



NATIONAL MEMBER PROTECTION POLICY

VERSION 4, September 2015

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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

Jason Ryan
Chairman
Transplant Australia Ltd

September 1, 2015

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
Four	July 2015	September, 2015

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 October 1, 2015 and will operate until replaced.

The current policy and its attachments can be obtained from our website at: 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 and honorary 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 this policy is 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 complaints made under this policy in an appropriate manner
- 4.6 deal with any breaches of this policy in an appropriate manner
- 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 make themselves aware of the contents of this
- 5.2 comply with all relevant provisions of the policy, including any codes of conduct and the steps for making a complaint or reporting possible child abuse set out in this policy
- 5.3 consenting to the 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
- 5.4 placing the safety and welfare of children above other considerations
- 5.5 being accountable for their own behaviour
- 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 Transplant Australia activities 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 Transplant Australia activities, 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

There is a risk that 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 activities and we will ensure that they are suitably clothed in a manner that promotes participation in Transplant Australia activities. 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 is committed to provide an environment where all those involved in our activities and events are treated fairly and equitably and that is as far as practicable, free from all forms of discrimination and harassment. .

We recognise that people may not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.

6.3.1 Discrimination Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by state or federal anti-discrimination laws.

The personal characteristics protected by anti-discrimination laws include attributes such as race, age, disability and gender. The full list of protected personal characteristics is in the "Definitions" set out in the Dictionary of Terms.

Discrimination can be either direct or indirect.

- **Direct** discrimination occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.
- **Indirect** discrimination occurs if a person imposes, or proposes to impose a requirement condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

For the purposes of determining discrimination, the offenders awareness and motive are irrelevant.

6.3.2 Harassment

Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and which happens because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation.

The offensive behaviour does not have to take place a number of times, a single incident can constitute harassment.

Sexual harassment is one type of harassment. Sexual harassment is unwelcome conduct, remarks or innuendo of a sexual nature. It covers a wide range of behaviours and can be verbal, written, visual or physical. Sexual harassment is not limited to members of the opposite sex.

6.3.3 Prohibition against discrimination and harassment

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].

Any person feels they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy is encourage to raise their concerns with us. A person may make an internal complaint, and 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 Intimate relationships

Transplant Australia takes the position that consensual intimate relationships (including but not limited to sexual relationships) between coaches and the adult athletes may take place legally. However, this policy will help ensure that the expectations of coaches and officials are clear, and to ensure that if an intimate relationship does exist or develop between a coach or official and an adult athlete, that relationship will be managed in an appropriate manner.

Coaches and officials are required to conduct themselves in a professional and appropriate manner in all interactions with athletes. In particular, they must ensure that they treat athletes in a respectful and fair manner, and that they do not engage in sexual harassment, bullying, favoritism or exploitation.

Transplant Australia take the position that consensual intimate relationships between coaches or officials 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 or official and the athlete.

We recommend that if an athlete attempts to initiate an intimate relationship with a coach or official, the coach or official should discourage the athlete's approach and explain to the athlete why such a relationship is not appropriate.

If a consensual intimate relationship does exist or develop between an adult athlete and a coach or official, the coach or official is expected to ensure that the relationship is appropriate and that it does not compromise impartiality, professional standards or the relationship of trust the coach or official has with the athlete and/or other athletes.

In assessing the appropriateness of an intimate relationship between a coach or official and an adult athlete, relevant factors include, but are not limited to:

- the relative age and social maturity of the athlete;
- any potential vulnerability of the athlete;
- any financial and/or emotional dependence of the athlete on the coach or official;
- the ability of the coach or official to influence the progress, outcomes or progression of the athlete's performance and/or career;
- the extent of power imbalance between the athlete and coach or official; and the likelihood of the relationship having an adverse impact on the athlete and/or other athletes.

It will often be difficult for a coach or official involved in an intimate relationship with an adult athlete to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from Member Protection Information Officer, Transplant Australia Sports Committee Chair or CEO to ensure that they have not involved themselves in inappropriate or unprofessional conduct.

If it is determined that an intimate relationship between a coach or official and an adult athlete is inappropriate or unprofessional we may take disciplinary action against the coach or official up to and including dismissal. Action may also be taken to stop the coaching relationship with the athlete. This could include a transfer, a request for resignation or dismissal from coaching duties.

