



**SKATE**  
AUSTRALIA

***Skate Australia INC***  
***MEMBER PROTECTION POLICY***  
***BY-LAW 1***

**VERSION 6**

**Effective from June 30, 2014**

**Previous Revisions**

**June 2012**

**February 2010**

**February 2007**

**November 2004**

**Originally adopted December 2001**

## PREFACE

The safety and well-being of every member of *Skate Australia* is integral to the future of our sport. Unfortunately as no sporting organisation can deny the unfortunate prospect of encountering a discrimination or harassment case, Skate Australia Inc's Board adopted this **Member Protection Policy at its December 2001 meeting**.

It has been revised periodically in **November 2004, February 2007, February 2010 and June 2012** to ensure it remains a relevant, practical tool that accurately reflects current legislation, organisational needs and relevant emerging issues.

Review	Content reviewed and purpose
Dec 01	<ul style="list-style-type: none"> <li>• Template developed</li> </ul>
Nov 2004	<ul style="list-style-type: none"> <li>• Template rewritten to reduce legalese and make it easier for sporting organisations to review and revise their policies</li> <li>• Sample codes of conduct, record keeping information and policy position statements on child protection, harassment and sexual relationships developed</li> <li>• Child Protection requirements revised to reflect changes to child protection legislation</li> <li>• Complaints handling procedures reviewed and expanded to provide sports with more options for managing complaints.</li> </ul>
Feb 2007	<ul style="list-style-type: none"> <li>• Part B restructured to allow new attachments to be added more</li> <li>• Reference to The Essence of Australian Sport added (2)</li> <li>• Amendments to the Dictionary (discrimination and harassment)</li> <li>• Minor amendment to the Anti-discrimination and harassment Policy Statement (7.2)</li> <li>• Second version of suggested wording for Sexual Relationships Policy Statement added (7.3)</li> <li>• Suggested wording for Pregnancy Policy Statement added (7.4)</li> <li>• Suggested wording for Gender Identity Policy Statement added (7.5)</li> <li>• Ability for sports to include reference to other relevant existing policies (7.6)</li> <li>• QLD and NSW Child Protection attachments updated to reflect changes in legislation (Part B)</li> <li>• Information on SA and VIC Child Protection requirements added to reflect new legislation (Part B)</li> <li>• Minor changes to wording to investigation of child abuse procedures (Part C)</li> </ul>
Jan 2010	<ul style="list-style-type: none"> <li>• Template modified to provide a national version and an alternative (condensed) club version</li> <li>• Inclusion of clause on taking images of children (6.2)</li> <li>• Reference to cyber bullying included (6.3)</li> <li>• Refinement to wording in all clauses (to provide greater clarity)</li> <li>• Revised and condensed working with children check/child protection attachment (to cover amendments to child protection laws)</li> <li>• General Code of Behaviour removed from core policy (to reduce confusion with Code of Behaviour attachment)</li> <li>• Numbering of attachments re-ordered (Codes of Behaviour moved from attachment D to attachment B)</li> </ul>
Jun 2012	<ul style="list-style-type: none"> <li>• Expanded Position Statement 6.1 Child Protection to reflect legislative amendments at state/territory level yet still remain suitable as a national template.</li> <li>• Additional optional clauses for alcohol (6.7), smoking (6.8), cyber bullying (6.9), social networking (6.10).</li> <li>• PART C Working with Children Child Protection Check Requirements revised and updated</li> <li>• Minor formatting and wording changes throughout.</li> <li>• PART D: Complaint Handling Procedures: Attachment D1 – Step 5 dot point added regarding investigator role.</li> <li>• Additional sentence added to PART B: Codes of Behaviour encouraging NSOs, SSOs, Clubs to obtain signed agreements with respect to MPP and various codes.</li> </ul>
Apr 2014	<ul style="list-style-type: none"> <li>• Expanded and clarified the complaints procedures.</li> <li>• Updated the Working With Children Check information to be in line with current state/territory legislation.</li> <li>• Expanded the cyber-bullying and social media clauses.</li> </ul>

The purpose of this policy is to protect the health, safety and well-being of all Skate Australia Inc's members and those who participate in the activities of the Association. In addition Skate Australia also seeks to provide a safe environment for those participating in its activities.

This policy confirms that the Association will not tolerate harassment, discrimination or abuse of those involved in its activities.

The Skate Australia Inc Board believes everyone who participates in the activities of the Association has the right to be treated with respect and dignity. They also have the right to have any complaints dealt with in a fair, confidential and sensitive manner and to be given the opportunity to be heard before any penalties are imposed.



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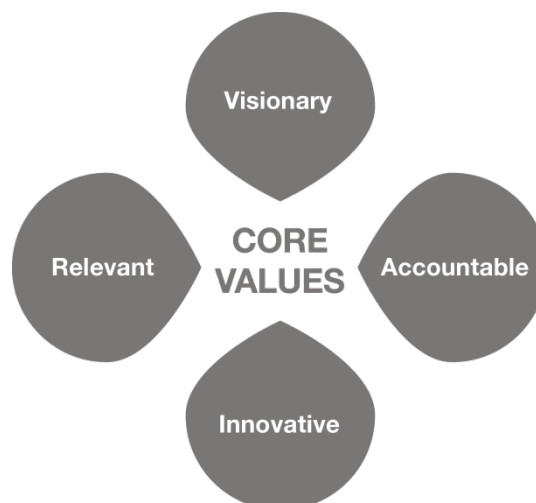
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## PART A: NATIONAL MEMBER PROTECTION POLICY

### 1. Introduction

Skate Australia Inc is a not-for-profit National Sporting Organisation (NSO) which exists to **promote and support the development of Skate Sports at all levels.**



Our **Core Values** help us clearly identify and communicate how we will operate, behave and challenge, encourage and support each other on a daily basis. We want all Skate Australia Inc partners to be able to state that ***“this is our way”***.

### 2. Purpose of this policy

This Member Protection Policy (“policy”) aims to assist Skate Australia Inc 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 involved in our sport is treated with respect and dignity and protected from discrimination, harassment and abuse. It also ensures that everyone involved in our sport is aware of their legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

The policy attachments 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, Skate Australia Inc will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by the Skate Australia Inc Board on 27 April 2014 and has been incorporated into our by-laws as By-law 1. The policy starts on 1 June 2014 and will operate until replaced.

The current policy and its attachments can be obtained from our website at:

[www.skateaustralia.org.au](http://www.skateaustralia.org.au)

This policy is supported by Member Protection Policies that have been adopted and implemented by our member associations and affiliated clubs.

### **3. *Who is bound by this policy***

This policy applies to the following people, whether they are in a paid or unpaid/voluntary capacity:

- 3.1 persons appointed or elected to the Skate Australia board, Australian Branch committees and state branch/advisory committees
- 3.2 employees of Skate Australia Inc
- 3.3 members of the Skate Australia Inc Executive
- 3.4 support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers and others
- 3.5 coaches and assistant coaches
- 3.6 athletes
- 3.7 referees, umpires and other officials
- 3.8 members, including life members of Skate Australia Inc
- 3.9 athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by Skate Australia Inc
- 3.10 Spectators, parents, guardians and sponsors, who or which agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this policy;
- 3.11 This policy also applies to all affiliated bodies (associations, clubs, hubs and leagues)

Member bodies are required to adopt and implement this policy and to provide proof to Skate Australia of the approval of the policy by the relevant board in accordance with its constitution. Member associations must also undertake to ensure that affiliated Clubs and individual Members are bound by this policy and are made aware of this policy and what it says.

This policy will continue to apply to a person even after he or she has stopped their association or employment with Skate Australia if disciplinary action against that person has begun.

### **4. *Organisational responsibilities***

Skate Australia Inc and its affiliated bodies must:

- 4.1 adopt, implement and comply with this policy
- 4.2 ensure that the Constitution, By-laws or other rules and policies include the necessary clauses for this policy to be enforceable
- 4.3 publish, distribute and promote this policy and the consequences of any breaches
- 4.4 promote and model appropriate standards of behaviour at all times
- 4.5 deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner
- 4.6 apply this policy consistently
- 4.7 recognise and enforce any penalty imposed under this policy

- 4.8 ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies
- 4.9 use appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour e.g. Member Protection Information Officers (MPIO)
- 4.10 monitor and review this policy at least annually.

