



Member Protection Policy

Revised January 2010

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PREFACE

1. POLICY

Golf Australia Limited ('GA') was created to establish national unity through which to encourage, conduct and promote golf throughout Australia and in the Member States. This Policy is made for the purpose of governing the conduct and administration of the sport of golf in Australia, and to promote the objectives of GA in its Statement of Purposes and Rules ('the Constitution').

GA is committed to provide an environment that is safe for children, free from harassment and abuse for everyone, and promotes respectful and positive behaviour and values.

This Policy provides a Code of Conduct forming the basis of appropriate and ethical conduct which everyone must abide by.

This Policy is an essential part of GA's proactive and preventative approach to tackling inappropriate behaviour.

The Chief Executive Officer of GA is committed to ensuring that everyone associated with the organization complies with the Policy.

This Policy was reviewed and approved by the Board of Golf Australia on 21st January, 2010

PART A – MEMBER PROTECTION POLICIES

1. Golf Australia's Core Values

Golf Australia (GA) is committed to participation in all aspects of the sport of golf, whatever members' status, ability, social and personal circumstances, in an environment that respects the worth, dignity and equality of opportunity of all people.

GA is committed to the advancement of participation in playing, coaching, administering and working in organisations devoted to golf, based on merit and equal opportunity. GA intends, by this Policy, to ensure that in all their dealings members shall be treated fairly, with respect, and in a manner appropriate to their innate worth and dignity as human beings, and that members shall advance in their chosen field on the basis of merit and achievement, fairly recognised.

GA is committed to providing an environment in which all members feel free to participate and considers that it is sometimes proper to make special provision for disadvantaged groups, and to establish special programs designed to enable their members to overcome any disadvantage and participate in the community on conditions of equality.

2. Purpose of this policy

This Member Protection Policy aims to ensure our core values, good reputation and positive behaviours and attitudes are maintained. It assists us in ensuring that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse. This policy also ensures that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities.

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

This policy has been endorsed by GA and has been incorporated into our By-Laws. The policy commenced on 10th January, 2006, was reviewed on 18th January 2010 and will operate until replaced. This policy and/or its attachments may be amended from time to time by resolution of the GA Board as per the Constitution. Copies of the policy and its attachments can be obtained from our website (www.golfaustralia.com.au) or from Golf Australia.

3. Who this Policy Applies To

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

- Individuals sitting on boards, committees and sub-committees;
- Employees and volunteers;
- Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- Coaches and assistant coaches;
- All Players of the game of Golf
- Referees and other officials;
- Members, including life members;
- Member associations;
- Affiliated clubs and associated organisations;
- Peak associations and the national body;
- Any other person or organisation that is a member of or affiliated to GA
- Parents, guardians, spectators and sponsors who or which agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this policy.

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

4. General Code Of Behaviour

GA requires every individual and organisation bound by this policy to:

- 4.1 Be ethical, fair and honest in all their dealings with other people and GA;
- 4.2 Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- 4.3 Always place the safety and welfare of children above other considerations;

- 4.4 Comply with GA's constitution, rules and policies including this member protection policy;
- 4.5 Operate within the rules and spirit of the sport;
- 4.6 Comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and child protection laws;
- 4.7 Be responsible and accountable for their conduct; and
- 4.8 Abide by the relevant Role-Specific Codes of Conduct outlined in Part D of this policy.

5. Responsibilities of the Organisation

GA, member associations and affiliated clubs must:

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

6. Individual Responsibilities

Individuals bound by this policy are responsible for:

- 6.1 Making themselves aware of the policy and complying with the standards of conduct outlined in this policy;
- 6.2 Complying with our screening requirements and any state/territory Working with Children Checks if the individual holds or applies for a role that involves regular contact with people under the age of 18 years;
- 6.3 Complying with all other requirements of this policy;
- 6.4 Co-operating in providing a discrimination, child abuse and harassment free sporting environment;
- 6.5 Understanding the possible consequences of breaching this policy.

7. Position Statements

7.1 Child Protection

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

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

- Prohibiting any form of abuse against children;
- Providing opportunities for our juniors to contribute to and provide feedback on our program development;
- Carefully selecting and screening people whose role requires them to have regular contact with children. (Screening procedures are outlined in Part B of this policy);
- Ensuring people have completed a statutory Working with Children Check where the relevant state/territory law requires this (this process is summarised in Part B);
- Ensuring our codes of conduct, particularly for roles associated with junior sport, are promoted, enforced and reviewed;
- Providing procedures for raising concerns or complaints (our complaints procedure is outlined in Part D of this policy); and
- Providing education and/or information to those involved in our sport on child abuse and child protection.

GA requires that anyone who reasonably suspects that a child has been or is being abused by someone within our sport, to report it immediately to the police or relevant government agency and CEO/MPIO of GA or the respective Affiliate Member or the respective Affiliate Member Clubs. Descriptions of the sorts of activity which may be abuse are in the Dictionary at clause 11.

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

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

7.2 Taking Images of Children

Images of children can be used inappropriately or illegally. GA requires that individuals and associations obtain permission from a child's parent/guardian using the consent form contained in attachment E6 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 GA uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by pedophiles or other persons. We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc.

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

7.3 Anti-Discrimination and Harassment

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

GA 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.

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

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

7.4 Sexual Relationships

GA takes the position that sexual relationships between coaches and the adult players that they coach should be avoided. GA takes the view that such relationships while not necessarily constituting unlawful harassment, can have harmful effects on the individual player involved, on other players and coaches, and on the sport's public image. Such relationships tend to be intentionally or unintentionally exploitative because there is usually a disparity between coaches and players in terms of authority, power, maturity, status and dependence. GA's policy position is similar to other organisations who disallow professionals such as teachers, doctors and counsellors to have sexual relationships with their clients or students.

Should a sexual relationship develop between a player and coach, GA will investigate whether any action is necessary. Factors that may be relevant to consider are the age and maturity of the athlete relative to the coach, the financial or emotional dependence of the player on the coach, and the

likelihood of the relationship having any adverse impact on the player and/or other players. If it is determined that the sexual relationship is inappropriate, action may be taken to stop the coaching relationship with the player. Action may include transfer, a request for resignation or dismissal from coaching duties.

In the event that an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach or player may wish to approach GA's MPIO if they feel harassed. GA's complaints procedure is outlined in Part C.

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

7.5 Pregnancy

Everyone bound by this policy must treat pregnant women with dignity and respect and any unreasonable barriers to participation by them in our sport should be removed. We will not tolerate any discrimination or harassment against pregnant women.

While many sporting activities are safe for pregnant women, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the sporting activity and the particular pregnant woman's circumstances. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in our sport.

GA recommends that pregnant women wanting to participate in our sport consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation. We will only require pregnant women to sign a disclaimer if we require other participants to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

7.6 Gender Identity

Everyone bound by this policy must treat people who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender. Descriptions of the types of behaviour which could be regarded as transgender discrimination or harassment are provided in the Dictionary at clause 11.

Individuals who have undergone sex reassignment of male to female before puberty are regarded as girls and women (female). This applies as well for female to male reassignment, who are regarded as boys and men (male).

Any individuals who have undergone sex reassignment from male to female after puberty are eligible for participation in female competitions and eligible to hold an Australian Women's Handicap; and any individuals undergoing or who have undergone sex reassignment from female to male after puberty are eligible for participation in male competitions and eligible to hold an Australian Men's Handicap, under the following conditions:

- surgical anatomical changes have been completed, including external genitalia changes and gonadectomy; and
- legal recognition of their assigned sex has been conferred by the appropriate government authorities; and
- hormonal therapy appropriate for the assigned sex has been administered in a verifiable manner and for a sufficient length of time (as determined by the Medical Delegate) to minimise gender-related advantages in sport competitions.

For persons who have had a gonadectomy, eligibility begins no sooner than two years after the procedure has been completed.

If the gender of a player is questioned by any party, the Medical Delegate of GA shall have the authority to take all appropriate measures for the determination of the gender of a player as set out in accordance with GA's Gender Policy whereby a confidential case-by-case evaluation will occur.

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.

