behaviour.
- 10.1.4 A withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by DBSA.
- 10.1.5 A demotion or transfer of the individual to another location, role or activity.
- 10.1.6 A suspension of the individual's membership or participation or engagement in a role or activity.
- 10.1.7 Termination of the individual's membership, appointment or engagement.
- 10.1.8 A recommendation that DBSA terminate the individual's membership, appointment or engagement.
- 10.1.9 In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently.
- 10.1.10 A fine.
- 10.1.11 Any other form of discipline that DBSA considers appropriate.

## **10.2 Organisation**

If a finding is made that the DBSA Member or affiliated club or organisation has breached its own or this state Member Protection Policy one or more of the following forms of discipline may be imposed by Tribunal

- 10.2.1 A written warning.
- 10.2.2 A fine.
- 10.2.3 A direction that any rights, privileges and benefits provided to that organisation by the state body or other peak association be suspended for a specified period.
- 10.2.4 A direction that any funding granted or given to it by DBSA cease from a specified date.
- 10.2.5 A direction that DBSA cease to sanction events held by or under the auspices of that organisation.
- 10.2.6 A recommendation to DBSA that its membership of DBSA be suspended or terminated in accordance with the relevant constitution or rules; and/or
- 10.2.7 Any other form of discipline that the national body or peak organisation considers to be reasonable and appropriate.

## **10.3 Factors to consider**

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

- Nature and seriousness of the breach.
- Consequences of the breach.
- If the person knew or should have known that the behaviour was a breach.
- Level of contrition.
- The effect of the proposed disciplinary measures on the person including any personal, professional or financial consequences.
- If there have been relevant prior warnings or disciplinary action.
- Ability to enforce discipline if the person is a parent or spectator (even if they are bound by the policy); and/or
- Any other mitigating circumstances.

## **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.

**Affiliated Body** means *any Body that has satisfied their constitutional requirements for membership to belong to DBSA.*

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

**Child abuse and neglect** involves conduct which puts 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, including 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; 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). This tends to be a chronic behavioural pattern directed at a child so that a child's self-esteem and social competence are undermined or eroded over time.
- 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).

**Criminal History Assessment** is a decision about whether a person is suitable to work with children based on the person's criminal history (if any) and the assessed risk of harm to children who receive a service from the organisation. The assessment must be conducted by an organisation or authorised screening unit in accordance with Section 8B of the *Children's Protection Act 1993*.

**Criminal History Report** refer to definition of "police check".

**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

## 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 club rooms is asked to leave.

**Disability:** A junior player is overlooked because of her mild epilepsy.

**Family responsibilities:** A club decides not to promote an employee because he has a child with a disability even though the employee 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 squad when she becomes pregnant.

**Race:** An Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race.

**Sex:** Specialist coaching is only offered to male players in a mixed team.

**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 player 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 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.

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

**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** means *any Club, Entity or Individual that has paid their annual fees to belong to DBSA.*

**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 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.

**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: DBSA'S WORKING WITH CHILDREN CHECK REQUIREMENTS**

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### **Criminal History Assessment/Managing criminal history information of people working with children in South Australia**

A criminal history assessment is a decision about whether a person is suitable to work with children based on the person's criminal history (if any) and the assessed risk to children who access services from the organisation.

DBSA may conduct a criminal history assessment themselves or apply to a third party (such as the Department for Communities and Social Inclusion Screening Unit) for an assessment and letter of clearance.

DBSA undertakes to follow the standards issued by the Department for Education and Child Development when conducting criminal history assessments. These Standards are outlined below.

#### **B1 – Identifying affected positions**

DBSA will conduct an assessment of the criminal history of every person who is, or will be, engaged to work with children in a prescribed position in this organisation, its affiliated associations and clubs (unless an exemption applies).

As a first step, DBSA has identified all individuals and positions within the organisation that involve working with children.

These positions are: whether paid or volunteer that involve:

- regular contact with children that is not directly supervised at all times; or
- work in close proximity to children on a regular basis that is not directly supervised at all times; or
- supervision or management of persons who: have regular contact with children or work in close proximity to children on a regular basis; or
- have access to records relating to children in connection with child protection services, education services, health services, disability services and court orders and proceedings.

List of prescribed positions:

- Coach
- Manager
- Development Officer
- Membership Database Manager

Exemptions from this requirement apply in some circumstances. These exemptions are set out at the end of this fact sheet.

#### **B2 – Procedures**

DBSA will undertake the checks itself, internally, in which case the person undertaking the check applies to the SA Police for and presents to the organisation a National Police Certificate (NPC) for assessment. DBSA will apply to the SA Police for a VOAN which provide for free checks for volunteers.

DBSA has set out the following policy and supporting procedures for obtaining criminal history reports.

#### **Existing Staff:**

1. All staff holding a prescribed position must obtain and National Police Certificate by making application to the South Australian Police (or present an appropriate document that is less than three years old).

- a. The cost of obtaining this check will be paid by DBSA. A paid employee is not entitled to a free check using the organisations VOAN.
2. On receipt of the check the original document must be presented to the President/Secretary.
3. The document will be assessed in accordance with standard C4 five and returned to the person as soon as practicable.
4. The criminal history assessment will be repeated every three years or as requested by the Board.

**New Staff:**

1. All new staff selected to fill a prescribed position must obtain National Police Certificate by making application to the South Australian Police (or present an appropriate document that is less than three years old).
  - a. The cost of obtaining this check will be paid by DBSA. A paid employee is not entitled to a free check using the organisations VOAN.
2. On receipt of the check the original document must be presented to President/Secretary.
3. Using a 100-point check, DBSA will establish the true identity of the applicant.
4. The document will be assessed in accordance with standard C4 and returned to the person as soon as practicable.
5. The criminal history assessment will be repeated every three years or as requested by the Board.

