

**Title:** Triathlon Australia Member Protection Policy  
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## PART 1—MEMBER PROTECTION POLICY

### 1.1 INTRODUCTION

Triathlon Australia Limited (TA) including its State and Territory Triathlon Associations (STTAs) and Affiliated Clubs (collectively referred to in this document as Triathlon Entities), is committed to the health, safety and wellbeing of all its members and is dedicated to providing a safe environment for those participating in Triathlon. TA wants Triathlon to be fun, enjoyable and safe for all.

As part of the Triathlon community, each individual makes a commitment to actively encourage behaviours that promote a supportive and nurturing environment and contribute to TA's mission of enriching the Australian Sporting landscape by issuing a unique challenge anyone can accept.

### 1.2 POLICY RATIONALE

This Policy aims to assist TA to uphold its core values and create a safe, fair and inclusive environment for everyone associated with Triathlon. It sets out Triathlon's commitment to ensure that every person involved in Triathlon is treated with respect and dignity and protected from Discrimination, Harassment and Abuse. It also seeks to ensure that everyone involved in Triathlon is aware of their legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

All Triathlon Entities are committed to the health, safety and general wellbeing of everyone involved in Triathlon. That is the rationale for this Policy.

This Policy consists of the following parts:

- a) Part 1—Member Protection Policy
- b) Part 2—Child Protection Commitment Statement (CPCS)
- c) Part 3—Codes of Conduct
- d) Part 4—Complaints Procedures

All Triathlon Entities will promote and monitor this Policy to the fullest extent possible and with the assistance of their Members. All Triathlon Entities recognise that the responsibility for safeguarding Members including Children or Young People (CYP) in Triathlon lies with all those involved in Triathlon and is not the sole responsibility of any one person at club, state or national level.

This Policy has been endorsed by TA's board of directors (Board) on 2<sup>nd</sup> March 2018, and is effective immediately. It has been incorporated into TA's By-Laws in accordance with clause 37 of TA's Constitution. The Policy starts on the date it is adopted by the Board and will operate until replaced. Copies of the current Policy and its attachments are available on the TA website at [www.triathlon.org.au](http://www.triathlon.org.au).

### 1.3 WHO IS BOUND BY THIS POLICY?

This Policy binds everyone who is involved in Triathlon including but not only:

- a) persons appointed or elected to boards, committees and sub-committees
- b) volunteers
- c) support personnel
- d) all Members, including State Associations, Affiliated Clubs, individual members, life members
- e) any other person involved in Triathlon including but not limited to participants, parents, guardians, spectators, sponsors and licensees and other contracted parties to the full extent possible.

This Policy will continue to apply to a person, even after they have stopped their association or employment (subject to this Policy's terms) with a Triathlon Entity, if disciplinary action against that person has commenced.

### 1.4 COMMITMENT

All Triathlon Entities will strive to:

- provide a safe environment for everyone involved in Triathlon
- take an inclusive approach in its activities
- ensure the safety and wellbeing of their Members and CYP in particular.

In delivering on this commitment to the health, safety and wellbeing of all, each Triathlon Entity takes seriously its positive obligation to educate and inform everyone involved in Triathlon of each person's responsibilities to:

- protect each other, and particularly CYP, from all Abuse and Child Abuse including Grooming
- create and maintain a Member and child-safe culture and a culture of inclusion and safety that is understood, endorsed and put into action by all.

Subject to their respective legislative, rules and human resources (employment) frameworks, all Triathlon Entities must:

- adopt, implement and comply with this Policy
- ensure that the constitution, by-laws or other rules and policies include the necessary clauses for this Policy to be enforceable
- publish, distribute and promote this Policy and the consequences of breaches
- promote and model appropriate standards of behaviour at all times
- implement a complaint management system that includes appropriate policies and procedures, clear lines of responsibility, and appropriate delegations
- deal with any breaches or Formal complaints made under this Policy in a sensitive, fair, timely and confidential manner
- apply this Policy consistently
- recognise and enforce any penalty imposed under this Policy
- ensure that a copy of this Policy is available or accessible to the persons and associations to whom this Policy applies
- use appropriately trained people to receive and manage complaints and allegations
- monitor and review this Policy regularly.

Individuals bound by this policy must:

- make themselves aware of the contents of this policy and adopt the practices and behavior when carrying out their roles;
- 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
- consent to the screening requirements set out in this policy, and any state/territory Working with Children Checks (WWCC) 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 or where otherwise required by law
- place the safety and welfare of children above other considerations
- report any **abuse** or neglect of children which they become aware of to our management and/or to external authorities responsible for child protection or to police, regardless of whether that **abuse** is being perpetrated by personnel within Triathlon, or by those outside Triathlon including those from the child's family, extended family, their family's extended network or strangers
- be accountable for their behavior and
- comply with any decisions and/or disciplinary measures imposed under this policy.

## 1.5 BREACHES OF POLICY

All Triathlon Entities encourage everyone in the Triathlon community to comply with this Policy. Failure to comply with this Policy may be considered a breach and result in disciplinary action in accordance with this Policy and/or other TA By-Laws. 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:

- (a) breaching the codes of conduct;
- (b) bringing Triathlon and TA into disrepute, or acting in a manner likely to bring Triathlon and TA into disrepute;
- (c) failing to follow TA policies (including this policy) and procedures for the protection, safety and well-being of CYP;
- (d) discriminating against, harassing or **bullying** (including cyber-**bullying**) any person;
- (e) victimising another person for making or supporting a complaint;
- (f) engaging in an inappropriate intimate relationship with a person they supervise, or have influence, authority or power over;
- (g) verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- (h) disclosing to any unauthorised person or organisation any TA information that is of a private, confidential or privileged nature;
- (i) making a complaint that they know to be untrue, vexatious, malicious or improper;
- (j) failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; and
- (k) failing to comply with a direction given to the individual or organisation as part of a disciplinary process

## **PART 2—CHILD PROTECTION COMMITMENT STATEMENT (CPCS)**

An integral part of this Policy is the CPCS. The CPCS consists of a set of principles and procedural benchmarks in relation to the protection of CYP that all Triathlon Entities should have in place for everyone involved in Triathlon.

### **2.1 WHAT IS TRIATHLON'S COMMITMENT TO PROTECTING CHILDREN OR YOUNG PEOPLE (CYP)?**

#### **a) Triathlon's commitment to CYP**

All Triathlon Entities:

- are committed to the safety and wellbeing of Members and all CYP who access any Triathlon facilities, activities, programs, events or services
- are committed to providing CYP with positive and nurturing experiences
- will use their best endeavours to support families and communities to promote CYP's healthy development and wellbeing
- will strive to ensure that CYP are protected and not exploited, abused or harmed during their involvement with any Triathlon activities, programs, events or services
- will listen to CYP and address any concerns that they raise
- may ask for consent from Children, Young People and their parents/carers before seeking out or providing information about them to any other individuals or organisation. Triathlon Entities may not however, ask for consent to disclose information to police, regulatory authorities or relevant statutory child protection agencies if they have concerns about the safety and wellbeing of a specific CYP
- are committed to supporting parents and carers to protect their CYP
- are committed to communicating honestly and openly with parents and carers about the wellbeing and safety of their CYP
- will promote and distribute information about this CPCS to CYP and parents/carers as part of an introduction to Triathlon facilities, activities, services and programs
- aim to be transparent in decision-making with parents and carers as long as doing so does not compromise the safety of CYP or breach any confidentiality obligations.

#### **b) Triathlon's commitment to ensuring a child-safe organisation**

All Triathlon Entities:

- are committed to complying with relevant standards in the recruitment, screening and employment of any PPA
- will work to create an environment in which CYP are safe and feel safe in any Triathlon programs, activities or events
- will strive to ensure that PPA do not harm, abuse or exploit CYP who are involved with Triathlon activities, programs or services.

## 2.2 HOW DOES THE CPCS APPLY TO PERSONS IN POSITIONS OF AUTHORITY (PPA)?

All PPA must:

- a) adhere to the CPCS
- b) follow and adhere to the complaints procedures with respect to any breaches of this Policy.

In addition, all Triathlon Entities will endeavour to become and remain compliant at all times with the seven standards of the Safeguarding Children Program of the Australian Childhood Foundation. These standards will support all Triathlon Entities to develop and maintain an effective child-safe culture across all of their facilities, activities, programs and services. Information on these standards is available at <http://www.safeguardingchildren.com.au/the-program/the-seven-key-strategies.aspx>

## 2.3 WHAT ARE THE REQUIREMENTS OF AND COMMITMENT TO PERSONS IN POSITIONS OF AUTHORITY (PPA) IN RELATION TO PROTECTING CHILDREN OR YOUNG PEOPLE (CYP)?

- a) Triathlon Entities' Commitment to PPA

For PPA, Triathlon Entities will:

- provide the necessary support to enable them to fulfil their roles
- put in place an appropriate structure that supports and develops them, as applicable, in their roles
- provide appropriate guidance and development
- ensure that there is access to a Senior Person to make decisions in relation to any action required to protect CYP from Child Abuse
- work to ensure that there are safeguards in place to protect CYP.

- b) Requirements of PPA

PPA are expected to:

- i. understand the rights of CYP, as appropriate to their role

A working knowledge of CYP's rights should inform decisions about how to behave with and act on behalf of CYP. It enables recognition of when CYP's needs and entitlements are compromised and when they require support.

- ii. respect the cultural and religious practices of families who access Triathlon facilities, services, programs or events

While the importance of culture and religion in the lives of CYP and families is recognised, the right of CYP to protection from Harm should take precedence over any cultural or religious belief.

- iii. understand and appropriately respond to the special needs of CYP with developmental delays or disabilities including working alongside primary carers of such CYP. This includes:
  - acting in ways that communicate effectively with and are supportive of CYP with developmental delays or disabilities
  - recognising the additional vulnerability to exploitation and Harm that CYP with developmental delays or disabilities experience.
- iv. be respectful of CYP by:

- facilitating opportunities for CYP to provide their views and feedback
- treating children as individuals and respecting their unique abilities and vulnerabilities
- expressing attitudes and engaging in behaviour that respect and support CYP.

