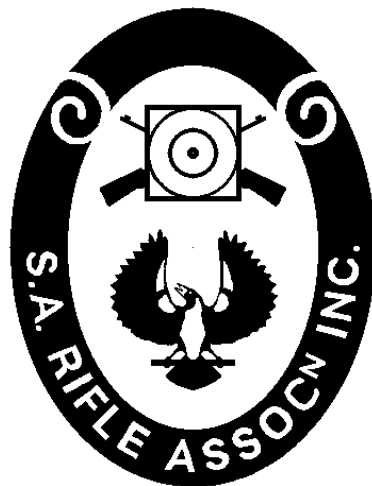


**South Australian Rifle Association
Inc**

RifleSA



Est 1861

**Membership Protection
Policy**

Version 2.1 18/09/2012

CONTENTS

PAGE

Review History

Preface

PART A – MEMBER PROTECTION POLICY

1. Introduction
2. Purpose of Policy
3. Who this Policy Applies To
4. Responsibilities of the Organisation
5. Individual Responsibilities
6. Position Statements
 - 6.1 Child Protection
 - 6.2 Taking of Images of Children
 - 6.3 Anti-Discrimination & Harassment
7. Complaints Procedures
 - 7.1 Complaints
 - 7.2 Vexatious Complaints & 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

PART B – ATTACHMENTS: CODES OF BEHAVIOUR

PART C – ATTACHMENTS: WORKING WITH CHILDREN CHECK REQUIREMENTS

- C. Screening Requirements
 - C1. Identifying affected positions
 - C2. Procedures
 - C3. Accepting “other evidence”
 - C4. Assessing Criminal History
 - C5. Ensuring procedural fairness
 - C6. Record Management
 - C7. Exemption from requirements

PART D – ATTACHMENTS: COMPLAINT HANDLING PROCEDURES

- D1. Complaints Procedure
- D2. Informal Complaint Resolution Procedure
- D3. Mediation
- D4. Handling an allegation of child abuse
- D5. Hearings & Appeals Tribunal Procedure

PART E – ATTACHMENTS: REPORTING DOCUMENTS/FORMS

- E1. Criminal History Assessment Form
- E2. Criminal History Assessment Register

REVIEW HISTORY
SOUTH AUSTRALIAN RIFLE ASSOCIATION INC.
MEMBER PROTECTION POLICY

Version	Date reviewed	Date endorsed	Content reviewed/purpose
<i>One</i>	<i>Aug 2010</i>	<i>Nov 2010</i>	
<i>Two</i>	<i>Aug 2011</i>	<i>Nov 2011</i>	<ul style="list-style-type: none">• <i>Adopted v2.0 template</i>
<i>Three</i>	<i>[insert month/year reviewed]</i>	<i>[insert month/year endorsed]</i>	<ul style="list-style-type: none">•
<i>Four</i>	<i>[insert month/year reviewed]</i>	<i>[insert month/year endorsed]</i>	<ul style="list-style-type: none">•

PREFACE

The South Australian Rifle Association Inc. (SARA) is committed to providing a sporting environment free from harassment and abuse.

We believe that anyone who works for us or represents us and anyone with whom we deal with has the right to be treated with respect and dignity.

SARA will not tolerate harassment or abuse in our organization.

We will take all complaints seriously and will ensure they are dealt with promptly, sensitively and above all confidentially.

Disciplinary action can and will be taken against a person who is found in breach of the SARA Member Protection policy.

All person whatever their age, culture, disability, gender, language, racial origin, religious belief and/or sexual identity, have the right to protection from abuse.

Signed:

South Australian Rifle Association Inc.

Date: 10/07/2011

SOUTH AUSTRALIAN RIFLE ASSOCIATION

PART A: MEMBER PROTECTION POLICY

1. Introduction

This policy is in support of the core values of the South Australian Rifle Assoc (S.A.R.A.), which are to provide a safe, educational and encouraging environment, to promote firearm awareness and safety, and to facilitate the sport of Competitive Target Rifle Shooting at all levels.

2. Purpose of this policy

This Member Protection Policy aims to maintain ethical and informed decision-making and responsible behaviours within our sport. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from abuse. This policy informs everyone involved in our sport at all levels of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.