**Existing Members and Volunteers:**

1. All existing members and volunteers holding a prescribed position must obtain a National Police Certificate by making application to the South Australian Police (or present an appropriate document that is less than three years old).
  - a. The cost of obtaining this check will be met by using the organisation's VOAN.
2. On receipt of the check the original document must be presented to President/Secretary.
3. Using a 100-point check, DBSA will establish the true identity of the applicant.
4. The document will be assessed in accordance with standard C4 and returned to the person as soon as practicable.
5. The criminal history assessment will be repeated every three years or as requested by the Board.

**New Member and Volunteers:**

1. All new members or volunteers selected to fill a prescribed position must obtain National Police Check (or present an appropriate document that is less than three years old) by making application to the South Australian Police.
  - a. The cost of obtaining this check will be met by using the organisation's VOAN.
2. On receipt of the check the original document must be presented to President/Secretary.
3. Using a 100-point check, DBSA will establish the true identity of the applicant.
4. The document will be assessed in accordance with standard B4 and returned to the person as soon as practicable.
5. The criminal history assessment will be repeated every three years or as requested by the Board.

**B3 – Accepting “other evidence”**

DBSA will, in lieu of undertaking a criminal history screening check as set out in B2, accept the following forms of evidence (obtained within the last three years) to assess a person's suitability to work with children:

- A National Police Certificate that does not expressly state that it cannot be used as a clearance to work with children.
- A Letter of clearance to work with children from a CrimTrac accredited agency: Such as the DCSI Screening Unit; Teacher Registration Board or Catholic Education Office.
- An interstate working with children check, from: Queensland, Victoria or Western Australia.

Acceptance of any of these checks is subject to the person completing a 100-point check, to enable DBSA to establish the true identity of the applicant.<sup>2</sup>

DBSA may also at its discretion seek a statutory declaration for any *employee(s)* or *volunteer(s)* who have been citizens or permanent residents of another country other than Australia since turning 18 years of age.

#### **B4 – Assessing criminal history information**

In the majority of cases, a person will have no criminal history. In these cases, the assessment will be successfully completed and no further action in respect to an assessment will be required.

Offences that indicate a prima-facie risk of harm.

DBSA believes the following categories of criminal convictions present a prima-facie *risk of harm* to children.

No person will be considered suitable to be employed, contracted, hired, retained, accepted as a volunteer, or allowed to undertake prescribed functions for DBSA its affiliated associations or clubs if he or she has been convicted of:

- § murder or sexual assault
- § violence in relation to a child
- § an offence relating to child pornography
- § an offence involving child prostitution
- § a child abuse offence, for example criminal neglect.

The following offences potentially indicate unsuitability to undertake prescribed functions.

DBSA believes that there can be a presumption that there is a risk of harm to children but further assessment is necessary before a decision to exclude a person can be made.

These types of criminal offences include:

- § sexually-motivated offences
- § violence offences/assault including any form of assault which has resulted in a sentence of imprisonment
- § offences relating to cruelty to animals
- § any other offences against a child (including drug offences).

In addition, other criminal offences may be relevant to specific, prescribed functions, including: dishonesty offences, serious drug-related matters or serious traffic offences.

None of these offences will automatically preclude an individual from being engaged to undertake prescribed functions.

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<sup>2</sup> A 100-point check should include one primary document such as a Birth Certificate or International Travel Document (e.g. Current Passport) or Citizenship Certificate and must include one secondary document such as a Driver's Licence, employee identification card, Centrelink card or student identification card.

Any such person will be asked to make further application to the DCSI Screening Unit for a more thorough assessment. This cost of this screening check to be met by the applicant.

The decision of this process will be deemed to be final and binding on all parties.

## **B5 – Ensuring procedural fairness if a person has a criminal history**

### **Existing staff, members and volunteers:**

All existing staff, members and volunteers will be provided with the opportunity to confirm or dispute the information contained within the National Police Certificate report and to provide contextual information if they wish before the assessment is conducted.

Prior to a decision being made, DBSA will communicate to the applicant a pending decision not to employ or engage them because of their criminal history and the reasons for this decision.

Staff (who are also members of DBSA its affiliated associations or clubs), members and volunteers may request:

- § that the final assessment be referred to the Screening Unit (if it has not already been done). Which decision shall be final and binding.
- § where this has already been done, to make an appeal under the process set out in Part D of this policy.
- § to be advised of any other avenues of appeal (if applicable).

Existing employees who are not also members of the [SSO] its affiliated associations or clubs may refer to the dispute resolution process set out by the relevant Enterprise Agreement or Industrial Award for dispute resolution.

### **New staff, members and volunteers:**

New applicants for employment, membership and volunteer positions will be provided with the opportunity to confirm or dispute the information contained within the National Police Certificate report and to provide contextual information if they wish before the assessment is conducted.

DBSA will communicate to the applicant the decision not to employ or engage them or to accept their application for membership. They will not be provided with the reasons for this decision.

There will be no appeal to this decision.

## **B7 – Records management**

DBSA will take specific actions to store and recording information obtained through conducting a criminal history assessment. This includes taking measures to ensure information is protected and confidentially stored and safeguards to protect against loss, unauthorised access, modification, disclosure or other misuse.

Criminal history information will not be retained once a decision has been made regarding the person's suitability to work with children. No criminal history information will be retained beyond three months.

DBSA will retain the following information regarding their decision:

- § That a criminal history report was obtained
- § How the criminal history information affected decision making processes
- § Statutory declarations (where applicable)

DBSA will retain appropriate records to demonstrate their compliance with their legal requirements. The criminal history register and criminal history assessment template (where applicable) will be used to record this information (see Part E).

### **B8 - Exemptions from the requirement to conduct criminal history assessments**

In accordance with guidelines DBSA has agreed to exempt the following persons from the requirement to undertake a criminal history assessment, unless that person is also involved in a function or event conducted by DBSA its affiliated associations or clubs which involves the care of children in overnight accommodation.

