



**STARPLEX SWIM CLUB**  
**POLICY**  
**CHILD WELFARE**

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For the benefit and wellbeing of its members, STARplex Swim Club follows the Child Welfare Policy (and associated General Information and Procedures) as set down by Swimming Australia (SAL). A copy of the SAL policy statement is contained in this document.

**STARplex Swim Club Committee**  
September 2015



**SWIMMING AUSTRALIA LIMITED**

**CHILD WELFARE POLICY**

## **CHILD WELFARE POLICY**

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## **PREFACE**

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### **Message from the CEO**

Swimming Australia Limited (SAL) is committed to the health, safety and general well-being of all its members. The organisation is dedicated to providing a safe environment for our members and of service providers participating in our activities.

Sport in Australia is held as a positive influence that enriches the lives of all who are involved. As Australians, we greatly value this essence of sport in our culture and our community, and we all have the right to enjoy our sport, at whichever level we participate. This Policy is an essential part of our organisation's proactive and preventative approach to tackling inappropriate behavior relating to Children.

As a sport, we are proud to lead the way in ensuring safe and harassment-free sport for all of our competitors, coaches, officials, administrators, volunteers and supporters.

SAL believes that the welfare and protection of Children is the responsibility of each individual and organisation within the Swimming community. SAL recognises that everyone has a part to play in looking after Children with whom they are working, or come into contact and we are committed to the following principles:

- The Child's welfare is the first and foremost consideration
- All Children have the right to be protected from abuse

It is our commitment to ensure that everyone associated with Swimming Australia complies with this Policy and the guiding principles of Child welfare.

I wish you all safe and successful swimming.

**Mark Anderson**  
**Chief Executive Officer**

## REVIEW HISTORY OF SAL'S CHILD WELFARE POLICY

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<b>Version</b>	<b>Date endorsed</b>	<b>Content reviewed/purpose</b>
<i>Original version 0.0</i>	<i>October 2002</i>	<ul style="list-style-type: none"> <li>• <i>Original version</i></li> <li>• <i>Required by the ASC in line with template version 1</i></li> </ul>
<i>Version 1.1</i>	<i>November 2006</i>	<ul style="list-style-type: none"> <li>• <i>Required by the ASC in line with template version 4</i></li> <li>• <i>Split into two policies, Member Welfare and Child Welfare</i></li> <li>• <i>General procedures and information split out of the policy and into a separate procedure document for member welfare and Child welfare.</i></li> </ul>
<i>Version 1.3</i>	<i>October 2012</i>	<ul style="list-style-type: none"> <li>• <i>Required by the ASC in line with template version 6</i></li> <li>• <i>Inclusion of position statements/policies</i></li> <li>• <i>Minor formatting and word changes throughout</i></li> </ul>
<i>Version 1.4</i>	<i>January 2014</i>	<ul style="list-style-type: none"> <li>• <i>Required by the ASC in with template version 7</i></li> <li>• <i>Review of language throughout to aid understanding.</i></li> <li>• <i>Codes of conduct made a stand alone document (taken out of general information and procedures).</i></li> <li>• <i>Clarification of section 4 - split responsibilities of an organisation vs an individual.</i></li> <li>• <i>Added section 7 - to raise profile of improper complaints or victimisation.</i></li> <li>• <i>Added definitions for sexual harassment, sexual offence and transgender</i></li> <li>• <i>Added gender identity position statement</i></li> <li>• <i>Added Child Protection and Taking images of Children position statements</i></li> <li>• <i>Clarified other policies and position statements</i></li> </ul>

## **PART A - SAL CHILD WELFARE POLICY**

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### **1. Swimming Australia's Core Values**

Swimming Australia Limited's (SAL's) strategic plan states our vision as "To be the world's best and most passionate swimming nation and inspire the *Australian Spirit*". Being the world's leading swimming nation extends beyond the pool to all facets of SAL business, including Child Welfare. This Policy reflects SAL's commitment to providing an environment characterised by fairness, safety and respect, and our desire to nurture and protect the sport because of its intrinsic value to the entire Australian community.

### **2. Purpose of this Policy**

This Policy stems from the following guiding principles:

- a) the Child's welfare is the first consideration;
- b) all Children, regardless of age, gender, racial origin, religious belief, sexual identity and or disability, have a right to enjoy sport free from Child Abuse and all forms of Bullying, Harassment and Discrimination;
- c) all individuals and organisations bound by this Policy have responsibilities for the welfare of Children in our sport;
- d) all individuals and organisations bound by this Policy must act in accordance with the law in relation to Child protection issues; and
- e) SAL is committed to the protection of Children within our sport and will not tolerate practices in breach of this Policy.

