



# **MEMBER PROTECTION & RISK MANAGEMENT POLICIES**

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## Table of Contents

<b>PART A – AOCRA MEMBER PROTECTION POLICY</b>	<b>4</b>
1. Introduction	4
2. Purpose of this policy	5
3. Who is bound by the policy	5
4. Organisational Responsibilities	6
5. Individual Responsibilities	7
6. Member Protection Policies	7
6.1 Child Protection	7
6.2 Taking Images of Children	9
6.3 Anti Discrimination and Harassment	9
6.4 Sexual Relationships	9
6.5 Pregnancy	10
6.6 Gender Identity	10
6.7 Responsible Service and Consumption of Alcohol	11
6.8 Smoke Free Environment	12
6.9 Cyber-bullying	13
6.10 Social networking Sites	13
6.11 Incident (injuries and equipment damage) Reporting	13
6.12 AOCRA Privacy Policy	13
6.13 Website Reference for Assistance	14
7. Complaints Procedure	14
7.1 Handling Complaints	14
7.2 Vexatious Complaints and Victimisation	14
8. Forms of Discipline	14
<b>PART B - OTHER RISK MANAGEMENT POLICIES</b>	<b>16</b>
9. Coaching	16
10. Safety – Paddler Suitability (Swim, Tread and Huli)	16
11. Weather Precautions	17
12. Drug Policy	19
13. Sun Smart Policy	19
14. Infectious Diseases	21
<b>PART C – DICTIONARY</b>	<b>22</b>
<b>PART D – DISCIPLINARY MEASURES</b>	<b>26</b>
15. Individual	26
16. Organisation	26
17. Factors to Consider	26
<b>PART E – CODES OF BEHAVIOUR</b>	<b>28</b>
18. All persons involved in outrigger	28
19. Athletes	28
20. Coaches	28
21. Officials	29
22. Administrators	29
23. Parents	29
24. Spectators & Volunteers	29

<b>PART F – SCREENING/WORKING WITH CHILDREN CHECK REQUIREMENTS</b>	<b>30</b>
25. Background	30
Attachment F1: SCREENING REQUIREMENTS	31
Attachment F2: MEMBER PROTECTION DECLARATION	32
Attachment F3: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS	32
<b>PART G – COMPLAINT HANDLING PROCEDURES</b>	<b>36</b>
Attachment G1: COMPLAINTS PROCEDURE	36
Attachment G2: MEDIATION	39
Attachment G3: INVESTIGATION PROCESS	40
Attachment G4: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE	41
Attachment G5: HEARINGS & APPEALS TRIBUNAL PROCEDURE	43
Attachment G6: Complaints Flowchart	47
Attachment G7: Confidential Record of Informal Complaint	48
Attachment G8: Confidential Record of Formal Complaint	49
Attachment G9: Confidential Record of Child Abuse Allegations	51

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

### **1. Introduction**

The **Australian Outrigger Canoe Racing Association Ltd** (AOCRA) has the following objects:

- a. to create a uniform entity through and by which the sport of outriggering in Australia can be controlled, conducted, encouraged, promoted, marketed, advanced and administered.
- b. to administer and control all and any aspect of outrigger canoeing in Australia and, without limitation, to develop, implement and amend where deemed appropriate such policies, rules, regulations, and by-laws as are necessary to secure uniformity in outrigger canoeing in Australia for the purposes of competition, conduct, promotion, control, marketing, advancement, administration and management of outrigger canoeing generally through the Company and by the operations of various State Centres, Zones and Affiliated Clubs.
- c. to control outrigger canoe racing (in competition or otherwise) its standards, safety, quality and reputation.
- d. to control all and any aspect of outrigger canoeing including (but not limited to) the materials and methods used in the construction, maintenance or repair of any craft or vessel, the type, design, safety, registration and approval of any craft or vessel used in outrigger canoeing by any person or body associated with the Company, the signage, colours, clothing and uniforms used by State Centres, Zones, Affiliated Clubs, Members and any other person under the control or influence of the Company whether in competition or not.
- e. to form State Centres, Zones or any other group as the Company may deem appropriate to control, conduct, encourage, promote, market, advance and administer the sport of outrigger canoeing on behalf of the Company and to report to the Company as required and directed from time to time.
- f. to act in the interests of the Members and the Company objectively, properly, fairly, reasonably and without discrimination.
- g. to conduct, organise, assist, promote, manage, finance and arrange an annual National Titles outrigger regatta to which every Affiliated Club shall be entitled to participate within the rules and regulations laid down by the Company for such event.
- h. to conduct or commission research and development for improvements in all aspects of outrigger canoeing.
- i. to apply the property, assets and capacity of the Company towards the fulfilling and achieving of these objects.
- j. to strive for Governmental recognition at all levels of Government and for commercial, corporate and public recognition of the Company, State Centres, and Zones as the leading authority on outrigger canoeing, its safety, administration and management.
- k. to review and/or determine any matter relating in any way whatsoever to outrigger canoeing which may arise within Australia or which are referred to the Company by any State Centre, Zone, Affiliated Club or Member and to review, amend, determine, uphold or enforce any penalty imposed by a State Centre, Zone or Affiliated Club.

l. to pursue through itself or such other commercial arrangements, (including government grants), sponsorship and marketing opportunities as are appropriate to further the interests and objects of the Company and outrigger canoeing generally.

m. to affiliate and/or otherwise liaise with international outrigger or other groups in furtherance of these objects.

n. to undertake and or do all such things or activities which are necessary, incidental or conducive to the advancement of these objects.

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

This National Member Protection Policy (“the policy”) aims to assist AOCRA to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport. The policy aims to maintain ethical and informed decision-making and responsible behaviours within our sport. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from abuse. The policy informs everyone involved in our sport of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.

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

The policy has been endorsed by the current management committee and has been incorporated into our By-Laws. The policy starts on 1st January 2015 and will operate until replaced. Copies of the current policy and its attachments can be obtained from AOCRA via the website at [www.aocra.com.au](http://www.aocra.com.au)

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

AOCRA requires every individual, club, State Centre and zone bound by this document to:

- be ethical, fair and honest in their dealings with other people and AOCRA;
- treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- always place the safety and welfare of others, especially juniors, above other considerations;
- comply with AOCRA's constitution, By Laws, rules, policies and procedures;
- operate within the rules and spirit of the sport;
- comply with relevant state and federal legislation;
- be responsible for their behaviour and code of conduct.

The policy applies to the following people within AOCRA's membership base whether they are in a paid or unpaid/voluntary capacity:

- persons appointed or elected to AOCRA committees and sub-committees;
- employees of AOCRA;
- support personnel appointed or elected to teams and squads (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers) coaches and assistant coaches;
- all athletes;

- race directors, safety officers and other officials involved in the regulation of the sport;
- members, including life members of AOCRA;
- athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by AOCRA;
- any other person including spectators, parents/guardians and sponsors, who or which agrees in writing (whether on a ticket, entry form or otherwise) to be bound by the policy];

The policy also applies to the following associations:

- Zones;
- State Centres
- Affiliated Clubs
- associated organisations.

## **4. Organisational responsibilities**

AOCRA Management Committee

The AOCRA management committee shall:

- ensure the policy is reviewed annually
- ensure club Risk Management Plans are reviewed on an annual basis.
- provide support and advice to all Zones, State Centres, Clubs and individuals when requested and appropriate to do so.

Zones, State Centres and Affiliated Clubs are required to adopt and implement the policy and to provide proof to AOCRA of the approval of the policy by the relevant executive committee in accordance with its constitution.

AOCRA and its affiliated Zones, State Centres shall:

- adopt, implement and comply with this policy
- ensure that the Constitution, By-laws or other rules and policies include the necessary clauses for this policy to be enforceable
- publish, distribute and promote this policy and the consequences of any breaches
- promote and model appropriate standards of behaviour at all times
- deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner
- apply this policy consistently
- recognise and enforce any penalty imposed under this policy
- ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies
- use appropriately trained people to receive and manage complaints and allegations of inappropriate behavior
- monitor and review this policy at least annually.

