



Australian Carriage Driving Society Inc.

MEMBER PROTECTION POLICY

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PREFACE

The Australian Carriage Driving Society Inc (ACDS) is committed to creating a safe, fair and inclusive sporting environment for all members and participants in ACDS activities.

Our Vision is as outlined in the ACDS Strategic Plan and the Society's objectives are as contained in the ACDS Rules and Regulations.

We believe in **Fairness, Respect, Responsibility** and **Safety** for all within our sporting community and accepts that:

- the ACDS will seek to prevent all forms of harassment, discrimination and abuse and to promote positive behaviour and values;
- inappropriate or unlawful behaviour will not be tolerated by the ACDS and affiliated Clubs;
- this policy sets out codes of behaviour with which everyone associated with the ACDS is expected to abide; and
- disciplinary action may be taken against individuals if there is a breach of the policy

The Member Protection Policy has been developed with the aim that all members are afforded with a positive experience whilst participating in all aspects of the Sport. The policy provides members with an understanding of the expectations and remedies in the protection of our members.

The ACDS is committed to ensuring our young members are part of an environment that is safe, supportive and positive for their enjoyment of the sport. We strive to facilitate an environment free from all forms of harassment and discrimination for all members by conducting ourselves with appropriate standards of behaviour.

The ACDS will seek to ensure that all our members, which includes State Branches, affiliated Clubs, participants, officials, volunteers and contractors recognise and understand this policy.

Peter Lee
Federal President
Australian Carriage Driving Society Inc
20 June 2021

MEMBER PROTECTION POLICY

1. Introduction

The Australian Carriage Driving Society Inc (ACDS) is the principle governing body for the sport of Carriage Driving in Australia, having fostered and developed the sport since the Society's formation in 1971.

Our Mission Statement is:

“To be the foremost organisation for the development, management, conduct and promotion of Carriage Driving, through consultation with and the delivery of services to members”

As a member-driven organisation, the ACDS remains attuned and responsive to the needs and views of members, with objectives aimed at growing and developing the sport. The Federal Council of the ACDS is charged with ensuring that the Society is managed in a legally, ethically and financially sustainable manner for the benefit of members today and into the future.

2. Purpose

This National Member Protection Policy (“policy”) aims to assist the ACDS (“our”, “us” or “we”) to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport. It sets out our commitment to ensure that every person bound by the policy is treated with respect and dignity and protected from discrimination, harassment and abuse. It also seeks to ensure that everyone involved in our sport is aware of their key legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

This policy describes the practical steps we will take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, the policy allows the ACDS to take disciplinary action against any person or organisation bound by this policy if they breach the policy.

This policy has been endorsed by the ACDS Federal Council and is effective as at 20 June 2021 and will operate until replaced.

The current policy and its attachments can be obtained from our website at:
www.australiancarriagedrivingsociety.org

This policy is intended to provide a framework and reference for ACDS State Branches and ACDS-affiliated Clubs in regard to member protection.

3. Policy Application

This policy applies to all ACDS Members, irrespective of their role or capacity including but not limited to:

- persons elected or appointed as Office Bearers to ACDS Federal Council, ACDS State Branches or ACDS-affiliated Clubs;
- persons appointed or elected to Federal Council, State Branch and affiliated Club committees and sub-committees;
- Federal Council and State Branch appointments;
- ACDS-accredited coaches and candidate coaches;
- competitors / participants;
- officials;
- members of the ACDS; and
- competitors, coaches, officials, volunteers and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by the ACDS and/or affiliated Clubs;

It is also intended this policy will apply to:

- ACDS State Branches,
- ACDS-affiliated Clubs,
- non-member associates of Members whilst at an ACDS activity*,
- non-member Volunteers whilst at an ACDS activity*, and
- contractors engaged by the ACDS*.

* To the extent that the person is reasonably aware of the Policy obligations.

This policy will continue to apply to a person or organisation, even after they have stopped their association with the ACDS, if disciplinary action against that person / organisation has begun during the period of their membership.

4. Responsibilities of the Organisation

The ACDS, State Branches and affiliated Clubs may make such amendments to their Constitution, Rules or Policies necessary for this policy to be enforceable to the extent necessary and shall:

- implement and comply with this policy;
- ensure that this policy is enforceable;
- publish, distribute and promote this policy and the consequences of any breaches of the policy;
- promote and model appropriate standards of behaviour at all times;
- promptly deal with any complaints or breaches made under this policy in sensitive, fair, timely and confidential manner;

- apply this policy consistently;
- recognise and enforce any penalty imposed under this policy;
- ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies;
- use appropriately informed people to receive and manage complaints and allegations of inappropriate behaviour; and
- monitor and review this policy as deemed necessary.

5. Individual Responsibilities

Individuals bound by this policy are expected to:

- Make themselves aware of the contents of this policy.
- Comply with all relevant provisions of the policy, including any codes of conduct and the steps set out in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour.
- Consent to the screening requirements set out in this policy and any State / Territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18 or where otherwise required by law.
- Place the safety and welfare of children as a primary consideration.
- Be accountable for their behaviour.
- Comply with any decisions and/or disciplinary measures imposed under this policy.

6. Position Statements

6.1 Child Protection

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

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

Refer to section seven (7) of this document ***'Code of Behaviour – Child Safe Policy and Procedures'***.

6.2 Anti-discrimination and Harassment

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

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

6.2.1 Discrimination

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

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

Discrimination can be either direct or indirect.