The policy attachments outline the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, the S.A.R.A. will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by S.A.R.A. Council. The policy starts on 10th of July 2011 and will operate until replaced. Copies of the current policy and its attachments can be obtained from the S.A.R.A website at www.riflesa.asn.au or from the Association office,

3. Who this Policy Applies To

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

- 3.1 Persons appointed or elected to councils, committees and sub-committees;
- 3.2 Employees and volunteers;
- 3.3 Members of the Executive;
- 3.4 Support personnel appointed or elected to all teams and squads (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- 3.5 All coaches and assistant coaches;
- 3.6 All shooters;
- 3.7 Range Officers and other officials involved in the regulation of the sport;
- 3.8 Members, including life members;
- 3.9 Athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by S.A.R.A.
- 3.10 Any other person including spectators, parents/guardians and sponsors, who or which agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this policy;

This policy also applies to the following associations:

- 3.11 Affiliated clubs and associated organisations.

This policy will continue to apply to a person, even after they have stopped their association or employment with S.A.R.A., if disciplinary action against that person has commenced.

4. Responsibilities of the Organisation

The S.A.R.A., member associations and clubs must:

- 4.1 Adopt, implement and comply with this policy;
- 4.2 Make such amendments to their Constitution, Rules or Policies necessary for this policy to be enforceable;
- 4.3 Publish, distribute and promote this policy and the consequences of breaches;
- 4.4 Promote and model appropriate standards of behaviour at all times;
- 4.5 Promptly 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 the persons and associations to whom this policy applies;
- 4.9 Use appropriately trained people to receive and manage complaints and allegations;
- 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 its standards of behaviour;
- 5.2 Complying with our screening requirements and any state/territory Working with Children checks;
- 5.3 Placing the safety and welfare of children above other considerations;
- 5.4 Being accountable for their behaviour;
- 5.5 Following the procedures outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour; and
- 5.6 Complying with any decisions and/or disciplinary measures imposed under this policy.

6. Position Statements

6.1 Child Protection

The South Australian Rifle Assoc is committed to the safety and wellbeing of all children and young people accessing our service. We support the rights of the child and will act without hesitation to ensure a child safe environment is maintained at all times. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.

S.A.R.A. acknowledges that our staff, members and volunteers provide a valuable contribution to the positive experiences of children involved in our sport. S.A.R.A. aims to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

6.1.1: Identify and Analyse Risk of Harm

The S.A.R.A. will develop and implement a risk management strategy, which includes a review of existing child protection practices, to determine how child-safe and child-friendly the organisation is and to determine what additional strategies are required to minimise and prevent risk of harm to children because of the action of an employee, volunteer or another child.

6.1.2: Develop Codes of Conduct for Adults and Children

The S.A.R.A. will ensure that the organisation has codes of conduct that specify standards of conduct and care when dealing and interacting with

children, particularly those in the organisation's care. The organisation will also implement a code of conduct to address appropriate behaviour between children.

The code(s) of conduct will set out professional boundaries, ethical behaviour and unacceptable behaviour. (See Part B)

6.1.3: Choose Suitable Employees and Volunteers

The S.A.R.A. will ensure that the organisation takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children (in prescribed positions).

This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

The S.A.R.A. will ensure that criminal history assessments are conducted for employees and volunteers working with children, where an assessment is required by law.¹

If a criminal history report is obtained as part of their screening process, the S.A.R.A. will ensure that the criminal history information is dealt with in accordance with the standards developed by the Chief Executive, Department for Education and Child Development.²

6.1.4: Support, Train, Supervise and Enhance Performance

The S.A.R.A. will ensure that volunteers and employees who work with children or their records have ongoing supervision, support and training such that their performance is developed and enhanced to promote the establishment and maintenance of a child-safe environment.

6.1.5: Empower and Promote the Participation of Children In Decision-Making And Service Development

The S.A.R.A. will promote the involvement and participation of children and young people in developing and maintaining child-safe environments.

6.1.6: Report and Respond Appropriately To Suspected Abuse and Neglect

The S.A.R.A. will ensure that volunteers and employees are able to identify and respond to children at risk of harm.

The S.A.R.A. will make all volunteers and employees aware of their responsibilities under the *Children's Protection Act 1993* if they have suspicion on reasonable grounds that a child has been or is being abused or neglected.

In addition to their obligation as a mandated notifier, if any person feels another person or organisation bound by this policy is acting inappropriately towards a child or is breaching the code(s) of practice set out they may make an internal complaint. Please refer to our complaints procedure outlined in attachment [C1] of this policy. This will explain what to do about the behaviour and how the [SSO] will deal with the problem.

6.2 Taking Images of Children

¹ Children's Protection Act 1993 Section 8B.

