



AUSTRALIAN ICE RACING



**Australian Ice Racing Incorporated
MEMBER PROTECTION POLICY**

**Adopted by the board of Australian Ice Racing Incorporated on
30th September 2015**

CONTENTS	PAGE
History	
Preface	
PART A – NATIONAL MEMBER PROTECTION POLICY	
1. Introduction	5
2. Purpose of this Policy	5
3. Who is bound by this Policy	5
4. Organisational Responsibilities	6
5. Individual Responsibilities	6
6. Position Statements	6
6.1 Child Protection	6
6.2 Taking of Images of Children	7
6.3 Anti-Discrimination & Harassment	8
6.4 Intimate Relationships	9
6.5 Pregnancy	9
6.6 Gender Identity	10
6.7 Responsible service and consumption of alcohol	11
6.8 Smoking Policy	11
6.9 Cyber Bullying/Safety	11
6.10 Social Networking	12
7. Complaints Procedures	13
7.1 Complaints	13
7.2 Vexatious Complaints & Victimisation	13
7.3 Mediation	14
7.4 Tribunals	14
8. What is a Breach of this Policy	14
9. Disciplinary Measures	15
8.1 Individuals	15
8.2 Organisation	15
8.3 Factors to Consider	15
10. Dictionary	16
PART B – ATTACHMENTS: CODES OF BEHAVIOUR	
Athlete's Code of Conduct	19
Coach's Code of Conduct	20
Official's Code of Conduct	21
Parent/Guardian's Code of Conduct	21
Spectator's Code of Conduct	22
Administrator/Volunteer Code of Conduct	24
PART C – ATTACHMENTS: WORKING WITH CHILDREN CHECK REQUIREMENTS	
C1. Member Protection Declaration	26
C2. Working with Children Child Protection Requirements	27
PART D – ATTACHMENTS: COMPLAINT HANDLING PROCEDURES	
D1. Complaints Procedure	28
D2. Mediation	31
D3. Investigation Process	32
D4. Procedure for handling allegations of child abuse	33
D5. Hearings & Appeals Tribunal Procedure	36
PART E – ATTACHMENTS: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS	
E1. Record of Informal Complaint	40
E2. Record of Formal Complaint	42

HISTORY OF AIR INC MEMBER PROTECTION POLICY

Version	Adopted by Board	Comments
One	14 April 2007	
Two	1 January 2010	
Three	28 April 2013	
Four	11 June 2013	Adjustment of MPIO role in Complaint Handling procedures
Five	30 Sept 2015	Updated to be aligned with ASC MPP template

PREFACE

This Member Protection Policy aims to ensure our core values, good reputation and positive behaviours and attitudes are maintained. It assists us in ensuring that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse.

Australian Ice Racing Incorporated ("AIR Inc.") is committed to providing a sport and work environment free of harassment and discrimination. AIR Inc. aims to ensure the core values, good reputation and positive behaviours and attitudes of AIR Inc. are maintained.

This policy also ensures that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities.

The policy attachments provide the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. AIR Inc. will not tolerate any type of behaviour which will bring the sport of ice racing into disrepute. This policy is an essential part of AIR Inc.'s proactive and preventative approach to tackling inappropriate behaviour. AIR Inc. will therefore take all Complaints seriously, and will ensure they are dealt with promptly, sensitively and with confidentiality.

As the President of AIR Inc. I am committed to ensuring that everyone involved in the sport of ice racing upholds the core values and complies with the AIR Inc. Membership Protection Policy.

Frank Anderson
President
Australian Ice Racing Inc.

AUSTRALIAN ICE RACING INC (AIR INC)

PART A: Member Protection Policy

1. Introduction

AIR Inc. is the peak body for the administration of ice racing in Australia. The objects for which AIR Inc. is established and maintained are to, amongst other things:

- encourage, advance, promote, improve, administer and control ice racing throughout Australia;
- promote, provide for, regulate, manage and conduct ice racing competitions in Australia and internationally;
- create and promote mutual confidence and trust between AIR Inc. and its members; and
- promote health and safety of athletes, officials and other individuals participating in ice racing in any capacity.

2. Purpose of this Policy

This Member Protection Policy (“policy”) will work towards maintaining ethical and informed decision-making and responsible behaviours within our sport. It outlines our commitment to ensure that every person bound by the policy is treated with respect and dignity and is safe and protected from discrimination, harassment and abuse. This policy seeks to ensure that everyone involved in our sport is aware of his or her key legal and ethical rights and responsibilities and the standards of behaviour that are required.

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

This policy has been endorsed by the Board of AIR Inc. and has been adopted as a policy of AIR Inc. The policy starts on the date it is endorsed by the Board and will operate until replaced or amended. The current policy and its attachments can be obtained from the AIR Inc. website at www.australianiceracing.org. This policy is supported by Member Protection Policies that have been adopted and implemented by our member associations and affiliated clubs.

3. Who is bound by this Policy

This policy should apply to as many persons as possible who are involved with the activities of AIR Inc., whether they are in a paid or unpaid/voluntary capacity and including:

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

It is also intended this policy will apply to:

- 3.12 State Members;

- 3.13 Clubs;
 - 3.14 Active Skating Members; and
 - 3.15 Associate Members
- (as these terms are defined in the AIR Inc. Constitution).

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

4. Organisational Responsibilities

AIR Inc. must:

- 4.1 adopt, implement and comply with this policy;
- 4.2 ensure that this policy is enforceable;
- 4.3 publish, distribute and promote this policy and the consequences of any breaches of the policy;
- 4.4 promote and model appropriate standards of behaviour at all times;
- 4.5 deal with any complaints made under this policy in an appropriate manner;
- 4.6 deal with any breaches of this policy in an appropriate manner;
- 4.7 recognise and enforce any penalty imposed under this policy;
- 4.8 ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies;
- 4.9 use appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour e.g. Member Protection Information Officers (MPIOs); and
- 4.10 monitor and review this policy at least annually.

