



# **NATIONAL MEMBER PROTECTION POLICY**

**Effective 1 October 2016**

---

## **CONTENTS**

---

### **Preface**

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

1. Introduction
2. Purpose of this policy
3. Who is bound by this policy?
4. Organisation responsibilities
5. Individual responsibilities
6. Position statements
  - 6.1 Child protection policy
  - 6.2 Taking images of children
  - 6.3 Prohibition against discrimination and harassment
  - 6.4 Policy on intimate relationships
  - 6.5 Pregnancy policy
  - 6.6 Gender identity policy
  - 6.7 Alcohol policy
  - 6.8 Smoke-free policy
  - 6.9 Bullying and cyber safety policy
  - 6.10 Social media policy
7. Complaints procedures
  - 7.1 Handling complaints
  - 7.2 Vexatious complaints and victimisation
  - 7.3 Mediation
  - 7.4 Tribunals
8. What is a breach of this policy?
9. Disciplinary measures
  - 9.1 Individuals
  - 9.2 Organisations
  - 9.3 Factors to consider
10. Dictionary of terms

### **PART B – ATTACHMENTS: CODES OF BEHAVIOUR**

Attachment B1: General Code of Behaviour

Attachment B2: Coach Code of Behaviour

Attachment B3: Official Code of Behaviour

Attachment B4: Athlete Code of Behaviour

Attachment B5: Officeholder Code of Behaviour

Attachment B6: Parent/Guardian Code of Behaviour

Attachment B7: Spectator Code of Behaviour

### **PART C – ATTACHMENTS: WORKING WITH CHILDREN CHECK REQUIREMENTS**

- C1. Working with Children Check requirements

**PART D – ATTACHMENTS: COMPLAINT HANDLING PROCEDURES**

- D1. Complaints procedure
- D2. Mediation
- D3. Investigation procedure
- D4. Tribunal procedures

**PART E – ATTACHMENTS: REPORTING REQUIREMENTS AND DOCUMENTS**

- E1. Record of informal complaint
- E2. Record of formal complaint
- E3. Procedure for handling allegations of child abuse
- E4. Confidential record of child abuse allegation

## **PREFACE**

The Australian Fencing Federation Ltd (AFF) is committed to providing a safe, fair and inclusive environment for all of its members and participants engaging in AFF activities.

It is a fundamental right of our members and participants to be treated with respect and dignity, and to be safe and protected from discrimination, harassment and abuse while participating in our sport.

The AFF Member Protection Policy (Policy) aims to ensure that all people engaging in fencing activities maintain responsible behaviour so that everyone can participate in a positive environment and enjoy the sport.

Our policy informs our stakeholders of their legal and ethical rights and responsibilities and the standards of behaviour that are expected. It also covers the care and protection of children participating in our sport.

The Policy represents the AFF's commitment to encouraging an environment where the rights of stakeholders are protected and appropriate standards are maintained to ensure a safe and enjoyable sporting experience.

A handwritten signature in blue ink, appearing to read 'Andrew Ius', is positioned above the printed name and title.

**Andrew Ius**

President

Australian Fencing Federation Ltd

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

### **1. Introduction**

The AFF's vision is to have fencing recognised as an exciting, accessible and challenging sport providing suitable opportunities for participation at all levels – recreational, competitive and elite.

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

This National Member Protection Policy ("policy") aims to assist the AFF to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from discrimination, harassment and abuse. This policy informs everyone involved in our sport of his or her legal and ethical rights and responsibilities and the standards of behaviour that are expected of them.

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

This policy was approved by the AFF Board on 20 August 2016. This policy is effective from 1 October 2016 and will operate until amended, repealed or replaced in accordance with the provisions of the AFF constitution.

Any MPP complaints received by the AFF following the date this policy becomes effective will be dealt with as follows:

- the substance of the complaint (that is, whether there has been a breach of the policy) will be considered based on the version of the policy in force when the events giving rise to the complaint occurred; and
- the procedure adopted to deal with the complaint will be as set out in this policy.

Copies of the policy and its attachments can be obtained from the AFF website at [www.ausfencing.org](http://www.ausfencing.org).

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

This policy applies to the following individuals and organisations participating in AFF events and activities, regardless of whether they are acting in a paid or unpaid/voluntary capacity:

- 3.1 Australian Fencing Federation Ltd;
- 3.2 individuals appointed or elected to the AFF's board, commissions, committees and sub-committees;
- 3.3 employees of the AFF and independent contractors engaged by the AFF;
- 3.4 athletes selected in AFF teams or squads;
- 3.5 coaches appointed to AFF teams or squads;
- 3.6 support personnel (including managers, physiotherapists, psychologists, masseurs and sport trainers) appointed to AFF teams or squads;

- 3.7 referees, tournament management personnel and other officials participating in AFF events and activities;
- 3.8 athletes, coaches, officials and other personnel participating in AFF events and activities;
- 3.9 members of the AFF (including Member Associations and Life Members); and
- 3.10 parents, guardians, spectators and sponsors to the full extent that is possible, including where such person agree in writing (whether on a ticket, entry form or otherwise) to be bound by this policy.

Any Member Association which does not have a member protection policy in broad conformity with this Policy is required to adopt and implement this policy in full in such a way that the terminology (either directly or when read down appropriately) can be applied to the Member Association.

Any Member Association is required upon request to provide to the AFF a copy of their current policy and documentation confirming the policy has been approved by that Member Association in accordance with its constitution.

