



TERRITORY SPORTS ACADEMY

Member Protection Policy

2021

Member Protection Policy on Abuse, Discrimination and Harassment

Table of contents

A. Member Protection Policy	Page
1. Introduction	3
2. Definitions	4
3. General responsibilities	6
4. TSA Director Responsibilities	7
5. Coach and support staff responsibilities	8
6. Athlete responsibilities	8
7. Intimate relationships	8
8. Child protection	9
9. Disciplinary action	9
10. Confidentiality	9
11. Clearance notices	11
B. Procedures for Handling Allegations of Discrimination and Harassment	
1. Procedural steps	11
2. Right to appeal	11
C. Procedures for Handling Allegations of Child Abuse	
1. Types of allegations	12
2. Initial response	12
Appendix 1	
1. Exceptions and exemptions	14
Appendix 2	
1. Definition of child abuse in sport	15
Appendix 3	
1. Complaints process - roles and responsibilities	17
2. Resolving complaints - a step by step approach	18
3. Complaints flowchart - non NTPS employees	20
Appendix 4	
1. TSA Member Protection Policy signing page	21

A. Member Protection Policy

1 Introduction

1.1 The Territory Sports Academy (TSA) is committed to providing a sport and work environment free of discrimination and harassment (sexual or otherwise), where individuals are treated with respect and dignity, and where children are protected from abuse.

The Member Protection Policy (the Policy) aims to provide the best possible environment in which its employees, coaches, volunteers and athletes can excel and discharge their responsibilities to ensure the peak performance of all teams, competitions and programs. TSA will not tolerate behaviour which constitutes abuse, discrimination or harassment under any circumstances and will take disciplinary action against anyone who breaches this Policy.

1.2 For NTPS employees it should be read in conjunction with the NTPS Code of Conduct and the *Public Sector Employment Management Act*.

1.3 For TSA athletes it should be read in conjunction with the TSA Athlete Code of Conduct.

1.4 Complaints and Disciplinary action against Northern Territory Public Sector (NTPS) employees will be in accordance with the *Public Sector Employment Management Act* and NTPS grievance procedures.

1.5 For Non NTPS employees it should be read in conjunction with the TSA Code of Conduct for Personnel not employed by the NT Government.

1.6 This Policy applies to behaviour occurring both within and outside the course of TSA business activities and events, when the behaviour involves individuals associated with TSA and adversely affects relationships within our sport and work environment.

1.7 This Policy applies to abuse, discrimination or harassment occurring between any participants involved in TSA activities. Abuse, discrimination or harassment may occur, for example from the following, but not limited to:

- coach to athlete
- athlete to coach
- sports administrator or any manager to athlete
- sports administrator or any manager to coach
- coach to coach
- coach to sports administrator or any manager
- coach to parent
- coach to official
- official to athlete
- athlete to sports administrator or any manager
- athlete to athlete
- parent to athlete
- parent to coach
- athlete to parent and
- among any individuals within this group.

2 Definitions

2.1 Discrimination

In the Northern Territory (NT) it is unlawful to treat anyone unfairly on the basis of the attributes of:

- race
- sex
- sexuality
- pregnancy
- impairment
- age
- parenthood
- breast feeding
- trade union or employer association activity
- religious belief or activity
- political opinion
- irrelevant medical record
- irrelevant criminal record, except in the case of Commonwealth working with vulnerable persons law
- marital status and/or
- their association with a person who has, or is believed to have, one of these attributes.

Discrimination can be direct or indirect.

Direct Discrimination

Direct discrimination is treating a person less favourably than another person in the same or similar circumstances on the basis of race, sex, age, marital status, sexuality, religious belief, pregnancy and impairment in a way that nullifies or impairs equality of opportunity.

Example: A football association states that it will only consider granting transfers for players to go to another club if they are over 21 years of age. This practice directly discriminates against players under the age of 21.

Indirect Discrimination

Indirect discrimination is imposing a requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect or result on particular groups. Unless this type of requirement is reasonable in all circumstances, it is likely to be indirect discrimination – even if there was never any intention to discriminate.

Example: A piece of equipment in a gymnasium is adjusted to a height that would make it useable only by people whose height is at least 173 cm. This could lead to indirect discrimination against women, as the height would mean that women would have more difficulty using the equipment than men.

2.2 Victimisation

Victimisation means subjecting a person, or threatening to subject a person, to any detriment or unfair treatment because that person has or intends to pursue their right (under anti-discrimination laws) to make a complaint or support another person in making a complaint.

Example: A member of a club is threatened with non-renewal of membership after he/she states their intention to go to the Anti-Discrimination Commission to lodge a complaint of sexual harassment.

2.3 Harassment

Harassment can be unwelcome verbal or written comments, conduct, or gestures directed toward one or more people; the harasser knows or should reasonably be expected to know that this behaviour is insulting, intimidating, humiliating, degrading or offensive. Harassment can also take place using Information and Communications Technology (ICT) devices and social media.

Harassment on the basis of an attribute is a form of unfair discrimination. It can be an offence under NT or Federal anti-discrimination laws, and in some cases criminal law.