## **5. Individual responsibilities**

Individuals bound by this policy are responsible for:

- 5.1 making themselves aware of the policy and complying with the codes of behaviour it sets out
- 5.2 consenting to our screening requirements and any state/territory Working with Children Checks (WWCC) 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
- 5.3 placing the safety and welfare of children above other considerations
- 5.4 being accountable for their behaviour
- 5.5 following the steps outlined in this policy for making a complaint or reporting possible child abuse
- 5.6 complying with any decisions and/or disciplinary measures imposed under this policy.

## **6. Position statements**

### **6.1 Child protection**

Skate Australia Inc 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.

#### **6.1.1 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.

#### **6.1.2 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 behaviour. (Refer to the attachments in Part B of this policy.)

### **6.1.3 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. (Refer to the attachments in Part C of this policy.)

### **6.1.4 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 develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment.

### **6.1.5: 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.

### **6.1.6: 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. (Refer to the attachments in Part E of this policy.)

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, they may make an internal complaint. (Refer to the attachments in Part D of this policy.)

## **6.2 Taking images of children**

To ensure that images of children are not used inappropriately or illegally, Skate Australia Inc 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.

When using a photo of a child, we will not name or identify the child or publish personal information, such as a residential address, email address or telephone number, without the consent of the 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.

### **6.3 Anti-discrimination and harassment**

Skate Australia Inc aims to provide an environment where all those involved in our activities and events are treated with respect.

We recognise that people cannot participate, enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.

We prohibit all forms of harassment, discrimination and bullying based on the personal characteristics listed in the “Definitions” set out in the Dictionary of Terms (see clause 10). In most circumstances, this behaviour is against the law.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, they may make an internal complaint. In some circumstances, they may also be able to make a complaint to an external organisation. (Refer to the attachments in Part D of this policy.)

### **6.4 Sexual relationships**

Skate Australia Inc takes the position that consensual intimate relationships (whether or not of a sexual nature) between coaches 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 and the athlete.

If an athlete attempts to initiate an intimate sexual relationship with a coach, it is the coach’s responsibility to discourage the approach and to explain why such a relationship is not appropriate.

The coach or athlete may wish to seek advice or support from the Member Protection Information Officer, complaints officer or other official if they feel harassed. Our complaints procedure is outlined in Part D of this policy.

### **6.5 Pregnancy**

Pregnant women should be treated with respect and any unreasonable barriers to their full participation in our sport should be removed. We will not tolerate any discrimination or harassment against pregnant women.

Skate Australia Inc will take reasonable care to ensure the safety, health and well-being of pregnant women and their unborn children. We will advise pregnant women that there may be risks involved and encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and well-being, and that of their unborn children, are 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. We will only require pregnant women to sign a disclaimer 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 feels she has been harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint. (Refer to the attachments in Part D of this policy.)

Members bound by this policy should also refer to By-law 22 for guidance on the inclusion and support of pregnant women within skate sports.

## **6.6 Gender identity**

Skate Australia Inc is committed to providing a safe, fair and inclusive sporting environment where people of all backgrounds can contribute and participate. People who identify as transgender or transsexual should be treated fairly and with dignity and respect at all times. This includes acting with sensitivity when a person is undergoing gender transition.

We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual.

If a transgender or transsexual person feels he or she has been harassed or discriminated against by another person or organisation bound by this policy, he or she may make a complaint. (Refer to the attachments in Part D of this policy.)

Skate Australia Inc recognises that excluding transgender and transsexual people from participating in sporting events and activities has significant implications for their health, well-being and involvement in community life. In general, we will support their participation in our sport on the basis of the gender with which they identify.

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

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

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.

## **6.7 Responsible service and consumption of alcohol**

Skate Australia Inc 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/territory associations and member clubs follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy is that:

- alcohol should not be available or consumed at sporting events involving children and young people under the age of 18
- alcohol-free social events will be provided for young people and families
- food and low-alcohol and non-alcoholic drinks will be available at events we hold or endorse where alcohol is served
- a member of the event's organising committee will be present at events we hold or endorse where alcohol is served to ensure appropriate practices are followed
- safe transport options will 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](http://www.playbytherules.net.au/resources/club-toolkit).*

## **6.8 Smoke-free environment**

Skate Australia Inc recommends that the following policies be applied to all sporting and social events that we hold or endorse.

- 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, players, trainers, officials and volunteers.
- Social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas.
- Coaches, officials, trainers, volunteers and players will refrain from smoking and remain smoke-free while they are involved in an official capacity in our sport, both on and off the field.

## **6.9 Cyber-bullying**

Skate Australia Inc regards bullying and harassment in all forms as unacceptable in our sport. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.

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.

Skate Australia Inc will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. In some cases, bullying is a criminal offence punishable.

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.

Skate Australia Inc will endeavour to deliver content on their website and social media that is aimed at a diverse range of people and organisations.

Skate Australia Inc understands that there can be great variation in the way people express themselves. Accordingly, in delivering content Skate Australia Inc will freely express its ideas in innovative ways, and will endeavour to provide content that is not discriminatory, defamatory or otherwise deemed unacceptable.

Skate Australia Inc acknowledges that regard must be had to the context in which the content appears, as what may be inappropriate and unacceptable in one context may be appropriate and acceptable in another and for the purposes of this policy, regard must be given to:

- (i) the duration or prominence of the content;
- (ii) the surrounding content;
- (iii) the likely size and composition of the potential or target audience and likely expectation of the audience;
- (iv) the harm or offence likely to be caused by the inclusion of the particular content on the Website; and
- (v) the effect of the content on audiences who may come across it unawares;

in ascertaining whether the internet content is appropriate.

Skate Australia Inc is sensitive to generally accepted standards and in maintaining the internet content, Skate Australia Inc will where it deems appropriate take steps to mitigate any content likely to cause harm or offence, that has been posted by a person who is bound by this policy. When making such judgment, Skate Australia Inc will apply its discretion to the factors above, which will not necessarily carry equal weight.

Skate Australia Inc By-law 26 and clause 6.10 below provides further information on Skate Australia Inc's guidelines for acceptable online behaviour.

#### **6.10 Social networking websites**

Skate Australia Inc acknowledges the enormous value of social networking websites, such as Facebook and Twitter, to promote our sport and celebrate the achievements and success of the people involved in our sport.

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

Social media postings, blogs, status updates and/or tweets:

- must not use offensive, provocative or hateful language
- must not be misleading, false or injure the reputation of another person
- should respect and maintain the privacy of others
- should promote the sport in a positive way.

Skate Australia Inc By-law 26 and clause 6.9 above provides further information on Skate Australia Inc's guidelines for acceptable online behaviour.

Further guidance on developing a Communications Policy is available at:  
[www.playbytherules.net.au/resources/club-toolkit](http://www.playbytherules.net.au/resources/club-toolkit).

## **7. *Complaints procedures***

### **7.1 Handling complaints**

Skate Australia Inc aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of natural justice.

Any person (a complainant) who considers they have a grievance about a person, people or organisation bound by this policy, Skate Australia Inc strongly recommends that they should initially approach an MPIO for further information about the options available and correct procedure(s) to follow.

If the complainant wishes to proceed with a formal complaint, they may report a complaint about a person, people or organisation bound by this policy (respondent) if they feel they have been harassed, bullied or discriminated against or there has been a breach of this policy.

If a complaint relates to behaviour or an incident that occurred at the:

- state/territory level, or involves people operating at the state level, then the complaint should be reported to and handled by the relevant state association in the first instance; or
- club level, or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.

Only matters that relate to, or which occurred at, national level, as well as serious cases referred from the state and club level, should be dealt with by the national body.

If a complaint is unable to be resolved at state/territory level, complaints should be referred to the CEO, Sports and Development Manager or Sports and Operations Manager.

