



SURFING **AUSTRALIA**

Surfing Australia National Member Protection By-Law

VERSION 24 November 2015

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NATIONAL MEMBER PROTECTION POLICY

1 Purpose of this policy

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

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

This policy has been adopted as a By-Law by the SA Board.

2 Who is bound by this policy

This policy applies to the following :

- 2.1 persons appointed or elected to national boards, committees and sub-committees
- 2.2 support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers and others;
- 2.3 coaches and assistant coaches;
- 2.4 athletes;
- 2.5 referees, umpires and other officials;
- 2.6 members, including life members;
- 2.7 athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by SA; and
- 2.8 any other person to whom the policy may apply or who has agreed to be bound by the policy.

this policy also applies where possible to:

- 2.9 member associations
- 2.10 affiliated clubs and associated organisations.
- 2.11 any other associations, such as Coaches Association, Players Association, etc.

3 Organisational responsibilities

SA must:

- 3.1 adopt, implement and comply with this policy
- 3.2 ensure that this policy is enforceable
- 3.3 publish, distribute and promote this policy and the consequences of any breaches of the policy
- 3.4 promote and model appropriate standards of behaviour at all times
- 3.5 deal with any complaints made under this policy in an appropriate manner
- 3.6 deal with any breaches of this policy in an appropriate manner

- 3.7 recognise and enforce any penalty imposed under this policy
- 3.8 ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies
- 3.9 use appropriate people to receive and manage complaints and allegations of inappropriate behavior
- 3.10 monitor and review this policy at least annually.

4 Individual responsibilities

Individuals bound by this policy must:

- 4.1 make themselves aware of the contents of this policy;
- 4.2 comply with all relevant provisions of the policy, including any codes of conduct and the steps for making a complaint or reporting possible child abuse set out in this policy ;
- 4.3 consent to the screening requirements set out in this policy, and any state/territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18 or where otherwise required by law;
- 4.4 place the safety and welfare of children above other considerations;
- 4.5 be accountable for their behaviour: and,
- 4.6 comply with any decisions and/or disciplinary measures imposed under this policy.

5. Complaints procedures

5.1 Handling complaints

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

Any person (a complainant) may report a complaint about a person, people or organisation bound by this policy (respondent) if they feel they have been discriminated against, harassed, bullied or there has been any other breach of this policy.

In the first instance, complaints should be reported to the Complaints Manager.

All complaints will be dealt with promptly, seriously, sensitively and confidentially in accordance with the policy.

Individuals and organisations may also seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

5.2 Improper complaints and victimisation

SA aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against any person making a complaint.

SA will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures may be undertaken in respect of a person who harasses or victimises another person for making a complaint or supporting another person's complaint.

If at any point in the complaint handling process the Complaints Manager considers that the complainant has knowingly made an untrue complaint, or the

complaint is malicious or intended to cause distress to the respondent, the complaint will be dismissed and the complainant may be subject to further disciplinary action.

5.3 Mediation

SA aims to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action.

Mediation is a possible process which can be used for the resolution of the dispute. If all parties including SA, the complainant and the respondent are happy to participate in mediation, SA will facilitate this mediation where it believes that this will be an effective way of resolving the dispute.

More information on the mediation process is outlined in Schedule 3.2.

5.4 Tribunals

In accordance with SA rules a Tribunal may be convened to hear a proceeding referred to it by the Complaints Manager or other authorized officials for an alleged breach of this policy.

Our Tribunal procedure is outlined in Schedule 4.

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

6. What is a breach of this policy?

It is a breach of this policy for any person or organisation bound by this policy to do anything contrary to this policy, including but not limited to:

- 6.1 breaching the codes of behaviour;
- 6.2 bringing surfing and/or the NSO into disrepute, or acting in a manner likely to bring surfing and/or the NSO into disrepute;
- 6.3 failing to follow SA policies (including this policy) and our procedures for the protection, safety and well-being of children;
- 6.4 discriminating against, harassing or bullying (including cyber-bullying) any person;
- 6.5 victimising another person for making or supporting a complaint;
- 6.6 engaging in an inappropriate intimate relationship with a person that he or she supervises, or has influence, authority or power over;
- 6.7 verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- 6.8 disclosing to any unauthorised person or organisation any SA information that is of a private, confidential or privileged nature;
- 6.9 making a complaint that they know to be untrue, vexatious, malicious or improper;
- 6.10 failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy;
- 6.11 failing to comply with a direction given to the individual or organisation as part of a disciplinary process; and
- 6.12 acts in a way contrary to any position statement in Schedule 1.

7. Disciplinary measures

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

Any disciplinary measure imposed will be:

- (a) fair and reasonable;
- (b) be based on the evidence and information presented and the seriousness of the breach; and
- (c) be determined in accordance with our constituent documents, by-laws, this policy and/or the rules of the sport.

7.1 Individual

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.

- 7.1.1 a direction that the individual make a verbal and/or written apology;
- 7.1.2 a written warning;
- 7.1.3 a direction that the individual attend counselling to address their behaviour;
- 7.1.4 a withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by SA;
- 7.1.6 a suspension of the individual's membership or participation or engagement in a role or activity;
- 7.1.7 termination of the individual's membership, appointment or engagement;
- 7.1.8 a recommendation that SA terminate the individual's membership, appointment or engagement;
- 7.1.9 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;
- 7.1.10 a fine;
- 7.1.11 any other form of discipline that is considered appropriate;
- 7.1.12 any other penalty set out in SA Disciplinary Policy.

7.2 Organisation

If a finding is made that a SA member or affiliated organisation has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed.

- 7.2.1 a written warning;
- 7.2.2 a fine;
- 7.2.3 a direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period;
- 7.2.4 a direction that any funding granted or given to it by the NSO cease from a specified date;
- 7.2.5 a direction that the NSO cease to sanction events held by or under the auspices of that organisation;
- 7.2.6 a recommendation to SA that its membership of the NSO be suspended or terminated in accordance with the relevant constitution or rules;

7.2.7 any other form of discipline that the national body or peak organisation considers reasonable and appropriate.

7.3 Factors to consider

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

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

8. Dictionary of terms

A dictionary of terms used in this policy and its attachments is provided at:

http://www.ausport.gov.au/supporting/integrity_in_sport/member_and_child_protection

SCHEDULE 1 – POSITION STATEMENTS

1 Child protection

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

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

1.1 Identify and analyse risk of harm

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

1.2 Develop codes of behaviour

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

These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behavior. (Refer to the attachments in Disciplinary Handbook)

1.3 Choose suitable employees and volunteers

We will take all reasonable steps to ensure that our organisation engages suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This will include using a range of screening measures.

