



Australian Government
Australian Sports Commission

MEMBER PROTECTION POLICY
OF
AUSTRALIAN INTERNATIONAL SHOOTING LIMITED



Date Adopted by the Australian International Shooting Ltd Board	20/01/2006
Date Member Protection Policy Effective	28/02/2006
Amended	22/06/2006

PREFACE

The central goal of Australian International Shooting Ltd (AISL) is to develop the sport of shooting throughout Australia and internationally for the safety and enjoyment of its participating members.

AISL is committed to providing a sport and work environment free of harassment and discrimination. AISL aims to ensure the core values, good reputation and positive behaviours and attitudes of AISL are maintained. AISL believes that anyone who works for it, and everyone with whom it deals, has the right to be treated with respect and dignity. AISL will not tolerate any type of behaviour, which will bring the sport of shooting into disrepute, and this policy is an essential part of AISL's proactive and preventative approach to tackling inappropriate behaviour. AISL will therefore take all complaints seriously, and will ensure they are dealt with promptly, sensitively and with confidentiality.

AISL is committed to ensure that everyone associated with the organisation complies with this policy.

President AISL

2006

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REVIEW HISTORY OF AISL MEMBER PROTECTION POLICY

<i>Version</i>	<i>Date reviewed</i>	<i>Date endorsed</i>	<i>Content reviewed/purpose</i>
<i>One</i>		<i>20/01/2006</i>	<ul style="list-style-type: none"> • <i>Effective from 28/02/2006</i>
<i>Two</i>	<i>June 2006</i>	<i>24/01/2006</i>	<ul style="list-style-type: none"> • Amendments to the Dictionary (discrimination and harassment) • Minor amendment to the Anti-discrimination and harassment Policy Statement (6.2) • Pregnancy Policy Statement added (6.4) • Gender Identity Policy Statement added (6.5) • Minor changes to wording to investigation of child abuse procedures

AUSTRALIAN INTERNATIONAL SHOOTING LTD (“AISL”)

PART A – MEMBER PROTECTION POLICY

1. Purpose of this policy

This Member Protection Policy (policy) aims to ensure the core values, good reputation and positive behaviours and attitudes of AISL are maintained. It assists us in ensuring that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse. This policy also ensures that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities. This policy also reflects our support and implementation of the sport industry principles and values outlined in The Essence of Australian Sport - principles of fairness, respect, responsibility and safety.

The policy also provides 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, AISL will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by the board of the AISL and has been incorporated into our By-Laws in accordance with clause 14 of the AISL constitution. The policy starts on [*insert date*] and will operate until replaced. This policy and/or its attachments may be amended from time to time by a resolution of the Board in accordance with the constitution of AISL. Copies of the policy and its attachments can be obtained from our office, or website at www.ausshooting.org.

2. Who this Policy Applies To

This policy applies to the following organisations and individuals:

- AISL;
- Full Members and Associate Members;
- Clubs;
- Persons appointed or sitting on boards, committees and sub-committees of AISL , Full Members and Clubs;
- Employees, officials and volunteers appointed or elected by AISL , Full Members or Clubs;
- Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- Coaches (including assistant coaches) who
 - are appointed and/or employed by AISL , Full Members or a Club (whether paid or unpaid);or
 - have an agreement (whether or not in writing) with AISL , Full Members or a Club;
- Shooters who enter or participate in any activity or event (including camps and training sessions) which are held or sanctioned by AISL , Full Members or a Club;

- Any person or organisation, who or which is a member of, or affiliated to, AISL, a Full Member or a Club;
- Any other person or organisation who, or which agrees in writing or otherwise to be bound by this policy; and
- Parents, guardians, spectators and sponsors to the full extent that is possible.

This policy will continue to apply to a person even after they have stopped their association or employment with AISL if disciplinary action relating to an allegation of child abuse against that person has commenced.