A complaint may be handled informally or formally. The complainant will usually indicate their preferred option unless the MPIO or CEO considers that the complaint falls outside this policy and should be handled another way. For example, the law may require that the complaint be reported to an external authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our procedures for handling and resolving complaints are explained further in Attachment D1.

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.

## **7.2 Improper complaints and victimisation**

Skate Australia Inc aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against the person making the complaint.

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

If at any point in the complaint handling process the MPIO and/or CEO considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or intended to cause distress to the respondent, the matter may be referred to the Tribunal for review and appropriate action, including possible disciplinary action against the complainant.

All complainants and respondents must respect the processes outlined in this policy and when these processes are being actioned, they must allow the members of Skate Australia Inc who are handling a complaint, to carry out these processes in a manner that is free from harassment or duress.

### **7.3 Mediation**

Skate Australia Inc 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 confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It may occur before or after the investigation of a complaint.

If a complainant wishes to resolve the complaint with the help of a mediator, the MPIO or CEO will, in consultation with the complainant, arrange for an independent mediator to be appointed. We will not allow lawyers to negotiate on behalf of the complainant and/or the respondent.

More information on the mediation process is outlined in Attachment D2.

### **7.4 Tribunals**

A Tribunal may be convened to hear a formal complaint:

- referred to it by the CEO;
- referred to it or escalated by a state association because of the serious nature of the complaint, because it was unable to be resolved at the state level or because the policy of the state association directs it to be; or
- for an alleged breach of this policy.

Our Tribunal procedure is outlined in Attachment D4.

A respondent may only lodge an appeal to the Appeal Tribunal in respect of a Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved. Our appeals process is outlined in Attachment D4.

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

## **8. *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:

- 8.1 breaching the codes of behaviour (see Part B of this policy)
- 8.2 failing to follow Skate Australia Inc policies (including this policy) and our procedures for the protection, safety and well-being of children
- 8.3 discriminating against, harassing or bullying (including cyber-bullying) any person
- 8.4 victimising another person for making or supporting a complaint
- 8.5 engaging in a sexual relationship with a person that he or she supervises, or has influence, authority or power over, if the relationship adversely impacts on the athlete or other athletes
- 8.6 verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport

- 8.7 disclosing to any unauthorised person or organisation any Skate Australia Inc information that is of a private, confidential or privileged nature
- 8.8 making a complaint that they know to be untrue, vexatious, malicious or improper
- 8.9 failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy
- 8.10 failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

## 9. *Disciplinary measures*

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

Any disciplinary measure imposed will be:

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

### 9.1 **Individual**

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

- 9.1.1 A direction that the individual make a verbal and/or written apology;
- 9.1.2 A written warning;
- 9.1.3 A direction that the individual attend counselling to address their behaviour;
- 9.1.4 A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Skate Australia Inc;
- 9.1.5 A demotion or transfer of the individual to another location, role or activity;
- 9.1.6 A suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.7 Termination of the individual's membership, appointment or engagement;
- 9.1.8 A recommendation that Skate Australia Inc terminate the individual's membership, appointment or engagement;
- 9.1.9 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;
- 9.1.10 A fine;
- 9.1.11 Any other form of discipline that the Skate Australia Inc Board considers appropriate.

### 9.2 **Organisation**

If a finding is made that a Skate Australia Inc member or affiliated organisation has breached its own or this policy, one or more of the following forms of discipline may be imposed by the Tribunal:

- 9.2.1 A written warning;
- 9.2.2 A fine;
- 9.2.3 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;
- 9.2.4 A direction that any funding granted or given to it by Skate Australia or relevant state association cease from a specified date;

- 9.2.5 A direction that the Skate Australia or relevant state association cease to sanction events held by or under the auspices of that organisation;
- 9.2.6 A recommendation to Skate Australia or relevant state association that its membership of the Skate Australia or relevant state association be suspended or terminated in accordance with the relevant constitution or rules;
- 9.2.7 Any other form of discipline that the national body or peak organisation considers reasonable and appropriate.

### **9.3 Factors to consider**

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

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

## **10. *Dictionary of terms***

A dictionary of terms used in this policy and its attachments is provided at: [http://www.ausport.gov.au/supporting/nso/member\\_protection](http://www.ausport.gov.au/supporting/nso/member_protection).



## PART B: CODES OF BEHAVIOUR

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Skate Australia Inc seeks 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 behaviour of athletes, coaches, officials, administrators, parents, guardians (of child participants) and spectators.

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

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

# ATTACHMENT B1

## *SKATE AUSTRALIA GENERAL CODE OF CONDUCT*

As a Member of Skate Australia Inc or a Member Organisation you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Skate Australia or a Member Organisation and in any role you hold within Skate Australia, a Member Organisation:

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

## ATTACHMENT B2

### *SKATE AUSTRALIA ADMINISTRATORS CODE OF CONDUCT*

As an administrator of Skate Australia Inc or a Member Organisation you must meet the following requirements in regard to your conduct during any activity held by or under the auspices of Skate Australia Inc or a Member Organisation and in any role you hold within Skate Australia Inc or a Member Organisation:

1. Be fair, considerate and honest in all dealing with others.
2. Be professional in, and accept responsibility for your actions. Your language, presentation, manners and punctuality should reflect high standards.
3. Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.
4. Resolve conflicts fairly and promptly through established procedures.
5. Maintain strict impartiality.
6. Maintain a safe environment for you and others.
7. Be aware of your legal responsibilities.
8. Be a positive role model for others.

## ATTACHMENT B3

### *SKATE AUSTRALIA INC ACCREDITED COACH EDUCATION PROVIDER CODE OF CONDUCT*

As a coach appointed by Skate Australia Inc or a Member Organisation you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Skate Australia Inc or a Member Organisation and in any role you hold within Skate Australia Inc or a Member Organisation:

1. Treat all students with respect at all times. Be honest and consistent with them. Honour all promises and commitments, both verbal and written.
2. Provide feedback to students and other athletes in a caring sensitive manner to their needs. Avoid overly negative feedback.
3. Recognise students' rights to consult with other coaches and advisers. Cooperate fully with other specialists (eg. sports scientists, doctors, physiotherapists etc).
4. Treat all students 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 any other condition.
5. Encourage and facilitate students' independence and responsibility for their own behaviour, performance, decisions and actions.
6. Involve the students in decisions that affect them.
7. Determine, in consultation with students and others, what information is confidential and respect that confidentiality.
8. Encourage a climate of mutual support among your students.
9. Encourage students to respect one another and to expect respect for their worth as individuals regardless of their level of play.
10. At all times use appropriate training methods which in the long term will benefit the students and avoid those which could be harmful.
11. Ensure that the tasks/training set are suitable for age, experience, ability and physical and psychological conditions of the students.
12. Be acutely aware of the power that you as a coach develop with your students in the coaching relationship and avoid any sexual intimacy with students that could develop as a result.
13. Avoid situations with your students that could be construed as compromising.
14. Actively discourage the use of performance enhancing drugs, the use of alcohol and tobacco and illegal substance.
15. Respect the fact that your goal as a coach for the student may not always be the same as that of the student. Aim for excellence based upon realistic goals and due consideration for the student's growth and development.
16. Recognise individual differences in students and always think of the student's long-term best interests.
17. Set challenges for each student which are both achievable and motivating.

18. At all times act as a role model that promotes the positive aspects of sport and of Skate Australia Inc by maintaining the highest standards of personal conduct and projecting a favourable image of Skate Australia Inc and of coaching, at all times.
19. Do not exploit any coaching relationship to further personal, political, or business interests at the expense of the best interests of your students.
20. Encourage students and coaches to develop and maintain integrity in their relationship with others.
21. Respect other coaches and always act in a manner characterised by courtesy and good faith.
22. When asked to coach a student, ensure that any previous coach-student relationship has been ended by the student-others in a professional manner.
23. Accept and respect the role of officials in ensuring that competitions are conducted fairly and according to established rules.
24. Know and abide by Skate Australia Inc rules, regulations and standards, and encourage students to do likewise. Accept both the letter and the spirit of the rules.
25. Be honest and ensure that qualifications are not misrepresented.
26. Be open to other people's opinion and willing to continually learn and develop.

