



**Australian Parachute Federation Ltd**

# **Member Protection Policy**

**A code of behaviour for APF members and others  
involved in parachuting activities**

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[Incorporates APF Code of Ethics, Working with Children Requirements,  
and Grievance Procedures]

**VERSION 4, EFFECTIVE: 23 DECEMBER 2016**

**STATUS: MANDATORY**

# CONTENTS

**PART 1: MEMBER PROTECTION AND BEHAVIOURAL REQUIREMENTS ..... 3**

- 1. Introduction ..... 3
- 2. Purpose of this Policy ..... 3
- 3. Who is bound by this Policy ..... 4
- 4. Organisational responsibilities ..... 4
- 5. APF Code of Ethics ..... 5
- 6. Individual responsibilities ..... 5
- 7. Position statements ..... 6
- 8. What is a breach of this Policy? ..... 7
- 9. Grievances and Disciplinary measures ..... 7

**PART 2: WORKING WITH CHILDREN ..... 8**

- 10. Child Protection Policy Statement ..... 8
- 11. Club Requirements ..... 8
- 12. Employment Screening for Working with Children ..... 8
- 13. Working with Children Checks ..... 9
- 14. Responding to suspected Child abuse ..... 10
- 15. Procedure for Handling Allegations of Child Abuse ..... 11

**PART 3: GRIEVANCE PROCEDURES ..... 13**

- 16. Purpose of these procedures ..... 13
- 17. Who is bound by these procedures ..... 13
- 18. Grievances / Complaints ..... 13
- 19. Dealing with Complaints ..... 15
- 20. Informal approaches ..... 15
- 21. Formal approaches ..... 16
- 22. Record of Complaints ..... 17
- 23. About Mediation ..... 17
- 24. Mediation Steps ..... 17
- 25. About the Investigation Process ..... 18
- 26. Investigation Steps ..... 18

**APPENDICES ..... 20**

- Appendix A: Dictionary of Terms ..... 20

## AMENDMENT HISTORY

REVISION	AMENDMENT DETAILS
Version 4	Comprehensive rearrangement of content and updated links to government resources.

# PART 1: MEMBER PROTECTION AND BEHAVIOURAL REQUIREMENTS

## 1. INTRODUCTION

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### 1.1 About the APF

The Australian Parachute Federation Ltd (**APF**) is the national governing body for skydiving in Australia, recognised by the Civil Aviation Safety Authority (CASA) as the industry regulator, and the Australian Sports Commission (ASC) and the Fédération Aéronautique Internationale (FAI) as the official sports representative. Each year the APF supports over 165,000<sup>1</sup> first time parachutists and 3,000 Sporting Licence members, with over 360,000<sup>2</sup> jumps being done through its 64 affiliated member clubs.

### 1.2 About this Policy

This Member Protection Policy acts as a code of behaviour for APF members and others involved in parachuting activities by promoting ethical and informed decision-making and responsible behaviours within our sport. With the APF Code of Ethics as its foundation, this Policy incorporates statutory behavioural requirements, with particular attention to member Clubs working with children.

### 1.3 Dictionary of Terms and Associated Documents

For a dictionary of terms used in this document, see Appendix A or the Definitions section in the Misconduct Policy and Procedures Manual. Regulatory Schedule 50 also provides definitions to regulatory terms.

## 2. PURPOSE OF THIS POLICY

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This Member Protection Policy (**Policy**):

- 2.1 is adopted as mandatory by the Board of APF under rules 13 (Discipline of Members) and 25 (Regulations) of the APF Constitution;
- 2.2 sets out expectations of standards of conduct, behaviour and compliance for all Members and those involved in parachuting activities;
- 2.3 seeks to ensure that everyone involved in our sport is aware of their key legal and ethical rights and responsibilities;
- 2.4 aims to assist the APF to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport; setting out our commitment to ensure that every person bound by this Policy is treated with respect and dignity and protected from discrimination, harassment and abuse;
- 2.5 describes the practical steps, in combination with APF Grievance Procedures, we will take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport.

The current policy and the associated forms for use in reporting allegations or recording complaints can be downloaded from the [APF website](#).

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<sup>1</sup> Approximate figure for the calendar year 2015.

<sup>2</sup> Estimate of all jumps nationally for the year ending June 2015, including first jumps.

***What this Policy does not cover – Regulatory requirements and discipline***

As part of the commitment described in clauses 2.3 and 2.4, this Policy allows APF to take disciplinary action against any person or organisation bound by this Policy if they breach this Policy. Such disciplinary matters are covered by the APF Misconduct Policy and Procedures.

CASA-delegated sport aviation compliance matters on parachuting activities are addressed separately in regulatory documents. Where there is any conflict between the regulatory documents and this Policy, the regulatory documents prevail.