Each Member Association is required to use reasonable endeavours to ensure that its affiliated clubs and individual members are bound by this policy (and/or the Member Association's equivalent policy) and are made aware of the existence of this policy and its contents.

To the extent that any clauses of this policy are stated to apply to Member Associations and their affiliates, all references to "this policy" in such clauses are to be taken to refer to the relevant Member Association's policy (where applicable).

This policy will continue to apply to a person even after they have ceased their membership, association or employment with the AFF if disciplinary action against that person has commenced prior to such time.

#### **4. Organisation responsibilities**

The AFF, its Member Associations and their affiliated clubs must:

- 4.1 adopt, implement and comply with this policy;
- 4.2 ensure that this policy is enforceable (including by making any necessary amendments to their constituent documents);
- 4.3 publish, distribute and promote this policy and the consequences of any breaches;
- 4.4 promote and model appropriate standards of behaviour at all times;
- 4.5 deal with any complaints made under this policy in an appropriate manner;
- 4.6 deal with any breaches of this policy (of which it is aware) 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 behavior; and
- 4.10 monitor and review this policy at least annually.

## **5. Individual responsibilities**

Individuals bound by this policy are responsible for:

- 5.1 making themselves aware of the contents of this policy and complying with the codes of behavior it sets out;
- 5.2 complying with all relevant provisions of the policy, including any codes of conduct and the steps for making a complaint or reporting possible child abuse, discrimination, harassment or other inappropriate behaviour;
- 5.3 consenting to the screening requirements set out in the policy and any applicable State or 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 placing the safety and welfare of children above other considerations;
- 5.5 being accountable for their behavior;
- 5.6 co-operating in providing a sporting environment free of discrimination, child abuse and harassment;
- 5.7 understanding the possible consequences of breaching this policy; and
- 5.8 complying with any decisions and/or disciplinary measures imposed under this policy.

## **6. Policy position statements**

### **6.1 Child protection policy**

The AFF 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 endeavour to ensure that a child-safe environment is maintained at all times.

The AFF acknowledges that, because of the breadth of its operations, its child protection policy must be harmonised with applicable State or Territory legislation and that this will result in the need to apply, read and interpret this policy in accordance with such laws when conducting events or activities within the various jurisdictions.

The AFF acknowledges that our staff, members and volunteers provide a valuable contribution to the positive experiences of children involved in our sport. The AFF aims to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

#### **6.1.1 Identifying and analysing the 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 Developing 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 Choosing suitable employees and volunteers**

The AFF will take all reasonable steps to ensure that it engages suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children.

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

### **6.1.4 Supporting, training, supervising and enhancing performance**

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

### **6.1.5 Empowering and promoting the participation of children**

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

### **6.1.6 Reporting and responding to suspected abuse and neglect**

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

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

## **6.2 Taking images of children**

The AFF acknowledges that images of children can be used inappropriately or illegally. The AFF requires that, wherever reasonably possible, individuals and organisations obtain permission from a child's parent/guardian before taking an image of a child that is not their own and ensure that the parent/guardian understands how the image will be used.

The AFF also requires the privacy of others to be respected and does not allow the use of videos and cameras (including in mobile devices) inside changing areas, showers and toilets which we control and which are used in connection with our sport.

If the AFF uses an image of a child, we will not display personal information such as residential address, email address or telephone number, without the consent of the child's parent/guardian.



The AFF will only use appropriate images of a child that are relevant to our sport and will ensure that the child is suitably clothed in a manner that promotes participation in our sport. Where such images are used for commercial or other purposes or by a third party, the AFF will, and requires others to, obtain permission for the use of such images.

The AFF requires all others bound by this policy to act in accordance with this clause.

### **6.3 Prohibition against discrimination and harassment**

The AFF prohibits all forms of harassment and discrimination based on the personal characteristics listed in the definition of “Discrimination” in the Dictionary of Terms.

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 Policy on intimate relationships**

The AFF 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 so as not to cause detriment to the athlete involved, other athletes or the sport.

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 or manage 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 may be, or may be perceived to be, intentionally or unintentionally exploitative due to the differences in authority, power, maturity, status, influence and dependence.

If a consensual intimate relationship does exist or develop between an adult athlete and a coach or official, the coach or official must take personal responsibility for ensuring 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, the coach or official should consider relevant factors including, without limitation:

- 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 or outcomes of the athlete's performance and/or career;
- the extent of any 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. Accordingly, any coach or official in this position is encouraged to seek advice from the Member Protection Information Officer 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 AFF 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, including by way of 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 AFF's complaints procedure is outlined in Part D of this policy.

## **6.5 Pregnancy policy**

The AFF is committed to providing an inclusive sporting environment for pregnant women involved in its activities. The AFF expects everyone bound by this policy to treat pregnant with dignity and respect and to remove any unreasonable barriers to participation in the sport that disadvantage them. The AFF will not tolerate any discrimination or harassment against pregnant women.

While many sporting activities are safe for pregnant women, there may be particular risks that apply to some women during pregnancy. These risks will depend on the nature of the particular sporting activity and the particular pregnant woman's circumstances.

Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, is of utmost importance in their decision-making about the extent and manner in which they participate in our sport.

The AFF recommends that pregnant women wishing to participate in any fencing-related activities should consult with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about participation. We will not require women to undertake a pregnancy test.

The provisions of the FIE Rules and Regulations shall prevail over this policy, should any conflict arise.

## **6.6 Gender identity policy**

The AFF expects everyone who is bound by this policy to treat people who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. The AFF will not tolerate any discrimination or harassment against a person who identifies as transgender or transsexual or who is thought to be transgender.

