



MEMBER PROTECTION BYLAW

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Boxing Australia Inc.

As amended 2 October 2005

Member Protection Bylaw

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MEMBER PROTECTION BYLAW

PART A – GENERAL PROVISIONS

1. Purpose of this bylaw

This member protection bylaw aims to ensure that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse. It also ensures that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities.

The association will take disciplinary action against any person or organisation bound by this bylaw if they breach it. Copies of this bylaw can be obtained from Boxing Australia's website <http://boxing.org.au>

2. To Whom this Bylaw Applies

This bylaw applies to Boxing Australia Inc (BAI) and to each of its state/territory member associations, including the following personnel whether in a paid or unpaid/voluntary capacity:

- Individuals sitting on boards, committees and sub-committees;
- Employees and volunteers;
- Support personnel (e.g. managers, masseurs);
- Coaches and assistant coaches;
- Athletes;
- Referees, judges, timekeepers and other officials;
- Members of affiliated state/territory member associations, including life members;
- Clubs and organisations affiliated to state/territory member associations;
- Parents, guardians, spectators and sponsors to the extent that is possible.

This bylaw will continue to apply to a person even after they have stopped their association or employment with BAI or a state/territory member association, if investigations relating to an allegation of child abuse against that person have commenced.

3. Code Of Conduct

BAI requires every individual and organisation bound by this bylaw to abide by the Code of Conduct outlined in this Bylaw.

4. Organisational Responsibilities

BAI and its state/territory member associations must:

- Adopt, implement and comply with this bylaw;
- Publish this bylaw and the consequences for breaching it;
- Promptly deal with any breaches of or complaints made under this bylaw;
- Recognise and enforce any penalty imposed under this bylaw;
- Appoint or arrange access to appropriately trained people to receive and handle complaints and allegations and display the names and contact details in a way that is readily accessible.

5. Child Protection

BAI acknowledges that our staff and volunteers provide a valuable contribution to the positive experiences of our juniors. BAI aims to ensure this continues and to protect the safety and welfare of its junior participants by:

- Prohibiting any form of abuse against children;
- Screening people whose role requires them to work with children;
- Ensuring our codes of conduct, particularly for roles associated with junior sport, are promoted, enforced and reviewed;
- Providing procedures for raising concerns or complaints; and
- Providing education and/or information to those involved in our sport on child abuse and child protection.

Any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within our sport, should report it immediately to the police or relevant state government authority, and also to a Member Protection Officer who will refer the allegation to BAI.

6. Anti-Discrimination and Harassment

BAI recognises that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed. BAI is opposed to all such harassment or discriminatory treatment.

Any person who feels they are being harassed or discriminated against by another person or organisation bound by this bylaw should contact a member protection officer to lodge a complaint.

7. Sexual Relationships

While sexual relationships between coaches and athletes aged 16 years and above are not necessarily unlawful, BAI takes the position that they such relationships should be avoided. These relationships can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sport's public image. Such relationships tend to be intentionally or unintentionally exploitative because there is usually a disparity between coaches and athletes in terms of authority, power, maturity, status and dependence.

Where BAI or a member association become aware of a sexual relationship between an athlete and coach, the matter is to be referred to BAI investigation. If it is determined that the sexual relationship is inappropriate, action may be taken to stop the coaching relationship with the athlete.

In the event that an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action.

8. Complaints Procedures

8.1 Complaints

Any person (complainant) may make a complaint about a person or organisation bound by this bylaw if they reasonably believe that this bylaw has been breached. A complaint should be reported to a Member Protection Officer. The procedure for complaints is detailed in this bylaw.

8.2 Vexatious Complaints & Victimisation

BAI aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process it is considered that a complainant has knowingly made an untrue complaint or the complaint is vexatious, disciplinary action may be taken against the complainant.

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

8.3 Mediation

In many cases, complaints can be sorted out by agreement between the people involved with no need for disciplinary action. The people involved in a complaint - the complainant and the person complained about (respondent) - may also seek the assistance of a neutral third person or a mediator. Lawyers are not able to negotiate on behalf of the complainant and/or respondent.

8.4 Member Protection Committees

Any formal complaint is referred to BAI whose Board of Directors may refer the matter for investigation by a Member Protection Committee. The Member Protection Committee may recommend to the Council of BAI that disciplinary penalties be imposed.

