

2018

Australian Dodgeball Federation: Member Protection Policy

2018 ISSUE

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PART A: Policy

1. Introduction

Australian Dodgeball Federation Inc. (ADF) has a responsibility is to promote and maintain the growth of Dodgeball across all Australian states and territories.

Our focus is to unify the rules within Australia in order to promote Dodgeball as a legitimate sport that will attract talented, enthusiastic athletes at social and international level. With the assistance of our dedicated team of volunteers and members we will curate adult and youth development programs, coaching certifications, social activities and world class tournaments for the benefit of the sport and our members.

The ADF is an official member of the World DodgeBall Federation (WDBF). The WDBF is the peak international body which manages and develops Dodgeball globally since its inauguration in 2012. The ADF has been represented at the WDBF World Championships by both Men's and Women's teams since 2013

2. Purpose of Our Policy

The main objective of the Australian Dodgeball Federation Inc. ("the organisation", "our", "us" or "we") Australian Dodgeball Federation: Member Protection Policy ("policy") is to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport. It sets out our commitment to ensure that every person bound by the policy is treated with respect and dignity and protected from discrimination, harassment and abuse. It also seeks to ensure that everyone involved in our sport is aware of their key legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

The attachments to this policy describe the practical steps we will take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, the policy allows Australian Dodgeball Federation Inc. to take disciplinary action against any person or organisation bound by this policy if they breach the policy.

This policy has been endorsed by the Australian Dodgeball Federation Inc. Board ("Board"). The policy is effective from 1 June 2018 and will operate until replaced.

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

<http://dodgeballaustralia.org.au/>

3. Who Our Policy Applies To

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

- persons appointed or elected to [national] boards, committees and sub-committees
- employees of the organisation;
- members of the Board;
- support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers and others;
- coaches and assistant coaches;
- athletes;
- referees, umpires and other officials;
- members, including life members of the organisation; and

- athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by the organisation;

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

It is also intended this policy will apply to:

- member associations; and
- affiliated clubs and associated organisations.

4. Organisational Responsibilities

the organisation and affiliated organisations must:

- adopt, implement and comply with this policy;
- ensure that this policy is enforceable;
- publish, distribute and promote this policy and the consequences of any breaches of this policy;
- promote and model appropriate standards of behaviour at all times;
- deal with any complaints made under this policy in an appropriate manner;
- deal with any breaches of this policy in an appropriate manner;
- recognise and enforce any penalty imposed under this policy;
- ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies;
- seek advice from appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour; and
- review this policy every 12-18 months.

5. Individual Responsibilities

Individuals bound by this policy must:

- make themselves aware of the contents of this policy;
- comply with all relevant provisions of this policy, including the standards of behaviour outlined in this policy;
- consent to the screening requirements set out in this policy, and any state or territory Working with Children checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18, or where otherwise required by law;
- treat other people with respect;
- always place the safety and welfare of children above other considerations;
- be responsible and accountable for their behaviour; and
- follow the guidelines outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment, bullying or other inappropriate behaviour; and
- comply with any decisions and/or disciplinary measures imposed under this policy.

6. Protection of Children

Australian Dodgeball Federation Inc. is committed to the safety and wellbeing of children and young people who participate in our association's activities or use our services.

6.1. Child Protection

We support the rights of the child and will act at all times to ensure that a child safe environment is maintained. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure and safe environment for all participants.

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

6.1.1. Identifying and Analysing Risks of Harm

We will develop and implement a risk management strategy, which includes 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 action of an employee, volunteer or another person.

6.1.2. Developing Codes of Conduct for Adults and Children

We will develop and promote a code of conduct that specifies standards of conduct and care we expect of adults when the deal and interact with children, particularly those in our care. We will also implement a code of conduct to promote appropriate behaviour between children.

The codes will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour (see Attachment 3).

6.1.3. Choosing Suitable Employees and Volunteers

We will ensure that the organisation takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

We will ensure that Working with Children Checks and criminal history assessments are conducted for employees and volunteers working with children, where an assessment is required by law. If a criminal history report is obtained as part of the screening process, we will ensure that the criminal history information is dealt with confidentially and in accordance with relevant legal requirements (see Attachment 2).

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 to develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment in our association.

6.1.5. Empower and Promote the Participation of Children in Decision-Making and Service Development

We will promote the involvement and participation of children and young people in developing and maintaining a child-safe environment in our association.

6.1.6. Report and Respond Appropriately to Suspected Abuse and Neglect

We will ensure that 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 ground that a child has been, or is being, abused or neglected (see Attachment 5).

In addition to any legal obligations, 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 they may make an internal complaint.

Please refer to our complaints procedure in section 10 of this policy.

Any person who believes a child is in immediate danger or in a life-threatening situation, should contact the police immediately.

6.2. Supervision

Children under the age of 18 must be supervised at all times by a responsible adult. We endeavour to provide an appropriate level of supervision at all times. If a member finds a child under the age of 18 is unsupervised, they should assume responsibility for the child's safety until the child's parent/guardian or supervisor is located.

