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PREFACE

Ski & Snowboard Australia Limited ("SSA") is the national governing body recognised by the Federation International de Ski, the Australian Sports Commission and the Australian Olympic Committee with a specific charter to promote, manage and control skiing and snowboarding (collectively “Snowsport”) in Australia and to represent skiing interests internationally.

SSA operates under a unitary model Constitution ("SSA Constitution") with Membership comprising individuals rather than a regional or representative hierarchy. However, the definition of “Members” is broad and includes organisations and stakeholders such as the State and Territory governing bodies of Snowsport, being Snowsports ACT, NSW Ski Association Limited, Victorian Snowsports Association Inc., South Australian Ski Association and Tasmanian Ski Council, (collectively, “SSOs”). The SSOs have responsibilities for administration of Snowsport in the States and Territories of Australia and work in co-operation with SSA to deliver Snowsport related services, implement policies and practices in Australia.

It is unlawful to discriminate against people on the basis of an attribute or personal characteristic. It is unlawful to harass and bully people. It is therefore unlawful, let alone socially unacceptable to discriminate, harass or bully our Snowsport Members.

SSA will take all measures possible to create a safe and happy environment for all participants. This policy provides a code of conduct forming the basis of appropriate and ethical behaviour which everyone must abide by. This policy confirms that the SSA is committed to the principles of The Essence of Australian Sport.

This policy stipulates what compulsory actions SSA must take including screening, legal requirements and complaint procedures if in the unfortunate event that these practices crept into our classes.

The policy also details the relevant child protection requirements for States having Child protection/working with children legislation.

The ideology of our Members experiencing only happy, respectful and fulfilling experiences in Snowsport will be a forthright philosophy.

Mr Michael Kennedy
Chief Executive Officer
Ski & Snowboard Australia Limited
August 2015

REVIEW HISTORY OF SSA MEMBER PROTECTION POLICY

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SKI & SNOWBOARD AUSTRALIA LIMITED (SSA)

PART A: MEMBER PROTECTION POLICY

1. INTRODUCTION - SSA MISSION AND CORE VALUES

1.1 Vision

Our vision is to facilitate continual growth of Snowsport within Australia.

1.2 Mission

Our mission is to nationally develop, promote, administer and co-ordinate in a professional and efficient manner the uniquely Australian sport of Snowsport for the enjoyment and benefit of all.

1.3 Core Values:

• Strive for excellence and innovation;
• Value the well being and diversity of our people;
• Be responsive to our stakeholders needs;
• Listen and communicate openly;
• Be open and transparent;
• Be co-operative and work as a team; and
• Be objective, fair and nationally focused in our decision making.

2. PURPOSE OF THIS POLICY

This SSA Member Protection Policy (“policy”) will work towards maintaining ethical and informed decision-making and responsible behaviours within our sport. It aims to assist SSA to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport. It outlines our commitment to ensure that every person bound by the policy is treated with respect and dignity and to be safe and protected from discrimination, harassment and abuse. This policy seeks to ensure that everyone involved in our sport is aware of his or her key legal and ethical rights and responsibilities and the standards of behaviour that are expected of them.

The policy attachments outline the practical steps and procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, the policy allows SSA to take disciplinary action against any person or organisation bound by this policy if they breach the policy.

This policy has been endorsed by SSA’s Board of Directors and has been incorporated into our Regulations. The policy starts on the date it is adopted by the Board and will operate until replaced. Copies of the current policy and its attachments can be obtained from the SSA website at www.skiandsnowboard.org.au.

For information on the rights, responsibilities and requirements for people involved in our sport at the state and club level, please refer to the member protection policies of the relevant state association or club.

3. WHO THIS POLICY APPLIES TO

This policy should apply to as many persons as possible who are involved with the activities of SSA, whether they are in a paid or unpaid/voluntary capacity and including:
3.1 persons appointed or elected to SSA boards, committees and sub-committees;
3.2 employees of SSA;
3.3 members of the SSA Board;
3.4 support personnel appointed or elected to teams and squads (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers and others);
3.5 coaches and assistant coaches;
3.6 athletes;
3.7 referees, umpires and other officials involved in the regulation of the sport;
3.8 members, including life members of SSA;
3.9 athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by SSA; and
3.10 any other person including spectators, parents/guardians and sponsors, who or which agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this policy.

It is also intended this policy will apply to:

3.12 member associations including SSOs;
3.13 organisations or persons affiliated with SSA or its members; and
3.14 any other associations, such as a Coaches Association or a Players Association (if any).

4. RESPONSIBILITIES OF THE ORGANISATION

SSA must:
4.1 adopt, implement and comply with this policy;
4.2 ensure that this policy is enforceable;
4.3 publish, distribute and promote this policy and the consequences of any breaches of the policy;
4.4 promote and model appropriate standards of behaviour at all times;
4.5 deal with any complaints made under this policy in an appropriate manner;
4.6 deal with any breaches of this policy in an appropriate manner;
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 persons and associations to whom this policy applies;
4.9 use appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour; and
4.10 monitor and review this policy at least annually.

5. INDIVIDUAL RESPONSIBILITIES

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

6. POSITION STATEMENTS

6.1 Child Protection

SSA has a "zero tolerance" approach to child abuse and is committed to ensuring the safety and wellbeing of all children and young people who participate in our sport or access our services. Not only is SSA committed to the safety of children, but SSA is also committed to ensuring SSA's services are delivered with the best interests of its children participants as a key focus. We support the rights of the child and will act at all times to ensure a child-safe environment is
maintained at all times. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.

This clause 6 of the Policy should be considered together with the Child Safe Policy at Attachment C4 of the Policy, which further confirms SSA's position in relation to the protection of children. SSA acknowledges that our staff, members and volunteers provide a valuable contribution to the positive experiences of children involved in our sport and we encourage their active participation in providing a safe, fair and inclusive environment for all participants. In addition to guidelines provided in the Child Safe Policy, SSA aims to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

6.1.1: Identify and Analyse Risk of Harm

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

6.1.2: Develop Codes of Conduct for Adults and Children

SSA will ensure that the organisation has codes of conduct that specify standards of conduct and care we expect of adults when dealing and interacting with children involved in our sport, particularly those in the organisation’s care. The organisation will also implement a code of conduct to promote appropriate behaviour between children.

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

6.1.3: Choose Suitable Employees and Volunteers

SSA will ensure that the organisation takes all reasonable steps to ensure that it engages the most 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. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

SSA will ensure that Working with Children Checks/criminal history assessments are conducted for all employees and volunteers working with children, where an assessment is required by law.

If a criminal history report is obtained as part of their screening process, SSA will ensure that the criminal history information is dealt with confidentially and in accordance with the relevant legal requirements. (See Part C of this policy)

6.1.4: Support, Train, Supervise and Enhance Performance

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

6.1.5: Empower and Promote the Participation of Children

SSA will promote the involvement and participation of children and young people in developing and maintaining child-safe environment for our sport.

