
Australian Canoeing

Member Protection By Law
Effective July 1 2003*



Australian Canoeing

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* See Part 1, Clause 3

PREFACE

Australian Canoeing believes that the well being of every member is integral to the future of our sport. As membership and volunteer numbers decline, we need to look at practices and procedures that create safe, welcoming and enjoyable environments. In addition AC must comply with legislative requirements (such as anti-discrimination and racial and religious vilification laws), identify the potential for any incidents relating to harassment and abuse of our members and develop strategies to reduce the likelihood or severity of its occurrence.

This Member Protection Bylaw is about ensuring policies and procedures are in place that ensure that all people associated with our organisation - including players, administrators, coaches, officials, referees, instructors and guides - can participate in activities in an environment free from inappropriate behaviours such as harassment, discrimination or abuse.

As Australians, we greatly value the importance of sport in our culture and our community, and we all have the right to enjoy our sport, at whichever level we participate.

We commend this Member Protection Bylaw to you and wish you all safe and successful canoeing.

Greg Kaeding
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Australian Canoeing Inc

Jon Bisset
General Manager
Australian Canoeing Inc.

17 February 2003

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PART I – INTRODUCTION

This part sets out the purpose of this By-Law, who it applies to, when it commences, what words mean and who has responsibilities under the By-Law.

1. WHAT IS THE PURPOSE OF THIS BY-LAW?

- 1.1 The purpose of this by-law is to provide guidelines for the protection of the health, safety and well being of all Australian Canoeing members and those who participate in the activities of Australian Canoeing, State Associations and Affiliated Clubs.
- 1.2 This By-Law sets out the procedures to be followed in dealing with Harassment in an effective, appropriate and timely manner. The By-Law provides a procedure for informal and formal resolution of complaints and a procedure for the appeal of such complaints.

2. WHO DOES THIS BY-LAW APPLY TO?

- 2.1 This By-Law applies to the following organisations and individuals:
- (a) persons appointed or elected to boards of directors, executives and/or committees (including sub-committees) of Australian Canoeing, State Associations and Affiliated Clubs;
 - (b) employees and paid contractors of Australian Canoeing, State Associations and Affiliated Clubs;
 - (c) officials appointed or elected by Australian Canoeing, State Associations and Affiliated Clubs in relation to canoeists and/or teams which represent such organisations including team management personnel such as managers, physiotherapists etc;
 - (d) coaches (including assistant coaches) who:
 - (i) are appointed and/or employed by Australian Canoeing, State Associations and Affiliated Clubs (whether paid or unpaid); or
 - (ii) have an agreement (whether or not in writing) with Australian Canoeing, a State Association or an Affiliated Club to coach at a facility owned or managed by such organisation;
 - (e) officials involved in the regulation of the sport of canoeing appointed by Australian Canoeing, a State Association or an Affiliated Club;
 - (f) canoeists who enter any competition, regatta, activity or events (including camps, training sessions etc) which are held or sanctioned by Australian Canoeing, a State Association or an Affiliated Club;
 - (g) Registered Instructors and Guides;
 - (h) State Associations;
 - (i) Affiliated Clubs;

- (j) any other person or organisation, who or which is, a member of, or affiliated to, Australian Canoeing, a State Association or an Affiliated Club (including life members);
- (k) any other person or organisation (for example, a parent/guardian, spectator or sponsor) who or which agrees, in writing or otherwise (whether on a ticket, entry form etc) to be bound by this By-Law.

3. WHAT IS THE STATUS OF THIS BY-LAW?

- 3.1 This By-Law is issued by the board of Australian Canoeing under clause 34 of the Australian Canoeing Constitution.
- 3.2 Except to the extent outlined in clause 3.3, this By-Law comes into force on July 1 2003.
- 3.3 Affiliated Clubs shall not be required to comply with clauses 6 and 7 (screening and Prohibited Person Declaration) of this By-Law until January 1 2004, except where otherwise required by law.
- 3.4 The reference to Complaints in part III shall only include Complaints that arise out of an incident(s), which occurred on or after July 1 2002.
- 3.5 This By-Law may be changed from time to time by board of Australian Canoeing.

4. WHAT DO WORDS IN THIS BY-LAW MEAN?

In this By-Law, words appearing with a capital shall be have the meaning set out in Attachment A and Attachment A will form part of this By-Law.

5. RESPONSIBILITIES UNDER THE BY-LAW

- 5.1 Australian Canoeing and State Associations must:
 - (a) adopt and comply with this By-Law;
 - (b) recognise and enforce any penalty imposed under this By-Law;
 - (c) publish, distribute and promote this By-Law (and any amendments made to it from time to time) to their members in the manner required by Australian Canoeing and make this By-Law available for inspection, or provide a copy;
 - (d) make such amendments to their constitution, rules or by laws in order for this By-Law to be enforceable, as required by Australian Canoeing;
 - (e) use any forms, contracts and clauses prescribed by Australian Canoeing in order to give effect to this By-Law in such documents as contracts, entry forms and canoeist registration forms, as directed by Australian Canoeing;
 - (f) appoint at least one Member Protection Officer and one Mediator to fulfil the functions set out in clauses 13, 14 and 15, and to publish and display the names and contact details of such persons to their members;

- (g) appoint a Hearings Convenor to fulfil the functions set out in clause 16
- (h) establish a Hearings Tribunal in accordance with clause 16, to fulfil the functions set out in clauses 16 and 17.

5.2 Affiliated Clubs must:

- (a) adopt and comply with this By-Law;
- (b) recognise and enforce any penalty imposed under this By-Law;
- (c) publish, distribute and promote this By-Law (and any amendments made to it from time to time) to their members in the manner required by Australian Canoeing and make this By-Law available for inspection, or provide a copy;
- (d) make such amendments to their constitution, rules or by laws in order for this By-Law to be enforceable, as required by Australian Canoeing;
- (e) use any forms, contracts and clauses prescribed by Australian Canoeing in order to give effect to this By-Law in such documents as contracts, entry forms and canoeist registration forms, as directed by Australian Canoeing.

5.3 It is not mandatory for Affiliated Clubs to establish procedures for dealing with Complaints and hearings under this By-Law. If an Affiliated Club wishes to establish procedures for dealing with Complaints and hearings under this By-Law, they must:

- (a) appoint at least one Member Protection Officer and one Mediator to fulfil the functions set out in clauses 13, 14 and 15, and to publish and display the names and contact details of such persons to their members;
- (b) appoint a Hearings Convenor to fulfil the functions set out in clause 16 and to publish and display the name of such person to their members; and
- (c) establish a Hearings Tribunal in accordance with clause 16, to fulfil the functions set out in clauses 16 and 17.

5.4 All other organisations and persons (for example, administrators, employees, officials, coaches, canoeists, parents) to which this By-Law applies, must:

- (a) comply with this By-Law;
- (b) comply with the Codes of Behaviour (as applicable).

5.5 The board of Australian Canoeing, the State Associations and the Affiliated Clubs are responsible for taking all reasonable steps to ensure implementation, compliance and enforcement of this By-Law.

PART II – PREVENTATIVE ACTION

This part sets out the requirement for mandatory screening and declarations for certain roles.

6. WHAT IS SCREENING?

- 6.1 One of the ways Australian Canoeing, the State Associations and the Affiliated Clubs seek to protect the health, safety and well being of people participating in their activities is to screen people for certain roles.
- 6.2 Subject to clause 3.3, screening (as set out in clause 6.4) is **mandatory** for Australian Canoeing, State Associations and Affiliated Clubs for Preferred Applicants and Existing Appointees in the following types of roles:
- (a) coaches and Registered Instructors and Guides who are appointed or seeking appointment (whether employed, contracted or otherwise) by Australian Canoeing, State Associations or Affiliated Clubs for **reward**;
 - (b) volunteer personnel appointed or seeking appointment by Australian Canoeing, State Associations or Affiliated Clubs, who will or are likely to travel away with teams of canoeists **under** 18 years of age; and
 - (c) persons appointed or seeking appointment by Australian Canoeing, a State Association or an Affiliated Club to a role in which that person is likely to have individual and unsupervised contact with canoeists **under** 18 years of age.
- 6.3 Screening is **highly recommended**, but not mandatory, for Preferred Applicants and Existing Appointees in the following types of roles:
- (a) volunteer coaches and Registered Instructors and Guides appointed or seeking appointment by Australian Canoeing, a State Association or an Affiliated Club who will or are likely to travel away with teams of canoeists **over** 18 years of age; and
 - (b) persons appointed or seeking appointment by Australian Canoeing, a State Association or an Affiliated Club to a role in which that person is likely to have contact with canoeists **under** 18 years of age but where such contact is supervised at all times by another adult.
- 6.4 For the purposes of this By-Law, screening shall mean:
- (a) checking the Preferred Applicant's referees;
 - (b) interviewing the Preferred Applicant as to their suitability for the proposed role and their suitability for involvement with children under 18 years of age; and
 - (c) obtaining a Police Check of Preferred Applicants and Existing Appointees.
- 6.5 Checking the Preferred Applicant's referees includes making verbal or written inquiries of their nominated referees (preferably at least 2) as to the Preferred Applicant's suitability for the proposed role and their suitability for involvement with children under 18 years of age.