The AFF recognises that the exclusion of transgender people from participation in sporting events and activities has significant implications for their health, well-being and involvement in community life. In general, the AFF will facilitate transgender persons participating in our sport of the sex with which they identify, always subject to any overriding effect of its own rules, regulations and policies and/or the FIE Rules and Regulations dealing with the specific subject matter.

The AFF also 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, the AFF will apply its own rules and policies and/or the FIE Rules and Regulations dealing with the specific subject matter. If appropriate, the AFF will seek advice on the application of those laws in the particular circumstances.

The AFF is aware that certain international sporting federations and the International Olympic Committee (IOC) have established criteria for selection and participation in international competition and the Olympic Games. Where a transgender person intends competing at an elite level, we will encourage them to obtain advice about any relevant international criteria which may differ from the position taken by the AFF for domestic competition. The AFF will take such criteria into account in formulating its own rules and policies.

The AFF notes that 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.

The AFF recognises change of gender and, in circumstances of a change in gender, requires the individual to undertake a gender verification test as reasonably required by the FIE and/or the AFF on the advice of a medical expert.

## **6.7 Alcohol policy**

The AFF recommends that bodies bound by this policy, particularly Member Associations and their affiliated clubs, adhere to sound and reasonable guidelines regarding the responsible consumption of alcohol.

Responsible service and consumption of alcohol should apply, including:

- light alcohol and soft drinks being available wherever possible;
- food being available to be consumed when alcohol is available;
- service being denied to children or intoxicated individuals;
- responsible transport policies; and
- appropriate persons being in attendance to ensure appropriate policies are followed.

## **6.8 Smoke-free policy**

The AFF will implement at events and activities it directly conducts and/or endorses the following policies in relation to providing a smoke free environment:

- no smoking shall occur at or in the immediate vicinity of sporting events involving children and young people under the age of 18. This policy shall apply to coaches, officials, athletes, support personnel and volunteers;
- social events shall be smoke-free, with smoking permitted only at designated outdoor smoking areas; and
- coaches, officials, athletes, support personnel and volunteers will refrain from smoking while they are involved in an official capacity in our sport, both on and off the field of play.

## **6.9 Bullying and cyber safety policy**

The AFF is committed to providing an environment that is free from bullying. We understand that bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and we regard bullying in all forms as unacceptable in 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, may be considered bullying:

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

Bullying includes cyber-bullying which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. The AFF 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 relevant controlling club or peak sporting body.

## **6.10 Social media policy**

The AFF 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, Twitter and Instagram.

However, participants within the sport need to be very mindful of a few key matters that could lead to inappropriate use of social media, whether unintended or in the absence of a proper

understanding that once comments are made or published they may remain in the public arena for a long time and are difficult to retract.

The AFF recommends that users of social media:

- do not include personal information;
- do not use offensive, provocative or hateful language;
- use good judgment and do not publish material when emotional, upset or intoxicated;
- do not comment on rumours (whether by affirming, denying or speculating);
- respect the privacy of others (including when posting photographs); and
- always use social media to add value and promote the sport in a positive way.

## **7. Complaints procedures**

### **7.1 Handling complaints**

The AFF aims to provide a simple procedure for complaints based on the principles of procedural fairness (natural justice).

Any person (a complainant) may report a complaint about a person/s or body (a respondent) bound by this policy if there has been a breach of this policy. A complaint should be reported to a Member Protection Information Officer or the AFF President.

In all cases, the lowest level at which a matter can be dealt with shall always be preferred (eg if a club can deal with the complaint, then it should; if not, then if the Member Association can deal with the complaint, then it should). Therefore, if a complaint relates to behavior or an incident that occurred at:

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

Only matters that relate to or occur at the national level and the most serious cases from other levels should be referred to and handled by the AFF.

All complaints reported to a Member Protection Information Officer will be referred to the AFF President, who will advise the AFF Board that a complaint has been received.

All complaints will be dealt with promptly, seriously and sensitively, and in accordance with the complaint procedures outlined in Attachment D1 of this policy.

Decisions regarding each complaint received under this policy will be made jointly by the AFF President and one other AFF director appointed by the AFF Board for that purpose, having regard to the nature of the particular complaint received (together, the MPP Committee).

The AFF Board will nominate one member of the MPP Committee to be the contact point for all correspondence to and from (including any notices to be received or given by) the MPP Committee. The nominated member will advise the complainant and respondent of their contact details.

If the AFF Board determines that the AFF President has an actual or perceived conflict of interest in relation to the complaint, the AFF Board will appoint another director to the MPP

Committee in place of the AFF President. A complaint may be dealt with formally or informally. The complainant's preferred option will generally be followed unless the MPP Committee consider that:

- the complaint falls outside the scope of this policy and would be better dealt with in another way; and/or
- the law requires the complaint to be reported to an appropriate authority.

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 AFF aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation.

If at any point in the complaint handling process the MPP Committee considers that a complainant has knowingly made an untrue complaint, or the complaint is vexatious or malicious or intended to cause distress to the respondent, the matter may be referred to the AFF Board for review and appropriate action, including possible disciplinary action against the complainant in accordance with the AFF Disciplinary Policy.

The AFF will also take necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures may be imposed on anyone who harasses or victimises another person for making a complaint.

## **7.3 Mediation**

The AFF aims to resolve complaints quickly and fairly. In many cases, complaints can 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.