Through this Policy, SAL aims to ensure that:

- f) our core values, good reputation and positive behaviours and attitudes are maintained, so as to provide a safe, fair and inclusive environment for everyone associated with our sport;
- g) every Child involved in our sport is treated with respect and dignity and is safe and protected from Child Abuse, Bullying, Harassment or Discrimination; and
- h) everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities relating to the welfare of Children, as well as the standards of behaviour expected of them.

Any form of Bullying, Harassment or Discrimination is actionable if the victim feels distress or concern as a result of the aggressive and upsetting behaviour. Descriptions of behaviour which could be regarded as Bullying, Harassment or Discrimination are provided in the Dictionary (section 11).

The “Child Welfare Policy General Information & Procedures” for this Policy provide the procedures that support our commitment to preventing Child Abuse, Bullying, Discrimination, Harassment and other forms of inappropriate behaviour in our sport.

This Policy is supplemented by SAL’s Member Welfare Policy, which provides specific guidelines and Complaints Procedures relating to the welfare and well being of all members in our sport.

The Board of SAL has endorsed this Policy and the “Child Welfare Policy General Information & Procedures”.

This Policy and accompanying procedures may be amended from time to time by resolution of the Board of Directors of SAL. Copies of the Policy and its Attachments can be obtained from our office and our website [www.swimming.org.au](http://www.swimming.org.au).

### **3. Who is bound by this Policy?**

This Policy applies to SAL and Member Associations, directors, employees, contractors, volunteers and Members whether they are in a paid, unpaid (voluntary) capacity.

This Policy only applies to an Affiliate if the Policy is formally adopted by that Affiliate.

For clarity, it is intended that this Policy shall apply to the following:

- a) athletes;
- b) support personnel including but not limited to team/squad managers, physiotherapists, psychologists, masseurs, and sport trainers;
- c) coaches and assistant coaches;
- d) technical Officials; and
- e) any other person or organisation that is a member of or affiliated to SAL or who, in the reasonable opinion of SAL’s Board, should be bound by this Policy, such as parents, guardians, spectators and sponsors to the full extent that is possible.

This Policy will continue to apply to a person even after they have stopped their membership, association or employment with SAL, or its Member Associations, if disciplinary action has been taken against them under this Policy during that person’s membership, association or employment with that respective organisation.

Member Associations are required to adopt and implement this policy and to provide proof to SAL of the approval of the policy by the relevant board in accordance with its constitution. Member Associations must also undertake to ensure that Clubs and Individual Members are bound by this policy and are made aware of this policy and its content.

### **4. Responsibilities**

All Individuals and organisations bound by this Policy have a role to play in discouraging unacceptable behaviours in the Swimming environment and in promoting a tolerant and enjoyable atmosphere for all persons involved in Swimming.

SAL and its Member Associations (and Affiliates if applicable) must:

- (a) adopt, implement and comply with this Policy and its accompanying procedures;
- (b) cause the respective members of Member Associations to agree to be bound by and adhere to this Policy;
- (c) publish, distribute and otherwise promote this Policy and the consequences for breaching it;
- (d) promote and model appropriate standards of conduct at all times;
- (e) promptly deal with any breaches of or Complaints made under this Policy in an impartial, sensitive, fair, timely and confidential manner;
- (f) apply this Policy consistently without fear or favour;
- (g) recognise and enforce any penalty imposed under this Policy irrespective of the party imposing the penalty;
- (h) ensure that a copy of this Policy is available or accessible to the persons and organisations to whom this Policy applies;
- (i) appoint or have access to appropriately trained people to receive and handle complaints and allegations and display the names and contact details in a way that is readily accessible; and
- (j) monitor and review this policy at least bi-annually.

Individuals bound by this policy must:

- (a) make themselves aware of the policy and complying with the Codes of Conduct it sets out;
- (b) be accountable for their behaviour;
- (c) follow the steps outlined in this policy for making a complaint or reporting possible Child Abuse; and
- (d) comply with any decisions and/or disciplinary measures imposed under this Policy.

Specifically:

- (a) SAL, Member Associations, Affiliates, Clubs, MPIOs and people in positions of authority (including but not limited to coaches, technical officials and employees) should understand what Child Abuse, Bullying, Harassment and Discrimination are and follow and implement the correct Complaints Procedures when any of these behaviours are reported.

