



## FOOTBALL MEMBER PROTECTION POLICY

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## **Message from the Chief Executive Officer**

This Member Protection Policy aims to ensure Football Federation Australia Limited's (**FFA**) core values, good reputation and positive behaviours and attitudes are maintained. It assists us in ensuring that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse. Through this Policy, we aim to ensure that everyone involved in Football is aware of his or her legal and ethical rights and responsibilities.

This Policy also provides the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from Football. As part of this commitment, FFA will take disciplinary action against any person or organisation bound by this Policy if they breach it.

FFA is committed to providing an environment safe for children, which is free from harassment and abuse for everyone, and promotes respectful and positive behaviour and values. This Policy provides codes of conduct and behaviour that form the basis of appropriate and ethical conduct which everyone must abide by.

This Member Protection Policy is an essential part of our organisation's proactive and preventative approach to tackling inappropriate behaviour.

As Chief Executive Officer, I endorse this Member Protection Policy and am personally committed to ensuring that everyone associated with FFA complies with it.

.....  
**Ben Buckley**  
**Chief Executive Officer**

This Member Protection Policy forms part of the FFA Statutes that apply to all state and territory federations, district associations, competition administrators, clubs, officials and players within FFA's jurisdiction. This Member Protection Policy is effective from 1 June 2005 and will operate until it is replaced.

The objectives of the Member Protection Policy are to:

- (a) meet our legal obligations in relation to harassment, discrimination and child protection;
- (b) recognise that we have a moral obligation to establish standards of appropriate behaviour and to provide a safe, respectful and appropriate sporting environment;
- (c) emphasise that the safety and welfare of children is of paramount importance; and
- (d) form part of FFA's overall risk management plan through the implementation of policies and procedures for addressing harassment, discrimination and child protection.

The MPP is divided into the following 8 parts:

- A. Core Policy;
- B. Roles and Responsibilities;
- C. State Specific Requirements;
- D. Complaint Procedures and Disciplinary Action;
- E. Codes of Conduct and Behaviour;
- F. Definitions and Interpretation;
- G. Prescribed Forms; and
- H. Appendices.

Given the importance of this area, FFA is committed to the implementation, enforcement and continual review of this Member Protection Policy.

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## PART A: CORE POLICY

### 1. POLICY POSITION STATEMENT

- 1.1 Football Federation Australia Limited (**FFA**) is committed to providing a sport and work environment free of discrimination and harassment (sexual or otherwise), where individuals are treated with respect and dignity.
- 1.2 FFA does not tolerate discriminatory or harassment behaviour under any circumstances and will take disciplinary action against anyone who breaches this Policy.
- 1.3 FFA is committed to ensuring that the safety, welfare and wellbeing of children are maintained at all times during their participation in activities run by FFA, Member Federations and Clubs. Accordingly, any person involved in the management, coaching or administration of any Player under the age of 18 years may be asked to undergo screening procedures including police and other probity checks.
- 1.4 The law is always the minimum standard for behaviour within FFA and therefore any criminal offence will be reported to the appropriate authorities.

### 2. APPLICATION AND SCOPE

- 2.1 This Policy applies to FFA, Member Federations, District Associations, Competition Administrators, Clubs, Officials, Agents and Players (**Members**). To the fullest extent possible, it also applies to parents or guardians of Players and to spectators at Matches.
- 2.2 This Policy:
  - (a) applies to behaviour occurring both within and outside the course of FFA's business, activities and events, when the behaviour involves Members and negatively affects relationships within FFA's sport and work environment;
  - (b) continues to apply to a Member even after that Member's association or employment or engagement has ended, if that Member breached this Policy while a current Member and, particularly, if a complaint had been lodged in accordance with this Policy; and
  - (c) does not limit or restrict the National Disciplinary Regulations or the National Code of Conduct, which seek to promote and strengthen the reputation of football in Australia by establishing a standard of performance, behaviour and professionalism for its Members on and off the field.
- 2.3 An entity (such as FFA or a Member Federation, District Association or Club) retains primary responsibility for the actions and behaviour of its staff and personnel, including Players and Officials.
- 2.4 A person will be deemed to have engaged in conduct or behaviour:
  - (a) regardless of whether or not it was committed deliberately or negligently;
  - (b) if that person has attempted, threatened, or encouraged others, to engage in that conduct or behaviour; or
  - (c) where that person knowingly takes part in the conduct or behaviour.

### 3. POLICY COVERAGE

- 3.1 Discrimination, all forms of harassment and child abuse are unlawful under Federal, State and Territory legislation. The legislation provides the minimum standards of behaviour and has been taken into account in this Policy. If there is, however, any inconsistency between a term of any legislation and a term of this Policy, the term of that legislation applies to the extent of the inconsistency.

- 3.2 This Policy imposes rights and obligations on Members in the following key areas:
- (a) child protection;
  - (b) anti-discrimination;
  - (c) anti-harassment; and
  - (d) intimate relations.
- 3.3 In addition, a Member must not subject any person to Victimisation. Victimisation means subjecting, or threatening to subject, a person to any detriment or unfair treatment because that person has or intends to pursue his or her right to make a complaint or support another person in making a complaint against another person.

### ***Child Protection Policy***

- 3.4 Each Member acknowledges and agrees that the welfare and safety of children is paramount and must be placed above all other considerations.
- 3.5 A Member must:
- (a) use best efforts to ensure children are kept safe from Child Abuse and are protected from people who are unsuitable to work with children;
  - (b) provide information and education on Child Abuse and child protection to those involved in Football, including Officials, Players and parents;
  - (c) carefully screen and select people whose roles require them to have direct and unsupervised access to children;
  - (d) protect the privacy of any person who is screened and the confidentiality of any information obtained through the screening process; and
  - (e) meet the additional requirements outlined in Part C based on the State in which their activities are conducted.
- 3.6 A Member must not employ or engage a person (whether paid or unpaid) to coach, instruct or otherwise have direct and unsupervised contact with a child (***applicant***) without first undertaking the following 4 step screening process:
- (a) obtain from the applicant a completed and signed Member Protection Declaration (see Prescribed Form MP1);
  - (b) check the applicant's referees (verbal or written);
  - (c) interview the applicant about his or her suitability for the role and for working with children; and
  - (d) if the applicant is to be paid by the Member, obtain a national police check or clearance (noting consent is obtained through the Member Protection Declaration).
- 3.7 If a Member Protection Declaration or consent to police check is not provided, or the screening process reveals that an applicant does not satisfactorily meet the requirements of that process, FFA or the relevant Member must:
- (a) provide an opportunity for the applicant to respond or provide an explanation; and
  - (b) make an assessment as to whether the applicant may pose a risk to, or be unsuitable to work with, children. If unsatisfied, FFA or the relevant Member must:
    - (i) in the case of an applicant currently working with the Member, transfer the applicant to another role that does not require them to work with children. If this is not possible or reasonable, then the appointment must be ended in accordance with legal process; and
    - (ii) in the case of someone applying for a position, the applicant must not be appointed.
- 3.8 Where it is not practical to complete a police check prior to the applicant starting work, a Member must still complete the check as soon as possible and advise the applicant that

his or her ongoing engagement is conditional on the satisfactory outcome of the check.