- § A person volunteering in an activity in which their child ordinarily participates
- § A person who volunteers who is less than 18 years of age
- § A person working or volunteering for a short-term event or activity of less than 10 days duration or for no more than 1 day in any month
- § A person occupying a position in which all work involving children is undertaken in the physical presence of the child's parents or guardians and in which there is ordinarily no physical contact with the children
- § A person who undertakes, or a position that only involves, work that is primarily provided to adults or the community generally and is not provided to any child on an individual basis
- § An organisation that provides equipment, food or venues for children's parties or events but does not provide any other services to children
- § A person who has regular contact with a child as part of an employment relationship with that child (such as a person working alongside a child or supervising an employee who is a child)
- § A person who is appointed as a police officer or is a registered teacher. (Police officers and teachers are already subject to comprehensive criminal history assessments as a prerequisite for employment).

## Attachment B2: MEMBER PROTECTION DECLARATION

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DBSA has a duty of care to its members and to the general public who interact with its employees, volunteers, members and others involved with DBSA activities. As part of this duty of care and as a requirement of DBSA's Member Protection Policy, DBSA must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that *involves working 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 the DBSA may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the *President of the State* organisation 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 .....

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### 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: .....

## **PART C: PROCEDURES**

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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, *DBSA* will follow and implement the following procedures:

- C1 Complaints Procedure
- C2 Mediation Procedure
- C3 Investigation Procedure
- C4 Handling an Allegation of Child Abuse
- C5 Hearings and Appeals Tribunal Procedure
- C6 Disciplinary Measures

## Attachment C1: COMPLAINTS PROCEDURE

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A complaint can be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this policy. Complaints will always vary. They may be about individual or group behaviour; they may be extremely serious or relatively minor; they may be about a single incident or a series of incidents; and the person about who the allegation is made may admit to the allegations or emphatically deny them.

Given all of the variables that can arise, *DBSA* provides a step-by-step complaint procedure that people may use/enter at any stage. Individuals and organisations to which this policy applies may also pursue their complaint externally under anti-discrimination, child-protection or other relevant legislation.

If at any point in the complaint process the President or nominee appointed by the Board considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter will be referred to the *hearings tribunal* for appropriate action. All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

### Step 1

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

### Step 2

If:

- § the first step is not possible/reasonable; or
- § you are not sure how to handle the problem by yourself; or
- § you just want to talk confidentially about the problem with someone and get some more information about what you can do; or
- § the problem continues after you tried to approach the person or people involved; then
- § talk with one of our Member Protection Information Officers (MPIOs) or the President or nominee appointed *by the Board*.

The *MPIO, President or nominee appointed by the Board*.

will:

- take notes about your complaint (which the *MPIO* will keep in a secure and confidential place);
- try to sort out the facts of the problem;
- ask what outcome/how you want the problem resolved and if you need support;
- provide possible options for you to resolve the problem;
- explain how our complaints procedure works;
- act as a support person if you so wish;
- refer you to an appropriate person to help you resolve the problem, if necessary;
- inform the relevant government authorities and/or police if required by law to do so; and
- maintain strict confidentiality.

### Step 3

After talking with the *MPIO or President or nominee appointed by the Board*, you may decide:

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

If you wish to remain anonymous, the *DSBSA* can't assist you to resolve your complaint. We have to follow the principles of natural justice and be fair to both sides. This means that the *DBSA* or you may be required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond to all the allegations.

#### **Step 4**

If your complaint is not resolved to your satisfaction, you may:

- § make a formal complaint in writing to the *President or nominee appointed by the Board*.
- § approach a relevant external agency such as an equal opportunity commission, for advice.

#### **Step 5**

If you decide to make a formal complaint in writing under Step 4, the *President or nominee appointed by the Board* will, on receiving the formal complaint and based on the material you have provided, decide whether:

- § they are the most appropriate person to receive and handle the complaint.
- § the nature and seriousness of the complaint warrants a formal resolution procedure. Some complaints may be of a minor and/or purely personal nature with no connection to the activities of *DBSA*. In these cases, the *President* may determine that the complaint does not warrant a formal resolution procedure.
- § to appoint a person to investigate the complaint.
- § to refer the complaint to an informal or formal mediation session.
- § to refer the complaint to a hearings tribunal.
- § to refer the matter to the police or other appropriate authority; and/or
- § to implement any interim administrative or other arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the *President or nominee appointed by the Board* will take into account:

- § whether they have had any personal involvement in the circumstances giving rise to the complaint and, if so, whether their ability to impartially manage the complaint is compromised or may appear to be compromised;
- § whether, due to the nature of the complaint, specific expertise or experience may be required to manage the complaint;
- § your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- § whether, due to the nature of the complaint, the relationship between you and the respondent and any other relevant factors, the complaint should be referred (or should not be referred) to informal or formal mediation or to a hearings tribunal. Relevant factors may include an actual or perceived power imbalance between you and the respondent, the nature of any ongoing working relationship between you and the respondent, and the personal attributes of you and the respondent (for example, if one party does not speak English fluently, some of the possible complaints resolution mechanisms may not be appropriate);
- § the nature and sensitivity of any information or other material that must be provided by you, the respondent, and any of the other people involved in the complaint;
- § whether the facts of the complaint are in dispute; and
- § the urgency of the complaint, including the likelihood and the consequences (if the complaint is ultimately proven) that you will be subject to further unacceptable behaviour while the complaint process set out in these Procedures is being conducted.

If the *President or nominee appointed by the Board* is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

- § get full information from you (the complainant) about your complaint and how you want it resolved (if this information has not already been obtained through earlier steps);
- § put the information they've received from you to the person/people you're complaining about and ask them to provide their side of the story;
- § decide whether they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- § determine what, if any, further action to take. This action may include disciplinary action in accordance with Attachment C6, appointing a person to investigate the complaint, referring the complaint to an informal or a formal mediation session or a hearings tribunal and/or referring the complaint to the police or other appropriate authority.