SAL will provide information so that volunteers and employees are able to identify and respond to Children at risk of harm. SAL will make all volunteers and employees aware of their responsibilities under respective state laws if they have suspicion on reasonable grounds that a Child has been or is being abused or neglected.



(b) Coaches, technical officials, employees and other persons in positions of authority should:

- be alert to these behaviours and signs of distress and anxiety in athletes and other members;
- respond to incidents of Child Abuse, Bullying, Harassment and Discrimination according to this Policy and Complaints Procedure;
- model tolerant and accepting behaviours; and
- make it known that Child Abuse, Bullying, Harassment and Discrimination are not acceptable. No matter what the excuse.

(c) Clubs should:

- make recognition and adherence to this Policy and Complaints Procedure a condition of membership of the Club;
- disseminate information on this Policy widely to make the Policy known and available to all members and employees (paid and voluntary);
- respond to incidents of Child Abuse, Bullying, Harassment and Discrimination according to this Policy and Complaints Procedure;
- act in the best interests of their Child members and their safety and welfare; and
- foster an environment of tolerance, friendship and enjoyment.

SAL has developed Codes of Conduct as guidelines for acceptable behaviour for all of its members. These are available on the website.

## **5. Child Welfare Requirements**

Every organisation and individual bound by this Policy must always place the safety and welfare of Children above all other considerations.

SAL and its Member Associations acknowledge that their members, employees, directors, contractors and volunteers provide a valuable contribution to the positive experiences of Children. These organisations must aim to ensure this continues and to protect the safety and welfare of Children. Several measures to achieve this include:

- (a) prospective employees of organisations bound by this Policy must have a Police Check before their employment can commence;
- (b) compliance with Commonwealth, State and Territory Child welfare laws;
- (c) prohibiting any form of Child Abuse, Bullying, Harassment and Discrimination against Children;
- (d) carefully selecting and screening individuals whose role requires them to have regular contact with Children;
- (e) providing Complaints Procedures for raising concerns or complaints; and
- (f) providing education and information to those involved in our sport on Child Abuse, Bullying, Cyber Bullying, Harassment, Discrimination and Child protection.

This Policy requires that any person who knows or reasonably suspects that a Child is or has been the victim of Child Abuse by someone involved in or related to swimming, report it immediately to the Police or relevant Government agency and the CEO of the Involved Organisation.

The CEO of the Involved Organisation must:

- (a) seek guidance from the Police or the relevant Government Agency about whether it is appropriate for the Complaints Procedures under the “Child Welfare Policy General Information and Procedures” to be enacted; and
- (b) promptly report the allegation to the CEO of SAL and thereafter continue to keep the CEO of SAL or its delegate informed on the status of the matter.

All allegations of Child Abuse must be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of Child Abuse and the privacy of all persons concerned will be respected. The Complaints Procedures for handling allegations of Child Abuse are outlined in the “Child Welfare Policy General Information and Procedures” and must be followed.

## **6. Best Practice Procedures**

The following best practice procedures are strongly recommended for those in contact with Children.

At training or at competitions organisations and individuals bound by this Policy should:

- a) ensure that there is enough supervision as appropriate for the age of the Children;
- b) ensure that Children have access to a responsible adult of the same gender as the Children concerned, at all possible times;
- c) avoid private one-on-one situations with Children and have any meeting in the presence of another Athlete or responsible adult, or in an open and clearly visible area;
- d) foster an environment of friendship, cooperation, tolerance and good sportsmanship between Children;
- e) ensure that any immediate disciplinary measures are non-violent and do not involve humiliation or cause anxiety;
- f) be aware of and be quick to act on any games that are physically rough or sexually provocative or that involve inappropriate language or contact;
- g) get the consent of a Child before making physical contact with them and let the Child know what you are doing and why;
- h) ask gender appropriate officials, parents or guardians to be responsible for Children while in the changing rooms;

- i) ensure where Children are being picked up from training or the event, depending on the age of the Child, Children should be collected from a pre-determined area so the Coach or other responsible official can recognise when a Child has not been picked up and arrange for appropriate supervision;
- j) ensure for older Children, an action plan be discussed with the squad so that such Children can find a safe way home; and
- k) ensure Children are not invited to a coach's house or other adult in a position of authority unless accompanied by that Child's parent or guardian, or with the consent of a parent or legal guardian.