5. Individual Responsibilities

Individuals bound by this policy must:

- 5.1 make themselves aware of the contents of this policy;
- 5.2 comply with all the relevant provisions of the policy, including any codes of conduct and the steps for making a complaint or reporting possible child abuse set out in the policy;
- 5.3 consent to the screening requirements set out in this policy, and any state/territory Working with Children checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18 or where otherwise required by law;
- 5.4 place the safety and welfare of children above other considerations;
- 5.5 be accountable for their behaviour; and
- 5.6 comply with any decisions and/or disciplinary measures imposed under this policy.

6. Position Statements

6.1 Child Protection

AIR Inc. is committed to the safety and wellbeing 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 at all times. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.

AIR Inc. acknowledges that our staff, members and volunteers provide a valuable contribution to the positive experiences of children involved in our sport and we encourage their active participation in providing a safe, fair and inclusive environment for all participants. AIR Inc. aims to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

6.1.1: Identify and Analyse Risk of Harm

AIR Inc. will develop and implement a risk management strategy, which includes a review of existing child protection practices, to determine how child-safe and child-friendly the 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

AIR Inc. 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, particularly those in our care. AIR Inc. 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

AIR Inc will take all reasonable steps to ensure that it 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. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

AIR Inc. 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, AIR Inc. will handle this information confidentially and in accordance with relevant legal requirements. (Refer to the attachments in Part C of this policy)

6.1.4: Support, Train, Supervise and Enhance Performance

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

6.1.5: Empower and Promote the Participation of Children

AIR Inc. 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

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

Further, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child or is in breach of this policy he or she may make an internal complaint to us. (Please refer to our complaints procedure outlined in attachment *D5* of this policy. This will explain what to do about the behaviour and how AIR Inc will deal with the problem.

6.2 Taking Images of Children

There is a risk that images of children may be used inappropriately or illegally. AIR Inc requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and ensure that the parent knows the way the image will be used. We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets which we control or are used in connection with our sport.

If AIR Inc. uses an image of a child, and in the absence of express consent otherwise, it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about a child's hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by pedophiles or other persons. We will only use appropriate images of a child, that are relevant to our sport and we will ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc. We will seek permission from the parents/guardians of the children before using the images.

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

6.3 Anti-Discrimination and Harassment

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

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

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

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

Discrimination can be either direct or indirect.

- **Direct** discrimination occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.
- **Indirect** discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

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

6.3.2 Harassment

Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and which happens because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation.

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

Sexual harassment is one type of harassment. Sexual harassment is unwelcome conduct, remarks or innuendo of a sexual nature. It covers a wide range of behaviours and can be verbal, written, visual or physical. Sexual harassment is not limited to members of the opposite sex.

6.3.3 Prohibition against discrimination and harassment

We prohibit all forms of harassment and discrimination based on the personal characteristics listed in the "Definitions" set out in the Dictionary of Terms (see clause 10).

Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy, is encouraged to raise their concerns with us.

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

6.4 Intimate Relationships

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

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

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

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

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

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

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

It will often be difficult for a coach or official involved in an intimate relationship with an adult athlete to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from the MPIO to ensure that they have not involved themselves in inappropriate or unprofessional conduct.

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

If a coach, official or athlete believes that they are being, or have been, harassed they are encouraged to seek information and support from the MPIO. Our complaints procedure is outlined in Attachment D1 of this policy.

6.5 Pregnancy

AIR Inc. is committed to treating pregnant women fairly and to removing any unreasonable barriers to their full participation in our sport. We will not tolerate any discrimination or harassment against pregnant women.

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

AIR Inc. recommends that pregnant women wanting to participate in our sport consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation. Pregnant women should make these decisions themselves, in consultation with their medical advisers and in discussion with AIR Inc. We will only require pregnant women to sign a disclaimer in relation to their participation in our sport whilst they are pregnant if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

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

6.6 Gender Identity

Gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person. This includes the way people express or present their gender and recognises that a person's gender identity may be an identity other than male or female. Some terms used to describe a person's gender identity include transgender and gender diverse.

6.6.1 Gender identity discrimination and harassment

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

AIR Inc. is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate.

All persons, regardless of gender identity, are entitled to be treated fairly and with dignity and respect at all times. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity. This includes discrimination or harassment of a person who is transgender or transsexual, who is assumed to be transgender or transsexual or has an association with someone who has or is assumed to be transgender or transsexual (Refer to the attachments in Part D of this policy.)

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

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

6.6.2 Participation in sport

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

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

AIR Inc. 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.

6.6.3. Intersex status

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

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

6.7 Responsible service and consumption of alcohol

AIR Inc. is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. AIR Inc. recommends that State Associations and their member clubs adhere to strict guidelines regarding the responsible consumption of alcohol.

Generally, our policy is that:

- alcohol should not be available nor be consumed at a sporting event at which children under 18 are participants in the sport;
- alcohol free social events be provided for young people and families
- food and low-alcohol and non-alcoholic drinks be available at events we hold or endorse where alcohol is served;
- a staff member is present at events we hold or endorse where alcohol is served to ensure appropriate practices in respect of the consumption of alcohol are followed;
- safe transport options be promoted as part of any event we hold or endorse where alcohol is served.

Guidance can be obtained from the "Alcohol Management Policy" available at <http://www.goodsports.com.au/goodsports/pages/sample-policies.html>.