6.1.6: Report and Respond Appropriately To Suspected Abuse and Neglect
SSA will ensure that all our volunteers and employees are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under respective state laws to make a report if they have suspicion on reasonable grounds that a child has been or is being abused or neglected. (See Attachment E3 of this policy)

In addition to any legal obligation, if any person feels another person or organisation bound by this policy is acting inappropriately towards a child or is breaches the code(s) of practice or Child Safe Policy set out in this policy they may make an internal complaint to us. Please refer to our complaints procedure outlined in attachment D of this policy. This will explain what to do about the behaviour and how SSA will deal with the problem.

6.2 Taking Images of Children

There is a risk that images of children may be used inappropriately or illegally. SSA requires that individuals and associations, wherever possible, obtain permission from a child’s parent/guardian before taking an image of a child that is not their own and ensure that the parent/guardian knows the way the image will be used. We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets which we control or are used in connection with our sport.

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

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

6.3 Anti-Discrimination and Harassment

SSA is committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination and harassment. We recognise that people may not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.

6.3.1 Discrimination

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

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

Discrimination can be either direct or indirect.

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

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

For the purposes of determining discrimination, the offender’s awareness and motive are irrelevant.
6.3.2 Harassment
Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and which happens because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation.

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

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

6.3.3 Prohibition against discrimination and harassment
We prohibit all forms of harassment and discrimination based on the personal characteristics listed in the “Definitions” set out in the Dictionary of Terms (see clause 10). Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy, is encouraged to raise their concerns with us. A person may make an internal complaint and in some circumstances, they may also be able to make a complaint to an external organisation. (Refer to the attachments in Part D of this policy.)

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

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

SSA take the position that consensual intimate relationships (whether or not of a sexual nature) between coaches or officials and the adult athletes, while not necessarily constituting harassment, should be avoided as they can have harmful effects on the athlete involved, on other athletes and on the sport’s public image. These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach or official and the athlete.
We recommend that if an athlete attempts to initiate an intimate relationship with a coach or official, the coach or official should discourage the athlete’s approach and explain to the athlete why such a relationship is not appropriate.

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

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

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

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

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

If a coach official or athlete believes that they are being, or have been, harassed they are encouraged to seek information and support from MPIO. Our complaints procedure is outlined in Part D of this policy.

6.5 Pregnancy

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

While many sporting activities are safe for pregnant women, there may be particular risks that apply to some women during pregnancy. SSA will take reasonable care to ensure the continuing safety, health and well-being of pregnant women. We will advise pregnant women that there may be risks involved with their continuing participation in sport, and we will encourage them to obtain medical advice about those risks. Those risks will depend on the nature of the sporting activity and the particular pregnant woman’s circumstances. Pregnant women should be aware that their own health and wellbeing, and that of their unborn child, is of utmost importance in their decision making about the way they participate in our sport.

SSA recommends and encourages all pregnant women wanting to participate in our sport consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about their participation in our sport. Pregnant women should make these decisions themselves, in consultation with their medical advisers and in discussion with SSA. We will only require pregnant women to sign a disclaimer in relation to their participation in our sport whilst they are pregnant if we require all other participants to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant women believes she is being, or has been, harassed or discriminated against by another person or organisation bound by this policy, she may make a complaint. (See Part D of this policy)

6.6 Gender Identity

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

6.6.1 Gender identity discrimination and harassment

Federal, state and territory anti-discrimination laws provide protection from discrimination against people on the basis of their gender identity. (See definition in Dictionary of terms).
SSA is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity.

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

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

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

6.6.2 Participation in sport

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

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

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

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.

6.6.3 Intersex status

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

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

6.7 Responsible service and consumption of alcohol

SSA is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. SSA also recommend that State Associations and their member Clubs adhere to 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 be provided for young people and families;
Member Protection Policy & Procedures

- food and low-alcohol and non-alcoholic drinks be available at events we hold or endorse where alcohol is served;
- a staff member is present at events we hold or endorse where alcohol is served to ensure appropriate practices in respect of the consumption of alcohol are followed; and
- safe transport options be promoted as part of any event we hold or endorse where alcohol is served.

6.8 Smoke-free environment

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

In general, our policy is that:

- no smoking shall occur at or near any sporting event or competition involving persons under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers;
- social functions shall be smoke free, with smoking permitted at designated outdoor smoking areas; and
- coaches, officials, trainers, volunteers and players will refrain from smoking while they are involved in an official capacity in our sport for any of the SSA, SSO, Club or representative team, both on and off the field.

6.9 Bullying

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

Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or a group.

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

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

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

Bullying includes cyber-bullying which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments.

SSA will not tolerate abusive, discriminatory, intimidating or offensive statements being made online.

Frustration at a referee, team-mate, coach, or sporting body should never be communicated on social network channels, but rather by way of reasoned and logical verbal and written statements and where appropriate, written or verbal statements or complaints, to the relevant controlling club, league or peak sporting body.

If any person believes they are being, or have been, bullied by another person or organisation bound by this policy, he or she may make a complaint. (Refer to the attachments in Part D of this policy.)
6.10 **Social Networking**

SSA acknowledges the enormous value of social networking to promote our sport and celebrate the achievements and success of the people involved in our sport. Social networking refers to any interactive website or technology that enables people to communicate and/or share content via the internet. This includes social networking websites such as Facebook and Twitter. SSA expects all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to our sport.

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

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

7. **COMPLAINTS PROCEDURES**

7.1 **Handling complaints**

SSA aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of procedural fairness. Any person (a complainant) may report a complaint about a person/s or organisation bound by this policy (the respondent) if they feel they have been harassed, bullied or discriminated against or there has been any other breach of this policy.

In the first instance, such complaints should be reported to the MPIO.

A complaint should be dealt with at the relevant level. Therefore, if a complaint relates to behaviour or an incident that occurred at the:

- state level or involves people operating at the state level, then the complaint should be reported to and handled by the relevant state association in the first instance; or
- 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, the national level, as well as the most serious cases referred from club and state level should be dealt with by the national body.

A complaint may be dealt with informally or formally. The complainant may indicate his or her preferred option and the MPIO should consider whether that is an appropriate way to handle the particular complaint. For example, the law may require that the complaint/allegation to be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined 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 & Victimisation**

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

If at any point in the complaints process the MPIO 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 relevant person for review and appropriate action which may include possible disciplinary action against the complainant.

7.3 Mediation

SSA aims to resolve complaints quickly, fairly and with a minimum of fuss. 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 to be heard and to come up with mutually agreed solutions.

Mediation may occur before or after the investigation of a complaint. If a complainant wishes to resolve the complaint with the help of a mediator, the MPIO will, in consultation with the complainant, arrange for an independent mediator where possible. Lawyers are not able to negotiate on behalf of the complainant and/or the respondent. More information on the mediation process is outlined in attachment D2.

7.4 Tribunals

A Tribunal may be convened to hear a formal complaint referred to it by the CEO. The CEO has the discretion to determine whether a complaint is:

- referred to a Tribunal under this policy;
- referred to a Disciplinary Tribunal of SSA; or
- not suitable for referral to a Tribunal.

