



**Little
Athletics**
Tasmania

Policy #7

Member Protection Policy

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INTRODUCTION

- Little Athletics Tasmania (LATas) is strong in its commitment to a coordinated and comprehensive approach to promote the protection of children and adults. In accordance with the Tasmanian State Government principals for child protection and intervention, LATas aims to promote a safe environment for all children and adults and to recognise and notify suspected child abuse and neglect.
- LATas is committed to providing an environment safe for children that is free from harassment, discrimination and abuse for everyone, and promotes respectful and positive behaviour and values.
- This policy provides a code of behaviour forming the basis of appropriate and ethical conduct which everyone must abide by.
- LATas is committed in ensuring that everyone associated with the organisation complies with the policy.

PART A: LITTLE ATHLETICS TASMANIA MEMBER PROTECTION

1. Introduction

LATas aims to encourage, promote, advance and administer the Sport, throughout Tasmania and to encourage the development of athletes of all abilities by promoting positive attitudes and a healthy lifestyle through family and community involvement in athletic activities, both as a social and recreational activity and as athletic competition.

2. Purpose of This Policy

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

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

This policy has been endorsed by the Board of Little Athletics Tasmania and has been incorporated into our By-Laws. Copies of the current policy and its attachments are on the LATas Website.

3. Who this Policy Applies To

This policy applies to the following people involved in Little Athletics at a State Level and affiliated Centres and Clubs, whether they are in a paid or unpaid/voluntary capacity.

- Persons appointed or elected to boards, committees and sub-committees;
- Employees of LATas;
- Members of LATas Executive;

- Support personnel appointed or elected to state teams and squads (e.g., managers, coaches, physiotherapists, psychologists, masseurs, sport trainers);
- State coaches and assistant coaches;
- State representative athletes;
- State referees, umpires and other officials involved in the regulation of the sport;
- Members, including life members of LATAs
- Athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by LATAs
- Any other person including spectators, parents/guardians and sponsors, who or which agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this policy;

Member associations are required to adopt and implement this policy and to provide proof to LATAs of the approval of the policy by the relevant board in accordance with its constitution.

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

4. Responsibilities of the Organisation

The State Association and affiliated Centres and Clubs must:

- Adopt, implement and comply with this policy;
- Make such amendments to their 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 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

LATas is committed to the safety and wellbeing of all children and young people accessing our service. We support the rights of the child and will act without hesitation to ensure a child safe environment is maintained at all times. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.

LATas acknowledges that our staff, members, and volunteers provide a valuable contribution to the positive experiences of children involved in our sport. LATas will take measures to protect the safety and welfare of children participating in our sport by –

Identify and Analyse Risk of Harm

LATas 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 organisation 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 child.

Develop a clear and accessible Child Safe Policy

LATas has a member protection policy that outlines its commitment to promoting children's well-being and safeguarding them from harm. This policy will be readily available to all members and those to whom it applies.

Develop Codes of Conduct for Adults and Children

LATas 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 organisation will also implement a code of conduct to address appropriate behaviour between children.

The code of conduct will set out professional boundaries, ethical behaviour and unacceptable behaviour (refer Little Athletics Tasmania Code of Conduct).

Choose Suitable Employees and Volunteers

LATas 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.

LATas will ensure that relevant history assessments are conducted for employees and volunteers working with children, where an assessment is required by law.

Assessing relevant history information

In the majority of cases, a person will have no criminal history. In these cases, the assessment will be successfully completed and no further action in respect to an assessment will be required.

No person will be considered suitable to be employed, contracted, hired, retained, accepted as a volunteer, or allowed to undertake prescribed functions for LATas or its affiliated associations or Clubs if he or she has been convicted of:

- murder or sexual assault
- violence in relation to a child
- an offence relating to child pornography
- an offence involving child prostitution
- any child abuse offence, for example criminal neglect.
- sexually-motivated offences
- violence offences/assault including any form of assault which has resulted in a sentence of imprisonment
- offences relating to cruelty to animals
- any other offences against a child (including drug offences).

Where a person has been charged with an offence and the proceedings have not been finalised then they are not able to be involved with the Association or Centre until the charges/investigation has been determined or completed. Also refer to 6.1 Risk Assessment

The decision of this process will be deemed to be final and binding on all parties.

[Ensuring procedural fairness if a person has a criminal history](#)

Existing staff, members and volunteers

All existing staff, members and volunteers will be provided with the opportunity to confirm or dispute the information contained within the National Police Certificate report and to provide contextual information if they wish before the assessment is conducted.