Any mediation under this policy will be conducted in line with the mediation process outlined in Attachment D2.

## **7.4 Tribunals**

A Tribunal may be convened to hear a formal complaint:

- referred to it by the MPP Committee;
- referred to it or escalated by a Member Association with the consent of the MPP Committee; or
- as otherwise required by this policy.

The Tribunal procedure is outlined in Attachment D4.

A respondent may only lodge an appeal to the Appeal Tribunal in respect of a Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved. The 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 in the course of activities governed by 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 or the AFF into disrepute, or acting in a manner likely to bring the sport or the AFF into disrepute;
- 8.3 failing to follow AFF policies (including this policy) and our 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 AFF 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; and
- 8.11 failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

## **9. Disciplinary measures**

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

Any disciplinary measure imposed under this policy must be determined in accordance with the AFF constitution and must:

- observe and be consistent with any contractual and employment rules and requirements;
- conform to the principles of natural justice and be fair and reasonable;
- be based on the evidence and information presented and the seriousness of the breach; and
- be within the powers of the entity imposing the disciplinary measure.

### **9.1 Individuals**

Subject to contractual and employment requirements, if a finding is made that an individual has breached this policy (including the codes of behaviour), 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 funding, grants, awards, scholarships, placings, records or achievements bestowed in any tournaments, activities or events held or sanctioned by the AFF;
- 9.1.5 a demotion or transfer of the individual to another role or activity;
- 9.1.6 a suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.7 termination of the individual's membership, appointment or engagement;
- 9.1.8 a recommendation that the AFF terminate the individual's membership, appointment or engagement;
- 9.1.9 in the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently; or
- 9.1.10 a fine.

## **9.2 Organisations**

If a finding is made that an organisation to which this policy applies has breached its own or this policy (including the codes of behaviour), one or more of the following forms of discipline may be imposed:

- 9.2.1 a written warning;
- 9.2.2 a fine;
- 9.2.3 a direction that any rights, privileges and benefits provided to that organisation by the AFF 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 AFF or other peak association cease from a specified date;
- 9.2.5 a direction that the AFF and/or other peak associations cease to sanction events held by or under the auspices of that organisation;
- 9.2.6 a recommendation to AFF that its membership of the AFF and/or other peak associations be suspended or terminated in accordance with the relevant constitution or rules;
- 9.2.7 any other form of discipline that the AFF or peak association considers reasonable and appropriate.

## **9.3 Factors to consider**

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

- the nature and seriousness of the breach;
- if the person knew, or should have known, that the behaviour was a breach of the policy;
- the person's level of contrition;



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

## 10. Dictionary of terms

This Dictionary sets out the meaning of words used in this policy and its attachments. Where a term is not defined, it should be given its ordinary and natural meaning.

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

**AFF** means Australian Fencing Federation Ltd ACN 161 544 752.

**AFF Board** means the board of directors of AFF.

**AFF events and activities** means any event or activity held or sanctioned by the AFF.

**Affiliated club** means a club affiliated with a Member Association.

**AFF President** means the person appointed as President of the AFF, in accordance with the constitution of the AFF.

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

**Child abuse** involves conduct which puts a child at risk of harm. Child abuse can take many forms and may include:

- physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm or giving a child alcohol or drugs);
- sexual abuse by adults or other children where a child is forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography, including child pornography or inappropriate touching or conversations);
- emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, name-calling or placing unrealistic expectations on a child); or
- 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 policy.

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

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

Discrimination). Relevant attributes or characteristics covered by discrimination law in various Australian jurisdictions include:

- age;
- disability;
- marital status;
- parental/family/carer responsibility and status
- gender identity/transgender status;
- physical features;
- political belief/activity;
- pregnancy and breast feeding;
- race;
- religious belief/activity;
- sex or gender;
- sexual orientation;
- trade union membership/activity;
- social origin
- irrelevant medical record
- irrelevant criminal record

Some exceptions to state and federal anti-discrimination law apply in the case of sporting activities. These exceptions vary from jurisdiction to jurisdiction.

**FIE Rules and Regulations** means the statutes and regulations of the international fencing federation (the Federation International d'Esgrime) in force from time to time.

**Harassment** is unwelcome behaviour which has the effect of offending, humiliating or intimidating the person harassed, in circumstances where a reasonable person would recognise the behaviour as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated. Unlawful harassment is harassment that is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law.

**Member Association** means the controlling bodies in each State or Territory which are responsible for ensuring the efficient administration of fencing in the whole of that State or Territory and are members of the AFF.

**Member Protection Information Officer** means a person appointed by the AFF to be the first point of contact for a person reporting an issue or a complaint under, or a breach of, this policy (or in the absence of any such appointment, the President of the AFF).

**MPP Committee** means the committee appointed by the AFF Board to make decisions in relation to each complaint received under this policy, in accordance with clause 7.1.

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

- both the complainant and the respondent must know the full details of what is being said against them and have the opportunity to respond;
- all relevant submissions must be considered and irrelevant matters must not be taken into account;
- no person may judge their own case;
- the decision maker/s must be unbiased, fair and just; and

- the penalties imposed must be fair and not disproportionate given the nature of the complaint.

**Policy** means this Member Protection Policy.

**Respondent** means the person whose behaviour is the subject of a complaint made under this policy.

**Sexual harassment** means unwelcome behaviour of a sexual nature which could reasonably be expected to result in a person feeling 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 include sexual interactions between consenting adults.

