



AUSTRALIAN
PARALYMPIC
COMMITTEE

PEOPLE PROTECTION POLICY

(Commonly known as 'Member Protection Policy')

Version 5

August 2015

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Preface

The Australian Paralympic Committee (APC) is involved in providing opportunities at all levels of the Paralympic sport pathway and is committed to providing a safe environment, and to the health, safety and well-being of those who participate in any activity conducted under its jurisdiction.

We recognise that our athletes and all those who assist them are our most valuable assets. This People Protection Policy sends a strong message to them that we are committed to ensuring their safety and well-being now and into the future. This policy establishes expected standards of behavior for everyone involved in APC activities.

The benefits of involvement in sport for athletes with disabilities at all levels are well established. These benefits should not be underestimated.

Unfortunately, Para-sport is no more immune to acts of discrimination, harassment and abuse than any other form of sport. The damage which can be done such acts can undermine the values of Paralympic sport and the benefits we seek to promote.

Harassment or abuse in sport can have devastating effects for the people involved and for the organisation under whose jurisdiction they participate.

The APC does not tolerate inappropriate or unlawful behavior by its representatives or anyone involved in activities under its jurisdiction. The APC is committed to taking disciplinary action against any individuals found to be in breach of this policy.

Adopting the APC People Protection policy is the first step in providing those who come under our jurisdiction with the protection they deserve.

To ensure the People Protection Policy is successfully implemented, I encourage the co-operation and commitment of our members and Para-sport participants at all levels.

Glenn Tasker
President
Australian Paralympic Committee

August 2015

Policy review history

The APC People Protection Policy is updated from time to time to bring it into line with any legislative changes and to ensure that it meets the needs of those who are covered by the policy.

Version	Date endorsed by APC Board	Content reviewed/purpose
One	March 2006	Policy created
Two	March 2007	Amended to: <ul style="list-style-type: none"> include child abuse as an offence (as opposed to the non-specific 'abuse' as an offence), update the complaint process to make it appropriate for allegations of child abuse (provision for mediation and advising police/other child protection authority), make it more explicit/clear that those to whom the policy applies must be aware of and comply with relevant state/territory legislation.
Three	February 2010	Amendments made: <ul style="list-style-type: none"> Changes to comply with the APC's new status as a company limited by guarantee; Include this table of policy history; Updates to reflect ASC requirements notified September 2009, especially state by state requirements (Attachment 4), creation of a Member Protection Declaration (Attachment 5) and other changes.
Four	June 2012	Amendments made: <ul style="list-style-type: none"> Table of Contents added New Clause 3 - Interpretation - added Order of chapters rearranged to improve document flow. More comprehensive list of word definitions. "Member Protection Officer" changed to "Member Protection Information Officer" to fit accepted practice.

		<ul style="list-style-type: none"> • New 5.3 to indicate when the policy comes into effect. • References to information on the ASC website removed as these links no longer exist or have been moved and modified and are no longer relevant. • New Section 8 – “Taking images of children”. • New Section 9 – “Alcohol and tobacco”. • New Clause 10.10 to cover bullying. • 10.17 – changed “players” to “athletes”. • New Section 13 – “APC Policies” to refer to the full set of APC policies, some of which are directly relevant to this policy. • 17.1 – Slight change to clarify this clause. • New Section 19 “Frivolous, vexatious or malicious Complaints” which incorporates existing material and specifically refers to the appeals process. • Section 20 updated to clarify the penalties that the APC has the power to impose and in 20.3 replaced Australian Olympic Committee with Australian Commonwealth Games Association. • Section 21 – added words to specifically incorporate appeals against a determination by the Chairperson of the Disciplinary Tribunal in the case of a claim that a Complaint is frivolous, vexatious or malicious. • Attachment 4 updated to reflect current legal requirements in each Australian state and territory and repetition of Section 7 content removed. • Clause numbering changes throughout the policy and Attachments resulting from updates and additions.
Five	August 2015	<p>Major revision. Amendments made:</p> <ul style="list-style-type: none"> • Change name from ‘Member Protection Policy’ to ‘People Protection Policy’ to reflect that the APC’s members are organisations and the policy is concerned with the protection of individuals. • Update preface with new message from

		<p>current APC President.</p> <ul style="list-style-type: none">• Remove duplication in process descriptions between the body of the policy and the attachments to avoid any ambiguity.• Describe in more detail the complaints handling processes, tribunal hearings and appeals process to maximise clarity about the processes that will be followed.• Integrate and expand the position statements.• Update all sections of the policy to more closely align it with the ASC's national template.• Change the appeal process and the Appeal Tribunal from one established through the Court of Arbitration for Sport to one established by the APC.• Other updates to conform with the ASC requirements in its amended template of June 2015.• Incorporate Games time processes within the overall policy rather than as a separate document.
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PART A: APC MEMBER PROTECTION POLICY

1. Dictionary of terms - what words in this policy mean

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.

In this policy the following words shall have the following meaning:

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.

APC

means Australian Paralympic Committee Limited ACN 061 547 957.

APC Constitution

means the constitution of the APC as amended from time to time.

Appeal Tribunal

means the APC tribunal established to hear and determine appeals under this Policy.

Athlete

means a person who participates in sporting activities as a competitor.

Australian Sports Commission or ASC

means the government agency established under the Australian Sports Commission Act 1989 and includes the Australian Institute of 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.

One-off instances can also 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.

CEO

means a person appointed by the Board of the APC to the position of Chief Executive Officer of the APC.

Child or Children

means a person or persons who is/are under the age of 18 years.

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 10 of this Policy.

Complainant

any person or organisation who makes a complaint under the terms of this Policy.

Disciplinary Tribunal

means the APC tribunal established to hear and determine alleged offences under this

Policy.

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.

The applicable attributes or characteristics are:

- a. age;
- b. sex or gender;
- c. gender identity;
- d. intersex status;
- e. race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration;
- f. disability, mental and physical impairment;
- g. family/carer responsibilities, status as a parent or carer;
- h. marital status;
- i. pregnancy, potential pregnancy, breastfeeding;
- j. sexual orientation;
- k. physical features;
- l. irrelevant medical record;
- m. irrelevant criminal record, spent convictions;
- n. political beliefs or activities;
- o. religion, religious beliefs or activities;
- p. national extraction or social origin;
- q. lawful sexual activity;
- r. profession, trade, occupation or calling;
- s. member of association or organisation of employees or employers, industrial activity, trade union activity;
- t. defence service;
- u. personal association with someone who has, or is assumed to have, any of the above characteristics.

Discrimination includes direct and indirect discrimination:

Direct discrimination occurs when a person treats, or proposes to treat, someone less favorably than they treat, or would treat, someone else who does not have a particular attribute or characteristic.

Indirect discrimination occurs where a person imposes or intends to impose a requirement, condition or practice that, on its face, is not discriminatory, but has the effect of discriminating against a person(s) with a particular attribute.

Gender expression

refers to the way in which a person externally expresses their gender or how they are perceived by others.

Gender identity

refers to a person's deeply held internal and individual sense of gender.

Harassment

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

Harassment can be express or implied, physical, verbal or non-verbal. Examples include, but are not limited to:

- a. Abusive behaviour aimed at humiliating or intimidating;
- b. Jokes or comments directed at a person's body, looks, age, race, religion, sexuality, sexual orientation or disability;
- c. Unwelcome remarks including teasing, name calling or insults;
- d. Innuendo or taunting;
- e. Offensive emails, letters, notes;
- f. Displaying offensive materials e.g. posters, computer screen savers;
- g. Sexual propositions.

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 'Sexual Harassment' and 'Vilification'.

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.

Investigative Officer

means a person appointed by the APC to investigate complaints and make recommendations as detailed in Attachment D3.

Member

means any entity which is a member of the APC in accordance with the APC Constitution.

Member Protection Information Officer

means a person appointed by the APC in accordance with Clause 6 of this Policy to be the first point of contact for a person reporting an issue or a complaint under, or a breach of, this Policy.

Paralympic Team membership

is defined, for the purposes of this policy, as the period from the time a Team Member boards the flight or journey which will directly end at a point of entry into the host city of the Paralympic Games, or the official Australian Paralympic staging camp prior to the Games, to the time a Team Member arrives at their home port on return or, if they do not travel with the Team in one or both directions, from the time they sign into the Village to the time they sign out of the Village, whichever is applicable.

Para-sport

means any sport for people with a disability that falls under the auspices of the Australian Paralympic Committee.

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 and this Policy

means this APC People Protection Policy.

Position

means a job whether by way of employment, contract or otherwise and whether paid or unpaid.

Respondent

means the person or organisation whose behaviour is the subject of a complaint.

Screening

means following the working with children check laws and requirements in every state and territory in which the person may carry out their duties and any additional processes and actions that the APC may determine are necessary from time to time, such as criminal history checks, signed Member Protection Declarations, referee checks and other appropriate checks that assess a person's suitability to work with children and young people.

Sexual Harassment

is one type of harassment. Sexual harassment is unwelcome conduct, remarks or innuendo of a sexual nature which could reasonably be expected to make a person feel humiliated, intimidated or offended. It covers a wide range of behaviours 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 can be verbal, written, visual or physical. Sexual harassment is not limited to members of the opposite sex. Sexual harassment does not

have to be intentional.

Sexual Harassment covers:

- an unwelcome sexual advance; or
- an unwelcome request for sexual favours; or
- unwelcome conduct of a sexual nature (including oral or written statements of a sexual nature), in circumstances where a reasonable person would have anticipated that the person being harassed would be offended, humiliated or intimidated.

Examples of Sexual Harassment may include:

- Uninvited touching, kissing, embracing, massaging;
- Staring, leering, ogling;
- Smutty jokes and comments;
- Persistent or intrusive questions about people's private lives;
- Repeated invitations to go out, especially after prior refusal;
- Sexual propositions;
- The use of promises or threats to coerce someone into sexual activity;
- The display of sexually explicit material e.g. internet use, computer screen savers, calendars, posters;
- Getting undressed in front of others of the opposite sex;
- Invading the privacy of others while showering or toileting;
- Photographing others while undressing, showering or toileting;
- The use of sexually offensive emails, letters, faxes, notes;
- Sexual insults and name-calling.

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:

- i) Rape;
- ii) Indecent assault;
- iii) Sexual assault;
- iv) Assault with intent to commit sexual acts;
- v) Incest;
- vi) Sexual penetration of child under the age of 16 years;
- vii) Indecent act with child under the age of 16 years;
- viii) Sexual relationship with child under the age of 16 years;
- ix) Sexual offences against people with impaired mental functioning;
- x) Abduction and detention;
- xi) Procuring sexual penetration by threats or fraud;
- xii) Procuring sexual penetration of child under the age of 16 years;
- xiii) Bestiality;
- xiv) Soliciting a child under the age of 16 years to take part in an act of sexual

- penetration or an indecent act;
- xv) Promoting or engaging in acts of child prostitution;
- xvi) Obtaining benefits from child prostitution;
- xvii) Possession of child pornography;
- xviii) Publishing child pornography and indecent articles.

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.

Social media

are works of user-created text, video, audio or multimedia that are published and shared online in a social environment, such as a blog, wiki or video hosting site. Social media tools include:

- social networking sites e.g. Facebook, MySpace, Bebo
- forums and discussion boards e.g. Google Groups, Yahoo! Groups
- blogs, including corporate, personal or media publication blogs
- micro-blogs e.g. Twitter, Snapchat, WhatsApp
- video and photo sharing sites e.g. YouTube, Instagram, Flickr
- wikis e.g. Wikipedia

any other sites that allow individuals to publish comments and/or content.

Team General Counsel

means a suitably qualified person appointed by the APC to provide advice and support to the Chef de Mission regarding any legal questions or issues.

Team Headquarters office

means the administration space and staff within the Australian Team allotment in the Paralympic Village supporting the operational requirements of all Team members.

Team Member/s

means those athletes and officials (whether paid or volunteer) who have been or are part of an Australian Paralympic Team.

Transgender

is an umbrella term that refers to a person whose gender identity is different to their physical sex as recorded at birth. Transitioning refers to the process where a transgender person commences living as a member of another sex. This is sometimes referred to as the person 'affirming' their gender because transitioning means they start living in what they identify as their true gender. For people who are

transitioning/affirming their gender, having their identity fully recognised in all areas of life is a crucial part of the experience of living as their affirmed gender.

Victimisation

means treating someone unfairly or unfavourably, or threatening to do so, because that person has, or intends to, pursue their 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

is a form of Harassment 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.

2. What is the purpose of this policy?

This People Protection Policy ("policy") aims to assist the Australian Paralympic Committee ("APC", "our", "us" or "we") to uphold its core values and create a safe, fair and inclusive environment for everyone associated with Para-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 Para-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 we will take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behaviour from Para-sport. As part of this commitment, the policy allows the APC to take disciplinary action against any person or organisation bound by this policy if they breach the policy.

3. What is the Status of this Policy?

- 3.1** This Policy is issued by resolution of the Board of APC pursuant to the powers contained in the APC Constitution.
- 3.2** This Policy may be changed from time to time by the Board of the APC.
- 3.3** Any update of this policy will come into effect once it has been approved by the Board of the APC and posted on the APC website.

The current policy and its attachments can be obtained from our website at:
www.paralympic.org.au.

4. Interpretation in this policy

- 4.1** A reference to the CEO includes their nominee or any Acting CEO that may be in place from time to time or the duly appointed nominee of the CEO or Acting CEO for the particular issue.
- 4.2** Nothing in this policy permits any person bound by this policy to act contrary to local laws when outside of Australia. All persons bound by this policy must obey all local laws including in relation to the age limits for tobacco use and alcohol consumption.

5. **Who is bound by this policy?**

- 5.1 This Policy applies to as many persons as possible who are involved with the activities of the APC, whether they are in a paid or unpaid/voluntary capacity, including the following groups and individuals associated with the APC:
- a. Persons elected or appointed to the APC Board, its committees and sub-committees;
 - b. Members and office bearers of any other APC committee or sub-committee;
 - c. Employees of the APC;
 - d. Volunteers;
 - e. Selectors;
 - f. Support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers and others;
 - g. Coaches (including assistant coaches) who:
 - (i) are appointed and/or employed (whether paid or unpaid); or
 - (ii) have an agreement (whether or not in writing) with the APC to coach athletes;
 - h. Referees, umpires and other officials (eg linespersons) appointed by the APC;
 - i. Athletes, coaches, officials and any other personnel participating in events and activities, including Paralympic Team processing sessions, camps and training sessions, held or sanctioned by the APC;
 - j. Any other person or organisation (for example a parent/guardian, spectator or sponsor) who or which agrees, in writing, (whether on a ticket, entry form or otherwise) to be bound by this Policy.

- 5.2** This Policy will continue to apply to a person even after he or she has stopped their association or employment with the APC if disciplinary action against that person has begun.
- 5.3** It is expected that any entity which is a member of the APC in accordance with the APC constitution will adopt and implement a Member Protection Policy which will apply for Para-sport activities conducted by that organisation.

6. Organisational responsibilities

The APC must:

- 6.1 Adopt, implement and comply with this policy;
- 6.2 Ensure that this policy is enforceable;
- 6.3 Publish, distribute and promote this policy and the consequences of any breaches of the policy;
- 6.4 Promote and model appropriate standards of behaviour at all times;
- 6.5 Deal with any complaints made under this policy in an appropriate manner;
- 6.6 Deal with any breaches of this policy in an appropriate manner;
- 6.7 Recognise and enforce any penalty imposed under this policy;
- 6.8 Ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies;
- 6.9 Appoint one or more appropriately trained Member Protection Information Officers to fulfil the functions set out in Clause 10 and Attachments D1 and D2 of this Policy, and publish and display contact information for such person or persons on its website.
- 6.10 Appoint a person to the role of "Investigative Officer" to fulfil the functions set out in Attachment D3 of this Policy and publish and display contact information for this person on its website.
- 6.11 Monitor and review this policy at least annually; and
- 6.12 Ensure that any organisation accepted for membership of the APC has in place a Member Protection Policy which conforms to this policy and/or has been approved by the Australian Sports Commission.

7. Individual responsibilities

Individuals bound by this policy must:

- 7.1 Make themselves aware of the contents of this policy;
- 7.2 Comply with all relevant provisions of the policy, including any codes of conduct and the steps for making a complaint or reporting possible child abuse set out in this policy;
- 7.3 Consent to the screening requirements set out in this policy, and any state/territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18 or where otherwise required by law;
- 7.4 Place the safety and welfare of children above other considerations;
- 7.5 Be accountable for their behaviour;
- 7.6 Comply with any decisions and/or disciplinary measures imposed under this policy.

8. Position statements

8.1 Child protection

The APC is committed to the safety and well-being of all children and young people who participate in Para-sport 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 employees and volunteers and we encourage their active participation in providing a safe, fair and inclusive environment for all participants.

8.1.1 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.

8.1.2 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 Para-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 Part B of this Policy.)

8.1.3 Choose suitable employees and volunteers

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

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

8.1.4 Support, train, supervise and enhance performance

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

8.1.5: Empower and promote the participation of children

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

8.1.6: Report and respond appropriately to suspected abuse and neglect

We will ensure that all our employees and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under state laws to make a report if they suspect on reasonable grounds that a child has been, or is being, abused or neglected. (Refer to Attachment E3 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 Clause 10 of this policy.)

8.2 Images of children and information about them

8.2.1 Participants in activities conducted by the APC may be photographed and/or filmed during and in association with those activities.

8.2.2 There is a risk that Images of children may be used inappropriately or illegally. The APC requires that its representatives, wherever possible, obtain permission from a child's parent/guardian before taking an image of someone else's child. They should also make sure the parent/guardian understands how the image will be used.

8.2.3 The APC will seek to ensure that opportunities to film or photograph children participating in its activities are limited to those situations which normally occur in the context of those activities.

8.2.4 To respect people's privacy, the APC 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 Para-sport.

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- 8.2.6 The APC will only use images of children that are relevant to Para-sport and we will ensure that they are suitably clothed in a manner that promotes participation in Para-sport. We generally will not publish, nor permit to be published, images of children involved in activities of the APC, except under terms specified in agreements signed by the parent/guardian of the child. This policy does not require consent to be obtained where a child is not the subject, or one of the subjects, of the photograph.
- 8.2.7 When using a photo of a child, we will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the child's parent/guardian.
- 8.2.8 The APC understands that information about a child, such as hobbies, interests or school can be used by paedophiles or other persons to "groom" a child. We will therefore generally not provide such information publicly without the consent of the child's parent/guardian.
- 8.2.9 Occasionally the APC may require video or photographs of children partially undressed for purposes such as classification, medical treatment or sports science analysis and research. In such cases, apart from medical emergencies, the APC will fully inform the child's parent or guardian of the circumstances and the use of the images and the parent or guardian will be required to sign a consent form prior to any images being recorded.
- The APC will take all reasonable measures to limit access to such images to those who are required to view them, and only for the purposes for which they were recorded. The images will be permanently deleted or destroyed as soon as they are no longer required.
- 8.2.10 Parents or guardians of children who do not want their children to be filmed or photographed must advise the APC prior to their child's involvement in the activity. The APC will take all reasonable steps to ensure that these wishes are complied with. In circumstances where it is not possible to guarantee compliance with reasonable certainty, the APC will inform the parent or guardian and explain the options for their child, which may include withdrawing from the activity.
- 8.2.11 The recording and use of video or still images of people involved in APC activities, especially children, for voyeuristic purposes or sexual gratification of any form is a breach of this policy. This includes the

distribution of video or images where such distribution is for voyeuristic purposes or sexual gratification of any form.

- 8.2.12 The APC requires anyone who suspects that images or video of children participating in its activities may be used or is being used for unacceptable purposes to report that use to the APC as soon as possible. Where such activity is suspected of being illegal, it must also be reported to the police.

8.3 Discrimination and harassment

The APC 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.

We prohibit all forms of discrimination and harassment based on the personal characteristics listed in the Dictionary of Terms section of this Policy.

Any person who believes they are being, or have been, discriminated against or harassed 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 Part D of this policy.) Persons to whom this Policy applies should also consider obtaining independent legal advice if they believe that they have been the victim of discrimination and/or harassment.

8.3.1 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 set out in the Dictionary of Terms section of this Policy.

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

Any behaviour or conduct which is defined as discrimination under any Federal or State legislation is considered discrimination under this Policy, as is

requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination.

Discrimination is only permitted if one of the exemptions under the applicable Federal or State legislation applies. These may include:

- 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 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.

Discrimination also includes victimisation where a person suffers or is threatened with any detriment or unfair treatment because that person has or intends to pursue their rights under anti-discrimination legislation or this Policy.

8.3.2 Harassment

Harassment is any unwelcome conduct, expressed or implied, non-verbal, verbal or physical, that intimidates, offends or humiliates another person or group of people and which can include, but is not limited to, because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation.

Whether or not the behaviour is Harassment is to be determined from the point of view of the person receiving the Harassment. It must be assessed objectively in that it must be behaviour that a reasonable person would find unwelcome. It does not matter whether or not the person harassing intended to harass the other person or group.

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

It is an offence under this Policy for any person to whom it applies to engage in Harassment.

Sexual harassment is one type of harassment and can take many different forms, such as unwelcome sexual advances or physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material

or other behaviour that creates a sexually hostile environment where a reasonable person would have anticipated that the person being harassed would be offended, humiliated or intimidated.

Sexual Harassment may be a criminal offence, for example indecent assault, rape, sex with a minor, obscene telephone calls or letters. If you suspect that a criminal offence may have been committed you should notify the police and/or seek legal advice.

Abuse is a form of Harassment which includes:

- physical abuse (e.g. assault);
- emotional abuse, (e.g. blackmail, repeated requests or demands);
- neglect (i.e. failure to provide the basic physical and emotional necessities of life);
- abuse of power which the harasser holds over the harassed. For example relationships that involve a power disparity such as a coach-player, manager-player, employer-employee, doctor-patient have the potential for abuse of that power. People in such positions of power need to be particularly wary not to exploit that power.

Child abuse is illegal in all Australian states and territories, with each having its own child protection laws that cover the reporting and investigation of cases of child abuse. Descriptions of the sorts of activity which may be child abuse are to be found in the Dictionary of Terms of this policy.

The APC requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone covered by this policy report it immediately to the police or relevant government agency and the APC Member Protection Information Officer or the CEO of the APC.

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. The APC's procedures for handling allegations of child abuse are outlined in Attachment D5 of this policy.

If anyone bound by this policy reasonably suspects that a child is being abused by his or her parent/s, they are advised to contact the relevant government department for youth, family and community services in their state/territory.

Each state and territory in Australia has reporting requirements where there is suspected abuse of children. The web site of the ASC contains information about the people and organisations to notify to report suspected abuse.

Some forms of Abuse may constitute a criminal offence, for example, assault. If you suspect that a criminal offence may have been committed you should notify the police and/or seek legal advice.

Vilification is a form of Harassment that occurs in public. Vilification involves a person inciting hatred towards, serious contempt for, or severe ridicule of, a person or group of persons by a public act, including any form of communication to the public and any conduct observable by the public. Vilification is an offence under this Policy.

Some forms of Vilification may constitute a criminal offence, for example where harm is threatened. If you suspect that a criminal offence may have been committed you should notify the police and/or seek legal advice.

Bullying is a form of Harassment which can be emotional, verbal or physical or any combination of these elements. Bullying may occur over a period of time and is often systematic and habitual. Bullying is characterised by the abuse of some form of power disparity between the perpetrator(s) and the victim(s). Bullying can occur between an individual perpetrator or a group of perpetrators and an individual victim or a group of victims.

Bullying is not dependent upon direct physical or verbal contact. It can take place through intermediaries. Social media and other forms of online and electronic communication, including instant messaging, can be used to bully people without any form of direct contact – often called “cyber bullying”.

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 APC 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 body.

The APC 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 Para-sport.

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 Clause 10 of this policy.)

8.4 Intimate relationships

The APC understands that consensual intimate relationships (including, but not limited to sexual relationships) between coaches or officials and athletes above the age of consent may take place legally. However, this policy will help ensure that the expectations of coaches or officials are clear and that, if an intimate relationship does exist or develop between a coach or official and an athlete who is above the age of consent, 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, favouritism or exploitation.

The APC takes the position that consensual intimate relationships between coaches or officials and athletes they coach who are of consenting age 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 athlete of consenting age 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 athlete of consenting age, 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 of consenting age athlete to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from the APC Member Protection

Information Officer or other relevant official 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 athlete of consenting age is inappropriate or unprofessional, the APC 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 APC Member Protection Information Officer. (Refer to Clause 10 of this policy.)

8.5 Pregnancy

The APC is committed to treating pregnant women fairly and to removing any unreasonable barriers to their full participation in Para-sport. We will not tolerate any discrimination or harassment against pregnant women.

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

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in Para-sport. Pregnant women should make these decisions themselves, in consultation with their medical advisers and in discussion with the APC.

We will only require pregnant women to sign a disclaimer in relation to their participation in Para-sport whilst they are pregnant if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant woman believes she is being, or has been, harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint. (Refer to Clause 10 of this policy.)

8.6 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.

8.6.1 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 section in this Policy).

The APC is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. All persons, regardless of gender identity, are entitled to be treated fairly and with dignity and respect at all times.

We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity. This includes discrimination or harassment of a person who is transgender or transsexual, who is assumed to be transgender or transsexual, or has an association with someone who has or is assumed to be transgender or transsexual.

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. (Refer to Clause 10 of this policy.)

8.6.2 Participation in sport

The APC 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 Para-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 APC is aware that the International Paralympic Committee (IPC) may establish criteria for selection and participation in the Paralympic Games. As a member of the IPC, the APC is generally bound to align with the IPC's criteria and policies. Where a transgender person intends to compete at an elite level, we will encourage them to obtain advice about the IPC's criteria.

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.

8.6.3. 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 in this Policy).

The APC 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.

8.7 Alcohol and tobacco

The APC recognises that there are health risks associated with alcohol and tobacco.

- The APC enforces a Smoking and Alcohol Policy for Australian Paralympic Teams. This policy prohibits the consumption of alcohol and tobacco products by Team Members under the age of 18 and bans smoking by any Team Member in the Australian Team uniform at any time.
- The APC also enforces a Drugs and Alcohol Policy for its staff. This policy outlines the responsibility of employees and volunteers to undertake their duties unimpaired by the influence of drugs or alcohol.
- The APC allows the responsible and appropriate consumption of alcohol by Australian Paralympic Team Members over the age of 18 and encourages individual sports to set their own specific rules on the consumption of alcohol by Team Members over the age of 18.

8.9 Social media and online networks

The APC recognises that social media, online communities and online networks are a significant and growing way for Australians to communicate and engage with one another. The APC believes that social media and online communications are important channels for building support for the Australian Paralympic team.

APC employees, volunteers and athletes are encouraged to engage online to discuss Para-sport and the APC and its achievements with friends and communities, and share information and build new connections.

Only those authorised by the APC CEO and communications team have permission to represent the organisation through social media. Employees and volunteers who do not

have authority must not imply that they are in any way authorised to speak on behalf of the APC.

Even the use of social media for personal use can have APC-related implications if employees, volunteers or athletes are engaged in any form of activity which involves fellow employees, APC volunteers, athletes, the APC or any other aspects of Paralympic sport. Any publication on social media that identifies and defames, bullies or harasses a fellow employee, a volunteer, an athlete or the APC can be used in disciplinary proceedings.

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 Para-sport in a positive way.

The APC produces and implements a general social media policy for its employees and volunteers and also a social media policy which covers members of the Australian Paralympic Team. We expect all people bound by these policies to conduct themselves appropriately when using social networking sites to share information related to Para-sport.

9. What is an offence under this policy?

- 9.1** It is an offence under this Policy for any person or organisation to whom this Policy applies to fail to comply with any obligation imposed on such person or organisation under this Policy.
- 9.2** Any offence, or suspected offence, may be the subject of a Complaint under Clause 10 and/or be investigated and referred to a hearing under Attachments D3 and D4 of this Policy.

10. Complaints procedures

10.1 Handling complaints

The APC 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 an APC Member Protection Information Officer or the APC CEO.

A complaint may be handled informally or formally. The complainant may indicate his or her preferred option and the APC Member Protection Information Officer or CEO who has received the complaint 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.

10.2 Improper complaints and victimisation

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

We 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 APC CEO considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or inappropriately intended to cause distress to the respondent, the matter may be referred in writing to the APC Disciplinary Tribunal for review and appropriate action, including possible disciplinary action against the complainant.

10.3 Mediation

The APC 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 APC 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.

10.4 Tribunals

A Disciplinary Tribunal may be convened to hear a proceeding referred to it by the APC CEO for an alleged breach of this policy.

Our Tribunal procedure is outlined in Attachment D4.

A respondent or a complainant may lodge an appeal to the Appeal Body in respect of a Disciplinary Tribunal decision. The decision of the Appeal Body is final and binding on the people involved. Our appeals process is outlined in Attachment D4.

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

11. 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:

- 11.1** breaching the codes of behaviour (see Part B of this policy);
- 11.2** bringing the APC into disrepute, or acting in a manner likely to bring the APC into disrepute;
- 11.3** failing to follow the APC's policies (including this Policy) and our procedures for the protection, safety and well-being of children;
- 11.4** discriminating against, harassing or bullying (including cyber-bullying) any person;
- 11.5** victimising another person for making or supporting a complaint;
- 11.6** engaging in an inappropriate intimate relationship with a person that he or she supervises, or has influence, authority or power over;
- 11.7** verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the APC or any of its activities or programs;
- 11.8** making a complaint that they know to be untrue, vexatious, malicious or improper;
- 11.9** failing to comply with a penalty imposed after a finding that the individual or organisation has breached this Policy; and
- 11.10** failing to comply with a direction given to the individual or organisation as part of a disciplinary process under this Policy.

12. Disciplinary measures

At the recommendation of the Disciplinary Tribunal, the APC 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;
- based on the evidence and information presented and the seriousness of the breach; and
- determined in accordance with our constituent documents, this Policy and/or the rules of the sport.

12.1 Offences by individuals

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

- a. a direction that the offender make a verbal and/or written apology;
- b. a written warning;
- c. a direction that the offender attend counselling to address their behaviour;
- d. demotion or transfer of the individual to another location, role or activity;
- e. suspension or termination of the appointment of the offender to any role which the offender holds with the APC or a recommendation that a relevant Member or Members terminate the appointment of any role which the offender holds with such organisation;
- f. 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;
- g. where there has been damage to property, a direction that the offender pay compensation to the relevant organisation or individual which controls or has possession of the property;

- h. a monetary fine for an amount determined by the Disciplinary Tribunal;
- i. direction that the offender to repay all or part of any financial assistance (excluding any fee for service, wages or expenses) given to them by the Australian Sports Commission, any Federal or State funding agency, the Australian Commonwealth Games Association, the APC or any other organisation which has provided funding to the offender before they may resume participation in any APC program or APC sanctioned event;
- j. suspension for such period and on such terms as the Disciplinary Tribunal sees fit from participation in any APC program or APC sanctioned event; and/or
- k. any other such penalty as the Disciplinary Tribunal considers appropriate.

12.2 Offences committed by a Member

If a finding is made that a Member as designated by the APC constitution has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed:

- a. a warning;
- b. a monetary fine for an amount determined by the Disciplinary Tribunal;
- c. a direction that some or all funding granted or given to it by APC cease for a specified period;
- d. a recommendation that the Member's membership of the APC be suspended or terminated;
- e. a direction that any rights, privileges and benefits provided to the Member by the APC be suspended for a specified period and/or terminated; or
- f. any other such penalty as the Disciplinary Tribunal considers appropriate.

12.3 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);
- any other mitigating circumstances.

If an offender commits a second or subsequent offence under this Policy, then the Disciplinary Tribunal shall have regard to the previous offence, the penalty imposed and any other relevant factors, in imposing a penalty for the second or subsequent offence.

PART B: APC POLICIES AND CODES OF CONDUCT

APC policies

The APC has created a set of policies to guide and protect its staff, volunteers, athletes and the individuals and organisations with which it deals.

People to whom this People Protection Policy applies are encouraged to ensure that they are aware of further APC policies which affect them.

The APC publishes all of its public policies, including this one, on its official website.

Policies which relate to staff and volunteers are published internally by the APC and are available to all staff and volunteers.

The APC publishes a set of Team policies for the Australian Paralympic Team. These are published on the official APC website and are made available to Team Members through the Team Handbook (in summary form) and the APC Team Headquarters during the Games.

Codes of conduct

To protect the health, safety and well being of participants the APC has developed and issued Codes of Conduct. They form a part of this Policy.

The Codes of Conduct apply to the same people to whom this Policy applies (see Clause 5.1).