² *Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers.* Department for Education and Child Development (2012)

The S.A.R.A. acknowledges that in South Australia under the Summary Offences Act 1953 a person must not engage in indecent filming. Images of children and adults should not be used inappropriately or illegally.

6.3 **Anti-Discrimination and Harassment**

The S.A.R.A. opposes all forms of harassment, discrimination and bullying.

This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers.

Some forms of harassment, discrimination and bullying, based on personal characteristics such as those listed in the Dictionary at *[clause 10]*, are against the law.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in attachment *[C1]* of this policy. This will explain what to do about the behaviour and how the S.A.R.A. will deal with the problem.

7. **Complaints Procedures**

7.1 **Complaints**

S.A.R.A. aims to provide a simple procedure for complaints based on the principles of procedural fairness (natural justice). Any person (a complainant) may report a complaint about a person/s or organisation bound by this policy (respondent). Such complaints should be reported to the Executive Officer.

In all cases, the lowest level at which a matter can be dealt with shall always be preferred (e.g. if the club can deal with the complaint, then it should; if not, then if the State body can deal with the complaint, then it should). Only in the most serious cases should the matter be referred to the national body, unless the matter has arisen at or relates to the national level. Therefore, if a complaint relates to:

- behaviour or an incident that occurred at the state level or involves people operating at the state level, then the complaint should be reported to and handled by the relevant state association in the first instance; or
- behaviour or an incident that occurred at the club level or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.

A complaint may be dealt with informally or formally. The complainant usually decides this unless Executive Officer considers that the complaint falls outside this policy and would be better dealt with another way and/or the law requires the complaint/allegation to be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in attachment *[C1]*.

Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection, criminal or other relevant legislation.

7.2 Vexatious Complaints & Victimisation

S.A.R.A. aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation. If at any point in the complaints process the Executive Officer considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the Executive Committee of the S.A.R.A. Council for appropriate action which may include disciplinary action against the complainant.

S.A.R.A. 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.

7.3 Mediation

S.A.R.A. aims to resolve complaints with a minimum of fuss. Complaints may be resolved by agreement between the people involved with no need for disciplinary action. Mediation allows those involved to be heard and to come up with mutually agreed solutions.

Mediation 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 Executive Officer will, in consultation with the complainant, arrange for a neutral third party mediator where possible. Lawyers are not able to negotiate on behalf of the complainant and/or the respondent. More information on the mediation process is outlined in attachment [\[C2\]](#).

7.4 Tribunals

A Tribunal may be convened to hear a formal complaint:

- referred to it by Executive Officer;
- Referred to it or escalated by a club because of the serious nature of the complaint, or unable to be resolved at the club level, or the club policy directs it to be; and/or
- for an alleged breach of this policy.

Our Tribunal procedure is outlined in attachment [\[D5\]](#).

A respondent may lodge an appeal only 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 [\[D5\]](#).

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 to which this policy applies, to do anything contrary to this policy, including but not limited to:

- 8.1 Breaching the Codes of Behaviour (attachment D to this policy);
- 8.2 Bringing the sport and/or the S.A.R.A. into disrepute, or acting in a manner likely to bring the sport and/or the S.A.R.A. into disrepute.
- 8.3 Failing to follow S.A.R.A. policies (including this policy) and procedures for the protection, safety and welfare of children;
- 8.4 Discriminating against, harassing or bullying (including cyber bullying) any person and in particular, a child;
- 8.5 Victimising another person for reporting a complaint or discharging their obligation as a mandated notifier;

- 8.6 Engaging in a sexually inappropriate relationship with a person that they supervise, or have 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 S.A.R.A. information that is of a private, confidential or privileged nature;
- 8.9 Making a complaint they **knew** 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; or
- 8.11 Failing to comply with a direction given to the individual or organisation during the discipline process.

9. Disciplinary Measures

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. Any disciplinary measure imposed under this policy must:

- Be applied consistent with any contractual and employment rules and requirements;
- Be fair and reasonable;
- Be based on the evidence and information presented and the seriousness of the breach; and
- Be determined in accordance with our Constitution, By Laws, this policy and/or 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, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by the S.A.R.A.
- 9.1.5 A demotion or transfer of the individual to another location, role or activity;
- 9.1.6 A suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.7 Termination of the individual's membership, appointment or engagement;
- 9.1.8 A recommendation that the S.A.R.A. terminate the individual's membership, appointment or engagement;
- 9.1.9 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;
- 9.1.10 A fine;
- 9.1.11 Any other form of discipline that Executive Committee considers appropriate.