For reasons of courtesy and safety, parents must collect their children on time. If it appears a member will be left alone with just one child at the end of any association activity, they will ask another member to stay until the child is collected.

6.3. Transportation

Parents and or guardians are responsible for organising the transportation of their children to and from association activities (e.g. training and games). Where we make arrangements for the transportation of children (e.g. for away matches or overnight trips), we will conduct a risk assessment that includes ensuring vehicles are adequately insured, the driver has a current and appropriate licence for the vehicle being used and the appropriate safety measures are in place (e.g. fitted working seatbelts).

6.4. Taking Images of Children

Images of children can be used inappropriately or illegally. We require that members, wherever possible, obtain permission from a child's parent or guardian before taking an image of a child that is not their own. We will also make sure that the parent or guardian understands how the image will be used.

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

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 or guardian. We will not provide information about a child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" a child.

We will only use images of children that are relevant to our association's activities and we will ensure that they are suitably clothed in a manner that promotes our association. We will seek permission from a child's parent or guardian before using their images.

7. Discrimination, Harassment and Bullying

Australian Dodgeball Federation Inc. 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, harassment and bullying.

We recognise that people may not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against, harassed or bullied.

7.1. 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.

Discrimination includes both direct and indirect discrimination:

Direct discrimination occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.

Indirect discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

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

7.2. Harassment

Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and which happens because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation.

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

Sexual harassment is one type of harassment. Sexual harassment involves unwelcome conduct, remarks or innuendo of a sexual nature. It covers a wide range of behaviours and can be verbal, written, visual or physical. Sexual harassment is not limited to members of the opposite sex.

Every person is covered by the anti-discrimination laws that apply in their State as well as the Federal anti-discrimination laws.

The following is a list of all the personal characteristics that apply throughout Australia:

- gender;
- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration;
- national extraction or social origin;
- marital status, relationship status, identity of spouse or domestic partner;
- pregnancy, potential pregnancy, breastfeeding;
- family or carer responsibilities, status as a parent or carer;
- age;
- religion, religious beliefs or activities;
- political beliefs or activities;
- lawful sexual activity;
- sexual orientation and gender identity;
- profession, trade, occupation or calling;
- irrelevant criminal record, spent convictions;
- irrelevant medical record;
- member of association or organisation of employees or employers, industrial activity, trade union activity;
- physical features;
- disability, mental or physical impairment;

- defence service; and
- personal association with someone who has, or is assumed to have, any of these personal characteristics.

Legislation also prohibits:

- racial, religious, homosexual, transgender and HIV/AIDS vilification; and
- victimisation resulting from a complaint.

7.3. Prohibition Against Discrimination and Harassment

Australian Dodgeball Federation Inc. prohibits all forms of harassment and discrimination based on the personal characteristics including, but not limited to those listed above.

Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy is encouraged to raise their concerns with us. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation. (Refer to the attachments in PART D: Complaint Handling Procedures)

7.4. Bullying

Australian Dodgeball Federation Inc. 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 at our association.

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 group.

Whilst generally characterised by repeated behaviours, one off instances can amount to bullying.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

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

Bullying includes cyber-bulling which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. Australian Dodgeball Federation Inc. will not tolerate abusive, discriminatory, intimidating or offensive statements being made online.

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.

8. Intimate Relationships

Australian Dodgeball Federation Inc. understands that consensual intimate relationships (including, but not limited to sexual relationships) between coaches or officials and adult athletes may take place legally. However, this policy will help ensure that the expectations of coaches or officials are clear and, to ensure that if an intimate relationship does exist or develop between a coach or official and an adult athlete, that relationship will be managed in an appropriate manner.

Coaches and officials are required to conduct themselves in a professional and appropriate manner in all interactions with athletes. In particular, they must ensure that they treat athletes in a respectful and fair manner, and that they do not engage in sexual harassment, bullying, favouritism or exploitation.

We take the position that consensual intimate relationships between coaches or officials and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's public image. These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach or official and the athlete.

We recommend that if an athlete attempts to initiate an intimate relationship with a coach or official, the coach or official should discourage the athlete's approach and explain to the athlete why such a relationship is not appropriate.

If a consensual intimate relationship does exist or develop between an adult athlete and a coach or official, the coach or official is expected to ensure that the relationship is appropriate and that it does not compromise impartiality, professional standards or the relationship of trust the coach or official has with the athlete and/or other athletes.

In assessing the appropriateness of an intimate relationship between a coach or official and an adult athlete, relevant factors include, but are not limited to:

- the relative age and social maturity of the athlete;
- any potential vulnerability of the athlete;
- any financial and/or emotional dependence of the athlete on the coach or official;
- the ability of the coach or official to influence the progress, outcomes or progression of the athlete's performance and/or career;
- the extent of power imbalance between the athlete and coach or official; and
- the likelihood of the relationship having an adverse impact on the athlete and/or other athletes.