6.6 The purpose of a Police Check is to see whether the person has any previous relevant criminal convictions. If the Police Check reveals that the person has committed any criminal offences then the following applies:

- (a) if the offence (whenever it occurred) is one involving a serious sex offence (see clause 7.2), assault against a person or an offence which in any way involved persons under 18 years of age, then:
 - (i) in the case of a Preferred Applicant, they must not be appointed to the role;
 - (ii) in the case of an Existing Appointee, steps must be taken to transfer the person to another role which is not set out in clause 6.2 or if no such alternatives exist, to end the appointment of the person. **Note: legal advice should be sought before the process of termination begins.**
- (b) if the offence is one other than those in clause 6.6(a), such as an offence to property or a minor traffic offence, then the Preferred Applicant may be appointed, subject to satisfaction of any other criteria for the role.

6.7 All persons to whom this By-Law applies must agree to Australian Canoeing, the relevant State Association or the relevant Affiliated Club obtaining a Police Check of them if they apply for or currently hold a role of the type set out in clause 6.2. The Police Check must be obtained, in the case of:

- (a) a Preferred Applicant, prior to the appointment;
- (b) an Existing Appointee:
 - (i) in the case of Australian Canoeing and State Associations, by December 31 2003;
 - (ii) in the case of Affiliated Clubs, by June 30 2004.

6.8 The following procedure shall apply in relation Police Checks:

- (a) in the event that an Affiliated Club is required to screen, the Affiliated Club shall require the Preferred Applicant or Existing Appointee to complete a Police Check application. The Police Check shall be forwarded to the State Association from the relevant police department, who shall then advise the Affiliated Club whether the Affiliated Club may appoint the Preferred Applicant or Existing Appointee under clause 6.6(a). Thereafter, the State Association shall either return the Police Check to the Preferred Applicant or Existing Appointee or forward it to Australian Canoeing Inc for storage and disclosure of information in accordance with clause 6.9;
- (b) in the event that a State Association is required to screen, the State Association shall require the Preferred Applicant or Existing Appointee to complete a Police Check application. The Police Check shall be forwarded to the State Association from the relevant police department, who shall determine whether it may appoint the Preferred Applicant or Existing Appointee under clause 6.6(a). Thereafter, the State Association shall either return the Police Check to the Preferred Applicant or Existing

Appointee or forward it to Australian Canoeing Inc for storage and disclosure of information in accordance with clause 6.9;

- (c) in the event that Australian Canoeing Inc is required to screen, Australian Canoeing Inc shall require the Preferred Applicant or Existing Appointee to complete a Police Check application. The Police Check shall be forwarded to Australian Canoeing Inc from the relevant police department, who shall determine whether it may appoint the Preferred Applicant or Existing Appointee under clause 6.6(a). Thereafter, Australian Canoeing Inc shall either return the Police Check to the Preferred Applicant or Existing Appointee or retain it for storage and disclosure of information in accordance with clause 6.9

- 6.9 Where a Police Check has been obtained under this By-Law and forwarded to Australian Canoeing Inc in accordance with clause 6.8, another organisation which is required to screen may, for the purposes of clause 6.4, be advised by Australian Canoeing Inc or a State Association whether it may appoint the Preferred Applicant or Existing Appointee under clause 6.6(a). Disclosure by Australian Canoeing Inc or a State Association of such information will only be permitted if the consent of the person is obtained and the Police Check was obtained in the last 3 years.
- 6.10 If a Preferred Applicant or Existing Appointee is not willing to agree to a screening, Australian Canoeing, the relevant State Association or the relevant Affiliated Club shall:
- (a) in the case of a Preferred Applicant, not appoint the person to any of the roles;
 - (b) in the case of an Existing Appointee, steps must be taken to transfer the person to another role which is not set out in clause 6.2 or if no such alternatives exist, to end the appointment of the person. **Note: legal advice should be sought before the process of termination begins.**
- 6.11 All information obtained during the course of screening (including any Police Check) must be kept confidential to the persons or committee within Australian Canoeing, the State Association or the Affiliated Club who has been delegated the task of investigating and/or making the appointment for the role. Information collected during screening about a person who is not appointed to the role must be returned to the Preferred Applicant and not retained unless the Preferred Applicant agrees.
- 6.12 Successful Preferred Applicants or Existing Appointees must immediately advise, in writing, the President (or in the case of Australian Canoeing, the General Manager) or in their absence, their Nominee of the organisation that appointed them if they are convicted of a criminal offence.
- 6.13 Screening under this By-Law is **not** a replacement for any similar requirement prescribed by law. If state screening legislation sets an equivalent or higher standard of screening to that set under this By-Law, the requirement to screen under this By-Law need not be followed as it would be superseded by any similar requirement prescribed by law.

7. PROHIBITED PERSON DECLARATION

7.1 In addition to screening, Australian Canoeing, the State Associations and the Affiliated Clubs require a Prohibited Person Declaration of all Preferred Applicants and Existing Appointees appointed to a role set out in clause 7.3.

7.2 In this By-Law, the following words shall mean:

“Prohibited Person” means a person who has been convicted of a Serious Sex Offence.

“Prohibited Person Declaration” means a declaration in relation to Serious Sex Offences as set out in Attachment F.

“Serious Sex Offence” means an offence involving sexual activity or acts of indecency including but not limited to:

- (a) rape;
- (b) indecent assault;
- (c) sexual assault;
- (d) assault with intent to have sexual intercourse;
- (e) incest;
- (f) sexual penetration of child under the age of 16;
- (g) indecent act with child under the age of 16;
- (h) sexual relationship with child under the age of 16;
- (i) sexual offences against people with impaired mental functioning;
- (j) abduction and detention;
- (k) procuring sexual penetration by threats or fraud;
- (l) procuring sexual penetration of child under the age of 16;
- (m) bestiality;
- (n) soliciting acts of sexual penetration or indecent acts;
- (o) promoting or engaging in acts of child prostitution;
- (p) obtaining benefits from child prostitution;
- (q) possession of child pornography;
- (r) publishing child pornography and indecent articles.

- 7.3 Subject to clause 3.3, it is mandatory for Australian Canoeing, State Associations and Affiliated Clubs to obtain a Prohibited Person Declaration from Preferred Applicants and Existing Appointees in the following types of roles:
- (a) coaches and Registered Instructors and Guides who are appointed or seeking appointment (whether employed, contracted or otherwise) by Australian Canoeing, State Associations or Affiliated Clubs for **reward**;
 - (b) volunteer personnel appointed or seeking appointment by Australian Canoeing, State Associations or Affiliated Clubs, who will or are likely to travel away with teams of canoeists **under** 18 years of age; and
 - (c) persons appointed or seeking appointment by Australian Canoeing, a State Association or an Affiliated Club to a role in which that person is likely to have individual and unsupervised contact with canoeists **under** 18 years of age.
- 7.4 It is a breach of this By-Law for a Prohibited Person to work or seek work in the roles set out in clause 7.3.
- 7.5 It is also a breach of this By-Law for Australian Canoeing, a State Association or an Affiliated Club to:
- (a) in the case of a Preferred Applicant, appoint the Preferred Applicant in any of the roles set out in clause 7.3 without first obtaining a Prohibited Person Declaration or to appoint a Preferred Applicant who is a Prohibited Person;
 - (b) in the case of an Existing Appointee, to continue to appoint a Prohibited Person in the roles set out in clause 7.3.
- 7.6 The Prohibited Person Declaration must be obtained, in the case of:
- (a) a Preferred Applicant, prior to the appointment;
 - (b) an Existing Appointee:
 - (i) in the case of Australian Canoeing and State Associations, by December 31 2003;
 - (ii) in the case of Affiliated Clubs, by June 30 2004.
- 7.7 If the Prohibited Person Declaration is not provided in accordance with clause 7.6, or the Prohibited Person Declaration reveals that the person is a Prohibited Person, Australian Canoeing, the relevant State Association or the relevant Affiliated Club must:
- (a) in the case of a Preferred Applicant, not appoint the person to any of the roles set out in clause 7.3;
 - (b) in the case of an Existing Appointee, steps must be taken to transfer the person to another role which is not set out in clause 7.3 or if no such alternatives exist, to end the appointment of the person. **Note: legal advice should be sought before the process of termination begins.**
- 7.8 All information in the Prohibited Person Declaration must be kept confidential to the persons or committee within Australian Canoeing, the State Association or the

Affiliated Club who has been delegated the task of requesting and reviewing the Prohibited Person Declaration.