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

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

6.2.2 Harassment

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

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

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

6.2.3 Prohibition Against Discrimination and Harassment

We prohibit all forms of harassment and discrimination based on the personal characteristics listed in the Dictionary of Terms.

Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy is encouraged to raise their concerns with us. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation. Refer to Section 8 of this document – Complaints Procedure. A formal complaints form is at Annex A

6.3 Intimate Relationships

The ACDS understands that consensual intimate relationships (including, but not limited to sexual relationships) between coaches or officials and adult learners/competitors may take place legally, however, this policy will help ensure that the expectations of coaches or officials are clear and, to ensure that if an intimate relationship does exist or develop between a coach or official and an adult learner/competitor, that relationship will be managed in an appropriate manner.

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

The ACDS takes the position that consensual intimate relationships between coaches and the adult learners they coach should be avoided as they can have harmful effects on the person involved, on other learners and coaches and on the sport's public image. These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach or official and the learners/competitors.

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

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

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

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

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

If a coach, official, learner or competitor believes they are being, or have been harassed, they are encouraged to seek information and support. Our complaints procedure is outlined in Section 8 of this policy and a formal complaints form is at Annex A.

6.4 Participation by Persons with a Disability or Serious Health Condition

The ACDS is committed to providing an environment where all persons, irrespective of ability or health, can participate in and enjoy carriage driving activities.

The ultimate goal is to facilitate participation, and therefore Event Organisers and Officials are encouraged to provide all reasonable assistance to persons with a disability or serious health condition to enable their participation in ACDS activities.

Both the ACDS and the individual concerned have a Duty of Care to all participants and therefore persons with a disability or serious health condition, which may affect their ability to maintain control over the horse/s, are expected to consider and manage that risk within the context of their participation. The person with the disability should make these decisions themselves, in consultation with their medical professionals / carers as appropriate and in discussion with the ACDS at an appropriate level.

Persons with a disability are encouraged to seek and follow medical advice as to the extent of their participation and any risks that may pose (including risks to others), however the ACDS will not require medical certificates, unless all other participants are required to supply one in similar circumstances (except as provided for in individual sport rules concerning the use of motorised vehicles for inspection of the course).

Persons with a serious health condition or disability are encouraged to proactively manage the risk by ensuring the event Organising Committee (OC), a senior event official, or a nominated person at the venue are aware of the condition and what treatment may be required in the case of an emergency situation involving that person.

If a person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity (see Discrimination pp 28 - 30), then prior to and during the event, the senior member of the OC, a senior event official (Technical Delegate, President of the Ground Jury, Senior Judge) or a nominated person, may request that some aspects of the competition be limited to that person with a disability.

This information will be treated confidentially and only disclosed to those with a need to know (i.e., event medical or First-Aid personnel).

Any person who believes they are being, or have been, discriminated against by another person or organisation bound by this Policy, on the basis of disability or a serious health condition may make a complaint. Refer Section 8 of this document – Complaints Procedure.

6.5 Pregnancy

The ACDS is committed to treating pregnant women fairly and to removing any unreasonable barriers to their full participation in our sport. We will not tolerate any discrimination or harassment against pregnant women.

The ACDS will take reasonable care to ensure the continuing safety, health and wellbeing of pregnant women. We advise pregnant women that there may be risks involved with their continuing participation in sport, and encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn child, is of utmost importance in their decision-making about the extent they choose to participate in our sport.

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in our sport. Pregnant women should make these decisions themselves, in consultation with their medical advisers and in discussion with the ACDS at an appropriate level.

We will only require pregnant women to sign a disclaimer in relation to their participation in our sport whilst they are pregnant if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant woman believes she is being, or has been, harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint. (Refer to Part 8 of this policy.)

6.6 Gender Identity

Gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person. This includes the way people express or present their gender and recognises that a person's gender identity may be an identity other than male or female. Some terms used to describe a person's gender identity include trans, transgender and gender diverse.

6.6.1 Gender Identity Discrimination and Harassment

Federal, State and Territory anti-discrimination laws provide protection from discrimination against people on the basis of their gender identity. (See Dictionary of Terms).

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

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

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

If any person believes that they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy because of their gender identity, they may make a complaint. (Refer to Part 8 of this policy.)

6.6.2 Participation in Sport

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

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

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

6.6.3 Intersex Status

Federal anti-discrimination law, and some State and Territory anti-discrimination laws, provide protection from discrimination against a person on the basis of their intersex status. (See Dictionary of terms).

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

6.7 Responsible Service and Consumption of Alcohol

The ACDS 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 branches and affiliated clubs follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy is that:

- alcohol availability should be controlled at functions where children and young people under the age of 18 may be attending;
- food and low-alcohol and non-alcoholic drinks be available at functions we hold or endorse where alcohol is served;
- a responsible person is present at functions we hold or endorse where alcohol is served to ensure appropriate practices in respect of the consumption of alcohol are followed;
- safe transport options be promoted as part of any function we hold or endorse where alcohol is served;
- the serving or consumption of alcohol at a function may require a Permit to Serve Alcohol or Permit to Consume Alcohol or Liquor Licence depending on relevant State laws and the organisers of such function should ensure compliance; and

- members should not participate (drive) in competitions / activities if under the influence of alcohol or illicit drugs. It is noted that Blood Alcohol Concentration (BAC) limits for alcohol and illicit drugs apply to horse drawn carriages on public roads.

6.8 Smoke-free Environment

The ACDS is committed to providing a safe and healthy environment at all sporting and social events that we hold or endorse.