7.7 Privacy Statement

GA will comply with the Privacy Act 1988 (Cth) when collecting or receiving information under this Policy.

8. Complaints Procedures

8.1 Complaints

GA aims to provide a simple, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a complaint (a complainant) about a person/s or organisation bound by this policy (the respondent) if they reasonably believe that a person/s or a sporting organisation has breached this policy. Such complaints should be reported to the CEO of GA or the respective Affiliate Member or the respective Affiliate Member Clubs.

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

- state level or involves people operating at the state level, then the complaint should be reported to and handled by the relevant state association in the first instance; or
- club level or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.

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

A complaint may be reported as an informal or formal complaint. The complainant decides whether the complaint will be dealt with informally or formally unless the CEO of GA or the respective Affiliate Member or the respective Affiliate Member Clubs considers that the complaint falls outside the parameters of this policy and would be better dealt with another way and/or requires the complaint/allegation to be reported to the appropriate government authorities.

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

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

8.2 Vexatious Complaints & Victimisation

GA aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the CEO of GA or the respective Affiliate Member or Member Clubs considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the GA's or the respective Affiliate Member or the respective Affiliate Member Clubs Disciplinary Committee for appropriate action which may include disciplinary action against the complainant.

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

8.3 Mediation

GA aims to sort out complaints with the minimum of fuss wherever possible. In many cases, complaints can be sorted out by agreement between the people involved with no need for disciplinary action. The people involved in a formal complaint, the complainant and the respondent, may also seek the assistance of a neutral third person or a mediator. Lawyers are not able to negotiate on behalf of the complainant and/or respondent.

Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to try and resolve the complaint with the assistance of a mediator, the CEO of GA or the respective Affiliate Member or the Affiliate Member Clubs will, in consultation with the complainant, arrange for a

neutral third person to mediate the complaint. More information on the mediation process is outlined in attachment C of this policy.

8.4 Disciplinary Committee

A Disciplinary Committee may be formed to hear a formal complaint that has been referred by the CEO of GA or the respective Affiliate Member or the respective Affiliate Member Clubs, or an alleged breach of the policy. Our Disciplinary Committee hearing procedure is outlined in attachment C of this policy.

A respondent may lodge one appeal only to the appeal committee in respect of a decision of a Disciplinary Committee. The decision of the appeal committee is final and binding on the people involved to the appeal. Our appeals process is outlined in attachment C of this policy.

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

Members of Disciplinary and Appeals Committees will be indemnified by the organisation that appointed them against any claim for loss, compensation or damages, and for costs incurred defending a claim made against them, because of their function as a member of a hearings or appeals tribunal.

9. What is a Breach of this Policy

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

- 9.1 Breaching the General Code of Behaviour and Role-Specific Codes of Conduct;
- 9.2 Bringing the sport and/or GA into disrepute or acted in a manner likely to bring the sport and/or GA into disrepute;
- 9.3 Failing to follow GA policies (including this policy) and procedures for the protection, safety and welfare of children;
- 9.4 Appointing or continuing to appoint a person to a role that involves working with children and young people contrary to this policy;
- 9.5 Discriminating against, harassing or bullying any person;
- 9.6 Victimising another person for reporting a complaint;
- 9.7 Engaging in a sexually inappropriate relationship with a person that they supervise, or have influence, authority or power over;
- 9.8 Disclosing to any unauthorised person or organisation any GA information that is of a private, confidential or privileged nature;
- 9.9 Making a complaint they **knew** to be untrue, vexatious, malicious or improper;
- 9.10 Failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy;
- 9.11 Failing to comply with a direction given to the individual or organisation during the discipline process.

10. Disciplinary Measures

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

11. Dictionary

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



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

Affiliated Member means those states, territories and other organisations affiliated with GA..

Affiliate Member Clubs means those clubs affiliated with GA's Affiliated Members.

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

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

- Physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; giving bad nutritional advice; or training that exceeds the child's development or maturity).
- Sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations).
- Emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child).
- Neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

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

Complainant means the person making a complaint.

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

- Age;
- Disability;
- Marital status;
- Parental/carer status;
- Physical features;
- Political belief/activity;
- Pregnancy;
- Race;
- Religious belief/activity;
- Gender;
- Sexual orientation;
- Trade union membership/activity;
- Gender Identity/Transgender status;
- Irrelevant criminal record;
- Irrelevant medical record;
- Homosexuality and sexual orientation.

Some States and Territories include additional characteristics.

Discrimination is not permitted in the areas of employment (including volunteer and unpaid employment); the provision of goods and services; 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; obtaining or retaining membership of an organisation (including the rights and privileges of membership).

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination may also be discriminatory conduct.

Discrimination may be direct or indirect. **Direct discrimination** is treating, or proposing to treat someone less favourably because of a characteristic (such as race, sex, age etc) in the same or similar circumstances. **Indirect discrimination** is imposing or intending to impose a requirement, condition or practice that is the same for everyone but which has an unequal or disproportionate effect on particular individuals or groups.

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

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

Whether or not the behaviour is harassment is determined from the point of view of the person receiving the harassment. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

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

Junior means a person under the age of eighteen (18) years who is participating in an activity of GA or respective Affiliated Members or respective Affiliated Member Clubs.

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

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

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

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

Natural justice incorporates the following principles:

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

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

Policy and this policy mean this Member Protection Policy.

Respondent means the person who is being complained about.

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

Sexual harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

Sexual offence means a criminal offence involving sexual activity or acts of indecency *including but not limited to (due to differences under state/territory legislation):*

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

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

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

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

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

PART B: ROLE-SPECIFIC CODES OF CONDUCT

Attachment B1: Player/Caddie Code of Conduct

This Code of Conduct applies to amateur golfers and caddies, in all Championships, major activities, events and competitions conducted by GA or its Member Associations in addition to any other requirements of Players and Caddies as set out in tournament conditions, local rules or by-laws of clubs hosting GA events. NB. Parents/Guardians are subject to the Code of Conduct in Attachment B5.

Each Player or Caddie in a competition must adhere to commonly-accepted standards of golfing etiquette and sportsmanship.

In order to ensure proper standards of behaviour during a competition a Player or Caddie, who commits an offence under this Code will face disciplinary proceedings.

1 DEFINITIONS

In this code, unless the context otherwise requires:

Term	Definition
Appeal Tribunal	means the tribunal referred to in attachment D
Board	means the board of directors of GA
Caddie	means the definition as per the Rules of Golf
Code	means this Code of Conduct
Competition	means a Championship, event, competition, practice session or major activity conducted or sanctioned by GA
Conduct Officers	means two officials of GA appointed at any time to consider, hear and determine a report during or after the conclusion of a competition
GA	means Golf Australia Limited
Investigative Officer	means a person appointed by GA to administer a report
National Squad	means the squad by that name comprising a number (determined from time to time by the Board) of Australia's best male and female amateur players
Notice	means notice in writing by letter, facsimile, other written means of communication, or email
Player	means a player or participant in a competition.
Report	means any oral or written statement by any person of an alleged offence by a player under this Code

An act is deemed to occur "*during a competition*" if it occurs:

- a) when travelling to or from a competition;
- b) on any qualifying or practice day for a competition;
- c) when playing at a specific course for the purpose of practicing for an upcoming event at that course;
or
- d) on any day during which the competition is conducted.

2 OFFENCES

NOTE: The use of any narcotic or other substance may constitute an offence under the Doping Policy of GA.

2.1 A Player or Caddie is guilty of a Category A offence under this Code if the Player or Caddie:

- a) physically attacks or abuses, in any way, a player, an official, or person during a competition;
- b) verbally threatens a player, an official, or person during a competition;
- c) racially vilifies a player, an official, or person during a competition;
- d) wrongfully damages the facilities, including the course and the clubhouse, of the competition golf course;

- e) wrongfully removes or damages property belonging to another player, an official, the tournament organiser, or the competition golf club;
- f) deliberately breaks a Rule (as defined in the Rules of Golf);
- g) deliberately returns a false score card;
- h) during a competition, deliberately seeks to manipulate the player's Australian handicap;
- i) fails or refuses to co-operate with, or obstructs, any investigation by the Investigative Officer of the Player or Caddie's conduct or the conduct of another person;
- j) fails or refuses to co-operate with, or obstructs, a hearing by the Conduct Officers or the Appeal Tribunal;
- k) behaves in a manner detrimental to the good name and reputation of GA; or
- l) brings the game of golf into disrepute.