It will often be difficult for a coach or official involved in an intimate relationship with an adult athlete to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from a Board member or senior staff member to ensure that they have not involved themselves in inappropriate or unprofessional conduct.

If it is determined that an intimate relationship between a coach or official and an adult athlete is inappropriate or unprofessional we 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 a Board member or senior staff member. Our complaints procedure is outlined in PART D: Complaint Handling Procedures.

9. Inclusive Practices

Australian Dodgeball Federation Inc. is welcoming and we will seek to include members from all areas of our community.

The following are examples of some of our inclusive practices.

9.1. People with A Disability

We will not discriminate against any person because they have a disability. Where it is necessary, we will make reasonable adjustments (e.g. modifications to equipment and rules) to enable participation.

9.2. People from Diverse Cultures

We will support, respect and encourage people from diverse cultures and religions to participate in our association and where possible we will accommodate requests for flexibility (e.g. modifications to uniforms).

9.3. Sexual or Gender Identity

All people, regardless of their sexuality or gender identity, are welcome at our association. We strive to provide a safe environment for participation and will not tolerate any form of discrimination or harassment because of a person's sexuality or gender identity.

9.3.1. *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.

9.3.2. *Sexual or Gender Identity Discrimination and Harassment*

Federal, state and territory anti-discrimination laws provide protection from discrimination against people on the basis of their sexual gender identity.

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

All persons, regardless of gender or sexual 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.

9.3.3. Participation in sport

[Insert name of NSO] recognises that excluding people from participating in sporting events and activities because of their gender identity may have significant implications for their health, wellbeing and involvement in community life. We are committed to supporting participation in our sport on the basis of the gender with which a person identifies.

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

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.

9.3.4. 6.6.3. Intersex status

Federal anti-discrimination law, and some state and territory anti-discrimination laws, provide protection from discrimination against a person on the basis of their intersex status.

Australian Dodgeball Federation Inc. 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.

9.4. Pregnancy

Australian Dodgeball Federation Inc. is committed to treating pregnant women fairly and to removing any unreasonable barriers to their full participation in our association's activities. We will not tolerate any discrimination or harassment against pregnant women.

We 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 our sport. Pregnant women should make these decisions themselves, in consultation with their medical advisers and in discussion with Barwon Dodgeball Association. We will only require pregnant women to sign a disclaimer in relation to their participation in our sport whilst they are pregnant if all other participants are required to sign one in similar circumstances. 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 bound by this policy, she may make a complaint (see section 13).

10. Responsible Service and Consumption of Alcohol

Australian Dodgeball Federation Inc. is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend

that state associations and 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 be provided for young people and families;
- food and low-alcohol and non-alcoholic drinks be available at events we hold or endorse where alcohol is served;
- a staff member is present at events we hold or endorse where alcohol is served to ensure appropriate practices in respect of the consumption of alcohol are followed;
- safe transport options be promoted as part of any event we hold or endorse where alcohol is served.

11. Smoke-Free Environment

Australian Dodgeball Federation Inc. is committed to providing a safe and healthy environment at all sporting and social events that we hold or endorse.

In general, our policy is that:

- 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; and
- coaches, officials, trainers, volunteers and players will refrain from smoking while they are involved in an official capacity in our sport, both on and off the field.

12. Social networking

Australian Dodgeball Federation Inc. acknowledges the enormous value of social networking to promote our sport and celebrate the achievements and success of the people involved in our sport.

Social networking refers to any interactive website or technology that enables people to communicate and/or share content via the internet. This includes social networking websites such as Facebook and Twitter.

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

In particular, social media activity including, but not limited to, postings, blogs, status updates, and tweets:

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

13. Responding to Complaints

13.1. Handling Complaints

Australian Dodgeball Federation Inc. takes all complaints about on and off-field behaviour seriously and aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of procedural fairness, and ensure:

- all complaints will be taken seriously;
- the person making the complaint (complainant) will be given full details of what is being alleged against them and have the opportunity to respond to those allegations;
- irrelevant matters will not be taken into account;
- decisions will be unbiased; and

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 a suitable member of the Board or managing Officer or a relevant state or local body in the instance of complaints related to events occurring within their region or operations.

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.

A complaint may be handled informally or formally. The complainant may indicate his or her preferred option and the managing Officer 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 6.

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.

More serious complaints may be escalated to relevant authorities.

If the complaint relates to suspected child abuse, sexual assault or other criminal activity, then our association may need to report the behaviour to the police and/or relevant government authority.

13.2. Improper Complaints and Victimisation

Australian Dodgeball Federation Inc. 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 managing Officer 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 Board or relevant authority for review and appropriate action, including possible disciplinary action against the complainant.

13.3. Mediation

Australian Dodgeball Federation 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 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 managing 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 7.