6.8 Smoking Policy

AIR Inc. is committed to providing a safe and healthy environment at all sporting and social events that we hold or endorse. In general, our policy is that:

- No smoking shall occur at or near any sporting event or competition involving persons under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers;
- Social functions shall be smoke free, with smoking permitted at designated outdoor smoking areas; and
- Coaches, officials, trainers, volunteers and players will refrain from smoking and remain smoke free while involved in an official capacity for any of AIR Inc, a State Member, club or representative team, on and off the field.

6.9 Cyber Bullying/Safety

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

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

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

- verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- excluding or isolating a group or person;
- spreading malicious rumours; or
- psychological harassment such as intimidation.

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

Messages or statements made in these ways using these means of communication are largely instantaneous, and can easily be abused. Others may also manipulate a person by encouraging a statement to be made on Twitter or Facebook, for example, when the writer may be upset or vulnerable. Bullying has the potential to cause great anxiety and distress to the person who has been the target of any comments or statements. In some cases, bullying is regarded as a criminal offence punishable by imprisonment, amongst other things.

AIR Inc. will not tolerate abusive, discriminatory, intimidating or offensive statements being made online.

Frustration at a referee, team-mate, coach, or sporting body should never be communicated on social network channels, but rather by way of reasoned and logical verbal and written statements and where appropriate, complaints, to the relevant controlling club, league or peak sporting body.

If any person believes they are being, or have been, bullied by another person or organisation bound by this policy, he or she may make a complaint. (Refer to the attachments in Part D of this policy.)

6.10 Social Networking

AIR Inc. acknowledges the enormous value of social networking to promote the sport and to applaud the achievements and success of the people involved in our sport. This can occur due to the immediate nature of communication to a wide audience using channels such as Facebook, Twitter, and SMS.

Social networking refers to any interactive website or technology that enables people to communicate and/or share content via the internet. This includes social networking websites such as Facebook and Twitter.

Participants within the sport need to be very mindful of a few key matters that could lead to inappropriate use of new media, at times unintended, and at other times without a proper understanding that once comments are made or published, they are in public for a long time, and hard to take back (retract). We expect all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to our sport.

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

- Should not include personal information of yourself or others in social media channels;

- must not contain material which is, or has the potential to be, offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate language;
- must not contain material which is inaccurate, misleading or fraudulent
- must not contain material which is in breach of laws, court orders, undertakings or contracts
- Use your best judgment – do not publish something that makes you the slightest bit uncomfortable, and never write/publish if you are feeling emotional or upset (or are intoxicated);
- Always ask for a person's permission before posting their picture on a social networking forum;
- Never comment on rumours, do not deny or affirm them or speculate about rumours; and
- Always use social network forums to add value and promote the sport in a positive way.

7. Complaints Procedures

7.1 Complaints

AIR Inc. aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of procedural fairness (natural justice). Any person (a complainant) may report a complaint about a person/s or organisation bound by this policy (respondent) if they feel they have been discriminated against, harassed, bullied or there has been any other breach of this policy. In the first instance, such complaints should be reported to the MPIO.

The lowest level at which a matter can be dealt with shall always be preferred. Therefore, if a complaint relates to behaviour or an incident that occurred at the:

- state level or involves people operating at the state level, then the complaint should be reported to and handled by the relevant state association in the first instance; or
- club level or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.

Only matters that relate to or occur at the national level and the most serious cases from club and state level should be referred to the national body.

A complaint may be dealt with informally or formally. The complainant usually indicate his or her preferred option and the MPIO should then consider whether that is an appropriate way of handling the complaint. The MPIO must consider whether the complaint falls outside this policy and would be better dealt with another way and/or the law requires the complaint/allegation to be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in attachment D1.

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

7.2 Vexatious Complaints & Victimisation

AIR Inc. aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against the person making the complaint. If at any point in the complaints process the MPIO considers that a complainant has **knowingly** made an untrue complaint or the complaint is malicious or intended to cause distress to the person complained of, the matter may be referred to a tribunal for appropriate action which may include disciplinary action against the complainant.

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

7.3 Mediation

AIR Inc. aims to resolve complaints quickly and fairly with a minimum of fuss. Complaints may be resolved by agreement between the people involved with no need for disciplinary action. Mediation is a confidential process that allows those involved in a complaint to be heard and to come up with mutually agreed solutions.

Mediation may occur before or after the investigation of a complaint. If a complainant wishes to resolve the complaint with the help of a mediator, the MPIO will, where he/she deems it to be appropriate, arrange for a neutral third party mediator where possible. Lawyers are not able to negotiate on behalf of the complainant and/or the respondent. More information on the mediation process is outlined in attachment D2.

7.4 Tribunals

A Tribunal may be convened to hear a formal complaint referred to it by the MPIO. The MPIO has the discretion to determine whether a complaint is:

- (i) referred to a Tribunal under this policy;
- (ii) referred to a disciplinary tribunal of AIR Inc.; or
- (iii) not suitable for referral to a tribunal.

Our Tribunal procedure is outlined in attachment D5.

A respondent may lodge an appeal only to the Appeal Tribunal in respect of a Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved. Our appeals process is outlined in attachment D5.

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

8. What is a Breach of this policy

It is a breach of this policy for any person or organisation to which this policy applies, to do anything contrary to this policy, including but not limited to:

- 8.1 Breaching the Codes of Behaviour (attachment B to this policy);
- 8.2 Bringing the sport and/or AIR Inc. into disrepute, or acting in a manner likely to bring the sport and/or AIR Inc. into disrepute;
- 8.3 Failing to follow AIR Inc. policies (including this policy) and procedures for the protection, safety and welfare of children;
- 8.4 Discriminating against, harassing or bullying (including cyber bullying) any person;
- 8.5 Victimising another person for reporting a complaint;
- 8.6 Engaging in an inappropriate intimate relationship with a person that they supervise, or have influence, authority or power over;
- 8.7 Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- 8.8 Disclosing to any unauthorised person or organisation any AIR Inc. information that is of a private, confidential or privileged nature;
- 8.9 Making a complaint they **knew** to be untrue, vexatious, malicious or improper;
- 8.10 Failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; or
- 8.11 Failing to comply with a direction given to the individual or organisation during the discipline process.

