



## **NATIONAL MEMBER PROTECTION POLICY**

**VERSION 4, January 2014**

---

<b>CONTENTS</b>	<b>PAGE</b>
-----------------	-------------

---

**PART A – MEMBER PROTECTION POLICY**

- 1. Introduction
- 2. Purpose of this policy
- 3. Who is bound by this policy?
- 4. Organisational responsibilities
- 5. Individual responsibilities
- 6. Position statements
  - 6.1 Child protection
  - 6.2 Taking of images of children
  - 6.3 Anti-discrimination and harassment
  - 6.4 Sexual relationships
  - 6.5 Pregnancy
  - 6.6 Responsible service and consumption of alcohol
  - 6.7 Smoke-free environment
  - 6.8 Cyber bullying
  - 6.9 Social networking sites
- 7. Complaints procedures
  - 7.1 Handling complaints
  - 7.2 Vexatious complaints and victimisation
  - 7.3 Mediation
  - 7.4 Tribunals
- 8. What is a breach of this policy?
- 9. Disciplinary measures
  - 9.1 Individuals
  - 9.2 Organisations
  - 9.3 Factors to consider
- 10. Dictionary of terms

**PART B – ATTACHMENTS: CODES OF BEHAVIOUR**

**PART C – ATTACHMENTS: EMPLOYMENT SCREENING/WORKING WITH CHILDREN CHECK REQUIREMENTS**

- C1. Screening requirements
- C2. Member Protection Declaration
- C3. Working with Children Check requirements

**PART D – ATTACHMENTS: COMPLAINT HANDLING PROCEDURES**

- D1. Complaints procedure
- D2. Mediation
- D3. Investigation procedure
- D4. Tribunal procedures

**PART E – ATTACHMENTS: REPORTING REQUIREMENTS AND DOCUMENTS**

- E1. Confidential record of informal complaint
- E2. Confidential record of formal complaint
- E3. Procedure for handling allegations of child abuse
- E4. Confidential record of child abuse allegation

---

## PREFACE

Transplant Australia Ltd is committed to values that it espouses. Being an organisation that is dedicated to the preservation of and giving our community another chance at life when their own organs have failed them, being mindful that this opportunity has arisen through the generous donation of others, it is integral of our nature to:

- Ensure that every member be able to continue their new life experience in an environment free of any form of harassment as covered in the definitions of this Policy. Further, any other forms of unethical and inappropriate behaviours will not be tolerated.
- To create a personally safe environment where freedom of expression is encouraged without fear or favour and all positive behaviour expressions are rewarded by physical and emotional growth.
- That transplant recipients, dialysis patients, living donors and donor families are able to develop to their fullest potential in their chosen activity in which personal respect will be freely given and received by all.
- Life-long learning is a value of Transplant Australia Ltd members and this policy is integral to that learning process. Hence each State Committee will provide the appropriate training to its members to ensure that not only is there a working understanding of the Policies and Procedures of our Member Protection Policy but all will be able to remind each other of its importance on a day to day basis.

The Board encourages all members to take a proactive approach to these policies, being careful enough to ensure nobody in Transplant Australia Ltd feels the stresses created by non-compliance.

On behalf of the Directors and Members

Dr Alan Amodeo OAM  
Chairman  
Transplant Australia Ltd

January 1, 2014

## History of Transplant Australia Member Protection Policy

Version	Date reviewed	Date endorsed
One	Created Nov 2009	November 12, 2009
Two	March 2010	March 9, 2010
Three	December 2013	January 1, 2014

## **PART A: NATIONAL MEMBER PROTECTION POLICY**

### **1. Introduction**

#### **Vision**

Transplant Australia exists to make the most of life – promoting the life-saving benefits of organ and tissue donation to the Australian public and supporting those most vulnerable through their journey back to the fullness of life.

#### **Mission**

The mission of Transplant Australia is to be a strong advocate for best practice in the organ and tissue donation sector, to promote its life-saving benefits to governments and the Australian public and to provide all those touched by transplantation with support, education and guidance to improve their health, quality of life and well-being.

#### **Long Term Goals**

- To continually excel as a dominant nation in World Transplant Sports
- To raise awareness of the need for organ and tissue donation in Australia
- To encourage transplant recipients and those awaiting transplantation to participate actively in sport and recreational activities
- To show gratitude to the families of organ and tissue donors
- To demonstrate to the public the quality of life and sporting prowess recipients enjoy following a transplant
- To provide a support and advisory service (e.g. medical, financial and counselling) to members
- To create an Australian way of life that organ donation and transplantation are national cultural values
- To reinforce the view that transplantation was the greatest medical breakthrough of the 20th century

#### **Our Values**

- To value life – both that given by donors and that received by recipients
- To view supportive feedback as essential to create future growth
- Value the well-being and diversity of all our members
- To foster team-ship and mutual understanding
- To be open and transparent in all our dealings

### **2. Purpose of this policy**

This Member Protection Policy (“policy”) aims to assist Transplant Australia to uphold its core values and create a safe, fair and inclusive environment for everyone associated with Transplant Australia. It sets out our commitment to ensure that every person involved with Transplant Australia is treated with respect and dignity and protected from discrimination, harassment and abuse. It also ensures that everyone involved with Transplant Australia is

aware of their legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

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

This policy has been endorsed by the Board of Transplant Australia. The policy starts on January 1, 2014 and will operate until replaced.

The current policy and its attachments can be obtained from our website at: [www.transplant.org.au](http://www.transplant.org.au).

### **3. Who is bound by this policy**

This policy applies to the following people, whether they are in a paid or unpaid/voluntary capacity:

- persons appointed or elected to the National Board, State committees, sub-committees and special interest groups
- employees of Transplant Australia
- support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers and others
- coaches and assistant coaches
- athletes, players and supporters participating in Transplant Australia sanctioned events
- referees, umpires and other officials
- members, including life members of Transplant Australia
- athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by Transplant Australia

This policy will continue to apply to a person even after he or she has stopped their association or employment with Transplant Australia, if disciplinary action against that person has begun.

