



# ***DARTS AUSTRALIA***

## ***MEMBER PROTECTION POLICY***

***VERSION FOUR***

***SEPTEMBER 2016***

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## ***Preface***

Darts Australia is committed to providing an environment safe for children and that is free from harassment and abuse for everyone, and promotes respectful and positive behaviour and values within our sport.

The policies included in this document have been updated to include all the current relevant and required conditions to provide a code of conduct that forms the basis of appropriate and ethical conduct that everyone involved in our sport must abide by.

This policy is an essential part of the Darts Australia's proactive and preventative approach to ensure that any inappropriate behaviour does not occur within our sport.

The objectives of this policy are to:

- protect and provide a safe environment for all those who participate in Darts Australia's activities and events;
- provide guidelines to its members for their protection while participating in Dart related activities and events;
- assist in the maintenance of the high level of sportsmanship in Darts;
- resolve problems relating to the conduct of players in their relations with each other, officials and the public;
- assist in maintaining a positive attitude towards officials.

Darts Australia's Board of Management believes that everyone who participates in activities or events in our sport has the right to be treated with dignity and respect. They have the right to have any complaints or charges dealt with in a just manner and given the opportunity to be heard before any penalties are imposed.

*Kelvin James*

*President*

*Darts Australia*

*September 2016*

## Review history of Darts Australia Member Protection Policy

<b>Version</b>	<b>Date reviewed</b>	<b>Date endorsed</b>	<b>Content reviewed/purpose</b>
<i>One</i>	<i>Created June 2006</i>	<i>July 2006</i>	<ul style="list-style-type: none"> <li><i>Initial policy created and further developed to assist Darts Australia to meet its legal obligations and moral responsibilities in relation to harassment free sport and child protection</i></li> </ul>
<i>Two</i>	<i>January 2010</i>	<i>February 2010</i>	<ul style="list-style-type: none"> <li><i>Modified to provide a national version and an alternated (condensed) club version.</i></li> <li><i>Inclusion of clause on taking images of children (6.2)</i></li> <li><i>Reference to cyber bullying included (6.3)</i></li> <li><i>Refinement to wording in all clauses to provide greater clarity</i></li> </ul>
<i>Three</i>	<i>January 2014</i>	<i>February 2014</i>	<ul style="list-style-type: none"> <li><i>Revised and condensed working with children/child protection check to meet obligations to the amendments to the child protection laws.</i></li> <li><i>General “Code of Behaviour” removed from core policy to reduce confusion with Code of Behaviour attachment</i></li> <li><i>Re numbering of attachments (Codes of Behaviour moved from attachment D to attachment B</i></li> </ul>
<i>Four</i>	<i>September 2016</i>	<i>September 2016</i>	<ul style="list-style-type: none"> <li><i>Layout and grammatical changes to comply with Best Practice</i></li> </ul>
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## **PART A: NATIONAL MEMBER PROTECTION POLICY**

### **1. Introduction**

Darts Australia Incorporated (herein after referred to as D.A.) is dedicated to the continued progress of the Sport of Darts in Australia by servicing the present and future needs of the States/Territories and their Members.

D.A. is committed to accomplish this by continuously distinguishing the needs of all players, administrators and supporters and to demonstrate effective management, making optimum use of accessible resources and co-operating with its members in the search of excellence.

It is the mission of D.A. through unity, to encourage and promote the fostering of the Sport of Darts throughout Australia.

With vision D.A. will promote and develop the game of Darts for all to play. It is an objective of D.A. for all States/Territories to be competitive at National and International levels and to be an organisation of excellence.

#### **Core values will include:**

- People working together.
- Co-operation between States/Territories, their members and D.A. Board of Directors.
- State/Territory Members participating.
- Achieving State/Territory optimal potential.
- The principle of social justice.
- Professionalism and integrity in the way we work.
- Friendship and Sportsmanship.

#### **The objective of D.A. is:**

1. To build and maintain a strong profile of the sport of Darts in Australia as a popular and successful sport.
2. To make Darts more marketable by raising the overall profile of the sport in a way that will increase people involvement.
3. To increase the number of Dart Players by providing a service: i.e. provide an infrastructure that will attract the State/Territory members and keep them involved in the sport.
4. Provide the maximum availability of the Sport of Darts to all Australians and to ensure that access and equity is not denied on the basis of gender, age, disability, cultural background or location.
5. Ensure the standard of Darts in Australia is raised to a level that will improve the opportunity for consistent success at State, National and International levels.

6. Address the issues of Junior Darts in Australia by raising the profile of the sport at this level.
7. To establish a National infrastructure with a professional planned approach to Sports Development.
8. To seek ways of achieving financial security and independence for the Sport of Darts in all State/Territories in Australia.
9. Improve the business proficiency of DA by appropriately restructuring the Board of Management to meet the needs of the organisation.
10. To maintain strong representation at the World Darts Federation Meetings (herein after referred to as WDF) and to positively contribute to WDF organisational operations, policies and performances.

## **2. Purpose of this policy**

This Member Protection Policy aims to assist Darts Australia 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.

The attachments to this policy describe 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 Darts Australia 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 Executive of Darts Australia and has been incorporated into our constituent document, rules, regulations and/or by-laws. The policy starts on 1<sup>st</sup> September 2016 and will operate until replaced.

