



CHILD PROTECTION POLICY

SURFING VICTORIA
JULY 2022, Version 2



CONTENTS

1. Introduction
 - 1.1 Introduction to the Surfing Victoria Child Protection Policy
2. Purpose of the Policy
3. Principles for Creating and Maintaining a Child Safe Organisation
4. Victorian Commission for Children and Young People – Child Safe Standards, July 2022
 - 4.1 Child Safe Standard 1
 - 4.2 Child Safe Standard 2
 - 4.3 Child Safe Standard 3
 - 4.4 Child Safe Standard 4
 - 4.5 Child Safe Standard 5
 - 4.6 Child Safe Standard 6
 - 4.7 Child Safe Standard 7
 - 4.8 Child Safe Standard 8
 - 4.9 Child Safe Standard 9
 - 4.10 Child Safe Standard 10
 - 4.11 Child Safe Standard 11
5. Related Documents and Legislative Requirements
6. Who is bound by the Policy
7. Extent of the Policy
8. Organisational Responsibilities
9. Individual Responsibilities
10. Complaints Procedures and Protocols
 - 10.1. Reception and Management of Complaints
 - 10.2. Improper or Unfounded Complaints and Victimisation
 - 10.3. Mediation
 - 10.4. Tribunals
 - 10.5. Referral of the Complaint (Serious Breach of the Policy)
11. What is a Breach of the Policy
12. Disciplinary Measures
 - 12.1 Individual
 - 12.2 Organisation
 - 12.3 Factors to Consider
13. Review Process

Schedule 1 - Position Statements

1. Child Protection
 - 1.1 Identify and Analyse Risk of Harm
 - 1.2 Develop Codes of Behaviour and Conduct
 - 1.3 Choice of Suitable Employees and Volunteers
 - 1.4 Support, Train, Supervise and Enhance Performance of Employees and Volunteers
 - 1.6 Reporting and Responding Appropriately to Suspected Children at Risk of Harm
 - 1.7 Reporting of Child Sexual Abuse
2. Supervision
3. Transportation
4. Taking images of Children
5. Anti-Discrimination and Harassment
 - 5.1 Discrimination
 - 5.2 Harassment
 - 5.3 Prohibition Against Discrimination and Harassment
6. Bullying



7. Inappropriate Behaviour or Conduct with Children
8. Inclusive Practices
 - 8.1 People with a Disability
 - 8.2 People from Diverse Cultures, Races, Religion
 - 8.3 Sexual and Gender Identity
9. Girls Competing/Participating in Boys Events or Competitions
10. Consumption of Alcohol
11. Smoke-Free Environment
12. Social Networking (Social Media)

Schedule 2 – Employment Screening/Working With Children Check Requirements

1. SV Personnel Recruitment and Screening Processes Attachments
 1. Child Protection Declaration
 2. Working With Children Requirements
 - 2.1 Victorian Working With Children Check
 - 2.2 Other Australian State and Territories Working With Children Check Requirements

Schedule 3 – Guidelines for Interactions with Children and Young People

1. Maintain Appropriate Boundaries
 - 1.1 Physical Boundaries
 - 1.2 Emotional Boundaries
 - 1.3 Social Boundaries
 - 1.4 Sexual Boundaries
2. Minimise Physical Contact
 - 2.1 Coaches Assistance
3. Avoid Being Alone with a Child or Young Person
 - 3.1 Change Rooms
 - 3.2 Hotel Rooms or Other Accommodation
 - 3.3 Travel – In General
 - 3.4 Sexual Relationships, Behaviour or Conduct
4. Leaving Children or Young People Unattended

Schedule 4 – Understanding of Child Abuse

1. Types of Child Abuse
 - 1.1 Sexual Abuse/Sexual Misconduct
 - 1.2 Physical Abuse
 - 1.3 Emotional Abuse
 - 1.4 Neglect
 - 1.5 Family Violence
 - 1.6 Organised Sexual Abuse
2. Indicators of Abuse

Schedule 5 – Complaints Procedure

- Attachments
1. Complaints Process
 1. Talk with the other person/s involved in the complaint (if safe and appropriate)
 2. Making/Reporting a complaint
 3. Investigating a complaint
 4. Reconsidering a complaint or appealing a decision
 5. Documenting the resolution
 6. Approaching external organisations\



2. Mediation Process
3. Investigation Process

Schedule 6 – Tribunal Procedure

Schedule 7 – Reporting Requirements and Documents/Forms

Attachments

1. Record of Complaint
2. Management of Allegations of Child Abuse, Assault or Neglect
 - 2.1 Reception of Allegation
 - 2.2 Reporting of Allegation
 - 2.3 Protecting the Child and Managing the Situation
 - 2.4 Taking Internal Action
 - 2.5 Adults Under Investigation
 - 2.6 Contact Details for Child Abuse, Assault or Neglect
3. Failure to Disclose a Child Sexual Abuse Offence
 - 3.1 Reasonable Belief of Child Sexual Abuse
 - 3.2 Reasonable Excuses for Not Reporting Child Sexual Abuse to Police
 - 3.2.1 Reasonable Excuse – Fear of Safety
 - 3.2.2 Reasonable Excuse – Belief that the Information has already been Disclosed
 - 3.2.2.1 Reasonable Grounds for Belief
 - 3.2.2.2 Voluntary Reporting
 - 3.2.3 Excuses that are Not Reasonable
 - 3.3 Exemptions from the Offence
 - 3.3.1 A Victim Aged 16 Years or Over Requests Confidentiality
 - 3.3.2 You were a Child when you Received the Information
 - 3.3.3 The Information would be Privileged
 - 3.3.4 The Information is a ‘Confidential Communication’
 - 3.3.5 The Information is in the Public Domain
 - 3.3.6 You are a Police Officer Acting in the Course of Duty
 - 3.4 Protections for People who Report Child Sexual Abuse
 - 3.5 How to make a Report to Police
4. Confidential Record of Child Abuse Allegation

Schedule 8 – Risk Management

1. Risk Assessment
 - 1.1 Risk Likelihood
 - 1.2 Risk Consequence
 - 1.3 Risk Likelihood/Consequence Rating Matrix
 - 1.4
2. Risk Register

Schedule 9 – Definitions

Schedule 10 – Codes of Conduct and Disciplinary Handbook

Part A. Surfing Victoria Codes of Conduct

1. General Code of Conduct
2. SV Staff, Administrators and Volunteers Code of Conduct
3. Athletes, Competitors and Participants Code of Conduct
4. Coaches, Parents and Guardians Code of Conduct
5. SV Officials and Appointed Officials Code of Conduct



- 6. Spectators Code of Conduct
- Part B. Surfing Victoria Grievance Procedures
 - 7. Application of Grievance Procedure
 - 8. Appointment of a Grievances Officer
 - 9. Notification of Grievance
 - 10. Action by Grievances Officer
- Part C. Surfing Victoria Disciplinary Procedures
 - 10. Establishment of the Disciplinary Committee
 - 11. Composition of the Disciplinary Committee
 - 12. Notice of Alleged Breach
 - 13. Disciplinary Committee Procedures
 - 14. Penalties
 - 15. Right of Appeal from Decision of Disciplinary Committee
 - 16. Notice of Appeal
 - 17. Appeals Tribunal
 - 18. Appeals Tribunal Procedures
 - 19. Single Right of Appeal
 - 20. Exhaust Internal Appeal

Appendix

Appendix 1 – Surfing Victoria Right to Use Imagery Form

1. INTRODUCTION

Surfing Victoria is recognised by the State Government of Victoria and the Victorian Surf Industry as the Governing and Organising body for the sport of Surfing in Victoria. Surfing Victoria conducts a range of age and discipline events, as well as educational programs and courses to Coaches, Instructors, Recreational Surfers, Athletes and Competitors. Surfing Victoria's activities and services are delivered by a key network of regional Coaches, Affiliated Clubs and Surf Schools.

Purpose

A happier and healthier Victoria through Surfing

Vision

Victorian Communities are enriched through Surfing

Mission

To be at the forefront of Surfing innovation by building innovative programs to produce the best and happiest Surfers at all levels, and to use Surfing as a tool for positive community and environmental impact.

Values

Real – *We live the Surfing lifestyle and we share the stoke*

Respectful – *We are appreciative of our community and environment and new celebrate our Surfing history and culture*

Progressive – *We embrace change and innovation*

Surfing Victoria's Strategic Pillars

1. Participation & Community
Grow an active, safe and inclusive Victorian community through Surfing.



2. Events
Deliver a portfolio of innovative and inclusive events in Victoria.
3. High Performance Program
Support our Victorian emerging athletes to reach their potential as Surfers and people.
4. Governance
To be a proactive organisation of leadership and excellence.
5. Indigenous
To be a leader in Indigenous sport and participation of Victorian communities.
6. Women & Girls
To transform Surfing to be accessible and inclusive for Women and Girls.

Surfing Victoria's Operating Principles

- We build and value positive and respectful relationships
- We stay focused on core programs – do less amazingly well
- We are proactive and strive to be at the forefront of Surfing innovation
- We connect through storytelling using digital media
- We design for inclusivity and positive community and environmental impact
- We have fun

Surfing Victoria's Underpinning Focus

- To foster a passion for Surfing
- To inspire and encourage Women and Girls to become active and empowered through Surfing.
- To use Surfing to support Indigenous communities and keep Indigenous culture alive
- To use Surfing to promote care for Victoria's coastline
- To use Surfing as a tool to build positive community outcomes

1.1 Introduction to the Surfing Victoria Child Protection Policy

Surfing Victoria is committed to ensuring that children and young people who participate in its activities have a safe, enjoyable and happy experience. Surfing Victoria supports and respects children, young people as well as its Staff, Officials, Volunteers, Administrators, Members and associated Stakeholders.

The aim of Surfing Victoria's Child Safe Policy is to protect the safety, welfare and wellbeing of children and young people in Surfing Victoria's care and prevent any and all abuse from occurring. In the event that allegations are raised or complaints are made in relation to child abuse, Surfing Victoria will ensure that the allegations are properly addressed. All complaints will be treated seriously and fully investigated and will be managed with the upmost confidentiality, discretion and sensitivity.

Should any person/s wish to make enquiries in relation to the following policy, please contact Surfing Victoria on the details below:

SURFING VICTORIA

Address: Shop 10, Surf City Plaza



Geelong Road/Surf Coast Highway
TORQUAY
VIC 3228

Postal: PO Box 230
TORQUAY
VIC 3228

Phone: (03) 5261 2907

Email: info@surfingvic.com

2. PURPOSE OF THE POLICY

The Surfing Victoria Child Protection Policy (“policy”) outlined in this document aims at assisting Surfing Victoria (“SV”) to uphold its core values in creating and providing a safe, fair, inclusive and respectful environment for everyone associated with the sport of Surfing. It sets the precedent for SV’s commitment to ensure that every person bound by this policy is treated with respect and dignity and is protected from any form of discrimination, harassment, bullying or abuse. The policy also seeks to ensure that everyone involved in the sport of Surfing in Victoria is aware of their key legal and ethical rights and responsibilities and well as the standards of behaviour and conduct expected of them.

The information and attachments within the policy will outline and describe the practical steps and measures SV will take to address, mitigate and eliminate any form of discrimination, harassment, bullying or abuse of a child as well as any other forms of inappropriate behaviour or conduct arising from the sport of Surfing. As a part of this commitment, this policy allows SV to take disciplinary action against any person/s or organisation/s bound by this policy if they are in breach of the policy.

THIS POLICY HAS BEEN ADOPTED AS A BY-LAW BY THE SURFING VICTORIA BOARD OF MANAGEMENT.

3. PRINCIPLES FOR CREATING AND MAINTAINING A CHILD SAFE ORGANISATION

SV is committed to developing and implementing a safe environment for children and young people into its activities. In developing and implementing a child safe environment, SV will:

- Consult with SV Staff, Board of Management and other appropriate parties, including children and young people
- Develop procedures, processes and protocols that are reflective of the risks of child abuse within the SV organisation and the sport of Surfing.
- Take a preventative, proactive and participatory approach to child safety
- Value and empower children and young people to participate in decisions which affect their lives
- Foster a culture of openness that supports all persons to safely disclose the risks of harm to children and young people
- Recognise, respect and foster children and young people’s rights
- Respect diversity in cultures and child rearing practices while keeping child safety paramount
- Provide written guidance on appropriate behaviour and conduct towards and in the presence of children and young people
- Engage and employ people who are suitable to work with children and possess high quality Employee and Volunteer supervision and professional development
- Ensure children and young people know who to talk with if they are worried or are feeling unsafe, and that they are comfortable and encouraged to raise such issues
- Report suspected abuse, neglect or mistreatment promptly to the appropriate agencies or authorities
- Share information appropriately and lawfully with other organisations where the health, safety, welfare and wellbeing of children and young people is at risk



- Value the provision and input of feedback and suggestions in consistently developing and improving a safe environment for children and young people

4. VICTORIAN COMMISSION FOR CHILDREN AND YOUNG PEOPLE – CHILD SAFE STANDARDS, JULY 2022

As of July 1, 2022 Surfing Victoria, its Staff, Board of Management and other appropriate parties associated with SV will adopt, implement and apply the new set of Child Safe Standards handed down by the Victorian Commission for Children and Young People within all of its events, programs, courses or activities. The set of 11 Child Safe Standards are as follows:

4.1 Child Safe Standard 1 – Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued

In complying with Child Safe Standard 1, SV will ensure:

- 4.1.1 A child's ability to express their culture and enjoy their cultural rights is encouraged and actively supported.
- 4.1.2 Strategies are embedded within the organisation which equip all members to acknowledge and appreciate the strengths of Aboriginal culture and understand its importance to the wellbeing and safety of Aboriginal children and young people.
- 4.1.3 Measures are adopted by the organisation to ensure racism within the organisation is identified, confronted and not tolerated. Any instances of racism are addressed with appropriate consequences.
- 4.1.4 The organisation actively supports and facilitates participation and inclusion within it by Aboriginal children, young people and their families.
- 4.1.5 All of the organisation's policies, procedures, systems and processes together create a culturally safe and inclusive environment and meet the needs of Aboriginal children, young people and their families.

4.2 Child Safe Standard 2 – Child safety and wellbeing is embedded in organisational leadership, governance and culture

In complying with Child Safe Standard 2, SV will ensure:

- 4.2.1 The organisation makes a public commitment to child safety.
- 4.2.2 A child safe culture is championed and modelled at all levels of the organisation from the top down and bottom up.
- 4.2.3 Governance arrangements facilitate implementation of the child safety and wellbeing policy at all levels.
- 4.2.4 A Code of Conduct provides guidelines for staff and volunteers on expected behavioural standards and responsibilities.
- 4.2.5 Risk management strategies focus on preventing, identifying and mitigating risks to children and young people.
- 4.2.6 Staff and volunteers understand their obligations on information sharing and recordkeeping.

4.3 Child Safe Standard 3 – Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously

In complying with Child Safe Standard 3, SV will ensure:

- 4.3.1 Children and young people are informed about all of their rights, including to safety, information and participation.
- 4.3.2 The importance of friendships is recognised and support from peers is encouraged, to help children and young people feel safe and be less isolated.
- 4.3.3 Where relevant to the setting or context, children and young people are offered access to sexual abuse prevention programs and to relevant related information in an age appropriate way.



- 4.3.4 Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children and young people to express their views, participate in decision-making and raise their concerns.
- 4.3.5 Organisations have strategies in place to develop a culture that facilitates participation and is responsive to the input of children and young people.
- 4.3.6 Organisations provide opportunities for children and young people to participate and are responsive to their contributions, thereby strengthening confidence and engagement.

4.4 Child Safe Standard 4 – Families and communities are informed, and involved in promoting child safety and wellbeing

In complying with Child Safe Standard 4, an organisation must, SV ensure: 4.1 Families participate in decisions affecting their child.

- 4.4.2 The organisation engages and openly communicates with families and the community about its child safe approach and relevant information is accessible.
- 4.4.3 Families and communities have a say in the development and review of the organisation's policies and practices.
- 4.4.4 Families, carers and the community are informed about the organisation's operations and governance.

4.5 Child Safe Standard 5 – Equity is upheld and diverse needs respected in policy and practice

In complying with Child Safe Standard 5, SV will ensure:

- 4.5.1 The organisation, including staff and volunteers, understands children and young people's diverse circumstances, and provides support and responds to those who are vulnerable.
- 4.5.2 Children and young people have access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand.
- 4.5.3 The organisation pays particular attention to the needs of children and young people with disability, children and young people from culturally and linguistically diverse backgrounds, those who are unable to live at home, and lesbian, gay, bisexual, transgender and intersex children and young people.
- 4.5.4 The organisation pays particular attention to the needs of Aboriginal children and young people and provides/promotes a culturally safe environment for them.

4.6 Child Safe Standard 6 – People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice

In complying with Child Safe Standard 6, SV will ensure:

- 4.6.1 Recruitment, including advertising, referee checks and staff and volunteer pre-employment screening, emphasise child safety and wellbeing.
- 4.6.2 Relevant staff and volunteers have current working with children checks or equivalent background checks.
- 4.6.3 All staff and volunteers receive an appropriate induction and are aware of their responsibilities to children and young people, including record keeping, information sharing and reporting obligations.
- 4.6.4 Ongoing supervision and people management is focused on child safety and wellbeing.

4.7 Child Safe Standard 7 – Processes for complaints and concerns are child focused

In complying with Child Safe Standard 7, SV will ensure:

- 4.7.1 The organisation has an accessible, child focused complaint handling policy which clearly outlines the roles and responsibilities of leadership, staff and volunteers, approaches to dealing with different types of complaints, breaches of relevant policies or the Code of Conduct and obligations to act and report.



- 4.7.2 Effective complaint handling processes are understood by children and young people, families, staff and volunteers, and are culturally safe.
- 4.7.3 Complaints are taken seriously, and responded to promptly and thoroughly.
- 4.7.4 The organisation has policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and co-operates with law enforcement.
- 4.7.5 Reporting, privacy and employment law obligations are met.

