



Gymnastics
Australia

MEMBER PROTECTION POLICY

**This Policy must be read in conjunction with the
GA Child Safe Policy**

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REVIEW HISTORY TABLE

This Member Protection Policy will be reviewed on a regular basis. Some circumstances may trigger an early review, this includes but is not limited to legislative changes, organisational changes, incident outcomes and other matters deemed appropriate by the Board and/or Chief Executive Officer.

Gymnastics Australia (GA) retains records to document each review undertaken. Records may include minutes of meetings and documentation of changes to policies and procedures that result from a review.

Revised on	Version	Date Endorsed	Approved by	Content reviewed/Purpose
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PREFACE

Gymnastics Australia Ltd (**GA**) is committed to providing a sport and work environment free of Discrimination, Harassment (sexual or otherwise) and physical violence, where individuals are treated with respect and dignity. GA will not tolerate acts of physical violence, discriminatory or harassing behaviour under any circumstances and may take disciplinary action against anyone who breaches this Member Protection Policy.

GA's Member Protection Policy is part of the organisation's proactive and preventative approach to tackling inappropriate behaviour and as such sets out the Codes of Behaviour and the Code of Ethics within which everyone associated with the organisation is expected to abide.

GA is committed to ensuring that the safety, welfare and wellbeing of all members, but in particular Children, are maintained at all times during their participation in activities run by GA and its Association Members. Accordingly, any person involved in our organisation in a position of authority over any member under the age of 18 years will be asked to undergo screening procedures including Working with Children and other probity checks.

Child safety is embedded into GA's , governance and culture through the National and State/Territory jointly signed [Child Safe Commitment Statement](#) and is further defined in the organisations [Child Safe Policy](#), that must be read in conjunction with this policy.



Sam McKay
PRESIDENT



Kitty Chiller
CHIEF EXECUTIVE OFFICER

Gymnastics Australia Ltd
February 2019

1. PART A – MEMBER PROTECTION POLICY

1.1 Introduction

The vision, mission and values of GA are as follows:

(a) **Vision**

Gymnastics is recognised as the foundation for movement, enriching and energising bodies for life.

(b) **Mission**

To promote our brand, develop our people and grow our sport

(c) **Values**

Respect our people

- (i) Listen and act to enhance member experiences
- (ii) Strive to learn and understand our people
- (iii) Create environments where opinions are heard and valued

Excellence in delivery:

- (i) Inspire and implement innovative thinking and behaviour
- (ii) Keep things simple, safe and fun
- (iii) Anticipate change and use evidence to determine our future

Act as one:

- (i) Seek shared alignment around decisions and accountability Operate collectively with transparency
- (ii) Work together to proactively identify opportunities and solve our problems
- (iii) Build trust, strengthen relationships and communicate openly

Lead with integrity:

- (i) Act in the best interest of gymnastics with commitment to our vision
- (ii) Operate collectively with transparency
- (iii) Demonstrate and promote honesty and respect

1.2 Purpose of this policy

This Member Protection Policy (**policy**) aims to maintain ethical and informed decision-making and responsible behaviours within our sport. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from Abuse. This policy informs everyone involved in our sport of his or

her legal and ethical rights and responsibilities and the standards of behaviour that are required.

The policy attachments outline the procedures that support our commitment to eliminating Discrimination, Harassment, physical violence and other forms of inappropriate behaviour from our sport.

Child protection is seen as such an important area to prioritise that GA has a separate **Child Safe Policy** that should be read in conjunction with this policy.

As part of the commitment to ensuring a safe environment for all participants, GA may take disciplinary action against any person or organisation bound by this policy if they breach it or the Child Safe Policy.

Both this policy and the Child Safe Policy have been endorsed by the GA Board of Directors (**Board**) and have been adopted as GA policies in accordance with clause 22 of the GA Constitution.

For the avoidance of doubt:

- (a) the Discipline By-Law and the Appeals By-Law (at Attachments D4 and D5) have been adopted as by-laws under this policy and clauses 11.2(b) and 11.2(c) of the GA Constitution and are binding on all persons and organisations who are bound by this policy, (including Members); and
- (b) this Member Protection Policy constitutes the Grievance By-Law under clause 11.2(a) of the Constitution and all Grievances must be dealt with in accordance with this policy.

This policy and the Child Safe Policy start on the date they are adopted by the Board and will operate until reviewed and replaced. This policy and/or its attachments may be amended from time to time by the Board in accordance with the GA Constitution. Copies of the policy and its attachments can be obtained from the GA office or on the GA website at www.gymnastics.org.au.

For information on the rights, responsibilities and requirements for people involved in our sport at the Association Member or Affiliated Club level, please refer to the member protection policies of the relevant Association Member or Affiliated Club.

For information on the rights, responsibilities and requirements for people connected to GA's DFAT funded international programs contact ausgym@gymnastics.org.au.

1.3 Who is bound by this policy

- (a) This policy applies to anyone involved in the sport of gymnastics in Australia including (but not limited to):
 - (i) persons appointed or elected to boards, committees and sub-committees;
 - (ii) employees, contractors and volunteers of GA;
 - (iii) Members of the National Gymsport Commissions;
 - (iv) support personnel appointed or selected to teams and squads (e.g. managers, chaperones, physiotherapists, psychologists, masseurs);

- (v) coaches and assistant coaches;
 - (vi) Participants;
 - (vii) judges and other officials involved in the regulation of the sport;
 - (viii) Members, including Life Members;
 - (ix) personnel participating in events and activities, including camps and training sessions, held or sanctioned by GA; and
 - (x) any other person including spectators and parents/guardians.
- (b) the following organisations:
- (i) any Member and their members; and
 - (ii) any other organisations affiliated with GA or an Association Member and its members;

Association Members are required to adopt and implement this policy and to provide evidence to GA of the approval of the policy by the relevant board in accordance with the GA constitution by 1st April 2019. Association Members must also undertake to ensure that Affiliated Clubs and individual Members are bound by this policy and are made aware of this policy and what it says and shall provide written verification that this has occurred by 1st July each calendar year.

This policy will continue to apply to a person, organisation or Member, even after they have stopped their association or employment with GA, if allegations and/or disciplinary action against that person, organisation or Member commenced while they were still a Member.

1.4 Organisational responsibilities

GA, Association Members and Affiliated Clubs must:

- (a) adopt, implement and comply with this policy;
- (b) make such amendments to their Constitution, Rules or Policies necessary for this policy to be enforceable;
- (c) publish, distribute and promote this policy and the consequences of breaches;
- (d) promote and model appropriate standards of behaviour at all times;
- (e) promptly deal with any breaches or Complaints made under this policy in a sensitive, fair, timely manner;
- (f) apply this policy consistently;
- (g) recognise and enforce any penalty imposed under this policy;
- (h) ensure that a copy of this policy is available or accessible to the persons and associations to whom this policy applies;
- (i) use appropriately trained people to receive and manage complaints and allegations (Member Protection Information Officers (**MPIOs**)); and

- (j) monitor and review this policy at least annually.

Any powers or responsibilities of GA in this policy shall be read as powers of the relevant affiliated organisation bound by this policy.

1.5 Individual Responsibilities

Individuals bound by this policy are responsible for:

- (a) making themselves aware of the policy and complying with its standards of behaviour;
- (b) complying with GA's screening requirements and any state/territory Working with Children Checks or equivalent;
- (c) placing the safety and welfare of children above other considerations and in line with the GA Child Safe Policy;
- (d) being accountable for their behaviour;
- (e) not making false, misleading or vexatious claims against any other member or person;
- (f) following the procedures outlined in this policy if they wish to make a Complaint or report a concern about possible Child Abuse, Discrimination, Harassment or other inappropriate behaviour;
- (g) complying with any decisions and/or disciplinary measures imposed under this policy; and
- (h) completing a Member Protection Declaration set out in Part C of this policy (where applicable).

1.6 POSITION STATEMENTS - General

(a) Child Protection

GA is committed to the safety, wellbeing, and empowerment of all Children accessing our programs and services including indigenous children, those from culturally and linguistically diverse backgrounds and Children with disability.

GA and all our Association Members have a zero tolerance approach to any form of Child Abuse. GA supports the rights of children and we will act immediately to ensure an environment is maintained where Children and all Participants feel safe, respected, valued and empowered at all times.

To show our commitment to ensuring GA does everything it can to have a Child safe environment for all our young participants, GA has developed a Child Safe Policy that comprehensively addresses this prioritised focus.

(b) Discrimination and Harassment

GA 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.

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

(i) **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 race, age, disability, sexual orientation and gender. The full list of protected personal characteristics is in the “Definitions” set out in the Glossary 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.

(ii) **Harassment**

Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and that 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.

(iii) **Prohibition against Discrimination and Harassment**

GA prohibits all forms of Harassment and Discrimination based on the personal characteristics listed in the Glossary 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 GA. A person may make an internal Complaint, and in some circumstances, they may also be able to make a Complaint to an external organisation.

(c) **Physical Violence**

Physical violence is behaviour involving physical force intended to hurt, damage, or kill someone or something and includes (without limitation) physical assault.

GA will not tolerate acts of physical violence in any circumstances and takes any complaints or concerns relating to actual or threatened physical violence very seriously.

GA encourages any person who is, or believes that another person is, being, or has been, the subject of physical violence at the hands of another person bound by this policy to raise their concerns with GA. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation.

(d) **Intimate Relationships**

GA understands that consensual intimate relationships (including, but not limited to sexual relationships) between coaches or officials and adult Participants 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 Participant, 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 Participants. In particular, they must ensure that they treat Participants 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 Participants they coach should be avoided as they may have harmful effects on the Participant involved, on other Participants 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 Participant.

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

If a consensual intimate relationship does exist or develops between an adult Participant 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 Participant and/or other Participants.

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

- (i) the relative age and social maturity of the Participant;

- (ii) any potential vulnerability of the Participant;
- (iii) any financial and/or emotional dependence of the Participant on the coach or official;
- (iv) the ability of the coach or official to influence the progress, outcomes or progression of the Participant's performance and/or career;
- (v) the extent of power imbalance between the Participant and coach or official; and
- (vi) the likelihood of the relationship having an adverse impact on the Participant and/or other Participants.

It will often be difficult for a coach or official involved in an intimate relationship with an adult Participant to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from the MPIO or any other GA senior manager 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 Participant is inappropriate or unprofessional GA 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 Participant. This could include a transfer, a request for resignation or dismissal from coaching duties.

If a coach, official or Participant believes they are being, or have been, harassed they are encouraged to seek information and support from the MPIO, or other GA official. Our complaints procedure is outlined in **Part D1** of this policy.

(e) **Pregnancy**

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

While many sporting activities are safe for pregnant women, GA will advise pregnant women that there may be risks involved with their continuing participation in the sport, and GA will encourage them to obtain medical advice about those risks. Those risks will depend on the nature of the sporting activity and the pregnant woman's particular circumstances. GA will take reasonable care to ensure the continuing safety, health and wellbeing of pregnant women. 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.

