



MEMBER PROTECTION BYLAW

-of-

Boxing Australia Inc.

As amended 2 October 2005
As amended 28 September 2007

Member Protection Bylaw

Table of Contents

MEMBER PROTECTION BYLAW	
PART A – GENERAL PROVISIONS	
1. Purpose of this Bylaw	3
2. To Whom this Bylaw Applies	3
3. Code of Conduct	3
4. Organisational Responsibilities	3
5. Child Protection	3
6. Anti-Discrimination and Harassment	3
7. Sexual Relationships	4
8. Gender Identity	4
9. Pregnancy	4
10. Complaints Procedures	4
11. Breach of this Bylaw	5
12. Dictionary	5
PART B - COMPLAINTS PROCEDURE	7
PART C - MEDIATION PROCESS	8
PART D - PROCEDURE FOR MEMBER PROTECTION COMMITTEE	9
PART E - CODE OF CONDUCT	12
PART F - CHILD PROTECTION	
1. CHILD PROTECTION - BACKGROUND	13
2. INVESTIGATION PROCEDURE – CHILD ABUSE	14
3. CHILD PROTECTION REQUIREMENTS	15
4. MEMBER PROTECTION DECLARATION	17
ATTACHMENTS	
1. QUEENSLAND BLUE CARD REQUIREMENTS	18
2. NEW SOUTH WALES REQUIREMENTS TO CHECK PEOPLE WORKING WITH CHILDREN	22
3. WESTERN AUSTRALIA CHILD PROTECTION REQUIREMENTS	24
4. VICTORIA CHILD PROTECTION REQUIREMENTS	27
5. SOUTH AUSTRALIAN CHILD PROTECTION REQUIREMENTS	29

MEMBER PROTECTION BYLAW

PART A – GENERAL PROVISIONS

1. Purpose of this bylaw

This member protection bylaw aims to ensure that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse. It also ensures that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities.

The association will take disciplinary action against any person or organisation bound by this bylaw if they breach it. Copies of this bylaw can be obtained from Boxing Australia's website <http://boxing.org.au>

2. To Whom this Bylaw Applies

This bylaw applies to Boxing Australia Inc (BAI) and to each of its state/territory member associations, including the following personnel whether in a paid or unpaid/voluntary capacity:

- Individuals sitting on boards, committees and sub-committees;
- Employees and volunteers;
- Support personnel (e.g. managers, masseurs);
- Coaches and assistant coaches;
- Athletes;
- Referees, judges, timekeepers and other officials;
- Members of affiliated state/territory member associations, including life members;
- Clubs and organisations affiliated to state/territory member associations;
- Parents, guardians, spectators and sponsors to the extent that is possible.

This bylaw will continue to apply to a person even after they have stopped their association or employment with BAI or a state/territory member association, if investigations relating to an allegation of child abuse against that person have commenced.

3. Code Of Conduct

BAI requires every individual and organisation bound by this bylaw to abide by the Code of Conduct outlined in this Bylaw.

4. Organisational Responsibilities

BAI and its state/territory member associations must:

- Adopt, implement and comply with this bylaw;
- Publish this bylaw and the consequences for breaching it;
- Promptly deal with any breaches of or complaints made under this bylaw;
- Recognise and enforce any penalty imposed under this bylaw;
- Appoint or arrange access to appropriately trained people to receive and handle complaints and allegations and display the names and contact details in a way that is readily accessible.

5. Child Protection

BAI acknowledges that our staff and volunteers provide a valuable contribution to the positive experiences of our juniors. BAI aims to ensure this continues and to protect the safety and welfare of its junior participants by:

- Prohibiting any form of abuse against children;
- Screening people whose role requires them to work with children;
- Ensuring our codes of conduct, particularly for roles associated with junior sport, are promoted, enforced and reviewed;
- Providing procedures for raising concerns or complaints; and
- Providing education and/or information to those involved in our sport on child abuse and child protection.

Any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within our sport, should report it immediately to the police or relevant state government authority, and also to a Member Protection Officer who will refer the allegation to BAI.

6. Anti-Discrimination and Harassment

BAI recognises that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed. BAI is opposed to all such harassment or discriminatory treatment.

Any person who feels they are being harassed or discriminated against by another person or organisation bound by this bylaw should contact a member protection officer to lodge a complaint.

7. Sexual Relationships

While sexual relationships between coaches and athletes aged 16 years and above are not necessarily unlawful, BAI takes the position that they such relationships should be avoided. These relationships can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sport's public image. Such relationships tend to be intentionally or unintentionally exploitative because there is usually a disparity between coaches and athletes in terms of authority, power, maturity, status and dependence.

Where BAI or a member association become aware of a sexual relationship between an athlete and coach, the matter is to be referred to BAI for investigation. If it is determined that the sexual relationship is inappropriate, action may be taken to stop the coaching relationship with the athlete.

In the event that an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action.

8. Gender Identity

BAI is committed to providing an inclusive sporting environment where transgender or transsexual people involved in its activities are able to contribute and participate. BAI expects everyone who is bound by this policy to treat people who identify as transgender or transsexual fairly and with dignity and respect.

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

BAI is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender or transsexual person intends competing at an elite level they should seek advice about the IOC's criteria.

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

9. Pregnancy

While many sporting activities are safe for pregnant women to participate in, it is self-evident there are particular risks that apply in boxing to women during pregnancy.

Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of the utmost importance in their decision making about their participation in our sport.

BAI wishes to emphasise to pregnant women that there are risks involved for themselves and their unborn child if they box and strongly encourages them to obtain medical advice about those risks.

10. Complaints Procedures

10.1 Complaints

Any person (complainant) may make a complaint about a person or organisation bound by this bylaw if they reasonably believe that this bylaw has been breached. A complaint should be reported to a Member Protection Officer. The procedure for complaints is detailed in this bylaw.

10.2 Vexatious Complaints & Victimisation

BAI aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process it is considered that a complainant has knowingly made an untrue complaint or the complaint is vexatious, disciplinary action may be taken against the complainant.

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

10.3 Mediation

In many cases, complaints can be sorted out by agreement between the people involved with no need for disciplinary action. The people involved in a complaint - the complainant and the person

complained about (respondent) - may also seek the assistance of a neutral third person or a mediator. Lawyers are not able to negotiate on behalf of the complainant and/or respondent.

10.4 Member Protection Committees

Any formal complaint is referred to BAI whose Board of Directors may refer the matter for investigation by a Member Protection Committee. The Member Protection Committee may recommend to the Council of BAI that disciplinary penalties be imposed.

Members of Member Protection Committees will be indemnified by BAI against any claim for loss, compensation or damages, and for costs incurred defending a claim made against them, because of their function as a member of a Member Protection Committee.