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 to which this policy applies, to do anything contrary to this policy, including but not limited to:

8.1 breaching the Codes of Behaviour (Attachment B1 to B6 to this policy) or the Child Safe Policy (Attachment B7 to this policy);
8.2 bringing the sport and/or SSA into disrepute, or acting in a manner likely to bring the sport and/or SSA into disrepute;
8.3 failing to follow SSA policies (including this policy) and procedures for the protection, safety and welfare of children;
8.4 discriminating against, harassing or bullying (including cyber bullying) any person;
8.5 victimising another person for making or supporting a complaint;
8.6 engaging in an inappropriate intimate relationship with a person that they supervise, or have influence, authority or power over;
8.7 verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
8.8 disclosing to any unauthorised person or organisation any SSA information that is of a private, confidential or privileged nature;
8.9 making a complaint they knew to be untrue, vexatious, malicious or improper;
8.10 failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; and
8.11 failing to comply with a direction given to the individual or organisation during the disciplinary process.

9. DISCIPLINARY MEASURES

SSA may impose disciplinary measures on an individual or organisation for a breach of this policy. Any disciplinary measure imposed under this policy must be:

- applied consistent with any contractual and employment rules and requirements;
- fair and reasonable;
- based on the evidence and information presented and the seriousness of the breach; and
- determined in accordance with our constituent documents, by-laws, this policy and/or 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 s withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by the SSA;
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 the SSA 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; or
9.1.11 any other form of discipline that the designated person/committee considers appropriate.

9.2 Organisation

If a finding is made that an SSA member or affiliated organisation has breached its own or this Member Protection Policy one or more of the following forms of discipline may be imposed by a 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 SSA cease from a specified date;
9.2.5 a direction that SSA cease to sanction events held by or under the auspices of that organisation;
9.2.6 a recommendation to SSA that its membership of SSA be suspended or terminated in accordance with the relevant constitution or rules; and/or
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); and/or
• any other mitigating circumstances.

10. DICTIONARY

This Dictionary sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection authorities or equal opportunity and anti-discrimination commissions.

Abuse is a form of harassment and includes physical abuse, emotional abuse, sexual abuse, neglect, and abuse of power. Examples of abusive behaviour include bullying, humiliation, verbal abuse and insults.

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

Child abuse involves conduct which puts children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms, including verbal and physical actions and by people failing to provide them with basic care. Child abuse may include:

• Physical abuse by hurting a child or a child’s development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child’s development or maturity).

• Sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations).

• Emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child).

• Neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

Complaint means a complaint made under clause 7 of this policy

Complainant means a person making a complaint.

Complaint Handler/Manager means a person appointed under this policy to investigate a Complaint.

Discrimination means treating or proposing to treat someone less favourably than another person in the same or similar circumstances because of a particular characteristic. This is known as direct discrimination. Indirect discrimination involves imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics. In Australia, it is against the law to discriminate against someone because of their:

• Age;
• Disability;
• Family/carer responsibilities;
• Gender identity/transgender status;
• Homosexuality and sexual orientation;
• Irrelevant medical record;
• Irrelevant criminal record;
• Political belief/activity;
• Pregnancy and breastfeeding;
• Race;
• Religious belief/activity;
• Sex or gender;
• Social origin;
• Trade union membership/activity.

(Some States and Territories include additional characteristics such as physical features or association with a person with one or more of the characteristics listed above).

Examples of Discrimination

• **Age:** A club refuses to allow an older person to coach a team simply because of age.
• **Breastfeeding:** A member of the club who is breastfeeding a baby in the club rooms is asked to leave.
• **Disability:** A player is overlooked for team selection because of mild epilepsy.
• **Family responsibilities:** A club decides not to promote an employee because he has a child with a disability even though the employee is the best person for the job.
• **Gender Identity:** A transgender player is harassed when other players refuse to call her by her female name.
• **Homosexuality:** An athlete is ostracised from her team after it becomes known that she is a lesbian.
• **Marital Status:** A player is deliberately excluded from team activities and social functions because she is single.
• **Pregnancy:** A woman is dropped from a squad when she becomes pregnant.
• **Race:** An Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race.
• **Sex:** Specialist coaching is only offered to male players in a mixed team.

Further examples of discrimination are available on the Play by the Rules website:
www.playbytherules.net.au/legal-stuff/discrimination

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

• holding a competitive sporting activity for boys and girls only who are under 12 years of age or of any age where strength, stamina or physique is relevant; or
• not selecting a participant if the person’s disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity.

**Harassment** is any type of behaviour that the other person does not want and that is likely to make the person feel intimidated, insulted or humiliated. The behaviour is unwelcome and a reasonable person would recognise it as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Unlawful harassment may be sexual or target a person because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law (see characteristic list under discrimination).

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident but is usually repeated. It may be explicit or implicit, verbal or non-verbal, and includes electronic cyber communication.

Discrimination and harassment are not permitted in employment (including volunteer and unpaid employment); when providing sporting goods and services including access to sporting facilities; when providing education and accommodation; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any player or other person to any competition and the obtaining or retaining membership of clubs and organisations (including the rights and privileges of membership). Requesting, assisting,
instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law.

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

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

**Mediator** means an impartial/neutral person appointed to mediate Complaints.

**Member** has the same meaning as in the SSA constitution.

**Member Protection Information Officer (MPIO)** means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this Policy. The MPIO provides impartial and confidential support to the person making the complaint.

**Natural justice (also referred to as procedural fairness)** requires that:
- both the Complainant and the Respondent must know the full details of what is being said against them and have the opportunity to respond;
- all relevant submissions must be considered;
- no person may judge their own case;
- the decision maker/s must be unbiased, fair and just; and
- the penalties imposed must be fair.

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

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

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

**Role-specific codes of conduct (or behaviour)** means standards of conduct required of certain roles (e.g. coaches, officials, umpires).

**Sexual harassment** means unwanted, unwelcome or uninvited behaviour of a sexual nature which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

**Sexual offence** means a criminal offence involving sexual activity or acts of indecency including but not limited to (due to differences under state/territory legislation):
- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
• Possession of child pornography
• Publishing child pornography and indecent articles.

SSO has the meaning given to it in the preface section of this policy.

Transgender is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation.

Victimisation means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make any complaint including a complaint under government legislation (e.g. anti-discrimination) or under this Policy, or for supporting such a person.

Vilification involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics listed under the definition of "Discrimination". Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.
PART B: CODES OF BEHAVIOUR

We seek to provide a safe, fair and inclusive environment for everyone involved in our organisation and in our sport. To achieve this, we require certain standards of behaviour by players/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: GENERAL CODE OF BEHAVIOUR

As a person required to comply with this Policy, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by SSA or an SSO and in any role you hold within SSA or an SSO:

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 adhesion to SSA standards, rules, regulations and policies;
7. Operate within the rules of SSA including national policies and guidelines which govern SSA and the SSOs;
8. Understand your responsibility if you breach, or are aware of any breaches of this Code of Behaviour;
9. Do not use your involvement with SSA or a SSO to promote your own beliefs, behaviours or practices where these are inconsistent with those of SSA or the State SSOs;
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; and
15. Be a positive role model.