### **4. Organisational responsibilities**

Transplant Australia must:

- 4.1 adopt, implement and comply with this policy
- 4.2 ensure that the Constitution, By-laws or other rules and policies include the necessary clauses for this policy to be enforceable
- 4.3 publish, distribute and promote this policy and the consequences of any breaches
- 4.4 promote and model appropriate standards of behaviour at all times
- 4.5 deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner
- 4.6 apply this policy consistently
- 4.7 recognise and enforce any penalty imposed under this policy
- 4.8 ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies
- 4.9 use appropriately trained people to receive and manage complaints and allegations of inappropriate behavior, e.g. Member Protection Information Officers
- 4.10 monitor and review this policy at least annually.

## **5. Individual responsibilities**

Individuals bound by this policy are responsible for:

- 5.1 making themselves aware of the policy and complying with the codes of behaviour it sets out
- 5.2 consenting to our screening requirements and any state/territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18
- 5.3 placing the safety and welfare of children above other considerations
- 5.4 being accountable for their own behaviour
- 5.5 following the steps outlined in this policy for making a complaint or reporting possible child abuse
- 5.6 complying with any decisions and/or disciplinary measures imposed under this policy.

## **6. Position statements**

### **6.1 Child protection**

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

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

#### **6.1.1 Identify and analyse risk of harm**

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

#### **6.1.2 Develop codes of behaviour**

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

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

#### **6.1.3 Choose suitable employees and volunteers**

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

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

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

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

**6.1.5: Empower and promote the participation of children**

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

**6.1.6: Report and respond appropriately to suspected abuse and neglect**

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

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

**6.2 Taking images of children**

Images of children can be used inappropriately or illegally. Transplant Australia requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own. They should also make sure the parent/guardian understands how the image will be used.

To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets.

When using a photo of a child, we will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the parent/guardian.

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

**6.3 Anti-discrimination and harassment**

Transplant Australia aims to provide an environment where all those involved in our activities and events are treated with respect.

We recognise that people cannot participate, enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.

We prohibit all forms of harassment, discrimination and bullying based on the personal characteristics listed in the "Definitions" set out in the Dictionary of Terms [see clause 10]. In most circumstances, this behaviour is against the law.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, they may make an internal complaint. In some circumstances, they may also be able to make a complaint to an external organisation. (Refer to the attachments in Part D of this policy.)

#### **6.4 Sexual relationships**

Transplant Australia takes the position that consensual intimate relationships (whether or not of a sexual nature) between coaches and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's public image.

These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach and the athlete.

If an athlete attempts to initiate an intimate sexual relationship with a coach, it is the coach's responsibility to discourage the approach and to explain why such a relationship is not appropriate.

The coach or athlete may wish to seek advice or support from a Member Protection Information Officer, Transplant Australia Sports Committee Chair or CEO if they feel harassed. Our complaints procedure is outlined in Part D of this policy.

#### **6.5 Pregnancy**

Pregnant women should be treated with respect and any unreasonable barriers to their full participation in our sport should be removed. We will not tolerate any discrimination or harassment against pregnant women.

Transplant Australia will take reasonable care to ensure the safety, health and well-being of pregnant women and their unborn children. We will advise pregnant women that there may be risks involved and encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and well-being, and that of their unborn children, are of utmost importance in their decision-making about the extent they choose to participate in our sport.

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in our sport. We will only require pregnant women to sign a disclaimer if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant woman feels she has been harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint. (Refer to the attachments in Part D of this policy.)

#### **6.6 Responsible service and consumption of alcohol**

Transplant Australia is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that state committees and special interest groups follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy is that:

- alcohol should not be available or consumed at sporting events involving children and young people under the age of 18
- alcohol-free social events will be provided for young people and families
- food and low-alcohol and non-alcoholic drinks will be available at events we hold or endorse where alcohol is served
- a committee member will be present at events we hold or endorse where alcohol is served to ensure appropriate practices are followed

- safe transport options will be promoted as part of any event we hold or endorse where alcohol is served.

### **6.7 Smoke-free environment**

Transplant Australia recommends that the following policies be applied to all sporting and social events that we hold or endorse.

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

### **6.8 Cyber-bullying**

Transplant Australia regards bullying and harassment in all forms as unacceptable in our sport. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.

New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments.

Transplant Australia will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. In some cases, bullying is a criminal offence punishable.

Frustration at a referee, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting body.

### **6.9 Social networking websites**

Transplant Australia acknowledges the enormous value of social networking websites, such as Facebook and Twitter, to promote our sport and cause and celebrate the achievements and success of the people involved in our sport and the positive outcomes of donation.

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

Social media postings, blogs, status updates and tweets:

- must not use offensive, provocative or hateful language
- must not be misleading, false or injure the reputation of another person
- should respect and maintain the privacy of others
- should promote the sport in a positive way.

Please see Transplant Australia's Social Media Policy (June 2012) for more information.

## **7. Complaints procedures**

### **7.1 Handling complaints**

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

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

In the first instance, complaints should be reported to one of three Member Protection Information Officers.

A complaint may be handled informally or formally. The complainant will usually indicate his or her preferred option unless Member Protection Information Officer considers that the complaint falls outside this policy and should be handled another way. For example, the law may require that the complaint/allegation be reported to an appropriate authority.

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

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

## **7.2 Improper complaints and victimisation**

Transplant Australia aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against the person making the complaint.

We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint or supporting another person's complaint.

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

## **7.3 Mediation**

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

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

If a complainant wishes to resolve the complaint with the help of a mediator, the Member Protection Information Officer will, in consultation with the complainant, arrange for an independent mediator where possible. We will not allow lawyers to negotiate on behalf of the complainant and/or the respondent.

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

## **7.4 Tribunals**

A Tribunal may be convened to hear a formal complaint referred to it by the CEO because of the serious nature of the complaint or because it was unable to be resolved by the Member Protection Information Officer.