GA recommends that pregnant women wanting to participate in our sport consult with their medical advisors, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation. GA will only require pregnant women to sign a disclaimer if GA requires other Participants to sign one in similar circumstances. GA will not require women to undertake a pregnancy test.

(f) **Bullying**

GA is committed to providing an environment that is free from bullying. Bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and GA therefore regards 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.

Whilst generally characterised by repeated behaviours, one-off instances can amount to bullying.

The following types of behaviour, where repeated, or occurring as part of a pattern of behaviour, would be considered bullying:

- (i) verbal Abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- (ii) excluding or isolating a group or person;
- (iii) spreading malicious rumours; or
- (iv) psychological Harassment such as intimidation.

Bullying includes cyber-bullying which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites (refer also to 6.11), have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. GA will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at a judge, 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 the relevant controlling club, or state association.

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. Our Complaints procedure is outlined in **Part D1** of this policy.

Bullying has the potential to cause great anxiety and distress to the person who has been the target of any comments or statements. In some cases, bullying is regarded as a criminal offence punishable by imprisonment, amongst other things.

(g) **Gender Identity and Intersex Status**

GA is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. 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. Descriptions of the types of behaviour which could be regarded as Transgender Discrimination or Harassment are provided in the Glossary of Terms and include trans, Transgender and gender diverse.

(i) **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.

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. GA will not tolerate any unlawful Discrimination or Harassment of a person who identifies as Transgender or transsexual or who is thought to be Transgender or has an association with someone who has or is assumed to be Transgender or transsexual. GA expects 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. Our Complaints procedure is outlined in **Part D1** of this policy.

(ii) **Participation in sport**

GA 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. GA is committed to supporting participation in our sport on the basis of the gender with which a person identifies.

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

GA is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a Transgender person intends competing at an elite level, GA will encourage them to obtain advice about the IOC's criteria which may differ from the position taken by GA.

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

(iii) **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.

GA is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. GA will

not tolerate any unlawful Discrimination or Harassment of a person because of their Intersex status.

(h) **Responsible service and consumption of alcohol**

GA is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. GA also recommend that Association Members and Affiliated Clubs follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy is that:

- (i) alcohol should not be available or consumed at sporting events involving Children;
- (ii) alcohol-free social events be provided for Children and families;
- (iii) food and low-alcohol and non-alcoholic drinks be available at events GA hold or endorse where alcohol is served;
- (iv) a senior GA personnel is present at events GA holds or endorses where alcohol is served to ensure appropriate practices in respect of the consumption of alcohol are followed; and
- (v) safe transport options be promoted as part of any event GA holds or endorses where alcohol is served.

(i) **Smoke-free environment**

GA is committed to providing a safe and healthy environment at all sporting and social events that GA holds or endorses.

The following policies should be applied to GA run or endorsed sporting and social events:

- (i) No smoking shall occur at or near any sporting event or competition involving persons under the age of 18. This policy shall apply to coaches, players, trainers, officials, contractors and volunteers;
- (ii) Social functions shall be smoke free, with smoking permitted at designated outdoor smoking areas, in line with the relevant legislation;
- (iii) Coaches, officials, trainers, contractors, volunteers and players will refrain from smoking and remain smoke free while wearing official GA uniform and/or while involved in an official capacity for any of GA, Association Members, Affiliated Club or representative team, during competition.

(j) **Illegal and Performance Enhancing Drugs**

Unfortunately, illegal drugs are used by many people in the community, including young adults, so it is likely that some participants in gymnastics will have access to them. Currently there are two distinct but related illegal drug issues confronting sporting clubs:

- (i) performance enhancing drugs; and

- (ii) illegal drugs used for social purposes.

These two categories are not mutually exclusive. Some illegal drugs used for social purposes (such as amphetamines, e.g. speed) may be used to enhance sporting performance.

- (iii) All requirements of ASADA must be adhered to by all Members;
- (iv) The possession, use, distribution or selling of illegal drugs for any purposes on Affiliated Club premises, or at any function or activity organised by GA or any Association Member or Affiliated Club, is wholly prohibited.
- (v) In the case of an incident involving an illegal drug, the initial actions and responses of GA or any Association Member or Affiliated Club will focus on the safety and welfare of those directly and indirectly involved. All responses and actions will reflect the sport's duty of care to participants.
- (vi) GA will investigate all apparent or alleged breaches of this policy consistent with the principles of Natural Justice (where appropriate) and determine a course of action after all relevant facts and circumstances are known.
- (vii) GA may refer a person who is involved in illegal drug use to a medical or health service for assistance or, wherever necessary, to the relevant authorities such as Police.
- (viii) If it is suspected or known that a person is involved in supplying illegal drugs, the relevant authorities will be notified immediately.
- (ix) In the interests of health and safety, GA will contact the parents/guardian of a minor where apparent or suspected illegal drug use has occurred (unless by doing so it will place the safety of the individual at risk of greater harm).
- (x) If the person is aged over 18 years, GA will decide whether contacting parents or guardian is in the best interests of the individual. In this circumstance, GA will determine each case on its merits.

(k) **Social Networking Websites**

GA acknowledges the enormous value of social networking to promote our sport and celebrate the achievements and successes of the people involved.

Social networking refers to any interactive website or technology that enables people to communicate and/or share content via the internet. This includes but is not limited to social networking websites such as Facebook, Instagram, Snapchat and Twitter.

GA expects 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:

- (i) 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;
- (ii) must not contain material which is inaccurate, misleading or fraudulent;
- (iii) must not contain material which is in breach of laws, court orders, undertakings or contracts;
- (iv) should respect and maintain the privacy of others; and
- (v) should promote the sport in a positive way.

(l) **Recruitment and Screening**

GA will ensure that the organisation takes all reasonable steps to ensure it engages the most suitable and appropriate people, especially for those who work with Children. This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with Children. See Section 10 of the Child Safe Policy for detailed information regarding GA's screening and working with children check policy.

GA actively encourages applications from indigenous people, people from culturally and/or linguistically diverse backgrounds and people with a disability.

1.7 Complaints Handling

(a) **Child Abuse and Misconduct with a Child Allegations**

GA has zero tolerance of Child Abuse, and GA will treat all allegations of child abuse and/or misconduct with children seriously, consistently and with a high degree of sensitivity.

You must refer to the Child Safe Policy for detailed guidelines on handling these allegations.

(b) **Handling Complaints**

GA aims to provide a simple, fair and transparent procedure to make and handle Complaints based on the principles of procedural fairness (Natural Justice). Any person (a Complainant) may report a Complaint about a person/s or organisation bound by this policy (Respondent). All Complaints will be dealt with promptly, seriously, sensitively and confidentially.

A complaint should be dealt with at the relevant level. Therefore, if a Complaint relates to behaviour or an incident that occurred at the:

- (i) state/territory level or involves people operating at the state level, then the Complaint should be reported to and handled by the relevant Association Member in the first instance; or

- (ii) club level or involves people operating at the club level, then the Complaint should be reported to and handled by the relevant club in the first instance.

Only matters that relate to or occur at the national level, including any incidents that occur at a GA organised event, and any case from Affiliated Club or Association Member level that, has been referred to the national body and GA has accepted. GA may determine whether it will consider a Complaint referred to it or direct it back to the referring body (or some other organisation/person).

A Complaint may be dealt with informally or formally. Refer to **Part D** of this policy for the procedure to make informal and formal Complaints.

Individuals and organisations may also pursue their Complaint externally under anti-Discrimination, Child protection, criminal or other relevant legislation.

(c) **Vexatious Complaints and Victimisation**

GA takes Complaints under this policy seriously. Any Complaint not made on a proper basis, or in good faith, or motivated by malice or aimed at being 'payback' or vindictive may lead to disciplinary action being taken against the person lodging the Complaint.

GA aims for its Complaints procedure to have integrity and be free of unfair repercussions or victimisation against any person making a Complaint or against any Respondent.

GA will take all necessary steps to make sure that people involved in a Complaint (either as a Complainant or Respondent) are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a Complaint or supporting another person's Complaint.

(d) **GA Discipline Committee**

The GA Discipline Committee may be convened to hear a formal Complaint referred to it by the GA CEO. The GA CEO (or their delegated person responsible) has the sole discretion to determine whether a Complaint is:

- (i) referred to the GA Discipline Committee under this policy; or
- (ii) not suitable for referral to the GA Discipline Committee.

The GA Discipline By-Law is outlined in **Attachment D4** of this policy.

(e) **Appeals**

A Respondent or Complainant may lodge an appeal to the GA Appeals Commissioner only in accordance with the Appeals By-Law in **Attachment D5** of this policy. The decision of the GA Appeals Commissioner is final and binding.

The appeals process is outlined in **Attachment D5** of this policy.

Every organisation bound by this policy will recognise, respect and enforce any decision of the Board, GA CEO, the GA Discipline Committee and the GA Appeals Commissioner under this policy.

1.8 What is a breach of this policy

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

- (a) breaching the Codes of Behaviour (Roles and Responsibilities) that can be found in **Part B** of this policy;
- (b) bringing the sport and/or GA into disrepute, or acting in a manner likely to bring the sport and/or GA into disrepute;
- (c) failing to follow GA policies (including this policy) and procedures for the protection, safety and welfare of children (including the Child Safe Policy);
- (d) discriminating against, harassing or bullying (including cyber bullying) any person;
- (e) victimising another person for making a Complaint;
- (f) engaging in a sexually inappropriate relationship with a person that they supervise, or have influence, authority or power over;
- (g) verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- (h) disclosing to any unauthorised person or organisation any GA information that is of a private, confidential or privileged nature;
- (i) making a Complaint they know to be untrue, vexatious, malicious or improper;
- (j) failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; or
- (k) failing to comply with a direction given to the individual or organisation during the investigation and/or discipline process; or
- (l) providing false or misleading information in a Member Protection Declaration, Working With Children Check, or in completing any other GA document.

1.9 Disciplinary Measures

- (a) If an individual or organisation to which this policy applies breaches this policy or the Child Safe Policy, one or more forms of discipline may be imposed. Any disciplinary measure imposed under this policy must:
 - (i) be applied consistent with any contractual and employment rules and requirements;
 - (ii) be fair and reasonable;
 - (iii) be based on the evidence and information presented and the seriousness of the breach; and

- (iv) be determined in accordance with the GA Constitution, By Laws, this policy and/or rules of the sport.

