



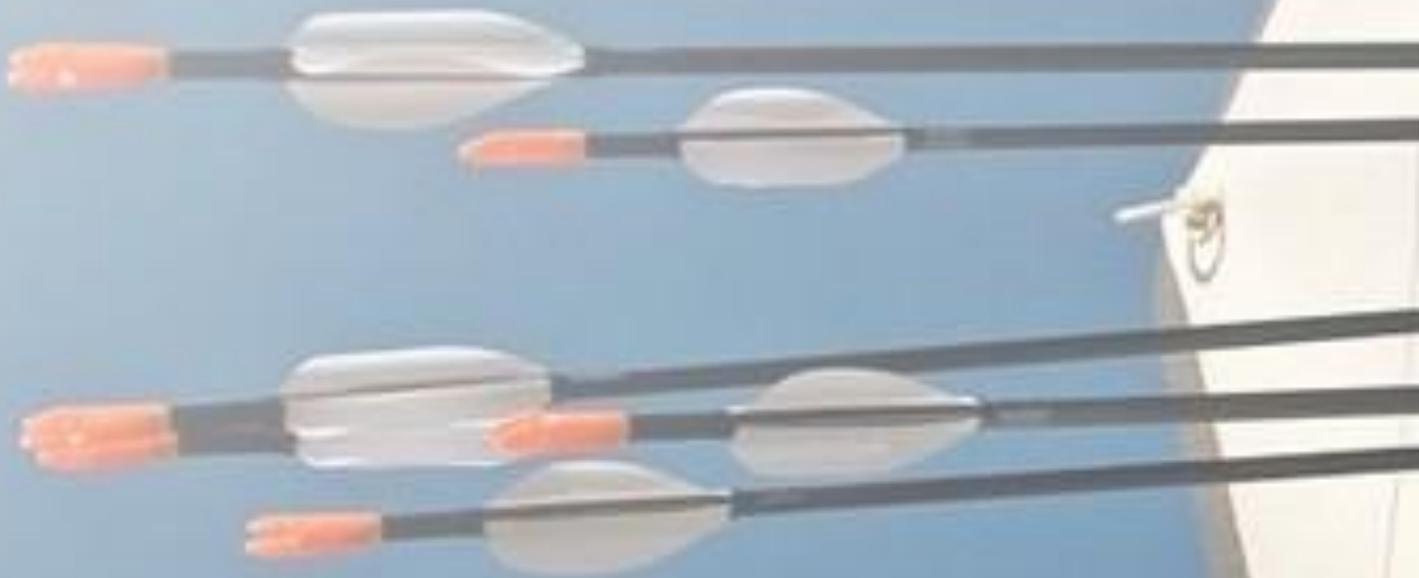
**Policy Name:** MEMBER PROTECTION POLICY

**Responsibility** Archery Australia Inc Board

**Effective** 1<sup>st</sup> January 2015

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# PREFACE

## **A message from the Chief Executive Officer.**

Archery Australia Inc is committed to providing a safe environment free from harassment and abuse.

We believe that anyone who works for us, represents us, engaged in our activities or everyone with whom we deal, has the right to be treated with respect and dignity.

Archery Australia Inc will not tolerate harassment or abuse in our organisation.

We will take all complaints seriously, and will ensure they are dealt with promptly, seriously, sensitively and above all confidentially.

Disciplinary action can and will be taken against a person who is found in breach of the Archery Australia Inc Member Protection policy.

It is for this reason Archery Australia Inc has developed a comprehensive Member Protection policy and complaints procedure, for a copy of this policy please contact [info@archery.org.au](mailto:info@archery.org.au) or you can download a copy from our web site on [www.archery.org.au](http://www.archery.org.au)

All persons whatever there age, culture, disability, gender, language, racial origin, religious belief and/or sexual identity, have the right to practice our sport in a fair and open manner with any form of discrimination, harassment or abuse.

James Larven  
Archery Australia Inc  
Chief Executive Officer

Date: 1/01/2015.

## **PART A: NATIONAL MEMBER PROTECTION POLICY**

### **1. Introduction**

#### **Archery Australia VISION**

ARCHERY AUSTRALIA INC IS THE NATIONAL CONTROLLING BODY FOR ARCHERY IN AUSTRALIA AND AIMS TO PROVIDE ALL MEMBERS WITH FAIR COMPETITION, ACCESS TO HIGH STANDARD FACILITIES AND EQUITY IN PARTICIPATION AT ALL LEVELS

ARCHERY AUSTRALIA Inc REPRESENTS THE INTERESTS OF ITS MEMBERS TO GOVERNMENT, OTHER SPORTING ORGANISATIONS AND WORLD ARCHERY (*formally Fédération Internationale de Tir à L'Arc*).