ATTACHMENT B2: ADMINISTRATOR CODE OF CONDUCT

In addition to the General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held by or under the auspices of SSA or an SSO and in any role as an administrator of SSA or an SSO:

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; and
8. Be a positive role model for others;
ATTACHMENT B3: COACH CODE OF CONDUCT

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

1. Treat all participants with respect at all times. Be honest and consistent with them;
2. Honour all promises and commitments, both verbal and written;
3. Provide feedback to participants in a caring, sensitive manner to their needs. Avoid overly negative feedback;
4. Recognise participants’ rights to consult with other coaches and advisers;
5. Cooperate fully with other specialists;
6. Treat all participants fairly within the context of their sporting activities, regardless of gender, race, place of origin, athletic potential, colour, sexual orientation, religion, political beliefs, socio-economic status and other conditions;
7. Encourage and facilitate participants’ independence and responsibility for their own behaviour, performance, decisions and actions;
8. Involve the participants in decisions that affect them;
9. Determine, in consultation with participants and others, what information is confidential and respect that confidentiality;
10. Encourage a climate of mutual support among your participants;
11. Encourage participants to respect one another and to expect respect for their worth as individuals regardless of their level of play;
12. At all times use appropriate training methods which in the long term will benefit the participants and avoid those which could be harmful;
13. Ensure that the tasks/training set are suitable for age, experience, ability and physical and psychological conditions of the participants;
14. Be acutely aware of the power that you as a coach develop with your participants in the coaching relationship and avoid any sexual intimacy with participants that could develop as a result;
15. Avoid situations with your participants that could be construed as compromising;
16. Actively discourage the use of performance enhancing drugs, the use of alcohol and tobacco and illegal substances;
17. Respect the fact that your goal as a coach for the participant may not always be the same as that of the participant. Aim for excellence based upon realistic goals and due consideration for the participant’s growth and development;
18. Recognise individual differences in participants and always think of the participant’s long-term best interests;
19. Set challenges for each participant which are both achievable and motivating;
20. At all times act as a role model that promotes the positive aspects of sport and of Snowsport by maintaining the highest standards of personal conduct and projecting a favourable image of the sport of Snowsport and of coaching at all times;
21. Do not exploit any coaching relationship to further personal, political, or business interests at the expense of the best interest of your participants;
22. Encourage participants and coaches to develop and maintain integrity in their relationship with others;
23. Respect other coaches and always act in a manner characterised by courtesy and good faith;
24. When asked to coach participants, ensure that any previous coach-participant relationship has been ended by the participant-others in a professional manner;
25. Accept and respect the role of officials in ensuring that competitions are conducted fairly and according to established rules;
26. Know and abide by SSA rules, policies and standards, and encourage participants to do likewise. Accept both the letter and the spirit of the rules;
27. Be honest and ensure that qualifications are not misrepresented; and
28. Be open to other people’s opinion and willingness to continually learn and develop.

ATTACHMENT B4: PARTICIPANTS CODE OF CONDUCT

In addition to the General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by SSA or a SSO and in your role as participants of
SSA or a SSO:

1. Respect the rights, dignity and worth of fellow participants, coaches, officials and spectators;
2. Refrain from conduct which could be regarded as sexual or other harassment towards fellow participants and coaches;
3. Respect the talent, potential and development of fellow team Members 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 adjudicator;
9. Be honest in your attitude and preparation to training. Work equally hard for yourself and your team; and
10. Cooperate with coaches and staff in development of programs to adequately prepare you for competition at the highest level.

ATTACHMENT B5: OFFICIALS CODE OF CONDUCT

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

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

ATTACHMENT B6: PARENT/GUARDIAN CODE OF BEHAVIOUR

In addition to the General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by SSA or an SSO and in your role as a parent/guardian of participants of SSA or an SSO:

1. Treat your child the same irrespective of them winning or losing;
2. Remember that your child participates in the sport of Snowsport for their enjoyment not yours;
3. Try to have fun when you are around your children at competitions. Well-directed humour can be a great de-stressor;
4. Look relaxed, calm and positive on the sidelines;
5. Try and make friends with other parents at competitions;
6. Get involved in appropriate ways if your child or the coach behaves in unacceptable ways during competitions;
7. Let the coach do the coaching;
8. Understand that children will benefit from a break sometimes and that involvement in other sports is okay;
9. Be there when your child performs poorly. Be an understanding listener rather than a critic, judge and/or fixer;
10. Be prepared to give your child some space so that he/she can grow and develop as an independent person;
11. Let your child know that your love for them is not associated with their sporting performances;
12. Communicate with your child and ask them how they are really feeling about their sport and about competing in particular;
13. Occasionally let your child compete without you being there and hovering over them;
14. Emphasise the good things your child did in preparing for and during the competition;
15. Try to avoid:
   - Saying “we’re competing today”. Instead say “you’re competing today”. Give your child credit for accepting the responsibility of performing;
   - Getting too pushy or believe that you are indispensable. Let the coach do the coaching;
   - 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 he/she did wrong after a tough competition;
• Making enemies with your child’s opponents or family during a competition;
• Making your child feel guilty by reminding them about all the time, money and sacrifices you are making for his or her 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; and
• Forcing your child to go to training. If they are sick of training find out why and discuss it with them.

ATTACHMENT B7: CHILD SAFE POLICY

1. INTRODUCTION

1.1. As outlined throughout this MPP, SSA is committed to ensuring that children and young people who participate in SSA's activities throughout Australia have a safe and happy experience.

1.2. The aim of this Child Safe Policy (the CS Policy) is to protect the safety of children in our care and prevent abuse from occurring, and in the event that allegations are raised in relation to Child Abuse, to ensure that the allegations are properly addressed. This CS Policy is in place in order to ensure a culture of child protection exists within all levels of Snowsport in Australia.

1.3. Should a person wish to make any enquiries in relation to this CS Policy, please contact the Administration Manager
+61 3 9696 2344
info@skiandsnowboard.org.au

2. POLICY STATEMENT

2.1. SSA is committed to providing the highest level of membership service. This includes protecting the health, safety and wellbeing of those who participate in its services, particularly children and delivering SSA’s activities with the best interests of children as a focus.

2.2. Specifically, SSA considers that the health, safety and well-being of children take priority over all other competing considerations. SSA considers that this is necessary to ensure the health, safety and welfare of all members and protect the image and reputation of the sport and SSA.

2.3. SSA has a zero tolerance approach to Child Abuse and is committed to promoting and protecting children from abuse and neglect to the greatest extent possible. All children have equal rights to protection from Child Abuse, regardless of their sex, religion, disability or sexual orientation etc.

2.4. Child protection is a shared responsibility between SSA, and its employees, workers, contractors, associates, parents/guardians, coaches, spectators, volunteers and all members of the SSA community. Everyone that participates in SSA’s activities is responsible for the care and protection of children, and reporting information about Child Abuse.