2.2 A Player or Caddie is guilty of a Category B offence under this Code if the Player or Caddie:

- a) in relation to a competition, publicly criticises:
 - i. *the competition golf course;*
 - ii. *the competition itself;*
 - iii. *the organisers of the competition;*
 - iv. *the sponsors of the competition; or*
 - v. *any official supervising or organising the competition during a competition;*
- b) throws or deliberately or in anger breaks golf equipment (including golf balls) during a competition;
- c) uses abusive or profane language towards another player, an official, or person during a competition;
- d) utters audible obscenities during a competition;
- e) consumes any alcohol or a prohibited substance under the GA Doping Policy during the course of any round played in a competition;
- f) is unable to play golf to the best of their ability without just cause; or
- g) behaves in a manner detrimental to the performance of other players.

2.3 A Player or Caddie is guilty of a Category C offence if the Player or Caddie:

- a) fails to comply with the Rules of Golf as amended by Local Rules in force at any competition, or fails to comply with any other rules, by-laws, directions or instructions, including dress regulations, as specified by GA or the Championship Play Committee for that competition or any other duly authorised official;
- b) fails to comply with the Rules of Golf with respect to Section I – Etiquette. NB Etiquette includes the continual failure to fill in divots or repair pitch marks;
- c) continually fails to play without undue delay;
- d) commits an act to deliberately disqualify the player from a competition or, during the course of a round picks up the player's own ball without playing out a hole;
- e) misses a tee time or withdraws from a competition before the completion of that competition without providing good reason in writing for doing so;
- f) uses a radio (of any kind), recorder or mobile telephone during the course of play in a competition or allows the player's caddy to do so;
- g) fails, without good reason, to attend the trophy presentation at the completion of a competition where the player is:
 - i. in the case of a stroke play event, a trophy winner; or
 - ii. in the case of a match play event, a finalist or semi-finalist.

2.4 If a Player or Caddie commits two or more Category C offences during a competition, the Player or Caddie is deemed to have committed a Category B offence and is subject to penalties prescribed for a Category B offence. If a Player or Caddie commits two or more Category B offences during a competition, the Player or Caddie is deemed to have committed a Category A offence and is subject to penalties prescribed for a Category A offence.

- 2.5 Subsequent breaches of the Code within a 24 month period will result in a penalty prescribed for the Category one above the highest Category of the previous breach. For sake of clarity, should a Player or Caddie commit a Category B offence originally, and then commit a Category B offence 6 months later, the player is deemed to have committed a Category A offence and is subject to penalties prescribed for a Category A offence. Should the original breach be a Category A offence, the penalty imposed will be as the Conduct Officers see fit.

3 DISCIPLINARY PROCEDURE

- 3.1 Any report made to GA or the Championship Play Committee during a competition or after the conclusion of the competition must be referred to an Investigative Officer and the Conduct Officers.
- 3.2 Upon receiving a report under clause 3.1, the Conduct Officers must determine whether:
- no further action should be taken; or
 - if in the course of such investigation it is evident that, in the opinion of the Conduct Officers, a breach has occurred, an appropriate penalty may be imposed, and communicated to the Player or Caddie by GA (Notice).
- 3.3 The appeal procedure for determination of breach by a Player or Caddie is outlined in attachment D.

4 PENALTIES

- 4.1 If a Player or Caddie is found guilty of a Category A offence, any of the following penalties, minimum 3 months and not normally exceeding more than 2 years duration, may be imposed:
- disqualify the player from the competition;
 - an order that the player attend appropriate counseling sessions as specified by GA;
 - a recommendation to the player's home club that the player's membership be suspended for a set period of time;
 - a recommendation to the player's State Association that the player not be permitted to enter State Events;
 - a recommendation to the player's State Association that the player be suspended from a State Squad;
 - suspension of the player's Australian Handicap;
 - suspension from the National Squad;
 - in the case of an offence under clauses 2.1(d) or (e) of this Code, an order that the player should pay compensation to the player, official, tournament organiser or club who suffered loss as a result of the accused player's conduct, or
 - such other penalty as determined from time to time.
- 4.2 If a Player or Caddie is found guilty of a Category B offence, any of the following penalties, minimum 1 month but not more than 3 months for any one offence, may be imposed:
- disqualify the player from the competition;
 - an order that the player attend appropriate counselling sessions as specified by GA;
 - a recommendation to the player's home club that the player's membership be suspended for a set period of time;
 - a recommendation to the player's State Association that the player not be permitted to enter State Events;
 - a recommendation to the player's State Association that the player be suspended from a State Squad;
 - a penalty under the Doping Policy of GA (if applicable);
 - suspension of the player's Australian Handicap;
 - suspension from the National Squad; or
 - such other penalty as determined from time to time.
- 4.3 If a Player or Caddie is found guilty of a Category C offence, any of the following penalties may be imposed:
- a severe reprimand;



- b) an order that the player attend appropriate counselling sessions as specified by GA; or
- c) suspension of the player's Australian Handicap (recommendation: no more than 1 month);
- d) such other penalty as determined from to time.

5 CENTRAL REGISTER

- 5.1 GA will retain a record of all breaches that have been found against a Player, the results of any appeals from such findings and any pending appeals.
- 5.2 Where a Player commits a breach, GA must forward a copy of the Notice and notice of any appeals in relation to the breach to the Player's Home State Association and Home Club which must be kept on register.
- 5.3 A breach is only to be kept on a Player's record for a period of 24 months from the date such breach was committed or, in the case where the breach is the subject of an appeal, from the date the appeal is upheld.
- 5.4 GA will comply with the Privacy Act 1988 (Cth) when collecting or receiving information under this Code.

Attachment B2: Coach Code of Conduct

In addition to Golf Australia's General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Golf Australia, a member association or an affiliated club and in your role as a coach appointed by Golf Australia, a member association or an affiliated club:

1. Do not tolerate acts of aggression.
2. Provide feedback to players and other participants in a manner sensitive to their needs. Avoid overly negative feedback and enforce that coming first is not always the priority.
3. Recognise players' rights to consult with other coaches and advisers. Cooperate fully with other specialists (for example, sports scientists, doctors and physiotherapists).
4. Treat all players fairly within the context of their sporting activities, regardless of gender, race, place of origin, athletic potential, colour, sexual orientation, religion, political beliefs, socio-economic status and other conditions.
5. Encourage and facilitate players' independence and responsibility for their own behaviour, performance, decisions and actions.
6. Involve the players in decisions that affect them.
7. Encourage players to respect one another and to expect respect for their worth as individuals regardless of their level of play.
8. Ensure that the tasks and/or training set are suitable for age, experience, ability, and physical and psychological conditions of the players.
9. Ensure any physical contact with players is appropriate to the situation and necessary for the player's skill development.
10. Be acutely aware of the power that you as a coach develop with your players in the coaching relationship and avoid any sexual intimacy with players that could develop as a result.
11. Avoid situations with your players that could be construed as compromising.
12. Actively discourage the use of performance enhancing drugs, and the use of illegal substances.
13. Actively discourage the regular use of alcohol and tobacco.
14. Abide by the relevant Child Protection Requirements and Legislation in the State you perform your duties.
15. Do not exploit any coaching relationship to further personal, political or business interests at the expense of the best interest of your players.
16. Accept and respect the role of officials in ensuring that competitions are conducted fairly and according to established rules.
17. Know and abide by rules, regulations and standards, and encourage players to do likewise. Accept both the letter and the spirit of the rules.
18. Be honest and ensure that qualifications are not misrepresented.