In general, our policy is that:

- no smoking shall occur near children and young people under the age of 18. This policy shall apply to coaches, learners, competitors, trainers, officials and volunteers;
- any activities where people are in close contact and any activities indoors shall be smoke-free, with smoking permitted at designated outdoor smoking areas only.
- coaches, officials, trainers and volunteers will refrain from smoking while they are involved in an official capacity in our sport.

6.9 Bullying

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

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

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

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

- verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- excluding or isolating a group or person;
- spreading malicious rumours; or
- psychological harassment such as intimidation.

Bullying includes cyber-bullying which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments.

The ACDS will not tolerate abusive, discriminatory, intimidating or offensive Statements being made online. Frustration at an official, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal Statement or a complaint – to the relevant controlling body.

If any person believes they are being, or have been, bullied by another person or organisation bound by this policy, he or she may make a complaint. (Refer to Part 8 of this policy.)

6.10 Social Networking

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

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

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

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

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

7. Code of Behaviour – Child Safe Policy and Procedures

7.1 Introduction

The Australian Carriage Driving Society (ACDS) is committed to ensuring that children and young people who participate in its activities have a safe and happy experience. The ACDS supports and respects children, young people, members, volunteers and participants.

7.2 Aim

The aim of the ACDS's Code of Behaviour - Child Safe Policy and Procedures is to protect the safety of children (and vulnerable persons) in our care and prevent abuse from occurring and in the event that allegations are raised in relation to abuse, to ensure that the allegations are properly addressed. All complaints will be treated seriously and fully investigated and handled with maximum confidentiality and discretion.

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

7.3 Scope

This Policy applies to all members, participants, parents / guardians, spectators, contractors, officials, coaches, judges and volunteers throughout all ACDS events and activities.

This Policy will continue to apply retrospectively to a person or Member following the cessation of their association with the ACDS, if a complaint has been lodged regarding their behaviour during their period of association with the ACDS.

The ACDS is supported by State Branches and affiliated clubs across Australia. Affiliation with the ACDS is conditional on an affiliated club complying with this Policy. Failure to implement and comply with this Policy may cause the ACDS to end its affiliation with a club that is in breach of its obligations.

7.4 Policy Statement

The ACDS is committed to providing the highest level of membership service. This includes protecting members' privacy, promoting positive behaviours and attitudes, protecting the health safety and wellbeing of members; particularly children and delivering the ACDS's activities while acting in the best interests of children in the sport.

Specifically, the ACDS considers that the health, safety and well-being of children take priority over all other competing considerations. The ACDS considers that this is necessary to ensure the health, safety and welfare of all members and protect the image and reputation of the sport, ACDS and its affiliate Clubs.

The ACDS has a zero-tolerance approach to child abuse and is committed to promoting and protecting children from abuse and neglect to the greatest extent possible. All children have equal rights to protection from child abuse, regardless of their sex, religion, disability or sexual orientation etc.

Child protection is a shared responsibility between the ACDS, its office bearers, officials, parents/guardians, coaches, competitors, spectators, volunteers and members of the ACDS community. Everyone that participates in the ACDS's activities is responsible for the care and protection of children, and reporting information about child abuse.

The ACDS supports the active participation of all children. It listens to their views, respects their views and involves them when making decisions, where appropriate, especially about matters that will directly affect them (including their safety).

The ACDS is also committed to the cultural safety of Aboriginal children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability.

The ACDS promotes fairness and consideration for all members, volunteers and participants.

7.5 Related Documents and Legislative Requirements

This Policy must be read in conjunction with:

- the law of the Commonwealth and the respective State and Territory jurisdictions.
- ACDS policies and procedures, including but not limited to:
 - Rules and Regulations,
 - Codes of Conduct, and
 - Member Protection Policy (this policy).

7.6 Clarification

7.6.1 Child

Is a person involved in the activities of the ACDS (including competitors) and under the age of 18 years unless otherwise stated under the law applicable to the child?

7.6.2 Identify and Analyse Risk of Harm

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

7.6.3 Empower and Promote the Participation of Children

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

7.6.4 Child Protection

Is the responsibility, measure or activity undertaken to safeguard children (or vulnerable persons) from harm.

7.6.5 Choose Suitable Personnel

The ACDS will take all reasonable steps to ensure that our organisation engages suitable and appropriate people to work with children (in prescribed positions).

This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

The ACDS will ensure that Working with Children Checks are conducted for members who work with children where an assessment is required by law. If a criminal history report is obtained as part of their screening process, we will handle this information confidentially and in accordance with the relevant legal requirements. Refer to Annex B, Screening and Working with Children Checks, including Appendix 1 and 2.

7.6.6 Support, Train, Supervise and Enhance Performance

The ACDS will endeavour to ensure that all our members who regularly work with children have appropriate ongoing supervision, support and training. Our goal is to develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment in our sport.

7.6.7 Sexual Offence

Is a criminal offence involving sexual activity or actions of indecency or any act which exposes a child to, or involves a child in, sexual activity or matters beyond his or her understanding or contrary to accepted community standards. Sexually offence behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism and exposing the child to or involving the child in pornography.

It includes child grooming, which includes actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child (or the child's carer, family or supervisor) to lower the child's inhibitions and prepare them for engagement in a sexual offence.

7.6.8 Taking Images of Children

Images of children can be used inappropriately or illegally. The ACDS requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own. They should also make sure the parent/guardian understands how the image will be used.

To respect people's privacy, the ACDS does not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets, which we control or are used in connection with our sport.