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

Transplant Australia is committed to treating pregnant women fairly and to removing any unreasonable barriers to their full participation in Transplant Australia activities 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 activities.

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 activities. Pregnant women should make these decisions themselves, in consultation with their medical advisors and in discussion with Transplant Australia.

We will only require pregnant women to sign a disclaimer in relation to their participation in our activities whilst there are pregnant 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 Gender identity

Gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person. This includes the way people express or present their gender and recognises that a person's gender identity may be an identity other than male or female. Some terms used to describe a person's gender identity include trans, transgender and gender diverse.

6.6.1 Gender identity discrimination and harassment

Federal, state and territory anti-discrimination laws provide protection from discrimination against people on the basis of their gender identity. (See definition in Dictionary of terms).

Transplant Australia is committed to providing a safe, fair and inclusive sporting environment all where people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity.

All persons, regardless of gender identity, are entitled to be treated fairly and with dignity and respect at all times. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity. This includes discrimination or harassment of a person who is transgender or transsexual, who is assumed to be transgender or transsexual or has an association with someone who has or is assumed to be transgender or transsexual. (Refer to the attachments in Part D of this policy.)

We expect all people bound by this policy to act with sensitivity when a person is undergoing gender transition/affirmation.

If any person believes that they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy because of their gender identity, they may make a complaint.

6.6.2 Participation in sport

Transplant Australia recognises that excluding people from participating in sporting events and activities because of their gender identity may have significant implications for their health, wellbeing and involvement in community life. We are committed to supporting participation in our sport on the basis of the gender with which a person identifies.

If issues of performance advantage arise, we will consider whether the established discrimination exceptions for participation in sport are relevant in the circumstances. Discrimination is unlawful unless an exception applies.

6.6.3. Intersex status

Federal anti-discrimination law, and some state and territory anti-discrimination laws, provide protection from discrimination against a person on the basis of their intersex status. (See Dictionary of terms).

Transplant Australia is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their intersex status.

6.7 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.

6.8 Smoke-free environment

Transplant Australia is committed to providing a safe and healthy environment at all sporting and social events that we hold or endorse.

In general, our policy is that

- 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 while they are involved in an official capacity in our sport, both on and off the field.

6.9 Bullying

Transplant Australia is committed to providing an environment that is free from bullying. We understand that bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and we regard bullying in all forms as unacceptable in our sport.

Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that

which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or a group.

Whilst generally characterised by repeated behaviours, one-off instances can amount to bullying.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

- verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- excluding or isolating a group or person;
- spreading malicious rumours; or
- psychological harassment such as intimidation.

Bullying includes cyber-bullying which occurs through the use of technology. 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. 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 Member Protection Information Officer, Transplant Australia Sports Committee Chair or CEO.

If any person believes they are being, or have been, bullied by another person or organisation bound by this policy, he or she may make a complaint. (Refer to the attachments in Part D of this policy.)

6.10 Social networking websites

Transplant Australia acknowledges the enormous value of social networking websites, such as Facebook and Twitter, to promote our activities and cause and celebrate the achievements and success of the people involved in our activities 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 contain material which is, or has the potential to be offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate
- must not contain material which is inaccurate, misleading, or fraudulent
- must not contain material which is in breach of laws, court orders, undertakings or contracts
- 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 procedural fairness.

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 and the Member Protection Information Officer should consider whether that is an appropriate way to handle the particular complaint.. 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 may be undertaken in respect of a person 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 in writing 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 participate in the mediation process.

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

7.4 Tribunals

In accordance with Transplant Australia's rules, a Tribunal may be convened to hear a proceeding

- referred to it by a Membership Protection Information Officer or other official.
- 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.

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 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, the Australian Capital Territory, and South Australia. Working with Children Check laws are currently being introduced into Tasmania.

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.

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: Member Protection Declaration
- Attachment C2: Working with Children Check requirements



Attachment C1: MEMBER PROTECTION DECLARATION

Transplant Australia has a duty of care to all those associated with our organisation and to the individuals and organisations to whom this Member Protection Policy applies. It is a requirement of our Member Protection Policy that we check the background of each person who works, coaches or has 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 C2: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS

Working with Children Checks aim to create a child-safe environment and to protect children and young people involved in our sport from physical and sexual harm.