11. Breach of this bylaw

Any breach of this ByLaw may result in disciplinary action.

12. Dictionary

This Dictionary sets out the meaning of words used in this bylaw.

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

BAI means Boxing Australia Incorporated.

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

Child abuse relates to children at risk of harm and may include:

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

Complaint means a complaint made under this bylaw.

Complainant means the person making a complaint.

Conviction means a finding of guilt by a court even if a conviction is not recorded.

Discrimination means treating or proposing to treat a person less favourably than someone else in certain areas of public life on the basis of an attribute or personal characteristic they have or are thought to have.

Direct discrimination is treating, or proposing to treat someone less favourably because of a characteristic (such as race, sex, age etc), in the same or similar circumstances.

Indirect discrimination is imposing or intending to impose a requirement, condition or practice that is the same for everyone but which has an unequal or disproportionate effect on particular individuals or groups.

Harassment is any type of unwelcome behaviour that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated

Mediator means a person appointed to mediate complaints made under this bylaw.

MPD means Member Protection Declaration.

Member protection is a term used to describe the practices and procedures that protect individual members, member organisations such as clubs and state associations, and the national body, from harassment, abuse, discrimination and other forms of inappropriate behaviour

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

Natural justice incorporates the following principles:

a person who is the subject of a complaint must be fully informed of the allegations against them

a person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence

all parties need to be heard and all relevant submissions considered

irrelevant matters should not be taken into account

no person may judge their own case

the decision makers must be unbiased, fair and just

the penalties imposed must not outweigh the seriousness of the offence

Police check means a national criminal history record check

Bylaw and **this bylaw** mean this Member Protection Bylaw.

Respondent means the person who is being complained about.

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

Sexual harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different

forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

Sexual offence means a criminal offence involving sexual activity including but not limited to Rape; Sexual assault; Assault with intent to have sexual intercourse; Incest; Sexual acts with child under the age of 16; Sexual offences against people with impaired mental functioning; Abduction and detention; Procuring sexual activity by threat or fraud; Soliciting sexual acts involving children; Promoting or engaging in acts of child prostitution; Obtaining benefits from child prostitution; Possession of child pornography; Publishing child pornography.

Vexatious means done for the purpose of giving trouble, or without cause.

Victimisation means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make a complaint under government legislation or under this bylaw, or for supporting another person to make a complaint.

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

PART B - COMPLAINTS PROCEDURE

A complaint can be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful, or a breach of this bylaw.

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

You cannot be anonymous if you wish to make a complaint. BAI must follow the principles of natural justice and be fair to both sides. This means that BAI or you may be required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond to all the allegations.

Step 1

You (the complainant) should try to sort out the problem with the person or people involved if you feel able to do so.

Step 2

If step 1 is not possible or not reasonable; or if you want to talk confidentially with someone and get more information about what you can do; or if the problem continues after you tried to approach the person or people involved, then talk with one of our Member Protection Officers (MPOs).

Step 3

After talking with the MPO, you may decide:

- the problem is minor and you do not wish to take the matter forward;
- to try and work out your own resolution; or
- to seek an informal mediated resolution; or
- to approach a relevant agency such as an Equal Opportunity Commission, for advice; or
- to lodge a formal complaint to BAI.

Step 4

You may lodge a formal complaint in writing, with or without having attempted resolution by other methods. However, where a Member Protection Committee considers that a matter referred to it should have been resolved informally, it may order the parties to work out their own resolution.

The Member Protection Officer must refer any formal complaint to BAI which may refer it for investigation by a Member Protection Committee. The Member Protection Committee will make a decision about whether the complaint is substantiated and where appropriate may recommend administrative or disciplinary action to BAI's Council. Any Member Protection Committee hearing will be conducted in accordance with the appropriate provisions of this bylaw.

Step 5 - The person or body which makes the final decision on a complaint will document the complaint, the process followed and the outcome. This document will be stored in a confidential and secure place.

External procedure

There may be external options available to you 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 equal opportunity commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be a type of harassment that comes within its jurisdiction, you may then make a decision as to whether or not to lodge a formal complaint with that commission.

PART C - MEDIATION PROCESS

Mediation is a process by which people who are in conflict can be helped to communicate with each other about what is important for them and how to make decisions about resolving their dispute. Mediators provide a supportive atmosphere and method of talking to one another, to assist in sorting out the issues, coming up with acceptable solutions and making mutually satisfactory agreements.

This part outlines the general procedure of mediation that will be followed by BAI and its member associations.

1. The people involved in a complaint (complainant and respondent) may work out their own resolution of the complaint or seek the assistance of a neutral third person or a mediator.
 2. Mediation will only be recommended:
 - After the complainant and respondent have had their chance to tell their version of events to the Member Protection Officer on their own; and
 - If the Member Protection Officer does not believe that any of the allegations warrant any form of disciplinary action. (serious allegations will not be mediated, no matter what the complainant desires); and
 - If mediation looks like it will work (i.e. the versions given by the complainant and respondent tally or almost tally).
 3. Mediation will not be recommended if:
 - The respondent has a completely different version of the events and they won't deviate from these; or
 - The complainant or respondent are unwilling to attempt mediation; or
 - The complaint is not suitable for mediation, because it may warrant disciplinary action.
 4. Where mediation is appropriate, the MPO will notify the respondent(s) that the complainant has requested the assistance of a mediator to resolve the complaint.
 5. 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.
 6. At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached between the complainant and respondent(s) and it will be signed by them as their agreement.
 7. If the formal complaint is not resolved by mediation, the complainant may:
 - Make a formal complaint to BAI; or
 - Approach an external agency such as an anti-discrimination commission.
-

PART D – PROCEDURE FOR MEMBER PROTECTION COMMITTEE

This part outlines the process for referral and investigation of a member protection complaint.