- 7.9 Successful Preferred Applicants or Existing Appointees must immediately advise, in writing, the President (or in the case of Australian Canoeing, the General Manager) or in their absence, their Nominee of the organisation that appointed them, upon becoming a Prohibited Person.
- 7.10 Obtaining a Prohibited Person Declaration under this By-Law is **not** a replacement for any similar requirement prescribed by law. If state legislation sets an equivalent or higher standard to that set under this By-Law the requirement to obtain a Prohibited Person Declaration under this By-Law need not be followed as it would be superseded by any similar requirement prescribed by law.

PART III – BREACHES

This part outlines what constitutes a breach of this By-Law.

8. WHAT IS HARASSMENT?

- 8.1 Harassment is any behaviour by a person or organisation to whom this By-Law applies which is offensive, abusive, belittling or threatening and which is directed at a person or a group of people because of a particular characteristic of that person or group of people. The behaviour must be unwelcome and the sort of behaviour a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated. Whether or not the behaviour is
- 8.2 Harassment is to be determined from the point of view of the person receiving the Harassment.
- 8.3 Harassment includes:
- (a) Sexual Harassment (clauses 8.3 to 8.6);
 - (b) Racial Harassment (clauses 8.7 and 8.8);
 - (c) Sexuality Harassment (clauses 8.9 to 8.11);
 - (d) Disability Harassment (clauses 8.12 and 8.13);
 - (e) Abuse (clauses 8.14 to 8.16);
 - (f) Vilification (clauses 8.17 and 8.18); and
 - (g) Discrimination (clause 9).
- 8.4 Sexual Harassment includes:
- (a) an unwelcome sexual advance; or
 - (b) an unwelcome request for sexual favours; or
 - (c) unwelcome conduct of a sexual nature (including a statement, orally or in writing, of a sexual nature),
- in circumstances where a reasonable person would have anticipated that the person being harassed would be offended, humiliated or intimidated.
- 8.5 Sexual Harassment is often, but need not be, behaviour which either:
- (a) involves blackmail, in that the harassment is accompanied by a direct or implied threat, promise or benefit. For example, a coach who implies that a canoeist's selection to a team is dependent on compliance with a sexual proposition; or
 - (b) creates a hostile or sexually permeated environment, in that the harassment consists of crude remarks, jokes, the display of offensive material or makes the environment uncomfortable.

8.6 Examples of Sexual Harassment may include:

- (a) uninvited touching, kissing, embracing, massaging;
- (b) staring, leering, ogling;
- (c) smutty jokes and comments;
- (d) persistent or intrusive questions about people's private lives;
- (e) repeated invitations to go out, especially after prior refusal;
- (f) the use of promises or threats to coerce someone into sexual activity;
- (g) the display of sexually explicit material eg internet use, computer screen savers, calendars, posters;
- (h) getting undressed in front of others of the opposite sex;
- (i) invading the privacy of others while showering or toileting;
- (j) photographing others while undressing, showering or toileting.

8.7 Sexual Harassment may be a criminal offence, for example indecent assault, rape, sex with a minor, obscene telephone calls or letters. If you believe that a criminal offence may have been committed you should seek legal advice and/or notify the police.

8.8 Racial Harassment includes harassment based on colour, descent, national or ethnic origin, cultural activity and sometimes religion.

8.9 Examples of Racial Harassment include:

- (a) jokes in which race is a significant characteristic of the "butt" of the joke;
- (b) hostile comments about food eaten, dress or religious or cultural practices;
- (c) inferences that all members of a racial or cultural group have particular negative characteristics, such as laziness, drunkenness, greed or sexual promiscuity;
- (d) parodying accents.

8.10 Sexuality Harassment includes harassment based on actual or assumed homosexuality, heterosexuality, bi-sexuality or transexuality.

8.11 Examples of Sexuality Harassment include:

- (a) jokes in which sexuality is a significant characteristic of the "butt" of the joke;
- (b) hostile comments about assumed sexual practices or social activities;
- (c) hostility based on assumed AIDS or HIV infection.

- 8.12 In severe cases, such as threats or acts of violence against a homosexual person, Sexuality Harassment may be a criminal offence. If you believe that a criminal offence may have been committed you should seek legal advice and/or notify the police.
- 8.13 Disability Harassment includes harassment based on physical, mental or psychological disability or harassment of an associate or aide of a person with a disability.
- 8.14 Examples of Disability Harassment include:
- (a) jokes where a particular disability is a significant characteristic of the “butt” of the joke;
 - (b) interfering with a disability aid (eg hearing aid);
 - (c) obstructing a person in a manner that compounds his or her disability (eg putting obstacles in the path of a person with a vision impairment);
 - (d) mocking a person’s disability.
- 8.15 Abuse is a form of Harassment. It includes:
- (a) physical abuse (eg assault);
 - (b) emotional abuse, (eg blackmail, repeated requests or demands);
 - (c) neglect (eg failure to provide the basic physical and emotional necessities of life);
 - (d) abuse of power, which the harasser holds over the harassed.
- Examples of relationships in (d) that involve a power disparity include a coach-canoeist, manager-canoeist, employer-employee, doctor-patient. People in such positions of power need to be particularly wary not to exploit that power.
- 8.16 Examples of abusive behaviour include:
- (a) bullying and humiliation of canoeists by coaches;
 - (b) verbal abuse and insults directed by canoeists or parents at opposing participants;
 - (c) verbal and/or physical abuse of officials by canoeists and coaches.
- 8.17 Some forms of Abuse may constitute a criminal offence, for example assault and child abuse. If you believe that a criminal offence may have been committed you should seek legal advice and/or notify the police.
- 8.18 Vilification involves a person inciting hatred towards, serious contempt for, or severe ridicule of, a person or group of persons by public act. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public. Vilification is a breach of this By-Law where it is based on any of the attributes or characteristics set out in clause 9.2.

- 8.19 Some forms of Vilification may be a criminal offence, for example where harm is threatened. If you believe that a criminal offence may have been committed you should seek legal advice and/or notify the police.

9. WHAT IS DISCRIMINATION?

9.1 Discrimination is treating or proposing to treat a person less favourably than someone else in certain areas of public life on the basis of an attribute or personal characteristic they have.

9.2 The applicable attributes or characteristics are:

- (a) age;
- (b) disability;
- (c) marital status;
- (d) parental/carer status;
- (e) physical features;
- (f) political belief/activity;
- (g) pregnancy;
- (h) race;
- (i) religious belief/activity;
- (j) sex or gender;
- (k) sexual orientation;
- (l) transgender orientation.

9.3 The areas in which discrimination under this By-Law are not permitted are in:

- (a) employment (including unpaid employment) by Australian Canoeing, a State Association or an Affiliated Club;
- (b) the provision of goods and services by Australian Canoeing, a State Association or an Affiliated Club;
- (c) the selection or otherwise of any person for competition or a team (domestic or international) by or on behalf of Australian Canoeing, a State Association or an Affiliated Club;
- (d) the entry or otherwise of any canoeist or other person to any competition held or sanctioned by Australian Canoeing, a State Association or an Affiliated Club (note the exception in clause 9.9);
- (e) obtaining or retaining membership (including the rights and privileges of membership) of Australian Canoeing, a State Association or an Affiliated Club.

- 9.4 Not only is Discrimination unlawful, but Australian Canoeing, the State Associations and the Affiliated Clubs also consider it is wrong because it denies people a chance by judging them on the basis of stereotypes or assumptions about what they can or cannot achieve.
- 9.5 Discrimination includes direct discrimination and indirect discrimination. Direct Discrimination occurs if a person treats, or proposes to treat, someone with an attribute or characteristic (as outlined in clause 9.2) less favourably than the person treats or would treat, someone without that attribute or characteristic, in the same or similar circumstances. Indirect Discrimination occurs where a person imposes or intends to impose a requirement, condition or practice which on its face is not discriminatory, but has the effect of discriminating against a person(s) with a particular attribute.
- 9.6 Discrimination also includes victimisation. Victimisation is where a person is subject to, or is threatened to suffer, any detriment or unfair treatment, because that person has or intends to pursue their legal rights under anti-harassment legislation or under this By-Law.
- 9.7 Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination, is also Discrimination.
- 9.8 Any behaviour or conduct that is discrimination under any federal or state legislation is also Discrimination for the purposes of this By-Law.
- 9.9 Discrimination under this By-Law may be permitted if an exemption under the applicable federal or state legislation applies.

10. CODES OF BEHAVIOUR

- 10.1 To protect the health, safety and well being of all the people participating in the activities of Australian Canoeing, State Associations and Affiliated Clubs, Australian Canoeing has developed and issued Codes of Behaviour. The Codes of Behaviour are set out in Attachment E and Attachment E will form part of this By-Law.