Our Tribunal procedure is outlined in Attachment D4.

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

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

## **8. What is a breach of this policy?**

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

- 8.1 breaching the codes of behaviour (see Part B of this policy)
- 8.2 bringing Transplant Australia into disrepute, or acting in a manner likely to bring the Transplant Australia into disrepute as enforced by our Constitution
- 8.3 failing to follow Transplant Australia policies (including this policy) and our procedures for the protection, safety and well-being of children
- 8.4 discriminating against, harassing or bullying (including cyber-bullying) any person
- 8.5 victimising another person for making or supporting a complaint
- 8.6 engaging in a sexually inappropriate relationship with a person that he or she supervises, or has influence, authority or power over
- 8.7 verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport
- 8.8 disclosing to any unauthorised person or organisation any Transplant Australia information that is of a private, confidential or privileged nature
- 8.9 making a complaint that they know to be untrue, vexatious, malicious or improper
- 8.10 failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy
- 8.11 failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

## **9. Disciplinary measures**

Transplant Australia may impose disciplinary measures on an individual for a breach of this policy.

Any disciplinary measure imposed will be:

- fair and reasonable
- applied consistent with any contractual and employment rules and requirements
- be based on the evidence and information presented and the seriousness of the breach
- be determined in accordance with our Constitution, this policy and/or the rules of the sport.

### **9.1 Individual**

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

- 9.1.1 A direction that the individual make a verbal and/or written apology;
- 9.1.2 A written warning;
- 9.1.3 A direction that the individual attend counselling to address their behaviour;
- 9.1.4 A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Transplant Australia;
- 9.1.5 A suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.6 Termination of the individual's membership, appointment or engagement;
- 9.1.7 A recommendation that Transplant Australia terminate the individual's membership, appointment or engagement;
- 9.1.8 In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- 9.1.9 A fine;
- 9.1.10 Any other form of discipline that the Board of Transplant Australia considers appropriate.

## **9.2 Organisation**

If a finding is made that a State Committee or Special Interest Group has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by the Board of Transplant Australia:

- 9.2.1 A written warning;
- 9.2.2 A fine;
- 9.2.3 A direction that any rights, privileges and benefits provided to that organisation by the national body be suspended for a specified period;
- 9.2.4 A direction that any funding granted or given to it by Transplant Australia cease from a specified date;
- 9.2.5 A direction that Transplant Australia cease to sanction events held by or under the auspices of that organisation;
- 9.2.6 Any other form of discipline that the national body or peak organisation considers reasonable and appropriate.

## **9.3 Factors to consider**

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

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

## **10. Dictionary of terms**

A dictionary of terms used in this policy and its attachments is provided at: [http://www.ausport.gov.au/supporting/nso/member\\_protection](http://www.ausport.gov.au/supporting/nso/member_protection).

## **PART B: STANDARDS OF CONDUCT**

---

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

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

Our Standards are underpinned by the following core values.

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

### **ATTACHMENTS**

Standards of Conduct Principles  
Standards of Conduct Details



# STANDARDS OF CONDUCT

These Standards of Conduct apply to all participants in TRANSPLANT AUSTRALIA LTD authorised events, including State Events, National Events, International Events and Tours.

## PRINCIPLES

### **Safety**

Encouraging healthy and safe procedures, preventing and reporting dangerous behaviour, while demonstrating concern for others.

### **Responsibility**

Taking responsibility for one's actions and being a positive role model at all times.

### **Respect**

Recognising the contribution which people make to sport, treating them with dignity and consideration, as well as caring for the property and equipment they use.

### **Fairness**

Operating within the spirit of the rules, never taking an unfair advantage and making informed and honourable decisions at all times.



## STANDARDS OF CONDUCT

### PARTICIPANTS SHALL

- Promote the good name and best interests of Transplant Australia Ltd;
- Abide by all reasonable requirements of Transplant Australia Ltd officials concerning the obtaining of recognised medical approval and (personal and public) insurance coverage for the purpose of attending and competing in any and each of the activities;
- Abide by the rules governing each sport, club, and venue;
- Respect an official's decision;
- Control your temper. Verbal abuse, sledging, deliberately distracting or provoking an opponent are not acceptable or permitted behaviours;
- Be a good sport. Be willing to applaud all good plays by your team and the opposition;
- Accept the result with dignity;
- Cooperate with your team manager, team captain, team-mates and opponents;
- Participate for your own enjoyment and benefit, not just to please others;
- Always wear the correct uniform and specified clothing at all official functions, sporting events and as otherwise reasonably directed by Transplant Australia officials;
- Respect all host venues, hotel, city or state rules or policies;
- Maintain a quiet demeanour at accommodation venues at all times during an event;
- Show appreciation for volunteers, officials and administrators;
- Respect the rights, dignity and worth of all participants regardless of their race, gender, ability, cultural background or religion;
- While overseas at all times respect and abide the law and customs of the country you are in;
- While overseas, at all times behave in a manner that upholds the good name and reputation of Australia in general and Transplant Australia Ltd in particular.

### PARTICIPANTS SHALL NOT:

- Act in a manner unbecoming or contrary to the interests of Transplant Australia Ltd;
- Act in any manner or engage in any activity (whether on or off the sporting arena or venue) that would impair public confidence in the integrity and good character of other participants and Transplant Australia Ltd;
- Argue with an official. If you disagree, have the captain or manager approach the official during a break or after the competition;
- Use drugs, except for medical purposes, while travelling, competing and/or socialising;
- Use or encourage the use of banned substances;
- Consume excessive alcohol while travelling, competing, spectating or socialising;
- Disrupt another individual's preparation for or participation in an event through disorderly or un-sportsman like conduct;
- Discourage or disparage any competitor;
- Deliberately foul or provoke an opponent;
- Publicly criticise or ridicule any competitor, team-mate or official;
- Bully, harass or take unfair advantage of another competitor, team-mate or official;
- Threaten or intimidate another competitor, team-mate, official or spectator;
- Strike or attempt to strike another competitor, team-mate, official or spectator;
- Physically or verbally abuse an official, opposing player, team-mate or spectator;
- Physically or verbally vilify or discriminate against any person on a sexual, racial or religious basis;
- Abuse or destroy equipment;
- Misuse provided funds or misuse property belonging to another party;
- Intentionally engage or incite participants and/or spectators to engage in abusive or violent actions;
- Use obscene gestures, profanity or disrespectful language;
- Use offensive language;

