



masters
swimming
AUSTRALIA

MEMBER PROTECTION POLICY

VERSION 11
OCTOBER 2014

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REVIEW HISTORY OF MASTERS SWIMMING AUSTRALIA

MEMBER PROTECTION POLICY

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Masters Swimming Australia - www.mastersswimming.org.au

Masters Swimming NSW - www.mastersswimmingnsw.org.au

Masters Swimming NT - www.mastersswimmingnt.org.au

Masters Swimming QLD - www.mastersswimmingqld.org.au

Masters Swimming SA - www.mastersswimmingqa.org.au

Masters Swimming Tasmania - www.mastersswimmingtasmania.com.au

Masters Swimming Victoria - www.mastersswimmingvic.org.au

Masters Swimming WA - www.mswa.asn.au

PREFACE

Masters Swimming Australia is an organisation that represents around 7000 adult swimmers who enjoy and encourage age group swimming across Australia. The Association has been in existence since 1975 catering for swimmers from the age of eighteen years and has 190 affiliated clubs around Australia. MSA is funded by its membership.

It assists adults in all Australian communities to remain active by swimming regularly for their entire life. Our clubs are run by volunteers and the membership ranges from enthusiastic competitors to leisurely lap swimmers. We cater for all and promote regular swimming for fitness, friendship and fun.

Swimming is not immune to acts of discrimination, harassment and abuse and in fact shares the common features of most sporting environments where close physical and emotional relationships can develop and inappropriate or unlawful behaviour can take place.

Masters Swimming Australia is both ethically and legally responsible for implementing strategies designed to prevent discrimination and, more specifically, harassment from occurring in the sport. The adoption of this policy reflects Masters Swimming Australia's commitment to serving and protecting its members and participants at all levels.

This policy is only one component of the overall strategy and the implementation and enforcement of this policy will require ongoing commitment from all levels of Masters Swimming Australia.

Working together the masters swimming community can implement preventative strategies aimed at reducing instances of harassment and discrimination, and create a supportive environment for all participants.

Craig Smith

President - Masters Swimming Australia

26/10/2013

PART A: MASTERS SWIMMING AUSTRALIA MEMBER PROTECTION POLICY

1. INTRODUCTION

Masters Swimming Australia (MSA) is the parent body that represents the interests of seven branches, 190 clubs and currently around 7000 adult swimming members across Australia.

The entry point for the members is through the clubs that are run entirely by volunteers. The clubs offer various programs, such as regular training and stroke correction with qualified coaches, fun events and social activities. Most are separate entities from age group swimming clubs, and provide a localised structure in the community for adult swimmers. The motto of the organisation is fitness, friendship and fun through regular swimming.

Those who want to compete can take part in club, branch, national and international events. Competitive opportunities are also available through postal swims, the Vorgee Endurance 1000 competition and the Vorgee Million Metres Awards.

The National Board of Management is responsible for the governance and overall direction of the organisation, with the day-to-day running of the organisation the responsibility of the staff in the National Office. Decision making rests with branch delegates, who meet at a National General Meeting twice a year.

There are three permanent national committees that serve the organisation: Coaching, Swim Meets and Technical. These volunteer committees are the engine room of the national organisation, providing the necessary skills to develop and deliver programs appropriate for the organisation to conduct its affairs and support its membership.

Our Mission:

To offer an environment at club, branch and national level that encourages all adults, regardless of ability, to swim regularly and to compete in order to promote fitness and improve their general wellbeing.

Our Vision:

To position masters swimming as a leading sporting and recreational activity in the community.

2. PURPOSE OF THIS POLICY

Masters Swimming Australia's (MSA) Member Protection Policy will work towards maintaining ethical and informed decision-making and encouraging responsible behaviours within our sport. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from abuse. This policy details the responsibilities and the standards of behaviour that are expected of everyone involved in our sport.

The policy attachments outline the procedures that support our commitment to minimising the occurrence of discrimination, harassment and other forms of inappropriate behaviour from within masters swimming. As part of this commitment, Masters Swimming Australia may take disciplinary action against any person or organisation bound by this policy in the event of a proven breach.

This policy has been endorsed by the National Board of Management. The policy starts on 26/10/13 and will operate until replaced. Copies of the current policy and its attachments can be obtained from the MSA website at www.mastersswimming.org.au or by contacting the Masters Swimming Australia National Office:

Level 2
Sports House
375 Albert Rd
Albert Park 3206
Ph: 03 9682 5666

3. Who this Policy Applies to

This policy applies to the following people whether or not they act in a paid or unpaid capacity of Masters Swimming Australia, branches and clubs:

- volunteers
- persons appointed or elected to boards, committees and sub-committees;
- employees of Masters Swimming Australia and its branches
- members of the Masters Swimming Australia National Board of Management;
- Club coaches and Club assistant coaches;
- athletes;
- Masters Swimming Australia referees and other officials involved in the regulation of the sport;
- club members, including life members of Masters Swimming Australia
- athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by Masters Swimming Australia; and
- any other person including spectators, parents/guardians and sponsors, who agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this policy;
- persons to whom disciplinary proceedings have been commenced, whether or not they have ceased their association with Masters Swimming Australia during the disciplinary process.

This policy also applies to the following associations:

- branches of the Association; and
- affiliated clubs and associated organisations.

Branches are required to adopt and implement this policy and to provide proof to Masters Swimming Australia of the approval of the policy by the relevant board or committee in accordance with its constitution. Branches must also undertake to ensure that affiliated clubs and individual members are made aware of this policy and are bound by what it says.

4. Responsibilities of the Organisation

Masters Swimming Australia, branches and affiliated clubs must:

- 4.1 adopt, implement and comply with this policy;
- 4.2 make such amendments to its/their Constitution, Rules or Policies necessary for this policy to be enforceable;
- 4.3 publish, distribute and promote this policy and the consequences of breaches;
- 4.4 promote and model appropriate standards of behaviour at all times;
- 4.5 deal promptly with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner;
- 4.6 apply this policy consistently;
- 4.7 recognise and enforce any penalty imposed under this policy;
- 4.8 ensure that a copy of this policy is available or accessible to the persons and associations to whom this policy applies;
- 4.9 use appropriately trained people to receive and manage complaints and allegations e.g. Member Protection Information Officers (MPIOs); and
- 4.10 monitor and review this policy at least annually.

5. Individual Responsibilities

Individuals bound by this policy are responsible for:

- 5.1 making themselves aware of the policy and complying with its standards of behaviour;
- 5.2 complying with our screening requirements and any state/territory "Working with Children" checks;
- 5.3 placing the safety and welfare of children above other considerations;
- 5.4 being accountable for their behaviour;
- 5.5 following the procedures outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour; and
- 5.6 complying with any decisions and/or disciplinary measures imposed under this policy.

6. Position Statements

6.1 Child Protection

Because Masters Swimming Australia operates across Australia, our child protection policies must also comply with the legislation applying in the state(s) or territories relating to conducting sporting or recreational activity wholly or partly for children or young people under the age of 18.

*In some states providers of services in that state, no matter where they are based, must also register on-line that they are child safe compliant.
(eg. [Lodging a Child Safe Environment Compliance Statement for SA](#))*

Masters Swimming Australia is an organisation for adult swimmers, but we acknowledge that children are sometimes involved in activities conducted by our organisation; therefore, we are committed to the safety and wellbeing of all children and young people accessing our services. We support the rights of the child and will act without hesitation to ensure a child safe environment is maintained at all times when children are involved in activities conducted by our organisation. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.