4.8 Child Safe Standard 8 – Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training

In complying with Child Safe Standard 8, SV will ensure:

- 4.8.1 Staff and volunteers are trained and supported to effectively implement the organisation’s child safety and wellbeing policy.
- 4.8.2 Staff and volunteers receive training and information to recognise indicators of child harm including harm caused by other children and young people.
- 4.8.3 Staff and volunteers receive training and information to respond effectively to issues of child safety and wellbeing and support colleagues who disclose harm.
- 4.8.4 Staff and volunteers receive training and information on how to build culturally safe environments for children and young people.

4.9 Child Safe Standard 9 – Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed

In complying with Child Safe Standard 9, SV will ensure:

- 4.9.1 Staff and volunteers identify and mitigate risks in the online and physical environments without compromising a child’s right to privacy, access to information, social connections and learning opportunities.
- 4.9.2 The online environment is used in accordance with the organisation’s Code of Conduct and child safety and wellbeing policy and practices.
- 4.9.3 Risk management plans consider risks posed by organisational settings, activities, and the physical environment.
- 4.9.4 Organisations that contract facilities and services from third parties have procurement policies that ensure the safety of children and young people.

4.10 Child Safe Standard 10 – Implementation of the Child Safe Standards is regularly reviewed and improved

In complying with Child Safe Standard 10, SV will ensure:

- 4.10.1 The organisation regularly reviews, evaluates and improves child safe practices.
- 4.10.2 Complaints, concerns and safety incidents are analysed to identify causes and systemic failures to inform continuous improvement.
- 4.10.3 The organisation reports on the findings of relevant reviews to staff and volunteers, community and families and children and young people.

4.11 Child Safe Standard 11 – Policies and procedures document how the organisation is safe for children and young people

In complying with Child Safe Standard 11, SV will ensure:



- 4.11.1 Policies and procedures address all Child Safe Standards.
- 4.11.2 Policies and procedures are documented and easy to understand.
- 4.11.3 Best practice models and stakeholder consultation informs the development of policies and procedures.
- 4.11.4 Leaders champion and model compliance with policies and procedures. 11.5 Staff and volunteers understand and implement policies and procedures.

5. RELATED DOCUMENTS AND LEGISLATIVE REQUIREMENTS

The Surfing Victoria Child Protection Policy must be read in conjunction with:

- 5.1 The law of Commonwealth of Australia and the State of Victoria, including but not limited to:
 - 5.1.1 Children, Youth and Families Act 2005 (Vic)
 - 5.1.2 Child Wellbeing and Safety Amendment (Child Safe Standards) 2015 (Vic)
 - 5.1.3 Crimes Act 1958 (Vic)
 - 5.1.4 Working With Children Act 2005 (Vic)
- 5.2 The Victorian Commission for Children and Young People Child Safe Standards, July 2022
- 5.3 Surfing Victoria Policies, Procedures and Protocols including but not limited to:
 - 5.3.1 Surfing Victoria Constitution
 - 5.3.2 Surfing Australia National Member Protection By Law
 - 5.3.3 Surfing Victoria Code of Conduct & Disciplinary Handbook
 - 5.3.4 Surfing Victoria Grievance and Disciplinary Procedures
 - 5.3.5 Surfing Victoria Privacy Policy

6. WHO IS BOUND BY THE POLICY

The Surfing Victoria Child Protection Policy applies to the following:

- 6.1 Person/s appointed or elected to SV Boards, Committees or Sub-Committees.
- 6.2 SV Staff Members, including Full-Time, Part-Time, Casual and any other Auxiliary or Subsidiary Staff.
- 6.3 Coaches, Assistant Coaches and Coaching Staff.
- 6.4 Athletes.
- 6.5 Judges, Referees, Umpires and any other Officials.
- 6.6 SV Members, including Life Members.
- 6.7 Staff, Officials, Athletes, Coaches, Spectators and any other personnel participating in Events, Programs, Courses, Training including Camps and Training sessions, held, hosted or sanctioned by SV; and
- 6.8 Any other person/s to whom the policy may apply or who has agreed to be bound by the policy.

The policy also applies where possible to:

- 6.9 SV Affiliated Clubs and associated Organisations.
- 6.10 SV Affiliated Surf Education and Schools.
- 6.11 Vendor/s at any SV hosted and sanctioned Events, Programs, Courses and Training including Camps and Training sessions.
- 6.12 Any other Associations or Organisations such as any Athletes or Coaches Associations.

7. EXTENT OF THE POLICY



This policy covers all matters directly and indirectly related to the SV and its activities. In particular, the policy governs breaches of SV's code of conduct and behaviour and any behaviour and conduct that occurs at events, programs, courses, activities and social events held, hosted or sanctioned by SV. This also includes behaviour and conduct on any necessary or required travel. It also covers any behavior or conduct that brings SV or the sport of Surfing into disrepute or if there is suspicion of harm towards a child or young person. In addition to this, the policy outlines the measures, procedures and protocols for reporting and management of complaints and the subsequent disciplinary measures procedures and protocols that follow.

8. ORGANISATIONAL RESPONSIBILITIES

SV must and will:

- 8.1 Adopt, implement and comply and adhere with this policy.
- 8.2 Ensure that the policy is enforceable.
- 8.3 Publish, distribute, promote and advertise the policy and the consequences of any breaches of the policy.
- 8.4 Promote, exemplify and model the appropriate standards of behaviour and conduct outlined in the policy at all times.
- 8.5 Receive, manage and deal with any complaints made under the policy in an appropriate manner.
- 8.6 Manage and deal with any breaches of the policy in an appropriate manner.
- 8.7 Recognise, distinguish and enforce any penalty or penalties imposed under the policy.
- 8.8 Report, consult and manage any serious breach of the policy with local law enforcement authorities (Victoria Police) in accordance to Victorian Law/s.
- 8.9 Ensure that a copy of the policy is available and accessible to any/all person/s and organisation/s that the policy applies to or that is bound by the policy.
- 8.10 Use appropriate SV Staff to receive, manage and deal with any complaints and allegations of inappropriate behaviour or conduct.
- 8.11 Monitor and review the policy periodically (annually).

9. INDIVIDUAL RESPONSIBILITIES

Individuals bound by the policy must:

- 9.1 Make themselves aware of the information and contents contained in this policy;
- 9.2 Comply and adhere with all relevant provisions of the policy, including any codes of conduct and procedures for making a complaint or reporting any discrimination, harassment, bullying or abuse of children set out in this policy;
- 9.3 Consent and comply with any screening requirements set out in this policy and any state/territory Working with Children Checks if the person/s holds or applies for a role that involves regular unsupervised contact with a child or young person/s under the age of 18 years or where otherwise required by law;
- 9.4 Place the health, safety, welfare and wellbeing of children above all other considerations;
- 9.5 Be accountable for their behaviour and conduct;
- 9.6 Comply with and adhere to any/all decisions and/or disciplinary measures imposed under the policy and;
- 9.7 Comply with any/all legal requests and procedures by local law enforcement authorities (Victoria Police) in relation to reports and investigations of serious breaches of the policy, in accordance with Victorian Law/s.

In the interest of protecting children and young people, Individuals bound by the policy are expected to:

- 9.8 Understand the rights of children and young people, as appropriate to their role;
- 9.9 Respect the cultural and religious practices of families who participate, compete or are associated with SV hosted and sanctioned Events, Programs, Courses and Activities;
- 9.10 Understand and appropriately respond to the needs of children or young people with developmental delays or disabilities;
- 9.11 Appropriately act on any concerns raised by children or young people;



- 9.12 Understand the definitions, indicators and impacts of child abuse;
- 9.13 Know and follow the regulations in relation to the care of children and young people;
- 9.14 Cooperate with Government agencies (Department of Health and Human Services Child Protection) or local law enforcement authorities (Victoria Police) and/or any other formal investigations to the best of their ability; and
- 9.15 Have a duty of care and not abuse, harm or exploit any child or young person who participate in and of SV's activities

10. COMPLAINTS PROCEDURES AND PROTOCOLS

10.1 Reception and Management of Complaints

SV aims to provide a simple, safe, confidential, respectful and trustworthy procedure for receiving, managing and resolving complaints based on the principles of procedural fairness.

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

In the first instance of making or reporting a complaint, these should be directed and reported to SV Grievance Officer/Disciplinary Committee.

All complaints and allegations will be dealt with promptly, seriously, sensitively and confidentially in accordance with this policy.

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

In the instance of a complaint pertaining to a serious breach of the policy, SV in consultation with the SV Grievance Officer/Disciplinary Committee may decide to report, refer and consult with local law enforcement authorities (Victoria Police) in regards to the further management of the complaint. In accordance with Victorian Law/s, this may require individuals involved or connected to the complaint to participate and provide information in police investigations, where possible charges may be laid.

For further information and clarification on the Complaints Procedures and Protocols, please consult *Schedule 5 – Complaints Procedures* section of this policy.

10.2 Improper or Unfounded Complaints and Victimisation

SV aims to ensure that its complaints reporting procedure has integrity and is free of unfair repercussions or victimisation against any person making a complaint.

SV will take any/all necessary steps and measures to make sure that any person/s involved in a complaint are not victimised. Disciplinary measures or action may be undertaken in respect of a person who discriminates, harasses, bullies, abuses or victimises another person for making or reporting a complaint or supporting another person's or other peoples' complaint/s.

If at any point in the complaint management process the SV Grievance Officer/Disciplinary Committee considers that the complainant has knowingly made an improper, unfounded or untrue complaint, or the complaint is of a nature which is malicious or intended to cause distress to the respondent, the complaint will be dismissed and the complainant may be subject to further disciplinary action at the discretion of the SV Grievance Officer/Disciplinary Committee.



At the discretion of the SV Grievance Officer/Disciplinary Committee, they may decide to report, refer and consult with local law enforcement authorities (Victoria Police) in regards to the further management of the improper and unfounded complaint. In accordance with Victorian Law/s, this may require individuals involved or connected to the complaint to participate and provide information in police investigations, where possible charges may be laid.

10.3 Mediation

SV aims to manage and resolve complaints in a fair and timely manner. In some instances, complaints may be resolved by an agreement between the people involved with no need for disciplinary action.

Mediation is a possible process which can be used for the resolution of the dispute. If all parties including SV, the complainant and respondent are happy to participate in mediation, SV will facilitate this mediation where it believes that mediation will be an effective method of resolving the dispute.

More information on the mediation process is outlined in the *Schedule 5 – Complaints Procedures* section of this policy.

10.4 Tribunals

In accordance with SV's Code of Conduct a Tribunal with the Disciplinary Committee may be convened to hear a proceeding referred to it by the Grievance Officer or any other authorised officials for an alleged breach of the policy.

The SV Tribunal process is outlined in *Schedule 10 – SV Codes of Conduct & Disciplinary Handbook* section of this policy.

Every organisation bound under the policy will recognise and enforce any decision or disciplinary action of the Disciplinary Committee or an Appeal Tribunal under this policy.

10.5 Referral of the Complaint (Serious Breach of the Policy)

In the instance that the nature of the complaint pertains to a serious breach of the policy (i.e. that of a criminal matter), SV may decide to refer and report the complaint to the local law enforcement authorities (Victoria Police). In accordance with Victorian Law/s, SV will consult with the local law enforcement authorities in regards to the management of the complaint. This may require individuals involved or connected to the complaints to participate and provide information in police investigations, where possible charges may be laid.

11. WHAT IS A BREACH OF THE POLICY

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

- 11.1 Breaching the codes and standards of behaviour and conduct;
- 11.2 Bringing the sport of Surfing and/or SV into disrepute, or acting in a manner likely to bring the sport of Surfing and/or SV into disrepute;
- 11.3 Failing to follow any/all SV policies (including this policy) and their procedures for the safety, welfare, well-being and protection of children;
- 11.4 Discriminating against, harassing, bullying or abusing (including cyber-bullying) any person/s;
- 11.5 Victimising another person or other people for making, reporting or supporting a complaint;
- 11.6 Engaging in an inappropriate intimate relationship with a person or group of people that he or she supervises, or has some form of influence, authority or power over;



- 11.7 Verbally or physically assaulting, abusing, bullying or harassing another person or group of people, intimidating another person or group of people and creating a hostile environment within the sport;
- 11.8 Disclosing to any unauthorised person/s or organisation/s any SV information that is of a private, sensitive, confidential or privileged nature;
- 11.9 Making a complaint that they know to be improper, unfounded, untrue, vexatious, or malicious;
- 11.10 Failing to comply and adhere with a penalty imposed after a finding that the individual/s or organisation/s has breached the policy;
- 11.11 Failing to comply and adhere with a direction given to the individual/s or organisation/s as part of a disciplinary process; and
- 11.12 Acts in a manner contrary to any position statement in *Schedule 1 – Position Statements* section of this policy.

12. DISCIPLINARY MEASURES

SV may impose disciplinary measures on an individual or organisation for a breach of this policy. Any disciplinary measure imposed will be:

- (a) fair, equitable and reasonable;
- (b) be based on the evidence and information presented as well as the seriousness and severity of the policy breach; and
- (c) be determined in accordance with SV constituent documents, by-laws, codes of conduct, this policy and/or the rules of the sport.

12.1 Individual

If a finding is made by the Disciplinary Committee that an individual has breached this policy, one or more of the following forms of discipline may be imposed.

- 12.1.1 A direction that the individual make a verbal and/or written apology;
- 12.1.2 A written warning to the individual;
- 12.1.3 A direction that the individual attend counselling to address their behaviour or conduct;
- 12.1.4 A withdrawal of any awards, titles, placings, records, scholarships, achievements bestowed in any competitions or tournaments, events, programs, courses or activities held, hosted or sanctioned by SV;
- 12.1.5 A suspension of the individual's membership or participation or engagement in any role, event, program, course, training or activity with SV;
- 12.1.6 Termination of the individual's membership, achievement, appointment or engagement with SV;
- 12.1.7 A recommendation that SV terminate the individual's membership, appointment or engagement with SV;
- 12.1.8 In the case of a Coach, Judge or Official, a direction that the relevant Organisation (Surfing Australia, International Surfing Association, [Academy of Surfing Instructors](#), World Surf League) de-register the accreditation of the Coach, Judge or Official for a determined period of time or permanently;
- 12.1.9 A financial penalty or monetary fine;
- 12.1.10 Any other form of disciplinary measures or action that is considered reasonable and appropriate;
- 12.1.11 Any other penalty set out in *Schedule 10 – SV Codes of Conduct & Disciplinary Handbook* section of this policy.

12.2 Organisation

If a finding is made that an SV affiliated Organisation has breached its own or this Child Protection Policy, one or more of the following forms of discipline may be imposed.



- 12.2.1 A written warning;
- 12.2.2 A financial penalty or monetary fine;
- 12.2.3 A direction that any rights, privileges and benefits provided to that organisation by SV or any other peak body, organisation or association be suspended for a specified period;
- 12.2.4 A direction that any funding granted or given to the organisation by SV or any other peak body, organisation or association cease from a specified date;
- 12.2.5 A direction that SV or any other peak body cease to sanction events, programs, courses, training, activities held or hosted by or under the auspices of that organisation;
- 12.2.6 A recommendation to SV and any other peak body that the organisation's membership of SV and any other peak body be suspended or terminated in accordance with the relevant constitutions or rules;
- 12.2.7 Any other form of disciplinary measures or action that the SV or any other peak body, organisation or association considers reasonable and appropriate.
- 12.2.8 Any other penalty set out in *Schedule 10 – SV Codes of Conduct & Disciplinary Handbook* section of this policy.

12.3 Factors to Consider

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

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

13. REVIEW PROCESS

The SV Child Protection Policy will be reviewed by the SV Board of Management on an annual basis.

SV welcomes the provision of any feedback or suggestions to improve this policy. To provide feedback and suggestions, please use the following contact details:

SURFING VICTORIA

Address: Shop 10, Surf City Plaza
Geelong Road/Surf Coast Highway
TORQUAY
VIC 3228

Postal: PO Box 230
TORQUAY
VIC 3228

Phone: (03) 5261 2907



Email: info@surfingvic.com

SCHEDULE 1 – POSITION STATEMENTS

1. Child Protection

SV is committed to the safety, welfare and well-being of all children and young people who participate in the sport of Surfing, SV events, programs, courses and activities as well as access SV's products and services. SV support the rights of the child and will act at all times to ensure that a child-safe environment is provided and maintained.

SV acknowledges the valuable contribution made by the SV Board, Staff, Officials, Members and Volunteers and we encourage their active participation in providing a safe, fair, inclusive and respectful environment for all participants.

1.1 Identify and Analyse Risk of Harm

SV will continue to develop and implement a Risk Management strategy, including a periodic review of SV's existing child protection practices, to determine how child-safe SV and its working environment is and to identify any additional steps and measures SV can take to minimise and prevent the risk of harm to children because of the actions of an Employee, Volunteer or other person/s.

1.2 Develop Codes of Behaviour and Conduct

SV will continue to develop, implement and promote a code of behaviour and conduct that sets out what the organisation expects of adults when they are in contact or required to deal and interact with children involved in the sport of Surfing, especially those children in and under SV's duty of care. SV will also include and implement a code of behaviour and conduct to promote appropriate behaviour between children.

These codes of behaviour and conduct will clearly describe professional boundaries, ethical behaviour and conduct and unacceptable behaviour and conduct. (Refer to the attachments from *Schedule 10 – SV Codes of Conduct & Disciplinary Handbook* section of this document).

1.3 Choice of Suitable Employees and Volunteers

SV will take all reasonable steps and measures to ensure that the organisation engages and employs suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact and interaction with children. This will include using a range of screening measures in accordance with Victorian legislation.