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

1.4 Support, train, supervise and enhance performance

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

1.5 Empower and promote the participation of children

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

1.6 Report and respond appropriately to suspected abuse and neglect

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

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

2 Taking images of children

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

To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets which we control or are used in connection with our sport.

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

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

3 Anti-discrimination and harassment

SA is committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination and harassment.

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

3.1 Discrimination Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by state or federal anti-discrimination laws.

The personal characteristics protected by anti-discrimination laws include attributes such as race, age, disability, gender and race. The full list of protected personal characteristics is in the "Definitions" set out in the Dictionary of Terms.

Discrimination can be either direct or indirect.

Direct discrimination occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.

Indirect discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

For the purposes of determining discrimination, the offender's awareness and motive are irrelevant.

3.2 Harassment

Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and which happens because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation.

The offensive behaviour does not have to take place a number of times, a single incident can constitute harassment.

Sexual harassment is one type of harassment. Sexual harassment is unwelcome conduct, remarks or innuendo of a sexual nature. It covers a wide range of behaviours and can be verbal, written, visual or physical. Sexual harassment is not limited to members of the opposite sex.

3.3 Prohibition against discrimination and harassment

We prohibit all forms of harassment and discrimination based on the personal characteristics listed in the “Definitions” set out in the Dictionary of Terms.

Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy is encouraged to raise their concerns with us. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation.

4 Intimate relationships

SA understands that consensual intimate relationships (including, but not limited to sexual relationships) between coaches or officials and adult athletes may take place legally. However, this policy will help ensure that the expectations of coaches or officials are clear and, to ensure that if an intimate relationship does exist or develop between a coach or official and an adult athlete, that relationship will be managed in an appropriate manner.

Coaches and officials are required to conduct themselves in a professional and appropriate manner in all interactions with athletes. In particular, they must ensure that they treat athletes in a respectful and fair manner, and that they do not engage in sexual harassment, bullying, favoritism or exploitation.

We take the position that consensual intimate relationships between coaches or officials and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport’s public image. These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach or official and the athlete.

We recommend that if an athlete attempts to initiate an intimate relationship with a coach or official, the coach or official should discourage the athlete’s approach and explain to the athlete why such a relationship is not appropriate.

If a consensual intimate relationship does exist or develop between an adult athlete and a coach or official, the coach or official is expected to ensure that the relationship is appropriate and that it does not compromise impartiality, professional standards or the relationship of trust the coach or official has with the athlete and/or other athletes.

In assessing the appropriateness of an intimate relationship between a coach or official and an adult athlete, relevant factors include, but are not limited to:

- (a) the relative age and social maturity of the athlete;
- (b) any potential vulnerability of the athlete;
- (c) any financial and/or emotional dependence of the athlete on the coach or official;
- (d) the ability of the coach or official to influence the progress, outcomes or progression of the athlete's performance and/or career;
- (e) the extent of power imbalance between the athlete and coach or official; and
- (f) the likelihood of the relationship having an adverse impact on the athlete and/or other athletes.

It will often be difficult for a coach or official involved in an intimate relationship with an adult athlete to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from the Member Protection Information Officer, Complaints Manager or other official to ensure that they have not involved themselves in inappropriate or unprofessional conduct.

If it is determined that an intimate relationship between a coach or official and an adult athlete is inappropriate or unprofessional we may take disciplinary action against the coach or official up to and including dismissal. Action may also be taken to stop the coaching relationship with the athlete. This could include a transfer, a request for resignation or dismissal from coaching duties.

If a coach, official or athlete believes they are being, or have been, harassed they are encouraged to seek information and support from the Member Protection Information Officer, Complaints Manager or other official. Our complaints procedure is outlined in this policy.

5 Pregnancy

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

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

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

We will only require pregnant women to sign a disclaimer in relation to their participation in our sport whilst they are pregnant if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant woman believes she is being, or has been, harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint.

6 Gender identity

Gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person. This includes the way people express or present their gender and recognises that a person's gender identity may be an identity other than male or female. Some terms used to describe a person's gender identity include trans, transgender and gender diverse.

6.1 Gender identity discrimination and harassment

Federal, state and territory anti-discrimination laws provide protection from discrimination against people on the basis of their gender identity. (See definition in Dictionary of terms).

SA is committed to providing a safe, fair and inclusive sporting environment all where people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity.

All persons, regardless of gender identity, are entitled to be treated fairly and with dignity and respect at all times. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity. This includes discrimination or harassment of a person who is transgender or transsexual, who is assumed to be transgender or transsexual or has an association with someone who has or is assumed to be transgender or transsexual.

We expect all people bound by this policy to act with sensitivity when a person is undergoing gender transition/affirmation.

If any person believes that they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy because of their gender identity, they may make a complaint.

6.2 Participation in sport

SA recognises that excluding people from participating in sporting events and activities because of their gender identity may have significant implications for their health, wellbeing and involvement in community life. We are committed to supporting participation in our sport on the basis of the gender with which a person identifies.

If issues of performance advantage arise, we will consider whether the established discrimination exceptions for participation in sport are relevant in the circumstances. Discrimination is unlawful unless an exception applies.

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

6.3. Intersex status

Federal anti-discrimination law, and some state and territory anti-discrimination laws, provide protection from discrimination against a person on the basis of their intersex status. (See Dictionary of terms).

SA is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their intersex status.

7 Responsible service and consumption of alcohol

SA is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that state associations and member clubs follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy is that:

- (a) alcohol should not be available or consumed at sporting events involving children and young people under the age of 18;
- (b) alcohol-free social events be provided for young people and families;
- (c) food and low-alcohol and non-alcoholic drinks be available at events we hold or endorse where alcohol is served;
- (d) a staff member is present at events we hold or endorse where alcohol is served to ensure appropriate practices in respect of the consumption of alcohol are followed;
- (e) safe transport options be promoted as part of any event we hold or endorse where alcohol is served.

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

8 Smoke-free environment

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

In general, our policy is that:

- (a) no smoking shall occur at or near sporting events involving children and young people under the age of 18. This policy shall apply to coaches, participants, trainers, officials and volunteers;
- (b) social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas; and
- (c) coaches, officials, trainers, volunteers and participants will refrain from smoking while they are involved in an official capacity in our sport, both on and off the field.

9 Bullying

SA is committed to providing an environment that is free from bullying. We understand that bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and we regard bullying in all forms as unacceptable in our sport.

Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate,

undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or a group.

Whilst generally characterised by repeated behaviours, one-off instances can amount to bullying.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

- (a) verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- (b) excluding or isolating a group or person;
- (c) spreading malicious rumours; or
- (d) psychological harassment such as intimidation.

Bullying includes cyber-bullying which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. SA will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at a referee, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting body.

If any person believes they are being, or have been, bullied by another person or organisation bound by this policy, he or she may make a complaint.