- 3.9 Where a national police check is obtained under this Policy by a Member (such as a Member Federation), another Member (such as a District Association) that is also required to screen an applicant may obtain a copy of the national police check provided that the consent of the applicant is obtained and the national police check was performed in the immediately preceding two years.
- 3.10 A Member must notify the Member Protection Officer and the appropriate authorities of:
- (a) any applicant that the Member rejected as a result of risks identified through the screening process;
  - (b) any child that they reasonably suspect has been or is the subject of Child Abuse by someone within Football; and
  - (c) the name and other identifying details of any person against whom relevant disciplinary proceedings have been completed by the Member in relation to Child Abuse, irrespective of the findings.

### ***Anti-Discrimination Policy***

- 3.11 A Member must not treat a person less favourably on the basis of an Attribute than someone else without that Attribute in the same or similar circumstances. This means that a Member must not engage in discriminatory behaviour, including public disparagement of, discrimination against, or vilification of, a person on account of an Attribute.
- 3.12 A Member must not impose a requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect or result on particular groups. Unless this type of requirement is reasonable in all the circumstance it is likely to be indirect discrimination, even if there was never any intention to discriminate.

### ***Anti-Harassment Policy***

- 3.13 A Member must not engage in any form of Harassment (including Sexual Harassment).
- 3.14 By way of example, Harassment could include:
- (a) written, verbal or physical abuse or threats;
  - (b) unwelcome physical contact;
  - (c) display of offensive materials;
  - (d) promises or threats in return for sexual favours;
  - (e) unwelcome sexual comments, jokes or propositions;
  - (f) homophobic comments or behaviours; or
  - (g) jokes or comments directed at a person's body, looks or Attributes.

### ***Intimate Relations Policy***

- 3.15 FFA takes the view that intimate or sexual relationships between Team Officials and Players, while not necessarily constituting unlawful harassment, can have harmful effects on the individual Player involved, on other Players and Team Officials, and on Football's public image.
- 3.16 FFA's position is that intimate relationships must be avoided by Team Officials working at all levels, largely due to the risk that the relative power or authority of the Team Official has been a factor in the development of such relationships.
- 3.17 Should a sexual or inappropriate relationship develop between a Player and a Team Official, FFA will investigate whether any action against the Team Official is necessary and disciplinary sanctions as specified in Part D may apply.

- 3.18 In the event that a Player attempts to initiate an intimate sexual relationship, the Team Official must take personal responsibility for discouraging the approach, explaining the ethical basis for such action.
- 3.19 The law is always the minimum standard for behaviour within FFA and therefore sex with a minor, of either the same or the opposite sex, is a criminal offence and will be reported to the appropriate authorities.



## **PART B: ROLES AND RESPONSIBILITIES**

### **4. ALL MEMBERS' RESPONSIBILITIES**

A Member must:

- (a) comply with:
  - (i) all applicable standards, awards, laws and regulations (particularly anti-discrimination and child protection laws); and
  - (ii) FFA Statutes, including this Policy and the National Code of Conduct;
- (b) treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- (c) be responsible and accountable for that Member's own conduct;
- (d) make complaints about a breach of the Policy, or any unethical incident involving others who are bound by this MPP, in accordance with the Complaints Handling Procedure;
- (e) not make any vexatious or knowingly untrue claim that another person is in breach of this Policy; and
- (f) submit to the Complaints Handling Procedure if an allegation is made against that Member.

### **5. MEMBER FEDERATIONS' ROLE AND RESPONSIBILITIES**

5.1 FFA is the member association of FIFA and is responsible for the organisation, promotion and administration of football throughout Australia.

5.2 Each Member Federation is a member of FFA and is responsible for the organisation, promotion and administration of football throughout its own state or territory jurisdiction. This means a Member Federation is responsible for the implementation, enforcement and education of this Policy throughout its jurisdiction.

5.3 A Member Federation must:

- (a) adopt this Member Protection Policy or, if it has its own member protection policy, ensure that its terms are not inconsistent with this Member Protection Policy;
- (b) investigate complaints brought by or against its District Associations, Clubs, Players or Officials within its jurisdiction; and
- (c) impose disciplinary sanctions against a party found to have breached this Policy.

5.4 A Member Federation must, and must ensure its District Associations, Competition Administrators and Clubs:

- (a) provide and promote an environment free from discrimination and harassment in relation to its employment functions, its membership eligibility and participation in Football;
- (b) distribute, promote and implement this Policy;
- (c) encourage reporting of discrimination, harassment or Child Abuse;
- (d) provide appropriate training to those who manage and implement this Policy; and
- (e) deal with complaints in an impartial, sensitive, timely and confidential manner.

### **6. AN INDIVIDUAL'S RESPONSIBILITIES**

In addition to the general responsibilities under clause 4, a Player, an Official and an Agent must:

- (a) make themselves aware of the contents of this Policy, including the possible consequences of breaching it;
- (b) consent to a national police or criminal record check if the individual holds or applies for a position that involves direct and unsupervised contact with children; and

- (c) co-operate in providing a discrimination, harassment and Child Abuse free sporting environment.

## **PART C: STATE SPECIFIC REQUIREMENTS**

### **7. STATE SPECIFIC LEGISLATION**

- 7.1 Legislation governing discrimination, harassment and child protection in each State and Territory may differ slightly. Accordingly, a Member Federation may need to comply with additional terms or procedures from time to time.
- 7.2 The information specified in this Part C is subject to change at any time. As a State or Territory government introduces or varies legislation that affects this Policy, FFA will add new requirements or amend existing requirements to this Policy as required.
- 7.3 In New South Wales, Queensland, Western Australia, Victoria and South Australia child protection legislation places specific requirements upon individuals and organisations involved in a range of areas, including sport and recreation. State specific information is attached as follows:
- Queensland Blue Card Requirements – Appendix H1
  - New South Wales Requirements to Check People Working with Children – Appendix H2
  - Western Australia Child Protection Requirements – Appendix H3
  - Victorian Child Protection Requirements – Appendix H4
  - South Australian Child Protection Requirements – Appendix H5

The Northern Territory, Australian Capital Territory and Tasmanian governments are currently reviewing their child protection legislation.

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## PART D: COMPLAINT PROCEDURES AND DISCIPLINARY ACTION

### 8. COMPLAINTS

8.1 Any person may report a complaint about a Member bound by this Policy if they reasonably think that a Member has breached this Policy or has otherwise engaged in unethical or inappropriate conduct or behaviour.

8.2 FFA and the Member Federations:

- (a) must deal with any complaints about breaches of this Policy promptly, seriously, sensitively and confidentially and in accordance with this Complaints Handling Procedure;
- (b) must keep complaints confidential and will not disclose to another person without the complainant's consent, except if required by law or if disclosure is necessary to effectively deal with the complaint; and
- (c) recognise that natural justice is the minimum standard of fairness to be applied in the investigation and adjudication of a complaint.