2.5. SSA supports the active participation of all children in SSA's activities. SSA will listen to their views, respect what they say and involve them when making decisions, where appropriate, especially about matters that will directly affect children (including their safety).

2.6. SSA is also committed to the safety of Aboriginal children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability who participate in SSA's activities.
2.7. SSA promotes fairness and consideration for all staff, volunteers and participants. For further details please refer to the this MPP in its entirety.

3. SCOPE

3.1. This CS Policy applies to all to whom the MPP applies - which includes SSA, participants, parents, spectators, contractors, officials, coaches, judges and staff as provided in clause 3 of the MPP.

3.2. This CS Policy will continue to bind a person or Member following the cessation of their association or employment with SSA.

4. RELATED DOCUMENTS & LEGISLATIVE REQUIREMENTS

4.1. This Policy must be read in conjunction with:

4.1.1. federal and state-based legislation including applicable laws relating to discrimination, working with children checks and child safety; and

4.1.2. relevant SSA documents including its:

(i) Privacy Policy;

(ii) Constitution; and

(iii) the MPP in its entirety;

5. DEFINITIONS

For the purposes of this CS Policy, the following terms have the meanings they are assigned below:

5.1. **Child** means a person involved in the activities of SSA at any level (including athletes) and under the age of 18 years unless otherwise stated under the law applicable to the child.

5.2. **Child Abuse** has the meaning it is given in the MPP.

5.3. **Child protection** means any responsibility, measure or activity undertaken to safeguard children from harm.

5.4. **Mandatory reporter** means a person who is legally required to make a report to the Department of Human Services or the police if they form a belief on reasonable grounds that a child is in need of protection. It includes teachers, principals, registered psychologists, nurses, doctors and midwives.

5.5. **MPP** means the SSA Member Protection Policy, to which this CS Policy is an attachment.

5.6. **Sexual offence** means any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which includes actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child (or the child’s carer, family or supervisor) to lower the child’s inhibitions and prepare them for engagement in a sexual offence.

Any terms not defined in this CS Policy that are defined in the MPP above are to be given the meaning to which they are assigned in the MPP.
6. RECOGNISING AND REPORTING CHILD ABUSE

6.1. A person may, in the course of participating in Snowsport or in some other manner related to SSA's activities, form a belief on reasonable grounds that a child is in need of protection from Child Abuse. If so, the following procedures should be applied.

6.2. If a person is concerned about an immediate risk to a child’s safety, the person must phone “000” as soon as practicable.

6.3. Mandatory Reporters

6.3.1. Select classes of people in the community (including teachers, nurses and doctors) are required by law to report to the appropriate department of the applicable state government authority where they have formed a belief, on reasonable grounds, that a child is in need of protection because they have suffered (or are likely to suffer) significant harm due to Child Abuse.

6.3.2. This report must be made as soon as practicable, and after each occasion where the individuals becomes aware of any further reasonable grounds for the belief.

6.4. Reasonable grounds for belief

6.4.1. A reasonable belief is formed if a reasonable person believes that:

(i) the child is in need of protection;

(ii) the child has suffered or is likely to suffer significant harm as a result of physical or sexual injury; and

(iii) the child’s parents are unable or unwilling to protect the child.

6.4.2. To form a reasonable belief, you should consider and objectively assess all the relevant facts, such as the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there is any other related matters known regarding the alleged perpetrator.

6.4.3. A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof, but is more than mere rumour, speculation or innuendo.

6.4.4. You will have reasonable grounds to notify if:

(i) a child states that they have been physically or sexually abused;

(ii) a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);

(iii) someone who knows a child states that the child has been physically or sexually abused;

(iv) professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; or

(v) signs of abuse lead to a belief that the child has been physically or sexually abused.

6.5. Voluntary Reporters

In addition to the mandatory reporting obligations above, any person who believes on reasonable grounds that a child is in need of protection from any form of Child Abuse, may disclose that information to the police or the appropriate state-government authority.
6.6. **Reporting Child Sexual Abuse**

If a person receives information that leads them to form a reasonable belief that a sexual offence has been committed against a child (under the age of 16 years) by another person (of or over the age of 18 years), legal obligation to disclose that information to the police as soon as it is practicable arises in some states. Individuals who fail to comply with this obligation may be subject to penalties, which may include imprisonment.

6.7. **SSA's approach to reports of Child Abuse**

6.7.1. SSA supports and encourages a person to make a report to the police or government department if they form a belief on reasonable grounds that a child is in need of protection, or they have a concern relating to Child Abuse.

6.7.2. Any person that makes a report in good faith in accordance with their reporting obligations (whether mandatory or discretionary) under this CS Policy will be supported by SSA, and will not be penalised by SSA for making the report.

6.7.3. If a person is uncertain as to whether they should make a report to an external authority in relation to the safety of a child, they may speak to SSA's Member Protection Information Officer for guidance and information. If in doubt, ask for assistance.

6.7.4. If an allegation is made against a member of staff or a volunteer, SSA will take all steps to ensure that the safety of the child is paramount. An initial step will involve the withdrawal of the accused person from active duty, which could entail standing down, reassignment to a role without direct contact with children, working under closer supervision during an investigation, working from home, or any other measures deemed appropriate by SSA depending on the gravity of the allegation.

6.7.5. SSA will investigate allegations of inappropriate conduct against a child in accordance with procedural fairness and will handle the allegations in a confidential manner to the greatest extent possible.

6.7.6. SSA will cooperate with the directions of the police and/or any relevant authority in relation to any investigation conducted by these authorities.

6.7.7. SSA will keep a register of any allegations regarding inappropriate conduct.

7. **ROLES AND RESPONSIBILITIES OF PERSONNEL PROTECTING CHILDREN**

7.1. The requirement to protect children from Child Abuse applies to all people throughout SSA, including the boards of management, staff and volunteers across all levels of SSA. Those people have responsibilities in relation to protection of children and are expected to:

7.1.1. understand the rights of children, as relevant to their role;

7.1.2. respect the cultural and religious practices of families who access SSA’s services, programs or events;

7.1.3. understand and appropriately respond to the needs of children with developmental delays or disabilities;

7.1.4. appropriately act on any concerns raised by children;

7.1.5. understand the definitions, indicators and impact of Child Abuse:

7.1.6. know and follow regulations in relation to the care of children;
7.1.7. co-operate with police and/or other formal investigations to the best of their ability; and

7.1.8. not harm or exploit children who access SSA's services.

8. CHILD SAFE GUIDELINES TO PREVENT AND MANAGE RISKS OF CHILD ABUSE

8.1. Change Rooms

Adult officials, regardless of gender, including coaches, should only enter change rooms if accompanied by another adult. Prior to entering change rooms, officials should notify the people in the change room of their intended entrance. For the avoidance of doubt this requirement does not apply to parents/legal guardians when in a room with their child.