1. BAI's Board of Directors may appoint a Member Protection Committee, comprising up to three persons, to hear a formal complaint that has been referred to it by the Board. The investigation shall follow the procedures in this part.
2. BAI's Board of Directors may appoint a Member Protection Committee, comprising up to three persons, to investigate any member protection matter which is not a complaint and to report its findings to the Board. The investigation shall follow the procedures in this bylaw to the extent that they are relevant.
3. The CEO will organise for the Member Protection Committee to be convened and provided with a copy of all the relevant correspondence, reports or information relating to the matter under investigation.
4. The Member Protection Committee hearing will be scheduled as soon as practicable, but must still allow adequate time for any person(s) or organization(s) being complained about to respond to the complaint.
5. Where the Member Protection Committee is comprised of three members, at least two of the three members are required to be present throughout the hearing process.
6. The Member Protection Committee will not include any person who has any actual or perceived conflict of interest, preconceived opinions, vested interests or personal involvement relating to the complaint.
7. If a member of the Member Protection Committee cannot continue once the hearing has commenced, and the minimum number required for the hearing is still maintained, the discontinuing member will not be replaced.
8. If the specific or minimum number is not maintained, the discontinuing member will be replaced by direction of the Member Protection Committee Chairperson.
9. The CEO of Boxing Australia will inform the complainant and respondent(s) by written notification that a Member Protection Committee hearing will take place. The written notification will outline:
 - That the complainant has a right to appear at the Member Protection Committee hearing to support their complaint;
 - That the respondent has a right to appear at the Member Protection Committee hearing to defend the complaint/allegation;
 - Details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately);
 - The date, time and venue of the Member Protection Committee hearing;
 - That they can make either verbal or written submissions to the Member Protection Committee;
 - That they may arrange for witnesses to attend the Member Protection Committee in support of their position;
 - Any possible penalties that may be imposed if the complaint is found to be true; and
 - That legal representation will not be allowed. If the respondent is a minor, they should have a parent or guardian present.
10. A copy of any information or documents that have been given to the Member Protection Committee will also be provided to the complainant and to the respondent.
11. The respondent(s) will be allowed to participate in all BAI activities and events, pending the decision of the Member Protection Committee, including any available appeal process, unless the Board of Directors believes it is warranted to suspend the respondent(s) from all or any activities and events because of the nature of the complaint.
12. The following people will be allowed to attend the Member Protection Committee hearing:
 - The Member Protection Committee 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.
13. If the respondent(s) is not present at the designated time for the hearing, and the Member Protection Committee Chairperson considers that no valid reason has been presented for their absence, the Member Protection Committee hearing will continue provided the Member Protection Committee Chairperson is satisfied that all Member Protection Committee notification requirements have been carried out correctly.
 14. If the Member Protection Committee Chairperson considers that a valid reason for the non-attendance of the respondent(s) is presented, or that the notification requirements have been carried out correctly, then the Hearing will be rescheduled to a later date.
 15. The Member Protection Committee Chairperson will inform the CEO of any need to reschedule, and the CEO will organise for the Hearing to be reconvened.
 16. The Member Protection Committee Chairperson will read out the complaint that is to be judged, ask the respondent(s) if they understand the complaint being made against them, and if they agree or disagree with the complaint.
 17. If the person agrees with the complaint, they will be asked to provide any evidence or witnesses that should be considered by the Member Protection Committee when determining any disciplinary measures.
 18. If the person disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
 - Brief notes may be referred to.
 - The complainant will be allowed to call witnesses.
 - The respondent(s) may be allowed to question the complainant and their witnesses.
 19. The respondent(s) will then be asked to respond to the complaint.
 - Brief notes may be referred to.
 - The respondent will be allowed to call witnesses.
 - The complainant may be allowed to ask questions of the respondent and their witnesses.
 20. Both the complainant and respondent will be allowed to be present when evidence is presented to the Member Protection Committee. Witnesses may be asked to wait outside the Member Protection Committee Hearing until required.
 21. The Member Protection Committee will be allowed to:
 - consider any evidence, and in any form, that it deems relevant.
 - question any person giving evidence.
 - limit the number of witnesses presented if it is agreed by all parties noted that they will support the person who requested them, but will not provide any new evidence.
 22. Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.
 23. If the Member Protection Committee considers that at any time during the Member Protection Committee hearing that there is any unreasonable or intimidating behaviour from anyone present, the Member Protection Committee Chairperson shall have the power to stop any further involvement of the person in the Member Protection Committee hearing.
 24. After all of the evidence has been presented the Member Protection Committee will make its decision in private.
 25. In relation to a formal complaint, the Member Protection Committee will make a finding that the complaint is substantiated, unsubstantiated, or unable to be determined because of lack of evidence.
 26. The Committee may recommend specific disciplinary or administrative action to the BAI Council.
 27. All decisions made by a Member Protection Committee will be based on a majority vote of its members.

28. Within 48 hours of making its decision, the Member Protection Committee Chairperson will forward to the CEO a copy of the Member Protection Committee decision including any disciplinary penalties recommended.
 29. The CEO will promptly forward a letter to the complainant(s) and respondent(s) confirming the Member Protection Committee's decision and any disciplinary penalties recommended.
 30. Where the Member Protection Committee recommends disciplinary or administrative action, the CEO shall arrange for that recommendation to be placed before the Council for decision in a timely manner.
 31. The Member Protection Committee is empowered to make any order:
 - as to the costs and/or expenses of the Member Protection Committee hearing; and as to the payment of any part or parts of such costs and/or expenses by a party or parties;
 - if a party is ordered by the Member Protection Committee to pay any such costs and/or expenses, the party so ordered will pay the same.
-

PART E - CODE OF CONDUCT

PURPOSE

The purpose of this Code of Conduct is to declare the standard of conduct BAI expects of its members, and to declare specific behaviours BAI considers inappropriate and contrary to the interests of the sport, and which may result in disciplinary action.

APPLICATION

All employees, coaches, athletes, officials, representatives, volunteers, and members of BAI and its state/territory member associations are bound by this Code.

STANDARDS OF CONDUCT

BAI expects all members to:

- Be ethical, fair and honest in all their dealings;
- Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- Always place the safety and welfare of children above other considerations;
- Comply with BAI's constitution and bylaws including this Bylaw;
- Comply with all relevant federal and state laws, particularly anti-discrimination and child protection laws; and
- Be responsible and accountable for their conduct.

INAPPROPRIATE BEHAVIOUR

This schedule describes behaviours which are not in the best interests of BAI or boxing in general, and which may result in disciplinary penalties.

- Discriminatory or offensive conduct towards or treatment of a person, related to their actual or presumed gender, marital status, pregnancy, parental status, race, age, disability, sexuality, transgender, religion, political belief or industrial activity.
- Sexual relationships between a coach or official and an athlete.
- Inappropriate or abusive behaviour relating to minors.
- Abusing, denigrating, harassing or attempting to intimidate any athlete, coach or official.
- Victimising a person for making a complaint.
- Making a vexatious complaint or one the person knows to be untrue.
- Disputing, criticising or interfering with the decisions of any referee or judge other than by way of a formal protest as provided for in the rules.
- Whilst a member of a state or national team, failing to follow the directions of the Head Coach and Team Manager, or acting in a way that undermines the authority of those officials.
- Creating a public disturbance at any meeting, tournament or event organised or sanctioned by BAI or its state/territory member associations.
- Creating a public disturbance at any time and in any place during an interstate or overseas trip, where the person is a representative of BAI or one of its state/territory member associations.
- Consumption of alcohol or any drug which may impair judgment, by an athlete, coach, referee, timekeeper or other official, on the day of a tournament prior to the conclusion of that person's duties.
- Consumption of alcohol by any member of a BAI team to an overseas destination for the duration of the event including all travel to and from that destination; excepting where the head coach has authorised a limited quantity of alcohol consumption as part of a team social event following the conclusion of the competition.
- Use of, or encouragement to use, banned substances to enhance or inhibit performance.
- Recklessly causing damage to another person's property during the conduct of a tournament or when representing BAI or one of its state/territory member associations.
- Failing to respect the confidentiality of personal information which a person obtains in the course of their duties or activities as an official or coach or athlete.
- Failure to act in accordance with the lawful directions of a BAI Member Protection Committee.
- Any conduct by a member, whether or not resulting in police charges, considered to be seriously prejudicial to the sport.