- v. appropriately act on any concerns raised by CYP and/or their parents/carers

Any Formal complaints or allegations made against any PPA will be fully considered and investigated. Any alleged crimes against CYP or other family members will be reported to the police in accordance with the policies and procedures of the relevant Triathlon Entity. PPA are expected to follow the Formal complaints procedure in response to concerns raised by CYP and/or their parents.

- vi. strive to understand the definitions, indicators and impact of Child Abuse, including Grooming

Experiences of Child Abuse and Family Violence are significant sources of trauma for CYP and intensify the risk of CYP developing a range of emotional, psychological, social and behavioural problems. Through relevant Safeguarding Children training, PPA are expected to be able to define Child Abuse, be aware of its indicators and understand its consequences.

PPA should, wherever possible:

- identify and prevent Child Abuse from occurring
- take action to protect children from further Child Abuse.

- vii. know and follow regulations relating to the care of CYP

Rules and regulations governing safeguarding CYP engaged in Triathlon facilities, services, events, programs and activities may vary across Australian jurisdictions. PPA should know and follow (and have access to) laws and regulations in place in the jurisdiction in which they operate. All reasonable steps should be taken to ensure that such regulations are followed by all PPA in the relevant jurisdiction(s).

- viii. know and follow the relevant law(s) in relation to reporting Child Abuse and Grooming.

- ix. cooperate with police and/or other formal investigations to the best of their ability to safeguard CYP.

- x. always follow any Codes of Conduct implemented by Triathlon Entities that set out the rules for behaviour acting with each other and around CYP

Where possible, PPA should be asked to personally accept and/or endorse such Codes of Conduct to formalise their acknowledgment of and adherence to their content.

- xi. not harm or exploit CYP who access Triathlon services, activities programs or events, nor contravene any laws or regulations regarding the safety and wellbeing of CYP.

It is a serious breach of the CPCS and possibly the law, if any PPA—whether participating in a program, event, service or activity, or working in a paid or volunteer capacity—Harm or exploit CYP who are involved in any Triathlon activities, services, events or programs. Breaches of this include, but are not limited to, any PPA who:

- sexually assault CYP
- physically assault CYP
- verbally abuse, denigrate or bully CYP
- sexually harass CYP
- engage in grooming behaviour of CYP



- take, reproduce and/or distribute photos of CYP without their consent or the consent of their guardians
- publish any material containing images of CYP
- access, download, store or distribute any form of child pornography
- support CYP and their families as directed by Senior Persons in the event that a CYP is, or is suspected of, being abused, bullied or exploited.

The impact of Child Abuse on CYP is traumatic. Formal debriefing and/or counselling will be made available and/or provided to CYP and their families who have experienced Child Abuse and any other CYP and family in the community who may indirectly be affected by the incident(s).

The listed expectations are requirements of this CPCS and should be included (preferably directly but may be incorporated by reference) in the policies, Codes of Conduct and operational procedures developed and implemented by all Triathlon Entities.

## **2.4 WHAT SUPPORT WILL BE PROVIDED TO PERSONS IN POSITIONS OF AUTHORITY (PPA)?**

All relevant PPA should:

- a) receive training to keep CYP safe from Child Abuse. All Triathlon Entities will aim to provide training opportunities regularly and as appropriate to the various roles of PPA
- b) be clear about what is expected of them regarding the welfare and safety of CYP through clarifying applicable procedures at regular opportunities and, where possible, encouraging standing agenda items at regular forums to discuss best practice procedures
- c) be aware of the appropriate recruitment, screening and employment practice in relation to individuals with specific roles in working, coaching or volunteering with CYP and families

As applicable, and subject to particular state or territory statutory requirements, and any particular Triathlon Entity rules or human resources management requirements and practices PPA will be informed during their recruitment that their appointment will be subject to clearance under the Working With Children Check (WWCC) system and/or a national criminal record history check. It is a serious breach of this Policy if an individual who has convictions that would make him/her ineligible to be granted a WWCC (or equivalent) clearance is permitted to work or volunteer with CYP who access Triathlon facilities, services, programs, events or activities. It is also a serious breach if an individual continues in his/her role with a Triathlon Entity if he/she has been charged with or convicted of a crime that would make him/her ineligible to be granted a WWCC (or equivalent) clearance.

- d) receive guidance and supervision in relation to their role with CYP and families

To assist with some of the complexity and challenges of working with CYP and their families, regular guidance should be provided for all relevant PPA in relation to their specific roles with CYP and families (for example, the circulation and notification of changes to legislation involving the safety and welfare of CYP).

- e) make joint decisions with Senior Persons about initiating action to protect CYP from Child Abuse
- f) receive appropriate and timely debriefing and/or counselling opportunities if required following stressful or challenging situations involving CYP and/or their families. This should be conducted at State and/or Associate Member level.

## **2.5 WHO IS RESPONSIBLE FOR IMPLEMENTING THE TA CPCS?**

The TA National Participation Officer is responsible for the development and endorsement of the CPCS. It delegates the implementation of the Commitment to State Associations and Associate Members. The role of each Triathlon Entity in relation to the CPCS is summarised below.

Entity	Role/responsibility
<b>TA</b>	<ul style="list-style-type: none"> <li>• Promote the CPCS and its expectations.</li> <li>• Support policy review annually or at such times as are governed by legislation, regulations, Australian Sports Commission (ASC) directions or organisational learnings that promote a change to the CPCS and relevant policy or procedural guidelines.</li> <li>• Strive to ensure that adequate resources are allocated to allow for the development of the CPCS, and all relevant policy and procedure creation and review, inclusive of effective implementation.</li> <li>• Develop opportunities for regular discussion at all levels to support a culture of openness and continued improvement and accountability to child protection and member welfare.</li> <li>• Advocate and promote child rights, empowering and engaging CYP in support of the CPCS and its expectations.</li> </ul>
<b>State Associations</b>	<ul style="list-style-type: none"> <li>• Strive to ensure that all PPA understand their obligations in accordance with the CPCS and any relevant policy and procedural documentation.</li> <li>• Strive to ensure that the CPCS is implemented and adhered to among Associate Members and their Members, staff and officials.</li> <li>• Strive to ensure that the development and implementation of required internal policy/work procedures and guidelines are in place to support child protection practices in accordance with the expectations of the CPCS.</li> <li>• Strive to ensure that adequate resources are allocated to allow effective implementation of the CPCS.</li> <li>• Advocate and promote child rights, empowering and engaging CYP in support of the CPCS.</li> <li>• Proactively share resources and experience in the development of child-safe initiatives in Triathlon as they are identified.</li> <li>• Develop opportunities for regular discussion at all levels to support a culture of continuous improvement and accountability of child protection and member welfare. For example, in team meetings or regular forums, include member welfare as a regular agenda item.</li> </ul>
<b>Affiliated Clubs</b>	<ul style="list-style-type: none"> <li>• Strive to ensure that all PPA understand their obligations in accordance with the CPCS and any relevant policy and procedural documentation.</li> <li>• Strive to ensure that the CPCS is implemented and adhered to among its Members, staff and support personnel.</li> <li>• Strive to ensure that the development and implementation of required internal policy/work procedures and guidelines are in place to support child protection practice in accordance with the expectations of the CPCS.</li> <li>• Strive to ensure that adequate resources are allocated to allow effective implementation of the CPCS.</li> <li>• Advocate and promote child rights, empowering and engaging CYP in support of the CPCS.</li> <li>• Proactively share resources and experience in the development of child-safe initiatives in Triathlon as they are identified.</li> <li>• Develop opportunities for regular discussion at all levels to support a culture of continuous improvement and accountability of child protection and member welfare. For example, in team meetings or regular forums—include as a regular agenda item.</li> </ul>

## 2.6 RECRUITMENT AND SCREENING PROCEDURES FOR ROLES WITH DIRECT CONTACT WITH OR PERMITTING ACCESS TO CYP

### a) Introduction

Best practice recruitment and screening for all persons involved in Triathlon facilities, activities, services or events who have direct contact with or access to CYP requires implementation of the processes outlined in clauses 2.6(b)–2.6(j). The practices below as they apply to Triathlon Entity employees are subject to relevant legislation and relevant rules, human resources and/or employment processes adopted and implemented by a particular Triathlon Entity. If a Triathlon Entity (for example an Associate Member) does not have particular human resources and/or employment processes, it should follow the processes in this clause 2.6.

### b) Application of procedures in section 2.6

Subject to clause 2.6(a) above (as it relates to Triathlon Entity employees), all Triathlon Entities should apply the practices and procedures in this clause 2.6 in relation to all prospective employees. Unless otherwise stated, all Triathlon Entities should, where feasible and to the greatest extent practicable, apply the practices and procedures in this clause 2.6 in relation to all volunteers in Triathlon. In this clause 2.6:

- volunteer includes any individuals volunteering their time and/or services free of charge, or receiving reimbursement expenses only
- employee includes any individuals, whether full time, part time or casual, being employed by any Triathlon Entity and being remunerated for their time and/or services.

Where a Triathlon Entity is determining whether it is practical to apply the practice and procedures in this clause 2.6, the following may be considered:

- the size of the organisation
- the number of prospective applications
- the nature of the positions for which volunteers are being sought.

### c) Purpose

These recruitment and screening procedures seek to ensure that all Triathlon Entities recruit people who are suitably qualified and committed to providing professional, safe and enjoyable activities and services to CYP. There are specific recruitment and screening procedures that must be consistently followed by all Triathlon Entities when recruiting roles that have direct contact with or permit access to CYP in Triathlon.

As noted above in clause 2.6(a) recruitment of employees is governed by relevant legislation and the relevant rules, human resources and/or employment processes of the relevant Triathlon Entity. It is expected, however, that those practices should recognise the CPCS and other principles in this Policy, for example clauses 2.6(d) and (e) below.

### d) Advertising

All Triathlon Entity advertised positions and internal position descriptions for positions that require direct contact with or permit access to CYP should contain the following statement (or similar):

‘We will carry out screening and undertake a background check process on all applicants prior to appointment.’

e) CPCS

The CPCS will be referenced in all position descriptions and applications documentation, and otherwise should be communicated and/or made available to applicants at least prior to an interview.

