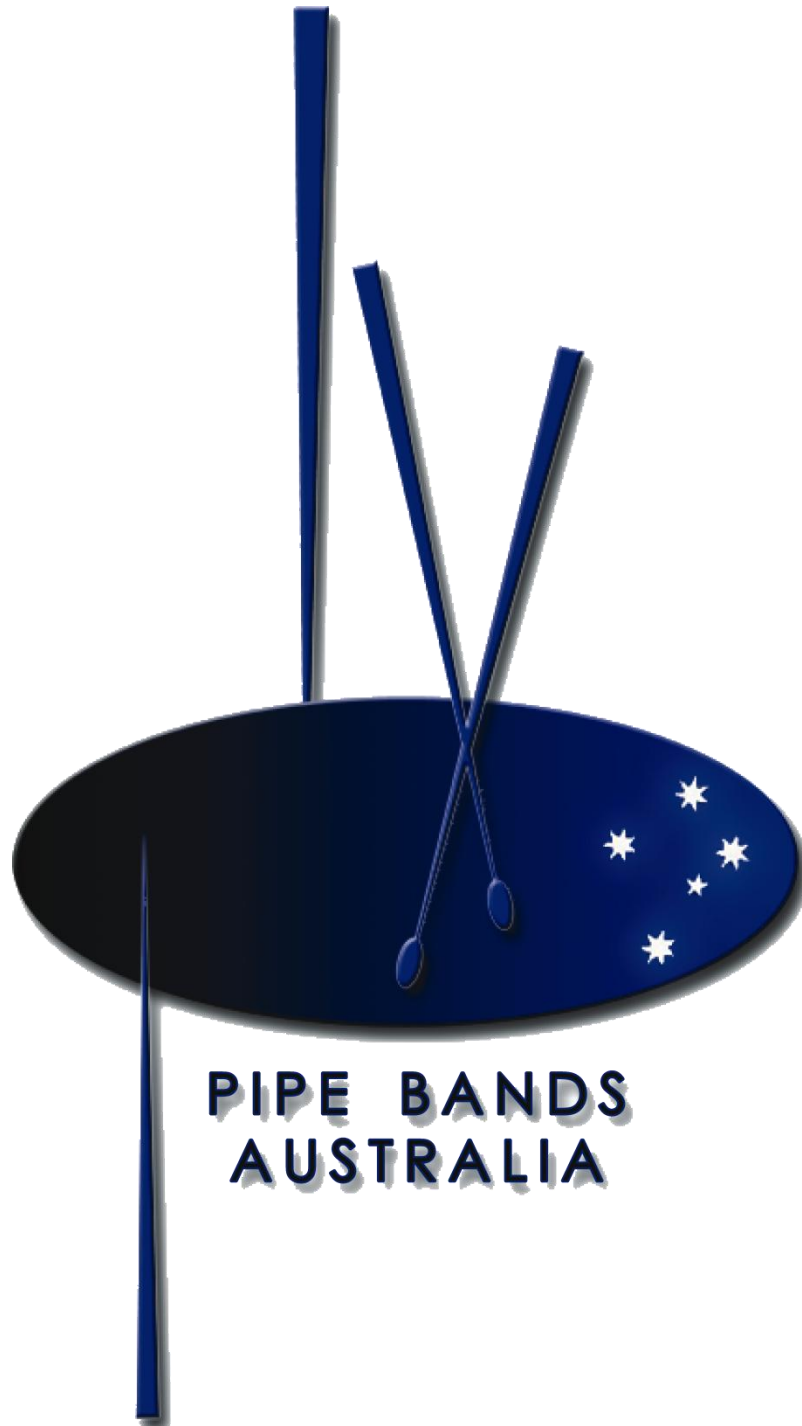


# MEMBER PROTECTION POLICY

for

**PIPE BANDS AUSTRALIA Inc**  
(A0035346S)



[Augmented by Support Information, Parts B-E]

Adopted 15 January 2014

## **Positive duty**

The Equal Opportunity Act 2010 (Victoria) introduces a positive duty requiring all organisations covered by the law – including government, business, employers and service providers – to take reasonable and proportionate measures to eliminate discrimination, sexual harassment and victimisation as far as possible.

The positive duty is aimed at making sure organisations prevent discrimination happening in the first place, rather than responding after a complaint has been made. It also makes good business sense to be proactive.

It is important that everyone in your organisation knows about the positive duty and understands their responsibilities.

**Victorian Equal Opportunity & Human Rights Commission (2012)**

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## REVIEW HISTORY OF MEMBER PROTECTION POLICY

Version	Date reviewed	Date endorsed	Content reviewed/purpose
1		February 2004	Initial policy document
2	May 2013	August 2013	Complete redraft to comply with updated legislation.
2.1	December 2013	January 2014	Adjusted to maintain consistency with updated association Rules, including name change.

## **PREFACE**

This Member Protection Policy aims to ensure Pipe Bands Australia's (the association's) core values, good reputation and positive behaviours and attitudes are maintained. It reiterates the association's commitment to ensuring that every person involved in pipe bands is treated with respect and dignity, and is safe and protected from abuse. Through this Policy, the association aims to ensure that everyone involved in pipe bands is aware of their legal and ethical rights and responsibilities.

This Policy also provides the procedures that support the association's commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from pipe bands.

The association is committed to providing an environment safe for children, which is free from harassment and abuse for everyone, and promotes respectful and positive behaviour and values. This Policy, along with the association's Code of Conduct, form the basis of appropriate and ethical conduct which everyone involved in pipe bands must abide by.

This Member Protection Policy is an essential part of the association's proactive and preventative approach to tackling inappropriate behaviour.

Greg Gordon OAM JP  
President  
Pipe Bands Australia Inc  
1 September 2013

# PIPE BANDS AUSTRALIA Inc

## PART A: MEMBER PROTECTION POLICY

### 1. Introduction

Pipe Bands Australia Inc (the association) is committed to educating its members and parties associated with its members and bands about this policy and compliance with State and Federal legislation.

The association encourages its members to identify instances of harassment, discrimination or abuse where it occurs, and to use the prescribed procedures to minimise the risk of further occurrence.

### 2. Purpose of this policy

This Member Protection Policy will work towards maintaining ethical and informed decision-making and responsible behaviours within our activities. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from abuse. This policy informs everyone involved in our activities of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.

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

This policy has been endorsed by the Council and has been adopted as a Policy. The policy starts on 1 September 2013 and will operate until replaced. Copies of the current policy and its attachments can be obtained from the association website at [www.pipebands.asn.au](http://www.pipebands.asn.au).

For information on the rights, responsibilities and requirements for people involved in our activities at the band level please refer to the member protection policies of the relevant band.

### 3. Who this Policy Applies To

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

- Members of the association, including its Branches, Executives and Councils;
- Persons appointed or elected to committees and sub-committees;
- Members, including life members of the association;
- Other personnel participating in events and activities held or sanctioned by the association.

[This policy will continue to apply to a person, even after they have stopped their association or employment with the association, if disciplinary action against that person has commenced.]

### 4. Responsibilities of the association

The association, including its Branches, must:

- Adopt, implement and comply with this policy;
- Make such amendments to its Constitution, Rules or Policies necessary for this policy to be enforceable;
- Publish, distribute and promote this policy and the consequences of breaches;
- Promote and model appropriate standards of behaviour at all times;
- Promptly deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner;

- Apply this policy consistently;
- Recognise and enforce any penalty imposed under this policy;
- Ensure that a copy of this policy is available or accessible to the persons and associations to whom this policy applies;
- Use appropriately trained people to receive and manage complaints and allegations [e.g. Member Protection Information Officers (MPIOs)];
- Monitor and review this policy at least annually.

## 5. Individual Responsibilities

Individuals bound by this policy are responsible for:

- Making themselves aware of the policy and complying with its standards of behaviour;
- Complying with our screening requirements and any state/territory Working with Children checks;
- Placing the safety and welfare of children above other considerations;
- Being accountable for their behaviour;
- Following the procedures outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour; and
- Complying with any decisions and/or disciplinary measures imposed under this policy.

## 6. Position Statements

### 6.1 Child Protection

The association is committed to the safety and wellbeing of all children and young people accessing its service. It supports the rights of the child and will act without hesitation to ensure a child safe environment is maintained at all times. It also supports the rights and wellbeing of its staff and volunteers and encourages their active participation in building and maintaining a secure environment for all participants.

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

#### 6.1.1: Identify and Analyse Risk of Harm

The association will develop and implement a risk management strategy, which includes a review of existing child protection practices, to determine how child-safe and child-friendly the association is and to determine what additional strategies are required to minimise and prevent risk of harm to children because of the action of an employee, volunteer or another person.

#### 6.1.2: Develop Codes of Conduct

The association will ensure that the organisation has codes of conduct that specify standards of conduct and care when dealing and interacting with children, particularly those in the organisation's care.

The code(s) of conduct will set out professional boundaries, ethical behaviour and unacceptable behaviour. (See Part B)

#### 6.1.3: Choose Suitable Employees and Volunteers

The association will ensure that the organisation takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children (in prescribed positions).



This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

The association will ensure that working with children checks/criminal history assessments are conducted for employees and volunteers working with children, where an assessment is required by law.

If a criminal history report is obtained as part of their screening process, the association will ensure that the criminal history information is dealt with in accordance with relevant state requirements. (See Part C)

#### **6.1.4: Support, Train, Supervise and Enhance Performance**

The association will ensure that volunteers and employees who work with children or their records have ongoing supervision, support and training such that their performance is developed and enhanced to promote the establishment and maintenance of a child-safe environment.

#### **6.1.5: Empower and Promote the Participation of Children in Decision-Making and Service Development**

The association will promote the involvement and participation of children and young people in developing and maintaining child-safe environments.

#### **6.1.6: Report and Respond Appropriately To Suspected Abuse and Neglect**

The association will ensure that volunteers and employees are able to identify and respond to children at risk of harm.

The association will make all volunteers and employees aware of their responsibilities under respective state laws if they have suspicion on reasonable grounds that a child has been or is being abused or neglected. (See Part E)

In addition to any legal obligation, if any person feels another person or organisation bound by this policy is acting inappropriately towards a child or is breaching the code(s) of practice set out they may make a complaint. (See Part C) This will explain what to do about the behaviour and how the association will deal with the problem.

## **6.2 Taking Images of Children**

Images of children can be used inappropriately or illegally. The association requires that individuals and groups, 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 association 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. It will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. It will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by paedophiles or other persons. It will only use appropriate images of a child, relevant to our activities and ensure that the child is suitably clothed in a manner that promotes the association, displays its successes, etc. Where possible we will seek permission to use these images.

It requires its members and bands to do likewise.

## **6.3 Anti-Discrimination and Harassment**

The association opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour

that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers. Some forms of harassment, discrimination and bullying, based on personal characteristics such as those listed in the Glossary at [clause 10], are against the law.

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 [D1] of this policy. This will explain what to do about the behaviour and how the association will deal with the problem.

#### **6.4 Intimate Relationships**

Intimate sexual relationships between tutors and players—while not necessarily unlawful harassment—can have harmful effects on the player, on other players and tutors, and on the band’s public image. Such relationships tend to be exploitative because there is usually a disparity between tutors and players in terms of authority, maturity, status and dependence.

Because there is always a risk that the relative power of the tutor is a factor in the development of such relationships, tutors working at all levels should avoid such relationships.

The law is always the minimum standard for behaviour; sex with a minor, for example, is a criminal offence.