9. Disciplinary Measures

AIR Inc. may impose disciplinary measures on an individual or organisation to which this policy applies for a breach of this policy. Any disciplinary measure imposed under this policy must:

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

9.1 Individual

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

- 9.1.1 A direction that the individual make a verbal and/or written apology;
- 9.1.2 A written warning;
- 9.1.3 A direction that the individual attend counselling to address their behaviour;
- 9.1.4 A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by AIR Inc;
- 9.1.5 A demotion or transfer of the individual to another location, role or activity;
- 9.1.6 A suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.7 Termination of the individual's membership, appointment or engagement;
- 9.1.8 A recommendation that AIR Inc. terminate the individual's membership, appointment or engagement;
- 9.1.9 In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- 9.1.10 A fine; or
- 9.1.11 Any other form of discipline that the designated person/committee considers appropriate.

9.2 Organisation

If a finding is made that an individual or organisation to which this policy applies has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed:

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

9.3 Factors to consider

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

- Nature and seriousness of the breach;
- If the person knew or should have known that the behaviour was a breach;
- The person's level of contrition;
- The effect of the proposed disciplinary measures on the person including any personal, professional or financial consequences;
- If there have been relevant prior warnings or disciplinary action;

- Ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by the policy); and/or
- Any other mitigating circumstances.

10. Dictionary

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

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

Child means a person who is under the age of 18 years

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

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

Complaint means a complaint made under clause 6.

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 one of the personal characteristics covered by anti-discrimination laws 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 or is likely to have an unequal or disproportionate effect on individuals or groups with particular characteristics (Indirect Discrimination). In Australia, it is against the law to discriminate against someone because of:

- Age;
- Defence service;
- Disability, mental and physical impairment;
- Family/carer responsibilities, status as a parent or carer;
- Homosexuality and sexual orientation;
- Irrelevant medical record;
- Irrelevant criminal record, spent convictions;

- Lawful sexual activity;
- Marital status;
- Member of association or organisation of employees or employers, industrial activity, trade union activity;
- National extraction or social origin;
- Physical features;
- Political beliefs or activities;
- Pregnancy, potential pregnancy and breastfeeding;
- Profession, trade, occupation or calling;
- Race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration;
- Religious belief/activity;
- Sex or gender;
- Sexual orientation and gender identity;
- Intersex status;
- Personal association with someone who has, or is assumed to have, any of the above characteristics

Examples of Discrimination are available on the *Play by the Rules* website:

www.playbytherules.net.au/legal-stuff/discrimination

Some exceptions to State, Territory and Federal anti-discrimination law apply, including exceptions for sporting activities, such as:

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

Gender expression: The term 'gender expression' refers to the way in which a person externally expresses their gender or how they are perceived by others.

Gender identity: The term 'gender identity' refers to a person's deeply held internal and individual sense of gender.

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

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

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

Member means a member of AIR Inc. or of an affiliated organisation (such as a State Member or a club which is a member of a State Member).

Member Protection Information Officer (MPIO) means a person appointed by AIR Inc. to be the first point of contact for a person reporting a complaint under, or a breach of, this Policy. The MPIO provides impartial and confidential support to the person making the complaint.

Procedural Fairness requires that:

- the Respondent knows the full details of what is being said against them and have the opportunity to respond;
- no person may judge their own case; and
- the decision maker/s must be unbiased, fair and just;

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

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

Respondent means the person who is being complained about.

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

Sexual harassment means unwelcome behaviour of a sexual nature which could reasonably be expected to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwelcome physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual harassment does not have to be intentional.

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 commit sexual acts
- Incest
- Sexual penetration of child under the age of 16 years
- Indecent act with child under the age of 16 years
- Sexual relationship with child under the age of 16 years
- 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 years
- Bestiality
- Soliciting a child under the age of 16 years to take part in an act of sexual penetration or an indecent act
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

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

Transgender is an umbrella term that refers to a person whose gender identity is different to their physical sex as recorded at birth. Transitioning refers to the process where a transgender person commences living as a member of another sex. This is sometimes referred to as the person 'affirming' their gender because transitioning means they start living in what they identify as their true gender. For people who are transitioning/affirming their gender, having their identity fully recognised in all areas of life is a crucial part of the experience of living as their affirmed gender. **Victimisation** means treating someone unfairly or unfavourably or threatening to do so because that person has or intends to pursue their rights to make any complaint including a complaint under government legislation (e.g. anti-discrimination legislation) or under this Policy, or for supporting such a person.

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

NOTE: Additional obligations may apply under relevant/applicable state or territory anti-discrimination laws.

PART B: CODES OF BEHAVIOUR

ATHLETE'S CODE OF CONDUCT

General Code of Behaviour:

As a member of Australian Ice Racing Inc. (AIR Inc.), or a person required to comply with this policy, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by AIR Inc.:

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

Player/Participant Code of Behaviour:

In addition to AIR Inc.'s General Code of Behaviour, as a player/participant in any activity held by or under the auspices of the AIR Inc. you must meet the following requirements in regard to your conduct during any such activity or event:

1. Respect the rights, dignity and worth of fellow players, coaches, officials and spectators.
2. Refrain from conduct which could be regarded as harassment towards fellow players and coaches.
3. Do not tolerate acts of aggression.
4. Respect the talent, potential and development of fellow players and competitors.
5. Care for and respect the equipment provided to you as part of your program.