Subject to relevant legislation and the relevant rules, human resources and/or employment processes adopted and implemented by a particular Triathlon Entity all applicants for employment roles with Triathlon Entities that require direct contact with, or that permit access to CYP, should attend or participate in at least one interview or program of induction. Triathlon Entities should endeavour to interview applicants for volunteer roles with Triathlon entities that require direct contact with, or that permit access to CYP. As part of the interview, the CPCS should be highlighted. Any screening requirements and their purpose should also be explained.

f) Proof of identity and qualifications check

The identity and qualifications of each shortlisted applicant for any position requiring direct contact with or access to CYP may be confirmed by the relevant Triathlon Entity requesting proof of identity and proof of qualifications documents from the applicant that are relevant to their role and their suitability to work with CYP. On completion of the recruitment process and if requested, copies of the successful applicant's proof of identity and proof of qualifications documents should be added to the applicant's file.

If an applicant is unable to provide specific documentation, an appropriate Senior Person will be advised and an approval for a variation sought. The Senior Person or the relevant Triathlon Entity may withhold approval for any variation requested at their absolute discretion.

g) Background and screening checks

Subject to relevant legislation and the relevant rules, human resources and/or employment processes of the relevant Triathlon Entity or unless the law provides otherwise, all Triathlon Entity boards and employees must have a satisfactory WWCC in the appropriate jurisdiction in which they spend the majority of their working time.

In addition, at the discretion of the relevant Triathlon Entity, applicants may be required to satisfy a number of background checks, at the commencement of, and in some cases during, the term of their role. These may include (but are not limited to) the following:

- a national criminal history record check
- a signed declaration
- a reference check
- any other relevant background checks to assess a person's suitability to work with CYP.

If the applicant has already commenced in a role with a Triathlon Entity and the results of any background or screening checks are unsatisfactory, the Triathlon Entity may terminate the individual's position (whether employed or voluntary) without notice. Triathlon Entities should only recruit persons with appropriate qualifications and experience. If at any stage (including before or after commencement in the relevant position) it is discovered that any aspect of the applicant's curriculum vitae or the references or background checks that are provided in support of the application are dishonest or misleading, the Triathlon Entity will be entitled to terminate the position immediately without notice.

h) Record keeping and sharing of information—WWCC and/or national criminal history record checks

All Triathlon Entities must comply with relevant laws in relation to record keeping. Subject to those laws all Triathlon Entities should maintain:

- records of all employees and volunteers

- a register of WWCC and/or national criminal history record check for all persons for whom checks have been obtained. This register must detail application and approval or rejection details (including WWCC or equivalent identifiers), expiry dates and any other identifying and useful information.

All Triathlon Entities will work together in the best interests of their Members and PPA. As such, Triathlon Entities must share information from relevant employment records and/or its register of WWCC and/or national criminal history record check in order to resolve any recruitment or screening issues and/or in the interests of resolving any Formal complaints relating to CYP. Associate Members should also share employment records and/or proof of identity or qualifications information when requested by the relevant State Association for the same purposes. For the avoidance of any doubt, all applicants must provide their consent to TA, State Associations and Associate Members disclosing their personal information as set out above.

i) Guidelines for volunteers, short-term appointees and minors

Prospective parent/carer volunteers will be informed that, in the light of the above, every precaution will be taken to protect the CYP in the care of a Triathlon Entity. Accordingly, the policy for parent/carer volunteers:

- requires all Triathlon Entities to comply with any WWCC legislation that applies across the jurisdiction(s) in which they operate
- otherwise requires all prospective parent/carer volunteers to complete and sign a Member Protection Declaration (Attachment 1 to this Policy).

## PART 3—CODES OF CONDUCT

### 3.1 INTRODUCTION TO THE CODES OF CONDUCT

The following Codes of Conduct outline the expected behavioural guidelines for Members and persons involved in, and interactions between, all such persons in the Australian Triathlon community as well as safeguarding CYP.

There are two key elements to the Codes of Conduct:

- a) the General Code of Conduct, which relates to interactions between Members, Participants and PPA (clause 3.5.1)
- b) the Code of Conduct for interactions with CYP who take part in Triathlon programs, activities, services or events (clause 3.5.2). This Code of Conduct has been developed to help safeguard CYP.

As part of a Member's commitment to observing the General Code of Conduct and the Code of Conduct for engagement with CYP (Codes), each Member will formally acknowledge their commitment to the Codes of Conduct, wherever practicable.

### 3.2 COMMITMENT TO THE CODES OF CONDUCT

The Codes should be read in conjunction with:

- the specific requirements of any role as defined in any position description statement, if applicable
- relevant policy and procedure documents, including the CPCS
- the complaint procedures
- other TA policies and guidelines available on the TA website including, but not only, the Privacy Policy etc.
- all applicable laws in the relevant jurisdiction
- general community expectations in relation to appropriate behaviour between adults and CYP.

All Triathlon Entities may consider a failure to observe the Codes as misconduct, and may take appropriate disciplinary action in accordance with relevant rules and regulations including this Policy.

### 3.3 EXCEPTIONS

There may be exceptional situations where the Codes do not apply, for example, in an emergency situation. It is crucial however that, where possible, authorisation is sought from a Senior Person prior to taking action that contravenes the Code(s) or a Senior Person is advised as soon possible of any incident which breaches the Code(s).

### 3.4 TRIATHLON AUSTRALIA VALUES

Triathlon has five simple values which inform and underpin our integrity program:

**Health:** Members of our triathlon community – beginners, age groupers and elite athletes are able to compete in the sport in a manner which promotes health and wellbeing, untempted by the need to use artificial performance enhancing substances or methods.

**Enjoyment:** Members of our triathlon community are able to be involved in the sport in a manner which gives them enjoyment from their involvement free from unfairness, harassment or intimidation.

**Belonging:** Members of our triathlon community are able to experience a sense of belonging in a sport which is inclusive, welcoming and supportive of lifelong involvement.

**Achievement:** Members of our triathlon community have the opportunity to achieve to whatever level they aspire within the sport – as a competitor, official, coach or administrator.

**Respect:** Members of our triathlon community treat each other with respect, participating and adjudicating fairly and honestly, acknowledging differences in ability, and encouraging differences of opinion.

## 3.5 CODES OF CONDUCT

The Codes should be followed at all times and by all Members and all people involved in any way with Triathlon.

### 3.5.1 General Code of Conduct

Members and all people involved in any way with Triathlon will:

- a) respect the rights, dignity and worth of others—treat others as you would like to be treated yourself
- b) be ethical, considerate, fair, courteous and honest in all dealings with other people and organisations
- c) be professional in, and accept responsibility for your actions
- d) be aware of and follow—at all times—Triathlon’s laws, standards, rules, policies and procedures and promote those laws, standards, rules, policies and procedures to others
- e) operate within the rules and spirit of the sport, including the national and international guidelines that govern Triathlon
- f) understand the possible consequences of breaching the Codes and/or this Policy
- g) report any breaches of the Codes or this Policy to the appropriate PPA
- h) refrain from any form of Abuse, Harassment, Discrimination and Victimisation towards others
- i) raise concerns regarding decisions of PPA through the appropriate channels and in a timely manner
- j) provide a safe environment for the conduct of activities in accordance with any relevant TA policy
- k) show concern, empathy and caution towards others that may be sick or injured
- l) be a positive role model to all
- m) respect and protect confidential information obtained through Triathlon activities or services; whether individuals and/or organisational information
- n) maintain the required standard of accreditation and/or licensing of professional competencies, as applicable to the role(s)
- o) ensure that any physical contact with others is appropriate to the situation and necessary for the person’s skill development
- p) refrain from intimate relations with persons over whom you have a position of authority
- q) agree to abide by the Codes
- r) maintain a duty of care towards others
- s) be impartial and accept the responsibility for all actions taken.

### 3.5.2 Code of Conduct for PPA in dealing with CYP

For clarity and emphasis regarding this Code of Conduct, PPA includes:

- any adult in Triathlon
- any CYP in Triathlon who is in a position of providing guidance and advice (authority) to other CYP or adults.

#### 3.5.2.1 Positive guidance

CYP participating in Triathlon facilities, events, services, programs and activities should be made aware of the acceptable limits of their behaviour so that a positive experience can be provided for all Participants. There are times, however, when PPA may be required to use appropriate techniques and behaviour management strategies to ensure:

- an effective and positive environment
- the safety and/or wellbeing of CYP or other Triathlon personnel.

PPA should use strategies that are fair, respectful and appropriate to the developmental stage of the CYP involved. CYP need to be provided with clear directions and given an opportunity to redirect their misbehaviour in a positive manner.

### 3.5.2.2 Adhering to role boundaries

PPA should act within the confines of their duties at all times, subject to a direction by a relevant Senior Person.

With the exception of parents/carers of their own CYP and/or PPA who are expressly authorised by the relevant parents/carers of CYP to engage in specific activities with their CYP, PPA should not:

- provide unauthorised transportation
- engage in activities with CYP who are Members outside of authorised services, programs, events or activities
- seek contact with CYP who are Members outside authorised services, programs, events or activities
- accept an invitation to attend any private social function at the request of a CYP who has participated, or is participating, in authorised services, programs, events or activities.

For the purpose of this provision, express authority should be specific authority for particular activities.

If any PPA becomes aware of a situation in which a CYP requires assistance that is beyond the confines of that person's role, or beyond the scope of the Triathlon Entity's usual service, they should at the earliest opportunity:

- refer the matter to an appropriate support agency, as well as to the relevant Triathlon Entity
- refer the CYP to an appropriate support agency
- contact the CYP's parent or guardian as appropriate (which may be undertaken in consultation with the relevant Triathlon Entity)
- seek advice from a Senior Person.

### 3.5.2.3. Uniform and identity card/pass/badge/WWCC

PPA other than parents/carers of CYP or Participants should have available their uniform or identification tag/badge/pass (where issued and/or available) only while involved in delivering services, programs, events or activities or as required by their role, such as when representing a Triathlon Entity at designated events and functions, or to and from that work.

### 3.5.2.4 Use of language and tone of voice

Language and tone of voice used in the presence of CYP should:

- provide clear direction, boost their confidence, encourage or affirm them
- not be harmful—therefore, avoid language that is intended to be, or is received or likely to be received by the individual it is directed at or any other person as:
  - discriminatory, racist or sexist
  - derogatory, belittling or negative, for example, by calling a CYP a 'loser' or telling them they are 'too fat'
  - threatening or frightening
  - profane or sexual.

Similar language and tone of voice should be used in all Member-to-Member transactions.