Masters Swimming Australia prohibits the taking of images of children without gaining consent from the child's parent/guardian."

6.2 Anti-Discrimination and Harassment

Masters Swimming Australia opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone less favourably because of a particular attribute; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular attribute; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers.

Any person who feels they are being harassed or discriminated against by another person or organisation bound by this policy is at liberty to make a complaint following the procedure outlined in attachment D1 to this policy.

6.3 Pregnancy

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

Masters swimming will not exclude pregnant women from participation.

Pregnant women are encouraged to advise their relevant club so that the club or club coaches can discuss any individual requirements with the swimmer.

6.4 Gender Identity

Everyone bound by this policy must treat people who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition.

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

6.5 Alcohol Policy

Masters Swimming Australia recommends that branches and their member clubs adhere to strict guidelines regarding the responsible consumption of alcohol. Alcohol should not be available nor be consumed during a swimming competition.

6.6 Smoking Policy

Smoking shall be governed by the law, rules, or practices of any individual venue that is attended.

6.7 Cyber Bullying/Safety

Bullying and harassment in all forms is regarded by Masters Swimming Australia as unacceptable. Given the emergence of new telephone and internet social networks, the opportunity for unwanted and improper comments and statements has increased dramatically. Messages or statements made in these ways using these means of communication are largely instantaneous and can easily be abused.

6.8 Social Networking Websites Policy

Masters Swimming Australia acknowledges the emergence of new technology and communication mediums (new media) and wishes to enable such new media to be used to benefit the sport and its participants, and to applaud achievements. This can occur due to the immediate nature of communication to a wide audience using channels such as Facebook, Twitter and SMS.

In furtherance of our objective to reduce impropriety, Masters Swimming Australia will distribute annually to branches, a list of suggestions for individuals with respect to members social media activity.

7. Complaints Procedures

7.1 Complaints

Masters Swimming Australia aims to provide a simple procedure for complaints. Any person (a complainant) may make a complaint about a person/s or organisation bound by this policy (respondent). Such complaints must be notified to Masters Swimming Australia.

Masters Swimming Australia's reporting hierarchy is as follows:

- club level or involves people operating at the club level, then the complaint is to be reported to and handled by the relevant club in the first instance.
- branch level or involves people operating at the branch level, then the complaint is to be reported to and handled by the relevant state/territory association (Branch) in the first instance.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in attachment D1.

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

7.2 Mediation

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

Mediation may occur before, during or after the investigation of a complaint. If a complainant wishes to resolve the complaint with the help of a mediator, the General Manager or appropriate person at Branch/Club level) will, in consultation with the complainant, arrange for a neutral third party mediator where possible.

7.3 Tribunals

A Tribunal may be convened to hear a formal complaint:

- referred to it by General Manager;
- referred to it or escalated by a Branch because of the serious nature of the complaint, or unable to be resolved at the branch level, or the branch policy directs it to be; and/or
- for an alleged breach of this policy.

Our Tribunal procedure is outlined in attachment D5.

A complainant or respondent may lodge an appeal only 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 D5.

Every organisation bound by this policy will recognise and enforce any decision of a Tribunal or Appeal Tribunal under this policy.

8. What is a Breach of this policy

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

- 8.1 breaching the Codes of Behaviour (attachment B to this policy);
- 8.2 bringing the sport and/or Masters Swimming Australia into disrepute, or acting in a manner likely to bring the sport and/or Masters Swimming Australia into disrepute;
- 8.3 failing to follow Masters Swimming Australia policies (including this policy) and procedures for the protection, safety and welfare of children;
- 8.4 discriminating against, harassing or bullying (including cyber bullying) any person;
- 8.5 victimising another person for reporting a complaint;
- 8.6 engaging in a sexually inappropriate relationship with a person that they supervise, or have influence, authority or power over;
- 8.7 verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- 8.8 disclosing to any unauthorised person or organisation any Masters Swimming Australia information that is of a private, confidential or privileged nature;
- 8.9 making a complaint they know to be untrue, vexatious, malicious or improper;
- 8.10 failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; or
- 8.11 failing to comply with a direction given to the individual or organisation during the discipline process.

9. Disciplinary Measures

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

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

9.1 Individual

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

- 9.1.1 A direction that the individual make an oral and/or written apology.
- 9.1.2 A written warning.
- 9.1.3 A direction that the individual attend counselling to address their behaviour.
- 9.1.4 A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any events or activities held or sanctioned by Masters Swimming Australia.

- 9.1.5 A demotion or transfer of the individual to another location, role or activity.
- 9.1.6 A suspension of the individual's membership or participation or engagement in a role or activity.
- 9.1.7 Termination of the individual's membership, appointment or engagement.
- 9.1.8 A recommendation that Masters Swimming Australia terminate the individual's membership, appointment or engagement.
- 9.1.9 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.

9.2 Organisation

If a finding is made that a Masters Swimming Australia member or affiliated organisation has breached its own or this national Member Protection Policy, one or more of the following forms of discipline may be imposed by the Hearing Tribunal.

- 9.2.1 A written warning.
- 9.2.2 A direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period;
- 9.2.3 A direction that any funding granted or given to it by Masters Swimming Australia cease from a specified date.
- 9.2.4 A direction that the Masters Swimming Australia cease to sanction events held by or under the auspices of that organisation.
- 9.2.5 A recommendation to Masters Swimming Australia that its membership of Masters Swimming Australia be suspended or terminated in accordance with the relevant constitution or rules.
- 9.2.6 Any other form of discipline that Masters Swimming Australia considers to be reasonable and appropriate.

10. Dictionary

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

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

Affiliated club means a club affiliated with a Masters Swimming Branch.

Attribute a characteristic of an object (man, thing, etc.)

Branch means the association of clubs, in a state or territory of Australia that is affiliated with Masters Swimming Australia.

Bullying is the use of force or coercion to abuse or intimidate others.

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

Complainant means a person making a complaint.

Complaint means a complaint made under clause 7.1.

Complaints Manager means a person appointed under this policy to investigate a complaint.

Discrimination includes both direct and indirect discrimination. To treat someone less favourably because of a particular characteristic in the same or similar circumstances in certain areas of public life is direct discrimination. To or impose or intend to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics is indirect discrimination.

Some examples of Discrimination in relation to swimming include:

- **Age:** A club refuses to allow an older person to coach a team simply because of age.

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

General Manager is the General Manager of Masters Swimming Australia

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

Unlawful harassment is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour.

Image is an artefact that depicts or records visual perception

Individual is a person or a specific object

Masters Swimming Australia is the governing body for masters swimming in Australia.

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

Member means registered active and financial individual with Masters Swimming Australia

Member Protection Information Officer (MPIO) means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this Policy. The MPIO provides impartial and confidential support to the person making the complaint.

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

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

Organization (or organisation) is a social entity that has a collective goal and is linked to an external environment.

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

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

Respondent means the person who is being complained about.

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

Sexual harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact,

oral comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

Transgender is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth.

PART B: CODES OF BEHAVIOUR

Attachment B1: Coaches Code of Behaviour

Attachment B2: Officials Code of Ethics

Attachment B3: Swimmer/Athlete Code of Behaviour

Attachment B4: Administrator Code of Behaviour

Attachment B5: Board Member Code of Behaviour

Attachment B6: Spectator Code of Behaviour

Note: Codes of behaviour are generally not binding on non-members such as parent/guardians and spectators unless they have signed the codes or other form/document agreeing to be bound by the codes and the member protection policy. It may therefore be difficult to discipline a parent/guardian or spectator under this policy.

