



**MEMBER PROTECTION POLICY  
BY-LAW NO. 1**

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## **PART 1 – INTRODUCTION**

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This Part sets out the purpose of *this By-Law*, what it covers, who it applies to and when it commences.

### **1. WHAT IS THE PURPOSE OF THIS BY-LAW?**

- 1.1 The purpose of *this By-Law* is to protect the health, safety and well being of all Skate Victoria members and those who participate in the activities of Skate Victoria
- 1.2 Skate Victoria also seeks to provide a safe environment for those participating in the activities of Skate Victoria and its .
- 1.3 *This By-Law* confirms that Skate Victoria will not tolerate harassment, discrimination or abuse of those involved in its or its activities.
- 1.4 *This By-Law* also records Skate Victoria's commitment to strong ethical principles and its requirement that all people participating in its activities must comply with principles of responsible and professional behaviour.
- 1.5 Skate Victoria believes everyone who participates in its, and its activities, has the right to be treated with respect and dignity. They also have the right to have any complaints dealt with in a fair, confidential and sensitive manner, and to be given the opportunity to be heard before any penalties are imposed.
- 1.6 *This By-Law* also recognizes that certain types of harassment and discrimination are unlawful and that the notification of abuse to the relevant governmental authority, in certain cases, is a legal requirement.
- 1.7 Skate Victoria also seek to recruit and retain only those people who commit to the principles set out in *this By-Law*. To this and Skate Victoria seek the right to obtain a Police check and undertake rigorous recruitment process before appointing people to be involved in their activities, especially those in roles involving people who have unsupervised contact with children under 18 years of Age.
- 1.8 This policy also reflects our support and implementation of the sport industry principles and values outlined in **The Essence of Australian Sport** ó principles of fairness, respect, responsibility and safety.

### **2. WHAT DOES THIS BY-LAW COVER?**

- 2.1 *This By-Law* details a number of ways in which Skate Victoria seek to fulfil the purposes set out in Part 1.
- 2.2 In summary, this by-Law sets out the following:

- (a) it is a mandatory requirement from 1<sup>st</sup> July 2001 for Skate Victoria to screen Preferred Potential Appointees and Existing Appointees in certain roles. It is mandatory for to do the same from 1<sup>st</sup> December 2001 (see Part 11, clause 6);
- (b) it is a mandatory requirement from 1<sup>st</sup> July 2001 for Skate Victoria to obtain a Prohibited Persons Declaration from Preferred Potential Appointees and Existing Appointee in certain roles. It is mandatory for to do the same from 1<sup>st</sup> December 2001 (see Part 11, clause 7);
- (c) it is a requirement for Skate Victoria and its to promote and distribute *this By-Law* and to enforce and recognize any penalties imposed under it (see Part 11, clause 8);
- (d) it is an offence under *this By-Law* to engage in "Harassment", including engaging in Sexual Harassment, Abuse, Child Abuse and Vilification (see Part 11, clause 9);
- (e) it is an offence under *this By-Law* to engage in "Discrimination" (see Part 11, clause 10);
- (f) all coaches, umpires, administrators, other officials, athletes and parents/guardians are bound by a Code of Conduct (see Part 11, clause 12 and attachments);
- (g) *this By-Law* records the legal requirement to notify abuse to the relevant governmental authority in certain situations (see Part 11, clause 20);
- (h) a process for making a Complaint about a possible breach of this By-Law (see Part III, clauses 14, 15 and 16);
- (i) a process for investigating a possible breach of *this By-Law* (see Part III, clause 16);
- (j) a process for a hearing about an alleged breach of *this By-Law* (see Part III, clause 17);
- (k) a list of possible penalties which can be imposed (see Part III, clause 18); and
- (l) an appeal process (see Part III, clause 19).

2.3 This *By-Law* does not cover any of the matters referred to in By-Law 8 ó Disciplinary Tribunals dealing with competition related offences and disputes which may arise in the conduct of skating programs, competitions and events throughout Australia or its derivatives adopted by , as amended from time to time.

### 3. WHO DOES *THIS BY-LAW* APPLY TO?

- (a) persons and administrators appointed or elected to boards of directors, executives and/or committees (including sub-committees), including office bearers such as presidents, vice- presidents, treasurers, secretaries and selectors of Skate Victoria and .

- (b) employees of Skate Victoria and (whether paid or unpaid) and volunteers of Skate Victoria and ;
- (c) officials appointed or elected by Skate Victoria and in relation to athletes and/or teams which represent such Clubs including team management personnel such as coaches, managers, physiotherapists etc;
- (d) Skate coaches (including assistant coaches) who:
  - (i) are appointed and/or employed by Skate Victoria and (whether paid or unpaid); or
  - (ii) are Accredited Coaches; or
  - (iii) have an agreement (whether or not in writing) with Skate Victoria or a Member Club to coach Skate at a facility owned or managed by such Club;
  - (iv) referees, umpires and other officials involved in the regulation of the game of Skate appointed by Skate Victoria or ;
- (e) Skate athletes who:
  - (i) enter any tournament, activity or events (including camps, training sessions) which are held or sanctioned by Skate Victoria or a Member club; or
  - (ii) are registered with a *Member Club* as an athlete and/or member;
- (f) member clubs;
- (g) individual members;
- (h) any other person or Club who or which is a member of or affiliated to Skate Victoria or (including Life Members);
- (i) any other person or Club (for example a parent/guardian, spectator or sponsor) who or which agrees, in writing, (whether on a ticket, entry form or otherwise) to be bound by *this By-Law*.

#### **4. WHAT IS THE STATUS OF *THIS BY-LAW*?**

- 4.1 This *By-Law* is issued under article 21.c of the Skate Victoria Constitution.
- 4.2 Except to the extent outlined in clauses 4.3 and 4.4, *this By-Law* comes into force on 1st July 2001.
- 4.3 shall not be required to comply with clauses 6 and 7 of Part II (screening and *Prohibited Person Declaration*) of *this By-Law* until 1st December 2001, except where otherwise required by law.

4.4 This *By-Law* may be changed from time to time by the Skate Victoria Executive

## 5. WHAT DO WORDS IN *THIS BY-LAW* MEAN?

5.1 In *this By-Law* the following words, as noted in italics, shall be construed with the following meaning. If words are not defined in this clause 5.1 they shall have the same meaning as in the *Skate Victoria Constitution*.

“*Abuse*” means a form of *Harassment* and as more specifically set out in Part III, clauses 9.9 to 9.11 of *this By-Law*.

“*Accredited Coach*” means a coach who is accredited by a *Skate Victoria Accredited Coach Education Provider*.

“*Australian Sports Commission*” means the government agency established under the *Australian Sports Commission Act 1989* and includes the Australian Institute of Sport.

“*Branch*” means a discipline of the sport recognised by *Skate Victoria* as having the power to administer matters relevant to it..

“*By-Law*” and “*this By-Law*” means this Member Protection *By-Law*.

“*Child Abuse*” has the meaning set out in Part III, clause 9 of *this By-Law*.

“*Complaint*” means a complaint made under Part III, clauses 14 and 15 of *this By-Law*.

“*Discrimination*” means a form of harassment and as more specifically set out in Part III, clause 10 of *this By-Law*.

“*Existing Appointee*” means a person currently elected, appointed or holding a position, whether by way of employment, contract or otherwise and whether paid or unpaid.

“*Harassment*” has the meaning set out in Part III, clause 9 of *this By-Law*.

“*Hearings Officer*” means a person appointed in accordance with clauses 8.1(g) and/or 8.3 (b).

“” means those clubs which are a member of or affiliated with *Skate Victoria*.

“*Member Protection Officer*” means a person appointed in accordance with clauses 8.1(e) and/or 8.3 (a).

“*Member Protection Tribunal*” means the tribunal of *Skate Victoria* or a *Member Club* established to hear and determine alleged offences and appeals under *this By-Law*.

“*Police Check*” means a police records check conducted by the Australian Federal Police.

“*Preferred Potential Appointee*” means a person short listed for a position, whether by way of employment, contract or otherwise and whether paid or unpaid.

“**Prohibited Person**” means a person who has been convicted of a *Serious Sex Offence*.

“**Prohibited Person Declaration**” means a declaration in relation to *Serious Sex Offences* as set out in Attachment J (see clause 7 of Part III of *this By-Law*).

“**Skate Victoria**” means *Skate Victoria Inc*, the peak body responsible for the administration of Skate in Australia, and includes the *State Associations* and *Branches* where relevant.

“**Skate Victoria Accredited Coach Education Provider**” means an individual or Club approved by *Skate Victoria* to undertake Development and Advanced Coaches Courses in accordance with the *Skate Victoria* guidelines as amended from time to time.

“**Skate Victoria General Code of Conduct**” means minimum requirements for conduct during any activity held by *Skate Victoria* and/or *Member Club*

“**Skate Victoria Constitution**” means the memorandum and articles of association of *Skate Victoria* as amended from time to time.

“**Serious Sex Offence**” means an offence involving sexual activity or acts of indecency including but not limited to:

- (a) Rape
- (b) Indecent assault
- (c) Sexual assault
- (d) Assault with intent to have sexual intercourse
- (e) Incest
- (f) Sexual penetration of child under the age of 16
- (g) Indecent act with child under the age of 16
- (h) Sexual relationship with child under the age of 16
- (i) Sexual offences against people with impaired mental functioning
- (j) Abduction and detention
- (k) Procuring sexual penetration by threats or fraud
- (l) Procuring sexual penetration of child under the age of 16
- (m) Bestiality
- (n) Soliciting acts of sexual penetration or indecent acts
- (o) Promoting or engaging in acts of child prostitution
- (p) Obtaining benefits from child prostitution

(q) Possession of child pornography

(r) Publishing child pornography and indecent articles

“**Sexual Harassment**” means a form of *Harassment* and as more specifically set out in Part III, clause 9 of *this By-Law*.

