

AUSTRALIAN POWERLIFTING UNION LTD MEMBER PROTECTION POLICY



VERSION 002
[29 SEPTEMBER 2019]

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Preface

Australian Powerlifting Union (“APU”) is proud to introduce its first Member Protection Policy.

The adoption of the APU Member Protection Policy reflects APU’s dedication to protecting members and participants at every level of the sport. The policy reinforces APU’s commitment to providing an environment that is safe, free from harassment and abuse, and promotes respectful and positive behaviour and values. The policy will be used as the basis of appropriate and ethical conduct and it is expected that everyone associated with the sport in Australia will abide. Inappropriate or unlawful behaviour will not be tolerated, and disciplinary action will be taken against individuals if there is a breach of this policy

The successful implementation and enforcement of this policy requires the cooperation and commitment of all members and participants, at every level.

I trust that all administrators, coaches, athletes and support staff will assist me in promoting safe and responsible behaviour within powerlifting.

Sean Muir
President
Australian Powerlifting Union

Review history of Australian Powerlifting Union Ltd. Member Protection Policy

Version	Date reviewed	Date endorsed	Content reviewed/purpose
001	15 April 2019	24 May 2019	Initial
002	29 September 2019	29 September 2019	Amendment

PART A: NATIONAL MEMBER PROTECTION POLICY

1. Introduction

This Policy is made and implemented by Australian Powerlifting Union Ltd (“APU”) under clause 14 of the APU By-Laws. It is recommended that everyone involved in powerlifting (however described) adopt and apply this Policy in and to their own particular context.

APU is committed to the health, safety and wellbeing of all its members, and participants at all levels and is dedicated to providing a safe and inclusive environment for those participating in the sport

2. Purpose of this policy

This Policy aims to assist APU to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport. It sets out our commitment to ensure that every person involved in our sport is treated with respect and dignity and protected from discrimination, harassment and abuse. It also seeks to inform everyone involved in our sport of their legal and ethical rights and responsibilities, as well as the standards of behaviour expected.

The attachments detail the steps we take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, APU will take disciplinary action against any person or organisation bound by this Policy if they breach it.

This policy has been endorsed by APU Board and has been as a By-Laws under clause 14.

The current policy and its attachments can be obtained from our website at www.powerlifting-apu.com

3 Who is bound by this policy

This Policy is intended to apply to all people involved in our sport, including but not limited to:

- 3.1 persons appointed or elected to boards, committees and sub-committees
- 3.2 employees of APU;
- 3.3 volunteers;
- 3.4 support personnel, including (but not limited to) managers, physiotherapists, psychologists, masseurs, sport trainers and others;
- 3.5 coaches and assistant coaches;
- 3.6 athletes;
- 3.7 referees, umpires and other officials involved in the regulation of the sport;
- 3.8 members, including life members of APU;
- 3.9 athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by APU; and
- 3.10 any other person or organisation involved in powerlifting including (but not limited to) families, spectators, parents/guardians, licensees, sponsors.

Club Affiliates are required to adopt and implement this policy (or a similar version) and provide proof to APU of the approval of the policy by the relevant board in accordance with its constitution.

This Policy will continue to apply to a person even after he or she has stopped their association or employment with APU, if disciplinary action against that person has commenced.

4. Organisational responsibilities

APU must:

- 4.1 seek to adopt, implement and comply with this Policy
- 4.2 seek to ensure that APU's Constitution, By-Laws or other rules include necessary clauses for this Policy to be enforceable
- 4.3 publish, distribute and promote this Policy and the consequences of any breaches
- 4.4 promote and model appropriate standards of behaviour at all times
- 4.5 deal with any complaints made under this Policy in a confidential, sensitive and appropriate manner
- 4.6 deal with any breaches of this Policy in a confidential, sensitive and appropriate manner
- 4.7 recognise and enforce any penalty imposed under this Policy
- 4.8 ensure that a copy of this Policy is available or accessible to all people and organisations to whom this Policy applies
- 4.9 use appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour, for example, but not limited to, Member Protection Information Officers (MPIOs)
- 4.10 monitor and review this Policy regularly.

5. Individual responsibilities

Individuals bound by this policy must:

- 5.1 make themselves aware of the Policy and adopt the practices and behaviour when carrying out their roles
- 5.2 comply with all relevant provisions of the Policy, including any codes of conduct and the steps for making a complaint or reporting possible child abuse set out in this Policy;
- 5.3 consent to the screening requirements set out in this policy, and any state/territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18 or where otherwise required by law;
- 5.4 place the safety and welfare of children above other considerations;
- 5.5 report any abuse or neglect of children which they become aware of to our management and/or to external authorised responsible for child protection or to police;
- 5.6 be accountable for their behaviour: and,
- 5.7 comply with any decisions and/or disciplinary measures imposed under this policy.