SV will ensure that the relevant State/Territory Working with Children Checks are conducted for all Employees and Volunteers who are required work with or around children, where an assessment is required by law. If in the event a criminal history report is obtained as part of the individual's screening process, SV will handle this information sensitively, confidentially and in accordance with the relevant legal requirements.

SV will prevent any person from working at or with SV if they pose an unacceptable risk to children.

1.4 Support, Train, Supervise and Enhance Performance of Employees and Volunteers

SV will ensure that all its Employees and Volunteers who are require to work with or around children have ongoing supervision, support and training. SV's goal is to develop the knowledge, skills capacity of its Employees and Volunteers to enhance their performance so SV can provide and maintain a child-safe environment in the sport of surfing.



1.5 Empower and Promote the Participation of Children

SV will consistently encourage children and young people to be participate and be involved in developing, promoting and maintaining a child-safe environment for the sport of surfing.

1.6 Reporting and Responding Appropriately to Suspected Children at Risk of Harm

SV will ensure that all SV Employees and Volunteers are able to identify and respond in an appropriate manner to children at risk of harm and that they are aware of their responsibilities under Victorian Law/s to make a report if they suspect on reasonable grounds that a child has been, or is being, assaulted, abused or neglected.

Further, if any person believes that another person/s or organisation/s bound by this policy is acting in an inappropriate manner towards a child, or is in breach of the policy, he or she may make an internal complaint to SV and will be managed as per the *Schedule 5 – Complaints Procedures* section of this policy.

1.7 Reporting of Child Sexual Abuse

If a person receives information that leads them to form reasonable grounds of belief that a sexual offence has been committed in Victoria against a child (under the age of 16 years) by another person (of or over the age of 18 years), the person has a legal obligation to disclose that information to the relevant Government Agency (Department of Health and Human Services Child Protection) or local law enforcement authorities (Victoria Police) as soon as it is practicable. Persons who fail to comply with this obligation under the Crimes Act 1958 (Vic) may be subject to a penalty of 3 years imprisonment.

SV supports and encourages a person to make a report to the relevant Government Agency (Department of Health and Human Services Child Protection) or local law enforcement authorities (Victoria Police), if they form a belief on reasonable grounds that a child has or is being abused and is in need of protection, or they are concerned about the health, safety, welfare or wellbeing of a child.

If a person is uncertain as to whether they should make a report to an external agency or authority in relation to child sexual abuse, they may speak to the SV Grievance Officer or SV Chief Executive Officer for guidance and information. If in doubt, ask for assistance.

If an allegation or report of child sexual abuse is made against an SV Staff Member, Official, Volunteer or Administrator, SV will follow the reporting procedure outlined in *Schedule 7 – Reporting Requirements and Documents/Forms* and take all measures and steps to ensure that the, healthy safety, welfare and wellbeing of the child is paramount. An initial measure or step will involve the withdrawal of the accused person from active duty, which could entail standing down, reassignment to a role without direct contact with children, working under closer supervision during an investigation, working from home, or any other measures or steps deemed appropriate depending on the seriousness of the allegation.

SV will investigate allegations or reports of inappropriate behaviour or conduct against a child in accordance with procedural fairness and will handle the allegations in a confidential manner to the greatest extent possible.

SV will fully cooperate with the directives of the Department of Health and Human Services Child Protection and/or Victoria Police in relation to any investigation conducted by these authorities.

SV will keep a register of any allegations or reports regarding inappropriate behaviour or conduct against a child.

2. Supervision



Children and young people under the age of 18 years must be supervised at all times by a responsible adult. SV endeavours to provide an appropriate level of supervision at all times. If SV Staff, Officials or Volunteers find a child or young person under the age of 18 years unsupervised, they should assume responsibility for the child or young person's safety until the child or young person's parent/guardian are located.

For reasons of courtesy and safety, parents/guardians must collect their children on time. If it appears SV Staff, Officials or Volunteers will be left alone with just one child or young person at the end of any event, program, course or activity, they will ask another SV Staff, Official or Volunteer to stay until the child is collected by a parent/guardian.

3. Transportation

Parents and/or guardians are responsible for organising the transportation of their children to and from SV events, programs, courses and activities (including training and training camps). Where SV make arrangements for the transportation of children or young persons (e.g. interstate and national events and competitions or training camps), SV will conduct a risk assessment that includes: ensuring vehicles are adequately insured, that the driver has a current and appropriate licence for the vehicle being used and the appropriate safety measures are in place (e.g. fitted working seatbelts).

4. Taking images of children

There is an inherent risk that images of children may be used in an inappropriate or illegal manner. SV requires that any individuals, organisations and associations, wherever possible, obtain permission from a child's Parent/Guardian before taking an image of a child that is not their own. The individuals, organisations and associations should also make sure the Parent/Guardian understands and is fully aware of what the image is for and how it will be used. SV will advise any individuals, organisations and associations wishing to obtain permission to take an image of a child, to do so by issuing the Parent/Guardian with a signed form or documentation that grants permission and clearly states what the image is for and how it will be used.

To respect people's privacy, SV do not allow phones, video recorders and cameras to be used inside changing areas, showers and toilets which SV have some form of control over or are used in connection with any events, programs, courses, training including camps and training sessions, held, hosted or sanctioned by SV.

In the instance that SV would like to use images from any events, programs, courses, training including camps and training sessions, that are held, hosted or sanctioned by SV, SV will first obtain permission from a child's Parent/Guardian before taking and using an image of a child. Any person/s whose image that may be used from the aforementioned SV activities will be issued with a *Surfing Victoria Right to Use Imagery* form (*attached in the Appendix section of this document*). This form will state what the image is for and how it will be used as well as require consent from a Parent/Guardian for any person/s under the age of 18 years. It must be signed by a Parent/Guardian and returned to SV before any imagery is used.

When using an image of a child, SV will not name or identify the child or publish any personal information, such as residential address, telephone number or email address, without the consent of the child's Parent/Guardian. SV will not provide any information about a child's hobbies, interests, school or the like, as any of this information could be used by sex offenders, sexual predators, paedophiles or other persons to "groom" a child.

SV will only use images of children that are relevant to the sport of surfing and will ensure that they are suitably attired, dressed or clothed in a manner that promotes participation in the sport. SV will seek and obtain permission from the Parents/Guardians of any child before using the images. We require all SV affiliated Clubs, Surf Education and Schools as well as any Vendors to do likewise.

5 Anti-Discrimination and Harassment



SV is committed to creating, providing and maintaining 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. SV recognises that people may not feel safe or be able to enjoy themselves and perform at their best if they are treated unfairly, discriminated against or harassed.

5.1 Discrimination

Unlawful discrimination involves the less favourable treatment of a person or people 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 or;
- Religious Beliefs;

The full list of protected personal characteristics is in the “Definitions” set out in the *Schedule 9 – Definitions* section of this policy.

Discrimination can be either direct or indirect.

Direct discrimination occurs if a person or group of people treats, or proposes to treat, a person or people with a protected personal characteristic unfavourably because of that personal characteristic.

Indirect discrimination occurs if a person or group of people imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person or people with a protected personal characteristic and that requirement, condition or practice is not reasonable.

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

5.2 Harassment

Harassment is any unwelcome behaviour or 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 or conduct does not have to take place a number of times, a single incident can constitute harassment.

Sexual Harassment is one form of harassment. Sexual harassment is unwelcome behaviour or 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.

5.3 Prohibition Against Discrimination and Harassment

SV prohibit all forms of harassment and discrimination based on the personal characteristics listed in the “Definitions” set out in the *Schedule 9 – Definitions* section of this policy.

Any person/s who believes they or someone they know are being, or have been discriminated against or harassed by another person, group of people or organisation bound by this policy, they are encouraged to raise their concerns with SV immediately. A person/s may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation.



All complaints will be managed as per the *Schedule 5 – Complaints Procedures* section of this policy.

If it is determined that any person/s bound by this policy has engaged in or encouraged any form of discrimination against or harassment of a child, SV will take relevant disciplinary action against the person/s up to and including immediate dismissal and termination as well as cancellation of all memberships, accreditations, achievements, appointments, associations or engagements with SV.

Further to that, in accordance with Victorian Law/s, SV will report and consult with the local law enforcement authorities (Victoria Police) with regards to any criminal nature of discriminating against or harassing of a child. This may require individuals involved or connected to participate and provide information in police investigations, where possible charges may be laid.

6. Bullying

SV is committed to providing an environment that is free from any form of 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 the sport of surfing and SV as an organisation.

Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of people, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person/s 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 constitute or be considered bullying:

- (a) Verbal abuse or assault including shouting, swearing, teasing, name-calling, making belittling remarks, or persistent unjustified criticism;
- (b) Physical abuse or assault where any form of physical contact reasonably constitutes harm as well as a health and safety risk to the person/s;
- (c) Excluding or isolating a person or a group of people, regardless if excluding or isolation is on the basis of a characteristic/s;
- (d) Spreading malicious rumours; or
- (e) Psychological abuse or 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 platforms and applications, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. SV will under no circumstance tolerate abusive, discriminatory, intimidating or offensive statements being made online.

Frustration at another Athlete, Teammate, Participant, Judge, Official, Staff Member, Coach, Trainer, Parent, Spectator or Sporting Body (SV) should never be communicated on social networking websites, platforms or applications. These issues should instead be addressed – in a written or verbal statement or a complaint – to SV, the Grievance Officer or other Official.

If anyone believes they or someone they know are being, or have been, bullied by another person, group of people or organisation bound by this policy, they are encouraged to raise their concerns with SV and make a complaint. The complaints procedure is outlined in *Schedule 5 – Complaints Procedures* of this policy.

All complaints will be managed as per the *Schedule 5 – Complaints Procedures* section of this policy.



If it is found that a person, group of people or organisation bound by the policy are engaging in or encouraging in any form bullying a child, SV will take relevant disciplinary action against the person/s up to and including immediate dismissal and termination as well as cancellation of all memberships, accreditations, achievements, appointments, associations or engagements with SV.

Furthermore, any individual may be subject to the SV Tribunal Process as outlined in the *Schedule 5 – Complaints Procedures* section of this policy.

7. Inappropriate Behaviour or Conduct with Children

In any form of sport including surfing, adults often find themselves working with children of all ages. In this instance, there is an associated and sometimes undefined risk that adults can behave and conduct themselves inappropriately with children under their care, supervision, influence, authority or power. This can include any form of communication, contact or relationship an adult has or has developed with a child that is deemed outside the realm and scope of their activities, duties, roles and responsibilities. In certain instances, this behaviour and conduct can be described as child “grooming”.

If anyone believes a person, group of people or organisation bound by the policy are engaging in or encouraging in any form of inappropriate or unprofessional behaviour or conduct with a child, they are encouraged to seek information, make a complaint or report it to SV, the Grievance Officer or any other Official. The complaints procedure is outlined in *Schedule 5 – Complaints Procedures* of this policy.

If it is determined that any person/s bound by this policy has engaged in any form of inappropriate or unprofessional behaviour or conduct with a child, SV will take relevant disciplinary action against the person/s up to and including immediate dismissal termination as well as cancellation of all memberships, accreditations, achievements, appointments, associations or engagements with SV. Action may also be taken to cease all communication and contact the person/s have with the child as well as stop all relationships the person/s has or may have with the child.

Further to that, in accordance with Victorian Law/s, SV will report and consult with the local law enforcement authorities (Victoria Police) with regards to any criminal nature of inappropriate behaviour or conduct with a child. This may require individuals involved or connected to participate and provide information in police investigations, where possible charges may be laid.

8. Inclusive Practices

SV aims to provide a safe, fair, inclusive, progressive, respectful and welcoming environment in the sport of Surfing and will seek to include everyone from all areas of the community.

The following are examples of some of SV’s inclusive practices.

8.1 People with a Disability

SV will not discriminate against any person/s because of an impairment or a disability. Where it is necessary and possible, SV will aim to make reasonable adjustments (e.g. modifications to equipment; event and competition classifications, categories and rules; programs and activities) to enable participation.

8.2 People from Diverse Cultures, Races and Religions

SV will always encourage, support and respect people from diverse cultures, races and religions to participate in SV events, programs, courses and activities and where necessary SV will aim to accommodate those who need some allowances to participate (e.g. modifications to clothing/dress requirements).

8.3 Sexual and Gender Identity



All people, regardless of their sexuality or gender identity, are welcome within SV and in the sport of Surfing. SV strive to provide a safe, inclusive, progressive, respectful and welcoming environment for participation and will not tolerate any form of discrimination or harassment because of a person's sexuality or gender identity.

9. Girls Competing/Participating in Boys Events or Competitions

In the instance there is not a separate gender classification or category at an SV hosted or sanctioned event or competition, SV will support Girls wanting to compete/participate in Boys events or competitions (or vice versa) up until the age of eight (8) years.

SV notes that State and Federal and Anti-discrimination laws provide that it is not unlawful to discriminate on grounds of sex by excluding persons from competing or participating in any competitive sporting activity or event in which the strength, stamina or physique of competitors/participants is relevant.

If a child is over the age of eight (8) years, SV will endeavour to consider each request to compete/participate in a different gender classification or category (where there is not a separate classification or category) on an individual basis by considering the nature of the sport of Surfing, the governing rules for events and competitions (provided by Surfing Australia) and other available opportunities to compete/participate.

10. Consumption of Alcohol

SV is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol in accordance with the Victorian State Government's Victorian Commission for Gambling and Liquor Regulation (VCGLR). We also recommend that SV affiliated Boardrider Clubs and associated Organisations follow strict VCGLR guidelines regarding the service and consumption of alcohol.

In regards to the SV CHILD PROTECTION POLICY:

- (a) Alcohol **is not** to made be available or consumed at all SV Events, Programs, Courses, Training including Camps and Training sessions involving children and young people under the age of 18 years;
- (b) Alcohol-free SV social events are to be provided for young people and families;
- (c) Food and non-alcoholic drinks be available or available for purchase by vendors at SV Events and Programs where applicable;
- (d) At social events held or endorsed by SV where alcohol is being served and children are present, an SV Staff member or Official holding a current Victorian Responsible Service of Alcohol certification is present to ensure appropriate and responsible practices in the service of alcohol are upheld and maintained. This includes that **no child under the age of 18 years is to be provided, served, sold or allowed to consume alcohol** in accordance with Victorian liquor licensing guidelines.

If anyone believe a person, group of people or organisation bound by the policy are engaging in or encouraging in any form of provision, service, sale or consumption of alcohol for a child, they are encouraged to seek information, make a complaint or report it to SV, the Grievance Officer or any other Official. The complaints procedure is outlined in *Schedule 5 – Complaints Procedures* of this policy.

All complaints will be managed as per the *Schedule 5 – Complaints Procedures* section of this policy.

In the instance that any person/s bound by this policy have been found to engage or encourage the provision, service, sale or consumption of alcohol to a child under the age of 18 years, SV will take relevant disciplinary action against the person/s up to and including immediate dismissal and termination as well as cancellation of all memberships, accreditations, achievements, appointments, associations or engagements with SV.



Further to that, the person/s may face legal proceedings and further subsequent penalties in regards to any breach or non-compliance with Victorian legislation under the Victorian Liquor Control and Reform Act (1998) relating to the acquisition, provision, service, sale and consumption of alcohol for person/s deemed “minors” (children under the age of 18 years).

11. Smoke-Free Environment

SV is committed to providing a safe and healthy environment at all of its Events, Programs, Courses, Training including Camps and Training sessions that SV hold, sanction or endorse. All SV Events, Programs, Courses and Training are Smoke-Free. We also recommend that SV affiliated Boardrider Clubs and associated Organisations provide Smoke-Free venues and events.

In regards to the SV CHILD PROTECTION POLICY:

- (a) **No smoking** shall occur at or near sporting events involving children and young people under the age of 18 years. This applies to all bound by this policy including SV Staff and Officials, Volunteers, Coaches and Coaching Staff, Trainers, Athletes, Participants, Parents, Spectators and Vendors;
- (b) SV social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas; and
- (c) SV Staff and Officials, Volunteers, Coaches and Coaching Staff, Trainers, Athletes, Participants, Parents, Spectators and Vendors will refrain from smoking while they are involved in an official capacity in SV Events, Programs, Courses and Training where children and young people under the age of 18 years are present.

12. Social Networking (Social Media)

SV acknowledges the enormous value of social networking and its ability to connect with the greater surfing community to showcase and promote the sport of surfing. In addition to this, it allows SV to share and celebrate the achievements and success of the people involved within the Victorian surfing community and the SV organisation.

SV also recognises social networking as a great tool and channel for which to transfer information and updates to the Victorian surfing community regarding Events, Programs, Courses, etc. In addition to this it provides those within the Victorian surfing community with an avenue to deliver feedback in relation to the aforementioned SV activities.

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, Instagram and Twitter.

There is however an inherent risk whereby people and organisations engaged in social networking can use it in way that can be deemed negative and harmful to other people and organisations.

SV expects all persons and organisations bound by this policy to behave and conduct themselves appropriately when using social networking sites, platforms and applications to share information related to the sport of surfing in Victoria.

In particular, this refers to any social networking activity, which @es, but is not limited to – posts, blogs, status updates, and tweets that meets the follow points:

- (a) **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;
- (b) **Must not** contain any material that conveys or displays the exploitation of children under the age of 18 years;
- (c) **Must Not** contain material which is inaccurate, misleading or fraudulent;
- (d) **Must Not** contain material which is in breach of laws, court orders, undertakings or contracts;



- (e) **Must Not** share any images, videos, posts, blogs, status updates or tweets that contain material covered in the points (a),(b),(c) and (d) above;
- (f) Should respect and maintain the privacy of others; and
- (g) Should promote the sport of surfing in a positive way.

If anyone believes a person, group of people or organisation bound by this policy have breached the policy in regards to their use of social networking sites, platforms and applications, they are encouraged to seek information, make a complaint or report it to SV, the Grievance Officer or any other Official. The complaints procedures is outlined in *Schedule 5 – Complaints Procedures* of this policy.