“**their Nominee**” means the person who is, under the constitution of the relevant Club, empowered to act in the President’s absence and may include a Vice-President, Deputy Chairperson or other similar title, however described.

“**Vilification**” means a form of *Harassment* and as more specifically set out in Part III, clause 9 of *this By-Law*.

## PART II - PREVENTATIVE ACTION

This Part sets out the requirement for mandatory screening and declarations for certain roles within Skate Victoria and the requirement for to distribute and enforce *this By-Law*.

### 6. WHAT IS SCREENING?

- 6.1 One of the ways *Skate Victoria* seek to protect the health, safety and well being of all the people participating in their activities is to screen people for certain roles.
- 6.2 Who must be Screened?  
Subject to clause 4.3 of Part I, screening (as set out in clause 6.4 below) is mandatory for *Skate Victoria* and for *Preferred Potential Appointees* and *Existing appointees* in the following types of roles:
- (a) coaches who are appointed or seeking appointment (whether employed, contracted or otherwise) by *Skate Victoria* for reward;
  - (b) volunteer coaches appointed or seeking appointment by *Skate Victoria* who will or are likely to travel away with teams of athletes under 18 years of age; and
  - (c) persons appointed or seeking appointment by *Skate Victoria* to a role in which that person is likely to have individual and unsupervised contract with athletes under 18 years of age (for example, a team manager).
- 6.3 Screening is highly recommended, but not mandatory, for *Preferred Potential Appointees* and *Existing Appointees* in the following types of roles:
- (a) volunteer coaches appointed or seeking appointment by *Skate Victoria* who will or are likely to travel away with teams of athletes over 18 years of age; and
  - (b) persons appointed or seeking appointment by *Skate Victoria* to a role in which that person is likely to have contract with athletes under 18 years of age but where such contract is supervised at all times by another adult.
- 6.4 For the purposes of *this By-Law*, screening shall mean:
- (a) Checking the *Preferred Potential Appointees* referees;
  - (b) Interviewing the *Preferred Potential Appointees*; and
  - (c) Obtaining a *Police Check* of the *Preferred Potential Appointees* and *Existing Appointees*.
- 6.5 Screening under *this By-Law* is not a replacement for any similar requirement prescribed by law, which is set out in Attachment K which forms part of this *By-Law*.

- 6.6 Checking the *Preferred Potential Appointees'* referees (in clause 6.4(a)) includes making verbal or written inquiries of the *Preferred Potential Appointees'* nominated referees (preferably at least 2) as to the *Preferred Potential Appointees'* suitability for the proposed role and their suitability for involvement with children under 18 years of age.
- 6.7 Interviewing the *Preferred Potential Appointee* (in clause 6.4(b)) includes questioning the *Preferred Potential Appointee* as to their suitability for the proposed role and their suitability for involvement with children under 18 years of age.
- 6.8 The purpose of a *Police Check* is to see whether the person has any previous criminal convictions. If the *Police Check* reveals that the person has committed any criminal offences then the following requirements apply:
- (a) If the offence (whenever it occurred) is one involving dishonesty, drugs, violence, an offence against a person (e.g. sex offences, assault) or an offence which in any way involved persons under 18 years of age, then:
    - (i) in the case of a *Preferred Potential Appointee*, they must not be appointed to the role. If that person is appointed to a role then this is an offence under *this By-Law* (see Part III, clause 13)
    - (ii) in the case of an *Existing Appointee*, steps must be taken to end the appointment. Note legal advice should be sought before such termination occurs.
  - (b) If the offence is one other than those in clause 6.8(a), such as an offence to property or a minor traffic offence, then the *Preferred Potential Appointee* may be appointed, subject to satisfaction of any other criteria for the role.
- 6.9 All persons to whom *this By-Law* applies must agree to *Skate Victoria* obtaining a *Police Check* of them, if they apply for or currently hold a role of the type set out in clause 6.2. (A consent form is attached for this purpose as Attachment I). The *Police Check* must be obtained, in the case of:
- (a) a *Preferred Potential Appointee*, prior to the appointment;
  - (b) an *Existing Appointee*.
- 6.10 If a *Preferred Potential Appointee* or *Existing Appointee* is not willing to agree to a screening, *Skate Victoria* shall:
- (a) in the case of a *Preferred Potential Appointee*, not appoint that person to the role concerned. Breach of this requirement is an offence under *this By-Law* (see Part III) and will be penalised in accordance with *this By-Law*;

- (b) in the case of an *Existing Appointee*, steps must be taken to end the appointment. Note legal advice should be sought before such termination occurs.
- 6.11 All information obtained during the course of screening (including any *Police Check*) must be kept confidential to the persons or committee within *Skate Victoria* who has been delegated the task of investigating and/or making the appointment for the role. Information collected during screening about a person who is not appointed to the role must be returned to the *Preferred Potential Appointee* and not retained unless the *Preferred Potential Appointee* agrees.
- 6.12 After an initial *Police Check* has been provided by either a successful *Preferred Potential Appointee* or an *Existing Appointee* under *this By-Law*, such appointee is required to advise the President (or in their absence *their Nominee*), of the organisation which appointed them, in writing, immediately upon any conviction for a criminal offence by them.
- 7. PROHIBITED PERSON DECLARATION**
- 7.1 In addition to screening, another mechanism which *Skate Victoria* consider appropriate to minimise the chances of inappropriate behaviour occurring is mandatory *Prohibited Person Declarations* of all *Preferred Potential Appointees* and *Existing Appointees* appointed to a role set out in clause 7.2.
- 7.2 Who must provide a *Prohibited Person Declaration*? Subject to clause 4.3 of Part I, it is mandatory for *Skate Victoria* and to obtain a *Prohibited Person Declaration* (as set out in clause 7.5 below) from *Preferred Potential Appointees* and *Existing Appointees* in the following types of roles:
- (a) coaches who are appointed or seeking appointment (whether employed, contracted or otherwise) by *Skate Victoria* or for reward;
- (b) volunteer coaches appointed or seeking appointment by *Skate Victoria* who will or are likely to travel away with teams of athletes under 18 years of age; and
- (c) persons appointed or seeking appointment by *Skate Victoria* to a role in which that person is likely to have individual and unsupervised contact with athletes under 18 years of age (for example, a team manager).
- 7.3 It is an offence under *this By-Law* (see Part III, clause 13) for a *Prohibited Person* to work or seek work in the roles set out in clause 7.2.
- 7.4 It is also an offence under *this By-Law* (see Part III, clause 13) for *Skate Victoria* to:
- (a) in the case of a *Preferred Potential Appointee*, appoint the *Preferred Potential Appointee* in any of the roles set out in clause 7.2 without first obtaining a *Prohibited Person Declaration* or to appoint a *Preferred Potential Appointee* who is a *Prohibited Person*;
- (b) in the case of an *Existing Appointee*, to continue to appoint a *Prohibited Person* in the roles set out in clause 7.2.

- 7.5 The *Prohibited Person Declaration* must be obtained, in the case of:
- (a) a *Preferred Potential Appointee* , prior to the appointment;
  - (b) an *Existing Appointee*.
- 7.6 If the *Prohibited Person Declaration* is not provided in accordance with clause 7.2 and 7.5, or the *Prohibited Person Declaration* reveals that the person is a *Prohibited Person*, *Skate Victoria* must:
- (a) in the case of a *Preferred Potential Appointee*, not appoint the person to any of the roles. If that person is appointed to a role then this is an offence under *this By-Law* (see Part III, clause 13) who appointed the person will be penalised in accordance with *this By-Law*;
  - (b) in the case of an *Existing Appointee*, steps must be taken to transfer the person to another role which is not set out in clause 7.2 or if no such alternatives exist, to end the appointment of the person. Note legal advice should be sought before such termination occurs.
- 7.7 All information in the *Prohibited Person Declaration* must be kept confidential to the persons or committee within *Skate Victoria* who has been delegated the task of requesting and reviewing the *Prohibited Person Declaration*.
- 7.8 After an initial *Prohibited Person Declaration* has been provided by either a successful *Preferred Potential Appointee* or an *Existing Appointee* under *this By-Law*, such appointee is required to advise the President (or in their absence *their Nominee*), of the organisation which appointed them, in writing, immediately upon becoming a *Prohibited Person*.
- 7.9 Obtaining a *Prohibited Person Declaration* under *this By-Law* (which is set out in Attachment J, is not a replacement for any similar requirement prescribed by law. If State legislation sets an equivalent or higher standard to that set under *this By-Law*, the requirement to obtain a *Prohibited Person Declaration* need not be followed as it would be superseded by any similar requirement prescribed by law.