#### **6.5 Cyber Bullying/Safety**

Bullying and harassment in all forms is regarded by association as unacceptable in its activities. Given the emergence of new telephone and internet social networks, the opportunity for unwanted and improper comments and statements has dramatically increased. Messages or statements made in these ways and using these means of communication are largely instantaneous, and can easily be abused. Others may also manipulate a person by encouraging a statement to be made on Twitter or Facebook, for example, when the writer may be upset or vulnerable. Bullying has the potential to cause great anxiety and distress to the person who has been the target of any comments or statements. In some cases, bullying is regarded as a criminal offence punishable by imprisonment, amongst other things. Frustration at an adjudicator, fellow bandsman, tutor, or official should never be communicated on social network channels, but rather by way of reasoned and logical verbal and written statements and where appropriate, complaints, to the relevant controlling body.

#### **6.6 Social Networking Websites Policy**

The association acknowledges the emergence of new technology and communication mediums (new media), and wishes to enable such new media to be used to benefit the association and its participants, and to applaud achievements. This can occur due to the immediate nature of communication to a wide audience using channels such as facebook, twitter, and SMS. However, participants within the association need to be very mindful of a few key matters that could lead to inappropriate use of new media, at times unintended, and at other times without a proper understanding that once comments are made or published, they are in public for a long time, and hard to take back (retract). Cautions the association recommends:

- Do not include personal information of yourself or others in social media channels;
- Do not use offensive, provocative or hateful language;
- Use your best judgment – do not publish something that makes you the slightest bit uncomfortable, and never write/publish if you are feeling emotional or upset (or are intoxicated);
- Always ask for a person’s permission before posting their picture on a social networking forum;
- Never comment on rumours, do not deny or affirm them or speculate about rumours; and
- Always use social network forums to add value and promote pipe bands in a positive way.

## 7. Grievances

The grievance procedure set out in the association Rules<sup>1</sup> applies to disputes under these Rules between:

- a member and another member;
- a member and the Committee;
- a member and the association.

A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

If the parties to a dispute are unable to resolve the dispute between themselves within the time required, the parties must within 10 days attempt in good faith to settle the dispute by mediation.

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

If at any point in the grievance process it is considered that a complainant has knowingly made an untrue complaint or the complaint is malicious or intended to cause distress to the person complained of, the matter may be referred to the committee for appropriate action which may include disciplinary action against the complainant.

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

## 8. What is a Breach of this policy

It is a breach of this policy for any person, branch, band or organisation to which this policy applies, to do anything contrary to this policy, including but not limited to:

- Breaching the Codes of Behaviour (attachment B to this policy);
- Bringing the association into disrepute, or acting in a manner likely to bring the association into disrepute;
- Failing to follow association policies (including this policy) and procedures for the protection, safety and welfare of children;
- Discriminating against, harassing or bullying (including cyber bullying) any person;
- Victimising another person for reporting a complaint;
- Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the association;
- Disclosing to any unauthorised person or organisation any association information that is of a private, confidential or privileged nature;
- Making a complaint they knew to be untrue, vexatious, malicious or improper;
- Failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; or
- Failing to comply with a direction given to the individual or organisation during the discipline process.

## 9. Disciplinary Action

The Committee may consider and deal with any reported breach of these Rules<sup>2</sup> or Regulations made pursuant to them or any conduct which might bring the association into disrepute after the reported member has been informed that the Committee intends to proceed in the matter.

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<sup>1</sup> Refer Pipe Bands Australia Inc Rules – Rule 12

The reported member shall be entitled to address the Committee in relation to the report.

The Committee may take such action, if any, as it thinks fit in relation to the report, including suspending the reported member or terminating his membership of the association.

A member who is suspended or whose membership is terminated pursuant to this Clause may by written notice to the Secretary within seven days after he is notified thereof appeal to an Extraordinary General Meeting to be called without delay for the sole purpose of hearing the appeal and which may by resolution carried by three-fifths of the members present and entitled to vote allow the appeal.

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<sup>2</sup> Refer Pipe Bands Australia Rules – Rule 11

## 10. Glossary

This Glossary sets out the meaning of words/terms used in this policy and its attachments without limiting the ordinary and natural meaning of the words/terms. State/Territory specific definitions and more detail on some of the words in this glossary 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

**Child abuse** involves conduct which puts 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, including 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** means 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 [ ].

**Complainant** means a person making a complaint.

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

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

- 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 band refuses to allow an older person to tutor the band simply because of age.
- **Breastfeeding:** A member of the band who is breastfeeding a baby in the band rooms is asked to leave.
- **Disability:** A player is overlooked for band selection because of mild epilepsy.
- **Family responsibilities:** A band decides not to promote a volunteer because he has a child with a disability even though the volunteer is the best person for the job.
- **Gender Identity:** A transgender player is harassed when other players refuse to call her by her female name.
- **Homosexuality:** A player is ostracised from her band after it becomes known that she is a lesbian.
- **Marital Status:** A player is deliberately excluded from some band activities and social functions such as 'clubbing' because she is married.
- **Pregnancy:** A woman is dropped from a band when she becomes pregnant.
- **Race/Religion:** An adjudicator deducts points in the dress inspection because an Indian player in a band is wearing a turban instead of a Glengarry.
- **Sex:** Specialist tutoring is only offered to male players in a mixed band.

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

**Unlawful harassment** is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law (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 but is usually repeated. It may be explicit or implicit, verbal or non-verbal, and includes electronic cyber communication.

**Discrimination and harassment are not permitted in employment** (including volunteer and unpaid employment); when providing goods and services including access to 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 bands 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 boys and girls only who are under 12 years of age or of any age 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 particular activity.

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

It is also a breach of 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 tutor for complaining about his sexist behaviour or for supporting another player who has made such a complaint.

Public acts of racial hatred which are reasonably likely to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some states and territories also prohibit public acts that vilify on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability – see vilification.

**Mediator** means an impartial/neutral person appointed to mediate Complaints.

**Member** means a bona fide member of the association.

**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 impartial and confidential support to the person making the complaint.

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

- both the Complainant and the Respondent must know the full details of what is being said against them and have the opportunity to respond;
- all relevant submissions must be considered;
- no person may judge their own case;
- the decision maker/s must be unbiased, fair and just;
- the penalties imposed must be fair and consistent.

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

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

**Respondent** means the person who is being complained about.

**Role-specific codes of conduct** (or behaviour) means standards of conduct required of certain roles (e.g. tutors).

**Sexual harassment** means unwanted, unwelcome or uninvited behaviour of a sexual nature which could reasonably be anticipated to make 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.

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

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

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



## **PART B: CODES, GUIDELINES AND SUPPORT**

### **1. Code of Conduct**

The association expects members and people associated with pipe bands to abide by this code of conduct.

All Members and Supporters will:

- abide by the rules and policies of the association;
- respect the rights and privacy of others;
- be responsible and accountable for their behaviour in their actions, manner, presentation and language;
- be a positive role model by not engaging in behaviour of an abusive, discriminating or harassing nature;
- exercise a duty of care to ensure minors (aged under 18) are supervised and not exposed to situations of harassment, discrimination, abuse or any other inappropriate behaviour;
- report breaches of the association Rules and Member Protection Policy to the appropriate authority, and
- not disclose to any unauthorised person/organisation, information of a confidential nature concerning members of the association.

In addition, association or Branch Office Bearers/Councillors will:

- exercise due diligence in the performance of their duties;
- ensure that defined procedures are performed in a timely manner;
- be dignified in their actions, manner, presentation and language;
- maintain strict impartiality, and
- ensure that members are made aware of the Code of Conduct.

## **2. Principles of Natural Justice and Procedural Fairness**

The opportunity to be heard by an impartial decision maker is at the heart of the rules of natural justice and procedural fairness. The rules of natural justice apply whenever the rights, property or legitimate expectations of an individual are affected by a decision.

Satisfying the rules of natural justice and procedural fairness will vary according to specific circumstances. There are however basic principles that apply to every situation. There are three basic principles that need to be followed and these are commonly known as the hearing rule, the bias rule and the no evidence rule.

### **The hearing rule**

The hearing rule demands that a person must be allowed an adequate opportunity to present their case where certain interests and rights may be adversely affected by a decision maker.

This means the person must be provided with as much detail as possible about the allegations against him/her and the factual basis for those allegations and be afforded the opportunity to respond to the allegations.

### **The bias rule**

The bias rule demands that the decision maker should be disinterested and/or unbiased in the matter to be decided. Justice should not only be done but be seen to be done.

Thus no one ought to be judge in his or her case, and the person who is in the position of accuser ought not to also be in the position of decision maker.

Additionally, investigators should ensure that there is no conflict of interest which would make it inappropriate for them to conduct the investigation.

### **The no evidence rule**

The no evidence rule means, in essence, that the decision must be based upon logical proof or evidence material. Investigators or decision makers should not base their decisions on mere speculation or suspicion. Rather, an investigator or decision maker should be able to clearly point to the evidence on which the inference or determination is based.

### **3. Member Protection Information Officer**

The role of the Member Protection Information Officer is to provide information to a person making a complaint or expressing a grievance. While it is preferable that a person holding this position undertakes training it is not essential, however, persons undertaking the role are encouraged to complete the Play by the Rules MPIO online course at [www.playbytherules.net.au](http://www.playbytherules.net.au) and the follow up face to face course in their state. While these courses are aimed at sporting clubs the content is about people and the information provided can be easily transferred to situations which arise within the association and its bands. The Association and its branches and bands must have a MPIO or person designated to the position. Contact details for an MPIO or designated person should be freely available to the members of the Association, Branch or band.

While a person acting in the role of MPIO must maintain confidentiality he or she remains responsible to the appointing body and in some instances may need to consult with a member or members of that body in confidence.

#### **MPIO Attributes**

An MPIO should:

- be a good listener;
- maintain confidentiality;
- be accessible and approachable;
- be an impartial support person;
- only support one person in the problem and if approached by another person/s must refer them to another official for support;
- allow people with a grievance to own and control the process;
- be able to provide information about a person's rights and the options available;
- be able to discuss possible strategies available to resolve the matter, without taking over or making recommendations;
- be able to provide information covering child protection, harassment, discrimination and other forms of abuse;
- be able to provide information about relevant policies and legislation regarding member protection;
- be able to provide contact information for counselling, mediation, reporting suspected child abuse or other referrals;
- be able to provide education in regard to the member protection policy and other member protection areas, e.g. child safe environments;
- be up to date with information on child protection, harassment, discrimination and other forms of abuse;
- be aware of times when a conflict of interest may occur and refers the person with a grievance to another official for support.

#### **Guide to conducting a support process**

An MPIO should:

1. Talk in private to the person with the grievance, conflict or concern;
2. Allow time and avoid interruptions;
3. Listen and give full attention;
4. Reassure the complainant that they have a right to speak up and that it is appropriate to speak with the MPIO;
5. Clarify the role of the MPIO;
6. Inform the complainant of any conflict of interest that the MPIO might have and provide assurance that it will not compromise the role of the MPIO;
7. Obtain permission to take notes;

8. Clarify, focus and gather the facts. Who? What? When? Where? How often? Who else was present or knows?;
9. Ask if there were witnesses or any documentation;
10. Ask what the person wants to happen;
11. Reassure the complainant that there are procedures and options;
12. Explore the options;
13. Empathise but do not internalise the problem;
14. Explore any concerns, fears or reluctance about taking action;
15. Reassure the complainant that the policy protects against victimisation;
16. Determine whether the matter needs to be reported;
17. Provide information on the grievance resolution process;
18. Ask whether the complainant has a personal support person;
19. Explain the issue of confidentiality;
20. Arrange follow up.

An MPIO should **not**:

1. Advise the complainant about what they should do;
2. Investigate whether the complainant has raised issues before;
3. Place a time limit on the conversation with the complainant to ensure that just the facts are dealt with;
4. Deal with the issue immediately even though the MPIO knows that he will be distracted by other urgent matters;
5. Ask why the complainant thinks the situation has occurred;
6. Offer to mediate and help resolve the issue between the complainant and the offender;
7. Offer to counsel the complainant;
8. Offer to intervene on the complainant's behalf;
9. Inform the complainant that the MPIO will be investigating the matter;
10. Offer to be an advocate on the complainant's behalf.