The current policy and its attachments can be obtained from our website at:  
[www.dartsaustralia.org.au](http://www.dartsaustralia.org.au)

This policy is supported by Member Protection Policies that have been adopted and implemented by our member associations and affiliated clubs.

### **3 Who is bound by this policy**

This policy should apply to as many persons as possible who are involved with the activities of Darts Australia, whether they are in a paid or unpaid/voluntary capacity and including:

- 3.1 Persons appointed or elected to boards, committees and sub-committees
- 3.2 Employees of Darts Australia
- 3.3 Members of Darts Australia Executive;
- 3.4 Support personnel, including managers, captains and others;
- 3.5 National coaching director, coaches and assistant coaches;
- 3.6 Players;
- 3.7 Referees, umpires and other officials;
- 3.8 Members, including life members of Darts Australia;
- 3.9 Players, coaches, officials and other personnel participating in events and activities, including camps and practice sessions, held or sanctioned by Darts Australia.
- 3.10 Any other person including spectators, parents/guardians and sponsors

This policy will continue to apply to a person even after he or she has stopped their association or employment with Darts Australia, if disciplinary action against that person has begun.

It is also intended this policy will apply to:

- 3.11 Member associations
- 3.12 Affiliated clubs and associated organisations.

### **4. Organisational responsibilities**

Darts Australia, affiliated associations and active members must:

- 4.1 Adopt, implement and comply with this policy
- 4.2 Ensure that this policy is enforceable
- 4.3 Publish, distribute and promote this policy and the consequences of any breaches of the policy
- 4.4 Promote and model appropriate standards of behaviour at all times
- 4.5 Deal with any complaints made under this policy in an appropriate manner
- 4.6 Deal with any breaches of this policy in an appropriate manner
- 4.7 Recognise and enforce any penalty imposed under this policy
- 4.8 Ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies
- 4.9 Use appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour.
- 4.10 Monitor and review this policy at least annually.

## 5. Individual responsibilities

Individuals bound by this policy must:

- 5.1 Make themselves aware of the contents of this policy;
- 5.2 Comply with all relevant provisions of the policy, including any codes of conduct and the steps for making a complaint or reporting possible child abuse set out in this policy
- 5.3 Consent to the screening requirements set out in this policy, and any state/territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18 or where otherwise required by law;
- 5.4 Place the safety and welfare of children above other considerations;
- 5.5 Be accountable for their behaviour: and,
- 5.6 Comply with any decisions and/or disciplinary measures imposed under this policy.

## 6. Position statements

### 6.1 Child protection

Darts Australia 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.

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

#### 6.1.1 Identify and analyse risk of harm

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

#### 6.1.2 Develop codes of behaviour

We will develop and promote a code of behaviour that sets out the conduct we expect of adults when they deal and interact with children involved in our sport, especially those in our care. We will also implement a code of behaviour to promote appropriate conduct between children.

These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour. (Refer to the attachments in Part B of this policy.)

#### 6.1.3 Choose suitable employees and volunteers

We will take all reasonable steps to ensure that our organisation engages suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This will include using a range of screening measures.

We will ensure that Working with Children Checks are conducted for all employees and volunteers who work with children, where an assessment is required by law. If a criminal history report is obtained as part of their screening process, we will handle

this information confidentially and in accordance with the relevant legal requirements. (Refer to the attachments in Part C of this policy.)

#### **6.1.4 Support, train, supervise and enhance performance**

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

#### **6.1.5: Empower and promote the participation of children**

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

#### **6.1.6: Report and respond appropriately to suspected abuse and neglect**

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

Further, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child, or is in breach of this policy, he or she may make an internal complaint to us. (Refer to the attachments in Part D of this policy.)

## **6.2 Taking images of children**

There is a risk that Images of children may be used inappropriately or illegally. Darts Australia 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, we do 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, we will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the child's parent/guardian. We will not provide information about a child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" a child.

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

### **6.3 Anti-discrimination and harassment**

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

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

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

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

Discrimination can be either direct or indirect.

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

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

### **6.3.2 Harassment**

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

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

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

### **6.3.3 Prohibition against discrimination and harassment**

We prohibit all forms of harassment and discrimination based on the personal characteristics listed in the “Definitions” set out in the Dictionary of Terms *[see clause 10]*.

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 the attachments in Part D of this policy.)

## **6.4 Intimate relationships**

Darts Australia understands that consensual intimate relationships (including, but not limited to sexual relationships) between coaches or officials and adult players 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 player, 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 players. In particular, they must ensure that they treat players in a respectful and fair manner, and that they do not engage in sexual harassment, bullying, favouritism or exploitation.

We take the position that consensual intimate relationships between coaches or officials and the adult players they coach should be avoided as they can have harmful effects on the player involved, on other players 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 player.

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

If a consensual intimate relationship does exist or develop between an adult player 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 player and/or other players.

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

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

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

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

If a coach, official or player believes they are being, or have been, harassed they are encouraged to seek information and support from the Member Protection Officer. Our complaints procedure is outlined in Part D of this policy.

## **6.5 Pregnancy**

Darts Australia 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.

Darts Australia will take reasonable care to ensure the continuing safety, health and wellbeing of pregnant women. We will advise pregnant women that there may be risks involved with their continuing participation in sport, and we will 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 Darts Australia

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 the attachments in Part D 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 definition in Dictionary of terms).

