



EQUESTRIAN AUSTRALIA

Member Protection Policy

PART A CORE POLICY

STATEMENT FROM THE EA CHAIRMAN

Dear Members,

Member Protection is a very important part of the Federation's activities. The ability for us all to compete, officiate and enjoy our sport requires a clear awareness of the responsibility we have to ourselves, our fellow members and others around us.

We have formalised these basic tenets into a Member Protection Policy. In doing so, we are complying with the requirements of the Australian Sports Commission as the National Sporting Organisation responsible for Equestrian sport.

On first glance, members may view the document as being merely a formality. However, I commend the document to you as a blueprint for the way we participate in our sport. Particularly important is the responsibility for children under our care. There are now specific requirements for coaches and others working with children.

No matter what your role in Equestrian sport, please review this Member Protection Policy thoroughly. It is very important.

We welcome your feedback and this can be sent to the EA CEO at the EA National Office.

With best wishes,

Warwick Vale
EA Chair

PREAMBLE

Australian sporting organisations have legal obligations under Australian law with regard to harassment, discrimination and child protection. They also have moral obligations in relation to establishing standards of appropriate member behaviour and to provide safe, respectful and appropriate sporting environments for their activities to occur.

Increasingly insurance companies are also requiring comprehensive risk management plans that include policies and procedures for addressing harassment, discrimination and child protection.

To encourage and support the adoption of proper and ethical practices in Australian sport environments the Australian Sports Commission (ASC) has introduced mandatory requirements, linked to funding, to address these issues. The ASC funding criteria require national sporting organisations to develop and implement policies and procedures to promote positive and respectful behaviours and to meet obligations relating to harassment, discrimination and child protection.

EA endorses these obligations under a general policy area termed 'Member Protection'.

EA has a proud history of conducting all activities in a positive environment where participants have equal rights and opportunities to foster and develop their passion for EA sports. Through the introduction of formalised Member Protection practices EA will maintain a positive focus and be recognised as offering member services according to the principles of 'industry best practice' at all times.

1.0 PURPOSE OF THIS POLICY

The purpose of this policy is to describe the principles that the Equestrian Australia (EA) endorses in the general area known as 'member protection'. These principles are listed below.

- 1.1 EA wishes to protect the health, safety, and well being of all EA Employees, Officers, Members, National Squad and Team athletes/coaches and support staff, work groups (including Board/Committee/Sub-committee members), and seeks to provide a safe environment for riders participating in EA-sanctioned programs, competitions and activities.
- 1.2 EA will not tolerate harassment, discrimination or abuse of those, and by those, involved in their activities for and behalf of EA.
- 1.3 EA is committed to strong ethical values and requires all people involved in or on behalf of EA to comply with principles of responsible and professional behaviour.
- 1.4 EA believes that everyone involved in equestrian activities has a right to be treated fairly and with dignity and respect.
- 1.5 EA seeks to recruit and retain those people who commit to the above-mentioned principles and reject those people who do not uphold the same principles.

The EA Board has endorsed this policy and it will operate until replaced.

The EA Board may amend this policy and/or its attachments from time to time.

This policy and related attachments can be downloaded from the EA National web site www.equestrian.org.au

2.0 POLICY APPLICATION

- 2.1 This policy applies to all members of EA, employees, officers (including Board of Directors & Sub-Committee Members), administrators, volunteers, athletes, Officials (including Veterinarian officials), Life Members, Team Managers, EA-affiliated organisations (**Affiliates**) and State Associations and associated interested persons who have some form of 'duty' on behalf of EA.
- 2.2 This policy applies equally to all members involved in each of EA's equestrian disciplines, including Dressage, Eventing, Carriage Driving, Jumping (or Showjumping), Show Horse, Reining, Vaulting, Endurance Riding and Para-Equestrian.
- 2.3 This policy applies to behaviour occurring both within and outside the course of EA's business, activities and events, when behaviour involves Members and negatively affects relationships with EA's sport and work environment.
- 2.4 This policy applies to Coaches (including assistant coaches) who:
 - i) are appointed and/or employed by EA, EA State Associations and Affiliated Clubs (whether paid or unpaid); or
 - ii) have an agreement (whether or not in writing) with EA, an EA Branch or an EA-affiliated Club to coach EA Members and/or at an EA-endorsed activity.
- 2.5 This policy applies to all EA-supervised sport horse disciplines conducted within Australia or internationally, and is applied to all EA Members regardless of where they reside, in Australia or overseas.
- 2.6 EA-affiliated organisations, whose core purpose is not related with EA equestrian sports, may follow the intent of this policy but need to deal internally without involvement of EA with issues arising from the policy's application.
- 2.7 This policy applies to parents and guardians of athletes, spectators and sponsors to the full extent that is possible.

3.0 POLICY STATEMENTS

3.1 General

- 3.1.1 EA wishes to convey a message to all people responsible for the administration or conduct of EA equestrian programs and activities, particularly those involving members less than 18 years of age, to make every attempt to care for the welfare of others involved in the sport.
- 3.1.2 An aim of this care is to protect people performing, or assisting, in equestrian programs or activities and to minimise the risks of their involvement in EA equestrian programs or activities.

3.2 Specific

- 3.2.1 The abuse or harassment of people (particularly youth) by others is not acceptable. EA encourages all people to respect others and to behave in accordance with published EA Codes of Conduct.
- 3.2.2 Discrimination against others is not acceptable. EA encourages all people to respect others and think about their rights, dignity and well being in dealings with others.
- 3.2.3 The vilification of others is not acceptable. EA encourages all people to respect others.
- 3.2.4 EA supports the development of specific procedures and processes for addressing member protection in each State, in accordance with EA policies and the law of that State.
- 3.2.5 **Sexual relationships:** EA takes the view that personal relationships (whether of a sexual nature or not) between persons in a position of authority and an athlete, may, even where they do not constitute Harassment, have harmful effects on the athlete involved, on other athletes and on the sport's public image. Such relationships may be perceived to be exploitation/exploitative because there may be a disparity in terms of authority, maturity, status and dependence between the rider and the person in a position of authority.
- 3.2.6 **Pregnancy:** EA is committed to providing an inclusive sporting environment for pregnant women involved in its activities. EA expects everyone bound by this policy to treat pregnant women with dignity and respect and to remove any unreasonable barriers to participation that disadvantage them. EA will not tolerate any unlawful discrimination or harassment against pregnant women or women who may become pregnant.

EA will only require pregnant women to sign a disclaimer if other participants are required to sign one in similar circumstances.

- 3.2.7 **Gender Identity:** EA is committed to providing an inclusive sporting environment where transgender or transsexual people involved in its activities are able to contribute and participate. EA expects everyone who is bound by this policy to treat people who identify as transgender or transsexual fairly and with dignity and respect.

EA will not tolerate any unlawful discrimination or harassment against a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual.

Descriptions of some of the types of behaviour, which could be regarded as transgender or transsexual discrimination or harassment, are provided in 4.0.

EA also recognises that there is debate over whether a male to female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, EA will seek advice on the application of those laws in the particular circumstances.

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

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

3.2.8 Child Protection Policy: Every person and organisation bound by this policy must always place the safety and welfare of children above all other considerations.

EA acknowledges that its employees, members and volunteers provide a valuable contribution to the positive experiences of juniors. EA aims to ensure this continues and to protect the safety and welfare of its junior participants. Several measures will be used to achieve this such as:

- Prohibiting any form of abuse against children
- Providing opportunities for feedback on our programs by children
- Ensuring EA codes of conduct, are promoted, enforced and reviewed
- Providing procedures for raising concerns or complaints (EA complaints procedure is outlined in Attachment C of this policy); and
- Providing education and/or information to those involved in our sport about child protection.

EA encourages State Associations and Affiliates who conduct programs which involve direct and unsupervised contact between employees, members, coaches, officials or volunteers with children – for example through residential programs - to undertake screening (Screening procedures are outlined in Attachment B).

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. EA procedures for handling allegations of child abuse are outlined in attachment C of this policy.

If anyone bound by this policy reasonably suspects that a child is being abused by his or her parent/s, they are advised to contact the relevant government department for youth, family and community services in their State/Territory.

3.2.9 Taking images of Children: images of children can be used inappropriately or illegally. EA requires that individuals, clubs and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and ensure that the parent/guardian know the way the image will be used. EA requires individuals, clubs and associations to respect the privacy of others and disallows the use of camera phones, videos and cameras on the inside of changing areas, showers and toilets.

EA will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport. EA requires our members, clubs and associations to do likewise.

3.2.10 Anti-Discrimination and Harassment Policy: EA aims to provide a sport environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.

EA recognises that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against, harassed or bullied because of their age, disability, family responsibilities, gender identity, homosexuality or sexual orientation, irrelevant medical or criminal record, marital status, political belief, pregnancy or breastfeeding, race, religion, sex, social origin and/or trade union membership/activity.

EA prohibits all forms of harassment, bullying and discrimination based on personal characteristics listed in the Dictionary – whether this is face-to-face, indirectly or via communication technologies such as mobile phones and computers. Discrimination, harassment and bullying are extremely distressing, offensive, humiliating and/or threatening and create an uncomfortable and unpleasant environment. In most circumstances discrimination and harassment or bullying are against the law.

3.2.11 Responsible Service and Consumption of Alcohol: EA is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that state associations and members clubs follow strict guidelines regarding the service and consumption of alcohol. In general our policy is that:

- Safe transport options will be promoted as part of any event we hold or endorse where alcohol is served.
- Food and low alcohol and non-alcoholic drinks will be available at events we hold or endorse where alcohol is served.