ARCHERY AUSTRALIA IS COMMITTED TO THE DEVELOPMENT AND PROMOTION OF THE SPORT IN ALL DISCIPLINES

ARCHERY AUSTRALIA INC IS ALSO COMMITTED TO THE PROVISION OF THE HIGHEST STANDARD OF INSTRUCTION IN COACHING, OFFICIATING AND SPORTS MANAGEMENT AT YOUTH, OPEN AGE, MASTER, VETERAN AND ELITE LEVELS

#### **Archery Australia MISSION STATEMENT**

ARCHERY AUSTRALIA INC WILL DEVELOP FOSTER AND PROMOTE ARCHERY AS A RECREATION AND COMPETITIVE SPORT

~A SPORT FOR ALL~

### **2. Purpose of this policy**

This National Member Protection Policy aims to assist Archery Australia to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport.

It sets out our commitment to ensure that every person involved in our sport is treated with respect and dignity and protected from discrimination, harassment and abuse. It also ensures

that everyone involved in our sport is aware of their legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

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

This policy has been endorsed by the Archery Australia Board. The policy starts on comes into force on the 1<sup>st</sup> January 2014 and will operate until replaced.

This policy and its attachments can be obtained from the Archery Australia our website at: [www.archery.org.au](http://www.archery.org.au)

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

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

- 3.1 Persons appointed or elected to Archery Australia Board, Committees, Sub-committees and Working Groups
- 3.2 Employees of Archery Australia
- 3.3 Support personnel, including Team Managers, Team Coaches, Physiotherapists, Psychologists, masseurs, sport trainers and others
- 3.4 Coaches and Instructors
- 3.5 Athletes
- 3.6 Judges and other Officials
- 3.7 Members and Affiliates as defined in the Archery Australia Constitution and Rules of Archery Australia.
- 3.8 Athletes, Coaches, Officials and other personnel participating in Tournaments, events and activities, including camps and training sessions, held or sanctioned by Archery Australia or Member Associations or Clubs

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

### **4. Organisational responsibilities**

RGBs and Clubs are required to:

- 4.1 Adopt, implement and comply with this policy
- 4.2 Ensure that their Constitution, By-laws or other rules and policies include the necessary clauses for this policy to be enforceable
- 4.3 Publish, distribute and promote this policy and the consequences of any breaches
- 4.4 Promote and model appropriate standards of behaviour at all times
- 4.5 Deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner
- 4.6 Apply this policy consistently

- 4.7 Recognise and enforce any penalty imposed under this policy
- 4.8 Ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies
- 4.9 Use appropriately trained people to receive and manage complaints and allegations of inappropriate behavior e.g. RGB and Club Member Protection Officer
- 4.10 Monitor and review this policy at least annually.

## **5. Individual responsibilities**

Individuals bound by this policy are responsible for:

- 5.1 Making themselves aware of the policy and complying with the codes of behaviour it sets out
- 5.2 Consenting to our screening requirements and any state/territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18
- 5.3 Placing the safety and welfare of children above other considerations
- 5.4 Being accountable for their behaviour
- 5.5 Following the steps outlined in this policy for making a complaint or reporting possible child abuse
- 5.6 Complying with any decisions and/or disciplinary measures imposed under this policy.

## **6. Position statements**

### **6.1 Child protection**

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

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

#### **6.1.1 Identify and analyse risk of harm**

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

### **6.1.2 Develop codes of behaviour**

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

These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behavior. (Refer to the attachments in Part B of this policy.)

### **6.1.3 Choose suitable employees and volunteers**

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

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

### **6.1.4 Support, train, supervise and enhance performance**

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

### **6.1.5: Empower and promote the participation of children**

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

### **6.1.6: Report and respond appropriately to suspected abuse and neglect**

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

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

## **6.2 Taking images of children**

Images of children can be used inappropriately or illegally. Archery Australia requires that individuals, associations and clubs comply with the Archery Australia Photography Policy No.1027.

Anyone engaged in taking images of a minor should ensure they have obtained appropriate permission and have obtained a consent, refer Archery Australia Media Consent (Minor) No 1034.

