



Gymnastics
Australia

MEMBER PROTECTION POLICY

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CONTENTS

PAGE

Preface 4

PART A –MEMBER PROTECTION POLICY

1. Introduction
 2. Purpose of Policy
 3. Who this Policy Applies To
 4. Responsibilities of the Organisation
 5. Individual Responsibilities
 6. Position Statements
 6.1 Child Protection
 6.2 Taking of Images of Children
 6.3 Anti-Discrimination & Harassment
 6.4 [Sexual Relationships]
 6.5 [Pregnancy]
 6.6 [Gender Identity]
 7. Complaints Procedures
 7.1 Complaints
 7.2 Vexatious Complaints & Victimisation
 7.3 Mediation
 8. What is a Breach of this Policy
 9. Disciplinary Measures
 9.1 Individuals
 9.2 Organisations
 9.3 Factors to Consider
 10. Dictionary

PART B – ATTACHMENTS: CODES OF BEHAVIOUR

B1. General Code of Behaviour2B
 B2. Coaches' Code of Ethics..... 3B
 B3. Judges' Code of Ethics 6B
 B4. Participant Code of Behaviour 8B
 B5. Administrator (Volunteer) Code of Behaviour 9B
 B6. GA Directors' Code of Conduct..... 10B
 B7. Parent/Guardian Code of Behaviour..... 12B
 B8. Spectator Code of Behaviour..... 13B

PART C – ATTACHMENTS: WORKING WITH CHILDREN CHECK REQUIREMENTS

C1. Screening Requirements (for states/territories with no WWCC legislation) 2C
 C2. Member Protection Declaration 3C
 C3. Working with Children Check Requirements 4C

PART D – ATTACHMENTS: COMPLAINT HANDLING PROCEDURES

D1. Complaints Procedure 1D
 D2. Grievance By-Law 3 4D
 D3. Discipline and Appeals By Law 4..... 5D
 D4. Investigation Procedure 6D

PART E – ATTACHMENTS: REPORTING DOCUMENTS/FORMS

E1. Record of Informal Complaint 1E
 E2. Record of Formal Complaint..... 2E
 E3. Record of Child Abuse Allegation 4E

**REVIEW HISTORY OF GYMNASTICS AUSTRALIA'S MEMBER PROTECTION
POLICY**

Version	Date reviewed	Date endorsed
One	October 2000	December 2000
Two	February 2004	
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Four	July 2007	August 2007
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PREFACE

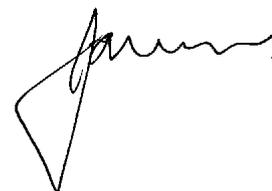
Gymnastics Australia Ltd (GA) is committed to providing a sport and work environment free of discrimination and harassment (sexual or otherwise), where individuals are treated with respect and dignity. Gymnastics Australia will not tolerate discriminatory or harassment behaviour under any circumstances and will take disciplinary action against anyone who breaches this Member Protection policy.

Gymnastics Australia's Member Protection policy is part of the organisation's proactive and preventative approach to tackling inappropriate behaviour.

Gymnastics Australia is committed to ensuring that the safety, welfare and wellbeing of children are maintained at all times during their participation in activities run by Gymnastics Australia and its member bodies. Accordingly, any person involved in the instruction, management or coaching of any member under the age of 18 years may be asked to undergo screening procedures including police and other probity checks.



Ken Williamson
PRESIDENT
OFFICER



Jane Allen
CHIEF EXECUTIVE

Gymnastics Australia Ltd
January 2010

PART A – MEMBER PROTECTION POLICY

1. Introduction

Vision

Gymnastics is a lifestyle, not only a sport.

Mission

To promote and develop participation from grass roots to elite through the provision of best quality programs, products and services

Values

Gymnastics Australia (GA) is well managed and committed to serving the interests of its Members and the Gymsports, through:

- strong leadership, innovation, flexibility and continuous improvement;
- open and effective communication;
- valuing the contributions of staff, members and volunteers;
- working effectively and with a common purpose, with Members, partners and affiliates in the planning and delivery of programs and services; and
- promoting a performance culture with a focus on results.

Goals

These goals represent an agreed picture of success for Gymnastics in Australia by 2012.

