



OLYMPIC WINTER INSTITUTE OF AUSTRALIA MEMBER PROTECTION POLICY

VERSION 7

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PREFACE

The Olympic Winter Institute of Australia (“OWIA”) has a proud tradition of supporting athletes in their sporting pursuits. The objective and focus of the OWIA is the fulfilment of podium performances at World Cup events, World Championships and ultimately at the Olympic Winter Games. The OWIA develops elite performances in Winter Sports by Australian athletes through funded world-class sports programming, expert technical coaching, sports medicine and provider services and international competition support.

The OWIA is committed to a sport and work environment free of discrimination or harassment, where individuals are treated with respect and dignity. The OWIA will not tolerate discriminatory or harassment behaviour under any circumstances and will take disciplinary action against anyone who breaches this Member Protection Policy. The OWIA’s Member protection Policy is part of the organisation’s proactive and preventative approach to tackling inappropriate behaviour.

This policy sets out the Codes of Conduct with which everyone associated with the organisation is expected to abide. The Codes of Conduct is the basis of appropriate and ethical behaviour. Disciplinary action will be taken against individuals if there is a breach of the policy. Unlawful behaviour will not be tolerated by the OWIA.

This policy confirms that the OWIA is committed to the principles of The Essence of Australian Sport. The culture and values of the OWIA promotes a respectful and fulfilling environment as a forthright philosophy.

Geoff Lipshut
Chief Executive Officer
Olympic Winter Institute of Australia

REVIEW HISTORY OF OWIA MEMBER PROTECTION POLICY

Version	Adopted by OWIA Board	Content reviewed / purpose
0.1	July 2014	▪ [insert summary of amendments]
0.2	January 2015	▪ Attachment B2 - Minor additions to Athlete Codes of Conduct, to align with Athlete Performance Contracts.
0.3	July 2015	▪ Updated in accordance with the ASC V8 template: <ul style="list-style-type: none">- Revised and expanded Dictionary of Terms.- Terminology reviewed and amended throughout document reflecting input from the Australian Human Rights Commission and the Victorian Equal Opportunity and Human Rights Commission.- Large scale amendments to Section 6 to more accurately reflect current terminology.- Tribunal Processes amended.- Complaints Procedure amended.- All Attachments amended to reflect up-to-date and practical language.- Part C: amended to reflect mandatory requirements in Tasmania.
0.4	13/01/2016	▪ Updated Codes of Conduct for coaches, officials, administrators, etc. to include: <ul style="list-style-type: none">- Refrain from any intimate relationship or affair with athletes under your care, supervision or tutelage.- Avoid unaccompanied and unobserved activities with persons under the age of 18 years wherever possible.
0.5	5/07/2016	▪ Changes according to ASC MPP Template V9: <ul style="list-style-type: none">- Attachment E4: Confidential Record of Child Abuse Allegation
0.6	26/11/18 11/10/19	▪ Updated: Preface and Introduction ▪ Updated organisational values
0.7	9/01/20	▪ Updated Codes of Behaviour

PART A: OWIA MEMBER PROTECTION POLICY

1. INTRODUCTION

OWIA Mission

To facilitate the continued development and improvement of high performance winter sport within Australia and enable athletes to achieve podium performances at World Cup events, World Championships and ultimately at the Olympic Winter Games.

OWIA Vision

- To develop and prepare elite Australian athletes for participation in Olympic Winter Games, World Championships and World Cup events in Olympic Winter Program Sports.
- To assist with the development and funding of high performance coaches with expertise in the Olympic Winter Program Sports.
- To assist the AOC in the attainment of its objectives through encouragement of elite performance by Australian athletes in Winter Sports.

OWIA Values

- Excellence
- Health
- Integrity
- Respect

2. PURPOSE OF THIS POLICY

This OWIA National Member Protection Policy (“**policy**”) aims to assist the OWIA to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport. It sets out our commitment to ensure that every person bound by the policy is treated with respect and dignity and protected from discrimination, harassment and abuse. It also seeks to ensure that everyone involved in our sport is aware of their key legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

The attachments to this policy describe the practical steps the OWIA 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 the OWIA will take disciplinary action against any person or organisation bound by this policy if they breach the policy.

This policy has been endorsed by the OWIA Board and has been incorporated into our By-laws. The policy starts on 1 July 2014 and will operate until replaced.