- Engage in any other offensive behaviour;

### **Supporters - additional**

- Remember that people participate in sport for their enjoyment, not yours.
- Encourage (but do not force) participation.
- Focus on the efforts and performance rather than winning or losing.
- Encourage participants to play by the rules and to settle disagreements without resorting to hostility or violence.
- Never ridicule or yell at someone for making a mistake or losing a competition.
- Support all efforts to remove verbal and physical abuse from activities.

**Disciplinary Measures:** are outlined in section 9 of the Transplant Australia Ltd Member Protection Policy

### **SPECIFICALLY PROHIBITED OR RESTRICTED**

The following types of conduct are specifically prohibited:

- 1 Aggressive Behaviour:** The definition of aggressive behaviour lies with the event organisers. You shall not promote or engage in physical abuse, verbal abuse, threats, intimidation, harassment, coercion and/or other conduct, which threatens or endangers the health or safety of any person. You shall not use “fighting words” to harass any person in connection with authorised functions.
- 2 Control:** Team managers and event organisers are responsible for managing and maintaining the safety of our members and the facilities being used. You agree to comply with the directions of these people who are acting in the performance of their duties.
- 3 Disorderly Conduct:** You may not engage in disorderly or lewd conduct including disorder associated with alcohol or controlled substances.
- 4 Photography and Video Taping:** You are not allowed to photograph or videotape individuals in change rooms facilities or where the person being recorded or their parent/guardian has indicated that they are unwilling to have their images recorded at that time.
- 5 Unauthorized Commercial Activity:** You are not allowed to post, advertise, instruct in private lessons, or solicit individuals in the facilities for personal services, businesses, or agencies without the prior approval of the event organisers.

(The following actions are considered Criminal Activity and will result in immediate police action. The police will be contacted and assistance will be requested. Additional sanctions will apply.)

- 6 Vandalism:** Damage to or destruction of any property of the host venue or property of others during a Transplant Australia Ltd authorised event.
- 7 Assault:** Rape, sexual assault, or sexual harassment, physical and serious verbal abuse.
- 8 Theft:** Removal of or conversion of the property of others without appropriate prior authorisation during an authorised event.



## STANDARDS OF CONDUCT

### SIGNATURES

I have read and agree to abide by the Standards of Conduct in all Transplant Australia Ltd authorised events. I understand that failure to agree with these Standards of Conduct will result in non-acceptance of my application of membership and ineligibility to participate in Transplant Australia Ltd sponsored or endorsed activities.

NB: All participants in Transplant Australia Games events must be financial members.

In the case of a junior participant (child under the age of 18 years), it is necessary for both the child and parent to read this document and if necessary the parent is to discuss the Standards of Conduct with the child. It is preferable if both parties sign the declaration.

Please print clearly.

**Member Name:** .....

**Address:** .....

**City:** ..... **State:** .....

**Country:** ..... **Postcode:** .....

**Phone: (h)** ..... **(w)** .....

**(mob)** ..... **Email:** .....

**Signed:** ..... **Date:** .....  
(Adult/parent/guardian)

**Signed:** ..... **Date:** .....

(Child - under the age of 18 years)

**Witness: Name:** ..... **Signature:** .....

**Phone: (h)** ..... **(w)** .....

Please return to:

Transplant Australia Ltd, Suite 304, 354 Eastern Valley Way, Chatswood, NSW 2067, Ph (02) 9922-5400 Fax (02) 9954-6412  
[www.transplant.org.au](http://www.transplant.org.au) [contactus@transplant.org.au](mailto:contactus@transplant.org.au)

## **PART C: EMPLOYMENT SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS**

---

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

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

Working with Children Check laws are currently in place in New South Wales, Queensland, Western Australia, Victoria, the Northern Territory and South Australia.

Transplant Australia, including our state committees and special interest groups, will meet the requirements of the relevant state or territory Working with Children Check laws.

Employment screening requirements will also be followed in the Australian Capital Territory and Tasmania.

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

### **ATTACHMENTS**

- Attachment C1: Screening requirements (for the Australian Capital Territory and Tasmania)
- Attachment C2: Member Protection Declaration
- Attachment C3: Working with Children Check requirements

## **Attachment C1: SCREENING REQUIREMENTS**

[for states/territories without Working With Children Checks such as ACT and Tasmania]

---

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

Transplant Australia will, and also requires state associations and clubs to:

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



**Attachment C2: MEMBER PROTECTION DECLARATION**

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

I ..... (name)

of .....

..... (address)

born ...../...../.....

sincerely declare:

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

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

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

Signature

.....

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

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

Name:.....

Signature:.....

Date: .....

## **Attachment C3: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS**

The following information was updated in April 2009. It is subject to change at any time.

### **1. QUEENSLAND**

A person will need a Working with Children Check, also known as the blue card, if they propose to work in a paid or voluntary capacity or to carry on a business in a child-related area regulated by the Commission for Children and Young People and Child Guardian Act 2000. Once a person is checked and approved they are issued with a “blue card.” Volunteers and paid employees employed in sporting organisations generally fall under the ‘churches, clubs and associations’ category of regulated employment. Volunteers and paid employees employed in private businesses may fall under the ‘sport and active recreation’ category of regulated employment. The check is a detailed national criminal history check including charges and investigations relating to children.

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

A blue card remains current for two years. Existing card holders will be notified by the Queensland Commission for Children and Young People and Child Guardian before their card expires.

In addition to obligations regarding the blue card, employers must develop and implement a written child protection risk management strategy and review it each year.