Examples of harassment include:

- written, verbal or physical abuse or threats
- unwelcome physical contact such as touching, kissing, embracing, massaging
- the display of offensive materials
- unwelcome sexual comments, jokes and propositions
- homophobic comments and/or behaviour
- jokes or comments directed at a person's body, looks, age, race, religious belief, disability, sexuality, marital status, pregnancy
- innuendo or taunting
- staring, leering, ogling
- malicious gossip or slander
- the use of promises or threats to coerce someone into physical activity and/or
- the creation of a hostile or sexually permeated environment by constant inappropriate references to sexual matters, the display of sexually explicit material (posters, cartoons, graffiti) or by the use of offensive email, faxes, letters or notes.
- Any of the above that is displayed, posted or shared on social media or ICT devices.

Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal and it may include promises or threats in return for sexual favours. Although the intent may vary, if it is unwelcome and the effect is to offend, humiliate or intimidate, then the behaviour must stop.

Jokes and behaviour which are genuinely enjoyed and consented to by everyone present are not harassment. Sexual interaction or flirtation that is based on mutual attraction or friendship, and which is consensual or invited, is not sexual harassment. However, it is important to recognise that some people may accept or put up with behaviour they find harassing, especially if they hold a subordinate position relative to the group or individual engaging in the flirtatious or jovial behaviour. It is the responsibility of all people covered by this policy to err on the side of caution and to be sensitive to the impact of their behaviour on everyone present, not just those to whom the behaviour is primarily directed.

2.4 Sexual Harassment

Sexual harassment is unwelcome sexual behaviour, which makes the victim feel offended, intimidated or humiliated, and it is reasonable in the circumstances to anticipate that the victim might feel that way.

2.5 Impairment (Disability)

Impairment includes:

- the total or partial loss of bodily function
- the presence in the body of an organism which has caused or is capable of causing disease
- the presence in the body of organisms impeding, capable of impeding or which may impede the capacity of the body to combat disease
- total or partial loss of a part of the body
- the malfunction or dysfunction of a part of the body
- the malformation or disfigurement of a part of the body
- reliance on a guide dog, wheelchair or other remedial device
- physical or intellectual disability
- psychiatric or psychological disease or disorder, whether permanent or temporary and/or
- a condition, malfunction or dysfunction which results in a person learning more slowly than another person without that condition, malfunction or dysfunction.

Example: A player suffers from carpal tunnel syndrome in her right hand. This meant that she could only play bowls with the use of a particular bowling aid. Fellow bowling members claimed that this gave her an unfair advantage in competition. However, she argued that any attempt to play without the aid would subject her to discrimination on the basis of her disability.

2.6 Race Discrimination

Racial discrimination involves a distinction, exclusion, restriction or preference based on race which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in political, economic, social, religious, cultural or any other field of public life.

Example: A cricket player complained of being subjected to regular racist comments during training and of not being selected in the A's despite his ability. He was told that his inclusion might lead to team disharmony.

2.7 Sexuality

Discrimination on the basis of sexuality means treating a person less favourably because of their heterosexuality, homosexuality, bisexuality or transexuality.

Example: Members of a team of basketball players continue to taunt a fellow player about sexuality even after it is clear that the player finds the jokes offensive.

2.8 Pregnancy

Discriminating against a woman because she is pregnant may be unlawful.

Example: A player is not selected based solely on the fact that she was pregnant, even though the player had medical approval to continue their involvement in competitive sport. Each sport may have individual cut off dates where after exclusion from pregnancy related participation is not considered discriminatory, based on legal and medical grounds as per Appendix 1.

2.9 Age Discrimination

Age discrimination means treating a person unfairly because of their age.

Age discrimination often arises because of stereotypes and incorrect assumptions about people's abilities, based on how old or young they are. It can occur against people of any age, and deny them the opportunity for full participation.

Exceptions may occur (see Appendix 1 – Exceptions/Exemptions).

2.10 Child – A person under 18 years of age.

3 General Responsibilities

3.1 TSA

TSA is responsible for taking all reasonable steps to prevent abuse, discrimination or harassment in our organisation and for ensuring the policy is well known throughout the organisation. This means we will take whatever steps necessary to ensure that everyone in the organisation knows:

- what abuse, discrimination or harassment means
- that it may be against the law, a breach of TSA Policy and the consequences of breaches to policy
- that it will not be tolerated and
- what steps will be taken if it is happening.

3.2 It is the responsibility of all TSA employees, coaches, scholarship coaches, sport pathway managers, volunteers and athletes to:

- sign documents to acknowledge that they have read, understood and will comply with the policy, as attached on page 21
- offer support to anyone who is being harassed and advise them where they can seek help and advice
- maintain complete confidentiality if they provide information during the investigation of a complaint and

- avoid gossiping or spreading rumours about harassment, outside giving information as part of a legitimate investigation process. Such behaviour can result in legal action for defamation.