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

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

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

We prohibit all forms of harassment, discrimination and bullying as detailed in the Archery Australia Zero Tolerance Policy No 1041.

In most circumstances, such behaviour is against the law.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, they may make an internal complaint.

In some circumstances, they may also be able to make a complaint to an external organisation. (Refer to the attachments in Part D of this policy.)

## **6.4 Sexual relationships**

Archery Australia takes the position that consensual intimate relationships (whether or not of a sexual nature) between coaches and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's public image.

These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach and the athlete.

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

The coach or athlete may wish to seek advice or support from the National, RGB or Club Member Protection Officer if they feel harassed.

The complaints procedure is outlined in Part D of this policy.

### **6.5 Pregnancy**

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

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in our sport. We will only require pregnant women to sign a disclaimer if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant woman feels she has been harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint as outlined in Part D of this policy or refer to the Archery Australia Policy No 1044.

### **6.6 Transgender**

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

We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual. If a transgender or transsexual person feels he or she has been harassed or discriminated against by another person or organisation bound by this policy, he or she may make a complaint as outlined in Part D of this policy or Archery Australia Procedure 1042.

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

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

Archery Australia is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that state associations and member clubs follow strict guidelines regarding the service and consumption of alcohol.

- For further information refer to the Archery Australia Alcohol Policy No 1943 or <http://goodsports.com.au> or [www.playbytherules.net.au](http://www.playbytherules.net.au)

## **6.8 Smoke-free environment**

Archery Australia and World Archery requires a smoke free environment activities and social events that we hold or endorse.

For details refer to the Archery Australia Smoke Free Policy No 1045.

## **6.9 Social Media**

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

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

One issue that has arisen with Social Media is bullying and harassment which is unacceptable in our sport. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.

New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments.

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

For further information refer to the Archery Australia Social Media Policy NO 1046.

## **7. Complaints procedures**

### **7.1 Handling complaints**

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

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 harassed, bullied or discriminated against or there has been a breach of this policy.

In the first instance, complaints should be reported to a Member Protection Officer.

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

- Club level, or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club Member Protection Officer in the first instance.

- RGB level, or involves people operating at the state level, then the complaint should be reported to and handled by the relevant state association Member Protection Officer in the first instance.
- National level, or involves people operating at the national level, then the complaint should be reported to and handled by the National Member Protection Officer in the first instance.

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

A complaint may be handled informally or formally. The complainant will usually indicate his or her preferred option unless the Member Protection Officer considers that the complaint falls outside this policy and should be handled another way. 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.

## **7.2 Improper complaints and victimisation**

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

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

If at any point in the complaint handling process the Member Protection Officer considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or intended to cause distress to the respondent, the matter may be referred to the Management Committee/Board of the Club, RGB or Archery Australia for review and appropriate action, including possible disciplinary action against the complainant.

## **7.3 Mediation**

Archery Australia 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 Member Protection Officer will, in consultation with the complainant, arrange for an independent mediator where possible. We will not allow lawyers to negotiate on behalf of the complainant and/or the respondent.

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

#### **7.4 Tribunals**

A Tribunal may be convened to hear a formal complaint:

- Referred to it by the designated Member Protection Officer
- Referred to it or escalated by a RGB because of the serious nature of the complaint or because it was unable to be resolved at the state level or because the policy of the state association directs this action to be followed.
- Referred to it or escalated by the National Association because of the serious nature of the complaint or because it was unable to be resolved.

Our Tribunal procedure is outlined in Attachment [D4].

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

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

#### **8. What is a breach of this policy?**

It is a breach of this policy for any person or organisation bound by this policy to do anything contrary to this policy, including but not limited to: [adapt the suggestions below]

- 8.1 Breaching the codes of behaviour (see Part B of this policy)
- 8.2 Bringing the Sport, Club, RGB or National Association into disrepute, or acting in a manner likely to bring the Sport, Club, RGB or National Association into disrepute.
- 8.3 Failing to follow Archery Australia, RGB or Club policies (including this policy) and our procedures.
- 8.4 Discriminating against, harassing, bullying or engaging in inappropriate behaviour.
- 8.5 Victimising another person for making or supporting a complaint
- 8.6 Engaging in a sexually inappropriate relationship with a person that he or she supervises, or has influence, authority or power over
- 8.7 Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport

- 8.8 Disclosing to any unauthorised person or organisation any Archery Australia, RGB or Club information that is of a private, confidential or privileged nature and detailed in the Archery Australia Privacy Policy No 1024.
- 8.9 Making a complaint that they know to be untrue, vexatious, malicious or improper
- 8.10 Failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy
- 8.11 Failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

## **9. Disciplinary measures**

Archery Australia, RG or Club may impose disciplinary measures on an individual or organisation for a breach of this policy.