9.2 Organisation

If a finding is made that an affiliated club has breached its own or this state Member Protection Policy, one or more of the following forms of discipline may be imposed by Executive Committee.

- 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 state body or other peak association be suspended for a specified period;
- 9.2.4 A direction that any funding granted or given to it by the S.A.R.A. cease from a specified date;
- 9.2.5 A direction that the S.A.R.A. cease to sanction events held by or under the auspices of that organisation;
- 9.2.6 A recommendation to club that its membership of the S.A.R.A. be suspended or terminated in accordance with the relevant constitution or rules; and/or

- 9.2.7 Any other form of discipline that the national body or peak organisation considers to be 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:

- Nature and seriousness of the breach;
- Consequences of the breach
- If the person knew or should have known that the behaviour was a breach;
- Level of contrition;
- The effect of the proposed disciplinary measures on the person including any personal, professional or financial consequences;
- If there have been relevant prior warnings or disciplinary action;
- Ability to enforce discipline if the person is a parent or spectator (even if they are bound by the policy); and/or
- Any other mitigating circumstances.

1. Dictionary

This Dictionary sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection commissions or equal opportunity and anti-discrimination commissions.

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

Affiliated club means any member Club or District Association

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

Child abuse and neglect involves conduct which puts children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms, including verbal and physical actions and by people failing to provide them with basic care. Child abuse may include:

- Physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity).
- Sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations).
- Emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child). This tends to be a chronic behavioural pattern directed at a child so that a child's self esteem and social competence are undermined or eroded over time.
- Neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

Complaint means a complaint made under clause 7

Complainant means a person making a complaint.

Complaint Handler/Manager means a person appointed under this policy to investigate a Complaint

Criminal History Assessment is a decision about whether a person is suitable to work with children based on the person's criminal history (if any) and the assessed risk of harm

to children who receive a service from the organisation. The assessment must be conducted by an organisation or authorised screening unit in accordance with section 8B of the *Children's Protection Act 1993*.

Criminal History Report refer to definition of "police check"

Discrimination means treating or proposing to treat someone less favourably because of a particular characteristic in the same or similar circumstances in certain areas of public life (Direct Discrimination), or imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics (Indirect Discrimination). The characteristics covered by discrimination law across Australia are:

- Age;
- Disability;
- Family/carer responsibilities;
- Gender identity/transgender status;
- Homosexuality and sexual orientation;
- Irrelevant medical record;
- Irrelevant criminal record;
- Political belief/activity;
- Pregnancy and breastfeeding;
- Race;
- Religious belief/activity;
- Sex or gender;
- Social origin;
- Trade union membership/activity.

(Some States and Territories include additional characteristics such as physical features or association with a person with one or more of the characteristics listed above).

Examples of Discrimination

- **Age:** A club refuses to allow an older person to coach a team simply because of age.
- **Breastfeeding:** A member of the club who is breastfeeding a baby in the club rooms is asked to leave.
- **Disability:** A junior player is overlooked because of mild epilepsy.
- **Family responsibilities:** A club decides not to promote an employee because he has a child with a disability even though the employee is the best person for the job.
- **Gender Identity:** A transgender contract worker is harassed when employees refuse to call her by her female name.
- **Homosexuality:** An athlete is ostracised from her team after it becomes known that she is a lesbian.
- **Marital Status:** A player is deliberately excluded from team activities and social functions because she is single
- **Pregnancy:** A woman is dropped from a squad when she becomes pregnant.
- **Race:** An Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race.
- **Sex:** Specialist coaching is only offered to male players in a mixed team.

Harassment is any type of behaviour that the other person does not want and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and a reasonable person would recognise it as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Unlawful harassment is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or some other characteristic (see characteristic list under discrimination).

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident but is usually repeated. It may be explicit or implicit, verbal or non-verbal.

Discrimination and harassment are not permitted in employment (including volunteer and unpaid employment); when providing sporting goods and services including access to sporting facilities; when providing education and accommodation; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any player or other person to any competition and the obtaining or retaining membership of clubs and organisations (including the rights and privileges of membership).

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

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

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law.

It is also a breach of discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment. Example: a player is ostracised by her male coach for complaining about his sexist behaviour or for supporting another player who has made such a complaint.

Public acts of racial hatred which are reasonably likely to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some states and territories also prohibit public acts that vilify on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability – see vilification.