- Gymnastics to be a lifestyle, not only a sport
- Gymnastics to raise its profile.
- Gymnastics to be a leader in delivering organised sport.

2. Purpose of this policy

This Member Protection Policy (policy) aims to maintain ethical and informed decision-making and responsible behaviours within our sport. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from abuse. This policy informs everyone involved in our sport of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.

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

This policy has been endorsed by the GA Board of Directors and has been adopted as one of GA's official policies in accordance with the GA Constitution. The policy starts on February 2010 and will operate until replaced. This policy and/or its attachments may be amended from time to time by the GA Board of Directors in accordance with the GA Constitution Clause 22. Copies of the current policy and its attachments can be obtained from the GA website www.gymnastics.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 applies to the following people, whether they are in a paid or unpaid/voluntary capacity:

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

This policy also applies to the following associations:

- 3.12 Association Members (State Associations);
- 3.13 Affiliated clubs

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

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

4. Responsibilities of the Organisation

Gymnastics Australia, Association Members and affiliated clubs must:

- 4.1 Adopt, implement and comply with this policy;
- 4.2 Make such amendments to their Constitution, Rules or Policies necessary for this policy to be enforceable;
- 4.3 Publish, distribute and promote this policy and the consequences of breaches;
- 4.4 Promote and model appropriate standards of behaviour at all times;
- 4.5 Promptly deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner;
- 4.6 Apply this policy consistently;
- 4.7 Recognise and enforce any penalty imposed under this policy;
- 4.8 Ensure that a copy of this policy is available or accessible to the persons and associations to whom this policy applies;
- 4.9 Use appropriately trained people to receive and manage complaints and allegations (Member Protection Information Officers (MPIOs));
- 4.10 Monitor and review this policy at least annually.

5. Individual Responsibilities

Individuals bound by this policy are responsible for:

- 5.1 Making themselves aware of the policy and complying with its standards of behaviour;

- 5.2 Complying with our screening requirements and any state/territory Working with Children checks;
- 5.3 Placing the safety and welfare of children above other considerations;
- 5.4 Being accountable for their behaviour;
- 5.5 Following the procedures outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour; and
- 5.6 Complying with any decisions and/or disciplinary measures imposed under this policy.

6. Position Statements

6.1 Child Protection

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

- Prohibiting any form of abuse against children;
- Ensuring people have completed a satisfactory Working with Children Check where the relevant state/territory law requires this *[state/territory requirements are summarised in Part C of this policy]*;
- Carefully selecting and screening people over the age of 16 years who work, coach or have regular unsupervised contact with children;
- Promoting and enforcing our codes of behaviour, particularly for roles associated with juniors;
- Responding to all reports and complaints of abuse promptly, seriously and confidentially;
- Making information about child protection available, particularly for roles associated with children;
- Adopting practices that reduce risks and provide the greatest opportunity of having a child safe environment.

Anyone who reasonably suspects that a child has been or is being abused by someone within our sport, is to report it immediately to the police or relevant government agency and the CEO of GA. Descriptions of the sorts of activity which may be abuse are in the Dictionary at clause 10. If anyone suspects that a child is being abused by his or her parent/s, they are advised to contact the relevant government department for youth, family and community services in their state/territory.

A person will not be victimised for reporting possible child abuse and the privacy of all persons concerned will be respected. Our procedures for handling allegations of child abuse are outlined in attachment D4.

6.2 Taking Images of Children

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

If the GA uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers

without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by pedophiles or other persons. We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc.

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

6.3 Anti-Discrimination and Harassment

GA opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers. Some forms of harassment, discrimination and bullying, based on personal characteristics such as those listed in the Dictionary at [clause 10], are against the law.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to GA's Grievance By-Law 3. This will explain what to do about the behaviour and how GA will deal with the problem.

6.4 Sexual Relationships

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

Should a sexual relationship exist between an athlete and coach, GA will consider whether any action is necessary. Factors that may be relevant in this consideration are the age and maturity of the athlete relative to the coach, the financial or emotional dependence of the athlete on the coach, and the likelihood of the relationship having any adverse impact on the athlete and/or other athletes. If it is determined that the sexual relationship is inappropriate, action may be taken to stop the coaching relationship with the athlete. Action may include transfer, a request for resignation or dismissal from coaching duties.