The current policy and its attachments can be obtained from our website at:

<http://www.owia.org/policies--documents.html>

3. WHO IS BOUND BY THIS POLICY

This policy should apply to as many persons as possible who are involved in the activities of the OWIA, whether they are in a paid or unpaid/voluntary capacity:

- 3.1 persons appointed or elected to OWIA boards, committees and sub-committees;
- 3.2 employees of the OWIA;
- 3.3 members of the OWIA Executive;
- 3.4 support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers and others;
- 3.5 coaches and assistant coaches;

- 3.6 athletes;
- 3.7 officials;
- 3.8 members, including life members of the OWIA;
- 3.9 athletes, coaches, officials and other personnel participating in winter sport programs, events and activities, including camps and training sessions, held or sanctioned by the OWIA;

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

It is also intended this policy will apply to:

- 3.11 associated organisations

4. ORGANISATIONAL RESPONSIBILITIES

The OWIA must:

- 4.1 adopt, implement and comply with this policy
- 4.2 ensure that this policy to be 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 made under 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]
- 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 relevant provisions of the policy, including any codes of conduct and steps for making a complaint or reporting possible child abuse set out in this policy;
- 5.3 consent to 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

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

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

6.1.1 Identify and analyse risk of harm

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

6.1.2 Develop codes of behaviour

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

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

6.1.3 Choose suitable employees and volunteers

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

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

6.1.4 Support, train, supervise and enhance performance

The OWIA will ensure that all our employees and volunteers who work with children have ongoing supervision, support and training. The OWIA aims 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

The OWIA 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

The OWIA will ensure that all our employees and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under state laws to make a report if they suspect on reasonable grounds

that a child has been, or is being, abused or neglected. (Refer to the attachments in Part E of this policy.)

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

6.2 Taking images of children

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

To respect people's privacy, the OWIA does not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets which we control or are used in connection with our sport.

When using a photo of a child, the OWIA will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the parent/guardian. The OWIA will not provide information about a child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" a child.

The OWIA will only use images of children that are relevant to our sport and we will ensure that they are suitably clothed in a manner that promotes participation in the sport. The OWIA will seek permission from the parents/guardians of the children before using the images.

6.3 Anti-discrimination and harassment

The OWIA 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

The OWIA 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.

We take the position that consensual intimate relationships between coaches or officials and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's public image. These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach 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 and/or emotional dependence of the athlete on the coach or official;
- the ability of the coach or official to influence the progress, outcomes or progression of the athlete's performance and/or career;
- the extent of power imbalance between the athlete and coach or official; and the likelihood of the relationship having an adverse impact on the athlete and/or other athletes.

It will often be difficult for a coach or official involved in an intimate relationship with an adult athlete to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from the CEO 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 the OWIA may take disciplinary action against the coach or official up to and including dismissal. Action may also be taken to stop the coaching relationship with the athlete. This could include a transfer, a request for resignation or dismissal from coaching duties.

If a coach, official or athlete believes they are being, or have been, harassed they are encouraged to seek information and support from the Member Protection Information Officer. The OWIA complaints procedure is outlined in Part D of this policy.

6.5 Pregnancy

The OWIA is committed to treating pregnant women fairly and to removing any unreasonable barriers to their full participation in our sport should be removed. We will not tolerate any discrimination or harassment against pregnant women.

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

The OWIA encourages all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in our sport. Pregnant women should make these decisions themselves, in consultation with their medical advisers and in discussion with the OWIA.

The OWIA 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. The OWIA 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 trans, 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).

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

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

The OWIA 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 a person identifies.

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

The OWIA 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).

The OWIA 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

The OWIA is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. The OWIA also recommends that National Federations, state associations and member clubs follow strict guidelines regarding the service and consumption of alcohol.

In general, the OWIA policy is that:

- alcohol should not be available or consumed at sporting events involving children and young people under the age of 18;
- alcohol-free social events be provided for young people and families;
- food and low-alcohol and non-alcoholic drinks will be available at events held or endorsed by the OWIA where alcohol is served;
- a staff or board member will be present at events held or endorsed by the OWIA where alcohol is served to ensure appropriate practices in respect of the consumption of alcohol are followed;
- safe transport options will be promoted as part of any event held or endorsed by the OWIA where alcohol is served.