6. Be frank and honest with your coach concerning illness and injury and your ability to train fully within the program requirements.
7. At all times avoid intimate relationships with your coach.
8. Conduct yourself in a professional manner relating to language, temper and punctuality.
9. Maintain high personal behaviour standards at all times.
10. Abide by the rules and respect the decision of the official, making all appeals through the formal process and respecting the final decision.
11. Be honest in your attitude and preparation to training. Work equally hard for yourself and your team.
12. Cooperate with coaches and staff in development of programs to adequately prepare you for competition at the highest level.

COACH'S CODE OF CONDUCT

General Code of Behaviour

1. Operate within the rules and spirit of your sport, promoting fair play over winning at any cost.
2. Encourage and support opportunities for people to learn appropriate behaviours and skills.
3. Support opportunities for participation in all aspects of the sport.
4. Treat each person as an individual.
5. Display control and courtesy to all involved with the sport.
6. Respect the rights and worth of every person regardless of their gender, ability, cultural background or religion.
7. Respect the decisions of officials, coaches and administrators in the conduct of the sport.
8. 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.
9. Adopt appropriate and responsible behaviour in all interactions.
10. Adopt responsible behaviour in relation to alcohol and other drugs.
11. Act with integrity and objectivity, and accept responsibility for your decisions and actions.
12. Ensure your decisions and actions contribute to a safe environment.
13. Ensure your decisions and actions contribute to a harassment free environment.
14. Do not tolerate harmful or abusive behaviours.
15. Place the safety and welfare of the athletes above all else.
16. 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.
17. Any physical contact with a person should be appropriate to the situation and necessary for the person's skill development.

18. Be honest and do not allow your qualifications to be misrepresented.

OFFICIAL'S CODE OF CONDUCT

General Code of Behaviour:

As a member of the Australian Ice Racing (AIR Inc.) or a person required to comply with this Policy, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by AIR Inc.:

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

* Please refer to the Harassment-free Sport guidelines available from the Australian Sports Commission for more information on harassment issues

PARENT/GUARDIAN CODE OF CONDUCT

General Code of Behaviour:

As a member of Australian Ice Racing (AIR Inc.) or a person required to comply with this Policy, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by AIR Inc.:

1. Respect the rights, dignity and worth of others.

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

Parent/Guardian's Code of Conduct:

In addition to the AIR Inc.'s General Code of Behaviour, as a spectator in any activity held by or under the auspices of the AIR Inc. a Member Association or an Affiliated Club, you must meet the following requirements in regard to your conduct during any such activity or event:

1. Remember that your child participates in sport for their own enjoyment, not yours.
2. Focus on your child's efforts and performance rather than winning or losing.
3. Never ridicule or yell at your child and other children for making a mistake or losing a competition.
4. Show appreciation for good performance and skilful plays by all players (including opposing players).
5. Respect officials' decisions and teach children to do likewise.
6. Do not physically or verbally abuse anyone associated with the sport (player, coach, umpire etc).
7. Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.

SPECTATOR'S CODE OF CONDUCT

General Code of Behaviour:

As a member of Australian Ice Racing (AIR Inc.) or a person required to comply with this Policy, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by AIR Inc.:

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

Spectator's Code of Behaviour:

In addition to AIR Inc.'s General Code of Behaviour, as a spectator in any activity held by or under the auspices of the AIR Inc. you must meet the following requirements in regard to your conduct during any such activity or event:

1. Remember that a player participates in sport for their own enjoyment, not yours.
2. Focus on the player's efforts and performance rather than winning or losing.
3. Never ridicule or yell at a player and other players for making a mistake or losing a competition.
4. Show appreciation for good performance and skilful plays by all players (including opposing players).
5. Respect officials' decisions and teach children to do likewise.
6. Do not physically or verbally abuse anyone associated with the sport (player, coach, umpire etc).
7. Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.

ADMINISTRATOR / VOLUNTEER CODE OF CONDUCT

As a member of Australian Ice Racing Inc. or a person required to comply with this policy, you must meet the following requirements in regard to your conduct during any event held or sanctioned by the AIR Inc.

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

PART C: SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

Background

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

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

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

The following attachments provide:

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

Attachment C1: MEMBER PROTECTION DECLARATION

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

I (name) of
..... (address) born/...../.....

sincerely declare:

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

Declared in the State/Territory of
on/...../.....(date) Signature

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

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

Name:.....

Signature:.....

Date:

Attachment C2: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS

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

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

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

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

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

Australian Capital Territory

Contact the Office of Regulatory Services

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

Phone: 02 6207 3000

New South Wales

Contact the Office of the Children's Guardian

Website: <http://www.kidsguardian.nsw.gov.au/>

Phone: 02 9286 7276

Northern Territory

Contact the Northern Territory Screening Authority

Website: <http://www.workingwithchildren.nt.gov.au/>

Phone: 1800 SAFE NT (1800 723 368)

Queensland

Contact the Public Safety Business Agency about the "Blue Card" system

Website: <http://www.bluecard.qld.gov.au/>

Phone: 1800 113 611

South Australia

Contact the Department for Education and Child Development for information

Website: <http://www.dcsi.sa.gov.au/services/screening>

Phone: 08 8463 6468

Tasmania

Contact the Department of Justice about the working with children registration system being phased in

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

Phone: 1300 13 55 13

Victoria

Contact the Department of Justice

Website: <http://www.workingwithchildren.vic.gov.au/>

Phone: 1300 652 879

Western Australia

Contact the Department for Child Protection

Website: <http://www.checkwwc.wa.gov.au/checkwwc>

Phone: 1800 883 979

PART D: COMPLAINT HANDLING PROCEDURES

Attachment D1: COMPLAINTS PROCEDURE

AIR Inc. is committed to supporting the people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

We will endeavour to deal with complaints on a confidential basis. We will not provide information about the complaint to another person without the complainant's consent except if 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, as a complainant, you wish to remain anonymous, AIR Inc. may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that AIR Inc. 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.