In the event that an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach or athlete may wish to approach the GA's MPIO or complaints officer or other designated person] if they feel harassed. Our complaints procedure is outlined in Attachment D1 of this policy.

6.5 Pregnancy

Everyone bound by this policy must treat pregnant women with dignity and respect and any unreasonable barriers to participation by them in our sport should be removed. 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. 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 children, should be of utmost importance in their decision making about the way they participate in our sport.

GA recommends that 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 participation. We will only require pregnant women to sign a disclaimer if we require other participants to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

6.6 Gender Identity

Everyone bound by this policy must treat people who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender. Descriptions of the types of behaviour which could be regarded as transgender discrimination or harassment are provided in the Dictionary at [clause 10].

GA recognises that the exclusion of transgender people from participation in sporting events has significant implications for their health, well-being and involvement in community life. In general GA will facilitate transgender persons participating in our sport with the gender with which they identify.

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

GA 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 GA.

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.

7. Complaints Procedures

7.1 Complaints

GA aims to provide a simple procedure for complaints based on the principles of procedural fairness (natural justice). Any person (a complainant) may report a complaint about a person/s or organisation bound by this policy (respondent). Such complaints should be reported to the CEO.

The lowest level at which a matter can be dealt with shall always be preferred. 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 occur at the national level and the most serious cases from club and state level should be referred to the national body.

A complaint may be dealt with informally or formally. The complainant usually decides this unless the CEO considers that the complaint falls outside this policy and would be better dealt with another way and/or the law requires 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. If the complaint falls outside the parameters of the Complaints Procedure then the GA Grievance By-Law 3 will be followed.

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

7.2 Vexatious Complaints & Victimisation

GA aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation. If at any point in the complaints process the CEO considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the GA Discipline Committee for appropriate action which may include disciplinary action against the complainant.

GA 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.

7.3 Mediation

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

Mediation may occur before or after the investigation of a complaint. If a complainant wishes to resolve the complaint with the help of a mediator, the CEO will, in consultation with the complainant, arrange for a neutral third party mediator where possible as outlined in GA Grievance By-Law 3.

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 B to this policy);
- 8.2 Bringing the sport GA into disrepute, or acting in a manner likely to bring the sport and GA into disrepute;
- 8.3 Failing to GA 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 reporting a complaint;
- 8.6 Engaging in a sexually inappropriate 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 GA 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; or
- 8.11 Failing to comply with a direction given to the individual or organisation during the discipline process.

9. Disciplinary Measures

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed pursuant to the Discipline and Appeals By-Law 4 in attachment D3 of this policy. Any disciplinary measure imposed under this policy must:

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

9.1 Individual

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

- 9.1.1 A direction that the individual make a verbal and/or written apology;
- 9.1.2 A written warning;
- 9.1.3 A direction that the individual attend counselling to address their behaviour;
- 9.1.4 A withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by GA,
- 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 GA terminate the individual's membership, appointment or engagement;
- 9.1.9 In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- 9.1.10 A fine;
- 9.1.11 Any other form of discipline that the CEO considers appropriate.

9.2 Organisation

If a finding is made that an Association Member or affiliated club has breached its own or this Member Protection policy, one or more of the following forms of discipline may be imposed by the GA Discipline Committee.

- 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 GA cease from a specified date;

- 9.2.5 A direction that GA cease to sanction events held by or under the auspices of that organisation;
- 9.2.6 A recommendation to GA that its membership of GA 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 to be 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:

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

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 commissions or equal opportunity and anti-discrimination commissions.

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

Affiliated club means a club affiliated with Gymnastics Australia and an Association Member, recognised by Gymnastics Australia as per the GA Constitution in accordance with clause 5.6.

Association Member (State Associations) means an Association affiliated with Gymnastics Australia, recognised by Gymnastics Australia as per the GA Constitution in accordance with Clause 5.2, 5.3 and 5.4.

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 7.1

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 because of a particular characteristic in the same or similar circumstances in certain areas of public life (Direct Discrimination), or 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 (Indirect Discrimination). The characteristics covered by discrimination law across Australia are:

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

(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 junior player is overlooked 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 contract worker is harassed when employees 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.