### **Step 6**

If

- § a person is appointed to investigate the complaint under Step 5, the investigator will conduct the investigation and provide a written report to the tribunal who will determine what, if any, further action to take. This action may include a direction to the investigator to make further enquiries and obtain additional information, disciplinary action in accordance with Attachment C6, and referring the complaint to an informal or a formal mediation session, a hearings tribunal and/or the police or other appropriate authority;
- § the complaint is referred to an informal or a formal mediation session under Step 5, the mediation session will be conducted in accordance with Attachment C2 or as otherwise agreed by you and the respondent;
- § the complaint is referred to a hearings tribunal under Step 5, the hearing will be conducted in accordance with Attachment C5;
- § the complaint is referred to the police or other appropriate authority under Step 5, DBSA will use its best endeavours to provide all reasonable assistance lawfully required by the police or other appropriate authority; and
- § interim administrative or other arrangements are implemented under Step 5, the DBSA will periodically review these arrangements to ensure that they are effective.

*Any costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or hearings tribunal) are to be met by DBSA and/or individual unless otherwise stated in the relevant Attachment.*

### **Step 7**

If, under Step 6, an informal or formal mediation session is conducted, and you and the respondent(s) can not reach a mutually acceptable mediated solution to the complaint, you may request that the President or nominee appointed by the Board. reconsider the complaint in accordance with Step 5.

You or the respondent(s) may be entitled to appeal where:

- § under Step 5, a decision was made by *the President or nominee appointed by the Board*:
  - not to take any action; or
  - to take disciplinary action; or
- § under Step 6, a decision was made by *the tribunal* or a hearings tribunal:
  - not to take any action; or
  - to take disciplinary action.

The grounds for appeal and the process for appeals under this Policy are set out in Attachment C5.

If the internal complaints processes set out in this Policy do not achieve a satisfactory resolution/outcome for you, or if you believe it would be impossible to get an impartial resolution within *DBSA*, you may choose to approach an external agency such as the Equal Opportunity Commission or the State Sport Dispute Centre to assist with a resolution.

### **Step 8**

*The President or nominee appointed by the Board will document the complaint, the process followed and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at a state/district level, the information will be stored in the state association office. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at the national office with a copy stored at the state office.*

### **External 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 the 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: MEDIATION**

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Mediation is a process by which people who are in conflict can be helped to communicate with each other about what is important for them and how to make decisions about resolving their dispute. Mediators provide a supportive atmosphere and method of talking to one another, to assist in sorting out the issues, coming up with acceptable solutions and making mutually satisfactory agreements.

This attachment outlines the general procedure of mediation that will be followed by *DBSA*.

1. The people involved in a formal complaint (complainant and respondent(s)) may work out their own resolution of the complaint or seek the assistance of a neutral third person or a mediator. Mediation may occur either before or after an investigation of the complaint.
2. Mediation (getting those involved to come to a joint agreement about how the complaint should be resolved) will only be recommended:
  - a. After the complainant and respondent have had their chance to tell their version of events to *President or nominee appointed by the Board* on their own; and



### **Attachment C3: INVESTIGATION PROCESS**

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If an investigation needs to be conducted the following steps are to be followed:

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, and finding and, if requested, recommendations will be given to *the 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 C5.

More detailed information on conducting internal investigations can be found at [www.ausport.gov.au/ethics/policy.asp](http://www.ausport.gov.au/ethics/policy.asp).

## **Attachment C4:**

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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.

### **C.4.1 Process for dealing with members charged with, or under investigation for, a criminal offence**

This process sets out the procedure that DBSA will follow in the event that it becomes aware that a member has been charged with, or is being investigated for, a relevant criminal offence.

#### **Guiding Principle**

The paramount consideration is the rights, interests and wellbeing of children and their protection from harm.

#### **Procedure**

##### **C4.1.1 Risk Assessment**

In the event that *DBSA* becomes aware that a member has been charged with, or is being investigated for, a relevant criminal offence, the managing authority of *DBSA* or senior appointed officers shall make a risk assessment of the risk of harm to children and consider taking protective action.

The risk assessment will:

- Be conducted in accordance with the guidelines and principles set out under Standard 5 of the *Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*.
- Recognise that an investigation or charge does not mean that the person is guilty and that the matter needs to be resolved through proper legal avenues.
- Consider all matters on an individual basis and include an assessment of all relevant circumstances.
- Provide the member an opportunity to make submissions on whether he or she had been charged with an offence warranting some action, and what action should be taken.
- Be made in accordance with the principles of natural justice and procedural fairness. Assessment procedures will be transparent, documented and consistently applied.
- Not compromise any police investigations or evidence.

### C4.1.2 Outcome

Where the outcome of the risk assessment is that protective action is necessary, *DBSA may*:

- § Control or supervise contact between the member and children.
- § Prevent contact between the member and children.
- § Remove the member from duties until the outcome of the investigation or charge is known.
- § Take any other action that is necessary and reasonable in the circumstances.

### C4.1.3 Voluntary removal of member pending outcome of charge or investigation

Where the risk assessment determines that protective action is necessary against a member to safeguard and protect children, DBSA will give the member the opportunity to voluntarily remove him or herself from activities until the outcome of the charge or investigation is known.

### C4.1.4 Resolution to suspend or remove member

In the event that the member will not voluntarily remove him or herself from activities until the outcome of the charge or investigation is known, DBSA will put forward a resolution to the committee to suspend or temporarily remove the member.

The outcome of the resolution will be recorded in the committee's minutes and then implemented.

The outcome recorded in the committee minutes will not contain unnecessary information relating to the investigation or charge or identify (directly or indirectly) any junior members.

### C4.1.5 Glossary

**Relevant criminal offence:** means an offence that indicates a prima-facie risk of harm or that potentially indicates unsuitability to work with children.

**Natural justice:** means observing the following principles:

- § people are entitled to be informed of allegations made against them
- § all persons affected by a decision should be given the relevant information to enable an informed submission to be made to the decision-maker or person subsequently reviewing a decision:
  - during the review of a decision, all persons affected by a decision should have an opportunity to put their case, relevant arguments should be heard, and relevant information should be accessible to all parties
  - decision-makers act fairly and impartially.

**Offence that indicates a prima-facie risk of harm:** has the same meaning as described under Standard 5 of the *Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*.

**Offence that potentially indicates unsuitability to work with children:** Has the same meaning as described under Standard 5 of the *Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*.

**Member:** means a member of DBSA.

**Risk assessment** in the context of child protection 'refers to a process of evaluating the information received to reach a decision about the risk of harm a person may pose to children'. (*Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*).