### 3.5.2.5 Supervision of CYP

PPA responsible for supervising CYP in relation to whom Triathlon Entities have a direct role in providing activities, events, programs and services must strive to ensure that those Participants:

- engage positively within the delivery of the service, program, event or facility
- behave appropriately towards one another
- are in a safe environment and are protected from external threats.

Except for the parents/carers of CYP, PPA are required to avoid unsupervised situations with CYP to whom we provide services, events, programs and/or activities and (where possible) to conduct all activities and/or discussions with service and program Participants in view of other PPA.



### 3.5.2.6 Use of electronic communications

Other than between CYP, wherever possible, social media messages (such as text, email, Facebook or Instagram) sent to a CYP by a PPA should be copied to their parent or carer.

Where a parent is not included in a communication that communication should:

- be restricted to issues directly associated with delivering services, activities or programs, such as advising that a scheduled Triathlon activity, program or event (such as training) is cancelled
- limit personal or social content to what is required to convey the service-related message in a polite, friendly manner. In particular, do not communicate anything that a reasonable observer could view as being of a sexual nature
- not promote unauthorised social activity or arrange unauthorised contact
- not request a CYP to keep a communication a secret from their parents or carers
- not be delivered with CYP using internet chat rooms or similar forums such as social networking sites, game sites or instant messaging.

All PPA who deliver services, programs, events and activities are required to follow the 'acceptable use' policy in relation to browsing websites on Triathlon Entities' computers.

PPA are also required to ensure appropriate monitoring of CYP when they use relevant Triathlon Entities' electronic communication equipment to ensure that they do not inadvertently place themselves at risk of Abuse or exploitation via social networking sites, gaming sites or web searches, or through inappropriate email communication.

### 3.5.2.7 Giving gifts to CYP

Other than parents/carers of CYP giving gifts to their own child or children, the giving of gifts by PPA to CYP to whom services are provided is subject to:

- obtaining prior authorisation from a Senior Person permitted to authorise gift-giving from a Triathlon Entity
- parents or other responsible adults being made aware of any gift given.

### 3.5.2.8 Photographs of CYP

Subject to all relevant TA policies (including this Policy):

- CYP to whom a service is delivered are to be photographed while involved in a relevant Triathlon Entity's service, activity, event or facility only if:
  - prior approval has been granted by the relevant CYP or the parents/guardian of the relevant CYP and by the relevant Triathlon Entity
  - the context is directly related to participation in Triathlon
  - the CYP is appropriately dressed and posed
  - the image is taken in the presence of other PPA
- except in the case of CYP and/or their parents/carers distributing photos of themselves or their own children to each other or to others, images are not to be distributed (including an attachment to an email) to anyone outside PPA other than the child photographed or their parent/carers, without knowledge and approval of a Senior Person
- images (digital or hard copy) are to be stored in a manner that prevents unauthorised access by others, for example:
  - if in hard copy form, in a locked drawer or cabinet
  - if in electronic form, in a password-protected folder
- images (digital or hard copy) are to be destroyed or deleted as soon as they are no longer required
- images are not to be exhibited on Triathlon Entities' websites without parental/carers knowledge and approval, or such images must be presented in a manner that de-identifies the CYP. Any caption or

accompanying text may need to be checked so that it does not identify a CYP if such identification is potentially detrimental.

### 3.5.2.9 Physical contact with CYP

Any physical contact with CYP must be appropriate to the delivery of Triathlon services, events, programs or activities, such as when fitting sporting equipment like goggles, and appropriately correcting technique and based on the needs of the CYP (such as to assist or comfort a distressed young person) rather than on the needs of PPA.

Under no circumstances should any PPA have contact with CYP participating in a Triathlon facility, service, program, activity or event that:

- involves touching:
  - of genitals
  - of buttocks
  - of the breast area
 unless that is part of delivering medical or allied health services to which:
  - the relevant PPA are qualified to deliver
  - the relevant medical intervention has the express prior consent of the relevant CYP and the parents/guardians of the relevant CYP involved
- would appear to a reasonable observer to have a sexual connotation
- is intended to cause pain or distress to the CYP—for example corporal punishment
- is overly physical—as is, for example, wrestling, horseplay, tickling or other roughhousing
- is unnecessary—as is, for example, assisting with toileting when a CYP does not require assistance
- is initiated against the wishes of the CYP, except if such contact may be necessary to prevent injury to the CYP or to others, in which case:
  - physical restraint should be a last resort
  - the level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the CYP to prevent harm to themselves or others
  - the incident must be reported to a Senior Person as soon as possible
- PPA are required to report to a Senior Person any physical contact initiated by a CYP that is sexual and/or inappropriate, for example, acts of physical aggression, as soon as possible, to enable the situation to be managed in the interests of the safety of the CYP, PPA and any other Participants.

### 3.5.2.10 Sexual misconduct and relationships

Under no circumstances is any form of sexual behaviour to occur between, with, or in the presence of, CYP participating in any Triathlon environment. Engaging in sexual behaviour while participating in Triathlon services, events, programs or activities is prohibited even if the CYP involved may be above the legal age of consent.

‘Sexual behaviour’ needs to be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:

- ‘contact behaviour’, such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution
- ‘non-contact behaviour’, such as flirting between adults and CYP, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

Consensual intimate relationships (whether or not of a sexual nature) between a PPA and an adult Participant should where possible be avoided as they can have harmful effects on the Participant involved and on other Members and on our organisation’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 PPA and the Participant.

The PPA may wish to seek advice or support from a Member Protection Information Officer or equivalent if they feel harassed. The Formal complaints procedure is outlined in Part 4 of this Policy.

#### 3.5.2.11 Overnight stays and sleeping arrangements for CYP

Overnight stays are to occur only with the authorisation of appropriate Triathlon Entity Senior Persons and of the parents/carers of the CYP involved.

Practices and behaviour by our PPA during an overnight stay must be consistent with the practices and behaviour expected during delivery of Triathlon facilities, services, programs, events and activities at other times.

Standards of conduct that must be observed by PPA during an overnight stay include but are not limited to:

- providing CYP with privacy when bathing and dressing
- observing appropriate dress standards when CYP are present—such as no exposure to adult nudity
- not allowing CYP to be exposed to pornographic material, for example, through movies, television, the internet or magazines
- not leaving CYP under the supervision or protection of unauthorised persons, such as hotel staff or friends
- not involving sleeping arrangements that may compromise the safety of CYP, such as unsupervised sleeping arrangements, or an adult sleeping in the same bed as a CYP unless authorised to do so by a relevant Triathlon Entity, as appropriate
- the right of CYP to contact their parents, or others, if they feel unsafe, uncomfortable or distressed during the stay
- parents expecting that their CYP can, if they wish, make contact.

#### 3.5.2.12 Change room arrangements

Other than in the case of parents/carers of their CYP, PPA are required to supervise CYP in change rooms while balancing that requirement with a CYP's right to privacy. In addition, PPA:

- should avoid one-on-one situations with CYP in a change room area
- are not permitted to use the change room area to, for example, undress, while CYP are present unless they are also competing in a Triathlon event or are participating in a Triathlon training environment
- need to ensure adequate supervision in public change rooms when they are used
- need to provide the level of supervision required for preventing Child Abuse by members of the public, adult service users, peer service users or general misbehaviour, while also respecting a child's privacy.

In addition, females should avoid entering male change rooms and males should avoid entering female change rooms in any circumstance (other than an emergency). If a female has to enter a male change room or a male has to enter a female change room, adequate supervision is required.

### **3.5.3 Other Member welfare matters and expectations**

#### 3.5.3.1 Use, possession or supply of alcohol or drugs

While on duty or carrying out their roles, a Member including but not only PPA must not:

- use, possess or be under the influence of an illegal or illicit drug
- use or be under the influence of alcohol
- be incapacitated by any other legal drug such as prescription or over-the-counter drugs
- supply alcohol or drugs (including tobacco) to CYP participating in any Triathlon facility, service, program, event or activity.

Use of legal drugs other than alcohol is permitted, provided such use does not interfere with PPA's ability to care for CYP involved in our services, programs, events or activities.

Responsible service and consumption of alcohol should apply to any alcohol consumed. Responsible services might

include ensuring that light alcohol and soft drinks always being available. Wherever possible, food might be made available to be consumed when alcohol is available, or transport policies may be adopted.

All Triathlon Entities must adhere to strict guidelines regarding the responsible service and consumption of alcohol and act in accordance with relevant liquor licence laws and regulations.

#### 3.5.3.2 Transporting children

CYP are to be transported by PPA [other than by their parent(s)/carer(s)] only in circumstances that are directly related to the delivery of Triathlon services, events, programs or activities. For example, CYP should not be given casual lifts unrelated to Triathlon services, events or activities by PPA.

Children are to be transported by PPA only with prior authorisation from a relevant Triathlon Entity Senior Person and from the CYP's parent/carer. Gaining approval involves providing information about the proposed journey, including:

- the form of transport proposed, such as private car, taxi, self-drive bus, bus with driver, train, plane or boat
- the reason for the journey
- the route to be followed, including any stops or side trips
- details of anyone who will be present during the journey other than PPA.

#### 3.5.3.3 Pregnancy

Pregnant women should be treated with respect and any unreasonable barriers to their full participation in Triathlon should be removed. Any Discrimination or Harassment against pregnant women in Triathlon will not be tolerated.

All Triathlon Entities will take reasonable care to ensure the safety, health and wellbeing of pregnant women and their unborn children. Pregnant women are advised that there may be risks involved and are encouraged to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, are of utmost importance in their decision-making about the extent to which they choose to participate in Triathlon activities.

All pregnant women are encouraged to talk with their medical advisers and make themselves aware of the facts about pregnancy and participating in Triathlon activities and ensure that they make informed decisions about their participation. Pregnant women will be required to sign a disclaimer only if all other participants are required to sign one in similar circumstances. Women will not be required to undertake a pregnancy test.

If a pregnant woman feels she has been harassed or discriminated against on the basis of her pregnancy by another person or organisation bound by this Policy, she may make a formal complaint.

#### 3.5.3.4 Gender identity

Triathlon Entities are committed to providing a safe, fair and inclusive environment where people of all backgrounds can contribute and participate. People who identify as Transgender or transsexual should be treated fairly and with dignity and respect at all times. This includes acting with sensitivity when a person is undergoing gender transition.