In accordance with clause 2 of this Policy, its application encompasses all AIR Inc. and members including State Members, Clubs, Active Skating Members and Associate Members (as these terms are defined in the AIR Inc. Constitution). In situations where the matter is relevant to an incident or event under direct responsibility or auspices of a State Member or a Club, then the complaint should be first directed to the respective State Member or Club (i.e. the organisation that has direct responsibility for the matter during which the incident occurred).

In accordance with the above, for the purposes of this Policy and the application of the formal complaint procedure below, when a matter is being dealt with by a State Member or a Club any references (being references that are not otherwise already correctly referenced) to:

- (a) AIR Inc. shall be read as the relevant State Member or Club; and
- (b) President of AIR Inc. shall be read as the President of the relevant State Member or Club; and
- (c) MPIO shall be read as the MPIO for the relevant State Member or Club.

Similarly, where the AIR Inc. is required to hear a national member protection related complaint, any references (being references that are not otherwise already correctly referenced) to:

- (a) State Member or Club shall be read as AIR Inc.;
- (b) President of the relevant State Member or Club shall be read as President of AIR Inc.; and
- (c) MPIO shall be read as the MPIO for the AIR Inc.

INFORMAL APPROACHES

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

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

Step 2: Contact a Member Protection Information Officer

Talk with the MPIO if:

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

The MPIO will:

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

Step 3: Outcomes from initial contact

After talking with the MPIO, you may decide:

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

FORMAL APPROACHES

Step 4: Making a Formal complaint

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

- make a formal complaint in writing to the President of the relevant State Association or Club; or
- approach a relevant external agency such as an anti-discrimination or equal-opportunity commission, for advice and assistance.

On receiving a formal complaint and based on the material you have provided, the President of the relevant State Association or Club will decide whether:

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

In dealing with your formal complaint, the President of the relevant State Association or Club will take into account:

- whether they have had any personal involvement in the circumstances which means it would be appropriate 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 President of the relevant State Association or Club is the appropriate person to handle the complaint they will, where appropriate and/or necessary:

- provide the information they've received from you to the person/people you're complaining about and ask them to provide a response;
- decide if they have enough information to determine whether the matter alleged in your complaint did or did not occur; and/or

- determine what, if any, further action to take. This action may include referring the matter for investigation and disciplinary action in accordance with this policy.

Step 5: Investigation of the complaint

- A person appointed under Step 3 (or other authorised person) will conduct an investigation (following the process set out in attachment D3) and provide a written report to the President of the relevant State Association or Club (or such other board member as is considered appropriate in the circumstances) 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 Attachment D5;
- If the complaint is referred to the police or other appropriate authority, AIR Inc. will use its best endeavours to provide all reasonable assistance required by the police or other authority.
- It must be made clear to all parties that the investigator is not seeking to resolve the matter, nor to decide whether any breach of this Policy has occurred, nor to impose any penalty. Any decision about Policy breach must be referred to an independent tribunal, and wherever possible, mediations should be conducted by an independent mediator.

Step 6: Reconsideration of initial outcome/investigation or appeal

If, under the formal complaint process, mediation is unsuccessful, you may request that President of the relevant State Association or Club reconsider the complaint in accordance with **Step 3**.

You or the respondent(s) may be entitled to appeal. The grounds and process for appeals under this Policy are set out in Attachment D5.

Step 7: Documenting the resolution

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

EXTERNAL APPROACHES

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

The commission may investigate your complaint. The commission may also attempt to 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.

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. You may also wish to have a legal representative, particularly at the hearing stage of a complaint.

Contact details for the state and territory anti-discrimination and equal opportunity commissions are available on the *Play by the Rules* website: <http://www.playbytherules.net.au/resources/quick-reference-guide>

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

Attachment D2: MEDIATION

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

Our approach to mediation follows the steps set out below.

1. If mediation is chosen, the President of the relevant State Association or Club or other designated person will, under the direction of the relevant State Association or Club and in consultation with the complainant and the respondent(s), arrange for a mediator. The mediator will be an independent person in the context of the complaint, however this does not preclude a person with an association with AIR Inc. acting as mediator.
2. 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.
3. 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.
4. At the end of a successful mediation the mediator, where appropriate, may seek to ensure the parties execute a document that sets out the agreement reached which will be signed by them as their agreement. We expect the parties involved to respect and comply with the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
 - a. Write to the President of the relevant State Association or Club to request that he/she reconsider the complaint in accordance with **Step 3**; or
 - b. Approach any relevant external agency such as an anti-discrimination commission, to resolve the matter.
6. AIR Inc. recognises that there are some situations where mediation may not be appropriate, including:
 - a. The respondent has a completely different version of the events and will not deviate from these;
 - b. The complainant or respondent are unwilling to attempt mediation;
 - c. 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
 - d. The matter involves serious allegations, regardless of the wishes of the Complainant.

Attachment D3: INVESTIGATION PROCESS

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

An investigation helps determine the facts relating to the incident, possible findings and recommendations. Any investigation we conduct will be fair to all people involved. The investigation process will be undertaken by an unbiased person.