13.4. Disputes Committee and Tribunals

In accordance with Australian Dodgeball Federation Inc. rules a Tribunal or hearing by the Disputes Committee may be convened to hear a proceeding for an alleged breach of this policy:

- referred to it by a Board member;
- referred to it or escalated by a state association where because of the serious nature of the complaint, because it was unable to be resolved at the state level or because the policy of the state association directs it to be;

Our Tribunal procedure is outlined in Attachment 9.

13.4.1. Appeals

A respondent may lodge an appeal to the Board in respect of a Disputes Committee or Tribunal decision requesting formation of an Appeal Tribunal to review the matter. The decision of the Appeal Tribunal is final and binding on the people involved.

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

13.5. Disciplinary Measures

Australian Dodgeball Federation Inc. may take disciplinary action against any individual or organisation found to have breached our policy or made false and malicious allegations. Any disciplinary measure imposed under our policy must:

- be applied consistent with any contractual and employment rules and requirements;
- be fair and reasonable;
- be based on the evidence and information presented and the seriousness of the breach; and
- be determined by our constituent documents, this document, by-laws and the rules of the game.

13.5.1. Sanctions for 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 direction that the individual make a verbal and/or written apology;
- a written warning;
- a direction that the individual attend counselling to address their behaviour;
- a withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by the organisation;
- a demotion or transfer of the individual to another location, role or activity;
- a suspension of the individual's membership or participation or engagement in a role or activity;
- termination of the individual's membership, appointment or engagement;
- a recommendation that organisation terminate the individual's membership, appointment or engagement;
- 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;
- a fine;
- any other form of discipline that a managing Officer or Tribunal considers appropriate.

13.5.2. Sanctions for Organisation

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

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

13.6. Factors Determining Disciplinary Measures

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

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

PART B: Codes of Behaviour

Australian Dodgeball Federation Inc. seeks to provide a safe, fair and inclusive environment for everyone involved in our organisation and in our sport.

To achieve this, we require certain standards of behaviour by players/athletes, coaches, officials, administrators, parents/guardians (of child participants) and spectators.

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

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

1. Related Attachments

Attachment 3: Dodgeball Code of Behaviour

Attachment 4: Duty Statements

PART C: Employment Screening / Working with Children Check Requirements

Australian Dodgeball Federation Inc. is 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, Tasmania and South Australia.

Australian Dodgeball Federation Inc., including our state associations and clubs, 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.

1. Related Attachments

Attachment 1: Member Protection Declaration

Attachment 2: Working with Children Check Requirements

PART D: Complaint Handling Procedures

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

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

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.

1. Related Attachments

Attachment 5: Reporting Requirements and Documents

Attachment 6: Complaints Procedure

Attachment 7: Mediation

Attachment 8: Investigation Process

Attachment 9: Tribunal Procedures

Attachment 1 Member Protection Declaration

We have a duty of care to all those associated with our organisation and to the individuals and organisations to whom this policy applies. As a requirement of our Member Protection Policy, we must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

I

(name)

Of

(address)

Born

_____ / _____ / _____

(day) (month) (year)

Sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence.
4. To my knowledge there is no other matter that the association may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
5. I will notify the President of the association immediately upon becoming aware that any of the matters set out in clauses 1 to 4 above has changed.

Declared in the State/Territory of:

On

_____ / _____ / _____

Signed

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

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

Name:

Date:

_____ / _____ / _____

Signed:

Attachment 2 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_wwvp

Phone: 02 6207 3000

New South Wales

Contact the Office of the Children's Guardian

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

Phone: 02 9286 7276

Northern Territory

Contact the Northern Territory Screening Authority

Website: www.workingwithchildren.nt.gov.au

Phone: 1800 SAFE NT (1800 723 368)

Queensland

Contact the Queensland Government Blue Card Services

Website: www.bluecard.qld.gov.au

Phone: 1800 113 611

South Australia

Contact the Department for Education and Child Development

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

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

Phone: 1300 13 55 13

Victoria

Contact the Department of Justice

Website: www.workingwithchildren.vic.gov.au

Phone: 1300 652 879

Western Australia

Contact the Department for Child Protection

Website: www.checkwwc.wa.gov.au

Phone: 1800 883 979

Travelling to Other States or Territories

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

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

The laws providing interstate exemptions are not consistent across Australia.

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

Attachment 3 Dodgeball Code of Behaviour

This Code of Behaviour aims to set out the minimum standards for anyone involved in sport. It should apply when playing, training or taking part in club-sanctioned activities.

- Act within the rules and spirit of your sport.
- Promote 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.
- Show respect and courtesy to all involved with the sport.
- Respect the rights and worth of every person, regardless of their age, race, gender, ability, cultural background, sexuality or religion.
- Respect the decisions of officials, coaches and administrators.
- Wherever practical, avoid unaccompanied and unobserved one-on-one activity (when in a supervisory capacity or where a power imbalance exists) with people under the age of 18.
- Display appropriate and responsible behaviour in all interactions.
- Display 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 harassment-free and safe environment
- Do not tolerate abusive, bullying or threatening behaviour.