Zone/State Centre Management Committee

To the best of AOCRA's ability ensure Clubs within their zones are aware of and complying with the policy;

The Zone committee, a sub-committee of AOCRA, shall be responsible to review and approve all safety aspects of Club and Combined regattas in the respective zone for both Senior and junior events.

The Zone committee shall examine and approve all race data including race course charts and race distances.

The respective committees shall only approve such courses as are within the guidelines set by AOCRA

The Zone committee shall view all Aquatic Event Permits or State Permits to conduct an event on water, and Certificate of Currency for Public Liability/Indemnity Policies obtained by Host Clubs for the purpose of ascertaining the requirements of the relevant permit and to ensure that the requirements are met.

## **5. Individual responsibilities**

Member associations must also undertake to ensure that affiliated Clubs and individual Members are bound by this policy and are made aware of this policy and what it says.

Individuals bound by this policy are responsible for:

- making themselves aware of the policy and complying with the codes of behaviour it sets out
- 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
- placing the safety and welfare of children above other considerations
- being accountable for their behaviour
- following the steps outlined in the policy for making a complaint or reporting possible child abuse
- complying with any decisions and/or disciplinary measures imposed under the policy.

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

National Team Officials

The roles and selection of National Team Officials is documented in AOCRA By-law #11.

## **6. Member Protection Policies**

### **6.1 Child Protection**

AOCRA 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. All Zone, State Centre and Club members and volunteers shall always place the safety and welfare of others, especially juniors, above other considerations.

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. AOCRA aims to ensure this continues and to protect the welfare and safety of our juniors in the sport of outrigger.

### **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 behaviour. (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 D 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 G of this Policy).

AOCRA requires any child who is abused or anyone who reasonable suspects that a child has been or is being abused by someone within our sport, to report it immediately to the police or relevant government agency and AOCRA Safety Officer. Descriptions of the sorts of activity which may be abuse are in the Dictionary in the attachment to this document.

Allegations of child abuse will be dealt with promptly, seriously and confidentially. A person will not be victimized for reporting an allegation of child abuse and the privacy of all persons concerned will be maintained. If anyone bound by this policy reasonably suspects that a

child is being abused outside of the sport, they are advised to contact the relevant government department for youth, family and community services in their state or territory.

## **6.2 Taking images of children**

Images of children can be used inappropriately or illegally. AOCRA requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own. They should also make sure the parent/guardian understands how the image will be used.

To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets.

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 parent/guardian. We will not provide information about a child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" a child.

We will only use images of children that are relevant to our sport and we will ensure that they are suitably clothed in a manner that promotes participation in the sport. We will seek permission from the parents/guardians of the children before using the images. We require our member associations and clubs to do likewise.

AOCRA's Policy regarding Photography is covered in AOCRA By-law #14.

## **6.3 Anti Discrimination and Harassment**

AOCRA aims to provide a sporting environment which is free from harassment and discrimination where all participants are treated with respect and dignity.

AOCRA recognizes that those people involved in the sport cannot reach their full potential or enjoyment of activities if they are being treated unfairly, discriminated against or harassed because of their age, disability, gender, family commitments, sexual orientation or homosexuality, irrelevant medical or criminal record, marital status, political views, pregnancy, breastfeeding, race, religion, social origin and/or trade union membership/activity.

AOCRA is aware that discrimination and harassment can be extremely distressing, offensive, humiliating and / or threatening and can create an uncomfortable and unenjoyable environment. In a majority of circumstances discrimination and harassment are against the law.

If any person feels they are being harassed or discriminated against by another person 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. Please refer to the complaints procedure. The procedure will describe what to do about the behaviour and how AOCRA will deal with the issue.

Examples of some of the types of behaviour which could be regarded as discriminatory or harassing are provided in the Dictionary.

## **6.4 Sexual Relationships**

AOCRA 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 an 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 Member Protection Information Officer, complaints officer or other official if they feel harassed. Our complaints procedure is outlined in Part G 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.

AOCRA will take reasonable care to ensure the safety, health and well-being of pregnant women and their unborn children. We will advise pregnant women that there may be risks involved and encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and well-being, and that of their unborn children, are of 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 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.

However it is AOCRA Policy that a Doctors Certificate must be made available to the club once a paddler becomes pregnant. A copy of this certificate must be made available to AOCRA. AOCRA will not accept any claims for injury, damages or other claims in respect of a person continuing to take part in a strenuous activity, train, compete or actively engage in any form of outrigger canoeing, while pregnant, without a Doctors Certificate approving this activity. This Certificate must be renewed on a monthly basis. A club may refuse to allow a person to take part in outrigger paddling activities if a Doctors Certificate is not available.

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 (refer to the Attachments in Part G of this policy). Visit [www.ausport.gov.au](http://www.ausport.gov.au) to read the Federal Policy on Pregnancy in Sport.

## **6.6 Gender identity**

AOCRA 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 (refer to the attachments in Part G of this Policy.)

AOCRA recognises that excluding transgender and transsexual people from participating in sporting events and activities has significant implications for their health, well-being and involvement in community life. In general, we will support their participation in our sport on the basis of the gender with which they identify.

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

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

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**

AOCRA is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that Zones, State Centres and affiliated clubs follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy is that:

- alcohol should not be available or consumed at sporting events involving children and young people under the age of 18
- alcohol-free social events will be provided for young people and families
- food and low-alcohol and non-alcoholic drinks will be available at events we hold or endorse where alcohol is served
- a committee member will be present at events we hold or endorse where alcohol is served to ensure appropriate practices are followed
- safe transport options will be promoted as part of any event we hold or endorse where alcohol is served.

### **Effect of Alcohol**

- the effect of alcohol on the body varies between each person and circumstances.
- the following immediate effects of alcohol are registered in all people to a varying degree depending on the amount consumed.
- loss of inhibitions
- flushing and dizziness
- general impairment of brain and nervous system functions
- loss of co-ordination to varying degrees
- slower reactions
- aggression

#### Effect on Reflexes

- alcohol is a depressant drug that dampens the reflex mechanisms.
- this can produce psychological side effects by boosting confidence, by in some cases, depressing fears and masking inhibitions.
- this can in extreme cases produce risks to self and other competitors.
- it is desirable that all competitors, coaches, administrators and officials have a blood alcohol level of zero when competing, training and officiating.

#### Penalties

Disqualification for the balance of the event or for a term to be determined by the AOCRA Management Committee

### 6.8 Smoke-free environment

AOCRA recommends that the following policies be applied to all sporting and social events that we hold or endorse.

No smoking shall occur at or near regattas involving children and young people under the age of 18. This policy shall apply to coaches, paddlers, trainers, officials and volunteers. Social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas. Coaches, officials, trainers, volunteers and paddlers will refrain from smoking and remain smoke-free while they are involved in an official capacity in our sport, both in and out of the water.

#### Smoke Free Areas

- Administration and office areas
- First Aid Areas
- Outdoor Venues
- All eating areas
- All social functions for juniors

#### Coaches, Volunteers, Parents and Officials

Coaches, trainers, volunteers, parents and officials will be asked to refrain from smoking while they are with juniors. Coaches will be requested to discuss smoking issues with their junior players at the beginning of each season. The effects of smoking on performance will be discussed with all players attending sports clinics, camps and those in representative sides.

Smoke Free behaviour will be written into the Codes of Behaviour for junior coaches, volunteers, parents and officials. For example, 'Players respect you and in particular junior players look up to you, so you need to be Smoke Free, especially when you're with them. If you want your players to play at their potential encourage them to be Smoke Free.' In light of the evidence available of the harmful effects of smoking, AOCRA highly recommends that all persons involved in outrigger canoeing refrain from the use of all tobacco products.