11. WHAT IS A BREACH OF THIS BY-LAW?

- 11.1 It is a breach of this By-Law for any person or organisation to whom this By-Law applies to:
- (a) fail to comply with any of the responsibilities set out in clauses 5.1, 5.2, 5.3 and 5.5.
 - (b) appoint, or continue to appoint, a person to a role set out in clause 6.2:
 - (i) without first undertaking screening (see clause 6.4); and
 - (ii) where the Police Check reveals the person has committed an offence of the type set out in clause 6.6(a);
 - (c) appoint, or continue to appoint, a person to a role set out in clause 7.3:
 - (i) without first obtaining a Prohibited Person Declaration; or

- (ii) where the Prohibited Person Declaration reveals the person is a Prohibited Person;
 - (d) where the person is a Prohibited Person, to work or seek work in the roles set out in clause 7.3;
 - (e) engage in any form of Harassment;
 - (f) make a frivolous, vexatious or malicious Complaint under this By-Law;
 - (g) fail to enforce a penalty imposed by a Hearings Tribunal under clause 17 or an appeal body under clause 18.
- 11.2 Any circumstances that may be a breach may be the subject of a Complaint and/or referred to a hearing under clause 16.

12. COMPLAINT RESOLUTION PROCEDURE

- 12.1 Any person or organisation may make a complaint about a person or organisation to whom this By-Law applies, if they consider that person or organisation has, or may have, committed a breach of any part of this By-Law (a "Complaint").
- 12.2 The Complaint always belongs to the complainant, who will also determine how their Complaint is dealt with and is not divulged to another person without the complainant's agreement, except in the case where a person is required by law to report the matter to governmental authorities (for example, in the case of suspected child abuse).

13. INFORMAL COMPLAINT RESOLUTION PROCEDURE

- 13.1 It is not necessary to provide a written Complaint under this clause.
- 13.2 A person or organisation that has a Complaint ("a complainant") may seek to resolve the Complaint informally. The complainant **may** make an initial approach to:
- (a) a Member Protection Officer;
 - (b) the President (or in the case of Australian Canoeing, the General Manager) or in their absence their Nominee, of Australian Canoeing, a State Association or an Affiliated Club; or
 - (c) another appropriate person within the organisation (eg team manager, coach etc).
- 13.3 If the person approached is a Member Protection Officer, they may:
- (a) listen to and inform the complainant about their possible options; and/or
 - (b) act as a support person for the complainant, including supporting them through any mediation process undertaken to resolve the Complaint.
- 13.4 The Member Protection Officer will:

- (a) keep the matter confidential and only discuss it with those people whom the complainant has authorised them to speak to about the Complaint;
 - (b) inform the relevant governmental authority, if required by law.
- 13.5 If the complainant wishes to try and resolve the Complaint by mediation, the Member Protection Officer will arrange for a mediator (either the Mediator of Australian Canoeing, the relevant State Association, the relevant Affiliated Club or a relevant third person) to mediate the Complaint.
- 13.6 The Mediator shall:
- (a) notify the person complained about that an informal Complaint has been made and provide them with details of the Complaint;
 - (b) attempt to mediate a resolution between the complainant and the person complained about.
- 13.7 If an agreed resolution is reached between the complainant and the person complained about, the Complaint shall be deemed to have been withdrawn and no further action in relation to that Complaint may be taken (except for that which is agreed) under this By-Law.
- 13.8 If following the process in clause 13.6 the Complaint is not resolved informally, the complainant may make a formal Complaint under clause 14.
- 13.9 Nothing in this By-Law prevents the complainant taking action under federal or state legislation.

14. FORMAL COMPLAINT RESOLUTION PROCEDURE

- 14.1 In order for a Complaint to be dealt with in accordance with this clause, a Complaint must be made in writing (however it need not be called or referred to as a Complaint).
- 14.2 A written Complaint must be made to one of the following people:
- (a) a Member Protection Officer of Australian Canoeing, the relevant State Association or the relevant Affiliated Club (if applicable). (A list of the Member Protection Officers must be made available to any person requesting such list and shall be displayed at the premises of Australian Canoeing, State Associations and Affiliated Clubs); or
 - (b) the President (or in the case of Australian Canoeing, the General Manager) or in their absence their Nominee, of Australian Canoeing, the relevant State Association or the relevant Affiliated Club.
- 14.3 If a person listed in clause 14.2 receives a Complaint then they must do the following:
- (a) if such person is not a Member Protection Officer, they shall forward such Complaint as soon as possible to a Member Protection Officer at either Australian Canoeing, the State Association or the Affiliated Club (if

applicable), whichever organisation the person complained about holds the highest role.

- (b) the Member Protection Officer must then ask the complainant whether s/he wishes them to:
- (i) listen to and inform the complainant about their possible options; and/or
 - (ii) act as a support person for the complainant, including supporting them through any mediation process undertaken to resolve the Complaint; or
 - (iii) refer the Complaint to the Hearings Convenor at Australian Canoeing, the relevant State Association or the Affiliated Club (if applicable), whichever organisation the person complained about holds the highest role, for a hearing to be held under clause 16 (if mediation is not a relevant/appropriate option).
- (c) having determined the complainant's wishes in clause 14.3(b), the Member Protection Officer will:
- (i) act in accordance with the complainant's direction in relation to the options set out in clause 14.3(b);
 - (ii) keep the matter confidential and only discuss it with those people whom the complainant has authorised them to speak to about the Complaint;
 - (iii) inform the relevant governmental authority, if required by law.

14.4 If the complainant wishes to try and resolve the Complaint by mediation, the Member Protection Officer shall immediately notify the Mediator of Australian Canoeing, the State Association or the Affiliated Club (if applicable) that a Complaint has been made and provide them with a copy of the written Complaint. If an attempt to mediate was made under clause 13.6, the Mediator under this clause cannot be the same person.

14.5 The Mediator shall:

- (a) notify the person complained about, in writing, that a Complaint has been made and provide them with a copy of the written Complaint;
- (b) attempt to mediate a resolution between the complainant and the person complained about.

14.6 If an agreed resolution is reached between the complainant and the person complained about, the Complaint shall be deemed to have been withdrawn and no further action in relation to that Complaint may be taken (except for that which is agreed) under this By-Law.

14.7 If following the process in clause 14.5 an agreed resolution is not reached and with the complainant's agreement, the Mediator shall refer the Complaint to the Hearings Convenor at Australian Canoeing, the relevant State Association or the relevant Affiliated Club (if applicable), whichever organisation the person complained about holds the highest role, for a hearing to be held under clause 16.

- 14.8 If a complainant withdraws the Complaint, no further action in relation to that Complaint may be taken (unless required by law) under this By-Law.
- 14.9 If an Affiliated Club has not appointed at least one Member Protection Officer and a Hearings Convenor, the Complaint shall be referred to the Member Protection Officers and/or Hearings Convenor of the State Association of which the Affiliated Club is a member or affiliate.
- 14.10 Nothing in this By-Law prevents the complainant taking action under federal or state legislation.

15. SUSPECTED BREACHES

- 15.1 If a Complaint is not received, but the President (or in the case of Australian Canoeing, the General Manager) or in their absence their Nominee, or a Member Protection Officer of Australian Canoeing, a State Association or the Affiliated Club (if applicable) receives information (whether or not in writing) which gives them reasonable cause to suspect that a breach of this By-Law may have been committed, then he or she shall use their reasonable endeavors to advise the person who is suspected of being subject to Harassment, of the complaints procedures under this By-Law.
- 15.2 Except as otherwise provided in this By-Law, all information obtained by the President (or in the case of Australian Canoeing, the General Manager) or in their absence their Nominee or the Member Protection Officer in accordance with this clause must be kept confidential.

16. HEARINGS

- 16.1 Where the Hearings Convenor at Australian Canoeing, a State Association or an Affiliated Club (if applicable) receives a Complaint referred to it under clause 14.3(b)(iii) or 14.7, he or she shall follow the procedures set out in this clause.
- 16.2 Upon receipt of the Complaint, the Hearings Convenor shall as soon as possible do the following:
- (a) determine the composition of the Hearings Tribunal, as detailed in clause 16.3;
 - (b) send to the person complained about:
 - (i) a notice setting out the alleged breach including details of when/where it is alleged to have occurred; and
 - (ii) a notice setting out the date, time and place for the hearing of the alleged breach which shall be as soon as reasonably practicable after receipt of the Complaint;
 - (iii) a copy of the Complaint;
- ("referred to as Notice of Alleged Breach");

- (c) send to the complainant(s) and the chairperson of the Hearings Tribunal a copy of the Notice of Alleged Breach.

16.3 The Hearings Tribunal for each hearing shall be appointed by the board (however described) of Australian Canoeing, the relevant State Association or the relevant Affiliated Club (if applicable) and shall comprise of the following persons:

- (a) a barrister or solicitor (who shall be the chairperson) or, if after reasonable attempts have been made to obtain one without success, then a person with considerable previous experience in the legal aspects of a disciplinary/hearings tribunal;
- (b) a person with a thorough knowledge of the sport;
- (c) one other person of experience and skills suitable to the function of the Hearings Tribunal,

provided that such persons do not include:

- (i) a person who is a member of the board (however described) of the organisation which appoints the Hearings Tribunal; or
- (ii) a person who would, by reason of their relationship with the complainant or the person complained about, be reasonably considered to be other than impartial.