6.8 Smoke-free environment

The OWIA is committed to providing a safe and healthy environment at all sporting and social events held or endorsed by the OWIA:

- No smoking shall occur at or near sporting events involving children and young people under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers;
- Social events shall be smoke-free, with smoking permitted only at designated outdoor smoking areas; and
- Coaches, officials, trainers, volunteers and athletes will refrain from smoking and remain smoke-free while they are involved in an official capacity in our sport, both on and away from any sport program activities and competitions.

6.9 Bullying

The OWIA is committed to providing an environment that is free from bullying in all its forms. 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 our 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 characterised 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. Technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. The OWIA will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at a referee, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the OWIA, the relevant controlling club, league or 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

The OWIA acknowledges the enormous value of social networking, to promote our sport and celebrate the achievements and success of the people involved in our sport.

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.

The OWIA expects 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:

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

The OWIA Media Policy is available at: <http://www.owia.org/policies--documents.html>

7. COMPLAINTS PROCEDURES

7.1 Handling complaints

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

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

In the first instance, complaints should be reported to the Member Protection Information Officer or the OWIA CEO.

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
- club level, or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club.

Only matters that relate to, or which occurred at the OWIA, as well as serious cases referred from the National Federation, should be dealt with by the OWIA.

A complaint may be handled informally or formally. The complainant may indicate his or her preferred option and the Member Protection Information Officer or the OWIA CEO should consider whether that is an appropriate way to handle the particular complaint. For example, the law may require that the complaint/allegation be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our procedures for handling and resolving complaints are outlined in Attachment [D1].

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

7.2 Improper complaints and victimisation

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

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

If at any point in the complaint handling process the CEO or other nominated delegate considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or intended to cause distress to the respondent, the matter may be referred, in writing to the relevant official/committee/Tribunal for review and appropriate action, including possible disciplinary action against the complainant.

7.3 Mediation

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

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

If a complainant wishes to resolve the complaint with the help of a mediator, the Member Protection Information Officer will, in consultation with the complainant, arrange for an independent mediator where possible. We will not allow lawyers to participate in the mediation process.

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

7.4 Tribunals

In accordance with the OWIA, a Tribunal may be convened to hear a proceeding:

- Referred to it by the CEO or nominated delegate.
- For an alleged breach of this policy.

The OWIA Tribunal procedure is outlined in Attachment [D4].

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

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

8. WHAT IS A BREACH OF THIS POLICY?

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

- 8.1 breaching the codes of behaviour (see Part B of this policy)
- 8.2 bringing the sport and/or the OWIA into disrepute, or acting in a manner likely to bring the sport and/or the OWIA into disrepute
- 8.3 failing to follow the OWIA policies (including this policy) and procedures for the protection, safety and well-being of children
- 8.4 discriminating against, harassing or bullying (including cyber-bullying) any person
- 8.5 victimising another person for making or supporting a complaint
- 8.6 engaging in an inappropriate intimate relationship with a person that he or she supervises, or has influence, authority or power over
- 8.7 verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport
- 8.8 disclosing to any unauthorised person or organisation any OWIA information that is of a private, confidential or privileged nature
- 8.9 making a complaint that they know to be untrue, vexatious, malicious or improper
- 8.10 failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy
- 8.11 failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

9. DISCIPLINARY MEASURES

The OWIA may impose disciplinary measures on an individual or organisation for a breach of this policy.

Any disciplinary measure imposed will be:

- Fair and reasonable;
- applied consistent with any contractual and employment rules and requirements;
- be based on the evidence and information presented and the seriousness of the breach; and
- be determined in accordance with our Constitution, by-laws, this policy and/or the rules of each winter 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, placings, records, achievements bestowed in any competitions, activities or events held or sanctioned by the OWIA;
- 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 Athlete Contract participation or engagement in a role or activity;
- 9.1.7 Termination of the individual's Athlete Contract, appointment or engagement;
- 9.1.8 A recommendation that the OWIA terminate the individual's Athlete Contract, appointment or engagement;
- 9.1.9 In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- 9.1.10 A fine;
- 9.1.11 Any other form of discipline that the OWIA considers appropriate.

9.2 Organisation

If a finding is made that an OWIA member or affiliated organisation has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by a relevant official/committee/Tribunal:

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

9.3 Factors to consider

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

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

PART B: CODES OF BEHAVIOUR

The OWIA seeks to provide a safe, fair and inclusive environment for everyone involved in our organisation and in our sport. To achieve this, we require certain standards of behaviour of athletes, coaches, administrators, support staff and officials..