Members of Member Protection Committees will be indemnified by BAI against any claim for loss, compensation or damages, and for costs incurred defending a claim made against them, because of their function as a member of a Member Protection Committee.

9. Breach of this bylaw

Any breach of this ByLaw may result in disciplinary action.

10. Dictionary

This Dictionary sets out the meaning of words used in this bylaw.

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

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

Child abuse relates to children at risk of harm and may include:

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

Complaint means a complaint made under this bylaw.

Complainant means the person making a complaint.

Conviction means a finding of guilt by a court even if a conviction is not recorded.

Discrimination means treating or proposing to treat a person less favourably than someone else in certain areas of public life on the basis of an attribute or personal characteristic they have or are thought to have.

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

Harassment is any type of unwelcome behaviour that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated

Mediator means a person appointed to mediate complaints made under this bylaw.

Member protection is a term used to describe the practices and procedures that protect individual members, member organisations such as clubs and state associations, and the national body, from harassment, abuse, discrimination and other forms of inappropriate behaviour

Member Protection Officer (MPO) means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this bylaw.

Natural justice incorporates the following principles:

a person who is the subject of a complaint must be fully informed of the allegations against them

a person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence

all parties need to be heard and all relevant submissions considered

irrelevant matters should not be taken into account

no person may judge their own case

the decision makers must be unbiased, fair and just

the penalties imposed must not outweigh the seriousness of the offence

Police check means a national criminal history record check

Bylaw and **this bylaw** mean this Member Protection Bylaw.

Respondent means the person who is being complained about.

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

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

Sexual offence means a criminal offence involving sexual activity including but not limited to Rape; Sexual assault; Assault with intent to have sexual intercourse; Incest; Sexual acts with child under the age of 16; Sexual offences against people with impaired mental functioning; Abduction and detention; Procuring sexual activity by threat or fraud; Soliciting sexual acts involving children; Promoting or engaging in acts of child prostitution; Obtaining benefits from child prostitution; Possession of child pornography; Publishing child pornography.

Vexatious means done for the purpose of giving trouble, or without cause.

Victimisation means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make a complaint under government legislation or under this bylaw, or for supporting another person to make a complaint.

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

PART B - COMPLAINTS PROCEDURE

A complaint can be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful, or a breach of this Bylaw.

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

You cannot be anonymous if you wish to make a complaint. Boxing Australia (BAI) must follow the principles of natural justice and be fair to both sides. This means that BAI or you may be required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond to all the allegations.

Step 1

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

Step 2

If step 1 is not possible or not reasonable; or if you want to talk confidentially with someone and get more information about what you can do; or if the problem continues after you tried to approach the person or people involved, then talk with one of our Member Protection Officers (MPOs).

Step 3

After talking with the MPO, you may decide:

- the problem is minor and you do not wish to take the matter forward;
- to try and work out your own resolution; or
- to seek an informal mediated resolution; or
- to approach a relevant agency such as an Equal Opportunity Commission, for advice; or
- to lodge a formal complaint to BAI.

Step 4

You may lodge a formal complaint in writing, with or without having attempted resolution by other methods. However, where a Member Protection Committee considers that a matter referred to it should have been resolved informally, it may order the parties to work out their own resolution.

The Member Protection Officer must refer any formal complaint to BAI for investigation by a Member Protection Committee. The Member Protection Committee will make a decision about whether the complaint is substantiated and where appropriate may recommend administrative or disciplinary action to BAI's Council. Any Member Protection Committee hearing will be conducted in accordance with BAI's bylaws.

Step 5 - The person or body which makes the final decision on a complaint will document the complaint, the process followed and the outcome. This document will be stored in a confidential and secure place.

External procedure

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

PART C - MEDIATION PROCESS

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

This part outlines the general procedure of mediation that will be followed by BAI and its member associations.