Harassment is any type of behaviour that the other person does not want and that is offensive, abusive, belittling or threatening. 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 is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or some other characteristic (see characteristic list under discrimination).

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

Discrimination and harassment are not permitted in employment (including volunteer and unpaid employment); when providing sporting goods and services including access to sporting facilities; when providing education and accommodation; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any player or other person to any competition and the obtaining or retaining membership of clubs and organisations (including the rights and privileges of membership).

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

- holding a competitive sporting activity for females only who are 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.

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 vilification.

Honorary Member means any person admitted to Gymnastics Australia in accordance with the GA Constitution clause 5.9.

Life Member means a person granted life membership of Gymnastics Australia under Clause 5.10.

Mediator means an impartial/neutral person appointed to mediate Complaints under the GA Grievance By-Law 3.

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.

Natural justice (also referred to as procedural fairness) incorporates the following principles:

- 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;
- 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.

This policy means this Member Protection Policy.

Respondent means the person who is being complained about.

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

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

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

Sexual offence means a criminal offence involving sexual activity or acts of indecency including but not limited to (due to differences under state/territory legislation):

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

Technical Member means a means any person registered to an Association Member and Gymnastics Australia in accordance with the GA Constitution clause 5.8.

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 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 within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

PART B: CODES OF BEHAVIOUR

Attachment B1: GENERAL CODE OF BEHAVIOUR.....	2
Attachment B2: COACHES' CODE OF ETHICS.....	3
Attachment B3: JUDGES' CODE OF ETHICS.....	6
Attachment B4: PARTICIPANT CODE OF BEHAVIOUR	8
Attachment B5: ADMINISTRATOR (VOLUNTEER) CODE OF BEHAVIOUR.....	9
Attachment B6: GA DIRECTORS' CODE OF CONDUCT AND DECLARATION OF INTEREST STATEMENT	10
Attachment B7: PARENT/GUARDIAN CODE OF BEHAVIOUR	12
Attachment B8: SPECTATOR CODE OF BEHAVIOUR	13

Attachment B1: GENERAL CODE OF BEHAVIOUR

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

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

Attachment B2: COACHES' CODE OF ETHICS

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

Abide by the rules of Gymnastics Australia as set forth in its constitution and by-laws.

- follow procedures for enforcement of the Code of Ethics
- accept any judgments made
- use the established procedures for challenging a competitive result, contesting a team selection decision, complaining about the conduct of another member, or attempting to change policy of Gymnastics Australia

Direct your observations and recommendations regarding all aspects of gymnastics to the appropriate persons for the betterment of the sport.

- be constructive with criticisms and direct comments and observations to the relevant individuals and organisations, to avoid gossip innuendo and malicious comment
- respect the efforts of appointed and elected representatives of Gymnastics Australia

Represent yourself and your coaching status in an honest and professional manner, without bringing the coaching profession or Gymnastics Australia into disrepute

- use your accreditation status and Technical Membership of GA to represent your ability in an honest manner, not to gain unwarranted favours
- be professional in and accept responsibility for your actions
- extend professional courtesy to other coaches, athletes and their parents by keeping them informed in matters relevant to athlete's training programs
- abide by and respect the regulations governing sport and the organisation and individuals administering those regulations
- be a role model for your sport and the athletes
- respect the rights, dignity and worth of every human being within the conduct of your involvement in gymnastics

Exercise a standard of care consistent with your competence and obligations as a coach

- show concern for the health, safety and welfare of athletes and colleagues

- coach within the limits of your competence as a coach
- follow GA safety guidelines in respect of the duty of care owed to the athlete
- provide planned and sequential training programs based on the individual developmental needs of athletes
- modify the training program for injured athletes based on appropriate medical advice when required
- provide a safe environment for participants in training and competition

Provide a quality service to your athletes and to the sport

- maintain or improve your current NCAS accreditation
- seek continual improvement through performance appraisal and ongoing coach education
- honour the responsibilities given to a coach by keeping all relevant qualifications up to date
- work to ensure your athletes' time spent with me is a positive experience