Attachment B3: Member Code of Conduct

In addition to Golf Australia's General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Golf Australia, a member association or an affiliated club and in your role as an official appointed by Golf Australia, a member association or an affiliated club:

1. Place the safety and welfare of the players/participants above all else.
2. Accept responsibility for all actions taken.
3. Be impartial.
4. Avoid any situation which may lead to a conflict of interest.
5. Be courteous, respectful and open to discussion and interaction.
6. Value the individual in sport.
7. Abide by the relevant Child Protection Requirements and Legislation in the State you perform your duties.

Attachment B4: Administrator (Volunteer) Code of Conduct

In addition to Golf Australia's General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held by or under the auspices of Golf Australia, a member association or an affiliated club and in your role as an administrator of Golf Australia, a member association or an affiliated club:

1. Resolve conflicts fairly and promptly through established procedures.
2. Maintain strict impartiality.
3. Be aware of your legal responsibilities.
4. Abide by the relevant Child Protection Requirements and Legislation in the State you perform your duties.
5. Act honestly, in good faith and in the best interests of the sport as a whole.
6. Ensure that any information acquired or advantage gained from the position is not used improperly.
7. Help coaches and officials highlight appropriate behavior and skill development, and help improve the standards of coaching and officiating.

Attachment B5: Parent/Guardian Code of Conduct

As a parent/guardian of a player/participant in any activity held by or under the auspices of Golf Australia, a member association or an affiliated club, you must meet the following requirements in regard to your conduct during any such activity or event:

1. Respect the rights, dignity and worth of others.
2. Remember that your child participates in sport for their own enjoyment, not yours. Do not pressure them.
3. Focus on your child's efforts and performance rather than winning or losing.
4. Never ridicule or yell at your child and other children for making a mistake or losing a competition.
5. Show appreciation for good performance and skilful plays by all players (including opposing players).
6. Demonstrate a high degree of individual responsibility especially when dealing with or in the vicinity of persons under 18 years of age, as your words and actions are an example.
7. Respect officials' decisions and teach children to do likewise.
8. Do not physically or verbally abuse or harass anyone associated with the sport (player, coach, umpire and so on).
9. Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.
10. Be a positive role model.
11. Understand the repercussions if you breach, or are aware of any breaches of, this code of behaviour.
12. Respect officials' decisions and teach children to do likewise.

Attachment B6: Spectator Code of Conduct

As a spectator of an activity held by or under the auspices of Golf Australia, a member association or an affiliated club, you must meet the following requirements in regard to your conduct during any such activity or event:

1. Respect the performances and efforts of all people
2. Reject the use of violence in any form, whether it is by spectators, coaches, officials or athletes.
3. Respect the decisions of officials and administrators.
4. Do not use foul language, sledge or harass players, coaches or officials.

PART C: Golf Australia's CHILD PROTECTION REQUIREMENTS

Background

Child Protection is about keeping children safe from abuse and protecting them from people who are unsuitable to work with children. Child abuse is illegal in all states and territories of Australia, with each having their own child protection laws that cover the reporting and investigation of cases of child abuse.

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

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

Please be aware that state and territory child protection requirements may apply to individuals and organisations originating outside of the states with the legislation in place. For example, if one of our state associations or affiliated clubs takes junior players into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with the NSW legislative requirements.

Please note that the state specific child protection requirements apply despite the existence or absence of our Golf Australia's (GA) Member Protection Policy.

The following attachments provide:

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

[Note: The information contained in the following state specific attachments has been provided and/or endorsed by the relevant state government authority. Although this information is not and should not be considered as legal advice, it is strongly recommended that the wording in each attachment is not modified or condensed as it may result in non-compliance with the legislation.]

Attachment C1: SCREENING REQUIREMENTS

(For states/territories without the Working with Children Check such as ACT and Tasmania.)

This attachment sets out the screening process for people who currently occupy or who apply for any work (paid or voluntary) in our GA or Affiliated Member or Affiliated Member Club that involves working with people under the age of 18 years.

Screening under this policy is not a replacement for any other procedure required by law. If State or Territory legislation sets an equivalent or higher standard of screening, the requirement to screen people under the process outlined below need not be followed.

Association/club requirements

Under Golf Australia's (GA) Member Protection Policy, our Affiliated Member Clubs are required to:

1. Identify positions (paid and voluntary) that involve working with people under the age of 18 years.
2. Obtain a completed *Member Protection Declaration* (MPD) (Attachment C) from all people who are bound by this policy if they occupy or apply for a position that involves working with people under the age of 18 years. The MPD will be kept in a secure place.

If a MPD is not provided, or it reveals that a person does not satisfactorily meet with one or more of the clauses in the MPD (e.g. has a relevant criminal conviction), Affiliated Member or Affiliated Member Club will:

- provide an opportunity for the person to respond/provide an explanation, and
- make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years.

If unsatisfied, then the Affiliated Member or Affiliated Member Club will:

- in the case of an existing employee/volunteer, transfer the person to another role which does not require them to work [directly and unsupervised with people under the age of 18 years. If this is not possible, then end the appointment. **Note: legal advice should be obtained before the termination process begins.**
 - in the case of a someone applying for the position/role, not appoint them.
3. Check a person's referees (verbal or written) and interview a person about his/her suitability for the role and his/her suitability for working with children for both paid and voluntary positions.
 4. Ask people applying for and people who currently occupy a position that that involves regular contact with people under the age of 18 years to **sign a consent form** for a national police check. (Information on police checks and forms can be found at www.ausport.gov.au/ethics/policechecks.asp).
 5. Request a national police check from our relevant police jurisdiction for people applying for and people who currently occupy paid or paid and voluntary – decide which positions that involves regular contact with people under the age of 18 years

In most police jurisdictions a 'Part Exclusion' check for people working with children can be requested. This check excludes irrelevant records.

If the police check indicates a relevant offence, the Affiliated Member or Affiliated Member Club will:

- provide an opportunity for the person to respond/provide an explanation, and
- make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years.

If unsatisfied, then the Affiliated Member or Affiliated Member Club will:

- in the case of an existing employee/volunteer, transfer the person to another role which does not require them to work [directly and unsupervised] with people under the age of 18 years. If



this is not possible, then end the appointment. **Note: legal advice should be obtained before the termination process begins.**

- in the case of a someone applying for the position/role, not appoint them.

If the person does not agree to a national police check after explaining why it is a requirement, the Affiliated Member or Affiliated Member Club shall make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years. If unsatisfied, the Affiliated Member or Affiliated Member Club will:

- in the case of an existing employee/volunteer, transfer the person to another role which does not require them to work [directly and unsupervised] with people under the age of 18 years. If this is not possible, then end the appointment. **Note: legal advice should be obtained before the termination process begins.**
 - in the case of a someone applying for the position/role, not appoint them.
6. Decide whether to offer the person the position or retain the person in the position, taking into account the result of the police check and any other information GA has available. Where it is not practical to complete the police check prior to employment commencing, GA must still complete the check as soon as possible. GA will advise the person that their ongoing employment is conditional upon the satisfactory outcome of the check.
 7. Where a national police check is obtained under this member protection policy, another organisation which is also required to screen may obtain a copy of the national police check provided that the consent of the relevant person is obtained and the national police check was performed in the immediately preceding two years.
 8. Protect the privacy of any person who is checked and the confidentiality of any information obtained through the checking process. Information collected during screening (such as a completed MPD form, police records and referee reports) will be returned to the relevant person if that person is not appointed to/will not remain in the position, or otherwise be destroyed with the consent of the person concerned.

Attachment C2: MEMBER PROTECTION DECLARATION

GA has a duty of care to its members and to the general public who interact with its employees, volunteers, members and others involved with GA activities. As part of this duty of care and as a requirement of the GA's Member Protection Policy, the GA must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that involves regular contact with people under the age of 18 years.

I(name) of
.....(address) born/...../.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence you may choose to add other crimes you consider relevant e.g. narcotics, driving offences.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment.
4. I have never been sanctioned for an anti-doping rule violation under any anti-doping policy applicable to me.
5. I have never participated in, facilitated or encouraged any practice prohibited by the World Anti-Doping Agency Code or any other anti-doping policy applicable to me.
6. To my knowledge there is no other matter that the GA may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the Chair or CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed for whatever reason.

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

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

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

Name:.....

Signature:.....