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

- rape
- indecent assault
- sexual assault
- assault with intent to commit sexual acts
- incest
- sexual penetration of child under the age of 16 years
- indecent act with child under the age of 16 years
- sexual relationship with child under the age of 16 years
- sexual offences against people with impaired mental functioning
- abduction and detention
- procuring sexual penetration by threats or fraud
- procuring sexual penetration of child under the age of 16 years
- bestiality
- soliciting a child under the age of 16 years to take part in an act of sexual penetration, or an indecent act
- promoting or engaging in acts of child prostitution
- obtaining benefits from child prostitution
- possession of child pornography
- publishing child pornography and indecent articles.

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

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

## **PART B: CODES OF BEHAVIOUR**

---

The AFF 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 behavior by athletes, coaches, officials, administrators, parents/guardians (of child participants) and spectators.

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

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

Our codes of behaviour are detailed in the following attachments:

Attachment B1: General Code of Behaviour

Attachment B2: Coach Code of Behaviour

Attachment B3: Official Code of Behaviour

Attachment B4: Athlete Code of Behaviour

Attachment B5: Officeholder Code of Behaviour

Attachment B6: Parent/Guardian Code of Behaviour

Attachment B7: Spectator Code of Behaviour

## **Attachment B1**

### **General Code of Behaviour**

---

Individuals and organizations required to comply with this policy must meet the following requirements in regard to their conduct during any AFF events or activities and in any role they hold with the AFF.

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

## **Attachment B2**

### **Coach Code of Behaviour**

---

In addition to the AFF's General Code of Behaviour, coaches must meet the following requirements in regard to their conduct during any AFF events or activities:

1. Do not tolerate acts of aggression.
2. Provide feedback to participants and other participants in a manner sensitive to their needs. Avoid overly negative feedback.
3. Recognise participants' rights to consult with other coaches and advisers. Cooperate fully with other specialists (for example, sports scientists, doctors and physiotherapists).
4. Treat all participants fairly within the context of their sporting activities, regardless of gender, race, place of origin, athletic potential, colour, sexual orientation, religion, political beliefs, socioeconomic status and other conditions.
5. Encourage and facilitate participants' independence and responsibility for their own behaviour, performance, decisions and actions.
6. Involve the participants in decisions that affect them.
7. Encourage participants to respect one another and to expect respect for their worth as individuals regardless of their level of play.
8. Ensure that the tasks and/or training set are suitable for age, experience, ability, and physical and psychological conditions of the participants.
9. Ensure any physical contact with participants is appropriate to the situation and necessary for the participant's skill development.
10. Be acutely aware of the power that you as a coach develop with your participants in the coaching relationship and avoid any inappropriate intimate relationships with participants that could develop as a result.
11. Avoid situations with your participants that could be construed as compromising.
12. Actively discourage the use of performance enhancing drugs, and the use of alcohol, tobacco and illegal substances.
13. Do not exploit any coaching relationship to further personal, political or business interests at the expense of the best interest of your athletes.
14. Accept and respect the role of officials in ensuring that competitions are conducted fairly and according to established rules.
15. Know and abide by rules, regulations and standards, and encourage participants to do likewise.
16. Accept both the letter and the spirit of the rules.
17. Be honest and ensure that qualifications are not misrepresented.

## **Attachment B3**

### **Official Code of Behaviour**

---

In addition to the AFF's General Code of Behaviour, officials must meet the following requirements in regard to their conduct during any AFF events or activities:

1. Place the safety and welfare of the participants above all else.
2. Accept responsibility for all actions taken.
3. Be impartial.
4. Avoid any situation which may lead to, or may reasonably be perceived to lead to, a conflict of interest.
5. Be courteous, respectful and open to discussion and interaction.
6. Value the individual in sport.

## **Attachment B4**

### **Athlete Code of Behaviour**

---

In addition to the AFF's General Code of Behaviour, athletes must meet the following requirements in regard to their conduct during any AFF events or activities:

1. Respect the rights, dignity and worth of fellow athletes, coaches, officials and spectators.
2. Do not tolerate acts of aggression.
3. Respect the talent, potential and development of fellow athletes.
4. Care for and respect the equipment provided to you as part of your activities.
5. Be frank and honest with your coach concerning illness and injury and your ability to train fully within the program requirements.
6. Avoid inappropriate intimate relationships with your coach.
7. Conduct yourself in a professional manner relating to language, temper and punctuality.
8. Maintain high personal behaviour standards at all times.
9. Abide by the rules and respect the decisions of officials, making all appeals through the formal process and respecting the final decision.
10. Be honest in your attitude and preparation to training. Work equally hard for yourself and your team, squad or training partners.
11. Cooperate with coaches and staff in development of programs to adequately prepare you for competition at the highest level.



## **Attachment B5**

### **Officeholders Code of Behaviour**

---

In addition to the AFF's General Code of Behaviour, officeholders (whether elected or appointed) must meet the following requirements in regard to their conduct during any AFF events or activities:

1. Resolve conflicts fairly and promptly through established procedures.
2. Maintain strict impartiality.
3. Be aware of your legal responsibilities.