# ATTACHMENT B4

## SKATE AUSTRALIA INC ACCREDITED COACH EDUCATION PROVIDER CODE OF ETHICS FORM

This form must be completed by any person seeking to be registered or re-registered to Skate Coaches Australia.

I ..... (print full name)

of .....

..... (street address)

..... (State) ..... (postcode)

wish to register/re-register (please circle) for the following Skate Coaches Australia coaching qualification (please circle):

Level 1

Level 2

Level 3

I agree and declare that:

1. I have read the Skate Australia Inc Member Protection By-Law and in particular the Skate Australia Inc Coaches Code of Conduct and agree to comply with them.
2. I acknowledge that penalties enforced against me may include de-registration of my accreditation if I commit an offence under this policy which includes a breach of the Coaches Code of Conduct.

Signature: .....Date: .....

PLEASE RETURN THIS FORM ONCE SIGNED TO  
**SKATE AUSTRALIA**  
**PO BOX 4233**  
**ROBINA TC, QLD 4230**

## **ATTACHMENT B5**

### ***SKATE AUSTRALIA INC ACCREDITED OFFICIALS EDUCATION PROVIDER CODE OF CONDUCT***

As an official appointed by Skate Australia or a Member Organisation you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Skate Australia Inc or a Member Organisation and in any role you hold within Skate Australia Inc or a Member Organisation:

#### **Sports Officials' Code Of Conduct.**

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 conflict of interest
5. Be courteous, respectful and open to discussion and interaction
6. Value the individual in sport
7. Seek continual self-improvement through study, performance appraisal, and regular updating of competencies
8. Encourage inclusivity and access to all areas of officiating
9. Be a positive role model in behaviour and personal appearance
10. Refrain from any form of personal abuse towards athletes
11. Refrain from any form of sexual harassment towards athletes
12. Show concern and caution towards sick and injured athletes

# ATTACHMENT B6

## SKATE AUSTRALIA INC ACCREDITED OFFICIALS EDUCATION PROVIDER CODE OF ETHICS FORM

This form must be completed by any person seeking to be registered or re-registered as a Skate Australia Inc official.

**TO:** Skate Australia

I, ..... (full name) of .....  
..... (address)

I am seeking registration / re-registration (please circle) for the following National Officiating Accreditation Scheme (NOAS) qualification:

..... (level)..... (sport)  
..... (discipline)

**I agree to the following terms:**

1. I agree to abide by Skate Australia Inc’s Official’s Code of Conduct
2. I acknowledge that Skate Australia Inc may take action against me, if I breach the code of ethics. I understand that Skate Australia Inc are required to implement a complaints handling procedure in accordance with the principles of natural justice, in the event of an allegation against me.
3. I acknowledge that penalties enforced against me may include de-registration from the NOAS.

Please refer to the Harassment-free Sport Guidelines available from the Australian Sports Commission or contact Skate Australia Inc if you require more information on harassment issues.

Signed: ..... Dated:

(Parent/guardian if under 18 years of age)



## **ATTACHMENT B7**

### ***SKATE AUSTRALIA INC PARTICIPANTS CODE OF CONDUCT***

As an Athlete in any activity held by or under the auspices of Skate Australia Inc or a Member Organisation 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 fellow athletes, coaches, officials and spectators.
2. Refrain from conduct which could be regarded as any form of harassment towards fellow athletes and coaches.
3. Respect the talent, potential and development of fellow squad athletes and competitors.
4. Care and respect the equipment provided to you as part of your program.
5. Be frank and honest with your coach concerning illness and injury and your ability to train fully within the program requirements.
6. Conduct yourself in a professional manner relating to language, temper and punctuality.
7. Maintain high personal behaviour standards at all times.
8. Abide by the rules and respect the decision of the umpire, match referee or other adjudicator, make all appeals through the formal process and respecting the final decision.
9. Be honest in your attitude and preparation to training. Work equally hard for yourself and your team.
10. Cooperate with coaches and staff in development of programs to adequately prepare you for competition at the highest level.

## ATTACHMENT B8

### *SKATE AUSTRALIA INC PARENT / GUARDIAN CODE OF CONDUCT*

As a parent / guardian of a participant in any activity held by or under the auspices of Skate Australia or a Member Organisation you must meet the following requirements in regard to your conduct during any such activity or event:

1. Treating your child the same irrespective of their result.
2. Remembering that your child participates in Skate for their enjoyment not yours.
3. Trying to have fun when you are around your children at competitions. Well-directed humour can be a great de-stressor.
4. Looking relaxed, calm and positive on the sidelines.
5. Making friends with other parents at competitions.
6. Getting involved in appropriate ways if your child or the coach behaves in unacceptable ways during competitions.
7. Letting the coach do the coaching.
8. Understanding that children will benefit from a break sometimes and that involvement in other sports is okay.
9. Being there when the child performs poorly. Be an understanding listener rather than a critic, judge or fixer.
10. Being prepared to give your child some space so that they can grow and develop as an independent person.
11. Letting your child know that your love for them is not associated with their sporting performances.
12. Communicating with your child and asking them how they are really feeling about their sport and about competing in particular.
13. Occasionally letting your child compete without you being there and hovering over them.
14. Emphasising the good things your child did in preparing for and during the match/tournament.
15. Try to avoid:
  - Saying “we’re playing today”. Instead say “you’re playing today”. Give your child credit for accepting the responsibility of performing.
  - Getting too pushy or believe that you are indispensable.
  - Living through your child’s performances.
  - Turning away when your child performs.
  - Turning away when your child’s behaviour is unsportsmanlike.

- Telling your child what they did wrong after a tough match/tournament/competition.
- Making enemies with your child's opponent(s) or family during a match/tournament/competition.
- Making your child feel guilty by reminding them about all the time, money and sacrifices you are making for their sport.
- Thinking of your child's sporting performances as an investment for which you expect a return.
- Badgering, harassing or use sarcasm to motivate your child.
- Comparing your child's performances with those of other children.
- Forcing your child to go to training. If they are sick of training find out why and discuss it with them.

## PART C: EMPLOYMENT SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

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Skate Australia Inc are committed to providing a child-safe environment. 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.

WWCC laws are currently in place in New South Wales, Queensland, Western Australia, Victoria, the Northern Territory, the Australian Capital Territory and South Australia.

Skate Australian Inc, including our state/territory associations and clubs, will meet the requirements of the relevant state or territory WWCC laws.

Employment screening requirements will also be followed in and Tasmania.

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.

### *Background*

Child protection is about keeping children safe from harm/abuse. Child abuse is illegal, and all states and territories have their own systems and laws that cover screening and/or the reporting and investigation of cases of child abuse.

WWCC laws aim to prevent people who pose a risk from working with children as paid employees or volunteers. In New South Wales (NSW), Queensland, Western Australia (WA), Victoria, Northern Territory, Australian Capital Territory (ACT) and South Australia, laws require individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with children. This is done by checking certain criminal history and other matters. In some states this also involves reviewing relevant findings from disciplinary proceedings. There are also requirements placed on organisations.

Tasmania are currently reviewing their screening laws. New requirements and amendments will be added to this policy as they are introduced. There is no current screening process or formal legislation, however, individual employers or sporting organisations may require police checks at their discretion.

Please be aware that state and territory WWCC requirements may also apply to individuals who visit states/territories with screening laws. For example, if a state association or club takes players U18 into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with NSW law.

The state WWCC requirements apply regardless of our national, state or club Member Protection Policy.

Legislation in some states/territories provide exemptions for people visiting other states/territories temporarily from obtaining any additional WWCC clearance for the duration of their visit. These states include:

- Victoria
- NSW

- WA

Anyone working in a paid or unpaid role outside of the state or territory that issued their WWCC should seek further information.