#### **4. Guide to D.I.Y. Conflict Resolution**

There are some key steps highlighted in research about conflict resolution. Using the steps successfully usually requires a change of mindset from thinking about who is right or wrong, to working on solutions that can work in the interests of all parties. They focus on who needs what and how these needs can be accommodated in the most appropriately negotiated way. Often people will compromise around their needs if they see that the process of negotiating outcomes is a fair one.

Sometimes people can also live with outcomes that are not equitable - as long as their position and feelings have been acknowledged. It is for this reason that listening to and respecting people's stories without judgment is an important part of the conflict resolution process.

*In Teaching Peace - A Guide for the Classroom and Everyday Life (2003)*, Leah Wells uses work by Colman McCarthy to bring Gandhi's principles of non-violent solutions into consideration for people today. Interestingly, these principles connect very closely with contemporary writing about conflict resolution in Western society.

#### **Nine Steps**

##### **1. Define the conflict.**

What is it that you are actually fighting over? Why is it important to state what the disagreement is about? What troubles can people get into when they are fighting about different things? Can one person believe the argument is over one issue and the other person believe the argument is about a completely different issue?

##### **2. Work on what's doable.**

It is better to have a small success than a large failure. When you work on what you can actually do and accomplish, the tangible goals of resolving the conflict seem more real and viable.

##### **3. Resolve the dispute in a neutral place.**

Do you want to settle the conflict in the cafeteria at lunchtime? Should you settle the conflict in the faculty lounge in front of everyone? It is important that both people feel that they are on common ground and that one does not have advantage over the other. Colman reminds his students that even war treaties are not signed on the battlefield but rather at a distant, neutral place. Emotions run too high and cloud clear thinking.

##### **4. Don't ask what happened.**

Ask instead 'What did you do?' Asking what happened elicits emotions and promotes blame. Asking 'what did you do?' encourages the person to use 'I' messages and focus on the facts of the situation.

##### **5. List the shared elements of the relationship versus the one unshared separation.**

The goal of doing this is to get both parties to see that their similarities outweigh their differences. People who are in the midst of a disagreement still have common ground. We all have the need for love, acceptance, understanding, belonging and attention. These are good places to start when there are many hurt feelings or when the conflict is particularly heated.

##### **6. It's not you versus me but you and me versus our problem.**

Conflicts are set up to be oppositional where one person is bad and the other good, one the victimiser and one the victim, one the evildoer and one the innocent. Alexander Solzhenitsyn wrote that 'the line between good and evil runs through every human heart'. Colman says 'you're not the problem, and I'm not the problem but rather the problem is the problem'. We have to work together on solving our shared conflict and work at not demonising the other person but acknowledging their humanity and core value.

##### **7. Work on your forgiveness skills.**

Colman says that of the nine steps, this one is probably the hardest. Forgiving someone is so difficult because a wrong done is like toothpaste out of the tube - you can't put it back in. Dr Martin Luther King's wisdom on forgiveness is important as well. He says that true forgiveness means that the evil act no longer stands as a barrier to the relationship, and that we must separate the evil from the evildoer.

**8. Work on your listening skills.**

Colman also says that a good listener has many friends whereas a poor listener has many acquaintances. I ask my students if they ever find themselves planning their retort or reply as they are 'listening' to the other person. True listening means that you are hearing the words, the underlying messages, the heart messages and the intentions of the person and truly attempting to grasp what they are relating.

**9. Purify your heart.**

One of my favourite things to ask my students is how they do this. Some say that they play sports, meditate, pray, sleep, hike, write in a journal or talk with friends. Many report that being close to nature makes them feel purified.

## **5. Guidelines For Bands – Child Protection**

These guidelines are designed to give adult band personnel and individuals within the association support when working with and making decisions about children as learners or members of bands. Many of these guidelines will already be in practise among bands and in learner groups but some may be new. Remember that children are defined as persons under 18 years old even if they hold a responsible position in the band e.g. pipe sergeant, corporal, secretary etc

### **BAND STRUCTURE**

Bands are managed by adults with many bands having a high, if not totally adult membership. This means that the expectations and procedures operating within most bands have an adult focus, the exception being juvenile bands. Children playing in non-juvenile bands are operating in an adult environment where the expectations and procedures may not be appropriate or acceptable for their welfare within the definition of child protection.

### **AUTHORITY**

Parents/guardians have primary responsibility for the children with whom you are dealing and consideration must be given to their role in a child's life.

- When a child player joins the band or learners group discuss with the parents/guardians and child what playing the instrument requires, costs etc, your expectations as teacher or the expectations of players as members of the band so that they and the child can make an informed decision before continuing.
- Discuss any issues with the parents/guardians as well as the child. It is unfair to place a child under duress for a situation over which he or she has no control.
- Talk with the parent/guardian about the child's progress, performance and how they are fitting into the band from time to time, as this will allay any fears they may have and alert you to any potential difficulties.

### **CHILDREN AS LEARNERS**

- When teaching children it is advisable to do so in a small group situation (children or adult/children learner group). If it is necessary to work with a child one to one make sure it is an area where you and the child can be seen/heard by others.
- If there is a need to touch a child during the tutoring process explain what you are doing, why you are doing it and check that the child is comfortable with it. Demonstrate what you want on yourself or another adult first as it may then not be necessary to touch the child at all. Make sure the touching is reasonable for the instruction.

### **CHILDREN AS MEMBERS OF A BAND**

Take into consideration pressure school places on the children with whom you are working and be prepared to adjust expectations of the child for things such as attendance at band practice or engagements.

- Have at least one trusted person to "chaperone" child players in the band on band engagements
- Consider the suitability of an engagement for the child members of your band and if necessary excuse them from it or make suitable arrangements for their welfare.
- It is not a desirable place for child players to retire to the beer tent or a hotel bar after a contest or engagement even in the company of adult band members.

**GENERAL**

- Speak to children in a non-threatening and non-abusive manner at all times.
- Telling crude or lewd stories and jokes to or in front of children is inappropriate as is some forms of swearing and they are child abuse.
- Giving alcohol, cigarettes or other drugs to children is not only illegal but is also child abuse.



## 6. Guide to Cyber Safety

### Rights

#### Privacy

You have the right to protect your personal information and privacy. All social networking sites allow you to restrict your privacy settings. You can further protect your privacy by ensuring your passwords are strong and you change them frequently. Your mobile devices also allow you to control and set privacy settings for your [location based services](#), so that your whereabouts are protected.

#### Protection and safety

You have a right to protect yourself online and ensure your personal information is secure. You can do this by adjusting your privacy settings. Another way to ensure that you exercise your right to protection and safety is to make sure you don't publish personal information such as your school name, home address or telephone number online. It is also useful to know how to effectively deal with [unwanted contact](#), [identity theft](#), and [cyber bullying](#).

#### Ability to report offensive or threatening content and behaviour

If you come across websites or other material that is offensive, obscene or illegal, there are some easy ways to handle it. If you think content may be illegal, report it to the ACMA's online hotline. If you come across offensive or threatening content on a social networking site, remember that most of these sites have a "report abuse" button that you can click and report the behaviour.

#### Education

We all have the right to educate ourselves and those close to us on how to stay safe online. Cybersmart provides free and accessible cybersafety resources for families and schools. You can also download the free Cybersafety Help button to your computer desktop or mobile device to easily access useful cybersafety information and assistance whenever you need it.

### Responsibilities

#### Respect and protect yourself and others

If a friend or someone close to you is experiencing cyber bullying, [trolling](#), unwanted contact or [sexting](#), encourage them to report it and seek support by talking to a trusted adult or by contacting the Kids Helpline or Cybersmart Online Helpline Service.

#### Keep a balance

Playing games online and using consoles or games on a computer is great fun, but you need to be careful how much you play and who you play with. Too much gaming can affect your school or social life. And if you chat with other gamers, you need to protect your privacy and keep your personal or private information to yourself. Find out more about keeping a balance.

#### Protect your digital reputation

Your digital reputation is defined by your behaviours in the online environment and by the content that you post about yourself and others. A poor digital reputation can affect your friendships, relationships and even your job prospects – so protect your digital reputation.

## Location based service

### Who knows where you have been?

Smartphones have a built-in feature called geolocators that can pinpoint your exact location. This data is often published online through social networking sites, or used by location-based services such as maps, public transport apps, retail services and so on. It can also be embedded in images you take with your smartphone camera.

Sometimes, you might want to think twice before you check in and tell the world where you are.

### Know the basics

- Geolocators can be switched off - go into your phone settings and switch off location services on your mobile.
- Checking in from your smartphone, lets people know where you are and what you're doing.
- Checking in allows people to see where you have or haven't been.
- Be aware about how the information might be used by online friends, especially those that you don't know in the real world.

### Protect your location

- Turn off the geocator unless you are absolutely need to use it.
- Make sure that your location is only visible to friends you know and trust in person.
- Double check your privacy settings, so that if you do share location information, it's really only available to the people you want it to see it.
- Check that the service doesn't also show your details to those nearby who you might not know.
- If you have problems while using a service, report it to the service provider.
- If you feel unsafe while you're at a particular location, contact the police.
- Always remember, if in doubt, don't check in.

## Unwanted contact

### He asked you to do, what?

Unwanted contact is any type of online communication that you find unpleasant or confronting. The contact can come from online or offline friends or people you don't know.

Unwanted contact can include:

- being asked inappropriate or personal questions by someone you don't know;
- being sent offensive, confronting or obscene content; or
- being asked to send intimate pictures or do things online that make you feel uncomfortable.

### How do I deal with it?

- Don't respond and leave the site or chat session.
- Report it to an adult that you trust or to the police, if there is a threat to your safety.
- Block the contact or remove them from your friends list.

- Change your profile settings so that your personal details are kept private.
- Don't open messages from people you don't know.
- Keep the evidence. This can be useful in tracking the person posting unsuitable material.
- Contact your ISP and/or phone provider, or the website administrator, there are actions they can take to help.

## Identity theft

**Identity theft can damage your chances of applying for loans and credit cards when you are older.**

Identity theft is when your personal information is used without your knowledge or permission. Personal information can be accessed from your computer or at a public computer terminal.

With sufficient information, criminals can use your information to:

- open bank accounts in your name;
- apply for credit cards or loans in your name;
- transfer money directly from your bank accounts; or
- impersonate you online on social networking sites.

### How do I avoid it?

- Monitor your content - if you suspect your profile has been hacked shut it down asap.
- Use secure websites for online shopping and banking.
- Don't post personal information – small pieces of personal data can be used to build a much bigger picture.
- Change passwords – password should be:
  - eight or more characters in length and include a combination of characters, numbers and symbols
  - changed regularly
- never shared.
- Don't get phished - don't respond to calls or emails from banks asking for passwords or other details. If the email asks you to click on a link, chances are it's a scam. If you receive a call from someone saying they're from the bank, hang up and call back on their publicly listed number to see if it's real.

### How do I deal with it?

Monitor your bank account and advise the bank immediately if you see any unexpected withdrawals or suspicious spending.

Report it - talk to an adult that you trust, and to your bank.

## Cyber Bullying

### **Stand up and speak out!**

Cyber bullying is using technology to deliberately and repeatedly bully someone. It can happen to anyone, anytime, anywhere and can leave you feeling unsafe and alone.

It can include:

- abusive texts and emails;
- posting unkind message or images;
- imitating others online;
- excluding others online;
- inappropriate image tagging; or
- inappropriate discussions.