B1: Coaches' Code of Behaviour

- 1. Respect the rights, dignity and worth of every human being.**
 - Within the context of the activity, treat everyone equally regardless of sex, disability, ethnic origin or religion.
- 2. Demonstrate appropriate teaching and learning philosophy.**
 - While respecting the opinions of others demonstrate an understanding of the human rights/social model and of its application.
 - Infuse a human rights/disabling environment perspective throughout each course or assessment task and refrain from endorsing a charity/medical model approach.
- 3. Ensure each participant's time spent with you is a positive experience.**
 - All participants are deserving of equal attention and opportunities.
 - Treat each person as an individual.
 - Respect the talent, developmental stage and goals of each individual person.
- 4. Be fair, considerate and honest with participants.**
- 5. Be professional and accept responsibility for your actions.**
 - Language, manner, punctuality, preparation and presentation should display high standards.
 - Display control, respect, dignity and professionalism to all involved.
 - Encourage your participants to demonstrate the same qualities.
- 6. Make a commitment to providing a quality service to your participants.**
 - Maintain or improve your current NCAS accreditation.
 - Seek continual improvement through performance appraisal and ongoing coach education.
 - Provide a training program which is planned and sequential.
 - Maintain appropriate records.
- 7. Operate within the rules and spirit of your sport.**
 - The guidelines of Masters Swimming Australia should be followed. Please go to the Masters Swimming Australia website for a copy of the constitution, rules, by-laws, relevant policies, eg. Heat Policy, selection procedures etc.
 - Coaches should educate their participants on drugs in sport issues using the information and guidelines provided by the Australian Sports Anti Drug Agency (ASADA).
- 8. Any physical contact with participants should be:**
 - appropriate to the situation;
 - necessary for the participant's skill development; and
 - with the permission of the participant
- 9. Refrain from any form of personal abuse towards your participants.**
 - This includes oral, physical and emotional abuse and negative stereotyping.
 - Be alert to any forms of abuse directed towards your participants from other sources whilst they are under your supervision.

- 10. Refrain from any form of harassment towards your participants.**
 - This includes sexual and racial harassment, racial vilification and harassment on the grounds of disability
- 11. Provide a safe environment for your participants.**
 - Ensure equipment and facilities meet safety standards.
 - Equipment, rules, training and the environment need to be appropriate for the age and ability of the participants.
- 12. Show concern and caution towards sick and injured participants.**
 - Provide a modified training program where appropriate.
 - Allow further participation in training and competition only when appropriate.
 - Encourage participants to seek medical advice when required.
 - Maintain the same interest and support towards sick and injured swimmers.
- 13. Be a positive role model for your sport and participants.**
 - Consider behaviour and conduct in informal periods as well as during the training sessions.

B2: Officials' Code of Ethics

1. To act responsibly at all times
2. Place safety and welfare of all participants above all else
3. Be impartial
4. To avoid any situation which may lead to conflict of interest
5. Be courteous, respectful and open to discussion and interaction
6. To value the individual in sport
7. To seek continual self improvement through study, performance appraisal and regular updating of competencies
8. Encourage inclusive practices
9. Be a positive role model in behaviour and personal appearance
10. Respect and encourage other officials
11. Refrain from any form of personal abuse towards all participants
12. Refrain from any form of sexual harassment towards all participants
13. Show concern and caution towards sick and/or injured participants

B3: Swimmer/Athlete Code of Behaviour

1. Give your best at all times.
2. Participate for your own enjoyment and benefit.
3. Play by the rules and show respect for other swimmers, coaches, officials and spectators.

B4: Administrator Code of Behaviour

1. Ensure quality supervision and instruction for swimmers.
2. Support coaches and officials to improve their skills and competencies.
3. Act honestly, in good faith and in the best interests of the sport as a whole.
4. Ensure that any information acquired or advantage gained from the position is not used improperly.
5. Conduct club responsibilities with due care, competence and diligence.

B5: Board Member Code of Behaviour

1. Undertake fiduciary responsibilities in a fair, open, honest and accountable way for the benefit of the whole of Masters Swimming Australia and its registered members;
2. Exercise all due care and diligence in the performance of duties and functions;
3. Disclose any material of personal interest in any matter being discussed, and subsequently abstain from any discussion or vote on the issue;
4. Attend all National Board of Management Meetings, or, if obliged to miss a meeting, pass on all relevant papers for the meeting;

5. Submit all reports required for National Board of Management meetings and on behalf of the National Board of Management as required and in a timely manner;
6. Read all meeting papers prior to each meeting and seek clarification on any issue that is unclear;
7. Ensure that any motion submitted for consideration at a General Meeting by the National Board of Management complies with the MSA constitution;
8. Treat all material provided as “confidential to the National Board of Management” as completely confidential unless otherwise agreed by the National Board of Management.

B6: Spectator Code of Behaviour

1. Respect the effort and performances of swimmers and officials.
2. Reject the use of harassment, bullying or violence in any form, whether by other spectators, coaches, officials or athletes.

PART C: SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

(last update April 2012)

Background

Child protection is about keeping children safe from harm/abuse. Child abuse is illegal, and all states and territories have their own systems and laws that cover screening and/or the reporting and investigation of cases of child abuse.

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

The Australian Capital Territory and Tasmania are currently reviewing their screening laws. New requirements and amendments will be added to this policy as they are introduced. There is no current screening process or formal legislation; however, individual employers or sporting organisations may require police checks at their discretion.

Please be aware that state and territory WWCC requirements may also apply to individuals who visit states with screening laws. For example, if a branch or club takes swimmers U18 into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with NSW law.

The state WWCC requirements apply regardless of our national, state or club Member Protection Policy.

The following attachments provide:

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

Please note: Working with children check exemptions:

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

This means volunteers and workers with a valid check in their home state or territory will be able to participate in short-term activities across state and territory borders without the need for additional checks. The ASC has no further detail at this stage, but is working to get additional information on the changes. It will communicate this information to sports and sector partners as soon as it becomes available.

The full communiqué is available at

http://www.jennymacklin.fahcsia.gov.au/statements/Pages/jm_c_livingstandards_21october2011.aspx

Attachment C1: SCREENING REQUIREMENTS for states/territories without Working With Children Checks such as ACT and Tasmania

This attachment sets out the screening process for people in Masters Swimming Australia who work, coach, supervise or have regular unsupervised contact with people under the age of 18 years.

Masters Swimming Australia will, and also requires branches and clubs to do the following.