6. Position statements

6.1 *Child protection*

APU is committed to the safety and well-being of all children and young people who participate in our sport. We support the rights of the child and we will endeavour to ensure that a child-safe environment is maintained at all times.

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. We aim to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

6.1.1 Identifying and analysing risk of harm

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

6.1.2 Developing 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.

6.1.3 Choosing 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.

6.1.4 Support, train, supervise and enhance performance

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

6.1.5 Empower and promote the participation of children

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

6.1.6 Report and respond appropriately to suspected abuse and neglect

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

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, to make an internal complaint

6.2 Taking images of children

There is a risk that images of children may be used inappropriately or illegally.

APU requires all individuals, organisations and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own. They should also make sure the parent/guardian understands how the image will be used.

We also require the privacy of others to be respected and disallow the use of any photography (which includes but is not limited to camera phones, videos, cameras) 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 child's 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. Where possible, we will seek permission to use images.

We require our member associations and clubs to do likewise.

6.3 *Anti-discrimination and harassment*

APU is committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination and harassment.

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

6.3.1 Discrimination

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

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

Discrimination can be either direct or indirect.

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

For the purposes of determining discrimination, the offender's awareness and motive are irrelevant.

6.3.2 Harassment

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

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

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

6.3.3 Prohibition against discrimination and harassment

We prohibit all forms of harassment and discrimination based on the personal characteristics listed in the “Definitions” set out in the Dictionary of Terms.

Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this Policy is encouraged to raise their concerns with us. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation.

6.4 *Intimate relationships*

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

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

We take the position that consensual intimate relationships between coaches or officials and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport’s public image. These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach or official and the athlete.

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

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

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

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

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

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

If a coach, official or athlete believes they are being, or have been, harassed they are encouraged to seek information and support from the Member Protection Information Officer or other official.

6.5 *Pregnancy*

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

While many sporting 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 sporting 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 our sport.

APU recommends that pregnant women wanting to participate in our sport consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation. We 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

6.6 *Gender identity*

Everyone bound by this policy must treat people who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where 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.

APU recognises 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, APU will seek advice on the application of those laws in the particular circumstances.

Drug testing procedures and prohibitions also apply to people who identify as transgender.

6.6.1 Gender identity discrimination and harassment

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

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

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

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

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

6.6.2 Participation in sport

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

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

APU is aware that the International Olympic Committee (IOC) 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.

6.6.3. Intersex status

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

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

6.7 Responsible service and consumption of alcohol

APU is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that club affiliates and their members follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy is that:

- alcohol should not be available or consumed at sporting events involving children and young people under the age of 18;
- alcohol-free social events be provided for young people and families;
- food and low-alcohol and non-alcoholic drinks be available at events we hold or endorse where alcohol is served;
- a committee member is present at events we hold or endorse where alcohol is served to ensure appropriate practices in respect of the consumption of alcohol are followed;
- safe transport options be promoted as part of any event we hold or endorse where alcohol is served.

6.8 Smoke-free environment

APU recommends that the following policies should be applied to sporting and social events we endorse or hold:

- no smoking shall occur at or near sporting events involving children and young people under the age of 18.
- social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas a reasonable distance away from entrance points; and
- coaches, officials, trainers, volunteers and players will refrain from smoking while they are involved in an official capacity.

6.9 Bullying

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

Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or a group.

Examples of bullying may include:

- verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- excluding or isolating a group or person;
- defamation;
- spreading malicious rumours; or

- psychological harassment such as intimidation or making threats.

Bullying includes cyber-bullying which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. APU will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at a referee, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to us

Behaviour that is reasonably viewed as bullying related and which occurs online (e.g. Facebook, Twitter, internet forums or social networking websites) or through a medium such as mobile phones, email or internet will not be tolerated and action may be taken under this Policy.

If any person believes they are being, or have been, bullied by another person or organisation bound by this Policy, he or she may make a complaint.

6.10 Social networking

APU acknowledges the enormous value of social networking to promote our sport and celebrate the achievements and success of the people involved in our sport.

Social networking refers to any interactive website or technology that enables people to communicate and/or share content via the internet. This includes social networking websites such as Facebook and Instagram.

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

In particular, social media activity including, but not limited to, postings, blogs, status updates, and tweets:

- must not contain material which is, or has the potential to be, offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate;
- must not contain material which is inaccurate, knowingly deceptive, misleading or fraudulent;
- must not contain material which is in breach of laws, court orders, undertakings or contracts;
- should respect and maintain the privacy of others; and
- should promote the sport in a positive way.

