

Sports Taekwondo Queensland Inc.

trading as

australian taekwondo queensland

Member Protection Policy

V1.0.2 – Endorsed Wednesday, 4 July 2018

# Document Management

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Foreword

Click or tap here to enter text.

**Ms. Allison Golsby  
Independent Chair & Director  
Sports Taekwondo Queensland Inc.**

Sunday, 3 July 2016

Part A: State Member Protection Policy

# Introduction

Australian sporting organisations have legal obligations under Australian law in regard to harassment, discrimination, and child protection. We also have moral obligations in relation to establishing standards of appropriate member behaviour, and to provide safe, respectful, and appropriate training and sporting environments.

Increasingly, insurance companies are also requiring comprehensive risk management plans that include policies and procedures for addressing harassment, discrimination, and child protection.

To encourage and support the adoption of proper and ethical practices by Australian sport organisations the Australian Sports Commission (ASC) has introduced mandatory requirements, linked to recognition and funding, to address these issues. The ASC require National Sporting Organisations (NSO) to develop and implement policies and procedures to promote positive and respectful behaviours and to meet obligations relating to harassment, discrimination, and child protection. The Queensland Department of National Parks, Sport and Racing have similar expectations, as does Sports Taekwondo Australia Limited trading as Australian Taekwondo (AT), the Australian NSO for Taekwondo.

Sports Taekwondo Queensland Inc. trading as Australian Taekwondo (ATQ) endorses these obligations under a general policy area termed, “Member Protection.”

ATQ endeavours to conduct all activities in a positive environment where participants have equal rights and opportunities to foster and develop their passion for the sport and martial art of Taekwondo. Through the introduction of formalised Member Protection practices, ATQ will maintain a positive focus and be recognised as offering member services according to the principles of best practice at all times.

# Purpose of this policy

This State Member Protection Policy (“policy”) aims to assist Sport Taekwondo Queensland Inc. trading as Australian Taekwondo Queensland (ATQ) to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport. It sets out our commitment to ensure that every person bound by the policy is treated with respect and dignity and protected from discrimination, harassment and abuse. It also seeks to ensure that everyone involved in our sport is aware of their key legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

The attachments to this policy describe the practical steps we will take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, the policy allows ATQ to take disciplinary action against any person or organisation bound by this policy if they breach the policy.

This policy has been endorsed by the ATQ Board of Directors and is supported by our Constitution and other policies. The policy starts on Sunday, 3 July 2016 and will operate until replaced.

The current policy and its attachments can be obtained from our website at: www.austkdqld.com.au.

This policy is supported by Member Protection Policies that have been adopted and implemented by our Member organisations.

# Who is bound by this policy

This policy applies to all persons involved with the activities of ATQ, whether they are in a paid or unpaid/voluntary capacity, including:

* 1. Persons appointed or elected to the ATQ Board, committees, and sub-committees;
  2. Employees and contractors of ATQ;
  3. All Members of ATQ, including Affiliated, Associate, Life, and Ordinary Members;
  4. Members, employees, contractors, volunteers and supporters of Affiliated Members;
  5. Support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers, and all others;
  6. Coaches and assistant coaches;
  7. Athletes and their parents or guardians, however defined;
  8. Referees, judges and other officials;
  9. Volunteers;
  10. Athletes, coaches, officials, judges, volunteers, and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by ATQ; and
  11. Any other person engaging in the activities of ATQ, however defined.

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

# Organisational responsibilities

ATQ and all of its non-individual Members, incorporated or otherwise, must:

* 1. Adopt, implement, and comply with this policy;
  2. Ensure that this policy is enforceable;
  3. Publish, distribute and promote this policy and the consequences of any breaches of the policy;
  4. Promote and model appropriate standards of behaviour at all times;
  5. Deal with any complaints made under this policy in an appropriate manner;
  6. Deal with any breaches of this policy in an appropriate manner;
  7. Recognise and enforce any penalty imposed under this policy, or under an equivalent policy of AT or another of AT’s State Members;
  8. Ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies;
  9. Use appropriately trained people (Member Protection Information Officers) to receive and manage complaints and allegations of inappropriate behaviour;
  10. Monitor and review this policy at least annually.

# Individual responsibilities

Individuals bound by this policy must:

* 1. Make themselves aware of the contents of this policy;
  2. Comply with all relevant provisions of the policy, including any codes of conduct and the steps for making a complaint or reporting possible child abuse set out in this policy;
  3. Consent to the screening requirements set out in this policy, and any Queensland Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a person under the age of eighteen (18), or where otherwise required by law;
  4. Place the safety and welfare of children above other considerations;
  5. Be accountable for their behaviour; and
  6. Comply with any decisions and/or disciplinary measures imposed under this policy.

# Position statements

## Child protection

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

We acknowledge the valuable contribution made by our staff, members, and volunteers, and we encourage their active participation in providing a safe, fair, and inclusive environment for all participants.

### Identify and analyse risk of harm

We will develop and implement a risk management strategy, including a review of our existing child protection practices, to determine how child-safe our organisation is and to identify any additional steps we can take to minimise and prevent the risk of harm to children because of the actions of an employee, volunteer, contractor, or another person.

### Develop codes of behaviour

We will develop and promote a code of behaviour that sets out the conduct we expect of adults when they deal and interact with children involved in our sport, especially those in our care. We will also implement a code of behaviour to promote appropriate conduct between children.

These codes will clearly describe professional boundaries, ethical behaviour, and unacceptable behaviour. Refer to the attachments in Part B of this policy.

### Choose suitable employees and volunteers

We will take all reasonable steps to ensure that our organisation engages suitable and appropriate people to worth with children, especially in those positions that involve regular unsupervised contact with children. This will include using a range of screening measures.

We will ensure that Working with Children Checks are conducted for all employees and volunteers who work with children, where an assessment is required by law. If a criminal history report is obtained as part of their screening process, we will handle this information confidentially and in accordance with the relevant legal requirements. Refer to the attachments in Part C of this policy.

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

We will ensure that all our employees and volunteers who work with children have ongoing supervision, support and training. Our goal is to develop their skills and capacity, and to enhance their performance so we can maintain a child-safe environment in our sport.