10 Social networking

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

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

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

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

- (a) must not contain material which is, or has the potential to be, offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate;
- (b) must not contain material which is inaccurate, misleading or fraudulent;
- (c) must not contain material which is in breach of laws, court orders, undertakings or contracts;
- (d) should respect and maintain the privacy of others; and
- (e) should promote the sport in a positive way.

SCHEDULE 2 - EMPLOYMENT SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

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

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

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

SA, including our state associations and clubs, will meet the requirements of the relevant state or territory Working with Children Check laws.

Individuals travelling with children and young people to another state or territory in a work-related capacity must comply with the screening requirements of that particular state or territory.

ATTACHMENTS

- 2.1: Member Protection Declaration
- 2.2: Working with Children Check requirements

2.1:
MEMBER PROTECTION DECLARATION

SA has a duty of care to all those associated with our organisation and to the individuals and organisations to whom this policy applies. It is a requirement of our national Member Protection Policy that we check the background of each person who works, coaches or has regular unsupervised contact with children and young people under the age of 18 years.

I (name) of

..... (address) born/...../.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence or narcotics.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence or narcotics.
4. I am not currently serving a sanction for an anti-doping rule violation under an Australian Sports Anti-Doping Authority (ASADA) approved anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
6. To my knowledge, there is no other matter that SA may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the CEO of the organisation/s engaging me immediately upon becoming aware that any matter set out above has changed.

Declared in the state/territory of

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

Consent of parent/guardian (on behalf of a 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:

2.2:

WORKING WITH CHILDREN CHECK REQUIREMENTS

Working with Children Checks aim to create a child-safe environment and to protect children and young people involved in our sport from physical and sexual harm.

They assess the suitability of people to work with children and young people and can involve:

- criminal history checks;
- signed declarations;
- referee checks; and
- other relevant background checks to assess a person's suitability to work with children and young people.

Working with Children Check requirements vary across Australia. [Fact Sheets](#) for each state and territory are available on the Play by the Rules website: www.playbytherules.net

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

Australian Capital Territory

Contact the Office of Regulatory Services

Website: www.ors.act.gov.au/community/working_with_vulnerable_people_wwvp

Phone: 02 6207 3000

New South Wales

Contact the Office of the Children's Guardian

Website: www.kidsguardian.nsw.gov.au/check

Phone: 02 9286 7276

Northern Territory

Contact the Northern Territory Screening Authority

Website: www.workingwithchildren.nt.gov.au

Phone: 1800 SAFE NT (1800 723 368)

Queensland

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

Website: www.ccypcg.qld.gov.au

Phone: 1800 113 611

South Australia

Contact the Department for Education and Child Development for information

Website: www.families.sa.gov.au/childsafe

Phone : 08 8463 6468.

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

DCSI Child Related Work Screening: <http://www.dcsi.sa.gov.au/services/screening>

Tasmania

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

Website: www.justice.tas.gov.au/working_with_children

Phone: 1300 13 55 13

Victoria

Contact the Department of Justice

Website: www.workingwithchildren.vic.gov.au

Phone: 1300 652 879

Western Australia

Contact the Department for Child Protection

Website: www.checkwwc.wa.gov.au

Phone: 1800 883 979 **Travelling to other states or territories**

It is important to remember that when travelling to other states or territories, representatives of sporting organisations must comply with the legislative requirements of that particular state or territory.

In certain jurisdictions, temporary, time limited exemptions from working with children checks may be available for interstate visitors with a Working with Children Check in their home state.

The laws providing interstate exemptions are not consistent across Australia.

If an employee or volunteer for your organisation is travelling interstate to do work that would normally require a working for children check, you will need to check the relevant requirements of that state or territory.

SCHEDULE 3 - COMPLAINT HANDLING PROCEDURES

We will deal with all complaints in a fair, timely and transparent manner. All complaints will be treated seriously.

We will provide individuals with a process to resolve the matter, along with access to an external complaint handling body, based on the nature of the complaint and our rules and regulations.

We also provide an appeals process for those matters.

We will maintain confidentiality where possible and as provided in this policy and seek to ensure that no one is victimised for making, supporting or providing information about a complaint.

ATTACHMENTS

- 3.1: Complaints procedure
- 3.2. Mediation
- 3.3. Investigation procedure

3.1:

COMPLAINTS PROCEDURE

SA is committed to supporting people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

We will endeavour to deal with complaints on a confidential basis. This is not always possible. As a result, it may be difficult for us to resolve complaints made anonymously.

We will provide **formal procedures** to deal with complaints. Individuals and organisations can also make **complaints to external organisations** under anti-discrimination, child protection and other relevant laws.

Process

1: Talk with the other person (if safe, reasonable and appropriate)

If you feel confident and comfortable to do so, you can approach the other person to discuss the issues and try and resolve the problem directly.

2: Making a complaint

If it is not possible or appropriate to resolve your complaint through talking to the other person, you may:

- (a) make a complaint in writing to the Complaints Manager, or
- (b) approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice and assistance.

2.1 After receiving a complaint, and based on the material you provide, the relevant officer will decide whether:

- (a) he or she is the most appropriate person to receive and handle the complaint;
- (b) the nature and seriousness of the complaint requires a formal resolution procedure;
- (c) to refer the complaint to **mediation**;
- (d) to appoint a person to **investigate** the complaint;
- (e) to refer the complaint to a **tribunal hearing**;
- (f) to refer the matter to the **police or other appropriate authority**;
- (g) to implement any interim arrangements that will apply until the complaint process is completed; and/or
- (h) dismiss the complaint

2.2 In dealing with your complaint, the relevant officer will take into account:

- (a) whether he or she has had any personal involvement in the circumstances and if so, whether it is appropriate someone else should handle the complaint;
- (b) your wishes, and the wishes of the respondent, regarding how the complaint should be handled;
- (c) the relationship between you and the respondent (e.g. an actual or perceived power imbalance between you and the respondent);
- (d) whether the facts of the complaint are in dispute; and
- (e) the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway.

2.3 If the relevant officer is the appropriate person to handle the complaint, he or she will, where appropriate and/or necessary:

- (a) provide the information received from you to the other person(s) involved and ask for a response;

- (b) decide if there is enough information to determine whether the matter alleged in your complaint did or did not occur; and/or
- (c) determine what, if any, further action to take, including referring the matter for investigation or disciplinary action in accordance with this policy.

3: Investigating the complaint

In some cases, an investigation may be required to determine the facts surrounding the complaint.

Following the investigation, a written report will be provided to the appropriate officer.

- (a) If the complaint is referred to **mediation**, we will follow the steps outlined in Schedule 3.2 or as agreed by you, the respondent and the mediator.
- (b) If the complaint is referred to a **tribunal hearing**, the hearing will be conducted according to the steps outlined in the disciplinary bylaw.