## **8. DISCLOSURE AND ENFORCEMENT OF *THIS BY-LAW***

- 8.1 *Skate Victoria* must:
- (a) adopt and comply with *this By-Law*;
  - (b) recognise and enforce any penalty imposed under *this By-Law*;
  - (c) publish, distribute and promote *this By-Law* (and any amendments made to it from time to time) to *Member Clubs* and make *this By-Law* available for inspection, or provide a copy;
  - (d) make such amendments to their constitution, rules or by-laws in order for *this By-Law* to be enforceable, as required by *Skate Victoria*;

- (e) appoint two *Member Protection Officers* annually to fulfil the functions set out in Part III, clauses 14, 15 and 16 of *this By-Law*, and to publish and display the names and contact details of such persons to *Member Clubs*.
- (f) use any forms, contracts and clauses prescribed by *Skate Victoria* in order to give effect to *this By-Law* in such documents as contracts, entry forms and participant registration forms, as directed by *Skate Victoria*;
- (g) appoint a *Hearings Officer* annually to fulfil the functions set out in Part III, clause 16 and 17 of *this By-Law* and to publish and display the names of such person to *Member Organisations*; and
- (h) establish a *Member Protection Tribunal* in accordance with Part III, clause 17 of *this By-Law*, to fulfil the functions set out in clauses 17 and 18 of Part III.

8.2 *Member Clubs* must:

- (a) adopt and comply with *this By-Law*;
- (b) recognise and enforce any penalty imposed under *this By-Law*;
- (c) publish, distribute and promote *this By-Law* (and any amendments made to it from time to time) to their members, in the manner required by *Skate Victoria* and make *this By-Law* available for inspection, or provide a copy;
- (d) make such amendments to their constitution, rules or by-laws in order for *this By-Law* to be enforceable, as required by *Skate Victoria*;
- (e) use any forms, contracts and clauses prescribed by *Skate Victoria* in order to give effect to *this By-Law* in such documents as contracts, entry forms and player registration forms, as directed by *Skate Victoria*.

8.3 It is not mandatory for *Member Clubs* to establish procedures for dealing with *Complaints* and hearings under Part III of *this By-Law*. If a *Member Club* wishes to establish procedures for dealing with *Complaints* and hearings under Part III of *this By-Law*, they must:

- (a) appoint two *Member Protection Officers* annually to fulfil the functions set out in Part III, clauses 14, 15 and 16 of *this By-Law*, and to publish and display the names and contact details of such persons to their members;
- (b) appoint a *Hearings Officer* annually to fulfil the functions set out in Part III, clause 16 and 17 of *this By-Law* and to publish and display the names of such person to their members; and
- (c) establish a *Member Protection Tribunal* in accordance with Part III, clause 17 of *this By-Law*, to fulfil the functions set out in clauses 17 and 18 of Part III.

8.4 *Skate Victoria* are responsible for taking all reasonable steps to ensure compliance with *this By-Law*. All clubs and persons to which *this By-Law*

8.5 The failure to comply with any one of the requirements in this clause 8 is an offence under *this By-Law*.

### PART III - OFFENCES

This Part makes it an offence to engage in *Harassment, Discrimination* and Other Misconduct.

#### 9. WHAT IS *HARASSMENT*?

- 9.1 *Harassment* is any behaviour by a person or organisation to whom *this By-Law* applies which is offensive, abusive, belittling or threatening which is directed at any other person or a group of people and which refers to a particular characteristic of that person or group of people.
- 9.2 Whether or not the behaviour is *Harassment* is to be determined from the point of view of the person receiving the harassment. The recipient must consider the behaviour to be unwelcome. It does not matter whether or not the person harassing intended to offend. The behaviour must also be assessed objectively in that it must be the type of behaviour that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.
- 9.3 *Harassment* can be expressed or implied, physical, verbal or non-verbal. *Harassment* may be a single incident or repeated. Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against this policy and/or the law. Examples include, but are not limited to:
- (a) Abusive behaviour aimed at humiliating or intimidating (this may also be *Vilification*);
  - (b) Jokes or comments directed at a person's body, looks, age, race, religion, sexual orientation or disability (this may also be *Discrimination*);
  - (c) Unwelcome remarks including teasing, name calling or insults (for example to umpires or other officials);
  - (d) Innuendo or Taunting;
  - (e) Offensive emails, letters, notes;
  - (f) Displaying offensive materials e.g. posters, computer screen savers;
  - (g) Sexual propositions (see also *Sexual Harassment*).  
It is also against this policy (and may be against the law) to victimise a person who is involved in making a complaint of discrimination or harassment.  
Example: a player is ostracised by her male coach for complaining about his sexist behaviour to another club official or for supporting another player who has made such a complaint.

9.4 *Harassment* includes:

- (a) *Sexual Harassment* (see clauses 9.5 to 9.8 below);
- (b) *Discrimination* (see clause 10);
- (c) *Abuse* (see clauses 9.9 to 9.10 below);

- (d) *Child Abuse* (see clause 9.11 to 9.12 below) and
- (e) *Vilification* (see clause 9.13 below).

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

- (a) holding a competitive sporting activity for females only who are 12 years of age or over where strength, stamina or physique is relevant; or
- (b) not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that sporting activity.

9.5 *Sexual Harassment* means:

- (a) an unwelcome sexual advance; or
- (b) an unwelcome request for sexual favours; or
- (c) unwelcome conduct of a sexual nature (including a statement, orally or in writing, of a sexual nature), in circumstances where a reasonable person would have anticipated that the person being harassed would be offended, humiliated or intimidated.

9.6 *Sexual Harassment* is often, but need not be, behaviour which either:

- (a) involves blackmail or a quid pro quo, in that the harassment is accompanied by a direct or implied threat, promise or benefit. For example, a coach who implies that a player's selection to a team is dependent on compliance with a sexual proposition; or
- (b) creates a hostile or sexually permeated environment in that the harassment consists of crude remarks, jokes, the display of offensive material or by making the environment uncomfortable.

9.7 Examples of *Sexual Harassment* may include:

- (a) Uninvited touching, kissing, embracing, massaging;
- (b) Staring, leering, ogling;
- (c) Smutty jokes and comments;
- (d) Persistent or intrusive questions about people's private lives;
- (e) Repeated invitations to go out, especially after prior refusal;
- (f) Sexual propositions;
- (g) The use of promises or threats to coerce someone into sexual activity;
- (h) The display of sexually explicit material e.g. internet use, computer screen savers, calendars, posters;

- (i) Getting undressed in front of others of the opposite sex;
- (j) Invading the privacy of others while showering or toileting;
- (k) Photographing others while undressing showering or toileting;
- (l) Sleeping in close quarters with children without other adults present;
- (m) The use of sexually offensive emails, letters, faxes, notes;
- (n) Sexual insults and name-calling.

9.8 *Sexual Harassment* may be a criminal offence, for example indecent assault, rape, sex with a minor, obscene telephone calls or letters. If you have any doubt that an offence may have been committed you should notify the police.

9.9 *Abuse* is a form of *Harassment*. It includes:

- (a) physical abuse (e.g. assault);
- (b) emotional abuse, (e.g. blackmail, repeated requests or demands);
- (c) neglect (i.e. failure to provide the basic physical and emotional necessities of life);
- (d) abuse of power which the harasser holds over the harassed.

Examples of relationships in (d) that involve a power disparity include, but are not limited to, a coach-athlete, manager-athlete, employer-employee, doctor-patient. People in such positions of power need to be particularly wary not to exploit that power.

9.10 Examples of abusive behaviour include:

- (a) Bullying and humiliation of athletes by coaches;
- (b) *Abuse* and insults directed by parents at opposing athletes;
- (c) *Abuse* of umpires by spectators or team personnel;
- (d) Practical jokes which cause embarrassment or which endanger the safety of others.

9.11 Some forms of *Abuse* may constitute a criminal offence, for example assault. If you have any doubt that a criminal offence may have been committed you should notify the police.

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

- (a) physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; giving bad nutritional advice; or training that exceeds the child's development or maturity);

- (b) sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations);
  - (c) 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);
  - (d) 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).
- 9.13 *Child Abuse* may be a criminal offence. If you have any doubt that an offence may have been committed you should notify the police.
- 9.14 *Vilification* involves a person inciting hatred towards, serious contempt for, or severe ridicule of, a person or group of persons by public act. *Vilification* is a public act or acts which are reasonably likely in the circumstances to offend, insult, humiliate or intimidate are also prohibited. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public. This applies to spectators, participants or any other person who engages in such an act in public. *Vilification* is an offence under *this By-Law* where it is based on any of the attributes or characteristics set out in clause 10.2. Some states and territories also prohibit public acts that vilify on other grounds such as homosexuality, gender identity, HIV/AIDS, religion or disability.
- 9.15 Some forms of *Vilification* may constitute a criminal offence, for example where harm is threatened. If you have any doubt that a criminal offence may have been committed you should notify the police.
- 9.16 Persons or organisations to whom *this By-Law* applies who engage in *Harassment* commit an offence under *this By-Law* (see Part III, clause 13) and will be penalised in accordance with *this By-Law* (see Part III, clause 18).
- 9.17 *Skate Victoria* takes the view that intimate personal relationships or sexual relationships between coaches, managers, umpires or staff members and athletes, while not necessarily constituting *Harassment*, can have harmful effects on the individual athlete involved, on other athletes, and on the sport's public image. Such relationships may be perceived to be exploitative because there is usually a disparity between coaches, managers, umpires or staff members and athletes in terms of authority, maturity, status and dependence.

Given there is always a risk that the relative power of the coach, manager, umpire or staff member has been a factor in the development of such relationships, they should be avoided by coaches, managers, umpires or staff members working at all levels.

In the event that a player attempts to initiate an intimate sexual relationship, the coach, manager, umpire or staff member must take personal responsibility for discouraging such approaches, explaining the ethical basis for such actions.