### Empower and promote the participation of children

We will encourage children and young people to be involved in developing and maintaining a child-safe environment for our sport.

### Report and respond appropriate to suspected abuse and neglect

We will ensure that all our employees and volunteers are able to identify and response appropriately to children at risk of harm and that they are aware of their responsibilities under Queensland laws to make a report if they suspect, on reasonable grounds, that a child has been, or is being, abused or neglected. Refer to the attachments in Part E of this policy.

Further, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child, or is in breach of this policy, they may make an internal complaint to us. (Refer to the attachments in Part D of this policy).

## Taking images of children

There is a risk that images of children may be used inappropriately or illegally. ATQ requires that individuals and associations, wherever possible, obtain permission from a child’s parent/guardian before taking an image of a child that is not their own. They should also make sure the parent/guardian understands how the image will be used.

To respect people’s privacy, we do not allow camera phones, videos, and cameras to be used inside changing areas, showers and toilets which we control or are used in connection with our sport.

When using a photo of a child, we will not name or identify the child or publish personal information, such as residential address, email address, or telephone number, without the consent of the child’s parent/guardian. We will not provide information about a child’s hobbies, interests, school, or the like, as this can be used by paedophiles or other persons to “groom” a child.

We will only use images of children that are relevant to our sport and we will ensure that they are suitably clothed in a manner that promotes participation in the sport. We will seek permission from the parents/guardians of the children before using the images. We require our member associations and clubs to do likewise.

## Anti-discrimination and harassment

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

We recognise that people may not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against, or harassed.

### Discrimination

Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by Queensland or Commonwealth anti-discrimination laws.

The personal characteristics protected by anti-discrimination laws include attributes such as race, age, disability, gender, and race. The full list of protected personal characteristics is in the “Definitions” set out in the Dictionary of Terms.

Discrimination can be either direct or indirect.

* Direct discrimination occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.
* Indirect discrimination occurs if a person imposes, or proposed to impose, a requirement, condition, or practice that will disadvantage a person with a protected personal characteristic, and that requirement, condition, or practice is not reasonable.

For the purposes of determining discrimination, the offender’s awareness and motive are irrelevant.

### Harassment

Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends, or humiliates another person, and which happens because a person has a certain personal characteristic protected by Queensland or Commonwealth anti-discrimination legislation.

The offensive behaviour does not have to take place a number of times; a single incident can constitute harassment.

Sexual harassment is one type of harassment. Sexual harassment is unwelcome conduct, remarks, or innuendo of a sexual nature. It covers a wide range of behaviours and can be verbal, written, visual, or physical. Sexual harassment is not limited to members of the opposite sex.

### Prohibition against discrimination and harassment

We prohibit all forms of harassment and discrimination based on the personal characteristics listed in the “Definitions” set out in the Dictionary of Terms (see clause 10).

Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy is encouraged to raise their concerns with us. A person may make an internal complaint, and in some circumstances they may also be able to make a complain to an external organisation. Refer to the attachments in Part D of this policy.

## Intimate relationships

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

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

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

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

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

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

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

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

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

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

## Pregnancy

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

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

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

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

If a pregnant woman believes she is being, or has been, harassed or discriminated against by another person or organisation bound by this policy, they may make a complaint. Refer to the attachments in Part D of this policy.

## Gender identity

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

### Gender identity discrimination and harassment

Federal, state, and territory anti-discrimination laws provide protection from discrimination against people on the basis of their gender identity.

ATQ is committed to providing a safe, fair, and inclusive sporting environment where all people can contribute and participate. All persons, regardless of gender identity, are entitled to be treated fairly and with dignity and respect at all times. We will not tolerate any discrimination or harassment of a person because of their gender identity. This includes discrimination or harassment of a person who is transgender or transsexual, who is assumed to be transgender or transsexual, or who has an association with someone who is or is assumed to be transgender or transsexual. For information about how to make a complaint, please refer to the attachments in Part D of this policy.

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

If any person believes that they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy because of their gender identity, they are encouraged to make a complaint. Refer to the attachments in Part D of this policy.

### Participation in sport

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

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

ATQ is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender person intends to compete at an elite level, we will encourage them to obtain advice about the IOC’s criteria which may differ from the position we have taken.

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.

### Intersex status

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

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

## Responsible service and consumption of alcohol

ATQ is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that Members follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy is that:

* Alcohol should not be available or consumed at sporting events involving people under the age of eighteen (18);
* Alcohol-free social events be provided for young people and families;
* Food, low-alcohol, and non-alcoholic drinks be available at events we hold or endorse where alcohol is served;
* A staff member is present at events we hold or endorse where alcohol is served to ensure appropriate practices in respect of the consumption of alcohol are followed;
* Safe transport options be promoted as part of any event we hold or endorse where alcohol is served.

## Smoke-free environment

ATQ is committed to providing a safe and healthy environment at all sporting and social events that we hold or endorse.

In general, our policy is that:

* No smoking shall occur at or near sporting events involving people under the age of eighteen (18). This policy shall apply to all persons involved, including coaches, players, trainers, officials, volunteers, and spectators;
* Social events shall be smoke-free, with smoking permitted only at designated outdoor smoking areas; and
* Coaches, officials, trainers, volunteers, and players will refrain from smoking while they are involved in an official capacity in our sport, both on and off the field.

## Bullying

ATQ is committed to providing an environment that is free from bullying. We understand that bullying has the potential to result in significant negative consequences for an individual’s health and wellbeing, and we regard bullying in all forms unacceptable in our sport.

Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend, or intimidate a person. Bullying behaviour can include actions of an individual or a group.

Whilst generally characterised by repeated behaviours, one-off instances can amount to bullying.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

* Verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
* Excluding or isolating a group or person;
* Spreading malicious rumours; or
* Psychological harassment such as intimidation.

Bullying includes cyber-bullying which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. ATQ will not tolerate abusive, discriminatory, intimidating, or offensive statements being made online. Frustration at a referee, teammate, coach, or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, association, or peak sporting body.