3.3 TSA expects all TSA employees, sport employees, coaches, scholarship coaches, sport pathway managers, volunteers and athletes to:

- not discriminate against, abuse, harass, ridicule or embarrass anyone covered by this Policy
- be fair, considerate and honest in all dealings with others
- treat all persons with respect, dignity and proper regard for their rights and obligations
- respect the privacy of other persons
- act at all times in a fair and sporting manner and in such a way as to ensure good relations within and between teams and other organisations
- not engage in sledging during competition
- discourage people not associated with the team from fraternising with team members during tournament, competitions and events, without the express authority of team management
- refrain from intimate relations with anyone with whom they have a supervisory role or power over
- refrain from any form of victimisation towards others
- conduct themselves in a proper manner to the complete satisfaction of TSA so as not to bring themselves or the TSA into disrepute
- not disclose to any unauthorised person or organisation information that is of a confidential or privileged nature concerning TSA or an individual associated with TSA
- not promote, or pass on, exchange or publish information whereby that information may be of a confidential, offensive, malicious, scandalous, unsubstantiated or derisive type
- not cyber-bully or post unauthorised images on social media or ICT devices
- understand the possible consequences of breaching the Policy and/or
- immediately report any breaches of the TSA Policy to the appropriate authority (See Section B).

4 NTIS Director Responsibilities

4.1 The TSA Director will ensure that:

- TSA provides and promotes an environment free from abuse, discrimination and harassment in relation to its employment functions, its scholarship functions and its provision of services
- all reasonable steps will be taken to prevent abuse, discrimination and harassment, ensuring TSA Policy and procedures are widely known through all levels of the organisations' activities
- appropriate procedures are identified to handle abuse, discrimination, harassment and other complaints (See Section B)
- Member Protection Information Officers (MPIO's) are identified and trained to provide information and support for complainants, staff, athletes, coaches and managers
- complaints shall be treated in an impartial, sensitive, fair, timely and confidential manner
- abuse, discrimination and sexual harassment reporting procedures are implemented and appropriate training is provided to those who manage and implement the Policy, widespread awareness and understanding of the issues is provided, and the Policy and procedures are monitored and reviewed regularly
- disciplinary action is in accordance with Points 1.3 and 1.4
- all employees or volunteers engaged in child related employment with children in the TSA programs have a relevant criminal history check clearance notice, in accordance with the requirements set out in the *Care and Protection of Children Act 2007*. Part 3.1.
- the complaints process is followed in accordance with Appendix 3.

5 Coach and Support Staff Responsibilities

5.1 This group includes (as an example), TSA scholarship coaches, sport pathway managers, network coaches, team managers, TSA coach and athlete development staff. Coaches and support staff will:

- agree to abide by the Policy
- always use their position of power and authority to benefit athletes and TSA
- make it clear to squad or team members that any unlawful discrimination – including jokes, innuendo or sledging – based upon age, sex, race, impairment, sexuality, religious belief, marital status or pregnancy (or any other ground of discrimination covered by Northern Territory Anti-Discrimination Legislation) will not be tolerated
- be aware of athletes' special requirements, with the intention of reasonably accommodating them

- not look at, speak to or make contact with athletes in a manner which is unwelcome, intrusive, abusive, discriminatory, denigrating or inappropriate in the circumstances
- avoid intimate relations with athletes
- not unreasonably exclude or treat less favourably any athlete from playing or coaching activities on the basis of his or her race, sex, age, marital status, religious belief, sexuality, pregnancy or intellectual or physical impairment
- respond to concerns or allegations of breaches of this Policy promptly and
- report any suspected breaches of this Policy (See Section B).

6 Athlete Responsibilities

6.1 All TSA scholarship holders shall at all times act in a sporting manner, having regard to principles of fairness and common courtesy. Athletes will:

- cooperate with their team mates, coach, support staff and opponents
- control their temper
- respect the rights, dignity and worth of all participants regardless of their ability, gender or cultural background
- refrain from making bullying, derogatory or demeaning remarks about other people
- refrain from making racist or sexist jokes, or jokes about sexual preferences
- refrain from using anti-gay, anti-women or racist slurs to taunt someone or to motivate better performance
- not allow offensive pictures or graffiti to be visible
- refrain from looking at or touching anyone in ways that make them feel uncomfortable
- refrain from making uninvited sexual comments that offend, intimidate or humiliate
- not discriminate against, abuse or harass anyone else
- refrain from throwing tantrums on or off the field
- avoid intimate relationships with their coach or support staff
- respond to concerns or allegations of abuse, discrimination or harassment and
- report suspected incidents of abuse, discrimination or harassment.

7 Intimate Relationships

7.1 TSA takes the view that intimate sexual relationships between coaches or support staff and adult athletes, while not necessarily constituting unlawful harassment, can have harmful effects on the individual athlete involved, on other athletes, coaches or support staff, and on the sport's public image.

7.2 Such relationships tend to be exploitative because there is usually a disparity between coaches/support staff and athletes in terms of authority, maturity, status and dependence. Because there is always a risk that the relative power of the coach/support staff has been a factor in the development of such relationships, TSA takes the position that such relationships should be avoided by coaches/support staff working at all levels.

7.3 Should a sexual relationship develop between an athlete and an NTPS employee, then Human Resources (HR), the Department of the Attorney General and Justice, in conjunction with TSA, will investigate whether any action against the employee is necessary. HR needs to be contacted in the first instance.