1. Identify positions that involve working, coaching, supervising or regular unsupervised contact with people under the age of 18 years.
2. Obtain a completed *Member Protection Declaration (MPD)* (Attachment C2) from all people who are identified in the above step and keep it in a secure place.
3. Provide an opportunity for a person to give an explanation if a MPD isn't provided or it reveals that the person doesn't satisfactorily meet any of the clauses in the MPD. We will then make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years. If dissatisfied, we will not appoint them to the role/position.
4. Where possible, check a person's referees (oral or written) about his/her suitability for the role.
5. Ask the people identified in step 1 to sign a consent form for a national police check.
6. Possibly request (or ask the person to request) a national 'Part Exclusion' police check from our relevant police jurisdiction. This check excludes irrelevant records. If the police check indicates a relevant offence, we will provide an opportunity for the person to give an explanation, and then we will make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years. If dissatisfied, we will not appoint them to the role/position.
7. Make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years if the person does not agree to a national police check after explaining why it is a requirement under our policy. If dissatisfied, we will not appoint them.
8. Decide whether to offer the person the position taking into account the result of the police check and any other information the club has available to it. Where it is not practical to complete the police check prior to the person commencing in the position, we will complete the check as soon as possible, and if necessary, act immediately on the outcome.
9. Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the checking process.
10. Return information collected during screening (such as a completed MPD form, police records and referee reports) to the relevant person if that person is not appointed to the position, or otherwise be destroyed within 28 days of the date of the decision or the expiry of any appeal period, unless within that time the person requests that the documents be returned to them. For appointed persons, information will be kept on file in a secure location.

Attachment C2: MEMBER PROTECTION DECLARATION

Masters Swimming Australia has a duty of care to all those associated with the sport at the national, branch and/or club level and to the individuals and organisations to whom our national Member Protection Policy applies. As a requirement of our national Member Protection Policy, Masters Swimming Australia must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

I (name) of

..... (address) born/...../.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence, narcotics and certain driving offences.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence, narcotics and certain driving offences
4. I am not currently serving a sanction for an anti-doping rule violation under an 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 Masters Swimming Australia may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the General Manager of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses [1 to 6] above has changed.

Declared in the State/Territory of

on/...../.....(date) Signature

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

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

Name:.....

Signature:.....

Date:

Attachment C3: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS

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

1. QUEENSLAND

A person will need a Working with Children Check (“WWC Check”), also known as a **blue card**, if they propose to work in a paid or voluntary capacity or to carry on a business in a child-related area regulated by the *Commission for Children and Young People and Child Guardian Act 2000*, for at least:

- Eight consecutive days; or
- Once a week for each week during a period of four weeks; or
- Once a fortnight for each fortnight during a period of eight weeks; or
- Once a month for each month during a period of six months.

Once a person is checked and approved, they are issued with a blue card. Volunteers and paid employees employed in a sporting organisation generally fall under the ‘churches, clubs and associations’ category of regulated employment. Volunteers and paid employees employed in private businesses may fall under the ‘sport and active recreation’ category of regulated employment. The check is a detailed national criminal history check including charges and investigations relating to children.

Police Officers and registered teachers do not need to apply for a blue card when providing child related services that fall outside of their professional duties. They should however apply to the Commission for an exemption card.

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

As a result of changes and improvements to the blue card system as at the 1st of April, 2011 and 1st July, 2011 more people will be screened and have their criminal histories monitored. State Government employees and volunteers who work with Children will now be screened through the Commission. It will be compulsory for employers/organisations to notify the Commission if they employ someone who already holds a blue card.

A blue card remains current for two years. Existing card holders will be notified by the Queensland Commission for Children and Young People and Child Guardian before their card expires. It is important to note that Blue Cards issued for applicants received after 1 April 2010 will now be valid for three years, instead of two. Volunteers who are under 18 years of age do not require a Blue Card; however, employees under 18 years of age do require a blue card. In addition to obligations regarding the blue card, **employers** must develop and implement a written child protection risk management strategy and review it each year.

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

- Visit: www.ccypcg.qld.gov.au or
- Call: 1800 113 611

2. NEW SOUTH WALES

The *Commission for Children and Young People Act 1998* (NSW) provides minimum standards for those who work with children. All organisations within NSW that employ people in child-related employment (in a paid or unpaid capacity) must meet the requirements of the Working With Children Check (“WWC Check”). Child related employment is defined as work which primarily involves direct unsupervised contact with children. Applicants applying for paid positions need to sign a Background Check Consent Form, and then submit a Background Check Request Form to the approved screening agency for them to conduct the WWC Check. The WWC Check involves two elements:

1. Excluding people with convictions for serious sex and violence crimes against children; and

2. Background checking for preferred applicants for primary child-related employment, ministers of religion and authorised carers

If you need to do the WWC Check, you will need to register with the appropriate Approved Screening Agency. Approved Screening Agencies are the agencies appointed by the Government to carry out the WWCC. As of the 1st of March 2010 the Approved Screening Agency functions at Sport and Recreation were moved to the NSW Commission for Children and Young People.

Sporting organisations are responsible for managing the WWC Check process. Individuals cannot apply for a WWC Check directly. Sporting organisations should register with the **NSW Commission for Children and Young People** providing a contact who will receive the information on the background checks. It is important to note that there are new online WWC Check forms and also clearer online employer guidelines.

Under the relevant NSW Child Protection Legislation all paid and unpaid applicants for child-related employment need to sign a Prohibited Employment Declaration, which confirms that they are not a prohibited person. No one should be employed in child-related employment who refuses to sign the Prohibited Employment Declaration.

Background checks are currently not available for volunteers. Volunteers must certify they are not convicted of serious sex or violence offences that prohibit them from child-related employment. From May 2010, it has been compulsory for self-employed people in child-related employment to hold a certificate which confirms that they are not a prohibited person.

People not eligible for the WWC Checks can apply for a National Police Check through NSW Police (visit: www.police.nsw.gov.au).

Any relevant employment proceedings should be reported to the Commission for Children and Young People for any paid and unpaid employees. A relevant employment proceeding involves any inappropriate conduct with or in the presence of a child or children.

The Act does not stipulate an age at which WWC Checks become mandatory for employees in child-related employment, so all employees in such settings, including people under 18 years of age, are required to obtain a WWC Check.

A WWC Check is valid for employment in that position within the organisation. Short-term employees (where that person is being employed for periods of less than six months and returning for short periods throughout a 12 month period) only need to be checked **once** every 12 months. People returning from leave into the same child-related employment do not need to be re-checked. Existing employees are only checked if they are recruited to a new position with a different range of child-related contact, within the organisation.

For more information, including the required forms:

- Visit: www.kids.nsw.gov.au
- www.dsr.nsw.gov.au/children/resources.asp or 02 9006 3700
- www.check.kids.nsw.gov.au/; or
- Call: 02 9286 7219

3. **WESTERN AUSTRALIA**

The Working With Children Check (“WWC Check”) is a compulsory and rigorous criminal record check for certain people who carry out ‘child-related work’ in Western Australia (WA). The *Working with Children (Criminal Record Checking) Act 2004* (the Act) aims to protect children from harm by providing a high standard of compulsory national criminal record check for people wishing to work in paid or unpaid child-related work or volunteer child-related work in WA.

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

Applicants will be issued with either:

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

It is an offence for employers, volunteer organisations and education providers to engage in child – related work without a WWC Check Card. It is also an offence for employees, volunteers and students to carry out child-related work without doing so. The Act provides a five day grace period in most cases to provide reasonable flexibility and allow for unforeseen circumstances.

Additionally, WWC Checks are only concerned with child-related offences, therefore employers may require that employees or volunteers obtain both a WWC Check and a National Police Check, Information on obtaining a National Police Check can be obtained from the Western Australia Police at www.police.wa.gov.au/.

