



Policy and Procedures

Maintaining excellence and continuous improvement in the development of DanceSport policies and procedures that facilitate and encourage best practice.

DANCESPORT AUSTRALIA

MEMBER PROTECTION POLICY

VERSION 3.1: DECEMBER 2009

CONTENTS	PAGE
Review History	4
Preface	4
PART A – MEMBER PROTECTION POLICY	5
1. Dancesport Australia’s Core Values	5
2. Purpose of Policy	6
3. Who this Policy Applies To	6
4. Code of Conduct	7
5. Organisational Responsibilities	7
6. Individual Responsibilities	7
7. Policy Position Statements	7
7.1 Child Protection Policy	7
7.2 Taking Images of Children	8
7.3 Anti-Discrimination & Harassment Policy	8
7.4 Sexual Relationships Policy	9
7.5 Pregnancy Policy	9
7.6 Gender Identity Policy	10
7.7 Other Relevant Policies	10
8. Complaints Procedures	11
8.1 Complaints	11
8.2 Vexatious Complaints & Victimisation	11
8.3 Mediation	11
8.4 Tribunals	11
9. What is a Breach of this Policy	12
10. Forms of Discipline	12
11. Dictionary	12
PART B – ATTACHMENTS: CODES OF BEHAVIOUR	17
B1. Coach Code of Conduct	18
B2. Adjudicators Code of Conduct	20
B3. Competitors Code of Conduct	23
B4. Parents and Spectators Code of Conduct	24
PART C – SCREENING / WORKING WITH CHILDREN CHECK	25
Background	25
C1. Screening Requirements	26
C2. Member Protection Declaration	27
C3. Working With Children Child Protection Requirements	28
Queensland	28
New South Wales	28
Western Australia	29
Victoria	29
South Australia	29
Northern Territory	31

PART D – ATTACHMENTS: COMPLAINT HANDLING PROCEDURES	32
D1. Complaint Procedures	33
D2. Mediation	37
D3. Investigation Process	39
D4. Investigation Procedure – Child Abuse	40
D5. Hearings & Appeals Tribunal Procedure	43
D6. Disciplinary Measures	47
PART E – ATTACHMENTS: REPORTING DOCUMENTS/FORMS	49
E1 Record of Informal Complaint	50
E2 Record of Formal Complaint	52
E3 Record of Child Abuse Allegation	55
E4 Record of Mediation	57
E5 Record of Tribunal Decision	58

REVIEW HISTORY

Version 1 of DanceSport Australia's Member Protection Policy was published in October 2002 as the "Member Protection Policy Handbook". At that time the work of the Rules Commission, David Hunt and Robert Courts was acknowledged for their effort to develop this National Member Protection Policy. The effort of NSW Branch Board to develop the NSW Member Protection Policy in consultation with the NSW Department of Sport and Recreation was also appreciated.

Version 2 of the Policy was completed in September 2008 and endorsed by the Dancesport Australia National Council in October 2008.

This latest review of our Member Protection Policy has been developed from information provided by the Australian Sports Commission.

DanceSport Australia also acknowledges and supports the work of the Australian Sports Commission in their endeavours to develop practices for the betterment of sport in Australia.

This manual was developed in consultation with the Australian Sports Commission and is consistent with their latest policies and practices. DanceSport Australia commends its members to visit the Australian Sports Commission website." www.ausport.gov.au for the latest advice on a wide range of sports related ethics and conduct issues.

PREFACE

DanceSport Australia is committed to a fair and safe environment in DanceSport.

DanceSport Australia is committed to providing a sport and work environment free of discrimination and harassment (sexual or otherwise), where individuals are treated with respect and dignity, and where children are protected from abuse. DanceSport Australia will not tolerate behaviour, which constitutes abuse; discrimination or harassment under any circumstances and will take disciplinary action against anyone who breaches this Member Protection Policy.

This Member Protection Policy aims to provide the best possible environment in which its members, service providers and employees including volunteers, DanceSport Australia can excel and discharge their responsibilities to ensure the peak performance of all competitors and officials, competitions and programs.

DANCESPORT AUSTRALIA

PART A: MEMBER PROTECTION POLICY

1. Dancesport Australia's Core Values

All persons who are members of DanceSport Australia shall at all times act in a sporting manner, having regard to principles of fairness and common courtesy.

DanceSport Australia expects all members, service providers, employees including volunteers will abide by the following Code of Conduct. With regard to abuse, discrimination and harassment such members will:

- Not knowingly, discriminate against, abuse, harass, ridicule, or embarrass anyone covered by this Code of Conduct.
- Be fair, considerate, and honest in all dealings with others.
- Treat all persons with respect, dignity, and proper regard for their rights and obligations.
- Respect the privacy of other persons.
- Act at all times in a fair and sporting manner and in such a way as to ensure good relations within and between other organisations.
- Not engage in excessive sledging during competition.
- Ensure that all under-age State or National members be accompanied and/or observed during sporting and associated activities;
- Refrain from intimate relations with members whom they have a supervisory role or power over.
- Refrain from any form of victimisation towards others.
- Conduct themselves in a proper manner to the complete satisfaction of DanceSport Australia and its delegates, so as not to bring themselves, DanceSport Australia or the public into disrepute or censure.
- Not disclose to any unauthorised person or organisation information that is of a confidential or privileged nature concerning the team or an individual connected with DanceSport Australia.
- Not promote, or pass on, exchange or publish information whereby that information may be of a confidential, offensive, scandalous, unsubstantiated or derisive type.
- Understand the possible consequences of breaching the DanceSport Australia Member Protection Policy.
- Immediately report any breaches of the DanceSport Australia Member Protection Policy to the appropriate authority.

2. Purpose of this policy

DanceSport Australia is committed to a fair and safe environment in DanceSport.

DanceSport Australia is committed to providing a sport and work environment free of discrimination and harassment (sexual or otherwise), where individuals are treated with respect and dignity, and where children are protected from abuse. DanceSport Australia will not tolerate behaviour, which constitutes abuse; discrimination or harassment under any circumstances and will take disciplinary action against anyone who breaches this Member Protection Policy.

This Member Protection Policy aims to provide the best possible environment in which its members, service providers and employees including volunteers, DanceSport Australia can excel and discharge their responsibilities to ensure the peak performance of all competitors and officials, competitions and programs.

This policy also reflects our support and implementation of the sport industry principles and values outlined in **The Essence of Australian Sport** – principles of fairness, respect, responsibility and safety.

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

This policy has been endorsed by the National Council of Dancesport Australia and has been incorporated into our By-Laws. The policy starts on October 12th 2008 and will operate until replaced. This policy and/or its attachments may be amended from time to time by resolution of the National Council. Copies of the policy and its attachments can be obtained from our website www.dancesport.org.au or from the national office.

3. Who this Policy Applies To

This policy applies to the following, whether they are in a paid or unpaid/voluntary capacity:

- Individuals sitting on boards, committees and sub-committees;
- Employees and volunteers;
- Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers as maybe appointed from time to time to assist in the conduct of the sport);
- Coaches and assistant coaches;
- Athletes and players;
- Adjudicators, Scrutineers and other officials;
- Members, including life members;
- Member associations;
- Affiliated clubs and associated organisations;
- Peak associations and the national body;
- Any other person or organisation that is a member of or affiliated to Dancesport Australia.
- Parents, guardians, spectators and sponsors to the full extent that is possible.

[This policy will continue to apply to a person even after they have stopped their association or employment with Dancesport Australia if disciplinary action, relating to an allegation of child abuse against that person, has commenced.]

4. Code Of Conduct

Dancesport Australia requires every individual and organisation bound by this policy to:

- 4.1 Be ethical, fair and honest in all their dealings with other people and Dancesport Australia;
- 4.2 Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- 4.3 Always place the safety and welfare of children above other considerations;
- 4.4 Comply with Dancesport Australia's constitution, rules and policies including this member protection policy;
- 4.5 Operate within the rules and spirit of the sport;
- 4.6 Comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and child protection laws;
- 4.7 Be responsible and accountable for their conduct; and
- 4.8 Abide by the relevant Role-Specific Codes of Conduct outlined in Part D of this policy.

5. Organisational Responsibilities

The National Council and State Branch Boards must:

- 5.1 Adopt, implement and comply with this policy;
- 5.2 Publish, distribute and otherwise promote this policy and the consequences for breaching it;
- 5.3 Promote appropriate standards of conduct at all times;
- 5.4 Promptly deal with any breaches of or complaints made under this policy in an impartial, sensitive, fair, timely and confidential manner;
- 5.5 Apply this policy consistently without fear or favour;
- 5.6 Recognise and enforce any penalty imposed under this policy;
- 5.7 Ensure that a copy of this policy is available or accessible to the persons to whom this policy applies
- 5.8 Appoint or have access to appropriately trained people to receive and handle complaints and allegations and display the names and contact details in a way that is readily accessible; and
- 5.9 Monitor and review this policy at least annually.

6. Individual Responsibilities

Individuals bound by this policy are responsible for:

- 6.1 Making themselves aware of the policy and complying with the standards of conduct outlined in this policy;
- 6.2 Consenting to a national police check if the individual holds or applies for a role that involves working with people under the age of 18 years.
- 6.3 Complying with all other requirements of this policy;
- 6.4 Co-operating in providing a discrimination, child abuse and harassment free sporting environment;
- 6.5 Understanding the possible consequences of breaching this policy.

7. Policy Position Statements

7.1 Child Protection Policy

Every person and organisation bound by this policy must always place the safety and welfare of children above all other considerations.