## **Attachment C5: HEARINGS & APPEALS TRIBUNAL PROCEDURE**

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The following Tribunal Hearing Procedure will be followed by hearings tribunals established by DBSA.

### **Tribunal Formation and Notification**

1. A Tribunal Panel will be constituted by Sport SA through the State Sport Dispute Centre to hear a complaint that has been referred to it by the *President or nominee appointed by the Board*.
2. The State Sport Dispute Centre will organise for a Tribunal to be convened by notifying *all* Tribunal Panel members that they are required to hear a complaint. The Tribunal Panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by *the President or nominee appointed by the Board* relating to the complaint/allegations.
3. The Tribunal Hearing will be scheduled as soon as practicable, but must allow adequate time for the person being complained about (respondent(s)) to prepare to respond to the complaint.
4. The number of Tribunal Panel members required to be present throughout the Tribunal Hearing Process will be *3 members*
  - 4.1 The Tribunal Panel will not include any person who has any actual or perceived conflict of interest, preconceived opinions, vested interests or personal involvement relating to the complaint.
  - 4.2 The Tribunal Panel will comprise at least one person who has knowledge, and preferably experience, of any relevant laws relating to the complaint (e.g. anti-harassment).
5. The *President or nominee appointed by the Board* will inform the respondent(s) by written notification that a tribunal hearing will take place. The written notification will outline:
  - That the person has a right to appear at the tribunal hearing to defend the complaint/allegation.
  - Details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately).
  - The date, time and venue of the tribunal hearing.
  - That they can make either verbal or written submissions to the Tribunal;
  - That they may arrange for witnesses to attend the Tribunal in support of their position.
  - An outline of any possible penalties that may be imposed if the complaint is found to be true.
  - That legal representation will not be allowed. *If the respondent is considered a minor, they should have a parent or guardian present.*

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

The respondent(s) will be allowed to participate in all *DBSA* activities and events, pending the decision of the Tribunal, including any available appeal process, unless the *President or nominee appointed by the Board* believes it is warranted to exclude the respondent(s) from all or some *DBSA* activities and events, after considering the nature of the complaint.

6. The *President or nominee appointed by the Board* will inform the person making the complaint (complainant) by written notification that a tribunal hearing will take place. The written notification will outline:
  - That the person has a right to appear at the tribunal hearing to support their complaint.
  - Details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately).
  - The date, time and venue of the tribunal hearing.
  - That they can make either verbal or written submissions to the Tribunal.
  - That they may arrange for witnesses to attend the Tribunal in support of their position.
  - That legal representation will not be allowed. *If complainant is considered a minor, they should have a parent or guardian present.*

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

If the complainant believes the details of the complaint are incorrect or insufficient they should inform the *President or nominee appointed by the Board* as soon as possible so that the respondent and the Tribunal Panel members can be properly informed of the complaint.

### **Tribunal Hearing Procedure**

7. The following people will be allowed to attend the Tribunal Hearing:
  - The Tribunal Panel members.
  - The respondent(s).
  - The complainant.
  - Any witnesses called by the respondent.
  - Any witnesses called by the complainant.
  - Any parent / guardian or support person required to support the respondent or the complainant.
8. The Tribunal Chairperson will call the hearing to order at the designated time and determine if the respondent(s) is present.
9. If the respondent(s) is not present and the Tribunal Chairperson considers that no valid reason has been presented for their absence, the Tribunal Hearing will continue subject to the Tribunal Chairperson being satisfied that all Tribunal notification requirements have been carried out correctly.
10. If the Tribunal Chairperson considers that a valid reason for the non-attendance of the respondent(s) is presented, or the Tribunal Chairperson does not believe the Tribunal notification requirements have been carried out correctly, then the Tribunal Hearing will be rescheduled to a later date.
11. The Tribunal Chairperson will inform the *President* of the need to reschedule, and the *President* will organise for the Tribunal Hearing to be reconvened.

12. The Tribunal Chairperson will read out the complaint that is to be judged, ask the respondent(s) if they understand the complaint being made against them, and if they agree or disagree with the complaint.
13. If the person agrees with the complaint, they will be asked to provide any evidence or witnesses that should be considered by the Tribunal Panel when determining any disciplinary measures.
14. If the person disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
  - Brief notes may be referred to.
  - The complainant will be allowed to call witnesses.
  - The respondent(s) may be allowed to question the complainant and their witnesses.
15. The respondent(s) will then be asked to respond to the complaint.
  - Brief notes may be referred to.
  - The respondent will be allowed to call witnesses.
  - The complainant may be allowed to ask questions of the respondent and their witnesses.
16. Both the complainant and respondent will be allowed to be present when evidence is presented to the Tribunal. Witnesses may be asked to wait outside the Tribunal Hearing until required.
17. The Tribunal will be allowed to:
  - consider any evidence, and in any form, that it deems relevant.
  - question any person giving evidence.
  - limit the number of witnesses presented if it is agreed by all parties that they will support the person who requested them, but will not provide any new evidence.
18. Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.
19. If the Tribunal considers that at any time during the Tribunal Hearing that there is any unreasonable or intimidatory behaviour from anyone allowed to be present, the Tribunal Chairperson shall have the power to stop any further involvement of the person in the Tribunal Hearing.
20. After all of the evidence has been presented the Tribunal Panel will make its decision in private. If the Tribunal believes the complaint has been substantiated on the balance of probabilities (i.e. more probable than not), the respondent will then be given an opportunity to address the Tribunal Panel and make a submission on any disciplinary measures that may be imposed. Only those disciplinary measures outlined in DBSA's *Constitution/Member Protection Policy* will be considered. Any disciplinary measure imposed must be reasonable in the circumstances.
21. All decisions made by the Tribunal will be based on a majority vote.
22. The Tribunal Chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed.
23. Within 48 hours, the Tribunal Chairperson will:
  - 24.1 Forward to the *President* copy of the tribunal decision including any disciplinary measures imposed.
  - 24.2 Forward a letter to the respondent(s) reconfirming the Tribunal's decision and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an appeal to be made.