4: Reconsidering a complaint or appealing a decision

If the matter is referred to mediation and is not resolved at mediation, you may request that relevant officer reconsider the complaint.

5: Documenting the resolution

The relevant officer will record the complaint, the steps taken to resolve it and the outcome. This information will be stored in a confidential and secure place. If the complaint was dealt with at the state/district level, the information will be stored by the state association. If the matter is of a serious nature, or if it was dealt with at the national level, the information will be stored by SA and a copy stored by the state association.

Approaching external organisations

If you feel that you have been harassed or discriminated against, you can seek advice from your state or territory anti-discrimination or equal opportunity commission. There is no obligation to make a complaint. However, if the commission advises you that the issues appear to be within its jurisdiction, you may choose to lodge a complaint with the commission.

The commission may investigate your complaint. The commission may also attempt to conciliate the complaint on a confidential basis. If this fails, or if it is not appropriate, the complaint may go to a hearing. The tribunal will make a finding and decide what action, if any, will be taken.

If you do lodge a complaint with the commission, an appropriate person from our organisation (e.g. an MPIO) will be available to support you during the process. You may also wish to have a legal representation, particularly if the complaint goes to a hearing.

Contact details for the state and territory anti-discrimination and equal opportunity commissions are available on the Play by the Rules website:

<http://www.playbytherules.net.au/resources/quick-reference-guide>.

Serious incidents, such as assault or sexual assault, should be reported to the police.

3.2: MEDIATION

Mediation is a process that seeks to resolve complaints with the assistance of an impartial person – the mediator.

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to discuss the issues and seeks to facilitate a mutually agreeable solution.

Our approach to mediation follows the steps set out below.

1. The Complaints Manager or other designated official will appoint an appropriate mediator to help resolve the complaint. This will be done under the direction of SA and in consultation with the complainant and the respondent(s). The mediator will be an independent person in the context of the complaint, however this does not preclude a person with an association with SA acting as mediator.
2. The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
3. All issues raised during mediation will be treated confidentially. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. If the complaint is resolved by mediation, where appropriate the mediator may seek to ensure the parties execute a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). We expect the parties involved to respect and comply with the terms of the agreement.
5. If the complaint is not resolved by mediation, SA will determine what, if any, process will be pursued at that time.
6. We recognise that there are some **situations where mediation may not be appropriate**, including:
 - (a) when the people involved have completely different versions of the incident;
 - (b) when one or both parties are unwilling to attempt mediation;
 - (c) when there is a real or perceived power imbalance between the people involved;
 - (d) matters that involve serious allegations.

3.3: INVESTIGATION PROCESS

There will be times when a complaint will need to be investigated and information gathered.

An investigation helps determine the facts relating to the incident, if requested, recommendations as to possible findings and next steps.

Any investigation we conduct will be fair to all people involved. The investigation process will be undertaken by an unbiased person.

If we decide that a complaint should be investigated, we will decide how this will occur.

SCHEDULE 4 - TRIBUNAL PROCEDURES

1. Any Tribunal Hearing will be held in accordance with the guidelines set out in the SA disciplinary by laws.
2. The right of appeal is contained in the Disciplinary Handbook.

SCHEDULE 5 - REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

We will ensure that all the complaints we receive are properly documented. This includes recording how the complaint was resolved and the outcome of the complaint.

This information, and any additional records and notes, will be treated confidentially (subject to disclosure required by law or permitted under this policy) and stored in a secure place.

We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

We will ensure that everyone who works with our organisation in a paid or unpaid capacity understands how to appropriately receive and record allegations of child abuse and neglect and how to report those allegations to the relevant authorities in their state or territory.

ATTACHMENTS

- 5.1: Record of complaint
- 5.2: Handling an allegation of child abuse

**5.1:
RECORD OF COMPLAINT**

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

Resolution procedures followed (outline)	
If investigated:	Finding
If heard by Tribunal:	Decision Action recommended
If mediated:	Date of mediation: Both/all parties present Agreement Any other action taken
If decision was appealed	Decision Action recommended
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position: Signature: Date / /
Signed by:	Complainant: Respondent:

This record and any notes must be kept confidential and secure. If the complaint is of a serious nature, or if it is taken to and/or dealt with at the national level, the original record must be provided to SA and a copy kept with the organisation where the complaint was first made.

5.2:

PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

If you believe a child is in immediate danger or a life-threatening situation, contact the Police immediately on 000.

Fact sheets on reporting allegations of child abuse in different states and territories are available at www.playbytherules.net.au

We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

All people working with SA in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

1: Receive the allegation

If a child or young person raises with you an allegation of child abuse or neglect that relates to them or to another child, it is important that you listen, stay calm and be supportive.

Do	Don't
Make sure you are clear about what the child has told you	Do not challenge or undermine the child
Reassure the child that what has occurred is not his or her fault	Do not seek detailed information, ask leading questions or offer an opinion.
Explain that other people may need to be told in order to stop what is happening.	Do not discuss the details with any person other than those detailed in these procedures.
Promptly and accurately record the discussion in writing.	Do not contact the alleged offender.

2: Report the allegation

- (a) Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.
- (b) Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.
- (c) If the allegation involves a person to whom this policy applies, then also report the allegation to the Complaints Manager of SA so that he or she can manage the situation.

3: Protect the child and manage the situation

- (a) The Complaints Manager will assess the immediate risks to the child and take interim steps to ensure the child's safety and the safety of any other children. This may include redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is an employee of SA.
- (b) The Complaints Manager will consider what services may be most appropriate to support the child and his or her parent/s.
- (c) The Complaints Manager will consider what support services may be appropriate for the alleged offender.
- (d) The Complaints Manager will seek to put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

4: Take internal action

- (a) At least three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
 - i. a criminal investigation (conducted by the police)
 - ii. a child protection investigation (conducted by the relevant child protection agency)
 - iii. a disciplinary or misconduct inquiry/investigation (conducted by SA).
- (b) SA will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include considering whether the alleged offender should return to his or her position, be dismissed, banned or suspended or face other disciplinary action.
- (c) If disciplinary action is undertaken, we will follow the procedures set out in our Member Protection Policy.
- (d) Where required we will provide the relevant government agency with a report of any disciplinary action we take.
- (e) **Contact details for advice or to report an allegation of child abuse**

Australian Capital Territory	
ACT Police Non-urgent police assistance Ph: 131 444 www.afp.gov.au	Office for Children, Youth and Family Services www.dhcs.act.gov.au/ocyfs/services/care_and_protection Ph: 1300 556 729
New South Wales	
New South Wales Police Non-urgent police assistance Ph: 131 444 www.police.nsw.gov.au	Department of Family and Community Services www.community.nsw.gov.au Ph: 132 111