1. The people involved in a complaint (complainant and respondent) may work out their own resolution of the complaint or seek the assistance of a neutral third person or a mediator.
 2. Mediation will only be recommended:
 - After the complainant and respondent have had their chance to tell their version of events to the Member Protection Officer on their own; and
 - If the Member Protection Officer does not believe that any of the allegations warrant any form of disciplinary action. (serious allegations will not be mediated, no matter what the complainant desires); and
 - If mediation looks like it will work (i.e. the versions given by the complainant and respondent tally or almost tally).
 3. Mediation will not be recommended if:
 - The respondent has a completely different version of the events and they won't deviate from these; or
 - The complainant or respondent are unwilling to attempt mediation; or
 - The complaint is not suitable for mediation, because it may warrant disciplinary action.
 4. Where mediation is appropriate, the MPO will notify the respondent(s) that the complainant has requested the assistance of a mediator to resolve the complaint.
 5. 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.
 6. At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached between the complainant and respondent(s) and it will be signed by them as their agreement.
 7. If the formal complaint is not resolved by mediation, the complainant may:
 - Make a formal complaint to BAI; or
 - Approach an external agency such as an anti-discrimination commission.
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PART D - CODE OF CONDUCT

PURPOSE

The purpose of this Code of Conduct is to declare the standard of conduct BAI expects of its members, and to declare specific behaviours BAI considers inappropriate and contrary to the interests of the sport, and which may result in disciplinary action.

APPLICATION

All employees, coaches, athletes, officials, representatives, volunteers, and members of BAI and its state/territory member associations are bound by this Code.

STANDARDS OF CONDUCT

BAI expects all members to:

- Be ethical, fair and honest in all their dealings;
- Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- Always place the safety and welfare of children above other considerations;
- Comply with BAI's constitution and bylaws including this Bylaw;
- Comply with all relevant federal and state laws, particularly anti-discrimination and child protection laws; and
- Be responsible and accountable for their conduct.

INAPPROPRIATE BEHAVIOUR

This schedule describes behaviours which are not in the best interests of BAI or boxing in general, and which may result in disciplinary penalties.

- Discriminatory or offensive conduct towards or treatment of a person, related to their actual or presumed gender, marital status, pregnancy, parental status, race, age, disability, sexuality, transgender, religion, political belief or industrial activity.
- Sexual relationships between a coach or official and an athlete.
- Inappropriate or abusive behaviour relating to minors.
- Abusing, denigrating, harassing or attempting to intimidate any athlete, coach or official.
- Victimising a person for making a complaint.
- Making a vexatious complaint or one the person knows to be untrue.
- Disputing, criticising or interfering with the decisions of any referee or judge other than by way of a formal protest as provided for in the rules.
- Whilst a member of a state or national team, failing to follow the directions of the Head Coach and Team Manager, or acting in a way that undermines the authority of those officials.
- Creating a public disturbance at any meeting, tournament or event organised or sanctioned by BAI or its state/territory member associations.
- Creating a public disturbance at any time and in any place during an interstate or overseas trip, where the person is a representative of BAI or one of its state/territory member associations.
- Consumption of alcohol or any drug which may impair judgment, by an athlete, coach, referee, timekeeper or other official, on the day of a tournament prior to the conclusion of that person's duties.
- Consumption of alcohol by any member of a BAI team to an overseas destination for the duration of the event including all travel to and from that destination; excepting where the head coach has authorised a limited quantity of alcohol consumption as part of a team social event following the conclusion of the competition.
- Use of, or encouragement to use, banned substances to enhance or inhibit performance.
- Recklessly causing damage to another person's property during the conduct of a tournament or when representing BAI or one of its state/territory member associations.
- Failing to respect the confidentiality of personal information which a person obtains in the course of their duties or activities as an official or coach or athlete.
- Failure to act in accordance with the lawful directions of a BAI Member Protection Committee.
- Any conduct by a member, whether or not resulting in police charges, considered to be seriously prejudicial to the sport.

PART E – PROCEDURE FOR MEMBER PROTECTION COMMITTEE

This part outlines the process for referral and investigation of a member protection complaint.