1.10 Individual Disciplinary Measures

Subject to contractual and employment requirements, if a finding is made by the GA CEO, GA Board or the GA Discipline Committee that an individual has breached this policy or the Child Safe Policy, one or more of the following forms of discipline may be imposed:

- (a) a direction that the individual makes a verbal and/or written apology;
- (b) a written warning;
- (c) a direction that the individual attend counselling or undergo training to address their behaviour;
- (d) a withdrawal of any Award, placing, record, achievement bestowed in any tournament, activity or event held or sanctioned by GA,
- (e) a demotion or transfer of the individual to another location, role or activity;
- (f) a suspension of the individual's membership or participation or engagement in a role or activity;
- (g) a termination of the individual's membership, appointment or engagement;
- (h) in the case of a Technical Member, a direction that their accreditation be suspended for a period of time or permanently;
- (i) a fine; and/or
- (j) any other form of discipline that the GA CEO or the GA Discipline Committee considers appropriate.

1.11 Organisation Disciplinary Measures

If a finding is made that an Association Member or Affiliated Club has breached its own or this policy or the Child Safe Policy, one or more of the following forms of discipline may be imposed by the GA CEO or the GA Discipline Committee:

- (a) a written warning;
- (b) a fine;
- (c) a direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period or permanently;
- (d) a direction that any funding granted or given to it by GA cease from a specified date (or for a specified period);
- (e) a direction that GA cease to sanction events held by or under the auspices of that organisation;
- (f) a recommendation to GA that its membership of GA be suspended or terminated in accordance with the relevant constitution or rules; and

- (g) any other form of discipline that the GA CEO or Discipline Committee considers to be reasonable and appropriate.

1.12 Factors to Consider in Disciplinary Measures

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

- (a) nature and seriousness of the breach;
- (b) if the person knew or should have known that the behaviour was a breach;
- (c) level of contrition;
- (d) the effect of the proposed disciplinary measures on the person including any personal, professional or financial consequences;
- (e) if there have been relevant prior warnings or disciplinary action;
- (f) ability to enforce discipline if the person is a parent or spectator (even if they are bound by the policy); and
- (g) any other mitigating circumstances.

1.13 Glossary of Terms

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

Abuse is any form of Harassment and includes harm, bullying, emotional or psychological abuse, neglect, physical abuse, family violence, sexual abuse, grooming, and/or sexual exploitation.

Affiliated Club means a club affiliated with GA and an Association Member, recognised by GA under clause 5.6 of the GA Constitution.

Award means a trophy, medal, or participation award that is conferred for merit, usually after a decision made by a committee of judges etc.

Association Member (State and Territory Associations) means an Association affiliated with GA, recognised by GA under clauses 5.2, 5.3 and 5.4 of the GA Constitution.

Board means the Board of GA as constituted from time to time

Child (or Children) means a person(s) who is under the age of 18 years (which, for the avoidance of doubt, includes young people under the age of 18 years), unless otherwise stated under the law applicable to the child.

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

psychological abuse, neglect, physical abuse, family violence, sexual abuse, grooming, and/or sexual exploitation.

Refer to the Section 11 of the Child Safe Policy for details of the various forms of Child Abuse.

Codes of Behaviour means the Codes of Behaviour outlined in Attachments B2 to B8 of this policy and Attachment K of the Child Safe Policy.

Complaint means a Complaint made according to the Complaints Handling Procedure that can be found in Part D1 of this policy

Complainant means a person making a Complaint.

Director means a person appointed or elected as a director on the Board in accordance with the GA Constitution.

Discrimination occurs when someone is treated unfairly or less favourably than another person in the same or similar circumstances because of a particular personal characteristic.

In Australia, it is against the law to discriminate against someone because of their:

- (a) age;
- (b) disability;
- (c) family/carer responsibilities;
- (d) gender identity/Transgender status;
- (e) homosexuality and sexual orientation;
- (f) marital status;
- (g) irrelevant medical record;
- (h) irrelevant criminal record;
- (i) political belief/activity;
- (j) pregnancy and breastfeeding;
- (k) race;
- (l) religious belief/activity;
- (m) sex or gender;
- (n) social origin; or
- (o) trade union membership/activity.

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

Examples of Discrimination are available on the Play by the Rules website:
www.playbytherules.net.au/legal-stuff/discrimination

It is also a breach of Discrimination law to victimise a person who is involved in making a Complaint of Discrimination or Harassment.

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

- (a) holding a competitive sporting activity for boys and girls only who are under the age of 15;
- (b) excluding people on the basis of their sex and/or gender identity status from participation in a competitive sporting activity where the strength, stamina or physique of competitors is relevant to the specific activity (note that this does not apply to activity by children who are under the age of 12 years); and
- (c) not selecting a Participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that activity.

GA means Gymnastics Australia

GA Constitution means the Constitution adopted by GA Members as amended from time to time.

GA Discipline Committee means the committee constituted under **Part D** of this policy.

Harassment is any type of behaviour that the other person does not want and is likely to make the person feel intimidated, insulted or humiliated. Unlawful harassment is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or some other characteristic (see characteristic list under Discrimination above).

Harassment may be a single incident but is usually repeated. It may be explicit or implicit, verbal or non-verbal and includes electronic communication.

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

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

Intersex means a person with a variation in [sex](#) characteristics including [chromosomes](#), [gonads](#), or [genitals](#) that do not allow an individual to be distinctly identified as [male](#) or [female](#).

Life Member means a person granted life membership of GA under clause 5.10 of the GA Constitution.

Mediator means an impartial/neutral person appointed to talk through the issues and resolve the matter on mutually agreeable terms.

Member means a member of GA as set out in clause 5 of the GA Constitution.

Member Protection Information Officer or 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. He or she provides impartial and confidential support to the person making the Complaint.

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

- (a) the Respondent must know the full details of what is being said against them and any alleged breach of any rules, regulations or policies and have the opportunity to respond;
- (b) all relevant submissions must be considered;
- (c) no person may judge their own case;
- (d) the decision maker/s must be unbiased, fair and just; and
- (e) the penalties imposed must be fair.

Respondent means the person who is being complained about.

Participant means a person who participates in the Sport of gymnastics including, but not limited to, athletes.

Sexual Harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual Harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

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

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

- (a) 'contact behaviour', such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a Child through prostitution; and
- (b) 'non-contact behaviour', such as flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

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

Technical Member means any person registered as a coach or judge to an Association Member and GA under clause 5.8 of the GA Constitution.

This policy means this Member Protection Policy.

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

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

2. PART B – CODE OF ETHICS AND CODES OF BEHAVIOUR

GA strives to provide a safe, fair and inclusive environment for everyone involved in our organisation and in our sport.

This includes providing everyone involved in our organisation and in our sport including Children with a positive and enriching sporting environment that promotes their participation and development in the sport. GA is committed to safeguarding everyone involved in our organisation and in our sport and ensuring that all Participants and Members feel and are safe.

GA requires certain standards of behaviour by **all persons involved** in our organisation and in our sport. These codes of behaviour are underpinned by the following core values:

- (a) To act within the rules and spirit of our sport;
- (b) To display respect and courtesy towards everyone involved in our sport and prevent Discrimination and Harassment;
- (c) To prioritise the safety and well-being of Children involved in our sport;
- (d) To report any behaviour that is a breach of this code to help prevent the Abuse of Children in our sport;
- (e) To encourage and support opportunities for participation in all aspects of our sport.

GA has developed an over-arching **Code of Ethics, (Attachment B1)**, that all Members and all persons bound by this policy are expected to adhere to.

GA has also developed a series of **Codes of Behaviours, (Attachments B2 – B8)**, detailing the roles and responsibilities of the various sections of our membership:

- (a) Coaches
- (b) Judges
- (c) Participants
- (d) Administrators and Volunteers
- (e) Directors
- (f) Parents/Guardian and
- (g) Spectators

GA has taken additional steps to ensure that its personnel strive for the highest possible standards with respect to safeguarding Children from Abuse by developing further Codes of Behaviour to identify behaviours to ensure the safeguarding of Children. These Codes of Behaviour can be found at **Attachment K** of the Child Safe Policy and must be read in conjunction with this policy.

GA considers a failure to observe any of these Codes as misconduct and may take appropriate disciplinary action under this policy. In addition to any internal disciplinary proceedings, GA will report to the police all instances in which a breach of the law has or may have occurred.

3. ATTACHMENT B1: CODE OF ETHICS

Members, Association Members, Affiliated Clubs or a person required to comply with this policy must meet the following requirements in regard to their conduct during any activity held or sanctioned by GA, an Association Member or an Affiliated Club and in any role, you hold within GA, a Member Association or an Affiliated Club:

- (a) Respect the rights, dignity and worth of others;
- (b) Conduct themselves in line with GA's values;
- (c) Be fair, considerate and honest in all dealings with others;
- (d) Be professional in, and accept responsibility for, their actions;
- (e) Make a commitment to providing quality service;
- (f) Maintain a duty of care (and follow any safety guidelines) to others involved in GA, the Association Members and the Affiliated Clubs (where a duty of care applies);
- (g) Be aware of, and maintain an uncompromising adherence to GA's standards, rules, regulations and policies including this policy and the Child Safe Policy;
- (h) Establish and maintain an environment that is safe for the conduct of activities for Children;
- (i) Operate within the rules of the sport including national and international guidelines that govern GA, the Association Members and the Affiliated Clubs;
- (j) Show concern and caution towards others who may be sick or injured;
- (k) Show concern for the health, safety and welfare of members and participants;
- (l) Give all people equal opportunities to participate;
- (m) Be a positive role model, demonstrating a high degree of individual responsibility (especially when dealing with children), understanding that their words and actions are an example;
- (n) Wear their uniform, accreditation and identification card/pass/badge while involved in delivering gymnastic services or as required by an affiliated member (such as when representing GA, any Affiliated Club at designated functions or to and from work);
- (o) Understand the repercussions if they breach, or are aware of any breaches of, this Code of Ethics;
- (p) Do not shame, humiliate, oppress, belittle, harass or degrade any person, particularly children;
- (q) Do not unlawfully discriminate against any person, especially children, because of culture, race, ethnicity or disability;
- (r) Do not engage in any activity with a Participant that is likely to harm them;
- (s) Do not do anything that brings GA, an Association Member or an affiliated club of the sport of gymnastics into disrepute or engage in conduct that is unbecoming;

- (t) Do not use your involvement with GA, an Association Member or an Affiliated Club to promote your own beliefs, behaviours or practices where these are inconsistent with those of GA, an Association Member or an Affiliated Club;
- (u) Do not supply alcohol or drugs (including tobacco) to Children participating in gymnastic events, services or programs; and
- (v) While on duty, do not:
 - (i) use, possess or be under the influence of an illegal drug;
 - (ii) use or be under the influence of alcohol;
 - (iii) be incapacitated by any other legal drug such as prescription or over-the-counter drugs.

4. ATTACHMENT B2: CODE OF BEHAVIOUR - COACH ROLE AND RESPONSIBILITIES

In addition to adhering to and following all procedures contained within GA's Code of Ethics (**Attachment B1**) that is applicable to all people bound by this policy, this specific Code of Behaviour has been developed for **Coaches**.