**3. WHO IS BOUND BY THIS POLICY**

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This Policy applies to all persons who are involved with the activities of APF, whether they are in a paid or unpaid/voluntary capacity and explicitly applies to:

- 3.1 APF;
- 3.2 persons appointed or elected to boards, committees and sub-committees;
- 3.3 employees, officials and volunteers of APF;
- 3.4 Members of the APF Executive;
- 3.5 Members, including life members of APF, Clubs, instructors, coaches, competitors, judges and other officials;
- 3.6 support personnel, including DZ staff such as manifest, Ground Control Assistants, and sport/competition staff such as trainers, managers, physiotherapists, psychologists, masseurs;
- 3.7 other personnel participating in events and activities, including training camps and coaching sessions, held or sanctioned by APF; and
- 3.8 any other person to whom the policy may apply.

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

**4. ORGANISATIONAL RESPONSIBILITIES**

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APF must:

- 4.1 adopt, implement and comply with this Policy;
- 4.2 ensure that this Policy is enforceable;
- 4.3 publish, distribute and promote this Policy and the consequences of any breaches of the policy;
- 4.4 promote and model appropriate standards of behaviour at all times;
- 4.5 foster a “just and fair safety culture” that discourages blaming the individual for an honest mistake that has contributed to an accident or incident;
- 4.6 deal with any complaints made under this Policy in an appropriate manner;
- 4.7 deal with any breaches of this Policy in an appropriate manner;
- 4.8 recognise and enforce any penalty imposed under this Policy;
- 4.9 ensure that a copy of this Policy is available or accessible to all people and organisations to whom this Policy applies;
- 4.10 use appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour; and
- 4.11 monitor and review this Policy periodically.

## **5. APF CODE OF ETHICS**

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APF members, officials, clubs and councils are bound by and must comply with the Constitution, Operational Regulations, Regulatory Schedules, Misconduct Procedures Manual, Service Bulletins and Rigging Advisory Circulars.

In addition, it is imperative that all APF members, officials, clubs and councils conduct themselves in a way which will uphold and maintain the professional reputation of the APF, particularly when involved in operations and business activities relating to parachuting.

Accordingly, APF members, officials, clubs and councils must comply with the Code of Ethics outlined below. Any failure to comply with the Code of Ethics could result in sanctions, including the loss of membership or refusal of affiliation.

The following principles set out the ethical standards which the APF expects to be upheld. APF members, officials, clubs and councils must at all times:

- 5.1 implement the APF's rules, regulations and policies so that the highest possible standards of safety and professionalism are maintained;
- 5.2 conduct professional and parachuting activities in a way which upholds and enhances the reputation of the sport and the APF;
- 5.3 act honestly, fairly and properly in dealings with members and the general public;
- 5.4 refrain from intentionally spreading false or misleading information, whether written, spoken or implied;
- 5.5 refrain from knowingly using or being party to improper or illegal methods and practices in business and operational activities;
- 5.6 refrain from any form of discrimination or harassment based on race, gender, age, disability, etc., when such factors do not prejudice the safe conduct of the sport;
- 5.7 refrain from intentionally injuring the professional reputation of any other member, parachuting organisation or the APF;
- 5.8 continue to acquire professional skills and knowledge, thereby improving our personal competence and knowledge of the sport; and
- 5.9 encourage and assist others to develop good attitudes, skills and knowledge relating to the sport.

If any member has evidence that suggests someone bound by the Code of Ethics has breached the Code of Ethics, it shall be his/her duty to inform the APF or its appointed officers.

## **6. INDIVIDUAL RESPONSIBILITIES**

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In addition to meeting the standards set out in the Code of Ethics, individuals bound by this Policy must:

- 6.1 make themselves aware of the contents of this Policy;
- 6.2 comply with all relevant provisions of this Policy, and the steps for making a complaint or reporting possible Member abuse, particularly child abuse;
- 6.3 consent to the screening requirements set out in this Policy, and any state/territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18 or where otherwise required by law;
- 6.4 place the safety and welfare of children above other considerations;
- 6.5 be accountable for their behaviour; and

- 6.6 comply with any decisions and/or disciplinary measures imposed under this Policy or in accordance with the Misconduct Policy and Procedures Manual.

Members who hold positions of authority, including those with disciplinary powers and the holders of ratings, endorsements and appointments, must be fit and proper and of good repute. The term 'fit and proper person' is defined in common law, and of 'good repute' is being, in the view of others, a person of good reputation and known to be honest, true and forthright.

*Note: Obligations for Directors to be fit and proper (e.g. under Corporations law) are separate.*

## **7. POSITION STATEMENTS**

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### **7.1 Child protection**

APF is committed to the safety and well-being of all children and young people who participate in our sport or access our services. We support the rights of the child and will act at all times to ensure that a child-safe environment is maintained. (Refer to Part 2 of this Policy.)

### **7.2 Anti-discrimination and harassment**

APF is committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination and harassment.

We prohibit all forms of harassment and discrimination based on the personal characteristics listed in the "Definitions" set out in the Dictionary of Terms (Appendix A). Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this Policy is encouraged to raise their concerns with us. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation. (Refer to Part 3 of this Policy.)

### **7.3 Intimate relationships**

APF takes the position that consensual intimate relationships between coaches or officials and the adult participants in the sport they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's public image.