### 9. COMPLAINTS HANDLING PROCEDURE

9.1 The Complaints Handling Procedure applies exclusively to the reporting, investigation and resolution of complaints reported under this Policy.

9.2 A complainant:

- (a) must initially attempt to resolve the complaint with the person involved; and
- (b) if this is not possible or reasonable given the sensitivity of the complaint, or that attempt does not provide a satisfactory outcome, the complainant may notify the Member Protection Officer and make an informal or formal complaint.

9.3 In the event of an informal complaint, the MPO:

- (a) may refer the complainant back to attempt to resolve the complaint directly with the other person involved;
- (b) will assist the complainant to resolve the complaint, including through the suggestion of possible solutions;
- (c) explains how the Complaints Handling Procedure works;
- (d) acts as a support person if required by the complainant or may refer the complainant to an appropriate person;
- (e) informs the relevant government authorities or police if legally required to do so;
- (f) keeps a written record in Prescribed Form MP2 (Record of Informal Complaint); and
- (g) maintains strict confidentiality.

9.4 If the informal process does not resolve the complaint to the complainant's satisfaction or if the complainant wants to make a formal complaint, the complainant must submit to the MPO a completed and signed Prescribed Form MP3 (Record of Formal Complaint).

9.5 On receipt of a formal complaint, FFA will appoint its Chief of Staff (or if he or she is unable to act, FFA's General Counsel or other senior manager) or, if it considers appropriate in the circumstances, an independent expert (**Investigator**) to investigate the complaint.

9.6 The Investigator may:

- (a) implement any administrative or other arrangements that will apply until the completion of the investigation;
- (b) attempt to mediate the complaint;
- (c) refer the complaint to the Disciplinary Committee in accordance with the Grievance Resolution Regulations; or

- (d) refer the complaint to the police or an appropriate authority or agency.
- 9.7 The Investigator has the right to determine all procedures to be adopted in investigating a complaint and may during the course of the investigation:
- (a) admit or request a copy of any relevant written evidence available to a complainant, respondent or any other person; or
  - (b) interview the complainant, respondent or any other person for the purpose of asking questions relevant to the complaint.
- 9.8 On completion of his or her investigation, the Investigator must provide FFA with a written determination and a finding that the complaint:
- (a) has been successfully mediated between the complainant and the respondent;
  - (b) is substantiated (and, if so, the Investigator may make a recommendation as to an appropriate disciplinary sanction);
  - (c) is inconclusive, in that there was insufficient evidence either way;
  - (d) is unsubstantiated (or there was sufficient evidence that the complaint was unfounded); or
  - (e) was knowingly untrue or vexatious.
- 9.9 If an informal or formal complaint relates to a Child Abuse allegation, the MPO must complete Prescribed Form MP4 (Record of Child Abuse Allegation) and, if it is of a serious or criminal nature:
- (a) take immediate steps to ensure the child's safety and well-being; and
  - (b) notify, and obtain advice from, the police and other appropriate authorities.

## **10. CONFIDENTIALITY AND TIMEFRAMES**

- 10.1 All Prescribed Forms and determinations of Investigators will be kept:
- (a) confidential and will not be disclosed without the complainant's consent, except if required by law or if disclosure is necessary to effectively deal with the complaint;
  - (b) in a secure location with authorised access restrictions; and
  - (c) for a period of 5 years from when the initial complaint was made.
- 10.2 Unless a complainant can establish that exceptional circumstances exist, a complaint must be brought within 2 years from the time the subject matter of the complaint arose.

## **11. RIGHT TO BE HEARD AND OF INTERVENTION**

A Member Federation has jurisdiction to implement and enforce this Policy throughout its respective territory. FFA, however, reserves the right to be heard or to intervene in a Member investigation or hearing in accordance with FFA Statutes.

## **12. DISCIPLINARY SANCTIONS**

- 12.1 Disciplinary action will be taken by FFA against anyone who is found to:
- (a) be in breach of this Policy;
  - (b) victimise or retaliate against a person who has complained of a breach of this Policy or who has supported another person in making a complaint;
  - (c) have made a vexatious complaint or a complaint the complainant knew to be untrue; or
  - (d) have not complied with a sanction.
- 12.2 The scope and implementation of disciplinary sanctions is as specified in Part V of the FFA Statutes.

### **13. NOTICE AND RIGHT TO BE HEARD**

FFA may enforce the terms of this Policy and invoke the sanctions only if it has given the party alleged to have breached this Policy:

- (a) reasonable details of the alleged breach;
- (b) notice of possible sanctions; and
- (c) the opportunity to be heard in relation to the issues of breach and sanction.

### **14. GRIEVANCE RESOLUTION REGULATIONS**

14.1 Any Grievance arising out of this Policy must be dealt with in accordance with the Grievance Resolution Regulations, including a Grievance in relation to the imposition of a disciplinary sanction. This means that if a Grievance arises under the jurisdiction of a Member Federation, the Member submits to the jurisdiction of that Member Federation's grievance procedure and must first exhaust its remedies under that grievance procedure before it initiates a Grievance in accordance with FFA's Grievance Resolution Regulations.

14.2 If a party disputes FFA's purported action taken under this Policy, that party must give notice to the Administrator of the Grievance Resolution Regulations:

- (a) within 7 days after the date on which the purported action was taken; and
- (b) specifying the relevant facts and the reason for the dispute.

## **PART E: ROLE SPECIFIC CODES OF CONDUCT**

### **15. FOOTBALL CODE OF CONDUCT**

15.1 The National Code of Conduct applies to all Members and governs:

- (a) bringing FFA or football into Disrepute, including through discriminatory behaviour, offensive behaviour and incitement of hatred or violence;
- (b) liability for spectator and supporter conduct;
- (c) betting, match-fixing and corruption; and
- (d) disparaging public or media statements.

### **16. SPECTATOR CODE OF BEHAVIOUR**

16.1 A spectator at a Match or otherwise involved in any activity sanctioned or staged by, or held under the auspices of FFA, a Member Federation, a District Association or a Club must:

- (a) respect the decisions of Match Officials and teach children to do the same;
- (b) never ridicule or unduly scold a child for making a mistake;
- (c) respect the rights, dignity and worth of every person regardless of their gender, ability, race, colour, religion, language, politics, national or ethnic origin;
- (d) not use violence in any form, whether it is against other spectators, Team Officials (including coaches), Match Officials or Players;
- (e) not engage in discrimination, harassment or abuse in any form, including the use of obscene or offensive language or gestures, the incitement of hatred or violence or partaking in indecent or racist chanting;
- (f) comply with any terms of entry of a venue, including bag inspections, prohibited and restricted items such as flares, missiles, dangerous articles and items that have the potential to cause injury or public nuisance;
- (g) not, and must not attempt to, bring into a venue national or political flags or emblems (except for the recognised national flags of any of the competing teams) or offensive or inappropriate banners, whether written in English or a foreign language;
- (h) not throw missiles (including on to the field of play or at other spectators) and must not enter the field of play or its surrounds without lawful authority; and
- (i) conduct themselves in a manner that enhances, rather than injures, the reputation and goodwill of FFA and football generally.