3. Code of Conduct

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

- (a) be ethical, fair and honest in all their dealings with other people and AISL;
- (b) treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- (c) always place the safety and welfare of children above other considerations;
- (d) comply with AISL's constitution, rules and policies including this policy;
- (e) operate within the rules and spirit of the sport;
- (f) comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and child protection laws;
- (g) be responsible and accountable for their conduct; and
- (h) abide by the Code of Conduct outlined in **Attachment A** to this policy.

4. Organisational Responsibilities

4.1 AISL must:

- (i) adopt, implement and comply with this policy;
- (j) publish, distribute and otherwise promote this policy and the consequences for breaching it;
- (k) promote appropriate standards of conduct at all times;
- (l) promptly deal with any breaches of or complaints made under this policy in an impartial, sensitive, fair, timely and confidential manner;
- (m) apply this policy consistently without fear or favour;
- (n) recognise and enforce any penalty imposed under this policy;
- (o) ensure that a copy of this policy is available or accessible to the persons to whom this policy applies;

- (p) appoint or have access to appropriately trained people to receive and handle complaints and allegations and display the names and contact details in a way that is readily accessible; and
- (q) monitor and review this policy at least annually.

4.2 Full Members and Clubs must:

- (a) adopt, implement and comply with this policy;
- (b) publish, distribute and otherwise promote this policy and the consequences for breaching it;
- (c) promote appropriate standards of conduct at all times;
- (d) promptly deal with any breaches of or complaints made under this policy in an impartial, sensitive, fair, timely and confidential manner;
- (e) apply this policy consistently without fear or favour;
- (f) recognise and enforce any penalty imposed under this policy; and
- (g) ensure that a copy of this policy is available or accessible to the persons to whom this policy applies.

5. Individual Responsibilities

Individuals bound by this policy are responsible for:

- (a) making themselves aware of the policy and complying with the standards of conduct outlined in this policy;
- (b) consenting to a national police check if the individual holds or applies for a role that involves direct and unsupervised contact with people under the age of 18 years
- (c) complying with all other requirements of this policy;
- (d) co-operating in providing a discrimination, child abuse and harassment free sporting environment; and
- (e) understanding the possible consequences of breaching this policy.

6. Policy Position Statements

6.1 Child Protection Policy

Every person and organisation bound by this policy must always place the safety and welfare of children above all other considerations.

AISL acknowledges that its staff and volunteers provide a valuable contribution to the positive experiences of its junior participants. AISL aims to ensure this continues and to protect the safety and welfare of its junior participants. Several measures will be used to achieve this such as:

- prohibiting any form of abuse against children;

- providing opportunities for our juniors to contribute to and provide feedback on our program development;
- carefully selecting and screening people whose role requires them to have direct and unsupervised contact with children. (Screening procedures are outlined in clause 7 of this policy);
- ensuring our codes of conduct, particularly for roles associated with junior sport, are promoted, enforced and reviewed;
- providing procedures for raising concerns or complaints (our complaints procedure is outlined in clause 10 of this policy); and
- providing education and/or information to those involved in our sport on child abuse and child protection.

AISL requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within its sport, to report it immediately to the police or relevant government agency and the Member Protection Information Officer (“MPIO”). Descriptions of the sorts of activity which may be abuse are in the Dictionary at clause 13.

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. AISL’s procedures for handling allegations of child abuse are outlined in clause 9.1 of this policy.

If anyone bound by this policy reasonably 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.

6.2 Anti-Discrimination and Harassment Policy

AISL aims to provide a sport environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.

AISL recognises that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of their age, disability, family responsibilities, gender identity, homosexuality or sexual orientation, irrelevant medical or criminal record, marital status, political belief, pregnancy or breastfeeding, race, religion, sex, social origin and/or trade union membership/activity. AISL prohibits all forms of harassment and discrimination based on personal characteristics listed in the Dictionary. Discrimination and harassment are extremely distressing, offensive, humiliating and/or threatening and create an uncomfortable and unpleasant environment. In most circumstances discrimination and harassment are against the law.