If any person believes they are being, or have been, bullied by another person or organisation bound by this policy, they may make a complaint. Refer to the attachments in Part D of this policy.

## Social networking

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

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

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

In particular, social media activity including, but not limited to, postings, blogs, status updates, and tweets:

* Must not contain material which is, or has the potential to be, offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist, or otherwise inappropriate;
* Must not contain material which is inaccurate, misleading or fraudulent;
* Must not contain material which is in breach of laws, court orders, undertakings, or contracts;
* Should respect and maintain the privacy of others; and
* Should promote the sport in a positive way.

# Complaints procedures

## Handling complaints

ATQ aims to provide a simple, confidential, and trustworthy procedure for resolving complaints based on the principles of procedural fairness and natural justice.

Any persona (a complainant) may report a complaint about a person, people, or organisation bound by this policy (the respondent(s)) if they feel they have been discriminated against, harassed, bullied, or there has been any other breach of this policy.

In the first instance, complaints should be reported to the Member Protection Information Officer.

If a complaint relates to behaviour or an incident that occurred at the 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 which occurred at, the state level, as well as serious cases referred from the club level, should be dealt with by the state body. However, this does not affect a state body’s ability to deal with a complaint made to it.

A complaint may be handled informally or formally. The complainant may indicate his or her preferred option and the Member Protection Information Officer should consider whether that is an appropriate way to handle the particular complaint. For example, the law may require that the complaint/allegation be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively, and confidentially. Our procedures for handling and resolving complaints are outlined in Attachment D1.

Individuals and organisations may also seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal, or other relevant legislation.

## Improper complaints and victimisation

ATQ aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against any person making a complaint.

We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures may be taken in respect of a person who harasses or victimises another person for making a complaint or supporting another person’s complaint.

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

## Mediation

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

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

If a complainant wishes to resolve the complaint with the help of a mediator, the Member Protection Information Officer will, in consultation with the complainant, arrange for an independent mediator where possible. We will not allow lawyers to participate in the mediation process.

More information on the mediation process is outlined in Attachment D2.

## Tribunals

In accordance with ATQ’s rules a Member Protection Tribunal (Tribunal) may be convened to hear a proceeding:

* Referred to it by the Member Protection (MP) Information Officer, MP Appeals Officer, or MP Oversight Committee;
* Referred to it or escalated by a Member club because of the serious nature of the complaint, because it was unable to be resolved at the club level, or because the policy of ATQ directs it to be; and
* For an alleged breach of this policy.

Our Tribunal procedure is outlined in Attachment D4.

A respondent may lodge an appeal to the Appeal Tribunal in respect of a Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved. Our appeals process is outlined in Attachment D4, and the costs of an appeal are set out in Attachment D5.

Every organisation bound by this policy will recognise and enforce any decision of a Tribunal or Appeal Tribunal under this, or another state’s or AT’s equivalent, policy.

# What is a breach of this policy?

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

* 1. Breaching the codes of behaviour (see Part B of this policy);
  2. Bringing ATQ or Taekwondo into disrepute, or acting in a manner likely to bring ATQ or Taekwondo into disrepute;
  3. Failing to follow ATQ policies (including this policy) and our procedures for the protection, safety and well-being of children;
  4. Discriminating against, harassing, or bullying (including cyber-bullying) any person;
  5. Victimising another person for making or supporting a complaint;
  6. Engaging in an inappropriate intimate relationship with a person that they supervise, or have influence, authority, or power over;
  7. Verbally or physically assaulting another person, intimidating another person, or creating a hostile environment within the sport;
  8. Disclosing to any unauthorised person or organisation any ATQ information that is of a private, confidential, or privileged nature;
  9. Making a complaint that they know to be true, vexatious, malicious, or improper;
  10. Failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; and
  11. Failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

# Disciplinary measures

ATQ may impose disciplinary measures on an individual or organisation for a breach of this policy.

Any disciplinary measure imposed will be:

* Fair and reasonable;
* Applied consistent with any contractual and employment rules and requirements;
* Be based on the evidence and information presented and the seriousness of the breach; and
* Be determined in accordance with our constituent documents, by-laws and policies, this policy, and/or the rules of the sport as appropriate.

## Individual

Subject to contractual and employment requirements, if a finding is made by a Member Protection Tribunal that an individual has breached this policy, one or more of the following forms of discipline may be imposed:

* + 1. A direction that the individual makes 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, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by ATQ;
    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. A recommendation that ATQ 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. A fine;
    11. Any other form of discipline that the Disciplinary Committee or a Tribunal considers appropriate.

## Organisation

If a finding is made that an ATQ member or affiliated organisation has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by the Disciplinary Committee or a Tribunal:

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

## Factors to consider

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

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

# Dictionary of terms

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. Further detail or definitions that are specific to different states and territories can be sourced from the relevant child protection authorities or equal opportunity and anti-discrimination commissions.

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

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

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

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

**Complaint** means a complaint made under clause 7 of this policy.

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

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

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

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

* Age;
* Sex or gender;
* Gender identity;
* Intersex status;
* Race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration;
* Disability, mental and physical impairment;
* Family/carer responsibilities, status as a parent or carer;
* Marital status;
* Pregnancy, potential pregnancy, or breastfeeding;
* Sexual orientation or gender identity;
* Physical features;
* Irrelevant medical record;
* Irrelevant criminal record or spent convictions;
* Politics beliefs or activities;
* Religion, religious beliefs, or activities;
* National extraction or social origin;
* Lawful sexual activity;
* Profession, trade, occupation or calling;
* Member of association or organisation of employees or employers, industrial activity, or trade union activity;
* Defence service; or
* Personal association with someone who has, or is assumed to have, any of the above characteristics.

Examples of discrimination are available on the Play by the Rules website: [www.playbytherules.net.au/legal-stuff/discrimination](http://www.playbytherules.net.au/legal-stuff/discrimination).

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

* Holding a competitive sporting activity for a specific age or age group (e.g. Only those who are under the age of fifteen (15) years);
* Excluding people on the basis of their sex and/or gender identity and/or intersex status from participation in a competitive sporting activity where the strength, stamina, or physique of competitors is relevant to the specific activity (note that this does not apply to activity by children who are under the age of twelve (12) years); and
* Not selecting a participant if the person’s disability means they are not reasonably capable of performing the actions reasonably required for that particular sporting activity.