The following attachments provide:

- summary information on state and territory WWCC requirements and where to obtain more information and relevant forms
- our Member Protection Declaration (for all states/territories except NSW who must complete a Prohibited Employment Declaration provided by the NSW Commission for Children and Young People)
- our screening requirements for people residing in Tasmania

## Attachment C1

### SCREENING REQUIREMENTS

#### **for states/territories without Working With Children Checks such as Tasmania**

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This attachment sets out the screening process for people in Skate Australia Inc who work, coach, supervise or have regular unsupervised contact with people under the age of 18 years.

Skate Australia Inc will, and also requires state associations and clubs to:

1. Identify positions that involve working, coaching, supervising or regular unsupervised contact with people under the age of 18 years.
2. Obtain a completed *Member Protection Declaration* (MPD) (Attachment C2) from all people who are identified in the above step and keep it in a secure place.
3. Provide an opportunity for a person to give an explanation if a MPD isn't provided or it reveals that the person does not satisfy all of the clauses in the MPD. We will then make an assessment as to whether the person is be unsuitable to work with people under the age of 18 years. If unsatisfied, we will not appoint them to the role/position.
4. Where possible, check a person's referees (verbal or written) about their suitability for the role.
5. Ask the people identified in step 1 to sign a consent form for a national police check.
6. Possibly request (or ask the person to request) a national 'Part Exclusion' police check from our relevant police jurisdiction. This check excludes irrelevant records. If the police check indicates a relevant offence, we will provide an opportunity for the person to give an explanation, and then we will make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years. If unsatisfied, we will not appoint them to the role/position.
7. Make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years if the person does not agree to a national police check after explaining why it is a requirement under our policy. If unsatisfied, we will not appoint them.
8. Decide whether to offer the person the position taking into account the result of the police check and any other information the club has available to it. Where it is not practical to complete the police check prior to the person commencing in the position, we will complete the check as soon as possible, and if necessary, act immediately on the outcome.
9. Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the checking process.
10. Return information collected during screening (such as a completed MPD form, police records and referee reports) to the relevant person if that person is not appointed to the position, or otherwise be destroyed within 28 days of the date of the decision or the expiry of any appeal period, unless within that time the person requests that the documents be returned to them. For appointed persons, information will be kept on file in a secure location.

## Attachment C2

### MEMBER PROTECTION DECLARATION

Skate Australia Inc has a duty of care to all those associated with the sport at the national level and to the individuals and organisations to whom our national Member Protection Policy applies. As a requirement of our national Member Protection Policy, Skate Australia Inc must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

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

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

sincerely declare:

1. I do not have any criminal charge(s) pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence.
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 Skate Australia Inc may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed.

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

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

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#### Parent/Guardian Consent (in respect 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/ward are true and correct in every particular.

Name:.....

Signature:.....

Date: .....

## Attachment C3

### *WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS*

The following information was updated in April 2014. It is subject to change at any time.

#### **1. QUEENSLAND**

A person will need a Working with Children Check (“WWC Check”), also known as a blue card, if they propose to work in a paid or voluntary capacity or to carry on a business in a child-related area regulated by the *Commission for Children and Young People and Child Guardian Act 2000*, for at least:

- Eight consecutive days; or
- Once a week for each week during a period of four weeks; or
- Once a fortnight for each fortnight during a period of eight weeks; or
- Once a month for each month during a period of six months.

Once a person is checked and approved, they are issued with a blue card. Volunteers and paid employees employed in a sporting organisation generally fall under the ‘churches, clubs and associations’ category of regulated employment. Volunteers and paid employees employed in private businesses may fall under the ‘sport and active recreation’ category of regulated employment. The check is a detailed national criminal history check including charges and investigations relating to children.

Police Officers and registered teachers do not need to apply for a blue card when providing child related services that fall outside of their professional duties. They should however apply to the Commission for an exemption card.

People such as those with previous convictions involving children are disqualified from applying for or renewing a blue card (refer to website below for details).

It is compulsory for employers/organisations to notify the Commission if they employ someone who already holds a blue card.

A blue card remains current for two years. Existing card holders will be notified by the Queensland Commission for Children and Young People and Child Guardian before their card expires. Volunteers who are under 18 years of age do not require a Blue Card; however, employees under 18 years of age do require a blue card. In addition to obligations regarding the blue card, employers must develop and implement a written child protection risk management strategy and review it each year.

For more information on the blue card, including current forms:

- Visit: [www.ccypcg.qld.gov.au](http://www.ccypcg.qld.gov.au) or
- Call: 1800 113 611

#### **2. NEW SOUTH WALES**

The *Commission for Children and Young People Act 1998* (NSW) provides minimum standards for those who work with children. All organisations within NSW that employ people in child-related employment (in a paid or unpaid capacity) must meet the requirements of the WWC Check. Child-related employment is defined as work that primarily involves direct unsupervised contact with



children. Applicants applying for paid positions can apply online through the NSW Office of the Children's Guardian or by contacting them by telephone.

The first step is to submit your Working with Children Check application online by going to [www.check.kids.nsw.gov.au](http://www.check.kids.nsw.gov.au).

Once your application form has been completed online, you will be given an application (APP) number.

Then, to complete the application, you must take your application number along with proof of identity to a NSW Motor Registry, Government Access Centre, or Service NSW office.

Paid workers will be required to provide the fee of \$80. For Volunteers, the Check is free.

Any relevant employment proceedings should be reported to the Commission for Children and Young People for any paid and unpaid employees. A relevant employment proceeding involves any inappropriate conduct with or in the presence of a child or children.

The Act does not stipulate an age at which WWC Checks become mandatory for employees in child-related employment, so all employees in such settings, including people under 18 years of age, are required to obtain a WWC Check.

A WWC Check is valid for five years. Cleared applicants are subject to ongoing monitoring, and relevant new records may lead to the clearance being revoked.

For more information, including the required forms:

- Visit: [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)
- <http://www.kids.nsw.gov.au/Working-with-children/New-Working-with-Children-Checker>
- Call: 02 9286 7219

### **3. WESTERN AUSTRALIA**

The *Working with Children (Criminal Record Checking) Act 2004* (the Act) aims to protect children from harm by providing a high standard of compulsory national criminal record check for people wishing to work in paid or unpaid child-related work or volunteer child-related work in WA.

A person is considered to be working in 'child-related work' if their usual duties and work involves, or is likely to involve contact with a child in connection with specified categories of work (see the website below for further details). It includes child-related work carried out by paid employees, volunteers, unpaid people and the self-employed. Parents volunteering in connection with their child's activity are exempt (although this does not apply to overnight camps); however they should still be required to complete the non-WWC Check screening process. There are other exemptions, for example, volunteers under 18 years of age. Further details about exemptions can be found on the website below. Only those considered to be working in child-related work under the Act may apply.

Application forms may be obtained at and submitted through an Australian Post Office.

Applicants will be issued with either:

- An Assessment Notice in the form of a WWC Check Card enabling them to be in all types of child-related work for three years unless there are new offences of concern.

- An Interim Negative Notice, which prohibits them from child-related work until a final decision is made on their application.
- A Negative Notice, which prohibits them from carrying out child-related work (including voluntary work)

It is an offence for employers, volunteer organisations and education providers to engage in child – related work without a WWC Check Card. It is also an offence for employees, volunteers and students to carry out child-related work without doing so. The Act provides a five day grace period in most cases to provide reasonable flexibility and allow for unforeseen circumstances.

For more information:

- Visit: [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au); or
- Call:1800 883 979 (toll free)

#### **4. VICTORIA**

The WWC Check creates a mandatory minimum checking standard across Victoria. The *Working with Children Act 2005* requires that some people who work or volunteer in child-related work require a WWC Check. WWC Checks are valid for five years and must be renewed if you intend to continue to undertake ‘child-related work’ after your WWC Check Card expires.

The WWC Check) reviews relevant information from the police force in Victoria, the Australian Federal Police and police in all other Australian states and territories. The WWC Check may also examine the findings of courts, Corrections Victoria, the Department of Human Services and information from employers or any other source it considers relevant. There is an exemption for volunteers whose own children are involved in the particular activity; however they should still be required to complete the screening process.