DSA acknowledges that our staff, members and volunteers provide a valuable contribution to the positive experiences of our juniors. DSA aims to ensure this continues and to protect the safety and welfare of its junior participants. Several measures will be used to achieve this such as:

- Prohibiting any form of abuse against children;

- Ensuring people have completed a satisfactory Working with Children Check where the relevant state/territory law requires this *[state/territory requirements are summarised in Part B of this policy]*;
- Carefully selecting and screening people over the age of 16 years who work, coach or have regular unsupervised contact with children;
- Promoting and enforcing our codes of behaviour, particularly for roles associated with juniors;
- Responding to all reports and complaints of abuse promptly, seriously and confidentially;
- Making information about child protection available, particularly for roles associated with children;
- Adopting practices that reduce risks and provide the greatest opportunity of having a child safe environment.

Anyone who reasonably suspects that a child has been or is being abused by someone within our sport, is to report it immediately to the police or relevant government agency and the relevant State Branch MPO. Descriptions of the sorts of activity which may be abuse are in the Dictionary at clause 10. If anyone suspects that a child is being abused by his or her parent/s, they are advised to contact the relevant government department for youth, family and community services in their state/territory.

A person will not be victimised for reporting possible child abuse and the privacy of all persons concerned will be respected. Our procedures for handling allegations of child abuse are outlined in attachment D4

7.2 Taking Images of Children

Images of children can be used inappropriately or illegally. The [NSO] 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. We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If the [NSO] uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by pedophiles or other persons. We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc.

We require our members, member associations and clubs to do likewise.

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. Our procedures for handling allegations of child abuse are outlined in attachment C4 of this policy.

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

7.3 Anti-Discrimination and Harassment Policy

DSA aims to provide a sport environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.

DSA recognises that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of their age, disability, family responsibilities, gender identity, homosexuality or sexual orientation, irrelevant medical or criminal record, marital status, political belief, pregnancy or breastfeeding, race, religion, sex, social origin and/or trade union membership/activity.

DSA prohibits all forms of harassment and discrimination based on personal characteristics listed in the Dictionary. Discrimination and harassment are extremely distressing, offensive, humiliating and/or threatening and create an uncomfortable and unpleasant environment. In most circumstances discrimination and harassment are against the law.

Descriptions of some of the types of behaviour which could be regarded as harassment or discrimination are provided in the Dictionary at clause 11.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in attachment C1 of this policy. This will explain what to do about the behaviour and how the DSA will deal with the problem.

7.4 Sexual Relationships Policy

Dancesport Australia takes the view that intimate relationships (whether or not of a sexual nature) between coaches and players, while not necessarily of constituting Harassment, can have harmful effects on the individual player involved, on other players and on the sport's public image. Such relationships may be perceived to be exploitative because there is usually a disparity between coaches and players in terms of authority, maturity, status and dependence. Given there is always a risk that the relative power of the coach has been a factor in the development of such relationships, they should be avoided by coaches at all levels. In the event that a player attempts to initiate an intimate relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such actions.

The law is always the minimum standard for behaviour within Dancesport Australia and therefore sex with a child is a criminal offence.

7.5 Pregnancy Policy

Dancesport Australia is committed to providing an inclusive sporting environment for pregnant women involved in its activities. Dancesport Australia expects everyone bound by this policy to treat pregnant women with dignity and respect and to remove any unreasonable barriers to participation in our sport that disadvantage them. We will not tolerate any unlawful discrimination or harassment against pregnant women or women who may become pregnant.

Descriptions of some of the types of behaviour which could be regarded as pregnancy discrimination or harassment are provided in the Dictionary at clause 11.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in attachment C1 of this policy. This will explain what to do about the behaviour and how the Dancesport Australia will deal with the problem.

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

Dancesport Australia 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 wellbeing, and that of their unborn children, are of utmost importance in their decision making about the extent and manner in which they participate in our sport.

We encourage all pregnant women to 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 particular sporting activities.

We will only require pregnant women to sign a disclaimer if we require other participants to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

7.6 Gender Identity Policy

Dancesport Australia is committed to providing an inclusive sporting environment where transgender or transsexual people involved in its activities are able to contribute and participate. Dancesport Australia expects everyone who is bound by this policy to treat people who identify as transgender or transsexual fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any unlawful discrimination or harassment against a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual.

Descriptions of some of the types of behaviour which could be regarded as transgender or transsexual discrimination or harassment are provided in the Dictionary at clause 11.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in attachment C1 of this policy. This will explain what to do about the behaviour and how Dancesport Australia will deal with the problem.

DSA recognises that the exclusion of transgender or transsexual people from participation in sporting events has significant implications for their health, well-being and involvement in community life. In general DSA will facilitate transgender or transsexual persons participating in our sport of the sex with which they identify.

DSA 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, DSA will seek advice on the application of those laws in the particular circumstances.

DSA is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender or transsexual 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 DSA.

DSA notes that drug testing procedures and prohibitions also apply to people who identify as transgender or transsexual. 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.

7.7 Other relevant policies

Other DSA relevant policies can be found at www.dancesport.org.au. Some of the policies which contribute to the welfare of all those involved in our activities include

- Privacy Policy

- Corporate Governance Outline
- Anti-doping Policy
- Prohibited Substances List
- Therapeutic Use Exemption Information
- Constitution of Dancesport Australia
- Accreditation Syllabus

8. Complaints Procedures

8.1 Complaints

DSA aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a complaint (complainant) about a person/s or organisation bound by this policy if they reasonably believe that a person/s or a sporting organisation has breached this policy. A complaint should be reported to the relevant State Branch MPIO.

A complaint may be reported as an informal or formal complaint. The complainant decides whether the complaint will be dealt with informally or formally unless the State Branch MPIO considers that the complaint falls outside the parameters of this policy and would be better dealt with another way.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in attachment C1 of this policy.

8.2 Vexatious Complaints & Victimisation

DSA aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the State Branch MPIO considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the National Ethics and Conduct Commission or the relevant State Branch Ethics and Conduct Committee for appropriate action which may include disciplinary action against the complainant.

DSA will also take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to sort it out. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

8.3 Mediation

DSA aims to sort out complaints with the minimum of fuss wherever possible. In many cases, complaints can be sorted out by agreement between the people involved with no need for disciplinary action. The people involved in a formal complaint - the complainant and the person complained about (respondent) - may also seek the assistance of a neutral third person or a mediator. Lawyers are able to negotiate on behalf of the complainant and/or respondent.

Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to try and resolve the complaint with the assistance of a mediator, the MPIO will, in consultation with the complainant, arrange for a mediator to mediate the complaint. More information on the mediation process is outlined in attachment C2 of this policy.

8.4 Tribunals

A hearings tribunal may be formed to hear a formal complaint that has been referred by CEO or MPIO for an alleged breach of the policy. Our tribunal hearings procedure is outlined in attachment C5 of this policy.

A respondent may lodge one appeal only to the appeal tribunal in respect of a decision of a hearing tribunal. The decision of the appeal tribunal is final and binding on the

people involved to the appeal. Our appeals process is outlined in attachment C5 of this policy.

Every person and / or organisation bound by this policy will recognise and enforce any decision made, and form of discipline imposed, by an appeals tribunal under this policy.

9. What is a Breach of this policy

It is a breach of this policy for any person or organisation to which this policy applies, to have been found to have :-

- 9.1 Done anything contrary to this policy;
- 9.2 Breached the Code of Conduct and Role-Specific Codes of Conduct;
- 9.3 Brought the sport and/or Dancesport Australia into disrepute;
- 9.4 Failed to follow DSA policies and procedures for the protection, safety and welfare of children;
- 9.5 Appointed or continued to appoint a person to a role that involves working with children and young people contrary to this policy;
- 9.6 Discriminated against or harassed any person;
- 9.7 Victimised another person for reporting a complaint;
- 9.8 Engaged in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;
- 9.9 Disclosed to any unauthorised person or organisation any DSA information that is of a private, confidential or privileged nature;
- 9.10 Made a complaint they **knew** to be untrue, vexatious, malicious or improper;
- 9.11 Failed to comply with a penalty imposed after a finding that the individual or organisation has breached this policy;
- 9.12 Failed to comply with a direction given to the individual or organisation during the discipline process.

10. Forms of Discipline

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. These may include making a verbal or written apology, paying a fine, being suspended or de-registered or having a person's appointment or employment terminated. More information on the range of disciplinary measures and the factors that will be considered before imposing discipline is at attachment [] of this policy.

11. 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. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection commissions or equal opportunity and anti-discrimination commissions.

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.

Child means a person who is under the age of 18 years (see also definition of young person)

Child abuse relates to children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms. Children may be harmed by both verbal and physical actions and by people failing to provide them with basic care. Child abuse 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).

Complaint means a complaint made under clause 8.1 of this policy.

Complainant means the person making a complaint.

Dancesport Australia (DSA) means the National Sporting Organisation for Dancesport in Australia and shall include Dancesport Australia Limited ACN 085 929 835 (a company limited by guarantee) and includes its successors and assigns.

Discrimination means treating or proposing to treat someone less favourably than someone else because of a particular characteristic in the same or similar circumstances in certain areas of public life (this is Direct Discrimination). The law also covers **Indirect Discrimination**. This is imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics. The characteristics covered by discrimination law across Australia are:

- 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.

Some States and Territories include additional characteristics such as physical features or association with a person with one or more of the characteristics listed above.

Examples of Discrimination

Age: A club refuses to allow an older person to coach a team simply because of their age.

Breastfeeding: A member of the club who is breastfeeding her baby in the club rooms is asked to leave.

Disability: A junior player is overlooked because of her mild epilepsy.

Family responsibilities: A club decides not to promote an employee because he has a child with a disability even though the employee is the best person for the job.

Gender Identity: A transgender contract worker is harassed when employees refuse to call her by her female name.

Homosexuality: An athlete is ostracised from her team after she tells a team mate that she is a lesbian.

Marital Status: A player is deliberately excluded from team activities and social functions because she is single.

Pregnancy: A woman is dropped from her squad when she becomes pregnant.

Race: An Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race.

Sex: Specialist coaching is only offered to male players in a mixed team.

Harassment is any type of behaviour that the other person does not want and does not return and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and of a type that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Unlawful harassment includes the above but is either sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or other characteristic (see characteristic list under discrimination).