Promote and assist in the development of the coaching profession

- assist others to develop good attitudes, skills and knowledge relating to the sport
- promote and assist in the education of other coaches

Put athletes' welfare first; making decisions based on the best interests of your athlete's' sporting, education and vocational careers

- acknowledge the individual talents and potential of athletes
- maintain a balanced emphasis of sporting involvement within educational and career objectives

Show leadership, and support efforts to remove the abuse of drugs in sport

- abide by the regulations of the relevant national and international sporting and government bodies
- respect the health and dignity of athletes to compete on the basis of their abilities; within the rules of the sport of gymnastics

Encourage, by example, the removal of any form of personal abuse or inappropriate discrimination

- refrain from verbal, physical or emotional abuse
- refrain from any form of sexual harassment towards athletes and colleagues

- refrain from using the influence of a coaching position to encourage inappropriate intimacy between coach and athlete
- refrain from any discriminatory practices on the basis of race, religion, ethnic background, or special ability/disability of athletes
- be alert to any forms of abuse towards your athletes from other sources whilst they are in your care

Ensure physical contact with athletes is appropriate and necessary for the athletes' skill development

- ensure spotting methods and philosophy are consistent with established gymnastics principles
- ensure spotting is used only to facilitate learning or safe performance

Attachment B3: JUDGES' CODE OF ETHICS

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

In order to present a professional image and to judge objectively and accurately, all judges should:

In General:

- understand and abide by the Judge's Oath
- be fully conversant with the FIG Code of Points and/or any other published rules and regulations pertaining to the standard of gymnastics being judged
- actively maintain technical knowledge through ongoing review of the Code of Points, technical publications, video tapes and gym floor participation
- attend all pre-competition judge's meetings
- dress in a tidy fashion benefiting the status and image of a judge
- be punctual for all official events
- avoid the use of derogatory language
- be prepared to counsel athletes and coaches regarding the athlete's performance after competitions

When travelling with a team:

- report any significant outcomes from the pre-competition meetings to the team coach
- be available to attend training sessions to advise on judging matters
- emphasise the spirit of the sport rather than the errors
- compliment and encourage all competitors
- be accountable for one's own judging performance
- be a current Technical Member of Gymnastics Australia/State Association

At competitions:

- dress in the standard judge's uniform for competition
- be prepared for the competition by having all personal judging equipment and accessories readily available and by being conversant with the apparatus and exercises

- be co-operative with competition organisers, floor managers, announcers and head judges
- be quick and accurate in determining scores
- be co-operative in judges' conferences and assist the head judge to arrive at the final score
- be prepared to justify scores in a judge's conference
- be consistent, objective and courteous at all times

Attachment B4: PARTICIPANT CODE OF BEHAVIOUR

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

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

Attachment B5: ADMINISTRATOR (VOLUNTEER) CODE OF BEHAVIOUR

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

1. Involve people in planning, leadership, evaluation and decision making.
2. Give all people equal opportunities to participate.
3. Create pathways for people to participate in sport, not just as an athlete but as a coach, referee, administrator, etc.
4. Ensure that rules, equipment, length of games and training schedules are modified to suit the age, ability and maturity level of participants.
5. Provide quality supervision and instruction for junior participants.
6. Remember that people participate for their enjoyment and benefit. Do not overemphasise awards.
7. Help coaches and officials highlight appropriate behaviour and skill development, and help improve the standards of coaching and judging.
8. Ensure that all involved in the sport emphasises fair play, not winning at all costs.
9. Remember, you set an example. Your behaviour and comments should be positive and supportive.
10. Support implementation of all policies of Gymnastics Australia, the State Association and the club.
11. Make it clear that any abuse is unacceptable and will result in disciplinary action.
12. Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.

Attachment B6: GA DIRECTORS' CODE OF CONDUCT AND DECLARATION OF INTEREST STATEMENT

Directors' of Gymnastics Australia (GA) will:

General Conduct

1. at all times conduct themselves with the courtesy and respect of others.

Board members' duties

2. discharge their fiduciary duties in the best interests of the members of GA as a whole.
3. acknowledge that they represent only the Board of GA and do not and cannot represent other or individual constituents including any with which they have been previously been involved and/or associated.
4. conduct themselves independently and free from undue influence at all times.
5. act in good faith at all times.
6. exercise due care and diligence in all matters.
7. meet GA's federal, state and territory statutory obligations.