A person who has no criminal or professional disciplinary history will be granted an *Assessment Notice*. This notice will entitle the person to undertake child-related work in Victoria and is valid for five years (unless revoked). As of the 1<sup>st</sup> of December, 2010 the *Assessment Notice* became the WWC Check Card and not the A4-Style Assessment Notice. Cardholders can now show employers and organisations who employ them in ‘child-related work’, the card itself, as legal proof that they have passed the Check. A person deemed unsuitable to work or volunteer with children will be given a *negative notice* and cannot work in child-related work in Victoria.

Card holders do not need to apply for a new WWC Check Card when they change their employer or volunteer organisation, unless they are moving from volunteer status to paid work status.

People under 18 years of age do not require a WWC Check Card.

Police Checks can also be obtained via Victoria Police at <http://www.police.vic.gov.au/>

For more information:

- Visit: [www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren); or
- Call:1300 652 879

#### **5. SOUTH AUSTRALIA**

The South Australian system is an employer driven point-in-time system requiring employers and responsible authorities to obtain National Police Checks and conduct wider screening assessment for

those engaging in child-related occupations/volunteering. The obligation to conduct the National Police Check rests with the organisation providing the service.

### **Assessments required for prescribed positions**

All staff and volunteers who occupy a prescribed position (as set out under section 8B (8) of the South Australian *Children's Protection Act 1993*) are required to undergo a criminal history assessment once every three years unless an exemption applies. (see below)

Criminal history assessments are also required prior to the appointment of new staff or volunteers to prescribed positions.

This includes all people who regularly work with or around children in an unsupervised capacity or have access to children's records.

### **Procedure for conducting criminal history assessments**

A current letter of clearance from the Department for Communities and Social Inclusion (DSCI) Screening Unit is a requirement for all persons taking on a role in a prescribed position prior to their appointment and then at three yearly intervals.

The cost of obtaining a letter of clearance will be negotiated between the [NSO/organisation], the club or applicant.

Skate Australia Inc may obtain a further criminal history assessment for an employee at any time that the [Skate Australia Inc believes it necessary or desirable for the purpose of maintaining a child safe environment.

The informed written consent of the applicant or employee is required prior to conducting a criminal history assessment. The Screening Unit's informed consent form is available from <http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=934>

- Information relating to a persons criminal history and the assessment process is managed securely and confidentially and in accordance with the Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children issued by the Chief Executive, Department for Families and Communities. <http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=281>

### **Other evidence**

Where appropriate, Skate Australia Inc may utilise a number of forms of evidence (obtained within the last three years) to assess a person's suitability to work with children. This includes:

- A National Police Certificate that does not expressly state that it cannot be used as a clearance to work with children
- A letter of clearance to work with children from the Department for Families and Communities Screening Unit
- A valid and current interstate working with children check.

Acceptance of other forms of evidence is at the discretion of Skate Australia Inc and is subject to the person completing a 100-point check to confirm the true identity of the applicant.

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

## Exemptions from the requirement to conduct criminal history assessments

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

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

For more information, visit:

- <http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=281>
- <http://www.recsport.sa.gov.au>

## 6. **NORTHERN TERRITORY**

The *Care and Protection of Children Act 2007* (NT) highlights a number of initiatives the Northern Territory Government has designed to help keep children safe and prevent harm and exploitation of children, amongst other things.

It is mandatory for employees and volunteers aged 15 years and over who have contact or potential contact with children to hold a Working With Children Clearance Notice also known as an Ochre Card.

The Children Clearance Screening has three components:

1. A National Police Records Check;
2. Employment History; and
3. Other material

It is the responsibility of the person who wants to work or volunteer with children to apply for the WWC Clearance Notice and ensure that it remains valid, however, it is also an offence to employ an individual in child related employment if the employee does not hold a valid Working with Children Clearance Notice.

Individual organisations may also have their own policies that require people working with children and young people to undergo a Police Check. The Northern Territory Police Department provides information on obtaining Police Checks at [www.pfes.nt.gov.au](http://www.pfes.nt.gov.au).

For more information:

- Visit: <http://www.workingwithchildren.nt.gov.au>; or
- Call: 1800 SAFE NT (1800 723 368)

## **7. AUSTRALIAN CAPITAL TERRITORY**

The ACT Working with Vulnerable People Background Check requires that individuals engaging in regulated activities or services, including where these are provided to children, must be registered. A statutory Screening Unit within the Office of Regulatory Services, Justice and Community Safety Directorate is responsible for applications for registration.

The registration is valid for 3 years and is subject to ongoing monitoring. There are three types of registration administered to individuals under the Working with Vulnerable People Background Check: general registration, which is transferable across all roles and organisations; role-based registration; and conditional registration. For more information including forms and fees:

- Visit: [www.aifs.gov.au](http://www.aifs.gov.au); and
- [www.afp.gov.au/what-we-do/police-checks/national-police-checks.aspx](http://www.afp.gov.au/what-we-do/police-checks/national-police-checks.aspx)

## **8. TASMANIA**

There is no formal legislation or relevant screening program in Tasmania. Individual employers may require police checks at their discretion.

The Good Character Check screening program came into force on 1 January 2012, requiring that staff members, volunteers and students on practicum placement obtain a security screen clearance in order to engage in work with regulated education and care services only. The Good Character Check includes consideration of crimes of violence; sex-related offences; serious drug offences; crimes involving dishonesty; and serious traffic offences. Employers in other child-related work may require police checks at their discretion.

A screening program does exist for persons engaged in the childcare industry. It is a requirement of the Department of Education that safety screening is undertaken for the following:

- Child care staff;
- Home base child carers; and
- Volunteers and students, including those under 18 years of age.

Police Checks can be obtained from the Tasmanian Police Department at [www.police.tas.gov.au](http://www.police.tas.gov.au).

## **PART D: COMPLAINT HANDLING PROCEDURES**

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

We will provide individuals with an informal and informal process to resolve the matter, along with access to an external complaint handling body, based on their preferences and the nature of the complaint.

We also provide an appeals process for those matters where it is required.

We will maintain confidentiality as far as possible and ensure that no one is victimised for making, supporting or providing information about a complaint.

## **Attachment D1**

### *COMPLAINTS PROCEDURE*

All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

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

If you wish to remain anonymous, Skate Australia Inc may have difficulty assisting you to resolve your complaint. Procedural fairness and natural justice requires Skate Australia Inc to provide the person, people or organisation that you have complained about with full details of the complaint so they have a fair chance to respond.

#### **INFORMAL APPROACHES**

##### **Step 1: Talk with the other person (where this is reasonable, safe and appropriate)**

In the first instance, you (the Complainant) should try to sort out the problem with the person or people involved (respondent) if you feel able to do so.

##### **Step 2: Contact a Member Protection Information Officer (MPIO)**

Talk with one of our MPIOs if:

- the step 1 is not possible or reasonable;
- you are not sure how to handle the problem by yourself;
- you want to talk confidentially about the problem with someone and obtain more information about what you can do; or
- the problem continues after you tried to approach the person or people involved.

A complainant should speak with an MPIO from their club or state/territory where possible.

The MPIO will:

- take confidential notes about your complaint;
- try to find out the facts of the problem;
- ask what your desired outcome is, how you want the problem resolved and if you need support;
- provide possible options for you to resolve the problem;
- act as a support person if you so wish;
- refer you to an appropriate person (e.g. Mediator) to help you resolve the problem, if necessary;
- inform the relevant legislated authorities and/or police if required by law to do so;
- maintain confidentiality.

##### **Step 3: Outcomes from initial contact**

After talking with the MPIO, you may decide:

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

## FORMAL APPROACHES

### Step 4: Making a Formal complaint

If a complaint relates to behaviour or an incident that occurred at the:

- state/territory level, or involves people operating at the state level, then the complaint should be reported to and handled by the relevant state association in the first instance; or
- club level, or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.

Only matters that relate to, or which occurred at, national level, as well as serious cases referred from the state and club level, should be dealt with by the national body.

If a complaint is unable to be resolved at state/territory level, complaints may be referred to the CEO, Sports and Development Manager or Sports and Operations Manager.

