

P1 MEMBER PROTECTION POLICY – PART A

Scheduled Reviewed Triennially or as required

Date of Board Approval 30 May 2016 Updated: 11 November 2019

Preface

The Australian Karting Association Ltd trading as Karting Australia (“KA”) provides an environment which protects the health, safety and wellbeing of all members of KA, including all those who participate in the activities of KA, its Affiliated State bodies and Clubs, competitors, officials, volunteers, employees, organisers and spectators.

The establishment of the Policy is a code of behaviour which forms the basis of appropriate and ethical conduct so that KA’s Members participate in a safe environment, free of Harassment.

The Policy also provides a mechanism for Complaint resolution and guidelines for Child protection.

The Chairman and CEO of KA are committed to ensuring that everyone associated with the organisation complies with the Policy.



Michael Doohan

Chairman



Kelvin O’Reilly

Chief Executive Officer

Scope

The Policy applies to all persons taking part in any KA sanctioned and/or related activity in any capacity whatsoever regardless of whether they are taking part in a paid or unpaid/voluntary capacity. For the sake of clarity, it includes but is not limited to:

- Members of KA Board, Commissions, councils, committees, working groups and panels;
- Employees, contractors and volunteers;
- Competitors and Licence Holders, all related entities to a Competitor or Licence Holder including without limitation: pit crew members, parents, guardians, brothers, sisters, relatives, a defacto spouse or a defacto relative, team sponsors and team owners;
- Officials;
- Members, including life members;
- Member States
- Affiliated Clubs and associated organisations;
- Organisers and sponsors;
- Persons or organisations that are Members of or affiliated to KA; and
- Any other person including spectators, parents/guardians and sponsors, who or which agrees in writing (whether on a ticket, entry form or otherwise) to be bound by KA’ Rules.

The Policy will continue to apply to a person even after they have stopped their association or employment with KA if disciplinary action, relating to an allegation of Child Abuse against that person during the period of their association or employment, has commenced.

Definitions

In addition to the definitions in the KA Manual, these definitions set out the meaning of words used in this Policy and its attachments without limiting the ordinary and natural meaning of the words. State/Territory specific definitions and more detail on some of the words in the definitions can be sourced from the relevant State/Territory Child protection commissions or equal opportunity and anti-discrimination commissions.

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

Affiliated Club means a club which is affiliated with a Member State Association which is affiliated with KA.

Board means the Board of KA

CEO means the Chief Executive Officer of KA or in his or her absence, it shall mean the Chair of the KA Board.

Child and Children means a person or persons who are under the age of 18 years.

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

- Physical Abuse by hurting a Child or a Child's development (e.g. hitting, shaking or other physical harm; giving a Child alcohol or drugs; or training that exceeds the Child's development or maturity).
- Sexual Abuse by adults or other Children where a Child is encouraged or forced to watch or engage in sexual activity or where a Child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including Child pornography or inappropriate touching or conversations).
- Emotional Abuse by ill-treating a Child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a Child).
- Neglect (e.g. failing to give food, water, shelter or clothing or to protect a Child from danger or foreseeable risk of harm or injury).

Complaint means a complaint made under the "Complaints Procedures" part of this Policy.

Complainant has the meaning given to that term in the "Complaints Procedures" part of this Policy.

Covered Person means any of the persons specified in the Scope of this Policy.

Discrimination means treating or proposing to treat someone less favourably because of a particular characteristic in the same or similar circumstances in certain areas of public life (**Direct Discrimination**), or imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics (**Indirect Discrimination**). The characteristics covered by Discrimination law across Australia are:

- | | |
|--------------------------------------|--|
| • Age; | • Pregnancy and breastfeeding; |
| • Disability; | • Race; |
| • Family/carer responsibilities; | • Religious belief/activity; |
| • Marital status; | • Sex or gender; |
| • Parental/carer status; | • Sexual orientation; |
| • Physical features (Victoria only); | • Social origin; |
| • Irrelevant medical record; | • Trade union membership/activity; and |
| • Irrelevant criminal record; | • Transgender orientation. |
| • Political belief/activity; | |

This definition does not exclude the additional characteristics of Discrimination provided for in any Commonwealth, State or Territory legislation.