16.2 Any person who does not comply with the Spectator Code of Behaviour or who otherwise causes a disturbance may be evicted from a venue and banned from attending future Matches.

## PART F: DEFINITIONS AND INTERPRETATION

### 17. DEFINITIONS

#### 17.1 In this Policy:

**Agent** means a Player Agent and a Match Agent.

**Attribute** means race, colour, religion, language, politics, national or ethnic origin, gender, transgender, sexual orientation, age, marital status, pregnancy or intellectual or physical impairment or any other attribute specified under commonwealth or state legislation.

**child** means a person under the age of 18 years and **children** has a corresponding meaning.

**Child Abuse** means placing a child at risk of harm by verbal or physical actions or by failing to provide them with basic care and may include:

- (a) physical abuse by hurting a child or a child's development (such as 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 (such as sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations);
- (c) emotional abuse by ill-treating a child (such as humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child); and
- (d) neglect (such as failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

**Club** means any club that is registered with FFA in accordance with the National Registration Regulations from time to time. A reference to Club includes a club admitted by:

- (a) a Competition Administrator to field a team in a Competition; or
- (b) FFA to field a team in a National League or a National Championships.

**Club Official** means any person involved with the administration, management or organisation of a Club (whether paid or unpaid), including employees, contractors, consultants, officers and directors and representatives.

**Code of Conduct** means the National Code of Conduct as promulgated by FFA from time to time (a current version of which can be obtained on [www.footballaustralia.com.au](http://www.footballaustralia.com.au)).

**Competition Administrator** means the entity responsible for the conduct and staging of a competition, tournament or league registered with FFA in accordance with the National Registration Regulations.

**Complaints Handling Procedure** means the procedure for the reporting and investigation of complaints about a breach of this Policy, as specified in clause 12.

**District Association** means a district or regional association or zone that is a member of a Member Federation from time to time.



**FFA Statutes** mean the FFA statutes, including the Constitution and by-laws and any other annexed national regulation or national policy promulgated by FFA, as amended on notification from FFA from time to time.

**FIFA Statutes** mean the statutes and accompanying standing orders and regulations promulgated by FIFA from time to time.

**Grievance Resolution Regulations** means the procedure that applies exclusively to facilitate the expeditious and fair resolution of disputes or grievances that arise between the Members, as promulgated by FFA from time to time (a current version of which can be obtained on [www.footballaustralia.com.au](http://www.footballaustralia.com.au)).

**Harassment** means any unwelcome verbal or written comments, conduct, or gestures directed toward an individual or group of individuals that the harasser knows, or should reasonably be expected to know, is insulting, intimidating, humiliating, malicious, degrading or offensive.

**Match** means any match staged or participated in, or sanctioned by, FFA, a Member Federation or a Competition Administrator.

**Match Agent** means a person licensed to act as a match agent by FFA from time to time. A current list of FFA licensed match agents is available on FFA's website ([www.footballaustralia.com.au](http://www.footballaustralia.com.au)).

**Match Official** means a referee, assistant referee, fourth official, match commissioner, referee inspector, selector, any person in charge of safety or any other person appointed by FFA, a Member Federation or a District Association to assume responsibility in connection with a Match.

**Member Protection Officer** or **MPO** means the member protection officer appointed by FFA from time to time, who can be contacted on [mpo@footballaustralia.com.au](mailto:mpo@footballaustralia.com.au).

**Members** mean the FFA, Member Federations, District Associations, Competition Administrators, Clubs, Officials, Agents and Players or any other member of the Football community.

**National Championships** means any male and female national championships staged or sanctioned by FFA from time to time, including the national youth championships.

**National League** means the national men's and women's club competitions or tournaments conducted under the auspices of FFA, including the semi finals, preliminary final and grand final and any pre or post season or knockout cup competition conducted, organised or sanctioned by FFA.

**National Team** means any national team squad selected or nominated by FFA, including the men's and women's senior, under age, Olympics, Futsal and beach Football teams or any other national representative team determined by FFA from time to time.

**Official** means:

- (a) a Club Official, Match Official or Team Official;
- (b) an employee, consultant, officer or director of FFA, a Member Federation or a District Association; or
- (c) a member of a Standing Committee or other council, committee, panel or body constituted by FFA, a Member Federation or a District Association.

**Player** means any person who is registered with FFA as a player in accordance with the National Registration Regulations from time to time or is selected as a member of a representative team of FFA or a Member Federation.

**Player Agent** means a:

- (a) person licensed to act as a player agent by a National Association. A current list of FFA licensed player agents is available on FFA's website ([www.footbballaustralia.com.au](http://www.footbballaustralia.com.au));
- (b) parent, sibling or spouse of the Player; or
- (c) person legally authorised to practise as a lawyer in compliance with the rules in force in Australia.

**Sexual Harassment** means conduct or behaviour that has a sexual element, which is unwelcome and could reasonably be expected, in the circumstances in which it occurs, to offend, humiliate or intimidate the person or people at whom it is directed.

**Member Federation** means a State or Territory federation or association that is a member of FFA from time to time.

**Team Official** means any personnel involved with the management, preparation or participation of a Club (whether paid or unpaid), including the coaches, managers, medical staff (including team or match day doctor), physiotherapists, gear persons and other support staff.

**Victimisation** means subjecting, or threatening to subject, a person to any detriment or unfair treatment because that person has or intends to pursue his or her right to make a complaint or support another person in making a complaint against another person.

## 18. INTERPRETATION

18.1 In this Policy:

- (a) any terms used but not defined has the meaning prescribed to it in the FFA Statutes;
- (b) any use of the word 'includes' or words such as 'for example' or 'such as' do not limit anything else that is included in general speech;
- (c) all notices must be in writing and in English; and
- (d) any reference to '\$' or 'dollars' is to Australian dollars.

18.2 This Policy will be interpreted, varied and reviewed in accordance with Part IX of the FFA Statutes

## 19. ANNUAL REVIEW

FFA must review this Policy every year to ensure it meets its stated objectives.

## **PART G: PRESCRIBED FORMS**

**20. PRESCRIBED FORM MP1: MEMBER PROTECTION DECLARATION**

As a requirement of FFA’s Member Protection Policy, a Member must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that involves direct and unsupervised contact with persons under the age of 18 years.