#### Effects of Smoking

- Effect on nervous system - Nicotine is highly toxic.
- Inhaled smoke contains several toxins.
- Passive effects - Non smokers are subject to all the toxins exhaled by smokers.
- Oxygen loss is restricted because of tar in the cigarette
- Smoking increases the heart rate thereby reducing the flow of blood, elevating the blood pressure.

It is expected that a Smoke Free policy will be supported and adhered to by all members, coaches, officials, administrators, players and spectators. At this stage no penalties for breaching this policy have been implemented.

### **6.9 Cyber-bullying**

AOCRA regards bullying and harassment in all forms as 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.

AOCRA will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. In some cases, bullying is a criminal offence punishable. Frustration at an official, 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 club or Zone.

### **6.10 Social networking websites**

AOCRA 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.

Social media postings, blogs, status updates and tweets:

- must not use offensive, provocative or hateful language
- must not be misleading, false or injure the reputation of another person
- should respect and maintain the privacy of others
- should promote the sport in a positive way.

### **6.11 Incidents (injuries and equipment damage) Reporting**

All incidents whether they are injuries to people or damage to equipment must be reported via the AOCRA incident reporting system on the AOCRA website. Automatic copies of the incident report are sent to relevant AOCRA, Zone and Club committee officials. The time frame allowed for reporting incidents is SEVEN (7) DAYS from the date of the incident.

All injuries sustained in training, competing or during travelling to or from training or organized regattas no matter how minor are required to be reported. Reporting all injuries ensures that insurance claims are valid if a person's condition deteriorates into a more serious issue than first thought. Injury reporting includes paddlers participating in training and competing at local, regional, state, national or international events. Injuries to volunteers also need to be reported immediately.

Insurance claims for equipment damage will not be processed by the AOCRA insurer unless an incident report detailing how the equipment was damaged is submitted to AOCRA via the incident reporting system on the AOCRA website. Incident reporting assists AOCRA with the development of Risk Management plans and allows paddlers to learn from one another's mishaps.

### **6.12 AOCRA Privacy Policy**

It is important for AOCRA to ensure that you are confident that any personal information that you provide to us is treated in the appropriate manner and with the appropriate degree of privacy. AOCRA's Privacy Policy is documented in AOCRA By-law #13.

### **6.13 Website Reference for Assistance**

AOCRA requires members to complete online membership applications and regatta and events nominations. All relevant AOCRA documents are available at [www.aocra.com.au](http://www.aocra.com.au). Other online information includes AOCRA sponsors, meeting minutes, up to date information, a list of affiliated clubs in Australia and incident reporting forms.

## **7. Complaints Procedure**

### **7.1 Handling Complaints**

AOCRA aims to provide a simple to understand, confidential procedure for 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.

AOCRA strives to balance the right of a complainant to ensure AOCRA's rules are adhered to and enforced with the respondent's right to be treated fairly in accordance with the principles of natural justice and the members' desire to have such complaints resolved as cheaply, simply and expeditiously as possible. Any person may raise a complaint about a person/s or organisation bound by this policy if they reasonably believe that there has been a breach of AOCRA's rules by that person/s or organisation. A complaint should be reported and dealt with in accordance with the Complaints Procedure in Attachment G1.

### **7.2 Vexatious Complaints and Victimisation**

AOCRA aims to ensure that our complaints process has integrity and is free of unfair repercussions or victimization. If at any point in the complaint process the Member Protection Officer considers that the complainant has knowingly made an untrue or incorrect complaint or that the complaint is vexatious or malicious, the matter may be referred to the AOCRA /Hearings Tribunal for appropriate action which may include disciplinary action against the complainant.

Reported episodes of victimisation shall be investigated and referred to a tribunal hearing as required. AOCRA will take all required steps to make sure the people involved in a complaint are not victimized by others for coming forward with a complaint or for helping resolve one. Disciplinary measures will be imposed on anyone who victimizes another person for making a complaint as provided for by this Policy.

## **8 Forms Of Discipline**

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. Any disciplinary measure imposed under this policy must:

- be applied consistent with any contractual and employment rules and requirements;
- be fair and reasonable;
- be based on the evidence and information presented and the seriousness of the breach; and

- be determined in accordance with our Constitution, By Laws, this policy and/or Rules of the sport.

Measures may include loss of points, race positions, sponsorships, financial support or hosting rights for future regattas, making a verbal or written apology, paying a fine, having membership suspended or cancelled for a period of time or having a person's appointment or employment terminated. More information on the measures and factors which have to be considered before imposing discipline is attached in Part E – Codes of Behaviour.

## **PART B: OTHER RISK MANAGEMENT POLICIES**

### Development of Club Risk Management Plans (RMPs)

All clubs are required to develop a site specific Risk Management Plan to ensure the safety of all clubs members, volunteers and bystanders. Clubs with multiple locations are required to assess the risks associated with each location and review the plans at least annually or following a major incident.

## **9. Coaching**

As a part of a clubs affiliation AOCRA requires a level 1 Outrigger Coach be appointed as the club's head coach. Approved Outrigger specific coaches require a current first aid certificate, TAFE general principles and level 1 outrigger specific coaching certificates.

AOCRA coaches (club head and assistant coaches are bound to:

- conduct a risk assessment before each session and consider the weather and water conditions, their paddlers' capabilities and any other factors which may positively or negatively impact on the safety and enjoyment of those in their care
- ensure a safe training & racing environment for all members, taking note of each member's skill level.
- provide appropriate training methods as to advance a member's skill level and enjoyment in the sport.
- ensure that all members are abiding by the AOCRA requirements while training and racing, providing education and guidance when required.
- provide training programs in accordance with AOCRA's policy. These programs are to outline each training sessions and may run for a week, season or the entire year. The program is to be made available for all members to peruse. Each training session is to be kept in a logbook detailing the following items –
  - time & date
  - attending paddlers
  - direction/location
  - weather conditions
  - type of & duration of the session
  - any incidents or injuries.
- ensure that race crews are chosen using selection criteria that is fair, justifiable, unbiased, transparent and consistent. This selection criterion is to be made available for all members to peruse.
- ensure that appropriate coaching qualifications are maintained.

## **10. Safety – Paddler Suitability (Swim, Tread And Huli)**

Affiliated clubs must ensure all AOCRA members undertake annual swim/tread water/canoe huli (flip) tests as detailed below and maintain a register of results in the club coaching log. Refusal to undertake any test as directed by a Club Coach or their assistant will be recorded as a 'Failure'.

- Swim/tread water test – the minimum standard shall be:
  - Seniors – Swim 400m with no external aid, and tread water for 5 minutes.
  - Juniors – Swim 150m with no external aid, and tread water for 3 minutes.
  - Minnows – Swim 150m with no external aid, and tread water for 3 minutes.

NOTE: Juniors competing in senior paddling events must complete the senior swim & tread water tests.

In the event that an AOCRA member fails either the annual swim or tread water test, that member must wear an approved Personal Flotation Device (PFD – Type 1, 2 or 3) at all times, whilst training or competing in any form of outrigger canoe.

Notwithstanding the relevant swim/tread test, all Minnows must wear an approved Personal Flotation Device (PFD – Type 1, 2 or 3) at all times, including training and competing. Failure to comply will void the AOCRA member's personal insurance coverage and negate any claims arising from an incident related to the non-wearing of a PFD. (In states where maritime regulations require all persons to wear a PFD, this becomes the minimum AOCRA standard.)

Canoe huli 'flip' test – all AOCRA members must demonstrate their ability to right an OC6 canoe in the event of a capsize and to independently re-board the OC6 canoe after the capsize whilst treading water and without any assistance from other paddlers.

Paddlers using OC1 and OC2 craft should also undertake huli drills to confirm their competency to right and re-board the canoe following a huli. In addition to any support boat ratio, for each OC6 containing Minnows there must be an OC2 canoe paddle beside them with Seniors. Minnows must have an experienced passive steerer no younger 16.