7. Complaints procedures

7.1 Handling complaints

APU aims to provide a simple, trustworthy and confidential procedure for resolving complaints.

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

In the first instance, complaints should be reported to:

- the Member Protection Information Officer
- the President of APU
- another appropriate person within APU

If a complaint relates to behaviour or an incident that occurred at the State level, or involves people operating at the state level, then the complaint should be reported and handled at that level in the first instance.

Only matters that relate to, or which occurred at, the national level, as well as serious cases referred from the state and club level, should be dealt with by the national body.

The lowest level at which a matter can be dealt with shall always be preferred.

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

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in attachment [D1].

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

7.2 *Improper complaints and victimisation*

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

We take all reasonable steps to make sure that people involved in a complaint are not victimised. It should be noted that disciplinary measures may be undertaken in respect of a person who harasses or victimises another person for making a complaint or supporting another person's complaint.

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

7.3 *Mediation*

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

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

If a complainant wishes to resolve the complaint with the help of a mediator, the Member Protection Information Officer will, in consultation with the complainant, arrange for an independent mediator where possible. Solicitors are able to negotiate on behalf of the complainant and/or the respondent.

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

7.4 Tribunals

A Tribunal may be convened to hear a formal complaint:

- referred to it by Member Protection Information Officer, the President or the Complaint Handler;
- referred to it or escalated because of the serious nature of the complaint, or because it was unable to be resolved;
- regarding an alleged breach of this Policy.

Our Tribunal procedure is outlined in Attachment [D4].

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

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

8. What is a breach of this policy?

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

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

9. Disciplinary measures

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

- fair and reasonable;
- applied consistent with any contractual and employment rules and requirements;
- be based on the evidence and information presented and the seriousness of the breach; and
- be determined in accordance with APU’s Constitution, by-laws, this Policy and/or the rules of the sport.

9.1 Individual

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

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

9.2 Organisation

If a finding is made that APU State Branch or an APU Affiliate Club has breached its own or this Policy, one or more of the following forms of discipline may be imposed by the Tribunal:

- 9.2.1 a written warning;
- 9.2.2 a fine;
- 9.2.3 a direction that any rights, privileges and benefits provided to that APU State Branch or an APU Affiliate by the national body or other peak body be suspended for a specified period;
- 9.2.4 a direction that any funding granted or given to it by the APU is ceased from a specified date;
- 9.2.5 a direction that APU cease to sanction events held by or under the auspices of that APU State Branch or APU Affiliate;
- 9.2.6 a recommendation to the APU State Branch or APU Affiliate Club that its membership of APU be suspended or terminated in accordance with the relevant constitution or rules;
- 9.2.7 any other form of discipline that the national body or peak organisation considers reasonable and appropriate.

9.3 Factors to consider

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

- the nature and seriousness of the breach

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

10. Dictionary of terms

This Dictionary sets out the meaning of words used in this policy and its attachments, without limiting the ordinary and natural meaning of the words. Further detail or definitions that are specific to different states and territories can be sourced from the relevant child protection authorities or equal opportunity and anti-discrimination commissions.

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

APU means Australian Powerlifting Union Ltd ACN 623702812

Club Affiliates means a club (e.g.: Gym, Training Facility, Fitness Centre) that has been recognised to meet the standards of APU and has entered into agreement to uphold standards for APU members or is otherwise affiliated with Australian Powerlifting Union Ltd. directly from time to time.

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

Child abuse involves conduct which puts a child at risk of harm. It can take many forms. Child abuse and may include:

- **physical abuse**, which occurs when a child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. This may include, but is not limited to, hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity.
- **sexual abuse**, which occurs when an adult, other child, or adolescent uses their power or authority to involve a child in a sexual activity or 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**, which occurs when a child's social, emotional, cognitive or intellectual development is impaired or threatened. Emotional abuse can include, but is not limited to, emotional deprivation due to persistent rejection or criticism, hostility, teasing/bullying, humiliation, taunting, sarcasm, yelling, name-calling or placing unrealistic expectations on a child.
- **neglect**, which occurs when a child's basic necessities of life are not met and their health and development are affected. Basic needs include food, water, shelter, adequate clothing, personal hygiene, timely provision of medical treatment and adequate supervision.

Complaint means a complaint made under this Policy

Complainant means the person making a complaint.

Complaint Handler means the person appointed under this Policy to investigate a complaint.

Discrimination occurs when someone is treated (or is proposed to be treated) unfairly or less favourably than another person in the same or similar circumstances because of one of the personal characteristics covered by anti-discrimination laws. This is known as direct discrimination. Indirect discrimination occurs when there is (or is proposed) an unreasonable requirement, condition or practice that seems to treat everyone equally, but which has or is likely to have the effect of disadvantaging persons with a personal characteristic covered by anti-discrimination laws.