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

Under this policy discrimination and harassment are not permitted in employment (including volunteer and unpaid employment); when providing sporting goods and services including access to sporting facilities; when providing education and accommodation; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any player or other person to any competition and the obtaining or retaining membership of clubs and organisations (including the rights and privileges of membership).

Some exceptions to state and federal anti-discrimination law apply. Examples include:

- holding a competitive sporting activity for females only who are 12 years of age or over where strength, stamina or physique is relevant or
- 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 sporting activity.

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law.

It is also against discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment. Example: a player is ostracised by her male coach for complaining about his sexist behaviour to another club official or for supporting another player who has made such a complaint.

Public acts of racial hatred which are reasonably likely in the circumstances 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 on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability – see vilification.

Junior means a person under the age of eighteen (18) years who is participating in an activity of Dancesport Australia.

Mediator means a person appointed to mediate complaints made under this policy. It is preferable that the mediator has relevant skills, qualifications and/or training in mediation.

Member means a person who or organisation which complies with the conditions of membership as set out in the Constitution of Dancesport Australia.

Member protection is a term used by the Australian sport industry to describe the practices and procedures that protect members – both individual members such as players, coaches and officials, and the member organisations such as clubs, state associations, other affiliated associations and the national body. Member protection involves:

- protecting those that are involved in sport activities from harassment, abuse, discrimination and other forms of inappropriate behaviour
- adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with juniors, and
- providing education.

Member Protection Information Officer (MPIO) means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this policy. The MPIO provides confidential information and moral support to the person with the concern or who is alleging harassment or a breach of this policy. They help the complainant deal with any emotions they may have about what has happened and operate as a sounding board as the complainant decides what they want to do. The MPIO may accompany the complainant in anything they decide to do, if it feels appropriate and they are happy to do it.

Natural justice incorporates the following principles:

- a person who is the subject of a complaint must be fully informed of the allegations against them
- a person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence
- all parties need to be heard and all relevant submissions considered
- irrelevant matters should not be taken into account
- no person may judge their own case
- the decision maker/s must be unbiased, fair and just
- the penalties imposed must not outweigh the 'crime'

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

Policy and this policy mean this Member Protection Policy.

Respondent means the person who is being complained about.

Role-specific codes of conduct means standards of conduct required of certain roles (e.g. coaches).

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.

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 another person to make a complaint.

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.

Young People/person means people in the 13 – 18 year age group.

PART B: CODES OF BEHAVIOUR

Attachment B1: Coach Code of Conduct

Attachment B2: Adjudicators Code of Conduct

Attachment B3: Competitors Code of Conduct

Attachment B4: Parents and Spectators Code of Conduct

ATTACHMENT B1 COACHES CODE OF CONDUCT

1. The following conduct shall constitute a breach of the coaches code of conduct:

- a) Knowingly committing or conniving in any breach of these rules.
- b) Misrepresenting his/her coaching accreditation level or experience.
- c) Falsely claiming himself/herself as the coach of a particular competitor, couple or team, or misrepresenting the competition results he/she has achieved as a coach.
- d) Seeking by any means to improperly influence or intimidate an adjudicator.
- e) Where he/she is not on the judging panel for an event, discussing with an adjudicator who is on the judging panel for that event, the merits of the performance of a competitor in that event, before the completion of the final round.
- f) Undertaking any conduct that is intended to gain for a competitor an unfair advantage over other competitors.
- g) Making a false statement in relation to his/her coach's licence.
- h) Making a deceptive or misleading statement to the public.
- i) Falsely claiming to officially represent DSA in any capacity.
- j) Soliciting engagement as a coach or teacher in any of the DanceSport styles, at any establishment or with any organisation at or in respect of which another DSA licensed coach holds a designated teaching appointment, except with the consent of that other licensed coach.
- k) Directly soliciting the tuition of persons known to him/her to be coached by another licensed coach.
- l) Abusing the privileged position of a compere at DanceSport events by unfairly promoting or impugning the reputation of a person or organisation.
- m) Otherwise acting in such a way as to bring the image of DSA or DanceSport generally into disrepute.

2. Coaches are required in good faith to comply with the spirit and principles inherent in following conduct so as to help develop and improve the image and reputation of DanceSport coaches generally:

- a) A coach should encourage couples to develop basic skills and avoid over specialisation in any style during their formative years.
- b) A good coach will design training programs that are specific to each competitor's needs.
- c) A coach must not confuse the role of coach with his/her own creative aspirations.
- d) A good coach will not hold back competitors or couples in his/her care if they need to be taught by other coaches to continue their progress.
- e) A good coach will acknowledge the skills he/she has and the things which he/she is good at. You do not have to have the best technical knowledge in every area to be a good coach.
- f) A coach should never ridicule a couple for making mistakes or losing a competition.
- g) A coach should develop competitors' respect for the ability of opponents and opposing coaches.

- h) A coach must follow medical advice when determining when an injured competitor is ready to train again.
- i) A good coach will not impose an unnecessary, idiosyncratic or dogmatic interpretation of style, but should allow the couple to develop their own style.
- j) Choreography should only be taught that is within the skill level of the couple, and should never supersede the need for technical skill, artistic interpretation and floorcraft by the couple.

- k) A coach should continue to develop his/her skills by attending seminars and workshops and keeping himself/herself informed on developments in technique, style and sound coaching principles.

ATTACHMENT B2 AJUDICATORS CODE OF CONDUCT

1. The following conduct shall constitute a breach of the Ajudicators code of conduct:

- a) Knowingly committing or conniving in any breach of these rules.
- b) Not retiring from the panel of an event on any occasion he/she has a member of his/her immediate and extended family including de facto and same gender relationships, competing in that event.
- c) Misrepresenting his/her adjudicator's accreditation level or experience.
- d) Making a false statement in relation to his/her adjudicator's licence.
- e) Threatening to mark a couple in a particular way, so as to gain some advantage for himself/herself or for some third party, or so as to coerce the couple into doing or refraining from doing some act.
- f) Threatening a couple during the conduct of an event he/she is judging and in which the couple are competing, including threatening to mark a couple in a particular way, unless the adjudicator is also the chairman of adjudicators for that event.
- g) Coaching, teaching, or giving advice to a participating couple during an event which he/she is judging.
- h) Seeking by any means to improperly influence or intimidate another adjudicator.
- i) Where he/she is not on the judging panel for an event, discussing with an adjudicator who is on the judging panel for that event, the merits of the performance of a competitor in that event, before the completion of the final round.
- j) Discussing the merits of a competitor's performance with the competitor before the completion of the final round in an event which he/she is judging.
- k) Seeking to influence the outcome of an event other than by the marking of all couples on their merits.
- l) Marking or threatening to mark a couple other than on their merits.
- m) Undertaking any conduct that is intended to gain for a competitor an unfair advantage over other competitors.
- n) Falsely claiming to officially represent DSA in any capacity.
- o) Condoning discriminatory or improper behaviour by a fellow adjudicator.
- p) Participating on a judging panel knowing that another member of the panel has had their licence suspended or withdrawn.
- q) Participating on the judging panel for a prescribed unregistered event.
- r) Otherwise acting in such a way as to bring the image of DSA or DanceSport generally into disrepute.

2. If an adjudicator converses with spectators, competitors or coaches, he/she may not discuss the performance of any couple he/she is judging, until after the final round has been completed.

3. Adjudicators are reminded that they occupy a position of trust in their capacity as an adjudicator. Accordingly, a higher standard of behaviour is required of adjudicators than all other persons, before during and after the conduct of events they are judging.

4. Adjudicators are urged to comply with the following conduct so as to uphold the highest standards of behaviour:

- a) An adjudicator's behaviour both on and off the dance floor must be consistent with the principles of good sportsmanship. An adjudicator must not behave in a questionable or unseemly manner in public or at any DanceSport related function or occasion where members of the public (including spectators and the media) are present in any capacity.
- b) An adjudicator must be consistent, objective and neutral in his/her decisions. Biased judging undermines the whole basis of competition.
- c) An adjudicator must be meticulous in penalising dangerous and/or violent behaviour.
- d) An adjudicator must not publicly question his/her fellow adjudicators' judgement and never their honesty. Comments should be saved for a properly constituted Ethics and Conduct committee.
- e) Where an adjudicator must judge the couples he/she trains, the adjudicator must be a disinterested observer of their performance.
- f) When an adjudicator is judging a couple who no longer come to him/her for coaching, the adjudicator must be on his/her guard against judging the couple by measuring his/her worth as a coach against their current coach.
- g) An adjudicator must maintain and develop his/her judging skills by keeping himself/herself informed on developments in technique, style and sound judging principles

5. In applying his/her knowledge, experience and skill to the criteria that the adjudicator uses in forming his /her assessment, the following shall demonstrate compliance with the code of conduct:

- a) Technique and competition rules should be interpreted to match the skill level of the competitors.
- b) Common sense should be used to ensure that the spirit of competition is not lost by an unnecessary, idiosyncratic or dogmatic interpretation of style.

6. It is a basic requirement of the adjudicator's licence that any adjudicator engaged to judge at an event shall on arrival at the venue:

- a) Report his /her presence to the organiser and chairman of adjudicators.
- b) Ascertain the timetable of the competitions.
- c) Be available as scheduled.

7. During the conduct of a competition, the adjudicators on the judging panel **shall**:

- a) Stand apart or be seated apart from one another, and at such locations that they do not interfere with the competitors.
- b) Move to whatever position is required to see all of the couples.
- c) Judge independently and not compare notes with the other adjudicators.
- d) Mark and sign their score cards in ink, including their code letter. Each and every alteration to the score card must be initialled by the adjudicator.
- e) Immediately leave the floor after the competitors (except where rotating panels are involved).