1. BAI's Board of Directors may appoint a Member Protection Committee comprising up to three persons, to hear a formal complaint that has been referred to it by The Board of Directors. The investigation shall follow the procedures in this part.
2. BAI's Board of Directors may appoint a Member Protection Committee comprising up to three persons, to investigate any member protection matter which is not a complaint, and to report its findings to the Board. The investigation shall follow the procedures in this bylaw to the extent that they are relevant.
3. The CEO will organise for the Member Protection Committee to be convened and provided with a copy of all the relevant correspondence, reports or information relating to the matter under investigation.
4. The Member Protection Committee hearing will be scheduled as soon as practicable, but must still allow adequate time for any person(s) or organization(s) being complained about to respond to the complaint.
5. Where the Member Protection Committee is comprised of three members, at least two of the three members are required to be present throughout the hearing process.
6. The Member Protection Committee will not include any person who has any actual or perceived conflict of interest, preconceived opinions, vested interests or personal involvement relating to the complaint.
7. If a member of the Member Protection Committee cannot continue once the hearing has commenced, and the minimum number required for the hearing is still maintained, the discontinuing member will not be replaced.
8. If the specific or minimum number is not maintained, the discontinuing member will be replaced by direction of the Member Protection Committee Chairperson.
9. The CEO of Boxing Australia will inform the complainant and respondent(s) by written notification that a Member Protection Committee hearing will take place. The written notification will outline:
 - That the complainant has a right to appear at the Member Protection Committee hearing to support their complaint;
 - That the respondent has a right to appear at the Member Protection Committee hearing to defend the complaint/allegation;
 - Details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately);
 - The date, time and venue of the Member Protection Committee hearing;
 - That they can make either verbal or written submissions to the Member Protection Committee;
 - That they may arrange for witnesses to attend the Member Protection Committee in support of their position;
 - 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.
10. A copy of any information or documents that have been given to the Member Protection Committee will also be provided to the complainant and to the respondent.
11. The respondent(s) will be allowed to participate in all BAI activities and events, pending the decision of the Member Protection Committee, including any available appeal process, unless the Board of Directors believes it is warranted to suspend the respondent(s) from all or any activities and events because of the nature of the complaint.
12. The following people will be allowed to attend the Member Protection Committee Hearing:
 - The Member Protection Committee members;
 - The respondent(s);
 - The complainant;
 - Any witnesses called by the respondent;
 - Any witnesses called by the complainant;

- Any parent / guardian or support person required to support the respondent or the complainant.
13. If the respondent(s) is not present at the designated time for the hearing, and the Member Protection Committee Chairperson considers that no valid reason has been presented for their absence, the Member Protection Committee hearing will continue provided the Member Protection Committee Chairperson is satisfied that all Member Protection Committee notification requirements have been carried out correctly.
 14. If the Member Protection Committee Chairperson considers that a valid reason for the non-attendance of the respondent(s) is presented, or that the notification requirements have been carried out correctly, then the Hearing will be rescheduled to a later date.
 15. The Member Protection Committee Chairperson will inform the CEO of any need to reschedule, and the CEO will organise for the Hearing to be reconvened.
 16. The Member Protection Committee Chairperson will read out the complaint that is to be judged, ask the respondent(s) if they understand the complaint being made against them, and if they agree or disagree with the complaint.
 17. If the person agrees with the complaint, they will be asked to provide any evidence or witnesses that should be considered by the Member Protection Committee when determining any disciplinary measures.
 18. If the person disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
 - Brief notes may be referred to.
 - The complainant will be allowed to call witnesses.
 - The respondent(s) may be allowed to question the complainant and their witnesses.
 19. The respondent(s) will then be asked to respond to the complaint.
 - Brief notes may be referred to.
 - The respondent will be allowed to call witnesses.
 - The complainant may be allowed to ask questions of the respondent and their witnesses.
 20. Both the complainant and respondent will be allowed to be present when evidence is presented to the Member Protection Committee. Witnesses may be asked to wait outside the Member Protection Committee Hearing until required.
 21. The Member Protection Committee will be allowed to:
 - consider any evidence, and in any form, that it deems relevant.
 - question any person giving evidence.
 - limit the number of witnesses presented if it is agreed by all parties noted that they will support the person who requested them, but will not provide any new evidence.
 22. Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.
 23. If the Member Protection Committee considers that at any time during the Member Protection Committee hearing that there is any unreasonable or intimidating behaviour from anyone present, the Member Protection Committee Chairperson shall have the power to stop any further involvement of the person in the Member Protection Committee hearing.
 24. After all of the evidence has been presented the Member Protection Committee will make its decision in private.
 25. In relation to a formal complaint, the Member Protection Committee will make a finding that the complaint is substantiated, unsubstantiated, or unable to be determined because of lack of evidence.
 26. The Committee may recommend specific disciplinary or administrative action to the BAI Council.
 27. All decisions made by a Member Protection Committee will be based on a majority vote of its members.