Darts Australia 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 has or is assumed to be transgender or transsexual. (Refer to the attachments in Part D of this policy.)

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

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

### **6.6.2 Participation in sport**

Darts Australia 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).

Darts Australia 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**

Darts Australia 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 member clubs follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy is that:

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

### **6.8 Smoke-free environment**

Darts Australia 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 at or near sporting events involving children and young people under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers;

- social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas; and
- coaches, officials, trainers, volunteers and players will refrain from smoking while they are involved in an official capacity in our sport, both in and out of competition.

## **6.9 Bullying**

Darts Australia 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. Darts Australia will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at a referee, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting 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 the attachments in Part D of this policy.)

## **6.10 Social networking**

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

## **7. Complaints procedures**

### **7.1 Handling complaints**

Darts Australia aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of procedural fairness.

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

In the first instance, complaints should be reported to the President or Complaints Officer.

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

- state level, or involves people operating at the state level, then the complaint should be reported to and handled by the relevant state association in the first instance
- club level, or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.

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

A complaint may be handled informally or formally. The complainant may indicate his or her preferred option and the President and/or Complaints Officer should consider whether that is an appropriate way to handle the particular complaint. For example, the law may require that the complaint/allegation be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our procedures for handling and resolving complaints are outlined in Attachment D1.

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

## **7.2 Improper complaints and victimisation**

Darts Australia 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 Complaints Officer 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 Darts Australia Board of Management for review and appropriate action, including possible disciplinary action against the complainant.

## **7.3 Mediation**

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

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

If a complainant wishes to resolve the complaint with the help of a mediator, the President or the Complaints Officer will, in consultation with the complainant, arrange for an independent mediator where possible. We will NOT allow lawyers to participate in the mediation process.

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

## **7.4 Tribunals**

In accordance with Darts Australia policy a Tribunal may be convened to hear a proceeding:

- referred to it by the President or Complaints Officer.
- referred to it or escalated by a state association 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 association directs it to be
- for an alleged breach of this policy].

Our Tribunal procedure is outlined in Attachment D4.

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

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

## **8. What is a breach of this policy?**

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

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

## **9. Disciplinary measures**

Darts 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 constituent documents, by-laws, this policy and/or the rules of the sport.

### **9.1 Individual**

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

- 9.1.1 a direction that the individual makes a verbal and/or written apology;
- 9.1.2 a written warning;
- 9.1.3 a direction that the individual attend counselling to address their behaviour;
- 9.1.4 a withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Darts Australia;
- 9.1.5 a suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.6 termination of the individual's membership, appointment or engagement;
- 9.1.7 a recommendation that Darts Australia terminate the individual's membership, appointment or engagement;
- 9.1.8 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;

- 9.1.9 a fine;
- 9.1.10 any other form of discipline that Darts Australia Board of Management considers appropriate.

## **9.2 Organisation**

If a finding is made that a Darts Australia member or affiliate association has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by the Judicial Committee

- 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 Darts Australia and other relevant peak bodies cease to sanction events held by or under the auspices of that organisation;
- 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. 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.

State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection commissions or equal opportunity and anti-discrimination commissions.

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

**Affiliated Association** means a kindred association or similar organisation affiliated with DA but without voting rights on the Board.

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

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

- 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).

**Complaint** means a complaint made under clause 7

**Complainant** means a person making a complaint.

**Complaints Officer** means the person appointed under this policy to investigate a complaint.

**Discrimination** means treating or proposing to treat someone less favourably because of a particular characteristic in the same or similar circumstances in certain areas of public life (Direct Discrimination), or 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 (Indirect Discrimination).

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 an older person to coach a team simply because of age.
- **Breastfeeding:** A member of the club who is breastfeeding a baby in the club rooms is asked to leave.
- **Disability:** A junior player is overlooked because of 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 it becomes known 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 a 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.

**Harassment** is any type of behaviour that the other person does not want and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and a reasonable person would recognise it as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated. Unlawful harassment is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or some other characteristic (see characteristic list under discrimination). 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 but is usually repeated.  
It may be explicit or implicit, verbal or non-verbal.

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 law apply. Examples include:

- holding a competitive sporting activity for females only who are under 12 years of age or of any age 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 particular 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 a breach of 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 or for supporting another player who has made such a complaint.

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

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

**Member** means a member of Darts Australia namely Active Member, Affiliated Association, Life Member, Representative Member and Player Member.

**Member Protection Policy** means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this Policy.

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

- both the Complainant and the Respondent must know the full details of what is being said against them and have the opportunity to respond;
- all relevant submissions must be considered;
- no person may judge their own case;
- the decision maker/s must be unbiased, fair and just;
- the penalties imposed must be fair.

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

**This policy** means this Member Protection Policy.

**Respondent** means the person who is being complained about.

**Role-specific codes of conduct (or behaviour)** means standards of conduct required of certain roles (e.g. coaches).

**Sexual harassment** means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

**Sexual 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.

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

**Victimisation** means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make a complaint under government legislation (e.g. anti-discrimination) or under this Policy, or for supporting such a person.

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

## PART B: CODES OF BEHAVIOUR

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

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

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

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

Regardless of the nature of a person's involvement in sport, *The Essence of Australian Sport* provides four guiding principles that lead to appropriate behaviour: *Fairness, Respect, Responsibility and Safety*.