Attachment 3.1 Dodgeball Etiquette

High Strikes

Strikes high on the body including the head are a part of the game of dodgeball. However, it is deemed unsportsmanlike to intentionally aim for the face/head on a repetitive basis or within close range.

Throwers: In the event of a high strike occurring it is common courtesy to apologise and in cases where injury is apparent, it is customary to draw attention of the Match Officials so that all may check if person struck is okay. It is encouraged to check in with them again when shaking hands at the end of the match to maintain good relations. Penalties may apply if you are found to be intentionally aiming high.

Receivers: In most cases, high strikes are accidental; with players throwing inaccurately rather than intentionally. It is important to accept efforts to apologise and avoid taking the strike personally. In the unlikelihood that you think a player is intentionally aiming high, please notify your match Officials immediately so they can apply a penalty if it continues.

Players with Different Fitness and Experience Levels

We want dodgeball to be inclusive, particularly at local levels.

Be aware of your own ability and the ability of others and their experience levels. Use common sense in engaging players of differing levels. If you know you are strong player, there is no need to embarrass or overly dominate an inexperienced player. Other teams and players will not be impressed.

Play with consideration against players that are visibly timid, nervous or new to the game e.g. softer throws, lower shots give them a fun game, allow them a chance to understand and learn the different elements of the game that they may not understand yet.

Do not throw fast balls at point blank range when people are on the floor

Throw low shots at people who wear glasses or are inexperienced

Mix up your targets and avoid getting the same player out consecutively (they don't want to be stuck in the outbox the whole game)

Honesty and Integrity

Simple one. Go out when you get hit, hair, clothing, or finger, it all counts. If the referee missed it, your opposition and spectators may not have. Dishonesty is a stain that can be very hard to wash off, it doesn't just affect you, but your team and our leagues reputation. We pride ourselves on providing a fair playing environment for our players, keep it that way or we will remove you.

Self-officiating is when players attempt to make their own rulings during their match rather than allowing the Match Officials to do so. While this is acceptable when the players are ruling themselves as out, ruling in their own favour can not only be disrespectful to Match Officials, but can also lead the match into disarray as players begin calling alternatively to the Match Officials which can result in unwanted conflict and perceived bias. Players are expected to respect and abide by all rulings by Match Officials. If a ruling is made that a player disagrees with, the player may approach the Match Officials between sets to discuss briefly, as to not disrupt gameplay. The dodgeball community is always looking for enthusiastic players to become Match Officials, please approach your local community leader to talk about becoming one today.

Attachment 3.2 General Sportsmanship

Players

- Act within the rules and spirit of the sport.
- Promote 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.
- Show respect and courtesy to all involved with the sport.
- Respect the rights and worth of every person, regardless of their age, race, gender, ability, cultural background, sexuality or religion.
- Respect the decisions of officials, coaches and administrators.
- Act with integrity and objectivity, and accept responsibility for your decisions and actions.
- Ensure your decisions and actions contribute to a harassment-free environment.
- Do not tolerate abusive, bullying or threatening behaviour.

Officials

- Place the safety and welfare of the athletes above all else.
- Ensure all players are included and can participate, regardless of their race, gender, ability, cultural background, sexuality or religion.
- Be consistent, impartial and objective when making decisions.

- Address unsportsmanlike behaviour and promote respect for other players and officials. o Spectators
- Respect the effort and performances of players and officials.
- Reject the use of harassment, bullying or violence in any form, whether by other spectators, coaches, officials or athletes.

Coaches

- Place the safety and welfare of the athletes above all else.
- Help each person (athlete, official, etc.) to reach their potential. Respect the talent, developmental stage and goals of each person and encourage them with positive and constructive feedback.
- Obtain appropriate qualifications and keep up-to-date with the latest coaching practices and the principles of growth and development of young players.
- Ensure that any physical contact with another person is appropriate to the situation and necessary for the person's skill development.

Administrators

- Ensure quality supervision and instruction for players.
- Support coaches and officials to improve their skills and competencies.
- Act honestly, in good faith and in the best interests of the sport as a whole.
- Ensure that any information acquired or advantage gained from the position is not used improperly.
- Conduct club responsibilities with due care, competence and diligence.
- Declare conflicts of interest to all relevant parties

Parents

- Encourage your child to participate, do their best and have fun.
- Focus on your child's effort and performance, rather than winning or losing.
- Never ridicule or yell at a child for making a mistake or losing a competition.
- Help the coach or officials at training and games, where possible.
- Model appropriate behaviour, including respect for other players and officials.

Attachment 3.3 Code of Behaviour Declaration

I

have read and understood this Code of Behaviour and agree to abide by it participating in competitions and events conducted by Barwon Dodgeball Association

Signed _____

On _____ / _____ / _____

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

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

Name: _____

Date: _____ / _____ / _____

Signed: _____

Attachment 4 Duty Statements

Duties of Board members of Australian Dodgeball Federation Inc. are covered in by the Associations Incorporation Reform Act 2012. Furthermore, it is the expectation of the organisation that the following parties have extended duties under this policy as noted.