28. Within 48 hours of making its decision, the Member Protection Committee Chairperson will forward to the CEO a copy of the Member Protection Committee decision including any disciplinary penalties recommended.
 29. The CEO will promptly forward a letter to the complainant(s) and respondent(s) confirming the Member Protection Committee's decision and any disciplinary penalties recommended.
 30. Where the Member Protection Committee recommends disciplinary or administrative action, the CEO shall arrange for that recommendation to be placed before the Council for decision in a timely manner.
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PART F1 - INVESTIGATION PROCEDURE - CHILD ABUSE

The initial response to a complaint that a child has allegedly been abused should be immediate if the incident/s are serious or criminal in nature while less serious/urgent allegations should be actioned as soon as possible, preferably within 24 hours.

Step 1 - Clarify basic details of the allegation

Any complaints, concerns or allegations of child abuse should be made to a Member Protection Officer (MPO).

It is important for the person receiving the information to:

- Listen to, and believe be supportive and do not dispute what the child says;
- Reassure the child that what has occurred is not the fault of the child;
- Ensure the child is safe;
- Be honest with the child and explain that other people may need to be told in order to stop what is happening; and
- Ensure that what the child says is quite clear but do not elicit detailed information about the abuse. Avoid suggestive or leading questions.

The person receiving the complaint should obtain and clarify basic details (if possible) such as:

- Child's name, age and address;
- Person's reason for suspecting abuse (observation, injury or other); and
- Names and contact details of all people involved, including witnesses.

Step 2 – Report allegations of a more serious or criminal nature

Any individual or organisation to which this Bylaw applies, should immediately report any incident of a serious nature to the appropriate authority. If the allegation is of a criminal nature, report the incident immediately to the police.

Contact the relevant state or Territory authority for advice if there is **any** doubt about whether the complaint allegation should be reported.

Step 3 – Protect the child

The MPO should assess the risks and advise the relevant association to take any relevant interim action to ensure the child's/children's safety. Some options could include redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined.

The MPO should also address the support needs of the person against whom the complaint is made. If the person is stood down, it should be made clear to all parties that are aware of the incident that this does not mean the person is guilty and a proper investigation still needs to be undertaken.

Step 4 – Further clarify and investigate allegation

For allegations of a serious or criminal nature (for example, sexual abuse), BAI will seek advice from the police and relevant government agency as to whether BAI should carry out its own Member Protection Committee investigation in addition to any police or relevant government agency investigation.

Any information collected during an investigation by BAI will be made available to the relevant authorities where appropriate.

Step 5 – Undertake disciplinary action

For incidents of a serious or criminal nature, the Member Protection Committee will consider the findings of the police and/or the government agency before making its recommendation on disciplinary proceedings.

BAI will check with the relevant state government authority to see if BAI needs to forward a report to that body.

PART F2 - CHILD PROTECTION SCREENING REQUIREMENTS (GENERIC)

This part sets out the screening processes to apply to the national association and those of its state/territory member associations which are not regulated by specific state/territory child protection legislation.

It concerns those who currently occupy, apply for, or are selected for any work (paid or voluntary) in our association, that involves working with people under the age of eighteen years (hereafter referred to as 'minors').

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

Under BAI's Member Protection Policy, each association is obliged to follow the screening processes below.