- *Fairness* - operating in the spirit of the rules, never taking an unfair advantage and making informed and honourable decisions at all times.
- *Respect* - recognising the contribution people make to sport, treating them with dignity and consideration, as well as caring for the property and equipment they use.
- *Responsibility* - taking responsibility for own actions and being a positive role model at all times.
- *Safety* - encouraging healthy and safe procedures and preventing and reporting dangerous behaviour, while demonstrating concern for others.

## 1. General Code of Behaviour

As a member of Darts Australia, a member association or an affiliated association or a person required to comply with Darts Australia's Member Protection Policy, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Darts Australia, a member association or an affiliated association and in any role you hold within Darts Australia, a member association or an affiliated association:

- a. Respect the rights, dignity and worth of others.
- b. Be fair, considerate and honest in all dealing with others.
- c. Be professional in, and accept responsibility for, your actions.
- d. Make a commitment to providing quality service.
- e. Be aware of, and maintain an uncompromising adherence to, Darts Australia's standards, rules, regulations and policies.
- f. Operate within the rules of the sport including national and international guidelines which govern Darts Australia, the member associations and the affiliated clubs.
- g. Do not use your involvement with Darts Australia, a member association or an affiliated club to promote your own beliefs, behaviours or practices where these are inconsistent with those of Darts Australia, a member association or an affiliated association.
- h. Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.
- i. Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.
- j. Refrain from any form of harassment of others.
- k. Refrain from any behaviour that may bring Darts Australia, a member association or an affiliated association into disrepute.
- l. Provide a safe environment for the conduct of the activity.
- m. Show concern and caution towards others who may be sick or injured.
- n. Be a positive role model.
- o. Understand the repercussions if you breach, or are aware of any breaches of, this code of behaviour.

## 2. Administrator (volunteer) Code of Behaviour

In addition to Darts Australia's General Code of Conduct, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Darts Australia, a member association or an affiliated association and in your role as a player/participant in any activity held by or under the auspices of Darts Australia, a

member association or an affiliated association.

- a. Be fair, considerate and honest in all dealings with others. Act honestly, in good faith and in the best interests of the sport as a whole.
- b. Be professional in, and accept responsibility for your actions. Your language, presentation, manners and punctuality should reflect high standards.
- c. Resolve conflicts fairly and promptly through established procedures.
- d. Maintain strict impartiality.
- e. Be aware of your legal responsibilities.
- f. Keep up to date with the latest trends in administration and the principles of growth and development of the sport of darts
- g. Involve young people in planning, leadership, evaluation and decision making related to junior activities.
- h. Ensure that rules, equipment, length of games and training schedules are modified to suit the age, ability and maturity level of young players.
- i. Provide quality supervision and instruction for junior players.
- j. Remember young people participate for their enjoyment and benefit. Do not overemphasise awards.
- k. Help coaches and officials highlight appropriate behaviour and skill development, and help improve the standards of coaching and officiating.
- l. Modify rules and regulations to match the skill levels and needs of young people.
- m. Ensure that everyone involved in junior darts emphasises fair play and not winning at all costs.
- n. Provide a Code of Conduct sheet to spectators, officials, parents, coach's players and the media, and encourage them to follow it.
- o. Remember that you set an example. Your behaviour and comments should be positive and supportive.
- p. Make it clear that abusing young people in any way is unacceptable and will result in disciplinary action being taken by Darts Australia Judicial Committee.

### 3. Coach Code of Behaviour

In addition to Darts Australia's General Code of Conduct, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Darts Australia, a member association or an affiliated association and in your role as a coach appointed by Darts Australia, a member association or an affiliated association:

- a. Do not tolerate acts of aggression.
- b. Provide feedback to players and other participants in a manner sensitive to their needs. Avoid overly negative feedback. Help each athlete and complement and encourage with positive and supportive feedback.
- c. Recognise players' rights to consult with other coaches and advisers. Cooperate fully with other specialists (for example, sports scientists, doctors and physiotherapists).
- d. Treat all players fairly within the context of their sporting activities, regardless of gender, race, place of origin, athletic potential, colour, sexual orientation, religion, political beliefs, socioeconomic status and other conditions. Ensure that your actions contribute to a harassment free environment.
- e. Encourage and facilitate players' independence and responsibility for their own behaviour, performance, decisions and actions.
- f. Involve the players in decisions that affect them.
- g. Encourage players to respect one another and to expect respect for their worth as individuals regardless of their level of play.
- h. Ensure that the tasks and/or training set are suitable for age, experience, ability, and physical and psychological conditions of the players. Ensure that your actions contribute to a safe environment.
- i. Ensure any physical contact with players is appropriate to the situation and necessary for the player's skill development.
- j. Be acutely aware of the power that you as a coach develop with your players in the coaching relationship and avoid any sexual intimacy with players that could develop as a result. Refrain from any form of sexual harassment towards athletes. Any physical contact with a person should be appropriate to the situation and necessary for the player's skill development.
- k. Avoid situations with your players that could be construed as compromising. Ensure interaction with persons under the age of 18 years is appropriate and that unaccompanied and unobserved activities are avoided wherever practical.
- l. Actively discourage the use of performance enhancing drugs, and the use of alcohol, tobacco and illegal substances. Adopt appropriate behaviour in relation to the use of alcohol and recreational and performance enhancing drugs.
- m. Do not exploit any coaching relationship to further personal, political or business interests at the expense of the best interest of your players.
- n. Accept and respect the role of officials in ensuring that competitions are conducted fairly and according to established rules. Respect officials' decisions.
- o. Know and abide by rules, regulations and standards, and encourage players to do likewise. Accept both the letter and the spirit of the rules. Operate within the rules and spirit of your sport, promoting fair play over winning at any cost.