## 10. WHAT IS *DISCRIMINATION*?

- 10.1 *Discrimination* is 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.
- 10.2 The applicable attributes or characteristics are:
- (a) Age;
  - (b) Disability ó this includes loss of bodily function (e.g. deaf or blind), presence of disease (e.g. hepatitis or HIV), loss of part of the body, disfigurement, malfunction of part of the body, psychological disease, slow learning difficulties;
  - (c) Marital status ó this covers whether the person is single, married, de facto, married but living separately from one's spouse, divorced, or widowed;
  - (d) Parental/Carer status ó this includes whether the person is a step parent, adoptive parent, foster parent or guardian and also includes whether the person is childless or is a carer (e.g. of children, or other dependents);
  - (e) Physical features ó this includes a person weight, size, height and other physical features;
  - (f) Political belief/activity;
  - (g) Pregnancy and Breastfeeding ó this includes whether the person is with child, has the supposed signs or symptoms of pregnancy (e.g. large stomach, morning sickness) (Refer to By Law 22 Pregnancy Policy);
  - (h) Race;
  - (i) Religious belief/activity;
  - (j) Sex or gender;
  - (k) Sexual orientation;
  - (l) Social Origin
  - (m) Transgender orientation.
  - (n) Irrelevant medical record
  - (o) Irrelevant criminal record
  - (p) Trade union membership/activity

### **Examples of *Discrimination***

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

**Breastfeeding:** A member of the club who is breastfeeding her baby in the club rooms is asked to leave.

**Disability:** A junior player is overlooked because of her mild epilepsy.

**Family responsibilities:** A club decides not to promote an employee because he has a child with a disability even though the employee is the best person for the job.

**Gender Identity:** A transgender contract worker is harassed when employees refuse to call her by her female name.

**Homosexuality:** An athlete is ostracised from her team after she tells a team mate that she is a lesbian.

**Marital Status:** A player is deliberately excluded from team activities and social functions because she is single.

**Pregnancy:** A woman is dropped from her squad when she becomes pregnant. (Refer to By Law 22 Pregnancy Policy)

**Race:** An Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race.

**Sex:** Specialist coaching is only offered to male players in a mixed team.

10.3 The areas in which discrimination under *this By-Law* are not permitted are in:

- (a) employment (including unpaid employment) by *Skate Victoria*
- (b) the provision of goods and services by *Skate Victoria*
- (c) the selection or otherwise of any person for competition or team (domestic or international) by or on behalf of *Skate Victoria*
- (d) the entry or otherwise of any player or other person to any competition held or sanctioned by *Skate Victoria* (note the exception in clause 10.9 below);
- (e) obtaining or retaining membership (including the rights and privileges of membership) of *Skate Victoria*

10.4 Not only is *Discrimination* unlawful, but *Skate Victoria* also consider it is wrong because it denies people a chance by judging them on the basis of stereotypes or assumptions about what they can or cannot achieve.

10.5 *Discrimination* includes direct discrimination and indirect discrimination. Direct *Discrimination* occurs if a person treats, or proposes to treat, someone with an attribute or characteristic less favorably than the person treats or would treat, someone without that attribute or characteristic, in the same or similar circumstances. *Indirect Discrimination* occurs where a person imposes or intends to impose a requirement, condition or practice which on its face is not discriminatory, but has the effect of discriminating against a person(s) with a particular attribute.

- 10.6 *Discrimination* also includes victimisation. This is where a person is subject to, or is threatened to suffer, any detriment or unfair treatment, because that person has or intends to pursue their legal rights under anti-harassment legislation or *this By-Law*.
- 10.7 Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination, is also *Discrimination*.
- 10.8 In addition to the description of *Discrimination* in clauses 10.1 to 10.7, any behaviour or conduct which is discrimination under any Federal or State legislation is *Discrimination* for the purposes of *this By-Law* and is an offence.
- 10.9 *Discrimination* is permitted if one of the exemptions under the applicable Federal or State legislation applies. These may include the following:
- (a) in relation to the selection of a team for competition or entry to a competition (in clauses 10.3 (c) and (d) above), *Discrimination* on the basis of a person's gender is permitted if the strength, stamina and physique of the competitor is relevant. However this exception cannot be used to discriminate against the selection or entry in competitions of coaches, umpires, or administrators; or
  - (b) *Discrimination* because of the person's pregnancy, disability or physical features is permitted if it is necessary to protect the health and safety or property of any person or of the public generally.

Persons or organisations to whom *this By-Law* applies who engage in *Discrimination* commit an offence under *this By-Law* (see Part III, clause 13) and will be penalised in accordance with *this By-Law*.

## 11. WHAT OTHER MISCONDUCT IS AN OFFENCE?

- 11.1 Conduct by persons or organisations to whom *this By-Law* applies which is not *Harassment* or *Discrimination* and which (if committed) is an offence under this By-law, (referred to as "Other Misconduct") means and includes the following:
- (a) Damage to property which occurs during or in connection with a tournament, event or activity held or sanctioned by *Skate Victoria*
  - (b) If the person is under 18 years of age, consuming alcohol during or in connection with a competition, tournament, event or activity held or sanctioned by *Skate Victoria* except where such consumption is expressly permitted or authorised by *Skate Victoria*
  - (c) Being drunk and disorderly during or in connection with a competition, tournament, event or activity held or sanctioned by *Skate Victoria*
  - (d) Consuming, or aiding and abetting the consumption of, illegal drugs during or in connection with a competition, tournament, event or activity held or sanctioned by *Skate Victoria* provided that this clause does not apply to doping offences which are covered by the Anti-Doping Program;

- (e) If the person is under 18 years of age, breaching a curfew imposed by *Skate Victoria* during a competition, tournament, event or activity held or sanctioned by *Skate Victoria*
  - (f) Disruptive or disorderly behaviour during or in connection with a competition, tournament, event or activity held or sanctioned by *Skate Victoria*
  - (g) Committing any criminal offence or any other unlawful activity during or in connection with a competition, tournament, event or activity held or sanctioned by *Skate Victoria*
  - (h) Incurring debts (eg telephone or accommodation charges) on behalf of *Skate Victoria* during or in connection with a competition, tournament, event or activity held or sanctioned by *Skate Victoria* where such debts were or are not authorised by *Skate Victoria* or
  - (i) Breach of any one of the *Skate Victoria* Codes of Ethics (see Part III, clause 12).  
11.2 This *By-Law* does not apply to conduct which is not *Harassment* or *Discrimination* if it occurs on the rink during, or is related to, any skating activities, games and competitions held or sanctioned by *Skate Victoria*
- 11.3 The activities referred to in clause 11.2 shall be dealt with under by-law 8 ó Disciplinary Tribunals as amended from time to time. The jurisdiction of by-law 8 shall prevail in the event of any inconsistency with *this By-Law*.

## **12. SKATE VICTORIA'S CODES OF CONDUCT**

- 12.1 To protect the health, safety and well being of all the people participating in the activities of *Skate Victoria*. *Skate Victoria* has developed and issued a Code of Conduct. It is set out in Attachment A and forms a part of *this By-Law*.
- 12.2 The *Skate Victoria* Code of Conduct applies to the same people to whom *this By-Law* applies (see Part 1, clause 3).
- 12.3 The Code of Conduct is designed to reinforce conduct which *Skate Victoria* considers is appropriate and to discourage behaviours which *Skate Victoria* considers inappropriate. It sets criteria to help those to whom it applies to distinguish between correct and incorrect moral judgments.
- 12.4 Part of the Code of Conduct deals with specific standards and requirements for administrators, coaches, athletes and parents/guardians. These are called the *Administrators Code of Conduct*, the *Skate Victoria Accredited Coach Education Provider Code of Conduct*, the *Skate Victoria Accredited Officials Education Provider Code of Conduct*, the *Participants Code of Conduct* and the *Parent/Guardian Code of Conduct* respectively (set out in Attachments B, C, E, G and H and also forming part of *this By-Law*). These are in addition to the general Code of Conduct (Attachment A).
- 12.5 Although already binding under *this By-Law*, any coach or official who wishes to be, or is, accredited by a *Skate Victoria Accredited Coach Education Provider* or *Skate Victoria*

*Accredited Officials Education Provider* must sign and return to *Skate Victoria*, the *Skate Victoria Accredited Coach Education Provider Code of Conduct Form* or the *Skate Victoria Accredited Officials Education Provider Code of Conduct Form* (Attachments D and F to *this By-Law* respectively).

- 12.6 Breach of the Code of Conduct, including any of the specific parts of it which apply to administrators, coaches, athletes or parents/guardians, is an offence under *this By-Law* and will be penalised in accordance with *this By-Law*.