I, .....(name)  
of .....(address)  
born ...../...../..... sincerely declare:

- 1.1 I do not have any criminal charge pending before the courts.
- 1.2 I do not have any criminal convictions or findings of guilt for offences involving sexual activity, acts of indecency, child abuse or child pornography, the use of narcotics or other offences relevant to persons under 18 years.
- 1.3 I consent to FFA or its relevant Member conducting a police clearance check or any other probity check.
- 1.4 I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment.
- 1.5 I have never been sanctioned for an anti-doping rule violation under any Anti-Doping Policy applicable to me nor have I participated in, facilitated or encouraged any practice prohibited by the World Anti-Doping Agency Code or FFA’s Anti-Doping Policy.
- 1.6 To my knowledge there is no matter that FFA or its Member Federations may consider constituting a risk to children by engaging me.
- 1.7 I agree to comply with the FFA Statutes, including the Member Protection Policy and National Code of Conduct (copies of which are available on [www.footballaustralia.com.au](http://www.footballaustralia.com.au)).
- 1.8 I will notify the CEO of the organisation engaging me immediately on becoming aware that any of the matters set out above have changed for whatever reason.

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

Signature .....

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

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

Name:.....

Signature:.....

Date: .....

**21. PRESCRIBED FORM MP2: RECORD OF INFORMAL COMPLAINT**

MPO Name		Date:    /    /
<b>COMPLAINANT'S NAME</b>	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Role in Football	<input type="checkbox"/> Administrator <input type="checkbox"/> Player <input type="checkbox"/> Club Official <input type="checkbox"/> Spectator <input type="checkbox"/> Match Official <input type="checkbox"/> Team Official <input type="checkbox"/> Parent <input type="checkbox"/> Other .....	
<b>RESPONDENT'S NAME</b>		
Role in Football	<input type="checkbox"/> Administrator <input type="checkbox"/> Player <input type="checkbox"/> Club Official <input type="checkbox"/> Spectator <input type="checkbox"/> Match Official <input type="checkbox"/> Team Official <input type="checkbox"/> Parent <input type="checkbox"/> Other .....	
<b>NATURE OF COMPLAINT</b>  Can tick more than one box	<input type="checkbox"/> Harassment <input type="checkbox"/> Discrimination <input type="checkbox"/> Child Abuse <input type="checkbox"/> Intimate relations <input type="checkbox"/> Victimisation <input type="checkbox"/> Bullying <input type="checkbox"/> Gender <input type="checkbox"/> Disability <input type="checkbox"/> Religion <input type="checkbox"/> Physical abuse <input type="checkbox"/> Race or ethnic origin <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Sexuality <input type="checkbox"/> Other .....	
Location/event of alleged complaint		

<p>Facts as stated by complainant</p>	
<p>Feelings as expressed by complainant</p>	
<p>Desired outcome or resolution</p>	
<p>Information provided to complainant</p>	
<p>Complainant's next steps</p>	

**22. PRESCRIBED FORM MP3: RECORD OF FORMAL COMPLAINT**

<p><b>COMPLAINANT'S DETAILS</b></p>	<p>Name: Contact details: Date of birth:</p>
<p>Role in Football</p>	<p> <input type="checkbox"/> Administrator                      <input type="checkbox"/> Player  <input type="checkbox"/> Club Official                              <input type="checkbox"/> Spectator  <input type="checkbox"/> Match Official                              <input type="checkbox"/> Team Official  <input type="checkbox"/> Parent    <input type="checkbox"/> Other .....         </p>
<p><b>RESPONDENT'S NAME</b></p>	
<p>Role in Football</p>	<p> <input type="checkbox"/> Administrator                      <input type="checkbox"/> Player  <input type="checkbox"/> Club Official                              <input type="checkbox"/> Spectator  <input type="checkbox"/> Match Official                              <input type="checkbox"/> Team Official  <input type="checkbox"/> Parent    <input type="checkbox"/> Other .....         </p>
<p><b>NATURE OF COMPLAINT</b>  Can tick more than one box</p>	<p> <input type="checkbox"/> Harassment                              <input type="checkbox"/> Discrimination  <input type="checkbox"/> Child Abuse                                      <input type="checkbox"/> Intimate relations  <input type="checkbox"/> Victimisation  <input type="checkbox"/> Bullying    <input type="checkbox"/> Gender  <input type="checkbox"/> Disability    <input type="checkbox"/> Religion  <input type="checkbox"/> Physical abuse                                      <input type="checkbox"/> Race or ethnic origin  <input type="checkbox"/> Verbal abuse    <input type="checkbox"/> Sexuality  <input type="checkbox"/> Other .....         </p>
<p>Location/event of alleged complaint</p>	

Description of alleged complaint	
Methods of attempted informal resolution	
Desired outcome or resolution	

I warrant that the information contained in this Form is true and correct

.....  
Signature of complainant

.....  
Date



**23. PRESCRIBED FORM MP4: RECORD OF CHILD ABUSE ALLEGATION**

Complainant's Name (if other than the child)		Date:     /     /
Role in Football		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (eg observation, injury, disclosure)		
Respondent's Name (name of person complained about)		
Role in Football	<input type="checkbox"/> Administrator <input type="checkbox"/> Club Official <input type="checkbox"/> Match Official <input type="checkbox"/> Parent	<input type="checkbox"/> Player <input type="checkbox"/> Spectator <input type="checkbox"/> Team Official <input type="checkbox"/> Other .....
Witnesses (if more than 3 witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action taken (to ensure child's safety and/or to support needs of respondent)		
Police contacted	Who: When: Advice provided:	

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

## **PART H: APPENDICES**

## 24. APPENDIX H1 – QUEENSLAND BLUE CARD REQUIREMENTS

This information is subject to change at any time. Refer to the Queensland Commission for Children and Young People and Child Guardian's (Commission) website: [www.bluecard.qld.gov.au](http://www.bluecard.qld.gov.au) or contact 1800 113611 if you have any queries about your obligations under their legislation. This information was updated on 1 April 2006 and is provided as a guide only.

In Queensland the *Commission for Children and Young People and Child Guardian Act 2000* requires people who work with children under 18 years of age in certain categories of employment regulated by the Act, and people carrying on certain categories of business regulated by the Act to hold a blue card, unless specifically exempt.

When a person applies for a blue card the Commission conducts a Working with Children Check which is an assessment of a person's eligibility to work with children based on their criminal history, certain disciplinary information (if any) and investigative information (if any) held by the police commissioner. If a person is eligible for a blue card, the Commission issues a positive notice letter and a blue card which remains current for a period of 2 years.

### Association/club requirements

Football Queensland and its affiliated zones and clubs are responsible for applying for a blue card on behalf of their paid employees and volunteers where the nature of their work falls under one of the categories regulated by the Act.

Interstate sporting organisations, associations and clubs visiting Queensland for sporting training camps, competition or other activities taking place in Queensland may also need to apply for a blue card if the nature of their activities falls under one of the categories in the Act.

People carrying on a regulated business are responsible for applying for a blue card if the activities of the business are regulated under one of the categories in the Act.

### Relevant categories of employment regulated by the Act

Note: Only those categories of employment relevant to the sport and recreation industry have been listed below.