Date:

Attachment C3: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS

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

1. QUEENSLAND

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

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

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

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

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

- www.ccytg.qld.gov.au
- 1800 113 611

2. NEW SOUTH WALES

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

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

Sporting organisations are responsible for managing the WWCC process. Individuals cannot apply for a WWCC directly. Sporting organisations should register with NSW Sport and Recreation, providing a contact who will receive the information on the background checks.

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

For more information, including the required forms:

- www.kids.nsw.gov.au or 02 9286 7219
- www.dsr.nsw.gov.au/children/resources.asp or 02 9006 3700

3. WESTERN AUSTRALIA

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

Applicants will be issued with either:

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

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

For more information:

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

4. VICTORIA

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

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

For more information:

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

5. SOUTH AUSTRALIA

There are provisions under the *Children's Protection (Miscellaneous) Amendment Act 2005* that apply to non-government and volunteer organisations that are entrusted with the care of children or who regularly come into contact with children. These provisions require organisations to have strategies in place to prevent and minimise opportunities for abuse and to appropriately respond when abuse occurs or is suspected, and to implement guidelines and processes that clearly outline effective and timely responses to child protection issues and steps of action.

Be aware that criminal history reports are likely to be introduced and mandatory for some positions in sporting organisations from 2010/2011.

Staff and volunteers who work with children are mandated notifiers and have a legal obligation to report any suspected child abuse and/or neglect.

For more information:

- www.families.sa.gov.au/childsafe or 08 8226 7000

6. NORTHERN TERRITORY

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

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

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

However, from 2010, all persons employed in child related work, either paid or as a volunteer, will need to hold a valid clearance notice issued by the SAFE NT Screening Authority. There are penalties for failure to comply. Sports coaches, trainers, team administrators, officials and volunteers of Sporting Organisations that deal with children are caught.

Clearance notices are valid for two years from date of issue unless revoked, and are transferable within employment fields. As a part of the assessment process, SAFE NT will consider the applicant's criminal history record and other relevant information.

For more information contact 1800 SAFE NT (1800 723 368).

PART D: COMPLAINT HANDLING PROCEDURES

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

- C1 Complaints Procedure
- C2 Mediation Procedure
- C3 Investigation Procedure
- C4 Investigation Procedure for allegations of child abuse
- C5 Hearings and Appeals Disciplinary Procedure
- C6 Disciplinary Measures

Attachment D1: COMPLAINTS PROCEDURE

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

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

If at any point in the complaint process the CEO of GA or Affiliated Members or Affiliated Member Clubs considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter will be referred to the Disciplinary Committee for appropriate action. All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

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.

INFORMAL APPROACHES

Step 1

As a first step you (the complainant) should try to sort out the problem with the person or people involved if you feel able to do so.

Step 2

If:

- the first step is not possible/reasonable; or
- you are not sure how to handle the problem by yourself; or
- you just want to talk confidentially about the problem with someone and get some more information about what you can do; or
- the problem continues after you tried to approach the person or people involved; then

Contact Golf Australia or the respective Affiliate Member or the respective Affiliate Member Club who will place you in contact with an MPIO.

You should first go to your Club, then to your State/Territory Association and finally to GA. The progression is only if satisfaction cannot be achieved at the first level.

The MPIO will:

- take notes about your complaint (which the MPIO will keep in a secure and confidential place);
- try to sort out the facts of the problem;
- ask what outcome/how you want the problem resolved and if you need support;
- provide possible options for you to resolve the problem;
- explain how our complaints procedure works;
- act as a support person if you so wish;
- refer you to an appropriate person to help you resolve the problem, if necessary;
- inform the relevant government authorities and/or police if required by law to do so; and
- maintain strict confidentiality.

Step 3

After talking with the MPIO, you may decide:

- there is no problem;
- the problem is minor and you do not wish to take the matter forward;

- to try and work out your own resolution (with or without a support person such as a MPIO); or
- to seek an informal mediated resolution with the help of a third person (such as a mediator or a Manager).

If you wish to remain anonymous, GA can't assist you to resolve your complaint. We have to follow the principles of natural justice and be fair to both sides. This means that GA or you may be required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond to all the allegations.

FORMAL APPROACHES

Step 4

If your complaint is not resolved to your satisfaction, you may:

- make a formal complaint in writing to the CEO of GA or the respective Affiliated Member or respective Affiliated Member Club or
- approach a relevant external agency such as an equal opportunity commission, for advice.

Step 5

If you decide to make a formal complaint in writing under Step 4, the CEO of GA or the respective Affiliated Member or respective Affiliated Member Club will, on receiving the formal complaint and based on the material you have provided, decide whether:

- they are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure. Some complaints may be of a minor and/or purely personal nature with no connection to the activities of GA. In these cases, the CEO of GA or the respective Affiliated Member or respective Affiliated Member Club may determine that the complaint does not warrant a formal resolution procedure;
- to appoint a person to investigate the complaint;
- to refer the complaint to an informal or formal mediation session;
- to refer the complaint to a Disciplinary Committee;
- to refer the matter to the police or other appropriate authority; and/or
- to implement any interim administrative or other arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the CEO of GA or the respective Affiliated Member or respective Affiliated Member Club will take into account:

- whether they have had any personal involvement in the circumstances giving rise to the complaint and, if so, whether their ability to impartially manage the complaint is compromised or may appear to be compromised;
- whether, due to the nature of the complaint, specific expertise or experience may be required to manage the complaint;
- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- whether, due to the nature of the complaint, the relationship between you and the respondent and any other relevant factors, the complaint should be referred (or should not be referred) to informal or formal mediation or to a Disciplinary Committee. Relevant factors may include an actual or perceived power imbalance between you and the respondent, the nature of any ongoing working relationship between you and the respondent, and the personal attributes of you and the respondent (for example, if one party does not speak English fluently, some of the possible complaints resolution mechanisms may not be appropriate);
- the nature and sensitivity of any information or other material that must be provided by you, the respondent, and any of the other people involved in the complaint;
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the likelihood and the consequences (if the complaint is ultimately proven) that you will be subject to further unacceptable behaviour while the complaint process set out in these Procedures is being conducted.

If CEO of GA or the respective Affiliated Member or respective Affiliated Member Club is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

- get full information from you (the complainant) about your complaint and how you want it resolved (if this information has not already been obtained through earlier steps);
- put the information they've received from you to the person/people you're complaining about and ask them to provide their side of the story;
- decide whether they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- determine what, if any, further action to take. This action may include disciplinary action in accordance with Attachment D6, appointing a person to investigate the complaint, referring the complaint to an informal or a formal mediation session or a Disciplinary Committee and/or referring the complaint to the police or other appropriate authority.

Step 6

If:

- a person is appointed to investigate the complaint under **Step 5**, the investigator will conduct the investigation and provide a written report to the CEO of GA or the respective Affiliated Member or respective Affiliated Member Club who will determine what, if any, further action to take. This action may include a direction to the investigator to make further enquiries and obtain additional information, disciplinary action in accordance with Attachment D6, and referring the complaint to an informal or a formal mediation session, a Disciplinary Committee and/or the police or other appropriate authority;
- the complaint is referred to an informal or a formal mediation session under **Step 5**, the mediation session will be conducted in accordance with Attachment D2 or as otherwise agreed by you and the respondent;
- the complaint is referred to a Disciplinary Committee under **Step 5**, the hearing will be conducted in accordance with Attachment D5;
- the complaint is referred to the police or other appropriate authority under **Step 5**, the GA will use its best endeavours to provide all reasonable assistance lawfully required by the police or other appropriate authority; and
- interim administrative or other arrangements are implemented under **Step 5**, the GA will periodically review these arrangements to ensure that they are effective.

Any costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or Disciplinary Committee) are to be met by the complainant unless otherwise stated in the relevant Attachment.

Step 7

If, under **Step 6**, an informal or formal mediation session is conducted, and you and the respondent(s) can not reach a mutually acceptable mediated solution to the complaint, you may request that the CEO of GA or the respective Affiliated Member or respective Affiliated Member Club reconsider the complaint in accordance with **Step 5**.