Factors that may be relevant to consider are the age and maturity of the athlete relative to the coach/support staff, the financial or emotional dependence of the athlete on the coach/support staff and the likelihood of the relationship having any adverse impact on the athlete. If it is determined that the relationship is inappropriate, action may be taken to terminate the coaching/support staff relationship with the athlete. The findings of the investigation are to be forwarded to the Director of the TSA, to determine with HR, if further investigation or disciplinary action is appropriate.

7.4 Should a sexual relationship develop between an athlete and a coach or support staff, who is not an NTPS employee, then the sport will investigate to determine whether any action against that person is necessary. This will also need to be reported to HR and to the TSA Director to determine whether further action is required in accordance the TSA/NSO/PSB Partnership Agreement.

7.5 In the event that an athlete attempts to initiate an intimate sexual relationship, the coach/ support staff must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action.

The coach/support staff member must advise the TSA Director of the occurrence so it can be documented. The coach/support staff may wish to approach the TSA Member Protection Officer (MPIO) or Mediator if he/she feels harassed.

7.6 The TSA will display a sign at the TSA with the contact details and names of the Member Protection Information Officers both at the TSA and Jape Homemaker Village.

7.7 The law is always the minimum standard for behaviour within the TSA.

7.8 Sex with a child, of either the same or opposite sex, is a criminal offence.

8 Child Protection

8.1 TSA is committed to ensuring that the safety, welfare and wellbeing of children are maintained at all times during their participation in activities run by TSA and support staff. TSA aims to promote a safe environment to children and to assist employees, coaches including volunteers and support staff to prevent, recognise and report child abuse. (See Appendix 2).

8.2 TSA coaches and support staff have a duty of care to ensure that all under-age team members are supervised and/or chaperoned at all times whilst engaging in training, competition or travel. Also note State Member Protection requirements when travelling to other States and Territories in Australia as you may be required to hold a valid working with children notice before entering, to work with children.

8.3 Any person involved in the instruction, leadership, management and/or coaching of any athletes under the age of 18 years will be asked to undergo screening procedures as required under the *Care and Protection of Children Act 2007*.

8.4 TSA will deal with allegations involving abuse, suspected abuse of children promptly, sensitively and in accordance with this Policy. Under the *Care and Protection of Children Act 2007*, any person who believes, on reasonable grounds, that a child has suffered or is suffering maltreatment shall as soon as is practicable, report the material facts to Family and Children's Services (FACS) or a member of the NT Police Force.

9 Disciplinary Action

9.1 Disciplinary action will be taken by TSA against anyone who is found to be in breach of this Policy as per Section A.

9.2 Disciplinary action will also be taken against anyone who victimises or retaliates against a person who has complained of abuse, discrimination or sexual harassment.

9.3 The discipline will depend upon the severity of the case, and may involve an apology, counselling, suspension, summary dismissal or any other forms of action deemed appropriate.

9.4 Child abuse or suspected child abuse will be referred immediately to Family and Children's Services (FACS) or the NT Police under Mandatory Reporting legislation. Harassment or bullying will be dealt with by way of the grievance procedures, or referral to the Community Justice Centre or Anti-Discrimination Commission.

10 Confidentiality

10.1 TSA Management is responsible for implementing this Policy and will keep confidential the names and details related to abuse, discrimination and/or harassment complaints, as is mandatory for athletes under 18 years of age, unless disclosure is legally necessary as part of disciplinary or corrective procedures.

11 Clearance Notices

11.1 As of 1 July, 2008 it will be compulsory for anyone engaged in child related employment to have a valid clearance notice that is in force, under Section 3.1 of the *Care and Protection of Children Act 2007*.

SAFENT is the screening authority to make assessments and approvals for those who can/cannot work with children. This includes all paid employees and volunteers.

B. Procedures for Handling Allegations of Discrimination and Harassment

TSA undertakes to deal with any complaints brought to the TSA concerning a breach of this Policy sensitively, promptly and respecting the privacy rights of individuals concerned.

Should a complaint or grievance arise, TSA encourages the complainant to consider the following options:

1 Procedural Steps

1.1 The complainant may wish to approach the person(s) causing the problem – and ask them to stop the behaviour.

1.2 If the behaviour continues – or if it is not reasonable to approach the person – contact either:

- a supervisor, coach or support staff or a
- a Member Protection Information Officer (MPIO) for information and support on procedures (including police notification if such notification is required).

1.3 The MPIO's are able to help in several ways. They can:

- listen and provide moral support
- give information, where appropriate, on self-help measures, such as direct discussion with the person concerned
- clarify whether the behaviour being experienced constitutes abuse, unlawful discrimination or harassment, or legitimate supervisory/behaviour
- if it appears that the conduct is abuse, unlawful discrimination or harassment, explain the course of action available to deal with the harassment, from informal/internal measures through to formal/external complaints
- recommend that the matter be referred to the Community Justice Centre (1800 000 473) for assessment of suitability for mediation
- depending on the nature and seriousness of the matter provide referral to other organisations such as the Anti-Discrimination Commission or the Police for enquiries and complaints
- accompany the person through the process and/or
- follow up with the person, after appropriate action has been taken, to ensure that they are satisfied with the resolution.

• **MPIO's do not:**

- Investigate complaints, advocate, represent people, advise people on what to do, mediate or intervene.