Conflicts

8. avoid any conflict of interest which may arise when:
 - a) a board director or his/her immediate family or business stand to gain financially from any business dealings, programs or services provided to GA.
 - b) a board director offers a professional service to GA.
 - c) a board director stands to gain professionally or personally from any knowledge derived from his or board position if that knowledge is used for personal or professional advantage.
 - d) a board director holds a position in another gymnastics organisation which deals with GA.
9. disclose upon election and annually thereafter during their term of appointment all interests in the GA Register of Interests.
10. it shall be incumbent on and a duty of each Director to disclose any conflict or potential conflict as they arise.
11. during the course of a board meeting or any other meeting involving GA interests, seek the consent of the meeting to address the meeting subject to the disclosure and that request will be considered by the Board which may or may not allow the member to speak and may or may not require the member to absent him or herself from the meeting room.

Further obligations

12. not act independently of GA without the consent of the Board.
13. participate fully and constructively in the deliberations and decisions of the Board and communicate openly to achieve GA's goals.

Attachment B7: PARENT/GUARDIAN CODE OF BEHAVIOUR

As a parent of a participant in any activity held by or under the auspices of Gymnastics Australia, a member association or an affiliated club, you must meet the following requirements in regard to your conduct during any such activity or event:

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

Attachment B8: SPECTATOR CODE OF BEHAVIOUR

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

1. Respect the rights, dignity and worth of others.
2. Focus on the participants' efforts and performance rather than winning or losing.
3. Never ridicule or yell at participants for making a mistake or not winning a competition.
4. Show appreciation for good performance by all participants (including opposing participants).
5. Demonstrate a high degree of individual responsibility especially when dealing with or in the vicinity of persons under 18 years of age, as your words and actions are an example.
6. Respect officials' decisions and teach participants to do likewise.
7. Do not physically or verbally abuse or harass anyone (participant, coach, judge, administrator, etc). Report those that do to the relevant party.
8. Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.
9. Be a positive role model.
10. Check on the appropriate club or state bodies' policy on photography of participants before taking photos or videos.
11. Allow fellow spectators the respect they deserve in their viewing of the class/event.
12. Be aware of the repercussions that any breaches of this code of behaviour may incur.

PART C: SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

Background

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

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

The Northern Territory government has passed new law and screening will be compulsory from January 2010. The Australian Capital Territory and Tasmania are currently reviewing their screening laws. New requirements and amendments will be added to this policy as they are introduced.

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

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

The following attachments provide:

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

Attachment C1: SCREENING REQUIREMENTS

[for states/territories without Working With Children Checks such as ACT and Tasmania]

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

GA will, and also requires state associations and clubs to:

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

Attachment C2: MEMBER PROTECTION DECLARATION

GA 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, GA must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

I (name) of

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

sincerely declare:

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

Declared in the State/Territory of

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

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 C3: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS

The following information was updated in April 2009. It is subject to change at any time.

1. QUEENSLAND

A person will need a Working with Children Check, also known as the **blue card**, if they propose to work in a paid or voluntary capacity or to carry on a business in a child-related area regulated by the *Commission for Children and Young People and Child Guardian Act 2000*. Once a person is checked and approved they are issued with a “blue card.” Volunteers and paid employees employed in sporting organisations generally fall under the ‘churches, clubs and associations’ category of regulated employment. Volunteers and paid employees employed in private businesses may fall under the ‘sport and active recreation’ category of regulated employment. The check is a detailed national criminal history check including charges and investigations relating to children.

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

A blue card remains current for two years. Existing card holders will be notified by the Queensland Commission for Children and Young People and Child Guardian before their card expires.

In addition to obligations regarding the blue card, **employers** must develop and implement a written child protection risk management strategy and review it each year.