8. It is important that during the course of any Championship or Competition, a participating Adjudicator **should not**:

- Arrive late
- Consume Alcohol
- Offer opinion on competitor's dress, manner of performance prior to or during a competition or championship
- Make remarks about an individual's age, sex, religion, physical attributes, culture or sexuality etc.
- Dress inappropriately
- Engage in secretive conversations
- Swear or use unacceptable language
- Try to cover up marking mistakes, or fail to ask for help when required
- Leave the floor until the event being judged is completed
- Be influenced by the expectation of peers, competitors, event organisers or parents
- Criticise members of the dance fraternity, demonstrate anger, frustration or irritability
- Mark contrary to and DanceSport rules

9. Failure to meet these requirements could lead to a report being submitted to the Branch Ethics and Conduct Committee.

The recommended dress code for adjudicator's unless specified by an event organiser is as follows:

- | | | |
|-----------------|----------------------------|---|
| • Male | Daytime
Evening | Lounge Suit and tie
Dinner suit and bow tie |
| • Female | Daytime
Evening
suit | Smart daywear
Long evening, or cocktail dress or evening trouser |

ATTACHMENT B3 COMPETITORS CODE OF CONDUCT

1. It is a condition of registration that competitors must at all times act in a sportsmanlike manner and while in public must act in a way that does not bring DanceSport, fellow competitors or DSA into disrepute.
2. Competitors must not connive in a breach of these rules by making false statements, by withholding their registration card so that Level elevations are not marked on the card, or by withholding information about their age, qualifications or other matters that would result in their being ineligible to enter an event.
3. Competitors must not use physical violence, or act in a way that uses the threat of physical violence as intimidation, and competitors must refrain from making public statements that vilify another DSA member on the basis of race, religion, colour, gender, sexual orientation or other related characteristics.
4. The taking of illicit and/or performance enhancing substances is banned. Refer to the separate "Drugs in DanceSport" section in these rules.
5. Competitors are urged to abide by the following code of behaviour:
 - a) Compete by the rules and always abide by the adjudicators' decisions.
 - b) Control your temper. Make no criticism in public either by word or gesture.
 - c) Be a good sport. Encourage your partner or fellow team members if you are part of a larger team.
 - d) Be considerate to your partner and work as a team. It is your performance as a couple that is assessed, not your individual performances.
 - e) Be willing to train and prepare for competition. Preparation helps prevent injury.
 - f) Compete only when you are fully fit.
 - g) Be realistic in setting your personal goals.

ATTACHMENT B4 PARENTS AND SPECTATORS CODE OF CONDUCT

1. It is a condition of entry as a spectator to all DSA registered events that spectators must:
 - a) At all times act in a sportsmanlike manner and while in public must not act in a way that brings DanceSport or DSA into disrepute.
 - b) Not connive in a breach of these rules by making false statements, by withholding a competitor's registration card so that elevations are not marked on the card, or by withholding information about a competitor's age, Level, qualifications or other matters that would result in their being ineligible to enter an event.
 - c) Not use physical violence, or act in a way that uses the threat of physical violence as intimidation.
2. Parents are urged to abide by the following code of behaviour:
 - a) Do not force an unwilling child to participate in DanceSport.
 - b) Remember your children are involved in DanceSport for THEIR enjoyment and fulfilment, not yours.
 - c) Encourage your child always to abide by the rules.
 - d) Teach your child that honest effort is as important as winning so that the result of each competition is accepted without undue disappointment.
 - e) Encourage your child to work towards skill improvement and good sportsmanship. Provide unconditional support and never ridicule your child for making a mistake or losing a competition.
 - f) Have realistic expectations for your child and his/her partner - do not expect more than they can give. Be honest, but generous with your praise when it is deserved.
 - g) Remember that children learn best by example. Applaud good performances by your child's opponents.
 - h) Do not publicly question the adjudicators' judgement and never their honesty.
 - i) Appreciate the contribution and commitment of coaches.
3. Spectators are urged to abide by the following code of behaviour:
 - a) Never ridicule a couple for making a mistake or losing a competition.
 - b) Respect the organiser's rules and the adjudicators' decisions.
 - c) Do not indulge in physical or verbal abuse of competitors, adjudicators, coaches, officials or other spectators.
 - d) Do not encourage or condone the use of violence in any form.
 - e) Encourage competitors always to abide by the rules.
4. A parent or spectator who is not a member of DSA may be banned for a period of time or permanently, from attending DSA registered events, by a decision of the Branch Ethics and Conduct Committee. The procedure for complaints against parents or spectators who are not members of DSA and any disciplinary action and appeal arising therefrom, shall be the same as for competitors (including the quantum of the appeal fee).

PART C: SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

Background

Child protection is about keeping children safe from harm/abuse. Child abuse is illegal, and all states and territories have their own systems and laws that cover screening and/or the reporting and investigation of cases of child abuse.

Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with children as paid employees or volunteers. In New South Wales, Queensland, Western Australia, Victoria and South Australia laws require individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with children. This is done by checking certain criminal history and other matters. In some states this also involves reviewing relevant findings from disciplinary proceedings. There are also requirements placed on organisations.

The Northern Territory government has passed new law and screening will be compulsory from January 2010. The Australian Capital Territory and Tasmania are currently reviewing their screening laws. New requirements and amendments will be added to this policy as they are introduced.

Please be aware that state and territory WWCC requirements may also apply to individuals who visit states with screening laws. For example, if a state association or club takes players U18 into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with NSW law.

The state WWCC requirements apply regardless of our national Member Protection Policy.

The following attachments provide:

- summary information on state and territory WWCC requirements and where to obtain more information and relevant forms
- our Member Protection Declaration (for all states/territories except NSW who must complete a Prohibited Employment Declaration provided by the NSW Commission for Children and Young People)
- our screening requirements for people residing in ACT and Tasmania

Attachment C1: SCREENING REQUIREMENTS

[for states/territories without Working With Children Checks such as ACT and Tasmania]

This attachment sets out the screening process for people in DSA who work, coach, supervise or have regular unsupervised contact with people under the age of 18 years.

DSA will, and also requires state associations and clubs to:

1. Identify positions that involve working, coaching, supervising or regular unsupervised contact with people under the age of 18 years.
2. Obtain a completed *Member Protection Declaration (MPD)* (Attachment C2) from all people who are identified in the above step and keep it in a secure place.
3. Provide an opportunity for a person to give an explanation if a MPD isn't provided or it reveals that the person doesn't satisfactorily meet any of the clauses in the MPD. We will then make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years. If unsatisfied we will not appoint them to the role/position.
4. Where possible, check a person's referees (verbal or written) about his/her suitability for the role.
5. Ask the people identified in step 1 to sign a consent form for a national police check.
6. Possibly request (or ask the person to request) a national 'Part Exclusion' police check from our relevant police jurisdiction. This check excludes irrelevant records. If the police check indicates a relevant offence, we will provide an opportunity for the person to give an explanation, and then we will make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years. If unsatisfied we will not appoint them to the role/position.
7. Make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years if the person does not agree to a national police check after explaining why it is a requirement under our policy. If unsatisfied, we will not appoint them.
8. Decide whether to offer the person the position taking into account the result of the police check and any other information the club has available to it. Where it is not practical to complete the police check prior to the person commencing in the position, we will complete the check as soon as possible, and if necessary, act immediately on the outcome.
9. Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the checking process.
10. Return information collected during screening (such as a completed MPD form, police records and referee reports) to the relevant person if that person is not appointed to the position, or otherwise be destroyed within 28 days of the date of the decision or the expiry of any appeal period, unless within that time the person requests that the documents be returned to them. For appointed persons, information will be kept on file in a secure location.

Attachment C2: MEMBER PROTECTION DECLARATION

Dancesport Australia has a duty of care to all those associated with the sport at the national level and to the individuals and organisations to whom our national Member Protection Policy applies. As a requirement of our national Member Protection Policy, DSA 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/...../.....

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. I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
6. To my knowledge there is no other matter that the DSA may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the President or CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed.

Declared in the State/Territory of
on/...../.....(date) Signature

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 in every particular.

Name:.....

Signature:.....

Date:

Attachment C3: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS

The following information was updated in April 2009. It is subject to change at any time.

1. QUEENSLAND

A person will need a Working with Children Check, also known as the **blue card**, if they propose to work in a paid or voluntary capacity or to carry on a business in a child-related area regulated by the *Commission for Children and Young People and Child Guardian Act 2000*. Once a person is checked and approved they are issued with a "blue card." Volunteers and paid employees employed in sporting organisations generally fall under the 'churches, clubs and associations' category of regulated employment. Volunteers and paid employees employed in private businesses may fall under the 'sport and active recreation' category of regulated employment. The check is a detailed national criminal history check including charges and investigations relating to children.

People such as those with previous convictions involving children are disqualified from applying for or renewing a blue card (refer to website below for details).

A blue card remains current for two years. Existing card holders will be notified by the Queensland Commission for Children and Young People and Child Guardian before their card expires.

In addition to obligations regarding the blue card, **employers** must develop and implement a written child protection risk management strategy and review it each year.

For more information on the blue card, including current forms:

- www.ccypcg.qld.gov.au and www.bluecard.qld.gov.au
- 1800 113 611

2. NEW SOUTH WALES

All organisations within NSW that employ people in child-related employment (in a paid or unpaid capacity) must meet the requirements of the Working with Children Check (WWCC). Child related employment is work which primarily involves direct unsupervised contact with children. The WWCC involves three components:

1. **Ensuring** all paid and unpaid employees sign a prohibited employment declaration <http://www.kids.nsw.gov.au/kids/working.cfm> which states they are not prohibited from working with children.
2. **Submitting** all applicants for **paid** employment to NSW Sport and Recreation for a WWCC background check. NSW Sport and Recreation only carries out checks for paid employees.
3. **Reporting** relevant employment proceedings for any paid and unpaid employees to the Commission for Children and Young People. A relevant employment proceeding involves any reportable conduct committed outside of work as well as in the workplace with or in the presence of a child/ren.