Paid employees who commenced work in one of the following categories of employment after 1 May 2001 will need to apply for a blue card unless exempt under the relevant category:

- private teaching, coaching or tutoring
- sport and active recreation
- clubs and associations involving children
- child accommodation services (which incorporates billets).
- Paid employees commencing employment in the following category need a blue card irrespective of when they commenced their employment – i.e. before or after 1 May 2001:
- schools - employees other than teachers and parents

### Paid employees

Paid employees falling under one of the above listed categories of employment regulated by the Act need a blue card, unless exempt, if they work or are likely to work over a period of 12 months for at least:

- eight consecutive days, or
- once a week, each week, over four weeks, or
- once a fortnight, each fortnight, over eight weeks, or
- once a month, each month over six months.

Once a blue card application has been lodged, a paid employee can commence or continue to work in regulated employment while waiting for the outcome of their blue card application.

## Volunteers

Volunteers working with children who fall under one of the above listed categories of employment regulated by the Act need a blue card, unless exempt, before they can commence the child related activity, regardless of how often they come into contact with children and young people.

## Exemptions

The following people are exempt from the Working with Children Check and do not need a blue card:

- children under 18 who are volunteers (except trainee students required to work in regulated employment as part of their studies with an education provider such as a registered training organisation, or university);
- a volunteer guest of a school or a registered charity, corporation or incorporated association:
  - for the purpose of observing, supplying information or entertainment to 10 or more people, and
  - the activity is for 10 days or less on no more than two occasions per year, and
  - the person is unlikely to be physically present with a child without another adult being present, or
- an event volunteer performing the function of employment at a national or state event organised by a school or a registered charity, corporation or incorporated association (operating at a state or national level) for:
  - a sporting, cultural or skill based activity, and
  - the event is attended by more than 100 people, and
  - the work is for 10 days or less on no more than two occasions per year; and
  - the person is unlikely to be physically present with a child without another adult being present.

In addition, the following specific exemptions apply under each category regulated by the Act. It is critical to note that the exemptions below apply to the specific categories of regulated employment and business as stated, and therefore are not transferable. For example, a 'registered teacher' is only exempt in the first two categories of regulated employment mentioned below, as that specific exemption does not apply to the remaining three identified categories of employment.

### 1. Schools - employees other than teachers and parents

- a 'registered teacher'; and
- a volunteer parent of a child attending the school.

### 2. Private teaching, coaching or tutoring

- a 'registered teacher'; or
- a person carrying out work in their capacity as an employee of an 'education provider' .

### 3. Sport and active recreation

- the employment takes place at an 'amusement park'; or
- the person provides the service or conducts the activity in their capacity as an employee of a 'government entity'; or
- a volunteer parent of a child to whom the services are provided; or
- a volunteer parent of a child in relation to whom the activities are conducted
- the services are provided, or the activities are conducted by or within a club or association or similar entity and are regulated under that category (See Item 4: Clubs and associations involving children).

#### 4. Clubs and associations involving children

- the person carries out the work in their capacity as an employee of a 'government entity'; or
- a volunteer parent of a child who receives the same or similar services to which the employment relates; or
- a volunteer parent of a child who participates in the same or similar activities to which the employment.

#### 5. Child accommodation services (including billets)

- the 'child accommodation service' is being provided to a relative of the home stay provider;
- the work is carried out for a 'government service provider' that carries on a business which includes arranging a 'child accommodation service'; or
- the employment is organised by a school or a registered charity, corporation or incorporated association and is for 10 days or less and provided on no more than two occasions per year.

#### Relevant categories of business regulated by the Act

*Note: Only those categories of business relevant to sport and recreation industry have been listed below.*

A person or a corporation carrying on the following regulated businesses in Queensland must also apply for a blue card:

- private teaching, coaching or tutoring
- child accommodation services including homestays (including billets)
- Sport and active recreation (which may include recreational activities such as sporting camps and programs (excluding amusement parks)

#### Exemptions

##### 1. Private teaching, coaching or tutoring

- If the business is conducted by an education provider

##### 2. Child accommodation services including homestays (including billets)

If the business is conducted at a:

- boarding facility; or
- residential facility funded by the Commonwealth government, or the Department of Child Safety, Disabilities Services Queensland, Department of Communities, QLD Health; or licensed by the Child Protection Act; or
- or another place mainly providing accommodation for children that are funded by the Commonwealth government or Education Queensland.

##### 3. Sport and active recreation

- If the business takes place at an amusement park; or
- The activities are conducted by or within a club, association or similar entity and are regulated under that category (See Item 4).

Where the business is a corporation, **each person** whose principal place of residence is in Australia, who takes part in the management of the corporation needs a blue card.

A person carrying on a regulated business must hold a blue card **before** they commence the regulated activity regardless of how often they come into contact with children and young people.

## Application forms

Blue card application forms for a paid employee, volunteer, or person carrying on a regulated business can be downloaded from [www.ccypcg.qld.gov.au](http://www.ccypcg.qld.gov.au). Volunteer applications are processed free of charge; there is a \$40 processing fee for paid employees and business applications.

## Change in criminal history

If Football Queensland or its affiliated zones and clubs know or reasonably suspect that an employee who commenced employment prior to 1 May 2001 and therefore does not require a blue card, has a criminal history relevant to their work with children or young people, Football Queensland or its affiliated zones and clubs can apply for a blue card for that person. In such a case, the relevant application form to submit is a 'current employee blue card application form'. This requirement also applies to interstate zones/associations and clubs that visit Queensland and apply to the Commission for a Working with Children Check.

## Risk management

Amendments to the Act, effective January 2005, require organisations engaging paid employees or volunteers that need a blue card, and persons or organisations carrying on a business for which a blue card is required to develop and implement annually, a risk management strategy to promote the well-being of children in their care and protect them from harm.

The key elements an organisation needs to consider in creating a risk management strategy includes:

- a child protection policy, which outlines:
  - a Code of Conduct
  - recruitment, training and management procedures for staff
  - reporting guidelines and directions for handling disclosures or suspicions of harm, and
  - consequences to staff for non-compliance with the policy
- communication and support strategies, such as:
  - information sheets for staff, volunteers and parents about policies, procedures and Codes of Conduct, and
  - training materials and communication strategies which help staff, volunteers and parents identify risks of harm
- documentation of risk management processes including:
  - registers of staff
  - strategies and plans for high-risk and special events
  - complaints registers, and
  - forms to ensure consistent handling of incidents, disclosures of harm, permissions and approvals for related activities.

## 25. APPENDIX H2 – NEW SOUTH WALES REQUIREMENTS TO CHECK PEOPLE WORKING WITH CHILDREN

This information will change during 2006 once the Commission for Children and Young People Amendment Act 2005 is proclaimed. Refer to the NSW Commission for Children and Young People website: [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au) or contact 02 9286 7219 to ensure you have to date information. This information was updated 27 April 2006.