Should an AOCRA member fail to independently re-board an OC6 canoe that failure must be brought to the attention of the club's head coach, squad coaches and executive committee. The club may deem it appropriate to place restrictions upon that member such as - limiting the conditions the person is able to paddle in (ie; rolling swells in open water), limiting the number of novice or inexperienced persons to be in the same canoe, ensuring an extra safety rope is onboard the canoe to use as a rope ladder, etc.

To ensure the safety of all AOCRA members, the steerer/captains of each crew have the right to refuse entry to a canoe to person/s that they feel are unsuitable or incapable of safety completing the planned sessions.

Steerers/captains are responsible for ensuring the general water safety of persons under his/her care and all paddlers in the craft should, at all times; heed the directions of the steerer/captain. It is recommended that clubs institute deep-water resuscitation training. In addition to the club coach/s it is recommended that several club persons be competent in First Aid and resuscitation techniques.

In order for a club to host Minnows at a regatta, a race plan must be submitted to the Management Committee for approval.

Where marine stingers are known to be present during seasonal phases, protective clothing is recommended to be used during both training and competition events.

Canoe Specifications for floatation and other safety requirements are documented in the AOCRA Regatta & Training Rules.

<http://aocra.com.au/uploads/AOCRA%20Regatta%20Rules%20updated%20April%2010.doc>

## **11. Weather Precautions**

### **Gale Force Wind Warning**

Safety requirements for launching canoes in adverse conditions are documented in the AOCRA Regatta & Training Rules. No canoes are to be put on the water during a Gale Force (or stronger) wind warning.

## **Lightning**

Section 1.2 of the Lightning Protection Standard AS1768-2007 states that 'Compliance with the recommendations contained within this standard will not necessarily prevent damage or personal injury due to lightning, but will reduce the probability of such injury or damage occurring'. In 3.3.1 in the same standard under Precautions and Personal Safety Notes the following is documented 'In the absence of specific information from weather radar, a lightning location system, or a specialized warning device 'then' the 30/30 safety guideline should be used'.

Do not go out onto the water if lightning conditions prevail. Watch for the development of large well defined rising cumulus clouds. As the clouds become darker and more anvil shaped, the thunderstorm is already in progress. Watch for distant lightning, listen for thunder. Take shelter when you can count 15 seconds or less between the lightning and thunder. If on the water at the time of a lightning storm, head for shore immediately. Paddlers should avoid immersing their hands in the water.

## **Training Session**

It is the responsibility of the coach/s to check weather forecasts prior to each training session. Once at training it is the coach/s responsibility to observe any changes in the weather conditions prior to starting the session. If lightning is observed on the horizon or in the distance, do not go out. Wait until the storm passes and/or conduct a dry land training session instead.

If you are on the water and a storm hits quickly or you can see lightning coming in, head to shore via the most direct route as rapidly as possible. It is more important to ensure the team's safety than to finish a designated program or session.

## **Regattas**

If lightning is within 10km of the regatta site, the start time of the regatta will be delayed until the threat has passed (minimum 30 minutes).

If a lightning threat happens during the regatta, events shall be held up until the threat has passed (minimum 30 minutes).

All lightning information should be obtained through the BOM or a similar specialist source.

## **30/30 Rule**

Observing the conditions when on the water is the simplest form of warning device.

Remember that lightning may be obscured by the clouds so it is assumed that if you can hear thunder then lightning is in the area. In all such cases a risk assessment must be conducted to determine if a risk exists.

The first part of the 30/30 guide is the suspension or postponement of activities. The accepted 'safest' distance from lightning is more than 10km. As the interval between seeing the flash and hearing the thunder approaches 30 seconds, all those in exposed areas should be seeking or already under shelter.

The second part of the 30/30 rule provides criteria for restarting activities. It is recommended that people wait a minimum of 30 minutes after the last sighting of lightning or sound of thunder. The 30 minute window is based on the estimation that the average storm travels at 40km/hr. Thus in waiting 30 minutes the storm should be about 20km away and outside the 10km 'threat zone'. Note : 60 minutes is the maximum delay time.

The risk to participants also depends on the direction the storm is taking and their proximity to it. To judge how close a storm is, count the seconds between seeing the lightning flash

and hearing the thunder clap. Each second is about 300m. If you can count less than 30seconds between the lightning strike and thunder clap then the storm is less than 10km away.

There is an 80% chance that the next strike will happen within that 10km. Lightning can strike several kilometres from the parent cloud and precautions should be taken even when the storm is not directly overhead. It is important to note that the return of blue skies and lack of rain are not adequate indications to breach the 30 minute minimum return to activity rule.

## **12. Drug Policy**

At all times AOCRA and affiliated clubs shall be governed by the rules and regulations as prescribed in AOCRA ANTI-DOPING POLICY and AOCRA ANTI-DOPING REGULATIONS and by the LIST OF BANNED SUBSTANCES OF THE INTERNATIONAL OLYMPIC COMMITTEE and THE AUSTRALIAN DRUGS SPORTS AGENCY as amended from time to time.

AOCRA condemns the use of performance enhancing drugs and doping practices in sport. The use of performance enhancing drugs and doping practices is contrary to the ethics of the sport and potentially harmful to the health of athletes. The only legitimate use of drugs in sport is under the supervision of a physician for a clinically justified purpose. The AOCRA Drug Policy applies to members, athletes, Coaches, administrators and employees and contractors of AOCRA.

A member means:

- a person who, or body which, is a member of AOCRA
- a person who, or body which, is affiliated with AOCRA
- a person who is a member of a body which is a member of or affiliated with AOCRA and includes a person taking part in, or involved in or associated with (eg.as a coach, official, medical or allied health practitioner) any sporting activity conducted, authorized or recognized by AOCRA

All persons using medication requiring notification shall be required to complete a Medical Declaration which must be signed by their medical practitioner.

### **Confidentiality**

AOCRA will not disclose or use information about a person who is alleged to have, or has committed a doping offence except for a purpose under AOCRA Anti- Doping Policy to the Australian Sports Commission another person until after the Committee has made a determination, or the decision has been made not to refer the matter to a hearing.

### **Penalties**

Where the Committee determines that a person has committed a doping offence it will recommend one or more of the following sanctions.

- ban the person from selection to represent Australia in international competition
- ban the person from competing in any events and competitions conducted by or under the auspices of AOCRA
- make the person ineligible to receive direct or indirect funding or assistance from AOCRA
- ban the person from holding any position within AOCRA
- require that the person remain on ASDA's register for the purpose of out-of-competition testing
- recommend that AOCRA , the Australian Sports Commission (ASC) , the Australian Institute of Sports (AIS)

- require the person to repay financial assistance given to the person from the date of the doping offence
- require the person to go to counselling for a specific period
- withdraw awards, placings and records won in events and competitions conducted by or under the auspices of AOCRA from the date of the doping offence, and/or
- reprimand the person

Where the AOCRA Committee determines that an employee or contractor of AOCRA has committed a doping offence, AOCRA will take disciplinary action against the employee or contractor. Where the Committee determines that a person has not committed a doping offence because:

- the person used a prescribed substance for a therapeutic purpose, or
  - there were exceptional circumstances, but
- considers that the person had an unfair advantage (because of the presence of the prohibited substance) in a competition or event conducted by or under the auspices of AOCRA
- the Committee may disqualify the person from that competition or event and withdraw awards, records and placings won by the person in that competition or event.

Time sanctions will apply where the doping offence involves

- anabolic androgenic steroids
- peptide glycoprotein hormones or analogues
- a prohibited method
- a refusal to supply a sample
- trafficking

Sanctions under AOCRA Anti- Doping Policy will apply for:

- a minimum of 2 years for a first doping offence, and
- life for a second offence.