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

- www.ccybg.qld.gov.au
- 1800 113 611

2. NEW SOUTH WALES

All organisations within NSW that employ people in child-related employment (in a paid or unpaid capacity) must meet the requirements of the Working with Children Check (WWCC). Child related employment is work which primarily involves direct unsupervised contact with children. The WWCC involves three components:

1. **Ensuring** all paid and unpaid employees sign a [Prohibited Employment Declaration](#) which states they are not prohibited from working with children.
2. **Submitting** all applicants for **paid** employment to NSW Sport and Recreation for a WWCC background check. NSW Sport and Recreation only carries out checks for paid employees.
3. **Reporting** relevant employment proceedings for any paid and unpaid employees to the Commission for Children and Young People. A relevant employment proceeding involves any reportable conduct committed outside of work as well as in the workplace with or in the presence of a child/ren.

Sporting organisations are responsible for managing the WWCC process. Individuals cannot apply for a WWCC directly. Sporting organisations should register with [NSW Sport and Recreation](#), providing a contact who will receive the information on the background checks.

A WWCC is valid for employment in that position within the organisation. Short-term employees (where that person is being employed for periods of less than six months and

returning for short periods throughout a 12 month period) only need to be checked **once** every 12 months.

For more information, including the required forms:

- www.kids.nsw.gov.au or 02 9286 7219
- www.dsr.nsw.gov.au/children/resources.asp or 02 9006 3700

3. WESTERN AUSTRALIA

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

Applicants will be issued with either:

- An Assessment Notice in the form of a WWC Card enabling them to be in all types of child-related work for three years unless there are new offences of concern.
- An Interim Negative Notice, which prohibits them from child-related work until a final decision is made on their application.
- A Negative Notice, which prohibits them from child-related work.

There are set obligations and strong penalties for non-compliance including for employers and volunteer co-coordinators.

For more information:

- www.checkwwc.wa.gov.au or call 1800 883 979 (toll free)

4. VICTORIA

The Working with Children (WWC) Check creates a mandatory minimum checking standard across Victoria. The *Working with Children Act 2005* requires that some people who work or volunteer in child-related work require a WWC Check. The check involves a national police records check and a review of relevant findings from prescribed professional disciplinary bodies (currently only the Victorian Institute of Teaching). There is an exemption for volunteers whose own children are involved in the particular activity; however they should still be required to complete the screening process.

A person who has no criminal or professional disciplinary history will be granted an *assessment notice*. This notice will entitle the person to undertake child-related work in Victoria and is valid for five years (unless revoked). A person deemed unsuitable to work or volunteer with children will be given a *negative notice* and cannot work in child-related work in Victoria.

For more information:

- www.justice.vic.gov.au/workingwithchildren or 1300 652 879

5. SOUTH AUSTRALIA

There are provisions under the *Children's Protection (Miscellaneous) Amendment Act 2005* that apply to non-government and volunteer organisations that are entrusted with the care of children or who regularly come into contact with children. These provisions require organisations to have strategies in place to prevent and minimise opportunities for abuse and to appropriately respond when abuse occurs or is suspected, and to implement guidelines and processes that clearly outline effective and timely responses to child protection issues and steps of action.

Be aware that criminal history reports are likely to be introduced and mandatory for some positions in sporting organisations from 2010/2011.

Staff and volunteers who work with children are mandated notifiers and have a legal obligation to report any suspected child abuse and/or neglect.

For more information:

- www.families.sa.gov.au/childsafe or 08 8226 7000

6. NORTHERN TERRITORY

From January 2010, all persons employed in child related work, either paid or as a volunteer, must hold a valid clearance notice issued by the SAFE NT Screening Authority. There are penalties for failure to comply. Sports coaches, trainers, team administrators, officials and volunteers of Sporting Organisations that deal with children are caught.

Clearance notices are valid for two years from date of issue unless revoked, and are transferable within employment fields. As a part of the assessment process, SAFE NT will consider the applicant's criminal history record and other relevant information.

For more information contact 1800 SAFE NT (1800 723 368)

PART D: COMPLAINT HANDLING PROCEDURES

To ensure due process, consistency and that the principles of natural justice are followed in all aspects of handling or conducting complaints, allegations, investigations, appeals and disciplinary measures, Gymnastics Australia will follow the GA Grievance By-Law 3 and the GA Discipline and Appeals By-Law 4.