16.4 **Frivolous, vexatious or malicious Complaints**

- (a) If within 48 hours of sending the Notice of Alleged Breach, the person complained about alleges in writing to the Hearings Convenor that the Complaint is frivolous, vexatious or malicious, the chairperson shall as a preliminary issue, determine whether or not such Complaint is frivolous, vexatious or malicious and shall advise the parties of his or her determination.
- (b) The Hearings Convenor shall provide to the other parties to the hearing (see clause 16.6) a copy of the written allegation made by the person complained about, that the Complaint is frivolous, vexatious or malicious.
- (c) The chairperson shall determine such preliminary issue as soon as practicable and in whatever manner the chairperson considers appropriate in the circumstances provided that he or she does so in accordance with the principles of natural justice.
- (d) The decision of the chairperson under this clause 16.4 may be appealed within 48 hours of the determination to the relevant appeal body under clause 18.

16.5 The Hearings Tribunal shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with the principles of natural justice. **The purpose of the hearing shall be to determine whether the person complained about has committed a breach of this By-Law.** If the Hearings Tribunal considers that the person complained about has committed a breach of this By-Law, it may impose any one or more of the penalties set out in clause 17.

- 16.6 The parties to the hearing shall include the complainant, the person complained about and the relevant organisation (being Australian Canoeing, the relevant State Association or the relevant Affiliated Club) and any witnesses, which any such party wishes to have participate in the hearing.
- 16.7 If upon receipt of the Notice of Alleged Breach, the Hearings Tribunal considers that pending the determination of the matter the person complained about may put at risk the safety and welfare of the complainant or others, it may order that the person complained about be:
- (a) suspended from any role they hold with Australian Canoeing, the relevant State Association or the relevant Affiliated Club; and/or
 - (b) banned from any event or activities held by or sanctioned by Australian Canoeing, the State Associations and/or the Affiliated Clubs; and/or
 - (c) required not to contact or in any way associate with the complainant or other person about whom the alleged breach relates,
- pending the determination of the hearing.
- 16.8 There is no right of appeal of the decision by a Hearings Tribunal under clause 16.7.
- 16.9 Any party to the hearing may be represented at the hearing by any person, including a legal representative.
- 16.10 Each party to the hearing shall bear their own costs in relation to the hearing.
- 16.11 The Hearings Tribunal shall give its decision as soon as practicable after the hearing and will deliver to the following a statement of its written reasons:
- (a) the President (or in the case of Australian Canoeing, the General Manager) of the organisation which established the Hearings Tribunal;
 - (b) the complainant;
 - (c) the person complained about; and
 - (d) any other party represented in the hearing.
- 16.12 Each member of each Hearings Tribunal established under this By-Law shall be indemnified by the organisation which appointed them, from any claim or action for loss, damages, or costs made against them arising out of, or in connection with, their function as a member of the Hearings Tribunal under this By-Law.
- 16.13 Except as otherwise provided in this By-Law, all members of the Hearings Tribunal shall keep all matters relating to the hearing (including but not limited to the nature of the Complaint, information obtained before and during the hearing and the decision of the Hearings Tribunal) confidential.
- 16.14 To the extent of any inconsistency between the hearing procedure set out in the constitution of Australian Canoeing, the State Associations or the Affiliated Clubs and the hearing procedure set out in this By-Law, this By-Law shall prevail in relation to all Complaints under this By-Law.

17. WHAT PENALTIES MAY BE IMPOSED?

17.1 If the Hearings Tribunal considers that a person or organisation to whom this By-Law applies, has breached this By-Law, it may impose any one or more of the following penalties:

(a) **for breaches committed by organisations:** If the Hearings Tribunal considers that Australian Canoeing, a State Association, an Affiliated Club or any other organisation has breached this By-Law, it may impose any one or more of the following penalties on such organisation:

- (i) direct that any funding granted or given to it by Australian Canoeing or a State Association cease from a specified date;
- (ii) impose a monetary fine for an amount determined by the Hearings Tribunal;
- (iii) impose a warning;
- (iv) recommend to Australian Canoeing and/or the relevant State Association that its membership of such organisation be
- (v) suspended or terminated in accordance with their applicable constitution;
- (vi) direct that any rights, privileges and benefits provided to that organisation by Australian Canoeing or a State Association be suspended for a specified period and/or terminated;
- (vii) direct that Australian Canoeing and State Associations cease to sanction events held by or under the auspices of that organisation;
- (viii) any other such penalty as the Hearings Tribunal considers appropriate.

(b) **for breaches committed by individual persons:** If the Hearings Tribunal considers that an individual person to whom this By-Law applies has breached this By-Law, it may impose any one or more of the following penalties on such person:

- (i) direct that the offender attend counselling to address their conduct;
- (ii) recommend that Australian Canoeing, the relevant State Association or the relevant Affiliated Club terminate the appointment of the role which the offender holds with such organisation;
- (iii) where there has been damage to property, direct that the offender pay compensation to the relevant organisation which controls or has possession of the property;
- (iv) impose a monetary fine for an amount determined by the Hearings Tribunal;
- (v) impose a warning;

- (vi) in the case of a coach, direct the relevant organisation to de-register the accreditation of the coach for a period or indefinitely;
- (vii) in the case of a Registered Instructor and Guide, direct Australian Canoeing to withdraw their registration;
- (viii) withdraw any awards, placings, records won in any tournaments, activities or events held or sanctioned by Australian Canoeing, a State Association or an Affiliated Club;
- (ix) direct the offender to repay all or part of any financial assistance (excluding any fee for service, wages or expenses) given to them by any federal or state funding agency, Australian Canoeing, a State Association, an Affiliated Club or any other organisation which has provided funding;
- (x) any other such penalty as the Hearings Tribunal considers appropriate.

17.2 If an organisation or individual commits a second or subsequent breach under this By-Law, then the Hearings Tribunal shall have regard to the previous breach, the penalty imposed and any other relevant factors, in imposing a penalty for the second or subsequent breach.

17.3 If a penalty is imposed by the Hearings Tribunal under clause 17.1, the President (or in the case of Australian Canoeing, the General Manager) of the organisation from which the Hearings Tribunal is established shall as soon as possible notify in writing Australian Canoeing and each State Association of such penalty. Notification of such penalty to the State Association shall be deemed to be notification to all Affiliated Clubs which are members of, or affiliated to, the State Association.

17.4 Every organisation to which this By-Law applies shall recognise and enforce any decision and penalty imposed by a Hearings Tribunal under this By-Law.

18. HOW CAN A DECISION BE APPEALED?

18.1 Any party to a hearing held under clause 16 (including an organisation) may appeal a decision of a Hearings Tribunal.

18.2 An appeal shall be made to the following appeal body:

- (a) an appeal against a decision of a Hearings Tribunal established by an Affiliated Club, shall be made to the Hearings Tribunal of the relevant State Association of which the Affiliated Club is a member or affiliate;
- (b) an appeal against a decision of a Hearings Tribunal established by a State Association, shall be made to the Hearings Tribunal of Australian Canoeing;
- (c) an appeal against a decision of a Hearings Tribunal established by Australian Canoeing, shall be made to the appeal division of the Court of Arbitration for Sport (Oceania Registry) ("CAS")

(referred to as the "Appeal Body").

18.3 There is only one right of appeal following the decision of the initial Hearings Tribunal. Any appeal must be solely and exclusively resolved by the Appeal Body and the decision of such Appeal Body is final and binding on the parties. It is agreed that no party to such appeal may institute or maintain proceedings in any court or tribunal other than the relevant Appeal Body. **Note: This provision does not prevent any person or organisation taking action under federal or state legislation.**

18.4 The process for such appeal is as follows:

- (a) the party wishing to appeal ("the Appellant") shall within 72 hours of the Hearings Tribunal delivering its decision:
 - (i) advise, in writing the President (or in the case of Australian Canoeing, the General Manager) of the organisation of the relevant Appeal Body of their intention to appeal ("Notice of Intention to Appeal"); and
 - (ii) in the case of an appeal to CAS from a decision of a Hearings Tribunal established by Australian Canoeing, complete and file an application to appeal with CAS in accordance with the Code of Sports Related Arbitration; and
- (b) for all appeals, except those to CAS, as soon as possible after receipt of the Notice of Intention to Appeal, the Hearings Convenor of the organisation of the relevant Appeal Body shall appoint a Hearings Tribunal to hear and determine the appeal, which shall comprise of persons in accordance with clause 16.3; and
- (c) within 5 days of lodging the Notice of Intention to Appeal, (or such shorter time as determined by the Appeal Body if there is urgency) the Appellant shall:
 - (i) pay the appeal fee to the chairperson of the Appeal Body, which shall be \$110.00 (including GST) which is non-refundable, except for an appeal to CAS which shall be as per the Code of Sports-Related Arbitration applicable to CAS; and
 - (ii) submit to the chairperson of the Appeal Body or CAS (as the case may be), the grounds of the appeal in writing and provide copies to the other party, to the President (or in the case of Australian Canoeing, the General Manager) of the organisation which established the Hearings Tribunal who made the decision which is the subject of the appeal and the President (or in the case of Australian Canoeing, the General Manager) of the organisation which established the Appeal Body.