The OWIA Codes of Behaviour are underpinned by the following principles:

- To act within the rules and spirit of our sport.
- To display respect and courtesy towards everyone involved in OWIA sport programs and prevent discrimination and harassment.
- To prioritise the safety and well-being of children and young people involved in OWIA sport programs.

ATTACHMENTS

- Attachment B1: General Codes of Conduct
- Attachment B2: Athlete Codes of Conduct
- Attachment B3: Coach, Administrator, Support Staff and Team Official Codes of Conduct

PART C: EMPLOYMENT SCREENING/WORKING WITH CHILDREN CHECK REQUIREMENTS

The OWIA is committed to providing a child-safe environment. As such, we will recruit staff and volunteers who do not pose a risk to children.

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

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

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

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

ATTACHMENTS

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

PART D: COMPLAINT HANDLING PROCEDURES

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

The OWIA will provide individuals with a formal and informal process to resolve the matter, along with access to an external complaint handling body, based on the nature of the complaint and the OWIA rules and regulations.

The OWIA also provides an appeals process for those matters.

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

ATTACHMENTS

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

PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

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

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

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

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

ATTACHMENTS

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

DICTIONARY OF TERMS

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

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

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

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

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

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

Complainant means the person making a complaint.

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

Discrimination occurs when someone is treated (or is proposed to be treated) unfairly or less favourably than another person in the same or similar circumstances because of one of the personal characteristics covered by anti-discrimination laws. This is known as direct discrimination. Indirect discrimination occurs when there is (or is proposed) an unreasonable requirement, condition or practice that seems to treat everyone equally, but which has or is likely to have the effect of disadvantaging persons with a personal characteristic covered by anti-discrimination laws.

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

- age
- sex or gender
- gender identity
- intersex status
- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration

- disability, mental and physical impairment
- family/carer responsibilities, status as a parent or carer
- marital status
- pregnancy, potential pregnancy, breastfeeding
- sexual orientation and gender identity
- physical features
- irrelevant medical record
- irrelevant criminal record, spent convictions
- political beliefs or activities
- religion, religious beliefs or activities
- national extraction or social origin
- lawful sexual activity
- profession, trade, occupation or calling
- member of association or organisation of employees or employers, industrial activity, trade union activity
- defence service
- 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 or age group (e.g. only those who are under the age of 15 years);
- excluding people on the basis of their 'excluding people on the basis of their sex and/or gender identity status from participation in a competitive sporting activity where the strength, stamina or physique of competitors is relevant to the specific activity (note that this does not apply to activity by children who are under the age of 12 years); and
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity.

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 law, 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 people on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability (see also "Vilification").

Member Protection Information Officer means a person appointed by us to be the first point of contact for a person reporting an issue or a complaint under, or a breach of, this policy.

Procedural fairness requires that:

- the respondent knows the full details of what is being said against him or her and they 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 whose behaviour is the subject of the complaint.

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

Sexual harassment means 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, displays 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. Because of differences under state and territory laws, this can include but is not limited to:

- rape
- indecent assault
- sexual assault
- assault with intent to 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.

Transgender '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.

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.

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

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.

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.

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

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

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

ATTACHMENT B1: GENERAL CODES OF CONDUCT

The Olympic Winter Institute of Australia (OWIA) promotes the following Codes of Conduct to everyone involved in Winter Sport – athletes, coaches, administrators, support staff and team officials. These Codes of Conduct highlight the values of the OWIA and define acceptable and desired standards of behaviour for all people involved in Winter Sport.

OWIA Standards of Behaviour

- Act within the rules and spirit of your sport.
- Respect the rights and worth of every person, regardless of their age, race, gender, ability, cultural background, sexuality or religion.
- Be ethical, respectful, considerate, fair and honest in all dealings to all involved with the sport.
- Act with integrity, be professional, and accept responsibility for your decisions and actions.
- Refrain from any form of abuse, harassment, discrimination and / or victimisation towards others.
- Do not tolerate abusive, bullying or threatening behaviour.
- Be a positive role model.

ATTACHMENT B2: ATHLETE CODES OF CONDUCT

- Give your best at all times and work towards the attainment of your full potential in your sport.
- Accept victory and defeat with dignity and grace.
- Treat all participants, as you would like to be treated.
- Cooperate with your coaches, team mates, opponents, management, event staff and officials.
- Use the appropriate rules and guidelines to resolve a dispute.