At camps or competitions requiring overnight accommodation organisations and individuals bound by this Policy should also ensure that:

- (a) teams are appropriately accompanied by the same gender coaches and officials;
- (b) Children room with Children of the same gender and where appropriate and available, with other Children of approximately the same age;
- (c) coaches, officials and other responsible adults of the opposite gender are accompanied by a coach, official or other responsible adult of the same gender if there is a need for them to enter the living or sleeping area of Children of the opposite sex, and where possible, this should be avoided and all contact should be in "group time";
- (d) any transport provided to a Child by private car by a coach, official or other responsible occurs with prior consent of the parents or guardians of the Child (unless in an emergency) and that an additional adult, preferably of the same gender as the Child (or other older Children) is also in the car. Children should always sit in the back seat; and
- (e) where transport is provided to Children in a mini-bus or larger vehicle there is adequate age-appropriate supervision with at least one same gender (of Children) coach, official or other responsible adult present at all times.

## **7. What is a breach of this Policy?**

It is a breach of this Policy for any person or organisation, to which this Policy applies, to do anything contrary to this Policy, including but not limited to:

- (c) discriminated against, bullied, harassed or inflicted Child Abuse on any Child;
- (d) victimised another person for reporting a complaint;
- (e) failed to follow SAL policies and procedures for the protection, safety and welfare of Children;
- (f) disclosed to any unauthorised person or organisation any information in relation to a complaint under this Policy of a private, confidential or privileged nature;

- (g) made a complaint under this Policy that they knew to be untrue, vexatious, malicious or improper;
- (h) appointed or continued to appoint a person to a role that involves working with Children contrary to this Policy;
- (i) failed to comply with a penalty imposed after a finding that the individual or organisation has breached this Policy;
- (j) engaged in a sexually inappropriate or unlawful relationship with a Child; and
- (k) failed to comply with a direction given to the individual or organisation during the Complaints Procedure.

## **8. Complaints Procedures**

Complaints Procedures are set out in the “Child Welfare Policy General Information and Procedures” and aim to provide a simple, confidential and trustworthy process for handling complaints based on the principles of Natural Justice. Any person may make a Complaint about an organisation or individual bound by this Policy if they reasonably believe that an organisation or individual bound by this Policy has breached this Policy.

All Complaints will be dealt with promptly, seriously, sensitively and confidentially and in accordance with the Complaints Procedure.

Any Complaint involving Child Abuse must be regarded as a formal complaint under the Complaints Procedure.

## **9. Improper Complaints and Victimisation**

SAL, Member Associations and Affiliates aim to ensure that the complaints procedure has integrity and is free of unfair repercussions or victimisation against the person making the complaint.

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

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

## **10. Forms of Discipline**

If an organisation or individual bound to this Policy breaches this Policy, one or more forms of discipline may be imposed. These may include but are not limited to making a verbal or written apology, paying a fine, being suspended or de-registered or having a person’s appointment or employment suspended pending formal Police investigations.

More information on the range of disciplinary measures and the factors that will be considered before imposing discipline is contained in the “Child Welfare Policy General Information and Procedures”.

## 11. Dictionary

This Dictionary sets out the meaning of words used in this Policy and in the “Child Welfare Policy General Information and Procedures” without limiting the ordinary and natural meaning of the words. Where a term is not defined it should be given its ordinary and natural meaning.

**Abuse** means any form of Harassment and includes all abuse as defined in Child Abuse as well as physical abuse, emotional abuse (including psychological abuse), sexual abuse, neglect, and abuse of power that has caused, is causing or is likely to cause harm to a Child’s wellbeing or development. Examples of abusive behaviour include but are not limited to bullying, humiliation, verbal abuse and insults.

**Athlete** means a swimmer, diver, water polo player or synchronised swimmer, whether recreational or competitive and who is an individual member of SAL, a Member Association or Affiliate.

**Affiliate** has the same meaning given to the term under the SAL Constitution, which means associations which are not full members of Swimming Australia and affiliate with Swimming Australia for FINA requirements e.g. Water Polo, Diving, Aussi Masters, Synchronised Swimming.

**Appeals Tribunal** means the panel created in accordance with the “Child Welfare Policy General Information and Procedures” to handle an appeal under this Policy.

**Attachment** means an attachment to this Policy.

**Bullying** means any use of aggression or taunting with the intent to cause harm to the victim. It may be physical or emotional and in serious cases may also be discrimination. Bullying may be done in person, by phone, email, SMS or other means.

**CEO** means the chief executive officer of SAL or a stakeholder organisation, and includes the executive officer, general manager or other similar title. If the stakeholder organisation has no executive officer (for example, for small Clubs or Districts) the CEO means the President of the organisation.