If either of the requirements in this sub-clause are not met by the due time the appeal shall be deemed to be withdrawn;

- (d) on completion of the procedures in (a) to (c), the chairperson of the Appeal Body shall determine a place, time and date for the hearing of the appeal and as soon as possible thereafter notify all parties to the appeal in writing of such details; and

- (e) the procedure for the appeal shall be the same as the procedure for the Hearings Tribunal set out in clause 16 except where the Appeal Body is CAS, in which case the Code of Sports-Related Arbitration shall apply.
- 18.5 Upon hearing the appeal, the Appeal Body may do any one or more of the following:
- (a) dismiss the appeal;
 - (b) uphold the appeal;
 - (c) impose any of the penalties set out in clause 17;
 - (d) reduce, increase or otherwise vary any penalty imposed by the initial Hearings Tribunal.
- 18.6 The President (or in the case of Australian Canoeing, the General Manager) of the organisation from which the Appeal Body is established shall as soon as possible notify in writing Australian Canoeing and each State Association of the outcome of the appeal. Notification to the State Association shall be deemed to be notification to all Affiliated Clubs that are members of, or affiliated to, the State Association.
- 18.7 The Appeal Body has no power to award costs and each party shall bear their own costs in relation to any appeal.
- 18.8 To the extent of any inconsistency between the hearing appeal procedure set out in the constitution of Australian Canoeing, the State Associations or the Affiliated Clubs and the hearing appeal procedure set out in this By-Law, this By-Law shall prevail in relation to all Complaints under this By-Law.

ATTACHMENT A - BY-LAW DEFINITIONS

“Abuse” means a form of Harassment, as more specifically set out in clauses 8.14 to 8.16.

“Affiliated Club” has the same meaning as in the Australian Canoeing Constitution.

“Australian Canoeing” means Australian Canoeing Inc, the national governing body for canoeing in Australia.

“Australian Canoeing Constitution” means the constitution of Australian Canoeing as amended from time to time.

“By-Law” and **“this By-Law”** means this Member Protection By-Law.

“Codes of Behaviour” means the codes of behaviour developed and issued by Australian Canoeing as set out in Attachment E.

“Complaint” means a complaint made under clauses 13 and 14.

“Disability Harassment” means a form of Harassment, as more specifically set out in clauses 8.12 and 8.13.

“Discrimination” means a form of Harassment, as more specifically set out in clause 9.

“Existing Appointee” means a person currently elected, appointed or holding a position, whether by way of employment, contract or otherwise and whether paid or unpaid.

“General Manager” means the general manager of Australian Canoeing.

“Harassment” has the meaning set out in clause 8.

“Hearings Convenor” means a person appointed in accordance with clause 5.1(g) and clause 5.3(b), who is responsible for the administration of hearings by the Hearings Tribunal.

“Hearings Tribunal” means the tribunal of Australian Canoeing, a State Association or an Affiliated Club established to hear and determine alleged breaches and appeals under this By-Law.

“Mediator” means a person appointed in accordance with clause 5.1(f) and 5.3(a) to mediate disputes and concerns in relations to Complaints under this By-Law.

“Member Protection Officer” means a person appointed in accordance with clause 5.1(f) and 5.3(a), who may be the first point of contact for someone bringing a Complaint under this By-Law.

“Police Check” means a police records check which conducts a search on a national basis.

“Preferred Applicant” means a person short listed for a position, whether by way of employment, contract or otherwise and whether paid or unpaid.

“Racial Harassment” means a form of Harassment, as more specifically set out in clauses 8.7 and 8.8.

“Registered Instructors and Guides” has the same meaning as in the Australian Canoeing Constitution.

“Sexual Harassment” means a form of Harassment, as more specifically set out in clauses 8.3 to 8.6.

“Sexuality Harassment” means a form of Harassment, as more specifically set out in clauses 8.9 to 8.11.

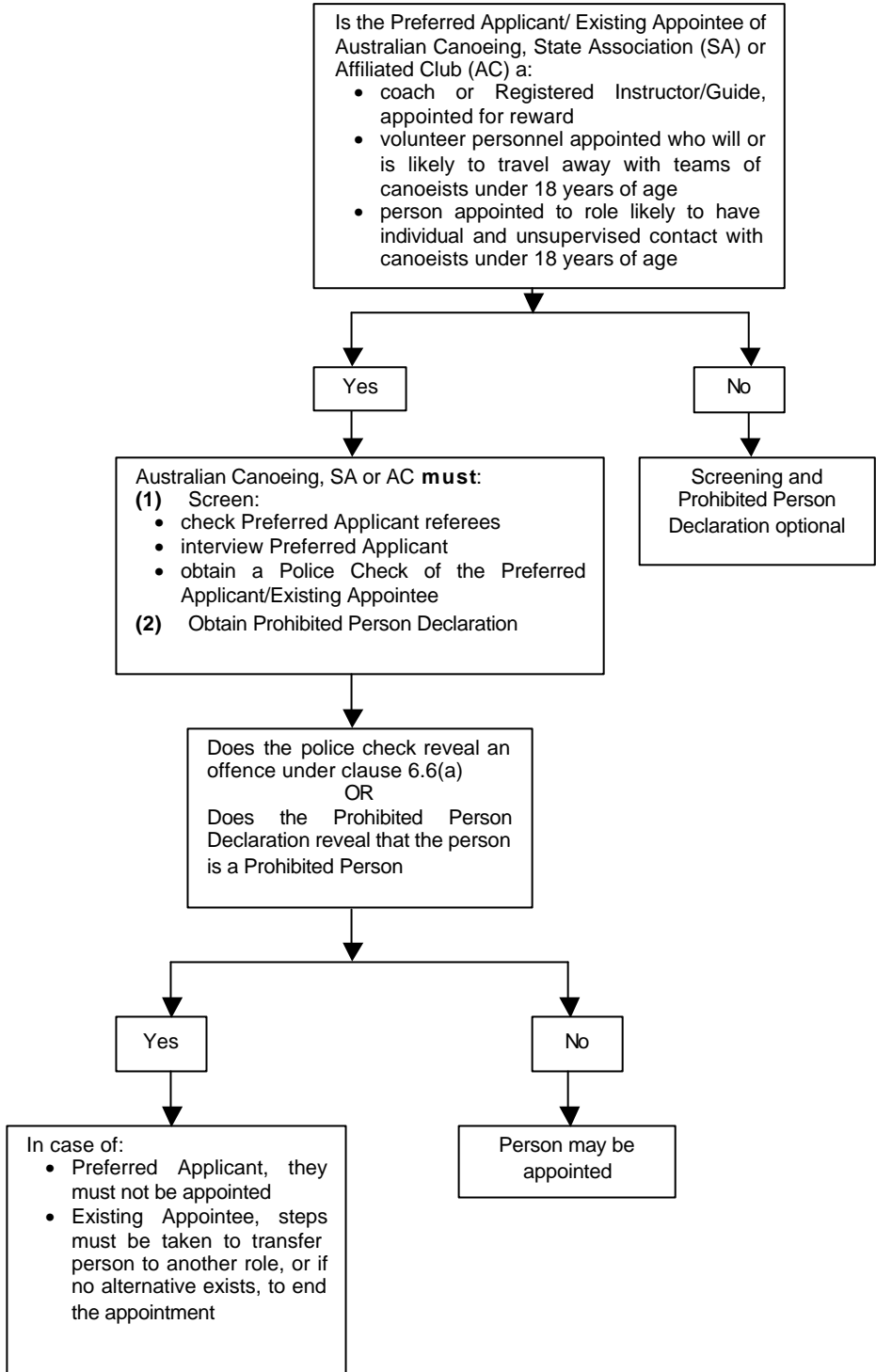
“State Associations” has the same meaning as in the Australian Canoeing Constitution.

“their Nominee” means the person who is, under the constitution of the relevant organisation, empowered to act in the President’s absence. It may include a vice-president, deputy chairperson or other similar title, however described.

“Vilification” means a form of Harassment, as more specifically set out in clauses 8.17 and 8.18.