Any unlawful discrimination or harassment of a person who identifies as Transgender or transsexual or who is thought to be Transgender or transsexual will not be tolerated. If a Transgender or transsexual person feels he or she has been harassed or discriminated against on the basis of their gender identity by another person or organisation bound by this Policy, they may make a formal complaint.

Excluding Transgender and transsexual people from participating in events and activities has significant implications for their health, wellbeing and involvement in community life. In general, their participation in Triathlon on the basis of the gender with which they identify is supported.

It is recognised that there is debate over whether a male-to-female Transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, advice will be sought on the application of those laws in the particular circumstances.

Drug testing procedures and prohibitions also apply to people who identify as Transgender. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard Therapeutic Use Exemption.

#### 3.5.3.5 Smoke free environment

Smoking is now banned in many public spaces including parks and beaches in some states. Triathlon Entities do not allow Members to smoke while undertaking Triathlon duties and asks that Members refrain from the practice when engaged in official triathlon events such as club meetings, races and presentations.

All Triathlon Entities must adhere to relevant legislation and local government regulations in relation to smoking requirements.

#### 3.5.3.6 Cyber Bullying

All Triathlon Entities regards Bullying and Harassment in all forms as unacceptable. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.

New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. No Triathlon Entity will tolerate abusive, discriminatory, intimidating or offensive statements being made online. In some cases, Bullying is a punishable criminal offence.

Frustration with a Triathlon member, PPA or a Triathlon Entity should never be communicated on social networking websites. These issues should instead be addressed—in a written or verbal statement or a formal complaint—to the relevant Triathlon Entity.

#### 3.5.3.7 Social networking websites

Triathlon Entities acknowledge the enormous value of social networking websites, such as Facebook and Twitter, to promote Triathlon and celebrate the achievements and success of the people involved in Triathlon. All people bound by this Policy must conduct themselves appropriately when using social networking sites to share information related to Triathlon.

Social media postings, blogs, status updates and tweets by Members:

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

## **PART 4—COMPLAINTS PROCEDURE**

### **4.1 INDEPENDENT INVESTIGATION PROCEDURE**

For Formal complaints lodged under this Policy, the Involved Organisation may conduct its own internal investigation into the circumstances surrounding the allegation(s) Please refer to individual STTA's Constitutions Disciplinary or Investigation Procedure. If the individual STTA does not have a Disciplinary or Investigation Procedure highlighted in their individual STTA Constitution please refer 4.1.1. Following an internal investigation into a formal complaint to establish the facts and the position of the parties to a formal complaint, the Involved Organisation may determine that it is appropriate to appoint an Investigator to review the circumstances of the formal complaint and conduct an independent investigation. Where an Investigator is appointed, the steps set out below should be followed.

Any internal or independent investigation process conducted must occur concurrently with any external organisation process, as long as the internal or independent investigation process is placed on hold should an external organisation request the Involved Organisation to do so. In conducting an independent investigation, the steps below should be followed.

#### **4.1.1 Investigation**

- a) The Involved Organisation will provide a written brief to the Investigator to ensure that the terms of engagement and scope of the Investigator's role and responsibilities are clear.
- b) The Complainant should be interviewed by the Investigator and the formal complaint and any key information arising from the interview(s) documented in writing by the Investigator. The Complainant is entitled to have a support person present during any interview that takes place, subject to the support person never being admitted as a lawyer or barrister.
- c) The key details of the formal complaint should be conveyed to the Respondent(s). The Respondent(s) must be given sufficient information to enable them to properly respond to the formal complaint.
- d) The Respondent(s) should be interviewed by the Investigator and given the opportunity to respond to the allegations. The Respondent's response to the formal complaint should be documented in writing by the Investigator. The Respondent is entitled to have a support person present during any interview, subject to the support person never having been admitted as a lawyer or barrister.
- e) If, in the process of the independent investigation, there continues to be a dispute regarding the facts, then statements from witnesses and other relevant evidence should be obtained (if possible) by the Investigator to assist in reaching conclusions and preparation of a report and recommendations.
- f) The Investigator must make a finding, on the balance of probabilities, as to whether the formal complaint, or each of the allegations in the formal complaint (as appropriate) is:
  - (i) substantiated (there is sufficient evidence to support the formal complaint)
  - (ii) inconclusive (there is insufficient evidence either way)
  - (iii) unsubstantiated (there is sufficient evidence to show that the formal complaint is unfounded or not enough evidence to substantiate the formal complaint)
  - (iv) mischievous, vexatious or knowingly untrue.
- g) A report documenting the formal complaint, the investigation process, evidence, finding(s) and, if requested, recommendations, should be given to the Involved Organisation which may, in consideration of the report of the Investigator, either:

- (i) take disciplinary action against either the Respondent, Complainant or any other person/persons involved in the formal complaint in accordance with 'Sanction' below
  - (ii) refer the formal complaint to a Hearing Tribunal (which will take place in accordance with the Hearing Tribunal procedure (item 4.2 below)) to determine what, if any, further action to take
  - (iii) take no further action and close the formal complaint under this Policy.
- h) Within 14 days of the Involved Organisation receiving a report of an Investigator, a report (Report) must be provided to the Complainant(s) and the Respondent(s) that summarises the investigation process and documents key points that were found to be substantiated, inconclusive, unsubstantiated or mischievous. Where the Report relates to one or more Children or Young Persons, as either the Complainant or a witness, the Report may be redacted to the extent required to protect the identity of the Children or Young Persons. Each party to the formal complaint must be provided an opportunity to provide a written response to the Report, should they wish.
- i) All parties to the formal complaint receiving a copy of the Report of the Investigator must maintain strict confidentiality of the Report, other than where necessary to disclose the contents of the Report in order to obtain legal advice or as required by law. Any disclosure of the Report other than in accordance with this item (i) is a breach of this Policy and may result in disciplinary action being taken against the party making the disclosure.
- j) Subject to items 4.1.1(b) and (d), both the Complainant and the Respondent(s) are entitled to support throughout this process from their chosen support person/adviser.

#### 4.1.2 Sanction

Where the Involved Organisation deems disciplinary action is required as a result of the independent investigation under item 4.1.1(g)(i), the steps detailed below must be followed.

The Involved Organisation must refer the report it receives under item 4.1.1(g)(i) to a Hearing Tribunal.

Prior to holding a meeting to consider the Report and any sanctions to be imposed as a result of the Report, the Hearing Tribunal must:

- a) provide the Complainant and Respondent(s) an opportunity to respond in writing to the Report
- b) notify each of the parties to the formal complaint that the Hearing Tribunal will be meeting to consider the formal complaint, and any disciplinary measures to be imposed as a result of the formal complaint being proved
- c) inform the Complainant and Respondent:
  - 1. that they are entitled to provide submissions and evidence to the Hearing Tribunal, either in writing, in person at the meeting or both
  - 2. that the Hearing Tribunal will make a decision based on all of the information before it
  - 3. that any disciplinary measures imposed by the Hearing Tribunal may only be appealed in accordance with the appeal procedure in item 4.3 below
  - 4. that they are not entitled to be represented by a lawyer or barrister at the meeting

5. of the date, time and location of the Hearing Tribunal meeting at which the Report will be considered.

Once the Hearing Tribunal holds a meeting to consider the Report, and any evidence provided by the parties, it may impose any disciplinary measures available under this Policy.

## **4.2 HEARING TRIBUNAL PROCEDURE**

Where an Involved Organisation refers a formal complaint under this Policy to a Hearing Tribunal under items 4.1.1(g)(ii) or 4.1.2, the process is as follows:

### **4.2.1 Appearance**

Persons appearing before the Hearing Tribunal shall be entitled to call witnesses, but must state their case in person unless the Hearing Tribunal has permitted representation through an advocate. If an advocate is permitted such advocate is not entitled to be legally trained or qualified. For the avoidance of doubt persons appearing before a Hearing Tribunal are not entitled to legal representation in the Hearing Tribunal proceedings. They and their witnesses shall be given a full opportunity to be heard. In their absence, or in the absence of their witnesses, a decision may be made by default. Before making a decision in default of appearance, the Hearing Tribunal must satisfy itself that the party concerned was aware of the time, date and place of hearing and had been requested to appear.

### **4.2.2 Procedure at Proceedings**

- i) Hearing Tribunal proceedings shall be conducted as follows.
- ii) The Hearing Tribunal chairperson shall announce the opening of the proceedings, stating the Hearing Tribunal's authority, jurisdiction, composition and the nature and purpose(s) of the proceedings.
- iii) The procedure to be followed at proceedings shall be clearly explained by the Hearing Tribunal chairperson. The Hearing Tribunal chairperson shall state who is entitled to be present throughout proceedings during evidence and submissions.
- iv) The matter(s) the subject of proceedings shall then be read to the person(s) concerned. The body or person reporting the matter(s) and the subjects of the proceeding shall be given the opportunity to report the circumstances of those matter(s). The person(s) concerned will be given the opportunity to respond to this report and present evidence/submissions as to their view of the circumstances of those matter(s). Any witnesses called by either the reporting body or the person(s) concerned will be given the opportunity to give evidence or make submissions. Witnesses may be questioned on their evidence. Evidence and/or submissions may be tendered in writing.
- v) The Hearing Tribunal will consider the evidence presented. The Hearing Tribunal may adjourn the hearing if considered necessary. No other person shall be present or partake in any discussion with the Hearing Tribunal at this time. If the Hearing Tribunal finds an offence has not been committed or not proved it will advise the referring authority and dismiss the charge, accordingly.
- vi) If the Hearing Tribunal finds an offence has been committed or proved, it may impose, in its discretion, an appropriate penalty or penalties, or it may report its findings to the referring authority with such recommendations, as it considers appropriate. The Hearing Tribunal chairperson will declare the proceedings closed.
- vii) If a decision cannot be given immediately after proceedings, the relevant party or parties must be advised of the time and place at which the decision will be given. The decision, any penalty, the reasons for the decision and notice of the person's appeal rights shall be given in writing and signed by the Hearing Tribunal



chairperson. A referring authority must advise persons found guilty of an offence under these Regulations of their rights of appeal.

- viii) Every decision of a Hearing Tribunal under this Policy shall be conveyed in writing to the parties concerned, and where an Individual Member, to that Individual Member's State Association. It shall be incumbent on such State to give effect to the decision immediately and to notify the referring authority that such has been done. The referring authority may deal with a failure to give immediate effect to such decision at that authority's discretion.