Attachment 4.1 Member or Affiliate (Individual or Organisation)

All Members and Affiliates are expected to agree to and uphold the requirements of this policy. This does include the need for critical review as required.

Attachment 4.2 President and Vice President

The President and Vice President are expected to periodically review the content of; and administration of, this Policy to ensure its effectiveness.

Attachment 4.3 Secretary

The Secretary is required to assist in administering this Policy through communication and provision of access to the contents as required by persons covered by the policy.

Attachment 4.4 Other Committee Members

All Committee Members are expected to assist the President, Vice President and Secretary in their duties in respect of this policy.

Attachment 4.5 Match Officials, Coaching Staff and Event Staff

Match Officials, Coaching Staff and Event Staff are expected to be respectful of the position they hold in relation to others covered by this policy and ensure they are ware of its content and capable of adhering.

Attachment 5 Reporting Requirements and Documents

This form can be used for recording and managing a number of complaints or allegations and include:

- Attachment 5.1 Record of Complaint
- Attachment 5.2 Procedure for Handling Allegations of Child Abuse
- Attachment 5.3 Confidential Record of Child Abuse Allegation

Attachment 5.1 Record of Complaint

Person Receiving Complaint	
Name	
Date	/ /

Complainant	
Name	
Age Category	<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

Subject of Complaint	
Name	
Age Category	<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

Details of Complaint			
Location/Event of Alleged Issue			
Date	/	/	
Description of alleged issue			
Nature of Complaint <i>Select as many as apply</i>	<input type="checkbox"/> Harassment <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual <input type="checkbox"/> Race <input type="checkbox"/> Gender <input type="checkbox"/> Religion <input type="checkbox"/> Other _____	<input type="checkbox"/> Discrimination <input type="checkbox"/> Bullying <input type="checkbox"/> Disability <input type="checkbox"/> Sexuality <input type="checkbox"/> Verbal Abuse <input type="checkbox"/> Physical Abuse	<input type="checkbox"/> Child Abuse <input type="checkbox"/> Personality Clash <input type="checkbox"/> Selection Dispute <input type="checkbox"/> Victimisation <input type="checkbox"/> Unfair Ruling
Complainants Expectation			
Information Provided to Complainant			
Resolution/Action Taken			
Follow Up Action			

Attachment 5.2 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 Barwon Dodgeball Association 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 an officer of the Board so that they can manage the situation

Step 3: Protect the Child and Manage the Situation

- The member liaison official will assess the immediate risks to the child and take interim steps to ensure the child's safety and the safety of any other children. This may include redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is an employee of Barwon Dodgeball Association.
- The member liaison official will consider what services may be most appropriate to support the child and his or her parent/s.

- The member liaison official will consider what support services may be appropriate for the alleged offender.
- The member liaison official 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 Barwon Dodgeball Association).
- Barwon Dodgeball Association 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 9 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 Ph: 1300 556 729 www.communityservices.act.gov.au/ocyfs/reporting-child-abuse-and-neglect
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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 Ph: 132 111 www.community.nsw.gov.au
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Northern Territory

Northern Territory Police Non-urgent police assistance Ph: 131 444 www.pfes.nt.gov.au	Department of Children and Families Ph: 1800 700 250 www.childrenandfamilies.nt.gov.au
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Queensland

Queensland Police Non-urgent police assistance Ph: 131 444 www.police.qld.gov.au	Department of Communities, Child Safety and Disability Services Ph: 1800 811 810 www.communities.qld.gov.au/childsafety
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South Australia

South Australia Police Non-urgent police assistance Ph: 131 444 www.sapolice.sa.gov.au	Department for Education and Child Development Ph: 131 478 www.families.sa.gov.au/childsafe
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Tasmania	
Tasmania Police Non-urgent police assistance Ph: 131 444 www.police.tas.gov.au	Department of Health and Human Services Ph: 1300 737 639 www.dhs.tas.gov.au/children

Victoria	
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 www.police.vic.gov.au	Department of Human Services Ph: 131 278 www.dhhs.vic.gov.au

Western Australia	
Western Australia Police Non-urgent police assistance Ph: 131 444 www.police.wa.gov.au	Department for Child Protection and Family Support Ph: (08) 9222 2555 or 1800 622 258 www.dcp.wa.gov.au

Attachment 5.3 Confidential Record of Child Abuse Allegation

Foreword

Before completing this form, ensure the procedures outlined in *Procedure for Handling Allegations of Child Abuse* have been followed and advice has been sought from the relevant government agency and/or police.