Discrimination is not permitted in the areas of employment (including volunteer and unpaid employment); the provision of goods and services; the selection or otherwise of any person for competition or a team (domestic or

international); the entry or otherwise of any participant or other person to any competition; obtaining or retaining membership of an organisation (including the rights and privileges of membership).

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination may also be discriminatory conduct.

Employee means any person employed by KA or providing services to KA as a volunteer or on a contract basis.

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

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

Whether or not the behaviour is Harassment is determined from the point of view of the person receiving the Harassment. The basic rule is if someone else finds it harassing then it could be Harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

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

Investigatory Tribunal means the KA Tribunal, or such other Tribunal as may be convened by the CEO to hear a formal Complaint under the "Complaints Procedures" part of this Policy or such other matter as may be required by the CEO.

Mediator means a person appointed to mediate Complaints made under this Policy who has relevant skills, qualifications and/or training in mediation.

Member means any person referred to in the "Scope" part of this Policy.

Member protection is a term used by the Australian sport industry to describe the practices and procedures that protect Members, both individual Members such as Employees, competitors, officials and volunteers and the member organisations such as clubs, State associations, other affiliated associations and the national body. Member protection involves:

- Protection of those who are involved in sport activities from Harassment, Abuse, Discrimination, work place bullying and other forms of inappropriate behaviour;
- Adoption of appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with Children; and
- Provision of education.

MPIO means a Member Protection Information Officer, being a person appointed by AKA who has been trained to be the first point of contact for a person reporting a Complaint under, or a breach of, this Policy. An MPIO provides confidential information and moral support to the person with the concern or who is alleging Harassment or a breach of this Policy.

In the first instance, the relevant MPIO will be that notified by KA. Other persons may be appointed from time to time.

MPP means this Member Protection Policy in all its parts

Natural Justice incorporates the following principles:

- a person who is the subject of a Complaint must be fully informed of the allegations against them;
- a person who is the subject of a Complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence;
- all parties need to be heard and all relevant submissions considered;
- irrelevant matters should not be taken into account;
- no person may judge their own case;



- the decision maker/s must be unbiased, fair and just; and
- the penalties imposed must not outweigh the 'crime'.

Member State means a State or Territory entity affiliated with KA.

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

Policy means this Member Protection Policy.

Respondent means the person who is being complained about.

Sexual Harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual Harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

Sexual Harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not Sexual Harassment.

Sexual Offence means a criminal offence involving sexual activity or acts of indecency *including but not limited to (due to differences under State/Territory legislation):*

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

State means a State or Territory entity affiliated with KA.

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

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

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

Workplace Bullying is the repeated less favourable treatment of a person by another or others in the workplace, which may be considered unreasonable and inappropriate workplace practice. It includes behaviour that intimidates, offends, degrades or humiliates a worker.

Bullying behaviours range from the very obvious such as physical and verbal assault and Abuse through to the very subtle such as continually undermining another person. The following lists some examples of the types of behaviour that might constitute bullying and intimidation but is by no means an exhaustive list:

- Physical or verbal assault;
- Belittling opinions or constant criticism;
- Yelling or screaming at, or the use of offensive language;
- Derogatory, demeaning or inappropriate comments or jokes about a person's appearance, lifestyle and background;
- Insults;
- Isolating workers from normal work interaction, training and development or career opportunities;
- Overwork, unnecessary pressure and unreasonable deadlines;
- Tampering with someone's personal effects, work materials or equipment;
- An unacceptably aggressive style from a superior;
- Undermining work performance by deliberately withholding work-related information, access, support or resources or supplying incorrect information;
- Underutilisation, creating a feeling of uselessness;
- Unexplained job changes, meaningless tasks, tasks beyond a person's skills and training, and failure to give credit where credit is due;
- Over detailed supervision and unwarranted checking of performance; and
- Unreasonable "administrative sanctions" such as undue delay in processing applications for training, leave or expenses.

Policy Objective

The Policy aims to ensure our core values, good reputation and positive behaviours and attitudes are maintained. It assists us in ensuring that every person involved in our sport is treated with respect and dignity and is safe and protected from Abuse. The Policy also ensures that everyone involved in our sport is aware of their legal and ethical rights and responsibilities.