For more information:

- Visit: www.checkwwc.wa.gov.au/; or
- Call: 1800 883 979 (toll free)

4. VICTORIA

The Working With Children Check ("WWC Check") creates a mandatory minimum checking standard across Victoria. The *Working with Children Act 2005* requires that some people who work or volunteer in child-related work require a WWC Check. WWC Checks are valid for five years and must be renewed if you intend to continue to undertake 'child-related work' after your WWC Check Card expires. Should you require a WWC Check Card you must apply for a WWC Check Card by the 30th of June 2011.

The check involves a national police records check and a review of relevant findings from prescribed professional disciplinary bodies (currently only the Victorian Institute of Teaching). There is an exemption for volunteers whose own children are involved in the particular activity; however they should still be required to complete the screening process.

A person who has no criminal or professional disciplinary history will be granted an *Assessment Notice*. This notice will entitle the person to undertake child-related work in Victoria and is valid for five years (unless revoked). As of the 1st of December, 2010 the *Assessment Notice* became the WWC Check Card and not the A4-Style Assessment Notice. Cardholders can now show employers and organisations who employ them in 'child-related work', the card itself, as legal proof that they have passed the Check. A person deemed unsuitable to work or volunteer with children will be given a *negative notice* and cannot work in child-related work in Victoria.

Card holders do not need to apply for a new WWC Check Card when they change their employer or volunteer organisation, unless they are moving from volunteer status to paid work status.

People under 18 years of age do not require a WWC Check Card.

Police Checks can also be obtained via Victoria Police at <http://www.police.vic.gov.au/>

For more information:

- Visit: www.justice.vic.gov.au/workingwithchildren; or
- Call: 1300 652 879

5. SOUTH AUSTRALIA

In South Australia the requirement to conduct criminal history assessments for people working with children was phased-in over three years.

For recreation and sporting organisations this requirement was to be completed by 31 December 2013.

The obligation to conduct the Criminal History Assessment rests with the organisation providing the service. [NSO/organisations] who provide services wholly or partly for children in South Australia therefore must comply with this requirement, so must include these requirements in their MPP documentation

The [NSO/organisation] may conduct a criminal history assessment themselves or apply to a third party (such as the state sporting body for an assessment and letter of clearance).

Assessments required for prescribed positions

All staff and volunteers who occupy a prescribed position (as set out under section 8B (8) of the South Australian *Children's Protection Act 1993*) are required to undergo a criminal history assessment once every three years unless an exemption applies. (see below)

Criminal history assessments are also required prior to the appointment of new staff or volunteers to prescribed positions.

This includes all people who regularly work with or around children in an unsupervised capacity or have access to children's records.

Procedure for conducting criminal history assessments

Note: The Children's Protection Act 1993 enables organisations to decide the manner in which they will conduct criminal history assessments. Please choose the option below that reflects the method of assessment that your organisation has adopted.

Option 1

A National Police Check (NPC) from South Australia Police will be required for all persons taking on a role in a prescribed position prior to their appointment and then at three yearly intervals or as requested by the board.

For many volunteers the cost for this application will be covered under the Volunteer Organisation Authorisation number (VOAN) through the governing body/SSO.

South Australia Police require the explicit written consent of the applicant prior to the release of criminal history information. The NPC application form is available from http://www.police.sa.gov.au/sapol/services/information_requests/national_police_certificate.jsp

On receipt of the NPC the applicant must present the letter for viewing and recording to [NSO/organisation].

Where a person has no disclosable criminal history, the assessment is successfully completed and no further action in respect to an assessment is required.

Where an individual does have a criminal history, the [NSO/organisation] must assess this information in accordance with Standard 5 of the **Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children**.

<http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=281>

Each assessment is conducted on its individual merits and with consideration to the inherent requirements of the position. As required by the **Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children**, principles of procedural fairness and natural justice are applied throughout the decision-making process and the individual is provided an opportunity to confirm or dispute the information contained within the report and to provide contextual information for consideration during the assessment process.

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

In accordance with its legal requirements, the organisation will retain the following information regarding its decision:

- That a criminal history report was obtained
- How the criminal history information affected decision making processes
- Statutory declarations (where applicable)

The [NSO/organisation] may obtain a further criminal history assessment for a staff member or volunteer at any time that they believe it necessary or desirable for the purpose of maintaining a child safe environment.

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

The [NSO/organisation] will communicate to the applicant the decision not to employ or engage them or to accept their application for membership. They will not be provided with the reasons for this decision.

There will be no appeal to this decision.

Option 2

A current letter of clearance from the Department for Communities and Social Inclusion (DSCI) Screening Unit is a requirement for all persons taking on a role in a prescribed position prior to their appointment and then at three yearly intervals.

The cost of obtaining a letter of clearance will be negotiated between the [NSO/organisation], the club or applicant.

The [NSO/organisation] may obtain a further criminal history assessment for an employee at any time that the [NSO/organisation] believes it necessary or desirable for the purpose of maintaining a child safe environment.

The informed written consent of the applicant or employee is required prior to conducting a criminal history assessment. The Screening Unit's informed consent form is available from <http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=934>

- Information relating to a person's criminal history and the assessment process is managed securely and confidentially and in accordance with the **Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children** issued by the Chief Executive, Department for Families and Communities.
<http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=281>

Other evidence (optional)

Where appropriate, the [NSO/organisation] may utilise a number of forms of evidence (obtained within the last three years) to assess a person's suitability to work with children. This includes:

- A National Police Certificate that does not expressly state that it cannot be used as a clearance to work with children
- A letter of clearance to work with children from the Department for Families and Communities Screening Unit
- A valid and current interstate working with children check.

Acceptance of other forms of evidence is at the discretion of the [NSO/organisation] and is subject to the person completing a 100-point check to confirm the true identity of the applicant.

This [NSO/organisation] may also at its discretion seek a statutory declaration for any *employee(s)* or *volunteer(s)* who have been citizens or permanent residents of another country other than Australia since turning 18 years of age.

Exemptions from the requirement to conduct criminal history assessments

In accordance with guidelines MSA has agreed to exempt the following persons from the requirement to undertake a criminal history assessment, unless that person is also involved in a function or event conducted by MSA, its affiliated associations or clubs which involves the care of children in overnight accommodation. <Delete any which you choose not to allow>

- A person volunteering in an activity in which their child ordinarily participates;
- A person who volunteers who is less than 18 years of age;
- A person working or volunteering for a short-term event or activity of less than 10 days duration or for no more than 1 day in any month;
- A person occupying a position in which all work involving children is undertaken in the physical presence of the child's parents or guardians and in which there is ordinarily no physical contact with the children;
- A person who undertakes, or a position that only involves, work that is primarily provided to adults or the community generally and is not provided to any child on an individual basis;
- An organisation that provides equipment, food or venues for children's parties or events but does not provide any other services to children;
- A person who has regular contact with a child as part of an employment relationship with that child (such as a person working alongside a child or supervising an employee who is a child);
- A person who is appointed as a police officer or is a registered teacher. (Police officers and teachers are already subject to comprehensive criminal history assessments as a prerequisite for employment).

For more information, visit:

- <http://www.dcsi.sa.gov.au/pub/Default.aspx?tabid=281>
- <http://www.recsport.sa.gov.au>

6. NORTHERN TERRITORY

The *Care and Protection of Children Act 2007* (NT) highlights a number of initiatives the Northern Territory Government has designed to help keep children safe and prevent harm and exploitation of children, amongst other things.

It is mandatory for employees and volunteers aged 15 years and over who have contact or potential contact with children to hold a Working With Children Clearance Notice ("WWC Clearance Notice"). WWC Clearance Notices are designed to keep children safe by preventing those who pose a risk to the safety of children from working with them, in either paid or volunteer work. People who receive a WWC Clearance Notice will receive an Ochre Card which acts as proof that you hold a WWC Clearance Notice.