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

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

**Member** means any person or entity, incorporated or otherwise, who belongs to a class of membership as outlined in the STQ constitution.

**Member Protection Information Officer** means a person appointed by us to be the first point of contact for a person reporting an issue or a complaint under, or a breach of, this policy.

**Procedural fairness** requires that:

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

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

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

**Respondent** means the person whose behaviour is the subject of the complaint.

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

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

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

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

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

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

**Gender identity** refers to a person’s deeply held internal and individual sense of gender.

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

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

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

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

Part B: Standards of Behaviour

We seek to provide a safe, fair and inclusive environment for everyone involved in our organisation and in our sport.

To achieve this, we require certain standards of behaviour by players and athletes, coaches, officials, administrators, parents/guardians (of child participants) and spectators.

Our standards of behaviour are underpinned by the following core values:

* To act within the rules and spirit of our sport.
* To display respect and courtesy towards everyone involved in our sport, and prevent discrimination and harassment.
* To prioritise the safety and well-being of children and young people involved in our sport.
* To encourage and support opportunities for participation in all aspects of our sport.

You may find a copy of all of our Standards at http://austkdqld.com.au/about-us/policies.

Part C: Employment screening / working with Children Check requirements

We are committed to providing a safe environment for children. As part of this, we will recruit staff and volunteers who do not pose a risk to children.

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

Working with Children Check laws are currently in Queensland, and ATQ, including our member clubs, will meet the requirements of Queensland Working with Children Check laws. We will also meet the relevant Working with Children Check laws of any jurisdiction we operate in.

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

Attachments

C1: Member Protection Declaration

C2: Working with Children Check requirements

Part D: Complaint handling procedures

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

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

We also provide an appeals process for those matters.

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

Attachments

D1: Complaints Procedure

D2: Mediation

D3: Investigation Procedure

D4: Tribunal Procedure

D5: Schedule of Fees

Part E: Reporting requirements and documents/forms

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

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

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

We will ensure that everyone who works with our organisation in a paid or unpaid capacity understands how to appropriately receive and record allegations of child abuse and neglect, and how to report those allegations to the relevant authorities in their state or territory.

Attachments

E1: Record of informal complaint

E2: Record of formal complaint

E3: Handling an allegation of child abuse

E4: Confidential record of child abuse allegation

MPP C1: Member Protection Declaration

ATQ has a duty of care to all those associated with our organisation and to the individuals and organisations to whom this policy applies. It is a requirement of our State Member Protection Policy that we check the background of each person who works, coaches, or has regular unsupervised contact with children and young people under the age of eighteen (18) years.

I, Click or tap here to enter text., of Click or tap here to enter text., born Click or tap to enter a date. sincerely declare that:

1. I do not have any criminal charge pending before the courts;
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children, or acts of violence;
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct, or harassment, other forms of harassment, or acts of violence;
4. I am not currently serving a sanction for an anti-doping rule violation under an Australian Sports Anti-Doping authority (ASADA) approved anti-doping policy applicable to me;
5. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me;
6. To my knowledge, there is no other matter that ATQ may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me; and
7. I will notify the Member Protection Information Officer of ATQ upon becoming aware that any matter set out above has changed.

Declared in the State of Queensland on Click or tap to enter a date.

Declarant

**Consent of parent/guardian (on behalf of a person under the age of 18 years)**

I, Click or tap here to enter text., have read and understood the declaration provided above by my child. I confirm and warrant that the contents of the declaration provided by my child are true and correct in every particular, to the best of my knowledge and belief.

/ /

Parent/guardian Date

MPP C2: Working with children check requirements

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

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

* Criminal history checks;
* Signed declarations;
* Referee checks; and
* Other relevant background checks to assess a person’s suitability to work with children and young people.

Working with Children Check Requirements vary across Australia. [Fact Sheets](http://www.playbytherules.net.au/legal-stuff/child-protection/child-protection-laws-explained/screening) for each state and territory are available on the Play by the Rules website: [www.playbytherules.net](http://www.playbytherules.net).

Detailed information for other states are available from the relevant agencies in each state and territory.

**Australian Capital Territory**Contact the Office of Regulatory Services   
Website: [www.ors.act.gov.au/community/working\_with\_vulnerable\_people\_wwvp](http://www.ors.act.gov.au/community/working_with_vulnerable_people_wwvp)   
Phone: 02 6207 3000

**New South Wales**Contact the Office of the Children’s Guardian  
Website: [www.kidsguardian.nsw.gov.au/check](http://www.kidsguardian.nsw.gov.au/check)  
Phone: 02 9286 7276

**Northern Territory**Contact the Northern Territory Screening Authority  
Website: [www.workingwithchildren.nt.gov.au](http://www.workingwithchildren.nt.gov.au)  
Phone: 1800 SAFE NT (1800 723 368)

**Queensland**Contact the Queensland Government Blue Card Services  
Website: [www.bluecard.qld.gov.au](http://www.bluecard.qld.gov.au)   
Phone: 1800 113 611

**South Australia**Contact the Department for Education and Child Development   
Website: [www.families.sa.gov.au/childsafe](http://www.families.sa.gov.au/childsafe)   
Phone : 08 8463 6468  
National Police Check: [www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check](http://www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check)   
DCSI Child Related Work Screening: <http://www.dcsi.sa.gov.au/services/screening>

**Tasmania**Contact the Department of Justice   
Website: [www.justice.tas.gov.au/working\_with\_children](http://www.justice.tas.gov.au/working_with_children)  
Phone: 1300 13 55 13

**Victoria**Contact the Department of Justice  
Website: [www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au)   
Phone: 1300 652 879

**Western Australia**Contact the Department for Child Protection  
Website: [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au)  
Phone: 1800 883 979

**Travelling to other states or territories**

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

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

The laws providing interstate exemptions are not consistent across Australia.