**Child/Children** means an Athlete or individual who is under 18 years of age.

**Child Abuse** is any form of behaviour directed towards a Child that is a crime as indicated by the *Crimes Act 1900* (Cth) and any other Commonwealth, State or Territory Child welfare legislation as applicable from time to time and includes, but not limited to:

- **physical abuse**, by hurting a Child or a Child’s development (e.g. hitting, shaking or other physical harm; giving a Child alcohol or drugs; or training that exceeds the Child’s development or maturity)
- **sexual abuse** by adults or other Children, where a Child is encouraged or forced to watch or engage in sexual activity or where a Child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral

sex, pornography, including Child pornography, or inappropriate touching or conversations)

- **emotional abuse**, by ill-treating a Child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name-calling, ignoring or placing unrealistic expectations on a Child)
- **neglect** (e.g. failing to give a Child food, water, shelter or clothing or to protect a Child from danger or foreseeable risk of harm or injury)
- any other violation of a Child by a person in a position of trust and authority.

**Child Welfare Policy General Information and Procedures** means the supporting information and procedures for the implementation of the Policy, which are contained in a separate document.

**Club** has the same meaning given to the term under the SAL Constitution, means any swimming club of SAL or an Affiliate.

**Codes of Conduct** means the General and Role Specific Codes of Conduct available on SAL's website, which outlines the expected behaviour. Breaches of the codes of conduct will be dealt with under this Policy.

**Complaint** means a Complaint made under Clause 8 of this Policy.

**Complainant** means the person making a Complaint and includes a parent, guardian or adult representative of the Child.

**Complaints Procedure** means the Complaints Procedure set out in the Child Welfare Policy General Information and Procedures.

**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:

- age;
- disability;
- marital status;
- parental or carer status;
- physical features;
- Irrelevant medical record;
- Irrelevant criminal record;
- political belief or activity;
- pregnancy;
- breastfeeding;
- race;
- religious belief or activity;
- sex or gender;
- sexual orientation;
- trade union membership or activity; and
- transgender orientation.

Discrimination also includes any other behaviour recognised by Commonwealth, State or Territory law as discrimination.

Examples of discrimination are available on the Play by the Rules website: [www.playbytherules.net.au/legal-stuff/discrimination](http://www.playbytherules.net.au/legal-stuff/discrimination)

Some exceptions to state and federal anti-discrimination law apply, such as:

- 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; or
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular activity.

**District** means the regional area organisation which exists in some states or territories and to whom clubs may be members.

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

Unlawful harassment includes the above but may be of a sexual nature or target a person because of their race, sex, pregnancy, marital status, sexuality or other characteristic (see characteristic list under Discrimination).

The basic rule is if someone else finds it harassing then it may be harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

**Hearing Tribunal** means the panel created in accordance with the "Child Welfare Policy General Information and Procedures" to hear a complaint under this Policy.

**Involved Organisation** means the relevant organisation to receive a Complaint and may be SAL, a Club, Member Association or Affiliate.

**Mediator** means a person appointed to mediate a Complaint made under this Policy, preferably with relevant skills, qualifications or training in mediation.

**Member** has the same meaning given to the term under the SAL Constitution.

**Member Association** has the same meaning given to the term under the SAL Constitution.

**Member Protection Information Officer** and **MPIO** means a person appointed as the first point of contact for a person reporting a Complaint under, or a breach of, this Policy. The MPIO provides confidential information and moral support to the person with the concern or who is alleging Harassment or a breach of this Policy.

**Natural Justice (or procedural fairness) requires that:**

- Both the complainant and the respondent must know the full details of what is being said against them;
- Both the complainant and the respondent must be given full opportunity to respond to the allegations and raise any matters in their own defense;
- all parties need to be heard and all relevant submissions considered;
- irrelevant matters should not be taken into account;
- no person may judge their own case;

- the decision maker(s) must be unbiased, fair and just; and
- the penalties imposed must not outweigh the breach of this Policy or offending behaviour.

**Panel Members** means a member of an Appeals Tribunal or Hearing Tribunal convened under this Policy.

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

**Policy** means this Child Welfare Policy and its Attachments.

**Respondent** means the person who is being complained about.

**SAL Constitution** means the constitution of SAL as in force and amended from time to time.

**Sexual harassment** means unwanted, unwelcome or uninvited behaviour of a sexual nature 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, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

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

**Sexual offence** means a criminal offence involving sexual activity or acts of indecency. Because of differences under state and territory laws, this can include but is not limited to:

- rape
- indecent assault
- sexual assault
- assault with intent to have sexual intercourse
- incest
- sexual penetration of Child under the age of 16
- indecent act with Child under the age of 16
- sexual relationship with Child under the age of 16
- sexual offences against people with impaired mental functioning
- abduction and detention
- procuring sexual penetration by threats or fraud
- procuring sexual penetration of a Child under the age of 16
- bestiality
- soliciting acts of sexual penetration or indecent acts
- promoting or engaging in acts of Child prostitution
- obtaining benefits from Child prostitution
- possession of Child pornography
- publishing Child pornography and indecent articles.