Where the doping offence involves trafficking, the matter will be reported to the Police. In all other cases, sanctions will apply for:

- three months for a first doping offence
- two years for a second doping offence
- life for a third doping offence

The Management Committee of AOCRA may make regulations for the purpose of the Anti-Doping Policy. Should there be any inconsistencies between the Policy and any Regulation, the Policy shall prevail.

### **13. Sun Smart Policy**

AOCRA has accepted a sun smart policy prepared for junior paddlers in particular. AOCRA acknowledges that the sport is conducted in an environment where sun safety is paramount. It is recognized that skin cancer is preventable and is best dealt with by the application of preventative measures.

#### **Personal Responsibilities**

Education on sun smart methods is available at various levels and ultimately the responsibility for sun safety rests with each individual and in the case of minors with the parents. AOCRA has issued guidelines for sun safe dress standards, wearing of hats, wearing of sunglasses and use of protective sun screens during competition and training.

The following items are the MINIMUM STANDARD for junior members of AOCRA. The recommendations are also approved for the adult members of AOCRA.

### **Shelter**

Provision of either natural or artificial shade around area, before, during and after training or competition is recommended to all host clubs and members in all situations. The fabric should be tightly woven and have Ultra Violet Protection Factor (UPF) of 40 – 50+. This means that 97.5% of UVR is absorbed.

### **Sunscreen**

It is possible to get badly sun burned from reflected UVR. Other protection measures must be taken to prevent reflected UVR from sand and water. The use of a Broad Spectrum water resistant SPF30+ sunscreen is recommended.

### **Hats**

Wide Brimmed (8cm minimum) with dark, non reflecting underside, or 'legionnaire' style with protective neck and ear flaps is highly recommended. Junior coaches and parents should encourage the use of hats at all times.

### **Sunglasses**

The use of protective sunglasses is highly recommended. Sunglasses made to Australian Standard AS106 that filter 100% UV rays should be encouraged.

### **Clothing - Training and Competing**

OFF WATER clothing should be long sleeved shirts with high neck collars made of UPV 50+ material. Shorts should be loose and long legged.

ON WATER clothing should be UPF 50+ and with high neckline and sleeves elbow length.

Hat of an approved standard and sunglasses and all exposed areas to be covered in a Broad Spectrum water resistant SPF 30+ sunscreen

## **14. Infectious Diseases**

AOCRA has no policy on infectious diseases.

The sport cannot be considered a body contact or collision sport. However infectious diseases such as Hepatitis B, C and HIV (AIDS) can be spread by blood contact. Saliva and Perspiration and other Bodily Fluids can spread other infectious diseases. It is recommended that any person aware of being infected with any notifiable disease should alert the AOCRA Registrar and Safety Officer when becoming a member of the sport so the risks can be reviewed and assistance given to their management by the member's home club.

## PART C DICTIONARY

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

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

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

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

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

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

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

Affiliated club means affiliated Zones, State Centres and Clubs.

Child/Junior means a person who is under the age of 18 years but older than 10 years.

Complaint means a complaint made under Part G Complaint Procedure.

Complainant means a person making a complaint.

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

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

The characteristics covered by discrimination law across Australia are:

Age;

Disability;

Family/carer responsibilities;

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

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

#### Examples of Discrimination

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

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

Unlawful harassment is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or some other characteristic (see characteristic list under discrimination). It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident but is usually repeated. It may be explicit or implicit, verbal or non-verbal.

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

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

Examples include:

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

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

It is also a breach of discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment.

Example: a paddler is ostracised by her male coach for complaining about his sexist behaviour or for supporting another paddler who has made such a complaint.

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

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

Member means a current financial member of AOCRA.

Member Protection Information Officer (MPIO) means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this Policy.

Minnows means a person who is under the age of 10 years but older than 8 years in a racing year.

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

- both the Complainant and the Respondent must know the full details of what is being said against them and have the opportunity to respond;
- all relevant submissions must be considered;
- no person may judge their own case;
- the decision maker/s must be unbiased, fair and just;
- the penalties imposed must be fair.

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

This policy means this Member Protection & Risk Management Policy.

Respondent means the person who is being complained about.

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

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

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

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

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

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

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

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

## **PART D: DISCIPLINARY MEASURES**

### **15. 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:

- a direction that the individual make a verbal and/or written apology;
- a written warning;
- a direction that the individual attend counselling to address their behaviour;
- a withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by AOCRA;
- a demotion or transfer of the individual to another location, role or activity;
- a suspension of the individual's membership or participation or engagement in a role or activity;
- termination of the individual's membership, appointment or engagement;
- a recommendation that AOCRA terminate the individual's membership, appointment or engagement;
- 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;
- an order that the individual pays AOCRA's or the complainants costs incurred in relation to the proceedings
- an order that the individual pays a person or a group compensation or the supply, return, repair or replacement of any item, asset or object to any person;
- an order that the individual apologises for the conduct
- a fine;
- any other form of discipline that [insert designated person/committee] considers appropriate.

### **16. Organisation**

If a finding is made that an AOCRA member, employee or volunteer has breached its own or this Member Protection and Risk Management Policy, one or more of the following forms of discipline may be imposed by [insert relevant information e.g. Tribunal]:

- a written warning;
- a fine;
- a direction that any rights, privileges and benefits provided to that organisation by AOCRA be suspended for a specified period;
- a direction that any funding granted or given to it by AOCRA cease from a specified date;
- a direction that AOCRA cease to sanction regattas held by or under the auspices of that organisation;
- a recommendation to AOCRA that its affiliation be suspended or terminated in accordance with the relevant constitution or rules; and/or
- any other form of discipline that AOCRA considers to be reasonable and appropriate.

### **17. Factors to consider**

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

- Nature and seriousness of the breach;
- If the person knew or should have known that the behaviour was a breach;
- Level of contrition;

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

## **PART E: CODES OF BEHAVIOUR**

Our society expects high standards of behaviour from all people involved in sport and it is vital these expectations are met and the integrity of sport maintained. Regardless of the nature of a person's involvement in sport, The Essence of Australian Sport provides four guiding principles that lead to appropriate behaviour: Fairness, Respect, Responsibility and Safety.

The following Code of Behaviour has been developed to reflect and uphold these principles and assist in retaining the integrity and enjoyable aspects of sport. In consistently enforcing the Code, AOCRA will assist in providing safe and appropriate environments and quality services to their members, stakeholders and volunteers.

### **18. All persons involved in outrigger canoeing:**

- Operate within the rules and spirit of outriggering, promoting fair play over winning at any cost.
- Encourage and support opportunities for people to learn appropriate behaviours and skills.
- Support opportunities for participation in all aspects of the sport.
- Treat each person as an individual.
- Display control and courtesy to all involved with the sport.
- Respect the rights and worth of every person regardless of their gender, ability, cultural background or religion.
- Respect the decisions of officials, coaches and administrators in the conduct of the sport.
- Wherever practical, avoid unaccompanied and unobserved one-on-one activity (when in a supervisory capacity or where a power imbalance will exist) with people under the age of 18 years.
- Adopt appropriate and responsible behaviour in all interactions.
- Adopt responsible behaviour in relation to alcohol and other drugs.
- Act with integrity and objectivity, and accept responsibility for your decisions and actions.
- Ensure your decisions and actions contribute to a safe environment.
- Ensure your decisions and actions contribute to a harassment free environment.
- Do not tolerate harmful or abusive behaviours.
- Sign a code of conduct upon registration with their club or acknowledgement online when they pay AOCRA fees that they have read and agree to abide by the code.

### **19. Athletes**

- Give your best at all times.
- Participate for your own enjoyment and benefit.

### **20. Coaches**

- Place the safety and welfare of the athletes above all else.
- Help each person (athlete, official etc) reach their potential - respect the talent, developmental stage and goals of each person and compliment and encourage with positive and supportive feedback.
- Any physical contact with a person should be appropriate to the situation and necessary for the person's skill development.
- Be honest and do not allow your qualifications to be misrepresented.