Child Protection is about keeping children safe from abuse and protecting them from people who are unsuitable to work with children. Child abuse is illegal in all States and Territories of Australia, with each having their own child protection laws that cover the reporting and investigation of cases of child abuse.

In New South Wales, Queensland, Western Australia, Victoria and South Australia child protection legislation places specific requirements upon individuals and organisations involved in a range of areas including sport and recreation. The Northern Territory, Australian Capital Territory and Tasmania governments are currently reviewing their child protection legislation. We will add new requirements or any amendments to existing requirements to *BAI's Member Protection Policy* as they are introduced.

Please be aware that State and Territory child protection requirements may apply to individuals and organisations originating outside of the States with the legislation in place. For example, if one of our Member Associations or affiliated clubs takes junior players into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with the NSW legislative requirements.

Please note that the State specific child protection requirements apply despite the existence or absence of our *Member Protection Policy*.

As part of BAI's commitment to protecting the safety and welfare of children and young people involved in *BAI* activities, *BAI* requires the following measures to be met:

- *Provision of opportunities for juniors to contribute to and provide feedback on program development;*
- *Provision of education and/or information on child abuse and child protection to those involved in our sport; and*
- *Where applicable requirements outlined in:*

F2. Investigation Procedure – Child Abuse

F3. Child Protection Requirements

F4. Member Protection Declaration

Attachments

1. QLD Blue Card Requirements

2. NSW Requirements To Check People Working With Children

3. WA Child Protection Requirements

4. VIC Child Protection Requirements

5. SA Child Protection Requirements

PART F2 - INVESTIGATION PROCEDURE - CHILD ABUSE

The initial response to a complaint that a child has allegedly been abused should be immediate if the incident/s are serious or criminal in nature while less serious/urgent allegations should be actioned as soon as possible, preferably within 24 hours.

Step 1 - Clarify basic details of the allegation

Any complaints, concerns or allegations of child abuse should be made to a Member Protection Officer (MPO).

It is important for the person receiving the information to:

- Listen to, believe, be supportive, and do not dispute what the child says;
- Reassure the child that what has occurred is not the fault of the child;
- Ensure the child is safe;
- Be honest with the child and explain that other people may need to be told in order to stop what is happening; and
- Ensure that what the child says is quite clear but do not elicit detailed information about the abuse. Avoid suggestive or leading questions.

The person receiving the complaint should obtain and clarify basic details (if possible) such as:

- Child's name, age and address;
- Person's reason for suspecting abuse (observation, injury or other); and
- Names and contact details of all people involved, including witnesses.

Step 2 – Report allegations of a more serious or criminal nature

Any individual or organisation to which this Bylaw applies, should immediately report any incident of a serious nature to the appropriate authority. **If the allegation is of a criminal nature, report the incident immediately to the police.**

Contact the relevant State or Territory authority for advice if there is **any** doubt about whether the complaint allegation should be reported.

Step 3 – Protect the child

The MPO should assess the risks and advise the relevant association to take any relevant interim action to ensure the child's/children's safety. Some options could include redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined.

The MPO should also address the support needs of the person against whom the complaint is made. If the person is stood down, it should be made clear to all parties that are aware of the incident that this does not mean the person is guilty and a proper investigation still needs to be undertaken.

Step 4 – Further clarify and investigate allegation

For allegations of a serious or criminal nature (for example, sexual abuse), BAI will seek advice from the police and relevant government agency as to whether BAI should carry out its own Member Protection Committee investigation in addition to any police or relevant government agency investigation.

Any information collected during an investigation by BAI will be made available to the relevant authorities where appropriate.

Step 5 – Undertake disciplinary action

For incidents of a serious or criminal nature, the Member Protection Committee will consider the findings of the police and/or the government agency before making its recommendation on disciplinary proceedings.

BAI will check with the relevant state government authority to see if BAI needs to forward a report to that body.

Attachment F3: BAI's CHILD PROTECTION REQUIREMENTS

This section sets out the screening process for people who currently occupy or who apply for any work (paid or voluntary) in BAI or BAI Member Association activities that *involves regular contact with people under the age of 18 years*.

Screening under this policy is not a replacement for any other procedure required by law. If State or Territory legislation sets an equivalent or higher standard of screening, the requirement to screen people under the process outlined below need not be followed.

Association/club requirements

Under BAI's Member Protection Policy, BAI and every member association and affiliated club that participates in its conducted activities is required to:

1. Identify positions (paid and voluntary) that involve working with people under the age of 18 years.
2. Obtain a completed *Member Protection Declaration (MPD)* (F4) from all people who are bound by this policy if they occupy or apply for a position that involves working with people under the age of 18 years. The MPD will be kept in a secure place.

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

- provide an opportunity for the person to respond/provide an explanation, and
- make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years.

If unsatisfied, then BAI or the *Member Association* concerned will:

- *in the case of an existing employee/volunteer, transfer the person to another role which does not require them to work [directly and unsupervised] with people under the age of 18 years. If this is not possible, then with legal advice end the appointment.*
- *in the case of a someone applying for the position/role, not appoint them.]*

3. Check a person's referees (verbal or written) and interview a person about his/her suitability for the role and his/her suitability for working with children for both paid and voluntary positions.
4. Ask people applying for *and people who currently occupy* a position that *involves regular contact with people under the age of 18 years* to **sign a consent form** for a national police check. (Information on police checks and forms can be found at www.ausport.gov.au/ethics/policechecks.asp.)
5. Request a national police check from the relevant police jurisdiction for people applying for *and people who currently occupy paid and voluntary positions that involves regular contact with people under the age of 18 years*.

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

If the police check indicates a relevant offence, BAI or the Member Association will:

- provide an opportunity for the person to respond/provide an explanation, and
- make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years.

If unsatisfied, then BAO or the Member Association will:

- *in the case of an existing employee/volunteer, transfer the person to another role which does not require them to work [directly and unsupervised] with people under the age of 18 years. If this is not possible, then with legal advice end the appointment.*
- *in the case of a someone applying for the position/role, not appoint them.*

If the person does not agree to a national police check after explaining why it is a requirement, BAI or the Member Association shall make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years. If unsatisfied, BAI or the Member Association will:

- *in the case of an existing employee/volunteer, transfer the person to another role which does not require them to work [directly and unsupervised] with people under the age of 18 years. If this is not possible, then with legal advice end the appointment.*
 - *in the case of a someone applying for the position/role, not appoint them.*
6. Decide whether to offer the person the position *or retain the person in the position*, taking into account the result of the police check and any other information *BAI or the Member Association* has available. Where it is not practical to complete the police check prior to employment commencing, *BAI or the member association* must still complete the check as soon as possible. *BAI or the member association* will advise the person that their ongoing employment is conditional upon the satisfactory outcome of the check.
 7. Where a national police check is obtained under this member protection policy, another organisation which is also required to screen may obtain a copy of the national police check provided that the consent of the relevant person is obtained and the national police check was performed in the immediately preceding two years.
 8. Protect the privacy of any person who is checked and the confidentiality of any information obtained through the checking process. Information collected during screening (such as a completed MPD form, police records and referee reports) will be returned to the relevant person if that person is not appointed to/will not remain in the position, or otherwise be destroyed with the consent of the person concerned.

Attachment F4: MEMBER PROTECTION DECLARATION

BAI and its member associations have a duty of care to their members and participants and to the general public who interact with employees, volunteers, members, participants and others involved with *BAI and its member association* activities. As part of this duty of care and as a requirement of BAI's Member Protection Policy, *BAI and its member associations* and their affiliated clubs must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that *involves regular contact with people under the age of 18 years*.

As you occupy, or are seeking to occupy, a position(s) deemed to have contact with a minor, we require you to make the declaration below.

DECLARATION

I(name) of

.....(address) born/...../.....

sincerely declare:

1. I do not have any criminal charge pending before the courts for sexual offences, offences related to children, acts of violence, or offences relating to procurement or supply of illicit or dangerous drugs.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children, acts of violence, or offences relating to procurement or supply of illicit or dangerous drugs.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment.
4. I have never been sanctioned for an anti-doping rule violation under any anti-doping policy applicable to me.
5. I have never participated in, facilitated or encouraged any practice prohibited by the World Anti-Doping Agency Code or any other anti-doping policy applicable to me.
6. To my knowledge there is no other matter that BAI or a BAI Member Association may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the CEO/Secretary 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 for whatever reason.

Declared in the State/Territory of

on/...../.....(date) Signature

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

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

Name:.....

Signature:.....

Date:

Attachment 1: QUEENSLAND BLUE CARD REQUIREMENTS

This information is subject to change at any time. Refer to the Queensland Commission for Children and Young People and Child Guardian's (Commission) website: www.bluecard.qld.gov.au or contact 1800 113611 if you have any queries about your obligations under their legislation. This information was updated on 1 April 2006 and is provided as a guide only.

In Queensland the *Commission for Children and Young People and Child Guardian Act 2000* requires people who work with children under 18 years of age in certain categories of employment regulated by the Act, and people carrying on certain categories of business regulated by the Act to hold a blue card, unless specifically exempt.

When a person applies for a blue card the Commission conducts a Working with Children Check which is an assessment of a person's eligibility to work with children based on their criminal history, certain disciplinary information (if any) and investigative information (if any) held by the police commissioner. If a person is eligible for a blue card, the Commission issues a positive notice letter and a blue card which remains current for a period of 2 years.

Association/club requirements

Boxing Queensland Inc. (BQI) and its affiliated clubs are responsible for applying for a blue card on behalf of their paid employees and volunteers where the nature of their work falls under one of the categories regulated by the Act.

Interstate sporting organisations, associations and clubs visiting Queensland for sporting training camps, competition or other activities taking place in Queensland may also need to apply for a blue card if the nature of their activities falls under one of the categories in the Act.

People carrying on a regulated business are responsible for applying for a blue card if the activities of the business are regulated under one of the categories in the Act.

Relevant categories of employment regulated by the Act

Note: Only those categories of employment relevant to the sport and recreation industry have been listed below.

Paid employees who commenced work in one of the following categories of employment after 1 May 2001 will need to apply for a blue card unless exempt under the relevant category:

- private teaching, coaching or tutoring
- sport and active recreation
- clubs and associations involving children
- child accommodation services (which incorporates billets).

Paid employees commencing employment in the following category need a blue card irrespective of when they commenced their employment – i.e. before or after 1 May 2001:

- schools - employees other than teachers and parents

Paid employees

Paid employees falling under one of the above listed categories of employment regulated by the Act need a blue card, unless exempt, if they work or are likely to work over a period of 12 months for at least:

- eight consecutive days, or
- once a week, each week, over four weeks, or
- once a fortnight, each fortnight, over eight weeks, or
- once a month, each month over six months.

Once a blue card application has been lodged, a paid employee can commence or continue to work in regulated employment while waiting for the outcome of their blue card application.

Volunteers

Volunteers working with children who fall under one of the above listed categories of employment regulated by the Act need a blue card, unless exempt, **before** they can commence the child related activity, regardless of how often they come into contact with children and young people.

Exemptions

The following people are exempt from the Working with Children Check and do not need a blue card:

- children under 18 who are volunteers (except trainee students required to work in regulated employment as part of their studies with an education provider such as a registered training organisation, or university);
- a volunteer guest of a school or a registered charity, corporation or incorporated association:
 - for the purpose of observing, supplying information or entertainment to 10 or more people, and
 - the activity is for 10 days or less on no more than two occasions per year, and
 - the person is unlikely to be physically present with a child without another adult being present, or
- an event volunteer performing the function of employment at a national or state event organised by a school or a registered charity, corporation or incorporated association (operating at a state or national level) for:
 - a sporting, cultural or skill based activity, and
 - the event is attended by more than 100 people, and
 - the work is for 10 days or less on no more than two occasions per year; and
 - the person is unlikely to be physically present with a child without another adult being present.

In addition, the following specific exemptions apply under each category regulated by the Act. It is critical to note that the exemptions below apply to the specific categories of regulated employment and business as stated, and therefore are not transferable. For example, a 'registered teacher' is only exempt in the first two categories of regulated employment mentioned below, as that specific exemption does not apply to the remaining three identified categories of employment.

1. Schools - employees other than teachers and parents

- a 'registered teacher'; and
- a volunteer parent of a child attending the school.

2. Private teaching, coaching or tutoring

- a 'registered teacher'; or
- a person carrying out work in their capacity as an employee of an 'education provider' .

3. Sport and active recreation

- the employment takes place at an 'amusement park'; or
- the person provides the service or conducts the activity in their capacity as an employee of a 'government entity'; or
- a volunteer parent of a child to whom the services are provided; or
- a volunteer parent of a child in relation to whom the activities are conducted
- the services are provided, or the activities are conducted by or within a club or association or similar entity and are regulated under that category (See Item 4: Clubs and associations involving children)).