Prior to a decision being made, LATas will communicate to the applicant a pending decision not to employ or engage them because of their criminal history and the reasons for this decision.

New staff, members and volunteers

New applicants for employment, membership and volunteer positions will be provided with the opportunity to confirm or dispute the information contained within the National Police Certificate report and to provide contextual information if they wish before the assessment is conducted.

LATas will communicate to the applicant the decision not to employ or engage them or to accept their application for membership. They will not be provided with the reasons for this decision.

There will be no appeal to this decision.

Records management

LATas will take specific actions to store and record information obtained through conducting a relevant history assessment. This includes taking measures to ensure information is protected and confidentially stored and safeguards to protect against loss, unauthorised access, modification, disclosure or other misuse.

Criminal history information will not be retained once a decision has been made regarding the person's suitability to work with children. No criminal history information will be retained beyond three months.

LATAs will retain the following information regarding their decision:

- That a criminal history report was obtained and the date the report was issued
- How the criminal history and other information obtained affected decision-making processes
- Statutory declarations (where applicable)
- Date for reassessment

LATAs will retain appropriate records to demonstrate their compliance with their legal requirements. The criminal history register, and relevant history assessment template (where applicable) will be used to record this information.

Exemptions from the requirement to conduct relevant history assessments

- A person who is appointed as a police officer or is a registered teacher provided that they are still employed in that profession at the time of the application. This employment is to be confirmed before they are exempt. (Police officers and teachers are already subject to comprehensive criminal history assessments as a prerequisite for employment).

Support, Train, Supervise and Enhance Performance

LATAs 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.

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

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

Report and Respond Appropriately to Suspected Abuse and Neglect

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

LATAs will make all volunteers and employees aware of their responsibilities under the [Children, Young Persons and Their Families Act 1997](#) to make a report to The Strong Families, Safe Kids advice and referral line on 1800 000 123 if they have suspicion on reasonable grounds that a child has been or is being abused or neglected. Certain people are obligated to make a report and failure to do so may result in a penalty of up to \$10,000.

In addition to their obligation as a mandated notifier, 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 an internal complaint. Please refer to our complaints procedure outlined in attachment of this policy. This will explain what to do about the behaviour and how LATAs will deal with the problem.

Handling an allegation of child abuse

A useful guideline for managing allegations of misconduct towards children is available at www.childwise.org.au

Process for dealing with members charged with, or under investigation for, a criminal offence

This process sets out the procedure that LATas will follow in the event that it becomes aware that a member has been charged with, or is being investigated for, a relevant criminal offence.

Guiding Principle

The paramount consideration is the rights, interests and wellbeing of children and their protection from harm. The organisation must remember the mandatory reporting obligations for the organisation and/or individuals who form a suspicion that a child is or is at risk of being harmed. Child Protection Services 1300 737 63

Risk Assessment

In the event that LATas becomes aware that a member has been charged with, or is being investigated for, a relevant criminal offence, the President of LATas in consultation with Member Protection Officer will immediately commence a risk assessment of the risk of harm to children and consider taking protective action. That member will be advised that a risk assessment is in progress and they will be immediately suspended from any activities with the association or centre until that risk assessment has been completed. The member is to be advised of the outcome of that risk assessment in a timely manner.

The risk assessment will:

- Be conducted in accordance with the guidelines and principles set out under Standard 5 of the Child Safe Environments: Standards for dealing with information obtained about a person's criminal history as part of a relevant history assessment;
- Recognise that an investigation or charge does not mean that the person is guilty and that the matter needs to be resolved through proper legal avenues;
- Consider all matters on an individual basis and include an assessment of all relevant circumstances;
- Provide the member an opportunity to make submissions on whether he or she had been charged with an offence warranting some action, and what action should be taken;
- Be made in accordance with the principles of natural justice and procedural fairness. Assessment procedures will be transparent, documented and consistently applied;
- Not compromise any police investigations or evidence.

Where the outcome of the risk assessment is that protective action is necessary, LATas may:

- Control or supervise contact between the member and children
- Prevent contact between the member and children
- Remove the member from duties until the outcome of the investigation or charge is known;
- Take any other action that is necessary and reasonable in the circumstances.