All complaints will be managed as per the *Schedule 5 – Complaints Procedures* section of this policy.

In the instance that any person/s bound by this policy have been found to have breached provision, the policy in regards to their use of social networking sites, platforms and applications, SV will take relevant disciplinary action against the person/s up to and including immediate dismissal and termination as well as cancellation of all memberships, accreditations, achievements, appointments, associations or engagements with SV.

Furthermore, any individual may be subject to the SV Tribunal Process as outlined in the *Schedule 5 – Complaints Procedures* section of this policy.

SCHEDULE 2 – EMPLOYMENT SCREENING/WORKING WITH CHILDREN CHECK REQUIREMENTS

SV are committed to providing a safe environment for children. As part of this, we will recruit and employ 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 Victoria. SV along with Victorian affiliated Surf Schools, Boardrider Clubs and associated Organisations will meet the requirements of the relevant Victorian Working with Children Check laws.

This applies to all Events, Programs, Courses, Training including Camps and Training sessions, held, hosted or sanctioned by SV that involves children or young people under the age of 18 years.

All SV Employees and Volunteers including but not limited to – Staff Members, Officials, Volunteers, Coaches and Coaching Staff, Judges, Referees and Umpires will be required to complete and obtain a Victorian Working With Children Check (VWWCC) before commencing any employment or association with the aforementioned SV activities above that involves children or young people under the age of 18 years.

Copies of all SV Employees and Volunteers VWWCCs can be provided upon request.

All SV Employees and Volunteers travelling with children and young people under the age of 18 years to another state or territory within Australia in a work-related capacity must comply with the screening requirements of that particular state or territory.

1. SV Personnel Recruitment and Screening Processes

- 1.1 SV will require all Employees and Volunteers in a working capacity to pass the recruitment and screening process prior to commencing their engagement and employment with SV.



- 1.2 As part of the screening and recruitment process, an applicant must provide appropriate evidence (e.g. VWWCC or other state equivalent and/or a Police check) to show that they are suitable to work with children and young people in a recreational setting.
- 1.3 All SV Staff, Officials, Volunteers, Administrators and Board of Management Members require a VWWCC; and
- 1.4 The following SV Event, Program and Course personnel must have a valid VWWCC or other state equivalent:
 - 1.4.1 Those paid by SV for their services, full-time, part-time or casually (excluding bump in and bump out);
 - 1.4.2 Volunteers;
 - 1.4.3 Relevant Contractors and Vendors who may have unsupervised access to children and young people; and
 - 1.4.4 Anyone else who SV feel requires a VWWCC or other state equivalent due to the nature of the work that they are undertaking for SV
- 1.5 The type of evidence that an applicant is required to provide to SV will vary depending on the type of position that they are applying for. However, no applicant will not be offered a position until they provide the required evidence to SV.
- 1.6 SV will exercise discretion and may require applicants to provide a Police check in accordance with the law and as appropriate, before they commence their engagement and employment with SV in regular intervals.
- 1.7 SV will undertake thorough reference checks prior to engaging and employing any personnel.
- 1.8 Once engaged and employed, SV will provide all Employees and Volunteers with access to this policy and Employees and Volunteers must review and acknowledge their understanding of this policy.
- 1.9 All Employees and Volunteers must complete and sign the SV Child Protection Declaration prior to any engagement and employment with SV.
- 1.10 SV will require that all affiliated Surf Education and Schools, Boardrider Clubs and associated Organisations ensure all their personnel (including but not limited to: Paid Employees, Volunteers, Officials, Administrators, Boards, Committees, Coaches and Judges) that are likely to have contact with children and young people, obtain and possess a current VWWCC, which needs to be signed off annually as part of the SV affiliation process. Any Surf Education and Schools, Boardrider Clubs and associated Organisations which do not comply with their legal obligations will be found to have not complied with the SV affiliation requirements and will be disaffiliated.
- 1.11 SV requires all accredited Surf Coaches, Stand Up Paddleboard Coaches, Surf Judges and Officials and Stand Up Paddleboard Judges and Officials that are likely to have contact with children and young people, obtain and possess a current VWWCC, which needs to be signed off bi-annually as part of the SV accreditation process. Any Coaches, Judges and Officials who do not comply with their legal obligations will be found to not have complied with the SV accreditation requirements and will have their accreditations deregistered.

ATTACHMENTS



- 1. Child Protection Declaration
- 2. Working With Children Requirements
 - 2.1 Victorian Working With Children Check
 - 2.2 Other Australian State and Territories Working With Children Check Requirements

1. CHILD PROTECTION DECLARATION

SV has a duty of care to all those associated with the SV organisation and to the individuals and organisations to whom the SV Child Protection Policy applies. It is a requirement of the SV Child Protection Policy that SV check the background of each person who is: employed or volunteers in a working capacity at all SV Events, Programs, Courses and Training which involves regular supervised or unsupervised contact with children or young people under the age of 18 years.

I, _____ (name)

Of, _____

_____ (address)

Born on ____ / ____ / ____ (day / month / year)

Sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence or narcotics.
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 discrimination and harassment or acts of violence or narcotics.
4. To my knowledge, there is no other matter that SV may consider to constitute as a risk to its employees, volunteers, members, athletes, organisation or reputation by engaging me.
5. I will notify the CEO of SV as well as the Directors of any other associated organisation/s engaging me immediately upon becoming aware that any matter set out above has changed.

Declared in the state of VICTORIA

On this date ____ / ____ / ____ (day / month / year)

Signature _____

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



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

Name _____

Signature _____

Date ____ / ____ / ____ (day / month / year)

2. WORKING WITH CHILDREN CHECK REQUIREMENTS

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

Along with SV's employment process, the checks help assess the suitability of people who are employed by SV or volunteer in a working capacity to work with children and young people. These checks can involve:

- Criminal history checks;
- Signed declarations;
- Referee checks; and
- Any other relevant background checks to assess a person's suitability to work with children and young people.

2.1 Victorian Working With Children Check (VWWCC)

Detailed information, including the forms required to complete a VWWCC, are available from the Victorian Department of Justice.

Contact the Victorian Government Department of Justice and Community Safety

Website: www.workingwithchildren.vic.gov.au

Phone: 1300 652 879

2.2 Other Australian State and Territories Working With Children Check Requirements

It is important to remember that when travelling to other States or Territories, representatives of SV must comply with the legislative requirements of that particular State or Territory.

In certain jurisdictions, temporary and 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 from SV is travelling interstate to do work that would normally require a Working with Children Check, they will be required to check the relevant requirements of that State or Territory.

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

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



Australian Capital Territory

Contact the ACT Government Access Canberra

Website: https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804

Phone: 13 22 81

New South Wales

Contact NSW Government Office of the Children's Guardian

Website: <https://www.kidsguardian.nsw.gov.au/>

Phone: (02) 8219 3777

Northern Territory

Contact NT Government SAFE NT

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

Phone: 1800 723 368 (1800 SAFE NT)

Email: safent.police@pfes.nt.gov.au

Queensland

Contact Queensland Government Blue Card Services

Website: <https://www.qld.gov.au/law/laws-regulated-industries-and-accountability/queensland-laws-and-regulations/regulated-industries-and-licensing/blue-card-services>

Phone: 1800 113 611 or (07) 3211 6999

Email: info@bluecard.qld.gov.au

South Australia

Contact Government of South Australia Department for Child Protection

Website: <https://www.childprotection.sa.gov.au/>

Phone: (08) 8124 4185

Tasmania

Contact Tasmanian Government Consumer, Building and Occupational Services

Website: <https://www.cbos.tas.gov.au/topics/licensing-and-registration/registrations/work-with-vulnerable-people>

Phone: 1300 654 499

Western Australia

Contact Government of WA Department of Communities

Website: <https://workingwithchildren.wa.gov.au/>

Phone: (08) 6217 8100

Email: checkquery@cpfs.wa.gov.au

SCHEDULE 3 – GUIDELINES FOR INTERACTIONS WITH CHILDREN AND YOUNG PEOPLE

The following guidelines for all SV Staff, Officials, Volunteers, Administrators and Coaches to protect them from risk and keep children and young people safe while participating in the sport of Surfing in Victoria as well as associated Events, Programs, Courses and Activities held, hosted or sanctioned by SV.

1. Maintain Appropriate Boundaries

It is important that SV Staff, Officials, Volunteers, Administrators and Coaches in positions of authority and influence should always maintain clear:

1.1 Physical Boundaries



- (a) Use of training or drills to develop skills and fitness, not as a punishment.
- (b) Only use physical contact where it is deemed appropriate and where the person/s has granted permission, such as the development of a skill.
- (c) Work within sight of other SV Staff, Officials, Volunteers, Administrators, Coaches, Parents and Guardians at all times.

1.2 Emotional Boundaries

- (a) Use positive and constructive feedback on performance or skill development, never use negative feedback about the person/s.
- (b) Always be encouraging and supportive and never use abusive or negative language towards anyone.

1.3 Social Boundaries

- (a) Socialise with children and young people at SV hosted, sanctioned or related events, programs, courses and activities, but do not seek or attend social engagements with children or young people outside of SV activities.
- (b) Only communicate with children and young people on social media if necessary or required as part of your position or role. Do so in a professional capacity and manner if representing SV.
- (c) When communicating via social media, always be professional in your behaviour and conduct with any messages or content that is posted.

1.4 Sexual Boundaries

- (a) Never have or pursue a sexual relationship with people who are under your authority or influence.
- (b) Do not touch people in a manner or ways that are likely to be deemed inappropriate, unnecessary or makes them feel uncomfortable.

2. Minimise Physical Contact

In general, any physical contact of people under the authority or influence of SV Staff, Officials, Volunteers, Administrators and Coaches should be to:

- Develop skills and fitness
- Prevent or respond to an emergency, incident or injury
- Treat an injury
- Meet the requirements of the sport of Surfing where necessary or required

All physical contact by SV Staff, Officials, Volunteers, Administrators and Coaches should fulfil the following criteria:

- Physical contact should be appropriate for the development of sporting skill/s or fitness.
- Permission has been granted by the person or from their parent or guardian where applicable.
- Physical contact in the form of encouragement, support, congratulatory or comfort should be done in the view of others or the public setting and not in a hidden or isolated setting.

2.1 Coach Assistance



All Coaches must ensure that all physical contact with children or young people that may occur when coaching is appropriate for the situation and necessary for the child or young person's development and safety. It is strongly recommended that:

- (a) Coaches ensure that there are other adults present whenever coaching children or young people;
- (b) Coaches take care and time to explain the procedure to the child or young person prior to beginning any physical contact; and
- (c) Coaches obtain consent from the child or young person prior to beginning any physical contact

3. Avoid Being Alone with a Child or Young Person

To protect SV Staff, Officials, Volunteers, Administrators and Coaches and any child or young person from risk:

- Do not isolate yourself with a child or young person and avoid being alone with a particular child or young person.
- If a child or young person approaches you and wants to talk to you privately about a matter do so in the open view of others or in a public setting (e.g. in view of other SV Staff, Officials, Volunteers, Administrators and Coaches or Parents and Guardians).
- If it is necessary or required to enter a change room: please only enter the change room of your gender (female/male), knock to announce to any people that you are coming in and try to have at least one other adult with you at all times (e.g. other SV Staff, Officials, Volunteers, Administrators and Coaches or Parents and Guardians).

3.1 Change Rooms

Regardless of gender, you should only enter a change room when accompanied by another adult. Prior to entering change rooms, you should notify the people in the change room of your intended entrance. For the avoidance of doubt, this requirement does not apply to parents/guardians when in a change room with their child.

3.2 Hotel Rooms and Other Accommodation

No adult should be alone in the room of a child or young person without the presence of another adult. The doors should always be open. Should it be necessary for an adult to be alone in the room of a child or young person, another responsible adult must be informed. For the avoidance of doubt this requirement does not apply to parents/guardians when in a room with their child.

3.3 Travel – In General

All SV Staff, Officials, Volunteers, Administrators and Coaches retain an overriding responsibility for the welfare of all children and young people they accompany during team travel activities. They have a 'duty of care' for those children and young people and they must meet that duty and avoid any unaccompanied and unobserved activities with children or young people under 18 years of age wherever possible. For the avoidance of doubt this requirement does not apply to parents/guardians when travelling with their child.

3.4 Sexual Relationships, Behaviour or Conduct

All SV Staff, Officials, Volunteers, Administrators and Coaches must not, under any circumstances engage in behaviour nor conduct of a sexual nature with a child or young person under 18 years of



age. Improper behaviour or conduct of a sexual nature from SV Staff, Officials, Volunteers, Administrators and Coaches towards a child or young person includes any form of child sexual abuse (defined within the SV Child Protection Policy) as well as but not limited to the following:

- (a) Inappropriate conversations of a sexual nature;
- (b) Obscene language of a sexual nature;
- (c) Sexually suggestive remarks or actions;
- (d) Jokes of a sexual nature;
- (e) Sexually obscene gestures;
- (f) Unwarranted or inappropriate touching;
- (g) Sexual exhibitionism;
- (h) Use of any device to show/watch sexually offensive material;
- (i) Any other action that could lead to a child or young person being physically, emotionally or psychologically harmed

4. Leaving Children or Young People Unattended

Passed on *September 2, 2004* in Victoria, it is an offence for a person responsible for a child to leave the child unattended for any longer than is reasonable, without making appropriate arrangements for the child's supervision and care. This means leaving a child anywhere unattended.

In Victoria, there is not set age at which it is legal to leave a child unattended. It depends on the child and the situation

When deciding whether to charge a person with this offence, authorities from local law enforcement (Victoria Police) and Government department (Victorian Department of Health and Human Services Child Protection) must consider each case individually to determine the reasonableness of the circumstances in which the child was left unattended. This includes the needs of the particular child. The Secretary of the department has to be consulted before a charge can be laid.

From *January 21, 2015*, the penalty for leaving a child unattended is a fine of 25 penalty units (\$4130.50) or imprisonment for six (6) months or both.

The current value of a penalty unit in Victoria is \$165.22 (as of *July 1, 2020*)

SCHEDULE 4 – UNDERSTANDING OF CHILD ABUSE

Child Abuse can be when someone does something harmful, or does not provide for or protect, a child or young person. Child abuse can cause significant and long-lasting emotional, physical and behavioural damage. Sports such as Surfing is a particularly vulnerable area for potential abuse because:

- It involves a large number of people under the age of 18 years;
- It can involve travelling for overnight and away trips (e.g. events, competitions and training camps)
- It usually involves close communication, relationships and rapport between adults and children, where adults are in positions of influence and trust and are able to assert authority and power over children. Child abuse can occur within the sport, but someone associated with the sport could notice that something isn't right with a child or child discloses something to them outside of the sport.

It is important to understand that generally there is 6 types of child abuse. However there is no universal definitions and definitions may vary.

1. TYPES OF CHILD ABUSE



1.1 Sexual Abuse/Sexual Misconduct

Any sexual act or sexual threat imposed on a child or young person. This can include exposure to inappropriate sexual behaviour or material. For example, suggestive behaviour, inappropriate touching or voyeuristically watching a child or young person shower or change clothes. In most states and territories of Australia, by law, children (under 16 years of age) do not have the ability to consent to any sexual activity with an adult. It is against the law for adults in a position of authority or power (e.g. Coach, Instructor, Manager, Mentor) to engage in any form of sexual activity with a child.

1.2 Physical Abuse

Non-accidental injury and/or harm to a child or young person, caused by another person such as parent, care-giver or even an older child. For example, someone physically punishing a child or young person for losing a heat by hitting, kicking, pushing, shoving them or throwing equipment at them.

1.3 Emotional Abuse

Behaviours or conduct that may psychologically harm a child or young person. For example, threatening language, bullying, ridicule, personally abusive comments designed to demean and humiliate. Persistent negative comments to a child or young person.

1.4 Neglect

Failing to provide a child or young person with basic physical and emotional necessities, harming them or putting them at risk of harm. As examples, forcing or making a child or young person compete or continue to compete despite having or sustaining an injury. Forcing or making a child or young person to train in extreme weather conditions (hot or cold). Over-training a child or young person to the point of injury or emotional distress and punishing a child or young person by denying them their basic needs and rights (food, water, access to toilets, etc.)

1.5 Family Violence

Sometimes referred to as Domestic Violence, this means violent, threatening or other behaviour/conduct by a person that coerces or controls a member of the person's family (the family member), or causes the family member to be fearful.

1.6 Organised Sexual Abuse

This can include a range of circumstances where multiple children or young persons are subject to abuse from multiple people. This can include organised child pornography or child prostitution.

2. INDICATORS OF ABUSE

It is important that people working with children or young people are aware of the indicators of child abuse and have the confidence to respond to any indication that a child may have been abused. Indicators can be identified in various ways. Children and young people may confide and tell an adult about the abuse occurring (what is known as a disclosure), however you may identify injuries on a child or young person that could lead you to believe they are at risk of abuse. Some indicators of child abuse are*:

- Bruising, particularly on the face, head or neck region;
- Multiple bruising or injuries – For example: burns, scalds, sprains, dislocations or fractures;
- Injuries left untreated;



- Differing versions of how injuries occurred;
- Child/relative advising of abuse;
- A child, referring to someone else being abused, may in fact mean her/himself;
- Sexual behaviour or conduct that is inappropriate for the age of the child;
- Talking about sexual acts, pornography, sexualised questions to adults or other children (that are inappropriate for the age of the child);
- Nightmares/bedwetting/going to bed fully-clothed;
- A high level of distrust of other people;
- An inability to relate well with adults and/or other children;
- Extreme attention-seeking behaviour, disruptive or aggressive behaviour or conduct and bullying;
- Seeking indiscriminate or inappropriate adult affection

*Please note: The presence of one indicator does not necessarily suggest that a child or young person is the subject of abuse. People in a working or volunteering capacity with children or young people need to carefully consider the context in which the indicators are observed and use common sense.