Sporting organisations are responsible for managing the WWCC process. Individuals cannot apply for a WWCC directly. Sporting organisations should register with NSW Sport & Recreation, <http://www.dsr.nsw.gov.au/children/> providing a contact who will receive the information on the background checks.

A WWCC is valid for employment in that position within the organisation. Short-term employees (where that person is being employed for periods of less than six months and returning for short periods throughout a 12 month period) only need to be checked **once** every 12 months.

For more information, including the required forms:

- www.kids.nsw.gov.au or by phone on 02 9286 7219
- www.dsr.nsw.gov.au/children

3. **WESTERN AUSTRALIA**

The Working with Children Check (WWC Check) is a compulsory and rigorous criminal record check for certain people who carry out 'child-related work' in WA. A person is in 'child-related work' if the usual duties of their work involves, or is likely to involve contact with a child in connection with specified categories of work (see the website below for further details) It includes child-related work carried out by paid employees, volunteers, unpaid people and the self-employed. Parents volunteering in connection with their child's activity are exempt (although this does not apply to overnight camps); however they should still be required to complete the non-WWC Check screening process. There are other exemptions, for example volunteers under 18 years old. Further details about exemptions can be found on the website below. Only those in child-related work under the Act may apply.

Applicants will be issued with either:

- An Assessment Notice in the form of a WWC Card enabling them to be in all types of child-related work for three years unless there are new offences of concern.
- An Interim Negative Notice, which prohibits them from child-related work until a final decision is made on their application.
- A Negative Notice, which prohibits them from child-related work.

There are set obligations and strong penalties for non-compliance including for employers and volunteer co-coordinators.

For more information:

- www.checkwwc.wa.gov.au or call 1800 883 979 (toll free)

4. **VICTORIA**

The Working with Children (WWC) Check creates a mandatory minimum checking standard across Victoria. The *Working with Children Act 2005* requires that some people who work or volunteer in child-related work require a WWC Check. The check involves a national police records check and a review of relevant findings from prescribed professional disciplinary bodies (currently only the Victorian Institute of Teaching). There is an exemption for volunteers whose own children are involved in the particular activity; however they should still be required to complete the screening process.

A person who has no criminal or professional disciplinary history will be granted an *assessment notice*. This notice will entitle the person to undertake child-related work in Victoria and is valid for five years (unless revoked). A person deemed unsuitable to work or volunteer with children will be given a *negative notice* and cannot work in child-related work in Victoria.

For more information:

- www.justice.vic.gov.au/workingwithchildren or 1300 652 879

5. **SOUTH AUSTRALIA**

In order to keep children safe when they are accessing services in the community, the *Children's Protection Act 1993* requires that organisations providing certain services to

children create and maintain a child safe environment. In this context, a child safe environment is one which protects children from abuse and harm.

All organisations providing health, education, welfare, sporting and recreational, child care, or residential services wholly or partly for children must ensure that they have a child safe environments policy in place to promote the safety and well-being of children.

Organisation in this context includes a wide range of bodies who work with children, including businesses, services providers and incorporated and unincorporated groups. An organisation may also consist of a single person.

Also included is the requirement under the law for certain people to report suspected abuse and neglect.

Recent changes to the *Children's Protection Act 1993* extend the steps these organisations must take to help protect the children in their care. From January 2011, these organisations will also be required to:

- Conduct criminal history assessments on certain employees, contractors and volunteers who are working with children (this requirement is being phased-in over three years); and
- Lodge a Child Safe Environment Compliance Statement with the Department for Families and Communities

For more information:

www.dfc.sa.gov.au/pub/Default.aspx?tabid=281 or by phone 08 8124 4185

6. NORTHERN TERRITORY

From 1 July 2011 it will be mandatory for people who have contact or potential contact with children in [certain specified areas of employment](#) to hold a Working with Children Clearance Notice. It's important for applicants to lodge their applications prior to 1 April to allow adequate time to processing. For further information contact:

Email: safent.police@pfes.nt.gov.au

Phone: 1800 SAFE NT (1800 72 33 68)

Address: PO Box 39764, Winnellie NT 0821

Clearance Notices are designed to keep children safe by preventing those who pose a risk to the safety of children from working with them, in either paid or volunteer work. Everyone who is issued with a Working with Children Clearance Notice will also receive an Ochre Card. The Ochre Card can be carried with you in a wallet or purse as easy proof that you hold a Working with Children Clearance Notice.

Employers must apply for an exemption for staff who have not received a Working with Children Clearance.

From 1 July 2011, it will be an offence to employ an individual in child related employment if the employee does not hold a valid Working with Children Clearance Notice. Penalties will apply. Employers, volunteer organisations and agencies must ensure that staff and/or volunteers who require a Working with Children Clearance have applied before 1 July 2011. In the event the Clearance Notice is not processed by 1 July 2011, it is the responsibility of the Employer to request an exemption for individual staff members/volunteers. Exemptions are granted by the Chief Executive of the Department of Children and Families and will normally apply for a period of 90 days.

For more information:

PART D: COMPLAINT HANDLING PROCEDURES

To ensure due process, consistency and that the principles of natural justice are followed in all aspects of handling or conducting complaints, allegations, investigations, tribunals and disciplinary measures, the DSA will follow and implement the following procedures:

- D1 Complaints Procedure
- D2 Mediation Procedure
- D3 Investigation Procedure
- D4 Investigation Procedure for allegations of child abuse
- D5 Hearings and Appeals Tribunal Procedure
- D6 Disciplinary Measures

Attachment D1: COMPLAINTS PROCEDURE

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

Given all of the variables that can arise, DSA provides a step-by-step complaint procedure that people may use/enter at any stage. Individuals and organisations to which this policy applies may also pursue their complaint externally under anti-discrimination, child-protection or other relevant legislation.

If at any point in the complaint process the MPIO considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter will be referred to the National Ethics and Conduct Commission or the relevant State Branch Ethics and Conduct Committee for appropriate action. All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

Procedures for Handling Allegations of Discrimination & Harassment

We, Dancesport Australia, undertake to deal with any complaints brought to us concerning a breach of this Member Protection Policy sensitively, promptly and respecting the privacy rights of individuals concerned.

Should a complaint arise, DanceSport Australia encourages the complainant to consider the following options:

PROCEDURAL STEPS

(See also flow chart diagrams at end of this section)

Important Note:

The law is always the minimum standard for behaviour within DanceSport Australia and therefore sex with a minor, of either the same or opposite sex, or any matter concerning Child Protection, is a criminal offence and will be reported to the appropriate authorities.

Where there is a breach of conduct in respect of Discrimination, Harassment, Intimate Relations, or Victimisation, then the matter should be brought to the attention of the Director - Member Protection Policy, or the Branch Officer - Member Protection Policy.

The complainant may wish to approach the person(s) causing the problem and ask them to stop the behaviour.

If the behaviour continues - or if it is not reasonable to approach the person (Refer to flow chart diagrams at the end of this section)

Contact either:

- A supervisor, coach, manager,
- Branch Board Executive Officer, or
- Member Protection Officer

for advice and support on procedures (including police advice if such notification is required).

If the complainant chooses to proceed, a designated Member Protection Mediator will examine the complaint. This may be someone appointed within DanceSport Australia or an appropriate officer from the Australian Sports Commission 'Contact Officers Network'. The Member Protection Mediator determines whether to make full enquires into the complaint, or refer the matter to the relevant Branch Ethics and Conduct Committee of DanceSport Australia. The purpose of enquiry by the Member Protection Mediator is to establish whether discrimination or harassment occurred and, if so, what action should be taken to resolve the matter.

If the complainant requests the Member Protection Mediator to take action concerning the complaint, this Officer's role is to:

- Inform the alleged harasser, and interview both parties separately
- Confidentially and impartially keep accurate records of the process
- Attempt mediation/conciliation where appropriate
- Achieve resolution and follow-up.

If no resolution is achieved, the Member Protection Mediator will give all records to DanceSport Australia's Ethics and Conduct Commission, who will determine the appropriate course of action.

If the complainant chooses not to pursue or to withdraw the complaint, DanceSport Australia nevertheless has a legal responsibility to maintain a harassment-free sporting environment. The Member Protection Officer must therefore determine whether the alleged harassment is serious enough to warrant an investigation by DSA.

If the complaint is not resolved, the complainant may put a written complaint to an external organisation for mediation and/or arbitration (eg the Federal/State/Territory Equal Opportunity or Anti Discrimination agency, Australian Sports Commission or State Department of Recreation and Sport). This may be done with the support of a Member Protection Mediator.