Northern Territory	
Northern Territory Police Non-urgent police assistance Ph: 131 444 www.pfes.nt.gov.au	Department of Children and Families www.childrenandfamilies.nt.gov.au Ph: 1800 700 250
Queensland	
Queensland Police Non-urgent police assistance Ph: 131 444 www.police.qld.gov.au	Department of Communities, Child Safety and Disability Services www.communities.qld.gov.au/childsafety Ph: 1800 811 810
South Australia	
South Australia Police Non-urgent police assistance Ph: 131 444 www.sapolice.sa.gov.au	Department for Education and Child Development www.families.sa.gov.au/childsafe Ph: 131 478
Tasmania	
Tasmania Police Non-urgent police assistance Ph: 131 444 www.police.tas.gov.au	Department of Health and Human Services www.dhhs.tas.gov.au/children Ph: 1300 737 639
Victoria	
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 www.police.vic.gov.au	Department of Human Services www.dhs.vic.gov.au Ph: 131 278
Western Australia	
Western Australia Police Non-urgent police assistance Ph: 131 444 www.police.wa.gov.au	Department for Child Protection and Family Support www.dcp.wa.gov.au Ph: (08) 9222 2555 or 1800 622 258

SCHEDULE 6 – DEFINITIONS

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. Further detail or definitions that are specific to different states and territories can be sourced from the relevant child protection authorities or equal opportunity and anti-discrimination commissions.

Abuse is the violation of an individual's human or civil rights through the act or actions of another person or persons. Types of abuse include physical abuse, psychological or emotional abuse, sexual abuse, constraints and restrictive practices, financial abuse, legal or civil abuse and systemic abuse.

Affiliated club means a club affiliated to SA or member associations.

Child means a person who is under the age of 18.

Child abuse involves conduct which puts a child at risk of harm and may include:

- **physical abuse**, which occurs when a child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. This may include, but is not limited to, hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity.
- **sexual abuse**, which occurs when an adult, other child, or adolescent uses their power or authority to involve a child in a sexual activity or 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**, which occurs when a child's social, emotional, cognitive or intellectual development is impaired or threatened. Emotional abuse can include, but is not limited to, emotional deprivation due to persistent rejection or criticism, hostility, teasing/bullying, humiliation, taunting, sarcasm, yelling, name-calling or placing unrealistic expectations on a child.
- **neglect**, which occurs when a child's basic necessities of life are not met and their health and development are affected. Basic needs include food, water, shelter, adequate clothing, personal hygiene, timely provision of medical treatment and adequate supervision.

Complaint means a complaint made under this policy

Complainant means the person making a complaint.

Complaint Manager means the person appointed under this policy to investigate and/or deal with the complaint.

Discrimination occurs when someone is treated (or is proposed to be treated) unfairly or less favourably than another person in the same or similar circumstances because of one of the personal characteristics covered by anti-discrimination laws. This is known as direct discrimination. Indirect discrimination occurs when there is (or is proposed) an unreasonable requirement, condition or practice that seems to treat everyone equally, but which has or is likely to have the effect of disadvantaging persons with a personal characteristic covered by anti-discrimination laws.

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

- age
- sex or gender
- gender identity
- intersex status

- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration
- disability, mental and physical impairment
- family/carer responsibilities, status as a parent or carer
- marital status
- pregnancy, potential pregnancy, breastfeeding
- sexual orientation and gender identity
- physical features
- irrelevant medical record
- irrelevant criminal record, spent convictions
- political beliefs or activities
- religion, religious beliefs or activities
- national extraction or social origin
- lawful sexual activity
- profession, trade, occupation or calling
- member of association or organisation of employees or employers, industrial activity, trade union activity
- defence service
- personal association with someone who has, or is assumed to have, any of the above characteristics

Examples of discrimination are available on the Play by the Rules website:

www.playbytherules.net.au/legal-stuff/discrimination

Some exceptions to state, territory and federal anti-discrimination law apply, including exceptions for sporting activities, such as:

- holding a competitive sporting activity for a specific age or age group (e.g. only those who are under the age of 15 years);
- excluding people on the basis of their 'excluding people on the basis of their sex and/or gender identity status from participation in a competitive sporting activity where the strength, stamina or physique of competitors is relevant to the specific activity (note that this does not apply to activity by children who are under the age of 12 years); and
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity.

Harassment is any type of unwelcome behaviour which has the effect of offending, humiliating or intimidating the person harassed. Unlawful harassment can be based on any of the personal characteristics covered by anti-discrimination law, such as a person's race, sex, pregnancy, marital status or sexual orientation (see the list under "Discrimination").

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

Member means a member of SA.

Member Protection Information Officer means a person appointed by us to be the first point of contact for a person reporting an issue or a complaint under, or a breach of, this policy.

Procedural fairness requires that:

- the respondent knows the full details of what is being said against him or her and they have the opportunity to respond;
- no person may judge their own case; and
- the decision-maker(s) must be unbiased, fair and just.

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

Policy, policy and this policy means this Member Protection Policy.

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

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

Sexual harassment means unwelcome behaviour of a sexual nature which could reasonably be expected to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwelcome physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual harassment does not have to be intentional.

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

- rape
- indecent assault
- sexual assault
- assault with intent to commit sexual acts
- incest
- sexual penetration of child under the age of 16 years
- indecent act with child under the age of 16 years
- sexual relationship with child under the age of 16 years
- 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 years
- bestiality
- soliciting a child under the age of 16 years to take part in an act of sexual penetration, or an indecent act
- promoting or engaging in acts of child prostitution
- obtaining benefits from child prostitution
- possession of child pornography
- publishing child pornography and indecent articles.

Transgender 'Transgender' is an umbrella term that refers to a person whose gender identity is different to their physical sex as recorded at birth. Transitioning refers to the process where a transgender person commences living as a member of another sex. This is sometimes referred to as the person 'affirming' their gender because transitioning means they start living in what they identify as their true gender. For people who are transitioning/affirming their gender, having their identity fully recognised in all areas of life is a crucial part of the experience of living as their affirmed gender.

Sexual orientation: The term 'sexual orientation' refers to a person's emotional or sexual attraction to another person, including, amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual or same-sex attracted.

Gender identity: The term 'gender identity' refers to a person's deeply held internal and individual sense of gender.

Gender expression: The term 'gender expression' refers to the way in which a person externally expresses their gender or how they are perceived by others.

Intersex: The term 'intersex' refers to people who have genetic, hormonal or physical characteristics that are not exclusively 'male' or 'female'. A person who is intersex may identify as male, female, intersex or as being of indeterminate sex.

Victimisation means treating someone unfairly or unfavorably, or threatening to do so, because that person has, or intends to, pursue their right to make any complaint, including a complaint under government legislation (e.g. anti-discrimination legislation) or under this policy, or for supporting another person to make complaint.