1. BAI and its member associations shall identify positions (paid or voluntary) which involve working with minors. It is recommended that this include all registered coaches, judges and referees, team managers, team support staff such as masseurs, persons appointed as Member Protection Officers, and members of the committee of the association.
2. BAI and its member associations shall identify which of the above positions involve direct and unsupervised contact with minors. It is recommended that this include all registered coaches, persons appointed as Member Protection Officers, and members of teams travelling away from home with athletes who are minors (such as managers, masseurs, boxers, judges and referees).
3. BAI and its member associations shall obtain a completed *Member Protection Declaration* ("MPD") (refer Part B5) from all persons holding or applying for positions identified as involving work with minors. Where such persons are themselves under the age of 18 years, the MPD shall be countersigned by the person's parent or legal guardian.
4. Where a person fails to return to the association a completed *Member Protection Declaration* within fourteen days of the date specified in the original notice accompanying the MPD, the person shall be notified that their application or continued appointment will be terminated unless the completed form is returned within fourteen days of the warning notice.
5. For positions which involve direct and unsupervised contact with minors, BAI or the member association (as appropriate) shall (in addition to seeking a Member Protection Declaration):
 - a) In the case of paid employment, check the person's referees (verbal or written); and
 - b) In the case of paid employment, interview the person about his/her suitability for working with children; and
 - c) In every case, explain to the person the requirement for a national police check, and ask the person to sign a consent form for same; and
 - d) In every case, request a national police check from the relevant police jurisdiction. Where the jurisdiction provides for 'Partial Exclusion' checks (omitting irrelevant records), the association shall only apply for a 'Partial Exclusion' check.
6. Where a person working in, or being considered for, a position which involves working with minors fails to provide a Member Protection Declaration within fourteen days of being sent a warning notice, BAI or the member association (as appropriate) shall refuse their application or terminate their position, as appropriate, and shall notify the person of that decision in writing.
7. Where a person working in, or being considered for, a position which involves working with minors
 - does not satisfactorily meet one or more of the clauses in the MPD (e.g. has a relevant criminal conviction), or
 - is reported upon by a referee as possibly being unsuitable for working with minors; or
 - reveals in an interview anything that suggests he or she may be unsuitable for working with minors; or
 - fails to give consent to a national police check; or
 - is found to have a relevant conviction,

BAI or the member association (as appropriate) shall promptly refer the matter for assessment by a BAI Member Protection Committee. The Member Protection Committee will make an assessment and shall advise whether the person should be regarded as unsuitable for working with minors.

A “relevant conviction” includes but is not limited to a conviction for one or more of the following:

- murder or attempted murder
- sexual assault or attempted sexual assault
- kidnapping or attempted kidnapping
- supply of illicit drugs
- sexual offences involving a child
- indecency offences involving a child
- child prostitution
- child pornography
- supply of a dangerous drug to a child

The term conviction here includes a finding of guilt or a plea of guilty whether or not a conviction is recorded by the court.

8. If after receiving the report of the Member Protection Committee, BAI or the member association (as appropriate) is not satisfied that the person is suitable for working with minors, it will not appoint the person to the position. In the case of an existing employee/volunteer, the person may be offered another role which does not require them to work with minors, otherwise the appointment will be terminated.
 9. Where it is not practical to complete a police check prior to employment commencing, BAI or the member association (as appropriate) must still complete the check as soon as possible and will advise the person that their ongoing employment is conditional upon the satisfactory outcome of the check.
 10. Another organisation which is also required to screen may obtain from BAI or the member association (as appropriate) a copy of a national police check performed within the preceding two years, provided that the consent of the person is obtained.
 11. BAI or the member association (as appropriate) may obtain and use a copy of a national police check performed within the preceding two years by another organisation, provided that the consent of the person is obtained.
 12. BAI or the member association (as appropriate) shall protect the privacy of any person who is checked and the confidentiality of any information obtained through the checking process.
 13. Information collected during screening (such as a completed MPD form, police records and referee reports) will be returned to the relevant person if that person is not appointed to or does not remain in the position, or will otherwise be destroyed with the consent of the person concerned.
 14. The requirement for a national police check shall not apply to persons under the age of eighteen years, except if they occupy, or have applied for, paid employment in a position working with minors.
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PART F3 - MEMBER PROTECTION DECLARATION

The association has a duty of care to its members and to the general public who interact with its employees, volunteers, members and others involved with its activities.

As part of this duty of care and as a requirement of our Member Protection Policy, we must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that involves working with persons under the age of 18 years ("minors"), and in particular where that work involves direct and unsupervised contact with minors.

As you occupy, or are seeking to occupy, a position(s) deemed to have contact with minors, we are obliged to have you fill in and return the declaration below, which will be kept securely and treated in confidence.

If you do not return the completed declaration within 14 days, you will receive a warning notice prior to action being taken to terminate any position you hold or are applying for with our association.

If any of the clauses numbered 1 to 5 below are not true for you, you should cross out the relevant clause(s) and return the form. You will then be asked to provide details, and in addition you will be asked to provide written consent to a police record check. The association will have an independent person assess your situation in confidence and the association will advise you of their decision in writing.