- p. Be honest and ensure that qualifications are not misrepresented.
- q. Treat all players with respect at all times. Be fair, considerate, honest and consistent with them. Treat each person as an individual.
- r. Refrain from conduct, which could be regarded as harassment towards your players and other coaches, officials and parents. Display control, tolerance and courtesy to all involved with the sport.
- s. Encourage opportunities for participants to learn appropriate behaviours and skills.
- t. Encourage participation in all aspects of the sport.
- u. Act with integrity and accept responsibility for your actions.
- v. Coaches Code of Behaviour Agreement Form. All Coaches are to sign the Code of Behaviour Agreement form (see Attachment B1) for accreditation to the National Coaching Accreditation Scheme. Signing the agreement form binds coaches to confirm to Darts Australia's Code of Behaviour requirements.

#### **4. Officials' Code of Behaviour**

In addition to Darts Australia's General Code of Conduct, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Darts Australia, a member association or an affiliated association and in your role as an official appointed by Darts Australia, a member association or an affiliated association:

- a. Place the safety and welfare of the players/participants above all else.
- b. Accept responsibility for all actions taken.
- c. Be impartial.
- d. Avoid any situation which may lead to a conflict of interest.
- e. Be courteous, respectful and open to discussion and interaction.
- f. Value the individual in sport.
- g. Condemn unsporting behaviour and promote respect for all opponents.
- h. Encourage and promote rule changes that will make participation more enjoyable.
- i. Place the safety and welfare of the participants above all else

## 5. Player Code of Behaviour

In addition to Darts Australia (DA) General Code of Conduct, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Darts Australia, a member association or an affiliated association and in your role as a player/participant in any activity held by or under the auspices of Darts Australia, a member association or an affiliated association.

- a. Respect the rights, dignity and worth of fellow players, coaches, official and spectators.
- b. Do not tolerate acts of aggression or abusive behaviours.
- c. Respect the talent, potential and development of fellow players and competitors. Value the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.
- d. Care for and respect the equipment provided to you as part of your program.
- e. Be frank and honest with your coach concerning illness and injury and your ability to train fully within the program requirements.
- f. At all times avoid intimate relationships with your coach.
- g. Conduct yourself in a professional manner relating to language temper and punctuality. Display control, tolerance and courtesy to all involved with the sport.
- h. Maintain high personal behaviour standards at all times.
- i. Abide by the rules and respect the decision of the official, making all appeals through the formal process and respect the final decision. Operate within the rules and spirit of your sport, promoting fair play over winning at any cost.
- j. Be honest in your attitude and preparation to training. Work equally hard for yourself and your team. Give your best at all times.
- k. Cooperate with coaches and officials in development of programs to adequately prepare you for competition at the highest level. Respect the decisions of officials, coaches and administrators.
- l. Refrain from conduct, which could be regarded as harassment towards fellow players, coaches and referees. Participate for your own enjoyment and benefit.
- m. Encourage opportunities for participants to learn appropriate behaviours and skills.
- n. Encourage participation in all aspects of the sport.
- o. Treat each person as an individual.
- p. Ensure interaction with persons under the age of 18 years is appropriate and that unaccompanied and unobserved activities are avoided wherever practical.
- q. Adopt appropriate behaviour in relation to the use of alcohol and recreational and performance enhancing drugs.
- r. Ensure your actions contribute to the safe environment.
- s. Ensure your actions contribute to a harassment free environment.

## **6. Parent/Guardian Code of Behaviour**

As a parent/guardian of a player/participant in any activity held by or under the auspices of Darts Australia, a member association or an affiliated association, you must meet the following requirements in regard to your conduct during any such activity or event.

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

## **7. Spectator Code of Behaviour**

As a spectator in any activity held by or under the auspices of Darts Australia, a member association or an affiliated association, you must meet the following requirements in regard to your conduct during any such activity or event:

- a. Respect the decisions of officials and teach young people to do the same.
- b. Never ridicule or scold a young player for making a mistake. Positive comments are motivational.
- c. Condemn the use of violence in any form, whether it is by other spectators, coaches, officials or players.
- d. Show respect for your team's opponents. Without them there would be no game.
- e. Do not use violence, harassment or abuse in any form (that is, do not use foul language, sledge or harass players, coaches, officials or other spectators).
- f. Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.
- g. Applaud good performance and efforts from all players and teams. Congratulate all players' efforts of all individuals and teams.
- h. Encourage players to follow the rules and accept the official's decisions.