### 13. WHAT IS AN OFFENCE UNDER *THIS BY-LAW*?

13.1 It is an offence under *this By-Law* for any person or organisation to whom *this By-Law* applies to:

- (a) Engage in *Harassment*;
- (b) Engage in *Sexual Harassment*;
- (c) Engage in *Discrimination* as set out in applicable Federal or State legislation and/or on the grounds set out in clause 10.2 and in the areas set out in clause 10.3;
- (d) Engage in *Abuse*;
- (e) Engage in *Child Abuse*;
- (f) Engage in *Vilification*;
- (g) Breach any part of the *Skate Victoria Code of Conduct* including any part of the *Administrators Code of Conduct*, the *Skate Victoria Accredited Coach Education Provider Code of Conduct*, the *Athletes Code of Conduct* or the *Parent/Guardian Code of Conduct*;
- (h) Appoint, or continue to appoint, a person to a role of the type to which clause 6.2 refers:
  - (i) without first undertaking screening (see clause 6.4); and
  - (ii) where the *Police Check* reveals the person has committed an offence of the type set out in clause 6.7(a);
- (i) Appoint, or continue to appoint, a person to a role of the type to which clause 7.2 refers:
  - (i) without first obtaining a *Prohibited Person Declaration*; or
  - (ii) where the *Prohibited Person Declaration* reveals the person is a *Prohibited Person*;
- (j) Where the person is a *Prohibited Person*, to work or seek work in the roles set out in clause 7.2;
- (k) For a person listed in clause 14.3, fail to comply with the procedures in *this By-Law* for dealing with a *Complaint*;

- (l) Make a frivolous, vexatious or malicious *Complaint* under Part III, clause 14;
  - (m) Fail to enforce a penalty imposed by a *Member Protection Tribunal* under Part III, clause 18;
  - (n) Fail to notify the relevant authorities of abuse;
  - (o) Fail to publish, distribute and promote *this By-Law* in accordance with Part III, clause 8.1(c) and 8.2(c);
  - (p) Fail to appoint *Member Protection Officers* and a *Hearings Officer* in accordance with clause 8.1(e) and (g) or, where relevant, clause 8.3(a) and (b);
  - (q) Fail to establish a *Member Protection Tribunal* in accordance with clause 17;
  - (r) Fail to use the forms and clauses prescribed by *Skate Victoria* in accordance with clause 8.1(f) and 8.2(e).
- 13.2 Any circumstances which may be an offence may be the subject of a *Complaint* (under Part III, clause 14) and/or be investigated and referred to a hearing under Part III, clause 17 of *this By-Law*.

#### **14. HOW TO MAKE A COMPLAINT?**

- 14.1 Except for a complaint about *Child Abuse*, for which the investigation procedure is set out at Attachment M, any person or organisation may make a complaint about a person or organisation to whom *this By-Law* applies to, if they consider that person or organisation has, or may have, committed an offence and/or breached any part of *this By-Law* (a *Complaint*).
- 14.2 A *Complaint* must be made in writing however it need not be called or referred to as a *Complaint*. In addition, please note that a person or organisation may provide information verbally under clause 16.1.
- 14.3 A *Complaint* must be made to any one of the following people:
- (a) a *Member Protection Officer* of *Skate Victoria*; or
  - (c) the President or in their absence *their Nominee* of *Skate Victoria*

Note that a list of the *Member Protection Officers* must be made available to any person requesting such list and shall be displayed at the premises of *Skate Victoria*

- 14.4 Making a frivolous, vexatious or malicious *Complaint* is an offence under *this By-Law* and will be dealt with as set out in Part III, clause 17.4.

## 15. WHAT IS THE PROCESS IF A COMPLAINT IS MADE?

- 15.1 If a person listed in clause 14.3 receives a *Complaint* and that *Complaint* alleges *Harassment, Sexual Harassment, Discrimination, Abuse* or *Vilification* of a sexual or physical nature, then such person must do the following:
- (a) If such person is not a *Member Protection Officer*, then they shall forward such *Complaint* as soon as possible to a *Member Protection Officer* at Skate Victoria
  - (b) The *Member Protection Officer* must then ask the complainant whether s/he wishes them to:
    - (i) listen and advise the complainant about what their options are and what the complainant might do; and/or
    - (ii) appoint an independent mediator between the complainant and the alleged offender to try and resolve the *Complaint* by agreement; or
  - (c) Having determined the complainant's wishes in clause 15.1(b), the *Member Protection Officer* and the independent mediator shall:
    - (i) subject to clauses 15.2 and 15.3, act in accordance with the complainant's direction in relation to the options set out in clause 15.1(b);
    - (ii) keep the matter confidential and only discuss it with those people whom the complainant has authorised them to speak to about the *Complaint*; and
    - (iii) inform the relevant governmental authority, if required by law (see Part III, clause 20).
- 15.2 If the complainant wishes the *Member Protection Officer* to appoint a mediator between the complainant and the alleged offender to try and resolve the *Complaint* by agreement, the *Member Protection Officer* shall:
- (a) immediately notify the alleged offender, in writing, that a *Complaint* has been made and provide them with a copy of the written *Complaint*;
  - (b) appoint an independent mediator to attempt to mediate a resolution between the complainant and the alleged offender.
- 15.3 If following the process in clause 15.2, an agreed resolution is reached between the complainant and the alleged offender, the *Complaint* shall be deemed to have been withdrawn and no further action in relation to that *Complaint* under *this By-Law* (except for that which is agreed) may be taken. (Note this does not prevent action being taken under State or Federal legislation).

- 15.4 If following the process in clause 15.2 an agreed resolution is not reached, or the complainant requests, the *Member Protection Officer* shall, with the complainant's agreement, refer the *Complaint* to the *Hearings Officer* at *Skate Victoria* for a hearing to be held under clause 17.
- 15.5 If a complainant withdraws the *Complaint* (which alleges *Sexual Harassment, Discrimination, Abuse* or *Vilification* of a sexual or physical nature), no further action in relation to that *Complaint* under *this By-Law* may be taken. (Note this does not prevent action being taken under State or Federal legislation).
- 15.6 Other Complaints:
- If a person listed in clause 14.3 receives a *Complaint* and that *Complaint* is not one of the types set out in clause 15.1, then such person must refer the *Complaint* to the *Hearings Officer* at *Skate Victoria* for a hearing to be held under clause 17.

## 16. INVESTIGATION OF SUSPECTED OFFENCES

- 16.1 If a *Complaint* is not received, but the President, or in their absence *their Nominee* or a *Member Protection Officer* of *Skate Victoria* receives information (whether or not in writing) which gives them reasonable cause to suspect that an offence under *this By-Law* may have been committed, then s/he shall do the following:
- (a) if the information gives them reasonable cause to suspect an offence involving *Sexual Harassment, Discrimination, Abuse* or *Vilification* of a sexual or physical nature, then such person may appoint an investigator to follow the procedures set out in clauses 15.1 to 15.4 as if a *Complaint* had been received, provided that in order to comply with clause 15.2(a) the *Member Protection Officer* must first request and receive as soon as possible the information regarding the alleged offence in writing and upon receiving such information supply it to the alleged offender;
  - (b) if the information gives them reasonable cause to suspect an offence involving *Child Abuse*, then the procedures in Attachment M must be followed;
  - (c) if the information gives them reasonable cause to suspect an offence under *this By-Law* other than one set out in clause 15.1, then s/he shall refer the information to the *Hearings Officer* at *Skate Victoria* for a hearing to be held under clause 17.
- 16.2 Except as otherwise provided in *this By-Law*, all information obtained by the President, *their Nominee* or the *Member Protection Officer* in accordance with this clause 16 must be kept confidential.

## 17. HEARINGS

- 17.1 Where the *Hearings Officer* at *Skate Victoria* or a *Member Organisation* (if applicable) receives:
- (a) a *Complaint* referred to it under clause 15.4 or 15.6; or
  - (b) information referred to it under clause 16.1;

- (c) s/he shall follow the procedures set out in this clause 17.
- 17.2 Upon receipt of the *Complaint* or the information, the *Hearings Officer* shall as soon as possible do the following:
- (a) Determine the composition of the *Member Protection Tribunal*, as detailed in clause 17.3;
  - (b) Send to the alleged offender:
    - (i) a notice setting out the alleged offence including details of when/where it is alleged to have occurred; and
    - (ii) a notice setting out the date, time and place for the hearing of the alleged offence which shall be as soon as reasonably practicable after receipt of the *Complaint* or information,
    - (iii) a copy of the *Complaint* or the information received if in writing, referred to as "Notice of Alleged Offence");
  - (c) Send to the complainant(s) and the Chairperson of the *Member Protection Tribunal* a copy of the Notice of Alleged Offence.
- 17.3 The *Member Protection Tribunal* for each hearing shall be appointed by the Board of Directors (however described) of *Skate Victoria* (if applicable) and shall comprise of the following persons:
- (a) a barrister or solicitor (who shall be the Chairperson) or, if after reasonable attempts have been made to obtain one without success, then a person with considerable previous experience in the legal aspects of a member protection tribunal; and
  - (b) a person with a thorough knowledge of Skate; and
  - (c) one other person of experience and skills suitable to the function of the *Member Protection Tribunal*.
- provided that such persons may not include:
- (d) a person who is a member of the Board of Directors (however described) of the organisation which appoints the *Member Protection Tribunal*; or
  - (e) a person who would, by reason of their relationship with the complainant or the alleged offender, be reasonably considered to be other than impartial.
- 17.4 Frivolous, vexatious or malicious *Complaints*
- (a) If within 48 hours of sending the Notice of Alleged Offence, the alleged offender alleges in writing to the *Hearings Officer* that the *Complaint* is frivolous, vexatious or malicious, the Chairperson shall as a preliminary issue, determine whether or not such *Complaint* is frivolous, vexatious or malicious and shall advise the parties of his or her determination.

