



AUSTRALIAN
PARALYMPIC
COMMITTEE

PEOPLE PROTECTION POLICY

(Commonly known as 'Member Protection Policy')

Version 7

2017/18

Contents

Preface.....	1
Policy review history	Error! Bookmark not defined.
PART A: APC MEMBER PROTECTION POLICY	2
1. Dictionary of terms - what words in this policy mean	2
2. What is the purpose of this policy?	10
3. What is the Status of this Policy?.....	11
4. Interpretation in this policy.....	12
5. Who is bound by this policy?	13
6. Organisational responsibilities.....	15
7. Individual responsibilities	16
8. Position statements	17
9. What is an offence under this policy?	29
10. Complaints procedures.....	30
11. What is a breach of this policy?	32
12. Disciplinary measures	33
PART B: APC POLICIES AND CODES OF CONDUCT.....	36
PART C: SCREENING AND WORKING WITH CHILDREN CHECK REQUIREMENTS	46
PART D: COMPLAINT HANDLING PROCEDURES.....	50
PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS.....	70

Preface

The Australian Paralympic Committee (the APC) is involved in providing opportunities at all levels of the Paralympic sport pathway and is committed to providing a safe, fair and inclusive environment for those who participate in any activity conducted under its jurisdiction.

We recognise that our athletes and all those who assist them are our most valuable assets. This People Protection Policy sends a strong message to them that we are committed to ensuring their safety and well-being now and into the future. This policy establishes expected standards of behaviour for everyone involved in APC activities.

The benefits of involvement in sport for athletes with disabilities at all levels are well established. Sport provides emotional and physical well-being and promotes social inclusion in society. These benefits should not be underestimated.

Unfortunately, Para-sport is no more immune to acts of discrimination, harassment, vilification and abuse than any other form of sport. The damage which can be done through such acts can undermine the integrity of Para-sport and the positive benefits and values we seek to promote.

The APC does not tolerate inappropriate or unlawful behavior by its representatives or anyone involved in activities under its jurisdiction. The APC is committed to taking disciplinary action against any individuals found to be in breach of this policy.

Adopting the APC People Protection Policy is the first step in providing those who come under our jurisdiction with the protection they deserve.

To ensure the People Protection Policy is successfully implemented, I encourage the co-operation and commitment of our members and Para-sport participants at all levels.

President
Australian Paralympic Committee

December 2017

PART A: APC MEMBER PROTECTION POLICY

1. Dictionary of terms - what words in this policy mean

This Dictionary sets out the meaning of words used in this Policy and its attachments, without limiting the ordinary and natural meaning of the words. Further detail or definitions that are specific to different states and territories can be sourced from the relevant child protection authorities or equal opportunity and anti-discrimination commissions.

In this policy the following words shall have the following meaning:

Abuse

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

The APC

means The Australian Paralympic Committee Limited ACN 061 547 957.

APC Constitution

means the constitution of the APC as amended from time to time.

Appeal Tribunal

means the APC tribunal established to hear and determine appeals under this Policy.

Athlete

means a person who participates in sporting activities as a competitor.

Australian Sports Commission or ASC

means the government agency established under the Australian Sports Commission Act 1989 and includes the Australian Institute of Sport.

Bullying

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

One-off instances can also amount to bullying.

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

- verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- excluding or isolating a group or person;

- spreading malicious rumours; or
- psychological harassment such as intimidation.

Bullying includes cyber-bullying which occurs through the use of technology.

CEO

means a person appointed by the Board of the APC to the position of Chief Executive Officer of the APC.

Child or Children

means a person or persons who is/are under the age of 18 years.

Child abuse

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

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

Complaint

means a complaint made under Clause 10 of this Policy.

Complainant

any person or organisation who makes a complaint under the terms of this Policy.

Complaints Officer

means a person appointed by the APC in accordance with Clause 6 of this Policy to be the first point of contact for a person reporting an issue or a complaint under, or a breach of, this Policy.

Disciplinary Tribunal

means the APC tribunal established to hear and determine alleged offences under this Policy.

Discrimination

occurs when someone is treated (or is proposed to be treated) unfairly or less favourably than another person in the same or similar circumstances because of one of the personal characteristics covered by anti-discrimination laws.

The applicable attributes or characteristics include:

- a. age;
- b. sex or gender;
- c. gender identity;
- d. intersex status;
- e. race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration;
- f. disability, mental and physical impairment;
- g. family/carer responsibilities, status as a parent or carer;
- h. marital status;
- i. pregnancy, potential pregnancy, breastfeeding;
- j. sexual orientation;
- k. physical features;
- l. irrelevant medical record;
- m. irrelevant criminal record, spent convictions;
- n. political beliefs or activities;
- o. religion, religious beliefs or activities;
- p. national extraction or social origin;
- q. lawful sexual activity;
- r. profession, trade, occupation or calling;
- s. member of association or organisation of employees or employers, industrial activity, trade union activity;
- t. defence service;
- u. personal association with someone who has, or is assumed to have, any of the above characteristics.

Discrimination includes direct and indirect discrimination:

Direct discrimination occurs when a person treats, or proposes to treat, someone less favorably than they treat, or would treat, someone else who does not have a particular attribute or characteristic.

Indirect discrimination occurs where a person imposes or intends to impose a requirement, condition or practice that, on its face, is not discriminatory, but has the effect of discriminating against a person(s) with a particular attribute.

Gender expression

refers to the way in which a person externally expresses their gender or how they are perceived by others.

Gender identity

refers to a person's deeply held internal and individual sense of gender.

Harassment

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

Harassment can be express or implied, physical, verbal or non-verbal. Examples include, but are not limited to:

- a. Abusive behaviour aimed at humiliating or intimidating;
- b. Jokes or comments directed at a person's body, looks, age, race, religion, sexuality, sexual orientation or disability;
- c. Unwelcome remarks including teasing, name calling or insults;
- d. Innuendo or taunting;
- e. Offensive emails, letters, notes;
- f. Displaying offensive materials e.g. posters, computer screen savers;
- g. Sexual propositions.

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

See also 'Sexual Harassment' and 'Vilification'.

Intersex

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

Investigative Officer

means a person appointed by the APC to investigate complaints and make recommendations as detailed in Attachment D3.

Member

means any entity which is a member of the APC in accordance with the APC Constitution.

Member Protection Information Officer

means a person appointed by the APC in accordance with Clause 6 of this Policy to provide information and guidance to people on the policies and complaints procedures of the organisation.

Paralympic Team membership

is defined, for the purposes of this policy, as the period from the time a Team Member boards the flight or journey which will directly end at a point of entry into the host city of the Paralympic Games, or the official Australian Paralympic staging camp prior to the Games, to the time a Team Member arrives at their home port on return or, if they do not travel with the Team in one or both directions, from the time they sign into the Village to the time they sign out of the Village, whichever is applicable.

Para-sport

means any sport for people with a disability that falls under the auspices of the Australian Paralympic Committee.

Police Check

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

Policy and this Policy

means this APC People Protection Policy.

Position

means a job whether by way of employment, contract or otherwise and whether paid or unpaid.

Respondent

means the person or organisation whose behaviour is the subject of a complaint.

Screening

means following the working with children check laws and requirements in every state and territory in which the person may carry out their duties and any additional processes and actions that the APC may determine are necessary from time to time, such as criminal history checks, signed Member Protection Declarations, referee checks and other appropriate checks that assess a person's suitability to work with children and young people.