**ATTACHMENT B1**

**Coaches Code of Behaviour Agreement Form**

(For Accreditation or Re-accreditation to the National Coach Accreditation Scheme)

**TO: DARTS AUSTRALIA**

I, (Full name) \_\_\_\_\_

Of \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Post code \_\_\_\_\_

Am seeking: Accreditation / Re-accreditation (please circle)

for the following Australian Sports Commission (ASC) qualification:

**DARTS** Level One / Level Two (please circle)

***I agree to the following terms:***

1. I agree to abide by Darts Australia Coaches Code of Behaviour overleaf.

2. I acknowledge that Darts Australia may take disciplinary action against me if I breach the Code of Behaviour. I understand that Darts Australia are required to implement a complaints handling procedure in accordance with the principles of natural justice, in the event of an allegation against me.

3. I acknowledge that disciplinary action against me may include de-accreditation from the National Coaching Accreditation Scheme/National Officiating Accreditation Scheme.

Signature \_\_\_\_\_

(If under 18, parent / guardian to sign)

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Please refer to Darts Australia Member Protection Policy for further information.

**(NOTE: COPY OF COACHES CODE OF BEHAVIOUR IS TO BE PRINTED ON BACK OF THIS FORM.)**

## **PART C: EMPLOYMENT SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS**

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

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

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

Darts Australia, including our state associations and 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 a work-related capacity must comply with the screening requirements of that particular state or territory.

### **ATTACHMENTS**

- Attachment C1: Screening requirements (for Tasmania)
- Attachment C2: Member Protection Declaration
- Attachment C3: Working with Children Check requirements

## **Attachment C1:**

# **EMPLOYMENT SCREENING REQUIREMENTS**

(for **Tasmania only**. All other States and Territories refer to C3)

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Under the *Registration to Work with Vulnerable People Act 2013* (Tas) it will be mandatory for all people working or volunteering in the sport and recreation sector in Tasmania to hold a Working with Children Registration by 1 April 2015.

This attachment explains the procedures we will use up until 1 April 2015 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 years. We require our state associations and clubs to follow this procedure.

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 years.
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 that 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 satisfied of the person’s suitability to work with children and young people, we will not appoint them 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 police 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 satisfied of the person’s suitability to work with children and young people, we will not appoint them to the position.
8. We will protect the privacy of each person who undertakes the screening process and keep all information we obtain strictly confidential.
9. 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**

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Darts Australia 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 Member Protection Policy that we check the background of each person who volunteers, coaches or has regular unsupervised contact with children and young people under the age of 18 years.

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

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children, acts of violence or narcotic convictions.
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, acts of violence or use or dealings with narcotics.
4. I am not currently serving a sanction for an anti-doping rule violation under an Australian Sports Anti-Doping Authority (ASADA) approved anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
6. To my knowledge, there is no other matter that Darts Australia may consider to constitute a risk to its members, volunteers, players or reputation by engaging me.
7. I will notify the President of Darts Australia immediately upon becoming aware that any matter set out above has changed.

Declared in the state/territory of .....

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

Signature .....

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

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

Name: .....

Signature: .....

Date: .....

## **Attachment C3: WORKING WITH CHILDREN CHECK REQUIREMENTS**

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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](http://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\\_wwvp](http://www.ors.act.gov.au/community/working_with_vulnerable_people_wwvp)

Phone: 02 6207 3000

### **New South Wales**

Contact the Office of the Children's Guardian

Website: [www.kidsguardian.nsw.gov.au/check](http://www.kidsguardian.nsw.gov.au/check)

Phone: 02 9286 7276

### **Northern Territory**

Contact the Northern Territory Screening Authority

Website: [www.workingwithchildren.nt.gov.au](http://www.workingwithchildren.nt.gov.au)

Phone: 1800 SAFE NT (1800 723 368)

### **Queensland**

Contact the Public Safety Business Agency about the "Blue Card" system.

Website: [www.ccypcg.qld.gov.au](http://www.ccypcg.qld.gov.au)

Phone: 1800 113 611

### **South Australia**

Contact the Department for Education and Child Development for information

Website: [www.families.sa.gov.au/childsafes](http://www.families.sa.gov.au/childsafes)

Phone : 08 8463 6468.

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

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

### **Tasmania**

Contact the Department of Justice about the working with children registration system that is being phased in

Website: [www.justice.tas.gov.au/working\\_with\\_children](http://www.justice.tas.gov.au/working_with_children)

Phone: 1300 13 55 13

**Victoria**

Contact the Department of Justice

Website: [www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au)

Phone: 1300 652 879

**Western Australia**

Contact the Department for Child Protection

Website: [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au)

Phone: 1800 883 979 **Travelling to other states or territories**

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

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

The laws providing interstate exemptions are not consistent across Australia.

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

## **PART D: COMPLAINT HANDLING PROCEDURES**

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

We will provide individuals with an informal and informal process to resolve the matter, along with access to an external complaint handling body, based on the nature of the complaint and our rules and regulations.

We also provide an appeals process for those matters.

We will maintain confidentiality where possible and as provided in this policy and seek to ensure that no one is victimised for making, supporting or providing information about a complaint.

### **ATTACHMENTS**

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

## Attachment D1: COMPLAINTS PROCEDURE

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

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

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

### Informal approaches

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

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

#### **Step 2: Contact a Member Protection Information Officer**

We encourage you to talk with one of our Member Protection Officers if:

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

The names and contact details for our Member Protection Complaints are available at [www.dartsaustralia.org.au](http://www.dartsaustralia.org.au)

The Member Protection Officer will:

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

#### **Step 3: Decide how to address your concern**

After talking with the Member Protection Officer, you may decide:

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

## Formal approaches

### Step 4: Making a formal complaint

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

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

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

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

In making this decision, the President will take into account:

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

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

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

### Step 5: Investigating the complaint

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

Following the investigation, a written report will be provided to the President of Darts Australia.