All Coaches must meet the following requirements in regard to your conduct during any activity held or sanctioned by GA, an Association Member or an affiliated club and in your role as a Coach appointed by GA, an Association Member or an Affiliated Club.

This Code of Behaviour should be read in conjunction with the Codes of Behaviour related to Children that can be found in Attachment K of the Child Safe Policy

All Coaches must:

- 4.1 Abide by the rules of GA as set forth in its Constitution, Policies and By-Laws:**
 - (a) accept any judgments made; and
 - (b) use the established procedures for challenging a competitive result, contesting a team selection decision, complaining about the conduct of another Member, or attempting to change policy of GA.
- 4.2 Direct their observations and recommendations regarding all aspects of gymnastics to the appropriate persons for the betterment of the sport:**
 - (a) be constructive with criticisms and direct comments and observations to the relevant individuals and organisations, to avoid gossip, innuendo and malicious comment; and
 - (b) respect the efforts of appointed and elected representatives of GA.
- 4.3 Represent themselves and their coaching status in an honest and professional manner, without bringing the coaching profession or GA into disrepute:**
 - (a) use their accreditation status and Technical Membership to represent their ability in an honest manner, not to gain unwarranted favours; and
 - (b) extend professional courtesy to other coaches, Participants and their parents by keeping them informed in matters relevant to Participant's training programs.
- 4.4 Exercise a standard of care consistent with their competence and obligations as a coach:**
 - (a) coach within the limits of their competence as a coach;
 - (b) provide planned and sequential training programs based on the individual developmental needs of Participants;
 - (c) modify the training program for injured Participants based on appropriate medical advice when required; and

- (d) ensure that rules, equipment, length of games and training schedules are modified to suit the age, ability and maturity level of Participants.

4.5 Provide a quality service to Participants and to the sport:

- (a) maintain or improve their current National Coaching Accreditation scheme level;
- (b) seek continual improvement through performance appraisal and ongoing coach education;
- (c) honour the responsibilities given to a coach by keeping all relevant qualifications up to date; and
- (d) work to ensure Participants' time spent with them is a positive experience;
- (e) follow the high-performance direction of the national Head Coach or equivalent where required; and
- (f) provide quality supervision and instruction for Child Participants.

4.6 Promote and assist in the development of the coaching profession

- (a) assist others to develop good attitudes, skills and knowledge relating to the sport; and
- (b) promote and assist in the education of other coaches

4.7 Put Participants' welfare first; making decisions based on the best interests of your Participants' sporting, education and vocational careers:

- (a) acknowledge the individual talents and potential of Participants;
- (b) ensure Participants and their parents/guardians are informed of their real level of ability and are not given a false impression of their level of current ability or potential;
- (c) provide positive reinforcement and constructive comments rather than use of negative feedback;
- (d) maintain a balanced emphasis of sporting involvement within educational and career objectives; and
- (e) remember that people participate for their enjoyment and benefit. Do not overemphasise Awards.

4.8 Show leadership, and support efforts to remove the abuse of drugs in sport:

- (a) abide by the regulations of the relevant national and international sporting and government bodies; and
- (b) respect the health and dignity of Participants to compete on the basis of their abilities; within the rules of the sport of gymnastics.

5. ATTACHMENT B3: CODE OF BEHAVIOUR - JUDGE ROLE AND RESPONSIBILITIES

In addition to adhering to and following all procedures contained within GA's Code of Ethics (**Attachment B1**) that is applicable to all people bound by this policy, this specific Code of Behaviour has been developed for **Judges**.

All Judges must meet the following requirements in regard to their conduct during any activity held or sanctioned by GA, an Association Member or an Affiliated Club and in their role as a Judge appointed by GA, an Association Member or an Affiliated Club.

This Code of Behaviour should be read in conjunction with the Codes of Behaviour related to Children that can be found in Attachment K of the Child Safe Policy.

In order to present a professional image and to judge objectively and accurately, all judges should:

- (a) understand and abide by the Judge's Oath;
- (b) be fully conversant with the International Gymnastics Federation Code of Points and/or any other published rules and regulations pertaining to the standard of gymnastics being judged;
- (c) actively maintain technical knowledge through ongoing review of the Code of Points, technical publications, videos and gym floor participation;
- (d) attend all pre-competition judge's meetings;
- (e) dress in a tidy fashion benefiting the status and image of a judge;
- (f) be punctual for all official events; and
- (g) be prepared to counsel athletes and coaches regarding the athlete's performance after competitions

5.1 When travelling with a team:

- (a) report any significant outcomes from the pre-competition meetings to the team coach;
- (b) be available to attend training sessions to advise on judging matters;
- (c) emphasise the spirit of the sport rather than the errors;
- (d) compliment and encourage all competitors;
- (e) be accountable for one's own judging performance; and
- (f) be a current Technical Member of GA/ Association Member.

5.2 At competitions:

- (a) be prepared for the competition by having all personal judging equipment and accessories readily available and by being conversant with the apparatus and exercises;

- (b) be co-operative with competition organisers, floor managers, announcers and head judges;
- (c) be quick and accurate in determining scores;
- (d) be co-operative in judges' conferences and assist the head judge to arrive at the final score;
- (e) be prepared to justify scores in a judge's conference; and
- (f) be consistent, objective and courteous at all times.

6. ATTACHMENT B4: CODE OF BEHAVIOUR - PARTICIPANT ROLE AND RESPONSIBILITIES

In addition to adhering to and following all procedures contained within GA's Code of Ethics (**Attachment B1**) that is applicable to all people bound by this policy, this specific Code of Behaviour has been developed for **Participants**.

This Code of Behaviour should be read in conjunction with the Codes of Behaviour related to Children that can be found in Attachment K of the Child Safe Policy.

All Participants must meet the following requirements in regard to their conduct during any activity held or sanctioned by GA, an Association Member or an Affiliated Club.

- (a) do not initiate or tolerate acts of aggression;
- (b) respect the talent, potential and development of fellow Participants and Participant;
- (c) care for and respect the equipment provided to them as part of their program/activity;
- (d) be frank and honest with their coach concerning illness and injury and your ability to train fully within the program requirements;
- (e) conduct yourself in a professional manner relating to language, temper and punctuality;
- (f) maintain high personal behaviour standards at all times;
- (g) abide by the rules and respect the decisions of the official, making all appeals through the formal process and respecting the final decision;
- (h) be honest in their attitude and preparation to training;
- (i) work equally hard for themselves and their team; and
- (j) cooperate with coaches and staff in the development of programs to adequately prepare you for competition at the highest level.

7. **ATTACHMENT B5: CODE OF BEHAVIOUR – ADMINISTRATORS AND VOLUNTEERS ROLES AND RESPONSIBILITIES**

In addition to adhering to and following all procedures contained within GA's Code of Ethics (**Attachment B1**) that is applicable to all people bound by this policy, this specific Code of Behaviour has been developed for **paid administrators and volunteers**.

All administrators and volunteers must meet the following requirements in regard to their conduct during any activity held or sanctioned by GA, an Association Member or an Affiliated Club and in your role as a paid administrator or volunteer official of GA, a Association Member or an affiliated club.

This Code of Behaviour should be read in conjunction with the Codes of Behaviour related to Children that can be found in Attachment K of the Child Safe Policy.

All paid administrators and volunteers must meet the following requirements:

- (a) adopt a collaborative and consultative approach to planning, leadership, management, administration and decision making
- (b) create accessible pathways for people to participate in sport, not just as an Participant but as a coach, judge, administrator or any other role;
- (c) ensure that rules, equipment, length of activities and training schedules are modified to suit the age, ability and maturity level of participants;
- (d) ensure an environment that provides quality supervision and instruction for Child Participants;
- (e) remember that people participate for their enjoyment and benefit. Do not overemphasise Awards;
- (f) help coaches and officials highlight appropriate behaviour and skill development and help improve the standards of coaching and judging;
- (g) ensure that all involved in the sport emphasise fair play, not winning at all costs;
- (h) support implementation of all policies and procedures of GA, the Association Member and the club; and
- (i) make it clear that any breach of this policy including Abuse, bullying or Harassment is unacceptable and may result in disciplinary action.

8. ATTACHMENT B6: CODE OF BEHAVIOUR – DIRECTORS ROLES AND RESPONSIBILITIES

In addition to adhering to and following all procedures contained within GA's Code of Ethics (**Attachment B1**) that is applicable to all people bound by this policy, this specific Code of Behaviour has been developed for **Directors**.

All Directors must meet the following requirements in regard to their conduct during any activity held or sanctioned by GA, an Association Member or an Affiliated club and in their role as a Director.

This Code of Behaviour should be read in conjunction with the Codes of Behaviour related to Children that can be found in Attachment K of the Child Safe Policy.

8.1 Directors will:

- (a) at all times conduct themselves showing courtesy and respect for and of others;
- (b) discharge their fiduciary duties in the best interests of the members of GA as a whole;
- (c) acknowledge that they represent only the Board and do not and cannot represent other or individual constituents including any with which they have previously been involved with and/or associated;
- (d) conduct yourselves independently and free from undue influence at all times;
- (e) act in good faith at all times;
- (f) exercise due care and diligence in all matters;
- (g) meet GA's federal, state and territory statutory obligations;
- (h) declare and manage appropriately any conflict of interest which may arise when:
 - (i) a Director or his/her immediate family or business stand to gain financially from any business dealings, programs or services provided to GA;
 - (ii) a Director offers a professional service to GA;
 - (iii) a Director stands to gain professionally or personally from any knowledge derived from his or board position if that knowledge is used for personal or professional advantage; or
 - (iv) a Director holds a position in another gymnastics organisation which deals with GA.
- (i) disclose upon election and annually thereafter during their term of appointment all conflicts or potential conflict of interests in the GA Register of Interests;
- (j) not act independently of GA without the consent of the Board; and

- (k) participate fully and constructively in the deliberations and decisions of the Board and communicate openly to achieve GA's goals.

9. **ATTACHMENT B7: CODE OF BEHAVIOUR – PARENTS AND GUARDIANS ROLES AND RESPONSIBILITIES**

In addition to adhering to and following all procedures contained within GA's Code of Ethics (**Attachment B1**) that is applicable to all people bound by this policy, this specific Code of Behaviour has been developed for **parents and guardians**.

All parents and guardians must meet the following requirements in regard to their conduct during any activity held or sanctioned by GA, an Association Member or an Affiliated Club and in their role as a parent or guardian of any Member or Participant.

This Code of Behaviour should be read in conjunction with the Codes of Behaviour related to Children that can be found in Attachment K of the Child Safe Policy.