The Children Clearance Screening has three components:

1. A National Police Records Check;
2. Employment History; and
3. Other material

It is the responsibility of the person who wants to work or volunteer with children to apply for the WWC Clearance Notice and ensure that it remains valid.

Penalties will apply to people who gain employment in “child related” work without a WWC Clearance Notice.

Individual organisations may also have their own policies that require people working with children and young people to undergo a Police Check. The Northern Territory Police Department provides information on obtaining Police Checks at www.pfes.nt.gov.au.

For more information:

- Visit: <http://www.workingwithchildren.nt.gov.au>; or
- Call: 1800 SAFE NT (1800 723 368)

7. AUSTRALIAN CAPITAL TERRITORY

There is no formal legislation or relevant screening program in the ACT. Individual employers may require police checks at their discretion.

There are no legal statutes that require people working with children to undergo a police check. However, services contracted to the Government are required to employ “fit and proper” people. This is interpreted as a requirement to obtain a National Police Check. The Australian Federal Police provide National Police Checks for residents in the ACT.

For more information including forms and fees:

- Visit: www.aifs.gov.au and
- www.afp.gov.au/what-we-do/police-checks/national-police-checks.aspx

8. TASMANIA

Similar to the ACT, there is no formal legislation or relevant screening program in Tasmania. Individual employers may require police checks at their discretion.

A screening program does exist for persons engaged in the childcare industry. It is a requirement of the Department of Education that safety screening is undertaken for the following:

- Child care staff;
- Home base child carers; and
- Volunteers and students, including those under 18 years of age.

Police Checks can be obtained from the Tasmanian Police Department at www.police.tas.gov.au.

PART D: COMPLAINT HANDLING PROCEDURES

Attachment D1: COMPLAINTS PROCEDURE

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

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

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

INFORMAL APPROACHES

Step 1: Talk with the other person (where this is reasonable, safe and appropriate)

In the first instance, you (the Complainant) should try to sort out the problem with the person or people involved (respondent) if you feel able to do so.

Step 2: Contact a Member Protection Information Officer

Talk with one of our *Member Protection Information Officer's (MPIOs)* if:

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

A list of our MPIOs can be obtained by contacting your Branch or Masters Swimming Australia

The *MPIO* or General Manager will:

- take confidential notes about your complaint;
- try to find out the facts of the problem;
- ask what outcome/how you want the problem resolved and if you need support;
- provide possible options for you to resolve the problem;
- act as a support person if you so wish;
- refer you to an appropriate person (e.g. Mediator) to help you resolve the problem, if necessary;
- inform the relevant government authorities and/or police if required by law to do so; and
- maintain confidentiality.

Step 3: Outcomes from initial contact

After talking with the *MPIO* or *General Manager* you may decide:

- there is no problem;
- the problem is minor and you do not wish to take the matter forward;
- to try and work out your own resolution (with or without a support person such as a *MPIO*); or
- to seek a mediated resolution with the help of a third person (such as a mediator); or
- to seek a formal approach.

FORMAL APPROACHES

Step 4: Making a Formal complaint

If your complaint is not resolved or informal approaches are not appropriate or possible, you may:

- make a formal complaint in writing to *the General Manager/President or MPIO* or
- approach a relevant external agency, such as an anti-discrimination commission, for advice.

If the complaint is against the *General Manager or President*, then the complaint should be lodged with a member of the Board Committee, who should follow the complaints procedure.

On receiving a formal complaint and based on the material you have provided, the *General Manager/President or MPIO* will decide whether:

- they are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrant a formal resolution procedure;
- to refer the complaint to mediation;
- to appoint a person to **investigate** (gather more information on) the complaint;
- to refer the complaint to a hearings tribunal;
- 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 set out in these Procedures is completed.

In making the decision(s) outlined above, the *General Manager/President or MPIO* will take into account:

- whether they have had any personal involvement in the circumstances, which means that someone else should handle the complaint;
- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- the relationship between you and the respondent (for example 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 will be subject to further unacceptable behaviour while the complaint process is underway.

If *the General Manager /President or MPIO* is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

- put the information they have received from you to the person/people you are complaining about and ask them to provide their side of the story;
- decide if they have enough information to determine whether the matter alleged in your complaint did or did not happen; and/or
- determine what further action to take, if any. This action may include disciplinary action in accordance with this policy, the relevant Constitution and by-laws, appointing a person to investigate the Complaint, referring the complaint to mediation session or a Hearing Tribunal or referring the complaint to the police or other appropriate authority.

Step 5: Investigation of the complaint

- A person appointed under Step 3 will conduct an investigation and provide a written report to *the MPIO or Hearing Tribunal* who will determine what further action to take;
- If the complaint is referred to mediation, it will be conducted in accordance with *Attachment D2* or as otherwise agreed by you and the respondent and the mediation provider;
- If the complaint is referred to a hearings tribunal, the hearing will be conducted in accordance with *Attachment D5*;
- If the complaint is referred to the police or other appropriate authority, Masters Swimming Australia will use its best endeavours to provide all reasonable assistance required by the police or other authority.
- It must be made clear to all parties that the investigator is not seeking to resolve the matter, nor to decide whether any breach of this Policy has occurred, nor to impose any penalty. Any decision about Policy breach must be referred to an independent tribunal, and wherever possible, mediations should be conducted by an independent mediator.

Step 6: Reconsideration of initial outcome/investigation or appeal

If, under the formal complaint process, mediation is unsuccessful, you may request that *the General Manager/President or MPIO* reconsider the complaint in accordance with **Step 3**.

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

Step 7: Documenting the resolution

The General Manager/President or MPIO will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at a branch/Club level, the information will be stored in the branch office or Club files. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at the National Office with a copy stored at the branch office.

EXTERNAL APPROACHES

There is a range of other options available depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from your State or Territory anti-discrimination commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be harassment within its jurisdiction, you may lodge a formal complaint with the commission.

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

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

You could also approach another external agency such as the police.

Attachment D2: MEDIATION

Mediation is a process through which people in conflict are helped to communicate with each other to identify the areas of dispute and to make decisions about resolving it. This attachment outlines the general procedure of mediation that will be followed by Masters Swimming Australia.

1. If mediation is chosen, the *General Manager /President or MPIO* will, under the direction of Masters Swimming Australia and in consultation with the complainant and the respondent(s), arrange for a mediator.
2. The mediator's role is to assist the complainant and respondent(s) reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and respondent(s), will choose the procedures to be followed during the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.
3. The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached by the complainant and the respondent(s), which will be signed by them as their agreement.
5. If the complaint is not resolved by mediation, the complainant may:
 - a. write to *the General Manager or MPIO/ Hearings Convenor* to request that *the General Manager or MPIO/Hearings Convenor* reconsider the complaint in accordance with **Step 3**; or
 - b. approach an external agency such as an anti-discrimination commission.
6. Mediation will **not** be recommended if:
 - a. the respondent has a completely different version of the events and will not deviate from these;
 - b. the complainant or respondent is unwilling to attempt mediation;
 - c. due to the nature of the complaint, the relationship between the complainant and the respondent(s) or any other relevant factors, the complaint is not suitable for mediation; or
 - d. the matter involves proven serious allegations, regardless of the wishes of the complainant.