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

1. We will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator may:
 - 1.1 Interview the complainant and record the interview in writing.
 - 1.2 Convey full details of the complaint to the respondent (s) so that they can respond.
 - 1.3 Interview the respondent to allow them to answer the complaint, and record the interview in writing.
 - 1.4 Obtain statements from witnesses and other relevant evidence to assist in a determination
 - 1.5 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.
 - 1.6 Provide a report to the President of the relevant State Association or Club documenting the complaint, investigation process, evidence, and, if requested, any findings and recommendations.
2. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points from the investigation.
3. 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).

Attachment D4: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

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

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

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. It is not the responsibility of anyone working in AIR Inc 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 challenge or undermine 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.

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

Step 2 – Report 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 AIR Inc. (or such other board member as is considered appropriate in the circumstances) 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 President (or such other board member as is considered appropriate in the circumstances) will assess the risks and take interim action to ensure the child's/children's safety. Action AIR Inc. 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. Legal advice should be sought before any interim steps are made if the person is an employee of AIR Inc.
- The President (or such other board member as is considered appropriate in the circumstances) will consider the kind of support that the child/ren and parents may need (e.g. counselling, helplines, support groups).
- The President (or such other board member as is considered appropriate in the circumstances) will address the support needs of the alleged offender.
- The President (or such other board member as is considered appropriate in the circumstances) will also seek to 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, at least three types of investigations could be undertaken to examine the allegations, including:
 - Criminal (conducted by police)
 - Child protection (conducted by child protection authority)
 - Disciplinary or misconduct (conducted by AIR Inc.)
- AIR Inc. will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include considering whether the person should be reinstated, banned, have their employment or position terminated or suspended or face any other action.
- If disciplinary action is to undertaken, the procedures outlined in Clause 9 of the policy will be followed.
- Where required, AIR Inc. will advise and provide a report to the relevant government authority of any disciplinary action we take.

Contact details for advice or to report an allegation of child abuse

Australian Capital Territory	
<p>ACT Police</p> <p>Non-urgent police assistance Ph: 131 444 www.afp.gov.au</p>	<p>Office for Children, Youth and Family Services www.dhcs.act.gov.au/ocyfs/services/care_and_protection Ph: 1300 556 729</p>
New South Wales	
<p>New South Wales Police</p> <p>Non-urgent police assistance Ph: 131 444 www.police.nsw.gov.au</p>	<p>Department of Community Services www.community.nsw.gov.au Ph: 132 111</p>
Northern Territory	
<p>Northern Territory Police</p> <p>Non-urgent police assistance Ph: 131 444 www.pfes.nt.gov.au</p>	<p>Department of Children and Families www.childrenandfamilies.nt.gov.au Ph: 1800 700 250</p>
Queensland	
<p>Queensland Police</p> <p>Non-urgent police assistance Ph: 131 444 www.police.qld.gov.au</p>	<p>Department of Communities www.communities.qld.gov.au/childsafety Ph: 1800 811 810</p>
South Australia	
<p>South Australia Police</p> <p>Non-urgent police assistance Ph: 131 444 www.sapolice.sa.gov.au</p>	<p>Department for Education and Child Development www.families.sa.gov.au/childsafes Ph: 131 478</p>
Tasmania	
<p>Tasmania Police</p> <p>Non-urgent police assistance Ph: 131 444 www.police.tas.gov.au</p>	<p>Department of Health and Human Services www.dhhs.tas.gov.au/children Ph: 1300 737 639</p>
Victoria	
<p>Victoria Police</p> <p>Non-urgent police assistance Ph: (03) 9247 6666 www.police.vic.gov.au</p>	<p>Department of Human Services www.dhs.vic.gov.au Ph: 131 278</p>

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

Attachment D5: HEARINGS & APPEALS TRIBUNAL PROCEDURE

The following will be followed by hearings tribunals established by AIR Inc. to hear national member protection related complaints where determined appropriate by the AIR Inc. President or other authorised person.

Where the matter is relevant to an incident or event under direct responsibility or auspices of State Members or a Club, then the following will be followed by hearings tribunals established by the relevant State Member or Club to hear member protection related complaints where determined appropriate by the President of the respective State Member or Club. Accordingly, when a matter is being dealt with by a State Member or a Club any references (being references that are not otherwise already correctly referenced) to:

- (a) AIR Inc. shall be read as the relevant State Member or Club; and
- (b) President of AIR Inc. shall be read as the President of the relevant State Member or Club; and
- (c) MPIO shall be read as the MPIO for the relevant State Member or Club.

Similarly, where the AIR Inc. is required to hear a national member protection related complaint, any references (being references that are not otherwise already correctly referenced) to:

- (a) State Member or Club shall be read as AIR Inc.;
- (b) President of the relevant State Member or Club shall be read as President of AIR Inc.; and
- (c) MPIO shall be read as the MPIO for the AIR Inc.

Preparation for Tribunal Hearing

1. A Tribunal Panel will be constituted following the rules outlined in AIR Inc.'s Constitution, to hear a complaint that has been referred to it by the President of the relevant State Member or such other authorised person as the case may be. The number of Tribunal members required to be present throughout the hearing will be 3.
2. The Tribunal members will be provided with a copy of all the relevant correspondence, reports or information received relating to the complaint/allegations.
3. The Tribunal hearing 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.
4. The Tribunal Panel will not include any person who has any actual or perceived conflict of interest, or bias regarding the matter.
5. The President of the relevant State Member or Club or such other authorised person 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, rule or regulation that has allegedly been breached;
 - The date, time and venue of the tribunal hearing;
 - That they can make verbal and/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 sanctions that may be imposed if the complaint is found to be true; and
 - That legal representation will not be allowed. The respondent may be assisted by a support person at a tribunal hearing. For example, where the respondent is a minor, he or she should have a parent or guardian present.
 - However a person cannot be a support person if he or she has been admitted to the practice as a lawyer or worked as a trainee lawyer.