## **21. Officials**

- Place the safety and welfare of the athletes above all else.
- Be consistent and impartial when making decisions.
- Address unsporting behaviour and promote respect for all people.

## **22. Administrators**

- Act honestly, in good faith and in the best interests of the sport as a whole.
- Ensure that any information acquired or advantage gained from the position is not used improperly.
- Conduct your responsibilities with due care, competence and diligence.
- Do not allow prejudice, conflict of interest or bias to affect your objectivity.

## **23. Parents**

- Encourage children to participate and have fun.
- Focus on the child's effort and performance rather than winning or losing.
- Never ridicule or yell at a child for making a mistake or losing a competition.

## **24. Spectators & Volunteers**

- Respect the performances and efforts of all people.
- Reject the use of violence in any form, whether it is by spectators, coaches, officials or athletes.

AOCRA also supports the Australian Sports Commission - Junior Sport - Codes of Behaviour

[http://www.ausport.gov.au/\\_\\_data/assets/pdf\\_file/0006/195873/Codes\\_of\\_Behaviour-pdf\\_2006-55976-D.PDF](http://www.ausport.gov.au/__data/assets/pdf_file/0006/195873/Codes_of_Behaviour-pdf_2006-55976-D.PDF)

## **PART F: SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS**

### **25. Background**

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

Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with children as paid employees or volunteers. 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.

AOCRA including our Zones, State Centres 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. For example, if AOCRA a zone, state centre or club take paddlers under 18 into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with NSW law.

The State WWCC requirements apply regardless of AOCRA's Member Protection Policy requirements.

The following attachments provide:

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

## Attachment F1: SCREENING REQUIREMENTS

[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 who work, coach, supervise or have regular unsupervised contact with people under the age of 18 years.

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

- Identify positions that involve working, coaching, supervising or regular unsupervised contact with people under the age of 18 years.
- 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.
- 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.
- Where possible, check a person's referees (verbal or written) about his/her suitability for the role.
- Ask the people identified in step 1 to sign a consent form for a national police check.
- Possibly request (or ask the person to request) a national 'Part Exclusion' police check from the 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.
- 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.
- 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.
- Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the checking process.
- 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 F2: MEMBER PROTECTION DECLARATION

AOCRA has a duty of care to all those associated with the sport and to the individuals and organisations to whom our Member Protection Policy applies. As a requirement of our Member Protection Policy, AOCRA must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

I ..... (name)  
Of ..... (address)  
born ...../...../.....  
sincerely declare:

- I do not have any criminal charge pending before the courts.
- I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.
- 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.
- I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping policy applicable to me.
- 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.
- To my knowledge there is no other matter that AOCRA may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
- I will notify the AOCRA president 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 F3: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS**

### **QUEENSLAND**

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

People such as those with previous convictions involving children are disqualified from applying for or renewing a blue card (refer to website below for details). A blue card remains current for two years. Existing card holders will be notified by the Queensland Commission for Children and Young People and Child Guardian before their card expires.

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

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

[www.ccyg.qld.gov.au](http://www.ccyg.qld.gov.au)  
1800 113 611

### **NEW SOUTH WALES**

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

Ensuring all paid and unpaid employees sign a Prohibited Employment Declaration which states they are not prohibited from working with children.

Submitting all applicants for paid employment to NSW Sport and Recreation for a WWCC background check. NSW Sport and Recreation only carries out checks for paid employees. Reporting relevant employment proceedings for any paid and unpaid employees to the Commission for Children and Young People. A relevant employment proceeding involves any reportable conduct committed outside of work as well as in the workplace with or in the presence of a child/ren.

Sporting organisations are responsible for managing the WWCC process. Individuals cannot apply for a WWCC directly. Sporting organisations should register with NSW Sport and Recreation, providing a contact who will receive the information on the background checks. A WWCC is valid for employment in that position within the organisation. Short-term employees (where that person is being employed for periods of less than six months and returning for short periods throughout a 12 month period) only need to be checked once every 12 months.

For more information, including the required forms:

[www.kids.nsw.gov.au](http://www.kids.nsw.gov.au) or 02 9286 7219

[www.dsr.nsw.gov.au/children/resources.asp](http://www.dsr.nsw.gov.au/children/resources.asp) or 02 9006 3700

## **WESTERN AUSTRALIA**

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

Applicants will be issued with either:

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

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

For more information:

[www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au) or call 1800 883 979 (toll free)

## **VICTORIA**

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

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

For more information:

[www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren) or 1300 652 879

## **SOUTH AUSTRALIA**

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

Be aware that criminal history reports are likely to be introduced and mandatory for some positions in sporting organisations from 2010/2011. Staff and volunteers who work with children are mandated notifiers and have a legal obligation to report any suspected child abuse and/or neglect.

For more information:  
[www.families.sa.gov.au/childsafe](http://www.families.sa.gov.au/childsafe) or 08 8226 7000

## **NORTHERN TERRITORY**

From January 2010, all persons employed in child related work, either paid or as a volunteer, must hold a valid clearance notice issued by the SAFE NT Screening Authority. There are penalties for failure to comply. Sports coaches, trainers, team administrators, officials and volunteers of Sporting Organisations that deal with children are caught. Clearance notices are valid for two years from date of issue unless revoked, and are transferable within employment fields. As a part of the assessment process, SAFE NT will consider the applicant's criminal history record and other relevant information. For more information contact 1800 SAFE NT (1800 723 36)

## **PART G: COMPLAINT HANDLING PROCEDURES**

### **Attachment G1: COMPLAINTS PROCEDURE**

Complaints with respect to infractions at Regattas which have been dealt with in accordance the penalties process at <http://aocra.com.au/uploads/AOCRA%20penalty%20chart.xls> cannot form the basis for further complaint.

Complaints should be progressed to the appropriate club, zone or national level reflected in the Complaints Flowchart attached to this policy.

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, AOCRA may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that AOCRA is required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond.

#### **INFORMAL APPROACHES**

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

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

Step 2: Contact a Member Protection Information Officer

Talk with one of our Member Protection Information Officers (MPIOs) if:

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

A list of our sport's MPIOs is found on the AOCRA website [www.AOCRA.com.au](http://www.AOCRA.com.au)

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.

Any Informal Complaint is to be documented on Form G1 attached to this policy and confidentially stored. These records are to be kept for not less than 6 years and then may be confidentially destroyed.

## **FORMAL APPROACHES**

### Step 4: Making a Formal complaint

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

- make a formal complaint in writing to the AOCRA Complaints Officer at [aco@aocra.com.au](mailto:aco@aocra.com.au) or
- approach a relevant external agency such as an anti-discrimination commission, for advice.

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

- they are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure;
- to appoint a person to investigate (gather more information on) the complaint;
- to refer the complaint to mediation;
- to refer the complaint to 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 Complaints Officer will take into account:

- whether they have had any personal involvement in the circumstances which means that someone else should handle the complaint;
- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- the relationship between you and the respondent (for example an actual or perceived power imbalance between you and the respondent);
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the possibility that you will be subject to further unacceptable behaviour while the complaint process is underway.

If the Complaints Officer 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;
- provide the respondent's version to the complainant.

### Step 5: Investigation of the complaint

A person appointed under Step 4 will conduct an investigation in accordance with D3 and provide a written report to the Complaints Officer who will determine what further action to take.

If the complaint is referred to mediation, it will be conducted in accordance with Attachment D2 or as otherwise agreed by you and the respondent and the mediation provider;  
If the complaint is referred to a hearings tribunal, the hearing will be conducted in accordance with the Hearings Tribunal and Appeals Policy in by-law (to be inserted).

If the complaint is referred to the police or other appropriate authority, AOCRA will use its best endeavours to provide all reasonable assistance required by the police or other authority.

Any costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or hearings tribunal) are to be apportioned according to the level of each parties involvement in the complaint as determined by AOCRA acting reasonably (notwithstanding that when a determination is made, an order may be made to recover some or all of the costs).