If a coach, official or athlete believes they are being, or have been, harassed they are encouraged to seek information and support from a Contact Officer. Any complaints will be handled in accordance with the Grievance Procedures as provided in Part 3 of this Policy.

### **7.4 Pregnancy**

APF will not tolerate any discrimination or harassment against pregnant women. If a pregnant woman believes she is being, or has been, harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint. (Refer to Part 3 of this Policy.)

### **7.5 Gender identity and Intersex status**

APF will not tolerate any unlawful discrimination or harassment of a person because of their intersex status or gender identity. If any person believes that they are being, or have been, harassed or discriminated against by another person or organisation bound by this Policy because of their gender identity, they may make a complaint.

### **7.6 Responsible service and consumption of alcohol**

We recommend that member Clubs and those hosting State and National Championships follow strict guidelines regarding the service and consumption of alcohol.

### **7.7 Smoke-free environment**

In general, our policy is that no smoking shall occur at or near sporting events involving children and young people under the age of 18. This policy shall apply to all Members, officials and volunteers.

### **7.8 Bullying**

APF is committed to providing an environment that is free from bullying. If any person believes they are being, or have been, bullied by another person or organisation bound by this Policy, he or she may make a complaint. (Refer to Part 3 of this Policy.)

### **7.9 Social networking**

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

## **8. WHAT IS A BREACH OF THIS POLICY?**

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

- 8.1 bringing the sport of parachuting and/or APF into disrepute, or acting in a manner likely to bring the sport of parachuting and/or APF into disrepute;
- 8.2 failing to follow APF policies (including this Policy) and our procedures for the protection, safety and well-being of Members and children;
- 8.3 discriminating against, harassing or bullying (including cyber-bullying) any person;
- 8.4 victimising another person for making or supporting a complaint;
- 8.5 engaging in an inappropriate intimate relationship with a person that he or she supervises, or has influence, authority or power over;
- 8.6 verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- 8.7 disclosing to any unauthorised person or organisation any APF information that is of a private, confidential or privileged nature;
- 8.8 making a complaint that they know to be untrue, vexatious, malicious or improper;
- 8.9 failing to comply with a penalty imposed after a finding that the individual or organisation has breached this Policy; and
- 8.10 failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

## **9. GRIEVANCES AND DISCIPLINARY MEASURES**

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### **9.1 Grievances, Complaints, Mediation and Investigations**

See Part 3 for Grievance Procedures dealing with grievances, complaints, mediation and investigations involving matters covered by this Policy.

### **9.2 Misconduct and Discipline**

APF may impose disciplinary measures as set out in the Misconduct Policy and Procedures Manual.

## **PART 2: WORKING WITH CHILDREN**

### **10. CHILD PROTECTION POLICY STATEMENT**

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APF is committed to the safety and well-being of children and young people who participate in our sport or access our services. APF member clubs will take all reasonable steps to ensure their safety and well-being by acting at all times to ensure that a child-safe environment is maintained.

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

APF member clubs will ensure that:

- recruitment of staff and volunteers who work with children will include appropriate employment screening; and
- everyone who works with their organisation in a paid or unpaid capacity understands how to:
  - appropriately receive and record allegations of child abuse and neglect; and
  - report those allegations to the relevant authorities in their state or territory.

### **11. CLUB REQUIREMENTS**

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#### **11.1 Identify and analyse risk of harm**

As and where appropriate, member clubs will develop and implement a risk management strategy to determine how child-safe their organisation is and to identify any additional steps that can be taken to minimise and prevent the risk of harm to children.

#### **11.2 Choose suitable employees and volunteers**

Member clubs will take all reasonable steps to ensure that their organisation engages suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. Where an assessment is required by law, they will ensure that Working with Children Checks are conducted for all employees and volunteers who work with children.

#### **11.3 Support, train, supervise and enhance performance**

Member clubs will ensure that all their employees and volunteers who work with children have ongoing supervision, support and training.

#### **11.4 Taking images of children**

APF requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own. They should also make sure the parent/guardian understands how the image will be used. We will only use images of children that are relevant to our sport and we will ensure that they are suitably clothed in a manner that promotes participation in the sport. We will seek permission from the parents/guardians of the children before using the images. (Refer also to clause (s) of the Parachuting Contract /waiver.)

### **12. EMPLOYMENT SCREENING FOR WORKING WITH CHILDREN**

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As part of our commitment to a safe environment for children, member clubs will recruit staff and volunteers who do not pose a risk to children.

Employment screening and Working with Children Checks can involve criminal history checks, signed declarations, referee checks and other appropriate checks that assess a person's suitability to work with children and young people.



Working with Children Check laws are currently in place in all states and territories in Australia. APF, including our councils and clubs, will meet the requirements of the relevant state or territory Working with Children Check laws.

Individuals travelling with children and young people to another state or territory in a work-related capacity must comply with the screening requirements of that particular state or territory.

### **13. WORKING WITH CHILDREN CHECKS**

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Working with Children Checks aim to create a child-safe environment and to protect children and young people involved in our sport from physical and sexual harm.