Sexual Harassment

is one type of harassment. Sexual harassment is unwelcome conduct, remarks or innuendo of a sexual nature which could reasonably be expected to make a person feel humiliated, intimidated or offended. It covers a wide range of behaviours and may include unwelcome physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual harassment can be verbal, written, visual or physical. Sexual harassment is not limited to members of the opposite sex. Sexual harassment does not

have to be intentional.

Sexual Harassment covers:

- an unwelcome sexual advance; or
- an unwelcome request for sexual favours; or
- unwelcome conduct of a sexual nature (including oral or written statements of a sexual nature), in circumstances where a reasonable person would have anticipated that the person being harassed would be offended, humiliated or intimidated.

Examples of Sexual Harassment may include:

- Uninvited touching, kissing, embracing, massaging;
- Staring, leering, ogling;
- Smutty jokes and comments;
- Persistent or intrusive questions about people's private lives;
- Repeated invitations to go out, especially after prior refusal;
- Sexual propositions;
- The use of promises or threats to coerce someone into sexual activity;
- The display of sexually explicit material e.g. internet use, computer screen savers, calendars, posters;
- Getting undressed in front of others of the opposite sex;
- Invading the privacy of others while showering or toileting;
- Photographing others while undressing, showering or toileting;
- The use of sexually offensive emails, letters, faxes, notes;
- Sexual insults and name-calling.

Sexual Offence

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

- i) Rape;
- ii) Indecent assault;
- iii) Sexual assault;
- iv) Assault with intent to commit sexual acts;
- v) Incest;
- vi) Sexual penetration of child under the age of 16 years;
- vii) Indecent act with child under the age of 16 years;
- viii) Sexual relationship with child under the age of 16 years;
- ix) Sexual offences against people with impaired mental functioning;
- x) Abduction and detention;
- xi) Procuring sexual penetration by threats or fraud;
- xii) Procuring sexual penetration of child under the age of 16 years;
- xiii) Bestiality;
- xiv) Soliciting a child under the age of 16 years to take part in an act of sexual

- penetration or an indecent act;
- xv) Promoting or engaging in acts of child prostitution;
 - xvi) Obtaining benefits from child prostitution;
 - xvii) Possession of child pornography;
 - xviii) Publishing child pornography and indecent articles.

Sexual orientation

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

Social media

are works of user-created text, video, audio or multimedia that are published and shared online in a social environment, such as a blog, wiki or video hosting site. Social media tools include:

- social networking sites e.g. Facebook, Twitter
- forums and discussion boards e.g. Google Groups, Yahoo! Groups
- blogs, including corporate, personal or media publication blogs
- micro-blogs e.g. Twitter, Snapchat, WhatsApp
- video and photo sharing sites e.g. YouTube, Instagram, Flickr
- wikis e.g. Wikipedia

any other sites that allow individuals to publish comments and/or content.

Team General Counsel

means a suitably qualified person appointed by the APC to provide advice and support to the Chef de Mission regarding any legal questions or issues.

Team Headquarters office

means the administration space and staff within the Australian Team allotment in the Paralympic Village supporting the operational requirements of all Team members.

Team Member/s

means those athletes and officials (whether paid or volunteer) who have been or are part of an Australian Paralympic Team.

Transgender

is an umbrella term that refers to a person whose gender identity is different to their physical sex as recorded at birth. Transitioning refers to the process where a transgender person commences living as a member of another sex. This is sometimes referred to as the person 'affirming' their gender because transitioning means they start living in what they identify as their true gender. For people who are

transitioning/affirming their gender, having their identity fully recognised in all areas of life is a crucial part of the experience of living as their affirmed gender.

Victimisation

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

Vilification

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

2. What is the purpose of this policy?

The APC is committed to upholding the highest standards of fairness, equality and integrity.

This People Protection Policy ("policy") aims to assist the Australian Paralympic Committee ("the APC", "our", "us" or "we") to uphold its core values and create a safe, fair and inclusive environment for everyone associated with Para-sport.

It sets out our commitment to ensure that every person bound by this policy is treated with respect and dignity and protected from discrimination, harassment and abuse. It also seeks to ensure that everyone involved in Para-sport is aware of their key legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

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

3. What is the Status of this Policy?

- 3.1** This Policy is issued by resolution of the Board of the APC pursuant to the powers contained in the APC Constitution.
- 3.2** This Policy may be changed from time to time by the Board of the APC.
- 3.3** Any update of this policy will come into effect once it has been approved by the Board of the APC and posted on the APC website.

The current policy and its attachments can be obtained from our website at:
<http://www.paralympic.org.au/about-us/apc-policies/>.

4. Interpretation in this policy

- 4.1** A reference to the CEO includes their nominee or any Acting CEO that may be in place from time to time or the duly appointed nominee of the CEO or Acting CEO for the particular issue.
- 4.2** Nothing in this policy permits any person bound by this policy to act contrary to local laws when outside of Australia. All persons bound by this policy must obey all local laws including in relation to the age limits for tobacco use and alcohol consumption.

5. Who is bound by this policy?

- 5.1** This Policy applies to as many persons as possible who are involved with the activities of the APC, whether they are in a paid or unpaid/voluntary capacity, including the following groups and individuals associated with the APC:
- a. Persons elected or appointed to the APC Board, its committees and sub-committees;
 - b. Members and office bearers of any other APC committee or sub-committee;
 - c. Employees of the APC;
 - d. Volunteers;
 - e. Selectors;
 - f. Support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers and others;
 - g. Coaches (including assistant coaches) who:
 - (i) are appointed and/or employed (whether paid or unpaid);
or
 - (ii) have an agreement (whether or not in writing) with the APC to coach athletes;
 - h. Referees, umpires and other officials (eg linespersons) appointed by the APC;
 - i. Athletes, coaches, officials and any other personnel participating in events and activities, including Paralympic Team processing sessions, camps and training sessions, held or sanctioned by the APC;
 - j. Any other person or organisation (for example a parent/guardian, spectator or sponsor) who or which agrees, in writing, (whether on a ticket, entry form or otherwise) to be bound by this Policy.
 - k. Contractors to the APC.

- 5.2** This Policy will continue to apply to a person even after he or she has stopped their association or employment with the APC if disciplinary action against that person has begun.
- 5.3** It is expected that any entity which is a member of the APC in accordance with the APC constitution will adopt and implement a Member Protection Policy which will apply for Para-sport activities conducted by that organisation.

6. Organisational responsibilities

The APC must:

- 6.1 Adopt, implement and comply with this policy;
- 6.2 Ensure that this policy is enforceable;
- 6.3 Publish, distribute and promote this policy and the consequences of any breaches of this policy;
- 6.4 Promote and model appropriate standards of behaviour at all times;
- 6.5 Deal with any complaints made under this policy in an appropriate manner;
- 6.6 Deal with any breaches of this policy in an appropriate manner;
- 6.7 Recognise and enforce any penalty imposed under this policy;
- 6.8 Ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies;
- 6.9 Appoint one or more appropriately trained Member Protection Information Officers and Complaints Officers to fulfil the functions set out in Clause 10 and Attachments D1 and D2 of this Policy, and publish and display contact information for such persons on its website.
- 6.10 Appoint a person to the role of "Investigative Officer" to fulfil the functions set out in Attachment D3 of this Policy and publish and display contact information for this person on its website.
- 6.11 Monitor and review this policy at least annually; and
- 6.12 Ensure that any organisation accepted for membership of the APC has in place a Member Protection Policy which conforms to this policy and/or has been approved by the Australian Sports Commission.