Mediator means an impartial/neutral person appointed to mediate Complaints.

Member means any individual member or club

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

Natural justice (also referred to as procedural fairness) incorporates the following principles:

- both the Complainant and the Respondent must know the full details of what is being said against them and have the opportunity to respond;
- all relevant submissions must be considered;
- no person may judge their own case;
- the decision maker/s must be unbiased, fair and just;
- the penalties imposed must be fair.

Police check means a national criminal history record check conducted as a pre-employment, pre-engagement or current employment background check on a person.

This policy means this Member Protection Policy.

Respondent means the person who is being complained about.

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

S.A.R.A. means the South Australian Rifle Association Inc

Sexual harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment

can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

Sexual offence means a criminal offence involving sexual activity or acts of indecency including but not limited to (due to differences under state/territory legislation):

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

Transgender is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation.

Victimisation means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make a complaint under government legislation (e.g. anti-discrimination) or under this Policy, or for supporting such a person.

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

PART B – ATTACHMENTS:

CODE OF BEHAVIOUR

As a member of S.A.R.A., a Full Member, an Associate Member, a Club, or a person required to comply with S.A.R.A.'s member protection policy you must meet the following requirements in regard to your conduct during any activity held or sanctioned by S.A.R.A., a Full Member, an Associate Member or a Club and in any role you hold within those organisations.

1. Respect the rights, dignity and worth of others.
2. Be fair, considerate and honest in all dealing with others.
3. Be professional in, and accept responsibility for, your actions.
4. Make a commitment to providing quality service.
5. Be aware of, and maintain an uncompromising adherence to, S.A.R.A.'s standards, rules, regulations and policies.
6. Operate within the rules of the sport including national and international guidelines which govern S.A.R.A.
7. Do not use your involvement with S.A.R.A., a Full Member, an Associate Member or Club to promote your own beliefs, behaviours or practices where these are inconsistent with those of S.A.R.A.
8. Demonstrate a high degree of individual responsibility especially when dealing with any person under 18 years of age, as your words and actions are an example.
9. Avoid unaccompanied and unobserved activities with any person under 18 years of age, wherever possible.
10. Refrain from any form of harassment of others.
11. Refrain from any behaviour that may bring S.A.R.A., a Full Member or a Club into disrepute.
12. Provide a safe environment for the conduct of the activity.
13. Show concern and caution towards others who may be sick or injured.
14. Be a positive role model.
15. Understand the repercussions if you breach, or are aware of any breaches of, this code of behaviour.

PART C – ATTACHMENTS: WORKING WITH CHILDREN CHECK REQUIREMENTS

Criminal History Assessment/Managing criminal history information of people working with children in South Australia

A criminal history assessment is a decision about whether a person is suitable to work with children based on the person's criminal history (if any) and the assessed risk to children who access services from the organisation.

The S.A.R.A. may conduct a criminal history assessment themselves or apply to a third party (such as the Department for Communities and Social Inclusion Screening Unit) for an assessment and letter of clearance.

The S.A.R.A. undertakes to follow the standards issued by the Department for Education and Child Development when conducting criminal history assessments. These Standards are outlined below.

C1 – Identifying affected positions

The S.A.R.A. will conduct an assessment of the criminal history of every person who is, or will be, engaged to work with children in this organisation, its affiliated associations and clubs (unless an exemption applies).

As a first step, the S.A.R.A. has identified all individuals and positions within the organisation that involve working with children.

These positions are all of those whether paid or volunteer that involve:

- regular contact with children that is not directly supervised at all times; or
- work in close proximity to children on a regular basis that is not directly supervised at all times; or
- have access to records relating to children in connection with child protection services, education services, health services, disability services and court orders and proceedings.

C2 – Procedures

The S.A.R.A. has set out the following policy and supporting procedures for obtaining criminal history reports.

Existing Staff:

1. All staff holding a prescribed position must obtain a National Police Certificate by making application to the South Australian Police (or present an appropriate document that is less than three years old).
2. The cost of obtaining this check will be the responsibility of S.A.R.A.
3. On receipt of the check the original document must be presented to the Executive Officer.
4. The document will be assessed in accordance with standard C4 five and returned to the person as soon as practicable.
5. The criminal history assessment will be repeated every three years or as requested by the Board.