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



**Victimisation** means subjecting a person or threatening to subject a person to any detrimental or unfair treatment because that person has or intends to pursue their rights to make a Complaint under law or under this Policy, or for supporting another person to make a Complaint.

## **12. Other relevant Policies and Position Statements**

Further details of other relevant policies and position statements which have the potential to impact on the welfare of all our Members include:

### **12.1 Member Welfare Policy**

This Policy aims to ensure that our core values, good reputation and positive behaviours and attitudes are maintained. It assists us in ensuring that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse. This Policy also aims to ensure that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities.

For further information please refer to the full policy available on SAL's website.

### **12.2 Privacy Policy**

SAL routinely collects personal information about individuals and considers that protecting their personal information is important and SAL takes their right to privacy seriously. The Privacy Policy covers SAL's regulations on the collection, purpose, storage, use and distribution of information.

For further information please refer to the full policy available on SAL's website.

### **12.3 Risk Management Policy**

Risk Management identifies the chance of something happening which will impact on an organisation's objectives, measured in terms of consequence and likelihood. SAL's Risk Management Policy aims to reduce, transfer or avoid risks in order to protect its Member.

For further information please refer to the full policy available on SAL's website.

### **12.4 Anti-Doping Policy**

SAL is bound by the World Anti Doping Authority and Australian Sports Anti Doping Agency policies in ensuring Athletes are able to participate in a drug free environment.

For further information please refer to the full policy available on SAL's website.

### **12.5 Illicit Drugs in Sport Policy**

SAL wishes to prevent the use of Illicit Drugs in Sport through increased education for Athletes and the community in relation to the potential harm associated with the use of Illicit Drugs

Swimming Australia has adopted this Illicit Drugs Policy to:

- address and deter the out-of-competition use of Illicit Drugs by Athletes;
- deter and prevent the use of Illicit Drugs in the community; and
- reduce the harm caused to individuals, families and Member Associations of Swimming Australia and the broader community as a result of Illicit Drugs.

For further information please refer to the full policy available on SAL's website.

## **12.6 Gambling, Betting and Match Fixing Policy**

Swimming Australia and its Member Organisations have a zero tolerance for illegal gambling and match-fixing. Through this Policy SAL aims to ensure that our core values, good reputation, and positive behaviours and attitudes are maintained.

SAL wishes to protect against any efforts to impact improperly the result of any race or event or from anyone benefiting through use of inside information.

For further information please refer to the full policy available on SAL's website.

## **12.7 Gender Identity Position Statement**

SAL is committed to providing a safe, fair and inclusive sporting 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.

We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual. If a transgender or transsexual person feels he or she has been harassed or discriminated against by another person or organisation bound by this policy, he or she may make a complaint.

SAL recognises that excluding transgender and transsexual people from participating in sporting events and activities has significant implications for their health, well-being and involvement in community life. In general, we will support their participation in our sport on the basis of the gender with which they identify.

We also recognise 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, we will seek advice on the application of those laws in the particular circumstances.

SAL is aware that the International Olympic Committee has established criteria for selection and participation in the Olympic Games. Where a transgender person intends to compete at an elite level, we will encourage them to obtain advice about the IOC's criteria, which may differ from the position we have taken.

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.

## **12.8 Social Media Guidelines**

SAL acknowledges the enormous value of social networking websites, such as Facebook and Twitter, to promote our sport and celebrate the achievements and success of the people involved in our sport.

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

Social media postings, blogs, status updates and tweets:

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

Further guidance for Clubs and Member Associations on developing a Communications Policy is available at: [www.playbytherules.net.au/resources/club-toolkit](http://www.playbytherules.net.au/resources/club-toolkit)

## **12.9 Cyber Bullying Policy**

Bullying and harassment in all forms is regarded by SAL as unacceptable in swimming. The emergence of 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 improper comments.

Messages or statements made using these means of communication are largely instantaneous, and can easily be reverberated by others. Others may also manipulate a person by encouraging a statement to be made on Twitter or Facebook, for example, when the author may be upset or vulnerable. Bullying has the potential to cause great anxiety and distress to the person who has been the target of any comments or statements. In some cases, bullying is regarded as a criminal offence punishable by imprisonment, amongst other things. Frustration at officials, team mates, coaches or SAL and its Member Associations should never be communicated on social network channels, but rather by way of reasoned and logical verbal and written statements and where appropriate, complaints, to the relevant controlling Club, Member Associations or SAL.