7. Individual responsibilities

Individuals bound by this policy must:

- 7.1 Make themselves aware of the contents of this policy;
- 7.2 Comply with all relevant provisions of this policy, including any codes of conduct and the steps for making a complaint or reporting possible child abuse set out in this policy;
- 7.3 Consent to the screening requirements set out in this policy, and any state/territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18 or where otherwise required by law;
- 7.4 Place the safety and welfare of children above other considerations;
- 7.5 Be accountable for their behaviour;
- 7.6 Comply with any decisions and/or disciplinary measures imposed under this policy.

8. Position statements

8.1 Child protection

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

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

8.1.1 Identify and analyse risk of harm

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

8.1.2 Develop codes of conduct/behaviour

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

These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour. (Refer to Part B of this Policy.)

8.1.3 Choose suitable employees and volunteers

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

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

8.1.4 Support, train, supervise and enhance performance

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

8.1.5: Empower and promote the participation of children

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

8.1.6: Report and respond appropriately to suspected abuse and neglect

We will ensure that all our employees and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under state laws to make a report if they suspect on reasonable grounds that a child has been, or is being, abused or neglected. (Refer to Attachment E3 of this policy.)

Further, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child, or is in breach of this policy, he or she may make an internal complaint to the APC. (Refer to Clause 10 of this policy.)

8.2 Images of children and information about them

- 8.2.1 Participants in activities conducted by the APC may be photographed and/or filmed during and in association with those activities.
- 8.2.2 There is a risk that Images of children may be used inappropriately or illegally. The APC requires that its representatives, wherever possible, obtain permission from a child's parent/guardian before taking an image of someone else's child. They should also make sure the parent/guardian understands how the image will be used.
- 8.2.3 The APC will seek to ensure that opportunities to film or photograph children participating in its activities are limited to those situations which normally occur in the context of those activities.
- 8.2.4 To respect people's privacy, the APC does not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets which we control or are used in connection with Para-sport.

- 8.2.6 The APC will only use images of children that are relevant to Para-sport and we will ensure that they are suitably clothed in a manner that promotes participation in Para-sport. We generally will not publish, nor permit to be published, images of children involved in activities of the APC, except under terms specified in agreements signed by the parent/guardian of the child. This policy does not require consent to be obtained where a child is not the subject, or one of the subjects, of the photograph.
- 8.2.7 When using a photo of a child, we will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the child's parent/guardian.
- 8.2.8 The APC understands that information about a child, such as hobbies, interests or school can be used by paedophiles or other persons to "groom" a child. We will therefore generally not provide such information publicly without the consent of the child's parent/guardian.
- 8.2.9 Occasionally the APC may require video or photographs of children partially undressed for purposes such as classification, medical treatment or sports science analysis and research. In such cases, apart from medical emergencies, the APC will fully inform the child's parent or guardian of the circumstances and the use of the images and the parent or guardian will be required to sign a consent form prior to any images being recorded.
- The APC will take all reasonable measures to limit access to such images to those who are required to view them, and only for the purposes for which they were recorded. The images will be permanently deleted or destroyed as soon as they are no longer required.
- 8.2.10 Parents or guardians of children who do not want their children to be filmed or photographed must advise the APC prior to their child's involvement in the activity. The APC will take all reasonable steps to ensure that these wishes are complied with. In circumstances where it is not possible to guarantee compliance with reasonable certainty, the APC will inform the parent or guardian and explain the options for their child, which may include withdrawing from the activity.
- 8.2.11 The recording and use of video or still images of people involved in APC activities, especially children, for voyeuristic purposes or sexual gratification of any form is a breach of this policy. This includes the

distribution of video or images where such distribution is for voyeuristic purposes or sexual gratification of any form.

- 8.2.12 The APC requires anyone who suspects that images or video of children participating in its activities may be used or is being used for unacceptable purposes to report that use to the APC as soon as possible. Where such activity is suspected of being illegal, it must also be reported to the police.

8.3 Discrimination and harassment

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

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

We prohibit all forms of discrimination and harassment based on the personal characteristics listed in the Dictionary of Terms section of this Policy.

Any person who believes they are being, or have been, discriminated against or harassed by another person or organisation bound by this Policy is encouraged to raise their concerns with the APC. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation. (Refer to Part D of this policy.) Persons to whom this Policy applies should also consider obtaining independent legal advice if they believe that they have been the victim of discrimination and/or harassment.

8.3.1 Discrimination

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

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

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

Any behaviour or conduct which is defined as discrimination under any Federal or State legislation is considered discrimination under this Policy, as is

requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination.

Discrimination is only permitted if one of the exemptions under the applicable Federal or State legislation applies. These may include:

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

Discrimination also includes victimisation where a person suffers or is threatened with any detriment or unfair treatment because that person has, or intends to, pursue their rights under anti-discrimination legislation or this Policy.

8.3.2 Harassment

Harassment is any unwelcome conduct, expressed or implied, non-verbal, verbal or physical, that intimidates, offends or humiliates another person or group of people including, but is not limited to, because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation.

Whether or not the behaviour is Harassment is to be determined from the point of view of the person receiving the Harassment. It must be assessed objectively in that it must be behaviour that a reasonable person would find unwelcome. It does not matter whether or not the person harassing intended to harass the other person or group.

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

It is an offence under this Policy for any person to whom it applies to engage in Harassment.

Sexual harassment is one type of harassment and can take many different forms, such as unwelcome sexual advances or physical contact, verbal

comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment where a reasonable person would have anticipated that the person being harassed would be offended, humiliated or intimidated.

Sexual Harassment may be a criminal offence, for example indecent assault, rape, sex with a minor, obscene telephone calls or letters. If you suspect that a criminal offence may have been committed you should notify the police and/or seek legal advice.

Child abuse - The APC requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone covered by this policy report it immediately to the police or relevant government agency and the APC Complaints Officer or the CEO of the APC.

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. The APC's procedures for handling allegations of child abuse are outlined in Attachment D5 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 or Children's Guardian.

Each state and territory in Australia has reporting requirements where there is suspected abuse of children. The Play by the Rules website (<http://www.playbytherules.net.au/resources/quick-reference-guide>) contains information about the people and organisations to notify to report suspected abuse.

Some forms of Abuse may constitute a criminal offence, for example, assault. If you suspect that a criminal offence may have been committed you should notify the police and/or seek legal advice.

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

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

If any person believes they are being, or have been, bullied by another person or organisation bound by this Policy, he or she may make a complaint. (Refer to Clause 10 of this policy.)

8.4 Intimate relationships

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

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

The APC takes the position that consensual intimate relationships between coaches or officials and athletes they coach who are of consenting age should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's public image. These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach or official and the athlete.

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

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

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

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

It will often be difficult for a coach or official involved in an intimate relationship with an athlete of consenting age to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from the APC Member Protection

Information Officer or other relevant official to ensure that they have not involved themselves in inappropriate or unprofessional conduct.

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

If a coach, official or athlete believes they are being, or have been, harassed they are encouraged to seek information and support from the APC Member Protection Information Officer. (Refer to Clause 10 of this policy.)

8.5 Pregnancy

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

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

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

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

If a pregnant woman believes she is being, or has been, harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint. (Refer to Clause 10 of this policy.)

8.6 Gender identity

Gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person. This includes the way people express or present their gender and recognises that a person's gender identity may be an

identity other than male or female. Some terms used to describe a person's gender identity include trans, transgender and gender diverse.