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

- [www.ccypg.qld.gov.au](http://www.ccypg.qld.gov.au)
- 1800 113 611

### **2. NEW SOUTH WALES**

All organisations within NSW that employ people in child-related employment (in a paid or unpaid capacity) must meet the requirements of the Working with Children Check (WWCC). Child related employment is work which primarily involves direct unsupervised contact with children. The WWCC involves three components:

1. Ensuring all paid and unpaid employees sign a Prohibited Employment Declaration which states they are not prohibited from working with children.
2. Submitting all applicants for paid employment to NSW Sport and Recreation for a WWCC background check. NSW Sport and Recreation only carries out checks for paid employees.
3. Reporting relevant employment proceedings for any paid and unpaid employees to the Commission for Children and Young People. A relevant employment proceeding involves any reportable conduct committed outside of work as well as in the workplace with or in the presence of a child/ren.

Sporting organisations are responsible for managing the WWCC process. Individuals cannot apply for a WWCC directly. Sporting organisations should register with NSW Sport and Recreation, providing a contact who will receive the information on the background checks.

A WWCC is valid for employment in that position within the organisation. Short-term employees (where that person is being employed for periods of less than six months and returning for short periods throughout a 12 month period) only need to be checked once every 12 months.

For more information, including the required forms:

- [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au) or 02 9286 7219
- [www.dsr.nsw.gov.au/children/resources.asp](http://www.dsr.nsw.gov.au/children/resources.asp) or 02 9006 3700

### **3. WESTERN AUSTRALIA**

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

Applicants will be issued with either:

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

There are set obligations and strong penalties for non-compliance including for employers and volunteer co-coordinators.

For more information:

- [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au) or call 1800 883 979 (toll free)

### **4. 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

## **5. SOUTH AUSTRALIA**

There are provisions under the Children's Protection (Miscellaneous) Amendment Act 2005 that apply to non-government and volunteer organisations that are entrusted with the care of children or who regularly come into contact with children. These provisions require organisations to have strategies in place to prevent and minimise opportunities for abuse and to appropriately respond when abuse occurs or is suspected, and to implement guidelines and processes that clearly outline effective and timely responses to child protection issues and steps of action.

Be aware that criminal history reports are likely to be introduced and mandatory for some positions in sporting organisations from 2010/2011.

Staff and volunteers who work with children are mandated notifiers and have a legal obligation to report any suspected child abuse and/or neglect.

For more information:

- [www.families.sa.gov.au/childsafe](http://www.families.sa.gov.au/childsafe) or 08 8226 7000

## **6. NORTHERN TERRITORY**

From January 2010, all persons employed in child related work, either paid or as a volunteer, must hold a valid clearance notice issued by the SAFE NT Screening Authority. There are penalties for failure to comply. Sports coaches, trainers, team administrators, officials and volunteers of Sporting Organisations that deal with children are caught.

Clearance notices are valid for two years from date of issue unless revoked, and are transferable within employment fields. As a part of the assessment process, SAFE NT will consider the applicant's criminal history record and other relevant information.

For more information contact 1800 SAFE NT (1800 723 368)

## **PART D: COMPLAINT HANDLING PROCEDURES**

---

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

We will provide individuals with an informal and informal process to resolve the matter, along with access to an external complaint handling body, based on their preferences and the nature of the complaint.

We also provide an appeals process for those matters where it is required.

We will maintain confidentiality as far as possible and ensure that no one is victimised for making, supporting or providing information about a complaint.

### **ATTACHMENTS**

- Attachment D1: Complaints procedure
- Attachment D2. Mediation
- Attachment D3. Investigation procedure
- Attachment D4. Tribunal procedure

## **Attachment D1 : Complaints Procedure**

---

A complaint can be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this policy. Complaints will always vary. They may be about individual or group behaviour; they may be extremely serious or relatively minor; they may be about a single incident or a series of incidents; and the person about who the allegation is made may admit to the allegations or emphatically deny them.

Given all of the variables that can arise, Transplant Australia provides a step-by-step complaint procedure that people may use/enter at any stage. Individuals and organisations to which this policy applies may also pursue their complaint externally under anti-discrimination, child-protection or other relevant legislation.

If at any point in the complaint process Transplant Australia CEO, Branch State President or MPIO considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter will be referred to the Board of Transplant Australia for appropriate action. All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

### Step 1

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

### Step 2

If:

- the first step is not possible/reasonable; or
  - you are not sure how to handle the problem by yourself; or
  - you just want to talk confidentially about the problem with someone and get some more information about what you can do; or
  - the problem continues after you tried to approach the person or people involved; then
- talk with one of your Transplant Australia State President or the MPIO. A list of persons you may contact is found on the Transplant Australia Ltd website <http://www.transplant.org.au>

The Transplant Australia Ltd State Branch President or the MPIO will:

- take notes about your complaint (which will be kept in a secure and confidential place);
- try to sort out the facts of the problem;
- ask what outcome/how you want the problem resolved and if you need support;
- provide possible options for you to resolve the problem;
- explain how our complaints procedure works;
- act as a support person if you so wish;
- refer you to an appropriate person to help you resolve the problem, if necessary;

- inform the relevant government authorities and/or police if required by law to do so; and
- maintain strict confidentiality.

### Step 3

After talking with the Transplant Australia Ltd State Branch President or the MPIO, you may decide:

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

If you wish to remain anonymous, Transplant Australia can't assist you to resolve your complaint. We have to follow the principles of natural justice and be fair to both sides. This means that Transplant Australia or you may be required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond to all the allegations.

### Step 4

If your complaint is not resolved to your satisfaction, you may:

make a formal complaint in writing to CEO of Transplant Australia  
approach a relevant external agency such as an equal opportunity commission, for advice.