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

MPP D1: Complaints Procedure

ATQ is committed to supporting people associated with our sport to make and resolve any complaints they may have in a fair, timely, and effective way.

**We will endeavour to deal with complaints on a confidential basis**. We will not provide information about the complaint to another person without the complainant’s consent, except if the law requires us to disclose this information or it is necessary to properly deal with the complaint. To ensure fairness for everyone involved, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously.

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

Informal approaches

**Step 1: Talk with the other person** (if safe, reasonable and appropriate)  
If you feel confident and comfortable to do so, you can approach the other person to discuss the issues and try and resolve the problem directly.

**Step 2: Contact a Member Protection Information Officer**We encourage you to talk with one of our Member Protection Information Officers (MPIOs) if:

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

The names and contact details for our MPIOs are available at www.qldtkd.com/member-protection/officers.

The MPIO will:

* Ask how you would like your concern to be resolved, and whether you need support;
* Seek to provide different options for you to address your concern;
* Act as a support person, if you wish;
* Refer you to an appropriate person (e.g. a mediator) to help you address your concern, if appropriate;
* Inform the relevant government authorities and/or police, if required by law to do so;
* Where possible and appropriate, maintain strict confidentiality.

**Step 3: Decide how to address your concern**After talking with an 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 resolve the problem yourself, with or without a support person;
* To resolve the problem with the help of someone impartial, such as a mediator; or
* To resolve the matter through a formal process.

Formal approaches

**Step 4: Making a formal complaint**If it is not possible or appropriate to resolve your complaint through an informal process, you may:

* Make a formal complaint in writing to the MPIO; or
* Approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice and assistance.

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

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

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

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

If the MPIO is the appropriate person to handle the complaint, they will, where appropriate and/or necessary:

* Provide the information received from you to the other person(s) involved and ask for a response;
* Decide if there is enough information to determine whether the matter alleged in your complaint did or did not occur; and/or
* Determine what, if any, further action to take, including referring the matter for investigation or disciplinary action in accordance with this policy.

**Step 5: Investigating the complaint**In some cases, an investigation may be required to determine the facts surrounding the complaint. Our investigations procedure is outlined in Attachment D3.

Following the investigation, a written report will be provided to the MPIO and the Member Protection Oversight Committee. The matter will then proceed as follows:

* If the complaint is referred to **mediation**, we will follow the steps outlined in Attachment D2 or as agreed by you, the respondent, and the mediator.
* If the complaint is referred to a **tribunal** **hearing**, the hearing will be conducted according to the steps outlined in Attachment D4.
* If the complaint is referred to the **police or another external agency**, we will endeavour to provide all reasonable assistance required by the police or the agency.

**Step 6: Reconsidering a complaint or appealing a decision**If the matter is referred to mediation and is not resolved, you may request that MPIO reconsider the complaint in accordance with Step 3 above.

In accordance with ATQ rules, you or the respondent(s) may also appeal a decision made at a tribunal hearing. The grounds and process for appeals are set out in Attachment D4.

**Step 7: Document the resolution**The MPIO will record the complaint, the steps taken to resolve it, and the outcome. This information will be stored in a confidential and secure place. If the complaint was dealt with at the club level, the information will be stored by the club. If the matter is of a serious nature, or if it was dealt with at the state level, the information will be stored by ATQ and a copy stored by the club.

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

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

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

**Contact details for state and territory anti-discrimination and equal opportunity commissions** are available on the Play by the Rules website: [www.playbytherules.net.au/resources/quick-reference-guide](http://www.playbytherules.net.au/resources/quick-reference-guide).

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

MPP D2: Mediation

Mediation is a process that seeks to resolve complaints with the assistance of an impartial person – the mediator.

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

Our approach to mediation follows the steps set out below:

1. The MPIO will appoint an appropriate mediator to help resolve the complaint. This will be done under the direction of ATQ and in consultation with the complainant and the respondent(s). The mediator will be an independent person in the context of the complaint, however this does not preclude a person with an association with ATQ acting as mediator.
2. The mediator will speak with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
3. All issues raised during mediation will be treated confidentially. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. If the complaint is resolved by mediation, where appropriate the mediator may seek to ensure the parties execute a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). We expect the parties involved to respect and comply with the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
   * Write to an MPIO to request that the MPIO reconsider the complaint; or
   * If the MPIO refuses to reconsider the complaint, write to the MPOC to request that they reconsider the complaint; or
   * Approach any relevant external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

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

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

MPP D3: Investigation process

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

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

Any investigation we conduct will be fair to all people involved. The investigation process will be undertaken by an unbiased person, other than the MPIO.

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

1. We will provide a written brief to the investigator that sets out the terms of engagement and their roles and responsibilities;
2. The investigator may:
   * Interview the complainant and record the interview in writing;
   * Provide full details of the complainant to the respondent(s) so that they can respond;
   * Interview the respondent(s) to allow them to answer the complaint and record the interview in writing;
   * Obtain statements from witnesses and collect other relevant evidence;
   * Make a finding as to whether the complaint is:
     + **Substantiated** (there is sufficient evidence to support the complaint)
     + **Inconclusive** (there is insufficient evidence either way);
     + **Unsubstantiated** (there is sufficient evidence to show that the complaint is unfounded); or
     + **Mischievous**, **vexatious**, or **knowingly untrue**.
   * Provide a report to the MPIO and MPOC documenting the complaint, the investigation process, the evidence, and, if requested, any findings and recommendations.
3. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process, and summarising key points from the investigation.
4. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (e.g. an STQ MPIO).

**Note that legal representation is not permitted for internally handled complaints.**

MPP D4: Tribunal procedures

We will follow the steps set out below to hear formal complaints made under our State Member Protection Policy.