The characteristics covered by discrimination law across Australia includes:

- age
- gender identity
- race
- disability, mental and physical impairment
- pregnancy and breastfeeding
- sexual orientation and gender identity
- irrelevant medical record
- irrelevant criminal record
- political beliefs or activities
- religion, religious beliefs or activities
- lawful sexual activity
- member of association or organisation of employees or employers, industrial activity, trade union activity

Harassment is any type of unwelcome behaviour which has the effect of offending, humiliating or intimidating the person harassed. Unlawful harassment can be based on any of the personal characteristics covered by anti-discrimination law, such as a person's race, sex, pregnancy, marital status or sexual orientation (see the list under "Discrimination").

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

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

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

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, policy and this policy means this Member Protection Policy.

Respondent means the person whose behaviour is the subject of the complaint.

Role-specific codes of conduct (or behaviour) means standards of conduct required of people holding certain roles in our organisation (e.g. coaches, officials, umpires).

Sexual harassment means unwelcome behaviour of a sexual nature which could reasonably be expected to make a person feel humiliated, intimidated or offended. Sexual

harassment can take many different forms and may include unwelcome physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual harassment does not have to be intentional.

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 commit sexual acts
- incest
- sexual penetration of child under the age of 16 years
- indecent act with child under the age of 16 years
- sexual relationship with child under the age of 16 years
- sexual offences against people with impaired mental functioning
- abduction and detention
- procuring sexual penetration by threats or fraud
- procuring sexual penetration of child under the age of 16 years
- bestiality
- soliciting a child under the age of 16 years to take part in an act of sexual penetration, or an indecent act
- 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.

Sexual orientation: The term ‘sexual orientation’ refers to a person’s emotional or sexual attraction to another person, including, amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual or same sex attracted.

Gender identity: The term ‘gender identity’ refers to a person’s deeply held internal and individual sense of gender.

Gender expression: The term ‘gender expression’ refers to the way in which a person externally expresses their gender or how they are perceived by others.

Intersex: The term ‘intersex’ refers to people who have genetic, hormonal or physical characteristics that are not exclusively ‘male’ or ‘female’. A person who is intersex may identify as male, female, intersex or as being of indeterminate sex.

Victimisation means treating someone unfairly or unfavourably, or threatening to do so, because that person has, or intends to, pursue their right to make any complaint, including a complaint under government legislation (e.g. anti-discrimination legislation) or under this policy, or for supporting another person to make complaint.

Vilification involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics within the meaning of discrimination. Public acts that may

amount to vilification include any form of communication to the public and any conduct observable by the public.

PART B: CODES OF BEHAVIOUR

We seek to provide a safe, fair and inclusive environment for everyone involved in our organisation and in our sport. To achieve this, we require certain standards of behaviour of players/athletes, coaches, officials, administrators, parents/guardians (of child participants) and spectators.

Our codes of behaviour are underpinned by the following core values:

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

Safety and Health of Participants

- Place the safety and welfare of the participants above all else.
- Be aware of and support the sport's injury management plans and return to play guidelines.

Coaching excellence

- Help each person (athlete, official, etc) to reach their potential. Respect the talent, developmental stage and goals of each person and encourage them with positive and constructive feedback.
- Encourage and support opportunities for people to learn appropriate behaviours and skills.
- Support opportunities for participation in all aspects of the sport.
- Treat each participant as an individual.
- Obtain appropriate qualifications and keep up-to-date with the latest coaching practices and the principles of growth and development of participants.

Honour the sport

- Act within the rules and spirit of our sport.
- Promote fair play over winning at any cost.
- Respect the decisions of officials, coaches and administrators.
- Show respect and courtesy to all involved with the sport.
- Display responsible behaviour in relation to alcohol and other drugs.

Integrity

- Act with integrity and objectivity, and accept responsibility for your decisions and actions.
- Ensure your decisions and actions contribute to a harassment-free environment.
- Wherever practical, avoid unaccompanied and unobserved one-on-one activity (when in a supervisory capacity or where a power imbalance exists) with people under the age of 18.
- Ensure that any physical contact with another person is appropriate to the situation and necessary for the person's skill development.

- Be honest and do not allow your qualifications or coaching experience to be misrepresented.
- Never advocate or condone the use of illicit drugs or other banned performance enhancing substances or methods.
- Never participate in or advocate practices that involve match fixing.

Respect

- Respect the rights and worth of every person, regardless of their age, race, gender, ability, cultural background, sexuality or religion.
- Do not tolerate abusive, bullying or threatening behaviour.