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.

6. The President of the relevant State Member or Club or such other authorised person 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 verbal and/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. The respondent may be assisted by a support person at a tribunal hearing. For example, where the respondent is a minor, he or she should have a parent or guardian present.
 - However, a person cannot be a support person if he or she has been admitted to practice as a lawyer or worked as a trainee lawyer.

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

7. If the complainant believes the details of the complaint are incorrect or insufficient they should inform the President of the relevant State Member or Club or such other authorised person as soon as possible so that the respondent and the Tribunal Panel members can be properly informed of the complaint.
8. 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

9. 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.
10. If the respondent(s) is not present at the set hearing time and the Tribunal Chairperson considers that no valid reason has been presented for their absence, the Tribunal Hearing will continue subject to the Tribunal Chairperson being satisfied that all Tribunal notification requirements have been met.
11. 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.
12. If the Tribunal Chairperson wishes to reschedule the tribunal hearing date, the Tribunal Chairperson will inform the President of the relevant State Member or Club or such other authorised person of the need to reschedule, and the President of the relevant State Member or Club or such other authorised person will organise for the Tribunal to be reconvened.
13. 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.
14. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal Panel when determining any sanctions.
15. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
 - Reference may be made to brief notes.
 - The complainant may call witnesses.
 - The respondent(s) may question the complainant and witnesses.
16. 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.
17. 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.
18. The Tribunal may:
- consider any evidence, and in any form, that it deems relevant.
 - ask questions of any person giving evidence.
 - limit the number of witnesses (including limiting witnesses to those who persons who only provide new evidence).
 - Require (to the extent it has power to do so) the attendance of any witness it deems relevant.
 - Act in an inquisitorial manner in order to establish the truth of the issue/case before it.
19. Video evidence, if available, may be presented. The arrangements for the viewing of this evidence must be made entirely by the person/s wishing to offer this type of evidence.
20. If the Tribunal considers that at any time during the Tribunal Hearing there is any unreasonable or intimidatory behaviour from anyone, the Chairperson may deny further involvement of the person in the hearing.
21. 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). The respondent(s) will have the opportunity to make submissions to the Tribunal in relation to any sanctions that may be imposed.
22. All Tribunal decisions will be by majority vote.
23. The Tribunal Chairperson may announce the decision of in the Tribunal at the conclusion of the hearing. Alternately, he or she may reserve the decision of the Tribunal at the conclusion of the hearing and deliver the decision at a later time.
24. Within 48 hours of the Tribunal delivering its decision, the Tribunal Chairperson will:
- Forward to the President of the relevant State Member or Club or such other authorised person a notice of the Tribunal decision including details of any sanction imposed.
 - Forward a letter to the respondent(s) reconfirming the Tribunal decision and any sanction imposed. The letter should also outline, if allowed, the process and grounds for an appeal.
25. The Tribunal does not need to provide written reasons for its decision.

Appeals Procedure

26. A complainant or a respondent(s) may lodge one appeal to AIR Inc in relation to the decision of a Tribunal on one or more of the following grounds:
- 26.1 That a denial of procedural fairness has occurred;
 - 26.2 That the decision or the sanction(s) imposed is so unjust or unreasonable that a reasonable tribunal could not have reached that decision; Or
 - 26.3 That the decision was not supported by the information/evidence provided at the mediation of to the Tribunal Hearing.
27. A person wanting to appeal in accordance with clause 26 must lodge a letter setting out the basis for their appeal with the AIR Inc. President or other authorised person within 30 days of the relevant decision. An appeal fee of \$500 shall be included with the letter of intention to appeal.
28. If the letter of appeal is not received by the AIR Inc President or other authorized person 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.
29. The letter of appeal and notice of tribunal decision (clause 24) will be forwarded to the AIR Inc President or other authorised person to review and decide whether there are sufficient grounds for the appeal to proceed. The relevant person may invite any witnesses to the meeting it believes are required to make an informed decision.

ASC Member Protection Policy & Procedures

30. If the appellant has not shown sufficient grounds for appeal in accordance with clause 26, then the appeal will be rejected. The appellant will be notified with reasons. The appeal fee will be forfeited.
31. 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.
32. The Tribunal Procedure shall be followed for the appeal.
33. The decision of an Appeal Tribunal will be final and binding and no party shall have any further rights of appeal.

<p>Nature of complaint (category/basis/grounds)</p> <p>Can tick more than one box</p>	<p><input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination</p> <p><input type="checkbox"/> Sexual/sexist methods <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching</p> <p>Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse</p> <p>Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse</p> <p>Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation</p> <p>Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision</p> <p>Other</p>
<p>What they want to happen to fix issue</p>	
<p>What information provided</p>	
<p>What they are going to do now</p>	

This record and any notes must be kept in a confidential and secure place. If the issue becomes a formal complaint, this record is to be sent to the relevant person under this Policy.

Attachment E2: RECORD OF FORMAL COMPLAINT

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's Role/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		

<p>Description of alleged issue</p>	
<p>Nature of complaint (category/basis/grounds)</p> <p>Can tick more than one box</p>	<p><input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination</p> <p><input type="checkbox"/> Sexual/sexist methods <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching</p> <p>Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse</p> <p>Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse</p> <p>Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation</p> <p>Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision</p> <p>Other</p>
<p>Methods (if any) of attempted informal resolution</p>	
<p>Formal resolution procedures followed (outline)</p>	
<p>If investigated: Finding -</p>	

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

This record and any notes must be kept in a confidential and secure 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).