All NSW clubs and associations who engage/employ people in child-related activities (in a paid or voluntary capacity) must meet the requirements of the Working With Children Check. This is a legal requirement. Interstate clubs and organisations that visit NSW and engage/employ people in child-related activities (in a paid or voluntary capacity) may also be required to complete a Working with Children Check with the NSW Commission for Children and Young People. We are required to:

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

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

**Employment** includes work done:

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

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



**Registrable person** is someone who has been found guilty of the following offences against children:

- murder
- sexual offences
- indecency offences
- kidnapping
- child prostitution
- child pornography

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

**Reportable conduct** is:

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

## 26. APPENDIX H3 – WESTERN AUSTRALIA CHILD PROTECTION REQUIREMENTS

This information is subject to change at any time. Refer to the Department of Community Development Working with Children Screening Unit website [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au) or contact 1800 883 979. This information was updated on 1 April 2006.

From 1 January 2006, certain people working with children in Western Australia will be required to have a Working with Children Check (Check) – a national criminal history check and assessment of any record that appears as part of this check. The Check is compulsory under the Working With Children (Criminal Record Checking) Act 2004, and will be introduced progressively to different sectors over the next 5 years.

The Check will take into account convictions for any offence and charges for serious sexual and violent offences and will cost \$10.00 for volunteers and unpaid workers and \$50.00 for paid workers and self-employed people.

Applicants whose check is “successful” will be issued with either an ‘assessment notice’ in the form of an ID card which allows that person to work or volunteer with children across different types of ‘child-related work’. Applicants whose Check is “unsuccessful” will be issued with a ‘negative notice’, which prohibits any child-related work. In some cases an Interim Negative Notice may be issued while the screening process is completed. This means that you must not start or continue that person in ‘child-related work’ while the notice is current, and you can only start or continue that person in child-related work if they are later issued an Assessment Notice.

The Screening Unit must notify the employer, where known, of the outcome of applications for a Check.

Assessment notices will be valid for three years, unless the person has a “relevant change” in criminal record. If this occurs, the person is required to report this to their employer, who must then inform the Screening Unit, and a reassessment of the record takes place. The Police may also inform the Screening Unit where a person in child-related work has had a relevant change in criminal record.

### Who needs to apply for a Check

People doing child-related work must have a Check by the date required under the phasing-in arrangements. The definition of **child-related work**, under Section 6 of the *Working with Children (Criminal Record Checking) Act 2004* includes:

”Work is **child-related work** if the **usual duties** of the work involve, or are likely to involve, contact with a child in connection with:

- an educational institution for children;
- a coaching or private tuition service of any kind, but not including an informal arrangement entered into for private or domestic purposes;
- a club, association or movement (including of a cultural, recreational or sporting nature and whether incorporated or not) with a significant membership or involvement of children, but not including an informal arrangement entered into for private or domestic purposes;
- an overnight camp.

Note that categories of work not relevant to the activities of our sport have not been listed above. A full list of the categories of child-related work is available on the Working with Children website ([www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au)) or by calling the Screening Unit on (08) 6217 8100.

### General exemptions

The following people are exempt from the legislation and will not need to have a Check:

- volunteers under 18 years;

- employers of and fellow employees working with young people, so long as they are not otherwise in child-related work;
- parents volunteering where their child is also involved (This exemption does not apply to parents volunteering in connection with overnight camps);
- Short-term visitors to WA, for 2 weeks after their arrival, and for no more than 2 weeks in a 12 month period;
- People who carry out child-related work on no more than 5 days in a calendar year (except those working in child care services).

### Specific exemptions from certain categories of child-related work

Category	Parent Exemption	Other exemptions
Educational institution for children	Work carried out on a voluntary basis by a parent of a child who is enrolled at the educational institution	WA College of Teaching members (for 2006 only)
Coaching or private tuition service of any kind	Work carried out on a voluntary basis by a parent of a child to whom the service is being provided in connection with an activity in which the child is participating or ordinarily participates	An informal arrangement entered into for private or domestic purposes Coaching or private tuition provided to a class of 2 or more students that is not provided primarily for children
Club, association or movement (including of a cultural, recreational or sporting nature and whether incorporated or not) with a significant membership or involvement of children	Work carried out on a voluntary basis by a parent of a child who is involved or is ordinarily involved in some or all of the activities of the club, association or movement	An informal arrangement entered into for private or domestic purposes
an overnight camp, regardless of the type of accommodation or how many children are involved	No parent exemption.	WA College of Teaching members, where overnight camp is in connection with: Community kindergarten; Educational institution for children; or Coaching or private tuition service

### Obligations of employers, including organisations using volunteers include:

- You must not employ a person in child-related employment on more than five days in a calendar year unless he or she:
  - has applied for a Check, or
  - already holds a current Assessment Notice by the date they are required to under the phasing-in arrangements.
- You must not employ someone in child-related employment if you are aware that he or she holds a Negative Notice or Interim Negative Notice.
- You must not employ a person in child-related employment if you are aware that the person has withdrawn his or her Check application.

You must not employ a person in child-related employment if you are aware that he or she:

- has a conviction or pending charge for a Class 1 or Class 2 offence, and
- does not have a current Assessment Notice or an application for one that is still being considered.

If an employee or volunteer reports a relevant change in criminal record to you, you must report this (in writing) to the Working with Children Screening Unit, as soon as practicable.

If you receive a written request from the Working with Children Screening Unit, you must provide information or documents to show your compliance with your obligations as an employer.

It is okay for employers to start someone in child-related work once they have applied for a Check in line with the phasing-in arrangements (outlined below) and while the Check is being processed. The employer does not have to wait until the card is issued. Safeguards are in place to ensure that the Screening Unit notifies the employer if, in the mean time, a Negative Notice or Interim Negative Notice is issued, or if the person subsequently withdraws their application.

### Phasing-in Arrangements

Checks are being phased-in over 5 years. If a person is carrying out child-related work and needs to apply for a Check, they must apply by the date required under the phasing-in arrangements. The information provided below about phasing-in arrangements is general information only. Only those categories of child-related work relevant to our sport are listed. For full details of the phasing-in arrangements for Checks please see Factsheet 2 "When to apply for a Working with Children Check", available at [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au), or by calling (08) 6217 8100.

#### Commencing in 2006

- Volunteers working with children aged 0 – 7 years in any category of child-related work.
- Self-employed people working with children in connection with any category of child-related work, **EXCEPT**
  - child care licensees and "managerial officers"
  - registered teachers working in educational settings
  - persons with an F or T drivers licence endorsement who carry out a transport service specifically for children
  - people providing coaching or private tuition services for a TAFE or a Registered Training Organisation.
- "New" paid employees (who are not public sector employees) who commence child-related work after 1 January 2006 in the following categories of child-related work:
  - coaching or private tuition services
  - clubs, associations or movements with a significant membership or involvement of children
  - overnight camps
  - children's entertainment or party services

#### Commencing in 2007

- Volunteers working with children aged 8 – 12 years in any category of child-related work.
- "New" public sector employees who commenced child-related work after 1 January 2006.
- "New" paid employees who commenced work after 1 January 2006 in the following categories of child-related work:
  - Educational institutions for children
  - People providing coaching and private tuition services for a TAFE, Registered Training Organisation or education service provider registered under the *Education Service Providers (Full Fee Overseas Students) Registration Act 1991*.