DECLARATION

I (print full name) of

..... (address), born on/...../.....

declare that:

1. I do not have a criminal charge pending before the courts for sexual offences, offences related to children, acts of violence, or offences relating to procurement or supply of illicit or dangerous drugs.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children, acts of violence, or offences relating to procurement or supply of illicit or dangerous drugs.
3. I have not had any disciplinary finding of guilt against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment, or illegal drug use.
4. I have never participated in, facilitated or encouraged any practice prohibited by the World Anti-Doping Agency Code or any other anti-doping policy applicable to me.
5. To my knowledge there is no other matter that the association may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
6. I will notify the Secretary of the association immediately upon becoming aware that any of the matters set out in the above clauses have changed for whatever reason.

Declared in the State/Territory of on/...../..... Signature

If the person making this declaration is under the age of 18 years, it must also be signed below by their parent or legal guardian, affirming the veracity of the above declaration.

Name of parent/guardian: Signature:

PART F4 - QUEENSLAND CHILD PROTECTION REQUIREMENTS

This information is subject to change at any time. Refer to the Queensland Commission for Children and Young People and Child Guardian ((CCYPCG) website: www.ccypcg.qld.gov.au for information and forms, or contact 1800 113611. This information was updated on 1 June 2005.

In Queensland the Commission for Children and Young People and Child Guardian Act 2000 requires people who work with children under 18 years of age in certain categories of paid or voluntary employment or those who operate child-related businesses, to undergo a Working with Children Check.

The Working with Children Check is an assessment of a person's suitability to work with children based on their criminal history and certain professional disciplinary information, if any. Those found suitable are issued with a suitability card, or blue card. **The blue card must be renewed every two years.**

Boxing QLD and affiliated clubs are responsible for applying to CCYPCG for Working With Children Checks on employees and volunteers who work with children or young people. People carrying on a regulated business are responsible for applying for their own Working with Children Check.

All our volunteers and certain paid employees that work with children or young people in the following categories of employment must apply for a blue card:

- *schools - employees other than teachers including non-teaching staff
- private teaching, coaching or tutoring
- *education programs conducted outside of schools
- sport and active recreation

Categories marked with * are retrospectively screened; all people who work in these categories must hold a blue card regardless of when they started work. Screening for volunteers is free and for paid employees and people carrying on a regulated business is \$40. The fee is to be paid by the employer or business concerned.

Paid Employees who work, or are likely to work, with children and young people for at least eight consecutive days; or once a week, each week, over four weeks; or once a fortnight, each fortnight, over eight weeks; or once a month, each month over six months, must undergo a criminal history check.

Paid employees can begin or continue to work in regulated employment while waiting for the outcome of their blue card application. People working in regulated employment, which is 'one-off' or on a short-term basis (where the duration of their employment is less than that listed above) are not required to undergo a criminal history check.

If Boxing QLD knows or suspects that an employee who is not retrospectively checked has a criminal history relevant to children or young people, Boxing QLD can apply for a blue card for that person.

Recent amendments to the Act require us to develop and implement a risk management strategy to promote the well-being of children in their care and protect them from harm, covering the following types of employees:

- A person who has started work pending the outcome of their blue card application
- A blue card holder
- A person in regulated employment who is not required to hold a blue card, and
- A person who the Commissioner is reassessing.

Volunteers working with children in our association/club must have a criminal history check.

Exemptions

The following people are exempt from the Working with Children Check:

- children under 18 who are volunteers (except students required to work in regulated employment as part of their studies with Boxing QLD)
- parents who volunteer their services or conduct activities through Boxing QLD or are involved in sport and active recreation activities where their child is also a member of Boxing QLD.