As a parent or guardian of a Participant you must meet the following requirements in regard to their conduct during any activity or event:

- (a) remember that their Child participates in sport for their own enjoyment, not their;
- (b) focus on their Child's efforts, participation and enjoyment rather than winning or losing;
- (c) never ridicule or yell at their child or any other Children for making a mistake or losing a competition;
- (d) show appreciation for good performance by all Participants (including opposing Participants);
- (e) show appreciation and respect for volunteers, coaches, judges and administrators;
- (f) respect officials' decisions and teach Children to do likewise;
- (g) respect GA administrators and abide by their decisions; and
- (h) allow fellow parents the respect they deserve in their viewing of or involvement in their Child's participation.

10. ATTACHMENT B8: CODE OF BEHAVIOUR – SPECTATORS ROLES AND RESPONSIBILITIES

In addition to adhering to and following all procedures contained within GA's Code of Ethics (**Attachment B1**) that is applicable to all people bound by this policy, this specific Code of Behaviour has been developed for **spectators**.

This Code of Behaviour should be read in conjunction with the Codes of Behaviour related to Children that can be found in Attachment K of the Child Safe Policy. All Spectators must meet the following requirements in regard to their conduct during any activity held or sanctioned by GA, a Association Member or an Affiliated Club:

- (a) focus on the Participants' efforts and performance rather than winning or losing;
- (b) never ridicule or yell at Participants for making a mistake or not winning a competition;
- (c) show appreciation for good performance by all participants (including opposing Participants);
- (d) respect officials' decisions and teach others to do likewise;
- (e) show appreciation and respect for volunteers, coaches, judges and administrators;
- (f) review the photographic policy for the appropriate event, Affiliated Club or state Association Member before taking photos or videos of participants; and
- (g) allow fellow spectators the respect they deserve in their viewing of the class/event.

11. PART C: MEMBER PROTECTION DECLARATION

Gymnastics Australia (**GA**) has a duty of care to all those associated with the sport of gymnastics at the national level and to the individuals and organisations to whom the Member Protection Policy (**Policy**) applies. As a requirement of the Policy, GA must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with Children. All capitalised terms in this Member Protection Declaration have the same meaning as defined in the Policy.

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 whatsoever including findings of guilt for Sexual Offences, offences related to Children or acts of violence.
3. I:
 - a) 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
 - b) had 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 and have **attached** to this declaration all information and documentation relating to the same (including without limitation correspondence from the relevant body imposing such disciplinary proceedings or measures) as applicable.
4. I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
6. To my knowledge there is no other matter that GA may consider to constitute a risk to its members, employees, volunteers, Participants or reputation by engaging me.
7. I will notify the CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in paragraphs 1 to 6 above has changed.
8. I acknowledge that GA relies on my answers to the above questions being truthful and accurate. Any false or misleading answers I provide will constitute a breach of this Member Protection Policy.

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

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

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

Name:.....

Signature:.....Date:

12. PART D: COMPLAINT HANDLING PROCEDURES

To ensure due process and consistency and to ensure that the principles of Natural Justice are followed in all aspects of handling or conducting Complaints, allegations, investigations, appeals and disciplinary measures, GA will follow the procedures as detailed below.

For allegations and Complaints regarding Child safety matters – the process outlined in the *“Flow Chart Summary of Attachment A, Procedure for Reporting and Responding to Child Abuse Allegations”* at **Attachment B of the Child Safe Policy** will be implemented.

13. ATTACHMENT D1: COMPLAINTS PROCEDURE

GA will deal with all Complaints in a fair, timely and transparent manner. All Complaints will be treated seriously.

GA will provide individuals with either an informal (refer to **Attachment D1A** in this policy) or formal process (refer to **Attachment D1B** in this policy) to resolve the matter, along with access to an external Complaint handling and/or investigation body if required, based on the nature of the Complaint and GA's rules and regulations.

Any costs incurred by a person involved in the Complaints procedure must be borne by that person.

All Complaints will be kept confidential and will not be disclosed to another person outside of GA or the Association Member (as the case may be) without the Complainant's consent except if the law requires disclosure or if disclosure is necessary to effectively deal with the Complaint.

GA will take all reasonable steps to ensure that no one is victimised for making, supporting or providing information about a Complaint.

Individuals and organisations may also pursue their Complaint externally under anti-Discrimination, Child protection or other relevant legislation.

If a Complainant wants to remain anonymous, GA may have difficulty assisting them to resolve their Complaint. Natural Justice means that GA is required to provide a Respondent with full details of the Complaint, to provide them a fair and reasonable chance to respond.

Any powers or responsibilities of GA in this policy shall be read as powers of the relevant Association Member bound by this policy. Any powers or responsibilities of the GA CEO may be delegated to an appropriate person as determined by the GA CEO.

14. ATTACHMENT D1A: INFORMAL APPROACH TO MAKING A COMPLAINT

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

In the first instance, the Complainant should try to speak about the problem and seek a resolution with the Respondent (if they feel able to do so). If the Complainant does not feel able to do so, they should move to Step 2:

14.2 Step 2: Contact a Member Protection Information Officer

Complainants must talk with one of GA's Member Protection Information Officers (MPIOs) if:

- (a) Step 1 is not possible/reasonable;
- (b) they are not sure how to handle the problem by yourself;
- (c) they want to talk confidentially about the problem with someone and obtain more information about their options; or
- (d) the problem continues after they attempt to approach the Respondent.

The MPIO will:

- (a) take confidential notes about the Complaint;
- (b) try to find out the facts of the problem;
- (c) ask what outcome/how the Complainant wants the problem resolved and if they need support;
- (d) provide possible options for the Complainant to resolve the problem;
- (e) act as a support person if requested;
- (f) refer the Complainant to an appropriate person (e.g. Mediator) to help you resolve the problem, if necessary;
- (g) inform the relevant government authorities and/or police if required by law to do so;
- (h) pass on the Complaint to the relevant authority if requested to do so by the Complainant (and the Complaint will then become formal); and
- (i) maintain confidentiality (except if the law requires disclosure or if disclosure is necessary to effectively deal with the Complaint).

14.3 Step 3: Decide how to address the concern(s)

After talking with the MPIO, the Complainant may decide to withdraw your Complaint because:

- (a) there is no problem;
- (b) the problem is minor, and they do not wish to take the matter forward;

- (c) the Complainant decides to try and work out their own resolution (with or without a support person such as an MPIO) in which case, the MPIO will close the informal Complaint in accordance with Step 4a below.

If the Complainant does not withdraw his/her Complaint in accordance with this Step 3, the MPIO may decide to progress the matter to a formal approach in accordance with Step 4b below.

14.4 **Step 4a: Closing, review and record keeping**

At the time of closing the informal approach, the MPIO, will record the Complaint using Attachment E1. This will then be filed securely.

14.5 **Step 4b: Progress to a formal approach**

Refer to **Attachment D1B** of this policy which sets out the formal approach to making and dealing with a Complaint.

15. ATTACHMENT D1B: FORMAL APPROACH TO MAKING AND DEALING WITH A COMPLAINT

15.1 Step 1 Making a Formal Complaint

If a Complaint is not resolved by informal means or if informal approaches are not appropriate or possible, the Complainant may:

- (a) make a formal Complaint in writing to GA by sending their formal Complaint direct to ausgym@gymnastics.org.au with the words "FORMAL COMPLAINT" written clearly in the subject heading and outlining:
 - (i) the alleged breach as set out in section 1.8 of this policy;
 - (ii) if applicable, the particular section of the relevant Code of Ethics, Code of Behaviour and/or GA policy which they believe have been breached; and
 - (iii) the outcome(s) or resolution they are seeking; or
- (b) make a formal Complaint through an MPIO; or
- (c) approach a relevant external agency such as an anti-Discrimination commission, for advice.

15.2 Step 2 Receiving a Formal Complaint

On receiving a formal Complaint, and based on the material the Complainant(s) has provided, (and where required legal advice sought) the GA CEO (or their delegated person responsible) will decide:

- (a) whether the matter should be referred to an Association Member or Affiliated Club;
- (b) whether the Complaint is false, misleading or vexatious;
- (c) who is the most appropriate person to handle the Complaint; and
- (d) how the Complaint will be dealt with. Based on the nature and seriousness of the Complaint one or more of the following decisions may be made:
 - (i) refer the Complaint to the relevant Association Member or Affiliated Club;
 - (ii) refer the Complaint to **mediation** (refer to **Attachment D2** for procedure);
 - (iii) conduct an **investigation internally** (refer to **Attachment D3** for procedure);
 - (iv) appoint an **independent external** person to investigate (and/or gather more information on) the Complaint (refer to **Attachment D3** for procedure);
 - (v) refer the Complaint to the **GA Discipline Committee** for determination, and if the allegations are proven, for determination of disciplinary measures (refer to **Attachment D4** for procedure); or

- (vi) refer the matter to the police or other **appropriate authority**. If the Complaint is referred to the police or another external agency, GA will endeavour to provide all reasonable assistance required by the police or the agency.
- (e) In making the decision(s) as to whether an internal or independent external investigation will be conducted, the GA CEO (or their delegated person) will take the following into account:
 - (i) whether there is any personal involvement or relationships in the circumstances from internal personnel that means that an external investigator should handle the Complaint;
 - (ii) the Complainant's requests regarding the manner in which the Complaint should be handled;
 - (iii) the relationship between the investigating body and the Respondent (for example an actual or perceived power imbalance with the Respondent);
 - (iv) the urgency of the Complaint, including the possibility that the Complainant, may be subject to further unacceptable behaviour while the Complaint process is underway; and
 - (v) the nature and seriousness of the Complaint.

The GA CEO (or their delegated person) may, at their discretion, implement any interim arrangements while the Complaint process is underway, having regard to applicable risks associated with the Complaint and those involved in the Complaint, in the context of GA's duty of care to its Members and personnel. Any interim arrangement will apply until the Complaint process set out in any of the above procedures is completed. The interim arrangements may include (without limitation):

- (a) suspension, restriction of duties or temporary re-deployment; and/or
- (b) suspension or restriction of rights, privileges and benefits.

15.3 Step 3: Communicating with the Complainant and Respondent

The GA CEO (or their delegated person responsible) will actively communicate the Complaint's progress to the Complainant, and the Respondent, particularly where progress has been delayed.

Following consideration of the Complaint, the GA CEO will communicate the outcome of the Complaint to the Complainant and Respondent using the most appropriate method as determined by the GA CEO.

GA will include in communication/s to the Complainant, and the Respondent, at the relevant time/s:

- (a) the actions taken by GA in response to the Complaint;
- (b) progress of the investigation and expected timelines;
- (c) the outcome(s) / findings of the Complaint investigation; and
- (d) any disciplinary measures imposed.

All communications to the Complainant, and the Respondent must respect the importance of confidentiality and the rights of confidentiality of parties involved as set out in this policy.

15.4 **Step 4: Documenting the resolution**

GA will document the Complaint, the process and the outcome. This document will be stored in a confidential and secure location. If the Complaint was dealt with at a state/club level, the information will be stored in the Association Member office. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the document will be stored at the national office with a copy stored at the state office.