I, _____ have read and understood the policy and will abide by it as a member of Australian Powerlifting Union Ltd.

Signature: _____

Date: (dd/mm/yy) ____/____/____

If under 18 years of age, parent/guardian: _____

Signature: _____

Date: (dd/mm/yy) ____/____/____

PART C: SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

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

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

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

APU including Club Affiliates will meet the requirements of the relevant state or territory Working with Children Check laws.

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

ATTACHMENTS

- Attachment C1: Member Protection Declaration
- Attachment C2: Working with Children Check requirements

PART D: COMPLAINT HANDLING PROCEDURES

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

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

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

ATTACHMENTS

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

PART E: REPORTING REQUIREMENTS AND DOCUMENTS

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

This information, and any additional records and notes, will be treated confidentially (subject to disclosure required by law or permitted under this policy) and stored in a secure place.

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

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

ATTACHMENTS

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

Attachment C1:
MEMBER PROTECTION DECLARATION

Australian Powerlifting Union Ltd has a duty of care to all those associated with our organisation and to the individuals and organisations to whom this policy applies. It is a requirement of our Policy that we check the background of each person who works, coaches or has regular unsupervised contact with children and young people under the age of 18 years.

I (name) of

..... (address) born/...../.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence or narcotics
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 or narcotics
4. I am not currently serving a sanction for an anti-doping rule violation under an Australian Sports Anti-Doping Authority (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 Australian Powerlifting Union Ltd may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the President of the organisation/s engaging me immediately upon becoming aware that any matter set out above has changed.

Declared in the state/territory of

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

Consent of parent/guardian (on behalf of a person under the age of 18 years)

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

Name:

Signature:

Date:

Attachment C2: WORKING WITH CHILDREN CHECK REQUIREMENTS

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

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

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

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

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

Australian Capital Territory

Contact the Office of Regulatory Services

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

Phone: 02 6207 3000

New South Wales

Contact the Office of the Children's Guardian

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

Phone: 02 9286 7276

Northern Territory

Contact the Northern Territory Screening Authority

Website: www.workingwithchildren.nt.gov.au

Phone: 1800 SAFE NT (1800 723 368)

Queensland

Contact the Queensland Government Blue Card Services

Website: www.bluecard.qld.gov.au

Phone: 1800 113 611

South Australia

Contact the Department for Education and Child

Development Website: www.families.sa.gov.au/childsafes

Phone: 08 8463 6468.

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

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

Tasmania

Contact the Department of Justice

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

Phone: 1300 13 55 13

Victoria

Contact the Department of Justice

Website: www.workingwithchildren.vic.gov.au

Phone: 1300 652 879

Western Australia

Contact the Department for Child Protection

Website: www.checkwwc.wa.gov.au

Phone: 1800 883 979

Travelling to other states or territories

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

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

The laws providing interstate exemptions are not consistent across Australia.

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

Attachment D1: COMPLAINTS PROCEDURE

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

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

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

Informal approaches

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

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

Step 2: Contact a Member Protection Information Officer

We encourage you to talk with one of our Member Protection Information Officers (MPIOs), if:

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

The names and contact details for our MPIOs are available at www.powerlifting-apu.com.

The Member Protection Information Officers (MPIOs) will:

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

Step 3: Decide how to address your concern

After talking with the MPIO Member Protection Information Officers (MPIOs) you may decide:

- there is no problem;
- the problem is minor and you do not wish to take the matter forward;
- to try and resolve the problem yourself, with or without a support person;
- to resolve the problem with the help of someone impartial, such as a mediator; or
- to resolve the matter through a formal process.

Formal approaches

Step 4: Making a formal complaint

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

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

After receiving a formal complaint, and based on the material you provide, the President will decide whether:

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

In dealing with your formal complaint, the President will take into account:

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

If the President is the appropriate person to handle the complaint, he or she will, where appropriate and/or necessary:

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

Step 5: Investigating the complaint

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

Following the investigation, a written report will be provided to *the Executive Committee*.

- If the complaint is referred to **mediation**, we will follow the steps outlined in *Attachment D2* or as agreed by you, the respondent and the mediator.
- If the complaint is referred to a **tribunal hearing**, the hearing will be conducted according to the steps outlined in *Attachment D4*.
- If the complaint is referred to the **police or another external agency**, we will endeavour to provide all reasonable assistance required by the police or the agency.

Any costs incurred by us relating to the complaint process set out in this policy (e.g. investigation, mediation and/or a tribunal hearing) are to be met by the Complainant.