3.2.12 Smoke-free Environment: EA recommends that the following policies be applied to all sporting and social events that we hold or endorse:

- No smoking shall occur at or near sporting events involving children and young people under the age of 18. This policy shall apply to coaches, athletes, officials and volunteers.
- Social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas.
- Coaches, officials, volunteers and athletes will refrain from smoking and remain smoke-free while they are involved in an official capacity in our sport.

3.2.13 Cyber-bullying: EA regards bullying and harassment in all forms as unacceptable in our sport. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.

New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments.

EA will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. In some cases, bullying is a criminal offence punishable.

Frustration at an official, coach, sporting body or fellow athlete 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 sporting body.

3.2.14 Social Networking Websites: EA acknowledges the enormous value of social networking websites, such as Facebook and Twitter, to promote our sport and celebrate the achievements and success of the people involved in our sport.

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

Social media postings, blogs, status updates and tweets:

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

4.0 POLICY COVERAGE AND KEY DEFINITIONS

Discrimination, abuse and all forms of harassment are unlawful under federal, state and territory law. People engaging in such conduct can have legal action taken against them under these laws. In some cases, legal action can also be taken against the organisation, for which they work or represent. The law is always the minimum standard of behaviour with EA and, therefore, any criminal offence will be reported to the appropriate authorities.

- 4.1 **Abuse** is a form of harassment. It includes: physical abuse (eg. assault), emotional abuse (eg. blackmail, repeated requests or demands), neglect (i.e. failure to provide the basic physical and emotional necessities of life), abuse of power (the harasser holds over the harassed *).
**Examples of relationships in (4.1) that involve a power disparity include a coach/competitor, manager/competitor, employer/employee, vet/horse owner and Committee/competitor. People in such positions of power need to be particularly wary not to exploit that power.*
- 4.2 **Abusive behaviour** includes: bullying and humiliation by others, insults directed at an individual or group, physical intimidation and practical jokes, which cause embarrassment or which endanger the safety of others.
- 4.3 **Child** means a person who is under the age of 18 years (see also definition of young person).
- 4.4 **Child abuse** relates to 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. Children may be harmed by both verbal and physical actions and by people failing to provide them with basic care. Child abuse may include:
- Physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity).
 - Sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations).
 - Emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child).
 - Neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).
- 4.5 **Complaint** means a complaint made under clause 8 of this policy.
- 4.6 **Complainant** means the person making a complaint.
- 4.7 **Discrimination** means treating or proposing to treat someone less favourably than someone else because of a particular characteristic in the same or similar circumstances in certain areas of public life (this is Direct Discrimination). The law also covers Indirect Discrimination. This is imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics. The characteristics covered by discrimination law across Australia are:
- Age;
 - Disability;
 - Family/carer responsibilities;
 - Gender identity/transgender status;
 - Homosexuality and sexual orientation;
 - Irrelevant medical record;
 - Irrelevant criminal record;
 - Political belief/activity;
 - Pregnancy and breastfeeding;
 - Race;
 - Religious belief/activity;
 - Sex or gender;
 - Social origin;

- 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

Age: A club refuses to allow older persons to coach a team simply because of their age.

Breastfeeding: A member of the club who is breastfeeding her baby in the club rooms is asked to leave.

Disability: A junior player is overlooked because of her mild epilepsy.

Family responsibilities: A club decides not to promote an employee because he has a child with a disability even though the employee is the best person for the job.

Gender Identity: A transgender contract worker is harassed when employees refuse to call her by her female name.

Homosexuality: An athlete is ostracised from her team after she tells a team mate that she is a lesbian.

Marital Status: A player is deliberately excluded from team activities and social functions because she is single.

Pregnancy: A woman is dropped from her squad when she becomes pregnant.

Race: An Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race.

Sex: Specialist coaching is only offered to male players in a mixed team.

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

Unlawful harassment includes the above but is either sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or other characteristic (see characteristic list under discrimination).

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

Under this policy discrimination and harassment are not permitted in employment (including volunteer and unpaid employment); when providing sporting goods and services including access to sporting facilities; when providing education and accommodation; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any player or other person to any competition and the obtaining or retaining membership of clubs and organisations (including the rights and privileges of membership).

Some exceptions to state and federal anti-discrimination laws apply. Examples include:

- holding a competitive sporting activity for females only who are 12 years of age or over where strength, stamina or physique is relevant or
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that sporting activity.

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

It is also against discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment. Example: a player is ostracised by her male coach for complaining about his sexist behaviour to another club official or for supporting another player who has made such a complaint.

Public acts of racial hatred which are reasonably likely in the circumstances 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.

- 4.9 **Prohibited Person** means a person who has been convicted of a Serious Sex Offence.
- 4.10 **Prohibited Persons Declaration** means a declaration in relation to Serious Sex Offences as set out in Attachment B4.
- 4.11 **Mediator** means a person appointed to mediate complaints made under this policy. It is preferable that the mediator has relevant skills, qualifications and/or training in mediation.
- 4.12 **Member** means any person who has paid membership fees to EA, EA-appointed Life Members and individuals or associated persons who take on some form of duty on behalf of EA.
- 4.13 **Member protection** is a term used by the Australian sport industry to describe the practices and procedures that protect members – both individual members such as athletes, coaches and officials, and the member organisations such as clubs, state associations, other affiliated associations and the national body. Member protection involves:
- protecting those that are involved in sport activities from harassment, abuse, discrimination and other forms of inappropriate behaviour
 - adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with juniors, and
 - providing education.
- 4.14 **EA Member Protection Information Officer (EA MPIO)** means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this policy. The EA MPIO provides confidential information and moral support to the person with the concern or who is alleging harassment or a breach of this policy. They help the complainant deal with any emotions they may have about what has happened and operate as a sounding board as the complainant decides what they want to do. The EA MPIO may accompany the complainant in anything they decide to do, if it seems appropriate and they are happy to do it.
- 4.15 **Natural justice** incorporates the following principles:
- Persons who are the subject of a complaint must be fully informed of the allegations against them.
 - Persons who are the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence.
 - All parties need to be heard and all relevant submissions considered.
 - Irrelevant matters should not be taken into account.
 - No person may judge their own case.
 - The decision maker/s must be unbiased, fair and just.
 - The penalties imposed must not outweigh the 'crime'.
- 4.16 **Police check** means a national criminal history record check conducted as a prudent pre-employment or pre-engagement background check on a person.
- 4.17 **Policy** and **this policy** mean this Member Protection Policy.
- 4.18 **Respondent** means the person who is being complained about.
- 4.19 **Role-specific codes of conduct** means standards of conduct required of certain roles (e.g. coaches).
- 4.20 **Serious Complaint** means a complaint about conduct which contravenes this policy and is or is likely to be:
A criminal offence;
A contravention of laws prohibiting discrimination; or
Sufficiently persistent or serious that it brings EA or the sport into disrepute.

4.20 **Sexual harassment** means unwanted, unwelcome or uninvited behaviour of a sexual nature that 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.

4.21 **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):

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

4.22 **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 (e.g. anti-discrimination) or under this policy, or for supporting another person to make a complaint.

4.23 **Vilification** involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

4.24 **Young People/person** means people in the 13 - 18 year age group.

5.0 ROLES AND RESPONSIBILITIES

5.1 This section specifies the roles and responsibilities of all members. In some cases, particularly administrators and coaches have additional roles and responsibilities that are also specified below.

5.1.1 A Member must:*

- a) Comply with the EA Member Protection Policy
- b) Make complaints about a breach of the policy in accordance with EA's Disciplinary By-Laws
- c) Submit information as required and according to EA Disciplinary By-Laws if an allegation is made against that Member
- d) Not make any frivolous or vexatious claim that another person is in breach of the EA Member Protection Policy
- e) Conduct themselves in a proper manner so as not to bring that Member, the Federation or the sport generally into disrepute
- f) Consent to a National Police Record Check when requested by a State Association or an Affiliate if the individual member holds or applies for a role that involves direct and unsupervised contact with people under the age of 18.

(*Includes all associated interested persons who take on some form of 'duty' on behalf of EA)

5.1.2 Administrators must ensure that EA:

- a) Provides and promotes an environment free from discrimination and harassment in relation to its employment functions, its membership eligibility and any supply of goods and services
- b) Distributes, promotes and implements this policy and complaints handling procedure
- c) Encourages reporting of discrimination, harassment or child abuse, regardless of who the offender might be, and that appropriate training is provided to those who manage and implement this policy
- d) Deals with complaints in an impartial, sensitive, timely and confidential manner.

5.1.3 EA Coaches must:

- a) Be aware of child protection issues
- b) Comply with Coaches Code of Ethics
- c) Understand and respect that as a coach he or she has considerable power and authority over athletes and should not abuse it
- d) [Avoid intimate relationships with athletes]
- e) Not exclude or treat less favourably any athletes from coaching activities on the basis of an attribute or personal characteristics

5.1.4 EA Officials must:

- a) Be aware of child protection issues
- b) Comply with the EA Code of Conduct for Officials
- c) Understand and respect that as an EA Official he or she has considerable power and authority over athletes and Members and should not abuse it
- d) Avoid intimate relationships with athletes
- e) Not exclude or treat less favourably any athletes from participating in EA activities on the basis of an attribute or personal characteristics

5.2 Within EA, there are a number of different levels of responsibilities that correlate to the structure and functioning of EA activities. This section summarises the roles and responsibilities of these various structures.