When using a photo of a child, the ACDS will avoid publishing personal information, such as residential address, email address or telephone number, without the consent of the child's parent/guardian. We will not display information about a child's hobbies, interests, school or the like.

We will only use images of children that are relevant to our sport and we will ensure that they are suitably clothed in a manner that promotes participation in the sport. We will seek permission from the parents/guardians of the children before using the images. We require our State Branches and affiliated Clubs to do likewise.

7.6.9 Vulnerable Person

In the context of this policy, a vulnerable person means a person who may be an adult, but who is at higher risk of abuse because of a physical or mental disability, or in a situation where there may be a significant power imbalance in the relationship (such as an unhealthy relationship between coach / learner, carer / dependent / child etc).

7.7 Recognising and Reporting Child Abuse

A person may, in the course of participating in the sport or other activities of the ACDS or carrying out their work, form a belief on reasonable grounds that a child is in need of protection from child abuse.

If a person is concerned about an immediate risk to a child's safety, the person must phone "000" as soon as practicable.

Child abuse can be divided into four categories:

- **Physical Abuse:** occurs when a child has suffered, or is likely to suffer, significant harm as a result of a physical injury, such as a non-accidental physical injury.
- **Sexual Abuse:** occurs when a child has suffered, or is likely to suffer, significant harm as a result of sexual abuse, such as when a child is exploited, or used by another for his or her sexual gratification or sexual arousal, or for that of others.
- **Emotional and Psychological Abuse** occurs when a child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional or intellectual development is or is likely to be significantly damaged.
- **Neglect** occurs when a child's physical development or health has been, or is likely to be, significantly damaged. It refers to an omission, such as depriving a child of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults or medical care.

Child abuse includes any actions that results in actual or potential harm to a child, in circumstances where the child's parents have not protected, or are unlikely to protect, the child.

7.7.1 Report and Respond Appropriately to Suspected Abuse and Neglect

The ACDS will take all reasonable steps to ensure that all our members are able to identify and respond appropriately to children at risk of harm, and that they are aware of their responsibilities under State laws to make a report if they suspect on reasonable grounds that a child has been, or is being, abused or neglected. (Refer to Annex C – Procedure for Handling Allegations of Child Abuse and Annex D – Confidential Record of Child Abuse Allegation.)

In addition to any legal obligation, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child, or is in breach of this policy, he or she may make an internal complaint to us. (Refer to Annex C Procedure for Handling Allegations of Child Abuse and Annex D – Confidential Record of Child Abuse Allegation.)

7.8 Mandatory Reporters

Select classes of people in the community including teachers, principals, registered psychologists, nurses, doctors, midwives, psychiatrists, childcare workers and any other person required by law to lodge a report to the relevant authorities are required by law to report to the Child Protection Unit of the Department of Health and Human Services (DHHS), or equivalent body in the relevant State jurisdiction, where they have formed a belief, on reasonable grounds, that a child is in need of protection because they have suffered, or are likely to suffer, significant harm due to physical or sexual abuse.

This report must be made as soon as practicable, and after each occasion where he or she becomes aware of further reasonable grounds for the belief.

7.9 Reasonable Grounds for Belief

A reasonable belief is formed if a reasonable person believes that:

- the child is in need of protection;
- the child has suffered or is likely to suffer significant harm as a result of physical or sexual injury; or
- the child's parents are unable or unwilling to protect the child.

To form a reasonable belief, you should consider and objectively assess all the relevant facts, such as the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof, but is more than mere rumour or speculation.

You will have reasonable grounds to notify if:

- a child states that they have been physically or sexually abused;
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- someone who knows a child states that the child has been physically or sexually abused;
- professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; or
- signs of abuse lead to a belief that the child has been physically or sexually abused.

7.10 Voluntary Reporters

In addition to the mandatory reporting obligations above, any person who believes on reasonable grounds that a child is in need of protection from any form of child abuse, may disclose that information to the Police or Child Protection Authorities.

7.11 Reporting Child Sexual Abuse

If a person receives information that leads them to form a reasonable belief that a sexual offence has been committed against a child (under the age of 16 years) by another person (of or over the age of 18 years), the person has a legal obligation to disclose that information to the Police as soon as it is practicable. Individuals who fail to comply with this obligation may be subject to criminal penalty.

7.12 ACDS Approach to Reports of Abuse

The ACDS supports and encourages a person to make a report to the Police or Child Protection Authorities if they form a belief on reasonable grounds that a child is in need of protection, or they are concerned about the safety, health or wellbeing of a child.

Any person that makes a report in good faith in accordance with their reporting obligations (whether mandatory or voluntary) will be supported by the ACDS and will not be penalised by the ACDS for making the report.

If a person is uncertain as to whether they should make a report to an external authority in relation to the safety of a child, they should speak to Police or Child Protection Authorities for guidance and information. If in doubt, ask for assistance.

If an allegation is made against a member of the ACDS or volunteer, the ACDS will follow the reporting procedure and take all steps to ensure that the safety of the child is paramount.

The ACDS Federal Executive will investigate allegations of inappropriate conduct towards a child by an ACDS Member in accordance with procedural fairness and will handle the allegations in a confidential manner to the greatest extent possible. Care shall be taken to ensure any such investigation does not prejudice investigation/s being conducted by Police or Child Protection Authorities.

The ACDS will cooperate with the directions of the Police and/or Child Protection Authorities in relation to any investigation conducted by these authorities.

The ACDS will keep a record of any allegations regarding inappropriate conduct.