8.2. Hotel rooms and other accommodation

No official, including coaches, should be alone in the room of a child without the presence of another adult. The doors should always be open. Should it be necessary for an official to be alone in the room of a child, a responsible official must be informed. For the avoidance of doubt this requirement does not apply to parents/legal guardians when in a room with their child.

8.3. Travel - General

All adults over 18 years of age retain an overriding responsibility for the welfare of all children they accompany during SSA-related travel activities. They must maintain a 'duty of care' towards the children and they must avoid unaccompanied and unobserved activities with persons less than 18 years of age wherever possible. For the avoidance of doubt this requirement does not apply to parents/legal guardians when in a room with their child.

8.4. Sexual Relationships

During all SSA-related travel activities adults must not, under any circumstances engage in conduct of a sexual nature with a child. Improper conduct of a sexual nature by an adult towards a child includes any Child Abuse of a sexual nature as well as but not limited to the following:

8.4.1. inappropriate conversations of a sexual nature;
8.4.2. obscene language of a sexual nature;
8.4.3. suggestive remarks or actions;
8.4.4. jokes of a sexual nature;
8.4.5. obscene gestures;
8.4.6. unwarranted and inappropriate touching;
8.4.7. sexual exhibitionism;
8.4.8. use of any device to show/watch offensive material; and
8.4.9. any other action that could lead to a child being physically, emotionally or psychologically harmed.

8.5. Adults under investigation

Adults under investigation in relation to a matter involving Child Abuse, or any matter which has the potential to render their Working With Children Check Assessment Notice (or
equivalent), withdrawn or a detention order imposed, may be prohibited, by the SSA Board, from participating in SSA's activities.

8.6. **Coach Assistance**

All coaches must ensure that all physical contact with child athletes which occurs when coaching is appropriate and necessary for the situation. It is strongly recommended that:

8.6.1. coaches ensure that there are other adults present whenever coaching a child;
8.6.2. coaches take care to explain the procedure to the child prior to beginning any physical contact; and
8.6.3. coaches obtain consent from the child prior to beginning any physical contact.

9. **RISK MANAGEMENT APPROACH**

Child safety is an important aspect of SSA's overall risk management approach.

10. **POLICY BREACHES**

It is a breach of this CS Policy for any person or organisation to which this CS Policy applies, to have been found to have done anything contrary to this CS Policy. Any person who breaches this policy may be subject to disciplinary processes as provided in the MPP.

11. **CS POLICY PROMOTION**

11.1. This CS Policy will be made available to all Members on the SSA website.
11.2. This CS Policy will be communicated to the board and staff members of SSA and state associations affiliated with SSA.

12. **REVIEW PROCESS**

12.1. This CS Policy will be reviewed by the SSA Board on an annual basis.
12.2. In addition to the regular review of this CS Policy, recommendations for changes to the CS Policy may be submitted to SSA for consideration at any time. In the event that changes are implemented, the CS Policy will be updated via SSA's website.
PART C: EMPLOYMENT SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

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

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

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

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

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

ATTACHMENTS

- Attachment C1: Member Protection Declaration
- Attachment C2: Working with Children Check requirements
ATTACHMENT C1: MEMBER PROTECTION DECLARATION

SSA 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 Member Protection Policy applies. As a requirement of our Member Protection Policy, SSA 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 have been provided a copy, have read and understood the Member Protection Policy.
2. I do not have any criminal charge pending before the courts.
3. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.
4. I understand my responsibilities in relation to ensuring and promoting the safety of children and young people.
5. 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.
6. I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping policy applicable to me.
7. 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.
8. To my knowledge there is no other matter that SSA may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
9. I will notify the CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out above has changed.

Declared in the State/Territory of ..............................................................
on ……/……/…….. (date) Signature ...............................................................

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 are true and correct in every particular.

Name:.....................................................................................
Signature:............................................................................
Date: .....................................................................................
ATTACHMENT C2: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS

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

They assess the suitability of people to work with children and young people and can involve:
- criminal history checks;
- signed declarations;
- referee checks; and
- other relevant background checks to assess a person’s suitability to work with children and young people.

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

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

**Australian Capital Territory**
Contact the Office of Regulatory Services
Website: www.ors.act.gov.au/community/working_with_vulnerable_people_wwvp
Phone: 02 6207 3000

**New South Wales**
Contact the Office of the Children’s Guardian
Website: www.kidsguardian.nsw.gov.au/check
Phone: 02 9286 7276

**Northern Territory**
Contact the Northern Territory Screening Authority
Website: www.workingwithchildren.nt.gov.au
Phone: 1800 SAFE NT (1800 723 368)

**Queensland**
Contact the Queensland Government Blue Card Services
Website: www.bluecard.qld.gov.au
Phone: 1800 113 611

**South Australia**
Contact the Department for Education and Child Development
Website: www.families.sa.gov.au/childsafe
Phone: 08 8463 6468.

**Tasmania**
Contact the Department of Justice
Website: www.justice.tas.gov.au/working_with_children
Phone: 1300 13 55 13

**Victoria**
Contact the Department of Justice
Website: www.workingwithchildren.vic.gov.au
Phone: 1300 652 879

**Western Australia**
Contact the Department for Child Protection
Website: www.checkwwc.wa.gov.au
Phone: 1800 883 979
Travelling to other states or territories

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

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

The laws providing interstate exemptions are not consistent across Australia.

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

Attachment D1: COMPLAINTS PROCEDURE

SSA aims to support people associated with our sport to make and resolve any complaints they may have in a fair, timely, transparent and effective way.

All complaints will be treated seriously and 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.

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

If you wish to remain anonymous, SSA may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that SSA is required to provide the person/people 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)

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

Step 2: Contact a Member Protection Information Officer

We encourage you to talk with one of our MPIOs if:
• the first step is not possible/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.

The names and contact details for our MPIOs are available at https://www.skiandsnowboard.org.au/resources/child-safe-sport/

The MPIO will:
• take confidential notes about your complaint (including recording this information in Attachment E1: Record of Informal Complaint);
• try to find out the facts of the problem;
• ask what outcome/how you want the problem resolved and if you need support;
• provide possible options for you to resolve the problem;
• 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 government authorities and/or police if required by law to do so; and
• 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 the 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 your complaint is not resolved or informal approaches are not appropriate or possible, you may:

- make a formal complaint in writing to the MPIO (the MPIO will maintain Attachment E2: Record of Formal Complaint); or
- approach a relevant external agency such as an anti-discrimination or equal opportunity commission, for advice.

On receiving a formal complaint and based on the material you have provided, the MPIO 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 MPIO 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 (for example 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 MPIO 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 4 (or other authorised person), will conduct an investigation (following the process set out in Attachment D3) and provide a written report to the CEO who will 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 D4;
- If the complaint is referred to the police or other appropriate authority, SSA will use its best endeavours to provide all reasonable assistance required by the police or other authority.
- It must be made clear to all parties that the investigator is not seeking to resolve the matter, nor to decide whether any breach of this Policy has occurred, nor to impose any penalty. Any decision about a potential Policy breach 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 the CEO reconsider the complaint in accordance with **Step 4**.