### Step 5

If you decide to make a formal complaint in writing under Step 4, the CEO of Transplant Australia will, on receiving the formal complaint and based on the material you have provided, decide whether:

- they are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure. Some complaints may be of a minor and/or purely personal nature with no connection to the activities of the Transplant Australia. In these cases, the CEO of Transplant Australia may determine that the complaint does not warrant a formal resolution procedure;
- to appoint a person to investigate the complaint;
- to refer the complaint to an informal or formal mediation session;
- to refer the complaint to a hearings tribunal;
- to refer the matter to the police or other appropriate authority; and/or
- to implement any interim administrative or other arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the CEO of Transplant Australia will take into account:

- whether they have had any personal involvement in the circumstances giving rise to the complaint and, if so, whether their ability to impartially manage the complaint is compromised or may appear to be compromised;
- whether, due to the nature of the complaint, specific expertise or experience may be required to manage the complaint;
- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- whether, due to the nature of the complaint, the relationship between you and the respondent and any other relevant factors, the complaint should be referred (or should not be referred) to informal or formal mediation or to a hearings tribunal. Relevant factors may include an actual or perceived power imbalance between you and the respondent, the nature of any ongoing working relationship between you and the respondent, and the personal attributes of you and the respondent (for example, if one party does not speak English fluently, some of the possible complaints resolution mechanisms may not be appropriate);
- the nature and sensitivity of any information or other material that must be provided by you, the respondent, and any of the other people involved in the complaint;
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the likelihood and the consequences (if the complaint is ultimately proven) that you will be subject to further unacceptable behaviour while the complaint process set out in these Procedures is being conducted.

If CEO of Transplant Australia is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

- get full information from you (the complainant) about your complaint and how you want it resolved (if this information has not already been obtained through earlier steps);
- put the information they've received from you to the person/people you're complaining about and ask them to provide their side of the story;
- decide whether they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- determine what, if any, further action to take. This action may include disciplinary action in accordance with section 9 of this policy, appointing a person to investigate the complaint, referring the complaint to an informal or a formal mediation session or a hearings tribunal and/or referring the complaint to the police or other appropriate authority.

## Step 6

If:

- a person is appointed to investigate the complaint under Step 5, the investigator will conduct the investigation and provide a written report to The Board who will determine what, if any, further action to take. This action may include a direction to the investigator to make further enquiries and obtain additional information, disciplinary action in accordance with section 9 of this policy, and referring the complaint to an informal or a formal mediation session, a hearings tribunal and/or the police or other appropriate authority;

- the complaint is referred to an informal or a formal mediation session under Step 5, the mediation session will be conducted in accordance with Attachment D2 or as otherwise agreed by you and the respondent;
- the complaint is referred to a hearings tribunal under Step 5, the hearing will be conducted in accordance with Attachment D4;
- the complaint is referred to the police or other appropriate authority under Step 5, Transplant Australia will use its best endeavours to provide all reasonable assistance lawfully required by the police or other appropriate authority; and
- interim administrative or other arrangements are implemented under Step 5, Transplant Australia will periodically review these arrangements to ensure that they are effective.

### Step 7

If, under Step 6, an informal or formal mediation session is conducted, and you and the respondent(s) cannot reach a mutually acceptable mediated solution to the complaint, you may request that CEO of Transplant Australia reconsider the complaint in accordance with Step 5.

You or the respondent(s) may be entitled to appeal where:

- under Step 5, a decision was made by CEO of Transplant Australia
  - not to take any action; or
  - to take disciplinary action; or
- under Step 6, a decision was made by the Board or a hearings tribunal:
  - not to take any action; or
  - to take disciplinary action.

The grounds for appeal and the process for appeals under this Policy are set out in Attachment D4

If the internal complaints processes set out in this Policy do not achieve a satisfactory resolution/outcome for you, or if you believe it would be impossible to get an impartial resolution within Transplant Australia you may choose to approach an external agency such as an equal opportunity commission to assist with a resolution.

### Step 8

The CEO will document the complaint, the process followed and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at a state/district level, the information will be stored in the state association office. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at the national office with a copy stored at the state office.

## External procedure

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

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

An anti-discrimination commission can decline to investigate a complaint, or dismiss a complaint at any point in the investigation, conciliation or public hearing stages.

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

## Attachment D2: MEDIATION

---

Mediation is a process that allows the people involved in a complaint to talk through the issues with an impartial person – the mediator – and work out a mutually agreeable solution.

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to talk through the issues and makes sure that the process is as fair as possible for all concerned.

Our approach to mediation follows the steps set out below.

1. The Member Protection Information Officer will appoint a mediator to help resolve the complaint. This will be done under the direction of Transplant Australia and in consultation with the complainant and the respondent(s).
2. The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
3. All issues raised during mediation will be treated confidentially. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. If the complaint is resolved by mediation, the mediator will prepare a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). We expect the parties involved to respect the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
  - write to CEO to request that the CEO reconsider the complaint in accordance with **Step 3**
  - approach an external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

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

- when the people involved have completely different versions of the incident
- when one or both parties are unwilling to attempt mediation
- when the issues raised are sensitive in nature
- when there is a real or perceived power imbalance between the people involved
- matters that involve serious, proven allegations.

## Attachment D3: INVESTIGATION PROCESS

---

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

An investigation helps determine the facts relating to the incident, as well as possible findings and recommendations.

Any investigation that we conduct will be fair to all people involved.

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

1. We will provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities. The investigator will:
  - interview the complainant and record the interview in writing
  - provide full details of the complaint to the respondent(s) so that they can respond
  - interview the respondent(s) to allow them to answer the complaint and record the interview in writing
  - obtain statements from witnesses and collect other relevant evidence, if there is a dispute over the facts
  - make a finding as to whether the complaint is:
    - **substantiated** (there is sufficient evidence to support the complaint)
    - **inconclusive** (there is insufficient evidence either way)
    - **unsubstantiated** (there is sufficient evidence to show that the complaint is unfounded)
    - **mischievous, vexatious or knowingly untrue.**
  - provide a report to CEO documenting the complaint, the investigation process, the evidence, the finding(s) and, if requested, any recommendations.
2. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (e.g. Member Protection Information Officer).
4. The complainant and the respondent(s) may have the right to appeal any decision based on the investigation. Information on our appeals process is in Attachment D4.