Attachment D3: INVESTIGATION PROCESS

If an investigation needs to be conducted to gather more information the following steps will be followed.

1. We will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator will:
 - 1.1 interview the complainant and record the interview in writing;
 - 1.2 convey full details of the complaint to the respondent (s) so that they can respond;
 - 1.3 interview the respondent to allow them to answer the complaint, and record the interview in writing;
 - 1.4 if there is a dispute over the facts, obtain statements from witnesses and other relevant evidence to assist in a determination;
 - 1.5 make a finding as to whether the complaint is:
 - substantiated (there is sufficient evidence to support the complaint);
 - inconclusive (there is insufficient evidence either way);
 - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
 - mischievous, vexatious or knowingly untrue; and
 - 1.6 provide a report to *the General Manager/President or MPIO/Hearings Tribunal* documenting the complaint, investigation process, evidence, finding and, if requested, recommendations.
2. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person/adviser (e.g. *MPIO* or other person).
4. The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation. Information on our appeals process is in Attachment D5.

More detailed information on conducting internal investigations can be found at:

www.ausport.gov.au/supporting/ethics/resources/info_sheets

Attachment D4: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. It is not the responsibility of anyone working in Masters Swimming in Australia in a paid or unpaid capacity to decide whether or not child abuse has taken place; however, there is a responsibility to act on any concerns by reporting these to the appropriate authorities. The following outlines the key steps to follow. More information can be obtained from State or Territory government agencies.

Step 1 – Initial Receipt of an Allegation

If a child or young person discloses an allegation involving harm or abuse to them or another child, then it is crucial that you:

- stay calm;
- listen, be supportive and do not challenge or undermine what the child says;
- reassure the child that what has occurred is not the fault of the child;
- be honest with the child and explain that other people may need to be told in order to stop what is happening;
- ensure you are clear about what the child has said but do not elicit detailed information, ask leading questions or offer an opinion;
- act promptly to accurately record the discussion in writing; and
- do not discuss the details with any person other than those detailed in these procedures; and
- do not contact the alleged offender.

Step 2 – Report allegations

- Immediately report any allegation or disclosure of child abuse, or situation involving a child at risk of harm, to the police and/or government child protection agency. You may need to report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the complaint should be reported (for example, the allegation may relate to poor/inappropriate practice).
- If the child's parent/s is suspected of committing the abuse, you should report the allegation to the relevant government agency.
- If the allegation involves anyone to whom our policy applies, then also report the allegation to the General Manager of Masters Swimming Australia so that they can manage the situation (e.g. contact the parents following advice from the authorities, deal with any media enquiries and manage steps 3 and 4).

Step 3 – Protect the child and manage the situation

- The *MPIO and General Manager* will assess the risks and take interim action to ensure the child's/children's safety. Action Masters Swimming Australia, the branch or the club may implement includes redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined. Please be aware it is not the MPIO's role to undertake action such as redeploying someone and seek legal advice if person is in a paid employment.
- *The General Manager or MPIO* will consider the kind of support that the child/ren and parents may need (e.g. counselling, help lines, support groups).
- *The General Manager or MPIO* will address the support needs of the alleged offender.
- *The General Manager or MPIO* will also put in place measures to protect the child and the person against whom the complaint is made from victimisation and gossip. If the person is stood down, it should be made clear to any persons aware of the incident that this does not mean the respondent is guilty and a proper investigation will be undertaken.

Step 4 – Internal action

- Where there is an allegation made against a person to whom this policy applies, there may be three types of investigations:
 - criminal (conducted by police);
 - child protection (conducted by child protection authority); and

- disciplinary or misconduct (conducted by Masters Swimming Australia, the branch or club).
- Irrespective of the findings of the child protection and/or police inquiries, Masters Swimming Australia will assess the allegation to decide whether the person should be reinstated, banned, have their employment or position terminated or any other action.
- The decision-maker(s) will be *the General Manager or MPIO/* Hearing Tribunal of Masters Swimming Australia and it will consider all the information, including the findings of the police, government agency and/or court, and determine a finding, recommend action and explain its rationale for the action. This may be a difficult decision, particularly where there is insufficient evidence to uphold any action by the police.
- If disciplinary action is to be taken, the procedures outlined in Clause 9 of the policy will be followed.
- If disciplinary action is taken, Masters Swimming Australia will advise and provide a report to the relevant government authority should this be required (e.g. the NSW Commission for Children and Young People requires notification of relevant employment proceedings).

Attachment D5: HEARINGS & APPEALS TRIBUNAL PROCEDURE

The following will be followed by hearings tribunals established by Masters Swimming Australia to hear national member protection related complaints.

Preparation for Tribunal Hearing

1. A Tribunal Panel will be constituted following the rules outlined in Masters Swimming Australia's Constitution, to hear a complaint that has been referred to it by *the General Manager/President or MPIO*. The number of tribunal members required to be present throughout the hearing will be three.
2. The tribunal members will be provided with a copy of all the relevant correspondence, reports or information received and sent by *the General Manager/President or MPIO* relating to the complaint/allegations.
3. The tribunal hearing will be scheduled as soon as practicable, but must allow adequate time for the person being complained about (respondent(s)) to prepare their case for the hearing.
4. The Tribunal Panel will not include any person who has any actual or perceived conflict of interest, or bias regarding the matter.
5. The *General Manager/President or MPIO* will inform the respondent(s) in writing that a tribunal hearing will take place. The notice will outline:
 - that the person has a right to appear at the tribunal hearing to defend the complaint/allegation;
 - details of the complaint, and details of all allegations and the clause of any policy or rule allegedly breached;
 - the date, time and venue of the tribunal hearing;
 - that they can make either verbal or written submissions to the Tribunal;
 - that they may arrange for witnesses to attend the Tribunal in support of their position (statutory declarations of witnesses not available or from character witnesses may also be provided to the Tribunal);
 - an outline of any possible penalties that may be imposed if the complaint is found to be true; and
 - that legal representation will not be allowed. If the respondent is a minor, they should have a parent or guardian present.

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

The respondent(s) will be allowed to participate in all Masters Swimming Australia, branch and/or club activities and events, pending the decision of the Tribunal, including any available appeal process, unless the *General Manager or President*, after considering the nature of the complaint, believes it is necessary to exclude the respondent(s) from all or some Masters Swimming Australia, branch and/or club activities and events.

6. The *General Manager or President* will notify the complainant in writing that a tribunal hearing will take place. The notice will outline:
 - that the person has a right to appear at the tribunal hearing to support their complaint;
 - details of the complaint, including any relevant rules or regulations the respondent is accused of breaching;
 - the date, time and venue of the tribunal hearing;
 - that they can make either oral or written submissions to the Tribunal;
 - that they may arrange for witnesses to attend the Tribunal in support of their position (or provide statutory declarations from witnesses unable to attend); and
 - that legal representation will not be allowed. If complainant is a minor, they should have a parent or guardian present.

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

7. If the complainant believes the details of the complaint are incorrect or insufficient they should inform the *General Manager or President* as soon as possible so that the respondent and the Tribunal Panel members can be properly informed of the complaint.

8. It is preferable that the Tribunal include at least one person with knowledge or experience of the relevant laws/rules (e.g. Discrimination).