- (b) The *Hearings Officer* shall provide a copy of the written allegation of the alleged offender that the *Complaint* is frivolous, vexatious or malicious to the other parties to the hearing (see clause 17.6).
  - (c) The Chairperson shall determine such preliminary issue as soon as practicable and in whatever manner the Chairperson considers appropriate in the circumstances provided that he or she does so in accordance with the principles of natural justice.
  - (d) The decision of the Chairperson under this clause 17.4 may be appealed within 48 hours of the determination to the relevant appeal body under clause 19. 17.5 The *Member Protection Tribunal* shall hear and determine the alleged offence in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with the principles of natural justice. The purpose of the hearing shall be to determine whether the alleged offender has committed an offence under *this By-Law*. If the *Member Protection Tribunal* considers that the alleged offender has committed an offence under *this By-Law*, it may impose any one or more of the penalties set out in clause 18.
- 17.6 The parties to the hearing shall include the complainant, the alleged offender, and the relevant organisation (being Skate Victoria) and any witnesses which any such party wishes to have participate in the hearing
- 17.7 If upon receipt of the Notice of Alleged Offence, the *Member Protection Tribunal* considers that pending the determination of the matter the alleged offender may put at risk the safety and welfare of the complainant or others, it may order that the alleged offender be:
- (a) suspended from any role they hold with *Skate Victoria* or *Member Club*
  - (b) banned from any event or activities held by or sanctioned by *Skate Victoria*
  - (c) required not to contact or in any way associate with the complainant or other person about whom the alleged offence relates;
- pending the determination of the hearing.
- 17.8 There is no right of appeal of the decision by a *Member Protection Tribunal* under clause 17.7.
- 17.9 Any party to the hearing may be represented at the hearing by any person, including a legal representative.
- 17.10 Each party to the hearing shall bear their own costs in relation to the hearing.
- 17.11 The *Member Protection Tribunal* shall give its decision as soon as practicable after the hearing and will deliver to the following a statement of its written reasons:
- (a) the President of the organisation which established the *Member Protection Tribunal*;

- (b) the complainant;
- (c) the alleged offender; and

any other party represented in the hearing.

17.12 Each member of each *Member Protection Tribunal* established under *this By-Law* shall be indemnified by the organisation which appointed them, from any claim or action for loss, damages, or costs made against them arising out of or in connection with their function as a member of the *Member Protection Tribunal* under *this By-Law*.

17.13 Except as otherwise provided in *this By-Law*, all members of the *Member Protection Tribunal* shall keep all matters relating to the hearing (including but not limited to the nature of the *Complaint*, information obtained before and during the hearing and the decision of the *Member Protection Tribunal*) confidential.

## 18. WHAT PENALTIES MAY BE IMPOSED?

18.1 If the *Member Protection Tribunal* considers that a person or club to whom *this By-Law* applies, has committed an offence under *this By-Law*, it may impose any one or more of the following penalties:

- (a) For offences committed by clubs: If the *Member Protection Tribunal* considers that *Skate Victoria* or a *Member club* has committed an offence under *this By-Law*, it may impose any one or more of the following penalties on such organisation:
  - (i) direct that any funding granted or given to it by *Skate Victoria* cease from a specified date;
  - (ii) impose a monetary fine for an amount determined by the Tribunal;
  - (iii) impose a warning;
  - (iv) recommend to *Skate Victoria* and/or the relevant *Member club* that its membership of such organisation be suspended or terminated in accordance with their applicable constitution;
  - (v) direct that any rights, privileges and benefits provided to that organisation by *Skate Victoria* or *Member Club* be suspended for a specified period or terminated;
  - (vi) direct that *Skate Victoria* cease to sanction events held by or under the auspices of that organisation;
  - (vii) any other such penalty as the *Member Protection Tribunal* considers appropriate.
- (b) For offences committed by individual persons: If the *Member Protection Tribunal* considers that an individual person to whom *this By-Law* applies has committed an offence under *this By-Law*, it may impose any one or more of the following penalties on such person:

- (i) direct that the offender attend counselling to address their conduct;
  - (ii) recommend that *Skate Victoria* and/or the relevant *Member Organisation* terminate the appointment of the role which the offender holds with such organisation;
  - (iii) where there has been damage to property, direct that the offender pay compensation to the relevant organisation which controls or has possession of the property;
  - (iv) impose a monetary fine for an amount determined by the *Member Protection Tribunal*;
  - (v) impose a warning;
  - (vi) in the case of an *Accredited Coach*, direct the relevant *Accredited Coach Education Provider* to de-register such accreditation for a period or indefinitely;
  - (vii) withdraw any awards, placings, records won in any tournaments, activities or events held or sanctioned by *Skate Victoria or a Member Club*
  - (viii) direct the offender to repay all or part of any financial assistance (excluding any fee for service, wages or expenses) given to them by the *Australian Sports Commission*, any Federal or State funding agency, the Australian Olympic Committee, *Skate Victoria or a Member Club* or any other organisation which has provided funding;
  - (ix) any other such penalty as the *Member Protection Tribunal* considers appropriate.
- 18.2 If an organisation or individual commits a second or subsequent offence under *this By-Law*, then the *Member Protection Tribunal* shall have regard to the previous offence, the penalty imposed and any other relevant factors, in imposing a penalty for the second or subsequent offence.
- 18.3 If a penalty is imposed by the *Member Protection Tribunal* under clause 18.1, the President of organisation from which the *Member Protection Tribunal* is established shall as soon as possible notify in writing *Skate Victoria*, *Branch* and *Member Club* of such penalty.
- 18.4 Every organisation to whom *this By-Law* applies shall recognise and enforce any decision and penalty imposed by a *Member Protection Tribunal* under *this By-Law*. The failure to do so is an offence under *this By-Law*.

## **19. HOW CAN A DECISION BE APPEALED?**

- 19.1 Any party to a hearing held under clause 17 (including an organisation) may appeal a decision of a *Member Protection Tribunal*.
- 19.2 An appeal shall be made to the following Appeal Body:

- (a) an appeal against a decision of a *Member Protection Tribunal* established by a *Member Organisation* shall be made to the *Member Protection Tribunal* of *Skate Victoria*;
  - (b) an appeal against a decision of a *Member Protection Tribunal* established by *Skate Victoria*, shall be made to the appeal division of the Court of Arbitration for Sport (Oceania Registry) ("CAS"); (referred to as the "Appeal Body").
- 19.3 There is only one right of appeal following the decision of the initial *Member Protection Tribunal*. Any appeal must be solely and exclusively resolved by the Appeal Body and the decision of such Appeal Body is final and binding on the parties. It is agreed that no party to such appeal may institute or maintain proceedings in any court or tribunal other than the relevant Appeal Body. (NOTE: This provision does not prevent any person or organisation taking action under any State or Federal legislation for *Harassment* or any criminal offence.)
- 19.4 The process for such appeal is as follows:
- (a) the party wishing to appeal ("the Appellant") shall within 48 hours of the *Member Protection Tribunal* delivering its decision:
    - (i) advise, in writing, the President of the organisation of the relevant Appeal Body of their intention to appeal ("Notice of Intention to Appeal"); and
    - (ii) in the case of an appeal from a decision of a *Member Protection Tribunal* established by *Skate Victoria* which is to CAS, complete and file an application to appeal with CAS in accordance with the Code of Sports Related Arbitration; and
  - (b) for all appeals, except those to CAS, as soon as possible after receipt of the Notice of Intention to Appeal, the President of the organisation of the relevant Appeal Body shall appoint a *Member Protection Tribunal* to hear and determine the appeal, which shall comprise of persons who comply with clause 17.3 of *this By-Law*; and
  - (c) within 5 days of lodging the Notice of Intention to Appeal, (or such shorter time as determined by the Appeal Body if there is urgency) the Appellant shall:
    - (i) pay the appeal fee to the Chairperson of the Appeal Body, which shall be \$100 (including GST) which is non-refundable, except for an appeal to CAS which shall be as per the Code of Sports-Related Arbitration applicable to CAS; and
    - (ii) submit to the Chairman of the Appeal Body or CAS (as the case may be), the grounds of the appeal in writing and provide copies to the complainant, the President of the organisation which established the *Member Protection Tribunal* who made the decision which is the subject of the appeal and the President of the organisation which established the Appeal Body.

If either of the requirements in this sub-clause is not met by the due time the appeal shall be deemed to be withdrawn;

- (d) on completion of the procedures in (a) to (c) above, the Chairman of the Appeal Body shall determine a place, time and date for the hearing of the appeal and as soon as possible thereafter notify all parties to the appeal in writing of such details; and
- (e) the procedure for the appeal shall be the same as the procedure for the *Member Protection Tribunal* set out in clause 17 except where the Appeal Body is CAS, in which case the Code of Sports-related Arbitration shall apply.

19.5 Upon hearing the appeal, the Appeal Body may do any one or more of the following:

- (a) dismiss the appeal;
- (b) uphold the appeal;
- (c) impose any of the penalties set out in clause 18;
- (d) reduce, increase or otherwise vary any penalty imposed by the initial *Member Protection Tribunal*.

19.6 The Appeal Body has no power to award costs and each party shall bear their own costs in relation to any appeal.

**20. WHEN AND TO WHOM ARE YOU REQUIRED TO NOTIFY ABUSE TO AUTHORITIES?**

- 20.1 Victoria has reporting requirements for certain people and organisations to notify where there is suspected *Child Abuse* or other abuse of children.
- 20.2 Attachment L contains a summary of the grounds on which persons to whom this *By-Law* applies may have to report suspected abuse and the contact details for doing so.