Descriptions of some of the types of behaviour which could be regarded as harassment or discrimination are provided in the Dictionary at clause 13.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to clause 4.9 of the AISL Constitution.

6.3 Sexual Relationships Policy

AISL takes the position that sexual relationships between coaches and the adult athletes that they coach should be avoided. AISL takes the view that such relationships while not necessarily constituting unlawful harassment can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sport's public image. Such relationships tend to be intentionally or unintentionally exploitative because there is usually a disparity between coaches and athletes in terms of authority, power, maturity, status and dependence. AISL's policy position is similar to other organisations who disallow professionals such as teachers, doctors and counsellors to have sexual relationships with their clients or students.

Should a sexual relationship develop between an athlete and coach, AISL will investigate whether any action against the coach is necessary. Factors that may be relevant to consider 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.

If 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 may wish to approach AISL or a MPIO if they feel harassed.

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

6.4 Pregnancy Policy

AISL is committed to providing an inclusive sporting environment for pregnant women involved in its activities. AISL expects everyone bound by this policy to treat pregnant women with dignity and respect and to remove any unreasonable barriers to participation in our sport that disadvantage them. We will not tolerate any unlawful discrimination or harassment against pregnant women or women who may become pregnant.

Descriptions of some of the types of behaviour which could be regarded as pregnancy discrimination or harassment are provided in the Dictionary at clause 13.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in clause 10 of this policy. This will explain what to do about the behaviour and how the AISL will deal with the problem.

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

We encourage all pregnant women to consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation in particular sporting activities.

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

6.5 Gender Identity Policy

AISL is committed to providing an inclusive sporting environment where transgender or transsexual people involved in its activities are able to contribute and participate. AISL expects everyone who is bound by this policy to treat people who identify as transgender or transsexual fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any unlawful discrimination or harassment against a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual.

Descriptions of some of the types of behaviour which could be regarded as transgender or transsexual discrimination or harassment are provided in the Dictionary at clause 13.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in clause 10 of this policy. This will explain what to do about the behaviour and how AISL will deal with the problem.

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

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

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

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

7. Screening

AISL will implement screening procedures for people who currently occupy or who apply for any work (paid or voluntary) that involves direct and unsupervised contact with people under the age of 18 years

Screening under this policy is not a replacement for any other procedure required by law. If State or Territory legislation sets an equivalent or higher standard of screening,

the requirement to screen people under the process outlined below need not be followed.

Under this policy AISL, Full Members and Clubs are required to:

- (a) identify positions (paid and voluntary) that involve working with people under the age of 18 years; and
- (b) obtain a completed Member Protection Declaration (MPD) in the form set out in **Attachment B** to this policy from all people who are bound by this policy if they occupy or apply for a position that involves direct and unsupervised contact with people under the age of 18 years. The MPD will be kept in a secure place.

If a MPD is not provided, or it reveals that a person does not satisfactorily meet with one or more of the clauses in the MPD (e.g. has a relevant criminal conviction), the organisation will:

- provide an opportunity for the person to respond/provide an explanation; and
- 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, then the organisation will:

- in the case of an existing employee/volunteer, transfer the person to another role which does not require them to work directly and unsupervised with people under the age of 18 years. If this is not possible, then end the appointment.
 - in the case of someone applying for the position/role, not appoint them.
- (c) Check a person's referees (verbal or written) and interview a person about their suitability for the role and their suitability for working with children for both paid and voluntary positions.
 - (d) Ask people applying for and people who currently occupy a position that involves direct and unsupervised contact with people under the age of 18 years to **sign a consent form** for a national police check. (Information on police checks and forms can be found at www.ausport.gov.au/ethics/policechecks.asp)
 - (e) Request a national police check from the relevant police jurisdiction for people applying for and people who currently occupy paid or voluntary positions that involves direct and unsupervised contact with people under the age of 18 years.