The Skate Australia Inc Sports and Development Manager and Sports and Operations Manager will also be MPIOs.

If your complaint is not resolved or informal approaches are not appropriate or possible, you may:

- make a formal complaint in writing to the CEO
- approach a relevant external agency such as an anti-discrimination commission, for advice.

On receiving a formal complaint and based on the material you have provided, the CEO will decide whether:

- they are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure;
- to refer the complaint to mediation;
- to appoint a person to investigate (gather more information on) the complaint;
- to refer the complaint to a hearings tribunal;
- to refer the matter to the police or other appropriate authority; and/or
- to implement any interim arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the CEO will take into account:

- whether they have had any personal involvement in the circumstances which means that someone else should handle the complaint;
- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- the relationship between you and the respondent (eg. an actual or perceived power imbalance between you and the respondent);
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the possibility that you will be subject to further unacceptable behaviour while the complaint process is underway.

If the CEO is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

- put the information they've received from you to the person/people you're complaining about and ask them to provide their side of the story;
- decide if they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or



- determine what, if any, further action to take. This action may include disciplinary action in accordance with this policy.

#### **Step 5: Investigation of the complaint**

- A person appointed under Step 3 will conduct an investigation and provide a written report to determine what further action to take;
- If the complaint is referred to mediation, it will be conducted in accordance with Attachment D2 or as otherwise agreed by you and the respondent and the mediation provider;
- If the complaint is referred to a hearings tribunal, the hearing will be conducted in accordance with Attachment D5;
- If the complaint is referred to the police or other appropriate authority, Skate Australia Inc will use its best endeavours to provide all reasonable assistance to the police or other authority.
- It must be made clear to all parties that the investigator is not seeking to resolve the matter, decide whether any breach of this Policy has occurred, or to impose any penalty. Any decision about a breach of this policy must be referred to an independent tribunal, and wherever possible, mediations should be conducted by an independent mediator.

#### **Step 6: Reconsideration of initial outcome/investigation or appeal**

If, under the formal complaint process, mediation is unsuccessful, you may request that CEO reconsider the complaint in accordance with Step 3.

You or the respondent(s) may be entitled to appeal. The grounds and process for appeals under this Policy are set out in Attachment D5.

#### **Step 7: Documenting the resolution**

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

#### **EXTERNAL APPROACHES**

There are a range of other options available depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from your State or Territory anti-discrimination commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be harassment within its jurisdiction, you may lodge a formal complaint with the commission.

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

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

*You could also approach another external agency such as the police.*

## *Attachment D2*

### *MEDIATION*

Mediation is a process during which people in conflict are helped to communicate with each other to identify the areas of dispute and to make decisions about resolving it. This attachment outlines the general procedure of mediation that will be followed by Skate Australia Inc.

1. If mediation is chosen, the MPIO will, under the direction of the Skate Australia Inc and in consultation with the complainant and the respondent(s), arrange for a mediator.
2. The mediator's role is to assist the complainant and respondent(s) reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and respondent(s), will choose the procedures to be followed during the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.
3. The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached which will be signed by them as their agreement.
5. If the complaint is not resolved by mediation, the complainant may:
  - a. Write to CEO to request that the CEO reconsider the complaint in accordance with Step 3; or
  - b. Approach an external agency such as an anti-discrimination commission.
6. Mediation will **not** be recommended if:
  - a. The respondent has a completely different version of the events and will not deviate from these;
  - b. The complainant or respondent are unwilling to attempt mediation;
  - c. Due to the nature of the complaint, the relationship between the complainant and the respondent(s) or any other relevant factors, the complaint is not suitable for mediation;  
or
  - d. The matter involves proven serious allegations, regardless of the wishes of the Complainant.

## Attachment D3

### *INVESTIGATION PROCESS*

If an investigation needs to be conducted to gather more information the following steps will be followed:

1. Skate Australia Inc will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator will:
  - 1.1 Interview the complainant and record the interview in writing.
  - 1.2 Convey full details of the complaint to the respondent(s) so that they can respond.
  - 1.3 Interview the respondent to allow them to answer the complaint, and record the interview in writing.
  - 1.4 Obtain statements from witnesses and other relevant evidence to assist in a determination, if there is a dispute over the facts
  - 1.5 Make a finding as to whether the complaint is:
    - substantiated (there is sufficient evidence to support the complaint);
    - inconclusive (there is insufficient evidence either way);
    - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
    - mischievous, vexatious or knowingly untrue.
  - 1.6 Provide a report documenting the complaint, investigation process, evidence, finding and, if requested, recommendations.
2. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person/adviser (e.g. MPIO or other person).
4. The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation. Information on our appeals process is in Attachment D5.

## Attachment D4

### TRIBUNAL PROCEDURE

The following will be adhered to by hearings tribunals established by Skate Australia Inc to hear national member protection related complaints (Tribunal Panel).

#### Preparation for Tribunal Hearing

1. A Tribunal Panel will be constituted following the rules outlined in Skate Australia Inc's Constitution, to hear a complaint that has been referred to it by the CEO. The number of Tribunal members required to be present throughout the hearing will be three.
2. The Tribunal members will be provided with a copy of all the relevant correspondence, reports or information received relating to the complaint/allegations.
3. The Tribunal hearing will be scheduled as soon as practicable, but must allow adequate time for the person being complained about (respondent(s)) to prepare their case for the hearing.
4. The Tribunal Panel will not include any person who has any actual or perceived conflict of interest, or bias regarding the matter.
5. The Hearing Officer will inform the respondent(s) in writing that a tribunal hearing will take place. The notice will outline:
  - That the person has a right to appear at the tribunal hearing to defend the complaint/allegation;
  - Details of the complaint, and details of all allegations and the clause of any policy or rule allegedly breached;
  - The date, time and venue of the tribunal hearing;
  - That they can make either verbal or written submissions to the Tribunal;
  - That they may arrange for witnesses to attend the Tribunal in support of their position (statutory declarations of witnesses not available or from character witnesses may also be provided to the Tribunal);
  - An outline of any possible penalties that may be imposed if the complaint is found to be true; and
  - That legal representation will not be allowed. If the respondent is a minor, they should have a parent or guardian present.

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

The respondent(s) will be allowed to participate in all Skate Australia Inc activities and events, pending the decision of the Tribunal, including any available appeal process, unless the CEO believes it is necessary to exclude the respondent(s) from all or some Skate Australia Inc activities and events, after considering the nature of the complaint.

6. The Hearing Officer will notify the complainant in writing that a tribunal hearing will take place. The notice will outline:
  - That the person has a right to appear at the tribunal hearing to support their complaint;
  - Details of the complaint, including any relevant rules or regulations the respondent is accused of breaching
  - The date, time and venue of the tribunal hearing;
  - That they can make either verbal or written submissions to the Tribunal;
  - That they may arrange for witnesses to attend the Tribunal in support of their position (or provide statutory declarations from witnesses unable to attend); and
  - That legal representation will not be allowed. If complainant is a minor, they should have a parent or guardian present.

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

7. If the complainant believes the details of the complaint are incorrect or insufficient they should inform the CEO as soon as possible so that the respondent and the Tribunal Panel members can be properly informed of the complaint.
8. It is preferable that the Tribunal include at least one person with knowledge or experience of the relevant laws/rules (e.g. Discrimination).