Remember, treat others as you would like to be treated when socialising online

### **How is it different to face-to-face bullying?**

While cyber bullying is similar to face-to-face bullying, it also differs in the following ways:

- the bully can have a sense of being anonymous;
- it can occur 24/7 and be difficult to escape;
- it is invasive and you can be targeted while at home;
- it can have a large audience - sent to groups or posted on a public forum which can be permanent.
- How do I deal with it?
- don't retaliate or respond, no matter how tempting;
- block the person doing the bullying and change your privacy settings;
- report it - click the report abuse button;
- collect the evidence - keep mobile phone messages and print emails or social networking conversations;
- talk to someone you trust, like a family member or friend.

Talking to your teachers or parents can make a difference. Your school may have policies in place to deal with bullying and cyberbullying.

### **What do you do if your friend is being bullied online?**

While it can be hard to know if your friends are being cyberbullied if you see or know about cyberbullying happening to a friend:

- don't forward messages or pictures;
- though you may not have started it, you will become part of the cyberbullying cycle;
- stand up and speak out - tell a trusted adult;
- support your friend and report the bullying.

## Trolling

### What is trolling?

Trolling is when a user intentionally causes distress by posting inflammatory comments on a public forum. You can protect yourself and others against trolling by taking the following actions:

- Ignore the troll - don't respond to nasty, immature or offensive comments. Giving trolls the attention they want only gives them more power.
- Block the troll - take away their power by blocking them. If they pop up under a different name, block them again.
- Report trolls - report trolls to site administrators. If they pop up under a different name, report them again. If they continue, contact the police.
- Talk with friends and family - if a troll upsets you, talk about it with friends and family and remember, it's not you, it's them. Visit the Cybersmart online helpline or call the Kids Helpline on 1800 55 1800.
- Protect friends from trolls - if trolls are upsetting a friend, tell them to ignore, block and report. Tell their family and other friends and encourage them to seek support.

## Sexting

**There's no such thing as safe sexting, even if you think you can trust your current boyfriend or girlfriend.**

- Sexting is the sending of provocative or sexual photos, images, messages or videos using a mobile phone or posting online. Once you've sent a picture or message, it's out of your control. Images posted online can be almost impossible to remove and they may come back to haunt you anywhere and anytime well into the future.

### Could I be breaking the law?

- Sexting may seem funny or flirty but there can be serious social and legal consequences, particularly if you're under 18 years old.
- Sexting images may be considered child pornography. Even if all participants are willing, they may be breaking the law if they take and share naked or sexual images of themselves or others who are minors.

### How do I deal with it?

- Consider others before you photograph or post — some things were never meant to be shared.
- Think before you post—it could be online forever.
- Adjust your privacy settings.
- Manage photos or images tagged with your name - detag those you're uncomfortable with.
- Delete any sexting you receive and don't forward anything on.
- Talk to an adult you trust.

## **PART C: SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS**

### **1. 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 Northern Territory and South Australian 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 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. There is no current screening process or formal legislation, but individual employers or organisations may require police checks at their discretion.

Please be aware that state and territory WWCC requirements may also apply to individuals who visit states with screening laws. For example, if a body from another state 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 this Member Protection Policy.**

The following inclusions 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)
- suitable screening requirements for people residing in ACT and Tasmania

#### **Future Developments - Working with children check exemptions**

The communiqué from the Standing Council on Community, Housing and Disability Services meeting held on 21 October 2011 outlined new arrangements for national short term exemptions to Working with Children Checks. The Commonwealth, State and Territory Ministers agreed to introduce, by late 2012, national exemptions to Working with Children Checks for paid employees and volunteers who are required to cross state or territory borders for work related purposes. These exemptions will be for up to 30 days in any 12 month period and will enable workers to participate in national and inter-jurisdictional activities on a short term basis.

This means volunteers and workers with a valid check in their home state or territory will be able to participate in short-term activities across state and territory borders without the need for additional checks.

## 2. 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 the association who work, tutor, supervise or have regular unsupervised contact with people under the age of 18 years.

The association will, and also requires bands 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 organisation 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.

### 3. Member Protection Declaration (MPD)

The association has a duty of care to all those associated with it and to the individuals and organisations to whom our Member Protection Policy applies. As a requirement of our Member Protection Policy, the association 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 ...../...../..... ,

do sincerely declare that:

I do not have any criminal charge pending before the courts.

I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.

I have not had any disciplinary proceedings brought against me by an employer, organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence.

To my knowledge there is no other matter that the association may consider to constitute a risk to its members, employees, volunteers, or reputation by engaging me.

I will notify the Secretary of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in the clauses 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: .....



## **4. WWCC – State/Territory Requirements**

The following information was updated in April 2012. It is subject to change at any time.

### **4.1 Australian Capital Territory (ACT)**

#### **Legislation**

##### **What are the screening requirements for organisations?**

National Police Checks are highly recommended for people working with children. Although, there is currently no legal requirement for organisations or individuals to obtain one, seeking these as part of your organisation's process can assist you in meeting your duty of care towards children, and other members of your organisation.

##### **Are there penalties for not conducting a National Police Check?**

No. Although checks are encouraged, they are currently not mandatory in the ACT.

##### **However, the situation is about to change.**

In October 2011, the Working with Vulnerable People (Background Checking) Bill 2010 was passed in the ACT Legislative Assembly. The Act requires people who have contact with vulnerable people in the course of engaging in certain regulated activities or services to be registered with a Statutory Screening Unit (Background Screening Unit) to be established in the Office of Regulatory Services (ORS), which is part of the ACT Government's Justice and Community Safety Directorate.

The Act will commence within 12 months of being notified on the Legislation Register that is no later than 8 November 2011.

Once the system is implemented, certain employees and volunteers who work, or seek to work, with vulnerable people (including children) will be required to undergo a criminal record check and other background checks before they can be issued with a 'Working with Vulnerable People Registration Card'.

The checking system will impact on the sport and recreation sector as sporting and recreational bodies with significant membership or involvement by children will be covered. However, the system will provide an independent process by which people who are assessed as posing a risk of harm to children (and other vulnerable people) can be prevented from working with them in your organisation.

According to the ORS, it is expected that in the first year of operation all employees and volunteers who provide regulated services to children will be checked. For more information visit the ORS website: [www.ors.act.gov.au/community/working\\_with\\_vulnerable\\_people](http://www.ors.act.gov.au/community/working_with_vulnerable_people).

#### **Action**

##### **Where can I get a National Police Check done?**

Go to the Australian Federal Police for contact information and an Application Form.

##### **Who has to apply?**

The employing organisation/department can apply but if you're the subject of the check you need to complete the Application Form consenting to the organisation obtaining your personal information.

#### **Useful information**

##### **How much does it cost?**

\$45.00.

##### **Who is responsible for payment?**

This depends on the policy of the organisation requesting the check. If you're expected to pay, then the organisation should tell you up front.

##### **What does a National Police Check cover?**

traffic violations

criminal and/or traffic records before a Court

details of convictions or findings of guilt that have been recorded and which are not covered by Part VIIC of the Crimes Act 1914 dealing with spent convictions.

**How long is it valid for?**

It is only valid up until the date it's issued. Organisations need to consider whether routine updates to National Police Checks are built into agency policy and procedures.

**Resources**

**Criminal Records – National Police Check**

Australian Federal Police

AFP Criminal Records

Locked Bag 8550

Canberra City ACT 2600

(02) 6202 3333

Email: AFP Criminal Records

## 4.2 New South Wales (NSW)

### Legislation

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). In NSW, the WWCC for people in sport and recreation involves three components:

- Ensuring volunteer employees sign the Volunteer/Student Declaration which states they are not prohibited from working with children.
- Ensuring all paid employees who will be working in child-related employment, sign the Applicant Declaration and Consent and produce 100 points of ID.

(Note: Volunteers who mentor disadvantaged children or who provide intimate personal care to disabled children also sign this form and are now background checked).

- Submitting all paid applicants for child-related employment (as well as the volunteers mentioned) to the Commission for Children and Young People for a WWCC background check – this involves a check for relevant criminal records, any relevant Apprehended Violence Orders (AVOs) and any relevant employment proceedings.
- Reporting relevant employment proceedings (REPs) to the Commission for Children and Young People for any paid and unpaid employees. A relevant employment proceeding involves any reportable conduct committed outside of work as well as in the workplace with or in the presence of children.

### Where can I get a criminal history or police check done?

The Approved Screening Agency for sporting and recreation organisations within NSW is the Commission for Children and Young People.

### Who has to apply?

The employer (organisation) is responsible for managing the WWCC process. Individuals cannot apply for a WWCC directly. The organisation should register with the Commission for Children and Young People and nominate a contact person (eg. Club Administrator or General Manager) who will receive the information relating to the background checks.

Self employed people over the age of 18 years who work with children must obtain a Certificate for Self Employed People. The Certificate gives self-employed people the opportunity to demonstrate to their clients they do not have criminal records that ban them from working with children. Penalties will apply if you do not have a valid Certificate.

People who have previously had a WWCC as an employee of another organisation are still required to get the Certificate if they work with children in a self employed capacity, as the WWCC is not transferable between organisations.

For forms and information, visit <http://www.kids.nsw.gov.au>

### What does a Working with Children Check?

The records considered in the NSW Working with Children Check include:

- relevant criminal records
- relevant AVOs
- any relevant employment proceedings.

### Are there penalties for not conducting the Working with Children Check?

Yes. Information about fines / gaol terms for non-compliance is available on the website of the Commission for Children and Young People.

### What are the requirements for visitors from other states/territories?

If an employee is engaged to work with children outside NSW but their work occasionally requires them to work with children in NSW, the WWCC does not apply.

You should always ensure that you comply with the background checking legislation in your own State.

**Relevant information**

**How much does it cost?**

There is no cost for a background check.

**How long is it valid for?**

The check is valid as long as the individual remains in the same position within the organisation for which they were checked.

Also, “short-term employees” (i.e. where the 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.

**Is it transferable to a different organisation?**

No. The new employer must apply for another WWCC for that individual.

**Resources**

**Where can I get further information or resources?**

NSW Commission for Children and Young People

<http://www.kids.nsw.gov.au/kids/check.cfm>

### **4.3 Northern Territory (NT)**

#### **Legislation**

What are the screening requirements for organisations?

Since 1 July 2011, it is 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.

The screening process has been established under the Northern Territory's Care and Protection of Children Act and is conducted by SAFE NT, a unit of the Northern Territory Police.

#### **What does the screening assess?**

The Working with Children Clearance screening is a criminal and employment record check that ensures there is nothing in the candidate's history which may constitute a serious risk of harm to children. It involves three elements.

##### **1. A National Police Records Check**

The check may reveal criminal history information held by Police across all States and Territories. Broadly, the criminal offences of most significance for a Working with Children Clearance are:

Sexual offences involving children

Violent offences involving children

Drug-related offences involving children.

##### **2. Employment History**

An assessment of references and/or disciplinary proceedings instigated as a result of malpractice or inappropriate workplace behaviours.

##### **3. Other material**

Some candidates who apply for a Working with Children Clearance will have a criminal history. This does not automatically mean they will be disqualified from obtaining a Clearance. The Screening Authority will assess a number of factors such as the person's good behaviour, contribution to community events, rehabilitation or treatment programs completed.

Personal, community and employment references can be submitted in support of an application.

#### **Who must hold a Clearance Notice?**

Any person over the age of 15 years already working in, or who wants to work or volunteer in, "child-related" work must hold a Clearance Notice. Any person whose employer or volunteer organisation requires them to work with children as part of their employment or volunteering role must hold a Clearance Notice.

#### **Who is exempt?**

There are a few limited circumstances where a person may be exempt from having to apply for a Clearance Notice, such as where the person provides babysitting or child minding in a private capacity to family or friends.

#### **Are there penalties for not having a Working with Children Clearance Notice?**

Yes. A penalty of up to \$65,000 can be issued to an individual if they are found to be in breach of the law. It is the responsibility of the person who wants to work or volunteer with children to apply for the Clearance Notice and ensure that it remains valid.