5.2.1 State Governments* are responsible for:

- a) Providing a framework for child protection (legislation and guidelines)
 - b) Undertaking employment screening, or provide information on how this is best done
 - c) Assisting sport and recreation organisations with education, policy and procedures
 - d) Managing the risk to avoid and/or limit possible breaches of the EA Member Protection policy
- (* The responsibilities and functioning of each State or Territory Government varies. The above stated information is indicative of these responsibilities, or future anticipated responsibilities.)

5.2.2 The EA National office and EA State Branch offices and/or affiliates are responsible for:

- a) Creating and promoting general awareness of Member Protection

- b) Establishing policies and procedures
- c) Providing support and training
- d) Responding to incidents
- e) Managing the risk to avoid and/or limit possible breaches of the EA Member Protection policy
- f) Comply with the EA Code of Conduct for Administrators

5.2.3 EA Clubs are responsible for:

- a) Creating and promoting general awareness of Member Protection
- e) Implementing policy and procedures
- f) Managing the risk to avoid and/or limit possible breaches of the EA Member Protection policy
- g) Liaising with peak bodies on incidents

5.2.4 Parents and Guardians of EA Members are responsible for:

- a) Being aware of child protection
- b) Supporting all efforts to remove all forms of harassment and/or abuse from EA activities
- c) Requiring child safe practices from the organisation, club or group
- d) Comply with the EA Code of Conduct for Parents and Guardians

6.0 CODE OF CONDUCT

6.1 EA has developed Code of Conducts that shall apply to all EA riders, coaches, officials, administrators, volunteers and vets within the sport. Some specific concepts that represent the philosophies of the policies are listed below:

- Treat all persons fairly and with proper regard for their rights and obligations
- Treat all persons with respect and dignity
- Act responsibly at all times
- Perform duties with professionalism, impartiality and integrity
- Act in a manner that will bear the closest public scrutiny
- Avoid real or apparent conflicts of interest
- Obey the lawful direction of a person empowered to give such direction
- Comply with all relevant Australian Law (Federal & State), particularly anti-discrimination and child protection law
- Understand the possible consequences of breaching the EA Member Protection Policy or Code of Conduct

6.2 The EA Codes of Conduct are set out in Part B. Part B forms part of this Policy.

7. PROTECTIVE MEASURES

EA encourages State Associations and Affiliates who conduct programs which involve direct and unsupervised contact between employees, members, coaches, officials or volunteers with children – for example through residential programs - to undertake Screening and Declarations.

7.1 Screening

For the purpose of this policy screening shall mean: checking preferred applicants' referees, interviewing candidates for roles and their suitability for involvement with children and young people and obtaining a police check on preferred candidates and existing appointees. The purpose of police checks is to see whether the person has any previous relevant criminal convictions as they relate to offences under relevant State and Federal Child Protection and Anti-Discrimination law in Australia.

7.1.1 One of the ways EA seeks to protect the health, safety and welfare of all people participating in their activities is to screen people for certain roles. Screening is mandatory for any person, EA Member and/or associated interested persons who have some form of 'duty' on behalf of EA, appointed by the EA to a role that is likely to have individual, direct, regular and/or unsupervised contact with people under the age of 18 years

7.1.2 All information obtained during any screening process will be kept confidential to the person delegated the responsibility of checking these areas and reported to the Board on a strictly confidential basis.

7.2 Declarations

- 7.2.1 Part of the process to minimise the chances of inappropriate behaviour occurring is to ensure all persons as outlined in Clause 7.1.1 sign a declaration. This declaration shall include a 'prohibited person' statement to declare whether the person has been prohibited from some form of activity within sport when dealing with people, money or administration.
- 7.2.2 It is an offence for a prohibited person to work in sport in roles dealing face to face or caring for children or young people.
- 7.2.3 An EA Prohibited Person Declaration under this policy is not a replacement for any similar requirement prescribed by Law. If State Legislation sets an equivalent or higher standard to that set under this Policy the requirement to obtain an EA Prohibited Person Declaration under this Policy need not be followed as it would be superseded by any similar requirement, or higher, prescribed by law.

Due to the high responsibility (high risk) associated with coaching and officiating, all EA Members registered as; i) a registered coach under the EA National Coaching Accreditation Scheme (NCAS), and/or ii) a registered official under the EA National Officiating Accreditation Scheme (NOAS), will be required to sign a EA Prohibited Persons Declaration.

7.3 Education

- 7.3.1 All persons involved in the care of others will be asked to perform training suited to their role; specifically;
- a) All EA Coaches shall be currently accredited EA NCAS Coaches.
 - b) All EA Competition Officials shall be currently accredited Equestrian Officials.
 - c) All veterinarians, medical or support staff shall be qualified practitioners.
 - d) All paid administrators shall be qualified to perform their role with the relevant tertiary qualifications or experience.
 - e) All sports science personnel shall be qualified to perform their role with appropriate tertiary qualifications or experience.
 - f) All volunteer administrators and Officers shall understand their role and responsibilities and where possible have the experience or qualification to perform the role.
- 7.3.2 EA will ensure the endorsement of at least four EA Member Protection Information Officers at all times. The preferred candidates for EA Member Protection Officer training and qualification are the EA CEO and Branch EOs. Additional training and qualifying of EA Member Protection Officers will be done at the discretion of each EA Branch (to meet their own needs) and the EA National Board.

7.4 Insurance

EA shall take out professional indemnity, personal accident and public liability insurance cover for all EA Officers, Employees, Officials and Administrators.

7.5 General

- 7.5.1 Individuals should maintain an open door policy when conducting briefings, meeting and assemblies of members. When feasible invite all youths, females, parents, friends and other leaders to participate, particularly when performing interviews, transporting youth members and conducting excursions.
- 7.5.2 Where possible female supervisors should be placed with female participants and male supervisors with male participants and a parent should accompany youths when undertaking equestrian activities away from home and especially overnight.
- 7.5.3 Be mindful of your language, tone of voice and body language. Address the problem not the person. Let people know that when they are difficult it is their behaviour that is 'not OK'.

- 7.5.4 Foster teamwork and group cohesion between individuals allowing for the ability to point out inappropriate attitudes and behaviour by members of the team. Do not tolerate abusive or inappropriate behaviour – deal with it immediately.
- 7.5.5 Encourage people – don't pressure them. Be mindful of each person's individual capacities for equestrian activities and protect them from pressure to participate. Respect people's privacy. Expect them to respect yours.
- 7.5.6 Do not become involved in excessive attention-seeking behaviour, physically or sexually, by a youth. Be mindful of the very needy and redirect their attention to equestrian activities. Maintain your status as a ROLE MODEL to others. Be friendly, courteous and kind. Don't abuse your position. Always set a good example in dress, behaviour, language etc.

8. COMPLAINTS

- 8.1 A complaint must be reported to the EA CEO, to an EA Branch Executive Officer or an EA Member Protection Information Officer (MPIO), as appropriate, within fourteen (14) days of the incident occurring. These representatives are considered EA MPIOs and contact details can be found on the [HERE](#). (Amended 01 July 2008). See attachment D for further information on the complaints procedure.
- 8.2 EA aims to provide an easy-to-use, confidential and trustworthy procedure for complaints based on the principles of natural justice.
- 8.3 Any person (complainant) may report a complaint about a person/s or organisation bound by this policy if they reasonably believe that a person/s or organisation has breached this policy.
- 8.4 A complaint may be reported as an informal or formal complaint. The complainant decides whether the complaint will be dealt with informally or formally unless the EA MPIO considers that the complaint falls outside the parameters of this policy and would be better dealt with another way.
- 8.5 All complaints will be dealt with promptly, seriously, sensitively and confidentially.
- 8.6 Complaints which involve State Associations or Affiliates or the employees, officials or volunteers of State Associations or Affiliates will be referred to the relevant organisation for resolution in accordance with this policy.
- 8.7 Serious Complaints will be dealt with in accordance with the EA Disciplinary By-Laws
- 8.8 In accordance with the Disciplinary By-Laws, complaints reaching the EA CEO or EA Branch Executive Officer more than fourteen (14) days after the incident has occurred, will not be considered. A complaint may be withdrawn at any time after it has been submitted in writing.
- 8.9 In cases where Serious Complaints occur, the EA MPIO shall make reasonable enquiries regarding the situation and:
- Advise the complainant of their options, or
 - Ask the complainant how they wish to proceed, or
 - Co-ordinate mediation (if required), or
 - Conduct a hearing according to EA Disciplinary By-Laws, or
 - Refer the matter to relevant authorities (internal/legal/police/Department of Community Services-DoCS, or other)

9. Disciplinary measures

Equestrian Australia may impose disciplinary measures on an individual or organisation for a breach of this policy.

Any disciplinary measure imposed will be:

- fair and reasonable
- applied consistent with any contractual and employment rules and requirements
- be based on the evidence and information presented and the seriousness of the breach
- be determined in accordance with our Constitution, By-laws, this policy and/or the rules of the sport.