Tribunal Hearing Procedure

9. The following people will be allowed to attend the Tribunal Hearing:
- the tribunal members;
 - the respondent(s);
 - the complainant;
 - any witnesses called by the respondent;
 - any witnesses called by the complainant; and
 - any parent / guardian or support person required to support the respondent or the complainant.
10. If the respondent(s) is not present at the set hearing time and the Tribunal Chairman considers that no valid reason has been presented for their absence, the Tribunal Hearing will continue subject to the Tribunal Chairman being satisfied that all Tribunal notification requirements have been met.
11. If the Tribunal Chairman considers that a valid reason for the non-attendance of the respondent(s) has been presented, or the Tribunal Chairman does not believe the Tribunal notification requirements have been met, then the Tribunal will be rescheduled to a later date.
12. The Tribunal Chairman will inform the *General Manager or President* of the need to reschedule, and the *General Manager or President* will organise for the Tribunal to be reconvened.
13. The Tribunal Chairman will read out the complaint, ask the respondent(s) if they understand the complaint and ask if they agree or disagree with the complaint.
14. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal Panel when determining any disciplinary measures (penalty). [*Ensure the Tribunal has the powers / authorisation to impose any disciplinary measures under your Constitution.*]
15. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
- Reference may be made to brief notes.
 - The complainant may call witnesses.
 - The respondent(s) may question the complainant and witnesses.
16. The respondent(s) will then be asked to respond to the complaint.
- Reference may be made to brief notes.
 - The respondent may call witnesses.
 - The complainant may ask questions of the respondent and witnesses.
17. Both the complainant and respondent may be present when evidence is presented to the Tribunal. Witnesses may be asked to wait outside the hearing until required.
18. The Tribunal may:
- consider any evidence, and in any form, that it deems relevant;
 - question any person giving evidence;
 - limit the number of witnesses presented to those who provide any new evidence;
 - to the extent it has power to do so, require () the attendance of any witness it deems relevant;
 - act in an inquisitorial manner in order to establish the truth of the issue/case before it.
19. Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.
20. If the Tribunal considers that at any time during the tribunal hearing there is any unreasonable or intimidating behaviour from anyone, the Chairman may deny further involvement of the person in the hearing.
21. After all of the evidence has been presented the Tribunal will make its decision in private. The Tribunal must decide whether the complaint has been substantiated on the balance of probabilities (i.e. more probable than not). As the seriousness of the allegation increases, so too must the level of satisfaction of the Tribunal that the complaint has been substantiated. The respondent will be given an opportunity to address the Tribunal on disciplinary measures which might be imposed. Disciplinary measures imposed must be reasonable in the circumstances.

22. All Tribunal decisions will be by majority vote.
23. The Tribunal Chairman will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed, or may advise those present that the decision is reserved and will be handed down in written form at a later time.
24. Within 48 hours, the Tribunal Chairman will:
 - Forward to the General Manager a notice of the Tribunal decision including any disciplinary measures imposed.
 - Forward a letter to the respondent(s) reconfirming the Tribunal decision and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an appeal. Where the matter is of unusual complexity or importance, the Tribunal Chairman may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours.
25. The Tribunal does not need to provide written reasons for its decision.

Appeals Procedure

*[It is considered good and fair practice to provide a process to appeal against decisions or disciplinary actions imposed. The **reasons allowable for an appeal need to be determined**, e.g., limited to such aspects as a denial of natural justice or an unfair / unreasonable penalty. The ability to, and process of, appealing a decision must be outlined in your Constitution.]*

26. A complainant or a respondent(s) who is not satisfied with the decision of a Complaints Manager, the outcome of mediation or a tribunal decision can lodge one appeal to Masters Swimming Australia on one or more of the following bases:
 - 26.1 that a denial of natural justice has occurred;
 - 26.2 that the disciplinary measure(s) imposed is unjust and/or unreasonable; and/or
 - 26.3 that the decision was not supported by the information/evidence provided to the Complaints Manager/Mediator/Tribunal;
27. A person wanting to appeal in accordance with clause 26 must lodge a letter setting out the basis for their appeal with the General Manager/President within *three business days* of the relevant decision. *[An MSA appeal fee of \$110 shall be included with the letter of intention to appeal.]*
28. If the letter of appeal is not received by the General Manager/President within the time period the right of appeal lapses. *If the letter of appeal is received but the appeal fee is not received by the relevant time, the appeal lapses.*
29. The letter of appeal and notice of tribunal decision (clause 24) will be forwarded to the General Manager/President to review and decide whether there are sufficient grounds for the appeal to proceed. The General Manager may invite any witnesses to the meeting they believe are required to make an informed decision.
30. If the appellant has not shown sufficient grounds for appeal in accordance with clause 26, then the appeal will be rejected. The appellant will be notified with reasons. The appeal fee will be forfeited.
31. If the appeal is accepted an Appeal Tribunal a new panel will be convened to rehear the complaint *and the appeal fee will be refunded.*
32. The tribunal procedure shall be followed for the appeal.
33. The decision of an Appeal Tribunal will be final.

PART E: REPORTING REQUIREMENT AND DOCUMENTS

The following information was updated in November 2014. It is subject to change at any time.

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	Office for Children, Youth and Family Services www.dhcs.act.gov.au/ocyfs/services/care_and_protection Ph: 1300 556 729
New South Wales	
New South Wales Police Non-urgent police assistance Ph: 131 444 www.police.nsw.gov.au	Department of Community Services 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	Department of Children and Families www.childrenandfamilies.nt.gov.au Ph: 1800 700 250
Queensland	
Queensland Police Non-urgent police assistance Ph: 131 444 www.police.qld.gov.au	Department of Communities 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	Department for Communities and Social Inclusion www.dcsi.sa.gov.au Ph: 131 478
Tasmania	
Tasmania Police Non-urgent police assistance Ph: 131 444 www.police.tas.gov.au	Department of Health and Human Services 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	Department of Human Services 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	Department for Child Protection www.dcp.wa.gov.au Ph: (08) 9222 2555 or 1800 622 258

Key contact details in swimming and anti-discrimination / equal opportunity agencies:

Masters Swimming Australia	General Manager,	(03) 96825666
Masters Swimming Queensland	MSQ Office	(07) 3245 1571
Masters Swimming New South Wales	MSNSW Office	(02) 8116 9716
Masters Swimming Victoria	MSV Office	(03) 9682 5666
Masters Swimming Tasmania	MST Secretary	(03) 6343 4965
Masters Swimming SA	MSSA Secretary	0407 470 499
Masters Swimming WA	MSWA Office	(08) 9387 4400
Masters Swimming NT	MSNT Secretary	(08) 8981 5919
Australian Sports Commission	General Enquiries	(02) 6214 11111
Australian Human Rights and Equal Opportunity Commission		(02) 9284 9600
SA Equal Opportunity Commission		(08) 8207 1977 Freecall: 1800 188 163
Queensland Anti Discrimination Commission		(07) 3239 6408
ACT Human Rights Commission		(02) 6207 0576
VIC Human Rights Equal Opportunity Commission		(03) 9281 7111
WA Commission for Equal Opportunity		(08) 9216 3900
NSW Anti Discrimination Board		(02) 9268 5544
NT Anti Discrimination Commission		(08) 8999 1444
Tasmanian Anti Discrimination Commission		(03) 6233 4841

Attachment E2: CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Location/event of alleged issue		
Description of alleged issue		
Nature of complaint (category/basis/grounds) Can tick more than one box	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other	
Methods (if any) of attempted informal resolution		

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

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

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

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