## Appeals Procedure

24. A complainant or a respondent(s) who is not satisfied with a decision described in **Step 7** of the Complaints Procedures can lodge one appeal to DBSA on one or more of the following bases:
  - 25.1 That a denial of natural justice has occurred; or
  - 25.2 That the disciplinary measure(s) imposed is unjust and/or unreasonable.
25. A person wanting to appeal in accordance with paragraph 25 must lodge a letter stating their intention and the basis for their appeal with the *President or nominee appointed by the Board* within 10 days of the relevant decision. *An appeal fee of \$[500] shall be included with the letter of intention to appeal.*
26. If the letter of appeal is not received by the within the relevant time period the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received by the relevant time, the appeal shall be deemed to be withdrawn.
27. Upon receipt of the letter of appeal, the *President* must convene a general meeting which forms the **Appeal Committee (Constitution rule 5.8(iv))** to review the letter of appeal and decide whether there are sufficient grounds for the appeal to proceed. **The DBSA Appeal Committee** will be able to invite any witnesses to the meeting it believes are required to make an informed decision. Only those members not involved in the issue will constitute the Appeal Committee.
28. If it is considered that the letter of appeal has not shown sufficient grounds for appeal in accordance with paragraph 25, then the appeal will not proceed and the person will be notified of this decision and the reasons for this decision. **The appeal fee will be forfeited.**
29. If the appeal is considered to have sufficient grounds to proceed then a Tribunal with a new panel will be convened to rehear the complaint, **and the appeal fee will be refunded.** The Chairperson of the DBSA Appeal Committee shall follow the Tribunal notification procedures outlined above.
30. The Tribunal Hearing Procedure shall be followed for the appeal.
31. The decision of the appeal Tribunal will be final.

## **Attachment C6: DISCIPLINARY MEASURES**

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Any disciplinary measure imposed by *tribunals and/or President or nominee appointed by the Board* 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 *tribunal and/or President or nominee appointed by the Board* to impose the disciplinary measure.

### **Individual**

Subject to contractual and employment requirements, if a finding is made that an individual has breached DBSA's *Member Protection Policy* (including the Codes of Conduct), one or more of the following forms of discipline may be imposed by *the tribunal*:

1. A direction that the individual make a verbal and/or written apology.
2. A written warning.
3. A direction that the individual attend counselling to address their behaviour.
4. A withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by DBSA.
5. A demotion or transfer of the individual to another location, role or activity.
6. A suspension of the individual's membership or participation or engagement in a role or activity.
7. Termination of the individual's membership, appointment or engagement.
8. Recommend that DBSA terminate the individual's membership, appointment or engagement.
9. In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently.
10. Any other form of discipline that DBSA Board considers appropriate.

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

### **Organisations**

If a finding is made that *DBSA's member or affiliated organisation* has breached the *DBSA's Member Protection Policy* (including the Codes of Conduct), one or more of the following forms of discipline may be imposed by *hearings tribunal*

1. A written warning.
2. A monetary fine.
3. A direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period.
4. A direction that any funding granted or given to it by *DBSA* cease from a specified date or that any funding granted or given to it by the Office for Recreation and Sport be recommended to cease from a specified date.
5. A direction that DBSA or The Office for Recreation and Sport cease to sanction events held by or under the auspices of that organisation.

6. A recommendation to *DBSA* that its membership of *DBSA* be suspended or terminated in accordance with the relevant constitution or rules; and/or
7. Any other form of discipline that the national body or peak organisation considers to be appropriate.

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:

- *If the individual is a parent and/or spectator (ability to enforce a penalty may be difficult).*
- 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.

## **PART D: ROLE-SPECIFIC CODES OF CONDUCT**

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### **All paddlers, officials and management associated with Dragon boat racing in Australia**

1. The Australian Dragon Boat Federation ('AusDBF') and DragonBoat SA (*DBSA*) are committed to fairness, equity and good sportsmanship in dragon boat racing. We aim to provide the best possible environment in which our participants can excel and our officials and administrators can discharge their responsibilities to ensure the participants are able to be and perform at their best. The Code of Conduct is designed to ensure that appropriate forms of behaviour are adopted and be and remain the norm for all persons associated with dragon boat racing in Australia.
2. This document shall be known as the Australian Dragon Boat Federation Code of Conduct (The Code).
3. The Code governs the conduct of all persons associated with AusDBF and DBSA dragon boat racing events and those who may from time to time be a member of AusDBF and *DBSA* representative teams.
4. The Code shall govern the conduct of all those who are competing in AusDBF and *DBSA* sanctioned events including national championships in Australia and shall be read down and applied accordingly.
5. In the Code unless otherwise stated the words 'person' or 'persons' shall include but are not limited to:
  - (a) a delegate to AusDBF who represents a member state of AusDBF;
  - (b) a delegate to DBSA who represents a member of *DBSA*;
  - (c) a person elected or appointed to or otherwise a member of AusDBF or DBSA Board;
  - (d) a person who is an employee of AusDBF or *DBSA*;
  - (e) a person who is elected or appointed to any commission, committee or other body established by AusDBF or *DBSA* for the promotion of its objects;
  - (f) a person who holds AusDBF or *DBSA* approved officials certification;
  - (g) a person who is a member of a dragon boat racing team as an athlete, captain, coach, head coach, equipment manager, manager, assistant manager, doctor, assistant doctor, physiotherapist, sports scientist, masseur, media representative, sports psychologist or any other persons who is appointed to a team position.
6. For the purposes of paragraph 3 a person is deemed to be a member of the team for the period – departure for the competition to one day after the completion of the final competition.