## **Attachment TRIBUNAL PROCEDURES**

---

**D4:**

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

### **Preparing for a Tribunal hearing**

1. A Tribunal panel will be established to hear a complaint that has been referred to it by the CEO. The number of Tribunal panel members required to be present throughout the hearing will be three.
2. The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the relevant Member Protection Information Officer relating to the complaint/allegations.
3. The Tribunal hearing will be held as soon as practicable. However, adequate time must be provided for the respondent(s) to prepare for the hearing.
4. The Tribunal panel will not include any person who has any actual or perceived conflict of interest or bias regarding the complaint/allegations.
5. The CEO will inform the respondent(s) in writing that a Tribunal hearing will take place. The notice will outline:
  - that the person has a right to appear at the Tribunal hearing to defend the complaint/allegations
  - the details of the complaint and of all allegations, as well as the clause of any policy or rule that has allegedly been breached
  - the date, time and venue of the Tribunal hearing
  - that either verbal or written submissions can be presented at the Tribunal hearing
  - that witnesses may attend the Tribunal hearing to support the position of the respondent/s (statutory declarations of witnesses not available to attend and from character witnesses may also be provided to the Tribunal hearing)
  - an outline of any possible penalties that may be imposed if the complaint is found to be true
  - that legal representation will not be allowed. If the respondent is a minor, he or she should have a parent or guardian present.

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

The respondent(s) will be allowed to participate in all Transplant Australia activities and events, pending the decision of the Tribunal, including any available appeal process, unless the CEO believes it is necessary to exclude the respondent/s from all or some activities and events because of the nature of the complaint.

6. The CEO will notify the complainant in writing that a Tribunal hearing will take place. The notice will outline:
  - that the person has a right to appear at the Tribunal hearing to support their complaint
  - the details of the complaint, including any relevant rules or regulations the respondent is accused of breaching
  - the date, time and venue of the Tribunal hearing
  - that either verbal or written submissions can be presented at the Tribunal hearing
  - that witnesses may attend the Tribunal hearing to support the complainant's position (statutory declarations of witnesses not available to attend may also be provided to the Tribunal Hearing)

- that legal representation will not be allowed. If the complainant is a minor, he or she should have a parent or guardian present.

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

7. If the complainant believes the details of the complaint are incorrect or insufficient, he or she should inform the CEO as soon as possible so that the respondent(s) and members of the Tribunal panel can be properly informed of the complaint.
8. If possible, the Tribunal panel should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination).

### **Tribunal hearing procedure**

9. The following people will be allowed to attend the Tribunal hearing:
  - Tribunal panel members
  - the respondent(s)
  - the complainant
  - any witnesses called by the respondent(s)
  - any witnesses called by the complainant
  - any parent/guardian or support person required to support the respondent or the complainant.
10. If the respondent(s) is not present at the set hearing time and the Tribunal chairperson considers that no valid reason has been presented for this absence, the Tribunal hearing will continue subject to the chairperson being satisfied that all Tribunal notification requirements have been met.
11. If the Tribunal chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.
12. The Tribunal chairperson will inform the CEO of the need to reschedule the hearing and the CEO will arrange for the Tribunal to be reconvened.
13. The Tribunal chairperson will read out the complaint, ask each respondent if he or she understands the complaint and if he or she agrees or disagrees with the complaint.
14. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any disciplinary measures or penalties to be recommended to the Board.
15. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
  - Reference may be made to brief notes.
  - The complainant may call witnesses.
  - The respondent may question the complainant and any witnesses.
16. The respondent will then be asked to respond to the complaint.
  - Reference may be made to brief notes.
  - The respondent may call witnesses.
  - The complainant may ask questions of the respondent and any witnesses.
17. The complainant and respondent(s) may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required.
18. The Tribunal may:
  - consider any evidence, and in any form, that it deems relevant

- question any person giving evidence
  - limit the number of witnesses presented to those who provide new evidence
  - require (to the extent it has power to do so) the attendance of any witness it deems relevant
  - act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
19. Video evidence, if available, may be presented. Arrangements must be made entirely by the person(s) wishing to offer this type of evidence.
  20. If the Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidatory behaviour from anyone, the Tribunal chairperson may deny further involvement of that person in the hearing.
  21. After all the evidence has been presented, the Tribunal will make its decision in private. It must decide whether the complaint has, on the balance of probabilities, been substantiated. As the seriousness of the allegation increases, so too must the level of satisfaction of the Tribunal that the complaint has been substantiated. The respondent(s) have the opportunity to address the Tribunal on disciplinary measures which may be imposed. Any disciplinary measures imposed must be reasonable in the circumstances.
  22. All Tribunal decisions will be by majority vote.
  23. The Tribunal chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed. Alternatively, he or she may advise those present that the decision is reserved and will be handed down in written form at a later time.
  24. Within 48 hours, the Tribunal chairperson will:
    - forward a notice of the Tribunal's decision to the CEO, including any disciplinary measures imposed.
    - forward a letter reconfirming the Tribunal's decision to the respondent(s), including any disciplinary measures imposed. The letter should also outline the process and grounds for an appeal, if allowed. If matter is especially complex or important, the Tribunal chairperson may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours.
  25. The Tribunal does not need to provide written reasons for its decision.

### **Appeals procedure**

26. If a complainant or a respondent(s) is not satisfied with the outcome of a mediation process or a Tribunal decision, he or she can lodge an appeal to Transplant Australia on one or more of the following grounds:
  - 26.1 that a denial of natural justice has occurred
  - 26.2 that the disciplinary measure/s imposed is unjust and/or unreasonable
  - 26.3 that the decision was not supported by the information/evidence provided at the mediation or to the Tribunal Hearing
27. A person wanting to appeal must lodge a letter setting out the basis for their appeal with the CEO within 14 days of the recommendation being made. [An appeal fee of \$100 shall be included with the letter of intention to appeal.]
28. If the letter of appeal is not received by the CEO within this time, the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received within this time, the appeal will also lapse.

29. The letter of appeal and the notice of the Tribunal's recommendation (clause 24) will be forwarded to the CEO to review and to decide whether there are sufficient grounds for the appeal to proceed. The CEO may invite any witnesses to the meeting that he or she believes are required to make an informed decision.
30. If the appellant has not shown sufficient grounds for an appeal in accordance with clause 26, then the appeal will be rejected. The appellant will be notified in writing, including the reasons for the decision. The appeal fee will be forfeited.
31. If the appeal is accepted, an Appeal Tribunal with new panel members will be convened to rehear the complaint, and the appeal fee will be refunded.
32. The Tribunal hearing procedure shall be followed for the Appeal Tribunal.
33. The decision of the Appeal Tribunal will be final.

## **PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS**

---

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

This information, and any additional records and notes, will be treated confidentially and stored in a secure place.

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

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

### **ATTACHMENTS**

- Attachment E1: Confidential record of informal complaint
- Attachment E2: Confidential record of formal complaint
- Attachment E3: Handling an allegation of child abuse
- Attachment E4: Confidential record of child abuse allegation



**Attachment E2:  
CONFIDENTIAL RECORD OF FORMAL COMPLAINT**

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

Formal resolution procedures followed (outline)	
If investigated:	Finding
If heard by Tribunal:	Decision  Action recommended
If mediated:	Date of mediation:  Both/all parties present  Agreement  Any other action taken
If decision was appealed	Decision  Action recommended
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position: Signature: <span style="float: right;">Date / /</span>
Signed by:	Complainant:  Respondent:

**This record and any notes must be kept in a confidential and safe place.** If the complaint is of a serious nature, or if it is taken to and/or dealt with at the national level, the original record must be provided to Transplant Australia and a copy kept with the organisation where the complaint was first made.

## **Attachment E3: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE**

---

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

Fact sheets on reporting allegations of child abuse in different states and territories are available at [www.playbytherules.net.au](http://www.playbytherules.net.au).

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

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

### **Step 1: Receive the allegation**

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

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

### **Step 2: Report the allegation**

- Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.
- If the allegation involves a person to whom this policy applies, then also report the allegation to the CEO of Transplant Australia so that he or she can manage the situation.

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

- The CEO will assess the immediate risks to the child and take interim steps to ensure the child's safety and the safety of any other children. This may include redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is in paid employment with Transplant Australia.
- The CEO will consider what services may be most appropriate to support the child and his or her parent/s.
- The CEO will consider what support services may be appropriate for the alleged offender.
- The CEO will put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

### **Step 4: Take internal action**

- Up to three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
  - a criminal investigation (conducted by the police)
  - a child protection investigation (conducted by the relevant child protection agency)
  - a disciplinary or misconduct inquiry/investigation (conducted by Transplant Australia).
- Regardless of the findings of the police and/or child protection agency investigations, Transplant Australia will assess the allegations to decide whether the alleged offender should return to his or her position, be dismissed, be banned or face any other disciplinary action.
- CEO of Transplant Australia will consider all information relevant to the matter – including any findings made by the police, the child protection authority and/or court – and then set out a finding, recommend actions and the rationale for those actions.
- If disciplinary action is recommended, we will follow the procedures set out in Clause 9 of our Member Protection Policy.
- We will provide the relevant government agency with a report of any disciplinary action we take, where this is required.

## Contact details for advice or to report an allegation of child abuse

<b>Australian Capital Territory</b>	
ACT Police Non-urgent police assistance Ph: 131 444 <a href="http://www.afp.gov.au">www.afp.gov.au</a>	Office for Children, Youth and Family Services <a href="http://www.dhcs.act.gov.au/ocyfs/services/care_and_protection">www.dhcs.act.gov.au/ocyfs/services/care_and_protection</a> Ph: 1300 556 729
<b>New South Wales</b>	
New South Wales Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.nsw.gov.au">www.police.nsw.gov.au</a>	Department of Community Services <a href="http://www.community.nsw.gov.au">www.community.nsw.gov.au</a> Ph: 132 111
<b>Northern Territory</b>	
Northern Territory Police Non-urgent police assistance Ph: 131 444 <a href="http://www.pfes.nt.gov.au">www.pfes.nt.gov.au</a>	Department of Children and Families <a href="http://www.childrenandfamilies.nt.gov.au">www.childrenandfamilies.nt.gov.au</a> Ph: 1800 700 250
<b>Queensland</b>	
Queensland Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.qld.gov.au">www.police.qld.gov.au</a>	Department of Communities <a href="http://www.communities.qld.gov.au/childsafety">www.communities.qld.gov.au/childsafety</a> Ph: 1800 811 810
<b>South Australia</b>	
South Australia Police Non-urgent police assistance Ph: 131 444 <a href="http://www.sapolice.sa.gov.au">www.sapolice.sa.gov.au</a>	Department for Communities and Social Inclusion <a href="http://www.dcsi.sa.gov.au">www.dcsi.sa.gov.au</a> Ph: 131 478
<b>Tasmania</b>	
Tasmania Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.tas.gov.au">www.police.tas.gov.au</a>	Department of Health and Human Services <a href="http://www.dhhs.tas.gov.au/children">www.dhhs.tas.gov.au/children</a> Ph: 1300 737 639
<b>Victoria</b>	
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 <a href="http://www.police.vic.gov.au">www.police.vic.gov.au</a>	Department of Human Services <a href="http://www.dhs.vic.gov.au">www.dhs.vic.gov.au</a> Ph: 131 278
<b>Western Australia</b>	
Western Australia Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.wa.gov.au">www.police.wa.gov.au</a>	Department for Child Protection <a href="http://www.dcp.wa.gov.au">www.dcp.wa.gov.au</a> Ph: (08) 9222 2555 or 1800 622 258