## **Attachment B6**

### **Parent/Guardian Code of Behaviour**

---

As a parent/guardian of a child participating in any AFF event or activity you must meet the following requirements in regard to your conduct during any such event or activity:

1. Respect the rights, dignity and worth of others.
2. Remember that your child participates in sport for their own enjoyment, not yours.
3. Focus on your child's efforts and performance rather than winning or losing.
4. Never ridicule or yell at your child and other children for making a mistake or losing a competition.
5. Show appreciation for good performance and skilful plays by all participants (including opposing participants).
6. Demonstrate a high degree of individual responsibility especially when dealing with or in the vicinity of persons under 18 years of age, as your words and actions are an example.
7. Respect officials' decisions and teach children to do likewise.
8. Do not physically or verbally abuse or harass anyone associated with the sport (participant, coach, referee etc).
9. Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.
10. Be a positive role model.
11. Understand the repercussions if you breach, or are aware of any breaches of, this code of behaviour.

## **Attachment B7**

### **Spectator Code of Behaviour**

---

As a spectator of any AFF event or activity, you must meet the following requirements in regard to your conduct during any such event or activity:

1. Respect the decisions of officials and teach young people to do the same.
2. Never ridicule or scold a young participant for making a mistake. Positive comments are motivational.
3. Condemn the use of violence in any form, whether it is by other spectators, coaches, officials or participants.
4. Show respect for your team's opponents. Without them there would be no sport.
5. Do not use violence, harassment or abuse in any form (that is, do not use foul language, sledge or harass participants, coaches, officials or other spectators).
6. Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.

## 7. PART C: SCREENING / 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.

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 requirements vary across Australia. Fact Sheets for each State and Territory are available on the Play by the Rules website: [www.playbytherules.net](http://www.playbytherules.net)

The AFF 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 must comply with the screening requirements of that particular State or Territory.

Detailed information, including the forms required to complete a Working with Children Check, are available from the relevant agencies in each State and Territory, as follows:

### **Australian Capital Territory**

Contact the Office of Regulatory Services

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

Phone: 02 6207 3000

### **New South Wales**

Contact the Office of the Children's Guardian

Website: [www.kidsguardian.nsw.gov.au/check](http://www.kidsguardian.nsw.gov.au/check)

Phone: 02 9286 7276

### **Northern Territory**

Contact the Northern Territory Screening Authority

Website: [www.workingwithchildren.nt.gov.au](http://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](http://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](http://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](http://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](http://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](http://www.workingwithchildren.vic.gov.au)

Phone: 1300 652 879

**Western Australia**

Contact the Department for Child Protection

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

Phone: 1800 883 979

**Attachment C1:**

**MEMBER PROTECTION DECLARATION**

---

The AFF 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 or 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, narcotics or breaches of anti-doping rules and regulations.
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 the AFF may consider to constitute a risk to its members, employees, contractors, volunteers, athletes or reputation by engaging me.
7. I will notify the President of the AFF immediately upon becoming aware that any matter set out in paragraphs 1 to 6 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: .....

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

### **Attachment D1: Complaints procedure**

---

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

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

If a complainant wishes to remain anonymous, the AFF may have difficulty assisting in resolving the complaint. Procedural fairness (natural justice) means that the AFF is required to provide the person/people complained about with full details of the complaint so they have a fair chance to respond.

#### **Advice to complainants - Informal approaches**

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

If you feel confident and comfortable 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 a Member Protection Information Officer if:

- step 1 (above) 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 names and contact details for our Member Protection Information Officers are available at the AFF website ([www.ausfencing.org](http://www.ausfencing.org)).

The Member Protection Information Officer 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 Member Protection Information Officer, 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; or
- 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 AFF President; or
- 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 MPP Committee will decide whether:

- the MPP Committee is the most appropriate body to receive and handle the complaint;
- the nature and seriousness of the complaint requires a formal resolution procedure;
- to take no further action because the complaint is improper, insignificant or vexatious, or has been adequately dealt with through informal or other processes;
- 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 MPP Committee will take into account:

- 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);
- the views of any person who might have been subjected to the alleged improper conduct of the respondent (for example, the person directly affected by the behaviour where another person has made a complaint on their behalf);
- 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.

The MPP Committee 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: Investigation / mediation / hearing

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

Following the investigation, a written report will be provided to the MPP Committee.

It is not the role of the investigator to seek to resolve the matter, nor to impose a penalty. Any determination, finding or recommendation arising out of the investigation will be referred in the first instance to the MPP Committee for consideration.

If the complaint is referred to mediation, we 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 AFF 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 AFF, unless otherwise stated.

### **Step 6: Reconsidering a complaint or appealing a decision**

If the matter is referred to mediation and is not resolved at mediation, you may request that the MPP Committee reconsider the complaint in accordance with Step 4.

You or the respondent 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 MPP Committee will record the complaint, the steps taken to resolve it and the outcome. This information will be stored in a confidential and secure place by the AFF.

### **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. a Member Protection Information Officer) will be available to support you during the process. You may also wish to have 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 during which people in conflict are helped to communicate with each other to identify the areas of dispute and to make decisions about resolving it.

This attachment outlines the general procedure of mediation that will be followed by the AFF or the relevant Member Association.

1. The MPP Committee will appoint an appropriate mediator to help resolve the complaint, in consultation with the complainant and the respondent. 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 AFF acting as mediator.
2. The mediator's role is to assist the complainant and respondent reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and respondent(s), will choose the procedures to be followed during the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.
3. All issues raised during mediation will be treated confidentially and without prejudice to the rights of the complainant and the respondent to pursue an alternative process if the complaint is not resolved.
4. If the complaint is resolved by mediation, the mediator will prepare a document that sets out the agreement which will be signed by the complainant and the respondent recording their agreement.
5. If the complaint is not resolved by mediation, the complainant may:
  - write to the MPP Committee to request that the MPP Committee reconsider the complaint in accordance with Step 4 set out in Attachment D1; or
  - approach any relevant external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.
6. Mediation will not be recommended where:
  - the complainant and the respondent have completely different versions of events and will not deviate from these;
  - the complainant and the respondent are unwilling to attempt mediation;
  - due to the nature of the complaint, the relationship between the complainant and the respondent or any other relevant factors, the complaint is not suitable for mediation; or
  - the matter involves proven serious allegations (regardless of the wishes of the complainant).