SCHEDULE 5 – COMPLAINTS PROCEDURE

SV will:

- Deal with all complaints in a safe, confidential, respectful, trustworthy, fair, timely and transparent manner. All complaints will be treated seriously.
- Provide individuals with a process to resolve the matter, along with access to an external complaint handling body, based on the nature of the complaint and SV's rules and regulations.
- Also provide an appeals process for those matters.
- Maintain confidentiality where possible as provided in the policy and seek to ensure that no person is victimised for making, reporting, supporting or providing information about a complaint.

ATTACHMENTS

1. Complaints Process
2. Mediation Process
3. Investigation Process

1. COMPLAINTS PROCESS

SV is committed to supporting people associated with the sport of surfing in Victoria to make and resolve any complaints they may have in a safe, confidential, respectful, trustworthy, fair, timely, transparent and effective way.

SV will:

- Endeavour to deal with all complaints on a confidential basis. However, this is not always possible. As a result, it may be difficult for SV to resolve complaints made anonymously.
- Provide formal procedures to deal with complaints. Individuals and organisations can also make complaints to external organisations under anti-discrimination, child protection and other relevant legislation.

PROCESS



1. Talk with the other person/s involved in the complaint (if safe and appropriate)

If you and other persons associated with the complaint feel confident and comfortable to do so, you can approach the other person to discuss the issues and try and resolve the issue/problem directly.

2. Making/Reporting a complaint

If it is not possible, safe or appropriate to resolve your complaint through talking to the other person, you may:

- (a) make/report a complaint verbally or in writing to SV or the Grievance Officer, or
 - (b) approach a relevant external agency, such as an anti-discrimination or equal opportunity commission for advice and assistance.
- 2.1 After receiving a complaint, and based on the material you provide, SV, the Grievance Officer or the relevant external officer will decide whether:
- (a) they are the most appropriate person/s to receive and manage the complaint;
 - (b) the nature and seriousness of the complaint requires a formal resolution procedure;
 - (c) to refer the complaint to a mediation process;
 - (d) an investigation of the complaint is required and appoint a person to investigate the complaint;
 - (e) to refer the complaint to a tribunal hearing;
 - (f) to refer the matter to the police or other appropriate authority;
 - (g) to implement any interim arrangements that will apply until the complaints process is completed; and/or
 - (h) dismiss the complaint
- 2.2 In dealing with your complaint, SV and the Grievance Officer will take into account:
- (a) whether they have had any personal involvement in the circumstances and if so, whether it is appropriate someone else should handle the complaint;
 - (b) your wishes, and the wishes of the respondent, regarding how the complaint should be managed;
 - (c) the relationship between you and the respondent (e.g. an actual or perceived power imbalance between you and the respondent);
 - (d) whether the facts of the complaint are in dispute; and
 - (e) the urgent nature of the complaint, including the possibility that you might face further unacceptable behaviour and conduct while the complaint process is underway.
- 2.3 If SV and the Grievance Officer are the appropriate people to handle the complaint, they will, where appropriate and/or necessary:
- (a) provide the information received from you to the other person(s) involved and ask for a response;
 - (b) decide if there is enough information to determine whether the matter alleged in your complaint did or did not occur; and/or
 - (c) determine what, if any, further action is required to be taken, including referring the matter for investigation or disciplinary action in accordance with this policy.

3. Investigating a complaint



In some cases, an investigation may be required to determine the facts surrounding the complaint. Following the investigation, a written report will be provided to SV, the Grievance Officer or a relevant external officer.

- (a) If the complaint is referred to mediation, SV will follow the steps outlined in Schedule 4.2 or as agreed by you, the respondent and the relevant mediator.
- (b) If the complaint is referred to a tribunal hearing, the hearing will be conducted according to the steps outlined in the *Schedule 10 - SV Codes of Conduct & Disciplinary Handbook* section of this policy.

4. Reconsidering a complaint or appealing a decision

If the matter is referred to mediation and is not resolved through mediation, you may request that SV, the Grievance Officer or the relevant external officer reconsider the complaint.

5. Documenting the resolution

SV, the Grievance Officer or the relevant external officer will record the complaint, the steps and measures taken to resolve the complaint and the outcome of the complaint. This information will be stored in a safe, secure and confidential location. If the complaint was dealt with by SV, the information will be stored at undisclosed location by SV. If the matter is of a serious nature and has been elevated to local law enforcement authorities (Victoria Police), the information will be passed on to the local law enforcement authorities and stored at their discretion. A copy of this information will be stored by SV.

6. Approaching external organisations

If you feel that you have been discriminated against or harassed, you can seek advice from a state or territory anti-discrimination or equal opportunity commission.

In Victoria this is the Victorian Equal Opportunity and Human Rights Commission via the Victorian Government Department of Justice and Community Safety. Their website is: <https://www.justice.vic.gov.au/equal-opportunity#:~:text=The%20Victorian%20Equal%20Opportunity%20and,services%20for%20people%20with%20disputes>

There is no obligation to make a complaint. However, if the commission advises you that the issues appear to be within its jurisdiction, you may choose to lodge a 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 hearing. The tribunal will make a finding and decide what action, if any, is required to be taken.

If you do lodge a complaint with the commission, an appropriate person from SV (e.g. an <_Member Protection Information Officer_>) 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 hearing.

Contact details for the state and territory anti-discrimination and equal opportunity commissions are available in the *Quick Reference Guide* on the *Play by the Rules* website: <http://www.playbytherules.net.au/resources/ebooks>

Serious complaints and incidents, such as assault or sexual assault, should be immediately reported to the local law enforcement authorities (Victoria Police).

2. MEDIATION PROCESS

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.

SV's approach to mediation follows the steps and set out below.

1. The Grievance Officer or other designated SV Official will appoint an appropriate mediator to help resolve the complaint. This will be done under the direction of SV and in consultation with the complainant/s 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 SV acting as mediator.
2. The mediator will talk with the complainant/s and respondent/s about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
3. All issues raised during mediation will be treated confidentially. SV also respects the rights of the complainant/s 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/s and the respondent/s. SV expect the parties involved to respect and comply with the terms of the agreement.
5. If the complaint is not resolved by mediation, SV will determine what, if any, process will be pursued at that time.
6. SV recognise that there are some situations and instances where mediation may not be appropriate, including:
 - (a) When the people involved have completely different versions of the incident;
 - (b) When one or both parties are unwilling to attempt mediation;
 - (c) When there is a real or perceived power imbalance between the people involved;
 - (d) Matters that involve serious allegations.

3. INVESTIGATION PROCESS

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

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

Any investigation SV conduct will be fair and equitable to all persons involved. The investigation process will be undertaken by an unbiased and impartial person.

If SV decide that a complaint should be investigated, SV will decide how this will occur.

If in the instance that the complaint and allegations are of serious nature, SV may consult and report the matter to the local law enforcement authorities (Victoria Police) for further management of the complaint and investigation. This may require individuals involved or connected to participate and provide information in police investigations, where possible charges may be laid.

SCHEDULE 6 – TRIBUNAL PROCEDURE



1. Any Tribunal Hearing will be held in accordance with the guidelines set out in the *Schedule 10 – SV Codes of Conduct & Disciplinary Handbook* section of this policy.
2. The Tribunal panel will be made of the SV Grievance Officer and the SV Disciplinary Committee.
3. The right of appeal is contained in the *Schedule 10 – SV Codes of Conduct & Disciplinary Handbook* section of this policy.

SCHEDULE 7 – REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

SV will:

- Ensure that all the complaints we receive are properly reported and documented. This includes recording how the complaint was resolved and the outcome of the complaint.
- Treat the recorded and documented information, and any additional records and notes, confidentially (subject to disclosure required by Victorian Law or permitted under this policy) and will store it in a safe, secure and confidential location.
- Treat any allegation of child assault, abuse or neglect promptly, seriously, safely, confidentially, respectfully and with a high degree of sensitivity.
- Ensure that everyone who is employed with SV in a paid or unpaid capacity understands how to appropriately receive and record complaints and allegations of child assault, abuse and neglect and how to report those complaints and allegations to the relevant local law enforcement authorities (Victoria Police).

ATTACHMENTS

1. Record of Complaint
2. Management of Allegations of Child Assault, Abuse or Neglect
3. Failure to Disclose a Child Sexual Abuse Offence
 - 3.1 Reasonable Belief of Child Sexual Abuse
 - 3.2
4. Confidential Record of Child Abuse Allegation

1. RECORD OF COMPLAINT

Complainant's Name:			
Is the Complainant...? (Please Tick)	Date complaint was received? (dd/mm/yyyy)		
<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	/ /		
Complainant's Contact Details:	Phone No: Email Address:		
Complainant's Position/Role: (Please Tick)	<input type="checkbox"/> Surfing Victoria Staff	<input type="checkbox"/> Parent/Guardian	
	<input type="checkbox"/> Official	<input type="checkbox"/> Spectator	



	<input type="checkbox"/> Volunteer <input type="checkbox"/> Support Personnel <input type="checkbox"/> Athlete/Participant <input type="checkbox"/> Other (Please Specify) <input type="checkbox"/> Coach/Assistant Coach _____
Name of the person/s or Name of the Organisation complaint is about: (Respondent)	
Is the Respondent...? (Please Tick)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18
Respondent's Position/Role: (Please Tick)	<input type="checkbox"/> Surfing Victoria Staff <input type="checkbox"/> Parent/Guardian <input type="checkbox"/> Official <input type="checkbox"/> Spectator <input type="checkbox"/> Volunteer <input type="checkbox"/> Support Personnel <input type="checkbox"/> Athlete/Participant <input type="checkbox"/> Other (Please Specify) <input type="checkbox"/> Coach/Assistant Coach _____
Location, Event, Program, Course or Activity where alleged incident occurred?	
Description of the alleged incident?	
What is the nature of the complaint? (Category/Basis/Grounds) (Please Tick all Boxes that apply if necessary)	<input type="checkbox"/> Harassment <u>or</u> <input type="checkbox"/> Discrimination <hr/> <input type="checkbox"/> Bullying <input type="checkbox"/> Verbal Abuse <input type="checkbox"/> Physical Abuse <input type="checkbox"/> Sexual/Sexist <input type="checkbox"/> Sexuality <input type="checkbox"/> Gender <input type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Disability



	<input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Victimization <input type="checkbox"/> Personality Clash <input type="checkbox"/> Selection Decision <input type="checkbox"/> Coaching/Teaching Methods <input type="checkbox"/> Unfair Decision <input type="checkbox"/> Other (Please Specify) <hr/>
Methods of attempted Resolution? (If any)	
Resolution procedures that were followed: (Please Outline)	
If the complaint is investigated, what are the findings?	



If the complaint is heard by the Grievance Officer or Disciplinary Committee, what decision was reached?		
If a decision for the complaint was reached by the Grievance Officer or Disciplinary Committee, what action is being recommended/taken?		
If the parties involved in the complaint are mediated:	Date of the Mediation? (dd/mm/yyyy)	/ /
	Were both/all parties involved present?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Was an agreement reached? If so, please provide some detail	
	Was there any further action taken?	
If a decision was appealed, what subsequent decision was reached?		
If a decision was reached after an appeal, what action is being recommended/taken?		



How long did the complaint take to reach resolution? (Please Tick)	<input type="checkbox"/> Less than a day <input type="checkbox"/> Less than a week <input type="checkbox"/> Less than a fortnight <input type="checkbox"/> Less than a month <input type="checkbox"/> Less than 3 months <input type="checkbox"/> 3 – 6 months <input type="checkbox"/> 6 – 9 months <input type="checkbox"/> 9 months – a year (12 months) <input type="checkbox"/> More than a year (12 months)
Record completed by:	Name: Position/Role: Signature: Date (dd/mm/yyyy): / /
Signature of Complainant:	Date (dd/mm/yyyy): / /
Signature of Respondent:	Date (dd/mm/yyyy): / /

This record of complaint and any associated notes must be kept confidential and secure. If the complaint is of a serious nature, or if it is taken to, reported and/or managed by the local law enforcement authorities (Victoria Police), the original record must be kept by SV and a copy provided to the relevant local law enforcement authorities (Victoria Police).

2. MANAGEMENT OF ALLEGATIONS OF CHILD ABUSE, ASSAULT OR NEGLECT

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

Fact sheets and advice on reporting allegations of child abuse in Victoria as well as other Australian states and territories are available at:

<http://www.playbytherules.net.au/got-an-issue/child-safe-sport/understanding-child-abuse>



<http://www.playbytherules.net.au/complaints-handling/suspicion-of-harm-against-a-child>
<http://www.playbytherules.net.au/got-an-issue/child-safe-sport/child-safeguarding-laws-explained>

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

All people working with SV in a paid or unpaid capacity have a duty to report any concerns to the relevant officers or local law enforcement authorities (Victoria Police), following the steps outlined below.

2.1 Reception of the Allegation

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

Here are some Dos and Don'ts when receiving an allegation from a child or young person:

Do	Don't
Make sure you understand and are clear on what the child or young person had told you.	Do not challenge or undermine the child or young person.
Be supportive and reassure the child or young person that what has occurred is not his or her fault.	Do not seek detailed information, ask leading questions or offer an opinion to the child or young person.
Explain to the child or young person that other people may need to be told in order to stop what is happening.	Do not discuss the details with any person/s other than those detailed in these procedures.
Promptly and accurately record the discussion in writing with as much detail as you have been told.	Do not make contact with the alleged offender.

2.2 Reporting of Allegation

- (a) Immediately report any allegation of child abuse, assault or neglect, or any other situation involving a child at risk of harm, to the local law enforcement authorities (Victoria Police) and/or relevant child protection agency or services (Victorian Department of Health and Human Services). You may need to make a report to both.
- (b) Contact the local law enforcement authorities (Victoria Police) or relevant child protection agency or services (Victorian Department of Health and Human Services) for advice if you feel there is any doubt about whether the allegation should be reported
- (c) If the allegation involves a person/s to whom this policy applies or is bound under, then you must also report the allegation to the SV Grievance Officer or relevant Staff member so that they can manage the situation.

2.3 Protecting the Child and Managing the Situation

- (a) The SV Grievance Officer will assess the immediate risks to the child or young person and may take interim steps and measures to ensure the child or young person's safety as well as the safety of other children and young people. This may include, but is not limited to: redeploying the alleged offender to a position or role where there is no unsupervised contact with children or young people, supervising the alleged offender or removing/suspending the alleged offender until any investigations into the allegation/s have been concluded. Legal advice should be sought before any interim steps or measures are taken or made if the alleged offender is an employee or associated with SV.



The SV Grievance Officer will:

- (b) Consider what services may be most appropriate to support the child or young person as well as his or her parent/guardians.
- (c) Consider what support services may be most appropriate for the alleged offender.
- (d) Seek to put in place steps and measures to protect the child or young person and the alleged offender from possible victimisation, gossip or hearsay.

2.4 Taking Internal Action

- (a) At least three different investigations could be undertaken to examine the allegations that are made against a person/s to whom this policy applies and is bound under, including:
 - i. A criminal investigation (conducted by Victoria Police).
 - ii. A child protection investigation (conducted by Victorian Department of Health and Human Services).
 - iii. A disciplinary or misconduct inquiry/investigation (conducted by SV).
- (b) SV will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include, but is not limited to: considering whether the alleged offender should return to his or her position/role, be dismissed, banned or suspended or face other disciplinary action.
- (c) If disciplinary action is taken, SV will follow the procedures and protocols set out in the SV Child Protection Policy.
- (d) Where required, SV will provide local law enforcement authorities (Victoria Police) and relevant child protection agency or services (Victorian Department of Health and Human Services) with a report of any disciplinary action taken.

2.5 Adults Under Investigation

Any adult under investigation in relation to a matter involving child abuse, or any matter which has the potential to jeopardise their Victorian Working With Children Check (VWWCC) (or if based in another State the equivalent requirement) status may be prohibited, by the SV Board of Directors, from working or participating in any of SV's activities.

2.6 Contact Details for Child Abuse, Assault or Neglect

Contact details for any advice or reporting an allegation of child abuse, assault or neglect in Victoria:

Victoria Police

Phone: 000 (For Immediate Danger or Life-Threatening Situations)

13 14 44 (For Non-Urgent Police Assistance or Inquires)

Website: www.police.vic.gov.au

Victorian Department of Health and Human Services

Phone: 13 12 78

Website: <https://www.dhhs.vic.gov.au>



<https://services.dhhs.vic.gov.au/child-protection-contacts>

3. FAILURE TO DISCLOSE A CHILD SEXUAL ABUSE OFFENCE

In 2014, the law in the State of Victoria was changed to create the *Failure to Disclose a Child Sexual Abuse Offence*. The *Failure to Disclose Offence* helps to ensure that protecting children and young people from sexual abuse is the responsibility of the whole community.

This offence applies if:

- You are an adult; and
- You have information that leads you to form a 'reasonable belief' that another adult has sexually offended against a child under the age of 16 years in the State of Victoria.

If this applies to you, you must report any and all information to Victoria Police as soon as possible, unless:

- You have a 'reasonable excuse' for not reporting the information; or
- You are exempt from the offence

If you fail to report any information regarding child sexual abuse, you may be charged with a criminal offence that could result in imprisonment.

3.1 Reasonable Belief of Child Sexual Abuse

You only need to report to Police when you have seen or heard something that has led you to form a 'reasonable belief' that an adult has sexually abused a child.

You have a 'reasonable belief' if a reasonable person in the same circumstances as you would believe that an adult had sexually abused a child, for the same reasons you believed it. For example, you might form a reasonable belief that a child has been sexually abused if:

- The child tells you they have been sexually abused;
- The child tells you they know someone who has been sexually abused (which may be a way of talking about themselves);
- Someone who knows the child tells you the child has been sexually abused;
- You observe signs of sexual abuse in the child;
- You are a qualified professional who observes the child's behaviour or development, which leads you to believe the child has been sexually abused.