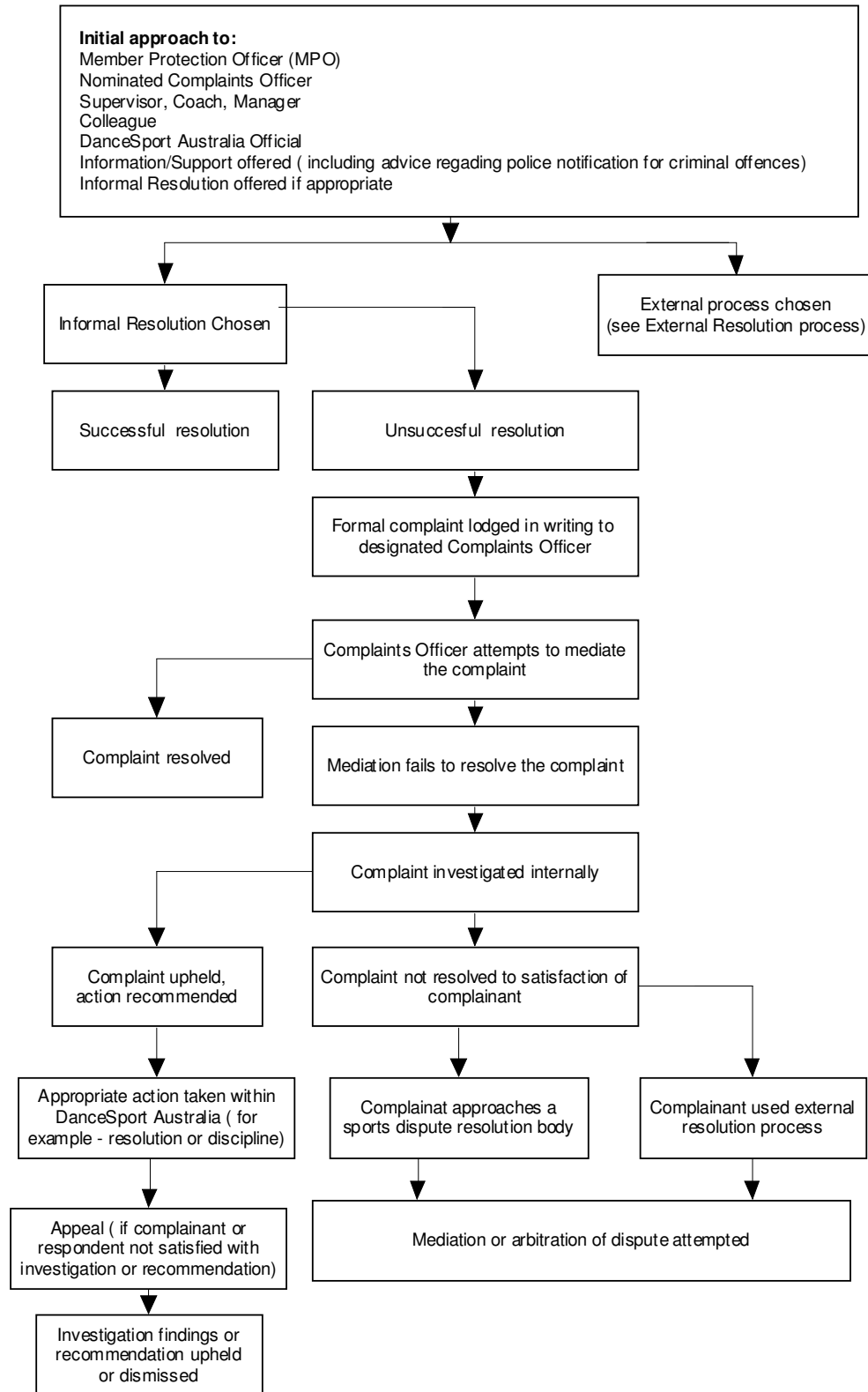
RIGHT TO APPEAL

Both parties to a complaint have the right to appeal the decision and seek the recommendation of a panel if the matters of procedure, bias, or fairness are called into question. An appeals panel, made up of members *other* than those who formed the original review panel, should handle formal appeals.

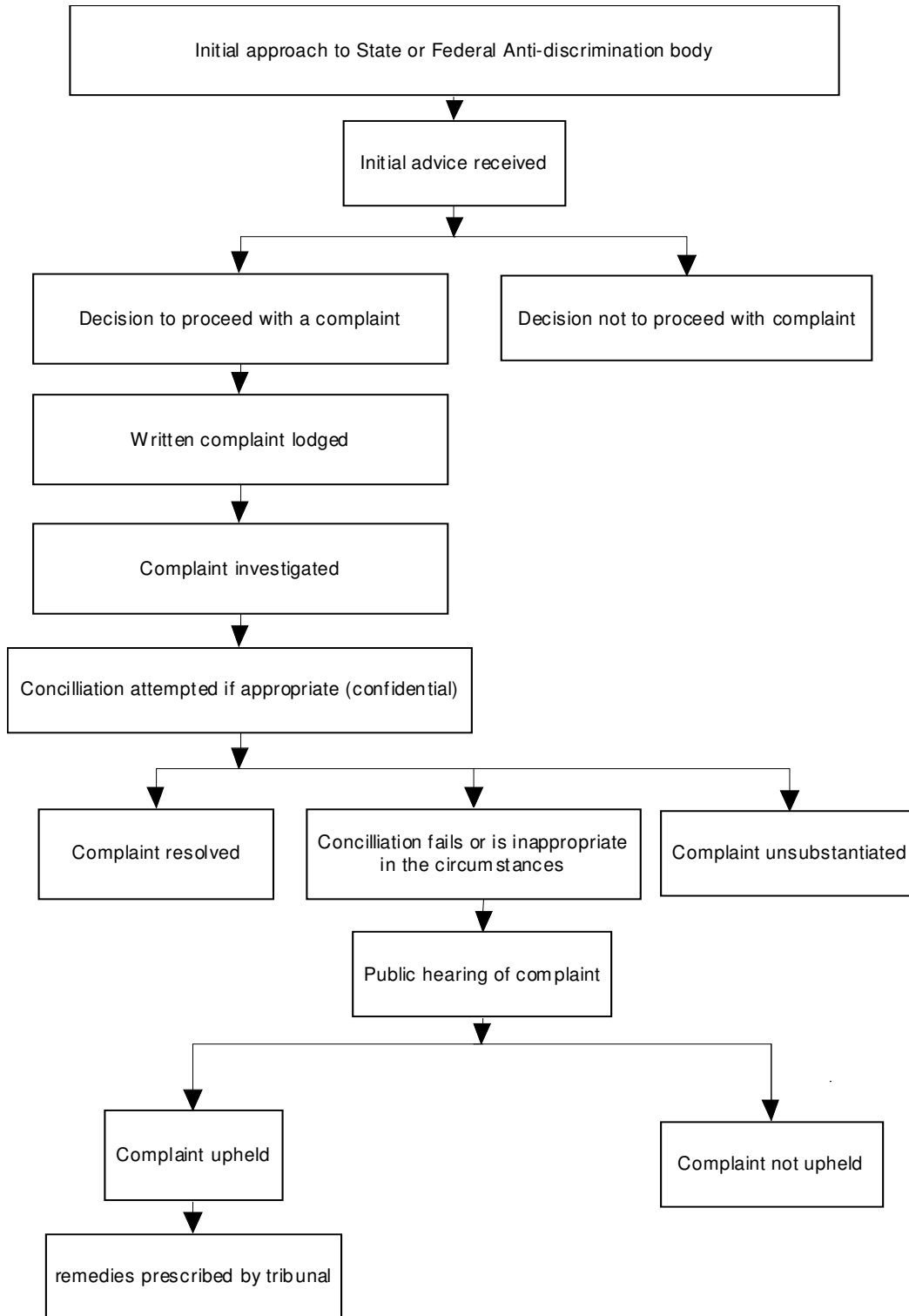
EXTERNAL ACTION

Both complainant and alleged harasser may pursue advice or action from an external authority at any stage of the complaint procedure. Your Federal/State/Territory Equal Opportunity or Anti Discrimination agency is the authority responsible for receiving complaints of unlawful discrimination or sexual harassment.

Internal process for handling complaints



External Process for Handling Complaints



Attachment D2: MEDIATION

Mediation is a process by which people who are in conflict can be helped to communicate with each other about what is important for them and how to make decisions about resolving their dispute. Mediators provide a supportive atmosphere and method of talking to one another, to assist in sorting out the issues, coming up with acceptable solutions and making mutually satisfactory agreements.

This attachment outlines the general procedure of mediation that will be followed by DSA.

1. The people involved in a formal complaint (complainant and respondent(s)) may work out their own resolution of the complaint or seek the assistance of a neutral third person or a mediator. Mediation may occur either before or after an investigation of the complaint.
2. Mediation (getting those involved to come to a joint agreement about how the complaint should be resolved) will only be recommended:
 - a. After the complainant and respondent have had their chance to tell their version of events to the MPIO on their own; *and*
 - b. The MPIO does not believe that any of the allegations warrant any form of disciplinary action - proven serious allegations will not be mediated, no matter what the complainant desires; and
 - c. Mediation looks like it will work (i.e. the versions given by the complainant and respondent tally or almost tally and/or at the very least, it looks as though it will be possible for each party to understand the other party's point of view).
3. Mediation will **not** be recommended if:
 - a. The respondent has a completely different version of the events and they won't deviate from these;
 - b. The complainant or respondent are unwilling to attempt mediation; or
 - c. Due to the nature of the complaint, the relationship between you and the respondent(s) and any other relevant factors, the complaint is not suitable for mediation.
4. If mediation is chosen to try and resolve the complaint, the MPIO will, under the direction of the DSA and in consultation with the complainant and the respondent(s), arrange for a mediator to mediate the complaint.
5. The MPIO will notify the respondent(s) that a formal complaint has been made, provide them with details of the complaint and notify them the DSA has decided to refer the matter to mediation to resolve the complaint.
6. The mediator's role is to assist the complainant and respondent(s) reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and respondent(s), will choose the procedures to be followed during the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.
7. The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
8. At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached between the complainant and respondent(s) and it will be signed by them as their agreement.
9. If the formal complaint is not resolved by mediation, the complainant may:
 - a. Write to the CEO or the relevant State Branch Executive Officer to request that the National Ethics and Conduct Commission or the relevant State

- Branch Ethics and Conduct Committee reconsider the complaint in accordance with Internal Process for Handling Complaints; *or*
- b. Approach an external agency such as an anti-discrimination commission.

Attachment D3: INVESTIGATION PROCESS

If an investigation needs to be conducted the following steps are to be followed:

1. A written brief will be provided to the investigator to ensure the terms of engagement and scope of the investigator's role and responsibilities are clear.
2. The complainant will be interviewed and the complaint documented in writing.
3. The details of the complaint will be conveyed to the person/people complained about (respondent(s)) in full. The respondent(s) must be given sufficient information to enable them to properly respond to the complaint.
4. The respondent(s) will be interviewed and given the opportunity to respond. The respondent(s) response to the complaint will be documented in writing.
5. If there is a dispute over the facts, then statements from witnesses and other relevant evidence will be obtained to assist in a determination.
6. The investigator will 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.
7. A report documenting the complaint, investigation process, evidence, finding and, if requested, recommendations, will be given to the CEO or the relevant State Branch Executive Officer.
8. A report documenting the complaint and summarising the investigation process and key points that were found to be substantiated, inconclusive, unsubstantiated and/or mischievous will be provided to the complainant and the respondent(s).
9. Both the complainant and the respondent(s) are entitled to support throughout this process from their chosen support person/adviser (e.g. MPIO or other person).
10. The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation. Information on our appeals process is in Attachment C5.