16. ATTACHMENT D2: MEDIATION

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

The Mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, they help those involved discuss the issues and seek to facilitate a mutually agreeable solution.

GA recognises that there are some situations where mediation may not be appropriate, including:

- (a) when the people involved have completely different versions of the incident;
- (b) when one or both parties are unwilling to attempt mediation;
- (c) when there is a real or perceived power imbalance between the people involved; or
- (d) that matter involves serious allegations,

in which case, it will consider an alternate method as set out in paragraph (d) of Step 2 in Attachment D1B to progress the Complaint.

If, however, GA considers that mediation is appropriate, it will proceed with the following steps.

16.1 Step 1: Appointment of a Mediator

- (a) The GA CEO (or delegated person responsible) will determine whether to refer the Complaint to mediation. If so the CEO (or delegated person responsible) will appoint an appropriate Mediator to help resolve the Complaint. This will be done under the direction of GA and in consultation with the Complainant(s) and the Respondent(s).
- (b) The Mediator will be an independent person in the context of the Complaint, however this does not preclude a person with an association with GA from acting as Mediator.
- (c) An individual who is a Member of any Association Member or a Director may be appointed as a Mediator.
- (d) The Mediator must be agreed to by all parties. In the absence of agreement on a Mediator:
 - (i) in the case of a Complaint between an Association Member and another Association Member, a person will be appointed by the GA Board, except if a Director is directly connected with or involved with either party; or
 - (ii) if a Director is directly connected with a party, a person who is not connected with either party may reasonably be considered to be impartial and shall be appointed by the GA CEO (or their delegated person responsible).

16.2 Step 2: Mediation process

- (a) The parties to mediation must, in good faith, attempt to settle the Complaint by mediation.
- (b) The Mediator will talk with the Complainant(s) 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.
- (c) In conducting the mediation, the Mediator must:
 - (i) give all parties to the mediation process every opportunity to be heard; and
 - (ii) allow due consideration by all parties of any written statement/s submitted by any party.
- (d) All issues raised during mediation will be treated confidentially. GA also respect the rights of the Complainant(s) and the Respondent(s) to pursue an alternative process if the Complaint is not resolved through mediation.
- (e) The parties to a mediation shall not be permitted to be legally represented but may have a support person with them, provided that person is not legally qualified unless GA's express consent is given in its absolute discretion and on such conditions as GA considers appropriate.

16.3 Step 3a: Resolution of Mediation

- (a) 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(s) and the Respondent(s). GA expects the parties involved to respect and comply with the terms of the agreement.
- (b) Following resolution of the Complaint by mediation, refer to sections 14.3 and 14.4 in Attachment D1B of this policy regarding communicating and documenting the resolution.

16.4 Step 3b: No Resolution through Mediation

- (a) If the Complaint referred to mediation is not resolved at mediation, the GA CEO (or delegated person responsible) shall reconsider the Complaint in accordance with Step 2 of Attachment D1B.

17. ATTACHMENT D3: INVESTIGATION (INTERNAL AND EXTERNAL) PROCESS

There will be times when a Complaint will need to be investigated and information gathered. The procedure detailed here can be applied to either an internal or external investigation.

Any investigation GA conducts will be fair to all people involved. The investigation process will be undertaken by an unbiased person as soon as practical.

Consideration will be given to the reliability and consistency of the information collected.

If GA decides that a Complaint should be investigated the steps outlined below will be followed:

17.1 Step 1: Appointment of Investigator

- (a) The GA CEO (or their delegated person responsible) will appoint either an internal or an external independent investigator. The investigator should not have a conflict of interest and should have appropriate qualifications, training or experience to investigate the allegation. The GA CEO (or their delegated person responsible) may choose to conduct the investigation themselves or appoint another person.
- (b) The GA CEO (or their delegated person responsible) will provide a written brief to the investigator clarifying the terms of engagement, the investigator's role and responsibilities, scope of the investigation and expected outcomes (eg findings and/or recommendations).

17.2 Step 2: Investigation

The investigator should:

- (i) interview the Complainant(s) and record the interview in writing;
- (ii) convey full details of the Complaint to the Respondent(s) so that they can respond;
- (iii) interview the Respondent to allow them to answer the Complaint and record the interview either by audio recording and/or in writing;
- (iv) if required based on conflicting evidence, obtain statements from witnesses and any other relevant evidence and/or re-interview the Complainant(s);
- (v) make a finding as to whether:
 - (A) the Complaint is substantiated (there is sufficient evidence to support the Complaint);
 - (B) there is insufficient evidence either way;
 - (C) the Complaint is unsubstantiated (there is sufficient evidence to show that the Complaint is unfounded); and/or
 - (D) the Complaint is mischievous, vexatious or knowingly untrue.

- (vi) only if requested in the scope of works of the investigation, make recommendations as to suggested next steps that may or may not involve disciplinary action and/or recommend disciplinary action; and
 - (vii) provide a report to the GA CEO documenting the Complaint, investigation process, evidence, finding and, if requested, recommendations and/or disciplinary action.
- (b) The Complainant(s) and the Respondent(s) will be entitled to support throughout the investigation process from their chosen support person/adviser (e.g. MPIO or other person) however legal representation will not be allowed.

17.3 Step 3: Outcome of Investigation

On receiving the report from the investigator, the GA CEO (or their delegated person responsible) may determine what (if any) further action will be taken including:

- (a) imposing any disciplinary measures as they consider appropriate on the Respondent, Complainant or any other person;
- (b) referring the matter to the GA Discipline Committee (Refer to **Attachment D4** of this policy); or
- (c) taking no further action and closing the Complaint in accordance with this policy.

17.4 Step 4: Report and resolution of the investigation

- (a) GA will provide a report to the Complainant(s) and the Respondent(s) documenting:
 - (i) the Complaint, the investigation process and summarising key points in relation to any findings; and
 - (ii) a statement of:
 - (A) what, if any, disciplinary measures have been imposed; or
 - (B) whether the Complaint will be referred to the GA Discipline Committee to determine what, if any, disciplinary measures should be imposed (Refer to Attachment D4 of this policy for the GA Discipline Committee procedure); or
 - (C) whether it has been decided that no further action will be taken.
- (b) Subject to, and in accordance with, the Appeals By-Law in section 18 of Attachment D5, the Complainant(s) and the Respondent(s) have the right to appeal against:
 - (i) any decision determined by the GA Discipline Committee; and
 - (ii) any decision determined by the GA CEO (or their delegated person responsible).
- (c) In appropriate circumstances, where it has been determined that the Complaint is knowingly false, misleading and/or vexatious the GA CEO (at

his/her sole discretion), may determine the Complainant shall be liable for any costs or disbursements related to any process conducted under this policy.

- (d) If the Complaint is resolved following an investigation, refer to sections 15.3 and 15.4 in Attachment D1B of this policy regarding communicating and documenting the resolution.

17.5 **Step 5: Follow up**

After it has provided the report to the Respondent and the Complainant, GA may, at the CEO's (or their delegated person responsible's) discretion (either in writing or such other means as considered appropriate), follow up to:

- (a) discuss if it is appropriate to refer them to further support following the conclusion of the Complaint process (see Part F);
- (b) monitor compliance with any disciplinary measures imposed; and/or
- (c) communicate any other matters it considers appropriate having regard to all the circumstances of the Complaint and the Complaint process.

18. ATTACHMENT D4: DISCIPLINE BY-LAW

A GA Discipline Committee hearing may be convened by the GA CEO for the purposes of hearing and determining the matter.

18.1 Matters for referral

The following matters may be referred for determination by the GA Discipline Committee:

- (a) any matter as determined by the GA CEO in accordance with this policy; or
- (b) any matter where a person or organisation:
 - (i) breached, failed, refused or neglected to comply with a provision of the applicable constitution, the By-laws, this policy or any other resolution or determination of the relevant directors or duly authorised committee;
 - (ii) acted in a manner unbecoming of a Member or prejudicial to the objects and interests of GA, an Association Member, an Affiliated Club or gymnastics; or
 - (iii) brought GA, an Association Member or the sport of gymnastics into disrepute.

18.2 Step 1: Appoint GA Discipline Committee

The GA CEO (or their delegated person responsible) is the only person who can convene a GA Discipline Committee.

- (a) The GA Discipline Committee shall be comprised of 3 persons, being:
 - (i) a person with legal training and experience in dispute resolution or suitable experience in the process of determining disciplinary matters within a sport who will act as Chair of the GA Discipline Committee;
 - (ii) a person with experience and understanding of gymnastics or another sport which is governed by a Sport Australia recognised National Sporting Organisation; and
 - (iii) a Technical Member or a former elite gymnast.
- (b) A person who is connected with any of the parties in a manner the GA CEO considers may affect his/her impartiality shall not participate in the determination of the proceedings in any way.
- (c) The GA CEO (or their delegated person responsible) in their sole discretion will determine appropriate members of the GA Discipline Committee and will approach them for their availability.

18.3 Step 2: Referral to GA Discipline Committee

- (a) Any referral by the GA CEO (or their delegated person responsible) to the GA Discipline Committee shall be in writing and shall be accompanied by any

documentary or other evidence that is available to the GA CEO at the time of the referral.

- (b) The referral shall be clear and unambiguous, stating precisely the matter to be determined. The GA Discipline Committee will be provided with this policy and their attention drawn to this Discipline By-Law (in this attachment D4).
- (c) On receipt of the referral, the Chair of the GA Discipline Committee shall, in consultation with the other members of the GA Discipline Committee, determine an appropriate date, time and place for a hearing by the GA Discipline Committee or request that GA does the same.

18.4 **Step 3a: Hearing of the GA Discipline Committee from direct referral**

If the Complaint is referred direct to the GA Discipline Committee in accordance with Step 2 in section 14.2(d)(v) of Attachment D1B of this policy, the following procedures shall apply:

- (a) The hearing shall be held as soon as practicable after receipt of the referral, having regard to the opportunity for the Respondent to prepare for the hearing, among other things.
- (b) The chair of the GA Discipline Committee shall direct GA to notify the Respondent in writing of the details of the allegations made against them (including an outline of the Complaint and any rules, regulations or policies alleged to have been breached) and notify all parties of the date, time and place of the hearing and, in addition, advise that each party to the proceedings has the right:
 - (i) to make written submissions not less than 5 days prior to the date of the hearing;
 - (ii) to appear at the hearing and be represented by a person who is not legally qualified; and
 - (iii) to be represented by a person who is legally qualified solely at the discretion of the GA Discipline Committee upon submissions. If legal representation is allowed, this shall be at the full cost of the party requesting the representation.
- (c) The parties must be advised of the hearing procedure determined by the GA Discipline Committee at or before the commencement of the proceedings and such hearing may be conducted in person, by teleconference or by video conference or as the parties agree with the GA Discipline Committee.
- (d) In the case of a minor it is a requirement that the minor attend the GA Discipline Committee hearing with parent, guardian or prior nominated other adult.
- (e) The GA Discipline Committee shall conduct the hearing as it sees fit, and in particular shall not be bound by rules of evidence, or unnecessary formality but must observe the principles of Natural Justice at all times.