4. Clubs and associations involving children

- the person carries out the work in their capacity as an employee of a 'government entity'; or
- a volunteer parent of a child who receives the same or similar services to which the employment relates; or
- a volunteer parent of a child who participates in the same or similar activities to which the employment.

5. Child accommodation services (including billets)

- the 'child accommodation service' is being provided to a relative of the home stay provider;
- the work is carried out for a 'government service provider' that carries on a business which includes arranging a 'child accommodation service'; or
- the employment is organised by a school or a registered charity, corporation or incorporated association and is for 10 days or less and provided on no more than two occasions per year.

Relevant categories of business regulated by the Act

Note: Only those categories of business relevant to sport and recreation industry have been listed below.

A person or a corporation carrying on the following regulated businesses in Queensland must also apply for a blue card:

- private teaching, coaching or tutoring
- child accommodation services including homestays (including billets)
- Sport and active recreation (which may include recreational activities such as sporting camps and programs (excluding amusement parks)

Exemptions

1. Private teaching, coaching or tutoring

- If the business is conducted by an education provider

2. Child accommodation services including homestays (including billets)

- If the business is conducted at a:
 - boarding facility; or
 - residential facility funded by the Commonwealth government, or the Department of Child Safety, Disabilities Services Queensland, Department of Communities, Qld Health; or licensed by the Child Protection Act; or
 - or another place mainly providing accommodation for children which is funded by the Commonwealth government or Education Queensland.

3. Sport and active recreation

- If the business takes place at an amusement park; or
- The activities are conducted by or within a club, association or similar entity and are regulated under that category (See Item 4).

Where the business is a corporation, **each person** whose principal place of residence is in Australia, who takes part in the management of the corporation needs a blue card.

A person carrying on a regulated business must hold a blue card **before** they commence the regulated activity regardless of how often they come into contact with children and young people.

Application forms

Blue card application forms for a paid employee, volunteer, or person carrying on a regulated business can be downloaded from www.ccypcg.qld.gov.au. Volunteer applications are processed free of charge; there is a \$40 processing fee for paid employees and business applications. This fee is to be paid by the individual or organisation concerned.

Change in criminal history

If BQI knows or reasonably suspects that an employee who commenced employment prior to 1 May 2001 and therefore does not require a blue card, has a criminal history relevant to their work with children or young people, then BQI can apply for a blue card for that person. In such a case, the relevant application form to submit is a 'current employee blue card application form'.

This requirement also applies to interstate BAI Member Associations that visit Queensland and apply to the Commission for a Working with Children Check.

Risk management

Amendments to the Act, effective January 2005, require organisations engaging paid employees or volunteers that need a blue card, and persons or organisations carrying on a business for which a blue card is required to develop and implement annually, a risk management strategy to promote the well-being of children in their care and protect them from harm.

The key elements an organisation needs to consider in creating a risk management strategy includes:

- a child protection policy, which outlines:
 - a Code of Conduct
 - recruitment, training and management procedures for staff
 - reporting guidelines and directions for handling disclosures or suspicions of harm, and
 - consequences to staff for non-compliance with the policy
- communication and support strategies, such as:

- information sheets for staff, volunteers and parents about policies, procedures and Codes of Conduct, and
- training materials and communication strategies which help staff, volunteers and parents identify risks of harm
- documentation of risk management processes including:
 - registers of staff
 - strategies and plans for high-risk and special events
 - complaints registers, and
 - forms to ensure consistent handling of incidents, disclosures of harm, permissions and approvals for related activities.

Attachment 2: NEW SOUTH WALES REQUIREMENTS TO CHECK PEOPLE WORKING WITH CHILDREN

This information will change during 2006 once the Commission for Children and Young People Amendment Act 2005 is proclaimed. Refer to the NSW Commission for Children and Young People website: www.kids.nsw.gov.au or contact 02 9286 7219 to ensure you have to date information. This information was updated 27 April 2006.

All NSW clubs and associations who engage/employ people in child-related activities (in a paid or voluntary capacity) must meet the requirements of the Working With Children Check. This is a legal requirement. Interstate clubs and organisations that visit NSW and engage/employ people in child-related activities (in a paid or voluntary capacity) may also be required to complete a Working with Children Check with the NSW Commission for Children and Young People. We are required to:

1. Register with the NSW Department of Sport and Recreation Employment Screening Unit;
2. Identify positions (paid and voluntary) which are ***child-related positions***;
3. Obtain a Prohibited Employment Declaration (PED) from all existing employees in child-related positions. PED forms can be downloaded from www.kids.nsw.gov.au/check/resources.html. If the person is a ***prohibited person*** we must remove him/her from the child-related employment;
4. Keep the PED in a secure place for as long as the person is employed;
5. Ask preferred applicants for paid child-related positions to sign a Consent Form for a background check;
6. Include advice about the Working With Children Check in information being provided about child-related positions (e.g. coach of junior team);
7. Request a background check for preferred applicants for paid child-related employment before they start work;
8. Decide whether to offer the applicant the position, taking into account the result of the Working With Children Check and any other information we have available;
9. Where it is not practical to complete the background check prior to employment commencing, we must still complete the check as soon as possible. We must advise employees that their ongoing employment is conditional upon the satisfactory outcome of the check;
10. Notify the NSW Commission for Children and Young People of any person whose application for child-related employment has been rejected primarily because of a risk assessment in the Working With Children Check. We must do this even if we offer the person an alternative position;
11. Advise the person if their application was rejected primarily because of an adverse risk assessment in the Working With Children Check;
12. Notify the NSW Commission for Children and Young People of any person against whom ***relevant employment proceedings*** have been completed; and
13. Protect the privacy of any person who is checked and the confidentiality of any information obtained through the checking process.

Child-related employment is any work (paid or unpaid) that involves direct and unsupervised contact with children in several types of areas such as sporting and recreation clubs and associations that have a significant child membership or involvement.

Employment includes work done:

- under a contract of employment;
- as a sub-contractor;
- as a volunteer for an organisation;
- as a minister of religion (whether or not ordained); and
- undertaking practical training as part of an educational or vocational course

Prohibited person is a person convicted of committing a serious sex offence or is a registrable person.

Registrable person is someone who has been found guilty of the following offences against children:

- murder
- sexual offences
- indecency offences
- kidnapping
- child prostitution
- child pornography

Relevant employment proceedings are disciplinary proceedings completed in NSW, or elsewhere, where an employer or professional body that supervises the conduct of the employee has found that **'reportable conduct'** or an act of violence occurred, or there is some evidence that it occurred. An act of violence will be relevant only if it was committed by an employee in the course of employment and in the presence of a child.