The Policy attachments provide the procedures that support our commitment to eliminating Discrimination, Harassment, Child Abuse, bullying and other forms of inappropriate behaviour from our sport. As part of this commitment, KA will take disciplinary action against any person or organisation bound by the Policy if they breach it.

The Policy replaces any previous versions from the date it is adopted by the Board of KA and will operate until replaced. This Policy and/or its attachments may be amended from time to time by resolution of the Board of KA. Copies of the Policy and its attachments can be obtained from our website www.karting.net.au or from KA National Office.

Core Values

KA is through delegation by CAMS the sole authority appointed by the world governing body, the FIA to regulate karting in Australia in order to promote and achieve:

- safety;
- fairness; and
- social responsibility,

in the conduct of the sport.

KA is responsible to:

- its Members for the provision of a well organised and competently administered sporting activity, conducted safely and fairly and with the interests of its Members paramount;
- the FIA for the application of the International Sporting Code and the maintenance of a well -ordered motor sport activity in Australia which will bring credit to the sport internationally;
- CAMS through the delegation agreement for the application of competition that is consistent with the National Competition Rules and the maintenance of a well-ordered karting activity in Australia that will bring credit upon the sport nationally; and
- the general public in Australia for the sport to be conducted in a manner which will not bring disruption or unnecessary danger to the community.

KA develops and maintains systems for safety, technical, judicial, accreditation, training, compliance and other intellectual property necessary for the effective management and development of the sport. The systems and services of AKA are provided to Members, other customers and the community in order to achieve the AKA core values.

Code of Behaviour

AKA requires every individual, Member State, Affiliated Club and organisation bound by the Policy to:

1. Be ethical, fair and honest in all their dealings with other people and KA;
2. Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
3. Always place the safety and welfare of Children above other considerations;
4. Comply with KA Constitution, rules and policies including the Policy which takes precedence over any existing policy;
5. Operate within the rules and spirit of the sport;
6. Comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and Child protection laws;
7. Be responsible and accountable for their conduct; and
8. Abide by the Code of Behaviour outlined in Part D of the Policy.

Organisational Responsibilities

KA, Member States and Affiliated Clubs must:

1. Adopt, implement and comply with the Policy;
2. Ensure that this policy is enforceable;
3. Publish, distribute and otherwise promote the Policy and the consequences for breaching it;
4. Promote appropriate standards of conduct at all times;
5. Promptly deal with any breaches of or Complaints made under the Policy in an appropriate manner;
6. Apply the Policy consistently without fear or favour;
7. Recognise and enforce any penalty imposed under the Policy;
8. Ensure that a copy of the Policy is available or accessible to the persons to whom this Policy applies;
9. Use appropriately trained people to receive and handle Complaints and display the names and contact details in a way that is readily accessible; and

10. Monitor their compliance with the Policy.

Individual Responsibilities

Individuals bound by the Policy must:

1. Make themselves aware of the contents of this Policy including any codes of behaviour and the steps for making a complaint or reporting possible child abuse set out in this Policy;
2. Consent to the screening requirements set out in this policy, and any state/territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18 or where otherwise required by law;
3. Place the safety and welfare of children above other considerations;
4. Be accountable for their behaviour;
5. Comply with all other requirements of the Policy;
6. Co-operate in providing a Discrimination, Child Abuse and Harassment free sporting environment; and
7. Understand the possible consequences of breaching the Policy: and,
8. Comply with any decisions and/or disciplinary measures imposed under this policy.

Policy Position Statements

1. Child Protection

KA is committed to the safety and well-being of all Children who participate in KA related activities or access KA' services. KA supports the rights of the Child and will act at all times to ensure that a Child-safe environment is maintained.

KA acknowledges that our staff and volunteers provide a valuable contribution to the positive experiences of Children involved in our sport and KA encourages their active participation in providing a safe, fair and inclusive environment for all participants.

1.1 Identify and analyse risk of harm

KA and each Affiliated Club should each develop and implement a risk management strategy, including a review of their existing Child protection practices, to determine how Child-safe they are and to identify any additional steps they can take to minimise and prevent the risk of harm to Children because of the actions of an employee, volunteer or another person.