Step 6: Reconsidering a complaint or appealing a decision

If the matter is referred to mediation and is not resolved at mediation, you may request that the President of Australian Powerlifting Union Ltd. reconsider the complaint in accordance with Step 3.

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

Step 7: Documenting the resolution

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

Approaching external organisations

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

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

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

Contact details for the state and territory anti-discrimination and equal opportunity commissions are available on the Play by the Rules website: <http://www.playbytherules.net.au/resources/quick-reference-guide>.

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

Attachment D2: MEDIATION

Mediation is a process that seeks to resolve complaints with the assistance of an impartial person – the mediator.

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 discuss the issues and seeks to facilitate a mutually agreeable solution.

Our approach to mediation follows the steps set out below.

1. The President of Australian Powerlifting Union Ltd. will appoint an appropriate mediator to help resolve the complaint. This will be done under the direction of Australian Powerlifting Union Ltd and in consultation with the complainant and the respondent(s). The mediator will be an independent person in the context of the complaint; however, this does not preclude a person with an association with *[Australian Powerlifting Union Ltd]* acting as mediator.
2. The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
3. All issues raised during mediation will be treated confidentially. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. If the complaint is resolved by mediation, where appropriate the mediator may seek to ensure the parties execute a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). We expect the parties involved to respect and comply with the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
 - write to the President of Australian Powerlifting Union Ltd. to request that the President of Australian Powerlifting Union Ltd. reconsider the complaint; and
 - approach any relevant external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

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

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

Attachment D3: INVESTIGATION PROCESS

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

An investigation helps determine the facts relating to the incident, if requested, recommendations as to possible findings and next steps.

Any investigation we conduct will be fair to all people involved. The investigation process will be undertaken by an unbiased person.

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

1. We will provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities.
2. The investigator may:
 - interview the complainant and record the interview in writing;
 - provide full details of the complaint to the respondent(s) so that they can respond
 - interview the respondent(s) to allow them to answer the complaint and record the interview in writing;
 - obtain statements from witnesses and collect other relevant evidence;
 - make a finding as to whether the complaint is:
 - **substantiated** (there is sufficient evidence to support the complaint)
 - **inconclusive** (there is insufficient evidence either way);
 - **unsubstantiated** (there is sufficient evidence to show that the complaint is unfounded);
 - **mischievous, vexatious or knowingly untrue.**
 - provide a report to the President of Australian Powerlifting Union Ltd. documenting the complaint, the investigation process, the evidence,) and, if requested, any findings and recommendations.
3. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points from the investigation.
4. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (e.g. MPIO or other person).

Attachment D4: TRIBUNAL PROCEDURES

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

Preparing for a Tribunal hearing

1. A Tribunal panel will be established, according to the rules set out in our constituent documents, rules and by-laws, to hear a complaint that has been referred to it by President of the Australian Powerlifting Union Ltd. The number of Tribunal panel members required to be present throughout the hearing will be three
2. The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by President of the Australian Powerlifting Union Ltd. relating to the complaint/allegations.
3. The Tribunal hearing will be held as soon as practicable. However, adequate time must be provided for the respondent(s) to prepare for the hearing.
4. The President of the Australian Powerlifting Union Ltd. will inform the respondent(s) in writing that a Tribunal hearing will take place. The notice will outline:
 - that the person has a right to appear at the Tribunal hearing to defend the complaint/allegations;
 - the details of the complaint and of all allegations, as well as the provision or clause of any policy, rule or regulation that has allegedly been breached;
 - the date, time and venue of the Tribunal hearing;
 - that verbal and/or written submissions can be presented at the Tribunal hearing;
 - that witnesses may attend the Tribunal hearing to support the position of the respondent/s;
 - an outline of any possible sanctions that may be imposed if the complaint is found to be true;
 - That legal representation will not be allowed. *[The respondent may be assisted by a support person at a Tribunal hearing. For example, where the respondent is a minor, he or she should have a parent or guardian present. However, a person cannot be a support person if he or she has been admitted to the practise as a lawyer or worked as a trainee lawyer.]* A copy of any investigation report findings will be provided to the respondent(s).
5. The President of the Australian Powerlifting Union Ltd. will notify the complainant in writing that a Tribunal hearing will take place. The notice will outline:
 - that the person has a right to appear at the Tribunal hearing to support their complaint;
 - the details of the complaint, including any relevant rules or regulations the respondent is accused of breaching;
 - the date, time and venue of the Tribunal hearing;
 - that verbal and/or written submissions can be presented at the Tribunal hearing;
 - that witnesses may attend the Tribunal hearing to support the complainant's position;
 - that legal representation will not be allowed. The respondent may be assisted by a support person at a Tribunal hearing. For example, where the respondent is a minor, he or she should have a parent or guardian present. However, a person cannot be a support person if he or she has been admitted to practice as a lawyer or worked as a trainee lawyer.