### **Tribunal Hearing Procedure**

9. The following people will be allowed to attend the Tribunal Hearing:
  - The Tribunal members;
  - The respondent(s);
  - The complainant;
  - Any witnesses called by the respondent;
  - Any witnesses called by the complainant;
  - Any parent / guardian or support person required to support the respondent or the complainant.
10. If the respondent(s) is not present at the set hearing time and the Tribunal Chairperson considers that no valid reason has been presented for their absence, the Tribunal Hearing will continue subject to the Tribunal Chairperson being satisfied that all Tribunal notification requirements have been met.
11. If the Tribunal Chairperson considers that a valid reason for the non-attendance of the respondent(s) has been presented, or the Tribunal Chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal will be rescheduled to a later date.
12. The Tribunal Chairperson will inform the Hearing Officer of the need to reschedule, and the Hearing Officer will organise for the Tribunal to be reconvened.
13. The Tribunal Chairperson will read out the complaint, ask the respondent(s) if they understand the complaint and if they agree or disagree with the complaint.
14. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal Panel when determining any disciplinary measures (penalty).
15. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
  - Reference may be made to brief notes.
  - The complainant may call witnesses.
  - The respondent(s) may question the complainant and witnesses.
16. The respondent(s) will then be asked to respond to the complaint.
  - Reference may be made to brief notes.
  - The respondent may call witnesses.
  - The complainant may ask questions of the respondent and witnesses.
17. Both the complainant and respondent may be present when evidence is presented to the Tribunal. Witnesses may be asked to wait outside the hearing until required.
18. The Tribunal may:
  - consider any evidence, and in any form, that it deems relevant.
  - question any person giving evidence.
  - limit the number of witnesses presented to those who provide any new evidence.
  - Require (to the extent it has power to do so) the attendance of any witness it deems relevant;
  - Act in an inquisitorial manner in order to establish the truth of the issue/case before it.
19. Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.

20. If the Tribunal considers that at any time during the Tribunal Hearing there is any unreasonable or intimidating behaviour from anyone, the Chairperson may deny further involvement of the person in the Tribunal Hearing.
21. After all of the evidence has been presented the Tribunal will make its decision in private. The Tribunal must decide whether the complaint has been substantiated on the balance of probabilities (i.e. more probable than not). As the seriousness of the allegation increases, so too must the level of satisfaction of the Tribunal that the complaint has been substantiated. The respondent will be given an opportunity to address the Tribunal on disciplinary measures which might be imposed. Disciplinary measures imposed must be reasonable in the circumstances.
22. All Tribunal decisions will be by majority vote.
23. The Tribunal Chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed, or may advise those present that the decision is reserved and will be handed down in written form at a later time.
24. Within 48 hours, the Tribunal Chairperson will:
  - Forward to the CEO a notice of the Tribunal decision including any disciplinary measures imposed.
  - Forward a letter to the respondent(s) reconfirming the Tribunal decision and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an appeal. \Where the matter is of unusual complexity or importance, the Tribunal Chairperson may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours.
25. The Tribunal does not need to provide written reasons for its decision.

### **Appeals Procedure**

Appeals are limited to denial of natural justice or an unfair / unreasonable penalty.

26. A complainant or a respondent(s) who is not satisfied with the decision of a Complaints Manager, the outcome of mediation or a Tribunal decision can lodge one appeal to Skate Australia Inc on one or more of the following bases:
  - 26.1 That a denial of natural justice has occurred; or
  - 26.2 That the disciplinary measure(s) imposed is unjust and/or unreasonable.
  - 26.3 That the decision was not supported by the information/evidence provided to the Complaints Manager/Mediator/Tribunal;
27. A person wanting to appeal in accordance with clause 25 must lodge a letter setting out the basis for their appeal with the CEO within 2 days of the relevant decision. An appeal fee of \$300 shall be included with the letter of intention to appeal.
28. If the letter of appeal (with accompanying fee stated in clause 27) is not received by the CEO within the time period the right of appeal lapses.
29. The letter of appeal and notice of tribunal decision (clause 24) will be forwarded to the President to review and decide whether there are sufficient grounds for the appeal to proceed. The President may invite any witnesses to the meeting it believes are required to make an informed decision.

30. If the appellant has not shown sufficient grounds for appeal in accordance with clause 26, then the appeal will be rejected and the fee forfeited. The appellant will be notified with reasons.
31. If the appeal is accepted an Appeal Tribunal with a new panel will be convened to rehear the complaint, and the appeal fee will be refunded.
32. The Tribunal Procedure shall be followed for the appeal.
33. The decision of an Appeal Tribunal will be final.

## Attachment D4



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

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We will ensure that all the complaints we receive, both formal and informal, 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 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.



What they are going to do now	
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This record and any notes must be kept in a confidential and safe place – do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be sent to the MPIO.

## Attachment E2

### CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received:    /    /
Complainant's contact details	Phone: Email:	
Complainant's Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official .....	
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official .....	
Location/event of alleged issue		
Description of alleged issue		
Nature of complaint (category/basis/grounds)  Can tick more than one box	<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"/> Victimization <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other .....	

Methods (if any) of attempted informal resolution	
Formal resolution procedures followed (outline)	
If investigated: Finding -	
If went to hearing tribunal: Decision -  Action recommended -	
If mediated: Date of mediation -  Were both parties present -  Terms of Agreement -  Any other action taken -	
If went to appeals tribunal: Decision  Action recommended	

Resolution	<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: / /
Signed by:	Complainant:  Respondent:

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

## Attachment E3

### *PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE*

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. It is not the responsibility of anyone working in Skate Australia Inc in a paid or unpaid capacity to decide whether or not child abuse has taken place. However, there is a responsibility to act on any concerns by reporting these to the appropriate authorities. The following outlines the key steps to follow. More information can be obtained from State or Territory government agencies.

#### **Step 1 – Initial Receipt of an Allegation**

If a child or young person discloses an allegation involving harm or abuse to them or another child, then it is crucial that you:

- Stay calm;
- Listen, be supportive and do not challenge or undermine what the child says;
- Reassure the child that what has occurred is not the fault of the child;
- Be honest with the child and explain that other people may need to be told in order to stop what is happening;
- Ensure you are clear about what the child has said but do not elicit detailed information, ask leading questions or offer an opinion;
- Act promptly to accurately record the discussion in writing;
- Do not discuss the details with any person other than those detailed in these procedures; and
- Do not contact the alleged offender.

#### **Step 2 – Report allegations**

- Immediately report any allegation or disclosure of child abuse or situation involving a child at risk of harm, to the police and/or government child protection agency. You may need to report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the complaint should be reported (for example, the allegation may relate to poor/inappropriate practice).
- If the child's parent/s is suspected of committing the abuse, you should report the allegation to the relevant government agency.
- If the allegation involves anyone to whom our policy applies, then also report the allegation to the CEO of Skate Australia Inc so that they can manage the situation (e.g. contact the parents following advice from the authorities, deal with any media enquiries and manage steps 3 and 4).

#### **Step 3 – Protect the child and manage the situation**

- The CEO will assess the risks and take interim action to ensure the child's/children's safety. Action Skate Australia may implement includes redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined.
- The CEO will consider the kind of support that the child(ren) and parents may need (e.g. counselling, helplines, support groups).
- The MPIO will address the support needs of the alleged offender.
- The MPIO will also put in place measures to protect the child and the person against whom the complaint is made from victimisation and gossip. If the person is stood down, it should be made clear to any persons aware of the incident that this does not mean the respondent is guilty and a proper investigation will be undertaken.

#### **Step 4 – Internal action**

- Where there is an allegation made against a person to whom this policy applies, there may be three types of investigations:
  - Criminal (conducted by police)

- Child protection (conducted by child protection authority)
  - Disciplinary or misconduct (conducted by Skate Australia Inc)
- Irrespective of the findings of the child protection and/or police inquiries, Skate Australia Inc will assess the allegation to decide whether the person should be reinstated, banned, have their employment or position terminated or any other action.
- The decision-maker(s) will consider all the information, including the findings of the police, government agency and/or court, and determine a finding, recommend action and explain its rationale for the action. This may be a difficult decision particularly where there is insufficient evidence to uphold any action by the police.
- If disciplinary action is to be taken, the procedures outlined in Clause 9 of the policy will be followed.
- If disciplinary action is taken, Skate Australia Inc will advise and provide a report to the relevant government authority should this be required.



## Attachment E4

### CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

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

Complainant's Name (if other than the child)		Date Formal Complaint Received:    /    /
Role/status in sport		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official    .....	
Witnesses (if more than 3 witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action (if any) taken (to ensure child's safety and/or to support needs of person complained about)		
Police contacted	Who: When: Advice provided:	

Government agency contacted	Who: When: Advice provided:
CEO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

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