You or the respondent(s) may be entitled to appeal where:

- under **Step 5**, a decision was made by the CEO of GA or the respective Affiliated Member or respective Affiliated Member Club:
 - not to take any action; or
 - to take disciplinary action; or
- under **Step 6**, a decision was made by the Disciplinary Committee:
 - not to take any action; or
 - to take disciplinary action.

The grounds for appeal and the process for appeals under this Policy are set out in Attachment D5.

If the internal complaints processes set out in this Policy do not achieve a satisfactory resolution/outcome for you, or if you believe it would be impossible to get an impartial resolution within GA, you may choose to approach an external agency such as an equal opportunity commission to assist with a resolution.

Step 8

The CEO of GA or the respective Affiliated Member or respective Affiliated Member Club will document the complaint, the process followed and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at a state/district level, the information will be stored in the state association office. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at the national office with a copy stored at the state office.

Step 9

You or the respondent(s) may be entitled to appeal. The grounds and process for appeals under this Policy are set out in Attachment D5.

External procedure

There may be a range of external options available to you depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from your State or Territory equal opportunity commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be a type of harassment that comes within its jurisdiction, you may then make a decision as to whether or not to lodge a formal complaint with the commission.

Once a complaint is received by an anti-discrimination commission, an investigation will be conducted. If it appears that unlawful harassment or discrimination has occurred, there will usually be an attempt to conciliate the complaint confidentially first. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made as to whether unlawful harassment or discrimination occurred. The Disciplinary will decide upon what action, if any, will be taken. This could include financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred.

An anti-discrimination commission can decline to investigate a complaint, or dismiss a complaint at any point in the investigation, conciliation or public hearing stages.

If you do lodge a complaint under anti-discrimination law, you may use an appropriate person (e.g. an MPIO) as a support person throughout the process. It is also common to have a legal representative, particularly at the hearing stage of a complaint.

Attachment D2: MEDIATION

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

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

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



8. At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached between the complainant and respondent(s) and it will be signed by them as their agreement.
9. If the formal complaint is not resolved by mediation, the complainant may:
 - a. Write to the CEO of GA or the respective Affiliated Member or respective Affiliated Member Club to request that the CEO of GA or the respective Affiliated Member or respective Affiliated Member Club reconsider the complaint in accordance with **Step 5**; *or*
 - b. Approach an external agency such as an anti-discrimination commission.

Attachment D3: INVESTIGATION PROCESS – GENERAL

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

1. A written brief will be provided to the investigator to ensure the terms of engagement and scope of the investigator's role and responsibilities are clear.
2. The complainant will be interviewed and the complaint documented in writing.
3. The details of the complaint will be conveyed to the person/people complained about (respondent(s)) in full. The respondent(s) must be given sufficient information to enable them to properly respond to the complaint.
4. The respondent(s) will be interviewed and given the opportunity to respond. The respondent(s) response to the complaint will be documented in writing.
5. If there is a dispute over the facts, then statements from witnesses and other relevant evidence will be obtained to assist in a determination.
6. The investigator will make a finding as to whether the complaint is:
 - substantiated (there is sufficient evidence to support the complaint);
 - inconclusive (there is insufficient evidence either way);
 - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
 - mischievous, vexatious or knowingly untrue.
7. A report documenting the complaint, investigation process, evidence, finding and, if requested, recommendations, will be given to the CEO of GA or the respective Affiliated Member or respective Affiliated Member Club.
8. A report documenting the complaint and summarising the investigation process and key points that were found to be substantiated, inconclusive, unsubstantiated and/or mischievous will be provided to the complainant and the respondent(s).
9. Both the complainant and the respondent(s) are entitled to support throughout this process from their chosen support person/adviser (e.g. MPIO or other person).
10. The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation. Information on our appeals process is in Attachment D5.

More detailed information on conducting internal investigations can be found at www.ausport.gov.au/ethics/policy.asp

Attachment D4: INVESTIGATION PROCEDURE - CHILD ABUSE

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

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

Step 1 - Clarify basic details of the allegation

- Any complaints, concerns or allegations of child abuse should be made or referred to the CEO of GA or the respective Affiliated Member or respective Affiliated Member Club.
- The initial response of the person that receives the complaint from the child (or person on behalf of the child) is crucial to the well-being of the child. It is important for the person receiving the information to:
 - Stay Calm
 - Listen to, be supportive and do not dispute what the child says;
 - Reassure the child that what has occurred is not the fault of the child;
 - Ensure the child is safe;
 - Be honest with the child and explain that other people may need to be told in order to stop what is happening; and
 - Ensure that what the child says is quite clear but do not elicit detailed information about the abuse. You should avoid suggestive or leading questions.
 - Do not disclose the details with any other person other than those detailed in this policy; and
 - Do not contact the alleged offender.
- The person receiving the complaint should obtain and clarify basic details (if possible) such as:
 - Child's name, age and address;
 - Person's reason for suspecting abuse (observation, injury or other); and
 - Names and contact details of all people involved, including witnesses.

Step 2 – Report allegations of a serious or criminal nature

- Any individual or organisation to which this policy applies, should immediately report any incident of a serious or a criminal nature to the police and other appropriate authority.
- If the allegation involves a child at risk of harm, the incident should immediately be reported to the police or other appropriate government agency. You may need to report to both the police and the relevant government agency.
- The relevant State or Territory authority should be contacted for advice if there is **any** doubt about whether the complaint should be reported.
- If the child's parent/s are suspected of committing the abuse, report the allegation to the relevant government agency.
- If the allegation involves anyone to whom our policy applies, then also report the allegation to the CEO of GA so that they can manage the situation (e.g. contact the parents following advice from the authorities, deal with any media enquiries and manage steps 3 and 4).

Step 3 – Protect the child and manage the situation

- The CEO of GA or the respective Affiliated Member or respective Affiliated Member Club will assess the risks and take interim action to ensure the child's/children's safety. Some options could include redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined.

- The CEO of GA or the respective Affiliated Member or respective Affiliated Member Club will consider the kind of support that the child/ren and parents may need. (e.g. counselling, helplines and support groups).
- The CEO of GA or the respective Affiliated Member or respective Affiliated Member Club will also address the support needs of the person against whom the complaint is made. Supervision of the person should ideally occur with the knowledge of the person. If stood down, it should be made clear to all parties that are aware of the incident that this does not mean the person is guilty and a proper investigation still needs to be undertaken.
- The CEO of GA or the respective Affiliated Member or respective Affiliated Member Club will also put in place measures to protect the child and the person against whom the complaint is made from victimisation and gossip. If the person is stood down, it should be made clear to any persons aware of the incident that this does not mean the respondent is guilty and a proper investigation will be undertaken.

Step 4 – Further clarify and investigate allegation

For allegations of a serious or criminal nature (for example, sexual abuse):

- Seek advice from the police and relevant government agency as to whether GA or the respective Affiliated Member or respective Affiliated Member Club should carry out its own internal investigation (in addition to any police or relevant government agency investigation).
- If the police and/or relevant government agency advises that it is appropriate, then appoint an independent person (where possible) with appropriate expertise to conduct an investigation. The investigator should:
 - Contact the parents/carers of the child at an appropriate time and as directed by the police or relevant government agency.
 - If appropriate, meet with parents/carers and the child to clarify the incident and offer support on behalf of GA if required (example, professional counselling).
 - Meet with the person against whom the allegation refers at an appropriate time and as directed by the relevant authority and give the person an opportunity to explain or respond to the allegation and identify any witnesses and supporting evidence. The person should have an opportunity to invite a support person/adviser to attend at a meeting and should be offered support (example, professional counselling) if necessary.
 - Obtain a signed statement and record of interview from the person.
 - Make contact with any witnesses and obtain written and signed statements outlining details of the allegation (what happened, when, how). This should only occur following advice from the relevant authority.
 - Obtain other information that could assist in making a decision on the allegation.
- The information collected during the investigation should be made available to the relevant authorities.
- Strict confidentiality, impartiality, fairness and due process must be maintained at all times.