Attachment D4: INVESTIGATION PROCEDURE - CHILD ABUSE

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. The initial response to a complaint that a child has allegedly been abused should be immediate if the incident/s are serious or criminal in nature while less serious/urgent allegations should be actioned as soon as possible, preferably within 24 hours.

The following is a basic outline of the key processes to follow. More information can be obtained from your relevant State or Territory government agency.

PROCEDURES FOR HANDLING ALLEGATIONS OF CHILD ABUSE

DanceSport Australia must deal with allegations involving the abuse, or suspected abuse, of children in a strictly confidential manner and with sensitivity. This is in the best interests of all parties involved. The matter should only be discussed within DanceSport Australia with a Member Protection Officer – Children and Young People (MPOC) who has been appointed and trained to address harassment and abuse issues.

In most instances, the matter will have to be referred to the police or a family services authority. The person receiving the information on the allegation should consult these agencies if there is any doubt about whether an allegation should be reported. In such instances, it is not the responsibility of the organisation to investigate the allegation. This should only be handled by the appropriate authorities (for example, the State or Territory Child Protection agency or police). Where the DanceSport Australia needs to make some inquiries to establish the basic facts, please follow the procedure in 3 below.

TYPES OF ALLEGATIONS

A member of DanceSport Australia may suspect abuse of a child on reasonable grounds when:

- A child tells them they have been abused;
- Someone else tells them a child has been abused;
- A child tells them they know someone who has been abused (often they are referring to themselves);
- They observe a child's behaviour and/or injuries, and their knowledge of children leads them to suspect abuse; or
- They observe a member's abuse of another member.

A member of DanceSport Australia or DanceSport Australia itself may also receive allegations that:

- 1) A person in DanceSport Australia (for example, a coach) has abused a child within DanceSport Australia (for example, a junior member);
- 2) A person in DanceSport Australia (for example, a coach) has abused a child outside DanceSport Australia's jurisdiction (for example, a junior dancer he or she coaches for a Dance Studio/Club or service provider); or
- 3) A person outside DanceSport Australia (for example, a teacher or family member) has abused a young member of DanceSport Australia.

The child, his or her parents, may make these allegations or another person involved in DanceSport Australia. Where the allegation comes from is not as important as who the alleged offender and alleged victim are.

Allegations of types 1 and 2 will generally be the only ones about which DSA may have the right to make further inquiries in accordance with their rules and regulations. An allegation of type 3 should, in all cases, simply be reported to the relevant authority and the organisation should consider any steps it can reasonably take to prevent that abuse, or similar incidents, occurring again.

PROCEDURES

Where allegations are made regarding child abuse or someone suspects a child has been abused, the person receiving the information must treat the matter with great sensitivity. The initial response of the person to whom the child confides is crucial to the wellbeing of the child. It is important for the person receiving information to:

- Listen to and believe what the child says;
- Reassure the child that what has occurred is not the fault of the child;
- Ensure the child is safe;
- Be honest with the child and explain that other people may need to be told in order to stop what is happening;
- Ensure that what the child says is quite clear, but do not elicit detailed information about the sexual abuse;
- Obtain and document the following information;
 - The child's name, age and address
 - The person's reason for suspecting abuse (that is, observation, injury or information
 - The person's assessment of danger posed to the child, including information relating to the alleged perpetrator
 - What arrangements, if any, exist for the immediate protection of the child and
 - What involvement, if any, other agencies have in dealing with the suspected incident;
- Make direct and confidential contact with the contact officer appointed to address member protection, harassment, and abuse issues. Consult with the officer on how to proceed (for example, reporting to the relevant state authority) and how to make a confidential and factual written report; and
- Ensure that there are procedures in place to protect the confidentiality of reports (paper and electronic versions).

If there is any doubt about whether the allegation should be reported, a relevant State authority (for example, police or a family services agency) should be consulted. However, if the person receiving the information on the allegation is a member of a profession required, or 'mandated', to report any suspected child abuse, then he or she must report it to the appropriate authorities.

If the alleged offender is a member of DanceSport Australia, the member may be suspended pending the results of an investigation by the relevant authority.

Where an accredited coach has been permanently suspended from a position because it was found that he or she abused a child, DanceSport Australia must inform the Australian Coaching Council so it can decide whether the coach has breached the Coach's Code of Ethics and should therefore be deregistered.

Where a matter has resulted in the suspension or dismissal of a person, then DanceSport Australia Directors, National Executive, Branch Boards and affiliated Societies should be informed so that they can implement safeguards to prevent other Societies from engaging the services of the offender. Care should be taken with the way this is communicated to other agencies to ensure that any statements made are not defamatory.

A coach or official may suspect that a family member or someone outside the sport because of behavioural signs or comments by the child has abused a child. In such instances, advice should be sought from a child protection agency if the information presented is inconclusive. If there are enough reasons to suspect child abuse, the matter should be formally reported to the appropriate child protection agency for investigation.

Attachment D5: HEARINGS & APPEALS TRIBUNAL PROCEDURE

- The following Tribunal Hearing Procedure will be followed by hearings tribunals established by the DSA.

Tribunal Formation and Notification

1. A Tribunal Panel will be constituted following the rules outlined in DSA's Constitution, to hear a complaint that has been referred to it by the CEO or the relevant State Branch Executive Officer.
2. The CEO or the relevant State Branch Executive Officer will organise for a Tribunal to be convened by notifying the Tribunal Panel members that they are required to hear a complaint. The Tribunal Panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by CEO or the relevant State Branch Executive Officer relating to the complaint/allegations.
3. The Tribunal Hearing will be scheduled as soon as practicable, but must allow adequate time for the person being complained about (respondent(s)) to prepare to respond to the complaint.
4. The number of Tribunal Panel members required to be present throughout the Tribunal Hearing Process will be determined by the President.
 - 4.1 The Tribunal Panel will not include any person who has any actual or perceived conflict of interest, preconceived opinions, vested interests or personal involvement relating to the complaint.
 - 4.2 The Tribunal Panel will comprise at least one person who has knowledge, and preferably experience, of any relevant laws relating to the complaint (e.g. anti-harassment).
 - 4.3 If a member of the Tribunal Panel cannot continue once the Tribunal Hearing has commenced, and the minimum number required for the Tribunal Hearing is still maintained, the discontinuing member will not be replaced.
 - 4.4 If the specific or minimum number is not maintained, the discontinuing member may be replaced if it is considered appropriate by the Tribunal Chairperson. Factors to consider should include the circumstances of the complaint and the ability of the new Tribunal Panel member to be reasonably and impartially informed of the hearing evidence up until the time of their appointment. If the Tribunal Chairperson believes it is not appropriate for a new Tribunal Panel member to be appointed then the Tribunal will be rescheduled to a later date. The Tribunal Chairperson will inform the CEO or the relevant State Branch Executive Officer of the need to reschedule, and the CEO or the relevant State Branch Executive Officer will organise for the Tribunal Hearing, with a new Tribunal Panel to be reconvened.
5. The CEO or the relevant State Branch Executive Officer will inform the respondent(s) by written notification that a tribunal hearing will take place. The written notification will outline:
 - That the person has a right to appear at the tribunal hearing to defend the complaint/allegation;
 - Details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately);
 - The date, time and venue of the tribunal hearing;
 - That they can make either verbal or written submissions to the Tribunal;
 - That they may arrange for witnesses to attend the Tribunal in support of their position;

- 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 considered a minor, they should have a parent or guardian present.

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

The respondent(s) will be allowed to participate in all DSA activities and events, pending the decision of the Tribunal, including any available appeal process, unless the CEO or the relevant State Branch Executive Officer believes it is warranted to exclude the respondent(s) from all or some DSA activities and events, after considering the nature of the complaint.

6. The CEO or the relevant State Branch Executive Officer will inform the person making the complaint (complainant) by written notification that a tribunal hearing will take place. The written notification 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 they are accused of breaching (if there is more than one complaint these should be set out separately);
 - The date, time and venue of the tribunal hearing;
 - That they can make either verbal or written submissions to the Tribunal;
 - That they may arrange for witnesses to attend the Tribunal in support of their position; and
 - That legal representation will not be allowed. [If complainant is considered a minor, they should have a parent or guardian present.]

A copy of any information / documents that have been given to the Tribunal (eg investigation report findings) will also be provided to the complainant.
7. If the complainant believes the details of the complaint are incorrect or insufficient they should inform the CEO or the relevant State Branch Executive Officer as soon as possible so that the respondent and the Tribunal Panel members can be properly informed of the complaint.

Tribunal Hearing Procedure

8. The following people will be allowed to attend the Tribunal Hearing:
 - The Tribunal Panel 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.
9. The Tribunal Chairperson will call the hearing to order at the designated time and determine if the respondent(s) is present.
10. If the respondent(s) is not present 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 carried out correctly.
11. If the Tribunal Chairperson considers that a valid reason for the non-attendance of the respondent(s) is presented, or the Tribunal Chairperson does not believe the Tribunal notification requirements have been carried out correctly, then the Tribunal Hearing will be rescheduled to a later date.