ATTACHMENT B3: COACH, ADMINISTRATOR, SUPPORT STAFF AND TEAM OFFICIAL CODES OF CONDUCT

- Conduct responsibilities with competence and diligence, maintaining a 'duty of care' towards others.
- Place the safety, welfare and wellbeing of athletes above all else.
- Help each person to reach their potential – respect the talent, developmental stage and goals of each person.
- Maintain confidentiality in regards to sensitive and /or commercial information.
- Resolve conflicts fairly and promptly through established procedures.
- Do not allow prejudice, conflict of interest or bias to affect your objectivity.
- Ensure physical contact with others is appropriate to the situation and necessary for the person's skill development.
- Refrain from any intimate relationship or affair with athletes under your care, supervision or tutelage.
- Avoid unaccompanied and unobserved activities with persons under the age of 18 years wherever possible.

ATTACHMENT C1: MEMBER PROTECTION DECLARATION

[Insert name of NSO] has a duty of care to all those associated with our organisation and to the individuals and organisations to whom this policy applies. It is a requirement of our *[national]* Member Protection Policy that we check the background of each person who works, coaches or has regular unsupervised contact with children and young 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 *[add any other crimes you consider relevant e.g. narcotics]*.
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 *[add other crimes you consider relevant e.g. narcotics]*.
4. I am not currently serving a sanction for an anti-doping rule violation under an Australian Sports Anti-Doping Authority (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 *[insert name of NSO]* may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the *[insert President, CEO or other relevant official]* of the organisation/s engaging me immediately upon becoming aware that any matter set out above has changed.

Declared in the state/territory of

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

Consent of parent/guardian (on behalf of a person under the age of 18 years)

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

Name:

Signature:

Date:

ATTACHMENT C2: WORKING WITH CHILDREN CHECK REQUIREMENTS

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

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

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

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

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

Australian Capital Territory

Contact the Office of Regulatory Services

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

Phone: 02 6207 3000

New South Wales

Contact the Office of the Children's Guardian

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

Phone: 02 9286 7276

Northern Territory

Contact the Northern Territory Screening Authority

Website: www.workingwithchildren.nt.gov.au

Phone: 1800 SAFE NT (1800 723 368)

Queensland

Contact the Queensland Government Blue Card Services

Website: www.bluecard.qld.gov.au

Phone: 1800 113 611

South Australia

Contact the Department for Education and Child Development

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

Phone : 08 8463 6468.

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

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

Tasmania

Contact the Department of Justice

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

Phone: 1300 13 55 13

Victoria

Contact the Department of Justice

Website: www.workingwithchildren.vic.gov.au

Phone: 1300 652 879

Western Australia

Contact the Department for Child Protection

Website: www.checkwwc.wa.gov.au

Phone: 1800 883 979

Travelling to other states or territories

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

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

The laws providing interstate exemptions are not consistent across Australia.

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

ATTACHMENT D1: COMPLAINTS PROCEDURE

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

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

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

INFORMAL APPROACHES

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

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

Step 2: Contact a Member Protection Information Officer

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

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

The name(s) and contact details for the OWIA MPIO(s) is available at

<http://www.owia.org/policies--documents.html>

The MPIO or CEO will:

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

Step 3: Decide how to address your concern

After talking with the MPIO or CEO, you may decide:

- there is no problem;
- the problem is minor and you do not wish to take the matter forward;
- to try and resolve the problem yourself, with or without a support person;
- to resolve the problem with the help of someone impartial, such as a mediator;
- to resolve the matter through a formal process.

FORMAL APPROACHES

Step 4: Making a formal complaint

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

- make a formal complaint in writing to the CEO or Member Protection Information Officer (MPIO);
- approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice and assistance.

After receiving a formal complaint, and based on the material you provide, the CEO, MPIO or other designated official will decide whether:

- he or she is the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint requires a formal resolution procedure;
- to refer the complaint to **mediation**;
- to appoint a person to **investigate** the complaint;
- to refer the complaint to a **tribunal hearing**;
- to refer the matter to the police or other appropriate authority, and/or
- to implement any interim arrangements that will apply until the complaint process is completed.

In dealing with your formal complaint, the designated official will take into account:

- whether he or she has had any personal involvement in the circumstances and if so, whether it is appropriate someone else should handle the complaint;
- your wishes, and the wishes of the respondent, regarding how the complaint should be handled;
- the relationship between you and the respondent (e.g. an actual or perceived power imbalance between you and the respondent);
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway.