Reportable conduct is:

- any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence);
- any assault, ill treatment or neglect of a child; or
- any behaviour that causes psychological harm to a child.

Attachment 3: WESTERN AUSTRALIA CHILD PROTECTION REQUIREMENTS

This information is subject to change at any time. Refer to the Department of Community Development [Working with Children Screening Unit website www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au) or contact 1800 883 979. This information was updated on 1 April 2006.

From 1 January 2006, certain people working with children in Western Australia will be required to have a Working with Children Check (Check) – a national criminal history check and assessment of any record that appears as part of this check. The Check is compulsory under the *Working With Children (Criminal Record Checking) Act 2004*, and will be introduced progressively to different sectors over the next 5 years.

The Check will take into account convictions for any offence and charges for serious sexual and violent offences and will cost \$10.00 for volunteers and unpaid workers and \$50.00 for paid workers and self-employed people. These fees will be paid by the individual or organization concerned.

Applicants whose check is “successful” will be issued with either an ‘assessment notice’ in the form of an ID card which allows that person to work or volunteer with children across different types of ‘child-related work’. Applicants whose Check is “unsuccessful” will be issued with a ‘negative notice’, which prohibits any child-related work. In some cases an Interim Negative Notice may be issued while the screening process is completed. This means that you must not start or continue that person in ‘child-related work’ while the notice is current, and you can only start or continue that person in child-related work if they are later issued an Assessment Notice.

The Screening Unit must notify the employer, where known, of the outcome of applications for a Check.

Assessment notices will be valid for three years, unless the person has a “relevant change” in criminal record. If this occurs, the person is required to report this to their employer, who must then inform the Screening Unit, and a reassessment of the record takes place. The Police may also inform the Screening Unit where a person in child-related work has had a relevant change in criminal record.

Who needs to apply for a Check

People doing **child-related work** must have a Check by the date required under the [phasing-in arrangements](http://www.checkwwc.wa.gov.au). The definition of **child-related work**, under Section 6 of the *Working with Children (Criminal Record Checking) Act 2004* includes:

“Work is **child-related work** if the **usual duties** of the work involve, or are likely to involve, contact with a child in connection with:

- an educational institution for children;
- a coaching or private tuition service of any kind, but not including an informal arrangement entered into for private or domestic purposes;
- a club, association or movement (including of a cultural, recreational or sporting nature and whether incorporated or not) with a significant membership or involvement of children, but not including an informal arrangement entered into for private or domestic purposes;
- an overnight camp.

Note that categories of work not relevant to the activities of our sport have not been listed above. A full list of the categories of child-related work is available on the Working with Children website (www.checkwwc.wa.gov.au) or by calling the Screening Unit on (08) 6217 8100.

General exemptions

The following people are exempt from the legislation and will not need to have a Check:

- volunteers under 18 years;
- employers of and fellow employees working with young people, so long as they are not otherwise in child-related work;
- parents volunteering where their child is also involved (This exemption does not apply to parents volunteering in connection with overnight camps);
- Short-term visitors to WA, for 2 weeks after their arrival, and for no more than 2 weeks in a 12 month period;
- People who carry out child-related work on no more than 5 days in a calendar year (except those working in child care services).

Specific exemptions from certain categories of child-related work

Category	Parent Exemption	Other exemptions
Educational institution for children	Work carried out on a voluntary basis by a parent of a child who is enrolled at the educational institution	
Coaching or private tuition service of any kind	Work carried out on a voluntary basis by a parent of a child to whom the service is being provided in connection with an activity in which the child is participating or ordinarily participates	<ul style="list-style-type: none"> An informal arrangement entered into for private or domestic purposes Coaching or private tuition provided to a class of 2 or more students that is not provided primarily for children
Club, association or movement (including of a cultural, recreational or sporting nature and whether incorporated or not) with a significant membership or involvement of children	Work carried out on a voluntary basis by a parent of a child who is involved or is ordinarily involved in some or all of the activities of the club, association or movement	<ul style="list-style-type: none"> An informal arrangement entered into for private or domestic purposes
an overnight camp, regardless of the type of accommodation or how many children are involved	No parent exemption.	

Obligations of employers, including organisations using volunteers include:

- You must not employ a person in child-related employment on more than five days in a calendar year unless he or she:
 - has applied for a Check, or
 - already holds a current Assessment Notice
by the date they are required to under the phasing-in arrangements.
- You must not employ someone in child-related employment if you are aware that he or she holds a Negative Notice or Interim Negative Notice.
- You must not employ a person in child-related employment if you are aware that the person has withdrawn his or her Check application.
- You must not employ a person in child-related employment if you are aware that he or she:
 - has a conviction or pending charge for a [Class 1 or Class 2 offence](#), and
 - does not have a current Assessment Notice or an application for one that is still being considered.
- If an employee or volunteer reports a relevant change in criminal record to you, you must report this (in writing) to the Working with Children Screening Unit, as soon as practicable.
- If you receive a written request from the Working with Children Screening Unit, you must provide information or documents to show your compliance with your obligations as an employer.

It is okay for employers to start someone in child-related work once they have applied for a Check in line with the phasing-in arrangements (outlined below) and while the Check is being processed. The employer does not have to wait until the card is issued. Safeguards are in place to ensure that the Screening Unit notifies the employer if, in the mean time, a Negative Notice or Interim Negative Notice is issued, or if the person subsequently withdraws their application.

Phasing-in Arrangements

Checks are being phased-in over 5 years. If a person is carrying out child-related work and needs to apply for a Check, they must apply by the date required under the phasing-in arrangements. The information provided below about phasing-in arrangements is general information only. Only those categories of child-related work relevant to our sport are listed. For full details of the phasing-in arrangements for Checks please see Factsheet 2 “When to apply for a Working with Children Check”, available at www.checkwwc.wa.gov.au, or by calling (08) 6217 8100.

Commencing in 2006

- Volunteers working with children aged 0 – 7 years in any category of child-related work.
- Self-employed people working with children in connection with **any category** of child-related work, **EXCEPT**
 - child care licensees and “managerial officers”
 - registered teachers working in educational settings
 - persons with an F or T drivers licence endorsement who carry out a transport service specifically for children
 - people providing coaching or private tuition services for a TAFE or a Registered Training Organisation.

- “New” paid employees (who are not [public sector employees](#)) who commence child-related work after 1 January 2006 in the following categories of child-related work:
 - coaching or private tuition services
 - clubs, associations or movements with a significant membership or involvement of children
 - overnight camps
 - children’s entertainment or party services

Commencing in 2007

- Volunteers working with children aged 8 – 12 years in any category of child-related work.
- “New” public sector employees who commenced child-related work after 1 January 2006.
- “New” paid employees who commenced work after 1 January 2006 in the following categories of child-related work:
 - Educational institutions for children
 - People providing coaching and private tuition services for a TAFE, Registered Training Organisation or education service provider registered under the *Education Service Providers (Full Fee Overseas Students) Registration Act 1991*.