You or the respondent(s) may be entitled to appeal. The grounds and process for appeals under this Policy are set out in Attachment D4.

**Step 7: Documenting the resolution**

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

**EXTERNAL 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 attempt to 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 an apology or 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 from our organisation (e.g., an MPIO) as a support person throughout the process. It is also common to have a legal representative, particularly at the formal hearing stage of a complaint.

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

Contact details for the state and territory anti-discrimination and equal opportunity commissions are available on the Play by the Rules website: [www.playbytherules.net.au/resources/quick-reference-guide](http://www.playbytherules.net.au/resources/quick-reference-guide)
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. The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to talk through the issues and makes sure that the process is as fair as possible for all concerned. This attachment outlines the general procedure of mediation that will be followed by SSA.

1. If mediation is chosen, the MPIO or other designated person will, under the direction of the SSA 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. We expect the parties involved to respect the terms of the agreement.

5. If the complaint is not resolved by mediation, the complainant may:
   (a) Write to the CEO to request that the CEO reconsider the complaint in accordance with Step 4; or
   (b) Approach an external agency such as an anti-discrimination commission.

6. Mediation will not be recommended if:
   (a) The people involved have completely different versions of the event 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

There will be times when a complaint will need to be investigated and evidence gathered. An investigation helps determine the facts relating to the incident, as well as possible findings and recommendations. Any investigation that we conduct will be fair to all people involved.

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

1. We 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 to the CEO 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 D4.
Attachment D4: HEARINGS & APPEALS TRIBUNAL PROCEDURE

The following will be followed by hearings tribunals established by SSA to hear national member protection related complaints where determined appropriate by the CEO.

Preparation for Tribunal Hearing

1. A Tribunal Panel will be constituted following the rules outlined in SSA’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 3.

2. The Tribunal members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the CEO 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 CEO (or authorised person) 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;
   - That legal representation will not be allowed; and
   - If the respondent is a minor, they may (and should be encouraged to) 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(s).

The respondent(s) will be allowed to participate in all SSA 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 SSA activities and events, after considering the nature of the complaint.

6. The CEO (or authorised person) 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);
   - That legal representation will not be allowed; and
   - If the respondent is a minor, they may (and should be encouraged to) 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 (or authorised representative) 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.
   - Legal representation will not be allowed.

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 CEO (or authorised representative) of the need to reschedule, and the CEO (or authorised representative) 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; and
   - 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 intimidatory behaviour from anyone, the Chairperson may deny further involvement of the person in the 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**

26. A complainant or a respondent(s) who is not satisfied with a Tribunal decision can lodge one appeal to SSA 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 so unjust or unreasonable that a reasonable tribunal could not have reached that decision.

27. A person wanting to appeal in accordance with clause 26 must lodge a letter setting out the basis for their appeal with the CEO within 30 days of the relevant decision. An appeal fee of $500 must be included with the letter of intention to appeal.

28. If the letter of appeal is not received by the CEO within the time period the right of appeal lapses. If the letter of appeal is received but the appeal fee is not received by the relevant time, the appeal lapses.

29. The letter of appeal and notice of tribunal decision (clause 24) will be forwarded to the relevant person to review and decide whether there are sufficient grounds for the appeal to proceed. The relevant person 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. The appellant will be notified with reasons. The appeal fee will be forfeited.

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 and binding and no party shall have any further rights of appeal.
### ATTACHMENT E1: RECORD OF INFORMAL COMPLAINT

<table>
<thead>
<tr>
<th>Name of person receiving complaint</th>
<th>Date: / /</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainant's Name</td>
<td></td>
</tr>
</tbody>
</table>

- **Over 18**
- **Under 18**

<table>
<thead>
<tr>
<th>Role/status</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrator (volunteer)</td>
<td></td>
</tr>
<tr>
<td>Athlete/player</td>
<td></td>
</tr>
<tr>
<td>Coach/Assistant Coach</td>
<td></td>
</tr>
<tr>
<td>Employee (paid)</td>
<td></td>
</tr>
<tr>
<td>Official</td>
<td></td>
</tr>
<tr>
<td>Parent</td>
<td></td>
</tr>
<tr>
<td>Spectator</td>
<td></td>
</tr>
<tr>
<td>Support Personnel</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

### Location/event of alleged issue

<table>
<thead>
<tr>
<th>Facts as stated by complainant</th>
<th></th>
</tr>
</thead>
</table>

### Nature of complaint (category/basis/grounds)

- **Harassment or**
- **Discrimination**
- **Sexual/sextist**
- **Selection dispute**
- **Coaching methods**
- **Sexuality**
- **Personality clash**
- **Verbal abuse**
- **Race**
- **Bullying**
- **Physical abuse**
- **Religion**
- **Disability**
- **Victimisation**
- **Pregnancy**
- **Child Abuse**
- **Unfair decision**
- **Other**

### What does complainant want to happen to fix issue

<table>
<thead>
<tr>
<th>What information has complainant provided</th>
<th></th>
</tr>
</thead>
</table>

### What complainant is going to do now

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 relevant person in accordance with this policy.
## ATTACHMENT E2: RECORD OF FORMAL COMPLAINT

<table>
<thead>
<tr>
<th>Complainant’s Name</th>
<th>Over 18</th>
<th>Under 18</th>
<th>Date Formal Complaint Received:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainant’s contact details</td>
<td>Phone:</td>
<td>Email:</td>
<td>/ /</td>
</tr>
<tr>
<td>Complainant’s Role/status</td>
<td>Administrator (volunteer)</td>
<td>Parent</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Athlete/player</td>
<td>Spectator</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Coach/Assistant Coach</td>
<td>Support Personnel</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Employee (paid)</td>
<td>Other</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Official</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name of person complained about (respondent)</td>
<td>Over 18</td>
<td>Under 18</td>
<td></td>
</tr>
<tr>
<td>Respondent’s Role/status</td>
<td>Administrator (volunteer)</td>
<td>Parent</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Athlete/player</td>
<td>Spectator</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Coach/Assistant Coach</td>
<td>Support Personnel</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Employee (paid)</td>
<td>Other</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Official</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location/event of alleged issue</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description of alleged issue</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nature of complaint (category/basis/grounds)</td>
<td>Harassment or Discrimination</td>
<td>Coaching methods</td>
<td></td>
</tr>
<tr>
<td>Can tick more than one box</td>
<td>Sexual/sexist</td>
<td>Selection dispute</td>
<td>Verbal abuse</td>
</tr>
<tr>
<td></td>
<td>Sexuality</td>
<td>Personality clash</td>
<td>Physical abuse</td>
</tr>
<tr>
<td></td>
<td>Race</td>
<td>Bullying</td>
<td>Victimisation</td>
</tr>
<tr>
<td></td>
<td>Religion</td>
<td>Disability</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pregnancy</td>
<td>Child Abuse</td>
<td>Unfair decision</td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Methods (if any) of attempted informal resolution</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Formal resolution procedures followed (outline)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If investigated: Finding -</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If heard by Tribunal: Decision -</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Action recommended -</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If mediated:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date of mediation -</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Were both parties present -</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Terms of Agreement -</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any other action taken -</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If decision was appealed:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decision</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Action recommended</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- □ Less than 3 months to resolve
- □ Between 3 – 8 months to resolve
- □ More than 8 months to resolve

<table>
<thead>
<tr>
<th>Completed by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Position:</td>
</tr>
<tr>
<td>Signature:</td>
</tr>
<tr>
<td>Date / /</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signed by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainant:</td>
</tr>
<tr>
<td>Respondent:</td>
</tr>
</tbody>
</table>

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/district level (whatever level the complaint was made).
ATTACHMENT E3: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

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

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

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

All people working with SSA in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below and will complete the Attachment E4: Confidential Record of Child Abuse Allegation.