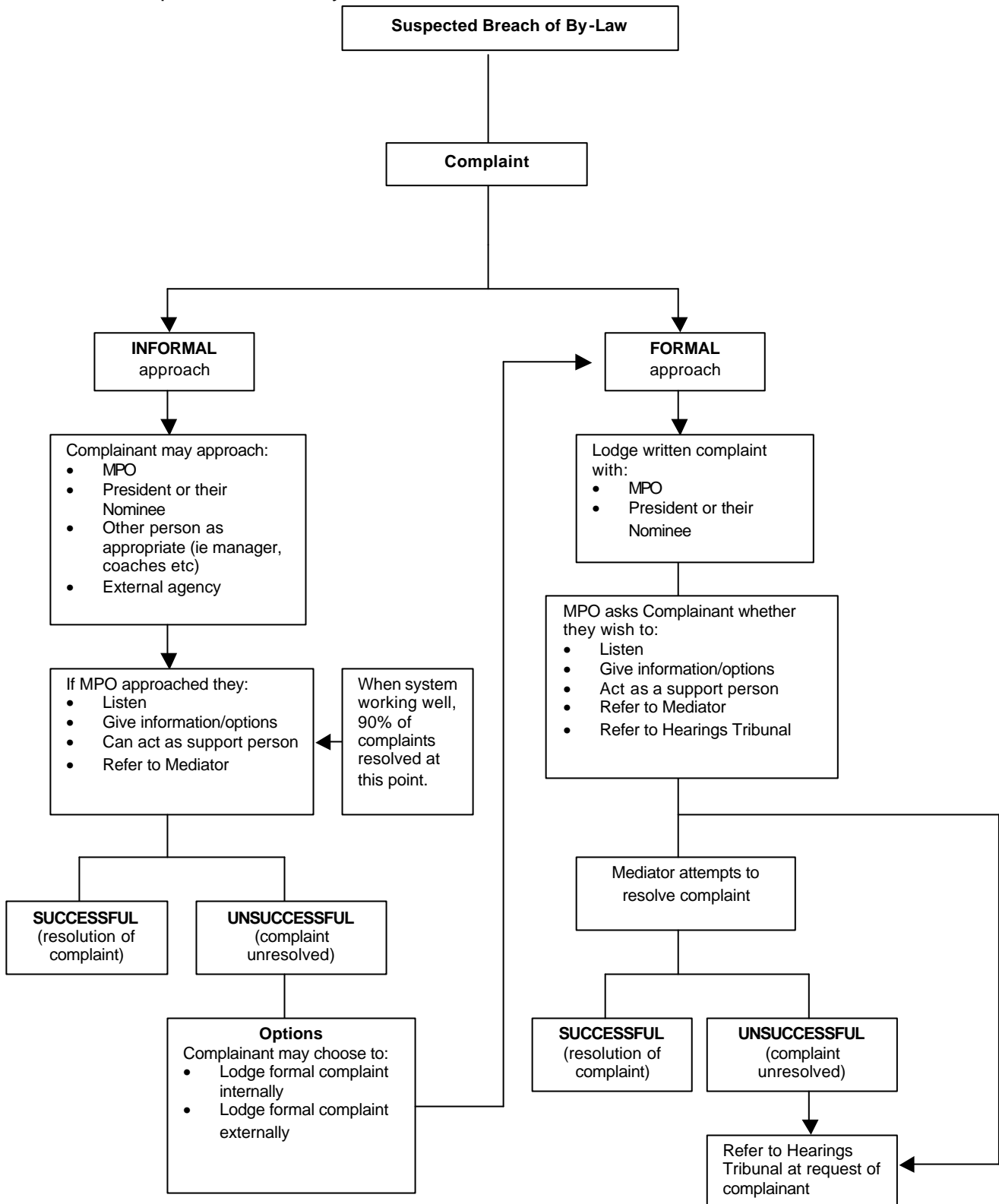
ATTACHMENT B - PREVENTATIVE ACTION (CLAUSES 6 AND 7) FLOW DIAGRAM

Attachment B has been included in this By-Law by way of summary and it is not to be used for the interpretation of this By-Law.



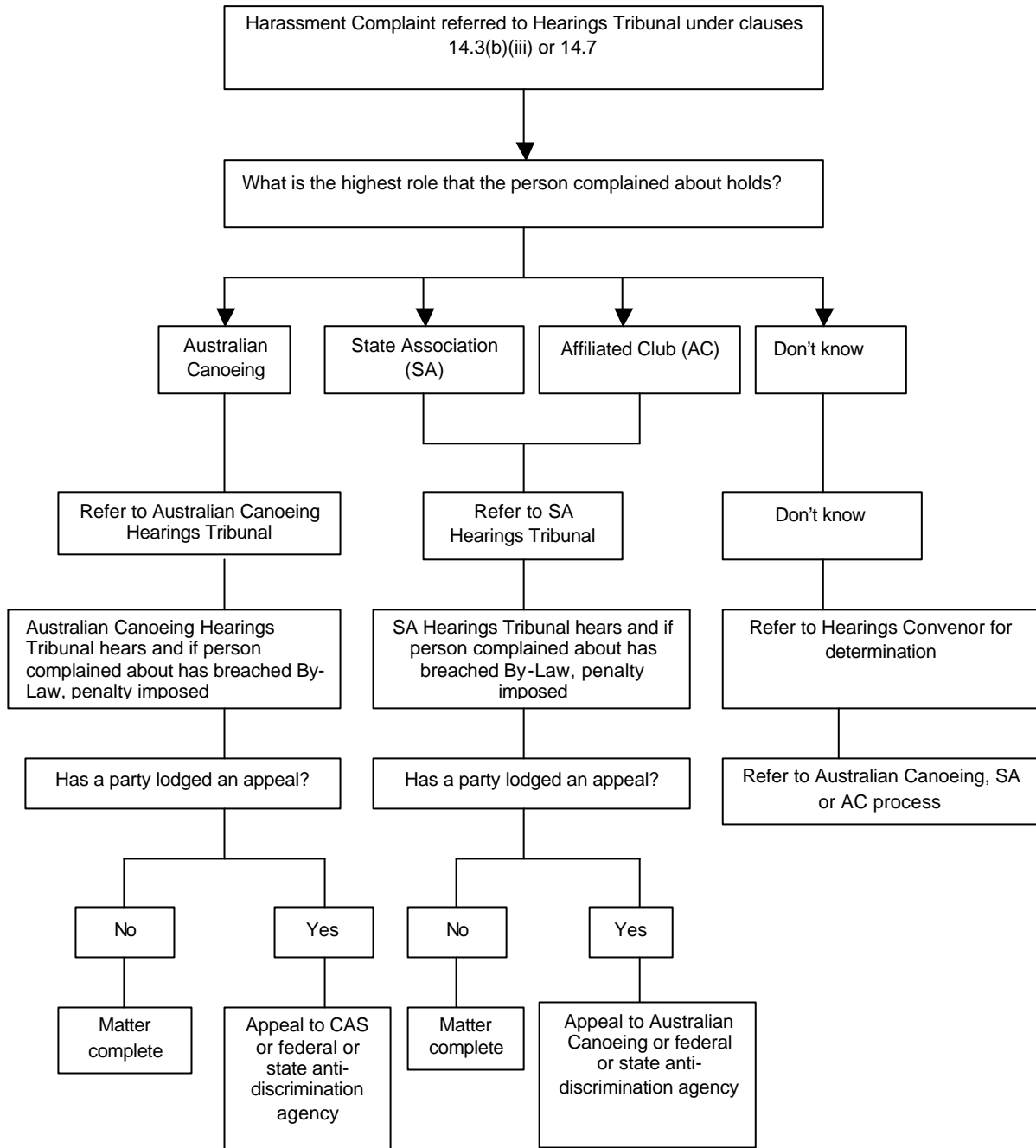
ATTACHMENT C - COMPLAINT RESOLUTION PROCEDURE (CLAUSES 13 AND 14) FLOW DIAGRAM

Attachment C has been included in this By-Law by way of summary and it is not to be used for the interpretation of this By-Law



ATTACHMENT D - HEARING TRIBUNAL PROCESS (CLAUSE 16) FLOW DIAGRAM

Attachment D has been included in this By-Law by way of summary and it is not to be used for the interpretation of this By-Law



ATTACHMENT E - CODES OF BEHAVIOUR

GENERAL CODE OF BEHAVIOUR

As a person required to comply with this By-Law, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Australian Canoeing, a State Association or an Affiliated Club and in any role you hold within Australian Canoeing, a State Association or an Affiliated Club:

1. Respect the rights dignity and worth of others.
2. Be fair, considerate and honest in all dealing with others.
3. Be professional in, and accept responsibility for your actions.
4. Make a commitment to providing quality service.
5. 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.
6. Be aware of, and maintain an uncompromising adherence to Australian Canoeing standards, rules, regulations and policies.
7. Operate within the rules of Australian Canoeing including national and international registered guidelines that govern Australian Canoeing and the State Associations.
8. Understand your responsibility if you breach, or are aware of any breaches of this Code of Behaviour.
9. Do not use your involvement with Australian Canoeing, a State Association or an Affiliated Club to promote your own beliefs, behaviours or practices where these are inconsistent with those of Australian Canoeing, the State Associations or the Affiliated Clubs.
10. Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.
11. Refrain from any form of abuse towards others.
12. Refrain from any form of harassment towards, or discrimination of, others.
13. Provide a safe environment for the conduct of the activity.
14. Show concern and caution towards others who may be sick or injured.
15. Be a positive role model.