They assess the suitability of people to work with children and young people and can involve:

- criminal history checks;
- signed declarations;
- referee checks; and
- other relevant background checks to assess a person's suitability to work with children and young people.

Working with Children Check requirements vary across Australia. [Fact Sheets](#) for each state and territory are available on the Play by the Rules website: www.playbytherules.net

Detailed information, including the forms required to complete a Working with Children Check, are available from the relevant agencies in each state and territory.

Australian Capital Territory

Contact the Office of Regulatory Services

Website: www.ors.act.gov.au/community/working_with_vulnerable_people_wwvp

Phone: 02 6207 3000

New South Wales

Contact the Office of the Children's Guardian

Website: www.kidsguardian.nsw.gov.au/check

Phone: 02 9286 7276

Northern Territory

Contact the Northern Territory Screening Authority

Website: www.workingwithchildren.nt.gov.au

Phone: 1800 SAFE NT (1800 723 368)

Queensland

Contact the Public Safety Business Agency about the "Blue Card" system.

Website: www.ccypcg.qld.gov.au

Phone: 1800 113 611

South Australia

Contact the Department for Education and Child Development for information

Website: www.families.sa.gov.au/childsafe

Phone : 08 8463 6468.

National Police Check: www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check

DCSI Child Related Work Screening: <http://www.dcsi.sa.gov.au/services/screening>

Tasmania

Contact the Department of Justice about the working with children registration system that is being phased in

Website: www.justice.tas.gov.au/working_with_children

Phone: 1300 13 55 13

Victoria

Contact the Department of Justice

Website: www.workingwithchildren.vic.gov.au

Phone: 1300 652 879

Western Australia

Contact the Department for Child Protection

Website: www.checkwwc.wa.gov.au

Phone: 1800 883 979

Travelling to other states or territories

It is important to remember that when travelling to other states or territories, representatives of sporting organisations must comply with the legislative requirements of that particular state or territory.

In certain jurisdictions, temporary, time limited exemptions from working with children checks may be available for interstate visitors with a Working with Children Check in their home state.

The laws providing interstate exemptions are not consistent across Australia.

If an employee or volunteer for Transplant Australia is travelling interstate to do work that would normally require a working for children check, you will need to check the relevant requirements of that state or territory.

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

Transplant Australia is committed to supporting people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

We will endeavour to deal with complaints on a confidential basis. We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us disclose this information or it is necessary to properly deal with the complaint. To ensure fairness for everyone involved, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously.

We will provide **informal and formal procedures** to deal with complaints. Individuals and organisations can also make **complaints to external organisations** under anti-discrimination, child protection and other relevant laws.

Informal approaches

Step 1: Talk with the other person (if safe, reasonable and appropriate)

If you feel confident and comfortable to do so, you can approach the other person to discuss the issues and try and resolve the problem directly.

Step 2: Contact your State Committee Chairperson or a Member Protection Information Officer

We encourage you to talk with your State Committee Chairperson or one of our Member Protection Information Officers (MPIOs) if:

- step 1 (above) is not appropriate;
- you are not sure how to handle the problem by yourself;
- you want to talk confidentially with someone and find out what options are available to address your concern; or
- the concern continues after you approached the other person.

The names and contact details for the State Committee Chairpersons or our MPIOs are available at the Transplant Australia website: www.transplant.org.au

The Chairperson or MPIO will:

- ask how you would like your concern to be resolved and if you need support
- seek to provide different options for you to address your concern
- act as a support person, if you wish
- refer you to an appropriate person (e.g. a mediator) to help you address your concern, if appropriate
- inform the relevant government authorities and/or police, if required by law to do so
- where possible and appropriate, maintain confidentiality.

Step 3: Decide how to address your concern

After talking with the Chairperson or 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 resolve the problem yourself, with or without a support person;
- to resolve the problem with the help of someone impartial, such as a mediator; or
- to resolve the matter through a formal process.

Formal approaches

Step 4: Making a formal complaint

If it is not possible or appropriate to resolve your complaint through an informal process, you may:

- make a formal complaint in writing to the CEO of Transplant Australia, or
- approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice and assistance.

After receiving a formal complaint, and based on the material you provide, the CEO of Transplant Australia will decide whether:

- he or she is the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint requires a formal resolution procedure;
- to refer the complaint to **mediation**;
- to appoint a person to **investigate** the complaint;
- to refer the complaint to a **tribunal hearing**;
- to refer the matter to the **police or other appropriate authority**; and/or
- to implement any interim arrangements that will apply until the complaint process is completed.