9.1 Individual

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

- 9.1.1 A direction that the individual make a verbal and/or written apology;
- 9.1.2 A written warning;
- 9.1.3 A direction that the individual attend counselling to address their behaviour;
- 9.1.4 A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Equestrian Australia
- 9.1.5 A demotion or transfer of the individual to another location, role or activity;
- 9.1.6 A suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.7 Termination of the individual's membership, appointment or engagement;
- 9.1.8 A recommendation that Equestrian Australia terminate the individual's membership, appointment or engagement;
- 9.1.9 In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- 9.1.10 A fine;

9.2 Organisation

If a finding is made that an Equestrian Australia member has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by Equestrian Australia disciplinary board.

- 9.2.1 A written warning;
- 9.2.2 A fine;
- 9.2.3 A direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period;
- 9.2.4 A direction that any funding granted or given to it by the Equestrian Australia cease from a specified date;
- 9.2.5 Any other form of discipline that the national body or peak organisation considers reasonable and appropriate.

9.3 Factors to consider

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

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

10. MEDIATION

EA aims to sort out complaints with the minimum of fuss wherever possible. In many cases, complaints can be sorted out by agreement between the people involved with no need for disciplinary action. The people involved in a formal complaint - the complainant and the person complained about (respondent) - may also seek the assistance of a neutral third person or a mediator. Representatives are able to negotiate on behalf of the complainant and/or respondent.

Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to try and resolve the complaint with the assistance of a mediator, the EA MPIO will, in consultation with the complainant, arrange for a mediator to mediate the complaint. More information on the mediation process is outlined in Attachment C of this policy.

11. BREACHES OF THIS POLICY

- 11.1 It is a breach of this Policy for any person or organisation to whom or to which this Policy applies, to:
- a) Fail to comply with any of the responsibilities as set out by this policy
 - b) Breach any part of an EA Code of Conduct
 - c) Appoint, or continue to appoint, a person found to be unsuitable to work with children or young people according to this policy or the relevant Federal or State Law
 - d) Where the person is a Prohibited Person, to work or seek work in the roles that would bring them into ongoing contact with children or young persons
 - e) Where the person is a Prohibited Person, to knowingly declare otherwise to EA
 - f) Engage in any form of Harassment
 - g) Make a frivolous, vexatious or malicious Complaint under this Policy
- 11.2 Any circumstances that may be a breach may be the subject of a Complaint.

12. PENALTIES

Penalties shall be applied to persons, groups, organisations or affiliates found to be in breach of this policy in relation to a Serious Complaint. All Judicial procedures are in accordance with the 'Principles of Natural Justice' and EA Disciplinary By-Laws.

13. APPEALS TO DECISIONS

- 13.1 All appeal procedures are in accordance with the 'Principles of Natural Justice' and EA Disciplinary and Appeals By-Laws.

14. OTHER RELEVANT POLICIES

Other EA relevant policies can be found at www.equestrian.org.au .

This policy shall apply to all Members, Officers, Employees, Coaches, Officials (including Veterinarian officials), Administrators, Volunteers, Affiliates and contracted agents working for, or on behalf of Equestrian Australia.



EQUESTRIAN AUSTRALIA

Member Protection Policy

PART B EA Codes of Conduct

EA General Code of Conduct

All EA Member or persons required to comply with the EA Member Protection Policy must meet the following requirements in regard to their conduct and behaviour during any activity held or sanctioned by EA, and in any role held within EA or any of its affiliates:

- Respect the rights, dignity and worth of others.
- Be fair, considerate and honest in all dealing with others.
- Be professional in, and accept responsibility for, your actions.
- Make a commitment to providing quality service.
- Be aware of, and maintain an uncompromising adherence to EA standards, rules, regulations and policies.
- Scrupulously avoid any conduct using privileged information to gain a personal or commercial advantage.
- Operate within the rules of the sport including national and international guidelines which govern Equestrian Sport, the member associations and the affiliated clubs.
- Do not use your involvement with EA, its member associations or affiliated clubs to promote your own beliefs, behaviours or practices where these are inconsistent with those of EA.
- Demonstrate a high degree of individual responsibility especially when dealing with persons under the age of 18 years, as your words and actions are an example.
- Avoid unaccompanied and unobserved activities with persons under the age of 18 years, wherever possible.
- Refrain from any form of harassment of others.
- Refrain from any behaviour that may bring EA, its member associations or affiliated clubs into disrepute.
- Provide a safe environment for the conduct of the activity.
- Show concern and caution towards others who may be sick or injured.
- Be a positive role model.
- Understand the repercussions if you breach, or are aware of any breaches of this Member Protection Policy.

EA Code of Conduct for Administrators, Directors and Officers

In addition to the EA General Code of Behaviour, all EA Members and persons acting on behalf of EA must meet the following requirements regarding their conduct during any activity held or sanctioned by EA, and/or in a role as an administrator of EA or one of its affiliates:

- Resolve conflicts fairly and promptly through established procedures.
- Respect the rights, dignity and worth of others
- Maintain strict impartiality.
- Be fair, equitable, considerate and uncompromising in all dealings with others
- Be aware of and maintain an uncompromising adherence to EA standards, rules, regulations and By-Laws.
- Scrupulously avoid any conduct using privileged information to gain a personal or commercial advantage.
- Make a commitment to quality service
- Be a positive role model
- Be professional in all actions. Language, presentation, manner and punctuality should reflect high standards.
- Operate within the rules of EA
- Refrain from anything that may abuse, intimidate or harass others
- Be aware of your legal responsibilities
- Be aware of the legal rights of others.
- If you are unsure of the applicable rules or procedures that should be followed seek further advice prior to proceeding.
- Document complaints and the manner in which they were handled.
- Never use your position or role to avoid your responsibility or to unjustly prevent an individual from exercising their rights.
- Preserve and protect the standing and reputation of the organisation
- Understand the repercussions if you breach, or are aware of any breaches of this Member Protection Policy.

EA Code of Conduct for Officials

In addition to the EA General Code of Behaviour, the following requirements are imposed on EA Officials during any activity held or sanctioned by EA, or as an official appointed by EA or one of its affiliates:

- Respect the rights, dignity and worth of others
- Be fair, equitable, considerate and honest in all dealing with others
- Use facilities and equipment for their proper purposes and care for and maintain such facilities and equipment correctly
- Refrain from anything which may abuse, intimidate or harass others
- Provide a safe environment for training and competition
- Place the safety and welfare of the athletes/participants above all else.
- Abide by the principles of the FEI Code of Conduct for the Welfare of the Horse.
- Maintain a 'duty of care' towards others and an accountability for matters relating to training and competition
- Accept responsibility for all actions taken.
- Be impartial.
- Avoid any situation which may lead to a conflict of interest.
- Be courteous, respectful and open to discussion and interaction.
- Value the individual in sport.
- Preserve and protect the standing and reputation of the organisation
- Understand the repercussions if you breach, or are aware of any breaches of this Member Protection Policy.

EA Code of Conduct for Competitors

In addition to the EA General Code of Behaviour, participants must meet the following requirements during any activity held or sanctioned by EA or one of its affiliates:

- Abide by the principles of the FEI Code of Conduct for the Welfare of the Horse.
- Respect the rights, dignity and worth of fellow athletes, coaches, officials, volunteers and spectators.
- Do not tolerate acts of aggression.
- Respect the talent, potential and development of fellow athletes and competitors.
- Care for and respect the equipment provided to you as part of your program.
- Be frank and honest with your coach concerning illness and injury and your ability to train fully within the program requirements.
- At all times avoid intimate relationships with your coach.
- Conduct yourself in a professional manner relating to language, temper and punctuality, be courteous, kind and always set a good example in dress and behaviour.
- Maintain high personal behaviour standards at all times.
- Abide by the rules and respect the decision of the official, making all appeals through the formal process and respecting the final decision.
- Be honest in your attitude and preparation to training. Work equally hard for yourself and your team.
- Cooperate with coaches and staff in development of programs to adequately prepare you for competition at the highest level.
- Understand the repercussions if you breach, or are aware of any breaches of this Member Protection Policy.

EA Code of Conduct for Parents and Guardians

In addition to the EA General Code of Behaviour, Parents/guardians must meet the following requirements during any activity held or sanctioned by EA or one of its affiliates:

- Respect the rights, dignity and worth of others.
- Remember that your child participates in sport for their own enjoyment, not yours.
- Focus on your child's efforts and performance rather than winning or losing.
- Never ridicule or yell at your child and other children for making a mistake or losing a competition.
- Show appreciation for good performance and skilful plays by all athletes (including opposing athletes).
- Demonstrate a high degree of individual responsibility especially when dealing with or in the vicinity of persons under the age of 18 years, as your words and actions are an example.
- Respect officials' decisions and teach children to do likewise.
- Do not physically or verbally abuse or harass anyone associated with the sport (player, coach, umpire and so on).
- Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.
- Be a positive role model.
- Understand the repercussions if you breach, or are aware of any breaches of this Member Protection Policy.

EA Code of Conduct for Spectators

Spectators at any activity held or sanctioned by EA must meet the following requirements in regard to conduct during any such activity or event:

- Respect the decisions of officials and teach young people to do the same.
- Never ridicule or scold a young participant for making a mistake. Positive comments are motivational.
- Condemn the use of violence in any form, whether it is by other spectators, coaches, officials, volunteers or athletes.
- Show respect for your team's opponents. Without them there would be no game.
- Do not use violence, harassment or abuse in any form (that is, do not use foul language, sledge or harass athletes, coaches, officials or other spectators).
- Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.
- Understand the repercussions if you breach, or are aware of any breaches of this Member Protection Policy.