You do not need to report rumours or unfounded suspicions.

3.2 Reasonable Excuses for Not Reporting Child Sexual Abuse to Police

You may have a 'reasonable excuse' for not reporting information about child sexual abuse to police if, for example:

- You fear for your safety, or the safety of another person; or
- You believe the information has already been reported to the police.



If you are charged with the *Failure to Disclose Offence*, a court or jury may consider whether it was reasonable for you not to report to Police in the circumstances.

You will not be guilty of an offence if you have a reasonable excuse for not reporting.

3.2.1 Reasonable Excuse – Fear of Safety

You have an excuse for not reporting child sexual abuse to Police if:

- You reasonably fear for your safety or the safety of another person, except the person you believe committed, or was involved in, the sexual offence; and
- Your failure to report is a reasonable response in the circumstances

These listed excuses help to protect children, their families and others from harm where reporting information may pose a risk to people's safety. For example, a mother may decide not to report her partner sexually abusing her child because she fears violence against her or her child.

The fear must be reasonable from the perspective of that person in those circumstances. This recognises that this person is best placed to judge whether their safety, or the safety of another person, is endangered.

3.2.2 Reasonable Excuse – Belief that the Information has already been Disclosed

You have an excuse for not reporting child sexual abuse to Police if:

- You have reasonable grounds of belief that a child has or is being abused or harmed and you have undertaken a 'mandatory report';
- You believe on reasonable grounds that another person has already disclosed the information to police; and
- You have no further information to add.

For example, you may have this belief if you have disclosed the information in a 'mandatory report' to *Department of Health and Human Services Child Protection* under the [Children, Youth and Families Act 2005](#), as Child Protection will provide the information you have reported to them to Victoria Police.

People who are 'Mandatory Reporters' and must make a 'mandatory report' are:

- Teachers and School Principals
- Doctors, Nurses and Midwives
- Out-of-Home Care Workers (excluding Volunteer Foster Carers and Kinship Carers)
- Early Childhood Teachers and Workers
- Registered Psychologists
- Youth Justice Workers
- School Counsellors
- People in Religious Ministry.

3.2.2.1 Reasonable Grounds for Belief

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



- (a) The child is in need of protection;
- (b) The child has suffered or is likely to suffer significant harm as a result of physical or sexual injury; and
- (c) The child's parents/guardians are unable or unwilling to protect the child

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

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

You have reasonable grounds of belief to notify if:

- (a) A child states they have been physically or sexually abused;
- (b) A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- (c) Someone who knows a child, states that the child has been physically or sexually abused
- (d) Professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; or
- (e) Signs of abuse lead to a belief that the child has been physically or sexually abused

3.2.2.2 Voluntary Reporters

In addition to the 'Mandatory Reporting' obligations above, any person who believes on reasonable grounds that a child is being abused or harmed and is in need of protection, may disclose that information to the relevant Government Agency (Department of Health and Human Services Child Protection) or the local law enforcement authorities (Victoria Police)

These excuses listed means that people do not need to report the same information to different agencies.

3.2.3 Excuses that are Not Reasonable

You do not have a reasonable excuse for failing to disclose information about child sexual abuse if you are only concerned about the 'perceived interests' of:

- The person you believe committed, or was involved in, the sexual offence; or
- Any Organisation.

'Perceived interests' includes reputation, legal liability and financial status. For example, a Religious Minister's concern for the reputation of a Church where an adult sexually abused a child is not a reasonable excuse for not reporting to Police.

This ensures that a child's best interests are placed first.

3.3 Exemptions from the Offence



You may be exempt from the offence if:

- A victim aged 16 years or over has provided the information and requests confidentiality;
- You were a child when you received the information;
- The information would be privileged;
- The information is a 'confidential communication';
- The information is in the public domain;
- You are a police officer acting in the course of your duty.

Exemptions are important because they can:

- Help to protect victims of family violence from the risk of further harm;
- Enable victims of sexual abuse to seek help and treatment, even if they do not want to report the abuse;
- Enable professionals to help and treat victims of sexual abuse.

3.3.1 A Victim Aged 16 Years or Over Requests Confidentiality

A victim may decide they do not want the sexual abuse to be reported. Where a victim is capable of making an informed decision, the law does not require the abuse to be reported.

This means you do not need to report information on child sexual abuse to the Police:

- If the information comes from a victim aged 16 years or over; and
- The victim requests that the information not be reported

The law recognises that a child under 16 years of age is not able to make this kind of decision, as they may not fully understand the effects of abuse.

You will still need to report to Police if:

- The victim had an intellectual disability when they provided the information; and
- The victim did not have the capacity to make an informed decision about disclosure when they provided the information; and
- You are aware or should reasonably have been aware of these facts

3.3.2 You were a child when you Received the Information

If you were under 18 years of age when you received the information of child sexual abuse, you do not have to report it when you turn 18 years of age.

This exemption protects children from the burden of knowing they will have to report the information to Police when they turn 18 years of age.

3.3.3 The Information would be Privileged

You are not required to report information on child sexual abuse that would be privileged, including information protected under:

- Client Legal Privilege



- Journalist Privilege

The religious confessions privilege no longer applies to this offence.

3.3.4 The Information is a 'Confidential Communication'

You do not need to report information of child sexual abuse to Police if:

- You are a registered Medical Practitioner or Counsellor; and
- You obtain the information from a victim or alleged victim of a sexual offence while treating them

This exemption aims to protect registered Medical Practitioners and Counsellors from criminal liability when they are treating a victim or alleged victim of sexual offending.

If you are a registered Medical Practitioner or Counsellor, you must make a 'mandatory report' to *Department of Health and Human Services Child Protection* where required.

3.3.5 The Information is in the Public Domain

You do not have to report information of child sexual abuse to Police if:

- You receive the information only through the public domain; or
- You form a reasonable belief only from information in the public domain

Information may be in the public domain if, for example, it is on television or radio, in the newspaper or on the internet

3.3.6 You are a Police Officer Acting in the Course of Duty

You do not have to report information of child sexual abuse if you are a Police Officer acting in the course of duty in respect of the victim of the alleged sexual offence.

3.4 Protections for People who Report Child Sexual Abuse

If you disclose information about child sexual abuse to Police, evidence may be given about that information in a legal case. Evidence that identifies, or could identify, you will be confidential unless:

- You consent in writing to the evidence being given; or
- A court or tribunal decides it is necessary in the interests of justice for the evidence to be given

If you report to Police in good faith, your report does not:

- Amount to unprofessional conduct or a breach of your professional ethics; or
- Subject you to any liability in relation to the report

3.5 How to make a Report to Police

If you want to make a report to Police that a child is in immediate risk of being sexually abused, **please call 000.**



Alternatively, you can contact your local Police Station.

If you or someone you know has experienced child sexual abuse in an institution, its encouraged that you contact Victoria Police's SANO TASKFORCE via email sanotaskforce@police.vic.gov.au

More information on the *Failure to Disclose a Child Sexual Abuse Offence* is available at: <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence>

4. CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Complainant's Name (if other than the child):		
Complainant's Contact Details:	Phone No:	
	Email Address:	
Is the Complainant...? (Please Tick)	Date complaint was received? (dd/mm/yyyy)	
<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	/ /	
Complainant's Position/Role: (Please Tick)	<input type="checkbox"/> Surfing Victoria Staff <input type="checkbox"/> Parent/Guardian <input type="checkbox"/> Official <input type="checkbox"/> Spectator <input type="checkbox"/> Volunteer <input type="checkbox"/> Support Personnel <input type="checkbox"/> Athlete/Participant <input type="checkbox"/> Other (Please Specify) <input type="checkbox"/> Coach/Assistant Coach _____	
Child's Name:		
Child's Date of Birth (dd/mm/yyyy):	/ /	
Child's Address:		
Complainant's reason for allegation of abuse? (e.g.		



<p>observation of the child, injuries to the child, disclosure from the child)</p>	
<p>Name of the Person/s allegation is about: (Respondent)</p>	
<p>Is the Respondent...? (Please Tick)</p>	<p><input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18</p>
<p>Respondent's Position/Role: (Please Tick)</p>	<p><input type="checkbox"/> Surfing Victoria Staff <input type="checkbox"/> Parent/Guardian <input type="checkbox"/> Official <input type="checkbox"/> Spectator <input type="checkbox"/> Volunteer <input type="checkbox"/> Support Personnel <input type="checkbox"/> Athlete/Participant <input type="checkbox"/> Other (Please Specify) <input type="checkbox"/> Coach/Assistant Coach _____</p>
<p>If possible, provide the Location, Event, Program, Course or Activity where the alleged abuse has occurred?</p>	
<p>If possible, provide a description of the alleged abuse?</p>	
<p>Is there any Witnesses to the alleged abuse?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <hr/> <p>Witness 1.</p>



<p>If so, please provide the Name/s and contact details of any Witnesses:</p> <p>(If more than three (3) Witnesses, please attach their details to this form)</p>	<p>Name:</p> <p>Contact Details</p> <p>Phone:</p> <p>Email Address:</p> <hr/> <p>Witness 2.</p> <p>Name:</p> <p>Contact Details</p> <p>Phone:</p> <p>Email Address:</p> <hr/> <p>Witness 3.</p> <p>Name:</p> <p>Contact Details</p> <p>Phone:</p> <p>Email Address:</p>
<p>Interim action (if any) taken to ensure the child's safety and/or to support the needs of the Respondent?</p> <p>If so, please provide detail:</p>	



<p>Were the Police contacted?</p> <p>If so, please provide detail:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <hr/> <p>Who contacted the Police?:</p> <p>When were the Police contacted? (possible date and time):</p> <p>What advice, action or information was provided by the Police?:</p>
<p>Was a Government Agency contacted?</p> <p>If so, please provide detail:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <hr/> <p>Who contacted the Government Agency?:</p> <p>When was the Government Agency contacted? (possible date and time):</p> <p>What advice or information was provided by the Government Agency?:</p>
<p>Was the SV Grievance Officer contacted?</p> <p>If so, please provide detail:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <hr/> <p>Who contacted the SV Grievance Officer?:</p> <p>When was the SV Grievance Officer contacted? (possible date and time):</p>
<p>If the alleged abuse is investigated by the Police or Government Agency, what are the findings?</p>	



If the alleged abuse is investigated internally, what are the findings?	
Was there action taken? If so, please provide detail on the action taken:	<input type="checkbox"/> Yes <input type="checkbox"/> No <hr/>
Record completed by:	Name: Position/Role: Signature: Date (dd/mm/yyyy): / /
Signature of Complainant (if other than the child):	



	Date (dd/mm/yyyy): / /
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This record and any associated notes must be kept in a confidential, safe and secure place and provided to the relevant authorities (Victoria Police and Victorian Department of Health and Human Services) should they require the need for them.

SCHEDULE 8 – RISK MANAGEMENT

1. Risk Assessment

1.1 Risk Likelihood

To determine the likelihood of a risk the following table below should be used. Once the likelihood of a risk has been determined, it should be highlighted on the Risk Register.

RATING	LIKELIHOOD LEVEL DESCRIPTION PROBABILITY
5	Almost Certain – <i>Is expected to occur in most circumstances – frequently during the year > 95% - %100</i>
4	Likely – <i>Will probably occur – once during the year 70% - 95%</i>
3	Possible – <i>Might occur at some time – once every 3 years 30% - 70%</i>
2	Unlikely – <i>Could occur at some time – once every 5 years 5% - 30%</i>
1	Rare – <i>May occur only in exceptional circumstances. This is known to have occurred elsewhere – once every 5+ years < 5%</i>

1.2 Risk Consequences

To determine the consequences of a risk the following table below should be used. Once the consequence of a risk has been determined, it should be highlighted on the Risk Register.

RATING	POTENTIAL CONSEQUENCE OF THE RISK
5	Catastrophic – Extreme impact, possible fatality, unable to be remedied
4	Major – Severe impact, damage to persons, extremely difficult to remedy
3	Moderate – Significant impact, difficult to remedy
2	Minor – Low impact, easily remedied
1	Negligible – Insignificant impact and remedied through normal processes

1.3 Risk Likelihood/Consequence Rating Matrix

Low 2 – 4	Moderate 4 – 8	High 8 – 10
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RISK RATING MATRIX						
		CONSEQUENCE				
LIKELIHOOD		1 – Negligible	2 – Minor	3 – Moderate	4 – Major	5 - Catastrophic
	5 – Almost Certain					
	4 – Likely					
	3 – Possible					
	2 – Unlikely					



1 – Rare						
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1.4 Risk Actions

To determine whether an action needs to put in place for a risk the following table below should be used. Once the action for the risk is determined, it should be highlighted in the Risk Register.

RATING	ACTION DEVELOPMENT FOR POTENTIAL RISK
3	Action Not in Place – <i>Action needs to be developed immediately</i>
2	Action Currently Being Developed – <i>Action in the process of being developed, requires attention</i>
1	Action in Place – <i>Action in place for the risk</i>

2. Risk Register

SURFING VICTORIA CHILD SAFETY POLICY RISK REGISTER							
Risk	Priority Scale			Action to Remedy	Action Development	Responsibility	Completed by When
	Likelihood	Consequence	Rating				
OCCUPATIONAL HEALTH & SAFETY							
Child or young person left behind or alone after SV Event, Program, Course or other activity.	Likely (4)	Moderate (3)	Moderate (7)	Two (2) x SV Staff at to check at conclusion of every SV Event, Program, Course or other activity that all participants have been collected by Parents/Guardians. If participants have not been collected, SV Staff are to wait until Parents/Guardians arrive to collect or use mobile phone to contact Parents/Guardians on behalf of participants.	Action in Place	SV Staff	Conclusion of each SV Event, Program, Course or other activity.
SV Personnel (who is not a Parent/Guardian) having unsupervised contact with a child or young person at a SV Event, Program, Course or other activity.	Possible (3)	Moderate (3)	Moderate (6)	All SV Personnel working or attending SV Events, Programs, Courses or other activities are to try and do so in full view of other SV Personnel, other adults or public view where possible. All SV Personnel to inform another SV Personnel about whereabouts when	Action Currently Being Developed	SV Staff	From commencement through to conclusion of each SV Event, Program, Course or other activity.



				working unsupervised at SV Events, Programs, Courses and other activities (e.g. taking a toilet break).			
SV Personnel having inappropriate behaviour or conduct with a child or young person at an SV Event, Program, Course or other activity.	Rare (1)	Major (4)	Moderate (5)	<p>Child or young person is protected and supported is offered.</p> <p>Evidence is gathered to make a complaint or report to SV.</p> <p>Complaint or Report is investigated and managed by SV via Complaint, Grievance and Disciplinary procedures where necessary.</p> <p>If required, complaint or report to be elevated to relevant law enforcement authorities (Victoria Police).</p>	Action in Place	SV Staff	From commencement through to conclusion of each SV Event, Program, Course or other activity.
Person/s other than SV Personnel having inappropriate behaviour or conduct with a child or young person at an SV Event, Program, Course or other activity.	Unlikely (2)	Major (4)	Moderate (6)	<p>Child or young person is protected and supported is offered.</p> <p><i>If person/s are connected to SV:</i></p> <p>Evidence is gathered to make a complaint or report to SV.</p> <p>Complaint or Report is investigated and managed by SV via Complaint, Grievance and Disciplinary procedures where necessary.</p> <p>If required, complaint or report to be elevated to relevant law enforcement authorities (Victoria Police).</p>	Action in Place	SV Staff	From commencement through to conclusion of each SV Event, Program, Course or other activity.



				<p><i>If person/s are not connected to SV:</i></p> <p>Evidence is gathered to make a complaint or report to relevant law enforcement authorities (Victoria Police).</p> <p>Cooperate and comply with law enforcement authority (Victoria Police) investigations.</p>			
SV Personnel having inappropriate relationship with a child or young person.	Rare (1)	Major (4)	Moderate (5)	<p>Child or young person is protected and supported is offered.</p> <p>Evidence is gathered to make a complaint or report to SV.</p> <p>Complaint or Report is investigated and managed by SV via Complaint, Grievance and Disciplinary procedures where necessary.</p> <p>If required, complaint or report to be elevated to relevant law enforcement authorities (Victoria Police).</p>	Action in Place	SV Staff; or SV Staff to make a complaint or report to SV Grievances Officer	At all times.
Incident between SV Personnel and Parents/Guardians at SV hosted Junior Event or Competition.	Likely (4)	Moderate (3)	Moderate (7)	<p>Incident is to take place out of view of children or young people and public view where possible.</p> <p>Incident is remedied at Event or Competition between SV Staff and Parents/Guardians; or</p> <p>Evidence is gathered to make a complaint or report to SV.</p>	Action in Place	SV Staff; or SV Staff to make a complaint or report to SV Grievances Officer	From commencement through to conclusion of each SV hosted Junior Event or Competition.