Person Receiving Complaint	
Name	
Date	/ /

Complainant	
Name <i>If other than Child</i>	
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 _____

Child	
Name	
Age	
Address	

Subject of Complaint	
Name <i>Person being complained about</i>	
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 _____

Details of Complaint	
Location/Event of Alleged Issue	
Date	/ /
Complainants Reason for Suspecting Abuse <i>e.g. observation. Injury, disclosure</i>	
Witnesses <i>If more than 3, attach details to this form</i>	<p>Witness 1 Name: _____</p> <p>Witness 1 Contact: _____</p> <p>Witness 2 Name: _____</p> <p>Witness 2 Contact: _____</p> <p>Witness 3 Name: _____</p> <p>Witness 3 Contact: _____</p>
Interim Action Taken <i>(if any) To ensure the child's safety and support the needs of the person complained about</i>	
Police Contacted	<p>Name/Title: _____</p> <p>Date: _____</p> <p>Advice Provided:</p>
Government Agency Contacted	<p>Name/Title: _____</p> <p>Date: _____</p> <p>Advice Provided:</p>
President/MPIO Contacted	<p>Name/Title: _____</p> <p>Date: _____</p>

Police/Government Agency Investigation Findings:	
Internal Investigation Findings <i>(if conducted)</i>	
Actions Taken	

Record Confirmation	
Name <i>Person completing</i>	
Position	
Signed	
Date	/ /
Complainant Signature <i>If not a child</i>	
Date	/ /

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

Attachment 6 Complaints Procedure

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

We will endeavour to deal with complaints on a confidential basis. We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us disclose this information or it is necessary to properly deal with 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 deal with complaints. Individuals and organisations can also make **complaints to external organisations** under anti-discrimination, child protection and other relevant laws.

1. Informal approaches

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

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

Step 2: Contact a Member Protection Information Officer

We encourage you to talk with one of our Board members or managing Officers if:

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

The names and contact details for our Board members or managing Officers are available at <http://dodgeballaustralia.org.au/>. A managing Officer may be appointed by the Board as determined by the needs of the case.

The managing Officer will:

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

Step 3: Decide how to address your concern

After talking with the managing Officer, you may decide:

- there is no problem;
- the problem is minor and you do not wish to take the matter forward;
- to try and resolve the problem yourself, with or without a support person;

- to resolve the problem with the help of someone impartial, such as a mediator; or
- to resolve the matter through a formal process.

2. 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 Board or Disputes Committee, or
- approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice and assistance.

After receiving a formal complaint, and based on the material you provide, the Board or Disputes Committee will decide whether:

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

In dealing with your formal complaint, the managing Officer will take into account:

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

If the managing Officer is the appropriate person to handle the complaint, they will, where appropriate and/or necessary:

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

Step 5: Investigating the complaint

In some cases, an investigation may be required to determine the facts surrounding the complaint. Our investigations procedure is outlined in Attachment 8.

Following the investigation, a written report will be provided to the organisation Board, Disputes Committee or Tribunal.

- If the complaint is referred to mediation, we will follow the steps outlined in Attachment 7 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 9.
- If the complaint is referred to the police or another external agency, we will endeavour to provide all reasonable assistance required by the police or the agency.

Any costs incurred by us relating to the complaint process set out in this policy (e.g. investigation, mediation and/or a tribunal hearing) may be required to be met by complainant and/or the respondent where reasonable responsibility can be determined.

Step 6: Reconsidering a complaint or appealing a decision

If the matter is referred to mediation and is not resolved at mediation, you may request that managing Officer reconsider the complaint in accordance with Step 3.

In accordance with Australian Dodgeball Federation Inc. rules you or the respondent(s) may also appeal a decision made at a tribunal hearing. The grounds and process for appeals are set out in Attachment 9.

Step 7: Documenting the resolution

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

Approaching external organisations

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

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

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

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

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

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

Attachment 7 Mediation

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

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

Our approach to mediation follows the steps set out below.

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

We recognise that there are some situations where mediation may not be appropriate, including:

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

Attachment 8 Investigation Process

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

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

Any investigation we conduct will be fair to all people involved. The investigation process will be undertaken by an unbiased person.

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

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

Attachment 9 Tribunal Procedures

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

1. Preparing for a Tribunal hearing

Item 1. A Tribunal panel will be established, according to the rules set out in our constituent documents, rules and by-laws, to hear a complaint that has been referred to it by the Board or Disputes Committee.

Item 2. The minimum number of Tribunal panel members required to be present throughout the hearing will be 3. The maximum 5.

Item 3. The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the managing Officer relating to the complaint/allegations.

Item 4. The Tribunal hearing will be held as soon as practicable. However, adequate time must be provided for the respondent(s) to prepare for the hearing.

Item 5. The managing Officer will inform the respondent(s) in writing that a Tribunal hearing will take place. The notice will outline:

- that the person has a right to appear at the Tribunal hearing to defend the complaint/allegations;
- the details of the complaint and of all allegations, as well as the provision or clause of any policy, rule or regulation that has allegedly been breached;
- the date, time and venue of the Tribunal hearing;
- that verbal and/or written submissions can be presented at the Tribunal hearing;
- that witnesses may attend the Tribunal hearing to support the position of the respondent/s;
- an outline of any possible sanctions that may be imposed if the complaint is found to be true;
- That legal representation will not be allowed. The respondent may be assisted by a support person at a Tribunal hearing. For example, where the respondent is a minor, he or she should have a parent or guardian present. However, a person cannot be a support person if he or she has been admitted to the practise as a lawyer or worked as a trainee lawyer. A copy of any investigation report findings will be provided to the respondent(s).