EA Code of Conduct for Coaches

In addition to the EA General Code of Behaviour, the following requirements are imposed on EA Coaches during any activity held or sanctioned by EA, or as a coach appointed by EA or one of its affiliates:

1. Promote the welfare of the horse as the primary consideration following the principles of the FEI Code of Conduct for the Welfare of the Horse.
2. Ensure that equipment and facilities meet safety standards and are appropriate to the age and experience of the horse and the athlete.
3. Respect the talent and commitment of each athlete and their horse and seek to develop their potential
4. Treat each athlete and horse as a unique individual
5. Respect fellow coaches and their pupils and encourage athletes to do likewise
6. Learn as much as possible about the sport, keep up to date with developments
7. Make sure that the time spent with you is positive and self-enhancing for the athlete
8. Never deceive or mislead the athlete
9. Be dignified and controlled and teach athletes to be likewise
10. Actively discourage the use of drugs prohibited by the ASC, EA and the FEI
11. Discourage the use of cruel or injurious training methods and set a good example with your own training methods
12. Teach the athlete that the rules of the sport are mutual agreements which no one should evade or break. It is the duty of the coach to know and abide by EA and the FEI rules and to encourage compliance in spirit and in deed.
13. Respect the judgement of officials and encourage athletes to do likewise
14. Avoid over facing horses and athletes
15. All pupils are entitled to and deserve equal time in group lessons
16. Follow the advice of medical and veterinary practitioners when dealing with injured athletes and horses
17. When coaching young athletes make only reasonable demands on their time energy and enthusiasm
18. Always consider the maturity level of the child
19. Refrain from any form of personal abuse towards your athletes
20. Refrain from any form of harassment towards your athletes
21. Any physical contact with your athletes should be:
 - Appropriate to the situation
 - Necessary for the athlete's skill development
22. Understand the repercussions if you breach, or are aware of any breaches of this Member Protection Policy.

THE FEI CODE OF CONDUCT for the Welfare of the Horse

1. The Fédération Equestre Internationale (FEI) expects all those involved in international equestrian sport to adhere to the FEI's Code of Conduct and to acknowledge and accept that at all times the welfare of the horse must be paramount and must never be subordinated to competitive or commercial influences.
2. At all stages during the preparation and training of competition horses, welfare must take precedence over all other demands. This includes good horse management, training methods, farriery and tack, and transportation.
3. Horses and competitors must be fit, competent and in good health before they are allowed to compete. This encompasses medication use, surgical procedures that threaten welfare or safety, pregnancy in mares and the misuse of aids.
4. Events must not prejudice horse welfare. This involves paying careful attention to the competition areas, ground surfaces, weather conditions, stabling, site safety and fitness of the horse for onward travel after the event.
5. Every effort must be made to ensure that horses receive proper attention after they have competed and that they are treated humanely when their competition careers are over. This covers proper veterinary care, competition injuries, euthanasia and retirement.

The FEI urges all involved with the sport to attain the highest levels of education in their areas of expertise.



EQUESTRIAN
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Member Protection Policy

PART C

Child Protection

Requirements

PART C: SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

Background

Child protection is about keeping children safe from harm/abuse. Child abuse is illegal, and all states and territories have their own systems and laws that cover screening and/or the reporting and investigation of cases of child abuse.

Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with children as paid employees or volunteers. In New South Wales, Queensland, Western Australia, Victoria, Northern Territory and South Australia laws require individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with children. This is done by checking certain criminal history and other matters. In some states this also involves reviewing relevant findings from disciplinary proceedings. There are also requirements placed on organisations.

Employment screening requirements will also be followed in the Australian Capital Territory and Tasmania. New requirements and amendments will be added to this policy as they are introduced.

Please be aware that state and territory WWCC requirements may also apply to individuals who visit states with screening laws. For example, if a state association or club takes players U18 into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with NSW law.

The state WWCC requirements apply regardless of our national, state or club Member Protection Policy.

- The following attachments provide:
- summary information on state and territory WWCC requirements and where to obtain more information and relevant forms
- our Member Protection Declaration (for all states/territories except NSW who must complete a Prohibited Employment Declaration provided by the NSW Commission for Children and Young People)
- our screening requirements for people residing in ACT and Tasmania

Attachment C1: EMPLOYMENT SCREENING REQUIREMENTS

[For Tasmania only: all other states/territories refer to C3]

This attachment explains the process we will use to screen the people associated with our organisation who work, coach or have regular unsupervised contact with children and young people under the age of 18. We require our state associations and clubs to do the same.

1. We will identify all positions where people work, coach or have regular unsupervised contact with children and young people under the age of 18.
2. Before a person is offered such a position, we will ask him or her to complete a Member Protection Declaration ("MPD") (see attachment C2).
3. If a person is unable to provide a MPD, or if he or she cannot satisfactorily answer the questions in the MPD, we will ask for an explanation. We will then make an assessment about the person's suitability to work with children and young people. If we are not fully satisfied, we will not appoint him or her to the position.
4. Where possible, we will check a person's referees (verbal or written) about his or her suitability for the position.
5. We will ask each person to sign a consent form for a national police check and explain why our policy requires a check to be undertaken.
6. If a person does not agree to a national police check, we will make an assessment about his or her suitability to work with children and young people.
7. If the national police check indicates that a "relevant offence" has been recorded, we will ask the person to provide an explanation. We will then make an assessment about the person's suitability to work with children and young people. If we are not fully satisfied, we will not appoint him or her to the position.

If it is not practical to complete the national police check prior to the person starting in the position, we will complete the check as soon as possible. We will act immediately if the results of the check highlight any issues of concern.

9. We will protect the privacy of each person who undertakes the screening process and keep all information we obtain strictly confidential.
10. We will return all the information collected as part of the screening process (e.g. completed MPD forms, national police checks and referee reports) to the relevant person if he or she is not appointed to the position. Alternatively, all records will be destroyed within 28 days of the date of the decision or the expiry of any appeal period unless, within that time, the person requests the documents to be returned to him or her. The records of all people appointed to our organisation will be kept on file in a secure location.

Attachment C2
MEMBER PROTECTION DECLARATION - GENERAL

Equestrian Australia (EA) has a duty of care to its members and to the general public who interact with its employees, volunteers, members and others involved with EA activities. As part of this duty of care and as a requirement of EA's Member Protection Policy, EA must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that involves direct and unsupervised contact with people under the age of 18 years.

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

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment.
4. I am not currently serving a sanction for an anti-doping violation under any anti-doping policy applicable to me, including the EA and FEI Equine Anti-Doping and Medication Control Rules.
5. I have never participated in, facilitated or encouraged any practice prohibited by the World Anti-Doping Agency Code or any other anti-doping policy applicable to me, including EA and FEI Equine Anti-Doping and Medication Control Rules.
6. To my knowledge there is no other matter that EA may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the EA CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed for whatever reason.

Declared in the State/Territory of _____

on _____ / _____ / _____ (date) Signature _____

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

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

Name: _____

Signature: _____

Date: _____

Attachment C2

MEMBER PROTECTION DECLARATION – COACHES & OFFICIALS

Equestrian Australia (EA) and its affiliated organisations have a duty of care to their members and to the general public who interact with EA NOAS Officials & EA NCAS Coaches, as these responsibilities may involve direct and/or unsupervised contact with people under the age of 18 years.

As part of this duty of care and as a requirement of the EA's Member Protection Policy, EA must enquire into the background of EA Members applying for registration as;

- An EA NOAS Official, and/or
- An EA NCAS Coach

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

Sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment.
4. I am not currently serving a sanction for an anti-doping violation under any anti-doping policy applicable to me, including the EA and FEI Equine Anti-Doping and Medication Control Rules
5. I have never participated in, facilitated or encouraged any practice prohibited by the World Anti-Doping Agency Code or any other anti-doping policy applicable to me, including EA and FEI Equine Anti-Doping and Medication Control Rules.
6. To my knowledge there is no other matter that EA may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the EA CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed for whatever reason.
8. I acknowledge that I have read the EA Code Ethics ("code") and agree and agree to abide by the code. I acknowledge I may be subject to disciplinary action if I breach any EA code.

Declared in the State/Territory
of _____

on _____ / _____ / _____ (date)

Signature _____

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

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

Name: _____

Signature: _____

Date: _____

Attachment C3: WORKING WITH CHILDREN CHECK REQUIREMENTS

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

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

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

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

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

Australian Capital Territory

Contact the Office of Regulatory Services

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

Phone: 02 6207 3000

New South Wales

Contact the Commission for Children and Young People

Website: www.kids.nsw.gov.au

Phone: 02 9286 7276

Northern Territory

Contact the Northern Territory Screening Authority

Website: www.workingwithchildren.nt.gov.au

Phone: 1800 SAFE NT (1800 723 368)

Queensland

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

Website: www.ccypcg.qld.gov.au

Phone: 1800 113 611

South Australia

Contact the Department for Education and Child Development

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

Phone: 08 8463 6468.

Victoria

Contact the Department of Justice

Website: www.justice.vic.gov.au/workingwithchildren

Phone: 1300 652 879

Western Australia

Contact the Department for Child Protection

Website: www.checkwvc.wa.gov.au

Phone: 1800 883 979

Travelling to other states or territories

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

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

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

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



EQUESTRIAN AUSTRALIA

Member Protection Policy

PART D

Member Protection Procedures

Attachment D1- Complaints Procedure

Attachment D2- Mediation Procedure

Attachment D3- Investigation Procedure - General

Attachment D4- Investigation Procedure - Child Abuse

Attachment D1

COMPLAINTS PROCEDURE

A complaint can be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this policy. Complaints will always vary. They may be about individual or group behaviour; they may be extremely serious or relatively minor; they may be about a single incident or a series of incidents; and the person about who the allegation is made may admit to the allegations or emphatically deny them.