8.6.1 Gender identity discrimination and harassment

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

The APC is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. All persons, regardless of gender identity, are entitled to be treated fairly and with dignity and respect at all times.

We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity. This includes discrimination or harassment of a person who is transgender or transsexual, who is assumed to be transgender or transsexual, or has an association with someone who has or is assumed to be transgender or transsexual.

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

If any person believes that they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy because of their gender identity, they may make a complaint. (Refer to Clause 10 of this policy.)

8.6.2 Participation in sport

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

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

The APC is aware that the International Paralympic Committee (IPC) may establish criteria for selection and participation in the Paralympic Games. As a member of the IPC, the APC is generally bound to align with the IPC's criteria and policies. Where a transgender person intends to compete at an elite level, we will encourage them to obtain advice about the IPC's criteria.

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.

8.6.3. Intersex status

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

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

8.7 Alcohol and tobacco

The APC recognises that there are health risks associated with alcohol and tobacco.

- The APC enforces a Smoking and Alcohol Policy for Australian Paralympic Teams. This policy prohibits the consumption of alcohol and tobacco products by Team Members under the age of 18 and bans smoking by any Team Member in the Australian Team uniform at any time.
- The APC also enforces a Drugs and Alcohol Policy for its staff. This policy outlines the responsibility of employees and volunteers to undertake their duties unimpaired by the influence of drugs or alcohol.
- The APC allows the responsible and appropriate consumption of alcohol by Australian Paralympic Team Members over the age of 18 and encourages individual sports to set their own specific rules on the consumption of alcohol by Team Members over the age of 18.

8.9 Social media and online networks

The APC recognises that social media, online communities and online networks are a significant and growing way for Australians to communicate and engage with one another. The APC believes that social media and online communications are important channels for building support for the Australian Paralympic team.

APC employees, volunteers and athletes are encouraged to engage online to discuss Para-sport and the APC and its achievements with friends and communities, and share information and build new connections.

Only those authorised by the APC CEO and communications team have permission to represent the organisation through social media. Employees and volunteers who do not

have authority must not imply that they are in any way authorised to speak on behalf of the APC.

Even the use of social media for personal use can have APC-related implications if employees, volunteers or athletes are engaged in any form of activity which involves fellow employees, APC volunteers, athletes, the APC or any other aspects of Paralympic sport. Any publication on social media that identifies and defames, bullies or harasses a fellow employee, a volunteer, an athlete or the APC can be used in disciplinary proceedings.

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

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

The APC produces and implements a general social media policy for its employees and volunteers and also a social media policy which covers members of the Australian Paralympic Team. We expect all people bound by these policies to conduct themselves appropriately when using social networking sites to share information related to Para-sport.

9. What is an offence under this policy?

- 9.1** It is an offence under this Policy for any person or organisation to whom this Policy applies to fail to comply with any obligation imposed on such person or organisation under this Policy.
- 9.2** Any offence, or suspected offence, may be the subject of a Complaint under Clause 10 and/or be investigated and referred to a hearing under Attachments D3 and D4 of this Policy.

10. Complaints procedures

10.1 Handling complaints

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

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

In the first instance, complaints should be reported to an APC Complaints Officer or the APC CEO.

A complaint may be handled informally or formally. The complainant may indicate their preferred option and the APC Complaints Officer or CEO who has received the complaint should consider whether that is an appropriate way to handle the particular complaint. For example, the law may require that the complaint/allegation be reported to an appropriate authority.

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

Our procedures for handling and resolving complaints are outlined in Attachment D1.

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

10.2 Improper complaints and victimisation

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

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

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

10.3 Mediation

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

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

If a complainant wishes to resolve the complaint with the help of a mediator, the APC Complaints Officer will, in consultation with the complainant, arrange for an independent mediator where possible. The APC Complaints Officer may refuse to allow lawyers or others to represent a participant in the mediation process.

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

10.4 Tribunals

A Disciplinary Tribunal may be convened to hear a proceeding referred to it by the APC Complaints Officer or CEO for an alleged breach of this policy.

Our Tribunal procedure is outlined in Attachment D4.

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

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

11. What is a breach of this policy?

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

- 11.1** breaching the codes of behavior/conduct (see Part B of this policy);
- 11.2** bringing the APC into disrepute, or acting in a manner likely to bring the APC into disrepute;
- 11.3** failing to follow the APC's policies (including this Policy) and our procedures for the protection, safety and well-being of children;
- 11.4** discriminating against, harassing or bullying (including cyber-bullying) any person;
- 11.5** victimising another person for making or supporting a complaint;
- 11.6** engaging in an inappropriate intimate relationship with a person that they supervise, or have influence, authority or power over;
- 11.7** verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the APC or any of its activities or programs;
- 11.8** making a complaint that they know to be untrue, vexatious, malicious or improper;
- 11.9** failing to comply with a penalty imposed after a finding that the individual or organisation has breached this Policy; and
- 11.10** failing to comply with a direction given to the individual or organisation as part of a disciplinary process under this Policy.

12. Disciplinary measures

At the recommendation of the Disciplinary Tribunal, the APC may impose disciplinary measures on an individual or organisation for a breach of this policy.

Any disciplinary measure imposed will be:

- fair and reasonable;
- applied consistently with any contractual and employment rules and requirements;
- based on the evidence and information presented and the seriousness of the breach; and
- determined in accordance with the APC constituent documents, this Policy and/or the rules of the sport.

12.1 Offences by individuals

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

- a. a direction that the offender make a verbal and/or written apology;
- b. a written warning;
- c. a direction that the offender attend counselling to address their behaviour;
- d. demotion or transfer of the individual to another location, role or activity;
- e. suspension or termination of the appointment of the offender to any role which the offender holds with the APC or a recommendation that a relevant Member or Members terminate the appointment of any role which the offender holds with such organisation;
- f. 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;

- g. where there has been damage to property, a direction that the offender pay compensation to the relevant organisation or individual which controls or has possession of the property;
- h. a monetary fine for an amount determined by the Disciplinary Tribunal;
- i. direction that the offender repay all or part of any financial assistance (excluding any fee for service, wages or expenses) given to them by the Australian Sports Commission, any Federal or State funding agency, the Australian Commonwealth Games Association, the APC or any other organisation which has provided funding to the offender before they may resume participation in any APC program or APC sanctioned event;
- j. suspension for such period and on such terms as the Disciplinary Tribunal sees fit from participation in any APC program or APC sanctioned event; and/or
- k. any other such penalty as the Disciplinary Tribunal considers appropriate.

12.2 Offences committed by a Member

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

- a. a warning;
- b. a monetary fine for an amount determined by the Disciplinary Tribunal;
- c. a direction that some or all funding granted or given to it by APC cease for a specified period;
- d. a recommendation that the Member's membership of the APC be suspended or terminated;
- e. a direction that any rights, privileges and benefits provided to the Member by the APC be suspended for a specified period and/or terminated; or
- f. any other such penalty as the Disciplinary Tribunal considers appropriate.

12.3 Factors to consider

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

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

If an offender commits a second or subsequent offence under this Policy, then the Disciplinary Tribunal shall have regard to the previous offence, the penalty imposed and any other relevant factors, in imposing a penalty for the second or subsequent offence.

PART B: APC POLICIES AND CODES OF CONDUCT

APC policies

The APC has created a set of policies to guide and protect its staff, volunteers, athletes and the individuals and organisations with which it deals.

People to whom this People Protection Policy applies are encouraged to ensure that they are aware of further APC policies which affect them.

The APC publishes all of its public policies, including these, on its official website.

Policies which relate to staff and volunteers are published internally by the APC and are available to all staff and volunteers.

The APC publishes a set of Team policies for the Australian Paralympic Team. These are published on the official APC website and are made available to Team Members through the Team Handbook (in summary form) and the APC Team Headquarters during the Games.

Codes of Conduct

To protect the health, safety and well being of participants the APC has developed and issued Codes of Conduct. They form a part of this Policy.

The Codes of Conduct apply to the same people to whom this Policy applies (see Clause 5.1).

The Codes of Conduct are designed to encourage organisations and individuals associated with the APC to conduct themselves in a way which the APC considers is appropriate to provide a safe, fair and inclusive environment for everyone involved in our organisation and in Para-sport.

Our Codes of Conduct are underpinned by the following core values:

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

The Codes of Conduct are contained in:

Attachment B1: APC Games Team Staff Code of Conduct

Attachment B2: APC Athlete Code of Conduct

Attachment B3: APC Staff Code of Conduct

Attachment B4: APC Board Code of Conduct

ATTACHMENT B1

APC Codes of Conduct

The Australian Paralympic Committee has established codes of conduct which apply to those who represent it in various roles.

APC Games Team Staff Code of Conduct

All Australian Paralympic Team Staff Members agree to abide by the Staff Code of Conduct set out below.

My agreement to the Code of Conduct relates to my behaviour in the sporting environment and more generally when I am representing the APC or in any way identifiable as an Australian Paralympic Team staff member.

I acknowledge that the athletes are the focus of the APC's programs and that my involvement in the {insert year} Australian Paralympic Team is directed towards assisting them to achieve their highest possible levels of performance.

I agree to act in a manner that will not bring myself, my sport, or the APC into disrepute. My actions will always consider the following:

Respect for others

I will respect the rights, dignity and worth of every person I encounter through the {insert year and city} Paralympic Games, regardless of their gender, ability, cultural background or religion. I will:

- treat people with courtesy, respect and regard for their rights and obligations
- show respect for the physical and emotional well being of others
- show respect for other peoples' possessions
- assist in providing an environment that is free from harassment. (Harassment consists of offensive, abusive, belittling or threatening behaviour directed at a person or people. It is behaviour that is unwelcome and that could reasonably be expected to upset the person or people at whom it is directed)
- refrain from initiating a sexual relationship with any athlete in my program and also discourage any attempt by an athlete to initiate a sexual relationship with me, explaining to them the ethical basis of my refusal
- ensure that any physical contact with athletes is appropriate to the situation and necessary for the athlete's skill development

- assist in providing an environment that is free from discrimination. (Discrimination is the unfavourable treatment of a person or people based on prejudice, especially regarding race, religion, gender, age, or sexual preference)
- work constructively with all other team staff members in my sport as part of a support team for the athletes
- assist in providing a safe environment for training and competition by assisting to ensure that equipment and facilities meet safety standards and are appropriate for the athletes
- show concern and caution toward sick and injured athletes by assisting to provide a modified training program where appropriate, allowing further participation in training and competition only when appropriate, encouraging athletes to seek medical advice if required and maintaining the same interest and support toward sick and injured athletes as towards all other athletes in the program
- respect the laws and the customs of the places I visit as an APC representative.

Respect for myself

I know that respect for others starts with respect for myself. I will:

- work towards the attainment of my full potential in my role within the {insert year} Australian Paralympic Team and undertake all duties to the best of my ability
- be punctual and reliable
- maintain personal habits of health conducive to sporting excellence
- behave and dress in a dignified manner when representing the APC both in and out of competition
- be a positive role model for my sport and athletes.

Respect for the APC

I recognise that the APC has established and manages the {insert year} Australian Paralympic Team and so plays a significant role in supporting the elite side of my sport. I will:

- uphold the standing and reputation of the APC within Australia and overseas
- publicly acknowledge the support of the APC when it is appropriate to do so
- wear the official APC uniform designated for my sport when in competition and other official functions
- co-operate with the APC in establishing and conducting a team culture conducive to excellent performance

- comply with the disciplinary and grievance procedures of the APC.

The “APC” includes, as well as the organisation, the full-time staff, appointed or elected officials and volunteers, the State Paralympic Committees and their fulltime staff, appointed or elected officials and volunteers.

Respect for the rules and traditions of my sport

I understand that my conduct affects my performance and that of my fellow staff members and the athletes and that it may also reflect on my sport. I will:

- comply with the program requirements of my sport as laid down by the head coach and accept and respond in a positive manner to feedback
- abide by the spirit, as well as the letter, of the rules of my sport
- accept victory and defeat with dignity and grace
- neither possess nor encourage the use of prohibited drugs, nor participate in any other practices prohibited by the APC.

ATTACHMENT B2

APC Athlete Code of Conduct

All Australian Paralympic Team Members agree to abide by the Athlete Code of Conduct set out below.

My agreement to the Code of Conduct relates to my behaviour in the sporting environment and more generally when I am representing the APC or in any way identifiable as an Australian Paralympic Team athlete.

I agree to act in a manner that will not bring myself, my sport, or the APC into disrepute. My actions will always consider the following:

Respect for others

I will respect the rights, dignity and worth of every person I encounter through the {insert year and city} Paralympic Games, regardless of their gender, ability, cultural background or religion. I will:

- treat people with courtesy, respect and regard for their rights and obligations
- show respect for the physical and emotional well being of others
- show respect for other peoples' possessions
- assist in providing an environment that is free from harassment. (Harassment consists of offensive, abusive, belittling or threatening behaviour directed at a person or people. It is behaviour that is unwelcome and that could reasonably be expected to upset the person or people at whom it is directed)
- assist in providing an environment that is free from discrimination. (Discrimination is the unfavorable treatment of a person or people based on prejudice, especially regarding race, religion, gender, age, or sexual preference)
- respect the laws and the customs of the places I visit as an APC representative.

Respect for myself

I know that respect for others starts with respect for myself. I will:

- work towards the attainment of my full potential in my sport and maintain personal habits of health conducive to sporting excellence
- behave and dress in a dignified manner when representing the APC both in and out of competition.

Respect for the APC

I recognise that the APC has established and manages the {insert year} Australian Paralympic Team and so plays a significant role in supporting the elite side of my sport. I will:

- uphold the standing and reputation of the APC within Australia and overseas
- publicly acknowledge the support of the APC when it is appropriate to do so
- wear the official APC uniform designated for my sport when in competition and other official functions
- co-operate with the APC in establishing and conducting a team culture conducive to excellent performance
- comply with the disciplinary and grievance procedures of the APC.

The "APC" includes, as well as the organisation, the full-time staff, appointed or elected officials and volunteers, and the State Paralympic Committees and their full-time staff and appointed or elected officials and volunteers.

Respect for the rules and traditions of my sport

I understand that my conduct affects my performance and that of my team mates and that it may also reflect on my sport. I will:

- comply with the training requirements of my sport as laid down by the coaches and accept and respond in a positive manner to their feedback
- abide by the spirit, as well as the letter, of the rules of my sport
- accept victory and defeat with dignity and grace
- neither possess nor use prohibited drugs, nor participate in any other practices prohibited by the APC.

ATTACHMENT B3

APC Staff Code of Conduct

The purpose of the Code of Conduct is to present a list of accepted behaviours by staff of the APC. It is aimed at presenting a professional image to other staff, officers, clients and stakeholders of the APC.

An APC staff member shall:

- Uphold and not injure or compromise the standing and reputation of the APC.
- Comply with published APC protocols and procedures and operate within the spirit of such.
- Treat all individuals and organisations with courtesy, respect and tolerance.
- At all times discharge allotted and accepted responsibilities with integrity.
- Not misuse authority or office for personal gain.
- Not injure or attempt to injure the professional reputation of other staff, officers or members.
- Respect the confidentiality of information which comes to them in the course of their duties.
- Engage in continued learning to improve competence and pursue new areas, as agreed.
- Accept only such work as they believe they are competent to perform and if necessary obtain expert advice.
- Be expected to complete work tasks within your role competently.

For further details and information see the APC Staff Handbook.

ATTACHMENT B4

APC Board Code of Conduct

1. A Director must act honestly, in good faith and in the best interests of the APC as a whole.
2. A Director has a duty to use due care and diligence in fulfilling the functions of office and exercising the powers attached to that office.
3. A Director must use the powers of office for a proper purpose, in the best interests of the APC as a whole. A Director must not allow himself/herself to be compromised by looking to the interests of any organisation which may have nominated him/her or with which he/she is associated.
4. A Director must recognise that the primary responsibility is to the members of the APC as a whole but should, where appropriate, have regard for the interests of all stakeholders of the APC.
5. A Director must not make improper use of information acquired as a Director.
6. A Director must not take improper advantage of the position of Director.
7. A Director must not allow personal interests, or the interests of any associated person or organisation, to conflict with the interests of the APC.
8. A Director has an obligation to be independent in judgment and actions and to take all reasonable steps to be satisfied as to the soundness of all decisions taken by the Board.
9. Confidential information received by a Director in the course of the exercise of directorial duties remains the property of the APC and it must not be disclosed, or allowed to be disclosed, unless that disclosure has been authorised by the APC, or the person from whom the information is provided, or is required by law.
10. A Director should not engage in conduct likely to bring discredit upon the APC.
11. A Director has an obligation, at all times, to comply with the spirit, as well as the letter of the law and with the principles of this Code.
12. A Director shall at all times provide necessary and appropriate support and assistance to the President in the proper exercise and conduct of his/her role, on behalf of the APC.
13. Directors shall respect each other, and their involvement.
14. A Director shall not act publicly (on behalf of the APC) unless previously authorised.

15. A Director must act properly with members of the organisation and refer any organisational query to the President and/or CEO.

16. A Director shall be as honest in describing the affairs of the Board at all times (within commercial and authorised discretionary limits) treating the role as an agent of the Board respectfully at all times.

17. A Director must not interfere in management and shall not directly liaise with staff unless previously authorised by the CEO.

18. A Director must not act in a manner which bring discredit, or adverse media to the organisation.

19. A Director has an obligation to act in the spirit, and the letter of the law, in terms of this Code.

PART C: SCREENING AND WORKING WITH CHILDREN CHECK REQUIREMENTS

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

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

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

The APC will meet the requirements of the relevant state or territory Working with Children Check laws.

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

ATTACHMENTS

The attachments relevant to this section of this Policy are:

- ***Attachment C1: Member Protection Declaration***
- ***Attachment C2: Working with Children Check requirements***

ATTACHMENT C1

Member Protection Declaration

The Australian Paralympic Committee (APC) has a duty of care to all those associated with its programs and to the individuals and organisations to whom its Member Protection Policy applies. As a requirement of the APC Member Protection Policy, the APC must inquire 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 the APC 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 C2

WORKING WITH CHILDREN CHECK REQUIREMENTS

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

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

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

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

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

Australian Capital Territory

Contact the Office of Regulatory Services

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

Phone: 02 6207 3000

New South Wales

Contact the Office of the Children's Guardian

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

Phone: 02 9286 7276

Northern Territory

Contact the Northern Territory Screening Authority

Website: www.workingwithchildren.nt.gov.au

Phone: 1800 SAFE NT (1800 723 368)

Queensland

Contact the Queensland Government Blue Card Services

Website: www.bluecard.qld.gov.au

Phone: 1800 113 611

South Australia

Contact the Department for Education and Child Development

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

Phone: 08 8463 6468.

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

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

Tasmania

Contact the Department of Justice

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

Phone: 1300 13 55 13

Victoria

Contact the Department of Justice

Website: www.workingwithchildren.vic.gov.au

Phone: 1300 652 879

Western Australia

Contact the Department for Child Protection

Website: www.checkwwc.wa.gov.au

Phone: 1800 883 979

Travelling to other states or territories

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

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

The laws providing interstate exemptions are not consistent across Australia.

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

PART D: COMPLAINT HANDLING PROCEDURES

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

A complaint can be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this policy. Complaints will always vary. They may be about individual or group behaviour; they may be extremely serious or relatively minor; they may be about a single incident or a series of incidents; and the person about who the allegation is made may admit to the allegations or emphatically deny them.

We will provide complainants with an informal and formal process to resolve the matter. Individuals and organisations can also make complaints to external organisations under anti-discrimination, child protection and other relevant laws.

We also provide an appeals process for those matters.

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

There are three slightly different procedures for dealing with different types of complaints in different environments. Each is covered in separate attachments to this policy. They are:

Complaint handling procedures – General

All complaints, with the exception of complaints involving child abuse or complaints made by a member of an Australian Paralympic Team about matters during their membership of the Team, will be handled using these procedures, which are detailed in:

- ***Attachment D1: Complaints handling procedure - general***
- ***Attachment D2: Mediation***
- ***Attachment D3: Investigation procedure***
- ***Attachment D4: Tribunal procedure***

Complaint handling procedures – child abuse

All complaints involving child abuse will be handled using these procedures, which are detailed in:

- ***Attachment D5: Procedure for handling allegations of child abuse***

Complaint handling procedures – Paralympic Team membership

The period of, and surrounding, the Paralympic Games creates a unique environment in which there may be limited access to personnel and resources normally available in Australia and complaints may need to be resolved in the shortest possible time. All complaints made by a member of the Australian Paralympic Team about matters during their membership of the Team, including the complaint handling procedure, mediation, the investigation procedure and disciplinary tribunal procedure are outlined in the Australian Paralympic Team Handbook available on the APC website.

ATTACHMENT D1

COMPLAINTS HANDLING PROCEDURE - GENERAL

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

We will endeavour to deal with complaints on a confidential basis. We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us to disclose this information or it is necessary to properly deal with the complaint. To ensure fairness for everyone involved, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously.

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

Informal approaches

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

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

Step 2: Contact a Member Protection Information Officer

We encourage you to talk with one of our Member Protection Information Officers (MPIOs) if:

- step 1 (above) is not appropriate;
- you are not sure how to handle the problem by yourself;
- you want to talk confidentially with someone and find out what options are available to address your concern; or
- the concern continues after you approached the other person.

The contact details for our MPIOs are available at www.paralympic.org.au/about-us/apc-policies/.

The MPIO will:

- ask how you would like your concern to be resolved and if you need support
- seek to provide different options for you to address your concern
- act as a support person, if you wish
- refer you to an appropriate person (e.g. a mediator) to help you address your concern, if appropriate
- inform the relevant government authorities and/or police, if required by law or appropriate to do so
- where possible and appropriate, maintain confidentiality.

Step 3: Decide how to address your concern

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 resolve the problem yourself, with or without a support person;
- to resolve the problem with the help of someone impartial, such as a mediator; or
- to resolve the matter through a formal process.

Formal approaches

Step 4: Making a formal complaint

If it is not possible or appropriate to resolve your complaint through an informal process, you may:

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

After receiving a formal complaint, and based on the material you provide, the Complaints Officer or CEO will decide whether:

- he or she is the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint requires a formal resolution procedure;
- to refer the complaint to **mediation**;
- to appoint a person to **investigate** the complaint;
- to refer the complaint to a **tribunal hearing**;
- 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 is completed.

In dealing with your formal complaint, the Complaints Officer or CEO will take into account:

- whether he or she has had any personal involvement in the circumstances and if so, whether it is appropriate someone else should handle the complaint;
- your wishes, and the wishes of the respondent, regarding how the complaint should be handled;
- the relationship between you and the respondent (e.g. 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 might face further unacceptable behaviour while the complaint process is underway.

If the Complaints Officer or CEO is the appropriate person to handle the complaint, he or she will, where appropriate and/or necessary:

- provide the information received from you to the other person(s) involved and ask for a response;
- decide if there is enough information to determine whether the matter alleged in your complaint did or did not occur; and/or
- determine what, if any, further action to take, including referring the matter for investigation or disciplinary action in accordance with this policy.

Step 5: Investigating the complaint

In some cases, an investigation may be required to determine the facts surrounding the complaint. Our investigations procedure is outlined in Attachment D3.

Following the investigation, a written report will be provided to the Complaints Officer or CEO.

- If the complaint is referred to **mediation**, we will follow the steps outlined in Attachment D2 or as agreed by you, the respondent and the mediator.
- If the complaint is referred to a **tribunal hearing**, the hearing will be conducted according to the steps outlined in Attachment D4.
- If the complaint is referred to the **police or another external agency**, we will endeavour to provide all reasonable assistance required by the police or the agency.

Any costs incurred by us relating to the complaint process set out in this policy (e.g. investigation, mediation and/or a tribunal hearing) are to be met by the APC, unless otherwise stated.

Step 6: Reconsidering a complaint or appealing a decision

If the matter is referred to mediation and is not resolved at mediation, you may request that the CEO reconsider the complaint in accordance with Step 3.

In accordance with APC policies you or the respondent(s) may also appeal a decision made at a tribunal hearing. The grounds and process for appeals are set out in Attachment D4.

Step 7: Documenting the resolution

The Complaints Officer or CEO will record the complaint, the steps taken to resolve it and the outcome. This information will be stored in a confidential and secure place.

Approaching external organisations

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

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

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

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

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

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

ATTACHMENT D2

MEDIATION

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

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

Our approach to mediation follows the steps set out below.

1. The Complaints Officer or CEO will appoint an appropriate mediator to help resolve the complaint. This will be done under the direction of the APC and in consultation with the complainant and the respondent(s). The mediator will be an independent person in the context of the complaint, however this does not preclude a person with an association with the APC acting as mediator.
2. The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
3. All issues raised during mediation will be treated confidentially. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. If the complaint is resolved by mediation, where appropriate the mediator may seek to ensure the parties execute a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). We expect the parties involved to respect and comply with the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
 - write to the CEO to request that the Complaints Officer reconsider the complaint; and
 - approach any relevant external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

We recognise that there are some **situations where mediation may not be appropriate**, including:

- when the people involved have completely different versions of the incident;
- when one or both parties are unwilling to attempt mediation;
- when there is a real or perceived power imbalance between the people involved;
- matters that involve serious allegations.

ATTACHMENT D3

INVESTIGATION PROCEDURE

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

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

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

If we decide that a complaint should be investigated, we will follow the steps outlined below.

1. We will provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities.
2. The investigator may:
 - interview the complainant and record the interview in writing;
 - provide full details of the complaint to the respondent(s) so that they can respond
 - interview the respondent(s) to allow them to answer the complaint and record the interview in writing;
 - obtain statements from witnesses and collect other relevant evidence;
 - make a finding as to whether the complaint is:
 - **substantiated** (there is sufficient evidence to support the complaint)
 - **inconclusive** (there is insufficient evidence either way);
 - **unsubstantiated** (there is sufficient evidence to show that the complaint is unfounded);
 - **mischievous, vexatious or knowingly untrue.**
 - provide a report to the Complaints Officer or CEO documenting the complaint, the investigation process, the evidence,) and, if requested, any findings and recommendations.
3. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points from the investigation.
4. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (e.g. MPIO).

ATTACHMENT D4

TRIBUNAL PROCEDURES

We will follow the steps set out below to hear formal complaints made under our People Protection Policy.

Preparing for a Tribunal hearing

1. A Tribunal panel will be established to hear a complaint that has been referred to it by the APC CEO.
2. The number of Tribunal panel members required to be present throughout the hearing will be determined by the APC.
3. The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the APC CEO relating to the complaint/allegations.
4. The Tribunal hearing will be held as soon as practicable. However, adequate time must be provided for the respondent(s) to prepare for the hearing.
5. The APC CEO will inform the respondent(s) in writing that a Tribunal hearing will take place. The notice will outline:
 - that the person has a right to appear at the Tribunal hearing to defend the complaint/allegations;
 - the details of the complaint and of all allegations, as well as the provision or clause of any policy, rule or regulation that has allegedly been breached;
 - the date, time and venue of the Tribunal hearing;
 - that verbal and/or written submissions can be presented at the Tribunal hearing;
 - that witnesses may attend the Tribunal hearing to support the position of the respondent/s;
 - an outline of any possible sanctions that may be imposed if the complaint is found to be true;
 - That legal representation will not be allowed. *[The respondent may be assisted by a support person at a Tribunal hearing. For example, where the respondent is a minor, he or she should have a parent or guardian present. However, a person cannot be a support person if he or she has been admitted to the practise as a lawyer or worked as a trainee lawyer.]* A copy of any investigation report findings will be provided to the respondent(s).
6. The APC CEO will notify the complainant in writing that a Tribunal hearing will take place. The notice will outline:
 - that the person has a right to appear at the Tribunal hearing to support their complaint;
 - the details of the complaint, including any relevant rules or regulations the respondent is accused of breaching;
 - the date, time and venue of the Tribunal hearing;

- that verbal and/or written submissions can be presented at the Tribunal hearing;
- that witnesses may attend the Tribunal hearing to support the complainant's position;
- that legal representation will not be allowed. *The respondent may be assisted by a support person at a Tribunal hearing. For example, where the respondent is a minor, he or she should have a parent or guardian present. However, a person cannot be a support person if he or she has been admitted to practice as a lawyer or worked as a trainee lawyer.*

A copy of any investigation report findings will be provided to the complainant.

7. If the complainant believes the details of the complaint are incorrect or insufficient, he or she should inform the APC CEO as soon as possible so that the respondent(s) and members of the Tribunal panel can be properly informed of the complaint.
8. If possible, the Tribunal panel should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination).

Tribunal hearing procedure

9. The following people will be allowed to attend the Tribunal hearing:
 - Tribunal panel members;
 - the respondent(s);
 - the complainant;
 - any witnesses called by the respondent(s);
 - any witnesses called by the complainant;
 - any parent/guardian or support person required to support the respondent or the complainant.
10. If the respondent(s) is not present at the set hearing time and the Tribunal chairperson considers that no valid reason has been presented for this absence, the Tribunal hearing will continue subject to the chairperson being satisfied that all Tribunal notification requirements have been met.
11. If the Tribunal chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.
12. If the Tribunal chairperson wishes to reschedule the Tribunal hearing date, the Tribunal chairperson will inform the APC CEO of the need to reschedule the hearing and the APC CEO will arrange for the Tribunal to be reconvened.
13. The Tribunal chairperson will read out the complaint, ask each respondent if he or she understands the complaint and if he or she agrees or disagrees with the complaint.
14. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any sanctions.

15. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
 - Reference may be made to brief notes.
 - The complainant may call witnesses.
 - The respondent may question the complainant and any witnesses.
16. The respondent will then be asked to respond to the complaint.
 - Reference may be made to brief notes.
 - The respondent may call witnesses.
 - The complainant may ask questions of the respondent and any witnesses.
17. The complainant and respondent(s) may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required.
18. The Tribunal may:
 - consider any evidence, and in any form, that it deems relevant;
 - ask questions of any person giving evidence;
 - limit the number of witnesses (including limiting witnesses to those persons who only provide new evidence);
 - require (to the extent it has power to do so) the attendance of any witness it deems relevant; and
 - act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
19. Video evidence, if available, may be presented. Arrangements for the viewing of this evidence must be made entirely by the person(s) wishing to offer this type of evidence.
20. If the Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidatory behaviour from anyone, the Tribunal chairperson may deny further involvement of that person in the hearing.
21. After all the evidence has been presented, the Tribunal will make its decision in private. The Tribunal must decide whether the complaint has, on the balance of probabilities, been substantiated.
22. All Tribunal decisions will be by majority vote.
23. The Tribunal chairperson may announce the decision of the Tribunal at the conclusion of the hearing. Alternatively, he or she may reserve the decision of the Tribunal at the conclusion of the hearing and deliver the decision at a later time.
24. The respondent(s) will have the opportunity to make submissions to the Tribunal in relation to any sanctions that may be imposed.
25. Within 48 hours of the Tribunal delivering its decision, the Tribunal chairperson will:
 - forward a notice of the Tribunal's decision to the APC CEO, including details of any sanction imposed.

- forward a letter reconfirming the Tribunal's decision to the respondent(s), including any sanction imposed. The letter should also outline the process and grounds for an appeal, if allowed.

26. The Tribunal does not need to provide written reasons for its decision.

Appeals procedure

27. A complainant or a respondent(s) may lodge with the APC CEO an appeal in relation to the decision of a Tribunal on one or more of the following grounds:

27.1 that a denial of procedural fairness has occurred;

27.2 that the sanction imposed is unjust and/or unreasonable;

27.3 that the decision was not supported by the information/evidence provided at the mediation or to the Tribunal Hearing;

28. A person wanting to appeal must lodge a letter setting out the basis for their appeal with the APC CEO within 7 days of the decision being made. An appeal fee in an amount set by the CEO of the APC shall be included with the letter of intention to appeal.

29. If the letter of appeal is not received by the APC CEO within this time, the right of appeal will lapse.

30. The letter of appeal and the notice of the Tribunal's decision (clause 23) will be forwarded to the relevant official to review and to decide whether there are sufficient grounds for the appeal to proceed. The relevant official may invite any witnesses to the meeting that he or she believes are required to make an informed decision.

31. If the appellant has not shown sufficient grounds for an appeal in accordance with clause 27, then the appeal will be rejected. The appellant will be notified in writing, including the reasons for the decision. The appeal fee will be forfeited.

32. If the appeal is accepted, an Appeal Tribunal with new panel members will be convened to rehear the complaint, and the appeal fee will be refunded.

33. The Tribunal hearing procedure shall be followed for the Appeal Tribunal.

34. The decision of the Appeal Tribunal will be final and binding on the people involved.

35. Every organisation bound by this policy will recognize and enforce any decision a Disciplinary Tribunal or Appeal Body under this policy.

Attachment D5:

PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

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

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

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

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

Step 1: Receive the allegation

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

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

Step 2: Report the allegation

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

Step 3: Protect the child and manage the situation

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

Step 4: Take internal action

- At least three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
 - a criminal investigation (conducted by the police)
 - a child protection investigation (conducted by the relevant child protection agency)
 - a disciplinary or misconduct inquiry/investigation (conducted by the APC).
- The APC will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include considering whether the alleged offender should return to his or her position, be dismissed, banned or suspended or face other disciplinary action.
- If disciplinary action is undertaken, we will follow the procedures set out in Clause 12 of our People Protection Policy.
- Where required we will provide the relevant government agency with a report of any disciplinary action we take.
- **Contact details for advice or to report an allegation of child abuse**

Australian Capital Territory	
ACT Police Non-urgent police assistance Ph: 131 444 www.afp.gov.au	Office for Children, Youth and Family Services http://www.communityservices.act.gov.au/ocyfs/reporting-child-abuse-and-neglect Ph: 1300 556 729

New South Wales	
New South Wales Police Non-urgent police assistance Ph: 131 444 www.police.nsw.gov.au	Department of Family and Community Services www.community.nsw.gov.au Ph: 132 111
Northern Territory	
Northern Territory Police Non-urgent police assistance Ph: 131 444 www.pfes.nt.gov.au	Department of Children and Families www.childrenandfamilies.nt.gov.au Ph: 1800 700 250
Queensland	
Queensland Police Non-urgent police assistance Ph: 131 444 www.police.qld.gov.au	Department of Communities, Child Safety and Disability Services www.communities.qld.gov.au/childsafety Ph: 1800 811 810
South Australia	
South Australia Police Non-urgent police assistance Ph: 131 444 www.sapolice.sa.gov.au	Department for Education and Child Development www.families.sa.gov.au/childsafes Ph: 131 478
Tasmania	
Tasmania Police Non-urgent police assistance Ph: 131 444 www.police.tas.gov.au	Department of Health and Human Services www.dhhs.tas.gov.au/children Ph: 1300 737 639
Victoria	
Victoria Police Non-urgent police assistance	Department of Human Services www.dhs.vic.gov.au Ph: 131 278

Ph: (03) 9247 6666 www.police.vic.gov.au	
Western Australia	
Western Australia Police Non-urgent police assistance Ph: 131 444 www.police.wa.gov.au	Department for Child Protection and Family Support www.dcp.wa.gov.au Ph: (08) 9222 2555 or 1800 622 258

PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

The APC will ensure that all the complaints we receive, both formal and informal, are properly documented. This includes recording how the complaint was resolved and the outcome of the complaint.

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

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

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

ATTACHMENTS

- ***Attachment E1: Record of informal complaint***
- ***Attachment E2: Record of formal complaint***
- ***Attachment E3: Confidential record of child abuse allegation***

Attachment E1:

RECORD OF INFORMAL COMPLAINT

Name of person receiving complaint		Date: / /
Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
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	
When/where did the incident take place?		
What are the facts relating to the incident, as stated by complainant?		
What is the nature of the complaint? (category/basis/grounds) Tick more than one box if necessary	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other	
What does the complainant want to happen to resolve the issue?		
What other information has the complainant provided?		
What is the complainant going to do now?		

This record and any notes must be kept confidential and secure. If the issue becomes a formal complaint, this record is to be given to the APC CEO.

Attachment E2:

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/position	<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 (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's role/position	<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 incident		
Description of alleged incident		
Nature of complaint (category/basis/grounds) Tick more than one box if necessary	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimization <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other	
Methods (if any) of attempted informal resolution		

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

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

Attachment E3**CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION**

Before completing, ensure the procedures outlined in attachment D5 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"/> 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
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 and/or MPIO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

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