Any disciplinary measure imposed will be:

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

### **9.1 Individual**

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

- 9.1.1 A direction that the individual make a verbal and/or written apology;
- 9.1.2 A written warning;
- 9.1.3 A direction that the individual attend counselling to address their behaviour;
- 9.1.4 Withdrawal of any awards, scholarships, placings, records, and achievements bestowed in any tournaments, activities or events held or sanctioned by Archery Australia, RGb or Club;
- 9.1.5 A demotion or transfer of the individual to another location, role or activity;
- 9.1.6 A suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.7 Termination of the individual's membership, appointment or engagement;
- 9.1.8 A recommendation that Archery Australia , RGB or Club terminate the individual's membership, appointment or engagement;

- 9.1.9 In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- 9.1.10 A fine;
- 9.1.11 Any other form of discipline that Archery Australia Board, or RGB or Club Committee of Management considers appropriate;

## **9.2 Organisation**

If a finding is made that an Archery Australia member or affiliated organisation has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by a Tribunal, Archery Australia or RGB.

- 9.2.1 A written warning;
- 9.2.2 A fine;
- 9.2.3 A direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period;
- 9.2.4 A direction that any funding granted or given to it by the Archery Australia or RGB cease from a specified date;
- 9.2.5 A direction that the Archery Australia or RGB cease to sanction events held by or under the auspices of that organisation;
- 9.2.6 A recommendation to Archery Australia or RGB that its membership of the Archery Australia or the RGB be suspended or terminated in accordance with the relevant constitution or rules;
- 9.2.7 Any other form of discipline that Archery Australia or the RGB considers reasonable and appropriate.

## **9.3 Factors to consider**

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

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

## **10. Dictionary of terms**

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.

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

**Affiliated club** refer Archery Australia Constitution and Shooting Rules.

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

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

- **physical abuse**, by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity)
- **sexual abuse** by adults or other children, where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography, including child pornography, or inappropriate touching or conversations)
- **emotional abuse**, by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name-calling, ignoring or placing unrealistic expectations on a child)
- **neglect** (e.g. failing to give a child food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

**Complaint** means a complaint made under clause [\[7\]](#) of this policy

**Complainant** means the person making a complaint.

**Complaint handler/manager** means the person appointed under this policy to investigate a complaint.

**Discrimination** occurs when someone is treated unfairly or less favourably than another person in the same or similar circumstances because of a particular personal characteristic. This is known as direct discrimination. Indirect discrimination occurs when a rule, policy or practice disadvantages one group of people in comparison with others, even though it appears to treat all people the same.

In Australia, it is against the law to discriminate against someone because of their:

- Age
- Disability
- Family/carer responsibilities
- Gender identity/transgender status
- Homosexuality and sexual orientation
- Irrelevant medical record
- Irrelevant criminal record
- Political belief/activity
- Pregnancy and breastfeeding

- Race
- Religious belief/activity
- Sex or gender
- Social origin;
- Trade union membership/activity.

Some states and territories include additional protected characteristics, such as physical features or association with a person with one or more of the characteristics listed above.

**Examples of discrimination** are available on the Play by the Rules website: [www.playbytherules.net.au/legal-stuff/discrimination](http://www.playbytherules.net.au/legal-stuff/discrimination)

Some exceptions to state and federal anti-discrimination law apply, such as:

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

**Harassment** is any type of behaviour that the other person does not want and is likely to make the person feel intimidated, insulted or humiliated. Unlawful harassment can target a person because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law (see the list under "Discrimination").

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

**Mediator** means an impartial person appointed to help those people involved in a complaint to talk through the issues and resolve the matter on mutually agreeable terms.

**Member** refer Archery Australia Constitution and Shooting Rules

**Member Protection Information Officer** means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this policy. He or she provides impartial and confidential support to the person making the complaint.

**Natural justice** (or procedural fairness) requires that:

- Both the complainant and the respondent must know the full details of what is being said against them and have the opportunity to respond
- All relevant submissions must be considered
- No person may judge their own case
- The decision-maker(s) must be unbiased, fair and just
- The penalties imposed must be fair.