A copy of the investigation report findings will be provided to the complainant.
6. If the complainant believes the details of the complaint are incorrect or insufficient, he or she should inform the President of the Australian Powerlifting Union Ltd. as soon as

possible so that the respondent(s) and members of the Tribunal panel can be properly informed of the complaint.

7. If possible, the Tribunal panel should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination).

Tribunal hearing procedure

8. The following people will be allowed to attend the Tribunal hearing:
 - Tribunal panel members;
 - the respondent(s);
 - the complainant;
 - any witnesses called by the respondent(s);
 - any witnesses called by the complainant;
 - any parent/guardian or support person required to support the respondent or the complainant.
9. If the respondent(s) is not present at the set hearing time and the Tribunal chairperson considers that no valid reason has been presented for this absence, the Tribunal hearing will continue subject to the chairperson being satisfied that all Tribunal notification requirements have been met.
10. If the Tribunal chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.
11. If the Tribunal chairperson wishes to reschedule the Tribunal hearing date, the Tribunal chairperson will inform the President of the Australian Powerlifting Union Ltd. of the need to reschedule the hearing and the President will arrange for the Tribunal to be reconvened.
12. The Tribunal chairperson will read out the complaint, ask each respondent if he or she understands the complaint and if he or she agrees or disagrees with the complaint.
13. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any sanctions.
14. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
 - Reference may be made to brief notes.
 - The complainant may call witnesses.
 - The respondent may question the complainant and any witnesses.
15. The respondent will then be asked to respond to the complaint.
 - Reference may be made to brief notes.
 - The respondent may call witnesses.
 - The complainant may ask questions of the respondent and any witnesses.
16. The complainant **and** respondent(s) may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required.
17. The Tribunal may:
 - consider any evidence, and in any form, that it deems relevant;
 - ask questions of any person giving evidence;
 - limit the number of witnesses (including limiting witnesses to those persons who only provide new evidence);
 - require (to the extent it has power to do so) the attendance of any witness it deems relevant; and
 - act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
18. Video evidence, if available, may be presented. Arrangements for the viewing of this evidence must be made entirely by the person(s) wishing to offer this type of evidence.

19. If the Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidatory behaviour from anyone, the Tribunal chairperson may deny further involvement of that person in the hearing.
20. After all the evidence has been presented, the Tribunal will make its decision in private. The Tribunal must decide whether the complaint has, on the balance of probabilities, been substantiated.
21. All Tribunal decisions will be by majority vote.
22. The Tribunal chairperson may announce the decision of the Tribunal at the conclusion of the hearing. Alternatively, he or she may reserve the decision of the Tribunal at the conclusion of the hearing and deliver the decision at a later time.
23. The respondent(s) will have the opportunity to make submissions to the Tribunal in relation to any sanctions that may be imposed.
24. Within 48 hours of the Tribunal delivering its decision, the Tribunal chairperson will:
 - forward a notice of the Tribunal’s decision to the President of the Australian Powerlifting Union Ltd., including details of any sanction imposed.
 - forward a letter reconfirming the Tribunal’s decision to the respondent(s), including any sanction imposed. The letter should also outline the process and grounds for an appeal, if allowed.
25. The Tribunal does not need to provide written reasons for its decision.

Appeals procedure

26. A complainant or a respondent(s) may lodge with Australian Powerlifting Union Ltd an appeal in relation to the decision of a Tribunal on one or more of the following grounds:
 - 26.1 that a denial of procedural fairness has occurred;
 - 26.2 that the sanction imposed is unjust and/or unreasonable;
 - 26.3 that the decision was not supported by the information/evidence provided at the mediation or to the Tribunal Hearing;
27. A person wanting to appeal must lodge a letter setting out the basis for their appeal to the President of the Australian Powerlifting Union Ltd. within seven (7) days of the decision being made. An appeal fee of \$50.00 shall be included with the letter of intention to appeal.
28. If the letter of appeal is not received by the President of the Australian Powerlifting Union Ltd. within this time, the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received within this time, the appeal will also lapse.
29. The letter of appeal and the notice of the Tribunal’s decision (clause 24) will be forwarded to the President of the Australian Powerlifting Union Ltd. to review and to decide whether there are sufficient grounds for the appeal to proceed. The President may invite any witnesses to the meeting that he or she believes are required to make an informed decision.
30. If the appellant has not shown sufficient grounds for an appeal in accordance with clause 26, then the appeal will be rejected. The appellant will be notified in writing, including the reasons for the decision. The appeal fee will be forfeited.
31. If the appeal is accepted, an Appeal Tribunal with new panel members will be convened to rehear the complaint, and the appeal fee will be refunded.
32. The Tribunal hearing procedure shall be followed for the Appeal Tribunal.
33. The decision of the Appeal Tribunal will be final and binding.