**ATTACHMENT A SKATE VICTORIA GENERAL CODE OF CONDUCT**

**The Code applies to the following persons; Club & Unattached member, Participant, Official, Coach, Administrator, Volunteer, Spectator, Parent/guardian, Member of the community and Media**

You must meet the following requirements in regard to your conduct during any activity held or sanctioned by *SkateVictoria* and in any role you hold within *Skate Victoria*

1. Inclusion of every person regardless of their age, gender or sexual orientation
2. Inclusion of every person regardless of their race, culture or religion
3. Opportunities for people of all abilities to participate in the sport and develop to their full potential
4. Respect is shown towards others, the club and the broader community
5. A safe and inclusive environment for all
6. Elimination of violent and abusive behaviour
7. Protection from sexual harassment or intimidation.
8. Be fair, considerate and honest in all dealing with others.
9. Be professional in, and accept responsibility for your actions.
10. Make a commitment to providing quality service.
11. Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.
12. Be aware of, and maintain an uncompromising adherence to *Skate Victoria's* standards, rules regulations and policies.
13. Operate within the rules of Skate including State guidelines which govern *Skate Victoria*.
14. Understand your responsibility if you breach, or are aware of any breaches of this Code of Conduct.
15. Do not use your involvement with *Skate Victoria* to promote your own beliefs, behaviours or practices where these are inconsistent with those of *Skate Victoria*.
16. Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.
17. Refrain from any form of harassment towards, or discrimination of, others.
18. Show concern and caution towards others who may be sick or injured.
19. Be a positive role model.
20. Endeavour to ensure others in my company conduct themselves in a proper and reasonable manner

ATTACHMENT B

**SKATE VICTORIA ADMINISTRATORS**

**CODE OF CONDUCT**

As an administrator of *Skate Victoria* you must meet the following requirements in regard to your conduct during any activity held by or under the auspices of *Skate Victoria* and in any role you hold within *Skate Victoria*

1. Be fair, considerate and honest in all dealing with others.
2. Be professional in, and accept responsibility for your actions. Your language, presentation, manners and punctuality should reflect high standards.
3. Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.
4. Resolve conflicts fairly and promptly through established procedures.
5. Maintain strict impartiality.
6. Maintain a safe environment for you and others.
7. Be aware of your legal responsibilities.
8. Be a positive role model for others.

## ATTACHMENT C

**SKATE VICTORIA ACCREDITED COACH EDUCATION PROVIDER CODE OF CONDUCT**

As a coach appointed by *Skate Victoria* you must meet the following requirements in regard to your conduct during any activity held or sanctioned by *Skate Victoria* or a *Member Organisation* and in any role you hold within *Skate Victoria* or a *Member Organisation*:

1. Treat all students with respect at all times. Be honest and consistent with them. Honour all promises and commitments, both verbal and written.
2. Provide feedback to students and other athletes in a caring sensitive manner to their needs. Avoid overly negative feedback.
3. Recognise students' rights to consult with other coaches and advisers. Cooperate fully with other specialists (eg. sports scientists, doctors, physiotherapists etc).
4. Treat all students fairly within the context of their sporting activities, regardless of gender, race, place of origin, athletic potential, colour, sexual orientation, religion, political beliefs, socio-economic status and other condition.
5. Encourage and facilitate students' independence and responsibility for their own behaviour, performance, decisions and actions.
6. Involve the students in decisions that affect them.
7. Determine, in consultation with students and others, what information is confidential and respect that confidentiality.
8. Encourage a climate of mutual support among your students.
9. Encourage students to respect one another and to expect respect for their worth as individuals regardless of their level of play.
10. At all times use appropriate training methods which in the long term will benefit the students and avoid those which could be harmful.
11. Ensure that the tasks/training set are suitable for age, experience, ability and physical and psychological conditions of the students.
12. Be acutely aware of the power that you as a coach develop with your students in the coaching relationship and avoid any sexual intimacy with students that could develop as a result.
13. Avoid situations with your students that could be construed as compromising.
14. Actively discourage the use of performance enhancing drugs, the use of alcohol and tobacco and illegal substance.

15. Respect the fact that your goal as a coach for the student may not always be the same as that of the student. Aim for excellence based upon realistic goals and due consideration for the student's growth and development.
16. Recognise individual differences in students and always think of the student's long-term best interests.
17. Set challenges for each student which are both achievable and motivating.
18. At all times act as a role model that promotes the positive aspects of sport and of Skate by maintaining the highest standards of personal conduct and projecting a favourable image of Skate and of coaching at all times.
19. Do not exploit any coaching relationship to further personal, political, or business interests at the expense of the best interest of your students.
20. Encourage students and coaches to develop and maintain integrity in their relationship with others.
21. Respect other coaches and always act in a manner characterised by courtesy and good faith.
22. When asked to coach a student, ensure that any previous coach-student relationship has been ended by the student-others in a professional manner.
23. Accept and respect the role of officials in ensuring that competitions are conducted fairly and according to established rules.
24. Know and abide by Skate rules, regulations and standards, and encourage students to do likewise. Accept both the letter and the spirit of the rules.
25. Be honest and ensure that qualifications are not misrepresented.
26. Be open to other people's opinion and willing to continually learn and develop.

ATTACHMENT D

**SKATE VICTORIA ACCREDITED COACH EDUCATION PROVIDER CODE OF ETHICS FORM**

This form must be completed by any person seeking to be registered or re-registered to the Skate Coaches Victoria

I.....

(print full name)

of.....

..... (street address)

.....(State).....(postcode)

wish to register/re-register (please circle) for the following Skate Coaches Victoria coaching

- qualification
- Level 1 (please circle)
- Level 2
- Level 3

I agree and declare that:

1. I have read the *Skate Victoria* Member Protection By- Law and in particular the *Skate Victoria* Coaches Code of Conduct and agree to comply with them.
2. I acknowledge that penalties enforced against me may include de-registration of my accreditation if I commit an offence under *this By-Law* which includes a breach of the Coaches Code of Conduct.

Signature:.....

Date: .....

## ATTACHMENT E

**SKATE VICTORIA ACCREDITED OFFICIALS EDUCATION PROVIDER CODE OF CONDUCT**

As a official appointed by *Skate Victoria* you must meet the following requirements in regard to your conduct during any activity held or sanctioned by *Skate Victoria* and in any role you hold within *Skate Victoria*

**Sports Officials' Code Of Conduct.**

Place the safety and welfare of the participants above all else

1. Accept responsibility for all actions taken
2. Be Impartial
3. Avoid any situation which may lead to conflict of interest
4. Be courteous, respectful and open to discussion and interaction
5. Value the individual in sport
6. Seek continual self improvement through study, performance appraisal, and regular updating of competencies
7. Encourage inclusivity and access to all areas of officiating
8. Be a positive role model in behaviour and personal appearance
9. Refrain from any form of personal abuse towards athletes
10. Refrain from any form of sexual harassment towards athletes
11. Show concern and caution towards sick and injured athletes

ATTACHMENT F

**SKATE VICTORIA ACCREDITED OFFICIALS EDUCATION PROVIDER CODE OF ETHICS FORM**

This form must be completed by any person seeking to be registered or re-registered as a *Skate Victoria* official.

**TO:** *Skate Victoria*

I,..... (Name)

.....(address)

I am seeking registration / re-registration (please circle) for the following Officiating Accreditation:

.....(level).....(discipline)

**I agree to the following terms:**

1. I agree to abide by *Skate Victoria's* Code of Conduct overleaf
2. I Acknowledge that *Skate Victoria* may take action against me, if I breach the code of ethics. (I understand that *Skate Victoria* are required to implement a complaints handling procedure in accordance with the principles of natural justice, in the event of an allegation against me)
3. I acknowledge that penalties enforced against me may include de-registration from the Officiating Accreditation Scheme.

Please refer to the *Harassment-free Sport Guidelines* available from the *Australian Sports Commission* or contact *Skate Victoria* if, you require more information on harassment issues.

Signed:.....Dated:

**ATTACHMENT G****SKATE VICTORIA PARTICIPANTS****CODE OF CONDUCT**

As an Athlete in any activity held by or under the auspices of *Skate Victoria* you must meet the following requirements in regard to your conduct during any such activity or event

1. Respect the rights, dignity and worth of fellow athletes, coaches, officials and spectators.
2. Refrain from conduct which could be regarded as sexual or other harassment towards fellow athletes and coaches.
3. Respect the talent, potential and development of fellow squad athletes and competitors.
4. Care and respect the equipment provided to you as part of your program.
5. Be frank and honest with your coach concerning illness and injury and your ability to train fully within the program requirements.
6. Conduct yourself in a professional manner relating to language, temper and punctuality.
7. Maintain high personal behaviour standards at all times.
8. Abide by the rules and respect the decision of the umpire, match referee or other adjudicator, making all appeals through the formal process and respecting the final decision.
9. Be honest in your attitude and preparation to training. Work equally hard for yourself and your team.
10. Cooperate with coaches and staff in development of programs to adequately prepare you for competition at the highest level.

## ATTACHMENT H

**SKATE VICTORIA PARENT / GUARDIAN  
CODE OF CONDUCT**

As a parent / guardian of a participant in any activity held by or under the auspices of *Skate Victoria or a Member Organisation* you must meet the following requirements in regard to your conduct during any such activity or event

1. Treating your child the same irrespective of them winning or losing.
2. Remembering that your child participates in Skate for their enjoyment not yours.
3. Trying to have fun when you are around your children at competitions. Well-directed humour can be a great de-stressor.
4. Looking relaxed, calm and positive on the sidelines.
5. Making friends with other parents at competitions.
6. Getting involved in appropriate ways if your child or the coach behaves in unacceptable ways during competitions.
7. Letting the coach do the coaching.
8. Understanding that children will benefit from a break sometimes and that involvement in other sports is okay.
9. Being there when the child performs poorly. Be an understanding listener rather than a critic, judge and/or fixer.
10. Being prepared to give your child some space so that he/she can grow and develop as an independent person.
11. Letting your child know that your love for them is not associated with their sporting performances.
12. Communicating with your child and asking them how they are really feeling about their sport and about competing in particular.
13. Occasionally letting your child compete without you being there and hovering over them.
14. Emphasising the good things your child did in preparing for and during the match/tournament.
15. Try to avoid:
  - É Saying 'we're playing today'. Instead say 'you're playing today'. Give your child credit for accepting the responsibility of performing.
  - É Getting too pushy or believe that you are indispensable. Let the coach do the coaching.
  - É Living through your child's performances.