Given all of the variables that can arise, EA provides a step-by-step complaint procedure that people may use/enter at any stage. Individuals and organisations to which this policy applies may also pursue their complaint externally under anti-discrimination, child-protection or other relevant legislation.

If at any point in the complaint process the appointed EA Member Protection Information Officer (MPIO) considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter will be referred to another EA MPIO for appropriate action under this policy.

All complaints must be submitted in writing to the EA CEO or EA Branch Executive **within fourteen (14) days of the incident occurring or they will not be considered**. Therefore, a complainant should ensure his/her complaint is submitted in writing to the CEO or Branch Executive with fourteen (14) days, regardless of which step in the process he/she has reached. A complaint can be withdrawn by the complainant at any time. *(Amended 01 July 2008)*

All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

A Practical Guide for the Complainant

Step 1

As a first step you (as the complainant) should try to discuss and resolve the problem with the person or people involved.

Step 2

If:

- the first step is not possible/reasonable; or
- you are not sure how to address the problem by yourself; or
- you wish to discuss the problem confidentially with someone, to gain details about what can be do; or
- the problem continues after you have tried to approach the person or people involved; then

Approach and discuss the situation with an EA MPIO. A list of EA MPIOs can be found at the EA National web site, www.equestrian.org.au

The EA MPIO will:

- take notes about your complaint (which will be kept in a secure and confidential place);
- try to sort out the facts of the problem;
- ask what outcome/how you want the problem resolved and if you need support;
- provide possible options for you to resolve the problem;
- explain how our complaints procedure works;
- act as a support person if you so wish;
- refer you to an appropriate person to help you resolve the problem, if necessary;
- inform the relevant government authorities and/or police if required by law to do so; and
- maintain strict confidentiality.

Step 3

After talking with the EA MPIO, you may decide:

- there is no problem;
- the problem is minor and you do not wish to take the matter forward;
- to try and work out your own resolution (with or without a support person such as a EA MPIO); or

- to seek an informal mediated resolution with the help of a third person (such as a mediator/facilitator).

If you wish to remain anonymous, EA cannot assist you to resolve your complaint. We have to follow the principles of natural justice and be fair to both sides. This means that EA or you may be required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond to all the allegations.

Step 4

If your complaint is not resolved to your satisfaction, you may:

- make a formal complaint in writing to the appropriate EA Executive (the respective Branch Executive Officer or the EA Chief Executive Officer)
- approach a relevant external agency such as an equal opportunity commission, for advice.

Step 5

If you decide to make a formal complaint in writing under Step 4, the EA Executive will, on receiving the formal complaint and based on the material you have provided, decide whether:

- they are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure. Some complaints may be of a minor and/or purely personal nature with no connection to the activities of EA. In these cases, the EA Executive may determine that the complaint does not warrant a formal resolution procedure;
- to appoint a person to investigate the complaint;
- to refer the complaint to an informal or formal mediation session;
- to refer the complaint to a hearings tribunal;
- to refer the matter to the police or other appropriate authority; and/or
- to implement any interim administrative or other arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the EA Executive will take into account:

- whether they have had any personal involvement in the circumstances giving rise to the complaint and, if so, whether their ability to impartially manage the complaint is compromised or may appear to be compromised;
- whether, due to the nature of the complaint, specific expertise or experience may be required to manage the complaint;
- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- whether, due to the nature of the complaint, the relationship between you and the respondent and any other relevant factors, the complaint should be referred (or should not be referred) to informal or formal mediation or to a hearings tribunal. Relevant factors may include an actual or perceived power imbalance between you and the respondent, the nature of any ongoing working relationship between you and the respondent, and the personal attributes of you and the respondent (for example, if one party does not speak English fluently, some of the possible complaints resolution mechanisms may not be appropriate);
- the nature and sensitivity of any information or other material that must be provided by you, the respondent, and any of the other people involved in the complaint;
- Whether the facts of the complaint are in dispute;
- The urgency of the complaint, including the likelihood and the consequences (if the complaint is ultimately proven) that you will subject to further unacceptable behaviour while the complaint process set out in these procedures is being conducted.

If EA Executive is the appropriate person to handle the complaint they will to the extent that these steps are necessary:

- request full information from you (the complainant) about your complaint and how you want it resolved (if this information has not already been obtained through earlier steps);
- put the information they've received to the person/people you're complaining about and ask them to provide their side of the story;
- decide whether they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- determine what, if any, further action to take. This action may include disciplinary action in accordance with EA Disciplinary By-Laws, appointing a person to investigate the complaint,

referring the complaint to an informal; or a formal mediation session or a hearing tribunal and/or referring the complaint to the police or other appropriate authority.

Step 6

If:

- a person is appointed to investigate the complaint under step 5, the investigator will conduct the investigation and provide a written report to the EA Judicial Committee who will determine what, if any, further action to take. This action may include a direction to the investigator to make further enquiries and obtain additional information, disciplinary action in accordance with the EA Disciplinary By-Laws, and referring the complaint to an informal or a formal mediation session, a hearing tribunal and/or the police to other appropriate authority.
- The complaint is referred to an informal or a formal mediation session under Step 5, the mediation session will be conducted in accordance with Attachment D2 or as otherwise agreed you and the respondent;
- The complaint is referred to a hearings tribunal under Step 5, the hearing will be conducted in accordance with the EA Disciplinary By-Laws;
- The complaint is referred to the police or other appropriate authority under Step 5, EA will use its best endeavours to provide all reasonable assistance lawfully required by the police or other appropriate authority; and
- Interim administrative or other arrangements are implemented under Step 5, EA will periodically review these arrangements to ensure that they are effective.

[Any costs relating to the complaint process set out in this policy are to be met by EA unless otherwise stated within the EA Disciplinary By-Laws and/or the EA Member Protection Policy.]

Step 7

If, under Step 6, an informal or formal mediation session is conducted, and you and the respondent cannot reach a mutually acceptable mediated solution to the complaint, you may request that the EA Executive reconsider the complaint in accordance with Step 5.

You or the respondent(s) may be entitled to appeal where:

- Under Step 5, a decision was made by the EA Executive:
 - Not to take any action; or
 - To take disciplinary action; or
- Under Step 6, a decision was made by the EA Judicial Committee:
 - Not to take any action; or
 - To take disciplinary action; or

The appeal process for this policy is set out in the EA Disciplinary By-Laws.

If EA internal complaints process set out by this policy do not achieve a satisfactory resolution/outcome for you, or if you believe it would be impossible to get an impartial resolution within EA, you may choose to approach an external agency such as an equal opportunity commission to assist with a resolution.

Step 8

The EA Member Protection Information Officer will document the complaint, the process followed and the outcome. This document will be stored in a confidential and secure place.

External procedure

There may be a range of external options available to you depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from your State or Territory equal opportunity commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be a type of harassment that comes within its jurisdiction, you may then make a decision as to whether or not to lodge a formal complaint with the commission.

Once a complaint is received by an anti-discrimination commission, an investigation will be conducted. If it appears that unlawful harassment or discrimination has occurred, there will usually be an attempt to conciliate the complaint confidentially first. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made as to whether unlawful harassment or discrimination

occurred. The tribunal will decide upon what action, if any, will be taken. This could include financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred.

An anti-discrimination commission can decline to investigate a complaint, or dismiss a complaint at any point in the investigation, conciliation or public hearing stages.

If you do lodge a complaint under anti-discrimination law, you may use an appropriate person (e.g. an MPIO) as a support person throughout the process. It is also common to have a legal representative, particularly at the hearing stage of a complaint.

Attachment D2

MEDIATION

Mediation is a process by which people who are in conflict can be helped to communicate with each other about what is important for them and how to make decisions about resolving their dispute. Mediators provide a supportive atmosphere and method of talking to one another, to assist in sorting out the issues, coming up with acceptable solutions and making mutually satisfactory agreements.

This attachment outlines the general procedure of mediation that will be followed by EA.

1. The people involved in a formal complaint (complainant and respondents) may work out their own resolution of the complaint or seek the assistance of a neutral third person or a mediator. Mediation may occur either before or after an investigation of the complaint.
2. Mediation (getting those involved to come to a joint agreement about how the complaint should be resolved) will only be recommended:
 - a) After the complainant and respondent have had their chance to tell their version of events to the EA Member Protection Officer (MPIO) on their own; and
 - b) The EA MPIO does not believe that any of the allegations warrant any form of disciplinary action- proven serious allegations will not be mediated, no matter what the complainant desires; and
 - c) Mediation looks like it will work (i.e. the versions given by the complainant and respondent appear as though it will be possible for each party to understand the other party's point of view).
3. Mediation will **not** be recommended if:
 - a) The respondent has a completely different version of the events and they won't deviate from these;
 - b) The complainant or respondent are unwilling to attempt mediation;
 - c) Due to the nature of the complaint, the relationship between you and the respondent(s) and any other relevant factors, the complaint is not suitable for mediation.
4. If mediation is chosen to try and resolve the complaint, the EA MPIO will, in consultation with the complainant and the respondent(s), arrange for a mediator to mediate the complaint.
5. The EA MPIO will notify the respondent(s) that a formal complaint has been made, provide them with details of the complaint and notify that EA has decided to refer the matter to mediation to solve the complaint.
6. The mediator's role is to assist the complainant and respondent(s) reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and respondent(s), will choose the procedures to be followed during the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.
7. The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
8. At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached between the complainant and respondent(s) and they will sign it as their agreement.
9. If the formal complaint is not resolved by mediation, the complainant may:
 - a) Write to the EA Executive to request that the EA Executive reconsider the complaint in accordance with Step 5 as outlined within Attachment C1 of this document; or
 - b) Approach an external agency such as an anti-discrimination commission.

Attachment D3

INVESTIGATION PROCESS - General

If an investigation needs to be conducted the following steps are to be followed:

1. A written brief will be provided to the investigator to ensure the terms of engagement and scope of the investigator's role and responsibilities are clear.
2. The complainant will be interviewed and the complaint documented in writing.
3. The details of the complaint will be conveyed to the person/people complained about (respondent(s)) in full. The respondent(s) must be given sufficient information to enable the investigator to properly respond to the complaint.
4. The respondent(s) will be interviewed and given the opportunity to respond. The respondent(s) response to the complaint will be documented in writing.
5. If there is a dispute over the facts, then statements from witnesses and other relevant evidence will be obtained to assist in a determination.
6. The investigator will make a finding as to whether the complaint is:
 - substantiated (there is sufficient evidence to support the complaint);
 - inconclusive (there is insufficient evidence either way);
 - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); or
 - Mischievous, vexatious or untrue.
7. A report documenting the complaint, investigation process, evidence, finding and, if requested, recommendations, will be given to EA Judicial Committee (appointed in accordance with EA Disciplinary By-Laws)
8. A report documenting the complaint and summarising the investigation process and key points that were found to be substantiated, inconclusive, unsubstantiated and/or mischievous will be provided to the complainant and the respondent(s).
9. Both the complainant and the respondent(s) are entitled to support throughout this process from their chosen support person/adviser.
10. The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation.

INVESTIGATION PROCEDURE – CHILD ABUSE

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. The initial response to a complaint that a child has allegedly been abused should be immediate if the incident/s are serious or criminal in nature while less serious/urgent allegations should be actioned as soon as possible, preferably within 24 hours.

The following is a basic outline of the key processes to follow. More information can be obtained from your relevant State or Territory government agency.

Step 1 - Clarify basic details of the allegation

- Any complaints, concerns or allegations of child abuse should be made or referred to the EA MPIO.
- The initial response of the person that receives the complaint from the child (or person on behalf of the child) is crucial to the well-being of the child. It is important for the person receiving the information to:
 - Listen to, be supportive and do not dispute what the child says;
 - Reassure the child that what has occurred is not the fault of the child;
 - Ensure the child is safe;
 - Be honest with the child and explain that other people may need to be told in order to stop what is happening; and
 - Ensure that what the child says is quite clear but do not elicit detailed information about the abuse.
 - You should avoid suggestive or leading questions.
- The person receiving the complaint should obtain and clarify basic details (if possible) such as:
 - Child's name, age and address;
 - Person's reason for suspecting abuse (observation, injury or other); and
 - Names and contact details of all people involved, including witnesses.

Step 2 – Report allegations of a serious or criminal nature

- Any individual or organisation to which this policy applies, should immediately report any incident of a serious or a criminal nature to the police and other appropriate authority.
- If the allegation involves a child at risk of harm, the incident should immediately be reported to the police or should be reported to another appropriate government agency. You may need to report to both the police and the relevant government agency.

- The relevant State or Territory authority should be contacted for advice if there is **any** doubt about whether the complaint
- If the child's parent/s is/are suspected of committing the abuse, report the allegation to the relevant government agency.

Step 3 – Protect the child

- The EA MPIO should assess the risks and take interim action to ensure the child's/children's safety. Some options could include redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined.
- The EA MPIO should also address the support needs of the person against whom the complaint is made. Supervision of the person should ideally occur with the knowledge of the person. If stood down, it should be made clear to all parties that are aware of the incident that this does not mean the person is guilty and a proper investigation still needs to be undertaken.

Step 4 – Further clarify and investigate allegation

For allegations of a serious or criminal nature (for example, sexual abuse):

- Seek advice from the police and relevant government agency as to whether EA should carry out its own internal investigation (in addition to any police or relevant government organisation investigation).
- If the police and/or relevant government agency advises that it is appropriate, then appoint an independent person (where possible) with appropriate expertise to conduct an investigation. The investigator should:
 - Contact the parents/carers of the child at an appropriate time and as directed by the police or relevant government authority.
 - If appropriate, meet with parents/carers and the child to clarify the incident and offer support on behalf of EA if required (example, professional counselling).
 - Meet with the person against whom the allegation refers at an appropriate time and as directed by the relevant authority and give the person an opportunity to explain or respond to the allegation and identify any witnesses and supporting evidence. The person should have an opportunity to invite a support person/adviser to attend at a meeting and should be offered support (example, professional counselling) if necessary.
 - Obtain a signed statement and record of interview from the person.
 - Make contact with any witnesses and obtain written and signed statements outlining details of the allegation (what happened, when, how). This should only occur following advice from the relevant authority.
 - Obtain other information that could assist in making a decision on the allegation.
- The information collected during the investigation should be made available to the relevant authorities.
- Strict confidentiality, impartiality, fairness and due process must be maintained at all times.

For allegations of a less serious nature (e.g. verbal abuse):

- Where possible, appoint an independent person with appropriate expertise to make contact and meet with each of the people involved to obtain details of the allegation.
- The investigator should follow the procedure set out in Attachment D3
- Strict confidentiality, impartiality, fairness and due process must be maintained at all times.

Step 5 – Record and analyse all information

- If an internal investigation was conducted under Step 4 (D3), the investigator will provide a report to the EA Judicial Committee.
- The decision-maker(s) will be the EA Judicial Committee of EA and will remain separate and at arm's length from the investigator.
- The EA Judicial Committee will consider all the information and determine a finding. It will also recommend action and its rationale for the action.

Step 6 – Undertake disciplinary action

- For incidents of a serious or criminal nature, consideration must be given to the findings of the police and/or the government agency before making a decision on disciplinary proceedings.
- Implement any disciplinary decision recommended by the EA Judicial Committee. The action should be immediate.
- Check with the relevant state government authority to see if you need to forward a report (e.g. the NSW Commission for Children and Young People requires notification of relevant employment proceedings).

- Complete EA report form E3 in Part E of this policy. Retain the original in a secure place and forward a copy to the CEO of EA.

POLICY NOTE: Further information regarding; i) Hearings and Appeals Tribunal Procedures and ii) Disciplinary Measures can be identified within the appropriate EA By-Laws. Available at www.equestrian.org.au

Attachment D4: TRIBUNAL PROCEDURES

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

Preparing for a Tribunal hearing

1. A Tribunal panel will be established, according to the rules set out in our Constitution, to hear a complaint that has been referred to it by National Judicial Procedures Officer (NJPO) or CEO. The number of Tribunal panel members required to be present throughout the hearing will be as determined by the EA disciplinary bylaws.
2. The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by NJPO or CEO relating to the complaint/allegations.
3. The Tribunal hearing will be held as soon as practicable. However, adequate time must be provided for the respondent(s) to prepare for the hearing.
4. The Tribunal panel will not include any person who has any actual or perceived conflict of interest or bias regarding the complaint/allegations.
5. The NJPO or CEO will inform the respondent(s) in writing that a Tribunal hearing will take place. The notice will outline:
 - that the person has a right to appear at the Tribunal hearing to defend the complaint/allegations
 - the details of the complaint and of all allegations, as well as the clause of any policy or rule that has allegedly been breached
 - the date, time and venue of the Tribunal hearing
 - that either verbal or written submissions can be presented at the Tribunal hearing
 - that witnesses may attend the Tribunal hearing to support the position of the respondent/s (statutory declarations of witnesses not available to attend and from character witnesses may also be provided to the Tribunal hearing)
 - an outline of any possible penalties that may be imposed if the complaint is found to be true
 - that legal representation will not be allowed. If the respondent is a minor, he or she should have a parent or guardian present.

A copy of any information/documents that have been given to the Tribunal panel (e.g. investigation report findings) will be provided to the respondent(s).

The respondent(s) will be allowed to participate in all Equestrian Australia activities and events, pending the decision of the Tribunal, including any available appeal process, unless the NJPO believes it is necessary to exclude the respondent/s from all or some activities and events because of the nature of the complaint.

6. The NJPO will notify the complainant in writing that a Tribunal hearing will take place. The notice will outline:
 - that the person has a right to appear at the Tribunal hearing to support their complaint
 - the details of the complaint, including any relevant rules or regulations the respondent is accused of breaching
 - the date, time and venue of the Tribunal hearing
 - that either verbal or written submissions can be presented at the Tribunal hearing
 - that witnesses may attend the Tribunal hearing to support the complainant's position (statutory declarations of witnesses not available to attend may also be provided to the Tribunal Hearing)
 - that legal representation will not be allowed. If the complainant is a minor, he or she should have a parent or guardian present.

A copy of any information / documents given to the Tribunal (e.g. investigation report findings) will be provided to the complainant.

7. If the complainant believes the details of the complaint are incorrect or insufficient, he or she should inform the NJPO or CEO as soon as possible so that the respondent(s) and members of the Tribunal panel can be properly informed of the complaint.
8. If possible, the Tribunal panel should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination).

Tribunal hearing procedure

9. The following people will be allowed to attend the Tribunal hearing:
 - Tribunal panel members
 - the respondent(s)
 - the complainant
 - any witnesses called by the respondent(s)
 - any witnesses called by the complainant
 - any parent/guardian or support person required to support the respondent or the complainant.
10. If the respondent(s) is not present at the set hearing time and the Tribunal chairperson considers that no valid reason has been presented for this absence, the Tribunal hearing will continue subject to the chairperson being satisfied that all Tribunal notification requirements have been met.
11. If the Tribunal chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.
12. The Tribunal chairperson will inform the NJPO of the need to reschedule the hearing and the NJPO will arrange for the Tribunal to be reconvened.
13. The Tribunal chairperson will read out the complaint, ask each respondent if he or she understands the complaint and if he or she agrees or disagrees with the complaint.
14. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any disciplinary measures or penalties.
15. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
 - Reference may be made to brief notes.
 - The complainant may call witnesses.
 - The respondent may question the complainant and any witnesses.
16. The respondent will then be asked to respond to the complaint.
 - Reference may be made to brief notes.
 - The respondent may call witnesses.
 - The complainant may ask questions of the respondent and any witnesses.
17. The complainant and respondent(s) may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required.
18. The Tribunal may:
 - consider any evidence, and in any form, that it deems relevant
 - question any person giving evidence
 - limit the number of witnesses presented to those who provide new evidence
 - require (to the extent it has power to do so) the attendance of any witness it deems relevant
 - act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
19. Video evidence, if available, may be presented. Arrangements must be made entirely by the person(s) wishing to offer this type of evidence.
20. If the Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidatory behaviour from anyone, the Tribunal chairperson may deny further involvement of that person in the hearing.
21. After all the evidence has been presented, the Tribunal will make its decision in private. It must decide whether the complaint has, on the balance of probabilities, been substantiated. As the seriousness of the allegation increases, so too must the level of satisfaction of the Tribunal that the complaint has been substantiated. The respondent(s) have the opportunity to address the Tribunal on disciplinary measures which may be imposed. Any disciplinary measures imposed must be reasonable in the circumstances.
22. All Tribunal decisions will be by majority vote.
23. The Tribunal chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed. Alternatively, he or she may advise those present that the decision is reserved and will be handed down in written form at a later time.

24. Within 48 hours, the Tribunal chairperson will:
- forward a notice of the Tribunal's decision to the NJPO, including any disciplinary measures imposed.
 - forward a letter reconfirming the Tribunal's decision to the respondent(s), including any disciplinary measures imposed. The letter should also outline the process and grounds for an appeal, if allowed. If matter is especially complex or important, the Tribunal chairperson may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours.
25. The Tribunal does not need to provide written reasons for its decision.

Appeals procedure

26. If a complainant or a respondent(s) is not satisfied with the outcome of a mediation process or a Tribunal decision, he or she can lodge an appeal to the CEO as per the Equestrian Australia Appeal bylaws on one or more of the following grounds:
- 26.1 that a denial of natural justice has occurred
 - 26.2 that the disciplinary measure/s imposed is unjust and/or unreasonable
 - 26.3 that the decision was not supported by the information/evidence provided at the mediation or to the Tribunal Hearing
27. A person wanting to appeal must lodge a letter setting out the basis for their appeal with the CEO within 3 days of the decision being made. An appeal fee of \$500 shall be included with the letter of intention to appeal.
28. If the letter of appeal is not received by the 5.00pm Central Standard Time three days after the decision of the tribunal was made, the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received within this time, the appeal will also lapse.
29. The letter of appeal and the notice of the Tribunal's decision (clause 24) will be forwarded to the Appeal Board to review and to decide whether there are sufficient grounds for the appeal to proceed. The Appeal Board may invite any witnesses to the meeting that he or she believes are required to make an informed decision.
30. If the appellant has not shown sufficient grounds for an appeal in accordance with clause 26, then the appeal will be rejected. The appellant will be notified in writing, including the reasons for the decision. The appeal fee will be forfeited.
31. If the appeal is accepted, an Appeal Tribunal with new panel members will be convened to rehear the complaint
32. The Tribunal hearing procedure shall be followed for the Appeal Tribunal.
32. The decision of the Appeal Tribunal will be final.



EQUESTRIAN AUSTRALIA

Member Protection Policy

PART E

Reporting Requirements and Documents

Attachment E1- Confidential record of informal complaint

Attachment E2- Confidential record of formal complaint

Attachment E3- Handling an allegation of child abuse

Attachment E4- Confidential record of child abuse allegation

REPORTING REQUIREMENTS AND DOCUMENTS

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

This information, and any additional records and notes, will be treated confidentially and stored in a secure place.

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

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

Attachment E1
CONFIDENTIAL RECORD OF INFORMAL COMPLAINT

Name of person receiving complaint		Date: / /
Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
When/where did the incident take place?		
What are the facts relating to the incident, as stated by complainant?		
What is the nature of the complaint? (category/basis/grounds) Tick more than one box if necessary	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimization <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other	
What does the complainant want to happen to resolve the issue?		
What other information has the complainant provided?		
What is the complainant going to do now?		

This record and any notes must be kept in a confidential and safe place. Do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be given to EA CEO.

**Attachment E2:
CONFIDENTIAL RECORD OF FORMAL COMPLAINT**

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

Formal resolution procedures followed (outline)	
If investigated:	Finding
If heard by Tribunal:	Decision Action recommended
If mediated:	Date of mediation: Both/all parties present Agreement Any other action taken
If decision was appealed	Decision Action recommended
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position: Signature: _____ Date / /
Signed by:	Complainant: Respondent:

This record and any notes must be kept in a confidential and safe place. If the complaint is of a serious nature, or if it is taken to and/or dealt with at the national level, the original record must be provided to Equestrian Australia and a copy kept with the organisation where the complaint was first made.

Attachment E3: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

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

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

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

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

Step 1: Receive the allegation

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

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

Step 2: Report the allegation

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

Step 3: Protect the child and manage the situation

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

Step 4: Take internal action

- Up to three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
 - a criminal investigation (conducted by the police)

- a child protection investigation (conducted by the relevant child protection agency)
 - a disciplinary or misconduct inquiry/investigation (conducted by EA).
- Regardless of the findings of the police and/or child protection agency investigations, EA will assess the allegations to decide whether the alleged offender should return to his or her position, be dismissed, be banned or face any other disciplinary action.
 - CEO of EA will consider all information relevant to the matter – including any findings made by the police, the child protection authority and/or court – and then set out a finding, recommend actions and the rationale for those actions.
 - If disciplinary action is recommended, we will follow the procedures set out in Clause 12 of our Member Protection Policy.
 - We will provide the relevant government agency with a report of any disciplinary action we take, where this is required.

Contact details for advice or to report an allegation of child abuse:

Australian Capital Territory	
ACT Police Non-urgent police assistance Ph: 131 444 www.afp.gov.au	Office for Children, Youth and Family Services www.dhcs.act.gov.au/ocyfs/services/care_and_protection Ph: 1300 556 729
New South Wales	
New South Wales Police Non-urgent police assistance Ph: 131 444 www.police.nsw.gov.au	Department of Community Services www.community.nsw.gov.au Ph: 132 111
Northern Territory	
Northern Territory Police Non-urgent police assistance Ph: 131 444 www.pfes.nt.gov.au	Department of Children and Families www.childrenandfamilies.nt.gov.au Ph: 1800 700 250
Queensland	
Queensland Police Non-urgent police assistance Ph: 131 444 www.police.qld.gov.au	Department of Communities www.communities.qld.gov.au/childsafety Ph: 1800 811 810
South Australia	
South Australia Police Non-urgent police assistance Ph: 131 444 www.sapolice.sa.gov.au	Department for Communities and Social Inclusion www.dcsi.sa.gov.au Ph: 131 478
Tasmania	
Tasmania Police Non-urgent police assistance Ph: 131 444 www.police.tas.gov.au	Department of Health and Human Services www.dhhs.tas.gov.au/children Ph: 1300 737 639
Victoria	
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 www.police.vic.gov.au	Department of Human Services www.dhs.vic.gov.au Ph: 131 278
Western Australia	
Western Australia Police Non-urgent police assistance Ph: 131 444 www.police.wa.gov.au	Department for Child Protection www.dcp.wa.gov.au Ph: (08) 9222 2555 or 1800 622 258

**Attachment E4:
CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION**

Before completing this form, please ensure that the steps outlined in Attachment D4 have been followed and advice has been sought from the police and/or the relevant child protection agency.

Complainant's name (if other than the child)		Date formal complaint received: / /
Role/status in sport		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other
Witnesses (if more than three witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action taken (if any)		
Police contacted	Who: When: Advice provided:	
Child protection agency contacted	Who: When: Advice provided:	

CEO contacted	Who: When:
Police investigation (if any)	Finding:
Child protection agency investigation (if any)	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

This record and any notes must be kept in a confidential and safe place. If required, they should be provided to the police and/or the relevant child protection agency.

POLICY NOTE: Further information regarding; i) Hearings and Appeals Tribunal Procedures and ii) Disciplinary Measures can be identified within the appropriate EA By-Laws. Available at www.equestrian.org.au