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

If, under the formal complaint process, mediation is unsuccessful, you may request that complaints Officer reconsider the complaint in accordance with Step 3.

You or the respondent(s) may be entitled to appeal. The grounds and process for appeals under this Policy are set out in the Hearings Tribunal and Appeals Policy in by-law 16.

**Step 7: Documenting the resolution**

The Complaints Officer 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 Zone/State Centre level, the information will be stored with the Zone/State Centre. 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 with AOCRA.

## **EXTERNAL APPROACHES**

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

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

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

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

## Attachment G2: MEDIATION

Mediation is a process during which people in conflict are helped to communicate with each other to identify the areas of dispute and to make decisions about resolving it. This attachment outlines the general procedure of mediation that will be followed by AOCRA. If mediation is chosen, the MPIO or other designated person, under the direction of the Zone/State Centre or AOCRA and in consultation with the complainant and the respondent(s), arrange for a mediator.

The mediator's role is to assist the complainant and respondent(s) reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and respondent(s), will choose the procedures to be followed during the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.

The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.

At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached which will be signed by them as their agreement.

If the complaint is not resolved by mediation, the complainant may:

- Write to the AOCRA Complaints Officer to request that the Complaints Officer reconsider the complaint in accordance with Step 3; or
- Approach an external agency such as an anti-discrimination commission.

Mediation will not be recommended if:

- The respondent has a completely different version of the events and will not deviate from these;
- The complainant or respondent are unwilling to attempt mediation;
- Due to the nature of the complaint, the relationship between the complainant and the respondent(s) or any other relevant factors, the complaint is not suitable for mediation; or
- The matter involves serious allegations (for example which are a breach of the law or jeopardise the safety and well being of Members), regardless of the wishes of the Complainant.

## Attachment G3: INVESTIGATION PROCESS

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

the Complaints Officer will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator will:

- Interview the complainant and record the interview in writing.
- Convey full details of the complaint to the respondent (s) so that they can respond.
- Interview the respondent to allow them to answer the complaint, and record the interview in writing.
- Obtain statements from witnesses and other relevant evidence to assist in a determination, 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); and/or
  - mischievous, vexatious or knowingly untrue.
- Provide a report to AOCRA President documenting the complaint, investigation process, evidence, finding and, if requested, recommendations.

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.

The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person/adviser (e.g. MPIO or other person).

The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation in accordance with the Hearings Tribunal and Appeals Policy in by-law 16.

## **Attachment G4: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE**

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

### **Step 1 – Initial Receipt of an Allegation**

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

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

### **Step 2 – Report allegations**

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

Contact the relevant child protection agency or police for advice if there is any doubt about whether the complaint should be reported (for example, the allegation may relate to poor/inappropriate practice).

If the child's parent/s is suspected of committing the abuse, you should report the allegation to the relevant government agency.

If the allegation involves anyone to whom our policy applies, then also report the allegation to the President of AOCRA so that they can manage the situation (e.g. contact the parents following advice from the authorities, deal with any media enquiries and manage steps 3 and 4).

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

The AOCRA President will assess the risks and take interim action to ensure the child's/children's safety. Action AOCRA may implement includes redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined.

The AOCRA President will consider the kind of support that the child/ren and parents may need (e.g. counselling, helplines, support groups).

The AOCRA President will address the support needs of the alleged offender.

The AOCRA President will also put in place measures to protect the child and the person against whom the complaint is made from victimisation and gossip. If the person is stood down, it should be made clear to any persons aware of the incident that this does not mean the respondent is guilty and a proper investigation will be undertaken.

#### Step 4 – Internal action

Where there is an allegation made against a person to whom this policy applies, there may be three types of investigations:

- Criminal (conducted by police)
- Child protection (conducted by child protection authority)
- Disciplinary or misconduct (conducted by AOCRA)

Irrespective of the findings of the child protection and/or police inquiries, AOCRA will assess the allegation to decide whether the person should be reinstated, banned, have their employment or position terminated or any other action. Page 46 of 55 AOCRA Member Protection Policy – PART G Complaint Handling Procedure

The decision-maker(s) will be the AOCRA President and other key committee members of AOCRA and it will consider all the information, including the findings of the police, government agency and/or court, and determine a finding, recommend action and explain its rationale for the action. This may be a difficult decision particularly where there is insufficient evidence to uphold any action by the police.

If disciplinary action is to be taken, the procedures outlined in Clause 9 of the policy will be followed.

If disciplinary action is taken, AOCRA will advise and provide a report to the relevant government authority should this be required (e.g. the NSW Commission for Children and Young People requires notification of relevant employment proceedings). AOCRA Member Protection Policy – PART G Complaint Handling Procedure

## **Attachment G5: HEARINGS & APPEALS TRIBUNAL PROCEDURE**

The following will be followed by hearings tribunals established by AOCRA to hear national member protection related complaints.

### **Preparation for Tribunal Hearing**

A Tribunal Panel will be constituted following the rules outlined in AOCRA's Constitution (Judiciary Committee), to hear a complaint that has been referred to it by the Complaints Officer. The number of Tribunal members required to be present throughout the hearing will be three.

The Tribunal members will be provided with a copy of all the relevant correspondence, reports or information received and sent by Complaints Officer relating to the complaint/allegations.

The Tribunal will be scheduled as soon as practicable, but must allow adequate time for the person being complained about (respondent(s)) to prepare their case for the hearing.

The Tribunal will not include any person who has any actual or perceived conflict of interest, or bias regarding the matter.

The AOCRA secretary will inform the respondent(s) in writing that a tribunal hearing will take place. The notice will outline:

- That the person has a right to appear at the tribunal hearing to defend the complaint/allegation;
- Details of the complaint, and details of all allegations and the clause of any policy or rule allegedly breached;
- The date, time and venue of the tribunal hearing;
- That they can make either verbal or written submissions to the Tribunal;
- That they may arrange for witnesses to attend the Tribunal in support of their position (statutory declarations of witnesses not available or from character witnesses may also be provided to the Tribunal);
- An outline of any possible penalties that may be imposed if the complaint is found to be true; and
- That legal representation will not be allowed. However if the respondent is a minor, they are required to have a parent or guardian present.

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

The respondent(s) will be allowed to participate in all AOCRA activities and events, pending the decision of the Tribunal, including any available appeal process, unless the Complaints Officer or AOCRA President believes it is necessary to exclude the respondent(s) from all or some AOCRA activities and events, after considering the nature of the complaint.

The AOCRA Secretary will notify the complainant in writing that a tribunal hearing will take place. The notice will outline:

- That the person has a right to appear at the tribunal hearing to support their complaint;
- Details of the complaint, including any relevant rules or regulations the respondent is accused of breaching
- The date, time and venue of the tribunal hearing;
- That they can make either verbal or written submissions to the Tribunal;
- That they may arrange for witnesses to attend the Tribunal in support of their position (or provide statutory declarations from witnesses unable to attend); and

- That legal representation will not be allowed. However if the complainant is a minor, they are required to have a parent or guardian present.

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

If the complainant believes the details of the complaint are incorrect or insufficient they should inform the Complaint Officer as soon as possible so that the respondent and the Tribunal Panel members can be properly informed of the complaint.

It is preferable that the Tribunal include at least one person with knowledge or experience of the relevant laws/rules (e.g. Discrimination).

### **Tribunal Hearing Procedure**

The following people will be allowed to attend the Tribunal Hearing:

- The Tribunal members;
- The respondent(s);
- The complainant;
- Any witnesses called by the respondent;
- Any witnesses called by the complainant;
- Any parent / guardian or support person required to support the respondent or the complainant.

If the respondent(s) is not present at the set hearing time and the Tribunal Chairperson considers that no valid reason has been presented for their absence, the Tribunal Hearing will continue subject to the Tribunal Chairperson being satisfied that all Tribunal notification requirements have been met.