- (f) The GA Discipline Committee may hear such evidence as it thinks fit, and all parties may seek to provide evidence to the GA Discipline Committee for consideration.
- (g) The GA Discipline Committee may adjourn the hearing for a reasonable time if it considers it appropriate.

18.5 Step 3b: Hearing of the GA Discipline Committee from Investigation

If the Complaint is referred to the GA Discipline Committee in accordance with section 16.3(b) of Attachment D3 following an investigation conducted in accordance with Step 2 in section 14.2(d)(iii) or 14.2(d)(iv) of Attachment D1B of this policy, the following processes shall apply:

- (a) The GA Discipline Committee shall be provided with a copy of the report prepared by the investigator.
- (b) Subject to 18.5 (d) and 18.5 (f) below, the hearing shall be held:
 - (i) 'on the papers' whereby all relevant information is submitted to the GA Discipline Committee for determination prior to the hearing and no parties or witnesses shall attend the hearing in person (**On the Papers**); and
 - (ii) as soon as practicable after receipt of the referral, having regard to matters such as the opportunity for the Respondent to prepare their written submissions, among other things.
- (c) The chair of the GA Discipline Committee shall direct GA to notify the Respondent in writing of the details of the allegations made against them (including an outline of the Complaint, the findings made in the investigator's report and any rules, regulations or policies alleged to have been breached) and notify all parties of the date of the hearing and, in addition, advise that:
 - (i) the hearing will be heard On the Papers therefore they are not permitted to attend the hearing; and
 - (ii) the Respondent may make written submissions (only) to the GA Discipline Committee and therefore the Respondent has the right to make written submissions not less than 5 days prior to the date of the hearing, including, in relation to penalty in accordance with section 18.6(g).
- (d) The parties must be advised of the hearing procedure determined by the GA Discipline Committee before the commencement of the proceedings and such hearing may be conducted in person, by teleconference or by video conference or otherwise as determined by the GA Discipline Committee.
- (e) The GA Discipline Committee shall conduct the hearing as it sees fit, and in particular shall not be bound by rules of evidence, or unnecessary formality but must observe the principles of Natural Justice at all times.
- (f) The GA Discipline Committee may consider such evidence as it thinks fit and the Respondent may seek to provide evidence to the GA Discipline Committee in their written submissions for consideration.

- (g) The GA Discipline Committee may adjourn the hearing for a reasonable time if it considers it appropriate.

18.6 Step 4: Findings

- (a) If the GA Discipline Committee, having taken into account the written and verbal submissions (as applicable) and other evidence, is satisfied that an allegation has been proven on the balance of probabilities (i.e. more probable than not) it shall find the allegation proved. If the GA Discipline Committee is not satisfied that a particular allegation has been proven, but is satisfied that a lesser allegation has been proven, then the GA Discipline Committee may find such lesser allegation proved. Otherwise the allegation shall be dismissed.
- (b) Where it appears to the GA Discipline Committee an error has been made in putting the wrong allegation to the Respondent and the GA Disciplinary Committee, the GA Discipline Committee may amend the allegation, subject always to the requirement that the Respondent must be informed of the new allegation and given an opportunity to respond.
- (c) If the GA Discipline Committee finds the allegation proved, it may impose such penalty as it considers appropriate.
- (d) The GA Discipline Committee is not obliged to give oral or written reasons for any decision made by it but may do so.
- (e) Subject to section 17.6(g), where the GA Discipline Committee finds that one or more allegations has been proven, it shall inform the parties of its decision and provide the Respondent with an opportunity to make submissions as to any aggravating or mitigating factors, before the GA Discipline Committee makes a decision on penalty.
- (f) For hearings conducted in accordance with Step 3a above, the GA Discipline Committee may, in its absolute discretion, decide that it is appropriate to:
 - (i) receive oral submissions as to penalty immediately after delivering its decision; or
 - (ii) adjourn the hearing to allow the Respondent to make penalty submissions on some later date, in which case, the GA Discipline Committee shall direct whether submissions on penalty should be made orally or in writing.
- (g) For a hearing conducted in accordance with Step 3b above, the GA Discipline Committee shall direct GA to notify the Respondent to include any submissions as to penalty in their written submissions referred to in section 18.5(b)(ii).
- (h) After considering the Respondent's submissions as to penalty, the GA Discipline Committee shall determine the penalty to be imposed (if any).
- (i) For a hearing conducted in accordance with Step 3a, a decision can be given immediately after the hearing.

- (j) For a hearing conducted in accordance with Step 3b, or if the decision is not given immediately after a hearing conducted in accordance with section 17.6(i) above, the parties must be advised when the decision will be given.
- (k) The decision (if any), any penalty, the reasons for the decision and notice of the Complainant's and the Respondent's appeal rights shall be given in writing and signed by the GA Discipline Committee chair, as soon as practicable following the determination of the GA Discipline Committee.

18.7 **Step 5: Resolution of Complaint**

If the Complaint is resolved following the determination of the GA Discipline Committee and the Complainant(s) or the Respondent(s) does not exercise their right of appeal in accordance with the Appeals By-Law in Attachment D5 of this policy, refer to sections 14.3 and 14.4 in Attachment D1B of this policy.

19. ATTACHMENT D5: APPEALS BY-LAW

19.1 Right of Appeal

There shall be no appeal from any decision made under this policy unless the person seeking an appeal (**Appellant**) satisfies the grounds in this Appeals By-Law.

An appeal of a decision made by:

- (a) the GA Discipline Committee; or
- (b) by the discipline committee of an Association Member but only where a disciplinary matter is referred from an Association Member and the CEO of GA determines it is appropriate for the GA Appeals Commissioner to consider.

may only be appealed where the Appellant satisfies the Appeals Commissioner (appointed in accordance with this Appeals By-Law), in his/her reasonable discretion, that there is a reasonable possibility of an appeals tribunal finding:

- (a) the relevant discipline committee failed to abide by the relevant Discipline By-Law (or equivalent) and such failure resulted in a denial of Natural Justice;
- (b) there was no material on which the relevant discipline committee's decision could reasonably be based; and/or
- (c) the penalty imposed was manifestly excessive.

An appeal of a decision made by the GA CEO (or their delegated person responsible) may only be appealed where the Appellant satisfies the Appeals Commissioner, in their reasonable discretion, that there is a reasonable possibility of an appeals tribunal finding the GA CEO (or their delegated person responsible) failed to follow this policy and such failure resulted in a denial of natural justice.

19.2 Step 1: Lodge Appeals procedure

- (a) Subject to clause 19.1, a Complainant(s) or a Respondent(s) may lodge a notice of appeal (**Appeal Notice**) in relation to the decision of a GA Discipline Committee or the discipline committee of an Association Member (individually referred to hereon in as a **Discipline Committee**), as applicable, on one or more of the following grounds:
 - (i) that a denial of procedural fairness and/or Natural Justice has occurred;
 - (ii) the Discipline Committee has failed to properly comply with all requirements as set out in Attachment D4 of this Policy (or equivalent requirements, in the case of an Association Member discipline committee);
 - (iii) that the sanction imposed is unjust and/or unreasonable; and/or
 - (iv) that the decision was not supported by the information/evidence provided at the Disciplinary Committee hearing.

- (b) Subject to clause 19.1, a Complainant or a Respondent may lodge an Appeal Notice in relation to a decision of the GA CEO (or their delegated person responsible) made under this policy, on the grounds that the GA CEO failed to follow this policy and such failure resulted in a denial of Natural Justice.
- (c) To appeal a decision of a Discipline Committee or the GA CEO (or their delegated person responsible), the Appellant must lodge an Appeal Notice setting out the basis for their appeal (and any submissions in full) with:
 - (i) the GA CEO at ausgym@gymnastics.org.au copying the chair of the Discipline Committee in the case of an appeal of the Disciplinary Committee; and
 - (ii) the Board at ausgym@gymnastics.org.au copying in the GA CEO, in the case of an appeal of a decision of the GA CEO (or their delegated person responsible),

within 7 days of the relevant decision being made.

- (d) An appeal fee of \$500 is payable by the Appellant to GA as soon as practicable upon receipt of a valid tax invoice from GA, and, in any event (subject to receipt of a valid tax invoice) no later than 2 days prior to the date of the hearing. This amount, in full or part, may be refunded at the conclusion of the hearing at the full and sole discretion of the Appeals Commissioner.
- (e) If the Appeal Notice is not received by the GA CEO or the Board (as applicable) within the timeframe set out in paragraph (c) above, the right of appeal will lapse. If the Appeal Notice is received but the appeal fee is not received within the timeframe set out in paragraph (d) above, the appeal will lapse.

19.3 Step 2: Appoint Appeals Commissioner

- (a) For an appeal of a decision of a Discipline Committee, the Appeals Commissioner shall be appointed at the sole discretion of the GA CEO (or their delegated person responsible).
- (b) For an appeal of a decision of the GA CEO, the Appeals Commissioner shall be appointed at the sole discretion of the GA Board (or their delegated person responsible, which for the avoidance of doubt, shall not be the GA CEO).
- (c) The Appeals Commissioner shall be a person who has legal qualifications in dispute resolution or suitable experience in the process of determining disciplinary matters within a sport, acting alone and, in the case of an appeal of a decision of the GA Discipline Committee, who shall not have been a member of the Discipline Committee that made the decision being appealed against.
- (d) The Appeal Notice and decision of the Discipline Committee's or the GA CEO's decision, as applicable, will be forwarded to the Appeals Commissioner to review and to decide whether there are sufficient grounds for the appeal to proceed.