In most police jurisdictions a 'Part Exclusion' check for people working with children can be requested. This check excludes irrelevant records.

If the police check indicates a relevant offence, the relevant organisation will:

- provide an opportunity for the person to respond/provide an explanation; and

- 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 the relevant organisation remains unsatisfied, or the person does not agree to a national police check after explaining why it is a requirement, then the relevant organisation will:

- in the case of an existing employee/volunteer, transfer the person to another role which does not require them to work directly and unsupervised with people under the age of 18 years. If this is not possible, then end the appointment.
 - in the case of a someone applying for the position/role, not appoint them.
- (f) Decide whether to offer the person the position or retain the person in the position, taking into account the result of the police check and any other information the organisation has available. Where it is not practical to complete the police check prior to employment commencing, the relevant organisation must still complete the check as soon as possible. The relevant organisation will advise the person that their ongoing employment is conditional upon the satisfactory outcome of the check.
- (g) Protect the privacy of any person who is checked and the confidentiality of any information obtained through the checking process. Information collected during screening (such as a completed MPD form, police records and referee reports) will be returned to the relevant person if that person is not appointed to/will not remain in the position, or otherwise be destroyed with the consent of the person concerned.

Where a national police check is obtained under this member protection policy, another organisation which is also required to screen may obtain a copy of the national police check provided that the consent of the relevant person is obtained and the national police check was performed in the immediately preceding two years.

8. Member Protection Information Officers (MPIOs)

8.1 AISL and Full Members shall be responsible for appointing such number of MPIOs as they consider appropriate. It is the role of a MPIO to:

- (a) provide a point of contact for persons wishing to make a complaint under this policy;
- (b) inform complainants of the options and procedures for resolution of complaints under this policy;
- (c) refer complaints or allegations of breaches of this policy to the organisation which appointed him/her; and
- (d) carry out the functions assigned to MPIOs throughout this policy.

9. Child abuse procedures

9.1 An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. The following is a basic outline of the key processes to follow. More information can be obtained from the relevant State or /Territory government agency.

- (a) Any complaints, concerns or allegations of child abuse should be made or referred to the CEO.. A MPIO should obtain and clarify basic details (if possible) but should not elicit detailed information about the abuse. The initial response of the person that receives the complaint from the child (or person on behalf of the child) is crucial to the well-being of the child. It is important for the person receiving the information to:
- Listen to, be supportive and do not dispute what the child says;
 - Reassure the child that what has occurred is not the fault of the child;
 - Ensure the child is safe;
 - Be honest with the child and explain that other people may need to be told in order to stop what is happening; and
 - Ensure that what the child says is quite clear but do not elicit detailed information about the abuse. You should avoid suggestive or leading questions.
- (b) Any individual or organisation to which this policy applies, should immediately report any incident of a serious or a criminal nature to the police and other appropriate authority. If the allegation is of a criminal nature, report the incident immediately to the police. If the allegation involves a child at risk of harm you may need to report to both the police and the relevant government agency.
- (c) The MPIO should assess the risks and recommend to the CEO interim action to ensure the child's/children's safety. Some options could include 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 support needs of the person against whom the complaint is made should also be addressed.
- (d) Any further investigation by AISL into allegations of a more serious or criminal nature should only be carried out upon advice from the police and relevant government agency.
- (e) For allegations of a less serious nature (e.g. verbal abuse) and independent person with appropriate expertise shall be appointed to make contact and meet with each of the people involved to obtain details of the allegation. Strict confidentiality, impartiality, fairness and due process must be maintained at all times.
- (f) If disciplinary action is to be taken, follow the procedures outlined in clause 12 of this policy.

10. Complaints Procedures

10.1 Complaints

AISL aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a complaint (complainant) about a person/s or organisation bound by this policy if they reasonably believe that a person/s or a sporting organisation has breached this policy. A complaint should be reported to the CEO.

A complaint may be reported as an informal or formal complaint. The complainant decides whether the complaint will be dealt with informally or formally unless the CEO considers that the complaint falls outside the parameters of this policy and would be better dealt with another way.

All complaints will be dealt with promptly, seriously, sensitively and confidentially.

10.2 Informal Complaint Resolution Procedure

If a complainant makes an approach to AISL, a Full Member, a Club or a person within these organisations, it is desirable that the complainant also seeks the advice of a MPIO. The MPIO will:

- (a) listen to the complainant in an empathetic, supportive manner;
- (b) inform the complainant about their possible options;
- (c) act as a support person for the complainant, including supporting them through any mediation process if the complainant wishes;
- (d) keep the matter confidential;
- (e) inform the relevant government authority, if required by law; and
- (f) consult by seeking advice from the relevant state or territory authority that administers the relevant law.

A complainant may seek to try and resolve the complaint by mediation in accordance with clause 10.4.

If, following this information complaint procedure, the complaint is not resolved informally, the complainant may make a formal complaint to the CEO of AISL. Nothing in this policy prevents the complainant taking action under state or federal legislation. It is not necessary to provide a written complaint under this clause.

10.3 Vexatious Complaints & Victimisation

AISL aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint 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 Council or the Judicial Committee of Council for appropriate action which may include disciplinary action against the complainant.

AISL will also take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to sort it out. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

10.4 Mediation

AISL aims to sort out complaints with the minimum of fuss wherever possible. In many cases, complaints can be sorted out by agreement between the people involved with no need for disciplinary action. The people involved in a formal complaint - the complainant and the person complained about (respondent) - may also seek the assistance of a neutral third person or a mediator. Lawyers are not able to negotiate on behalf of the complainant and/or respondent.

Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to try and resolve the complaint with the assistance of a mediator, the CEO will, in consultation with the complainant, arrange for a mediator to mediate the complaint.

10.5 Tribunals

A hearings tribunal may be formed to hear a formal complaint that has been referred by the CEO, or an alleged breach of the policy. AISL's tribunal hearings procedure is outlined in clause 4.9 of the AISL Constitution.

There is no appeal in respect of a decision of a hearing tribunal. The decision of the hearing tribunal is final and binding on the people involved in the hearing.

Every organisation bound by this policy will recognise and enforce any decision made, and form of discipline imposed, by an appeals tribunal under this policy.

11. What is a Breach of this policy

It is a breach of this policy for any person or organisation to which this policy applies, to have been found to have:

- (a) done anything contrary to this policy;
- (b) breached the Code of Conduct;
- (c) brought AISL into disrepute;
- (d) failed to follow AISL policies and procedures for the protection, safety and welfare of children;
- (e) appointed or continued to appoint a person to a role that involves working with children and young people contrary to this policy;
- (f) discriminated against or harassed any person;
- (g) victimised another person for reporting a complaint;
- (h) engaged in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;
- (i) disclosed to any unauthorised person or organisation any AISL information that is of a private, confidential or privileged nature;
- (j) made a complaint they **knew** to be untrue, vexatious, malicious or improper;
- (k) failed to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; or
- (l) failed to comply with a direction given to the individual or organisation during the discipline process.

12. Forms of Discipline

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. These may include making a verbal or written apology, paying a fine, being suspended or de-registered or having a person's

appointment or employment terminated. More information on the range of disciplinary measures and the factors that will be considered before imposing discipline is included in the AISL Constitution.

13. 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.

Associate Member means any Associate Member recognised as such under the AISL Constitution.

Child abuse relates to 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. Children may be harmed by both 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; giving bad nutritional advice; 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 10 of this policy.

Complainant means the person making a complaint.

Club means any club affiliated with a Full or Associate Member or AISL.

Constitution means the constitution of AISL in force from time to time.