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

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

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

**RGB** refer to Archery Australia Constitution and Shooting Rules

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

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

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

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

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

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

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

**Vilification** involves a person or an organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of people having any of the characteristics listed under the definition of “Discrimination”.

## **PART B: CODES OF CONDUCT**

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We seek to provide a safe, fair and inclusive environment for everyone involved in our organisation and in our sport.

To achieve this, we require certain standards of behavior of players/athletes, coaches, officials, administrators, parents/guardians (of child participants) and spectators.

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

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

The Archery Australia Code of Conduct No 1002 can be found on the Archery Australia website along with all other Archery Australia Policies and Procedures

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

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

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

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

Archery Australia including RGBs and clubs, will meet the requirements of the relevant state or territory Working with Children Check laws.

Employment screening requirements will also be followed in the Australian Capital Territory and Tasmania.

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

### **ATTACHMENTS**

- Attachment C1: Screening requirements
- Attachment C2: Member Protection Declaration
- Attachment C3: Working with Children Check requirements

## Attachment C1: SCREENING REQUIREMENTS

Applicable for states/territories without Working With Children Checks such as ACT and Tasmania.

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

The Archery Australia, RGBs and Clubs will:

1. Identify positions that involve working, coaching, supervising or regular unsupervised contact with people under the age of 18 years.
2. Obtain a completed Member Protection Declaration (MPD) (Attachment C2) from all people who are identified in the above step and keep it in a secure place.
3. Provide an opportunity for a person to give an explanation if a MPD isn't provided or it reveals that the person doesn't satisfactorily meet any of the clauses in the MPD. We will then make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years. If unsatisfied we will not appoint them to the role/position.
4. Where possible, check a person's referees (verbal or written) about his/her suitability for the role.
5. Ask the people identified in step 1 to sign a consent form for a national police check.
6. Possibly request (or ask the person to request) a national 'Part Exclusion' police check from our relevant police jurisdiction. This check excludes irrelevant records. If the police check indicates a relevant offence, we will provide an opportunity for the person to give an explanation, and then we will make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years. If unsatisfied we will not appoint them to the role/position.
7. Make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years if the person does not agree to a national police check after explaining why it is a requirement under our policy. If unsatisfied, we will not appoint them.
8. Decide whether to offer the person the position taking into account the result of the police check and any other information the club has available to it. Where it is not practical to complete the police check prior to the person commencing in the position, we will complete the check as soon as possible, and if necessary, act immediately on the outcome.

9. Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the checking process.
  
10. Return information collected during screening (such as a completed MPD form, police records and referee reports) to the relevant person if that person is not appointed to the position, or otherwise be destroyed within 28 days of the date of the decision or the expiry of any appeal period, unless within that time the person requests that the documents be returned to them. For appointed persons, information will be kept on file in a secure location.

## Attachment C2: MEMBER PROTECTION DECLARATION

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Archery Australia, RGBs and Clubs have a duty of care to all those associated with the sport at the and to the individuals and organisations to whom our Archery Australia Member Protection Policy applies.

As a requirement of the Archery Australia Member Protection Policy, Archery Australia, RGBs and Clubs must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

I .....  
Name

of .....  
Address

.....Post Code.....

Date of Birth ...../...../.....

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, harassment, intimidation or abuse.
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 Archery Australia, RGBs and Clubs may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the President or 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: .....

.....  
Signature

.....  
Date

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

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

.....  
Name

.....  
Signature

.....  
Date

# Attachment C3: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS

## 1. QUEENSLAND

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

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

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

- Visit: [www.cypcg.qld.gov.au/bluecard](http://www.cypcg.qld.gov.au/bluecard)

## 2. NEW SOUTH WALES

The *Commission for Children and Young People Act 1998* (NSW) provides minimum standards for those who work with children. All organisations within NSW that employ people in child-related employment (in a paid or unpaid capacity) must meet the requirements of the Working With Children Check (“WWC Check”) Child related employment is defined as work which primarily involves direct unsupervised contact with children. Applicants applying for paid positions need to sign a Background Check Consent Form, and then submit a Background Check Request Form to the approved screening agency for them to conduct the WWC Check. The WWC Check involves two elements:

1. Excluding people with convictions for serious sex and violence crimes against children; and
2. Background checking for preferred applicants for primary child-related employment, ministers of religion and authorised carers

For more information, including the required forms:

- Visit: [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)

## 3. WESTERN AUSTRALIA

The Working With Children Check (“WWC Check”) is a compulsory and rigorous criminal record check for certain people who carry out ‘child-related work’ in Western Australia (WA). The Working with Children (Criminal Record Checking) Act 2004 (the Act) aims to protect

children from harm by providing a high standard of compulsory national criminal record check for people wishing to work in paid or unpaid child-related work or volunteer child-related work in WA.