Step 1: Receive the allegation

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

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

Step 2: Report the allegation

- Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.

- Contact the relevant child protection agency or police for advice if there is any doubt about whether the allegation should be reported.

- If the allegation involves a person to whom this policy applies, then also report the allegation to the CEO of SSA so that he or she can manage the situation.

Step 3: Protect the child and manage the situation

- The CEO will assess the immediate risks to the child and take interim steps to ensure the child’s safety and the safety of any other children. This may include redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is in paid employment with SSA.

- The CEO will consider what services may be most appropriate to support the child and his or her parent/s.

- The CEO will consider what support services may be appropriate for the alleged offender.

- The CEO will put in place measures to protect the child and the alleged offender from possible victimisation and gossip.
Step 4: Take internal action

- Up to three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
  - a criminal investigation (conducted by the police)
  - a child protection investigation (conducted by the relevant child protection agency)
  - a disciplinary or misconduct inquiry/investigation (conducted by SSA).

- Regardless of the findings of the police and/or child protection agency investigations, SSA will assess the allegations to decide whether the alleged offender should return to his or her position, be dismissed, be banned or face any other disciplinary action.

- CEO of SSA will consider all information relevant to the matter – including any findings made by the police, the child protection authority and/or court – and then set out a finding, recommend actions and the rationale for those actions.

- If disciplinary action is recommended, we will follow the procedures set out in Clause 9 of our Member Protection Policy.

- We will provide the relevant government agency with a report of any disciplinary action we take, where this is required.

Contact details for advice or to report an allegation of child abuse

<table>
<thead>
<tr>
<th>Australian Capital Territory</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>ACT Police</td>
<td>Office for Children, Youth and Family Services</td>
</tr>
<tr>
<td>Ph: 131 444</td>
<td>Ph: 1300 556 729</td>
</tr>
<tr>
<td><a href="http://www.afp.gov.au">www.afp.gov.au</a></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>New South Wales</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales Police</td>
<td>Department of Community Services</td>
</tr>
<tr>
<td>Ph: 131 444</td>
<td>Ph: 132 111</td>
</tr>
<tr>
<td><a href="http://www.police.nsw.gov.au">www.police.nsw.gov.au</a></td>
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<table>
<thead>
<tr>
<th>Northern Territory</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern Territory Police</td>
<td>Department of Children and Families</td>
</tr>
<tr>
<td>Non-urgent police assistance</td>
<td><a href="http://www.childrenandfamilies.nt.gov.au">www.childrenandfamilies.nt.gov.au</a></td>
</tr>
<tr>
<td>Ph: 131 444</td>
<td>Ph: 1800 700 250</td>
</tr>
<tr>
<td><a href="http://www.pfes.nt.gov.au">www.pfes.nt.gov.au</a></td>
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<table>
<thead>
<tr>
<th>Queensland</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Queensland Police</td>
<td>Department of Communities</td>
</tr>
<tr>
<td>Ph: 131 444</td>
<td>Ph: 1800 811 810</td>
</tr>
<tr>
<td><a href="http://www.police.qld.gov.au">www.police.qld.gov.au</a></td>
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<table>
<thead>
<tr>
<th>South Australia</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>South Australia Police</td>
<td>Department for Education and Child Development</td>
</tr>
<tr>
<td>Ph: 131 444</td>
<td>Ph: 131 478</td>
</tr>
<tr>
<td><a href="http://www.sapolice.sa.gov.au">www.sapolice.sa.gov.au</a></td>
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</table>

<table>
<thead>
<tr>
<th>Tasmania</th>
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</thead>
<tbody>
<tr>
<td>Tasmania Police</td>
<td>Department of Health and Human Services</td>
</tr>
<tr>
<td>Ph: 131 444</td>
<td>Ph: 1300 737 639</td>
</tr>
<tr>
<td><a href="http://www.police.tas.gov.au">www.police.tas.gov.au</a></td>
<td></td>
</tr>
</tbody>
</table>
### Victoria

<table>
<thead>
<tr>
<th>Victoria Police</th>
<th>Department of Human Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-urgent police assistance</td>
<td><a href="http://www.dhs.vic.gov.au">www.dhs.vic.gov.au</a></td>
</tr>
<tr>
<td>Ph: (03) 9247 6666</td>
<td>Ph: 131 278</td>
</tr>
<tr>
<td><a href="http://www.police.vic.gov.au">www.police.vic.gov.au</a></td>
<td></td>
</tr>
</tbody>
</table>

### Western Australia

<table>
<thead>
<tr>
<th>Western Australia Police</th>
<th>Department for Child Protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-urgent police assistance</td>
<td><a href="http://www.dcp.wa.gov.au">www.dcp.wa.gov.au</a></td>
</tr>
<tr>
<td>Ph: 131 444</td>
<td>Ph: (08) 9222 2555 or 1800 622 258</td>
</tr>
<tr>
<td><a href="http://www.police.wa.gov.au">www.police.wa.gov.au</a></td>
<td></td>
</tr>
</tbody>
</table>
ATTACHMENT E4: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing, ensure the procedures outlined in Attachment E3 have been followed and advice has been sought from the relevant child protection 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 | |
| ☐ Administrator (volunteer) | ☐ Parent |
| ☐ Athlete/player | ☐ Spectator |
| ☐ Coach/Assistant Coach | ☐ Support Personnel |
| ☐ Employee (paid) | ☐ Other |
| ☐ 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: | |

<p>| Child protection agency contacted | |
| Who: | When: |
| Advice provided: | |</p>
<table>
<thead>
<tr>
<th>CEO contacted</th>
<th>Who:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>When:</td>
</tr>
<tr>
<td>Police and/or child protection agency investigation</td>
<td>Finding:</td>
</tr>
<tr>
<td>Internal investigation (if any)</td>
<td>Finding:</td>
</tr>
<tr>
<td>Action taken</td>
<td></td>
</tr>
<tr>
<td>Completed by</td>
<td>Name:</td>
</tr>
<tr>
<td></td>
<td>Position:</td>
</tr>
<tr>
<td></td>
<td>Signature:</td>
</tr>
<tr>
<td></td>
<td>Date</td>
</tr>
<tr>
<td>Signed by</td>
<td>Complainant (if not a child)</td>
</tr>
</tbody>
</table>

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.