Commencing in 2008

- Volunteers Working with Children aged 13 – 17 years in any category of child-related work.

Commencing in 2009-2010

- “Continuing” paid employees (including public sector employees) who have remained in the same child-related work they were in before 1 January 2006, and are still in that position.

Attachment 4: VICTORIA CHILD PROTECTION REQUIREMENTS

This information is subject to change at any time. Refer to the Department of Justice website: <http://www.justice.vic.gov.au> and follow the Working with Children Check link under Business Units or contact 1300 652 879. This information was updated 1 April 2006.

Under the [Working with Children Bill](#) (2005) the Victorian Working with Children Check (Check) will require individuals who work or volunteer with children in certain capacities in identified occupations and activities to undergo screening for criminal offences.

A person who has no relevant criminal or professional disciplinary history will be granted an assessment notice. That notice will entitle the person to undertake child-related work. A person deemed unsuitable to work or volunteer with children will be given a negative notice and cannot work in [child-related work](#). A negative notice can be appealed to Victorian Civil and Administrative Tribunal (VCAT) provided the individual is not listed on the Sex Offenders Register or subject to an extended supervision order.

Who needs to apply for a Check

Any person who works in, or in connection with, in a paid or voluntary capacity, any of the 20 child-related occupational fields listed in the Act. This work must also usually involve (or be likely to involve) regular, direct contact with a child where that contact is not directly supervised. The following child-related categories are relevant to our sport.

- educational institutions for children (such as schools and some TAFE programs);
- clubs, associations or movements that provide services or conduct activities for or directed at children or whose membership is mainly comprised of children;
- coaching or private tuition services of any kind for children; and
- direct commercial provision (and not incidental or in support of other business activities) of gym or play facilities specifically for children.

Exemptions

The following people will not need to have a Check:

- individuals aged under 18
- volunteers involved in an activity in which their child ordinarily participates
- individuals working only with children who are close family relations
- secondary school students aged under 20 performing volunteer work arranged through the school where they are studying
- sworn members of Victoria Police
- teachers registered with the Victorian Institute of Teaching
- a visiting worker who does not ordinarily reside and perform child-related work in Victoria.

Phasing-in Arrangements

Checks are being phased in over the next five years, commencing in April 2006. The type of child-related work determines when people need to apply for a check. **At this stage it is anticipated that the sport sector will be phased in 2008/09.** More information on the phasing-in of Checks is available from www.justice.vic.gov.au.

Employer requirements

As an employer or volunteer organisation you must:

- ensure all employees or volunteers who are required to get a Check do so at the correct time, which is indicated in the phasing plan.
- where your employees or volunteers are not required to get a Check because their contact with children is directly supervised, ensure the supervisor has a Check unless an exemption applies. For example, the supervisor may be a registered teacher with the Victorian Institute of Teaching, making them exempt
- ensure that employees or volunteers issued with a Negative Notice do not undertake child-related work as defined by the Working With Children Act 2005.

As an employer or volunteer organisation you should:

- record your employee's and volunteer's unique Application Receipt Number received when they submit their application. The Act enables a person to continue or commence work while their application is pending
- confirm that your employees and volunteers have been issued with an Assessment Notice after Check applications have been assessed by the Department of Justice
- sight your employee's or volunteer's Working with Children Check Card and confirm the status of their Card Number to verify that they have passed the Check. You can do this online from 1 July 2006, or by calling 1300 652 872
- record your employee's or volunteer's Card Number, which is different from their Application Receipt Number
- develop internal processes in the event of an existing employee or volunteer being issued with an Interim Negative Notice or Negative Notice.

Attachment 5: SOUTH AUSTRALIAN CHILD PROTECTION REQUIREMENTS

This information is subject to change at any time. Refer to the Department of Families and Communities website www.familiesandcommunities.sa.gov.au or the South Australian Office for Recreation and Sport's website www.resport.sa.gov.au or contact 08 8416 6633 if you have any queries about your obligations under the legislation. This information was updated on 1 May 2006.

Recent amendments to the *Children's Protection Act 1993*, in South Australia as per the *Children's Protection (Miscellaneous) Amendment Act 2005*, promote a whole of community responsibility to the care and protection of children and young people. Whilst yet to be proclaimed, new provisions relating to the establishment of child safe environments, facilitating effective criminal history checks and the extension of mandated notifiers, will all have an impact upon sporting and recreational organisations.

The new provisions will require government, non-government and volunteer organisations that are entrusted with the care of children or regularly come into contact with children to have strategies in place to prevent and minimise opportunities for abuse and to appropriately respond when abuse occurs or is suspected. Organisations will also be required to implement guidelines and processes that clearly outline effective and timely responses to child protection issues and steps of action.

Standards will be developed to assist organisations move towards creating safer environments for children. Requirements under the standards are likely to include:

- Codes of conduct and principles of good practice for working with children;
- Guidance on standards of conduct for adults in dealing with children;
- Advice on how to deal with cases of bullying or harassment of a child;
- Guidance on informing on cases of child abuse and neglect, or suspected abuse or neglect;
- Advice on the recruitment and supervision of staff of Government and non-government organisations;
- Guidance on how to handle procedures for complaints, and making the complaints process easier for children;
- Monitoring progress of child safe environments in Government and non-government sectors and periodic reporting; and
- Developing and issuing standards in dealing with information about the criminal history of employees and volunteers.

The amendments to the *Children's Protection Act 1993* **may** also require sport and recreation organisations to develop or comply with new criminal history check provisions. This **may** mean undertaking a criminal history check for any person in a prescribed position (including employees, volunteers, agents, subcontractors and contractors) who has:

- Regular contact/close proximity to children; or
- Supervision of such a person; or
- Access to children's records;
- Or else as prescribed by regulation.

Mandatory reporting is currently a requirement by law in South Australia. Mandatory reporting means that those people covered by the law must report reasonable suspicions of child abuse or neglect. Those currently mandated under the law include teachers, medical practitioners, health professionals, child care workers, day care providers, social workers and workers, volunteers and managers within government departments or non-government agencies that provide services to children. **Under the new legislation a person employed by, or volunteering in, organisations that provide sporting or recreational services for children will also be mandated.**

Throughout the year, further information and advice relating to proclamation and implementation of these provisions will be provided by the Office for Recreation and Sport in South Australia. Once proclaimed, penalties of up to \$10,000 will apply for non-compliance with the requirements under the legislation. ***Until this time recreation and sport organisations should continue to follow the generic child protection requirements and the risk management process set out in 'Child Protection in Sport - National Overview' document provided by the Australian Sports Commission.***