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

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

Step 5: Investigating the complaint

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

Following the investigation, a written report will be provided to the CEO/MPIO/designated official/tribunal:

- If the complaint is referred to **mediation**, the OWIA will follow the steps outlined in [Attachment D2] or as agreed by you, the respondent and the mediator.
- If the complaint is referred to a **tribunal hearing**, the hearing will be conducted according to the steps outlined in [Attachment D4].

- If the complaint is referred to the **police or another external agency**, the OWIA will endeavour to provide all reasonable assistance required by the police or the agency.
- Any costs relating to the complaint process set out in this policy (e.g. investigation, mediation and/or a tribunal hearing) are to be met by the OWIA, unless otherwise stated.

Step 6: Reconsidering a complaint or appealing a decision

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

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

Step 7: Documenting the resolution

The CEO or MPIO will record the complaint, the steps taken to resolve it and the final outcome. This information will be stored in a confidential and secure place. If the complaint was dealt with at the state/district level, the information will be stored by the state association. If the matter is of a serious nature, or if it was dealt with at the national level, the information will be stored by OWIA and a copy stored by the state association.

APPROACHING EXTERNAL ORGANISATIONS

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

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

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

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

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

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

ATTACHMENT D2: MEDIATION

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

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

The OWIA approach to mediation follows the steps set out below.

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

The OWIA recognises that there are some **situations where mediation will not be appropriate**, including:

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

ATTACHMENT D3: INVESTIGATION PROCESS

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

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

Any investigation that the OWIA conducts will be fair to all people involved. The investigation process will be undertaken by an unbiased person.

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

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

ATTACHMENT D4: TRIBUNAL PROCEDURES

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

PREPARING FOR A TRIBUNAL HEARING

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

8. If possible, the Tribunal panel should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination).

TRIBUNAL HEARING PROCEDURE

9. The following people will be allowed to attend the Tribunal hearing:
 - Tribunal panel members;
 - the respondent(s);
 - the complainant;
 - any witnesses called by the respondent(s);
 - any witnesses called by the complainant;
 - any parent/guardian or support person required to support the respondent or the complainant.
10. If the respondent(s) is not present at the set hearing time and the Tribunal chairperson considers that no valid reason has been presented for this absence, the Tribunal hearing will continue subject to the chairperson being satisfied that all Tribunal notification requirements have been met.
11. If the Tribunal chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.
12. If the Tribunal chairperson wishes to reschedule the Tribunal hearing date, the Tribunal chairperson will inform the CEO or Member Protection Information Officer of the need to reschedule the hearing and the CEO or Member Protection Information Officer will arrange for the Tribunal to be reconvened.
13. The Tribunal chairperson will read out the complaint, ask each respondent if he or she understands the complaint and if he or she agrees or disagrees with the complaint.
14. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any sanctions.
15. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
 - Reference may be made to brief notes.
 - The complainant may call witnesses.
 - The respondent may question the complainant and any witnesses.
16. The respondent will then be asked to respond to the complaint.
 - Reference may be made to brief notes.
 - The respondent may call witnesses.
 - The complainant may ask questions of the respondent and any witnesses.
17. The complainant and respondent(s) may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required.
18. The Tribunal may:
 - consider any evidence, and in any form, that it deems relevant;
 - ask questions of any person giving evidence;
 - limit the number of witnesses (including limiting witnesses to those persons who only provide new evidence);
 - require (to the extent it has power to do so) the attendance of any witness it deems relevant; and
 - act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
19. Video evidence, if available, may be presented. Arrangements for the viewing of this evidence must be made entirely by the person(s) wishing to offer this type of evidence.

20. If the Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidatory behaviour from anyone, the Tribunal chairperson may deny further involvement of that person in the hearing.
21. After all the evidence has been presented, the Tribunal will make its decision in private. The Tribunal must decide whether the complaint has, on the balance of probabilities, been substantiated. As the seriousness of the allegation increases, so too must the level of satisfaction of the Tribunal that the complaint has been substantiated.
22. All Tribunal decisions will be by majority vote.
23. The Tribunal chairperson may announce the decision of the Tribunal at the conclusion of the hearing. Alternatively, he/she may reserve the decision of the Tribunal at the conclusion of the hearing and deliver the decision at a later time.
24. The respondent(s) will have the opportunity to make submissions to the Tribunal in relation to any sanctions that may be imposed.
25. Within 48 hours of the Tribunal delivering its decision, the Tribunal chairperson will:
 - forward a notice of the Tribunal's decision to the OWIA or relevant official, including details of any sanction imposed.
 - forward a letter reconfirming the Tribunal's decision to the respondent(s), including any sanction imposed. The letter should also outline the process and grounds for an appeal, if allowed.
26. The Tribunal does not need to provide written reasons for its decision.