Businesses: A person carrying on the following regulated businesses within Boxing QLD must also apply for a blue card:

- private teaching, coaching or tutoring
- education programs conducted outside of schools
- providers of recreational activities such as sporting camps and programs (excluding amusement parks)

PART F5 - NEW SOUTH WALES CHILD PROTECTION REQUIREMENTS

This information is subject to change at any time. Refer to *the NSW Commission for Children and Young People website: www.kids.nsw.gov.au or contact 02 9286 7219.*

All NSW clubs and associations who engage/employ people in child-related activities (in a paid or voluntary capacity) must meet the requirements of the Working With Children Check. This is a legal requirement. We are required to:

1. Register with the NSW Department of Sport and Recreation Employment Screening Unit;
2. Identify positions (paid and voluntary) which are **child-related positions**;
3. Obtain a Prohibited Employment Declaration (PED) from all existing employees in child-related positions. PED forms can be downloaded from www.kids.nsw.gov.au/check/resources.html. If the person is a **prohibited person** we must remove him/her from the child-related employment;
4. Keep the PED in a secure place for as long as the person is employed;
5. Ask preferred applicants for paid child-related positions to sign a Consent Form for a background check;
6. Include advice about the Working With Children Check in information being provided about child-related positions (e.g. coach of junior team);
7. Request a background check for preferred applicants for paid child-related employment before they start work;
8. Decide whether to offer the applicant the position, taking into account the result of the Working With Children Check and any other information we have available;
9. Where it is not practical to complete the background check prior to employment commencing, we must still complete the check as soon as possible. We must advise employees that their ongoing employment is conditional upon the satisfactory outcome of the check;
10. Notify the NSW Commission for Children and Young People of any person whose application for child-related employment has been rejected primarily because of a risk assessment in the Working With Children Check. We must do this even if we offer the person an alternative position;
11. Advise the person if their application was rejected primarily because of an adverse risk assessment in the Working With Children Check;
12. Notify the NSW Commission for Children and Young People of any person against whom **relevant employment proceedings** have been completed; and
13. Protect the privacy of any person who is checked and the confidentiality of any information obtained through the checking process.

Child-related employment is any work (paid or unpaid) that involves direct and unsupervised contact with children in several types of areas such as sporting clubs and associations that have a significant child membership or involvement.

Employment includes work done:

- under a contract of employment;
- as a sub-contractor;
- as a volunteer for an organisation;
- as a minister of religion (whether or not ordained); and
- undertaking practical training as part of an educational or vocational course

Prohibited person is a person convicted of committing a serious sex offence or a registrable person.

Registrable person is someone who has been found guilty of the following offences against children: murder, sexual offences, indecency offences, kidnapping, child prostitution, child pornography.

Relevant employment proceedings are disciplinary proceedings completed in NSW, or elsewhere, where an employer or professional body that supervises the conduct of the employee has found that 'reportable conduct' or an act of violence occurred, or there is some evidence that it occurred. An act of violence will be relevant only if it was committed by an employee in the course of employment and in the presence of a child.

Reportable conduct is:

- any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence);
- any assault, ill treatment or neglect of a child; or
- any behaviour that causes psychological harm to a child.

PART F6 - WESTERN AUSTRALIA CHILD PROTECTION REQUIREMENTS

This information is subject to change at any time. Refer to the Department of Community Development Website: <http://community.wa.gov.au/> or contact 08 9476 2000. This information will need to be regularly updated. The following is based on information available as at June 2005.

Details of the phasing-in arrangements for different types of child-related work and information regarding what is required and the process for applications will be posted on the Department of Community Services website <http://community.wa.gov.au/Resources/Child+Protection/> in the future. Until this time BAI will follow the screening process set out in Part B4: Child Protection Requirements

From 1 January 2006, certain people working with children in Western Australia will be required to have a national criminal history check – a Working with Children Check. The Working with Children Check will be compulsory under the Working With Children (Criminal Record Checking) Act 2004 which was passed by State Parliament in November 2004.

The Check proposes to screen employees, self-employed persons and volunteers in defined categories of employment. The Check will take into account convictions and charges for serious sexual and violent offences. Assessment will be by a new screening unit within the Office for Children and Youth, of the Department for Community Development. Applicants will be issued with either an 'assessment notice' in the form of an ID card which allows that person to work or volunteer with children, or a negative notice. Assessment notices will be valid for three years.

The following groups will not need to have a Working With Children Check:

- volunteers under 18 years
- employers of children, or adult employees who have contact with a child-employee in the workplace (unless they are carrying-out child-related work)
- registered teachers, who require a national criminal record check as part of their registration under the Western Australian College of Teaching Act 2004
- parents who volunteer in activities in which their children are also involved.

Working with Children Checks will be phased in over a five year period according to the type of work being carried out. Once the checks begin for particular groups, employees, employers, self-employed people and volunteers working with children will have certain obligations to fulfil.