19.4 Step 3: Notice of Appeal Outcome

- (a) The Appeals Commissioner shall notify GA in writing whether the Appeal Notice of appeal is:
 - (i) accepted, and if so, whether:
 - (A) a hearing will be convened; or
 - (B) written submissions (only) shall be called for; or
 - (ii) rejected.
- (b) The Appellant shall be notified by GA CEO (or their delegated person responsible), in the case of an appeal of a decision of the Discipline Committee and by the Board in the case of an appeal of a decision by the GA CEO (or their delegated person responsible), in writing as soon as practicable after the Appeal Commissioner's decision. If the Appeal Notice is accepted, the Appellant shall also be notified of the time, date and place of any hearing or the time for making written submissions.
- (c) The Appeals Commissioner may convene a hearing and may invite any witnesses that they believe are required to make an informed decision.
- (d) Subject to this Appeals By-Law, the proceedings of any appeals hearing shall be the same or similar, as he/she deems appropriate, as those in respect of the Discipline Committee hearing, including the observance of the principles of Natural Justice (refer to Attachment D4 of this policy).
- (e) Subject to section 18.4(f), the hearing by an Appeals Commissioner is not a rehearing of the matter in full, but rather a hearing of the grounds of appeal only.
- (f) If the Appeals Commissioner upholds the appeal after making a determination in accordance with section 18.4(e), it may, in its absolute discretion:
 - (i) conduct a rehearing of the matter, the subject of the disciplinary proceedings, in full, and:
 - (A) make findings in accordance with section 17.6 (and for this purpose, all references to the GA Discipline Committee in clause 17.6 should be replaced with references to the Appeals Commissioner); and
 - (B) confirm the original penalty imposed on the Appellant or impose such alternative penalties as it considers reasonably appropriate; or
 - (ii) refer the matter, the subject of the disciplinary proceedings, back to the original decision maker (which, for the avoidance of doubt, may include the GA CEO or the Discipline Committee who heard the matter in the first instance).
- (g) Legal representation shall not be permitted unless express permission is given by the Appeals Commissioner at their sole discretion.

19.5 **Step 4: Findings**

- (a) The Appeals Commissioner may either dismiss the appeal or uphold the appeal and, in any case, make a recommendation(s) to GA as to actions following the appeal decision.
- (b) The Appeals Commissioner is not obliged to give oral or written reasons for any decision but may do so. The GA CEO (or their delegated person responsible) in the case of an appeal of a decision of the Discipline Committee, and the Board in the case of an appeal of a decision of the GA CEO (or their delegated person responsible), shall inform the Appellant of the decision of the Appeals Commissioner.
- (c) The decision of the Appeals Commissioner shall be final and not subject to any further appeal.

19.6 **Step 5: Resolution of Complaint**

Refer to sections 14.3 and 14.4 in Attachment D1B of this policy regarding communicating and documenting the resolution.

20. PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

GA will ensure that all Complaints received, either formal or informal, are properly documented. This includes recording how the Complaint was resolved and the outcome of the Complaint.

The Record of Informal Complaint should be completed by the MPIO or other person who dealt with the initial Complainant(s).

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.

Solution that the Complainant wants	
What section has Respondent allegedly breached? (refer to section 1.8 of the Member Protection Policy)	
What background information provided	[One page maximum]
How does Complainant want to proceed	

This record and any notes must be kept in a confidential place – do not enter it on a computer system. If the issue becomes a formal Complaint, this record should be sent to the GA CEO.

22. ATTACHMENT E2: CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Name of person receiving Complaint		Date: / /
How was the Complaint received		
Complainant's Name and Age	<p>.....</p> <p><input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18</p> <p><input type="checkbox"/> Wish to remain anonymous?</p>	
Complainant's contact details	<p>Phone:</p> <p>Email:</p>	
Complainant's Role/status	<p><input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Support Personnel</p> <p><input type="checkbox"/> Parent <input type="checkbox"/> Employee (paid)</p> <p><input type="checkbox"/> Athlete/player <input type="checkbox"/> Judge</p> <p><input type="checkbox"/> Spectator <input type="checkbox"/> Other</p> <p>.....</p> <p><input type="checkbox"/> Coach/Assistant Coach</p>	
Name and age of person complained about (Respondent)	<p>.....</p> <p><input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18</p>	
Respondent's Role/status	<p><input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Support Personnel</p> <p><input type="checkbox"/> Parent <input type="checkbox"/> Employee (paid)</p> <p><input type="checkbox"/> Athlete/player <input type="checkbox"/> Judge</p> <p><input type="checkbox"/> Spectator <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Coach/Assistant Coach</p> <p>.....</p>	
Location/event of alleged issue		

<p>Description of alleged issue</p>																			
<p>Nature of Complaint (category/basis/grounds)</p> <p>Can tick more than one box</p>	<table border="0"> <tr> <td><input type="checkbox"/> Harassment</td> <td><input type="checkbox"/> Bullying</td> </tr> <tr> <td><input type="checkbox"/> Discrimination</td> <td><input type="checkbox"/> Religion</td> </tr> <tr> <td><input type="checkbox"/> Sexual/sexist</td> <td><input type="checkbox"/> Disability</td> </tr> <tr> <td><input type="checkbox"/> Selection dispute</td> <td><input type="checkbox"/> Victimisation</td> </tr> <tr> <td><input type="checkbox"/> Coaching methods</td> <td><input type="checkbox"/> Pregnancy</td> </tr> <tr> <td><input type="checkbox"/> Physical abuse</td> <td><input type="checkbox"/> Child Abuse (please refer to the Child Safe Policy)</td> </tr> <tr> <td><input type="checkbox"/> Sexuality</td> <td><input type="checkbox"/> Unfair decision</td> </tr> <tr> <td><input type="checkbox"/> Verbal abuse</td> <td><input type="checkbox"/> Other</td> </tr> <tr> <td><input type="checkbox"/> Race</td> <td></td> </tr> </table>	<input type="checkbox"/> Harassment	<input type="checkbox"/> Bullying	<input type="checkbox"/> Discrimination	<input type="checkbox"/> Religion	<input type="checkbox"/> Sexual/sexist	<input type="checkbox"/> Disability	<input type="checkbox"/> Selection dispute	<input type="checkbox"/> Victimisation	<input type="checkbox"/> Coaching methods	<input type="checkbox"/> Pregnancy	<input type="checkbox"/> Physical abuse	<input type="checkbox"/> Child Abuse (please refer to the Child Safe Policy)	<input type="checkbox"/> Sexuality	<input type="checkbox"/> Unfair decision	<input type="checkbox"/> Verbal abuse	<input type="checkbox"/> Other	<input type="checkbox"/> Race	
<input type="checkbox"/> Harassment	<input type="checkbox"/> Bullying																		
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<input type="checkbox"/> Sexuality	<input type="checkbox"/> Unfair decision																		
<input type="checkbox"/> Verbal abuse	<input type="checkbox"/> Other																		
<input type="checkbox"/> Race																			
<p>Methods (if any) of attempted informal resolution</p>																			

<p>Formal resolution procedures followed (outline)</p>	
<p>If investigated: Finding -</p>	
<p>If went to GA Discipline Committee: Decision - Action recommended -</p>	
<p>If mediated: Date of mediation - Were both parties present - Terms of Agreement - Any other action taken -</p>	

<p>If went to appeals tribunal:</p> <p>Decision</p> <p>Action recommended</p>	
<p>Resolution</p>	<p><input type="checkbox"/> Less than 3 months to resolve</p> <p><input type="checkbox"/> Between 3 – 8 months to resolve</p> <p><input type="checkbox"/> More than 8 months to resolve</p>
<p>Completed by</p>	<p>Name:</p> <p>Position:</p> <p>Signature: / /</p>
<p>Signed by:</p>	<p>Complainant:</p> <p>Respondent:</p>

This record and any notes must be kept in a confidential place. If the Complaint is of a serious nature or is escalated to and/or dealt with at the national level, the original must be forwarded to the national body and a copy kept at the Affiliated Club / Association Member level (whatever level the Complaint was made).

23. ATTACHMENT E3: INVESTIGATION REPORT TEMPLATE (SUGGESTED)

This template provides generic headings that are suitable for most types of investigations. There may be more appropriate headings for specialised investigation reports.

The purpose of these headings is to provide a clear structure to the report and assist the investigator to focus on:

- (a) the issues examined
- (b) the process followed
- (c) the findings
- (d) the recommendation(s) for action (if requested)

Reports should be clear and concise with all content and findings presented in an unbiased and evidence-based manner.

These headings are a suggestion and guide only.

23.2 Headings (suggested):

- (a) Executive summary (usually only used for more detailed reports)
- (b) Introduction / Background
- (c) Scope of Investigation
- (d) The allegations
- (e) An outline of the evidence that emerged during the investigation references to each allegation
- (f) An outline of the investigator's analysis of the evidence and findings of fact for each allegation
- (g) An outline of finding for each allegation
- (h) Recommendations (if requested in the scope)

24. PART F: NATIONAL SUPPORT SERVICES

If you or someone you know is at imminent risk, call Emergency Services on 000.

If you or someone you know is in crisis, and you are unsure which service to contact, call Kids Help Line on 1800 55 1800 or Lifeline on 13 11 14. Both are available from anywhere in Australia 24 hours a day (toll free) and provide generalist crisis counselling, information and referral services.

1800 Respect

Call 1800 737 732

24/7 telephone and online crisis support, information and immediate referral to specialist counselling for anyone in Australia who has experienced or been impacted by sexual assault, or domestic or family violence.

1800 THE LINE

Call 1800 695 463

A national relationships helpline for Children to talk to someone about the relationship issues they may be experiencing, or if they are unclear about where to draw the line between what is, or is not, a respectful relationship.

Lifeline

Call 13 11 14

A generalist and crisis telephone counselling, information and referral service, provided by trained volunteers who are supported by professional staff.

Blue Knot Foundation

1300 657 380

Staffed by trained trauma-informed counsellors, this support line offers information, support and referral to adult survivors of childhood trauma and abuse, and partners, family and friends of survivors.

Bravehearts

Call 1800 272 831

Open to anyone wanting information, advice, referrals and support regarding child sexual assault.

Child Wise

**National Child Abuse
Prevention Helpline**

Call 1800 99 10 99

Confidential support services for individuals who have experienced abuse in an institutional setting and/or need support and counselling after giving evidence to the Royal Commission into Institutional Responses to Child Sexual Abuse, or for professionals supporting these individuals. This helpline can provide information, short-term counselling, and referrals.

**Children and Young
People with Disability
Australia** Call 1800 222
660

National peak body for Children with disability. Provides information and systemic representation

Counselling Online

A free online and SMS/text-based service providing assistance to Australian residents concerned about alcohol and other drugs

Headspace

Call 1800 650 890

A free and confidential telephone and online service for people aged 12-25. Qualified youth mental health professionals provide support to young people worried about their mental health or experiencing issues such as depression, bullying and isolation. Support is also available to concerned parents or carers.

Healing Foundation

Service to help build the capacity of Indigenous organisations and support the development of the Link Up network

Kids Helpline Call 1800
55 1800

Kids Helpline is Australia's only free, private and confidential 24/7 phone and online counselling service for young people aged 5 to 25.

<p><u>People with Disability Australia</u> – Call 1800 422 015/TTY: 1800 422 016</p>	<p>National telephone line to provide information and referrals to people with disabilities</p>
<p><u>QLife</u> Call 1800 184 527</p>	<p>Provides early intervention, peer supported telephone counselling and referral services for people who identify as gender diverse, lesbian, gay, bisexual, trans, and/or Intersex (LGBTI).</p>
<p><u>Sexual Assault Counselling Australia</u> Call 1800 211 028</p>	<p>National telephone counselling service for people who have experienced abuse. Face-to-face counselling is available in New South Wales.</p>