Item 6. If the complainant believes the details of the complaint are incorrect or insufficient, he or she should inform the managing Official as soon as possible so that the respondent(s) and members of the Tribunal panel can be properly informed of the complaint.

Item 7. If possible, the Tribunal panel should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination).

2. Tribunal hearing procedure

Item 8. The following people will be allowed to attend the Tribunal hearing:

- Tribunal panel members;
- the respondent(s);
- the complainant;
- any witnesses called by the respondent(s);
- any witnesses called by the complainant;

- any parent/guardian or support person required to support the respondent or the complainant.

Item 9. If the respondent(s) is not present at the set hearing time and the Tribunal chairperson considers that no valid reason has been presented for this absence, the Tribunal hearing will continue subject to the chairperson being satisfied that all Tribunal notification requirements have been met.

Item 10. If the Tribunal chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.

Item 11. If the Tribunal chairperson wishes to reschedule the Tribunal hearing date, the Tribunal chairperson will inform the managing Officer of the need to reschedule the hearing and the managing Officer will arrange for the Tribunal to be reconvened.

Item 12. The Tribunal chairperson will read out the complaint, ask each respondent if he or she understands the complaint and if he or she agrees or disagrees with the complaint.

Item 13. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any sanctions.

Item 14. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.

- Reference may be made to brief notes.
- The complainant may call witnesses.
- The respondent may question the complainant and any witnesses.

Item 15. The respondent will then be asked to respond to the complaint.

- Reference may be made to brief notes.
- The respondent may call witnesses.
- The complainant may ask questions of the respondent and any witnesses.

Item 16. The complainant and respondent(s) may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required.

Item 17. The Tribunal may:

- consider any evidence, and in any form, that it deems relevant;
- ask questions of any person giving evidence;
- limit the number of witnesses (including limiting witnesses to those persons who only provide new evidence);
- require (to the extent it has power to do so) the attendance of any witness it deems relevant; and
- act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.

Item 18. Video evidence, if available, may be presented. Arrangements for the viewing of this evidence must be made entirely by the person(s) wishing to offer this type of evidence.

Item 19. If the Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidating behaviour from anyone, the Tribunal chairperson may deny further involvement of that person in the hearing.

Item 20. After all the evidence has been presented, the Tribunal will make its decision in private. The Tribunal must decide whether the complaint has, on the balance of probabilities, been substantiated.

Item 21. All Tribunal decisions will be by majority vote.

Item 22. The Tribunal chairperson may announce the decision of the Tribunal at the conclusion of the hearing. Alternatively, he or she may reserve the decision of the Tribunal at the conclusion of the hearing and deliver the decision at a later time.

Item 23. The respondent(s) will have the opportunity to make submissions to the Tribunal in relation to any sanctions that may be imposed.

Item 24. Within 48 hours of the Tribunal delivering its decision, the Tribunal chairperson will:

- forward a notice of the Tribunal's decision to the managing Officer, including details of any sanction imposed.
- forward a letter reconfirming the Tribunal's decision to the respondent(s), including any sanction imposed. The letter should also outline the process and grounds for an appeal, if allowed.

Item 25. The Tribunal does not need to provide written reasons for its decision.

3. Appeals procedure

Item 26. A complainant or a respondent(s) may lodge with Australian Dodgeball Federation Inc. an appeal in relation to the decision of a Tribunal on one or more of the following grounds:

- that a denial of procedural fairness has occurred;
- that the sanction imposed is unjust and/or unreasonable;
- that the decision was not supported by the information/evidence provided at the mediation or to the Tribunal Hearing;

Item 27. A person wanting to appeal must lodge a letter setting out the basis for their appeal with the Board or Disputes Committee within 7 days of the decision being made.

Item 28. If the letter of appeal is not received by the Board or Disputes Committee within this time, the right of appeal will lapse.

Item 29. The letter of appeal and the notice of the Tribunal's decision (item 23) will be forwarded to the [insert relevant official or committee] to review and to decide whether there are sufficient grounds for the appeal to proceed. The [insert relevant official or committee] may invite any witnesses to the meeting that he or she believes are required to make an informed decision.

Item 30. If the appellant has not shown sufficient grounds for an appeal in accordance with clause 26, then the appeal will be rejected. The appellant will be notified in writing, including the reasons for the decision.

Item 31. If the appeal is accepted, an Appeal Tribunal with new panel members will be convened to rehear the complaint.

Item 32. The Tribunal hearing procedure shall be followed for the Appeal Tribunal.

Item 33. The decision of the Appeal Tribunal will be final and binding.