1.4 If the behaviour appears to constitute unlawful discrimination the complainant may wish to seek the advice of the Community Justice Centre or make a complaint directly to the Anti - Discrimination Commission.

1.5 If the behaviour involves cyber bullying and harassment, or the posting of explicit images, the matter is referred to the NT Police.

See Appendix 3

2 Right to Appeal

Both parties to a complaint have the right to appeal the decision and seek the recommendation of a panel if the matters of procedure, bias, or fairness are called into question. An appeals panel, made up of members other than those who formed the original review panel, will handle formal appeals.

The appeals panel can comprise a representative from these organisations –Community Participation, Sport and the Arts, Community Justice Centre, Anti-Discrimination Commission, Employee Assistance Service, community justice and/or Sports Lawyer depending on the nature of the complaint.

The Chairperson could be a member from the Anti-Discrimination Commission.

For NTPS employees, Management of Grievances policy is located at:

<http://internal.dtc.nt.gov.au/policies-and-resources/human-resources/behaviour-and-culture/workplace-behaviours>

C. Procedures for Handling Allegations of Child Abuse

TSA will deal with allegations involving the abuse, or suspected abuse, of children in a strictly confidential manner and with sensitivity. This is in the best interests of all parties involved.

The matter will only be discussed within the TSA with the Member Protection Information Officer (MPIO) who has been appointed and trained to address harassment and abuse issues.

All reports will be handled within the Mandatory reporting guidelines/legislation of the *Care and Protection of Children Act 2007*, refer to point 2.3.

In all instances, the matter will need to be referred to the Executive Director Community Participation, Sport and the Arts, NT Police and/or FACS. It is not the responsibility of TSA to investigate the allegation.

1 Types of Allegations

1.1 An employee, coach/support staff including volunteers or athletes may suspect abuse of a child on reasonable grounds when:

- a child tells them they have been abused
- someone else tells them a child has been abused
- a child tells them they know someone who has been abused (often they are referring to themselves)
- they observe a child's behaviour and/or injuries, and their knowledge of children leads them to suspect abuse or
- they observe another person's abuse of a child.

1.2 A person within TSA, or TSA itself may also receive allegations that:

- a person within TSA has abused a child that is involved in an TSA program for example, a TSA scholarship athlete
- a person within TSA has abused a child outside TSA jurisdiction (for example, a junior athlete that a TSA coach coaches for a NT organisation or club) or
- a person outside of TSA (for example a teacher or family member) has abused a TSA scholarship athlete.

1.3 These allegations may be made by the child, his or her parents, or another person involved with TSA. Where the allegation comes from is not as important as who the alleged offender and alleged victim are.

1.4 Allegations of the first two dot points under Point 1.2 will generally be the only ones about which TSA may have the right to make further enquiries in accordance with the rules and regulations. These allegations must be immediately reported to a member of the NT Police Force and Family and Children's Services and the Executive Director Community Participation, Sport and the Arts. An allegation of the third type under Point 1.2 should, in all cases, simply be reported to the relevant authority and the organisation should consider any steps it can reasonably take to prevent that abuse, or similar incidents, occurring again.

2 Initial response

2.1 Where allegations are made regarding child abuse or someone suspects a child has been abused, the person receiving the information must treat the matter with great sensitivity. The initial response of the person to whom the child confides is crucial to the wellbeing of the child. It is important for the person receiving information to:

- listen to and believe what the child says
- reassure the child that what has occurred is not the fault of the child
- ensure the child is safe
- be honest with the child and explain that other people may need to be told in order to stop what is happening

- ensure that what the child says is quite clear, but do not elicit detailed information about the sexual abuse
 - obtain and document the following information:
 - the child's name, age and address
 - the person's reason for suspecting abuse (that is, observation, injury or information)
 - the person's assessment of danger posed to the child, including information relating to the alleged perpetrator
 - what arrangements, if any, exist for the immediate protection of the child and
 - what involvement, if any, other agencies have in dealing with the suspected incident.
 - make direct and confidential contact with the MPIO. Consult with the MPIO on how to proceed (for example, reporting to the relevant NT authority) and how to make a confidential and factual written report and
 - ensure there are procedures in place to protect the confidentiality of reports (paper and electronic versions). All reports will be handled within the Mandatory reporting guidelines/legislation within the *Care and Protection of Children Act 2007*. Refer to Section B, Point 2.3.
- 2.2** If there is any doubt about whether the allegation should be reported, the relevant NT authority (for example, NT Police and Family and Children's Services) must be consulted.
- 2.3** Any person who believes on reasonable grounds that a child has suffered or is likely to suffer harm or exploitation because of an act or omission by someone who is, or is not a parent of the child, must formally report that belief or knowledge to Family and Children's Services (FACS) and a member of the NT Police Force for investigation. The toll free number for FACS is 1300 653 227.
- 2.4** The alleged offender may be suspended pending the results of an investigation by the relevant authority, as per disciplinary procedures at Points 1.3 and 1.4. If the alleged offender is an NTPS employee, action will be taken in accordance with the *Public Sector Employment Management Act*.
- 2.5** Where an accredited coach has been permanently suspended from a position because it was found that he or she abused a child, the NT sporting organisation (NTSO) must inform the National Sporting Organisation (NSO) so it can decide whether the coach has breached the NSO's Coach's Code of Ethics plus the NSO's Code of Conduct. A person under the age of 16 may be able to hold a NSO's coach accreditation under supervision of an adult holding an equivalent accreditation.
- 2.6** Where a matter has resulted in the suspension or dismissal of a person, the NSO, NTSO, regional bodies and clubs within the sport must be informed so that they can implement safeguards to prevent other clubs from engaging the services of the offender. Care should be taken with the way this is communicated to other agencies to ensure that any statements made are accurate and not defamatory.