### **GENERAL BEHAVIOUR PROTOCOLS**

1. All persons who participate in dragon boat racing in Australia shall act in accordance with the conduct outlined hereunder:
  - (a) be subject to the control, management and direction of the team manager or captain or any other person appointed by either of them;
  - (b) observe and comply with all directions and orders given by the team manager or captain or any other person
  - (c) conduct themselves in a proper manner so as not to bring themselves, their club, their State or AusDBF generally into public disrespect or censure;

- (d) not to make, comment, issue, authorise, offer or endorse any public criticism or statement having or designed to have an effect prejudicial to the best interests of AusDBF, *DBSA*, dragon boat racing generally or the team;
- (e) respect the law and customs at all times and in all places including in foreign countries;
- (f) treat all persons with respect, dignity and proper regard for their rights and obligations;
- (g) perform all duties and responsibilities in a mature, fair and professional manner,
- (h) demonstrate and ensure a positive commitment to AusDBF and *DBSA* and their Members' programs and policies;
- (i) not disclose to any unauthorised person or organisation, information which is of a confidential or privileged nature;
- (j) not misuse funds or property of any club, *DBSA* or AusDBF;
- (k) not use information obtained in the course of employment or appointment or selection or otherwise on official duties in a nominated role to gain directly or indirectly a financial advantage for themselves or for any other person;
- (l) not promote, pass on, exchange or publish information whereby that information may be of a confidential, offensive, scandalous, unsubstantiated or derisive type;
- (m) not to harass, ridicule or embarrass a fellow appointee or representative of their club, State or AusDBF in such a way as would constitute an offence under Commonwealth or State legislation governing human rights and sex discrimination in force and effect from time to time;
- (n) not participate in, nor promote any, demonstration or propaganda of any kind or form including but not limited to political, religious or racial whilst in club, State or AusDBF uniform;
- (o) not defame or injure any person;
- (p) not use, attempt to use, have in his or her possession, attempt to have in his or her possession, traffic or attempt to traffic any illegal drug or substance;
- (q) not to use or consume alcohol to excess nor to encourage other persons to use or consume alcohol to excess;
- (r) to ensure that all directions given by their club, State or AusDBF and/or its authorised representatives regarding the wearing of appropriate attire whilst representing their club, State or AusDBF are adhered to;
- (s) not to take liberties with the privacy of other persons;
- (t) to ensure that all persons avoid unaccompanied and unobserved activities with under age team members;
- (u) to act at all times in a manner beyond reproach and in such a way as to ensure good relations within and between teams;
- (v) to preclude people not associated with the team from fraternizing with the team members during competitions without the authority of the manager.

2. Any breach of the Code will be dealt with according to S.8 of the AusDBF Constitution (DISCIPLINE & CODE OF CONDUCT).

### **Attachment D1: Coach Code of Conduct**

In addition to AusDBF and DBSA General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by AusDBF, DBSA or an affiliated club and in your role as a coach appointed by AusDBF, DBSA or an affiliated club:

1. Do not tolerate acts of aggression.
2. Provide feedback to players and other participants in a manner sensitive to their needs. Avoid overly negative feedback.
3. Recognise players' rights to consult with other coaches and advisers. Cooperate fully with other specialists (for example, sports scientists, doctors and physiotherapists).
4. Treat all players fairly within the context of their sporting activities, regardless of gender, race, place of origin, athletic potential, colour, sexual orientation, religion, political beliefs, socio-economic status and other conditions.
5. Encourage and facilitate players' independence and responsibility for their own behaviour, performance, decisions and actions.
6. Involve the players in decisions that affect them.
7. Encourage players to respect one another and to expect respect for their worth as individuals regardless of their level of play.
8. Ensure that the tasks and/or training set are suitable for age, experience, ability, and physical and psychological conditions of the players.
9. Ensure any physical contact with players is appropriate to the situation and necessary for the player's skill development.
10. Be acutely aware of the power that you as a coach develop with your players in the coaching relationship and avoid any sexual intimacy with players that could develop as a result.
11. Avoid situations with your players that could be construed as compromising.
12. Actively discourage the use of performance enhancing drugs, and the use of alcohol, tobacco and illegal substances.
13. Do not exploit any coaching relationship to further personal, political or business interests at the expense of the best interest of your players.
14. Accept and respect the role of officials in ensuring that competitions are conducted fairly and according to established rules.
15. Know and abide by rules, regulations and standards, and encourage players to do likewise. Accept both the letter and the spirit of the rules.
16. Be honest and ensure that qualifications are not misrepresented.

### **Attachment D2: Official Code of Conduct**

In addition to AusDBF and DBSA General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by AusDBF, DBSA or an affiliated club and in your role as an official appointed by AusDBF, DBSA or an affiliated club:

1. Place the safety and welfare of the players/participants above all else.
2. Accept responsibility for all actions taken.
3. Be impartial.
4. Avoid any situation which may lead to a conflict of interest.
5. Be courteous, respectful and open to discussion and interaction.
6. Value the individual in sport.

### **Attachment D3: Player/Athlete/Paddler Code of Conduct**

In addition to *AusDBF and DBSA General Code of Behaviour*, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by *AusDBF, DBSA or an affiliated club and in your role as a player/participant in any activity held by or under the auspices of AusDBF, DBSA or an affiliated club:*

1. Respect the rights, dignity and worth of fellow players, coaches, officials and spectators.
2. Do not tolerate acts of aggression.
3. Respect the talent, potential and development of fellow players and competitors.
4. Care for and respect the equipment provided to you as part of your program.
5. Be frank and honest with your coach concerning illness and injury and your ability to train fully within the program requirements.
6. At all times avoid intimate relationships with your coach.
7. Conduct yourself in a professional manner relating to language, temper and punctuality.
8. Maintain high personal behaviour standards at all times.
9. Abide by the rules and respect the decision of the official, making all appeals through the formal process and respecting the final decision.
10. Be honest in your attitude and preparation to training. Work equally hard for yourself and your team.
11. Cooperate with coaches and staff in development of programs to adequately prepare you for competition at the highest level.

### **Attachment D4: Administrator (volunteer) Code of Conduct**

Included elsewhere in this policy and related documents.