If the Tribunal Chairperson considers that a valid reason for the non-attendance of the respondent(s) has been presented, or the Tribunal Chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal will be rescheduled to a later date.

The Tribunal Chairperson will organise for the Tribunal to be reconvened and advise the AOCRA secretary.

The Tribunal Chairperson will read out the complaint, ask the respondent(s) if they understand the complaint and if they agree or disagree with the complaint.

If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal Panel when determining any disciplinary measures (penalty).

If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.

- Reference may be made to brief notes.
- The complainant may call witnesses.
- The respondent(s) may question the complainant and witnesses.

The respondent(s) will then be asked to respond to the complaint.

- Reference may be made to brief notes.
- The respondent may call witnesses.
- The complainant may ask questions of the respondent and witnesses.

Both the complainant and respondent may be present when evidence is presented to the Tribunal. Witnesses may be asked to wait outside the hearing until required.

The Tribunal may:

- consider any evidence, and in any form, that it deems relevant.
- question any person giving evidence.
- limit the number of witnesses presented to those who provide any new evidence.
- Require the attendance of any witness it deems relevant;
- Act in an inquisitorial manner in order to establish the truth of the issue/case before it.

Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.

If the Tribunal considers that at any time during the Tribunal Hearing that there is any unreasonable or intimidatory behaviour from anyone the Chairperson may stop further involvement of the person in the hearing.

After all of the evidence has been presented the Tribunal will make its decision in private. The Tribunal must decide whether the complaint has been substantiated on the balance of probabilities (i.e. more probable than not). As the seriousness of the allegation increases, so too must the level of satisfaction of the Tribunal that the complaint has been substantiated. The respondent will be given an opportunity to address the Tribunal on disciplinary measures which might be imposed. Disciplinary measures imposed must be reasonable in the circumstances.

All Tribunal decisions will be by majority vote

The Tribunal Chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed, or may advise those present that the decision is reserved and will be handed down in written form.

Within 48 hours, the Tribunal Chairperson will:

- Forward to the AOCRA Secretary a copy of the Tribunal decision including any disciplinary measures imposed.
- Forward a letter to the respondent(s) reconfirming the Tribunal decision and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an appeal. Where the matter is of unusual complexity or importance, the Tribunal Chairperson may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours.

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

### **Appeals Procedure**

A complainant or a respondent(s) who is not satisfied with the decision of a Complaints Manager, the outcome of mediation or a Tribunal decision can lodge one appeal to AOCRA on one or more of the following bases:

- That a denial of natural justice has occurred; or
- That the disciplinary measure(s) imposed is unjust and/or unreasonable.
- That the decision was not supported by the information/evidence provided to the Complaints Officer/Mediator/Tribunal;

A person wanting to appeal in accordance with clause 25 must lodge a letter setting out the basis for their appeal with the AOCRA President within 1 month of the relevant decision. An appeal fee of \$50 shall be included with the letter of intention to appeal.

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

The letter of appeal and copy of tribunal decision report will be forwarded to the AOCRA committee to review and decide whether there are sufficient grounds for the appeal to proceed. The AOCRA committee may invite any witnesses to the meeting it believes are required to make an informed decision.

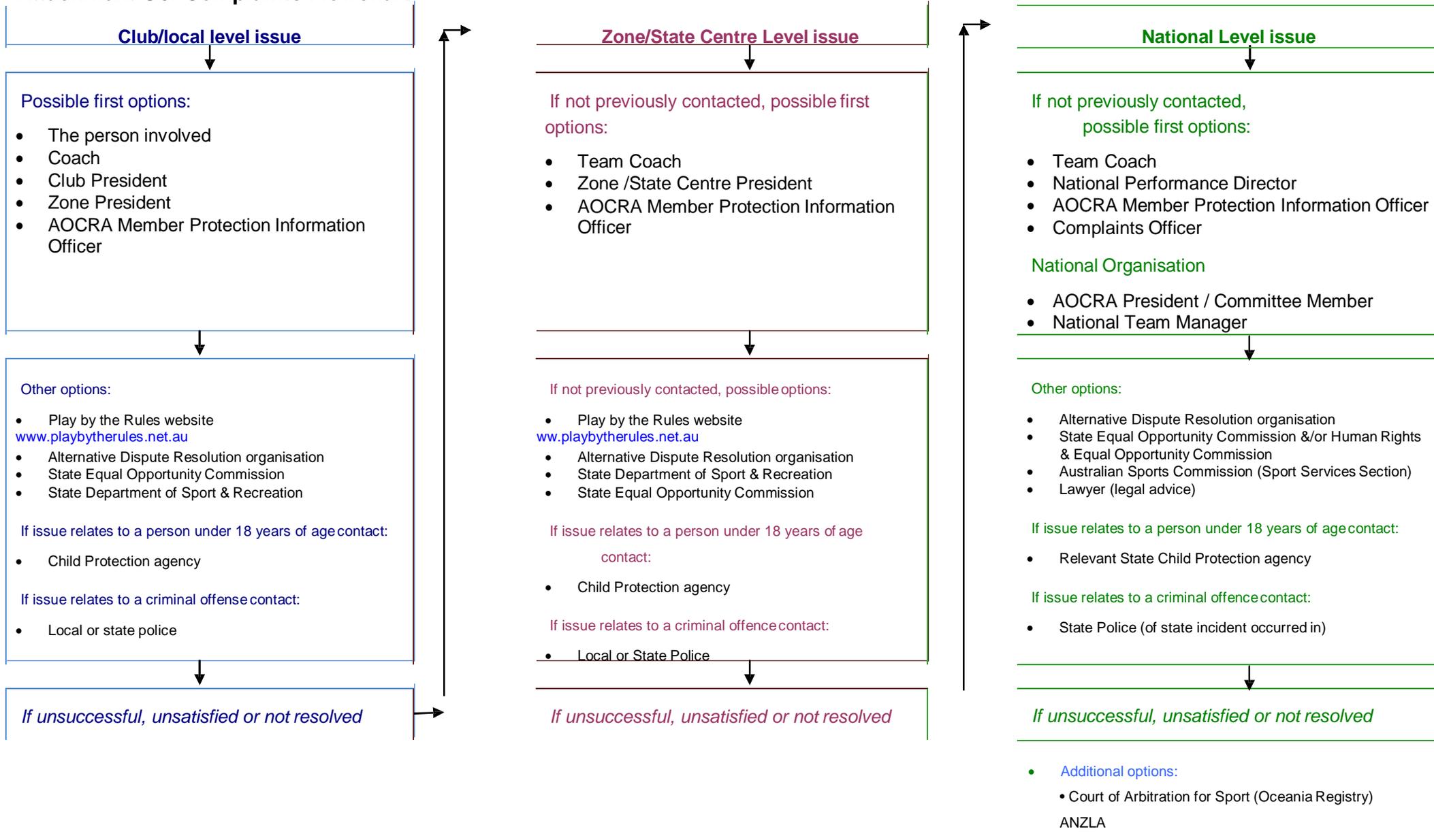
If the appellant has not shown sufficient grounds for appeal in accordance with clause 25, then the appeal will be rejected. The appellant will be notified with reasons. The appeal fee will be forfeited.

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

The Tribunal Procedure shall be followed for the appeal.

The decision of an Appeal Tribunal will be final.

## Attachment G6: Complaints Flowchart





**Attachment G8: 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 :	
Complainant's Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official .....	
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official .....	
Location/event of alleged issue		
Description of alleged issue		
Nature of complaint (category/basis/grounds)  Can tick more than one box	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other .....	
Methods (if any) of attempted informal resolution		

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

This record and any notes must be kept in a confidential place. If the complaint is of a serious nature, or is escalated to and/or dealt with at the national level, the original must be forwarded to the national body and a copy kept at the club/state/district level (whatever level the complaint was made).

## Attachment G9: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing, ensure the procedures outlined in Attachment G4 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 contacted	Who: When:	

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

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