New Staff:

1. All new staff selected to fill a prescribed position must obtain National Police Certificate by making application to the South Australian Police (or present an appropriate document that is less than three years old).
2. The cost of obtaining this check will be the responsibility of S.A.R.A.
3. On receipt of the check the original document must be presented to the Executive Officer.
4. The document will be assessed in accordance with standard C4 and returned to the person as soon as practicable.
5. The criminal history assessment will be repeated every three years or as requested by the Board.

Existing Members and Volunteers:

1. All existing members and volunteers holding a prescribed position must obtain a National Police Check by making application to the South Australian Police (or present an appropriate document that is less than three years old).
 - a. The cost of obtaining this check will be met by using the organisations VOAN.
2. On receipt of the check the original document must be presented to the Executive Officer.
3. The document will be assessed in accordance with standard C4 and returned to the person as soon as practicable.
4. The criminal history assessment will be repeated every three years or as requested by the Board.

New Member and Volunteers:

1. All new members or volunteers selected to fill a prescribed position must obtain National Police Check (or present an appropriate document that is less than three years old) by making application to the South Australian Police.
 - a. The cost of obtaining this check will be met by using the organisations VOAN.
6. On receipt of the check the original document must be presented to <the Executive Officer.
7. The document will be assessed in accordance with standard C4 and returned to the person as soon as practicable.
8. The criminal history assessment will be repeated every three years or as requested by the Board.

C3 – Accepting “other evidence”

The S.A.R.A. will, in lieu of undertaking a criminal history screening check as set out in C2, accept the following forms of evidence (obtained within the last three years) to assess a person’s suitability to work with children.

A National Police Certificate that does not expressly state that it cannot be used as a clearance to work with children

A Letter of clearance to work with children from a CrimTrac accredited agency: Such as the DCSI Screening Unit; Teacher Registration Board or Catholic Education Office.

Acceptance of any of these checks is subject to the person completing a 100-point check, to enable the S.A.R.A. to establish the true identity of the applicant.³

³ A 100-point check should include one primary document such as a Birth Certificate or International Travel Document (e.g. Current Passport) or Citizenship Certificate and must include one secondary document such as a Driver’s Licence, employee identification card, Centrelink card or student identification card.

The S.A.R.A. may also at its discretion seek a statutory declaration for any *employee(s)* or *volunteer(s)* who have been citizens or permanent residents of another country other than Australia since turning 18 years of age.

C4 – Assessing criminal history information

In the majority of cases, a person will have no criminal history. In these cases, the assessment will be successfully completed and no further action in respect to an assessment will be required.

Offences that indicate a prima-facie risk of harm

The S.A.R.A. believes the following categories of criminal convictions present a prima-facie *risk of harm* to children.

No person will be considered suitable to be employed, contracted, hired, retained, accepted as a volunteer, or allowed to undertake prescribed functions for the S.A.R.A. its affiliated associations or clubs if he or she has been convicted of:

- murder or sexual assault
- violence in relation to a child
- an offence relating to child pornography
- an offence involving child prostitution
- a child abuse offence, for example criminal neglect.

The following offences potentially indicate unsuitability to undertake prescribed functions.

The S.A.R.A believes that there can be a presumption that there is a risk of harm to children but further assessment is necessary before a decision to exclude a person can be made.

These types of criminal offences include:

- sexually-motivated offences
- violence offences/assault including any form of assault which has resulted in a sentence of imprisonment
- offences relating to cruelty to animals
- any other offences against a child (including drug offences).

In addition, other criminal offences may be relevant to specific, prescribed functions, including: dishonesty offences, serious drug-related matters or serious traffic offences.

None of these offences will automatically preclude an individual from being engaged to undertake prescribed functions.

Any such person will be asked to make further application to the DSCI Screening Unit for a more thorough assessment. This cost of this screening check to be met by the applicant or the organisation.

The decision of this process will be deemed to be final and binding on all parties.

C5 – Ensuring procedural fairness if a person has a criminal history

Existing staff, members and volunteers:

All existing staff, members and volunteers will be provided with the opportunity to confirm or dispute the information contained within the National Police Certificate report and to provide contextual information if they wish before the assessment is conducted.

Prior to a decision being made, the S.A.R.A. will communicate to the applicant a pending decision not to employ or engage them because of their criminal history and the reasons for this decision.

Staff (who are also members of the S.A.R.A. its affiliated associations or clubs), members and volunteers may request:

- that the final assessment be referred to the Screening Unit (if it has not already been done). Which decision shall be final and binding.
- where this has already been done, to make an appeal under the process set out in Part D of this policy.
- To be advised of any other avenues of appeal (if applicable).

Existing employees who are not also members of the S.A.R.A. its affiliated associations or clubs may refer to the dispute resolution process set out by the relevant Enterprise Agreement or Industrial Award for dispute resolution.

New staff, members and volunteers:

New applicants for employment, membership and volunteer positions will be provided with the opportunity to confirm or dispute the information contained within the National Police Certificate report and to provide contextual information if they wish before the assessment is conducted.

The S.A.R.A. will communicate to the applicant the decision not to employ or engage them or to accept their application for membership. They will not be provided with the reasons for this decision.

There will be no appeal to this decision.

C6 – Records management

The S.A.R.A. will take specific actions to store and recording information obtained through conducting a criminal history assessment. This includes taking measures to ensure information is protected and confidentially stored and safeguards to protect against loss, unauthorised access, modification, disclosure or other misuse.

Criminal history information will not be retained once a decision has been made regarding the person's suitability to work with children. No criminal history information will be retained beyond three months.

The S.A.R.A. will retain the following information regarding their decision:

- That a criminal history report was obtained
- How the criminal history information affected decision making processes
- Statutory declarations (where applicable)

The S.A.R.A. will retain appropriate records to demonstrate their compliance with their legal requirements. The criminal history register and criminal history assessment template (where applicable) will be used to record this information (see Part E).

C7 - Exemptions from the requirement to conduct criminal history assessments

In accordance with guidelines the S.A.R.A. has agreed to exempt the following persons from the requirement to undertake a criminal history assessment, unless that person is also involved in a function or event conducted by the S.A.R.A. its affiliated associations or clubs which involves the care of children in overnight accommodation.

- A person volunteering in an activity in which their child ordinarily participates;
- A person who volunteers who is less than 18 years of age;

- A person working or volunteering for a short-term event or activity of less than 10 days duration or for no more than 1 day in any month;
- A person occupying a position in which all work involving children is undertaken in the physical presence of the child's parents or guardians and in which there is ordinarily no physical contact with the children;
- A person who undertakes, or a position that only involves, work that is primarily provided to adults or the community generally and is not provided to any child on an individual basis;
- An organisation that provides equipment, food or venues for children's parties or events but does not provide any other services to children;
- A person who has regular contact with a child as part of an employment relationship with that child (such as a person working alongside a child or supervising an employee who is a child);
- A person who is appointed as a police officer or is a registered teacher. (Police officers and teachers are already subject to comprehensive criminal history assessments as a prerequisite for employment).

PART D – ATTACHMENTS: COMPLAINT HANDLING PROCEDURES

D1. Complaints Procedure

S.A.R.A. aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a complaint (complainant) about a person/s or organisation bound by this policy if they reasonably believe that a person/s or a sporting organisation has breached this policy. A complaint should be reported to the Executive Officer.

A complaint may be reported as an informal or formal complaint. The complainant decides whether the complaint will be dealt with informally or formally unless the Executive Officer considers that the complaint falls outside the parameters of this policy and would be better dealt with another way.

All complaints will be dealt with promptly, seriously, sensitively and confidentially.

D2. Informal Complaint Resolution Procedure

If a complainant makes an approach to S.A.R.A., a Club or a person within these organisations, it is desirable that the complainant also seeks the advice of a MPIO. The MPIO will:

1. listen to the complainant in an empathetic, supportive manner;
2. inform the complainant about their possible options;
3. act as a support person for the complainant, including supporting them through any mediation process if the complainant wishes;
4. keep the matter confidential;
5. inform the relevant government authority, if required by law;
6. consult by seeking advice from the relevant state or territory authority that administers the relevant law.

D3. Mediation

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

Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to try and resolve the complaint with the assistance of a mediator, the CEO will, in consultation with the complainant, arrange for a mediator to mediate the complaint.

D4. Handling an allegation of child abuse

D 4.1 Process for dealing with members charged with, or under investigation for, a criminal offence

This process sets out the procedure that S.A.R.A. will follow in the event that it becomes aware that a member has been charged with, or is being investigated for, a relevant criminal offence.

Guiding Principle

The paramount consideration is the rights, interests and wellbeing of children and their protection from harm.

Procedure

D4.1.1 Risk Assessment

In the event that S.A.R.A. becomes aware that a member has been charged with, or is being investigated for, a relevant criminal offence, the managing authority of S.A.R.A. or senior appointed officers shall make a risk assessment of the risk of harm to children and consider taking protective action.

The risk assessment will:

Be conducted in accordance with the guidelines and principles set out under Standard 5 of the *Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*;

Recognise that an investigation or charge does not mean that the person is guilty and that the matter needs to be resolved through proper legal avenues;

Consider all matters on an individual basis and include an assessment of all relevant circumstances;

Provide the member an opportunity to make submissions on whether he or she had been charged with an offence warranting some action, and what action should be taken;

Be made in accordance with the principles of natural justice and procedural fairness. Assessment procedures will be transparent, documented and consistently applied;

Not compromise any police investigations or evidence.

D4.1.2 Outcome

Where the outcome of the risk assessment is that protective action is necessary, the S.A.R.A. may:

Control or supervise contact between the member and children

Prevent contact between the member and children

Remove the member from duties until the outcome of the investigation or charge is known;

Take any other action that is necessary and reasonable in the circumstances.

D4.1.3 Voluntary removal of member pending outcome of charge or investigation

Where the risk assessment determines that protective action is necessary against a member to safeguard and protect children, S.A.R.A. will give the member the opportunity to voluntarily remove him or herself from activities until the outcome of the charge or investigation is known.

D4.1.4 Resolution to suspend or remove member

In the event that the member will not voluntarily remove him or herself from activities until the outcome of the charge or investigation is known, the S.A.R.A. will put forward a resolution to the committee to suspend or temporarily remove the member.

The outcome of the resolution will be recorded in the committee's minutes and then implemented.

The outcome recorded in the committee minutes will not contain unnecessary information relating to the investigation or charge or identify (directly or indirectly) any junior members.

D4.1.5 Glossary

Relevant criminal offence: means an offence that indicates a prima-facie risk of harm or that potentially indicates unsuitability to work with children.

Natural justice: means observing the following principles:

people are entitled to be informed of allegations made against them
all persons affected by a decision should be given the relevant information to enable an informed submission to be made to the decision-maker or person subsequently reviewing a decision
during the review of a decision, all persons affected by a decision should have an opportunity to put their case, relevant arguments should be heard, and relevant information should be accessible to all parties
decision-makers act fairly and impartially.

Offence that indicates a prima-facie risk of harm: has the same meaning as described under Standard 5 of the *Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children.*

Offence that potentially indicates unsuitability to work with children: Has the same meaning as described under Standard 5 of the *Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children.*

Member: means a member of the [SSO].

Risk assessment in the context of child protection 'refers to a process of evaluating the information received to reach a decision about the risk of harm a person may pose to children'. (*Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*).

PART E – ATTACHMENTS: REPORTING DOCUMENTS/FORMS

SOUTH AUSTRALIAN RIFLE ASSOCIATION INC.
Criminal History Assessment Form

Name of person	
Description of position that the person occupies or will occupy	
<p>The person provided, or consented to providing, acceptable evidence relating to their criminal history</p> <p><i>(For example, an original or certificate copy report of his/her police certificate, a letter of clearance or an interstate working with children clearance.)</i></p> <p>See Standards 1 – 4</p>	<p>Yes <i>Record type of evidence accepted (e.g. police certificate, letter of clearance, interstate clearance)</i></p> <p>No <i>A person who does not provide evidence, or consent to evidence being obtained, is precluded from engagement to work with children in a prescribed position.</i></p>
Date evidence requested	
Date evidence received	
The police certificate or other evidence disclosed no convictions	
The police certificate or other evidence disclosed a conviction requiring further assessment	
<p>The police certificate or other evidence disclosed convictions that indicate a prima-facie risk of harm</p> <p>See Standard 5</p>	<p><i>Ensure there is evidence on file regarding the further assessment that was undertaken and the result of the assessment.</i></p>
<p>The police certificate or other evidence disclosed convictions that potentially indicate a unsuitability to undertake prescribed functions</p> <p>See Standard 5</p>	<p><i>Ensure there is evidence on file regarding the further assessment that was undertaken and the result of the assessment.</i></p>

Name of Assessor (s): _____

Position/Title: _____

Signature: _____

SOUTH AUSTRALIAN RIFLE ASSOCIATION INC.

CRIMINAL HISTORY ASSESSMENT REGISTER

Name	Position	Police Certificate Reference Number (or other acceptable evidence)	Date of certificate or other evidence*	Date for renewal**

* This date refers to the day that the police certificate or other evidence was received and not the day the assessment was completed.

** The date of renewal is a maximum of three years from the day the police certificate or other evidence was issued.