12. The Tribunal Chairperson will inform the CEO or the relevant State Branch Executive Officer of the need to reschedule, and he/she will organise for the Tribunal Hearing to be reconvened.
13. The Tribunal Chairperson will read out the complaint that is to be judged, ask the respondent(s) if they understand the complaint being made against them, and if they agree or disagree with the complaint.
14. If the person agrees with the complaint, they will be asked to provide any evidence or witnesses that should be considered by the Tribunal Panel when determining any disciplinary measures.
15. If the person disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
 - Brief notes may be referred to.
 - The complainant will be allowed to call witnesses.
 - The respondent(s) may be allowed to question the complainant and their witnesses.
16. The respondent(s) will then be asked to respond to the complaint.
 - Brief notes may be referred to.
 - The respondent will be allowed to call witnesses.
 - The complainant may be allowed to ask questions of the respondent and their witnesses.
17. Both the complainant and respondent will be allowed to be present when evidence is presented to the Tribunal. Witnesses may be asked to wait outside the Tribunal Hearing until required.
18. The Tribunal will be allowed to:
 - consider any evidence, and in any form, that it deems relevant.
 - question any person giving evidence.
 - limit the number of witnesses presented if it is agreed by all parties that they will support the person who requested them, but will not provide any new evidence.
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 allowed to be present, the Tribunal Chairperson shall have the power to stop any further involvement of the person in the Tribunal Hearing.
21. After all of the evidence has been presented the Tribunal Panel will make its decision in private. If the Tribunal believes the complaint has been substantiated on the balance of probabilities (i.e. more probable than not), the respondent will then be given an opportunity to address the Tribunal Panel and make a submission on any disciplinary measures that may be imposed. Only those disciplinary measures outlined in the Dancesport Australia Constitution will be considered. Any disciplinary measure imposed must be reasonable in the circumstances.
22. All decisions made by the Tribunal will be based on a 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.
24. Within 48 hours, the Tribunal Chairperson will:

- 24.1 Forward to the CEO or relevant State Branch Executive Officer a copy of the tribunal decision including any disciplinary measures imposed.
- 24.2 Forward a letter to the respondent(s) reconfirming the Tribunals decision and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an appeal to be made.

Appeals Procedure

25. A complainant or a respondent(s) who is not satisfied with a decision described in **Step 7** of the Complaints Procedures can lodge one appeal to the DSA on one or more of the following bases:
 - 25.1 That a denial of natural justice has occurred; or
 - 25.2 That the disciplinary measure(s) imposed is unjust and/or unreasonable.
 - 25.3 That due process had not been followed or the approved criteria (as set out in the DSA Rules or By-Laws or other official DSA policy documents) had not been properly applied in the matter being appealed.
 - 25.4 The earlier decision of the Commission, committee, person or structure within DSA was effected by actual bias or is obviously or self evidently so unreasonable that it can be said to be irrational.
26. A person wanting to appeal in accordance with paragraph 25 must lodge a letter stating their intention and the basis for their appeal with the CEO or relevant State Branch Executive Officer within 7 days of the relevant decision. An appeal fee of \$250 shall be included with the letter of intention to appeal.
27. If the letter of appeal is not received by the CEO or relevant State Branch Executive Officer within the relevant time period the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received by the relevant time, the appeal shall be deemed to be withdrawn.
28. Upon receipt of the letter of appeal, the CEO or relevant State Branch Executive Officer must convene a special meeting of the National Ethics and Conduct Commission or the State Branch Ethics and Conduct Committee to review the letter of appeal and decide whether there are sufficient grounds for the appeal to proceed. The National Ethics and Conduct Commission or the State Branch Ethics and Conduct Committee will be able to invite any witnesses to the meeting it believes are required to make an informed decision.
29. If it is considered that the letter of appeal has not shown sufficient grounds for appeal in accordance with paragraph 25, then the appeal will not proceed and the person will be notified of this decision and the reasons for this decision. The appeal fee will be forfeited.
30. If the appeal is considered to have sufficient grounds to proceed then a Tribunal with a new panel will be convened to rehear the complaint. The CEO or relevant State Branch Executive Officer shall follow the Tribunal Formation and Notification procedures outlined above.
31. The Tribunal Hearing Procedure shall be followed for the appeal.
32. The decision of the appeal Tribunal will be final.

Attachment D6: DISCIPLINARY MEASURES

Any disciplinary measure imposed by a hearings tribunal under this policy must:

- Observe any contractual and employment rules and requirements;
- Conform to the principles of natural justice;
- Be fair and reasonable;
- Be based on the evidence and information presented;
- Be within the powers of the hearings tribunal to impose the disciplinary measure.

Individual

Subject to contractual and employment requirements, if a finding is made that an individual has breached the Dancesport Australia Member Protection Policy (including the Codes of Conduct), one or more of the following forms of discipline may be imposed by the hearings tribunal:

1. A direction that the individual make a verbal and/or written apology;
2. A written warning;
3. A direction that the individual attend counselling to address their behaviour;
4. A withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by the DSA;
5. A demotion or transfer of the individual to another location, role or activity
6. A suspension of the individual's membership or participation or engagement in a role or activity;
7. Termination of the individual's membership, appointment or engagement;
8. Recommend that DSA terminate the individual's membership, appointment or engagement;
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;
10. Any other form of discipline that an Ethics and Conduct Commission / Committee considers appropriate.

When imposing any form of discipline, it will be accompanied by a warning that a similar breach of policy by that individual in the future may result in the imposition of a more serious form of discipline.

Organisations

If a finding is made that DSA member or affiliated organisation has breached the DSA Member Protection Policy (including the Codes of Conduct), one or more of the following forms of discipline may be imposed by the hearings tribunal:

1. A written warning;
2. A monetary fine;
3. A direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period;
4. A direction that any funding granted or given to it by the peak body cease from a specified date;
5. A direction that the peak body cease to sanction events held by or under the auspices of that organisation;
6. A recommendation to the DSA National Council that its membership of the peak body be suspended or terminated in accordance with the relevant constitution or rules; and/or

7. Any other form of discipline that the national body or peak organisation considers to be appropriate.

When imposing any form of discipline, it will be accompanied by a warning that a similar breach of policy by the organisation in the future may result in more serious form of discipline.

Factors to consider when imposing discipline

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

- If the individual is a parent and/or spectator (ability to enforce a penalty may be difficult);
- Nature and seriousness of the behaviour or incidents;
- In a case where action is taken concurrently with or in lieu of a resolution of a formal complaint, the wishes of the complainant;
- If the individual concerned knew or should have known that the behaviour was a breach of the policy;
- Level of contrition of the respondent(s);
- The effect of the proposed disciplinary measures on the respondent(s) including any personal, professional or financial consequences;
- If there have been relevant prior warnings or disciplinary action; and/or
- If there are any mitigating circumstances such that the respondent(s) shouldn't be disciplined at all or not disciplined so seriously.

PART E: REPORTING DOCUMENTS/FORMS

To assist in consistency and accuracy in following procedure and reporting on the issues covered by DSA's Member Protection Policy, the following documents are to be used:

E1 Confidential Record of informal complaint – to be used by MPIO's or others who receive a complaint or allegation

E2 Confidential Record of Formal Complaint – to be used when a formal complaint is received by DSA

E3 Confidential Record of Child Abuse Allegation – to be used by MPIO's or others who receive complaints/allegations of child abuse

E4 Record of Mediation – to be used by those who conduct a mediation

E5 Record of Tribunal Decision

General principles to be followed when completing a report of a complaint:

- Treat all complaints seriously.
- Deal with complaints promptly, sensitively and confidentially.
- Maintain a calm attitude.
- Ask the complainant if they will consent to you taking notes.
- Write the description of the complaint /problem using the complainants own words (as much as is possible).
- Find out the nature of the relationship between the complainant and the person complained about (for example, coach/competitor, team members, etc) and if there is any relevant history.
- Take a note of the facts and do not pre-judge the situation.
- Ask the complainant whether they fear victimisation or other consequences.
- Find out what outcome the complainant wants and if they need any support.
- Ask the complainant how they want the complaint to be dealt with under the policy.
- Keep the complaint confidential and do not disclose it to another person without the complainant's consent except if disclosure is required by law (for example, a report to government authorities) or if disclosure is necessary to effectively deal with the complaint.

<p>Feelings expressed by complainant (completing this may help to separate emotional content from facts)</p>	
<p>What they want to happen to fix issue</p>	
<p>What information I provided</p>	
<p>What they are going to do now</p>	

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 CEO or relevant State Branch Executive Officer.

Attachment E2: CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Role/status in DSA	<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	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Role/status in DSA	<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 (basis/grounds/category) Can tick more than one box	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Religion <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Pregnancy <input type="checkbox"/> Physical abuse <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Child Abuse <input type="checkbox"/> Other	

Methods (if any) of attempted informal resolution	
Support person (if any)	
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 in DSA: Signature: / /

Signed by:	Complainant: Respondent:
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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 Dancesport		
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 Dancesport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other
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:	

Government agency contacted	Who: When: Advice provided:
CEO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position in DSA: 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.

Attachment E4: RECORD OF MEDIATION

Present at Mediation	
Date of mediation	
Venue of mediation	
Mediator	
Summary of mediation (minutes attached)	
Outcome of mediation	
Follow-up to occur (if required)	
Completed by: (signature)	
Signed by: Complainant (signature) Respondent (signature)	

This record to be sent to and maintained by the Executive Officer of the relevant State Branch.

Attachment E5: RECORD OF TRIBUNAL DECISION

Complainant's Name			Date Formal Complaint Received: / /
Role/status in Dancesport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other	
Name of person complained about			
Role/status in Dancesport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other	
Location/event of alleged issue			
Description of alleged issue			
Nature of complaint (basis/grounds/category)	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Religion <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Pregnancy <input type="checkbox"/> Physical abuse <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Child Abuse Other		
Methods (if any) of attempted informal resolution			
Support person (if any)			

Tribunal Members	
Tribunal Hearing Date and venue	
Tribunal Decision (attach report)	
Action recommended and any follow up report required	
Decision Appealed Date of Appeal lodged	
Appeal Hearing Date	
Appeal Decision (attach report)	
Action Recommended	
Completed by	Name: Position in DSA: Signature: / /
Signed by:	Complainant Respondent