## **Attachment D3: INVESTIGATION PROCESS**

---

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

1. The AFF will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator will:
  - 1.1 Interview the complainant and record the interview in writing.
  - 1.2 Convey full details of the complaint to the respondent so that he or she can respond.
  - 1.3 Interview the respondent to allow them to answer the complaint, and record the interview in writing.
  - 1.4 Obtain statements from witnesses and other relevant evidence
  - 1.5 Make a finding as to whether the complaint is:
    - substantiated (there is sufficient evidence to support the complaint)
    - inconclusive (there is insufficient evidence either way);
    - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded);
    - mischievous, vexatious or knowingly untrue.
  - 1.6 Provide a report to the AFF documenting the complaint, investigation process, evidence, finding and, if requested, recommendations.
2. The AFF will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser.
4. The complainant and the respondent(s) may have the right to appeal any decision based on the investigation. Information on our appeals process is in Attachment D5.

## **Attachment D4: HEARINGS & APPEAL TRIBUNAL PROCEDURES**

---

Hearings tribunals established by the AFF to hear national member protection related complaints where determined appropriate by the MPP Committee under Step 4 of Attachment D1 will follow the steps set out below.

### **Preparing for a Tribunal hearing**

1. A Tribunal panel will be established to hear a complaint that has been referred to it by the AFF President. The composition of the Tribunal panel (including the number of panel members) will be as provided for under the AFF's Disciplinary Policy.
2. The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the MPP Committee relating to the complaint/allegations.
3. The Tribunal hearing will be held as soon as practicable but must allow adequate time for the respondent to prepare their case for the hearing.
4. The Tribunal panel will not include any person who has any actual or perceived conflict of interest or bias regarding the matter.
5. The MPP Committee will inform the respondent 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 of any policy, rule or regulation that has allegedly been breached;
  - the date, time and venue of the Tribunal hearing;
  - that they can make verbal and/or written submissions can be presented to the Tribunal;
  - that they may arrange for witnesses to attend the Tribunal hearing in support of their position (statutory declarations of witnesses not available or from character witnesses may also be provided to the Tribunal);
  - an outline of any possible sanctions that may be imposed if the complaint is found to be true; and
  - that legal representation will not be allowed, but they may have a support person attend the Tribunal hearing.

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

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

6. The MPP Committee 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 and of all allegations, including provision of any policy, rule or regulation the respondent is accused of breaching;
  - the date, time and venue of the Tribunal hearing;
  - that they can make verbal and/or written submissions can be presented to the Tribunal;

- that they may arrange for witnesses to attend the Tribunal hearing in support of their position (statutory declarations of witnesses not available or from character witnesses may also be provided to the Tribunal); and
- that legal representation will not be allowed, but they may have a support person attend the Tribunal hearing.

A copy of any information or documents that have been given to the Tribunal panel (e.g. investigation report findings) will also 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 MPP Committee as soon as possible so that the respondent and the Tribunal panel members can be properly informed of the complaint.

### **Tribunal hearing procedure**

8. The following people will be allowed to attend the Tribunal hearing:
  - Tribunal panel members;
  - the respondent;
  - the complainant;
  - any witnesses called by the respondent;
  - any witnesses called by the complainant; and
  - any parent/guardian or support person required to support the respondent or the complainant.
9. If the respondent is not present at the set hearing time and the Tribunal Chair considers that no valid reason has been presented for this absence, the Tribunal hearing will continue subject to the Chair being satisfied that all Tribunal notification requirements have been met.
10. If the Tribunal Chair considers that there is a valid reason for the non-attendance of the respondent, or the chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.
11. If the Tribunal Chair wishes to reschedule the Tribunal hearing date, the Tribunal Chair will inform the MPP Committee of the need to reschedule the hearing and the MPP Committee will arrange for the Tribunal to be reconvened.
12. 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.
13. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal panel when determining any sanctions.
14. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made. For this purpose
  - reference may be made to brief notes;
  - the complainant may call witnesses; and
  - the respondent may question the complainant and any witnesses.
15. The respondent will then be asked to respond to the complaint. For this purpose:
  - reference may be made to brief notes;
  - the respondent may call witnesses; and
  - the complainant may ask questions of the respondent and any witnesses.
16. The complainant and the respondent may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required.
17. 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.
18. Video evidence, if available, may be presented. Arrangements for the viewing of this evidence must be made entirely by the person wishing to offer this type of evidence.
  19. If the Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidatory behaviour from anyone, the Tribunal Chair may deny further involvement of that person in the hearing.
  20. After all the evidence has been presented, the Tribunal panel will make its decision in private. The Tribunal panel must decide whether the complaint has, on the balance of probabilities, been substantiated.
  21. All Tribunal decisions will be by majority vote.
  22. The Tribunal Chair may announce the decision of the Tribunal Panel at the conclusion of the hearing. Alternatively, he or she may reserve the decision of the Tribunal at the conclusion of the hearing and deliver the decision at a later time.
  23. The Tribunal Panel will have the power to impose any sanctions provided for under clause 9 of the policy.
  24. The respondent will have the opportunity to make submissions to the Tribunal panel in relation to any sanctions that may be imposed.
  25. Within 48 hours of the Tribunal panel delivering its decision, the Tribunal Chair will:
    - forward a notice of the Tribunal's decision to the MPP Committee, 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 panel does not need to provide written reasons for its decision.