## **12.10 Smoke-free environment Policy**

The following policy applies to all sporting and social events:

- No smoking shall occur at or near any swimming event involving persons under the age of 18. This policy shall apply to coaches, athletes, trainers, officials and volunteers.
- Social functions shall be smoke free with smoking permitted at designated outdoor smoking areas in accordance with facility rules and government legislation.
- Coaches, officials, volunteers and athletes will refrain from smoking and remain smoke free while involved in an official capacity for any SAL, Member Association or Club activity.

### **12.11 Pregnancy Policy**

Everyone bound by this policy must treat pregnant women with dignity and respect and any unreasonable barriers to participation by them in this sport should be removed. SAL will not tolerate any discrimination or harassment against pregnant women.

While many swimming activities are safe for pregnant women, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the activity and the particular pregnant woman's circumstances. Pregnant women should be aware that their own health and wellbeing, and that of their unborn Children, should be of utmost importance in their decision making about the way they participate in the sport.

SAL recommends that pregnant women wanting to participate consult with their medical advisers, make themselves aware of the facts about pregnancy in swimming and ensure that they make informed decisions about participation. SAL will only require pregnant women to sign a disclaimer if we require other participants to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

### **12.12 Responsible Service and Consumption of Alcohol Position Statement**

SAL recommends that Member Associations and their member clubs adhere to strict guidelines regarding the responsible consumption of alcohol, at endorsed events:

- alcohol should not be available nor be consumed at a swimming event at which Children under 18 are participants in the sport.
- responsible service and consumption of alcohol should apply to any alcohol to be consumed after the competition has concluded.
- wherever possible, food, low-alcohol alternatives and water and soft drinks should be available at events where alcohol is served
- a committee member should be present at events where alcohol is served to ensure appropriate practices are followed.
- safe transport options should be promoted as part of any event where alcohol is served.

Further guidance for Clubs and Member Associations can be obtained from the Alcohol Management Policy available at:

<http://www.goodsports.com.au/goodsports/pages/sample-policies.html>.

### **12.13 Child Protection Position Statement**

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

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

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

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

#### **12.13.2 Develop codes of behaviour**

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

These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour.

#### **12.13.3 Choose suitable employees and volunteers**

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

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

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

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

#### **12.13.5 Empower and promote the participation of Children**

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

#### **12.13.6 Report and respond appropriately to suspected abuse and neglect**

We will ensure that all our employees and volunteers are able to identify and respond appropriately to Children at risk of harm and that they are aware of their

responsibilities under state laws to make a report if they suspect on reasonable grounds that a Child has been, or is being, abused or neglected. ( Further, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a Child, or is in breach of this policy, he or she may make an internal complaint.

#### **12.14 Taking images of Children Position Statement**

Images of Children can be used inappropriately or illegally. SAL recommends that Member Associations and Clubs, wherever possible, obtain permission from a Child's parent/guardian before taking an image of a Child that is not their own. They should also make sure the parent/guardian understands how the image will be used.

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

When using a photo of a Child, we will not name or identify the Child or publish personal information, such as residential address, email address or telephone number, without the consent of the parent/guardian. We will not provide information about a Child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" a Child.

We will only use images of Children that are relevant to our sport and we will ensure that they are suitably clothed in a manner that promotes participation in the sport. We will seek permission from the parents/guardians of the Children before using the images. We recommend our Member Associations and clubs to do likewise.

## PART B: SAL CHILD WELFARE REQUIREMENTS / WORKING WITH CHILDREN

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### Background

SAL is committed to providing a Child-safe environment. As part of this, we will recruit staff and volunteers who do not pose a risk to Children.

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

WWCC laws are currently in place in New South Wales, Queensland, Western Australia, Victoria, the Northern Territory and South Australia.

SAL including our Member Associations and Clubs, will meet the requirements of the relevant state or territory WWCC laws.

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

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

The state WWCC requirements apply regardless of our national, state or club Child Welfare Policy.

The following Attachments provide:

**A1 Screening Requirements** – applies to people residing in ACT and Tasmania

**A2 Child Welfare Declaration** – applies to all states/territories

**A3 Working With Children Check Requirements** – summary information on state and territory WWCC requirements and where to obtain more information and relevant forms.