Vilification means behaviour that occurs in public which incites hatred towards, serious contempt for, or revulsion or severe ridicule of a person or group of people because that person or persons have a particular personal characteristic. Anti-discrimination laws in Australia make it unlawful to vilify a person or group of persons on the basis of race, religion, homosexuality, transgender status and HIV/AIDS status.

SCHEDULE 7 - CODES OF BEHAVIOUR AND DISCIPLINARY HANDBOOK

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

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

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

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



SURFING **AUSTRALIA**

Surfing Australia Disciplinary Handbook



SURFING AUSTRALIA

Surfing Australia's Codes of Conduct

These codes are taken from Surfing Australia's Member Protection Policy. If you are individual associated with the sport of surfing in Australia, it is expected that you will support these codes so the sport of surfing can be enjoyed by all.

General Code of Behaviour

As a member of Surfing Australia, a Member Association and an Affiliated Club, a Licensed Surf School or a person required to comply with the Policy, (Surfing Australia's Member Protection Policy) you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Surfing Australia, a member association, an affiliated club or Licensed Surf School and in any role you hold within Surfing Australia, a member association, an affiliated club or Licensed Surf School:

- 1 Respect the rights, dignity and worth of others.
- 2 Be fair, considerate and honest in all dealing with others.
- 3 Be professional in, and accept responsibility for, your actions.
- 4 Make a commitment to providing quality service.
- 5 Be aware of, and maintain an uncompromising adherence to, Surfing Australia's standards, rules, regulations and policies.
- 6 Operate within the rules of the sport including national and international guidelines which govern Surfing Australia, the member associations, the affiliated clubs or Licensed Surf School.

- 7 Do not use your involvement with Surfing Australia, a member association or an affiliated club or Licensed Surf School to promote your own beliefs, behaviours or practices where these are inconsistent with those of Surfing Australia, a member association or an affiliated club or Licensed Surf School.
- 8 Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.
- 9 Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.
- 10 Refrain from any form of harassment of others.
- 11 Refrain from any behaviour that may bring Surfing Australia, a member association, an affiliated club or Licensed Surf School into disrepute.
- 12 Provide a safe environment for the conduct of the activity.
- 13 Show concern and caution towards others who may be sick or injured.
- 14 Be a positive role model.
- 15 Understand the repercussions if you breach, or are aware of any breaches of, this code of behaviour.

Administrator Code of Behaviour

In addition to Surfing Australia's 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 Surfing Australia, a member association, an affiliated club or Licensed Surf School and in your role as an administrator of Surfing Australia, a member association, an affiliated club or Licensed Surf School:

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

Coach Code of Behaviour

In addition to Surf Australia's General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Surfing Australia, a member association, an affiliated club or Licensed Surf School and in your role as a coach appointed by Surfing Australia, a member association, an affiliated club or Licensed Surf School:

- 1 Do not tolerate acts of aggression.
- 2 Provide feedback to participants and other participants in a manner sensitive to their needs. Avoid overly negative feedback.
- 3 Recognise participants' rights to consult with other coaches and advisers. Cooperate fully with other specialists (for example, sports scientists, doctors and physiotherapists).

- 4 Treat all participants fairly within the context of their sporting activities, regardless of gender, race, place of origin, athletic potential, colour, sexual orientation, religion, political beliefs, socio-economic status and other conditions.
- 5 Encourage and facilitate participants' independence and responsibility for their own behaviour, performance, decisions and actions.
- 6 Involve the participants in decisions that affect them.
- 7 Encourage participants 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 participants.
- 9 Ensure any physical contact with participants is appropriate to the situation and necessary for the participant's skill development.
- 10 Be acutely aware of the power that you as a coach develop with participants in the coaching relationship and avoid any sexual intimacy with participants that could develop as a result.
- 11 Avoid situations with participants 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 participants.
- 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 participants to do likewise. Accept both the letter and the spirit of the rules.
- 16 Be honest and ensure that qualifications are not misrepresented.

Official Code of Behaviour

In addition to Surfing Australia's General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Surfing Australia, a member association, an affiliated club or Licensed Surf School and in your role as an official appointed by Surfing Australia, a member association, an affiliated club or Licensed Surf School:

- 1 Place the safety and welfare of the 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.

Surfers Code of Behaviour

In addition to Surfing Australia's' General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Surfing Australia, a member association, an affiliated club or Licensed Surf School and in your role as a participant in any activity held by or under the auspices of Surfing Australia, a member association, an affiliated club or Licensed Surf School:

- 1 Respect the rights, dignity and worth of fellow participants, coaches, officials and spectators.
- 2 Do not tolerate acts of aggression.
- 3 Respect the talent, potential and development of fellow participants 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.

Parent/Guardian Code of Behaviour

As a parent/guardian of a participant in any activity held by or under the auspices of Surfing Australia a member association, an affiliated club or Licensed Surf School, 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 participants (including opposing participants).
- 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 (participant, 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.

Spectator Code of Behaviour

As a spectator in any activity held by or under the auspices of Surfing Australia, a member association, an affiliated club or Licensed Surf School, 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 participant 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 participants.
- 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 participants, coaches, officials or other spectators).
- 6 Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion



SURFING AUSTRALIA

Surfing Australia's Disciplinary Policy

1 Application of Policy

This Policy shall be the disciplinary policy for Surfing Australia (SA) and if adopted by Member Associations shall be the disciplinary policy for each Member Association.

- 1.1 The administration of an alleged offence under this Policy is at first instance the responsibility of the Member Association in the state in which the alleged offence occurred, except where:
- (a) the relevant individual that is alleged to have contravened or breached this Policy is in an event run by SA a national academy participant or other national representative, official, coach or other participant pursuant to a separate agreement or arrangement with SA, in which case SA may elect to deal with and prosecute the alleged contravention or breach; and
 - (b) SA otherwise notifies that Member Association that SA itself will assume responsibility for the administration of the relevant alleged offence. SA will only assume control of the administration of an alleged offence where it considers that the relevant alleged offence affects or is likely to affect the integrity, management, reputation or brand of SA or the sport of surfing in Australia, or where it believes that the relevant alleged breach is otherwise sufficiently serious to warrant SA assuming administration of the alleged breach,

and in such circumstances applicable references in this Policy to a Member Association or its Nominated Officer shall be deemed to be a reference to SA.

- 1.2 Any penalty imposed upon a person under this Policy must be recognised and respected by all Member Associations and SA. A person is not permitted to participate in any event, competition, tour, team, function, training or practice sessions or other event conducted or managed by or under the auspices of a Member Association or SA during the time of any suspension imposed under this Policy by a Member Association or SA.