### **Appeals procedure**

27. A complainant or a respondent may lodge with the AFF an appeal in relation to the decision of a Tribunal panel on one or more of the following grounds:
  - that a denial of natural justice has occurred;
  - that the disciplinary measures imposed are unjust and/or unreasonable; or
  - 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 AFF President within 7 days of the decision being made. An appeal fee of \$500 shall be included with the letter of intention to appeal.
29. If the letter of appeal is not received by the AFF President within this time, the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received within this time, the appeal will also lapse.
30. The letter of appeal and the notice of the Tribunal's decision (clause 25) will be forwarded to the AFF Board to review and to decide whether there are sufficient grounds for the appeal to proceed. The AFF Board may invite any witnesses to the meeting if the AFF Board considers this is necessary to make an informed decision.

31. If the appellant has not shown sufficient grounds for an appeal in accordance with clause 27, then the appeal will be rejected. The appellant will be notified in writing, including the reasons for the decision. The appeal fee will be forfeited.
32. If the appeal is accepted, an Appeal Tribunal with new panel members will be convened (on the same basis and with the same powers as the Tribunal Power) to rehear the complaint, and the appeal fee will be refunded.
33. The Tribunal hearing procedure shall be followed for the Appeal Tribunal.
34. The decision of the Appeal Tribunal will be final and binding.

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

---

The AFF 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. The template forms in Part E may be used for this purpose.

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.



**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"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official .....	
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    or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimization <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 confidential and secure.** If the issue becomes a formal complaint, this record is to be given to the AFF President to provide to the MPP Committee appointed to deal with the complaint.

**Attachment E2:  
RECORD OF FORMAL COMPLAINT**

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other .....
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other .....
Location/event of alleged incident		
Description of alleged incident		
Nature of complaint (category/basis/grounds)  Tick more than one box if necessary	<input type="checkbox"/> Harassment    or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other .....	
Methods (if any) of attempted informal resolution		

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

**This record and any notes must be kept confidential and secure.** 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 AFF 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](http://www.playbytherules.net.au)

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

All people working with the AFF 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 and accurately record the discussion in writing.	Do not contact the alleged offender.

### Step 2: Report the allegation

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

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

- The AFF Board 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 AFF.
- The AFF Board will consider what services may be most appropriate to support the child and his or her parent/s.
- The AFF Board will consider what support services may be appropriate for the alleged offender.
- The AFF Board will seek to 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 AFF).
- The AFF Board will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include considering whether the alleged offender should return to his or her position, be dismissed, banned or suspended or face other disciplinary action.
- If disciplinary action is undertaken, the AFF Board will follow the procedures set out in clause 9 of the AFF Member Protection Policy.
- Where required the AFF Board 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**

<b>Australian Capital Territory</b>	
ACT Police Non-urgent police assistance Ph: 131 444 <a href="http://www.afp.gov.au">www.afp.gov.au</a>	Office for Children, Youth and Family Services <a href="http://www.communityservices.act.gov.au/ocyfs/reporting-child-abuse-and-neglect">http://www.communityservices.act.gov.au/ocyfs/reporting-child-abuse-and-neglect</a> Ph: 1300 556 729
<b>New South Wales</b>	
New South Wales Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.nsw.gov.au">www.police.nsw.gov.au</a>	Department of Family and Community Services <a href="http://www.community.nsw.gov.au">www.community.nsw.gov.au</a> Ph: 132 111

<b>Northern Territory</b>	
Northern Territory Police Non-urgent police assistance Ph: 131 444 <a href="http://www.pfes.nt.gov.au">www.pfes.nt.gov.au</a>	Department of Children and Families <a href="http://www.childrenandfamilies.nt.gov.au">www.childrenandfamilies.nt.gov.au</a> Ph: 1800 700 250
<b>Queensland</b>	
Queensland Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.qld.gov.au">www.police.qld.gov.au</a>	Department of Communities, Child Safety and Disability Services <a href="http://www.communities.qld.gov.au/childsafety">www.communities.qld.gov.au/childsafety</a> Ph: 1800 811 810
<b>South Australia</b>	
South Australia Police Non-urgent police assistance Ph: 131 444 <a href="http://www.sapolice.sa.gov.au">www.sapolice.sa.gov.au</a>	Department for Education and Child Development <a href="http://www.families.sa.gov.au/childsafe">www.families.sa.gov.au/childsafe</a> Ph: 131 478
<b>Tasmania</b>	
Tasmania Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.tas.gov.au">www.police.tas.gov.au</a>	Department of Health and Human Services <a href="http://www.dhhs.tas.gov.au/children">www.dhhs.tas.gov.au/children</a> Ph: 1300 737 639
<b>Victoria</b>	
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 <a href="http://www.police.vic.gov.au">www.police.vic.gov.au</a>	Department of Human Services <a href="http://www.dhs.vic.gov.au">www.dhs.vic.gov.au</a> Ph: 131 278
<b>Western Australia</b>	
Western Australia Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.wa.gov.au">www.police.wa.gov.au</a>	Department for Child Protection and Family Support <a href="http://www.dcp.wa.gov.au">www.dcp.wa.gov.au</a> Ph: (08) 9222 2555 or 1800 622 258



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.