APPEALS PROCEDURE

27. A complainant or a respondent(s) may lodge with the OWIA an appeal (in relation to the decision of a Tribunal) on one or more of the following grounds:
 - a. that a denial of procedural fairness has occurred;
 - b. that the sanction imposed is unjust and/or unreasonable;
 - c. that the decision was not supported by the information/evidence provided at the mediation or to the Tribunal Hearing
28. A person wanting to appeal must lodge a letter setting out the basis for their appeal with the CEO or relevant official within seven days of the decision being made.
29. If the letter of appeal is not received by the CEO/relevant official within this time, the right of appeal will lapse.
30. The letter of appeal and the notice of the Tribunal's decision (clause 24) will be forwarded to the relevant official or committee to review and to decide whether there are sufficient grounds for the appeal to proceed. The relevant official or committee may invite any witnesses to the meeting that he or she believes are required to make an informed decision.
31. If the appellant has not shown sufficient grounds for an appeal in accordance with clause 26, then the appeal will be rejected. The appellant will be notified in writing, including the reasons for the decision.
32. If the appeal is accepted, an Appeal Tribunal with new panel members will be convened to rehear the complaint.
33. The Tribunal hearing procedure shall be followed for the Appeal Tribunal.
34. The decision of the Appeal Tribunal will be final and binding.

ATTACHMENT E1: RECORD OF INFORMAL COMPLAINT

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

This record and any notes must be kept in a confidential and safe place. If the issue becomes a formal complaint, this record is to be given to the CEO / Member Protection Information Officer or other designated official.

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

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

ATTACHMENT E3: 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.

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

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

Step 1: Receive the allegation

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

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

Step 2: Report the allegation

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

Step 3: Protect the child and manage the situation

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

Step 4: Take internal action

- At least three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
 - a criminal investigation (conducted by the police)
 - a child protection investigation (conducted by the relevant child protection agency)
 - a disciplinary or misconduct inquiry/investigation (conducted by the OWIA).
- The OWIA will assess the allegations and determine what actions should be taken in the circumstances. Depending on the situation, action may include considering whether the alleged offender to return to his or her position, be dismissed, banned or suspended or face other disciplinary action.
- If disciplinary action is undertaken, we will follow the procedures set out in [Clause 9] of the OWIA Member Protection Policy.
- Where required, the OWIA will provide the relevant government agency with a report of any disciplinary action we take.

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

Australian Capital Territory	
ACT Police Non-urgent police assistance Ph: 131 444 www.afp.gov.au	Office for Children, Youth and Family Services www.dhcs.act.gov.au/ocyfs/services/care_and_protection Ph: 1300 556 729
New South Wales	
New South Wales Police Non-urgent police assistance Ph: 131 444 www.police.nsw.gov.au	Department of Family and Community Services www.community.nsw.gov.au Ph: 132 111
Northern Territory	
Northern Territory Police Non-urgent police assistance Ph: 131 444 www.pfes.nt.gov.au	Department of Children and Families www.childrenandfamilies.nt.gov.au Ph: 1800 700 250
Queensland	
Queensland Police Non-urgent police assistance Ph: 131 444 www.police.qld.gov.au	Department of Communities, Child Safety and Disability Services www.communities.qld.gov.au/childsafety Ph: 1800 811 810
South Australia	
South Australia Police Non-urgent police assistance Ph: 131 444 www.sapolice.sa.gov.au	Department for Education and Child Development www.families.sa.gov.au/childsafes Ph: 131 478
Tasmania	
Tasmania Police Non-urgent police assistance Ph: 131 444 www.police.tas.gov.au	Department of Health and Human Services www.dhhs.tas.gov.au/children Ph: 1300 737 639
Victoria	
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 www.police.vic.gov.au	Department of Human Services www.dhs.vic.gov.au Ph: 131 278
Western Australia	
Western Australia Police Non-urgent police assistance Ph: 131 444 www.police.wa.gov.au	Department for Child Protection and Family Support www.dcp.wa.gov.au Ph: (08) 9222 2555 or 1800 622 258

Government agency contacted	Who: When: Advice provided:
President and/or MPIO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

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