ADMINISTRATOR CODE OF BEHAVIOUR

In addition to the General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held by or under the auspices of Australian Canoeing, a State Association or an Affiliated Club and in any role as an administrator of Australian Canoeing, a State Association or an Affiliated Club:

1. Be fair, considerate and honest in all dealing with others.
2. Be professional in, and accept responsibility for your actions. Your language, presentation, manners and punctuality should reflect high standards.
3. 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.
4. Resolve conflicts fairly and promptly through established procedures.
5. Maintain strict impartiality.
6. Maintain a safe environment for you and others.
7. Be aware of your legal responsibilities.
8. Be a positive role model for others.

COACH AND REGISTERED INSTRUCTOR AND GUIDE CODE OF BEHAVIOUR

In addition to the General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Australian Canoeing, a State Association or an Affiliated Club and in your role as a coach or registered instructor and guide of Australian Canoeing, a State Association or an Affiliated Club:

1. Treat all canoeists with respect at all times. Be honest and consistent with them. Honour all promises and commitments, both verbal and written.
2. Provide feedback to canoeists in a caring sensitive manner to their needs. Avoid overly negative feedback.
3. Recognise canoeists' rights to consult with other coaches and advisers. Cooperate fully with other specialists (eg. sports scientists, doctors, physiotherapists etc).
4. Treat all canoeists fairly within the context of their sporting activities, regardless of gender, race, place of origin, athletic potential, colour, sexual orientation, religion, political beliefs, socio-economic status, and other condition.
5. Encourage and facilitate canoeists' independence and responsibility for their own behaviour, performance, decisions and actions.
6. Involve the canoeists in decisions that affect them.
7. Determine, in consultation with canoeists and others, what information is confidential and respect that confidentiality.
8. Encourage a climate of mutual support among your canoeists.
9. Encourage canoeists to respect one another and to expect respect for their worth as individuals regardless of their level of play.
10. At all times use appropriate training methods that in the long term will benefit the canoeists and avoid those which could be harmful.
11. Ensure that the tasks/training set are suitable for age, experience, ability and physical and psychological conditions of the canoeists.
12. Be acutely aware of the power that you as a coach / registered instructor and guide develop with your canoeists in the coaching relationship and avoid any sexual intimacy with canoeists that could develop as a result.
13. Avoid situations with your canoeists that could be construed as compromising.
14. Actively discourage the use of performance enhancing drugs, the use of alcohol and tobacco and illegal substance.
15. Respect the fact that your goal as a coach / registered instructor and guide for the canoeist may not always be the same as that of the canoeist. Aim for excellence based upon realistic goals and due consideration for the canoeist's growth and development.
16. Recognise individual differences in canoeists and always think of the canoeist's long-term best interests.

17. Set challenges for each canoeist which are both achievable and motivating.
18. At all times act as a role model that promotes the positive aspects of sport and of canoeing by maintaining the highest standards of personal conduct and projecting a favourable image of the sport of canoeing and of coaching at all times.
19. Do not exploit any coaching relationship to further personal, political, or business interests at the expense of the best interest of your canoeists.
20. Encourage canoeists and coaches to develop and maintain integrity in their relationship with others.
21. Respect other coaches / registered instructors and guides and always act in a manner characterised by courtesy and good faith.
22. When asked to coach a canoeist, ensure that any previous coach-canoeist relationship has been ended by the canoeist-others in a professional manner.
23. Accept and respect the role of officials in ensuring that competitions are conducted fairly and according to established rules.
24. Know and abide by Australian Canoeing rules, regulations and standards, and encourage canoeists to do likewise. Accept both the letter and the spirit of the rules.
25. Be honest and ensure that qualifications are not misrepresented.
26. Be open to other people's opinion and willingness to continually learn and develop.

CANOEIST CODE OF BEHAVIOUR

In addition to the General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Australian Canoeing, a State Association or an Affiliated Club and in your role as a canoeist of Australian Canoeing, a State Association or an Affiliated Club:

1. Respect the rights, dignity and worth of fellow canoeists, coaches, registered instructors and guides, officials and spectators.
2. Refrain from conduct which could be regarded as sexual or other harassment towards fellow canoeists and coaches / registered instructors and guides.
3. Respect the talent, potential and development of fellow squad members and competitors.
4. Care and respect the equipment provided to you as part of your program.
5. Be frank and honest with your coach / registered instructor and guide concerning illness and injury and your ability to train fully within the program requirements.
6. Conduct yourself in a professional manner relating to language, temper and punctuality.
7. Maintain high personal behaviour standards at all times.
8. Abide by the rules and respect the decision of the adjudicator, making all appeals through the formal process and respecting the final decision.
9. Be honest in your attitude and preparation to training. Work equally hard for yourself and your team/crew.
10. Cooperate with coaches, registered instructors and guides and staff in development of programs to adequately prepare you for competition at the highest level.

OFFICIAL CODE OF BEHAVIOUR

In addition to General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Australian Canoeing, a State Association or an Affiliated Club and in your role as an official appointed by Australian Canoeing, a State Association or an Affiliated Club:

- 1 Place the safety and welfare of the canoeists/participants above all else.
- 2 Accept responsibility for all actions taken.
- 3 Be impartial.
- 4 Avoid any situation that may lead to a conflict of interest.
- 5 Be courteous, respectful and open to discussion and interaction.
- 6 Value the individual in sport.
- 7 Encourage inclusivity and access to all areas of officiating.

PARENT/GUARDIAN CODE OF BEHAVIOUR

In addition to the General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Australian Canoeing, a State Association or an Affiliated Club and in your role as a parent/guardian of a canoeist of Australian Canoeing, a State Association or an Affiliated Club:

1. Treat your child the same irrespective of them winning or losing.
2. Remember that your child participates in the sport of canoeing for their enjoyment not yours.
3. Try to have fun when you are around your children at competitions and regattas. Well-directed humour can be a great de-stressor.
4. Look relaxed, calm and positive on the sidelines.
5. Make friends with other parents at competitions.
6. Get involved in appropriate ways if your child or the coach behaves in unacceptable ways during competitions.
7. Let the coach do the coaching.
8. Understand that children will benefit from a break sometimes and that involvement in other sports is okay.
9. Be there when your child performs poorly. Be an understanding listener rather than a critic, judge and/or fixer.
10. Be prepared to give your child some space so that he/she can grow and develop as an independent person.
11. Let your child know that your love for them is not associated with their sporting performances.
12. Communicate with your child and ask them how they are really feeling about their sport and about competing in particular.
13. Occasionally let your child compete without you being there and hovering over them.
14. Emphasise the good things your child did in preparing for and during the competition/regatta.
15. Try to avoid:
 - Saying “we’re racing today”. Instead say “you’re racing today”. Give your child credit for accepting the responsibility of performing.
 - Getting too pushy or believe that you are indispensable. Let the coach do the coaching.
 - Living through your child’s performances.
 - Turning away when your child performs.

- Turning away when your child's behaviour is unsportsmanlike.
- Telling your child what he/she did wrong after a tough race.
- Making enemies with your child's opponents or family during a competition/regatta.
- Making your child feel guilty by reminding them about all the time, money and sacrifices you are making for his or her sport.
- Thinking of your child's sporting performances as an investment for which you expect a return.
- Badgering, harassing or use sarcasm to motivate your child.
- Comparing your child's performances with those of other children.
- Forcing your child to go to training. If they are sick of training find out why and discuss it with them.

ATTACHMENT F - PROHIBITED PERSON DECLARATION

The Australian Canoeing Member Protection By-Law makes it a breach of the by-law for a Prohibited Person (defined as a person who has been convicted of a Serious Sex Offence) to work or seek work in the following roles:

- coaches and registered instructors and guides who are appointed or seeking appointment (whether employed, contracted or otherwise) for reward;
- volunteer personnel appointed or seeking appointment, who will or are likely to travel away with teams of canoeists under 18 years of age; and
- persons appointed or seeking appointment to a role in which that person is likely to have individual and unsupervised contact with canoeists under 18 years of age.

The Australian Canoeing Member Protection By-Law also makes it a breach of the by-law to appoint, or continue to appoint, a person to a role set out above:

- without first obtaining this declaration; or
- where this declaration reveals the person is a Prohibited Person.

The Australian Canoeing Member Protection By-Law defines a Serious Sex Offence to mean an offence involving sexual activity or acts of indecency including but not limited to:

- 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.

Declaration

I am aware that I am ineligible to work or seek work in the roles set out above if I have been convicted of a Serious Sex Offence, as defined in the Australian Canoeing Member Protection By-Law.

I have read and understood the above information in relation to the Australian Canoeing Member Protection By-Law and understand my responsibilities and obligations under it.

I declare that I am not a person prohibited under the Australian Canoeing Member Protection By-Law from working or seeking work in the roles set out above.

I acknowledge that I am required to advise the President (or in the case of Australian Canoeing, the General Manager) of the organisation appointing me, immediately upon becoming a Prohibited Person.

Name:

Signature: Date:

Note: Seek legal advice if you are unsure of your status.

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

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

Name:

Signature: Date: