

Dragon Boats NSW Inc.

(Incorporated under the Associations Incorporation Act, 2009)

(Registered Number: Y2086230)

(ABN 31 936 733 882)



Dragon Boats NSW Inc. MEMBER PROTECTION POLICY

VERSION 5

29 February 2016



Australian Government

Australian Sports Commission

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REVIEW HISTORY OF Dragon Boats NSW Inc. MEMBER PROTECTION POLICY

Version	Date reviewed	Date endorsed	Content reviewed/purpose
One	Created – May 2006	August 2006	•
Two	Reviewed July 2008	August 2008	•
Three	Reviewed May 2010	October 2011	•
Four	Partial Review January 2016	January 2016	<ul style="list-style-type: none"> • General review to correct the government agency details on Working With Children Checks • Update President's Message
Five	Reviewed February 2016	February 2016	<ul style="list-style-type: none"> • Full review to - <ul style="list-style-type: none"> - Update all Working with Children Checks - Use plain English

PREFACE

Dragon Boats NSW (DBNSW) recognises the positive benefits sport provides to Australians. DBNSW believes all its members deserve a rich and meaningful sporting experience at the level, which each member desires. DBNSW is committed to health, well-being and safety of its members. Further DBNSW believes all its members should have a sporting experience, which is free of harassment, abuse and discrimination. In particular, children participating in Dragon Boat Racing should feel welcome and safe. It is the responsibility of all DBNSW clubs and individual members to ensure this Policy is adopted and followed.

Dragon Boats NSW Inc. originally adopted the Australian Sports Commission Member Protection Policy template in May 2006, which was reviewed in 2008 and again in 2011 to keep update with legislation. More recently, the Board of Dragon Boats NSW has reviewed this Policy in light of the changes made to NSW legislation regarding Work with Children. Legislation now requires all adults, who come in to contact with children to complete a Working with Children Check (WWCC). Dragon Boats NSW provides a safe operating environment for all its members in particular those under the age of 18 years.

This Policy is supported by a number of other documents, policies and guidelines. These include the Child Protection Policy and the Codes of Conduct for all participants in Dragon Boat Racing. DBNSW wants and supports a safe environment for all paddlers, coaches, officials, volunteers and supporters. DBNSW is committed to the principle that our individual members are our most important asset and their protection is first and foremost in the adoption of this Policy.

Finally, DBNSW acknowledges the assistance of Surf Lifesaving NSW in reviewing this Policy. Surf Life Saving NSW is a leader among NSW sporting organisations in creating frameworks for safe environments for its members. Safe and harassment free sport is the responsibility of us all and I encourage all in Dragon Boat Racing to participate in the implementation of this new Policy.

Trish Tinyow

President

11 February 2016

PART A: DRAGON BOATS NSW INC POLICY

1. Introduction

Vision

“To be the leading force in dragon boat racing in Australia”

Mission

“Our mission is to lead the way in competition, development and administration while respecting the cultural aspects of dragon boat racing”.

2. Purpose of this policy

Dragon Boats NSW Inc. Member Protection Policy aims to maintain ethical and informed decision-making and responsible behaviours within 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 abuse. This policy informs everyone involved in our sport at the state level of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.

The policy attachments outline 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, Dragon Boats NSW Inc. will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by Dragon Boats NSW Inc. and has been incorporated into our policy and procedure. The policy starts on 29 February 2016 and will operate until replaced. Copies of the current policy and its attachments can be obtained from the *Dragon Boats NSW Inc.* website at www.dbnsw.org.au or email enquiries@dbnsw.org.au.

For information on the rights, responsibilities and requirements for people involved in our sport at the state and club level, please refer to the member protection policies of DBNSW or your relevant club.

3. Who this Policy Applies To

This policy applies to the following people *operating at or representing the state level* whether they are in a paid or unpaid/voluntary capacity:

- 3.1 Persons appointed or elected to DBNSW board, committees and sub-committees;
- 3.2 Employees of Dragon Boats NSW Inc.;
- 3.3 Members of the Dragon Boats NSW Inc.;
- 3.4 Support personnel appointed or elected to NSW State teams and squads (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- 3.5 NSW State coaches and assistant coaches;
- 3.6 NSW State representative athletes;
- 3.7 NSW State referees, umpires and other officials involved in the regulation of the sport;
- 3.8 Members, including life members of the Dragon Boats NSW Inc.;

- 3.9 Athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by Dragon Boats NSW Inc.;
- 3.10 Any other person including spectators, parents/guardians and sponsors who or which agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this policy;

This policy also applies to the following associations and other incorporated bodies:

- 3.13 Affiliated clubs and associated organisations.
- 3.14 Schools participating in the sport of dragon boat racing.
- 3.15 Corporate and Community teams.

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

4. Responsibilities of the Organisation

All Dragon Boats NSW Inc. member clubs and affiliated associations must:

- 4.1 Adopt, implement and comply with this policy;
- 4.2 Make such amendments to their Constitution, Rules or Policies necessary for this policy to be enforceable;
- 4.3 Publish, distribute and promote this policy and the consequences of breaches;
- 4.4 Promote and model appropriate standards of behaviour at all times;
- 4.5 Promptly deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner;
- 4.6 Apply this policy consistently;
- 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 the persons and associations to whom this policy applies;
- 4.9 Use appropriately trained people to receive and manage complaints and allegations e.g. Member Protection Information Officers (MPIOs) or Complaints Handling sub-committee;
- 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 policy and complying with its standards of behaviour;
- 5.2 Complying with our screening requirements and any state/territory Working with Children Checks;
- 5.3 Placing the safety and welfare of children above other considerations;
- 5.4 Being accountable for their behaviour;
- 5.5 Following the procedures outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour; and
- 5.6 Complying with any decisions and/or disciplinary measures imposed under this policy.

6. Position Statements

6.1 **Child Protection**

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

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

6.1.1 ***Identify and analyse risk of harm***

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

6.1.2 ***Develop codes of behavior***

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 behavior. (Refer to the attachments in Part B of this policy.)

6.1.3 ***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 the attachments in Part C of this policy.)

6.1.4 ***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 develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment.

6.1.5 **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 our sport.

6.1.6 **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 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. (Refer to the attachments in Part D of this policy.)

6.2 **Taking Images of Children**

Images of children can be used inappropriately or illegally. Dragon Boats NSW Inc. requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and ensure that the parent knows the way the image will be used. To respect people's privacy, we do not allow camera phones, videos and cameras inside changing areas, showers and toilets.

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 numbers without gaining consent from the parent/guardian. We will not provide information about a child's hobbies, interests, school or the like, as this can be used by pedophiles or other persons to "groom" a child. . We will only use appropriate images of a child relevant to our sport. We will ensure that they are suitably clothed in a manner that promotes participation in the sport

We require our members and clubs to do likewise.

6.3 **Anti-Discrimination and Harassment**

Dragon Boats NSW aims to provide an environment where all those involved in our activities and events are treated with respect.

We recognise that people cannot participate, enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.

We prohibit all forms of harassment, discrimination and bullying based on the personal characteristics listed in the "Definitions" set out in our Dictionary of Terms [see clause 10]. In most circumstances, this behaviour is against the law.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, they may make an internal complaint. 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 **Sexual Relationships**

Dragon Boats NSW takes the position that sexual relationships between consenting adults within the sport, whether they be with a coach, club committee members and a paddler or between paddlers within the same club are foremost a matter for the individuals involved. DBNSW recognizes that there can be circumstances where such relationships, as described, can have harmful effects on the individuals involved, on other athletes and coaches, and potentially on the sport's image. Such relationships may be intentionally or unintentionally exploitative due to a disparity between coaches and athletes in terms of authority, power, maturity, status, influence and dependence.

Should a complaint regarding sexual relationship exist between an athlete and coach be directed to the Board of DBNSW, the Board will consider whether any action is necessary. Factors that may be relevant in this consideration are the age and maturity of the athlete relative to the coach, financial or emotional dependence of the athlete on the coach, and the likelihood of the relationship having an adverse impact on the athlete and/or other athletes. If it is determined that the sexual relationship is inappropriate and/or damaging to the sport or the individual, appropriate action may be recommended. Such action may include transfer, a request for resignation or a requirement for dismissal from coaching duties.

In the event that an athlete and/or coach wishes to register concern regarding unwanted and unwarranted attempts to initiate an intimate sexual relationship the coach or athlete may wish to seek advice or support from a Member Protection Information Officer, Complaints Manager or other official. Our complaints procedure is outlined in Part D1 of this policy.

6.5 **Pregnancy**

Pregnant women should be treated with respect and any unreasonable barriers to their full participation in our sport should be removed. We will not tolerate any discrimination or harassment against pregnant women.

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

Dragon Boats NSW Inc. encourages all pregnant women wanting to participate in our sport consult with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about participation in our sport. We will only require pregnant women to sign a disclaimer 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 feels she has been harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint. (Refer to the attachments in Part D of this policy.)

6.6 **Gender Identity**

Dragon Boats NSW is committed to providing a safe, fair and inclusive sporting environment where people of all backgrounds can contribute and participate. People who identify as transgender or transsexual should be treated fairly and with dignity and respect at all times. This includes acting with sensitivity when a person is undergoing gender transition.

We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual. If a transgender or transsexual person feels he or she has been harassed or discriminated against by another person or organisation bound by this policy, he or she may make a complaint. (Refer to the attachments in Part D of this policy.)

Dragon Boats NSW Inc. recognises that the exclusion of transgender people from participation in sporting events has significant implications for their health, well-being and involvement in community life. In general, we will facilitate transgender persons participating in our sport with the gender with which they identify.

We 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, Dragon Boats NSW Inc. will seek advice on the application of those laws in the particular circumstances.

Dragon Boats NSW Inc. is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender person intends competing at an elite level, we will encourage them to obtain advice about the IOC's criteria which may differ from the position taken by Dragon Boats NSW Inc.

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

6.7 **Responsible service and consumption of alcohol**

Dragon Boats NSW is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that member clubs follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy is that:

- alcohol should not be available or consumed at sporting events involving children and young people under the age of 18
- alcohol-free social events will be provided for young people and families
- food and low-alcohol and non-alcoholic drinks will be available at events we hold or endorse where alcohol is served
- a committee member will be present at events we hold or endorse where alcohol is served to ensure appropriate practices are followed

- safe transport options will be promoted as part of any event we hold or endorse where alcohol is served.

[Further guidance on developing an Alcohol Policy is available at: www.playbytherules.net.au/resources/club-toolkit.]

6.8 **Smoke-free environment**

Dragon Boats NSW recommends that the following policies be applied to all sporting and social events that we hold or endorse:

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

6.9 **Cyber-bullying**

Dragon Boats NSW regards bullying and harassment in all forms as unacceptable in our sport. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.

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.

Dragon Boats NSW will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. In some cases, bullying is a criminal offence punishable.

Frustration at an official, 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, league or peak sporting body.

6.10 **Social networking websites**

Dragon Boats NSW acknowledges the enormous value of social networking websites, such as Facebook and Twitter, to promote our sport and celebrate the achievements and success of the people involved in our sport.

We expect all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to our sport.

Social media postings, blogs, status updates and tweets:

- must not use offensive, provocative or hateful language
- must not be misleading, false or injure the reputation of another person
- should respect and maintain the privacy of others
- should promote the sport in a positive way.

[Further guidance on developing a Communications Policy is available at:
www.playbytherules.net.au/resources/club-toolkit.]

7. Complaints Procedures

7.1 Complaints

Dragon Boats NSW Inc. aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of natural justice.

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 harassed, bullied or discriminated against or there has been a breach of this Policy.

Such complaints should be reported to the designated Club Member Protection Information Officer (MPIO), or Chief Executive.

If a complaint relates to behaviour or an incident that occurred at the:

- state level, or involves people operating at the state level, then the complaint should be reported to and handled by the relevant state association in the first instance;
- 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 which occurred at, the national level, as well as serious cases referred from the state and club level, should be dealt with by the national body. For example, if a DBNSW member has a complaint whilst training and representing AusDBF in an Australian Team, the process for the complaint is to be handled by AusDBF.

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A complaint may be dealt with informally or formally. The complainant will usually indicate his or her preferred option unless Dragon Boats NSW, the club MPIO, or Chief Executive considers that the complaint falls outside this policy and would be better dealt with another way. For example, the law may require that the complaint/allegation to be reported to an appropriate authority. Dragon Boats NSW reserves all rights in this regard.

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

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

If the complaint relates to a breach of the Race Rules and Regulations, this should be handled by the race day officials and not under this policy.

7.2 Improper Complaints & Victimisation

Dragon Boats NSW Inc. aims to ensure that our complaints procedure has integrity and be free of unfair repercussions or victimisation against the person making the complaint.

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

If at any point in the complaint handling process DBNSW, a club MPIO, or Chief Executive considers that a complainant has **knowingly** made an untrue complaint or the complaint is malicious or intended to cause distress to the respondent, the matter may be referred to the *Chief Executive* for appropriate action, including possible disciplinary action against the complainant.

7.3 Mediation

Dragon Boats NSW Inc. aims to resolve complaints quickly and fairly. . Complaints may be resolved by agreement between the people involved with no need for disciplinary action. Mediation allows those involved to be heard and to come up with mutually agreed solutions.

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 MPIO or Chief Executive will, in consultation with the complainant, arrange for an independent mediator where possible. We will allow lawyers to negotiate on behalf of the complainant and/or the respondent.

More information on the mediation process is outlined in Attachment D.

7.4 Tribunals

A Tribunal may be convened to hear a formal complaint:

- referred to it by the Chief Executive or President;
- referred to DBNSW by a member club because of the serious nature of the complaint or because it was unable to resolve the matter;
- for an alleged breach of this Policy.

Our Tribunal procedure is outlined in attachment **D5**.

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

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

8. What is a Breach of this Policy?

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

- 8.1 Breaching the Codes of Behaviour (**attachment B** to this policy);
- 8.2 Bringing the sport and/or Dragon Boats NSW Inc. into disrepute, or acting in a manner likely to bring the sport and/or Dragon Boats NSW Inc. into disrepute
- 8.3 Failing to follow Dragon Boats NSW Inc. 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 a sexually inappropriate 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 Dragon Boats NSW Inc. information that is of a private, confidential or privileged nature;
- 8.9 Making a complaint they knew to be untrue, vexatious, malicious or improper;
- 8.10 Failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; or
- 8.11 Failing to comply with a direction given to the individual or organisation as part of the discipline process.

9. Disciplinary Measures

DBNSW may impose disciplinary measures on any 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 Constitution, By Laws, this Policy and/or rules of the sport.

9.1 Individual

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

- 9.1.1 A direction that the individual make a verbal and/or written apology;
- 9.1.2 A written warning;
- 9.1.3 A direction that the individual attend counselling to address their behaviour;
- 9.1.4 A withdrawal of any awards, placings, records, achievements bestowed in any regattas, activities or events held or sanctioned by the Dragon Boats NSW Inc.;
- 9.1.5 A demotion or transfer of the individual to another location, role or activity;
- 9.1.6 A suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.7 Termination of the individual's membership, appointment or engagement;
- 9.1.8 A recommendation that the Dragon Boats NSW Inc. terminate the individual's membership, appointment or engagement;

- 9.1.9 In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- 9.1.10 A fine;
- 9.1.11 Any other form of discipline that Tribunal considers appropriate.

9.2 **Organisation**

If a finding is made that a Dragon Boats NSW Inc. member club or affiliated organisation has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by the Tribunal:

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

9.3 **Factors to consider**

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

- Nature and seriousness of the breach;
- If the person knew or should have known that the behaviour was a breach 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 relevant prior warnings or disciplinary action;
- Ability to enforce discipline if the person is a parent or spectator (even if they are bound by the policy); and/or
- Any other mitigating circumstances.

10. **Dictionary**

This Dictionary sets out the meaning of words used in this Policy and its attachments without limiting the ordinary and natural meaning of the words.

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.

Affiliate means a natural person, group (such as a school) or other association, whether incorporated or not, who is associated with the Association but is not a Club and is admitted to DBNSW membership.

Board means the body consisting of the Directors.

Chief Executive means the officer of the Association appointed by the Board to perform the duties of the Chief Executive or any person acting on behalf of the Chief Executive.

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

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

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

Club means a Dragon Boat Club which has at least 18 individual Members and is a financial member of the Association.

Complaint means a complaint made under clause 7.

Complainant means a person making a complaint.

Complaint Handler/Manager means a person appointed under this policy to investigate a Complaint

Director means a member of the Board whether elected or appointed and includes any person acting in that capacity from time to time in accordance with the Constitution.

Discrimination occurs when someone is treated unfairly or less favourably than another person in the same or similar circumstances because of a particular personal characteristic. This is known as direct discrimination. Indirect discrimination occurs when a rule, policy or practice disadvantages one group of people in comparison with others, even though it appears to treat all people the same.

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

- Age;
- Disability;
- Family/carer responsibilities;
- Gender identity/transgender status;
- Homosexuality and sexual orientation;
- Irrelevant medical record;
- Irrelevant criminal record;
- Political belief/activity;
- Pregnancy and breastfeeding;

- Race;
- Religious belief/activity;
- Sex or gender;
- Social origin;
- Trade union membership/activity.

Examples of discrimination are available on the Play by the Rules website:

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

Some exceptions to state and federal anti-discrimination law apply, such as:

- holding a competitive sporting activity for boys and girls only who are under the age of 12, or of any age where strength, stamina or physique is relevant
- 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 activity.
- **Harassment** is any type of behaviour that the other person does not want and is likely to make the person feel intimidated, insulted or humiliated. Unlawful harassment can target a person because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law (see the list under "Discrimination").
- Public acts of racial hatred which are reasonably likely to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some states and territories also prohibit public acts that vilify people on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability (see also "Vilification").

Junior means any person aged between twelve (12 years) and eighteen (18 years) who is participating in an activity of Dragon Boats NSW Inc.

Mediator means an impartial person appointed to help those people involved in a complaint to talk through the issues and resolve the matter on mutually agreeable terms.

Member means any Individual or Club or Affiliate who has paid their annual fees to belong to Dragon Boats NSW Inc.

Member Protection Information Officer means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this Policy. Each affiliated club should appoint its own MPIO. Each club in affiliated with Dragon Boats NSW should appoint its own MPIO. He or she provides impartial and confidential support to the person making the complaint.

Natural justice (also referred to as procedural fairness) requires that:

- 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;
- no person may judge their own case;
- the decision maker/s must be unbiased, fair and just;
- the penalties imposed must be fair.

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

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

Respondent means the person whose behaviours are the subject of the complaint.

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

Sexual harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

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 have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- 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
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

Tribunal means a tribunal established by the Board to hear disciplinary matters and subject to the procedures in Attachment **D5**

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 government legislation (e.g. anti-discrimination) or under this Policy, or for supporting such a person.

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

PART B: CODES OF BEHAVIOUR

Dragon Boats NSW Inc.

(Incorporated under the Associations Incorporation Act, 2009)
(Registered Number: Y2086230)
(ABN 31 936 733 882)



Introduction

Every person involved with Dragon Boat Racing in New South Wales has the right to participate in community sport which is safe, welcoming and inclusive. Equally everyone plays a part in ensuring their actions and behaviours are supportive of these values.

Dragon Boats NSW Inc. is about ensuring that respect for ourselves, others and the community, is at the center of what it means to be part of Dragon Boats NSW Inc. Dragon Boats NSW Inc. is committed to enabling every person, in any capacity, to have the opportunity to participate in community sport without fear of abuse, intimidation and harassment.

Dragon Boats NSW Inc. and its clubs have a responsibility to ensure participation in the sport of dragon boat racing is free of any anti-social behaviour both on and off the water which prevents others from taking part and getting active.

Dragon Boats NSW Inc. Code of Conduct for the Sport outlines behaviours which are to be followed by every person involved in the sport, as well as identifying the behaviors which must not be tolerated.

Acts of violence, discrimination and vilification are illegal acts within New South Wales. It is a club's responsibility to not only report these to the appropriate legal authorities but to ensure these acts are not tolerated by the sport or club.

Dragon Boats NSW Inc. and its clubs will have the responsibility of adhering to and enforcing the code through sport specific penalties. Dragon Boats NSW Inc. and its clubs which do not adhere to and enforce the Code will not be eligible for any funding opportunities.

The Code provides the opportunity to make a positive impact on participation in the sport by encouraging appropriate behavior at all times. Implementation of the Code will ensure that the sport of Dragon Boat Racing remains safe and inclusive for all.

Code of Conduct

Every person: spectator, player, club member, official, participant, administrator, coach, parent or member of the community involved with the sport, should work to ensure:

- inclusion of every person regardless of their age, gender or sexual orientation
- inclusion of every person regardless of their race, culture or religion
- opportunities for people of all abilities to participate in the sport and develop to their full potential
- respect is shown towards others, the club and the broader community
- a safe and inclusive environment for all
- elimination of violent and abusive behaviour
- protection from sexual harassment or intimidation.

This Code applies to, training and club sanctioned activities.

Breaches of the Code

Penalties will be issued once the breach has been confirmed through an appropriate assessment process by Dragon Boats NSW Inc. or its member club. The following behaviours are considered breaches of the Code:

- Violent or abusive behaviour towards another person.
- Vilification of any kind towards another person.
- Discrimination against another person based on their age, gender or sexual orientation.
- Discrimination against another person based on their race, culture, religion or any other irrelevant personal characteristic.
- Sexual harassment or intimidation of another person.
- Victimization of another person for exercising their rights through the Code of Conduct.
- Failure to maintain a safe environment.

Dragon Boats NSW Inc. Responsibility

DBNSW will:

- promote the Code of Conduct to all persons involved in the sport or club
- ensure reporting and assessment processes are in place to identify and penalize breaches of the Code
- report on the implementation of the Code to the State Government on an annual basis
- ensure that every person involved in the sport is able to exercise their rights without fear of victimization.

Member Clubs and Affiliates Responsibilities

DBNSW Member Clubs and Affiliates will:

- promote these Codes of Conduct to all club members, officials and supporters
- ensure all individual members sign the Member Protection Declaration
- adopt, promote and follow the DBNSW Member Protection Policy

Individual Members Responsibilities

Individual members will:

- Be familiar with these Codes of Conduct and the DBNSW Member Protection Policy
- Sign the Member Protection Declaration

Attachment: B1

Dragon Boats NSW Inc.

(Incorporated under the Associations Incorporation Act, 2009)

(Registered Number: Y2086230)

(ABN 31 936 733 882)



CODE OF CONDUCT

As a member of Dragon Boats NSW Inc. you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Dragon Boats NSW Inc., a member association or an affiliated club:

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, Dragon Boats NSW Inc. standards, rules, regulations and policies.
6. Operate within the rules of the sport including national and international guidelines which govern Dragon Boats NSW Inc. the member associations and the affiliated clubs.
7. Do not use your involvement with Dragon Boats NSW Inc. a member association or an affiliated club to promote your own beliefs, behaviours or practices where these are inconsistent with those of Dragon Boats NSW Inc., a member association or an affiliated club.
8. Demonstrate a high degree of individual responsibility especially when dealing with persons less than 18 years of age, as your words and actions are an example.
9. Avoid unaccompanied and unobserved activities with persons less than 18 years of age, wherever possible.
10. Refrain from any form of harassment of others.
11. Refrain from any behaviour that may bring Dragon Boats NSW Inc. 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 repercussions if you breach, or are aware of any breaches of, this code of behaviour.

In addition to this General Code of Conduct, Dragon Boats NSW Inc. has role specific Code of Conduct policies in place which are amended by the Board from time to time. As a member, you will be required to comply with any Code of Conduct policy applicable to your role. For Code of Conduct policies please refer to our website: www.dbnsw.org.au.

Attachment B2

Dragon Boats NSW Inc.

(Incorporated under the Associations Incorporation Act, 2009)
(Registered Number: Y2086230)
(ABN 31 936 733 882)



NSW State Team Code of Conduct

In addition to *Dragon Boats NSW* General Code of Behaviour, all members of the NSW State Team will be required to adhere to the following requirements in regard to your conduct during any activity held or sanctioned by *Dragon Boats NSW Inc.*, a member association or an affiliated club and in your role as a player/participant in any activity held by or under the auspices of *Dragon Boats NSW Inc.*, a member association or an affiliated club:

- Operate within the rules and spirit of your sport, promoting fair play over winning at any cost.
- Encourage and support opportunities for people to learn appropriate behaviours and skills.
- Support opportunities for participation in all aspects of the sport.
- Treat each person as an individual.
- Display control and courtesy to all involved with the sport.
- Respect the rights and worth of every person regardless of their gender, ability, cultural background or religion.
- Respect the decisions of officials, coaches and administrators in the conduct of the sport.
- Wherever practical, avoid unaccompanied and unobserved one-on-one activity (when in a supervisory capacity or where a power imbalance will exist) with people under the age of 18 years.
- Adopt appropriate and responsible behaviour in all interactions.
- Adopt responsible behaviour in relation to alcohol and other drugs.
- Act with integrity and objectivity, and accept responsibility for your decisions and actions.
- Ensure your decisions and actions contribute to a safe environment.
- Ensure your decisions and actions contribute to a harassment free environment.
- Do not tolerate harmful or abusive behaviors.

I acknowledge I have read all of the above and understand the Athletes Code of Conduct as part of the [Year] NSW State team travelling to [place] for the [event] on [dates]

Athlete name _____ Division _____

Signature _____ Date _____

PART C – ATTACHMENTS: WORKING WITH CHILDREN CHECK

Attachment: C1

REQUIREMENTS

The following information was updated in 16 January 2016. It is subject to change at any time

DBNSW, its affiliated clubs and all individual members have an obligation to provide a safe environment for children participating in the sport. In addition to this MPP, DBNSW has developed a Child Protection Policy, which details how those participating in Dragon Boat Racing will create this safe environment. The DBNSW Child Protection Policy can be found on the DBNSW website www.dbnsw.org.au. Working with Children Checks (WWCC) aim to create a child-safe environment and to protect children and young people involved in our sport from physical and sexual harm. The DBNSW Child Protection Policy is an important component of the DBNSW Member Protection Policy. The Child Protection Policy provides Clubs, Affiliates and Individual Members with clear guidelines on how its membership should be checked for suitability to work in child-related activities. Implementation of the Child Protection Policy will ensure all Dragon Boat Clubs are “child safe”.

WWCC's 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: <http://www.playbytherules.net.au/>.

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

New South Wales

Contact the Commission for Children and Young People

Website: www.kids.nsw.gov.au

Phone: 02 9286 7276

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 October 2011 at the Standing Council on Community, Housing and Disability Services, Commonwealth, state and territory ministers agreed to introduce, by late 2012, national exemptions to Working with Children Checks for paid employees and volunteers who are required to cross state or territory borders for work related purposes.

These exemptions will be for up to 30 days in any 12 month period and will enable workers to participate in national and inter-jurisdictional activities on a short-term basis. This means that volunteers and workers with a valid check in their home state or territory will be able to participate in short-term activities across state and territory borders without the need for additional checks.

The Australian Sports Commission will provide more information as soon as it becomes available.

Attachment C2:

MEMBER PROTECTION DECLARATION FORM

Name of Club				
Our Club has duty of care to all associated with our organisation and Dragon Boat Racing. It is a requirement of the Dragon Boats NSW Member Protection Policy that we check the background of each person who participates in child-based activities within our Club.				
Individual Member's Details				
Name				
Date of Birth				
Address				
<p>Declaration – I declare as member of the stated Dragon Boat Club that –</p> <ul style="list-style-type: none"> - I am aware of my obligations under the DBNSW Member Protection Policy; - I agree to adhere to the Code of Conduct applicable to my involvement in DBNSW activities; - I do not have any criminal charges pending against me; - I am willing to undergo a NSW Government Working With Children Check; - I do not have any criminal convictions or findings of guilt for sexual offences, child-related sexual offences or acts of violence; - I have not had any disciplinary proceedings brought against me by an employer, sporting body, or similar organisation for child abuse, sexual misconduct or harassment or other form of harassment or acts of violence; - I am not serving a current ban for an anti-doping violation under the AusDBF ASADA approved Anti-Doping Policy; - I will not participate in, encourage or facilitate any practice banned by WADA or ASADA; - I am familiar with the DBNSW Code of Conduct and I agree to be bound by it; - To my knowledge there is no matter which DBNSW or my Club could consider as constituting a risk to its members, volunteers, employees or paddlers. - I agree to inform the appropriate Club personnel immediately if there is any change to the items listed above. 				
Signed			Date	
Parent/Guardian Consent (only if Members under 18 years old)	I have read and understood the declaration provided by my child/ward. I confirm and warrant that the contents of the declaration as provided are true and correct.			
	Name	Signature		Date
Club Use Only				
Identification Mode (Tick as Appropriate)	Passport	Driver's Licence	Proof of Age	Other Photo ID
Date Verified				
Name of Verifier				
Signature of Verifier				

PART D: COMPLAINT HANDLING PROCEDURES

Attachment D1:

COMPLAINTS PROCEDURE

DBNSW aims to support people associated with Dragon Boat Racing to make and resolve any complaints they may have in a fair, timely and effective manner.

We will keep all complaints confidential. We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us disclose this information or if it is necessary to properly resolve the complaint.

To ensure **fairness for everyone involved**, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously.

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

The flow chart at the conclusion of this Part summarises the complaints procedure.

INFORMAL APPROACHES

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

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

Step 2: Contact a Member Protection Information Officer (MPIO)

Talk with one of our club Member Protection Information Officers (MPIOs) if:

- the first step is not possible/reasonable;
- 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 resolve the problem; or
- the problem continues after you approached the person or people involved.

A list of our sport's MPIOs can be found on the DBNSW website (www.dbnsw.org.au).

The MPIO will:

- take confidential notes about your complaint;
- try to find out the facts of your problem;
- ask how you would like the problem to be resolved and if you need support;
- provide different options for you to resolve the problem;
- act as a support person, if you wish;
- if necessary, refer you to an appropriate person (e.g. Mediator) to help you resolve the problem, ;
- inform the relevant government authorities and/or police if required by law to do so;
- maintain confidentiality.

Step 3: Decide How to Resolve the Problem

After talking with the MPIO, you may decide:

- there is no problem;
- the problem is minor and you do not wish to take the matter forward;
- to try and work resolve the problem yourself, with or without a support person; or
- to resolve the problem with the help of a third person, such as a mediator; or
- to resolve the problem 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 Club President or the DBNSW Chief Executive Officer
Note: This person must have the necessary management authority, or
- approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice.

After receiving a formal complaint, and based on the material you provide, the Club President or DBNSW Chief Executive Officer will decide whether:

- he or she is the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure;
- to refer the complaint to mediation;
- to appoint a person to investigate the complaint;
- to approach a relevant external agency such as an anti-discrimination commission, for advice.
-
- to refer the complaint to the Tribunal hearing;
- to refer the matter to the police or other appropriate authority; and/or
- to implement any interim arrangements that will apply until another complaint process is completed.

In making the decision(s) outlined above, the Club President or DBNSW Chief Executive Officer will take into account:

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

If the Club President or the DBNSW Chief Executive Officer is the appropriate person to handle the complaint he or she will, if these steps are necessary:

- provide the information received from you to the person (s)/ involved and ask for their side of the story;
- decide if they have enough information to determine whether the matter alleged in your complaint did or did not happen; and/or
- determine what, if any, further action to take, including disciplinary action in accordance with this policy.

Step 5: Investigation of the complaint

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 Club President or the DBNSW Chief Executive Officer, who will determine what further action to take.

- If the complaint is referred to mediation, 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 **D5**
- If the complaint is referred to the police or another external agency, DBNSW will endeavour to provide all reasonable assistance required by the police or the agency.

Step 6: Reconsidering a Complaint or Appealing a Decision

If mediation is unable to resolve the complaint, you may request that the Club President or the DBNSW Chief Executive Officer reconsider the complaint in accordance with Step 3.

You or the respondent(s) may also appeal a decision made by the Tribunal. The grounds and process for appeals under this Policy are set out in Attachment **D5**.

Step 7: Documenting the resolution

The Club President or the DBNSW Chief Executive Officer will record the complaint, the steps taken to resolve it and the final outcome. This information will be stored in a confidential and secure place. If the complaint was dealt with at a state/district level, the information will be stored in the state association office. If the matter is of a serious nature, or if it was dealt with at the national level, the original document will be stored at the Australian Dragon Boat Federation (AusDBF) office with a copy stored at the state office.

OTHER EXTERNAL APPROACHES

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

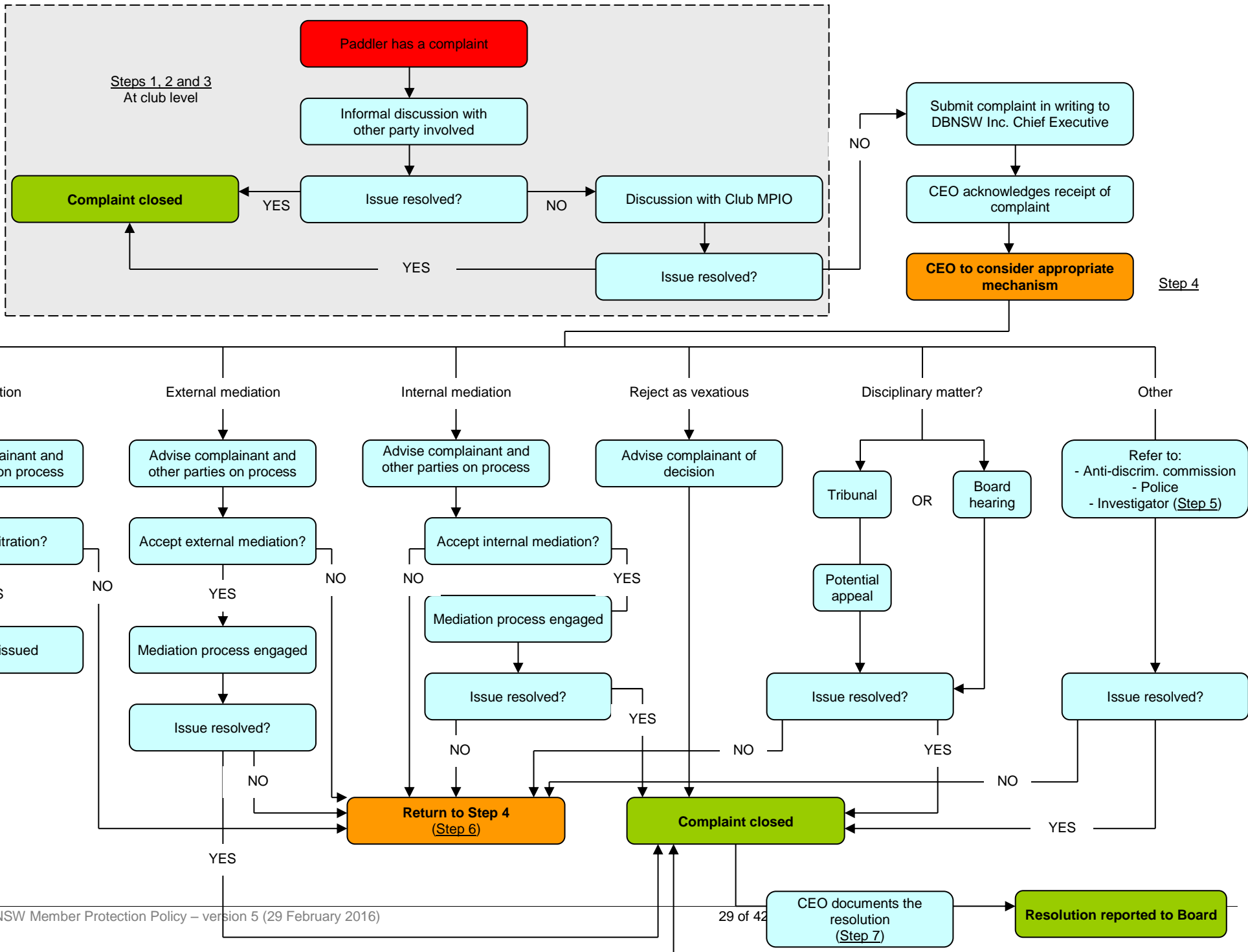
Once a complaint is received by an anti-discrimination commission, it will investigate the matter. If it appears that unlawful harassment or discrimination has occurred, the commission will conciliate the complaint confidentially. If this fails, or is not appropriate, the complaint may go to a formal hearing where a finding will be made. The tribunal will decide upon what action, if any, will be taken. This could include financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred.

If you do lodge a complaint under anti-discrimination law, you may use an appropriate person (e.g. an *MPIO*) as a support person throughout the process. It is also common to have a legal representative, particularly at the hearing stage of a complaint.

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

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

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



Attachment D2:

MEDIATION

Mediation is a process that allows people involved in a complaint to talk through the issues with an impartial person – the mediator – and work out a mutually agreeable solution.

Our approach to mediation follows the steps set out below.

1. The Club President or the DBNSW Chief Executive will appoint a mediator to help resolve the complaint. This will be done in consultation with the complainant and the respondent(s).
 2. The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
 3. All issues raised during mediation will be treated confidentially. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
 4. If the complaint is resolved by mediation, the mediator will prepare a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). We expect the parties involved to respect the terms of the agreement.
 5. If the complaint is not resolved by mediation, the complainant may:
 - a) Write to Club President or the DBNSW Chief Executive to request that they reconsider the complaint in accordance with **Step 3**;
 - b) Approach an external agency such as an arbitrator or the anti-discrimination commission, to resolve the matter.
 - c) Mediation will **not** be recommended if:
 - a. The respondent has a completely different version of the events and will not deviate from these;
 - b. The complainant or respondent are unwilling to attempt mediation;
 - c. Due to the nature of the complaint, the relationship between the complainant and the respondent(s) or any other relevant factors, the complaint is not suitable for mediation; or
 - d. The matter involves 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:

1. We will provide a written brief to the investigator that sets out the terms of engagement, roles and responsibilities. The investigator will:
 - 1.1 Interview the complainant and record the interview in writing.
 - 1.2 Provide full details of the complaint to the respondent (s) so that they can respond.
 - 1.3 Interview the respondent (s) to allow them to answer the complaint, and record the interview in writing.
 - 1.4 Obtain statements from witnesses and collect other relevant evidence, if there is a dispute over the facts
 - 1.5 Make a finding as to whether the complaint is:
 - substantiated (there is sufficient evidence to support the complaint);
 - inconclusive (there is insufficient evidence either way);
 - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
 - mischievous, vexatious or knowingly untrue.
 - Provide a report to Club President or the DBNSW Chief Executive documenting the complaint, investigation process, the evidence, and finding (s) and, if requested, any recommendations.
2. We 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/adviser (e.g. MPIO or other person).
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:

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 Dragon Boats NSW or any of its Affiliated Clubs in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

Step 1 – Initial Receipt of an Allegation

If a child or young person raises with you an allegation of child abuse or neglect that relates to them or 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 allegations

- Immediately report any allegation or disclosure of child abuse or neglect or any situation involving a child at risk of harm, to the police and/or relevant child protection agency. You may need to report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the complaint should be reported.

If the allegation involves anyone to whom our policy applies, then also report the allegation to the Club President or Chief Executive of Dragon Boats NSW Inc. so that they can manage the situation. **Step 3 – Protect the child and manage the situation**

- The Club President or the DBNSW Chief Executive will assess the risks and take interim steps to ensure the child's safety and the safety of any other children. This may include redeploying of the alleged offender to a position where there is no unsupervised contact with children, supervising of the alleged offender or removing/suspending him or her until the investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is in paid employment with an Affiliated Club or DBNSW.

- The Club President or the DBNSW Chief Executive will consider what services are most appropriate to support the child.
- The Club President or the DBNSW Chief Executive will consider what the support services may be appropriate for the alleged offender.

Step 4 – Internal action

- Where there is an allegation made against a person to whom this policy applies, there may be three types of investigations:
 - Criminal investigation (conducted by police)
 - Child protection investigation (conducted by the relevant child protection authority)
 - Disciplinary or misconduct inquiry/investigation (conducted by Dragon Boats NSW Inc.)
- Regardless of the findings of the police and/or the child protection agency investigations , Dragon Boats NSW Inc. will assess the allegations to decide whether the alleged offender should be returned to his or her position, be dismissed , banned, or face any other disciplinary action.
- The Club President or the DBNSW Chief Executive will consider all information relevant to the matter – including any findings made by the police, the child protection authority and/or court – and then set out a finding, recommend actions and the rationale for those actions.
- If disciplinary action is recommended, we will follow the procedures set out in Clause 9 of our Member Protection Policy.

We will provide the relevant government agency with a report of any disciplinary action we take, where this is required.

New South Wales	
New South Wales Police Non-urgent police assistance Phone: 131 444 www.police.nsw.gov.au	Department of Community Services www.community.nsw.gov.au Phone: 132 111

Attachment D5:

HEARINGS & APPEALS TRIBUNAL PROCEDURE

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

Preparing for a Tribunal Hearing

1. A Tribunal Panel will be established according to the rules outlined in Dragon Boats NSW Inc. Constitution, to hear a complaint that has been referred to it by a Club President or the DBNSW Chief Executive. number of Tribunal members required to be present throughout the hearing will be a minimum of three (3) to a maximum of seven (7)
2. The Tribunal members will be provided with a copy of all the relevant correspondence, reports or information received and sent by a Club President or the DBNSW Chief Executive relating to the complaints/allegations.
3. The Tribunal will be held as soon as practicable. However, adequate time must be provided for the respondent (s) to prepare 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 complaints/allegations.
5. The Club President or the DBNSW Chief Executive will inform the respondent(s) in writing that a tribunal hearing will take place. The notice will outline:
 - That the person has a right to appear at the tribunal hearing to defend the complaints allegations;
 - Details of the complaints, and of all allegations as well as the clause of any policy or rule allegedly breached;
 - The date, time and venue of the Tribunal hearing;
 - That either verbal or written submissions can be presented at the Tribunal hearing;
 - That witnesses may attend the Tribunal hearing to support the position of the respondent (s) (statutory declarations of witnesses not available to attend or from character witnesses may also be provided to the Tribunal hearing);
 - An outline of any possible penalties that may be imposed if the complaint is found to be true; and
 - That legal representation will not be allowed. (If the respondent is a minor, they should have a parent or guardian present.)

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

The respondent(s) will be allowed to participate in all club and Dragon Boats NSW Inc. activities and events, pending the decision of the Tribunal, including any available appeal process, unless the DBNSW Board believes it is necessary to exclude the respondent(s) from all or some of Dragon Boats NSW Inc. activities and events because of the nature of the complaint.

6. The Club President or the DBNSW Chief Executive will notify the complainant in writing that a Tribunal hearing will take place. The notice will outline:
 - That the person has a right to appear at the Tribunal hearing to support their complaint;
 - Details of the complaint, including any relevant rules or regulations the respondent is accused of breaching
 - The date, time and venue of the Tribunal hearing;
 - That either verbal or written submissions can be presented at the Tribunal;
 - That witnesses may attend the Tribunal hearing to support of their position (statutory declarations from witnesses not available to attend may also be provided to the Tribunal hearing); and

- That legal representation will not be allowed. (If complainant is a minor, they should have a parent or guardian present)

A copy of any information/documents that have been given to the Tribunal (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 Club President or the DBNSW Chief Executive as soon as possible so that the respondent and the Tribunal Panel members can be properly informed of the complaint.
8. If possible, the Tribunal should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination laws)

Tribunal Hearing Procedure

9. The following people will be allowed to attend the Tribunal Hearing:
 - The Tribunal members;
 - The respondent(s);
 - The complainant;
 - Any witnesses called by the respondent;
 - Any witnesses called by the complainant;
 - Any parent/guardian or support person required to support the respondent or the complainant.
10. If the respondent(s) is not present at the set hearing time and the Tribunal Chairperson considers that no valid reason has been presented for their absence, the Tribunal Hearing will continue subject to the Tribunal Chairperson being satisfied that all Tribunal notification requirements have been met.
11. If the Tribunal Chairperson considers that a valid reason for the non-attendance of the respondent(s) has been presented, or the Tribunal Chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal will be rescheduled to a later date.
12. The Tribunal Chairperson will inform the Club President or the DBNSW Chief Executive of the need to reschedule, and the Club President or the DBNSW Chief Executive will organise for the Tribunal to be reconvened.
13. The Tribunal Chairperson will read out the complaint and ask each respondent(s) if he or she understands the complaint and if he or she agrees or disagrees with the complaint.
14. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal Panel when determining any disciplinary measures or penalties.
15. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made:
 - Reference may be made to brief notes.
 - The complainant may call witnesses.
 - The respondent(s) may question the complainant and witnesses.
16. The respondent(s) will then be asked to respond to the complaint:
 - Reference may be made to brief notes.
 - The respondent may call witnesses.
 - The complainant may ask questions of the respondent and witnesses.
17. Both the complainant and respondent may be present when evidence is presented to the Tribunal. Witnesses may be asked to wait outside the hearing until required.
18. The Tribunal may:
 - Consider any evidence, and in any form, that it deems relevant.
 - Question any person giving evidence.

- Limit the number of witnesses presented to those who provide any new evidence.
 - Require (to the extent it has power to do so) the attendance of any witness it deems relevant;
 - Act in an inquisitorial manner in order to establish the truth of the issue/case before it.
19. Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.
 20. If the Tribunal considers that at any time during the Tribunal hearing that there is any unreasonable or intimidatory behaviour from anyone the Tribunal Chairperson may deny further involvement of the person in the hearing.
 21. After all of the evidence has been presented the Tribunal will make its decision in private. The Tribunal must decide whether the complaint has, on the balance of probabilities, been substantiated. As the seriousness of the allegation increases, so too must the level of satisfaction of the Tribunal that the complaint has been substantiated. The respondent (s) will be given an opportunity to address the Tribunal on disciplinary measures which might be imposed. Any disciplinary measures imposed must be reasonable in the circumstances.
 22. All Tribunal decisions will be by majority vote.
 23. The Tribunal Chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed. Alternatively, he or she may advise those present that the decision is reserved and will be handed down at a later time.
 24. Within 48 hours, the Tribunal Chairperson will:
 - Forward a notice of the Tribunal's decision to the Club President or the DBNSW Chief Executive, including any disciplinary measures imposed.
 - Forward a letter to the respondent(s) reconfirming the Tribunal decision and including any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an appeal .If the matter is especially complex or important, the Tribunal Chairperson may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours.
 25. The Tribunal does not need to provide written reasons for its decision.

Appeals Procedure

26. If a complainant or a respondent(s) is not satisfied with the outcome of a mediation process or Tribunal decision he or she can lodge one appeal to Dragon Boats NSW Inc. on one or more of the following bases:
 - 26.1 that a denial of natural justice has occurred; or
 - 26.2 That the disciplinary measure(s) imposed is unjust and/or unreasonable.
 - 26.3 That the decision was not supported by the information/evidence provided to the Tribunal.
27. A person wanting to appeal in accordance with clause 26 must lodge a letter setting out the basis for their appeal with the DBNSW Chief Executive within 10 days of the relevant decision. An appeal fee of \$500 shall be included with the letter of intention to appeal.
28. If the letter of appeal is not received by the DBNSW Chief Executive within the time period the right of appeal lapses. If the letter of appeal is received but the appeal fee is not received by the relevant time, the appeal lapses.
29. The letter of appeal and copy of tribunal decision report will be forwarded to the DBNSW Chief Executive to review and decide whether there are sufficient grounds for the appeal to proceed. The DBNSW Chief Executive may invite any witnesses to the meeting it believes are required to make an informed decision.

30. If the appellant has not shown sufficient grounds for appeal in accordance with clause 26, then the appeal will be rejected. The appellant will be notified with reasons. The appeal fee will be forfeited.
31. If the appeal is accepted an Appeal Tribunal with a new panel will be convened to rehear the complaint.
32. The Tribunal Procedure shall be followed for the appeal.
33. The Appeal Tribunal has discretion to refund the appeal fee, in whole or in part, as part of its ultimate decision.
34. The decision of an Appeal Tribunal will be final.

PART E: REPORTING DOCUMENTS

Attachment E1:



CONFIDENTIAL 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	
Location/event of alleged issue		
Facts as stated by complainant		
Nature of complaint (category/basis/grounds)	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist methods <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching	
Can tick more than one box	<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	
What they want to happen to resolve the issue		
What information provided		
What they are going to do now		

This record and any notes must be kept in a confidential place – do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be sent to Dragon Boats NSW – Chief Executive.



CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Location/event of alleged issue		
Description of alleged issue		
Nature of complaint (category/basis/grounds) Can tick more than one box	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist methods <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching <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 went to hearing tribunal: Decision - Action recommended -	
If mediated: Date of mediation - Were both parties present - Terms of Agreement - Any other action taken -	
If went to appeals tribunal: 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: / /
Signed by:	Complainant: Respondent:

This record and any notes must be kept in a confidential place. If the complaint is of a serious nature, or is escalated to and/or dealt with at the national level, the original must be forwarded to the national body and a copy kept at the club/state/district level (whatever level the complaint was made).

Attachment E3:



CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing, ensure the procedures outlined in attachment C4 have been followed and advice has been sought from the relevant government agency and/or police.

Complainant's Name (if other than the child)		Date Formal Complaint Received: / /
Role/status in sport		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	<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	
Witnesses (if more than 3 witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action (if any) taken (to ensure child's safety and/or to support needs of person complained about)		

Police contacted	Who: When: Advice provided:
Child Protection Agency contacted	Who: When: Advice provided:
CEO contacted	Who: When:
Police and/or Child Protection 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 place and provided to the relevant authorities (police and government) should they require them.