For allegations of a less serious nature (e.g. verbal abuse):

- Where possible, appoint an independent person with appropriate expertise to make contact and meet with each of the people involved to obtain details of the allegation.
- The investigator should follow the procedure set out in Attachment D3.
- Strict confidentiality, impartiality, fairness and due process must be maintained at all times.

Step 5 – Record and analyse all information

- If an internal investigation was conducted under **Step 4**, the investigator will provide a report to the CEO of GA or the respective Affiliated Member or respective Affiliated Member Club.
- The decision-maker(s) will be the Disciplinary Committee of GA or the respective Affiliated Member or respective Affiliated Member Club and will remain separate and at arm's length from the investigator.
- The Disciplinary Committee of GA or the respective Affiliated Member or respective Affiliated Member Club will consider all the information and determine a finding. It will also recommend action and its rationale for the action.

Step 6 – Undertake disciplinary action

- The decision-maker will be the Disciplinary Committee of GA and will consider all the information, including the findings of the police, government agency and/or court, and determine a finding, recommend action and explain its rationale for the action. This may be a difficult decision particularly where there is insufficient evidence to uphold any action by the police.
- For incidents of a serious or criminal nature, consideration must be given to the findings of the police and/or the government agency before making a decision on disciplinary proceedings.
- If disciplinary action is to be taken, follow the procedures outlined in Attachment C6 of the policy.
- Implement any disciplinary decision recommended by the Disciplinary Committee of GA or the respective Affiliated Member or respective Affiliated Member Club. The action should be immediate.
- Check with the relevant state government authority to see if you need to forward a report (e.g. the NSW Commission for Children and Young People requires notification of relevant employment proceedings).
- Complete the relevant report form in Part E of this policy. Retain the original in a secure place and forward a copy to the CEO of GA or the respective Affiliated Member or respective Affiliated Member Club

Attachment D5: DISCIPLINARY HEARINGS & APPEALS PROCEDURE

- The following Disciplinary Procedure will be followed by GA's or the respective Affiliated Member or respective Affiliated Member Club's Disciplinary Committee in regards to complaints made under this Member Protection Policy.

Disciplinary Committee Formation and Notification

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

- An outline of any possible penalties that may be imposed if the complaint is found to be true; and
- That legal representation will not be allowed. If the respondent is considered a minor, they should have a parent or guardian present.

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

The respondent(s) will be allowed to participate in all GA activities and events, pending the decision of the Tribunal, including any available appeal process, unless the CEO of GA or the respective Affiliated Member or respective Affiliated Member Club believes it is warranted to exclude the respondent(s) from all or some GA activities and events, after considering the nature of the complaint.

6. The CEO of GA or the respective Affiliated Member or respective Affiliated Member Club will inform the person making the complaint (complainant) by written notification that a Disciplinary Hearing will take place. The written notification will outline:
 - That the person has a right to appear at the Disciplinary Hearing to support their complaint;
 - Details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately);
 - The date, time and venue of the Disciplinary Hearing;
 - That they can make either verbal or written submissions to the Disciplinary Committee;
 - That they may arrange for witnesses to attend the Disciplinary Committee in support of their position (statutory declarations maybe received by the Disciplinary Committee if a witness is unable to attend the hearing); and
 - That legal representation will not be allowed. If complainant is considered a minor, they should have a parent or guardian present.

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

7. If the complainant believes the details of the complaint are incorrect or insufficient they should inform the CEO of GA or the respective Affiliated Member or respective Affiliated Member Club as soon as possible so that the respondent and the Disciplinary Committee members can be properly informed of the complaint.

Disciplinary Hearing Procedure

8. The following people will be allowed to attend the Disciplinary Hearing:
 - The Disciplinary Committee members;
 - The respondent(s);
 - The complainant;
 - Any witnesses called by the respondent;
 - Any witnesses called by the complainant;
 - Any parent / guardian or support person required to support the respondent or the complainant.
9. The Disciplinary Chairperson will call the hearing to order at the designated time and determine if the respondent(s) is present.
10. If the respondent(s) is not present and the Disciplinary Chairperson considers that no valid reason has been presented for their absence, the Disciplinary Hearing will continue subject to the Disciplinary Chairperson being satisfied that all Disciplinary notification requirements have been carried out correctly.
11. If the Disciplinary Chairperson considers that a valid reason for the non-attendance of the respondent(s) is presented, or the Disciplinary Chairperson does not believe the Disciplinary Committee notification requirements have been carried out correctly, then the Disciplinary Hearing will be rescheduled to a later date.

12. The Disciplinary Chairperson will inform the CEO of GA or the respective Affiliated Member or respective Affiliated Member Club of the need to reschedule, and the CEO of GA or the respective Affiliated Member or respective Affiliated Member Club will organise for the Disciplinary Hearing to be reconvened.
13. The Disciplinary Chairperson will read out the complaint that is to be judged, ask the respondent(s) if they understand the complaint being made against them, and if they agree or disagree with the complaint.
14. If the person agrees with the complaint, they will be asked to provide any evidence or witnesses that should be considered by the Disciplinary Committee when determining any disciplinary measures.
15. If the person disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
 - Brief notes may be referred to.
 - The complainant will be allowed to call witnesses.
 - The respondent(s) may be allowed to question the complainant and their witnesses.
16. The respondent(s) will then be asked to respond to the complaint.
 - Brief notes may be referred to.
 - The respondent will be allowed to call witnesses.
 - The complainant may be allowed to ask questions of the respondent and their witnesses.
17. Both the complainant and respondent will be allowed to be present when evidence is presented to the Tribunal. Witnesses may be asked to wait outside the Disciplinary Hearing until required.
18. The Disciplinary will be allowed to:
 - consider any evidence, and in any form, that it deems relevant.
 - question any person giving evidence.
 - hear evidence as specified in other by-laws.
 - limit the number of witnesses presented if it is agreed by all parties that they will support the person who requested them, but will not provide any new evidence.
19. Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.
20. If the Disciplinary Committee considers that at any time during the Disciplinary Hearing that there is any unreasonable or intimidatory behaviour from anyone allowed to be present, the Disciplinary Chairperson shall have the power to stop any further involvement of the person in the Disciplinary Hearing.
21. After all of the evidence has been presented the Disciplinary Committee will make its decision in private. If the Disciplinary believes the complaint has been substantiated on the balance of probabilities (i.e. more probable than not), the respondent will then be given an opportunity to address the Disciplinary Committee and make a submission on any disciplinary measures that may be imposed. Any disciplinary measure imposed must be reasonable in the circumstances.
22. All decisions made by the Disciplinary will be based on a majority vote.
23. The Disciplinary Chairperson will announce the Determination in the presence of all those involved in the hearing and will declare the hearing closed.
24. Within 48 hours, the Disciplinary Chairperson will:
 - 24.1 Forward to the CEO of GA or the respective Affiliated Member or respective Affiliated Member Club a copy of the Disciplinary Determination including any disciplinary measures imposed.
 - 24.2 Forward a letter to the respondent(s) reconfirming the Committee's Determination and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an appeal to be made.
25. The Tribunal does not have to give reasons for its decision.

Appeals Procedure

NB. The initial determination applies until an appeal is heard and continues to apply if the Appeal Tribunal affirms or agrees with the Determination.