Appendix 1

Exceptions and Exemptions

Both Northern Territory and Federal Equal Opportunity laws contain exceptions that allow certain kinds of lawful discrimination, for practical and common sense reasons. The Anti-Discrimination Commission (NT) can also grant exemptions, to allow Associations to lawfully discriminate in certain circumstances.

For more information about this, Associations should contact the NT Anti-Discrimination Commission, on (08) 8999 1444 or 1800 813 846.

Disability

Organisers of a sporting activity may restrict to people who can effectively compete. For example, it would be lawful for the organisers of a national selection trials or Para-Olympic team to restrict the participation in those events to persons with a general or particular disability.

Sex

People of one sex may be excluded from participating in a competitive sporting activity in which the strength, stamina or physique of competitors is relevant. This does not apply to a sporting activity for children under the age of 12 years.

Age

It is lawful to hold competitions for relevant age groups such as Under 13, Under 18, Under 21, 35 and over. However, it is unlawful to select officials or coaches for sporting activities on the basis of age alone, if that person can effectively undertake the task. For example, if a sport set a minimum age for coaching or officiating duties or for attending an accredited coaching course, it would have to demonstrate that the age limit is necessary because the position requires a certain level of maturity, experience in the sport or professional qualification. A person under the age of 16 may be able to hold a NSO's coach accreditation certificate under the supervision of an adult holding an equivalent accreditation.

Pregnancy

Anti-discrimination laws around Australia have made discrimination on the ground of pregnancy unlawful and this includes participation in sport. It therefore may be unlawful for a club or association to prevent a woman from playing her chosen sport while pregnant.

The decision of whether or not a pregnant woman should continue playing and for how long should be hers to make in consultation with her doctor and her club.

Under some circumstances exceptions may apply to pregnant employees or volunteers.

HIV/AIDS

It is only lawful to discriminate on the basis of a person's HIV/AIDS status where the discrimination is reasonably necessary to protect the health and safety of other persons. However, this exception only rarely applies.

Example: A basketball player informed his coach that he had been diagnosed as HIV positive. Upon hearing this, the coach dropped the player from the team. There was no assessment made in relation to the player's ability to compete effectively, and necessary precautions to protect both his health and safety and other player's health and safety.

Appendix 2

Definition of Child Abuse in Sport

What is child abuse?

Child abuse is a term used to describe ways in which children are harmed, usually by adults and often by those they know and trust. It includes physical abuse, which results in non-accidental injuries; emotional abuse, which causes psychological or emotional damage; neglect, which results in ill health; and sexual abuse, which includes a range of sexual activity and exploitation of children that can result in physical or psychological damage.

Child abuse is illegal in all states and territories of Australia. Although the legal definition of a 'child' varies from jurisdiction to jurisdiction and from legislation to legislation, for the purposes of this policy, a child is defined as a person less than 18 years of age.

Child abuse in sport

During sport, various behaviours can amount to child abuse. Unfortunately while most people know that some behaviour is 'bad coaching', they often don't know that some bad behaviour can also be abuse. Here are examples of behaviour that is abuse.

Non-accidental injury to children participating in sport

Most children will collect cuts and bruises in their daily lives, and certainly through their involvement in sport, but some physical injuries or bruising can only be caused non-accidentally.

Inappropriate training

People working with children in sport must tailor training programs to ensure that they are appropriate for the strength, coordination, skill and emotional levels of children. Training techniques that give extra physical loads to children as 'punishment' can be dangerous to the health of children who are already physically tired.

Effective training techniques will also take into account the emotional individuality of children. Children should be emotionally prepared for an activity in order to perform it confidently and without anxiety. They respond differently to the challenges of sport, and what is 'pushing' (by a coach or a parent) to one child may be emotionally destructive to another. Physical abuse also includes giving children illegal or inappropriate drugs that may affect their physical or psychological development.

Emotional abuse

It is not appropriate to address children in a derogatory way when their performance is not to the coach's liking. Nor is it appropriate to demean their performance in front of others or, even if speaking to them individually, to refer to physical attributes (for example, weight or clumsiness) to make them perform better. Coaches should ensure that they do not give only negative feedback on performance. Providing constructive feedback on the negatives and praise for the positives is a more appropriate way to coach children.

Inappropriate touching

In some sports it may be necessary for a coach or trainer to have physical contact with children in order to demonstrate technique. Such contact must be necessary and appropriate to the situation and always professional. It is good practice for coaches to firstly ask the athletes for permission. Inappropriate touching can include lengthy or uninvited contact.