#### Commencing in 2008

- Volunteers Working with Children aged 13 – 17 years in any category of child-related work.

#### Commencing in 2009-2010

- "Continuing" paid employees (including public sector employees) who have remained in the same child-related work they were in before 1 January 2006, and are still in that position.

## 27. APPENDIX H4 – VICTORIAN CHILD PROTECTION REQUIREMENTS

This information is subject to change at any time. Refer to the Department of Justice website: <http://www.justice.vic.gov.au> and follow the Working with Children Check link under Business Units or contact 1300 652 879. This information was updated 1 April 2006.

Under the *Working with Children Bill (2005)* the Victorian Working with Children Check (Check) will require individuals who work or volunteer with children in certain capacities in identified occupations and activities to undergo screening for criminal offences.

A person who has no relevant criminal or professional disciplinary history will be granted an assessment notice. That notice will entitle the person to undertake child-related work. A person deemed unsuitable to work or volunteer with children will be given a negative notice and cannot work in child-related work. A negative notice can be appealed to Victorian Civil and Administrative Tribunal (VCAT) provided the individual is not listed on the Sex Offenders Register or subject to an extended supervision order.

### Who needs to apply for a Check

Any person who works in, or in connection with, in a paid or voluntary capacity, any of the 20 child-related occupational fields listed in the Act. This work must also usually involve (or be likely to involve) regular, direct contact with a child where that contact is not directly supervised. The following child-related categories are relevant to our sport.

- educational institutions for children (such as schools and some TAFE programs);
- clubs, associations or movements that provide services or conduct activities for or directed at children or whose membership is mainly comprised of children;
- coaching or private tuition services of any kind for children; and
- direct commercial provision (and not incidental or in support of other business activities) of gym or play facilities specifically for children.

### Exemptions

The following people will not need to have a Check:

- individuals aged under 18
- volunteers involved in an activity in which their child ordinarily participates
- individuals working only with children who are close family relations
- secondary school students aged under 20 performing volunteer work arranged through the school where they are studying
- sworn members of Victoria Police
- teachers registered with the Victorian Institute of Teaching
- a visiting worker who does not ordinarily reside and perform child-related work in Victoria.

### Phasing-in Arrangements

Checks are being phased in over the next five years, commencing in April 2006. The type of child-related work determines when people need to apply for a check. At this stage it is anticipated that the sport sector will be phased in 2008/09. More information on the phasing-in of Checks is available from [www.justice.vic.gov.au](http://www.justice.vic.gov.au).

### Employer requirements

As an employer or volunteer organisation you must:

- ensure all employees or volunteers who are required to get a Check do so at the correct time, which is indicated in the phasing plan.
- where your employees or volunteers are not required to get a Check because their contact with children is directly supervised, ensure the supervisor has a Check unless an

exemption applies. For example, the supervisor may be a registered teacher with the Victorian Institute of Teaching, making them exempt

- ensure that employees or volunteers issued with a Negative Notice do not undertake child-related work as defined by the Working With Children Act 2005.

As an employer or volunteer organisation you should:

- record your employee's and volunteer's unique Application Receipt Number received when they submit their application. The Act enables a person to continue or commence work while their application is pending
- confirm that your employees and volunteers have been issued with an Assessment Notice after Check applications have been assessed by the Department of Justice
- sight your employee's or volunteer's Working with Children Check Card and confirm the status of their Card Number to verify that they have passed the Check. You can do this online from 1 July 2006, or by calling 1300 652 872
- record your employee's or volunteer's Card Number, which is different from their Application Receipt Number
- develop internal processes in the event of an existing employee or volunteer being issued with an Interim Negative Notice or Negative Notice.

## 28. APPENDIX H5 – SOUTH AUSTRALIAN CHILD PROTECTION REQUIREMENTS

This information is subject to change at any time. Refer to the Department of Families and Communities website [www.familiesandcommunities.sa.gov.au](http://www.familiesandcommunities.sa.gov.au) or the South Australian Office for Recreation and Sport's website [www.resport.sa.gov.au](http://www.resport.sa.gov.au) if you have any queries about your obligations under the legislation. This information was updated on 1 May 2006.

Recent amendments to the Children's Protection Act 1993, in South Australia as per the Children's Protection (Miscellaneous) Amendment Act 2005, promote a whole of community responsibility to the care and protection of children and young people. Whilst yet to be proclaimed, new provisions relating to the establishment of child safe environments, facilitating effective criminal history checks and the extension of mandated notifiers, will all have an impact upon sporting and recreational organisations.

The new provisions will require government, non-government and volunteer organisations that are entrusted with the care of children or regularly come into contact with children to have strategies in place to prevent and minimise opportunities for abuse and to appropriately respond when abuse occurs or is suspected. Organisations will also be required to implement guidelines and processes that clearly outline effective and timely responses to child protection issues and steps of action.

Standards will be developed to assist organisations move towards creating safer environments for children. Requirements under the standards are likely to include:

- Codes of conduct and principles of good practice for working with children;
- Guidance on standards of conduct for adults in dealing with children;
- Advice on how to deal with cases of bullying or harassment of a child;
- Guidance on informing on cases of child abuse and neglect, or suspected abuse or neglect;
- Advice on the recruitment and supervision of staff of Government and non-government organisations;
- Guidance on how to handle procedures for complaints, and making the complaints process easier for children;
- Monitoring progress of child safe environments in Government and non-government sectors and periodic reporting; and
- Developing and issuing standards in dealing with information about the criminal history of employees and volunteers.

The amendments to the *Children's Protection Act 1993* may also require sport and recreation organisations to develop or comply with new criminal history check provisions. This may mean undertaking a criminal history check for any person in a prescribed position (including employees, volunteers, agents, subcontractors and contractors) who has:

- Regular contact/close proximity to children; or
- Supervision of such a person; or
- Access to children's records;
- Or else as prescribed by regulation.

Mandatory reporting is currently a requirement by law in South Australia. Mandatory reporting means that those people covered by the law must report reasonable suspicions of child abuse or neglect. Those currently mandated under the law include teachers, medical practitioners, health professionals, child care workers, day care providers, social workers and workers, volunteers and managers within government departments or non-government agencies that provide services to children. Under the new legislation a person employed by, or volunteering in, organisations that provide sporting or recreational services for children will also be mandated.

Throughout the year, further information and advice relating to proclamation and implementation of these provisions will be provided by the Office for Recreation and Sport in South Australia. Once proclaimed, penalties of up to \$10,000 will apply for non-compliance with the requirements under the legislation. Until this time recreation and sport organisations should continue to follow

the generic child protection requirements and the risk management process set out in 'Child Protection in Sport - National Overview' document provided by the Australian Sports Commission.