The Codes of Conduct are designed to encourage organisations and individuals associated with the APC to conduct themselves in a way which the APC considers is appropriate to provide a safe, fair and inclusive environment for everyone involved in our organisation and in Para-sport.

Our Codes of Conduct are underpinned by the following core values:

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

The Codes of Conduct are contained in:

- Attachment B1 APC athlete code of conduct
- Attachment B2 APC staff code of conduct
- Attachment B3 APC Board code of conduct
- Attachment B4 APC Games team staff code of conduct

PART C: SCREENING AND WORKING WITH CHILDREN CHECK REQUIREMENTS

We are committed to providing a safe environment for children. As part of this, 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, and South Australia. Working with Children Check laws are currently being introduced in Tasmania.

The APC 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

The attachments relevant to this section of this Policy are:

- Attachment C1: Working with Children Check requirements

PART D: COMPLAINT HANDLING PROCEDURES

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

A complaint can be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this policy. Complaints will always vary. They may be about individual or group behaviour; they may be extremely serious or relatively minor; they may be about a single incident or a series of incidents; and the person about who the allegation is made may admit to the allegations or emphatically deny them.

We will provide complainants with an informal and informal process to resolve the matter. Individuals and organisations can also make complaints to external organisations under anti-discrimination, child protection and other relevant laws.

We also provide an appeals process for those matters.

We 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.

There are three slightly different procedures for dealing with different types of complaints in different environments. Each is covered in separate attachments to this policy. They are:

Complaint handling procedures – General

All complaints, with the exception of complaints involving child abuse or complaints made by a member of the Australian Paralympic Team about matters during their membership of the Team, will be handled using these procedures, which are detailed in:

- Attachment D1: Complaints handling procedure - general
- Attachment D2. Mediation
- Attachment D3. Investigation procedure
- Attachment D4. Disciplinary Tribunal procedure

Complaint handling procedures – child abuse

All complaints involving child abuse will be handled using these procedures, which are detailed in:

- Attachment D5: Complaints handling procedure – child abuse

Complaint handling procedures – Paralympic Team membership

The period of, and surrounding, the Paralympic Games creates a unique environment in which there may be limited access to personnel and resources normally available in Australia and complaints may need to be resolved in the shortest possible time. All complaints made by a member of the Australian Paralympic Team about matters during their membership of the Team will be handled using these procedures, which are detailed in:

- Attachment D6: Complaints handling procedure – Paralympic Team
- Attachment D7: Mediation – Paralympic Team
- Attachment D8: Investigation procedure – Paralympic Team
- Attachment D9: Disciplinary Tribunal procedure – Paralympic Team

PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

The APC 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.

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

We 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: Confidential record of child abuse allegation

ATTACHMENT C3:

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_wvwv

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

Website: www.ccypcg.qld.gov.au

Phone: 1800 113 611

South Australia

Contact the Department for Education and Child Development for information

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

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 about the working with children registration system that is being phased in

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 the APC is travelling interstate to do work that would normally require a working for children check, the APC will check the relevant requirements of that state or territory.

ATTACHMENT D5: 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

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

All people working with the APC 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 CEO of the APC so that he or she can manage the situation.

Step 3: Protect the child and manage the situation

- The CEO 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 APC.
- The APC CEO will consider what services may be most appropriate to support the child and his or her parent/s.
- The APC CEO will consider what support services may be appropriate for the alleged offender.
- The APC CEO 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 APC).
- The APC 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, we will follow the procedures set out in Clause 12 of our Member Protection Policy.
- Where required we 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/childsafe 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

ATTACHMENT E3:

CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

When completing this form, it is essential to ensure that advice has been sought from relevant government agencies and the police and that all required procedures have been followed.

Complainant's Name (if other than the child)	<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"/> 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 Details:	
Child's Name		Age:
Child's contact details	Phone: Address:	
Complainant's reason for suspecting abuse (e.g. observation of abuse, injury to child, disclosure)		
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"/> 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 Details:	

<p>Witnesses (if any). If more than 3 witnesses, attach their details to this form.</p>	<p>Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:</p>
<p>Interim action taken (if any) to ensure the child's safety and/or provide appropriate support to the respondent.</p>	
<p>Police contacted</p>	<p>Who contacted them: When: Contact name and details: Advice provided:</p>
<p>Government child protection agency/agencies contacted</p>	<p>Who contacted them: When: Contact name and details: Advice provided:</p>
<p>APC CEO contacted</p>	<p>Who contacted them: When:</p>
<p>If investigated by police and/or government agency:</p>	<p>Finding:</p>

If investigated by the APC its member organisation:	Finding:
Actions taken	
Completed by	Name: Position: Signature: Date / /
Signed by:	Complainant (if not a child):

Where the space on this form is insufficient, please attach additional documentation.

This record and any associated notes must be kept confidential and secure and be provided to the relevant authorities (police and/or Government) should they require them.