Sexual abuse

Sexual abuse is a criminal offence involving a range of sexual activity between a child and a person who is older, or has power, authority or control over a child. This abuse encompasses a wide range of behaviour from, for example, engaging a child in sexual conversation, showing sexual pictures to a child and exposing one's genitals, to sexual touching and invasive sexual acts.

Sexual abuse can involve forcing, tricking, bribing, threatening, emotionally manipulating or pressuring a child into sexual activity even if the child has, or appears to have, consented. Note that children 16 years and under cannot legally consent to sexual acts.

Sport is vulnerable to child sexual abuse because coaches, managers, officials and volunteers are able to assert authority and power over children. Unfortunately, sexual offenders take advantage of such positions of trust and authority.

Other sensitive areas

People working with children in sport should be aware of age sensitivities and cultural or religious differences, and how these may change the way people look at certain activities. For example, privacy in showers or at athlete weigh-ins could be an issue. Working with children with physical and emotional disabilities may also require careful and sensitive handling.

Coaches from diverse backgrounds, and people working with children of diverse origins, will need to adjust work practices and be sensitive to the different way in which their actions and behaviour may be seen and interpreted.

Appendix 3

Complaints Process

NTPS Employees

For NTPS employees making complaints against other NTPS employees, refer to the Grievance Resolution flowchart at: <http://internal.dtc.nt.gov.au/policies-and-resources/human-resources/behaviour-and-culture/workplace-behaviours>

Non-NTPS Employees

For Non NTPS employees making a complaint concerning a person/s involved with an TSA program, refer to the following:

Complaint options	Roles and responsibilities
Step 1: Self-management The person with the complaint tries to resolve the problem directly with the person who has upset them.	Member Protection Information Officers Trained to be first point of contact. Provide impartial, confidential and timely support throughout the process.
Step 2: Obtaining information and support The person with the complaint seeks information and support to help sort out the problem.	Others who can also provide information and support Includes: Board members, coaches, officials and governing bodies, NTSO, parents and pathway managers.
Step 3: Informal internal process Usually appropriate for less serious allegations. Emphasis is on resolution using counselling, education and mediation rather than substantiation.	Management Attempt resolution if an issue is observed or brought to their attention. Inform TSA Director if matter is serious or criminal. Under law, may need to report child abuse.
Step 4: Formal internal process Involves submission of a written complaint to the TSA Director. Usually involves investigation and/or conciliation of the complaint.	TSA Director Investigates and/or mediates, where appropriate. Decides on appropriate disciplinary action in accordance with this Policy or the TSA (Athlete) Disciplinary Process.
Step 5: An appeals process Either party is entitled to appeal if unhappy with the process or the outcome of the investigation.	Appeals panel The appeals panel reviews the decisions and actions from the TSA Director to either uphold or amend the decision and actions.
Step 6: External options A person with a complaint may approach an external body for advice or to lodge a complaint at any time.	NT Anti-Discrimination Commission, Family and Children's Services or NT Police Investigates complaints suspected of being unlawful.

Note:

- People with complaints can select any option or seek external assistance at any stage.
- Those with complaint handling and decision-making roles need to ensure that they have no actual or perceived conflict of interest. If there is a perceived conflict of interest, it needs to be declared and approved before proceeding.

Resolving complaints - A step-by-step approach

Step 1: Self-management

The person with the complaint tries to resolve the problem directly with the person who has upset them. Self-management of complaints can quickly resolve many lower level and 'accidental' issues.

Step 2: Obtaining information and support

The TSA Member Protection Information Officer, Sport Pathway and Program Managers or the Community Participation, Sport and the Arts' Member Protection Information Officer are available to provide assistance to sort out the problem if the person with the complaint:

- has not been able to sort out the problem themselves
- is not sure how to handle the problem
- wants to talk about the problem and get some more information about what to do or
- continues to experience the problem after approaching the other person or people involved.

Note: Any person who believes, on reasonable grounds, that a child has suffered or is suffering maltreatment shall report the fact and all material facts, to Family and Children's' Services or a member of the NT Police Force.

Step 3: Informal internal process (low level resolution)

After talking with the TSA Member Protection Information Officer, Sport Program Managers or Community Participation, Sport and the Arts' Member Protection Information Officer, the person with the complaint may decide:

- there is no problem
- the problem is minor and that they do not want to proceed with the matter
- to try and work out their own resolution, with or without support or
- to seek an informal mediated resolution with the help of a third person such as a mediator or an official.

Sometimes, once the concern has been raised with a representative of the organisation, the official may be able to observe the behaviour directly and take action themselves. Alternatively, depending on the issue, they may decide to institute some targeted training or other internal processes to address the issue such as counselling.

This step focuses on resolving the problem rather than proving something actually happened.

Step 4: Formal internal process (written complaint and internal investigation)

If the complaint has not been resolved, the person with the complaint may decide to write a formal complaint to the TSA Programs and Pathways Coordinator or the TSA Director.

A formal procedure is most appropriate when:

- matters have not been satisfactorily resolved at the informal level
- matters involve serious allegations
- the other person denies the allegations or
- the person or people being complained about are more senior than the person with the complaint.

A formal internal complaint usually involves an investigation of the complaint and then recommendations about outcomes. All formal complaints are to be conducted in accordance with the principles of natural justice.

Step 5: An appeals process

If the person with the complaint or the person complained about is dissatisfied with the process or outcome of the investigation, or when any recommended mediation does not result in a mutually acceptable solution, then either party is entitled to appeal.

In an appeals process, the complaint is re-heard by a different independent investigator/decision making panel and the decision is reviewed.

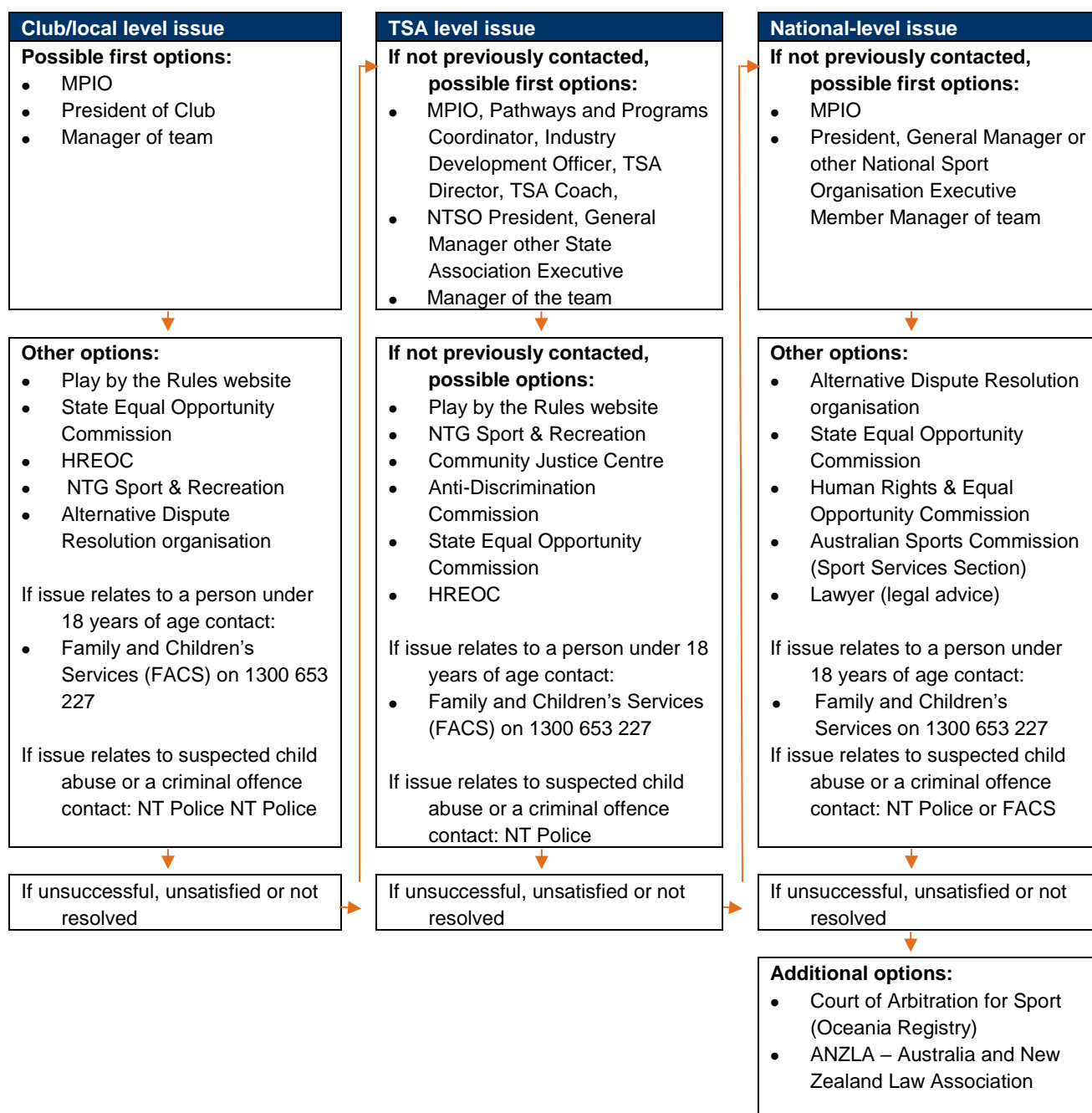
Step 6: External options

If the internal complaint resolution procedure does not achieve a satisfactory resolution or outcome, or if the person with the complaint believes it would be impossible to get an impartial resolution within the sporting organisation, they may approach an external body such as the Community Justice Centre or the NT Anti-Discrimination Commission for advice or to lodge a complaint at any time during the process.

Check the specific complaint resolution procedure at the TSA or talk to a Member Protection Information Officer for further information about options.

Complaints flowchart – Non-NTPS Employees

If you need information and advice to make a complaint or to raise a concern in relation to inappropriate behaviour in sport (such as harassment, discrimination or abuse), the following chart may assist in working out who to contact and how. Start at the level (club, state or national) that the incident occurred.



Appendix 4

TSA Member Protection Policy signing page

I have read, understood and agree to abide by the terms of the TSA Member Protection Policy 2021.

Signature: _____

Full Name: _____

Date: _____

TSA Involvement:
Coach, staff, volunteer, official, mentor, athlete _____