### **Attachment D6: Board Member Code of Conduct**

In addition to AusDBF and DBSA 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 AusDBF, DBSA or an affiliated club and in your role as an administrator of AusDBF, DBSA or an affiliated club:

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

#### **Attachment D7: Parent/Guardian Code of Conduct**

As a parent/guardian of a player/participant in any activity held by or under the auspices of AusDBF, DBSA or an affiliated club, you must meet the following requirements in regard to your conduct during any such activity or event:

1. Respect the rights, dignity and worth of others.
2. Remember that your child participates in sport for their own enjoyment, not yours.
3. Focus on your child's efforts and performance rather than winning or losing.
4. Never ridicule or yell at your child and other children for making a mistake or losing a competition.
5. Show appreciation for good performance and skilful plays by all players (including opposing players).
6. Demonstrate a high degree of individual responsibility especially when dealing with or in the vicinity of persons under 18 years of age, as your words and actions are an example.
7. Respect officials' decisions and teach children to do likewise.
8. Do not physically or verbally abuse or harass anyone associated with the sport (player, coach, umpire and so on).
9. Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.
10. Be a positive role model.
11. Understand the repercussions if you breach, or are aware of any breaches of, this code of behaviour.

#### **Attachment D8: Spectator Code of Conduct**

As a spectator in any activity held by or under the auspices of AusDBF, DBSA or an affiliated club, you must meet the following requirements in regard to your conduct during any such activity or event:

1. Respect the decisions of officials and teach young people to do the same.
2. Never ridicule or scold a young player for making a mistake. Positive comments are motivational.
3. Condemn the use of violence in any form, whether it is by other spectators, coaches, officials or players.
4. Show respect for your team's opponents. Without them there would be no game.
5. Do not use violence, harassment or abuse in any form (that is, do not use foul language, sledge or harass players, coaches, officials or other spectators).
6. Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.

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

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TO ASSIST IN CONSISTENCY AND ACCURACY IN FOLLOWING PROCEDURE AND REPORTING ON THE ISSUES COVERED BY *DBSA'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 DBSA**
- E3 CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION**
- E4 CRIMINAL HISTORY ASSESSMENT FORM**
- E5 CRIMINAL HISTORY ASSESSMENT REGISTER**
- E6 MEDIATION REPORT**
- E7 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 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.

# E1: CONFIDENTIAL RECORD OF INFORMAL COMPLAINT



Name of person receiving complaint			Date:     /     /
Complainant's Name	<input type="checkbox"/> Over 18	<input type="checkbox"/> Under 18	
Role/status	<input type="checkbox"/> Administrator (volunteer)	<input type="checkbox"/> Parent	
	<input type="checkbox"/> Athlete/player	<input type="checkbox"/> Spectator	
	<input type="checkbox"/> Coach/Assistant Coach	<input type="checkbox"/> Support Personnel	
	<input type="checkbox"/> Employee (paid)	<input type="checkbox"/> Other	
	<input type="checkbox"/> Official	.....	
Location/event of alleged issue			
Facts as stated by complainant			
Nature of complaint (category/basis/grounds)	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision Other .....		
Can tick more than one box			
What they want to happen to fix issue			
What information 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 DBSA President.

**ATTACHMENT E2: CONFIDENTIAL RECORD OF FORMAL COMPLAINT**



MPIO Name	Date:     /     /	
Complainant's Name	<input type="checkbox"/> Over 18	<input type="checkbox"/> Under 18
Role/status in [sport]	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other ..... .....
Location/event of alleged issue		
Facts as stated by complainant		
Nature of complaint (category/basis/grounds)  Can tick more than one box	<input type="checkbox"/> Harassment or <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Sexuality <input type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Pregnancy <input type="checkbox"/> Other .....	<input type="checkbox"/> Discrimination <input type="checkbox"/> Selection dispute <input type="checkbox"/> Personality clash <input type="checkbox"/> Bullying <input type="checkbox"/> Disability <input type="checkbox"/> Child Abuse
Feelings expressed by complainant	<input type="checkbox"/> Coaching methods <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Physical abuse <input type="checkbox"/> Victimisation <input type="checkbox"/> Unfair decision	
What they want to happen to fix issue		
What information I provided		
What they are going to do now		
If went to appeals tribunal: Decision  Action recommended		

Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position in <i>DBSA</i> : 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).

### E3: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION



Complainant's Name (if other than the child)		Date Formal Complaint Received: / /
Role/status in sport		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other .....
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:	

## E4: Criminal History Assessment Form



<b>Name of person</b>	
<b>Description of position that the person occupies or will occupy</b>	
<p><b>The person provided, or consented to providing, acceptable evidence relating to their criminal history</b>  <i>(For example, an original or certificate copy report of his/her police certificate, a letter of clearance or an interstate working with children clearance.)</i>  <b>See Standards 1 – 4</b></p>	<p>Yes <i>Record type of evidence accepted (e.g. police certificate, letter of clearance, interstate clearance)</i></p> <p>No <i>A person who does not provide evidence, or consent to evidence being obtained, is precluded from engagement to work with children in a prescribed position.</i></p>
<b>Date evidence requested</b>	
<b>Date evidence received</b>	
<b>The police certificate or other evidence disclosed no convictions</b>	
<b>The police certificate or other evidence disclosed a conviction requiring further assessment</b>	
<p><b>The police certificate or other evidence disclosed convictions that indicate a prima-facie risk of harm</b>  <b>See Standard 5</b></p>	<p><i>Ensure there is evidence on file regarding the further assessment that was undertaken and the result of the assessment.</i></p>
<p><b>The police certificate or other evidence disclosed convictions that potentially indicate a unsuitability to undertake prescribed functions</b>  <b>See Standard 5</b></p>	<p><i>Ensure there is evidence on file regarding the further assessment that was undertaken and the result of the assessment.</i></p>

**Name of Assessor (s):** \_\_\_\_\_ **Position/Title:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## E5: CRIMINAL HISTORY ASSESSMENT REGISTER



Name	Position	Police Certificate Reference Number (or other acceptable evidence)	Date of certificate or other evidence*	Date for renewal**

\* This date refers to the day that the police certificate or other evidence was received and not the day the assessment was completed.

\*\* The date of renewal is a maximum of three years from the day the police certificate or other evidence was issued.