Discrimination means treating or proposing to treat someone less favourably than someone else because of a particular characteristic in the same or similar circumstances in certain areas of public life (this is Direct Discrimination). The law also covers **Indirect Discrimination**. This is imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportional effect on individuals or groups with particular

characteristics. The characteristics covered by discrimination law across Australia are:

- Age;
- Disability;
- Family/carer responsibilities ;
- Gender identity/transgender status;
- Homosexuality and sexual orientation;
- Irrelevant medical record;
- Irrelevant criminal record;
- Physical features;
- 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.

Discrimination is not permitted in the areas of employment (including volunteer and unpaid employment); the provision of goods and services; 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; obtaining or retaining membership of an organisation (including the rights and privileges of membership).

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination may also be discriminatory conduct.

Full Member means any Full Member recognised as such under the AISL Constitution.

Harassment is any type of behaviour that the other person does not want and does not return and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and of a type that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Unlawful harassment includes the above but is either sexual or targets a person because of their race, sex, pregnancy, marital status, sexuality or other characteristic (see characteristic list under discrimination).

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

Discrimination and harassment are not permitted in the areas of employment (including volunteer and unpaid employment); the provision of 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; obtaining or retaining membership of clubs and organisations (including the rights and privileges of membership).

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

- holding a competitive sporting activity for females only who are 12 years of age or over where strength, stamina or physique is relevant; or
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that sporting activity.

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law.

Whether or not the behaviour is harassment is determined from the point of view of the person receiving the harassment. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

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

Public acts of racial hatred which are reasonably likely in the circumstances to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some state and territories also prohibit public acts that vilify on other grounds such as homosexuality, gender identify, HIV/AIDS, religion and disability - see vilification.

Junior means a person under the age of eighteen (18) years who is participating in an activity of AISL.

Mediator means a person appointed to mediate complaints made under this policy. It is preferable that the mediator has relevant skills, qualifications and/or training in mediation.

Member protection is a term used by the Australian sport industry to describe the practices and procedures that protect members – both individual members such as players, coaches and officials, and the member organisations such as clubs, Full Members, other affiliated associations and the national body. Member protection involves:

- protecting those that are involved in sport activities from harassment, abuse, discrimination and other forms of inappropriate behaviour

- adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with juniors, and
- providing education.

Member Protection Information Officer (MPIO) means a person appointed under clause 8.1 of this policy trained to be the first point of contact for a person reporting a complaint under, or a breach of, this policy. The MPIO provides confidential information and moral support to the person with the concern or who is alleging harassment or a breach of this policy. They help the complainant deal with any emotions they may have about what has happened and operate as a sounding board as the complainant decides what they want to do. The MPIO may accompany the complainant in anything they decide to do, if it feels appropriate and they are happy to do it.

Natural justice incorporates the following principles:

- a person who is the subject of a complaint must be fully informed of the allegations against them
- a person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence
- all parties need to be heard and all relevant submissions considered
- irrelevant matters should not be taken into account
- no person may judge their own case
- the decision maker/s must be unbiased, fair and just
- the penalties imposed must not outweigh the 'crime'

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

Policy and **this policy** mean this Member Protection Policy.

Respondent means the person who is being complained about.

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

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

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

- Rape
- Indecent assault

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

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

Vilification involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

Young People/person means people in the 13 – 18 year age group.

ATTACHMENT A

Code of Conduct

As a member of AISL, a Full Member, an Associate Member, a Club, or a person required to comply with AISL's member protection policy you must meet the following requirements in regard to your conduct during any activity held or sanctioned by AISL, a Full Member, an Associate Member or a Club and in any role you hold within those organisations.