				Complaint or Report is investigated and managed by SV via Complaint, Grievance and Disciplinary procedures where necessary.			
Child or young person discriminated against at SV Event, Program, Course or other activity.	Rare (1)	Moderate (3)	Moderate (4)	Child or young person is protected and support is offered. Evidence is gathered to make a complaint or report to SV. Complaint or Report is investigated and managed by SV via Complaint, Grievance and Disciplinary procedures where necessary.	Action in Place	SV Staff; or SV Staff to make a complaint or report to SV Grievances Officer	From commencement through to conclusion of each SV Event, Program, Course or other activity.
Child or young person is abused or harassed at SV Event, Program, Course or other activity.	Unlikely (2)	Major (4)	Moderate (6)	Child or young person is immediately protected and support is offered. Evidence is gathered to make a complaint or report to SV. Complaint or Report is investigated and managed by SV via Complaint, Grievance and Disciplinary procedures where necessary. If required, complaint or report to be elevated to relevant law enforcement authorities (Victoria Police).	Action in Place	SV Staff; or SV Staff to make a complaint or report to SV Grievances Officer	From commencement through to conclusion of each SV Event, Program, Course or other activity.
Child or young person is injured during SV Event, Program, Course or other activity.	Possible (3)	Major (4)	Moderate (7)	First Aid and Water Safety procedures as per SV Risk Management Plan and/or Policy for Events, Programs,	Action in Place	SV Staff	From commencement through to conclusion of each SV Event, Program,



				<p>Courses and other activities.</p> <p>First Aid and Water Safety measures in place at all SV Events, Programs, Courses and other activities (i.e. PWC rescue, access to First Aid kits and equipment, accredited First Aid SV Staff).</p>			Course or other activity.
Suspicion of child or young person connected to SV being submitted to child abuse.	Rare (1)	Major (4)	Moderate (5)	<p>Child or young person is immediately protected and support is offered.</p> <p>Evidence is gathered to make a complaint or report to relevant agencies (Victorian Government DHHS Child Protection) or law enforcement authorities (Victoria Police).</p> <p>Cooperate and comply with law enforcement authority (Victoria Police) investigations.</p>	Action not in Place	SV Staff	At all times.
ADMINISTRATION							
SV Personnel engaged at SV Event, Program, Course or other activity does not possess a valid or current WWCC.	Possible (3)	Minor (2)	Moderate (5)	<p>Before engaging any personnel for SV Events, Programs, Courses or other activities, perform Employment Screening and Working With Child Checks.</p> <p>If any personnel does not possess a current and valid WWCC, they will not be permitted to engage in any employment with SV until the WWCC is obtained or remedied.</p>	Action in Place	SV Staff	At all times.
SV Personnel engaged at SV Event,	Unlikely (2)	Moderate (3)	Moderate (5)	Before engaging any personnel for SV Events, Programs,	Action in Place	SV Staff	At all times.



Program, Course or other activity does not possess valid or current accreditation or certificates (e.g. Surf Coaching Accreditation)				<p>Courses or other activities, perform Employment Screening Checks to identify relevant accreditation and certificates.</p> <p>If any personnel does not possess a current and valid accreditation or certificates, they will not be permitted to engage in any employment with SV that require accreditation or certificates (e.g. Surf Coaching) until the accreditation or certificate is obtained or remedied.</p>			
SV Child Protection Policy is not reviewed	Rare (1)	Minor (2)	Low (3)	SV Child Protection Policy is reviewed periodically to adopt latest amendments to child protection laws, guidelines and practices.	Action in Place	SV Staff	Annually
ENVIRONMENT							
Aquatic emergency at SV Event, Program, Course or other activity in open water environment (e.g. Shark sighting).	Possible (3)	Major (4)	Moderate (7)	<p>Aquatic Emergency and Water Safety procedures as per SV Risk Management Plan and/or Policy for Events, Programs, Courses and other activities.</p> <p>Communicate to all participants to immediately exit the water and return to beach. Use of PWC rescue if necessary.</p> <p>Postponement/cancellation of Event, Program, Course or other activity.</p>	Action in Place	SV Staff	From commencement through to conclusion of each SV Event, Program, Course or other activity.
Adverse weather conditions at	Almost Certain (5)	Major (4)	High (9)	Consistent assessment of weather conditions in days prior to and	Action in Place	SV Staff	Prior to and day of each SV Event,



SV Event, Program, Course or other activity.				<p>day of the SV Event, Program, Course or other activity.</p> <p>Communicate to all participants as to whether Event, Program, Course or other activity will proceed.</p> <p>Postponement or cancellation if necessary.</p>			Program, Course or other activity.
Children or young people participating in SV Event, Program, Course or other activity in extreme hot weather.	Likely (4)	Major (4)	High (8)	<p>Refer to procedure in SV Extreme Weather Policy.</p> <p>Consistent assessment of weather conditions in days prior to and day of the SV Event, Program, Course or other activity.</p> <p>Communicate to all participants as to whether Event, Program, Course or other activity will proceed.</p> <p>Provision of Sunscreen, access to water and shaded areas for participants if necessary.</p> <p>Postponement or cancellation if necessary.</p>	Action in Place	SV Staff	<p>Prior to and of day of each SV Event, Program, Course or other activity; and</p> <p>From commencement through to conclusion of each SV Event, Program, Course or other activity.</p>
EQUIPMENT							
Equipment used SV Events, Programs, Courses and other activities is damaged and unsafe (e.g. Surfboards, leg ropes, etc.)	Likely (4)	Major (4)	High (8)	All equipment used in SV Events, Programs, Courses and other activities to be safety checked or meet safety compliance standards prior to commencement.	Action Currently Being Developed	SV Staff	Prior to and day of each SV Event, Program, Course or other activity.



			<p>Any equipment that doesn't pass a safety check is not to be used at all, until it is repaired or replaced.</p> <p>If equipment is damaged during event, program, course or other activity, it is not to be used for the remainder of event, program, course or other activity unless otherwise repaired.</p>			
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SCHEDULE 9 – DEFINITIONS

The following Dictionary sets out the meaning of words used in this policy and its attachments, without limiting the ordinary and natural meaning of the words. Further detail or definitions that are specific to the state of Victoria or other states and territories can be sourced from the relevant child protection agencies or services as well as the relevant equal opportunity and anti-discrimination commissions.

In Victoria:

The relevant child protection agency or service provider is the Victorian Department of Health and Human Services. Visit their website: <https://www.dhhs.vic.gov.au>

The relevant equal opportunity and anti-discrimination commission is the Victorian Equal Opportunity and Human Rights Commission via the Victorian Government Department of Justice and Community Safety. Visit their website: <https://www.justice.vic.gov.au>

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

Affiliated Clubs – A club that is officially attached or connected to SV.

Affiliated Organisations – An organisation that is officially attached or connected to SV.

Affiliated Surf Education or Schools – A surf education or school provider that is officially attached or connected to SV.

Allegation – A claim or assertion that a person or group of people has done something wrong or illegal, usually made without form of proof.

Assault – Is the act of inflicting or threatening physical harm or unwanted physical contact upon a person that puts the person in immediate danger or apprehension of such harm or contact.

Auxiliary Staff – A person providing supplementary or additional help or support to SV and its activities in a working capacity



Child – A person who is under the age of 18 years.

Child Abuse – Involves behaviour or conduct which puts a child at risk of harm and may include:

- *Physical Abuse* – Which occurs when a child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. This may include, but is not limited to: hitting, shaking or other physical harm, giving a child alcohol or drugs, or activity and training that exceeds the child's development or maturity.
- *Sexual Abuse* – Which occurs when an adult, other child, or adolescent uses their power or authority to involve a child in a sexual activity or any other inappropriate behaviour or conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography – including child pornography, or inappropriate touching or conversations).
- *Emotional Abuse* – Which occurs when a child's social, emotional, cognitive or intellectual development is impaired or threatened. Emotional abuse can include, but is not limited to: emotional deprivation due to persistent rejection or criticism, hostility, teasing/bullying, humiliation, taunting, sarcasm, yelling, name-calling or placing unrealistic expectations on a child.

Child Protection – Any responsibility, activity, measure or steps undertaken to protect and safeguard children or young people from harm.

Coerce – To persuade (an unwilling person) to do something by using force or threats.

Complaint – A statement made under this policy that is against a party or parties regarding something being unsatisfactory or unacceptable. This may include, but is not limited to: behaviour and conduct of a person or people, or a level of service or care provided.

Complainant – The person making or reporting a complaint.

Discrimination – Involves behaviour or conduct whereby treating a person or people unfairly or less favourably. It can occur in two forms:

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

In Australia and Victoria, it is against the law to discriminate against someone on the basis or grounds of:

- Age
- Sex or Gender
- Sexuality or Sexual Orientation
- Gender Identity
- Intersex Status
- Race, Colour, Descent, National or Ethnic Origin, Nationality, Ethno-religious Origin, Immigration
- Disability, Mental or Physical Impairment
- Family/Carer Responsibilities (such as Parent or Carer)
- Marital Status
- Pregnancy or Potential Pregnancy



- Breastfeeding
- Physical Characteristics or Features
- Irrelevant Medical Record
- Irrelevant Criminal Record or Spent Convictions
- Political Beliefs or Activities
- Religion, Religious Beliefs or Activities
- National Extraction or Social Origin
- Lawful Sexual Activity
- Profession, Trade, Occupation or Calling
- Membership of Association or Organisation of Employees or Employers, Industrial Activity or Trade Union Activity
- Defence Service
- Personal Association with a person or group of people who has, or is assumed to have any of the above characteristics

For information and examples of Inclusion and Diversity, visit the Play by the Rules website:

<http://www.playbytherules.net.au/got-an-issue/inclusion-and-diversity/inclusion-and-diversity-what-is-it>

Some exceptions on the basis and grounds for discrimination can apply to State, Territory and Federal laws, including exceptions for sporting activities such as Surfing. These include, but is not limited to:

- Holding a competitive sporting activity for a specific age or age group (e.g. those under the age of 12 years).
- Excluding people from participating in sporting activities on the basis and grounds of their 'sex, gender and/or gender identity status' where the strength, stamina and physique of athletes/competitors/participants is relevant to the specific activity (e.g. Women's Australian Rules Football)*
(*please note: this does not apply to sporting activities to children who are under the age of 12).
- Not selecting or excluding people from participating in sporting activities if they possess a disability that will not allow them to be reasonably capable of performing the actions reasonably required for that sporting activity.

Disciplinary Committee – A group of people appointed by SV under this policy whose purpose is to concern themselves with the management of complaints made against persons who are associated with SV and are bound by this policy. They confer and decide if any enforceable action needs to be taken as a result of the findings of complaints. This may include penalties handed down as part of the 'Disciplinary Measures' outlined in this policy.

Disclosure – The action of making new, confidential, secret or sensitive information known.

Grievance Officer – A person appointed by SV under this policy whose purpose is to concern themselves with the reception, investigation and management of complaints made against persons who are associated with SV and are bound under this policy. The Grievance Officer can also perform similar duties to that of the "Disciplinary Committee" defined in this section.

Grooming – The action by a Paedophile or Child Sex Offender of preparing a child or young person for a meeting with the intent of committing a sexual offence.

Harassment – Is any type of unwelcome behaviour which has the effect of offending, humiliating or intimidating the person harassed. Unlawful harassment can be based on any of the personal characteristics covered by



Australian or Victorian anti-discrimination law, such as a person's: age, sex or gender, sexuality, gender identity or sexual orientation, race, religion, disability, marital status, physical characteristics or features, etc. (for a full list of characteristics please consult the "Discrimination" definition in this section).

Public acts of racial hatred which are reasonably likely to offend, insult, humiliate or intimidate are also prohibited under law. This applies to any person who engages in such an act in public. Some states and territories also prohibit public acts that vilify people on other basis or grounds such as: sexuality, gender identity or sexual orientation, race, religion, disability, etc. (see also definition on "Vilification").

<i>Mandatory Reporter</i> –	A person who is legally required to make a report to the relevant Government Agency (Department of Health and Human Services Child Protection) or local law enforcement authorities (Victoria Police) if they form belief on reasonable grounds that a child may be being abused and requires protection. This includes but is not limited to: Teachers, Principals, Registered Psychologists, Doctors, Nurses and Midwives.
<i>Member</i> –	A person who holds a membership under SV.
<i>Official</i> –	A person who holds or has an authoritative role/position or duties with or under SV.
<i>Paedophile</i> –	A person who has developed a primary or extensive sexual attraction to children.
<i>Paedophilia</i> –	A psychiatric disorder where a person has developed a primary or extensive sexual attraction to children.
<i>Police Check</i> –	A national criminal history record check conducted as part of pre-employment, pre-engagement or current employment background check measures on a person.
<i>Policy, the policy and this policy</i> –	Refers to this document the SV Child Protection Policy.
<i>Pornography</i> –	Printed or Visual material containing the explicit description or display of sexual organs or activity, intended to stimulate sexual excitement.
<i>Prostitution</i> –	The practice or occupation of engaging in or soliciting someone in sexual activity for some form of payment.
<i>Respondent</i> –	The person whose behaviour or conduct is the subject of a complaint.
<i>Sexual Harassment</i> –	The unwelcome behaviour or conduct of a sexual nature which could reasonably be expected to make a person feel humiliated, intimidated or offended. Sexual Harassment can take many different forms and may include unwelcome physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour and conduct that creates a sexually hostile environment. Sexual Harassment does not have to be intentional.
<i>Sexual Offence</i> –	A criminal offence involving sexual activity, acts of indecency or of a sexual nature. There is some difference between Australian and Victorian laws, so a sexual offence can include, but is not limited to: <ul style="list-style-type: none">● Rape● Indecent Assault● Sexual Assault● Assault with Intent to Commit Sexual Acts● Incest



- Sexual Penetration of a Child Under the Age of 16 Years
- Indecent Act with a Child Under the Age of 16 Years
- Sexual Relationship with a Child Under the Age of 16 Years
- Sexual Offences Against People with Impaired Mental Functioning
- Abduction and Detention
- Procuring Sexual Penetration by Threats or Fraud
- Procuring Sexual Penetration of a Child Under the Age of 16 Years
- Bestiality
- Soliciting a Child Under the Age of 16 Years to Take Part in an Act of Sexual Penetration, or Indecent Act
- Promoting or Engaging Acts of Child Prostitution
- Obtaining Benefits from Child Prostitution
- Possession of Child Pornography
- Publishing and Distribution Child Pornography and Indecent Articles
- Paedophilia or Child Molestation
- Child “Grooming” with Intent to Commit Sexual Penetration or Sexual and Indecent Acts

- Subsidiary Staff* – A person who is related or connected to SV activities in a working capacity.
- SV Personnel* – Any person in working or volunteering capacity for Surfing Victoria and its activities.
- Vendor* – A person, company or trader offering something for sale that is associated with SV activities.
- Victimisation* – Treating a person unfairly or unfavourably, or threatening to do so because that person has or intends to:
- Pursue their right to make or report a complaint – including a complaint under Government legislation (e.g. anti-discrimination laws), or under this policy
 - Support or supported another person to make or report a complaint
 - An association with a person who has made or reported a complaint
 - Had a complaint made against them
 - An association with a person who has had a complaint made against them
- Vilification* – Behaviour or conduct in public which indicates and incites hatred towards, serious contempt for, or revulsion and severe ridicule of a person or group of people because they have or possess a particular personal characteristic. Anti-discrimination laws in Australia and Victoria make it illegal and unlawful to vilify a person or group of people on the basis or grounds of: sexuality, gender identity or sexual orientation, race, religion, disability, etc.
- Volunteer* – A person who freely offers to take part in a working capacity for SV and its activities without being paid.
- Voyeuristically* – In a way that relates to sexual pleasure derived from watching others when they are naked or engaged in sexual activity.

SCHEDULE 10 – CODES OF CONDUCT AND DISCIPLINARY HANDBOOK

SV seek to provide a safe, fair, inclusive and respectful environment for everyone involved in SV and the sport of Surfing in Victoria.



To achieve this, SV requires certain standards of behaviour and conduct by SV Staff Members – including Auxiliary and Subsidiary Staff, Coaches, Assistant Coaches and Coaching Staff, Athletes/Participants, Judges, Referees, Umpires and other Officials, Administrators, Volunteers, Parents/Guardians (of child athletes/participants) and Spectators.

SV Codes of Conduct are underpinned by the following core values.

- (a) To act within the rules and spirit of the sport of Surfing.
- (b) To display respect and courtesy towards everyone involved in the sport of Surfing in Victoria and prevent discrimination and harassment.
- (c) To prioritise the safety and well-being of children and young people involved in the sport of Surfing in Victoria.
- (d) To encourage and support opportunities for participation in all aspects of the sport of Surfing in Victoria.

SURFING VICTORIA CODES OF CONDUCT & DISCIPLINARY HANDBOOK

In accordance with Rule 15 of the Surfing Victoria Constitution, the following By-Law is adopted by the Surfing Victoria Board.

This Codes of Conduct and Disciplinary By-Law is divided into three parts:

PART A establishes general and specific standards of behaviour expected of Surfing Victoria Members.

PART B sets out the procedure to be followed where a Surfing Victoria Members has a grievance with another Member or with Surfing Victoria.

PART C sets out the procedure for dealing with disciplinary actions, breaches of the Codes of Conduct and other matters under Rule 20 of the Surfing Victoria Constitution.

PART A

SURFING VICTORIA CODES OF CONDUCT

SV supports the principle that every person: spectator, player, club member, official, participant, administrator, coach, parent or member of the community involved with the sport, should work to ensure:

- inclusion of every person regardless of their age, gender or sexual orientation;
- inclusion of every person regardless of their race, culture or religion;
- opportunities for people of all abilities to participate in the sport and develop to their full potential;
- respect is shown towards others, the club and the broader community;
- a safe and inclusive environment for all;
- elimination of violent and abusive behaviour;
- protection from sexual harassment or intimidation.

People that fail to meet these standards may be subject to action by SV. The following Codes of Conduct also give further specific direction on the standards expected from certain classes of people involved in our activities, including administrators, competitors, officials and parents/spectators.

1. GENERAL CODE OF CONDUCT

Surfing Victoria expects all members, service providers, employees including volunteers will abide by the following Codes of Conduct. With regard to abuse, discrimination and harassment such members will:



- a) Not knowingly discriminate against, abuse, harass, ridicule or embarrass anyone covered by this Code of Conduct;
- b) Be fair, considerate and honest in all dealings with others;
- c) Treat all persons with respect, dignity and proper regard for their rights and obligations;
- d) Respect the privacy of other persons;
- e) Act at all times in a fair and sporting manner and in such a way as to ensure good relations within and between participants and other organisations;
- f) Not engage in excessive sledging during competition;
- g) Refrain from any form of victimisation towards others;
- h) Ensure that all under-age team members be accompanied and/or observed during sporting and associated activities;
- i) Conduct themselves in a proper manner to the complete satisfaction of Surfing Victoria and its delegates, so as not to bring themselves, Surfing Victoria or the team into public disrepute or censure;
- j) Not disclose to any unauthorised person or organisation information that is of a confidential or privileged nature concerning the team or an individual connected with Surfing Victoria;
- k) Not promote, or pass on, exchange or publish information whereby that information may be of a confidential, offensive, scandalous, unsubstantiated or derisive type;
- l) Understand the possible consequences of breaching the Surfing Victoria Codes of Conduct;
- m) Immediately report any breaches of the Surfing Victoria Codes of Conduct to the appropriate authority;
- n) In addition to the General Code of Conduct, Surfing Victoria Members are also required to comply with the following specific Codes as appropriate.