They assess the suitability of people to work with children and young people and can involve:

- criminal history checks;
- signed declarations;
- referee checks; and
- other relevant background checks to assess a person's suitability to work with children and young people.

Working with Children Check requirements vary across Australia. [Fact Sheets](#) for each state and territory are available on the Play by the Rules website: [www.playbytherules.net.au](http://www.playbytherules.net.au)

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

#### **Australian Capital Territory**

Contact the Office of Regulatory Services

Website: [www.ors.act.gov.au/community/working\\_with\\_vulnerable\\_people](http://www.ors.act.gov.au/community/working_with_vulnerable_people) [wwvp](#)

Phone: 02 6207 3000

#### **New South Wales**

Contact the Office of the Children's Guardian

Website: [www.kidsguardian.nsw.gov.au/check](http://www.kidsguardian.nsw.gov.au/check)

Phone: 02 9286 7276

#### **Northern Territory**

Contact the Northern Territory Screening Authority

Website: [www.workingwithchildren.nt.gov.au](http://www.workingwithchildren.nt.gov.au)

Phone: 1800 SAFE NT (1800 723 368)

#### **Queensland**

Contact the [Public Safety Business Agency](#) about the "Blue Card" system

Website: [www.ccypcg.qld.gov.au](http://www.ccypcg.qld.gov.au)

Phone: 1800 113 611

#### **South Australia**

Contact the Department for Education and Child Development for information

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

Phone : 08 8463 6468

National Police Check: [www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check](http://www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check)

DCSI Child Related Work Screening: <http://www.dcsi.sa.gov.au/services/screening>

#### **Tasmania**

Contact the Department of Justice about the working with children registration system that is being phased-in

Website: [www.justice.tas.gov.au/working\\_with\\_children](http://www.justice.tas.gov.au/working_with_children)

Phone: 1300 13 55 13

**Victoria**

Contact the Department of Justice

Website: [www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au)

Phone: 1300 652 879

**Western Australia**

Contact the Department for Child Protection

Website: [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au)

Phone: 1800 883 979

**Travelling to other states or territories**

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

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

The laws providing interstate exemptions are not consistent across Australia.

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

**14. RESPONDING TO SUSPECTED CHILD ABUSE**

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

Fact sheets on reporting allegations of child abuse in different states and territories are available at [www.playbytherules.net.au](http://www.playbytherules.net.au)

**14.1 Report and respond appropriately to suspected abuse and neglect**

Member clubs will ensure that all their employees and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under state laws to make a report if they suspect on reasonable grounds that a child has been, or is being, abused or neglected. (Refer to the [APF Website](#) for the form for recording a child abuse allegation.) If any person believes that another person or organisation bound by this Policy is acting inappropriately towards a child, or is in breach of this Policy, he or she may make an internal complaint to us.

**14.2 Flexibility in Dealing with Complaints**

Complaints will be resolved in accordance with APF Constitution rule 13. Rules 13.1 and 13.2 provide APF with some flexibility on dealing with matters variously described as complaints, breaches, misconduct, disputes or grievances.

**14.3. Disciplinary measures**

APF may impose disciplinary measures as set out in the Misconduct Policy and Procedures Manual.

## 15. PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

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We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity. All people working with APF in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

### Step 1: Receive the allegation

If a child or young person raises with you an allegation of child abuse or neglect that relates to them or to another child, it is important that you listen, stay calm and be supportive.

DO	DON'T
Make sure you are clear about what the child has told you	Do not challenge or undermine the child
Reassure the child that what has occurred is not his or her fault	Do not seek detailed information, ask leading questions or offer an opinion.
Explain that other people may need to be told in order to stop what is happening.	Do not discuss the details with any person other than those detailed in these procedures.
Promptly and accurately record the discussion in writing.	Do not contact the alleged offender.

### Step 2: Report the allegation

- Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.
- If the allegation involves a person to whom this Policy applies, then also report the allegation to the CEO of APF so that he or she can manage the situation.

### Step 3: Protect the child and manage the situation

- The CEO will assess the immediate risks to the child and take interim steps to ensure the child's safety and the safety of any other children. This may include redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is an employee of APF.
- The CEO will consider what services may be most appropriate to support the child and his or her parent/s.
- The CEO will consider what support services may be appropriate for the alleged offender.
- The CEO will seek to put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

### Step 4: Take internal action

- At least three different investigations could be undertaken to examine allegations that are made against a person to whom this Policy applies, including:
  - a criminal investigation (conducted by the police);
  - a child protection investigation (conducted by the relevant child protection agency); and
  - a disciplinary or misconduct inquiry/investigation (conducted by APF).

- APF will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include considering whether the alleged offender should return to his or her position, be dismissed, banned or suspended or face other disciplinary action.
- If disciplinary action is undertaken, we will follow the procedures set out in the Misconduct Policy and Procedures Manual.
- Where required we will provide the relevant government agency with a report of any disciplinary action we take.