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

Applicants will be issued with either:

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

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

For more information:

- Visit: [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au)

#### **4. VICTORIA**

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

The check involves a national police records check and a review of relevant findings from prescribed professional disciplinary bodies (currently only the Victorian Institute of Teaching). There is an exemption for volunteers whose own children are involved in the particular activity; however they should still be required to complete the screening process.

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

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

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

For more information:

- Visit: [www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au)

## **5. SOUTH AUSTRALIA**

Under the Children's Protection Act (Section 8B) people in SA who work in jobs, which require regular contact with children, are required to obtain police clearance before they commence employment.

A National Police Certificate application form is available from [www.police.sa.gov.au/sapol/services/information\\_requests/police\\_checks.jsp](http://www.police.sa.gov.au/sapol/services/information_requests/police_checks.jsp)

## **6. NORTHERN TERRITORY**

In the NT the law has recently changed and from 1 March 2011 it will be mandatory for people who have contact or potential contact with children to hold a Working with Children Clearance Notice and an Ochre Card.

SAFE NT administers the clearance procedure which involves an employment and criminal history check. People who have previously had a Criminal History Check to work with children will still be required to apply for the Working with Children Clearance if they work certain specified areas of employment.

For more information on the requirements visit [www.workingwithchildren.netgov.au](http://www.workingwithchildren.netgov.au)

## **7. AUSTRALIAN CAPITAL TERRITORY**

Under new rules in the ACT, people who work with children and vulnerable adults must register with a Statutory Screening Unit. Under the Working with Vulnerable People (Background Checking) Bill 2010 it is expected that all employees and volunteers who provide regulated services to children will be checked in the first year of the new law's operation. For more information

[www.ors.act.gov.au/community/working\\_with\\_vulnerable\\_people](http://www.ors.act.gov.au/community/working_with_vulnerable_people)

## **8. TASMANIA**

Currently there are no legal requirements for people working with children to undertake a police check in Tasmania, however, organisations which require employees and/or volunteers to work with children may have their own policies in this regard.

In 2005 the Commissioner for Children Tasmania released a consultation paper discussing proposals for the Government to introduce screening procedures for Tasmanian organisations who want to employ people to work with children.

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

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

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

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

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

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

### **ATTACHMENTS**

- Attachment D1: Complaints procedure
- Attachment D2. Mediation
- Attachment D3. Investigation procedure
- Attachment D4. Tribunal procedure

## **Attachment D1: COMPLAINTS PROCEDURE**

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

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

If you wish to remain anonymous, the Archery Australia, RGBs and Clubs may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that the Archery Australia, RGBs and Clubs is required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond.

### **INFORMAL APPROACHES**

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

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

Step 2: Contact a Member Protection Information Officer

Talk with one of our Archery Australia, RGBs and Clubs MPIOs if:

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

The MPIO will:

- Take confidential notes about your complaint;
- Try to find out the facts of the problem;
- Ask what outcome/how you want the problem resolved and if you need support;
- Provide possible options for you to resolve the problem;
- Act as a support person if you so wish;
- Refer you to an appropriate person (e.g. Mediator) to help you resolve the problem, if necessary;
- Inform the relevant government authorities and/or police if required by law to do so;
- Maintain confidentiality.

### Step 3: Outcomes from initial contact

After talking with the MPIO, you may decide:

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

### FORMAL APPROACHES

#### Step 4: Making a Formal complaint

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

- Make a formal complaint in writing to Archery Australia MPIO or CEO;
- Approach a relevant external agency such as an anti-discrimination commission, for advice.

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

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

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

- Whether they have had any personal involvement in the circumstances which means that someone else should handle the complaint;
- Your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- The relationship between you and the respondent (for example an actual or perceived power imbalance between you and the respondent);
- Whether the facts of the complaint are in dispute; and

- The urgency of the complaint, including the possibility that you will be subject to further unacceptable behaviour while the complaint process is underway.