2. ADMINISTRATORS' CODE OF CONDUCT

Surfing Victoria Administrators (Professional or Volunteer) will ensure that:

- a) Surfing Victoria aims to provide and promote an environment free from abuse, discrimination and harassment in relation to its employment functions, its membership eligibility, its provision of goods and services if appropriate;
- b) Surfing Victoria develops, distributes and implements this By-law, and promotes the use of the disciplinary procedure contained within;
- c) Surfing Victoria is responsible for taking all reasonable steps to prevent abuse, discrimination and harassment ensuring its position is widely known through all levels of the organisation's activities;
- d) Appropriate procedures are identified to handle abuse, discrimination, harassment and other complaints;
- e) Complaints shall be treated in an impartial, sensitive, fair, timely and confidential manner;
- f) All people are given equal opportunity to participate;
- g) Rules, equipment and length of competition are modified to suit age, ability and maturity level of competitors;
- h) It is made clear that abuse of any form is unacceptable and will result in disciplinary action;
- i) They set an example of appropriate, positive and supportive behaviour towards all Surfing Victoria Members.



3. COMPETITORS' CODE OF CONDUCT

Surfing Victoria competitors will:

- a) At all times act in a sporting manner, having regard to principles of fairness and common courtesy;
- b) Understand what is meant by the terms abuse, discrimination, harassment and other terms set out in the Schedule 6 of the Surfing Victoria Child/Member Protection Policy, and express this understanding in their behaviour towards all people to whom these Codes of Conduct apply;
- c) Control their temper. Verbal abuse of officials and sledging other competitors, deliberately distracting or provoking an opponent are not acceptable or permitted behaviours in any sport;
- d) Respect the rights dignity and worth of all participants regardless of their ability, gender or cultural background;
- e) Refrain from making bullying, derogatory or demeaning remarks about other people;
- f) Treat all other competitors in their sport, as they like to be treated;
- g) Participate for their own enjoyment and benefit, not to please others;
- h) Not discriminate against, abuse or harass anyone else;
- i) Never argue with an official;
- j) Abide by the rules of competition as determined by Surfing Victoria;
- k) Respond to members concerns or allegations of breaches of this By-law;
- l) Report suspect breaches of this By-law.

4. PARENTS' CODE OF CONDUCT

Parents must:

- a) Remember that children participate in sport for their own enjoyment, not yours;
- b) Encourage children to participate, do not force them;
- c) Focus on the child's efforts and performance rather than winning or losing;
- d) Encourage children always to compete according to the rules and to settle disagreements without resorting to hostility or violence;
- e) Support all efforts to remove verbal and physical abuse from sporting activities;
- f) Respect officials' decisions and teach children to do likewise;
- g) Show appreciation of volunteers, officials and administrators. Without them your child could not participate ;
- h) Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion;
- i) Remember that children learn best by example.

5. OFFICIALS' CODE OF CONDUCT

Officials must:



- a) Modify rules and regulations to match the skill levels and needs of participants;
- b) Compliment and encourage all participants;
- c) Be consistent, objective and courteous when making decisions;
- d) Condemn unsporting behaviour and promote respect for all opponents;
- e) Encourage and promote rule changes, which will make participation more enjoyable;
- f) Place the safety and welfare of participants above all else;

6. SPECTATORS' CODE OF CONDUCT

Spectators will:

- a) Remember that people participate in sport for their enjoyment and benefit, not yours;
- b) Respect the decisions of officials and teach young people to do the same;
- c) Condemn the use of violence in any form, whether its by spectators, officials, or competitors;
- d) Encourage participants to follow the rules and the officials' decisions;
- e) Not use foul language, sledge or harass competitors, officials or coaches.

PART B

SURFING VICTORIA GRIEVANCE PROCEDURE

The following procedure is extracted from the Surfing Victoria Constitution

7. APPLICATION OF GREIVANCE PROCEDURE

The grievance procedure set out in rule 20 of the Constitution applies to disputes between:

- A Member and another Member;
- A Member and the Association;
- Or a Member and the Board

As per rule 20.1.2. A Member must not initiate a grievance procedure in relation to a matter that is subject of a disciplinary procedure under rule 8.3 (set out in PART C of this By-Law) until the disciplinary procedure has been completed.

8. APPOINTMENT OF A GRIEVANCES OFFICER

The Surfing Victoria's Grievances Officer, shall be appointed by the Board (but not a member of the Board) in accordance with rule 20.2.1.

As per rule 20.2.2. The identity of the nominated Grievances Officer will be communicated to all Members of Surfing Victoria in a conspicuous place of the registered office of the Association and on the Association's website.

9. NOTIFICATION OF GREIVANCE



As per rule 20.3 Where a Member has a grievance, the Member shall notify the Grievances Officer in writing. It should be addressed clearly to the Grievances Officer and marked "Private & Confidential".

10. ACTION BY GRIEVANCES OFFICER

- 10.1 Where a grievance has been received by the Grievances Officer she or he shall, as soon as practicable, meet with, or discuss the grievance with the aggrieved Member. The Grievances Officer may take whatever steps and conduct whatever investigations necessary to determine whether the grievance is legitimate.
- 10.2 Where the Grievances Officer determines the grievance is legitimate, she or he shall take all reasonable steps to resolve the grievance.
- 10.3 Where the Grievances Officer determines the grievance is not legitimate, she or he shall advise the aggrieved Member accordingly. If the aggrieved Member is not satisfied with the Grievances Officer's determination, they may take whatever further action they consider necessary or appropriate.
- 10.4 Where the Grievances Officer is unable to resolve a grievance within 14 days of the grievance being received; or considers the grievance of a very serious nature, he or she shall report the grievance to the Chief Executive Officer (if the Chief Executive Officer is not the Grievances Officer) and the Board for action in accordance with rule 20.4.2.
- 10.5 Upon the grievance being referred to the Board under rule 20.4.2, the Board must work with the parties to the grievance to facilitate a resolution of the grievance within 14 days of receiving notification of the grievance in accordance with rule 20.4.3
- 10.6 As per rule 20.4.4 Where the Board is unable facilitate the resolution of the grievance within 14 days of receiving the notification of the grievance, the parties to the dispute must:
- Agree to or request the appointment of a mediator: and
 - Attempt in good faith to settle the dispute by mediation
- 10.7 As per rule 20.4.5 The mediator must be:
- A person chosen by agreement by the parties; or
 - In the absence of an agreement:
 - If the dispute is between a Member and another Member, a person who does not have a personal interest in the dispute appointed by the Board: or
 - If the dispute is between a Member and the Board or the Association, a person appointed or employed by the Dispute Settlement Centre of Victoria
- 10.8 As per rule 20.4.6 The mediator conducting the mediation must:
- Give each party every opportunity to be heard;
 - Allow due consideration by all parties of any written statement submitted by any party; and
 - Ensure that natural justice is accorded to the parties throughout the mediation process.
- 10.9 The mediator must not determine the grievance in accordance with rule 20.4.7
- 10.10 If the mediation process does not resolve the grievance, the parties may seek to resolve the grievance in accordance with the Act or otherwise at law.
- 10.5 All grievances received by the Grievances Officer, and all information surrounding the circumstances of a grievance which is discovered by the Grievances Officer on investigation shall be confidential and may be communicated only to



the Chief Executive Officer (if the Chief Executive Officer is not the Grievances Officer) the Board and the mediator in accordance with rule 20.4.9.

PART C

SURFING VICTORIA DISCIPLINARY PROCEDURES

11. ESTABLISHMENT OF A DISCIPLINARY COMMITTEE

The Board shall establish a Disciplinary Committee as required to deal with all disciplinary actions and matters under rule 8.3.2 of the Surfing Victoria constitution.

12. COMPOSITION OF DISCIPLINARY COMMITTEE

12.1 A Disciplinary Committee of no fewer than three (3) persons shall be appointed by the Board for the purpose of hearing disciplinary actions and matters under rule 8.3.2 of the Surfing Victoria Constitution. The Board shall also appoint a member of the Disciplinary Committee as Chair.

12.2 Members of the Disciplinary Committee can comprise of Surfing Victoria Board Members or any other person determined by the board in accordance with rule 8.3.2.

12.3 Two (2) Members of the Disciplinary Committee shall constitute a quorum

13. NOTICE OF AN ALLEGED BREACH

13.1 Where the board is advised or considers that a member of Surfing Victoria has allegedly:

- a) Breached, failed, refused or neglected to comply with a provision of the Surfing Victoria constitution, By-Laws or any resolution or determination of the Board or any duly authorised committee; or
- b) Acted in a manner unbecoming of a Member or prejudicial to the objects and interests of Surfing Victoria and/or the sport of surfing: or
- c) Brought Surfing Victoria or the sport of Surfing into disrepute;

the Board shall appoint a Disciplinary Committee and nominate a Chair of the Committee.

13.2 As per rule 8.3.3 before disciplinary action is taken against a Member, the Chief Executive Officer must give written notice to the member:

- Stating that the Board proposes to take disciplinary action against the Member;
- Stating the grounds for the proposed disciplinary action;
- Specifying that the hearing at which the Disciplinary Committee intends to consider the disciplinary action to be held no earlier than seven (7) and no later than 28 days after the service of the notice;
- Stating the date, location and time of meeting;
- Advising the Member that it, he or she may do one or both of the following:
 - Attend the disciplinary meeting and address the Disciplinary Committee at that meeting;
 - Given a written statement to the Disciplinary Committee at any time before the disciplinary meeting;
- Setting out the Member's appeal rights under the rule 8.3.5

14. DISCIPLINARY COMMITTEE PROCEDURES



- 14.1 At a hearing of the Disciplinary Committee convened in accordance with rule 8.3.4, the Disciplinary Committee shall:
- a) Give the Member an opportunity to be heard; and
 - b) Consider any written statement submitted by the Member;
 - c) By resolution determined whether the alleged breach occurred.
- 14.2 Surfing Victoria and the Member shall be entitled to legal representation at the hearing of the Disciplinary Committee.
- 14.3 The Disciplinary Committee shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances (including by the 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 alleged breach occurred.
- 14.4 If the Disciplinary Committee considers that the alleged breach occurred, it may impose any one or more of the penalties set out in Clause 15 of this By-Law.
- 14.5 If the Disciplinary Committee considers that the alleged breach did not occur, the matter shall be dismissed.
- 14.6 Each party shall be responsible for their own costs associated with the Disciplinary Committee hearing. The Disciplinary Committee has no power to award costs to a party.

15. PENALTIES

- 15.1 If the Disciplinary Committee considers that the alleged breach occurred, under rule 8.3.4.2 the Disciplinary Committee may impose any one or more of the following penalties:
- a) Impose a warning;
 - b) Where there has been damage to property, direct that the Member pay compensation to the relevant party or organisation which controls or has possession of the property;
 - c) Direct that any rights, privileges and benefits provided to the Member by Surfing Victoria be suspended for a specified period/or terminated;
 - d) Direct that any funding granted or given to it by Surfing Victoria cease from a specified date;
 - e) Reprimand the Member;
 - f) Suspend the Member from membership from Surfing Victoria for a specified period;
 - g) Expel the Member from Surfing Victoria; or
 - h) Take such further action as the Disciplinary Committee considers appropriate

16. RIGHT OF APPEAL FROM DECISION OF DISCIPLINARY COMMITTEE

There shall be no appeal from a decision of the Disciplinary Committee unless the person seeking the appeal (“Appellant”) satisfies the Chief Executive Officer of Surfing Victoria, or his/her nominee, in that person’s sole discretion, that one or more of the following grounds of appeal is satisfied:

- a) That significant new or additional evidence has become available;



- b) That the penalty imposed by the Disciplinary Committee is not in accordance with the provisions of this By-Law;
or
- c) That the Disciplinary Committee failed to follow procedures or requirements of this By-Law to the significant detriment of the person seeking the appeal.

17. NOTICE OF APPEAL

- 17.1 Under rule 8.3.5 a person seeking to appeal a decision of the Disciplinary Committee must lodge a notice stating the full details of charges and results thereof and stating in full the grounds of appeal either with:
- a) The Disciplinary Committee immediately after the determination of the Disciplinary Committee Hearing to suspend or expel the person is taken; or
 - b) The Chief Executive Officer of Surfing Victoria no later than 48 hours after determination of the Disciplinary Committee Hearing.
- 17.2 An Appellant shall be notified no later than 21 days of receipt of the Notice of Appeal as to whether an Appeal Hearing is to be granted accompanied with a date, location and time of the Appeal Hearing, in the event it is granted in accordance with rules 8.3.5.3 and 8.3.5.4.

18. APPEALS TRIBUNAL

- 18.1 If an Appeal Hearing is granted, the Board of Surfing Victoria shall convene an Appeals Tribunal to hear and determine the appeal in accordance with rule 8.3.5.3 and this By-Law.
- 18.2 An Appeals Tribunal shall consist of no fewer than three (3) persons appointed by Surfing Victoria from time to time to hear appeals as required by Surfing Victoria. Under rule 8.3.5.3 the Appeals Tribunal can be made up of Members of the Board of Surfing Victoria. Members of the Appeals Tribunal will preferably have experience in hearing and determining disciplinary matters in sport, however need not have any particular experience with the sport of Surfing.
- 18.3 No person is eligible to sit on an Appeals Tribunal if that person was a member of the Disciplinary Committee which heard the matter which is the subject of the appeal at first instance.

19. APPEALS TRIBUNAL PROCEDURES

- 19.1 The Appeals Tribunal and persons appearing before it are bound by the same procedures under this By-Law as if the Appeals Tribunal was a Disciplinary Committee hearing a matter at first instance.
- 19.2 The Chief Executive Officer shall forward records of the Disciplinary Committee hearing in which the matter that is the subject of the appeal was heard at first instance to the Chair of the Appeals Tribunal.
- 19.3 The Appeals Tribunal may request further information prior to determining the appeal, but has the discretion whether or not to allow new evidence to be adduced.
- 19.4 Under rule 8.3.6 an Appeals Tribunal at an appeal hearing shall:
- a) Conduct no business other than the question of the appeal;
 - b) State the grounds for penalising the Member or Organisation and the reasons for taking that action; and
 - c) Provide an opportunity for the Member or Organisation that is being penalised to be heard.



- 19.5 The Board Members present and entitled to vote at the meeting must vote by secret ballot on the question of whether to penalise the person should be upheld or revoked in accordance with rule 8.3.6.2.
- 19.6 The decision is upheld if not less than three quarters of the Board Members voting at the meeting vote in favour of the decision in accordance with rule 8.3.6.3.
- 19.7 An Appeals Tribunal shall have the power to:
- a) Dismiss the appeal;
 - b) Uphold the appeal;
 - c) Impose any of the penalties set out in Clause 15 of this By-Law; or
 - d) Reduce, increase or otherwise vary any penalty imposed by the initial Disciplinary Committee

In such a manner as it thinks fit.

- 19.8 At conclusion of the appeal, the Chair of the Appeals Tribunal shall ensure that the Appellant is correctly informed of the determinations of the Appeals Tribunal. The Chair shall also notify the Chief Executive Officer of the decision of the Appeals Tribunal.
- 19.9 Each party to an appeal shall bear their own costs. The Appeal Tribunal has no power to award costs for or against any party.

20. SINGLE RIGHT OF APPEAL

There is only one right of appeal following the decision of the initial Disciplinary Committee. Any appeal must be solely and exclusively resolved by the Appeals Tribunal and the decision of the Appeals Tribunal is final and binding on the parties

21. EXHASUST INTERNAL PARTY APPEAL

A person shall exercise the right of appeal under this By-Law and have any appeal heard and determined by the Appeals Tribunal before commencing any proceedings or becoming a party to any proceedings in a court of law.

ADOPTED BY THE SURFING VICTORIA BOARD OF MANAGEMENT

APPENDIX

APPENDIX 1 – SURFING VICTORIA RIGHT TO USE IMAGERY FORM

I _____ hereby grant permission to Surfing Victoria Inc. to use my image, likeness and voice (photographs, video) for use in Surfing Victoria media publications.

I reserve the right in association with Surfing Victoria to inspect and approve the finished or final copies of photographs or electronic material that includes my image, likeness and voice to be used in conjunction with them now or in the future in instances where their use is known to me. I waive the right to any royalties or other compensation arising from or related to the use of the photograph or video.

Please initial the following paragraph below that is applicable to your situation



_____ I am 18 years of age or older and I am competent to contract in my own name. I have read this release form before signing below and I fully understand of the contents, meaning and impact of this release form. I understand that I am free to address any specific questions regarding this release form by submitting those questions to Surfing Victoria either in person or in writing prior to signing. My failure to do so will be interpreted as a free and knowledgeable acceptance of the terms of this release form.

_____ I am the parent / legal guardian of the person named below who are under the age of 18 years. I have read this release form before signing below and I fully understand the contents, meaning and impact of this release form. I understand that I am free to address any specific questions regarding this release form by submitting those questions to Surfing Victoria either in person or in writing prior to signing. My failure to do so will be interpreted as a free and knowledgeable acceptance of the terms of this release form.

Signature: _____ Date: _____

Name (Please print): _____

Address: _____

Phone: _____

Email: _____

Signature of Parent or Legal Guardian
(if person/s is under 20 years of age): _____