### Contact details for advice or to report an allegation of child abuse

<b>Australian Capital Territory</b>	
ACT Police Non-urgent police assistance: Ph: 131 444 <a href="http://www.afp.gov.au">www.afp.gov.au</a>	Office for Children, Youth and Family Services <a href="http://www.dhcs.act.gov.au/ocyfs/services/care_and_protection">www.dhcs.act.gov.au/ocyfs/services/care_and_protection</a> Ph: 1300 556 729
<b>New South Wales</b>	
New South Wales Police Non-urgent police assistance: Ph: 131 444 <a href="http://www.police.nsw.gov.au">www.police.nsw.gov.au</a>	Department of Family and Community Services <a href="http://www.community.nsw.gov.au">www.community.nsw.gov.au</a> Ph: 132 111
<b>Northern Territory</b>	
Northern Territory Police Non-urgent police assistance: Ph: 131 444 <a href="http://www.pfes.nt.gov.au">www.pfes.nt.gov.au</a>	Department of Children and Families <a href="http://www.childrenandfamilies.nt.gov.au">www.childrenandfamilies.nt.gov.au</a> Ph: 1800 700 250
<b>Queensland</b>	
Queensland Police Non-urgent police assistance: Ph: 131 444 <a href="http://www.police.qld.gov.au">www.police.qld.gov.au</a>	Department of Communities, Child Safety and Disability Services <a href="http://www.communities.qld.gov.au/childsafety">www.communities.qld.gov.au/childsafety</a> Ph: 1800 811 810
<b>South Australia</b>	
South Australia Police Non-urgent police assistance: Ph: 131 444 <a href="http://www.sapolice.sa.gov.au">www.sapolice.sa.gov.au</a>	Department for Education and Child Development <a href="http://www.families.sa.gov.au/childsafes">www.families.sa.gov.au/childsafes</a> Ph: 131 478
<b>Tasmania</b>	
Tasmania Police Non-urgent police assistance: Ph: 131 444 <a href="http://www.police.tas.gov.au">www.police.tas.gov.au</a>	Department of Health and Human Services <a href="http://www.dhhs.tas.gov.au/children">www.dhhs.tas.gov.au/children</a> Ph: 1300 737 639
<b>Victoria</b>	
Victoria Police Non-urgent police assistance : Ph: (03) 9247 6666 <a href="http://www.police.vic.gov.au">www.police.vic.gov.au</a>	Department of Human Services <a href="http://www.dhs.vic.gov.au">www.dhs.vic.gov.au</a> Ph: 131 278
<b>Western Australia</b>	
Western Australia Police Non-urgent police assistance: Ph: 131 444 <a href="http://www.police.wa.gov.au">www.police.wa.gov.au</a>	Department for Child Protection and Family Support <a href="http://www.dcp.wa.gov.au">www.dcp.wa.gov.au</a> Ph: (08) 9222 2555 or 1800 622 258

## PART 3: GRIEVANCE PROCEDURES

### 16. PURPOSE OF THESE PROCEDURES

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#### *What these procedures deal with – Grievances about behaviour*

These Grievance Procedures (**Procedures**) aim to assist the APF to deal with grievances and complaints, mediation and investigations, which cover behavioural matters.

These Procedures describe the practical steps we will take to deal with complaints or concerns when raised regarding behavioural matters, the identity of the appropriate person to contact if an individual has a complaint and also the appropriate response when a complaint is made.

These Procedures have been endorsed by the APF Board. The current version and associated forms can be obtained from our website at: <http://www.apf.com.au/>

#### *What these procedures don't deal with – Regulatory breaches and discipline*

These Procedures do not apply to complaints or concerns over breaches of Rules and Regulations; nor do they apply to disciplinary matters flowing from behavioural or regulatory breaches. These matters are covered by APF Misconduct Policy and Procedures.

If an individual has a concern regarding a breach of Regulations, they should contact an Authorised Person (e.g. CI, STO, STM).

### 17. WHO IS BOUND BY THESE PROCEDURES

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This Policy applies to all persons in accordance with clause 3. These Procedures will continue to apply to a person even after he or she has stopped their association or employment with APF, if disciplinary actions against that person have begun.

### 18. GRIEVANCES / COMPLAINTS

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#### 18.1 Overview of the Procedures

Grievances or complaints will be resolved in accordance with APF Constitution rule 13. Rules 13.1 and 13.2 provide APF with some flexibility on dealing with matters variously described as complaints, breaches, misconduct, disputes or grievances. APF may determine the appropriate procedures for resolving such matters. An overview flowchart of the Grievance Procedure is shown on the next page.