7.13 Roles and Responsibilities of Persons Protecting Children

Personnel involved in protecting children include office bearers, appointees, members and volunteers within the Organisation. Those people have responsibilities in relation to protection of children and are expected to:

- understand the rights of children, as appropriate to their role;
- respect the cultural and religious practices of families who access ACDS services, programs or events;
- understand and appropriately respond to the needs of children with developmental delays or disabilities;
- appropriately act on any concerns raised by children;
- understand the definitions, indicators and impact of child abuse;

- know and follow regulations in relation to the care of children;
- co-operate with police and/or other formal investigations to the best of their ability; and
- not harm or exploit children who access the ACDS's services.

7.14 Child Safe & Child Friendly Guidelines to Prevent and Manage the Risks of Child Abuse

7.14.1 Children at ACDS Events and Activities

Children attending or participating in ACDS activities should be accompanied by a parent or legal guardian.

ACDS activities are typically open to attendance by the general public, therefore parents/guardians must exercise appropriate supervision of children in their care.

7.14.2 Change Rooms

Adult members, regardless of gender, should avoid entering designated change rooms where unaccompanied children may be, unless accompanied by another adult. Prior to entering the area, members should notify the people in the room of their intended entrance. For the avoidance of doubt this requirement does not apply to parents/legal guardians when in a room with their child.

7.14.3 Accommodation

No adult member should be alone in the accommodation of a person less than 18 years old without the presence of another adult. The doors should always be open. For the avoidance of doubt this requirement does not apply to parents/legal guardians when in a room with their child or adults travelling with persons under 18 with the consent of their parent/legal guardian.

7.14.4 ACDS activities – General

All members over 18 years of age retain an overriding responsibility for the welfare of all children present at ACDS activities. They have a 'duty of care' towards children and they must meet that duty and avoid unaccompanied and unobserved activities with persons less than 18 years of age wherever possible. For the avoidance of doubt this requirement does not apply to parents/legal guardians when in a room with their child.

7.14.5 Sexual Relations.

During all ACDS activities, adult members must not, under any circumstances, engage in conduct of a sexual nature with a person under the age of 18 years. Improper conduct of a sexual nature by a member towards a person under the age of 18 includes any form of child sexual abuse (defined within this Policy) as well as but not limited to the following:

- inappropriate conversations of a sexual nature;
- obscene language of a sexual nature;

- suggestive remarks or actions;
- jokes of a sexual nature;
- obscene gestures;
- unwarranted and inappropriate touching;
- sexual exhibitionism;
- use of any device to show/watch offensive material; or
- any other action that could lead to a child being physically, emotionally or psychologically harmed.

7.14.6 Adults Under Investigation

Adults under investigation in relation to a matter involving child abuse, or any matter which has the potential to jeopardise their Working with Children Check (WWCC) (or if based in another State the equivalent requirement) status may be prohibited, by ACDS Federal Council, from participating in ACDS activities.

7.14.7 Coach Assistance

All coaches must ensure that all physical contact with learners, which occurs when coaching, is appropriate for the situation and necessary for the learner's safety. **It is strongly recommended that:**

- coaches ensure that there are other adults present whenever coaching persons under the age of 18 years;
- coaches take care to explain the procedure to the child prior to beginning any physical contact; and
- coaches obtain consent from the learner prior to beginning any physical contact.

7.15 Screening of Personnel

Where screening of members who are likely or required to be in direct, unsupervised contact with persons under 18 years of age is appropriate, the minimum standard for background checks is the law as it applies in the relevant State jurisdiction.

The ACDS seeks to encourage and support a culture which aims to:

- promote and protect the safety of all children who participate in the activities of the ACDS, and
- prevent a person from participating in relevant positions within the ACDS if they pose an unacceptable risk to children.

The ACDS requires specified personnel (as nominated below) to pass the screening process prior to commencing their specified role with the ACDS (or within 3 months of implementation of this policy if already in such a role).

As part of the screening and recruitment process, an applicant must provide appropriate evidence (e.g., Working with Children Check (WWCC) or other State equivalent and/or Police check) to show that they are suitable to work with children and young people in a recreational setting.

The following personnel must have and maintain a valid WWCC:

- **ACDS Accredited Coaches, and**
- **any person who ACDS Federal Council specifies as requiring a WWCC due to the nature of the activities they are undertaking for the ACDS.**

The ACDS will exercise discretion and may require members to provide a Police check in accordance with the law and as appropriate, before they commence their engagement and at regular intervals during their time with the ACDS.

The ACDS will provide members with access to this policy.

7.16 Risk Management Approach

Child safety is a part of the ACDS's overall risk management practices.

8. Complaints Procedures

8.1 Handling Complaints

The ACDS aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of procedural fairness. No complaint can otherwise be made unless in accordance with the Rules and Regulations of the ACDS.

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

In the first instance, complaints should be reported as follows:

If a complaint relates to behaviour or an incident that occurred at:

- Club level, or involves people participating or performing duties at a Club level, then the complaint should be reported to and handled by the Club Executive Committee in the first instance.
- State Branch level, or involves people participating or performing duties at the State level, then the complaint should be reported to and handled by the relevant State Branch Executive committee in the first instance (notwithstanding limitations of State Branches with respect to disciplining of members).
- Federal level, or involves people participating or performing duties at the Federal level, then the complaint should be reported to and handled by the Federal Executive in the first instance.

In all cases, the lowest level at which a matter can be dealt with shall always be preferred (e.g., if the club can deal with the complaint, then it should; if the State body can deal with the complaint, then it should).