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, AISL's standards, rules, regulations and policies.
6. Operate within the rules of the sport including national and international guidelines which govern AISL.
7. Do not use your involvement with AISL, a Full Member, an Associate Member or Club to promote your own beliefs, behaviours or practices where these are inconsistent with those of AISL.
8. Demonstrate a high degree of individual responsibility especially when dealing with any person under 18 years of age, as your words and actions are an example.
9. Avoid unaccompanied and unobserved activities with any person under 18 years of age, wherever possible.
10. Refrain from any form of harassment of others.
11. Refrain from any behaviour that may bring AISL, a Full Member or a 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 B

MEMBER PROTECTION DECLARATION

AISL has a duty of care to its members and to the general public who interact with its employees, volunteers, members and others involved with its activities. As part of this duty of care and as a requirement of AISL's Member Protection Policy, AISL must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that involved direct and 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 offences involving sexual activity, acts of indecency, child abuse or child pornography.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment.
4. To my knowledge there is no other matter that AISL may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
5. I will notify AISL of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 4 above has changed for whatever reason.

Declared in the State/Territory of on

..... (date) Signature

Parent/Guardian Consent (in respect of person under the age of 18 years)

I have read and understood the declaration provided by my child. I confirm and warrant that the contents of the declaration provided by my child are true and correct in every particular.

Name:

Signature:

Date:

PART B: REPORTING DOCUMENTS/FORMS

To assist in consistency and accuracy in following procedure and reporting on the issues covered by AISL's Member Protection Policy, the following documents are to be used:

- B1 Confidential Record of informal complaint** – to be used by *MPIOs* or others who receive a complaint or allegation
- B2 Confidential Record of Formal Complaint** – to be used when a formal complaint is received by *AISL*
- B3 Confidential Record of Child Abuse Allegation** – to be used by *MPIOs* or others who receive complaints/allegations of child abuse
- B4 Record of Mediation** – to be used by those who conduct a mediation
- B5 Record of Tribunal Decision**

General principles to be followed when completing a report of a complaint:

- Treat all complaints seriously.
- Deal with complaints promptly, sensitively and confidentially.
- Maintain a calm attitude.
- Ask the complainant if they will consent to you taking notes.
- Write the description of the complaint /problem using the complainants own words (as much as is possible).
- Find out the nature of the relationship between the complainant and the person complained about (for example, coach/competitor, team members, etc) and if there is any relevant history.
- Take a note of the facts and do not pre-judge the situation.
- Ask the complainant whether they fear victimisation or other consequences.
- Find out what outcome the complainant wants and if they need any support.
- Ask the complainant how they want the complaint to be dealt with under the policy.
- Keep the complaint confidential and do not disclose it to another person without the complainant's consent except if disclosure is required by law (for example, a report to government authorities) or if disclosure is necessary to effectively deal with the complaint.

What they want to happen to fix issue	
What information I provided	
What they are going to do now	

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

Support person (if any)	
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 in A/SL: 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).

CEO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position in A/SL: 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.

Attachment B4: RECORD OF MEDIATION

Present at Mediation	
Date of mediation	
Venue of mediation	
Mediator	
Summary of mediation (minutes attached)	
Outcome of mediation	
Follow-up to occur (if required)	
Completed by: (signature)	
Signed by: Complainant (signature) Respondent (signature)	

The original is to be forwarded to the CEO and filed with relevant supporting documentation under the MPP action file.

Attachment B5: RECORD OF TRIBUNAL DECISION

Complainant's Name		Date Formal Complaint Received: / /
Role/status in <i>shooting</i>	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other
Name of person complained about		
Role/status in <i>shooting</i>	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other
Location/event of alleged issue		
Description of alleged issue		
Nature of complaint (basis/grounds/category)	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Religion <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Pregnancy <input type="checkbox"/> Physical abuse <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Child Abuse Other	
Methods (if any) of attempted informal resolution		
Support person (if any)		

Tribunal Members	
Tribunal Hearing Date and venue	
Tribunal Decision (attach report)	
Action recommended and any follow up report required	
Decision Appealed Date of Appeal lodged	
Appeal Hearing Date	
Appeal Decision (attach report)	
Action Recommended	
Completed by	Name: Position in A/SL: Signature: / /
Signed by:	Complainant Respondent