#### 18.2 Handling complaints

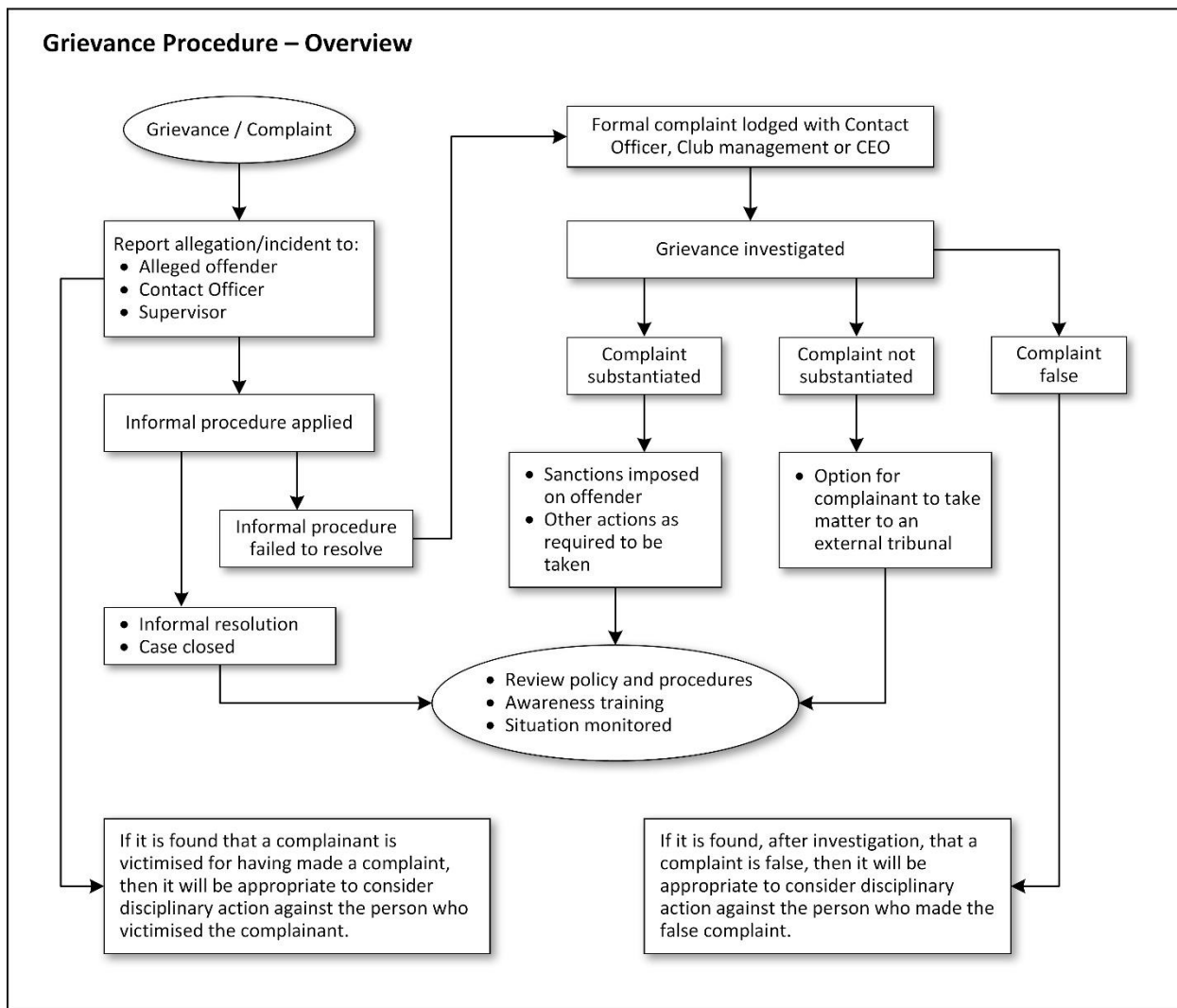
We will deal with all complaints in a fair, timely and transparent manner. All complaints will be treated seriously.

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

We will maintain confidentiality where possible and as provided in this Policy and seek to ensure that no one is victimised for making, supporting or providing information about a complaint.

#### 18.3 Improper complaints and victimisation

APF aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against any person making a complaint. We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures may be undertaken in respect of a person who harasses or victimises another person for making a complaint or supporting another person's complaint.



If at any point in the complaint handling process the Contact Officer considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or inappropriately intended to cause distress to the respondent, the matter may be referred in writing to the relevant official for review and appropriate action, including possible disciplinary action against the complainant.

**18.4 Mediation**

APF aims to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action.

Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It may occur before or after the investigation of a complaint.

More information on the mediation process is outlined below in clauses 23 and 24.

**18.5 Tribunals**

A Tribunal may be convened to hear a formal complaint referred to it.

All disciplinary Tribunal hearings of violations of this Policy shall be heard and determined in accordance with the Misconduct Policy and Procedures Manual.

## 19. DEALING WITH COMPLAINTS

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All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection or other relevant legislation.

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

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

## 20. INFORMAL APPROACHES

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

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

### Step 2: Contact a Contact Officer

We encourage you to talk with one of our Contact Officers if:

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

The Contact Officer will:

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

### Step 3: Decide how to address your concern

After talking with the Contact Officer, you may decide:

- there is no problem;
- the problem is minor and you do not wish to take the matter forward;
- to try and resolve the problem yourself, with or without a support person;
- to resolve the problem with the help of someone impartial, such as a mediator; or
- to resolve the matter through a formal process.

## 21. FORMAL APPROACHES

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### Step 4: Making a formal complaint

If it's not possible or appropriate to resolve your complaint through an informal process, you may:

- make a formal complaint in writing to the Contact Officer, or
- approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice and assistance.