In general terms only matters that relate to, or occurred at a national level, as well as serious cases referred from the State and Club level, should be dealt with by the Federal body, however, it should be recognised that sometimes due to the specific circumstances a complaint may not be able to be dealt with effectively and impartially at a Club and/or State Branch level. In such situations the relevant Executive Committee should take steps to refer the matter to the next appropriate level of administration.

All complaints will be dealt with promptly, seriously, sensitively and confidentially.

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

8.2 Complaint Procedures

The ACDS is committed to supporting people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way. A copy of the Complaints Form is at Annex A.

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

8.3 Improper Complaints and Victimisation

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

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

If at any point in the complaint handling process the relevant investigating committee considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or inappropriately intended to cause distress to the respondent, the matter may be referred in writing to the ACDS Federal Council for review and appropriate action, including possible disciplinary action against the complainant.

8.4 Mediation

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

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

If a complainant wishes to resolve the complaint with the help of a mediator, the relevant investigating committee will, in consultation with the complainant, arrange for an independent mediator where possible. We will not allow lawyers to be present, participate, or be directly involved in the mediation process.

8.5 Disciplinary Proceedings and Measures

In accordance with ACDS Rules and Regulations, Federal Council may hear a disciplinary proceeding for matters:

- referred to it by the ACDS Federal Executive;
- referred to it or escalated by an affiliated Club because of the serious nature of the complaint, because it was unable to be resolved at the Club level or because the policy of the Club directs it to be;
- referred to it or escalated by a State Branch because of the serious nature of the complaint, because it was unable to be resolved at the State level or because the policy of the State Branch directs it to be;
- Other circumstances deemed to be an alleged breach of the Rules and Regulations of the ACDS, including this policy.

Our Disciplinary procedure is outlined in the ACDS Rules and Regulations Clauses:

- 12 et al – Disciplining a Member
- 13 et a – Right of Appeal of Disciplined Member

Every organisation bound by this policy will recognise and enforce any decision of Federal Council under this policy.

8.6 Approaching External Organisations

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

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

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

Contact details for the State and territory anti-discrimination and equal opportunity commissions are available on the Play by the Rules website:

<http://www.playbytherules.net.au/resources/quick-reference-guide>.

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

9. What is a Breach of this Policy?

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

- breaching the Codes of Conduct;
- failing to follow ACDS policies (including this policy) and our procedures for the protection, safety and well-being of children and vulnerable persons;
- discriminating against, harassing or bullying (including cyber-bullying) any person;
- victimising another person for making or supporting a complaint;
- engaging in an inappropriate intimate relationship with a person that he or she supervises, or has influence, authority or power over;
- verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- disclosing to any unauthorised person or organisation any ACDS information that is of a private, confidential or privileged nature;
- making a complaint that they know to be untrue, vexatious, malicious or improper;
- failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; and
- failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

10. Codes of Conduct

The ACDS seeks to provide a safe, fair and inclusive environment for everyone involved in our organisation and in our sport.

To achieve this, we require certain standards of behaviour by members, competitors, coaches, officials, administrators, parents/guardians (of child participants) and volunteers.

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

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

References:

- Australian Carriage Driving Society Code of Conduct
- Australian Carriage Driving Society Horse Welfare Policy Statement
- Australian Carriage Driving Society Code of Behaviour – Child Safe Policy and Procedures
- Australian Carriage Driving Society Code of Conduct for Members of Federal Council
- Australian Carriage Driving Society Code of Conduct for Federal Council Appointees
- Australian Carriage Driving Society Conflict of Interest Policy

The current versions of the above Codes may be found at:

www.australiancarriagedrivingsociety.org

DICTIONARY OF TERMS

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

Abuse is the violation of an individual's human or civil rights through the act or actions of another person or persons. Types of abuse include physical abuse, psychological or emotional abuse, sexual abuse, constraints and restrictive practices, financial abuse, legal or civil abuse and systemic abuse.

Affiliated club means as defined in the current ACDS Rules and Regulations

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

Child abuse involves conduct which puts a child at risk of harm and may include:

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

Complaint means a complaint made under clause 8 of this policy

Complainant means the person making a complaint.

Complaint handler/manager means the person appointed under this policy to investigate a complaint.

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

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

- age
- sex or gender
- gender identity
- intersex status
- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration
- disability, mental and physical impairment
- family/carer responsibilities, status as a parent or carer
- marital status
- pregnancy, potential pregnancy, breastfeeding
- sexual orientation and gender identity
- physical features
- irrelevant medical record
- irrelevant criminal record, spent convictions
- political beliefs or activities
- religion, religious beliefs or activities
- national extraction or social origin
- lawful sexual activity
- profession, trade, occupation or calling
- member of association or organisation of employees or employers, industrial activity, trade union activity
- defence service
- personal association with someone who has, or is assumed to have, any of the above characteristics

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

Some exceptions to State, territory and Federal anti-discrimination laws apply, including exceptions for sporting activities, such as:

- Holding a competitive sporting activity for a specific age or age group (e.g., only those who are under the age of 15 years).
- Excluding people on the basis of their sex and/or gender identity status from participation in a competitive sporting activity where the strength, stamina or physique of competitors is relevant to the specific activity (note that this does not apply to activity by children who are under the age of 12 years).

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

Discrimination because of disability, pregnancy or physical features will not be against the law where it is necessary to protect the health and safety of any person, including the person being discriminated against. (Equal Opportunity Act 2010 Sect 13, Part 4).

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

Gender identity: The term 'gender identity' refers to a persons' deeply held internal and individual sense of gender.

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

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

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

Member means as defined in the current ACDS Rules and Regulations

Member Protection Information Officer means a person appointed by us to be the first point of contact for a person reporting an issue or a complaint under, or a breach of, this policy – typically the Club, State Branch or Federal President in the first instance as may be appropriate to the circumstances.

Procedural fairness requires that:

- the respondent knows the full details of what is being said against him or her and they have the opportunity to respond;
- no person may judge their own case; and
- the decision-maker(s) must be unbiased, fair and just.

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

Policy, policy and this policy means this Member Protection Policy.

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

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

Sexual harassment means unwelcome behaviour of a sexual nature which could reasonably be expected to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwelcome physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual harassment does not have to be intentional.

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

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

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

State Branch means a Branch of the Australian Carriage Driving Society as defined in the ACDS Rules and Regulations.

Transgender 'Transgender' is an umbrella term that refers to a person whose gender identity is different to their physical sex as recorded at birth. Transitioning refers to the process where a transgender person commences living as a member of another sex. This is sometimes referred to as the person 'affirming' their gender because transitioning means they start living in what they identify as their true gender. For people who are transitioning/affirming their gender, having their identity fully recognised in all areas of life is a crucial part of the experience of living as their affirmed gender.

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

Vilification means behaviour that occurs in public which incites hatred towards, serious contempt for, or revulsion or severe ridicule of a person or group of people because that person or persons have a particular personal characteristic. Anti-discrimination laws in Australia make it unlawful to vilify a person or group of persons on the basis of race, religion, homosexuality, transgender status and HIV/AIDS status.

NOTE: Additional obligations may apply under relevant/applicable State or territory anti-discrimination laws.

Review History of the ACDS Member Protection Policy

Version	Date reviewed	Date endorsed	Content reviewed/purpose
V1.0	March 2017		Draft for Federal Executive review
V1.1	April 2017		Incorporate feedback, include Child Safe Policy elements
V1.2	December 2017		Incorporate aspects of other MPP models
V1.3	May 2018		Added Section 6.5. Modifications to Sect 4.
V1.4	October 2018		Further review of content & minor modifications
V1.5	June 2019		Minor modifications
V2.0	June 2021		Reformatted and revue of content relating to Complaints



FORMAL COMPLAINT

Complainant's Name: _____ Over 18 Yes No

Address: _____

Postcode: _____

Phone No: _____ Email: _____ Date: _____

Complainant's role/status in sport	<input type="checkbox"/> Administrator	<input type="checkbox"/> Parent
	<input type="checkbox"/> Competitor/Participant	<input type="checkbox"/> Spectator
	<input type="checkbox"/> Coach/Assistant Coach	<input type="checkbox"/> Support Person
	<input type="checkbox"/> Volunteer (non-member)	<input type="checkbox"/> Other
	<input type="checkbox"/> Official	

Respondent Name: _____ Over 18 Yes No

Respondent's role/status in sport	<input type="checkbox"/> Administrator	<input type="checkbox"/> Parent
	<input type="checkbox"/> Competitor/Participant	<input type="checkbox"/> Spectator
	<input type="checkbox"/> Coach/Assistant Coach	<input type="checkbox"/> Support Person
	<input type="checkbox"/> Volunteer (non-member)	<input type="checkbox"/> Other
	<input type="checkbox"/> Official	

Location/event of
alleged incident _____

Description of alleged incident	
------------------------------------	--

Nature of Complaint (Tick more than one box if necessary)	<input type="checkbox"/> Harassment or Discrimination	<input type="checkbox"/> Personality Clash
	<input type="checkbox"/> Sexual / Sexist	<input type="checkbox"/> Bullying
	<input type="checkbox"/> Sexuality	<input type="checkbox"/> Disability
	<input type="checkbox"/> Race	<input type="checkbox"/> Child Abuse
	<input type="checkbox"/> Religion	<input type="checkbox"/> Coaching Methods
	<input type="checkbox"/> Pregnancy	<input type="checkbox"/> Verbal Abuse
	<input type="checkbox"/> Victimization	<input type="checkbox"/> Physical Abuse
	<input type="checkbox"/> Unfair Decision	<input type="checkbox"/> Other _____

Methods (if any) of attempted informal resolution	
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Formal resolution procedures followed (outline)	
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The Australian Carriage Driving Society Inc.

ABN: 28 794 114 302 – Incorp: No. AO1028

Annex A to
ACDS Member Protection Policy

Finding (If investigated):	
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If heard by Tribunal:	Decision
	Action recommended

If Mediated:	Date of mediation:	
	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 – 6 months to resolve
	<input type="checkbox"/> More than 6 months to resolve

Name: _____ Position: _____

Completed by: _____

Signature Date

Complainant:	_____	_____
	Signature	Date
Respondent:	_____	_____
	Signature	Date

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



SCREENING / WORKING WITH CHILDREN CHECKS

The ACDS is committed to providing a safe environment for children. As part of this, we will recruit volunteers who do not pose a risk to children, so far as is reasonably practical to determine.

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

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

The ACDS, including our State branches and affiliated Clubs, will meet the requirements of the relevant State or territory Working with Children Check laws.

Individuals travelling with children and young people to another State or territory in an official ACDS-related capacity must comply with the screening requirements of that particular State or territory.

Appendix:

- B1: Working with Children Check requirements
- B2: Member Protection Declaration

References:

- Australian Carriage Driving Society Code of Behaviour – Child Safe Policy and Procedures (Section Seven of this document)



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. 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

Access Canberra

Website: https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804/~/working-with-vulnerable-people-%28wwwvp%29-registration

Phone: 13 22 81

New South Wales

Office of the Children's Guardian

Website: <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check>

Phone: 02 8219 3777

Northern Territory

Northern Territory Screening Authority

Website: <https://nt.gov.au/emergency/community-safety/apply-for-a-working-with-children-clearance>

Phone: 1800 SAFE NT (1800 723 368)

Queensland

Queensland Government Blue Card Services

Website: www.bluecard.qld.gov.au

Phone: 1800 113 611

South Australia

Department of Child Services

Website: <https://screening.sa.gov.au/types-of-check/working-with-children-check>

Phone: 1300 321 592



Tasmania

Contact the Department of Justice

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

Phone: 1300 13 55 13

Victoria

Contact the Department of Justice and Community Safety

Website: www.workingwithchildren.vic.gov.au

Email contact through the Website under 'Contact Us'

Western Australia

Contact the Department for Child Protection

Website: www.checkwwc.wa.gov.au

Phone: 08 6217 8100 or country callers use 1800 883 979

Travelling to other States or Territories

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

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

The laws providing interstate exemptions are not consistent across Australia.

If a member of the ACDS is travelling interstate to do work that would normally require a working for children check, you will need to check the relevant requirements of that State or territory.



MEMBER PROTECTION DECLARATION

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

I _____
Name

Address: _____

_____ Postcode: _____

DOB _____ Phone: _____ Email: _____

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, narcotics, animal cruelty.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence, narcotics, animal cruelty.
4. I am not currently serving a sanction for an anti-doping rule violation under an Australian Sports Anti-Doping Authority (ASADA) approved anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
6. To my knowledge, there is no other matter that the ACDS may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the President of the organisation/s engaging me immediately upon becoming aware that any matter set out above has changed.

Declared in the State/Territory of: _____

on: _____
Date: _____ Signature

Consent of Parent/Guardian (on behalf of a person under the age of 18 years)

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

Printed Name Signature

Date: _____



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 members of the ACDS 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 Federal President of the ACDS so that he or she can instigate procedures for addressing the situation.



Step 3: Protect the child and manage the situation

- The Federal President will assess the complaint and take interim steps to ensure the child’s safety and the safety of any other children, including confirming that a report has been made to Police and Child Protection Authorities. This may also 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.
- The Federal President will consider what services may be most appropriate to support the child and his or her parent/s.
- The Federal President will consider what support services may be appropriate for the alleged offender.
- The Federal President will seek to put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

Step 4: Take internal action

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

Australian Capital Territory	
ACT Police Non-urgent police assistance Ph: 131 444 www.afp.gov.au	Office for Children, Youth and Family Services http://www.communityservices.act.gov.au/ocyfs/reporting-child-abuse-and-neglect Ph: 1300 556 729



New South Wales	
New South Wales Police Non-urgent police assistance Ph: 131 444 www.police.nsw.gov.au	Department of Family and Community Services www.community.nsw.gov.au Ph: 132 111
Northern Territory	
Northern Territory Police Non-urgent police assistance Ph: 131 444 www.pfes.nt.gov.au	Department of Children and Families www.childrenandfamilies.nt.gov.au Ph: 1800 700 250
Queensland	
Queensland Police Non-urgent police assistance Ph: 131 444 www.police.qld.gov.au	Department of Communities, Child Safety and Disability Services www.communities.qld.gov.au/childsafety Ph: 1800 811 810
South Australia	
South Australia Police Non-urgent police assistance Ph: 131 444 www.sapolice.sa.gov.au	Department for Education and Child Development www.families.sa.gov.au/childsafes Ph: 131 478
Tasmania	
Tasmania Police Non-urgent police assistance Ph: 131 444 www.police.tas.gov.au	Department of Health and Human Services www.dhhs.tas.gov.au/children Ph: 1300 737 639
Victoria	
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 www.police.vic.gov.au	Department of Human Services www.dhs.vic.gov.au Ph: 131 278
Western Australia	
Western Australia Police Non-urgent police assistance Ph: 131 444 www.police.wa.gov.au	Department for Child Protection and Family Support www.dcp.wa.gov.au Ph: (08) 9222 2555 or 1800 622 258



CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

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

Complainant's Name (If other than the child) _____	Phone No: _____
Role/status in sport: _____	Date Complaint Received: _____
Child's Name: _____	Age: _____
Child's Address: _____	
	Postcode: _____

Person's reason for suspecting abuse (e.g., observation, injury, disclosure)	
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Name of person complained about: _____

<input type="checkbox"/> Administrator <input type="checkbox"/> Competitor/Participant <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Volunteer (non-member) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Person <input type="checkbox"/> Other
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Witnesses <small>If more than three, attach details to this form</small>	Name (1): _____	Phone No: _____
	Name (2): _____	Phone No: _____
	Name (3): _____	Phone No: _____

Interim action (if any) taken (to ensure child's safety and/or to support needs of person complained about)	
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Police Contacted:	Who: _____	Police Station: _____
	Time: _____	Date: _____

Advice Provided:	
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Government Agency Contacted:	Who: _____	Police Station: _____
	Time: _____	Date: _____

Advice Provided:	
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The Australian Carriage Driving Society Inc.

ABN: 28 794 114 302 – Incorp: No. AO1028

Annex D to
ACDS Member Protection Policy

ACDS President

Contacted:

Time:

Date:

Police and/or
government agency
investigation finding

Internal
investigation (if
any) finding

Action
Taken:

Completed by:

Name:

Position:

Signature

Date

Complainant to sign
(If not a child)

Signature

Date

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