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

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

**Step 6: Reconsidering a complaint or appealing a decision**

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

The complainant or the respondent(s) may also appeal a decision made at a tribunal hearing. The grounds and process for appeals are set out in Attachment D4.

**Step 7: Documenting the resolution**

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

**Approaching external organisations**

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

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

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

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

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

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

## Attachment D2: MEDIATION

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

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to discuss the issues and seeks to facilitate a mutually agreeable solution.

Our approach to mediation follows the steps set out below.

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

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

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

## Attachment D3: INVESTIGATION PROCESS

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

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

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

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

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

## **Attachment D4: TRIBUNAL PROCEDURES**

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

### **Preparing for a Tribunal hearing**

1. A Tribunal panel will be established, according to the rules set out in our constituent documents, rules and by-laws, to hear a complaint that has been referred to it by the Complaints Officer.
2. The number of Tribunal panel members required to be present throughout the hearing will be three persons with deputies as outlined in the Constitution.
3. The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the Complaints Officer relating to the complaint/allegations.
4. 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.
5. The Secretary on instruction from the President of Darts Australia will inform the respondent(s) in writing that a Tribunal hearing will take place. The notice will outline:
  - that the person has a right to appear at the Tribunal hearing to defend the complaint/allegations;
  - the details of the complaint and of all allegations, as well as the provision or clause of any policy, rule or regulation that has allegedly been breached;
  - the date, time and venue of the Tribunal hearing;
  - that verbal and/or written submissions can be presented at the Tribunal hearing;
  - that witnesses may attend the Tribunal hearing to support the position of the respondent/s;
  - an outline of any possible sanctions that may be imposed if the complaint is found to be true;
- That legal representation will not be allowed. [The respondent may be assisted by a support person at a Tribunal hearing. For example, where the respondent is a minor, he or she should have a parent or guardian present. However, a person cannot be a support person if he or she has been admitted to the practise as a lawyer or worked as a trainee lawyer.] A copy of any investigation report findings will be provided to the respondent(s).
- The respondent(s) will be allowed to participate in all Darts Australia activities and events pending the decision of the Tribunal including any available appeal process unless the Board of Management believes it is necessary to exclude the respondent(s) from all or some Darts Australia activities and events after considering the nature of the complaint.
6. The Secretary of Darts Australia will notify the complainant in writing that a Tribunal hearing will take place. The notice will outline:
  - that the person has a right to appear at the Tribunal hearing to support their complaint;
  - the details of the complaint, including any relevant rules or regulations the respondent is accused of breaching;
  - the date, time and venue of the Tribunal hearing;
  - that verbal and/or written submissions can be presented at the Tribunal hearing;
  - that witnesses may attend the Tribunal hearing to support the complainant's position;
  - that legal representation will not be allowed. [The respondent may be assisted by a support person at a Tribunal hearing. For example, where the respondent is a

minor, he or she should have a parent or guardian present. However, a person cannot be a support person if he or she has been admitted to practice as a lawyer or worked as a trainee lawyer.]

A copy of the investigation report findings will be provided to the complainant.

7. If the complainant believes the details of the complaint are incorrect or insufficient, he or she should inform the Secretary 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. If the Tribunal chairperson wishes to reschedule the Tribunal hearing date, the Tribunal chairperson will inform the President of the need to reschedule the hearing and the Secretary 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 sanctions.
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;
  - ask questions of any person giving evidence;

- limit the number of witnesses (including limiting witnesses to those persons who only provide new evidence);
  - require (to the extent it has power to do so) the attendance of any witness it deems relevant; and
  - act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
19. Video evidence, if available, may be presented. Arrangements for the viewing of this evidence must be made entirely by the person(s) wishing to offer this type of evidence.
  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. The Tribunal must decide whether the complaint has, on the balance of probabilities, been substantiated.
  22. All Tribunal decisions will be by majority vote.
  23. The Tribunal chairperson may announce the decision of the Tribunal at the conclusion of the hearing. Alternatively, he or she may reserve the decision of the Tribunal at the conclusion of the hearing and deliver the decision at a later time.
  24. The respondent(s) will have the opportunity to make submissions to the Tribunal in relation to any sanctions that may be imposed.
  25. Within 48 hours of the Tribunal delivering its decision, the Tribunal chairperson will:
    - forward a notice of the Tribunal's decision to the Secretary, including details of any sanction imposed.
    - forward a letter reconfirming the Tribunal's decision to the respondent(s), including any sanction imposed. The letter should also outline the process and grounds for an appeal, if allowed.
  26. The Tribunal does not need to provide written reasons for its decision.