#### **Action**

##### **How can I get a Working with Children Clearance?**

SAFE NT, a unit of the Northern Territory Police, is responsible for coordinating the screening process. Application forms are available from the Working with Children website, Northern Territory Police Stations and Territory Business Centres.

All employees or volunteers who need to apply for a Working with Children Clearance must complete a 100 Point Identification check. Original or certified copies of identifying documents to the value of 100 points are required.

If you are submitting the form externally, a passport quality photo must be supplied and signed by a qualified person.

**How do I know that I have passed the Working with Children screening?**

People who pass the screening process will be sent a Working with Children Clearance Notice and an Ochre Card. Your Ochre Card can be used to prove you have a current Working with Children Clearance.

**What happens if someone does not pass the screening?**

SAFE NT will advise the person that they will not have a Clearance Notice issued and will not be able to work in child-related employment.

If they do not agree with the decision, they can ask for it to be reviewed in the Local Court of the Northern Territory. Applications must be lodged with the Local Court within 28 working days of receiving the decision from the Screening Authority.

**How much will it cost?**

The cost of a Working with Children Clearance (including the Ochre Card) is \$50.00 for employees and \$5.00 for volunteers.

**How long is the Working with Children Clearance valid for?**

A Working with Children Clearance is valid for two years from the date of issue (unless revoked). If a person wishes to continue to work or volunteer with children after this time they will need to apply again.

**What if I have a volunteer card and then start paid employment?**

If a person who holds an Ochre Card marked with a 'V' for Volunteer enters paid child-related employment, their card remains valid until expiry.

If that person continues in child-related employment, they must then pay \$50.00 for renewal of their Working with Children Clearance and will then be issued with an Ochre Card marked with an 'E' for Employment.

**Resources**

**Where can I get further information or resources?**

Northern Territory Government – Working with Children

<http://www.workingwithchildren.nt.gov.au/>

## 4.4 Queensland (QLD)

### Legislation

#### **Working With Children Check and Blue Cards/Exemption Cards**

In Queensland some volunteers and paid employees in organisations involving children are required to hold a blue card or exemption card in the case of police officers or registered teachers in Queensland. Blue cards or exemption cards are issued by the Commissioner for Children and Young People and Child Guardian once the Commission has carried out the working with children check to see if a person is eligible to work in the areas of child-related employment regulated the Commission for Children and Young People and Child Guardian Act 2000 (the Commission's Act). If a person is eligible, they are issued a positive notice letter and a blue card.

#### **What are the screening requirements for organisations?**

Only people providing certain essential and developmentally focused child-related services regulated by the specific categories in the Commission's Act are required to hold a blue card or exemption card.

Volunteers and paid employees employed in organisations involving children may fall under the 'Churches, clubs and associations involving children' category of regulated employment. Volunteers and paid employees employed in private businesses may fall under the 'Sport and active recreation' category of regulated employment.

#### **Who has to apply?**

To apply for a blue card or exemption card, a person must be employed (either in a paid or voluntary capacity) in a category of regulated child-related employment.

The application form requires the employer's details and a nominated contact person from the organisation. The employer has the responsibility of verifying the employee's identity and must complete a declaration on the form that they have verified the applicant's identity by sighting the relevant identification documents.

#### **Volunteers**

Under the 'Churches, clubs and associations involving children' category of regulated employment, unless an exemption applies, volunteers need a blue card or exemption card if the usual functions of their volunteer work include, or are likely to include, providing services directed mainly towards children or conducting activities mainly involving children, by or within a church, club, association or similar entity.

Under the 'Sport and active recreation' category of regulated employment, unless an exemption applies, volunteers need a blue card (or exemption card) if the usual functions of their volunteer work include, or are likely to include, providing services directed mainly towards children or conducting activities mainly involving children and the services are provided, or the activities are conducted as part of sport or active recreation.

#### **Paid employees**

Paid employees who work with children and young people need a blue card or exemption card, unless an exemption applies, if their work falls into a category of regulated employment and they work, or are likely to work, for at least:

- 8 consecutive days, or
- once a week, each week, over 4 weeks, or
- once a fortnight, each fortnight, over 8 weeks, or
- once a month, each month over 6 months.

#### **Paid employees who**

- work with a church, club or association may need a blue card and may apply under the 'Churches, clubs and associations involving children' category of regulated employment, or

- work with private businesses may need a blue card and may apply under the ‘Sport and active recreation’ category of regulated employment.

#### **Examples of people who need a blue card...**

- Paid employees running sporting or recreational activities for children outside of a church, club or association, or
- Paid entertainers running games and activities with children at birthday parties, or
- Paid photographers taking photographs of children at a sporting event.

#### **What does a blue card check cover?**

A blue card check is a detailed national check of a person’s criminal history, including any charges or convictions.

Also considered is disciplinary information held by certain professional organisations and, in certain circumstances, police investigative information about allegations of serious child-related sexual offending.

#### **Are there penalties for not conducting the blue card check?**

Yes, there are a range of penalties for not complying with the Commission’s Act. Some offences may incur a fine of up to 500 penalty units (currently \$55,000) or up to five years imprisonment.

For a full list of employer and employee obligations under the Act please refer to <http://www.ccypcg.qld.gov.au/bluecard/offences-and-penalties.html>.

#### **Are there exemptions?**

Under the regulated categories of ‘Churches, clubs and associations involving children’ and ‘Sport and active recreation’, volunteers do not need a blue card or an exemption card if they are:

- a volunteer parent of a child who receives the same or similar services to which the employment relates, or
- a volunteer parent of a child who participates in the same or similar activities to which the employment relates, or
- a guest of a school or “recognised body”:
  - for the purpose of observing, supplying information or entertainment to 10 or more people, and
  - the activity is for 10 days or less on no more than two occasions per year;; and
  - the person is unlikely to be physically present with a child without another adult being present, or
- performing the function of employment at a national or state level event organised by a school or “recognised body” (operating at a state or national level):
  - for a sporting, cultural or skill based activity, and
  - the event is attended by more than 100 people;; and
  - the work is for 10 days or less on no more than two occasions per year; and
  - the person is unlikely to be physically present with a child without another adult being present, or
- a registered health practitioner and the work they are doing with children and young people relates to their function as a registered health practitioner; or
- a child under 18 years of age volunteering (except “trainee students” undertaking regulated child-related employment as part of a course of study with an “education provider”).

#### **What are the requirements for visitors from other states/territories?**

Under the Commission’s Act, there is no exemption or provision that deals specifically with interstate visitors. However there are exemptions within certain categories of regulated employment or business that might apply to interstate visitors providing services to children and young people in Queensland.



If you intend to visit Queensland to provide child-related services, you are encouraged to check the categories of regulated employment and regulated business to see if you need a blue card or whether an exemption might apply to you.

## **Action**

### **Where can I get a criminal history or police check done?**

A criminal history or police check will be undertaken as part of the assessment process of your blue card (or exemption card) application. Application forms are available from the Commission's website at: <http://www.ccypcg.qld.gov.au/bluecard/applications/applications.html>.

### **How do I apply?**

#### **Blue card applicants**

If you're undertaking paid employment you need to complete a Paid employee (P) application form and submit the form together with the application fee as prescribed in the Commission's schedule of fees.

If you intend working as a volunteer, you can apply for a blue card by submitting a Volunteer (V) application form. You don't need to pay a fee.

If you're a paid employee you can commence work while your application is being processed. If you're a volunteer or conducting a business, you must hold a valid blue card before you start work, regardless of how often you come into contact with children and young people.

#### **Exemption card applicants (police officers or registered teachers in Queensland)**

Registered teachers and police officers do not apply for a blue card when providing child-related services that fall outside of their professional duties. They instead apply to the Commission for an exemption card.

Application for paid employees, volunteers and trainee students can be made by submitting a completed Exemption card application (E) form.

Application for business operators, including directors of non-state school governing bodies can be made by submitting an Exemption card business application (EB) form.

Exemption cards are free and exemption card applicants can commence regulated child-related work once they have lodged a completed application with the Commission.

## **Information**

### **How much does it cost for a blue card?**

A blue card is free for volunteers but paid employees or those conducting a child-regulated business need to pay an application fee. Refer to the Schedule of Fees available on the Commission's website at <http://www.ccypcg.qld.gov.au/bluecard/fees.html>.

### **Who is responsible for payment?**

Although employees are responsible for paying the application fee, organisations are able to make their own private arrangements about payment.

### **How long is it valid for?**

A blue card is valid for 3 years from the date it is issued, unless it is cancelled or suspended earlier by the Commissioner.

An exemption card has no expiry date and remains valid as long as the person is a registered teacher or police officer in Queensland, unless it is cancelled or suspended earlier by the Commissioner.

### **What do I do when it expires or if my personal circumstances have changed?**

Under the Commission's Act, you must notify the Commissioner of any change in details within 14 days. Changes include a change in personal details, change of criminal history and change of employer (including starting or ending regulated employment).

## **Blue cards**

You need to lodge a renewal application. Business operators, volunteers and trainee students must submit their renewal application at least 30 days before their blue card expires to continue working while their renewal application is being processed, unless their blue card has been suspended or cancelled.

Paid employees must submit their renewal application before their blue card expires to continue working while their renewal application is being processed.

Although it's your responsibility to contact the Commission to request a renewal form, the Commission will, as a courtesy, contact you 16 weeks prior to the expiration of your card so you have sufficient time to submit your renewal application.

The renewal process enables the Commission to check there have been no changes in your personal details, including name, address and employment.

## **Exemption card holders**

Exemption cards do not have an expiry date and remain valid as long as the card holder remains a registered teacher or police officer in Queensland.

## **What circumstances would lead to the cancellation or suspension of a blue card or exemption card?**

A valid blue card or exemption card will be suspended if the person is charged with child-related sexual offences or child pornography offences, pending the charge being dealt with in the courts. If the person is convicted of such an offence, their blue card or exemption card must be cancelled by the Commissioner if they were sentenced to imprisonment for the offence, or the judge made a disqualification order preventing them from holding a blue card. If the charge did not result in imprisonment or a disqualification order, then a negative notice must be issued unless the cardholder can satisfy the Commissioner that it would not harm the best interests of children to issue a blue card.

A valid blue card can be cancelled where there has been a change in criminal history, or where the Commissioner considers the decision to issue the blue card was based on wrong or incomplete information. If this occurs a new application cannot be made for at least 2 years.

## **Is it transferable to a different organisation?**

Yes, a blue card or exemption card is fully transferable across the categories of employment and business regulated by the Commission's Act.

This means that if you engage in more than one regulated activity, the one blue card or exemption card can be used for each activity, and an Authorisation to Confirm a Valid Card/Application form or a Volunteer to Paid transfer form with the prescribed fee must be lodged with the Commission.

## **Resources**

### **Where can I get further information or resources?**

If you require specific information or advice, you can phone the Blue Card Contact Centre on

1800 113 611 (free call within Queensland – calls from mobile phones may attract charges) or 07 3211 6999 between 8:00am-5:00pm, Monday to Friday.

Alternatively, general information is available from the Commission's website at [www.bluecard.qld.gov.au](http://www.bluecard.qld.gov.au).

## 4.5 South Australia (SA)

### Legislation

The Children's Protection Act 1993 requires sport and recreation organisations that provide services 'wholly or partly' for children in South Australia to establish policies and procedures to safeguard and protect children.

This applies even if the organisation is not normally based in South Australia.

To ensure they meet the current legislative requirements organisations need to familiarise themselves with the relevant Information sheets from the Department for Education and Child Development as listed in this document.

### Child Safe Environment Compliance Statement

From January 2011, organisations were required to:

- Lodge a Child Safe Environment Compliance Statement with the Department for Education and Child Development. (formerly Families and Communities)

This is a once only requirement that existing recreation and sport organisations should have completed by 28 February 2011 and new organisations must undertake as soon as possible after they are formed or begin operating in South Australia.

Where an organisation finds they do not meet the 12 requirements for a child safe environment they should still lodge a statement showing that the work is in progress, and lodge a second statement when it is completed.

**A 'representative body' such as a state sport or recreation organisation may lodge a representative compliance statement on behalf of their affiliated associations and clubs, therefore it is advisable that clubs check with their relevant state organisation prior to lodging a statement.<sup>3</sup>**

### Details of the Compliance Statement

#### 12 Requirements

1. The bands the SA Branch of the association represents have documented risk management plans that identify, assess and take steps to minimise and prevent risk of harm to children because of the action of an employee, volunteer or another child.
2. The bands the SA Branch of the association represents have a documented child safe environment policy that outlines their commitment to children's well-being and safety.
3. The bands the SA Branch of the association represents have guidelines and procedures to support their child safe environment policies. The guidelines and procedures are relevant to their specific business and activities.
4. The bands the SA Branch of the association represents communicate their child safe policy and procedures to all relevant persons (such as staff, volunteers, members, families and children).
5. The bands the SA Branch of the association represents have a code (or codes) of conduct for adults and children.
6. The bands the SA Branch of the association represents know their obligations to conduct criminal history assessments on staff and volunteers who are working with children in prescribed positions, as required by the Children's Protection Act 1993 (s8B).
7. The bands the SA Branch of the association represents have a policy and/or procedures for assessing and dealing with criminal history information where this information is required by law. The policy and/or procedures comply with the Child Safe Environments: Standards for dealing with criminal history information of employees and volunteers working with children.
8. The bands the SA Branch of the association represents have procedures for recruiting suitable staff and volunteers to work with children that include, as a minimum, basic screening.
9. The bands the SA Branch of the association represents actively support and supervise staff and volunteers.
10. The bands the SA Branch of the association represents provide appropriate training and development opportunities for staff and volunteers to maintain their knowledge of child protection and Child Safe Environments.
11. The bands the SA Branch of the association represents actively encourage the participation and involvement of children and young people in their organisation (where appropriate).
12. The bands the SA Branch of the association represents educate their staff and volunteers about their roles and responsibilities to report and respond appropriately to suspected abuse and neglect (refer to section 11 of the Children's Protection Act 1993).

Lodging a statement can be completed on-line ([www.families.sa.gov.au/childsafe](http://www.families.sa.gov.au/childsafe)) or by forwarding the relevant documentation to the Department for Education and Child Development.

<sup>3</sup> APBA SA Branch has registered a representative Compliance Statement for SA Bands

## **Criminal History Assessments**

Sport and recreation organisations must ensure a criminal history assessment is conducted for any person in their organisation, who is working or volunteering with children, in a prescribed position, or has access to their records, (unless an exemption applies, see below).

### **What is a criminal history assessment?**

A criminal history assessment is a decision about whether a particular person is suitable to work with children. It should be noted that a National Police Certificate on its own does not constitute a criminal history assessment.

A National Police Check provides a national summary of an individual's offender history. It includes information about whether a person:

- has any recorded convictions or
- has been convicted of an offence or
- has been charged with, and found guilty of, an offence but discharged without conviction or
- is the subject of any criminal charge still pending before the court

A criminal history assessment requires an organisation make a decision based on the criminal history information (if any) in a police check to conduct an assessment of a person's criminal history. The organisation must assess the risk to children and make a decision about whether to employ the person.

For volunteers in sporting and recreation organisations this may be obtained at no charge through the State organisation (see below).

An organisation may apply to an authorised screening unit such as the Department for Communities and Social Inclusion (DCSI) Screening Unit to conduct the assessment on their behalf. There is a charge for this service. (see below)

The Screening Unit of the Department for Communities and Social Inclusion offers a centralised, consistent and confidential approach to the screening and independent assessment of background information of people working with children. The DCSI Screening Unit is also able to provide advice on assessment guidelines.

For more information, contact the Screening Unit on 1300 321 592, email [screening@dcsi.sa.gov.au](mailto:screening@dcsi.sa.gov.au) or visit [www.dfc.sa.gov.au/pub/screening](http://www.dfc.sa.gov.au/pub/screening).

### **Conducting a criminal history assessment**

To conduct a criminal history assessment an individual's police check must be assessed in accordance with the Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children issued by the Chief Executive of the Department for Education and Child Development.

### **Relevant information**

#### **How much does it cost?**

##### **National Police Certificate**

- Individual: \$55.00
- Individual concession: \$39.50
- Volunteer: \$35.50
- Volunteer Organisation Authorisation Number (VOAN) approved: No charge<sup>4</sup>

When an organisation is a member or affiliated club or association of a larger organisation, a VOAN will be provided to the central body only.

If the VOAN applies, the application is free and must be lodged through the State body.

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<sup>4</sup> APBA SA Branch holds a VOAN. Bands apply for check through the Branch.

## **DCSI Screening Unit**

Applications can be lodged through Australia Post agencies.

- Individual: \$62.20 (GST inc.)
- Individual/Conc/Volunteer: \$42.40 (GST inc)
- The VOAN does not apply to these checks.

Lodgement of applications and payment can only be made through the requesting organisation or Australia Post. For applications lodged at an Australia Post outlet there is an additional administrative fee of \$5 per application.

This cost includes conducting the criminal history, background information check, a confidential and comprehensive assessment and clearance letter to the individual applicant and an email to the requesting organisation. The applicant does not receive a copy of their National Police Certificate.

### **Who is responsible for payment?**

This depends on the policy of the organisation requesting the criminal history assessment. The organisation should advise you of the required procedure for obtaining the assessment.

### **Who has responsibility to apply?**

If an individual is asked to undertake a criminal history assessment, it is their responsibility to apply for a National Police Certificate. A request for a National Police Certificate may be completed online through SAPOL. The National Police Certificate belongs to the individual and not the organisation requesting it. The individual is responsible for presenting it to be sighted and assessed by the requesting organisation.

In some cases, an organisation may choose to accept a current criminal history report or criminal history assessment from an employee or volunteer who has obtained it for another purpose, such as for paid employment or as a volunteer for another organisation. For further information, please refer to Standard 4 of the Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children.

### **Is there support for assessing criminal history information?**

Interpreting criminal history information to make an employment decision can be difficult and you may require guidance to determine whether the applicant can be employed/volunteer in a particular role.

The Department for Education and Child Development has a comprehensive document -Standards when dealing with information obtained about the criminal history of employees and volunteers who work with children – available on the website.

### **How long is it valid for?**

Under the current legislation, criminal history assessments are valid for a period of three years.

### **Is a criminal history assessment obtained for one organisation transferable to a different organisation?**

Organisations may at their discretion accept the following types of evidence which has been obtained within the last three years:

- Letters of clearance from South Australian Crim-Trac accredited agencies such as the Screening Unit, Teacher Registration Board or Catholic Education;
- National Police Certificates;
- Criminal history checks undertaken and clearances provided in other Australian jurisdictions i.e. the blue card (Qld) and Working with Children Checks (Vic, WA, NT);
- Statutory declarations from individuals who have lived in countries other than Australia.

In accepting other evidence, there must be compatibility between the roles of the organisation (based on a risk assessment) and the criminal history reports obtained (i.e. is it a check to work with children).

For further information regarding the transferability of criminal history assessments see the Standards when dealing with information obtained about the criminal history of employees and volunteers who work with children.

### **Information Sheets**

The following information sheets may be accessed through the DECD website

([www.families.sa.gov.au/childsafe](http://www.families.sa.gov.au/childsafe))

Fact Sheet 1 - Child safe environments

Fact Sheet 2 - Implementation of legislative amendments

Fact Sheet 3 - Child safe environments compliance statement

Fact Sheet 4 - Conducting criminal history assessments- frequently asked questions

Fact Sheet 5 - Phasing-in schedule Information for parents

### **Are there penalties for not obtaining a criminal history assessment?**

Penalties can apply for non-compliance once legislation is phased in.

Organisations may also be fined if they do not take reasonable steps to establish and maintain a child safe environment.

### **What are the requirements for visitors from other states/territories?**

Organisations are not required to conduct criminal history assessments on persons accompanying children who are visiting South Australia for short-term sporting or recreational events of less than 10 days, provided those persons do not usually reside or work in South Australia. (See exemptions.)

However, these persons may still have obligations under the Children's Protection Act 1993 as mandatory notifiers. The host organisation should ensure that interstate workers are aware of and briefed on this obligation. For further information see information and obligations for organisations crossing state and territory borders on [www.families.sa.gov.au/childsafe](http://www.families.sa.gov.au/childsafe)

### **Definitions**

'Prescribed' Position –

- All people who have regular contact with children or regularly work in close proximity to children and are not directly supervised;
- Manage or supervise such personnel;
- Have access to records relating to children that are prescribed by regulation (child protection services, education services, health services, disability services, court orders and proceedings).

### **Exemptions**

Organisations have the choice to apply or not apply any or all of these exemptions:

- A person volunteering in their children's activities;
- A person who volunteers who is less than 18 years of age;
- A person working or volunteering for a short-term event or activity of less than 10 days duration or for no more than 1 day in any month;
- A person occupying a position in which all work involving children is undertaken in the presence of the child's parents or guardians and in which there is ordinarily no physical contact with the children;
- A person who undertakes, or a position that only involves, work that is not for the exclusive benefit of children and is not provided to any child on an individual basis;
- An organisation that provides equipment, food or venues for children's parties or events but does not provide any other services;
- A person who has regular contact with a child as part of an employment relationship (for example, a person working alongside a child or supervising an employee who is a child);

- A person who is a police officer or a registered teacher.

**Resources**

Department for Education and Child Development - [www.families.sa.gov.au/childsafes](http://www.families.sa.gov.au/childsafes)

South Australian Police (SAPOL) -

[http://www.police.sa.gov.au/sapol/services/information\\_requests/police\\_checks.jsp](http://www.police.sa.gov.au/sapol/services/information_requests/police_checks.jsp)

DCSI Screening Unit - [www.dfc.sa.gov.au/pub/screening](http://www.dfc.sa.gov.au/pub/screening)

Office for Recreation and Sport – [www.recsport.sa.gov.au](http://www.recsport.sa.gov.au)

## 4.6 Tasmania (TAS)

### Legislation

#### What are the screening requirements for organisations?

A National Police Record Check is highly recommended for people working with children, however this is no legal requirement that one be obtained.

### Action

#### Where can I get a criminal history or police check?

Applications for a National Police Record Check are available on the Tasmania Police website: [www.police.tas.gov.au/services-online/police-history-record-checks/](http://www.police.tas.gov.au/services-online/police-history-record-checks/).

Applicants should tick the box National Police Check (Section 2) and Child Contacts (Section 3).

Information about fees and charges, completing the application, release guidelines and Frequently Asked Questions are all available on the site. You can also contact your local police station if you need information or advice.

### Useful information

#### Who should apply?

The employing organisation will decide whether the check should be undertaken.

#### How much does it cost?

A fee of \$45.00 will be charged to complete a National Police Record Check.

Volunteers may be entitled to a concession rate. Your organisation must be eligible to complete a Volunteer Rate Application Form for you. Organisations can check their eligibility at [www.police.tas.gov.au/services-online/police-history-record-checks/concession-rate/](http://www.police.tas.gov.au/services-online/police-history-record-checks/concession-rate/).

#### Who is responsible for payment?

This depends on the policy of the organisation requesting the National Police Record Check. They should advise you if they expect you to pay.

#### What does a Police Check cover?

Offender history information:

- charges, with the court outcome of the charge(s) together with the dates, court and any sentence imposed
- any pending matters
- other information:
  - specific departmental records
  - outstanding warrants
  - paedophile restraining orders
  - other restraining orders
  - diversions and cautions.

#### How long is the check valid for?

This depends on the policy of the employing organisation. Organisations may require a periodic update, such as every three years, which will require a new check to be undertaken.

The criminal history information contained in the National Police Record Check is valid at the date of issue. Employers should require their employees to advise them if there have been any changes in their criminal record.

#### Can the National Police Record Check be transferred?

The National Police Record Check is valid at the date of issue. You should apply for a current National Police Record Check when transferring to a new organisation.



**What are the requirements for visitors from other states/territories?**

As it is optional for sporting and recreation organisations to seek a background check on employees, visitors from other states should ensure they have complied with the background checking legislation in their own state.

**Resources****Where can I get further information or resources?**

Go to the Tasmania Police website.

## 4.7 Victoria (VIC)

### Legislation

#### **What are the screening requirements for sporting or cultural organisations?**

In 2006, the Victorian Government introduced a new checking system to help protect children under 18 years of age from physical or sexual harm. The system, established under the Working with Children Act 2005 (the Act), was phased in between April 2006 and June 2011. It has now been fully implemented.

Employers, volunteer organisations and agencies must ensure that any staff or volunteers who need a Working with Children (WWC) Check have applied for one.

#### **Who has to apply?**

If you're engaged in 'child-related work' and you meet the criteria described below, you must apply for and pass the WWC Check:

- your work or volunteer duties involves contact with children in connection with one of the 20 listed child-related occupational fields (sporting and recreation organisations are identified as a child-related occupational field)
- you volunteer or do this work on a regular basis
- you have direct contact with children under 18 years of age and are not directly supervised
- you do not qualify for an exemption from the need for a WWC Check.

#### **What are employer's requirements?**

As an employer or volunteer organisation you must:

- ensure all employees or volunteers who are required to get a WWC Check have done so, unless an exemption applies
- ensure that employees or volunteers issued with a Negative Notice do not undertake child-related work as defined by the Act.

#### **What are the requirements for visitors from other states/territories?**

You are not required to obtain a WWC Check to travel to Victoria for short periods. However, you must comply with the background checking legislation in your own state.

#### **Who cannot work with children?**

A person is not allowed to undertake 'child-related work' if they:

- are subject to the reporting obligations imposed by the Sex Offenders Registration Act 2004
- are subject to an extended supervision monitoring order under the Serious Sex Offenders Monitoring Act 2005
- are a holder of a Negative Notice as a result of failing the WWC Check; a person cannot re-apply for a WWC Check until five years after the date of the Negative Notice, unless there has been a 'relevant change in circumstances'
- have not applied for a WWC Check prior to commencing 'child-related work'.

#### **Are there penalties for not conducting the Working with Children Check?**

Yes. There are significant fines and gaol sentences for employers, employees and volunteers who fail to comply with the legislation.

### Action

#### **How do I get a Working with Children Check done?**

The first step is to complete an application form. Forms can be obtained from and lodged through Australia Post outlets in Victoria. The Department of Justice will process the WWC Check and issue you with an Assessment Notice, Interim Negative Notice or Negative Notice.

For more information and the required forms, go to Department of Justice – Working With Children Check.

## Useful information

### As an employer or volunteer organisation you should:

- record your employee's or volunteer's unique Application Receipt Number received when they submit their application (the Act allows a person to commence work while their application is being assessed)
- confirm that your employee or volunteer has been issued with an Assessment Notice by the Department of Justice
- sight your employee's or volunteer's Working with Children Check Card and confirm the status of their Card Number to verify that they have passed the WWC Check – you can do this online or by calling 1300 652 872 stating the person's name and unique card number
- record your employee's or volunteer's Card Number, which is their receipt number followed by a hyphen and two digits (e.g. 00012345-01)
- develop internal processes in the event of an existing employee or volunteer being issued with an Interim Negative Notice or Negative Notice
- ask new staff or volunteers to complete a change of personal details form, available on the WWC Check website, listing your organisation as a place of employment – this will ensure you receive copies of notices.

### How much does it cost?

Paid employees pay \$79.60 but there is no fee for volunteers.

### Who is responsible for payment?

The person applying for the WWC Check is responsible for payment.

### What does a Working with Children Check cover?

The information obtained for the WWC Check includes:

- a national police records check
- a review of relevant findings from prescribed professional disciplinary bodies
- monitoring of card holders for new charges, convictions or findings of guilt and new relevant professional disciplinary findings.

### How long is it valid for?

Five years, unless revoked due to a change in the cardholder's circumstances. If you're a Working with Children Check card holder you must advise the Department of Justice of the following to maintain the card:

- any 'relevant change in circumstances', including if you change your name
- any change of address details
- any change of employer or volunteer organisation, including changes to their contact details.

### Is it transferable to a different organisation?

Yes.

### Are there exemptions?

The following people are exempt from applying for a WWC Check:

- people under the age of 18 years
- parent volunteers whose child ordinarily participates in that activity

This exemption only applies to volunteer parents who participate in their children's activities.

For example, Brett is a volunteer coach for a school football team on which his son Joshua ordinarily plays. Brett does not have to apply for and pass the WWC Check to do this even if Joshua does not attend some of the practice sessions or games.

- people 'closely related' to each child they have contact with in their 'child-related work'

- 'Closely related' means you are the child's: parent, spouse, step-parent, mother-in-law or father-in-law, grandparent, uncle or aunt, brother or sister (including half-siblings and step siblings, brother-in-law or sister-in-law.
- 18- or 19-year-old student volunteers where the volunteer work is at, or has been organised by, the student's educational institution
- visiting workers who do not ordinarily live and perform 'child-related work' in Victoria

For example, Keith lives in New South Wales and coaches a baseball team that is selected to play in a one-off competition to be held in Victoria. Because Keith does not ordinarily live and perform 'child-related work' in Victoria and will only be in Victoria for a few days, he does not need to apply for a WWC Check.

- sworn police officers (who are not suspended from duty) as they are already checked by a similar scheme
- teachers who have current registration with the Victorian Institute of Teaching.

### **Resources**

#### **Where can I get further information or resources?**

Contact the Victorian Department of Justice – Working With Children Check

GPO Box 1915

Melbourne VIC 3001

Telephone: 1300 652 879

Email: [workingwithchildren@justice.vic.gov.au](mailto:workingwithchildren@justice.vic.gov.au)

## 4.8 Western Australia (WA)

### Legislation

The Working with Children Check (WWC Check) is a compulsory criminal check for many people who work with children under the age of 18 years in Western Australia. It was established by the Working with Children (Criminal Record Checking) Act 2004 (the Act) and is administered by the Working with Children Screening Unit of the Department for Child Protection.

The Act applies to people working with children who are:

- self employed
- paid employees
- students on placement
- volunteers and unpaid people.

These people may need to apply for a WWC Check if they or their employees/volunteers are in 'child-related work'.

Those who have successfully undergone the check will receive an Assessment Notice in the form of a Working with Children Check Card which enables them to be in child-related work.

Organisations should avoid implementing 'blanket policies' that require people to apply for a WWC Check based only on job title or place of work.

For more information, visit [www.checkwwc.wa.gov.au/checkwwc](http://www.checkwwc.wa.gov.au/checkwwc).

### What responsibilities does an employer have?

Following is a summary of the major obligations employers have under the Act. However, please refer to the legislation for information on all the obligations and prohibitions that apply.

You must:

- comply with the Act.
- keep adequate records that demonstrate you are complying with the Act and, if asked by the Screening Unit, provide this information.
- notify the Screening Unit in writing, as soon as practicable, if an employee or volunteer tells you he or she has had a relevant change in criminal record. A relevant change is when a person is charged with or convicted of a Class 1 or Class 2 offence.

You must not:

- employ someone in child-related work unless he or she already holds or has applied for a WWC Card by the date required (see note below on the Five Day Threshold/Defence).
- employ someone in child-related work in connection with a child care service unless he or she already holds or has applied for a WWC Card by the first day of starting child-related work.
- employ someone in child-related work if you are aware they have withdrawn their application for a WWC Check.
- give information that you know is false or misleading on the application form or directly to the Screening Unit.
- employ someone in child-related work if you are aware they have a current Interim Negative Notice or Negative Notice.

### Are there penalties for not applying for a Working with Children Check?

Yes, penalties apply to both employers and people who carry out child-related work if they do not comply with their obligations and responsibilities under the Act

## **Action**

### **Where do I get a Working with Children Check?**

Application forms are available at designated Australia Post offices. Once completed, you need to lodge the form in person at an Australian Post office with 100 points of identification. Unless you are self-employed, your 'employer' will need to sign the form.

### **Who has to apply?**

Anyone wishing to commence or continue in child-related work in either a paid or volunteer capacity. Visit the WWC website for a definition of 'child-related work'.

Once someone applies for a WWC Check, they can start work using their WWC Check receipt.

### **What happens once I apply?**

Once you apply for a WWC Check you'll be issued with either an Assessment Notice (WWC Card) or a Negative Notice (in certain circumstances, an Interim Negative Notice may be issued until a final decision on an application is made). An employer must not employ anyone with a Negative Notice or Interim Negative Notice in child-related work.

A copy of any Notice will be provided to the employer named in your application form. Notices do not contain details of any criminal history information.

## **Useful information**

### **How much does the Working with Children Check cost?**

\$51.50 paid persons

\$10 for volunteers or unpaid persons.

### **Who is responsible for payment?**

Contact your organisation to find out their policy in relation to payment for WWC Checks.

### **Are there exemptions?**

The following people are exempt from applying for a WWC Check:

- volunteers under 18 years
- short term visitors to Western Australia carrying out child-related work within two weeks of their arrival in the State, and for no more than two weeks in any 12 month period
- workplace supervisors or employers of children, unless they otherwise carry out child-related work
- parents who volunteer in connection with their child's activities. The exemption provided for parent volunteers varies and depends on the type of child-related work the parent is doing. For example, parents are not exempt when carrying out child-related work in connection with an over-night camp.

There are a number of additional exemptions. See Factsheet 5: Child-related work and exemptions for further information.

### **What is the five day threshold/defence?**

If someone undertakes child related work without having applied for a WWC Check, it is a defence under the Act to have worked with children on no more than five days in a calendar year, without making an application for a Check. The 'five-day threshold' applies to all categories of work, except work in licensed child care services.

This defence does not apply to anyone who has been convicted of a Class 1 offence as an adult. The Act requires that that anyone in child-related work (irrespective of the five-day threshold):

- report any relevant change in their criminal record
- cease child-related work immediately if convicted of a Class 1 offence as an adult.

**What criminal history information is considered in a Working with Children Check?**

The information obtained includes:

- convictions for any offence that you have, from when you were a child or an adult
- any 'spent' convictions
- any pending charge for a Class 1 or Class 2 offence (a 'pending' charge is a charge that has not yet been decided by a court)
- any non-conviction charge for a Class 1 or Class 2 offence (a 'non-conviction' charge is a charge that has been finalised by a court but did not result in a conviction)
- other information that is relevant to the Screening Unit when making an assessment.

However, a criminal record in itself will not necessarily prevent a person from working with children. The WWC Screening Unit will consider the nature of the charges or convictions and their relevance to working with children.

Note: the WWC Check is not the same as the National Police Check and some people may need to have both a WWC Check and a Police Check (e.g. to reveal fraud, stealing or driving offences). For more information, visit the WWC Check website.

**How long is a Working with Children Check valid for?**

Three (3) years unless it is cancelled.

**Is it transferable to a different organisation?**

Yes, it is transferable to any organisation in which you work or volunteer.

**Who administers the process?**

Employers (including clubs and associations) are responsible for ensuring that all employees or volunteers who carry out child-related work apply for a WWC Check.

Employers and people in child-related work are encouraged to contact their state association to determine what specific policies or procedures are in place in relation to WWC Checks in their organisation.

**Resources****Where can I get further information or resources?**

Visit the WWC Website for further information (including Factsheet 11: Information for the Sport and Recreation Sector)

## **PART D: GRIEVANCE HANDLING PROCEDURES**

### **1. Grievance Procedure**

#### **General Matters**

All grievances 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 grievance.

If you wish to remain anonymous, the association may have difficulty assisting you to resolve your grievance. Procedural fairness (natural justice) means that the association is required to provide the person/people you have complained about with full details of the grievance so they have a fair chance to respond.

The lowest level at which a matter can be dealt with shall always be preferred. Therefore, if a grievance relates to behaviour or an incident that occurred at the:

- band level or involves people operating at the band level, then the grievance should be reported to and handled by the relevant band in the first instance; or
- Branch level or involves people operating at the Branch level, then the grievance should be reported to and handled by the relevant Branch in the first instance.

Only matters that relate to or occur at the national level and the most serious cases from band and Branch level should be referred to the national body.

#### **First Steps**

- In the first instance, try to sort out the problem with the person or people involved (respondent) if you feel able to do so.
- Talk with a Member Protection Information Officer (MPIO) or with another person you feel you can trust if:
  - the first step is not possible/reasonable;
  - you are not sure how to handle the problem by yourself;
  - you want to talk confidentially about the problem with someone and obtain more information about what you can do; or
  - the problem continues after you tried to approach the person or people involved.
- After talking with the [MPIO or insert relevant information/designated person/s], you may decide:
  - there is no problem;
  - the problem is minor and you do not wish to take the matter forward;
  - to try and work out your own resolution (with or without a support person such as a [MPIO]); or
  - to seek a mediated resolution with the help of a third person (such as a mediator).

#### **Mediation**

If the parties to a dispute are unable to resolve the dispute between themselves within the time required by the rules (14 days), the parties must within 10 days:

- notify the Committee of the dispute; and
- agree to or request the appointment of a mediator; and
- attempt in good faith to settle the dispute by mediation.

The mediator must be:

- a person chosen by agreement between the parties; or
- in the absence of agreement:



- if the dispute is between a member and another member—a person appointed by the Committee; or
- if the dispute is between a member and the Committee or the Association—a person appointed or employed by the Dispute Settlement Centre of Victoria.

A mediator appointed by the Committee may be a member or former member of the Association but in any case must not be a person who:

- has a personal interest in the dispute; or
- is biased in favour of or against any party.

#### **Mediation process**

The mediator to the dispute, in conducting the mediation, must:

- give each party every opportunity to be heard; and
- allow due consideration by all parties of any written statement submitted by any party; and
- ensure that natural justice is accorded to the parties throughout the mediation process.

**The mediator must not determine the dispute.**

#### **Failure to resolve dispute by mediation**

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## **2. Procedure For Handling Allegations Of Child Abuse**

### **General**

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 well being of the child. It is important for the person receiving information to:

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.

The alleged offender may be suspended pending the results of an investigation by the relevant authority.

Where a member of the association has been permanently suspended from a band, committee or council because it was found that he or she abused a child, the band or branch must inform the association so it can decide whether that person has breached the Code of Conduct and should therefore have membership terminated.

Where a matter has resulted in the suspension or dismissal of a tutor, official or band member, the association should be informed so that it can implement safeguards to prevent other bands/groups from engaging the services of the offender. Care should be taken with the way this is communicated to other branches/groups/bands to ensure that any statements made are not defamatory.

A tutor, official or band member may suspect that a child has been abused by a family member or someone outside the association because of behavioural signs or comments by the 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.

### **Steps to Follow**

- Stay calm.
- 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;
  - the arrangements, if any, which exist for the immediate protection of the child, and
  - the involvement, if any, which other agencies have in dealing with the suspected incident.
- Make direct and confidential contact with the Member Protection 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.
- Ensure that there are procedures in place to protect the confidentiality of reports (paper and electronic versions).

## **Reporting**

Pipe Bands Australia and its members will 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 the APBA with the Member Protection Information Officer 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 or 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 child protection agency or police).

## **Reasonable Grounds to Suspect Child Abuse**

A member of the association 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.

## **Types of Allegations**

A member the association or the Council or Committee itself may also receive allegations that:

1. a person in the association (for example, a member of the child's band) has abused a child within the association;
2. a person in the association (for example, a member of a band or official of the APBA) has abused a child outside association's jurisdiction
3. a person outside the organisation (for example, a teacher or family member) has abused a young member of the organisation.

These allegations may be made by the child, his or her parents, or another person involved in the association. 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 the organisation may have the right to make further inquiries in accordance with the 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.

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

The following information was updated in November 2011. It is subject to change at any time.

### **1. State Contact References**

#### **Australian Capital Territory (ACT)**

Care and Protection services is responsible for facilitating coordination across government for the care and protection of children and young people. Care and Protection services and an After Hours service, provide a continuum of service delivery to children and young people considered 'at risk' of serious harm.

Care and Protection Services is authorised to collect personal information under the Children and Young People Act 2008 to ensure the safety and wellbeing of children and young people in the ACT. The information collected may be disclosed to government and non government agencies (including but not limited to the Australian Federal Police, ACT Children's Court, the Family Court, Health and Education Directorates and community organisations) to assist in ensuring the safety and wellbeing of children and young people. Information identifying a person making a child protection report is treated with the highest confidentiality and will not be disclosed except where a Court orders the disclosure.

For more information: [http://www.dhcs.act.gov.au/ocyfs/services/care\\_and\\_protection](http://www.dhcs.act.gov.au/ocyfs/services/care_and_protection)

#### **New South Wales (NSW)**

Anyone who suspects, on reasonable grounds, that a child or young person is at risk of being neglected or physically, sexually or emotionally abused, should report it to Community Services.

Reasonable grounds is the standard that reporters must use in deciding whether or not to report to Community Services.

It does not mean that reporters are required to confirm their suspicions or provide solid proof before making a report. A useful rule of thumb is to consider whether another person, when faced with similar information, would also draw the same conclusion.

You can make a report by phoning the **Child Protection Helpline on 132 111** (TTY 1800 212 936) for the cost of a local call, 24 hours a day, 7 days a week.

#### **Northern Territory (NT)**

In the Northern Territory any person who believes that a child is being, or has been, abused or neglected is required by law to report their concerns.

Reports should be made to the 24 hour Centralised Intake Service by using the free-call phone number **1800 700 250**.

Remember, you do not need to prove abuse or neglect, you need only report your concerns. The Care and Protection of Children Act provides legal protection against civil or criminal liability for people who make reports in good faith.

The Act also makes it clear that making a report does not breach any requirements of confidentiality or professional ethics.

For more information: [http://www.childrenandfamilies.nt.gov.au/Child\\_Protection/](http://www.childrenandfamilies.nt.gov.au/Child_Protection/)

#### **Queensland (QLD)**

If you have a reason to suspect a child in Queensland is experiencing harm, or is at risk of experiencing harm, you need to contact [Child Safety Services](#):

**During normal business hours** - contact the [Regional Intake Service](#).

**After hours and on weekends** - contact the Child Safety After Hours Service Centre on **1800 177 135** or (07) 3235 9999. The service operates 24 hours a day, seven days a week.

If you believe a child is in immediate danger or in a life-threatening situation, contact the Queensland Police Service immediately by dialling **000**.

Queensland Police Service has a number of child protection and investigation units across Queensland. To contact the Queensland Police Service, contact the [Police District Communication Centre](#) nearest you.

If you aren't sure who to call, or for assistance to locate your nearest child safety service centre, contact Child Safety Services' Enquiries Unit on **1800 811 810**. Child safety service centres have professionally trained child protection staff who are skilled in dealing with information about harm or risk of harm to children.

### **South Australia (SA)**

Staff and volunteers who work with children are mandated notifiers and have a legal obligation to report any suspicion of child abuse and/or neglect that they may form in the course of their employment or volunteer activity based on reasonable grounds. This obligation extends to persons holding a management position whose duties include direct responsibility for, or direct supervision of the provision of services to children.

Reports are made to the CHILD ABUSE HELP LINE 13 14 78

A reasonable suspicion must be based on facts, for example:

- A disclosure of abuse by a child
- Professional judgement, based on the notifier's experience and observations

The organisation has an obligation to make each affected person aware of this legal obligation.

There is no obligation that recreation or sporting organisations require mandated reporters to undertake formal external training in the recognition of child abuse.

The law also stipulates that no person shall threaten or intimidate, or cause damage, loss or disadvantage to another person because that person has made a notification or proposes to make a notification pursuant to the Children's Protection Act 1993.

For more information: [www.families.sa.gov.au/childsafe](http://www.families.sa.gov.au/childsafe).

### **Tasmania (TAS)**

Most professionals who provide services to children and families in Tasmania are 'mandatory reporters' of child abuse, under the Children, Young Persons and their Families Act 1997. This includes, but is not limited to, the following groups:

- DHHS employees
- Child Care providers
- Dentists, dental therapists or dental hygienists
- Police officers and probation officers
- Psychologists
- Registered medical practitioners and nurses
- School principals and teachers
- Volunteers and employees of any organisation that provides health, welfare, education, care or residential services and which receives government funding.

To make an urgent notification about abuse or neglect to Child Protection Services, please ring 1300 737 639 at any time.

Child Protection Services prefer to talk to a notifier in order to aid them in gathering information. However, if it is after hours and you are a mandatory reporter, an online notification can also be made.

For more information: [http://www.dhhs.tas.gov.au/children/child\\_protection\\_services](http://www.dhhs.tas.gov.au/children/child_protection_services)

### **Victoria (VIC)**

Some professionals such as doctors, nurses, police and school teachers are legally obliged to report suspected child abuse. In addition, any person who believes on reasonable grounds that a child needs protection can make a report to the Victorian Child Protection Service. It is the Child Protection worker's job to assess and, where necessary, further investigate if a child or young person is at risk of harm.

For more information: <http://www.dhs.vic.gov.au/>

### **Western Australia (WA)**

If you are concerned about a child's wellbeing, [contact](#) the Department for Child Protection's district office closest to where the child lives or the [Crisis Care Unit](#) after hours.

If you believe a child is in immediate danger or in a life-threatening situation, contact the Western Australia Police immediately by dialling **000**.

If you make a report or disclose relevant information to the Department for Child Protection, there is legislative protection for the notifier. These are:

Protection of identity - with some exceptions, your identity must not be disclosed without your consent. For further information, refer to section 240 of the Children and Community Services Act 2004

Legal protection – you are not subject to legal liability under State law providing the information is provided in good faith.

Professional protection – authorised disclosure of information cannot be held to constitute unprofessional conduct or a breach of professional ethics. As a result you cannot be disciplined by your professional body or incur any formal professional negative consequences at your workplace.

When you contact the Department, the Duty Officer will gather and record information that you provide and decide how best to respond. The type of information that the officer will gather includes:

- details about the child/young person and family
- the reasons you are concerned
- the immediate risk to the child
- whether or not the child or family has support
- what may need to happen to make the child safe
- your contact details, so that the officer can call you to obtain further information if required or to provide feedback.

You do not need to have all the details about the child or family when you contact the Department for Child Protection

For more information: <http://www.dcp.wa.gov.au/ChildProtection/>

## **Acknowledgements**

### **Australian Government Department of Families, Housing, Community Services and Indigenous Affairs**

- National Framework for Protecting Australia's Children, 2009 - 2020

### **Australian Sports Commission**

- Template source
- Information source

### **Play by the Rules**

- Information source
- Training & Accreditation, Member Protection Information Officer (MPIO)

### **SA Government Department for Families and Communities & Families SA**

- Information Source
- Training & Accreditation, Child Safe Environments Trainer

### **Office for Recreation and Sport, SA**

- Information source

### **Christine Gordon**

- Sustained research in times of multiple legislative changes
- Compiled the subject matter for this policy
- Engaged in training and accreditation to better understand the subject matter