## ATTACHMENT A1: SCREENING REQUIREMENTS

*[applies to states/territories without Working With Children Checks such as ACT and Tasmania]*

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This Attachment sets out the screening process for people in Swimming Australia Limited (SAL) who work, coach, supervise or have regular unsupervised contact with people under the age of 18 years.

SAL also requires Member Associations and Clubs to:

1. Identify positions that involve working, coaching, supervising or regular unsupervised contact with people under the age of 18 years.
2. Obtain a completed *Child Welfare Declaration (CWD)* (Attachment A2) from all people who are identified in the above step and keep it in a secure place.
3. Provide an opportunity for a person to give an explanation if a CWD isn't provided or it reveals that the person doesn't satisfactorily meet any of the clauses in the CWD. We will then make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years. If unsatisfied we will not appoint them to the role/position.
4. Where possible, check a person's referees (verbal or written) about his/her suitability for the role.
5. Ask the people identified in step 1 to sign a consent form for a national Police Check.
6. Possibly request (or ask the person to request) a national 'Part Exclusion' Police Check from our relevant police jurisdiction. This check excludes irrelevant records. If the Police Check indicates a relevant offence, we will provide an opportunity for the person to give an explanation, and then we will make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years. If unsatisfied we will not appoint them to the role/position.
7. Make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years if the person does not agree to a national Police Check after explaining why it is a requirement under our policy. If unsatisfied, we will not appoint them.
8. Decide whether to offer the person the position taking into account the result of the Police Check and any other information the club has available to it. Where it is not practical to complete the Police Check prior to the person commencing in the position, we will complete the check as soon as possible, and if necessary, act immediately on the outcome.
9. Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the checking process.
10. Return information collected during screening (such as a completed CWD form, police records and referee reports) to the relevant person if that person is not appointed to the



position, or otherwise be destroyed within 28 days of the date of the decision or the expiry of any appeal period, unless within that time the person requests that the documents be returned to them. For appointed persons, information will be kept on file in a secure location.

## ATTACHMENT A2: CHILD WELFARE DECLARATION

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..... (*Involved Organisation*) has a duty of care to all those associated with the sport and to the individuals and organisations to whom our national Child Welfare Policy applies. As a requirement of our national Child Welfare Policy, ..... (*Involved Organisation*) must enquire into the background of those who undertake any work, coaching or have regular unsupervised contact with people under the age of 18 years.

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

sincerely declare:

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

Declared in the *State/Territory* of .....  
on ...../...../.....(*date*) Signature .....

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

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

Name: .....  
Signature: .....  
Date: .....

## ATTACHMENT A3: WORKING WITH CHILDREN CHECK REQUIREMENTS

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

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

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

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

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

### **New South Wales**

Contact the Commission for Children and Young People

Website: [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)

Phone: 02 9286 7276

### **Northern Territory**

Contact the Northern Territory Screening Authority

Website: [www.workingwithChildren.nt.gov.au](http://www.workingwithChildren.nt.gov.au)

Phone: 1800 SAFE NT (1800 723 368)

### **Queensland**

Contact the Commission for Children and Young People and Child Guardian about the "Blue Card" system.

Website: [www.ccypcg.qld.gov.au](http://www.ccypcg.qld.gov.au)

Phone: 1800 113 611

### **South Australia**

Contact the Department for Education and Child Development

Website: [www.families.sa.gov.au/Childsafe](http://www.families.sa.gov.au/Childsafe)

Phone: 08 84 636 468

Note: In South Australia, the requirement to conduct criminal history assessments for people working with Children is being phased-in over three years. For recreation and sporting organisations, this requirement commenced on 1 January 2012 and will be completed by 31 December 2013.

### **Victoria**

Contact the Department of Justice

Website: [www.justice.vic.gov.au/workingwithChildren](http://www.justice.vic.gov.au/workingwithChildren)

Phone: 1300 652 879

## **Western Australia**

Contact the Department for Child Protection

Website: [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au)

Phone: 1800 883 979

## **Travelling to other states or territories**

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

In October 2011 at the Standing Council on Community, Housing and Disability Services, Commonwealth, state and territory ministers agreed to introduce, by late 2012, national exemptions to Working with Children Checks for paid employees and volunteers who are required to cross state or territory borders for work related purposes.

These exemptions will be for up to 30 days in any 12 month period and will enable workers to participate in national and inter-jurisdictional activities on a short-term basis. This means that volunteers and workers with a valid check in their home state or territory will be able to participate in short-term activities across state and territory borders without the need for additional checks.

The Australian Sports Commission will provide more information as soon as it becomes available.