PART E: REPORTING REQUIREMENTS AND DOCUMENTS

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

This information, and any additional records and notes, will be treated confidentially (subject to disclosure required by law or permitted under this policy) and stored in a secure place.

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

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

ATTACHMENTS

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

Attachment E2: RECORD OF FORMAL COMPLAINT

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

If heard by Tribunal:	Decision Action recommended
If mediated:	Date of mediation: Both/all parties present Agreement Any other action taken
If decision was appealed	Decision Action recommended
Resolution	Less than 3 months to resolve Between 3 – 8 months to resolve More than 8 months to resolve
Completed by	Name: Position: Signature: Date/ /
Signed by:	Complainant: Respondent:

This record and any notes must be kept confidential and secure. If the complaint is of a serious nature, or if it is taken to and/or dealt with at the national level, the original record must be provided to *Australian Powerlifting Union Ltd* and a copy kept with the organisation where the complaint was first made.

Attachment E3: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

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

Fact sheets on reporting allegations of child abuse in different states and territories are available at www.playbytherules.net.au

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

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

Step 1: Receive the allegation

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

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

Step 2: Report the allegation

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

Step 3: Protect the child and manage the situation

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

Step 4: Take internal action

- At least three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
 - a criminal investigation (conducted by the police)
 - a child protection investigation (conducted by the relevant child protection agency)
 - a disciplinary or misconduct inquiry/investigation (conducted by Australian Powerlifting Union Ltd).
- Australian Powerlifting Union Ltd will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include considering whether the alleged offender should return to his or her position, be dismissed, banned or suspended or face other disciplinary action.
- If disciplinary action is undertaken, we will follow the procedures set out in Clause 9 of our Member Protection Policy.
- Where required we will provide the relevant government agency with a report of any disciplinary action we take.
- **Contact details for advice or to report an allegation of child abuse**

Australian Capital Territory	
ACT Police Non-urgent police assistance Ph: 131 444 www.afp.gov.au	Office for Children, Youth and Family Services http://www.communityservices.act.gov.au/ocyfs/reporting-child-abuse-and-neglect Ph: 1300 556 729
New South Wales	
New South Wales Police Non-urgent police assistance Ph: 131 444 www.police.nsw.gov.au	Department of Family and Community Services www.community.nsw.gov.au Ph: 132 111
Northern Territory	

Northern Territory Police Non-urgent police assistance Ph: 131 444 www.pfes.nt.gov.au	Department of Children and Families www.childrenandfamilies.nt.gov.au Ph: 1800 700 250
Queensland	
Queensland Police Non-urgent police assistance Ph: 131 444 www.police.qld.gov.au	Department of Communities, Child Safety and Disability Services www.communities.qld.gov.au/childsafety Ph: 1800 811 810
South Australia	
South Australia Police Non-urgent police assistance Ph: 131 444 www.sapolice.sa.gov.au	Department for Education and Child Development www.families.sa.gov.au/childsafe Ph: 131 478
Tasmania	
Tasmania Police Non-urgent police assistance Ph: 131 444 www.police.tas.gov.au	Department of Health and Human Services www.dhhs.tas.gov.au/children Ph: 1300 737 639
Victoria	
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 www.police.vic.gov.au	Department of Human Services www.dhs.vic.gov.au Ph: 131 278
Western Australia	
Western Australia Police Non-urgent police assistance Ph: 131 444 www.police.wa.gov.au	Department for Child Protection and Family Support www.dcp.wa.gov.au Ph: (08) 9222 2555 or 1800 622 258

Attachment E4: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing, ensure the procedures outlined in attachment E3 have been followed and advice has been sought from the relevant government agency and/or police.

Complainant's Name (if other than the child)		Date Formal Complaint Received: / /
Role/status in sport		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	Administrator (volunteer) Athlete/player Coach/Assistant Coach Employee (paid) Official	Parent Spectator Support Personnel Other
Witnesses (if more than 3 witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action (if any) taken (to ensure child's safety and/or to support needs of person complained about)		
Police contacted	Who: When: Advice provided:	
Government agency contacted	Who: When: Advice provided:	
President of Australian Powerlifting Union Ltd. and/or MPIO contacted	Who: When:	
Police and/or government agency investigation	Finding:	
Internal investigation (if any)	Finding:	
Action taken		

Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

This record and any notes must be kept in a confidential and safe place and provided to the relevant authorities (police and government) should they require them.