Attachment D1: COMPLAINTS PROCEDURE

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

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

If you wish to remain anonymous, GA may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that GA 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 and appropriate)

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

Step 2: Contact a Member Protection Information Officer

Talk with one of our Member Protection Information Officers (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.

A list of our sport's MPIOs can be found

http://www.ausport.gov.au/supporting/ethics/resources/member_protection/member_protection_officers

The MPIO will:

- take confidential notes about your 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;
- maintain confidentiality.

Step 3: Outcomes from initial contact

After talking with the MPIO, you may decide:

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

FORMAL APPROACHES

Step 4: Making a Formal complaint

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

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

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

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

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

- whether they have had any personal involvement in the circumstances which means that someone else should handle the complaint;
- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- the relationship between you and the respondent (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 CEO is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

- put the information they've received from you to the person/people you're complaining about and ask them to provide their side of the story;
- decide if they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- determine what, if any, further action to take. This action may include disciplinary action in accordance with this policy.

Step 5: Investigation of the complaint

- A person appointed under Step 3 will conduct an investigation and provide a written report to the GA Discipline Committee who will determine what further action to take;
- If the complaint is referred to mediation, it will be conducted in accordance with the GA Grievance By Law 3 or as otherwise agreed by you and the respondent and the mediation provider;
- If the complaint is referred to the GA Appeals Commissioner, the hearing will be conducted in accordance with the GA Discipline and Appeals By Law 4.
- If the complaint is referred to the police or other appropriate authority, GA will use its best endeavours to provide all reasonable assistance required by the police or other authority.

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

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 3**.

You or the respondent(s) may be entitled to appeal. The grounds and process for appeals under this Policy are set out in the GA Grievance By-Law 3.

Step 7: Documenting the resolution

The CEO will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at a state/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 conciliate the complaint confidentially. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made. The tribunal will decide upon what action, if any, will be taken. This could include financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred.

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

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

Attachment D2: GRIEVANCE BY-LAW 3

This By-Law has been established by the Board of Directors' of Gymnastics Australia under clause 11.2(b) of the GA Constitution. It is binding on GA and all members of GA and approved on the 29 April 2007.

This official By-Law is attached to the Member Protection Policy.

Attachment D3: DISCIPLINE AND APPEALS BY-LAW 4

This By-Law has been established by the Board of Directors' of Gymnastics Australia under clause 11.2(b) of the GA Constitution. It is binding on GA and all members of GA and approved on the 29 April 2007.

This official By-Law is attached to the Member Protection Policy.

Attachment D4: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

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

Step 1 – Initial Receipt of an Allegation

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

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

Step 2 – Report allegations

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

Step 3 – Protect the child and manage the situation

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

Step 4 – Internal action

- Where there is an allegation made against a person to whom this policy applies, there may be three types of investigations:
 - Criminal (conducted by police)
 - Child protection (conducted by child protection authority)
 - Disciplinary or misconduct (conducted by GA)
- Irrespective of the findings of the child protection and/or police inquiries, GA will assess the allegation to decide whether the person should be reinstated, banned, have their employment or position terminated or any other action.
- The decision-maker(s) will be the Discipline Committee of GA and it will consider all the information, including the findings of the police, government agency and/or court, and determine a finding, recommend action and explain its rationale for the action. This may be a difficult decision particularly where there is insufficient evidence to uphold any action by the police.
- If disciplinary action is to be taken, the procedures outlined in the GA Discipline and Appeals By Law 4 will be followed.
- If disciplinary action is taken, GA will advise and provide a report to the relevant government authority should this be required (e.g. the NSW Commission for Children and Young People requires notification of relevant employment proceedings).

Attachment E2: CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Location/event of alleged issue		
Description of alleged issue		
Nature of complaint (category/basis/grounds) Can tick more than one box	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other	
Methods (if any) of attempted informal resolution		

Formal resolution procedures followed (outline)	
If investigated: Finding -	
If went to hearing tribunal: Decision - Action recommended -	
If mediated: Date of mediation - Were both parties present - Terms of Agreement - Any other action taken -	
If went to appeals tribunal: Decision Action recommended	
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position: Signature: / /
Signed by:	Complainant: Respondent:

This record and any notes must be kept in a confidential 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: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

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

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

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

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