Procedure

- Where the risk assessment determines that protective action is necessary against a member to safeguard and protect children, LATas will give the member the opportunity to voluntarily remove him or herself from activities until the outcome of the charge or investigation is known.
- In the event that the member will not voluntarily remove themselves from activities until the outcome of the charge or investigation is known, LATas will put forward a resolution to the Board to suspend or temporarily remove the member.
- The outcome of the resolution will be recorded in the minutes and then implemented.

- The outcome recorded in the minutes will not contain unnecessary information relating to the investigation or charge or identify (directly or indirectly) any junior members.

Guide to Protective Practices:

All LATas staff whether paid, voluntary, permanent, or casual, officers and Centre Personnel are encouraged to adopt protective practices to maximise their protection from an act, or actions which may be misconstrued. The following is only a guide and Centre Personnel should initiate protective measures or a Centre with an enclosed ground may utilize a gate attendant:

- No athlete in the Tiny Tots to Under 10 years be permitted to leave the competition area without a parent/guardian
- Incorporate a 'buddy' system when athletes require to leave the competition area (e.g. to go to the toilet)
- Enforce the parent/guardian be present at the ground at all times, emphasizing during registration process the Association policy on Child Protection and that at no time is Little Athletics a babysitting service.
- In a situation when a parent/guardian of a child cannot attend the activity and this is an unusual circumstance if that child's parent/guardian arranges for their child to attend in the company of another trusted person (so another child's parent/guardian known to them) the child may participate. These occurrences should be infrequent. If a child's parent/guardian were to miss attendance for more than three consecutive weeks then the ongoing participation of that child would cease.
- One on one Coaching activities should be avoided, unless a Parent/Guardian or other athletes/officials are in the near vicinity
- Video viewing in one on one situation is totally banned
- When conducting camps with both boys and girls participating, it is important that adults of both genders accompany the group
- Encourage, don't pressure
- Be sensitive to an individual athlete's capacity for physical activity and protect them from any unwarranted pressure to participate
- Discipline and manage behaviour – do not abuse or exhibit insulting or aggressive behaviour
- Don't exaggerate or trivialize child abuse issues.
- Do not let children involve you in excessive attention seeking behaviour that is overtly sexual or physical in nature.
- Do not put yourself in the position of being left alone in private with a child

6.2 Taking Images of Children

LATas acknowledges that in Tasmania under the Summary Offences Act 1953 a person must not engage in indecent filming. Images of children and adults should not be used inappropriately or illegally.

LATas requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and ensure that the parent knows the way the image will be used. We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If LATas uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by paedophiles or other persons. We will only use

appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc.

We require our members, Clubs and centres to do likewise.

6.3 Social Networking

LATas acknowledges the enormous value of social networking to promote our sport and celebrate the achievements and success of the people involved in our sport.

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

Our social media policy is attached to this document.

LATas has the right to enforce this Policy at its discretion. An LATas administrator may remove any posted messages that it considers to be in breach of this policy and will block repeat offenders.

LATas may record any information posted to one of our social media channels (including, but not limited to, Facebook, Instagram, Twitter and YouTube) and may use that information for the purpose of administering its social media channels and considering and/or addressing any comments made. No attempt will be made to further identify users of our social media channels except where authorised by law. LATas is not responsible for the privacy practices or content included on our social media channels or any linked websites.

6.4 Anti-Discrimination and Harassment

LATas 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 Dictionary 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 the attachment of this policy. This will explain what to do about the behaviour and how the LATas will deal with the problem.

LATas encourages individuals to report (on a confidential basis) any harassment or discrimination which they observe against another person for consideration by the Association.

6.5 Intimate Relationships

This section specifically applies to behavior between consenting adults only. Where a member becomes aware that a child under 17 years of age has been subjected to predatory behavior or behavior that may lead to criminal proceedings then they have an obligation to report this behavior to

Child Protection Services 1300 737 63 and then advise the Little Athletics Tasmania President or Member Protection Officer for LATas.

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

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

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

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

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

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

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

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

If it is determined that an intimate relationship between a coach or official and an adult athlete is inappropriate or unprofessional, we may take disciplinary action against the coach or official up to and including dismissal. Action may also be taken to stop the coaching relationship with the athlete. This could include a transfer, a request for resignation or dismissal from coaching duties.

If a coach, official or athlete believes they are being, or have been, harassed they are encouraged to seek information and support from the Member Protection Information Officer. Our complaints procedure is outlined in this policy.

6.6 Pregnancy

LATas is committed to treating pregnant women fairly and to removing any unreasonable barriers to their full participation in our sport. We will not tolerate any discrimination or harassment against pregnant women.

LATas will take reasonable care to ensure the continuing safety, health and wellbeing of pregnant women. We will advise pregnant women that there may be risks involved with their continuing participation in sport, and we will encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn child, is of utmost importance in their decision-making about the extent they choose to participate in our sport.

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in our sport. Pregnant women should make these decisions themselves, in consultation with their medical advisers and in discussion with LATas.

We will only require pregnant women to sign a disclaimer in relation to their participation in our sport whilst they are pregnant if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant woman believes she is being, or has been, harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint (Refer to 7. Complaints Procedures).

6.7 Gender Identity

Gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person. This includes the way people express or present their gender and recognises that a person's gender identity may be an identity other than male or female. Some terms used to describe a person's gender identity include transgender and gender diverse.

6.7.1 Gender Identity Discrimination and Harassment

Federal, state and territory anti-discrimination laws provide protection from discrimination against people on the basis of their gender identity (See definition in Dictionary of terms).

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

All persons, regardless of gender identity, are entitled to be treated fairly and with dignity and respect at all times. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity. This includes discrimination or harassment of a person who is transgender or transsexual, who is assumed to be transgender or transsexual or has an association with someone who has or is assumed to be transgender or transsexual.

We expect all people bound by this policy to act with sensitivity when a person is undergoing gender transition/affirmation.

If any person believes that they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy because of their gender identity, they may make a complaint.

6.7.2 Participation in Sport

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

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

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

6.7.3 Intersex Status

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

LATas is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their intersex status.

6.8 Smoke-free Environment

LATas understands the harmful effects of smoking and vaping on health, fitness and performance in sport and that passive smoking is also hazardous to health. It is acknowledged that non-smokers should be protected from the involuntary inhalation of tobacco or vape smoke.

Smoking and vaping shall not be permitted in any competition or spectator area during any LATas competition at Association and Centre level.

Non-compliance with our policy will be handled by an explanation of the LATAS Smoke Free Policy to the person, including the identification of areas in which smoking and vaping is permitted. In the case of continued non-compliance with the policy, LATas personnel will use their discretion as to the steps to be taken, which may include asking the person to leave the premises, event, or function.

Please also refer to the Little Athletics Tasmania Smoke Free Policy.

7. Complaints Procedures

7.1 Complaints

LATas aims to provide a simple procedure for complaints based on the principles of procedural fairness (natural justice). Any person (a complainant) may report a complaint about a person/s or organisation bound by this policy (respondent).

7.2 Vexatious Complaints & Victimisation

LATas aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation. If at any point in the complaints process the President of LATas considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the Board of LATas for appropriate action which may include disciplinary action against the complainant.

LATas 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.

7.3 Mediation

LATas aims to resolve complaints with a minimum of fuss. Complaints may be resolved by agreement between the people involved with no need for disciplinary action. Mediation allows those involved to be heard and to come up with mutually agreed solutions.

Mediation may occur before or after the investigation of a complaint. If a complainant wishes to resolve the complaint with the help of a mediator, the President LATas will, in consultation with the complainant, arrange for a neutral third party mediator where possible. Lawyers are able to negotiate on behalf of the complainant and/or the respondent.

For full details, please refer to the Little Athletics Tasmania Complaints Handling Policy.

8 What is a Breach of this Policy?

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

- Breaching the Codes of Behaviour
- Bringing the sport and/or LATas into disrepute, or acting in a manner likely to bring the sport and/or the LATas into disrepute
- Failing to follow LATas policies (including this policy) and procedures for the protection, safety and welfare of children;
- Discriminating against, harassing or bullying (including cyber bullying) any person and in particular, a child;
- Victimising another person for reporting a complaint or discharging their obligation as a mandated notifier;
- Engaging in a sexually inappropriate relationship with a person that they supervise, or have influence, authority or power over;
- Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- Disclosing to any unauthorised person or organisation any LATas 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 Measures

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. Any disciplinary measure imposed under this policy must:

- be applied consistent with any contractual and employment rules and requirements;
- be fair and reasonable;
- be based on the evidence and information presented and the seriousness of the breach; and
- be determined in accordance with our Constitution, this policy and/or Rules of the sport.

9.3 Factors to Consider

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

- Nature and seriousness of the breach;
- Consequences of the breach
- If the person knew or should have known that the behaviour was a breach;
- Level of contrition;
- The effect of the proposed disciplinary measures on the person including any personal, professional or financial consequences;
- If there have been relevant prior warnings or disciplinary action;
- Ability to enforce discipline if the person is a parent or spectator (even if they are bound by the policy); and/or
- Any other mitigating circumstances.

10 Dictionary

This Dictionary sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection commissions or equal opportunity and anti-discrimination commissions.

Abuse is a form of harassment and includes physical abuse, emotional abuse, sexual abuse, neglect, and abuse of power. Examples of abusive behaviour include bullying, humiliation, verbal abuse and insults.

Affiliated member means a Centre or Club that has applied to the Board for admission to membership as an affiliate member.

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

Child Abuse:

Physical Abuse refers to allegations of physical harm caused to a child by another person. Some signs and symptoms may include unexplained

- Bruising
- Lacerations or welts
- Burns or scald
- Fractures, sprains or dislocations.

Sexual Abuse occurs when someone in a position of power to the child uses that power to involve the child in sexual activity. Some signs and symptoms may include:

- Age inappropriate behaviour and/or persistent sexual behaviour, promiscuity
- Marked changes in behaviour or mood, tantrums, aggressiveness, withdrawal, self-destructive behaviour
- Allusions to problems at home, not wanting to return home
- Fear and loss of trust
- Physical symptoms including bruising or bleeding in the genital area.

Emotional Abuse refers to harm caused to the child by excessive or unreasonable demands as well as failing to provide the psychological nurturing necessary for development. Some signs and symptoms may include:

- Severe verbal abuse or threats of abuse
- Being physically or socially isolated as punishment
- Feelings of worthlessness about life and self
- Extreme attention seeking behaviour
- Behavioral disorders such as disruptiveness, bullying, aggressiveness

Neglect refers to the failure to provide the basic necessities of life including food, clothing, shelter, emotional security, medical care and adequate supervision of the child's growth and development. Some signs and symptoms may include:

- Poor standard of hygiene, inadequate clothing for the weather conditions.
- Malnutrition, complaints of hunger, hiding food.
- Untreated medical or dental problems.
- Lack of appropriate supervision – either supervised or under supervised when engaging in certain activities.
- Extreme longing for adult affection.

Complaint means a formal expression of dissatisfaction with some aspect of the Association's services, policies and procedures whether justified or not. A complaint does not include a request for information or clarification of Association rules, policies, procedures or decisions.

Complainant means a person making a complaint.

Complaint Handler/Manager means a person appointed under this policy to investigate a Complaint Relevant History Assessment is a decision about whether a person is suitable to work with children based on the person's criminal history (if any) and the assessed risk of harm to children who receive a service from the organisation. The assessment must be conducted by an organisation or authorised screening unit in accordance with section 8B of the *Children's Protection Act 1993*.

Criminal History Report refer to definition of "police check"

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 are:

- Age
- Disability
- Political belief/activity
- Pregnancy and breastfeeding

- Family/carer responsibilities
- Gender identity/transgender status
- Homosexuality and sexual orientation
- Irrelevant medical record
- Irrelevant criminal record
- Race
- Religious belief/activity
- Sex or gender
- Social origin
- Trade union membership/activity

Examples of Discrimination

- **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 junior player is overlooked 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.
- **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.

Gender identity refers to a persons deeply held internal and individual sense of gender.

Gender expression refers to the way in which a person externally expressed their gender or how they are perceived by others.

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 characteristic (see characteristic list under discrimination).

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

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

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

- holding a competitive sporting activity for females only who are 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 sporting activity.

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

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

Public acts of racism or racial discrimination 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.

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.

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

Member means a member of LATAs.

Member Protection Information Officer (MPIO) means a person trained to advise a complainant of their options regarding a complaint under, or a breach of, this Policy.

Minor Complaint means a complaint dealing with a matter that can be explained or resolved by existing rules, policies and procedures.

Natural justice (also referred to as procedural fairness) means observing the following principles:

- people are entitled to be informed of allegations made against them
- all persons affected by a decision should be given the relevant information to enable an informed submission to be made to the decision-maker or person subsequently reviewing a decision
- during the review of a decision, all persons affected by a decision should have an opportunity to put their case, relevant arguments should be heard, and relevant information should be accessible to all parties
- decision-makers act fairly and impartially
- the penalties imposed must be fair.

Offence that indicates a prima-facie risk of harm has the same meaning as described under Standard 5 of the *Child Safe Environments: Standards for dealing with information obtained about a person's criminal history as part of a relevant history assessment*;

Offence that potentially indicates unsuitability to work with children has the same meaning as described under Standard 5 of the *Child Safe Environments: Standards for dealing with information obtained about a person's criminal history as part of a relevant history assessment*;

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

Prescribed Position is set out under section 8B (8) of the Tasmanian Children's Protection Act (1993).

Relevant criminal offence means an offence that indicates a prima-facie risk of harm or that potentially indicates unsuitability to work with children.

Respondent means the person who is being complained about.

Risk assessment in the context of child protection 'refers to a process of evaluating the information received to reach a decision about the risk of harm a person may pose to children'. (Child Safe Environments: Standards for dealing with information obtained about a person's criminal history as part of a relevant history assessment).

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

Sexual harassment is any unwelcome sexual attention. It can occur between men and women and people of the same sex. It can involve:

- physical contact
- displays of sexually explicit or offensive material
- A coach giving an athlete a massage that involves unwanted sexual contact.
- A team official staring and leering at an athlete.
- A team manager asking players intrusive questions about sexual activity.
- A Club official 'wolf whistling' or making sexual gestures towards a team member.
- An athlete making repeated sexual invitations towards another team member when the person invited has refused similar invitations before.
- A Club publishing a sexist joke (or sexually explicit images) on its website.
- Team members conducting initiation ceremonies that involve unwelcome sexual or sexist behaviour.

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.

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.

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

This policy means this Member Protection Policy.

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

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

PART B: WORKING WITH VULNERABLE PEOPLE

Overview

The purpose is to provide Little Athletics Centres/Clubs and associations with information regarding the registration requirements for people wishing to work or volunteer with children in Tasmania.

Working with Vulnerable People registration aims to reduce the potential for sexual, physical, psychological, emotional or financial harm or neglect of children in Tasmania.

People from Little Athletics Centres/Clubs and Associations must hold registration to participate in activities like coaching, age group management, and committee membership for organisations that primarily involve the participation of children.

Working with Vulnerable People registration provides a minimum screening process for people working or volunteering in these organisations. The law requires registration for some important roles within child related organisations, but importantly allows organisations to adjust the screening requirements to suit their particular organisation.

There are a number of exemptions under the new law regarding situations where people engaged in regulated activities need not apply. These exemptions can be overridden if, after assessment of the risk of harm to children, an organisation determines that it wants these roles to be included in their screening regime.

Importantly – responsibility for screening rests with the incorporated body – so your centre/club is liable if there are people operating under your banner that should be registered but have not been screened and do not hold current registration.

Who must apply for a Working With Vulnerable People Registration?

Centre/Club and association activity means a cultural, recreational, sporting or community activity or service provided primarily for children by a club, association, movement, society or other similar body.

Examples of people involved in Little Athletics where registration is **mandatory**:

- committee/board members (state, centre and club)
- coaches (state, centre and club)
- team managers (state)
- age group managers and assistant age group managers (centre)
- camp parent/coach (state)
- development officer (state)

Examples of people where registration is optional but can be enforced by your club or association as part of their requirements:

- team managers (centre)
- chief officials (field sites) (state and some centres)
- field crews (state and centre)
- starters (state and centre)
- start marshalls (state and centre)
- finish marshalls (state and centre)
- timekeepers (state and centre)
- data entry (track) (state and centre)
- track referees (state)
- field referees (state)
- track umpires (state and centre)
- arena manager (state and centre)
- announcer (state and centre)

Examples of people who should **NOT** apply:

- children under 16 years of age

Little Athletics Tasmania recommends your Centre/Club completes the following procedures:

1. Appoint a Member Protection Information Officer and download resources from Play by the Rules to develop your club's Member Protection Policy.
2. Advise all applicable people within your Centre/Club of the legislation and their requirements for registration.
3. Include collection of coaches Registration ID Number as part of your information gathering processes for the season
4. Attend any regional seminars with the Department of Justice if you have any further questions

Further Information

Visit the [Tasmanian Government - Service Tasmania](#) website for the following:

- About applying for registration to work with vulnerable people
- How to apply
- What you need to apply
- Can I apply?
- Proving your identity
- How much it costs
- Payment options
- More information

Visit [Tasmanian Government - Consumer, Building and Occupational Services \(CBOS\)](#) website for the following:

- Important information
- Before you start your application
- How to apply
- After you lodge your application
- Related links

Individuals with a Registration to Work with Vulnerable People should be aware of the [Child and Youth Safe Organisations Framework](#) that will apply to a wide range of Tasmanian organisations from 2024, including Little Athletics Tasmania.