- Turning away when your child performs.
- Turning away when your child's behaviour is unsportsmanlike.
- Telling your child what he/she did wrong after a tough match.
- Making enemies with your child's opponents or family during a match/tournament/competition.
- Making your child feel guilty by reminding them about all the time, money and sacrifices you are making for his or her sport.
- Thinking of your child's sporting performances as an investment for which you expect a return.
- Badgering, harassing or use sarcasm to motivate your child.
- Comparing your child's performances with those of other children.
- Forcing your child to go to training. If they are sick of training find out why and discuss it with them.

ATTACHMENT I

**AUTHORISATION FOR POLICE CHECK  
FORM**

I.....(print full name)

previously known as.....(maiden or former names)

of.....

.....(address)

Aged:

í í í .....years.....

Born on .....at .....

Drivers Licence No:.....

Request you to make available to such person as is authorised by this policy to receive such information from the

(a) Federal Police; and

(b) Victorian\_\_\_\_\_ Police Service

of the details of any convictions, charges laid or investigations commenced that the Police Service has in its possession with reference to me.

..... (signature)

..... (witness signature)

..... (date)

**ATTACHMENT J****PROHIBITED PERSON DECLARATION**

The Skate Victoria (öSVö) Member Protection *By-Law* makes it an offence for a *Prohibited Person* (defined as a person who has been convicted of a *Serious Sex Offence*) to work or seek work in the following roles:

Coaches who are appointed or seeking appointment (whether employed, contracted or otherwise) for reward;

Volunteer coaches appointed or seeking appointment, who will or are likely to travel away with teams of players under 18 years of age; and

Persons appointed or seeking appointment to a role in which that person is likely to have individual and unsupervised contact with players under 18 years of age (for example, a team manager).

The SV Member Protection Bylaw also makes it an offence to appoint, or continue to appoint, a person to a role set out above:

- without first obtaining this declaration; or
- where this declaration reveals the person is a *Prohibited Person*.

The SV Member Protection *By-Law* defines a *Serious Sex Offence* as means an offence involving sexual activity or acts of indecency including but not limited to:

ÉRape

ÉIndecent assault

ÉSexual assault

ÉAssault with intent to have sexual intercourse

ÉIncest

ÉSexual penetration of child under the age of 16

ÉIndecent act with child under the age of 16

ÉSexual relationship with child under the age of 16

ÉSexual offences against people with impaired mental functioning

ÉAbduction and detention

ÉProcuring sexual penetration by threats or fraud

ÉProcuring sexual penetration of child under the age of 16

ÉBestiality

ÉSoliciting acts of sexual penetration or indecent acts

ÉPromoting or engaging in acts of child prostitution

ÉObtaining benefits from child prostitution

ÉPossession of child pornography

ÉPublishing child pornography and indecent articles

**Declaration**

I am aware that I am ineligible to work or seek work in the roles set out above if I have been convicted of a *Serious Sex Offence*, as defined in the SV Member Protection *By-Law*.

I have read and understood the above information in relation to the SA Member Protection *By-Law* and understand my responsibilities and obligations under it.

I declare that I am not a person prohibited under the SV Member Protection *By-Law* from working or seeking work in the roles set out above.

I acknowledge that I am required to advise the President of the organisation appointing me, immediately upon becoming a *Prohibited Person*.

Name:.....Signature:.....Date:.....

Note: Seek legal advice if you are unsure of your status.

## ATTACHMENT K CHILD PROTECTION

### **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 Victoria 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. There are also requirements placed on organisations.

Please be aware that state and territory WWCC requirements may also apply to individuals who visit states with screening laws. For example, if a state association or club takes players 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 State Member Protection Policy**

## Attachment K3 WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS

### VICTORIA

The Working with Children (WWC) Check creates a mandatory minimum checking standard across Victoria. The *Working with Children Act 2005* requires that some people who work or volunteer in child related work require a WWC Check. The check involves a national police records check and a review of relevant findings from prescribed professional disciplinary bodies (currently only the Victorian Institute of Teaching).

There is an exemption for volunteers whose own children are involved in the particular activity; however they should still be required to complete the screening process.

A person who has no criminal or professional disciplinary history will be granted an *assessment notice*. This notice will entitle the person to undertake child related work in Victoria and is valid for five years (unless revoked).

A person deemed unsuitable to work or volunteer with children will be given a *negative notice* and cannot work in child related work in Victoria.

For more information:  
[www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren) or 1300 652 879

## ATTACHMENT L

**SUMMARY OF GROUNDS AND  
CONTACTS FOR NOTIFICATION OF  
ABUSE**

<p><b>VIC:</b> where medical practitioner, psychologist, nurse, teacher, police, youth worker etc in course of duties forms the belief in reasonable grounds that a child (under 17 yrs) is in need of protection (suffers significant harm as result of physical or emotional injury, abuse, harm or the child's development is or is likely to be harmed etc). Must report as soon as practicable.</p> <p><i>Children &amp; Young Persons Act 1989</i></p>	<p><a href="http://www.vic.gov.au/healthcommunity/children/childprotection.html">http://www.vic.gov.au/healthcommunity/children/childprotection.html</a></p>
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## ATTACHMENT M

### INVESTIGATING PROCEDURE CHILD ABUSE

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

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

#### **Step 1: Clarify basic details of the allegation**

É Any complaints, concerns or allegations of *Child Abuse* should be made or referred to the Member Protection Officer.

É The initial response of the person that receives the complaint from the child (or person on behalf of the child) is crucial to the well-being of the child. It is important for the person receiving the information to:

Listen to, be supportive and do not dispute what the child says;

Reassure the child that what has occurred is not the fault of the child;

Ensure the child is safe;

Be honest with the child and explain that other people may need to be told in order to stop what is happening; and

Ensure that what the child says is quite clear but do not elicit detailed information about the abuse. You should avoid suggestive or leading questions.

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

Child's name, age and address;

Person's reason for suspecting abuse (observation, injury or other); and

Names and contact details of all people involved, including witnesses.

#### **Step 2: Report allegations of a serious or criminal nature**

É Any individual or organisation to which this policy applies, **should immediately report any incident of a serious or a criminal nature to the police and other appropriate authority.**

É If the allegation involves a child at risk of harm, the incident should immediately be reported to the police or other appropriate government agency. You may need to report to both the police and the relevant government agency.

É The relevant State authority should be contacted for advice if there is **any** doubt about whether the complaint should be reported.

- É If the child's parent/s are suspected of committing the abuse, report the allegation to the relevant government agency.

### **Step 3: Protect the child**

- É The Member Protection Officer should assess the risks and take interim action to ensure the child's/children's safety. Some options that Skate Australia could implement 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. Please be aware it is not the Member Protection Officer's role to actually undertake action such as redeploying someone – an Member Protection Officer should only recommend possible actions.
- É The Member Protection Officer should also address the support needs of the person against whom the complaint is made. Supervision of the person should ideally occur with the knowledge of the person. If stood down, it should be made clear to all parties that are aware of the incident that this does not mean the person is guilty and a proper investigation still needs to be undertaken.

### **Step 4: Further clarify and investigate allegation**

- É Seek advice from the police and relevant government agency as to whether the Skate Australia/Member State should carry out its own internal investigation (in addition to or in conjunction with any police or relevant government agency investigation).
- É If the police and/or relevant government agency advises that it is appropriate, then appoint an independent person (where possible) with appropriate expertise to conduct an investigation.

The investigator should:

Contact the parents/carers of the child at an appropriate time and as directed by the police or relevant government agency.

If appropriate, meet with parents/carers and the child to clarify the incident and offer support on behalf of Skate Victoria if required (example, professional counselling).

Meet with the person against whom the allegation refers at an appropriate time and as directed by the relevant authority and give the person an opportunity to explain or respond to the allegation and identify any witnesses and supporting evidence. The person should have an opportunity to invite a support person/adviser to attend at a meeting and should be offered support (example, professional counselling) if necessary.

Obtain a signed statement and record of interview from the person.

Make contact with any witnesses and obtain written and signed statements outlining details of the allegation (what happened, when, how). This should only occur following advice from the relevant authority.

Obtain other information that could assist in making a decision on the allegation.

The information collected during the investigation should be made available to the relevant authorities.

Strict confidentiality, impartiality, fairness and due process must be maintained at all times.

**Step 5 – Record and analyse all information**

If an internal investigation was conducted under Step 4, the investigator will provide a report to the Skate Australia/Member State President.

The decision-maker(s) will be the nominee of the Board of Skate Australia/Member State, and will remain separate and at arm's length from the investigator.

The decision-maker will consider all the information and determine a finding. It will also recommend action and its rationale for the action.

**Step 6: Undertake disciplinary action**

- É For incidents of a serious or criminal nature, consideration must be given to the findings of the police and/or the government agency before making a decision on disciplinary proceedings.
- É If disciplinary action is to be taken, follow the procedures outlined in clause 18 of this By-Law.
- É Implement any disciplinary decision recommended. The action should be immediate.
- É Check with the relevant state government authority to see if you need to forward a report