**Preparing for a Member Protection Tribunal Hearing**

1. A Tribunal panel will be established, according to the Member Protection Tribunal Charter and any related policies and procedures, to hear a complaint that has been referred to it by a Member Protection Information Officer (MPIO), Member Protection Appeals Officer (MPAO), or the Member Protection Oversight Committee (MPOC).
2. The number of Tribunal panel members required to be present throughout the hearing will be three (3).
3. The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports, or information received and sent by the MPIO, MPAO and/or MPOC relating to the complaint and/or any associated allegation(s).
4. The Tribunal hearing will be held as soon as practicable. However, adequate time must be provided for both the complainant and the respondent(s) to prepare for the hearing.
5. The MPIO or MPAO will inform the respondent(s) in writing that a Tribunal hearing will take place. The notice shall outline:
   1. That the person has a right to appear at the Tribunal hearing to defend against the complaint and/or any associated allegation(s);
   2. The details of the complaint and of all allegations, as well as the provision or clause of any policy, rule, or regulation that has allegedly been breached;
   3. The date, time, and venue of the Tribunal hearing;
   4. That verbal and/or written submissions can be presented at the Tribunal hearing;
   5. That witnesses may attend the Tribunal hearing to support the position of the respondent(s);
   6. An outline of any possible sanctions that may be imposed if the complaint is found to be true;
   7. That legal representation will not be allowed, but that the respondent may be assisted by a support person at the hearing (provided that they have not been admitted to practise as a lawyer or worked as a trainee lawyer).

A copy of any investigation reports, including their findings and recommendations, shall be provided to the respondent(s).

1. The MPIO or MPAO will inform the complainant in writing that a Tribunal hearing will take place. The notice shall outline:
   1. That the person has a right to appear at the Tribunal hearing to support their complaint;
   2. The details of the complaint, as well as the provision or clause of any policy, rule, or regulation that the respondent(s) is/are accused of breaching;
   3. The date, time, and venue of the Tribunal hearing;
   4. That verbal and/or written submissions can be presented at the Tribunal hearing;
   5. That witnesses may attend the Tribunal hearing to support the complainant’s position; and
   6. That legal representation will not be allowed, but that the complainant may be assisted by a support person at the hearing.

A copy of any investigation reports, including their findings and recommendations, shall be provided to the complainant.

1. If the complainant believes the details of the complaint are incorrect or insufficient, they should inform the MPIO, MPAO, or MPOC (whichever referred the matter to tribunal hearing) as soon as possible so that the respondent(s) and members of the Tribunal panel can be properly informed of the complaint.
2. If possible, the Tribunal panel should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination). Failing that, the Tribunal panel may request for STQ to engage an expert consultant to assist them in their deliberations.

**Tribunal hearing procedure**

1. The following people will be allowed to attend the Tribunal hearing:
   1. Tribunal panel members;
   2. The respondent(s);
   3. The complainant;
   4. Any witnesses called by the respondent(s);
   5. Any witnesses called by the complainant;
   6. Any parent/guardian or support person required to support the respondent(s) or the complainant; and
   7. Any expert consultants engaged to assist the Tribunal panel members in their deliberations.
2. If the respondent(s) is/are not present at the set hearing time and the Tribunal chairperson considers that no valid reason has been presented for their absence, the Tribunal hearing will continue subject to the chairperson being satisfied that all tribunal notification requirements have been met.
3. If the Tribunal chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.
4. If the Tribunal chairperson wishes to reschedule the Tribunal hearing date, the tribunal will inform the MPIO, MPAO, or MPOC (whichever referred the matter to tribunal hearing) of the need to reschedule the hearing and the same will arrange for the Tribunal to be reconvened.
5. The Tribunal chairperson will read aloud the complaint, ask each respondent if they understand the complaint, and whether they agree or disagree with the complaint.
6. If a respondent agrees with the complaint, they will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any sanctions.
7. If a respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
   1. Reference may be made to brief notes.
   2. The complainant may call witnesses.
   3. The respondent may question the complainant and any witnesses.
8. The respondent will then be asked to respond to the complaint.
   1. Reference may be made to brief notes.
   2. The respondent may call witnesses.
   3. The complainant may ask questions of the respondent and any witnesses.
9. The complainant and respondent(s) may be present when evidence is presented to the Tribunal hearing. Witnesses shall be asked to wait outside the hearing until they are required.
10. The Tribunal may:
    1. Consider any evidence, and in any form, that it deems relevant;
    2. Ask questions of any person giving evidence;
    3. Limit the number of witnesses (including limiting witnesses to those persons who only provide new evidence);
    4. Require (to the extent it has the power to do so) the attendance of any witness it deems relevant; and
    5. Act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
11. Video evidence, if available, may be presented. Arrangements for the viewing of this evidence must be made entirely by the person(s) wishing to offer this type of evidence.
12. If the Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidating behaviour form anyone, the Tribunal chairperson may deny further involvement of that person in the hearing.
13. After all the evidence has been presented, the Tribunal will make its decision in private. The Tribunal must decide whether the complaint has, on the balance of probabilities, been substantiated. The Tribunal may consult with the expert consultant engaged for that purpose during its deliberations.
14. All Tribunal decisions will be by majority vote.
15. The Tribunal chairperson may announce the decision of the Tribunal at the conclusion of the hearing. Alternatively, they may reserve the decision of the Tribunal at the conclusion of the hearing and deliver the decision at a later time.
16. The respondent(s) will have the opportunity to make submissions to the Tribunal in relation to any sanctions that may be imposed.
17. Within 48 hours of the Tribunal delivering its decision, the Tribunal chairperson will:
    1. Forward a notice of the Tribunal’s decision to the MPIO (if they referred the matter) or the MPAO (if the hearing was an appeal), the MPOC (in all cases), the CEO (or equivalent), and the Secretary.
    2. Forward a letter reconfirming the Tribunal’s decision to the respondent(s), including any sanction imposed. The letter should also outline the process and grounds for an appeal, if allowed.
18. The Tribunal shall provide written reasons for its decision within seven (7) days of delivering its decision, which must be securely stored into perpetuity.
19. The written reasons for a decision may have personal or sensitive information redacted upon the recommendation of the Tribunal and agreement of the MPOC prior to release to the complainant, respondent, and/or appellant. However, each must receive the same version of the document. Additionally, both the redacted and complete forms shall be provided to the MPOC.
20. The MPOC is responsible for ensuring the safe keeping and confidentiality of any documents related to a Member Protection complaint, including the reasons for a decision.