26. The respondent must give written notice of his or her appeal to GA by 5.00pm (Australian Eastern Standard Time) on the second business day after the respondent has been informed of the Determination under clause 24.2. The respondent must lodge a notice stating in full the grounds of appeal and pay to GA the sum of \$500 as an appeal fee (which is refundable if the Determination is changed or overturned in mediation or by the Appeals Tribunal).
27. If the letter of appeal is not received by the CEO of GA or the respective Affiliated Member or respective Affiliated Member Club within the relevant time period the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received by the relevant time, the appeal shall be deemed to be withdrawn.
28. The sole grounds for appeal to the Appeal Tribunal are that the:
 - 28.1 Policy was not properly followed or implemented; or
 - 28.2 Disciplinary measure(s) imposed is unjust and/or unreasonable; or
 - 28.3 Determination was affected by bias.
29. On receipt of an appeal by a respondent GA must adopt the following process:
 - 29.1 Consultation and mediation - the appellant, the Chair of the Committee, and the relevant expert must meet (with a Mediator as facilitator) to discuss the Determination;
 - 29.2 If the parties do not reach agreement by consultation and mediation within seven (7) working days (or a shorter period reasonably determined by GA) after the respondent gives notice under clause 26, the respondent may request in writing that the matter be heard by the Appeal Tribunal.
30. The Appeal Tribunal will consist of the following persons appointed by the Board:
 - 30.1 a barrister or solicitor, who will act as chairman;
 - 30.2 a person with a thorough knowledge of the matter; and
 - 30.3 another independent expert with knowledge specifically relevant to the matter, or as specified in the specific by-law.
31. Such appointments will be for a calendar year.
32. If a member of the Appeal Tribunal is unable to sit for a particular hearing, the Board will appoint another person as a member for that hearing.
33. A person who is:
 - 33.1 a member of the Board or of the Committee; or
 - 33.2 by reason of his or her relationship with:
 - i. the appellant concerned;
 - ii. any member of the Board or the Committee; or
 - iii. any person whose interest may be affected by the outcome of the appeal,

is not eligible to be appointed to the Appeal Tribunal.

34. The Appeal Tribunal will convene a hearing as soon as practicable at the discretion of GA, but in any event not more than seven (7) working days, after the submission of the grounds of appeal by the appellant.
35. If the appellant concerned challenges the impartiality of any member of the Appeal Tribunal, the challenge will be determined by the members of the Tribunal other than the member challenged.
36. The hearing may occur in such manner as the chairman decides, including by telephone or video conference.
37. In any hearing before the Appeal Tribunal:
 - 37.1 the tribunal must observe the rules of natural justice;
 - 37.2 the tribunal is not bound by the rules of evidence and may inform itself as to any matter in such manner as it thinks fit;
 - 37.3 the appellant must establish one or more grounds of appeal to the reasonable satisfaction of the tribunal with full regard to the importance and gravity of the issue;
 - i. if a question of law arises during the course of the hearing, the appellant or GA may seek an adjournment in order to obtain legal advice; and
 - ii. neither the appellant nor GA is entitled to be represented by a barrister or solicitor, except with the leave of the tribunal, which leave will only be granted in exceptional circumstances.
38. The Appeal Tribunal will give its decision as soon as practicable after the hearing and will provide GA's Chief Executive Officer and the appellant with the decision.
39. There is only one right of appeal following the Determination. Any appeal must be solely and exclusively resolved by the Appeal Tribunal and the decision of the Appeal Tribunal is final and binding. A person must exercise his/her right of appeal under this Policy and have any appeal heard and determined by the Appeal Tribunal before commencing any proceedings or becoming a party to any proceedings in a court of law.
40. An appellant may withdraw his or her appeal by written notice to GA at any time before the appeal has been decided.

Attachment D6: DISCIPLINARY MEASURES

Any disciplinary measure imposed by GA's or the respective Affiliated Member's or respective Affiliated Member Club's Disciplinary Committee under this policy must:

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

Individual

Subject to contractual and employment requirements, if a finding is made that an individual has breached GA's Member Protection Policy (MPP) (including the Codes of Conduct), one or more of the following forms of discipline may be imposed by the Disciplinary Committee:

1. A direction that the individual make a verbal and/or written apology;
2. A written warning;
3. A direction that the individual attend counselling to address their behaviour;
4. A withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by GA;
5. A demotion or transfer of the individual to another location, role or activity
6. A suspension of the individual's membership or participation or engagement in a role or activity;
7. Termination of the individual's membership, appointment or engagement;
8. Recommend that the GA terminate the individual's membership, appointment or engagement;
9. In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
10. Any other form of discipline that the Disciplinary Committee considers appropriate.

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

Organisations

If a finding is made that an affiliated member or affiliated member club has breached GA's MPP (including the Codes of Conduct), one or more of the following forms of discipline may be imposed by the Disciplinary Committee:

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



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

Factors to consider when imposing discipline

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

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

PART E: REPORTING DOCUMENTS/ CONSENT FORMS

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

- E1 Confidential Record of Informal Complaint – to be used by MPIOs or others who receive a complaint or allegation
- E2 Confidential Record of Formal Complaint - to be used when a formal complaint is received by GA
- E3 Confidential Record of Child Abuse Allegation – to be used by MPIOs or others who receive complaints or allegations of child abuse
- E4 Record of Mediation – to be used by those who conduct a mediation
- E5 Record of Tribunal Decision
- E6 Consent to be Photographed

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

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

<p>Nature of complaint (category/basis/grounds)</p> <p>Can tick more than one box</p>	<p><input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination</p> <p><input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute</p> <p><input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash</p> <p><input type="checkbox"/> Race <input type="checkbox"/> Bullying</p> <p><input type="checkbox"/> Religion <input type="checkbox"/> Verbal abuse</p> <p><input type="checkbox"/> Pregnancy <input type="checkbox"/> Physical abuse</p> <p><input type="checkbox"/> Disability <input type="checkbox"/> Victimisation</p> <p><input type="checkbox"/> Child Abuse</p> <p><input type="checkbox"/> Other</p>
<p>Feelings expressed by complainant</p> <p>(completing this may help to separate emotional content from facts)</p>	
<p>What they want to happen to fix issue</p>	
<p>What information I provided</p>	
<p>What they are going to do now</p>	

This record and any notes must be kept in a confidential place – do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be sent to [].

Support person (if any)	
Formal resolution procedures followed (outline)	
If investigated: Finding -	
If went to hearing tribunal: Decision - Action recommended -	
If mediated: Date of mediation - Were both parties present - Terms of Agreement - Any other action taken -	
If went to appeals committee: Decision Action recommended	
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position: Signature: / /
Signed by:	Complainant: Respondent:

This record and any notes must be kept in a confidential place. If the complaint is of a serious nature, or is escalated to and/or dealt with at the national level, the original must be forwarded to the national body and a copy kept at the club/state/district level (whatever level the complaint was made).

Government agency contacted	Who: When: Advice provided:
CEO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

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

Attachment E4: RECORD OF MEDIATION

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

Signed by: Complainant (signature) Respondent (signature)	
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The CEO shall receive and file a copy.

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



Attachment E6: CONSENT TO BE PHOTOGRAPHED

We may take photographs of you or your children at GA events please sign this form to authorize the use of photographs in accordance with GA's Member Protection Policy.

About Golf Australia (GA)

Golf Australia is the National Sporting Organisation overseeing the future of golf in Australia. Our goal is to raise the level of interest and participation in the game from grassroots golfers through to the elite levels, spectators, volunteers and associated industry bodies. Key responsibilities incorporate managing national tournaments and championships including the Australian Opens as well as rules and handicapping. Working in a commercial and inclusive manner with government, business and community, Golf Australia ensures the value of golf is understood and supported in all policy and business decisions.

Golf is a game for life where participation contributes to a healthy Australian community.

- During these events photographs maybe taken of you and your child for publicity purposes to raise awareness of our organisation and programs.
- These photographs may also be used in print or electronic media by external organisations to support our aim and programs.
- Photographs may appear in print media such as newspapers, magazines, reports, brochures, booklets and posters.
- Photographs may appear in mass media such as television and advertisements.
- Photographs maybe used in electronic media such as Intranet and Internet sites.
- Due to the *Privacy Act 1988* we are required to receive consent in order to take and publish your child's photograph; therefore we are seeking your support to sign this form to acknowledge consent for the photographs to be used as detailed in this document.
- Photographs taken at these events are copyrighted and therefore may not be reproduced or distributed commercially without consent by GA or the photographers.

Acknowledgement and Consent

I have read the details above and give permission for my and/or my child's photographs to be used to promote Golf Australia, its aim and programs.

I may receive a copy of these photographs and understand these may not be reproduced or distributed commercially without the consent of GA or the photographer.

Please print the names of all children and/or members who may have their photographs taken at GA events (*First/Last*).

Print Full Name (First/Last) / Parent/Guardian

Date (Day/Month/Year)

Signature / Signature of Parent/Guardian

Address

Home Telephone

Mobile

Email Address