### **Appeals procedure**

27. A complainant or a respondent(s) may lodge with Darts Australia an appeal in relation to the decision of a Tribunal on one or more of the following grounds:
  - 26.1 that a denial of procedural fairness has occurred;
  - 26.2 that the sanction imposed is unjust and/or unreasonable;
  - 26.3 that the decision was not supported by the information/evidence provided at the mediation or to the Tribunal Hearing;
28. A person wanting to appeal must lodge a letter setting out the basis for their appeal with the Secretary within 14 days of the decision being made.
29. If the letter of appeal is not received by the Secretary within this time, the right of appeal will lapse.
30. The letter of appeal and the notice of the Tribunal's decision (clause 24) will be forwarded to the Appeals Committee to review and to decide whether there are sufficient grounds for the appeal to proceed. The Appeals Committee may invite any witnesses to the meeting that he or she believes are required to make an informed decision.
31. 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.

32. If the appeal is accepted, an Appeal Tribunal with new panel members will be convened to rehear the complaint.
33. The Tribunal hearing procedure shall be followed for the Appeal Tribunal.
34. The decision of the Appeal Tribunal will be final and binding.

## **PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS**

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

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

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

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

### **ATTACHMENTS**

- Attachment E1: Record of informal complaint
- Attachment E2: Record of formal complaint
- Attachment E3: Handling an allegation of child abuse
- Attachment E4: Confidential record of child abuse allegation
- Attachment E5: Record of Mediation
- Attachment E6: Record of Tribunal Decision



## Attachment E2: 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"/> Player/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"/> Player/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: <span style="float: right;">Date / /</span>
Signed by:	Complainant:  Respondent:

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

## Attachment E3: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

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**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](http://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 Darts 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 President of Darts Australia so that he or she can manage the situation.

### Step 3: Protect the child and manage the situation

- The President will assess the immediate risks to the child and take interim steps to ensure the child's safety and the safety of any other children. This may include redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is an employee of Darts Australia.
- The President will consider what services may be most appropriate to support the child and his or her parent/s.
- The President will consider what support services may be appropriate for the alleged offender.
- The 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 the police)
  - a child protection investigation (conducted by the relevant child protection agency)
  - a disciplinary or misconduct inquiry/investigation (conducted by Darts Australia).
- Darts Australia will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include considering whether the alleged offender should return to his or her position, be dismissed, banned or suspended or face other disciplinary action.
- If disciplinary action is undertaken, we will follow the procedures set out in Clause 9 of our Member Protection Policy.
- Where required we will provide the relevant government agency with a report of any disciplinary action we take.
- **Contact details for advice or to report an allegation of child abuse**

<b>Australian Capital Territory</b>	
ACT Police Non-urgent police assistance Ph: 131 444 <a href="http://www.afp.gov.au">www.afp.gov.au</a>	Office for Children, Youth and Family Services <a href="http://www.dhcs.act.gov.au/ocvys/services/care_and_protection">www.dhcs.act.gov.au/ocvys/services/care_and_protection</a> Ph: 1300 556 729
<b>New South Wales</b>	
New South Wales Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.nsw.gov.au">www.police.nsw.gov.au</a>	Department of Family and Community Services <a href="http://www.community.nsw.gov.au">www.community.nsw.gov.au</a> Ph: 132 111
<b>Northern Territory</b>	
Northern Territory Police Non-urgent police assistance	Department of Children and Families <a href="http://www.childrenandfamilies.nt.gov.au">www.childrenandfamilies.nt.gov.au</a>

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

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

Complainant's Name (If other than the child)		Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Player/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 .....	
Child's Name		Age
Child's Address		
Person's reason for suspecting the abuse (e.g. observation, injury, disclosure)		
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"/> Parent <input type="checkbox"/> Player/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 .....	
Description of alleged incident		

<p>Witnesses (if more than 3 witnesses attach details to this form)</p>	<p>Name.....</p> <p>Phone.....</p> <p>Name.....</p> <p>Phone.....</p> <p>Name.....</p> <p>Phone.....</p>
<p>Interim action (if any) taken (to ensure child's safety and/or to support needs of person complained about)</p>	
<p>Police contacted</p> <p>Yes / No</p>	<p>By Whom.....</p> <p>When.....</p> <p>Advise provided:</p>

<p>Government Agency contacted</p> <p>Yes / No</p>	<p>By Whom.....</p> <p>When.....</p> <p>Advise provided:</p>
<p>Darts Australia President contacted</p>	<p>By Whom.....</p> <p>When.....</p>
<p>Police and/or Government Agency Investigation Finding:</p>	



**Attachment E5:  
RECORD OF MEDIATION**

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Present at Mediation			
Date:     /     /	Venue:		
Mediator			
Summary of mediation (minutes attached)			
Outcome of mediation			
Follow up to occur (if required)			
Completed by:		Signed by	
Complainant (sign)			
Respondent (sign)			

**This record and any notes must be kept confidential and secure.** They will only be accessible by the Complaints Officer, President or Secretary of Darts Australia.

**Attachment E6:  
RECORD OF TRIBUNAL DECISION**

Complainant's Name		Date Formal Complaint Received: / /
Complainant's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Player/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)		
Respondent's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Player/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		
Support person (if any)		

Tribunal Members:	
Tribunal Hearing Date / /	Venue:
Tribunal Decision (attach report)	
Action recommended and any follow up report required	
Decision appealed Yes / No	Date of Appeal lodged: / /
Appeal Hearing Date	/ /
Appeal Decision (attach report)	
Completed by:	Name:  Position:  Signature: <span style="float: right;">Date / /</span>
Signed by:	Complainant:  Respondent:

**This record and any notes must be kept confidential and secure.**