In dealing with your formal complaint, the CEO of Transplant Australia will take into account:

- whether he or she has had any personal involvement in the circumstances and if so, whether it is appropriate someone else should handle the complaint;
- your wishes, and the wishes of the respondent, regarding how the complaint should be handled;
- the relationship between you and the respondent (e.g. an actual or perceived power imbalance between you and the respondent);
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway.

If the CEO of Transplant Australia is the appropriate person to handle the complaint, he or she will, where appropriate and/or necessary:

- provide the information received from you to the other person(s) involved and ask for a response;
- decide if there is enough information to determine whether the matter alleged in your complaint did or did not occur; and/or
- determine what, if any, further action to take, including referring the matter for investigation or disciplinary action in accordance with this policy.

Step 5: Investigating the complaint

In some cases, an investigation may be required to determine the facts surrounding the complaint. Our investigations procedure is outlined in Attachment D3.

Following the investigation, a written report will be provided to the Board of Transplant Australia.

- If the complaint is referred to **mediation**, we will follow the steps outlined in Attachment D2 or as agreed by you, the respondent and the mediator.
- If the complaint is referred to a **tribunal hearing**, the hearing will be conducted according to the steps outlined in Attachment D4.

- If the complaint is referred to the **police or another external agency**, we will endeavour to provide all reasonable assistance required by the police or the agency.
- Any costs incurred by us relating to the complaint process set out in this policy (e.g. investigation, mediation and/or a tribunal hearing) are to be met by Transplant Australia Ltd, unless otherwise stated.

Step 6: Reconsidering a complaint or appealing a decision

If the matter is referred to mediation and is not resolved at mediation, you may request that the CEO of Transplant Australia reconsider the complaint in accordance with Step 3.

In accordance with Transplant Australia rules you or the respondent(s) may also appeal a decision made at a tribunal hearing. The grounds and process for appeals are set out in Attachment D4.

Step 7: Documenting the resolution

The CEO of Transplant Australia will record the complaint, the steps taken to resolve it and the outcome. This information will be stored in a confidential and secure place. If the complaint was dealt with at the state level, the information will be stored by the state association. If the matter is of a serious nature, or if it was dealt with at the national level, the information will be stored by Transplant Australia Ltd.

Approaching external organisations

If you feel that you have been harassed or discriminated against, you can seek advice from your state or territory anti-discrimination or equal opportunity commission. There is no obligation to make a formal complaint. However, if the commission advises you that the issues appear to be within its jurisdiction, you may choose to lodge a formal complaint with the commission.

The commission may investigate your complaint. The commission may also attempt to conciliate the complaint on a confidential basis. If this fails, or if it is not appropriate, the complaint may go to a formal hearing. The tribunal will make a finding and decide what action, if any, will be taken.

If you do lodge a complaint with the commission, an appropriate person from our organisation (e.g. an MPIO) will be available to support you during the process. You may also wish to have a legal representation, particularly if the complaint goes to a formal hearing.

Contact details for the state and territory anti-discrimination and equal opportunity commissions are available on the Play by the Rules website:

<http://www.playbytherules.net.au/resources/quick-reference-guide>.

Serious incidents, such as assault or sexual assault, should be reported to the police.

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). The mediator will be an independent person in the context of the complaint, however this does not preclude a person with an association with Transplant Australia acting as mediator.
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 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. The investigation process will be undertaken by an unbiased person.

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.
2. The investigator may:
 - 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
 - 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.
3. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points from the investigation.
4. 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).

Attachment D4:

TRIBUNAL PROCEDURES

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.
2. The number of Tribunal panel members required to be present throughout the hearing will be three.
3. 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.
4. 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.
5. The Tribunal panel will not include any person who has any actual or perceived conflict of interest or bias regarding the complaint/allegations.
6. 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 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.

7. 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.

8. 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.
9. 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

10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.

19. 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.
20. Video evidence, if available, may be presented. Arrangements must be made entirely by the person(s) wishing to offer this type of evidence.
21. 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.
22. 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.
23. All Tribunal decisions will be by majority vote.
24. 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.
25. 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 the 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.
26. 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 and binding.

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"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Location/event of alleged 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: Date / /
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.

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.

Do	Don't
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

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