2 **Process**

- 2.1 The appointed Disciplinary Officer of the applicable Member Association (or if there is no such officer, an appropriate person nominated by that Member Association), or such other officer nominated by that Member Association from time to time (Nominated Official), shall be solely responsible for characterising any alleged breach of this Policy by an individual. That Nominated Official must in his/her absolute discretion characterise the alleged offence as either a minor or serious offence.
- 2.2 This Policy sets out the disciplinary procedures for hearing both minor and serious offences and the penalties applicable to each category of offence.

3 **Minor Offences**

- 3.1 Minor offences are less serious offences which attract penalties reflecting this fact.
- 3.2 Minor offences will be dealt with as expeditiously as possible but always adhering to the procedures set out in this Policy.
- 3.3 The alleged offender will be notified in writing by the Nominated Official of the following:
 - (a) details of the alleged offence; and
 - (b) confirmation that this Policy applies (a copy of this Policy should be provided). If the alleged offender is under the age of 18 years old notification should be given to that person's parent / guardian as well as the alleged offender.
- 3.4 The alleged offender shall have 7 days (or such other longer period determined by the Nominated Official) from receipt of the notice to provide a written response to the alleged offence/s.
- 3.5 The Nominated Official will consider relevant facts and information concerning the alleged offence (including statements from witnesses and any response from the alleged offender) and must then make a determination as to whether the alleged offender committed the applicable minor offence. The Nominated Official shall then determine the sanction to be imposed under this Policy. Where possible in the circumstances, the alleged offender should be given the opportunity to address the Nominated Official regarding the penalty to be imposed for the alleged offence.
- 3.6 In imposing a penalty for a minor offence the Nominated Official may choose from one or more of the following range of penalties:
 - (a) impose a warning;

- (b) the requirement for a written apology from the offender to specified persons/organisations;
 - (c) a reprimand; and/or
 - (d) suspending the alleged offender from a current or future event, competition, tour, team, function, training or practice session, or other event conducted or managed under the auspices of a Member Association but no more than one future event or a competition, tour, team, function, training or practice session; and
 - (e) sending the alleged offender home from a tour (if such offence is committed and administered on tour).
- 3.7 The Nominated Official will notify the offender in writing of any penalty imposed and will notify the Chief Executive Officer of SA and the Chief Executive Officer of all Member Associations all of whom will immediately recognise the penalty imposed upon the offender. Such notification must be made within seven (7) days of the determination of the matter, or in the event the matter is dealt with on tour, within seven (7) days of return.
- 3.8 The determination by the Nominated Official will be final and binding on all parties; and
- 3.9 The right of appeal is set out in clause 5.
- 3.10

4 **Serious Offence**

- 4.1 The alleged offender will be notified in writing of the following by the Disciplinary Officer of the Member Association responsible for hearing an offence:
- (a) details of the alleged offence, and possible penalties that may be imposed by the Tribunal;
 - (b) confirmation that this Policy applies (a copy of this Policy should be provided);

the date, time and place of the Tribunal hearing, and the likely composition of the Tribunal; and
- If the alleged offender is under the age of 18 years old notification should be given to that person's parent / guardian as well as the alleged offender.
- 4.2 The Board of Directors of the Member Association responsible for hearing an offence will appoint a Tribunal of three members to hear and determine the matter, such Tribunal which shall be comprised of the following persons.
- (a) a lawyer or, if after reasonable attempts have been made to obtain one without success, then a person with considerable previous experience in the legal aspects of a disciplinary tribunal (who shall be Chairperson);
 - (b) a person with a thorough knowledge of surfing; and
 - (c) one other person of experience and skills suitable to the functions of a disciplinary tribunal, if possible a lawyer.

in each case as determined by the relevant Member Association's Board of Directors in their sole discretion. However, the following cannot be Tribunal members:

- (d) a person who is a member of the Board of Directors (Management Committee); or
- (e) a person who would, by reason of their relationship with the alleged offender, or otherwise, be reasonably considered to be other than impartial.

4.3 The Tribunal must allow the alleged offender and the applicable Member Association's representative reasonable opportunity to speak and state their case. The alleged offender and the applicable Member Association's representative may each elect to provide written submissions instead or in addition to oral submissions. The Tribunal shall:

- (a) hear and determine the alleged offence in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with the principles of natural justice;
- (b) not be required to adhere to any specific legal rules, formalities or processes (including any rules of evidence), and shall be free to hear and consider any materials, information or evidence whatsoever that it considers appropriate (including evidence of past indiscretions, breaches or convictions); and
- (c) make its decision on a matter by majority vote.

The purpose of the hearing shall be to determine whether the alleged offender has committed a serious offence. If the tribunal determines a serious offence has been committed, it may impose any one or more of the penalties set out in paragraph 4.9.

4.4 If within 30 minutes of the notified time for commencement of the hearing, the alleged offender is not present, the Tribunal may elect to conduct the hearing in the absence of the alleged offender or adjourn the hearing and reconvene at a later date advised to the alleged offender. The time and place of the tribunal hearing will be determined at the sole and reasonable discretion of the Disciplinary Officer.

4.5 The parties may be represented at the hearing by any person but the alleged offender must appear.

4.6 If the charge is proven the offender will be given an opportunity to be heard in relation to mitigation of penalty.

4.7 The relevant Member Association's representative will also be afforded the opportunity to make submissions to the Tribunal on the appropriate penalty to be imposed in the circumstances.

4.8 Prior convictions of a disciplinary tribunal may be disclosed to the Tribunal who may give weight to prior convictions of a similar nature.

4.9 In imposing a penalty for a serious offence, the Tribunal may impose any of the following range of penalties:

- (a) in extreme circumstances, permanent suspension from all competitions;
- (b) suspension from all competitions for a period reasonably determined by the Tribunal;
- (c) suspension from competing in one or more specified events;
- (d) suspension from attending or participating in tours, teams, functions, training or practice sessions, or other functions or events conducted by or under the auspices of SA and/or another Member Association for a period reasonably determined by the Tribunal;
- (e) directing the offender to attend counselling to address their conduct;
- (f) recommending termination of any appointment of any role the offender holds with a surfing organisation;
- (g) imposing a monetary fine;
- (h) in the case of a coach or other surfing official or administrator, suspending or directing relevant bodies not to renew that person's SA or Member Association accreditation or membership for a period or indefinitely;
- (i) any other such penalty the Tribunal considers appropriate in the circumstances;
- (j) termination of membership of the Member Association;
- (k) a financial penalty as set out in Schedule 1; and
- (l) as set out in clause 5.3.

In considering the length of any suspension, the Tribunal must consider what is reasonable in the circumstances.

- 4.10 The findings of the Tribunal will be delivered orally and there is no obligation on the Tribunal to publish reasons for its decision.
- 4.11 There is no ability to award costs and all parties to any proceedings must bear their own costs.
- 4.12 The Chairperson of the Tribunal will confirm in writing with the offender any penalty imposed and will notify the Chief Executive Officer of SA and the Chief Executive Officer of all Member Associations all of whom will immediately recognise the penalty imposed upon the offender. Such notification must be made within seven (7) days of the determination of the matter, or in the event the matter is dealt with on tour, within seven (7) days of return.
- 4.13 The determination by the Tribunal will be final and binding on all parties; and
- 4.14 The right of appeal is set out in clause 5.

5 Surfer Entourage

- 5.1 A surfer is deemed to be responsible for the behaviour and conduct of their entourage and support team who attend at events in which they are participating. The expression "entourage" includes parents, family members,

coaches, trainers, friends and any other person directly associated with the surfer.

- 5.2 Where the behaviour of a member of the surfer's entourage is in breach of any of SA's Codes of Conduct, the disciplinary officer of a Member Association or SA may deal with the matter under the disciplinary process as set out in the disciplinary policy.
- 5.3 If it is determined that a Code of Conduct breach has occurred by the member of the entourage, then it is open to the Tribunal to impose a penalty on the surfer as follows:

Penalty

A determination that SA or the Member Association will not accept entries from that surfer for a specified period of time for future events or competition and may suspend the surfer from participation in teams training or touring for a specified period of time.

- 5.4 It is to be noted that imposing a penalty on a surfer for behaviour of their entourage is to be seen as a last resort and disciplinary action, except in extreme cases, would not be instigated without first having sought to engage with and counsel the offending person and the surfer in relation to the unacceptable conduct.
- 5.5 SA and Member Associations are not compelled by law to accept entry from everyone into their competitions. Provided there is no breach of the *Anti Discrimination Legislation*, SA and Member Associations are entitled to determine who may enter their competitions and it has been clearly determined that only persons who, with their entourage, are acting in accordance with the standards and codes of behaviour of SA and Member Associations should be entitled to enter events run by SA and Member Associations.

6 Definitions

6.1 Member Association shall be:

- (a) Surfing VIC
- (b) Surfing NSW
- (c) Surfing WA
- (d) Surfing SA
- (e) Surfing QLD
- (f) Surfing TAS

7 Payment of Fines

If a monetary find is imposed the surfer shall not be eligible to enter an event or participate in a competition, tour, team, function, training or practice session until the fine is paid or satisfactory arrangements for payment of the fine have been agreed.

8 Appeals

- 8.1 An appeal may only be lodged in the case of appeals from a Tribunal to an Appeal Tribunal established by SA in accordance with this clause 8, in which case an appeal is only validly lodged where:
- (a) an appeal notice in the prescribed form (Schedule 1) is lodged with SA within seven (7) days of the Tribunal's decision;
 - (b) the appeal notice is accompanied by a written submission and an appeal application fee of \$1,000 refundable only at the discretion of the Appeal Tribunal.
- 8.2 An appeal against the findings of the Tribunal and/or the imposition of a penalty shall be conducted within 21 days of receipt of the notice of appeal, although SA shall have the discretion to convene an appeal hearing outside the 21 day period but only after it has been established that it would be impossible to hear the appeal any earlier.
- 8.3 The Appeal Tribunal shall consist of three (3) members appointed by SA's Board of Directors, none of which has had a prior involvement in the matter. An Appeal Tribunal Chairman who shall be a lawyer shall be appointed by SA's Board of Directors. The Appeal Tribunal will have the discretion to conduct proceedings at their discretion and in accordance with the principles of natural justice. A majority decision will determine the matter.
- 8.4 In order for a matter to proceed to an appeal, the offender must establish on the balance of probabilities that it is more likely than not that s/he has an arguable case. This shall be done by written submissions only. The Appeals Tribunal Chairman alone shall determine whether the offender has sufficiently made out one or more ground/s of appeal within seven (7) days of receiving submissions from both the offender and SA. The Tribunal Chairman shall set the timeframes for submissions to be lodged. There is no right to appeal against this decision. The Appeal Tribunal Chairman's decision will be conveyed to each of the parties.
- 8.5 If it is determined by the Appeal Tribunal Chairman on the balance of probabilities that the offender has an arguable case and the appeal is in relation to penalty only, the matter will proceed by way of written submissions only.
- 8.6 Each party will be required to submit in writing their arguments with the offender obliged to lodge their written arguments no less than three (3) business days before the matters is scheduled to proceed. A Copy of the submissions of the offender will be provided to SA's Complaints Manager who will then have a further 48 hours to make SA's submissions.
- 8.7 If the appeal is against both conviction and penalty, the appeal will proceed as determined by the Appeal Tribunal's Chairman.
- 8.8 An appeal against conviction may be a re-hearing of the matter and the parties may recall any earlier relevant witnesses and may submit fresh evidence, provided that the Appeal Tribunal is satisfied that the new evidence is relevant to the matter.
- 8.9 The Appeal Tribunal has the power to dismiss the appeal, grant the appeal, impose any of the penalties provided for and/or impose a new penalty as provided for in this Policy, the new penalty which may be greater than the penalty handed down by the original Tribunal.

- 8.10 The determination by the Appeal Tribunal will be final and binding on all parties. No further right of appeal exists within SA, or to an external tribunal or any civil court of law.
- 8.11 If the offender is suspended by the Tribunal, this suspension shall remain in force pending the determination of the matter by way of appeal.
- 8.12 The Appeal Tribunal has no power to award costs and each party shall bear their own costs in relation to the appeal.

Schedule One

INFRINGEMENTS	MINIMUM PENALTIES
Assaulting a judge	\$1000 Disqualification/suspension
Rude gesture to judges	\$150
Swearing out loud at judges	\$150
Ripping up judging sheets	\$150
Writing on judging sheets	\$150
Swearing loudly in official area	\$150
Assaulting event staff	\$1000 Disqualification/suspension
Equipment abuse in event and competition areas	\$150 plus cost
Damage to event property	\$150 plus cost/suspension
Damage to property in event locality	\$500 plus cost/suspension
Damage to surfing image caused by misbehaviour	\$100-\$1000/suspension
Knowingly wearing event vest incorrectly	\$100
Not wearing vest to and from the bench marshal	\$100
Free surfing in competition area during heats	\$100
Surfing during next heat	\$50 per wave
Surfer's caddy rides a wave	\$50 per wave
Abusing media	\$500
Assaulting media	\$1000 Disqualification/suspension
Failing to attend media functions if asked	\$100
Failing to attend events entered (without doctor's certificate)	\$50 plus entry fee
Stay in water after two interferences	\$100
Heat Fixing/Bribes	\$1000/Suspension

NB. Fines at all National Title events will be levied against the offender and to be paid to Surfing Australia.