After receiving a formal complaint, and based on the material you provide, the Contact Officer will decide whether:

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

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

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

If the Contact Officer is the appropriate person to handle the complaint, he or she will, where appropriate and/or necessary:

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

Where the Contact Officer is not the CEO, after hearing your complaint the Contact Officer may liaise with the CEO on a confidential basis in order to determine any next steps.

### Step 5: Investigating the complaint

In some cases, an investigation may be required to determine the facts surrounding the complaint. Our investigations procedure is outlined below in clauses 25 and 26.

- If the complaint is referred to **mediation**, we will follow the steps outlined below or as agreed by you, the respondent and the mediator.
- If the complaint is referred to a **tribunal hearing**, the hearing will be conducted in accordance with the steps outlined in the Misconduct Policy and Procedures Manual.



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

### **Step 6: Reconsidering a complaint or appealing a decision**

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

### **Step 7: Documenting the resolution**

The Contact Officer will record the complaint, the steps taken to resolve it and the outcome. This information will be stored confidentially and securely by the APF Office.

### **Approaching external organisations**

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

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

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

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

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

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

## **22. RECORD OF COMPLAINTS**

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We will ensure that all the complaints we receive, both formal and informal, are properly documented. This includes recording how the complaint was resolved and the outcome of the complaint.

This information, and any additional records and notes, will be treated confidentially (subject to disclosure required by law or permitted under this Policy) and stored in a secure place.

See the [APF website](#) for the forms for use in documenting a complaint.

## **23. ABOUT MEDIATION**

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Mediation is a process that seeks to resolve complaints with the assistance of an impartial person – the mediator. It may be used as a form of Alternative Dispute Resolution.

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

## **24. MEDIATION STEPS**

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Our approach to mediation follows the steps set out below.

1. The Contact Officer will appoint an appropriate mediator to help resolve the complaint. This will be done under the direction of APF and in consultation with the complainant and the respondent(s). The mediator will be an independent person in the context of the complaint, however this does not preclude a person with an association with APF acting as mediator.

2. The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
3. All issues raised during mediation will be treated confidentially. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. If the complaint is resolved by mediation, where appropriate the mediator may seek to ensure the parties execute a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). We expect the parties involved to respect and comply with the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
  - write to the CEO to request that the CEO reconsider the complaint; and
  - approach any relevant external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

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

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

## 25. ABOUT THE INVESTIGATION PROCESS

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

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

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

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

## 26. INVESTIGATION STEPS

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

3. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points from the investigation.
4. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser at their own cost.

## APPENDICES

### APPENDIX A: DICTIONARY OF TERMS

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This Dictionary sets out the meaning of words used in this Policy and associated forms, without limiting the ordinary and natural meaning of the words. Further detail or definitions that are specific to different states and territories can be sourced from the relevant child protection authorities or equal opportunity and anti-discrimination commissions.

**Abuse** is the violation of an individual's human or civil rights through the act or actions of another person or persons. Types of abuse include physical abuse, psychological or emotional abuse, sexual abuse, constraints and restrictive practices, financial abuse, legal or civil abuse and systemic abuse.

**Affiliated club** means a member Club as defined in the APF Constitution.

**Child** means a person who is under the age of 18.

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

- **physical abuse**, which occurs when a child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. This may include, but is not limited to, hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity.
- **sexual abuse**, which occurs when an adult, other child, or adolescent uses their power or authority to involve a child in a sexual activity or any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography, including child pornography, or inappropriate touching or conversations).
- **emotional abuse**, which occurs when a child's social, emotional, cognitive or intellectual development is impaired or threatened. Emotional abuse can include, but is not limited to, emotional deprivation due to persistent rejection or criticism, hostility, teasing/bullying, humiliation, taunting, sarcasm, yelling, name-calling or placing unrealistic expectations on a child.
- **neglect**, which occurs when a child's basic necessities of life are not met and their health and development are affected. Basic needs include food, water, shelter, adequate clothing, personal hygiene, timely provision of medical treatment and adequate supervision.

**Club** means a member Club as defined in the APF Constitution.

**Complaint** means a complaint made under Part 3 of this Policy.

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

**Complaint handler/manager** means the person appointed under this Policy to investigate a complaint.

**Contact Officer:** means a person appointed by us to be the first point of contact for a person reporting an issue or a complaint under, or a breach of, this Policy. [May also be known as a **Member Protection Information Officer (MPIO)** or in an area Council as a Harassment Contact Officer.] If no area Contact Officer has been appointed, the CEO or other person nominated by the CEO shall fulfil the relevant duties.

**Discrimination** occurs when someone is treated (or is proposed to be treated) unfairly or less favourably than another person in the same or similar circumstances because of one of the personal characteristics covered by anti-discrimination laws. This is known as direct discrimination. Indirect discrimination occurs when there is (or is proposed) an unreasonable requirement, condition or practice that seems to treat everyone equally, but which has or is likely to have the effect of disadvantaging persons with a personal characteristic covered by anti-discrimination laws.

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

- age

- sex or gender
- gender identity
- intersex status
- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration
- disability, mental and physical impairment
- family/carer responsibilities, status as a parent or carer
- marital status
- pregnancy, potential pregnancy, breastfeeding
- sexual orientation and gender identity
- physical features
- irrelevant medical record
- irrelevant criminal record, spent convictions
- political beliefs or activities
- religion, religious beliefs or activities
- national extraction or social origin
- lawful sexual activity
- profession, trade, occupation or calling
- member of association or organisation of employees or employers, industrial activity, trade union activity
- defence service
- personal association with someone who has, or is assumed to have, any of the above characteristics

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

[www.playbytherules.net.au/legal-stuff/discrimination](http://www.playbytherules.net.au/legal-stuff/discrimination) and can include:

- **Age:** A club refuses to allow an older person to coach a team simply because of age.
- **Breastfeeding:** A member of the club who is breastfeeding a baby in the club rooms is asked to leave.
- **Disability:** A player is overlooked for team selection because of mild epilepsy.
- **Family responsibilities:** A club decides not to promote an employee because he has a child with a disability even though the employee is the best person for the job.
- **Gender Identity:** A transgender player is harassed when other players refuse to call her by her female name.
- **Homosexuality:** An athlete is ostracised from her team after it becomes known that she is a lesbian.
- **Marital Status:** A player is deliberately excluded from team activities and social functions because she is single
- **Pregnancy:** A woman is dropped from a squad when she becomes pregnant.
- **Race:** An Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race.
- **Sex:** Specialist coaching is only offered to male players in a mixed team.

Some exceptions to state, territory and federal anti-discrimination law apply, including exceptions for sporting activities, such as:

- holding a competitive sporting activity for a specific age or age group (e.g. only those who are under the age of 15 years);
- excluding people on the basis of their 'excluding people on the basis of their sex and/or gender identity status from participation in a competitive sporting activity where the strength,

stamina or physique of competitors is relevant to the specific activity (note that this does not apply to activity by children who are under the age of 12 years); and

- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity.

**Gender identity:** The term 'gender identity' refers to a person's deeply held internal and individual sense of gender.

**Gender expression:** The term 'gender expression' refers to the way in which a person externally expresses their gender or how they are perceived by others.

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

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

**Intersex:** The term 'intersex' refers to people who have genetic, hormonal or physical characteristics that are not exclusively 'male' or 'female'. A person who is intersex may identify as male, female, intersex or as being of indeterminate sex.

**just and fair safety culture:** See Appendix B of the APF Misconduct Policy and Procedures Manual (v3).

**Misconduct Policy and Procedures Manual** means the misconduct policy and procedures manual adopted by APF as amended from time to time.

**Member** means any Member recognised as such under the APF Constitution.

**Member Protection Information Officer** – see Contact Officer.

**Procedural fairness** requires that:

- the respondent knows the full details of what is being said against him or her and they have the opportunity to respond;
- no person may judge their own case; and
- the decision-maker(s) must be unbiased, fair and just.

**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 whose behaviour is the subject of the complaint.

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

**Rules and Regulations** means Rules, Regulations, By-Laws, statutes, instructions, policy and/or procedures as determined by the APF under the Constitution.

**Sexual harassment** means unwelcome behaviour of a sexual nature which could reasonably be expected to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwelcome physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual harassment does not have to be intentional.

**Sexual offence** means a criminal offence involving sexual activity or acts of indecency. Because of differences under state and territory laws, this can include but is not limited to:

- rape

- indecent assault
- sexual assault
- assault with intent to commit sexual acts
- incest
- sexual penetration of child under the age of 16 years
- indecent act with child under the age of 16 years
- sexual relationship with child under the age of 16 years
- 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 years
- bestiality
- soliciting a child under the age of 16 years to take part in an act of sexual penetration, or an indecent act
- promoting or engaging in acts of child prostitution
- obtaining benefits from child prostitution
- possession of child pornography
- publishing child pornography and indecent articles.

**Sexual orientation:** The term 'sexual orientation' refers to a person's emotional or sexual attraction to another person, including, amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual or same-sex attracted.

**Transgender** 'Transgender' is an umbrella term that refers to a person whose gender identity is different to their physical sex as recorded at birth. Transitioning refers to the process where a transgender person commences living as a member of another sex. This is sometimes referred to as the person 'affirming' their gender because transitioning means they start living in what they identify as their true gender. For people who are transitioning/affirming their gender, having their identity fully recognised in all areas of life is a crucial part of the experience of living as their affirmed gender.

**Victimisation** means treating someone unfairly or unfavourably, or threatening to do so, because that person has, or intends to, pursue their right to make any complaint, including a complaint under government legislation (e.g. anti-discrimination legislation) or under this Policy, or for supporting another person to make complaint.

**Vilification** means behaviour that occurs in public which incites hatred towards, serious contempt for, or revulsion or severe ridicule of a person or group of people because that person or persons have a particular personal characteristic. Anti-discrimination laws in Australia make it unlawful to vilify a person or group of persons on the basis of race, religion, homosexuality, transgender status and HIV/AIDS status.