#### **4.2.3 Penalties**

- a) Penalties which may be imposed include:
  - i) A reprimand;
  - ii) Suspension of such activities, on such terms and for such period as the Hearing Tribunal thinks fit;
  - iii) Exclusion from a particular activity, event or events;
  - iv) Expulsion;
  - v) Fines, imposed in such manner and in such amount as the Hearing Tribunal thinks fit;
  - vi) Such combination of any of the above penalties as the Hearing Tribunal thinks fit.
  - vii) Additional Service, requiring the Member to undertake an activity based penalty, imposed in such manner as the Hearing Tribunal deems fit.
- (b) During proceedings the subject(s) of the proceedings may be suspended, on such terms and for such period as the relevant referring authority thinks fit, and shall remain under suspension unless the relevant referring authority decides otherwise.

#### **4.2.4 Reporting**

- a) Unless the decision of a Hearing Tribunal is unanimous, a separate report may be made to the referring authority by the minority. The decision of the majority however, shall be deemed to be the decision of the Hearing Tribunal. Where voting is equal, the Hearing Tribunal chairperson may exercise a casting vote.
- b) A decision of a Hearing Tribunal cannot be altered by the referring authority.

#### **4.2.5 Effect of Penalty**

Where an Individual Member is suspended under this Policy, all rights and privileges of that Member shall be forfeited, either partially or completely, during the period of suspension. In the case of complete suspension, a member shall also forfeit all rights during the currency of the suspension. Partial suspension shall prevent a Member's participation in State or TA activities, but shall not interfere with his rights as a member.

### **4.3 APPEAL PROCEDURE**

An appellant may appeal a decision arising from:

- a) an Independent Investigation that results in the imposition of a sanction
- b) a Hearing Tribunal
- c) an Involved Organisation's decision conducted or imposed under item 4.1.2.

An appeal is permitted only on one or more of the following grounds:

- a) the decision was affected by actual bias
- b) there was no material on which the decision could reasonably be based.

The Notice of Appeal must set out the ground(s) of appeal relied upon by the appellant and an outline of the appellant's submissions in relation to the appeal.

The procedure for an appeal is as follows:

- a) There will be a Triathlon Appeals Panel comprised of persons appointed by TA and/or each State Association.
- b) A Member who or which has received a penalty or an adverse finding from a Hearing Tribunal under item 4.2 may, within 14 days from the date of receiving the determination in writing, appeal to the Triathlon Appeals Panel. For the avoidance of doubt there is only one appeal from a Hearing Tribunal regardless of whether that Hearing Tribunal was appointed by the Board or by a State.
- c) Appeals under this clause will be determined in accordance with this procedure.
- d) An appeal must be lodged in writing with the relevant State. The appeal must set out the:
  - i) ground(s) on which the appeal is made; and
  - ii) reasons or circumstances supporting the alleged ground(s) of appeal; and
  - iii) must be accompanied by a non-refundable appeal fee of \$500.
- e) Nothing in this Regulation prevents the withdrawal of an appeal at any time in writing to the relevant State. If the appellant seeks to withdraw an appeal after an appeal hearing has commenced the appeal may only be withdrawn with the consent of the Appeal Panel chairperson. Once an appeal is withdrawn a new appeal in respect of the same matter cannot be lodged.
- f) On receipt of an appeal, the relevant State must as soon as practicable convene a Triathlon Appeals Panel and forward the appeal documents to the nominated chairperson of the convened Panel.
- g) A Triathlon Appeals Panel shall be constituted by up to three persons which must include the following:
  - i) up to two persons with a thorough knowledge of triathlon; and
  - ii) a barrister or solicitor who will chair the Appeals Tribunal.

No member of the Triathlon Appeals Panel may be a party to or directly interested in the matter under consideration.

- h) The chairperson of an appointed Triathlon Appeals Panel shall, as soon as practical after receiving the appeal documents, investigate and consider the matter and determine whether the:
  - i) the appeal should be dismissed as:
    - A. it does not set out a valid ground of appeal;
    - B. there are sufficient grounds for the appeal to proceed; or
    - C. The matter is trifling in nature or has no merit; or
  - ii) the appeal warrants further review and determination in accordance with these Regulations.

The chairperson has complete discretion in undertaking this review and there is no further appeal against a decision to dismiss.

- i) If the Triathlon Appeals Panel determines the matter warrants further review, it shall as soon as practicable, having regard to timing, serve a notice in writing on all relevant parties:

- i) stating that the parties may address the Triathlon Appeals Panel at a hearing to be held as soon as practicable, being not earlier than 4 days from the date of the notice;
  - ii) stating the date, place and time of that hearing; and
  - iii) informing the parties that they may do any one or more of the following:
    - 1. attend that meeting (either personally or by their representative) and bring such witnesses as they wish to rely upon in respect of the matter the subject of appeal; and/or
    - 2. give the TA Appeals Panel, no later than 24hours before the time of that meeting, a further written statement setting out relevant information surrounding the appeal.
- j) The Triathlon Appeals Panel may conduct a hearing convened in such manner as it sees fit, but shall:
- i) give to all relevant parties and their witnesses every opportunity to be heard;
  - ii) give due consideration to any written statements received from any relevant party;
  - iii) allow relevant parties to be present along with their adult representative; and may request or require such parties or other witness to attend the hearing or provide such evidence as is available to enable the Triathlon Appeals Panel to properly consider the matter.
- k) Persons appearing before the Triathlon Appeals Panel are not entitled as of right to:
- i) Legal representation before the Triathlon Appeals Panel. Subject to paragraph (ii) below the Appeals Panel may grant a right to legal representation to a party where that party has made written application to the Triathlon Appeals Panel for such representation. Such application must be received by the chairperson of the Triathlon Appeals Panel within 7 days from the date of the notice served under item i) above.
  - ii) Legal representation will only be permitted by the Triathlon Appeals Panel where the party seeking legal representation can demonstrate to the Triathlon Appeals Panel that the matter is serious, complex or the consequences for that party proceeding without legal representation are significant from a livelihood or business perspective. The onus is on the party seeking legal representation to prove that such representation should be permitted.
  - iii) The Triathlon Appeals Panel may refuse or grant such application in its absolute discretion. The Triathlon Appeals Panel's decision in respect to legal representation is final and there is no appeal from such decision.
- l) Following consideration of all information which the Triathlon Appeals Panel considers relevant and which is available, the Triathlon Appeals Panel shall arrive at a finding. The Triathlon Appeals Panel can impose new penalties or vary an existing penalty. A decision of the Triathlon Appeals Panel may be by a majority decision. A decision of the Triathlon Appeals Panel is final.
- m) The Triathlon Appeals Panel shall notify all relevant parties, including TA and the relevant State of its decision as soon as practicable.
- n) A Triathlon Appeals Panel has no power to award costs. That is, each party will be responsible for their own costs of the appeal.

#### **4.4 GRIEVANCE RESOLUTION PROCEDURE**

Mediation is a process that allows the people involved in a grievance or more formal complaint to talk through the issues with an impartial person—the mediator—and work out a mutually agreeable solution. Mediations should be applied in the first instance to resolve any matter or grievance that does not involve a breach of rules or other matter

attracting investigation or disciplinary action.

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.

Mediation may occur either before or after an investigation of the formal complaint. Serious allegations should not be mediated, even if both parties would like to attempt mediation. Mediation may be recommended only if:

- a) both parties have had a chance to tell their version of events
- b) the Involved Organisation dealing with the grievance or formal complaint does not believe that any of the allegations warrant any form of disciplinary action
- c) mediation looks like it may work.

There are some situations where mediation will not be appropriate, including:

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

The Involved Organisation should, in consultation with the Complainant and the Respondent(s), appoint a mediator to help resolve the grievance or formal complaint. The Involved Organisation's choice of mediator will be final.

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. The mediator may require the parties to sign a formal mediation agreement setting out the parties' agreement to the rules and process for the mediation. The parties involved must respect and comply with the terms of the agreement.

All issues raised during mediation will be treated confidentially. All Triathlon Entities respect the rights of the Complainant and the Respondent(s) to pursue an alternative process outside the Triathlon rules framework if the grievance or Formal complaint is not resolved.

For the avoidance of doubt, neither party is entitled to be represented by a legal practitioner at mediation.

At the end of a successful mediation the mediator will prepare a further document that sets out the agreement reached between the Complainant and Respondent(s) and they should sign it as their agreement. The parties involved must respect and comply with the terms of the agreement.

If the grievance or formal complaint is not resolved by mediation, the Complainant may:

- a) write to the Involved Organisation to request reconsideration of the grievance or formal complaint via either an independent investigation or a Hearing Tribunal. The Involved Organisation is not obliged to reconsider the grievance or Formal complaint. There is no right of appeal where the Involved Organisation determines not to reconsider the grievance or Formal complaint
- b) approach an external agency such as an anti-discrimination commission or equal opportunity commission to resolve the matter.

If a grievance or Formal complaint has not been resolved through the mediation procedure outlined above it shall be deemed concluded unless the grievance or Formal complaint is also a potential disciplinary or judiciary matter.

If a person lodges a grievance or Formal complaint under a State Member Protection and/or Complaints Handling Policy they are not permitted to lodge the same grievance or Formal complaint or related grievance or complaint under these procedures in this TA Member Protection Policy. For the avoidance of doubt a grievance can be raised only under one policy or the other.

**There is no right of appeal arising from this grievance procedure under this Policy or any State policy.**

## APPENDICES

### APPENDIX A—DEFINITIONS

These definitions set out the meaning of words used in, or referenced by, this Policy without limiting the ordinary and natural meaning of the words.

Term	Definition
<b>Abuse</b>	Abuse means Physical Abuse, Emotional Abuse (including psychological abuse), Sexual Abuse and abuse of power that has caused, is causing or is likely to cause harm to a person's wellbeing or development. Examples of Abuse include but are not limited to, Bullying, humiliation, verbal abuse and insults, Grooming, Harassment (including Sexual Harassment), Discrimination, Neglect and Sexual Exploitation.
<b>Appeals Panel</b>	Appeals Panel means the panel created under this Policy to handle an appeal under this Policy.
<b>Appellant</b>	Appellant means the person or organisation that initiates an Appeals Tribunal process.
<b>Associate Member(s)</b>	An Associate Member means a Triathlon Entity within Australia that is currently a Member of a State Association or TA. Associate Members have agreed to adopt and abide by this Policy.
<b>Attachment</b>	Attachment means an attachment to this Policy.
<b>Bullying</b>	<p>Bullying involves the inappropriate use of power by one or more persons over another less powerful person or group and is generally an act that is repeated over time. Bullying may take many forms that are often interrelated and can include:</p> <ul style="list-style-type: none"> <li>• verbal (name calling, put-downs, threats)</li> <li>• physical (hitting, punching, kicking, scratching, tripping, spitting)</li> <li>• social (ignoring, excluding, ostracising, alienating)</li> <li>• psychological (spreading rumours, stalking, dirty looks, hiding or damaging possessions).</li> </ul> <p>For the avoidance of doubt, Bullying includes Cyber Bullying, which can also have lasting and damaging consequences.</p>
<b>CEO</b>	CEO means the chief executive officer of TA or a Triathlon Entity, and includes the executive officer, general manager or other similar title. If the Triathlon Entity has no executive officer (for example, for Associate Members) the CEO means the President of the organisation.
<b>Child Abuse</b>	Child Abuse is the mistreatment by an adult of a CYP that has harmed, is harming or is likely to harm or endanger or put at risk that CYP's physical or emotional health, development or wellbeing. For the avoidance of doubt, this includes but is not limited to emotional or psychological Abuse, Bullying, Grooming, Sexual Exploitation, Neglect and Child Harassment.
<b>Child Harassment</b>	Child Harassment is defined as any detrimental effect of a significant nature on the CYP's physical, psychological or emotional wellbeing. For Harassment to be significant, the detrimental effect on a Child's or Young Person's wellbeing must be substantial or serious, more than transitory and must be demonstrable in the Child's or Young Person's presentation, functioning or behaviour.
<b>Child or Young Person/Children or Young</b>	A Child or Young Person is a person under the age of eighteen years.

Term	Definition
People (CYP)	
Child Protection Concern	<p>A Child Protection Concern includes:</p> <ul style="list-style-type: none"> <li>disclosures of actual harm, Abuse or exploitation of a CYP</li> <li>the potential risk of harm, Abuse or exploitation of a CYP</li> <li>breaches of the protection policies or Code of Conduct by staff or volunteers.</li> </ul>
Code(s) of Conduct (Codes)	<p>The Code(s) of Conduct aim to identify and prevent behaviour that may be harmful to Members, Participants, CYP in Triathlon. The Code(s) of Conduct outline what is, and what is not, acceptable behaviour or practice when working with others or engaging with CYP.</p>
Complainant	<p>A Complainant is the person or persons making a Formal complaint and includes a parent, guardian or adult representative of the CYP.</p>
Delegated Organisation	<p>Delegated Organisation means an organisation, such as a State Association or an Associate Member, delegated by TA to handle a serious complaint.</p>
Direct role in providing services, programs, events or activities to CYP	<p>A direct role is considered one that has contact with CYP that is not incidental, but normally part of providing a service, program, event or activity for CYP. This direct delivery may require regular physical contact and forms of ongoing communication. For example, coaching.</p>
Discrimination	<p>Discrimination means treating, proposing to treat or requesting, assisting, instructing or encouraging another person to treat a person less favourably than someone else on the basis of an attribute or personal characteristic they have. The relevant attributes or characteristics include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>age</li> <li>disability</li> <li>marital status</li> <li>parental or carer status</li> <li>physical features</li> <li>irrelevant medical record</li> <li>irrelevant criminal record</li> <li>political belief or activity</li> <li>pregnancy</li> <li>breastfeeding</li> <li>race</li> <li>religious belief or activity</li> <li>sex or gender</li> <li>sexual orientation</li> <li>trade union membership or activity</li> <li>Transgender orientation.</li> </ul> <p>Discrimination also includes any other behaviour recognised by commonwealth, state or territory law as discrimination. Examples of Discrimination are available on the <i>Play by the Rules</i> website. Some exceptions to state and federal anti-discrimination law apply, including (but not limited to):</p> <ul style="list-style-type: none"> <li>holding a competitive sporting activity for girls and boys who are under the age of 12 or of any age where strength, stamina or physique is relevant</li> </ul>

<b>Term</b>	<b>Definition</b>
	<ul style="list-style-type: none"> <li>not selecting a Participant if the person's disability means that he or she is not reasonably capable of performing the actions reasonably required for that particular activity.</li> </ul>
<b>Domestic Violence</b>	Domestic Violence is Physical, Emotional or Psychological Abuse occurring in the home of a CYP, Member or Participant.
<b>Emotional or Psychological Abuse</b>	Emotional or Psychological Abuse occurs when a CYP does not receive the love, affection or attention they need for healthy emotional, psychological and social development. Such abuse can also apply to an adult. Such abuse may involve repeated rejection or threats to a CYP. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. Specific to sport, overtraining can constitute Emotional or Psychological Abuse. These behaviours continue to an extent that results or has the potential to result in significant damage to the CYP's physical, intellectual or emotional wellbeing and development.
<b>Family Violence</b>	Family Violence is conduct, whether actual or threatened, by a person towards a member of the person's family (or towards the property of a member of the person's family) that causes any other member of the person's family to fear for, or to be apprehensive about, his or her personal wellbeing or safety.
<b>Formal complaint</b>	<p>A Formal complaint is a complaint made to a PPA in writing. Where possible, it should set out:</p> <ul style="list-style-type: none"> <li>the details or particulars of the complaint, including dates, times, persons, Associate Members and PPA involved</li> <li>the Complainant(s)' wishes as to how they would like the Formal complaint resolved</li> <li>what outcome the Complainant is seeking.</li> </ul>
<b>Harm</b>	<p>Harm to a child or other person, is any detrimental effect of a significant nature to the child's or other person's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:</p> <ul style="list-style-type: none"> <li>physical, psychological or emotional abuse or neglect</li> <li>sexual abuse or exploitation</li> <li>a single act, omission or circumstance</li> <li>a series or combination of acts, omissions or circumstances.</li> </ul>
<b>Harassment</b>	Harassment means any unwanted behaviour that makes someone feel intimidated, degraded, humiliated or offended.
<b>Hearing Tribunal</b>	Hearing Tribunal means the panel created in accordance with this Policy to hear a Formal complaint under this Policy.
<b>Individual Member</b>	Individual Member means any person who is an individual member of an Associate Member or State Association.
<b>Investigation Officer</b>	Investigation Officer refers to a PPA that has been appointed by a Triathlon Entity to conduct initial investigations into a Formal complaint.
<b>Investigator</b>	Investigator means the person appointed by an Involved Organisation to conduct an

<b>Term</b>	<b>Definition</b>
	independent investigation.
<b>Involved Organisation</b>	Involved Organisation means the relevant organisation to receive a Formal complaint and may be any Triathlon Entity.
<b>Mediator</b>	Mediator means a person appointed to mediate a Formal complaint made under this Policy, preferably with relevant skills, qualifications or training in mediation.
<b>Member</b>	A Member is an entity or individual who is recognised and/or registered as a member of a Triathlon Entity including TA and the State Associations.
<b>Member Protection Information Officer or MPIO</b>	Member Protection Information Officer or MPIO means a person appointed by a Triathlon Entity as a contact for a person seeking assistance with a Formal complaint of a possible breach of this Policy. The MPIO provides impartial information about policy, process and procedures to the person with the concern or the person who is alleging a breach of this Policy.
<b>Neglect</b>	Neglect is the persistent failure or deliberate failure or denial to provide the child with the basic necessities of life. Such Neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the child's health and development is, or is likely to be, significantly harmed. Categories of Neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect. The issue of Neglect must be considered within the context of resources reasonably available.
<b>Participant</b>	A Participant includes anyone who participates in a Triathlon Entity service, event, activity or program, including people who may not be a Member. A Participant may be provided the service or program for free, yet is still under the care of PPA while participating.
<b>Persons in Positions of Authority (PPA)</b>	Persons in Positions of Authority include everyone who holds a position of authority in Triathlon, whether paid or unpaid, and includes, but is not limited to, all Triathlon Entity Individual Members. For the avoidance of doubt, PPA also includes CYP who may hold a position of authority in Triathlon over other CYP.
<b>Physical Abuse</b>	Physical Abuse occurs when a person subjects a child to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a child. Physically abusive behaviour includes, but is not limited to, shoving, hitting, slapping, shaking, throwing, punching, biting, burning, excessive and physically harmful overtraining, and kicking. It also includes giving CYP harmful substances such as drugs, alcohol or poison. Certain types of punishment, while not causing injury, can also be considered Physical Abuse if they place a child at risk of Harm.
<b>Police Check</b>	Police Check means a national criminal history record check conducted as a pre-employment, pre-engagement or current employment background check on a person.
<b>Policy</b>	Policy means the Member Protection Policy and includes the Formal complaint procedures.
<b>Prohibited List</b>	The WADA list identifying the Prohibited Substances and Prohibited Methods.
<b>Prohibited Substance and</b>	Prohibited Substance means any substance or class of substances so described on the Prohibited List.



<b>Term</b>	<b>Definition</b>
<b>Prohibited Methods.</b>	
<b>Respondent</b>	Respondent means the person or organisation responding to the Formal Complaint up to the point of a Hearing Tribunal. During an Appeals Tribunal process, the Respondent means the person responding to the appeal being initiated.
<b>Senior Person</b>	Senior Person means the President, CEO, Secretary or designated delegate of a Triathlon Entity, as applicable.
<b>Serious Criminal Conduct</b>	Serious Criminal Conduct means any of the following: <ul style="list-style-type: none"> <li>• Sexual Offences</li> <li>• drug possession, use, sale or any other drug-related conduct</li> <li>• assault causing serious injury</li> <li>• any criminal conduct deemed serious enough to warrant escalation to TA by the Involved Organisation.</li> </ul>
<b>Sexual Abuse</b>	Sexual Abuse occurs when an adult or a person of authority involves a CYP in any sexual activity. Perpetrators of Sexual Abuse take advantage of their power, authority or position over the CYP for their own benefit. It can include making sexual comments to a child, engaging CYP to participate in sexual conversations over the internet or on social media, kissing, touching a child’s genitals or breasts, oral sex or intercourse with a child. Encouraging a child to view pornographic magazines, websites and videos is also Sexual Abuse. Engaging CYP to participate in sexual conversations over the internet is also considered Sexual Abuse.
<b>Sexual Exploitation</b>	Sexual Exploitation occurs when CYP are forced into sexual activities that are then recorded in some way and/or used to produce pornography. Such pornography can be in the form of actual photos or videos or published on the internet.
<b>Sexual Harassment</b>	Sexual Harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature and which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual Harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions and displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment.
<b>Sexual Misconduct</b>	Sexual Misconduct means any of the following: <ul style="list-style-type: none"> <li>• Sexual Offences</li> <li>• Sexual Harassment</li> <li>• the use of technology or social media platforms with sexual connotation.</li> </ul>
<b>Sexual Offence</b>	Sexual Offence means a criminal offence involving sexual activity or actions of indecency. Because of differences under state and territory laws, this can include but is not limited to: <ul style="list-style-type: none"> <li>• rape</li> <li>• indecent assault</li> <li>• sexual assault</li> <li>• assault with intent to have sexual intercourse</li> <li>• incest</li> <li>• sexual penetration of Child under the age of 16</li> <li>• indecent act with Child under the age of 16</li> <li>• sexual relationship with Child under the age of 16</li> <li>• sexual offences against people with impaired mental functioning</li> <li>• abduction and detention</li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>• procuring sexual penetration by threats of fraud</li> <li>• procuring sexual penetration of a Child under the age of 16</li> <li>• bestiality</li> <li>• soliciting acts of sexual penetration or indecent acts</li> <li>• promoting or engaging in acts of Child prostitution</li> <li>• obtaining benefits from Child prostitution</li> <li>• possession of Child pornography</li> <li>• publishing Child pornography and indecent articles.</li> </ul>
<b>State Association or States</b>	State Associations are the Australian state and territory Triathlon Entities. State Associations have agreed to adopt and abide by this Policy.
<b>Transgender</b>	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. See <a href="http://www.humanrights.commission.vic.gov.au">www.humanrights.commission.vic.gov.au</a> (Guideline: Transgender people and sport Complying with the Equal Opportunity Act 2010)
<b>TA</b>	The national governing body for Triathlon in Australia.
<b>TA Child Protection Commitment Statement</b>	The Commitment Statement in Part 2 of this Policy that defines the principles and procedures that are implemented to ensure that CYP who access a Triathlon program, service or facility are protected.
<b>TA Constitution</b>	TA Constitution means the constitution of TA as in force and amended from time to time.
<b>Triathlon</b>	The sport of Triathlon, whether educational, recreational or competitive.
<b>Triathlon Entities</b>	Triathlon Entities means Triathlon Australia, State and Territory Triathlon Associations, Affiliated Clubs and Training Groups
<b>Victimisation</b>	Victimisation means subjecting a person or threatening to subject a person to any detrimental or unfair treatment because that person has or intends to pursue their rights to make a Formal Complaint under law or under this Policy, or for supporting another person to make a Formal complaint.

## APPENDIX B—WORKING WITH CHILDREN CHECKS

All Triathlon Entities operate in and sometimes across a number of Australian jurisdictions. Each Australian jurisdiction has its own legislated screening schemes for undertaking checks to assess a person’s suitability to work or interact with CYP. Examples of this include WWCC or Blue Card checks.

Accordingly, but subject to relevant legislation and the relevant rules, human resources and/or employment processes adopted and implemented by a particular Triathlon Entity, recruitment procedures require that such checks be obtained for all applicants (including all applicants who are CYP) who are to be offered or have accepted a position with a Triathlon Entity that involves direct contact with or permits access to CYP. The relevant Triathlon Entity will direct the applicant to the relevant check that is required and in doing so will make clear which jurisdiction(s) the relevant check(s) is or are to be obtained.

The PPA that is responsible for recruiting must either verify with the appropriate WWCC or Blue Card authority or sight a copy of the applicable WWCC or Blue Card check documentation and record relevant details.

A Triathlon Entity will not employ a person who is deemed a prohibited person or returns a negative check based on WWCC or Blue Card check legislation in our jurisdictions. Further information regarding the operation of WWCC checks can be obtained from:

<p><b>ACT</b> Contact the Office of Regulatory Services Website: <a href="http://www.ors.act.gov.au/community/working_with_vulnerable_people_wwvp">http://www.ors.act.gov.au/community/working_with_vulnerable_people_wwvp</a> Phone: 02 6207 3000</p>	<p><b>South Australia</b> Contact the Department for Education and Child Development Website: <a href="http://www.families.sa.gov.au/childsafes">www.families.sa.gov.au/childsafes</a> Phone: 08 8463 6468. National Police Check: <a href="http://www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check">www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check</a> DCSI Child Related Work Screening: <a href="http://www.dcsi.sa.gov.au/services/screening">http://www.dcsi.sa.gov.au/services/screening</a></p>
<p><b>New South Wales</b> Contact the Office of the Children’s Guardian Website: <a href="http://www.kidsguardian.nsw.gov.au/check">www.kidsguardian.nsw.gov.au/check</a> Phone: 02 9286 7276</p>	<p><b>Victoria</b> Contact the Department of Justice Website: <a href="http://www.workingwithchildren.vic.gov.au">www.workingwithchildren.vic.gov.au</a> Phone: 1300 652 879</p>
<p><b>Northern Territory</b> Contact the Northern Territory Screening Authority Website: <a href="http://www.workingwithchildren.nt.gov.au">www.workingwithchildren.nt.gov.au</a> Phone: 1800 TAFE NT (1800 723 368)</p>	<p><b>Western Australia</b> Contact the Department for Child Protection Website: <a href="http://www.checkwwc.wa.gov.au">www.checkwwc.wa.gov.au</a> Phone: 1800 883 979</p>
<p><b>Queensland</b> Contact the Public Safety Business Agency about the Blue Card system Website: <a href="http://www.ccypcg.qld.gov.au">www.ccypcg.qld.gov.au</a> Phone: 1800 113 611</p>	

## APPENDIX C—NATIONAL CRIMINAL HISTORY RECORD CHECKS

A Triathlon Entity may at any time require a national criminal history record check. This might be required, for example, where a person may be exempt from a WWCC requirement, but it can also be an additional requirement imposed by a Triathlon Entity. Note that such checks are point in time only on the day the check is completed. If such record check is required, application forms are obtained from police in the relevant state or territory, or download forms from their website, as detailed below:

<p><b>Australian Capital Territory</b> Australian Federal Police Phone: 02 6202 3333 Web: <a href="http://www.afp.gov.au/business/criminal_police_checks.html">www.afp.gov.au/business/criminal_police_checks.html</a></p>	<p><b>South Australia</b> South Australia Police Phone: 08 8204 2455 Web: <a href="http://www.sapolice.sa.gov.au/sapol/services/information_requests/national_police_certificate.jsp">www.sapolice.sa.gov.au/sapol/services/information_requests/national_police_certificate.jsp</a></p>
<p><b>New South Wales</b> New South Wales Police Phone: 02 8835 7888 Web: <a href="http://www.police.nsw.gov.au">www.police.nsw.gov.au</a></p>	<p><b>Tasmania</b> Tasmania Police Phone: 03 6230 2928, 02 6230 2929 or 03 6230 2243 Web: <a href="http://www.police.tas.gov.au/permits/criminal-history">www.police.tas.gov.au/permits/criminal-history</a></p>
<p><b>Northern Territory</b> Northern Territory Police Phone: 08 8922 3257 Web: <a href="http://www.pfes.nt.gov.au/">www.pfes.nt.gov.au/</a></p>	<p><b>Victoria</b> Victoria Police Phone: 03 9247 5907 Web: <a href="http://www.police.vic.gov.au/content.asp?Document_ID=274">www.police.vic.gov.au/content.asp?Document_ID=274</a></p>
<p><b>Queensland</b> Queensland Police Service Phone: 07 3364 6854 Web: <a href="http://www.police.qld.gov.au">www.police.qld.gov.au</a></p>	<p><b>Western Australia</b> Western Australia Police Phone: 08 9268 7754 Web: <a href="http://www.police.wa.gov.au/OurServices/PoliceChecks">www.police.wa.gov.au/OurServices/PoliceChecks</a></p>

The date and certificate number of the police check must be recorded in the applicant's file. Subject to a Triathlon Entity's document and record keeping practices, a copy of the police check may be retained by a Triathlon Entity and kept on the applicant's file.

Whenever possible, no applicant is to be offered a position within a Triathlon Entity until after completion of their WWCC or national criminal history record check. When this is not possible, the person may be appointed contingent upon them receiving a satisfactory check. The person is to be subject to additional supervision until the check procedures are completed.

**ATTACHMENT 1: MEMBER PROTECTION DECLARATION**

A Triathlon Entity has a duty of care to all those associated with that Entity and to the individuals in that organisation to whom TA’s Member Protection Policy (MPP) applies. As a requirement of the MPP, I acknowledge and agree that a Triathlon Entity must enquire into my background given I have undertaken, or will undertake, regular, unsupervised contact with CYP.

I ..... (name) of  
 ..... (address)  
 born ...../...../.....

sincerely declare:

1. I have been provided a copy, have read and understood the Member Protection Policy.
2. I understand my responsibilities in relation to ensuring and promoting the safety of children and young people.
3. I am not the subject of any criminal investigation.
4. I do not have any criminal charge pending before the courts.
5. I do not have any criminal convictions or findings of guilt including for sexual offences, offences related to children or acts of violence including domestic violence.
6. I have not had any workplace behaviour or 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.
7. I have never had a working with children check application rejected.
8. I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping Policy applicable to me.
9. 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.
10. To my knowledge there is no other matter that a Triathlon Entity may consider constitutes a risk to its members, employees, volunteers, athletes or reputation by my involvement in Triathlon whether in a paid or voluntary position.
11. I will notify the President or CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 8 above has changed.

I acknowledge that should I falsely or untruthfully declare any of the above I will be automatically expelled from Triathlon (at all levels) nor will I be eligible for membership subject always to the discretion of the relevant State Association and/or Associate Member. I further acknowledge there is no appeal from such sanction.

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: .....