**Appeals procedure**

1. A complainant or respondent may lodge with ATQ an appeal in relation to the decision of a Tribunal on one or more of the following grounds:
   1. That a denial of procedural fairness has occurred;
   2. That the sanction imposed is unjust and/or unreasonable; or
   3. That the decision was not supported by the information/evidence provided at the Tribunal Hearing.
2. A person wanting to appeal must lodge a letter setting out the basis for their appeal with the Secretary of the MPOC within twenty-eight (28) days of the decision being made. Any applicable fees must be included with the letter (see Attachment D5: Schedule of Fees).
3. If the letter of appeal is not received by the Secretary of the MPOC within this time, the right of appeal will lapse.
4. The letter of appeal and the notice of the Tribunal’s decision will be forwarded to a Member Protection Appeals Officer (MPAO), appointed by the Member Protection Oversight Committee, to review and to decide whether there are sufficient grounds for the appeal to proceed. The MPAO may invite any witnesses to a meeting that they believe are required to make an informed decision.
5. If the appellant has not shown sufficient grounds for an appeal in accordance with clause 27 above, then the appeal shall be rejected. The appellant will be notified in writing, including the reasons for the decision.
6. If the appeal is accepted, an Appeal Tribunal with new panel members will be reconvened to rehear the complaint.
7. The Tribunal hearing procedure shall be followed for the Appeal Tribunal.
8. The Member Protection Oversight Committee shall be responsible for establishing policies and procedures to determine when and which disciplinary measures (if any) shall be in effect from the time an appeal is lodged until the Appeal Tribunal delivers its determination.
9. Where no policies or procedures under clause 36 above have been established, any and all disciplinary measures ordered by a Tribunal shall be suspended from the date a letter of appeal is received by the Secretary of the MPOC until such time as:
   1. The appeal is rejected; or
   2. the Appeal Tribunal upholds the original disciplinary measures; or
   3. the Appeal Tribunal overturns the original decision, at which time the ordered disciplinary measures shall be quashed.
10. The decision of the Appeal Tribunal shall be final and binding on all parties, including ATQ.

MPP D5: Schedule of Fees

1. Fine for a mischievous, vexatious, or knowingly untrue complaint $85.00
2. Initial Tribunal hearing nil
3. Application for appeal hearing $255.00
4. Refund for a refused appeal hearing $200.00
5. Refund for an unsuccessful appeal hearing nil
6. Refund for a successful appeal hearing $255.00
7. Stipend for—
   1. Mediator $35.00/day
   2. Investigator $35.00/day
   3. Tribunal Member $35.00/day
   4. MPIO dealing with a matter informally $15.00/matter
   5. MPIO dealing with a matter formally additional $15.00/matter
   6. MPAO dealing with an appeal $15.00/matter

MPP E1: Record of informal complaint

This record and any further notes must be kept confidential and secure.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Name of person receiving complaint: | | Click or tap here to enter text. | | | Date: Click or tap to enter a date. | |
| Complainant’s Name | Click or tap here to enter text. | | | | | |
| Complainant’s Age | Over 18  Under 18 | | | | | |
| Complainant’s Role | Administrator (volunteer) | | | Parent | | |
| Athlete/player | | | Spectator | | |
| Coach/Assistant Coach | | | Support personnel (first aid, etc.) | | |
| Employee (paid) | | | Official | | |
| Other: Click or tap here to enter text. | | | | | |
| When/where did the incident take place? | Click or tap here to enter text. | | | | | |
| What are the facts relating to the incident, as stated by complainant? | Click or tap here to enter text. | | | | | |
| What is the nature of the complaint? (category/basis/grounds)  Tick more than one box if necessary | Harassment | | Discrimination | | | Gender identity |
| Sex/sexism | | Selection dispute | | | Coaching methods |
| Sexuality | | Personality Clash | | | Verbal abuse |
| Race/cultural background | | Bullying | | | Physical abuse |
| Religion | | Disability | | | Victimisation |
| Pregnancy | | Child abuse | | | Unfair decision |
| Other: Click or tap here to enter text. | | | | | |
| What does the complainant want to happen to resolve the issue? | Click or tap here to enter text. | | | | | |
| What other information has the complainant provided? | Click or tap here to enter text. | | | | | |
| What is the complainant going to do now? | Click or tap here to enter text. | | | | | |

If this issue becomes a formal complaint, this record is to be given to the relevant **Member Protection Information Officer** and the **Member Protection Oversight Committee**.

MPP E2: Record of formal complaint

This record and any further notes must be kept confidential and secure.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | | Date Formal Complaint Received: Click or tap to enter a date. | | | |
| Complainant’s Name | Click or tap here to enter text. | | | | |
| Complainant’s Age | Over 18  Under 18 | | | | |
| Complainant’s Contact Details | Mobile/Phone: Click or tap here to enter text.  Email address: Click or tap here to enter text. | | | | |
| Complainant’s Role | Administrator (volunteer) | | | Parent | |
| Athlete/player | | | Spectator | |
| Coach/Assistant Coach | | | Support personnel (first aid, etc.) | |
| Employee (paid) | | | Official | |
| Other: Click or tap here to enter text. | | | | |
| Respondent’s Name | Click or tap here to enter text. | | | | |
| Respondent’s Age | Over 18  Under 18 | | | | |
| Respondent’s Contact Details | Mobile/Phone: Click or tap here to enter text.  Email address: Click or tap here to enter text. | | | | |
| Respondent’s Role | Administrator (volunteer) | | | Parent | |
| Athlete/player | | | Spectator | |
| Coach/Assistant Coach | | | Support personnel (first aid, etc.) | |
| Employee (paid) | | | Official | |
| Other: Click or tap here to enter text. | | | | |
| When/where did the alleged incident take place? | Click or tap here to enter text. | | | | |
| What are the facts relating to the incident, as stated by complainant? | Click or tap here to enter text. | | | | |
| What is the nature of the complaint? (category/basis/grounds)  Tick more than one box if necessary | Harassment | | Discrimination | | Gender identity |
| Sex/sexism | | Selection dispute | | Coaching methods |
| Sexuality | | Personality Clash | | Verbal abuse |
| Race/cultural background | | Bullying | | Physical abuse |
| Religion | | Disability | | Victimisation |
| Pregnancy | | Child abuse | | Unfair decision |
| Other: Click or tap here to enter text. | | | | |
| Have any methods of informal resolution been attempted?  If so, detail them here. | Click or tap here to enter text. | | | | |
| Outline which formal resolution procedures have been followed. | Click or tap here to enter text. | | | | |
| Has there been an investigation?  If so, provide details and outline the findings here. | Click or tap here to enter text. | | | | |
| Has the Member Protection Tribunal heard the matter?  If so, outline the Tribunal’s decision and any recommended actions here. | Click or tap here to enter text. | | | | |
| Has the matter gone to mediation?  If so, please provide details of the mediation, including who was present and any agreements reached. | Click or tap here to enter text. | | | | |
| Has a previous decision of the Tribunal been appealed?  If so, outline the Appeal Tribunal’s decision and any recommended actions here. | Click or tap here to enter text. | | | | |
| How long has it taken for this matter to be resolved? | Less than three (3) months | | | | |
| Between three (3) and eight (8) months | | | | |
| More than eight (8) months | | | | |
| Endorsement as an accurate record by Association’s Officer | Name: Click or tap here to enter text. Position: Click or tap here to enter text.  Signature: Date: Click or tap to enter a date. | | | | |
| Signature of Complainant |  | | | | |
| Signature of Respondent |  | | | | |