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

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

#### Step 5: Investigation of the complaint

- A person appointed under Step 3 will conduct an investigation and provide a written report to the Archery Australia MPIO or CEO who will determine what further action to take;
- If the complaint is referred to mediation, it will be conducted in accordance with Attachment C2 or as otherwise agreed by you and the respondent and the mediation provider;
- If the complaint is referred to a hearings tribunal, the hearing will be conducted in accordance with Attachment C5;
- If the complaint is referred to the police or other appropriate authority, the Archery Australia will use its best endeavours to provide all reasonable assistance required by the police or other authority.
- It must be made clear to all parties that the investigator is not seeking to resolve the matter, nor to decide whether any breach of this Policy has occurred, nor to impose any penalty. Any decision about Policy breach must be referred to an independent tribunal, and wherever possible, mediations should be conducted by an independent mediator.

Any costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or hearings tribunal) are to be met by Archery Australia, RGBs and Clubs as relevant unless otherwise stated in the relevant Attachment.]

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

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

You or the respondent(s) may be entitled to appeal. The grounds and process for appeals under this Policy are set out in Attachment C5.

## Step 7: Documenting the resolution

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

### EXTERNAL APPROACHES

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

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

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

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

## Attachment D2: MEDIATION

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Mediation is a process that allows the people involved in a complaint to talk through the issues with an impartial person – the mediator – and work out a mutually agreeable solution.

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to talk through the issues and makes sure that the process is as fair as possible for all concerned.

Our approach to mediation follows the steps set out below.

1. The CEO will appoint a mediator to help resolve the complaint. This will be done under the direction of Archery Australia Inc. and in consultation with the complainant and the respondent(s).
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, the mediator will prepare 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 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 CEO reconsider the complaint in accordance with **Step 3**
  - Approach an external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

We recognise that there are some **situations where mediation will 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 the issues raised are sensitive in nature
- When there is a real or perceived power imbalance between the people involved
- Matters that involve serious, proven allegations.

## Attachment D3: INVESTIGATION PROCESS

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

An investigation helps determine the facts relating to the incident, as well as possible findings and recommendations.

Any investigation that we conduct will be fair to all people involved.

If 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. The investigator will:
  - 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, if there is a dispute over the facts
  - 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 Archery Australia Board (RGB or Club) documenting the complaint, the investigation process, the evidence, the finding(s) and, if requested, any recommendations.
2. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser.
4. The complainant and the respondent(s) may have the right to appeal any decision based on the investigation. Information on our appeals process is in Attachment D5.

## Attachment D4:

# TRIBUNAL PROCEDURES

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

### Preparing for a Tribunal hearing

1. A Tribunal panel will be established, according to the rules set out in our Constitution, to hear a complaint that has been referred to it by the Archery Australia Board. The number of Tribunal panel members required to be present throughout the hearing will be 3.
2. The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the Member Protection Officer or other investigator appointed by the Archery Australia Board relating to the complaint/allegations.
3. 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.
4. The Tribunal panel will not include any person who has any actual or perceived conflict of interest or bias regarding the complaint/allegations.
5. The *CEO of Archer Australia* 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 clause of any policy or rule that has allegedly been breached
  - The date, time and venue of the Tribunal hearing
  - That either verbal 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 (statutory declarations of witnesses not available to attend and from character witnesses may also be provided to the Tribunal hearing)
  - An outline of any possible penalties that may be imposed if the complaint is found to be true
  - That legal representation will not be allowed, but if *the respondent is a minor, he or she may have a parent or guardian present.*

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

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

6. The *CEO of Archery Australia* 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 either verbal or written submissions can be presented at the Tribunal hearing
- That witnesses may attend the Tribunal hearing to support the complainant's position (statutory declarations of witnesses not available to attend may also be provided to the Tribunal Hearing)
- That legal representation will not be allowed but if *the complainant is a minor, he or she may have a parent or guardian present.*]

A copy of any information / documents given to the Tribunal (e.g. 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 CEO of Archery Australia as soon as possible so that the respondent(s) and members of the Tribunal panel can be properly informed of the complaint.
8. If at all 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. The Tribunal chairperson will inform the *CEO of Archery Australia* of the need to reschedule the hearing and the 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 disciplinary measures or penalties.
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
  - Question any person giving evidence
  - Limit the number of witnesses presented to those who provide new evidence
  - Require (to the extent it has power to do so) the attendance of any witness it deems relevant
  - Act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
19. Video evidence, if available, may be presented. Arrangements 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. It must decide whether the complaint has, on the balance of probabilities, been substantiated. As the seriousness of the allegation increases, so too must the level of satisfaction of the Tribunal that the complaint has been substantiated. The respondent(s) have the opportunity to address the Tribunal on disciplinary measures which may be imposed. Any disciplinary measures imposed must be reasonable in the circumstances.
22. All Tribunal decisions will be by majority vote.
23. The Tribunal chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed. Alternatively, he or she may advise those present that the decision is reserved and will be handed down in written form at a later time.
24. Within 48 hours, the Tribunal chairperson will forward a notice of the Tribunal's decision to the CEO of Archery Australia including any disciplinary measures imposed. The CEO shall forthwith provide the notice to the Archery Australia Board for their action under

s.2.13 of the Archery Australia Constitution. In the notice the Tribunal should provide short minutes of the reasons for its decision.

25. As soon as is reasonably practical the Board shall meet and consider the decision of the Tribunal as set out in the notice and shall then deal with the Tribunal Decision as provided for under s. 2.13 of the constitution and either:
  - Forward a letter confirming the Tribunal's decision to the respondent(s) setting out the short minutes of reasons for the Tribunal decision, including any disciplinary measures imposed. The letter should also outline the process and grounds for an appeal, if allowed.
  - Forward a letter outlining the Board's decision to reduce the penalties imposed by the Tribunal, and setting out the short minutes of reasons for the Tribunal decision, including any disciplinary measures imposed. The letter should also outline the process and grounds for an appeal, if allowed.

### **Appeals procedure**

26. If a complainant or a respondent(s) is not satisfied with the outcome of a mediation process or a Tribunal decision, he or she can lodge an appeal to Archery Australia on one or more of the following grounds:
  - 26.1 That a denial of natural justice has occurred
  - 26.2 That the disciplinary measure/s imposed is unjust and/or unreasonable
  - 26.3 That the decision was not supported by the information/evidence provided at the mediation or to the Tribunal Hearing
27. A person wanting to appeal must lodge a letter setting out the basis for their appeal with the *CEO of Archery Australia* within 28 days of the decision being issued by the CEO of Archery Australia. *An appeal fee of \$250 shall be included with the letter of intention to appeal.*
28. If the letter of appeal is not received by the CEO within this time, the right of appeal will lapse. *If the letter of appeal is received but the appeal fee is not received within this time, the appeal will also lapse.*
29. The letter of appeal and the notice of the Tribunal's decision (clause 25) will be forwarded to the *President of Archery Australia* to review and to decide whether there are sufficient grounds for the appeal to proceed.
30. If the appellant has not shown sufficient grounds for an appeal in accordance with clause 26, 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.*
31. 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.* The *Chairman of the appeals Tribunal* may invite any witnesses to the meeting that he or she believes are required to make an informed decision
32. The Tribunal hearing procedure shall be followed for the Appeal Tribunal.

33. The decision of the Appeal Tribunal will be final.

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

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

This information, and any additional records and notes, will be treated confidentially and stored in a secure place.

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

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

### **ATTACHMENTS**

- Attachment E1: Confidential record of informal complaint
- Attachment E2: Confidential record of formal complaint
- Attachment E3: Handling an allegation of child abuse
- Attachment E4: Confidential record of child abuse allegation



**This record and any notes must be kept in a confidential and safe place.** Do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be given to Member Protection Officer.

## Attachment E2:

### CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's role/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"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other .....	
Methods (if any) of attempted informal resolution		

Formal resolution procedures followed (outline)	
If investigated:	Finding
If 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 type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position: Signature: <span style="float: right;">Date / /</span>
Signed by:	Complainant:  Respondent:

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

## **Attachment E3: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE**

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**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](http://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 Archery Australia, RGB or Club 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.

<b>Do</b>	<b>Don't</b>
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 MPO of appropriate organisation so that he or she can manage the situation.

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

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

### **Step 4: Take internal action**

- Up to three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
  - A criminal investigation (conducted by the police)
  - A child protection investigation (conducted by the relevant child protection agency)
  - A disciplinary or misconduct inquiry/investigation (conducted by appropriate organisation).
- Regardless of the findings of the police and/or child protection agency investigations, organisation will assess the allegations to decide whether the alleged offender should return to his or her position, be dismissed, be banned or face any other disciplinary action.
- MPO, CEO or Tribunal of the organisation will consider all information relevant to the matter – including any findings made by the police, the child protection authority and/or court – and then set out a finding, recommend actions and the rationale for those actions.

- If disciplinary action is recommended, we will follow the procedures set out in Clause 9 of our Member Protection Policy.
- We will provide the relevant government agency with a report of any disciplinary action we take, where this is required.