This record and any further notes must be kept confidential and secure.

If the complaint is of a serious nature, or if it is taken to or dealt with by STQ, the original record must be provided to STQ and a copy kept with the organisation where the complaint was first made.

MPP E3: Procedure for handling allegations of child abuse

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

We will treat any allegation of child abuse or neglect promptly, seriously, and with a high degree of sensitivity. Fact sheets on reporting allegations of child abuse in different states and territories are available at [www.playbytherules.net.au](http://www.playbytherules.net.au).

All people working with ATQ in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

**Step 1: Receive the allegation**

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

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

**Step 2: Report the allegation**

* Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or relevant child protection agency. You may need to make a report to both.
* Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.
* If the allegation involves a person to whom this policy applies, then **also** report the allegation to a Member Protection Information Officer (MPIO) of ATQ so that they can manage the situation.
* If no Member Protection Information Officers are readily available, or they are the alleged offender or a relative of the alleged offender, a report may be made directly to the Member Protection Oversight Committee (MPOC).

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

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

**Step 4: Take internal action**

* At least three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
  + A criminal investigation conducted by police;
  + A child protection investigation conducted by the relevant child protection agency; and
  + A disciplinary or misconduct inquiry or investigation conducted by ATQ.
* ATQ will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include considering whether the alleged offender should return to their position, be dismissed, banned, or suspended, or face any other disciplinary action.
* If disciplinary action is undertaken, we will follow the procedures set out in Clause 9 of the State Member Protection Policy.
* Where required we will provide the relevant government agency with a report of any disciplinary action we take.

CONTACT DETAILS FOR ADVICE OR TO REPORT AN ALLEGATION OF CHILD ABUSE

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

MPP E4: Confidential record of child abuse allegation

This record and any further notes must be kept confidential and secure.  
They must be provided to the relevant authorities (police and/or government agency) should they require them.

|  |  |  |  |
| --- | --- | --- | --- |
|  | | Date Formal Complaint Received: Click or tap to enter a date. | |
| Complainant’s Name (if other than the child) | Click or tap here to enter text. | | |
| Role/status in sport | Click or tap here to enter text. | | |
| Child’s Name | Click or tap here to enter text. | | |
| Child’s Age | Click or tap here to enter text. | | |
| Child’s Address | Click or tap here to enter text. | | |
| Person’s reason for suspecting abuse  (e.g. observation, injury, disclosure) | Click or tap here to enter text. | | |
| Name of alleged offender | Click or tap here to enter text. | |  |
| Alleged offender’s Role | Administrator (volunteer) | | Parent |
| Athlete/player | | Spectator |
| Coach/Assistant Coach | | Support personnel (first aid, etc.) |
| Employee (paid) | | Official |
| Other: Click or tap here to enter text. | | |
| Were there any witnesses?  If more than three witnesses, attached details to this form. | Name of witness (1): Click or tap here to enter text. Mobile/phone (1): Click or tap here to enter text.  Name of witness (2): Click or tap here to enter text. Mobile/phone (2): Click or tap here to enter text.  Name of witness (3): Click or tap here to enter text. Mobile/phone (3): Click or tap here to enter text. | | |
| Is any interim action being taken to ensure the child’s safety or support the needs of the child or the alleged offender?  If so, please detail. | Click or tap here to enter text. | | |
| Has the allegation been reported to police?  If so, please detail (e.g. by whom and when, Officer who took the report, advice provided, reference number, etc.). | Click or tap here to enter text. | | |
| Has the allegation been reported to any government agencies, other than police?  If so, please detail (e.g. by whom and when, the agent who took the report, advice provided, reference number, etc.) | Click or tap here to enter text. | | |
| Was the allegation reported to a MPIO or MPOC?  Provide details of the date, time, and person receiving the report. | Reported to: Choose an item.  Name of person: Click or tap here to enter text.  Date of report: Click or tap to enter a date. | | |
| Have the police reported any findings pertaining to this allegation?  If so, please detail. | Click or tap here to enter text. | | |
| Have any government agencies reported any findings pertaining to this allegation?  If so, please detail. | Click or tap here to enter text. | | |
| Have any internal findings been made?  If so, please detail. | Click or tap here to enter text. | | |
| What actions have been taken by STQ in relation to this allegation?  Have any disciplinary measures been taken? | Click or tap here to enter text. | | |
| Endorsement as an accurate record by Association’s Officer | Name: Click or tap here to enter text. Position: Click or tap here to enter text.  Signature: Date: Click or tap to enter a date. | | |
| Signature of Complainant  (if not a child) |  | | |

This record and any further notes must be kept confidential and secure.  
They must be provided to the relevant authorities (police and/or government agency) should they require them.