1.2 Develop codes of behaviour

KA and each Member State and each Affiliated Club should promote a code of behaviour that sets out the conduct they expect of their Members when they deal and interact with Children involved in their activities. KA and each Member State and each Affiliated Club should also implement a code of behaviour to promote appropriate conduct between Children.

These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour (refer to Part B of this Policy.)

1.3 Choose suitable employees and volunteers

KA and each Member State and each Affiliated Club should take all reasonable steps to ensure that they engage suitable and appropriate people to work with Children, especially those in positions that involve regular unsupervised contact with Children. This will include using a range of screening measures.

KA and each Member State and each Affiliated Club should take steps to ensure that Working with Children Checks are conducted for each of their Members who work with Children, where an assessment is required by law. If a criminal history report is obtained as part of their screening process, KA and each Member State and Affiliated Club should handle this information confidentially and in accordance with the relevant legal requirements (refer to Part C of this Policy.)

1.4 Support, train, supervise and enhance performance

KA and each Member State and each Affiliated Club should ensure that its Members who work with Children have

ongoing supervision, support and training. KA' goal is to develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment.

1.5 Empower and promote the participation of children

KA and each Member State and each Affiliated Club should encourage Children to be involved in developing and maintaining a child-safe environment for KA related activities.

1.6 Report and respond appropriately to suspected abuse and neglect

KA and each Member State and each Affiliated Club should ensure that their Members are able to identify and respond appropriately to Children at risk of harm and that they are aware of their responsibilities under state laws to make a report if they suspect on reasonable grounds that a Child has been, or is being, abused or neglected (refer to Part E of this Policy.)

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

Anyone who witnesses or reasonably suspects that a Child has been, or is being Abused at any KA sanctioned event, is to report it immediately to the police and/or the relevant government agency and an MPIO. Descriptions of the sorts of activity which may be Abuse are in the "Definitions" part of this Policy.

If anyone bound by the Policy suspects that a Child is being Abused by someone in any other circumstances, they are advised to contact the Police and/or the relevant government agency for youth, family and community services in their State/Territory.

A person will not be victimised for reporting an allegation of Child Abuse and the privacy of all persons concerned will be respected.

2. Taking images of Children

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

To respect people's privacy, KA and Member States and each Affiliated Clubs should not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets.

When using a photo of a Child, KA and Member States and each Affiliated Clubs should not name or identify the Child or publish personal information, such as residential address, email address or telephone number, without the consent of the Child's parent/guardian. KA and Member States and each Affiliated Clubs should not provide information about a Child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" a Child.

KA and Member States and each Affiliated Clubs should only use images of Children that are relevant to KA related activities and KA and Affiliated Clubs should ensure that they are suitably clothed in a manner that promotes participation in the sport. AKA and Affiliated Clubs should seek permission from the parents/guardians of the Children before using the images.

3. Anti-Discrimination and Harassment Policy

KA aims to provide a sport environment where all those involved in its activities are treated with dignity and respect, and without Harassment or Discrimination.

KA recognises that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of their sex, marital status, pregnancy, parental status, race, age, disability, sexual orientation, Transgender orientation, physical features, religion, political belief and/or industrial activity.

KA prohibits all forms of Harassment and Discrimination, not only because it is against the law, but because it is extremely distressing, offensive, humiliating and/or threatening and creates an uncomfortable and unpleasant environment.

Descriptions of some of the types of behaviour which could be regarded as Harassment or Discrimination are provided in the "Definitions" part of this Policy.

If any person feels they are being harassed or discriminated against by another person or organisation bound by the Policy,

please refer to our Complaints procedure outlined in Part C of the Policy. This will explain what to do about the behaviour and how KA will deal with the problem.

4. Workplace Bullying

KA is committed to providing a healthy and safe work and sporting environment that is free from bullying.

Bullying is an unacceptable form of behaviour which will not be tolerated in the workplace under any circumstances. KA expects all those involved in its activities to behave in a professional manner and to treat each other with dignity and respect when they are at work.

We encourage anyone who experiences bullying to report it. Any reports of bullying will be treated seriously and investigated promptly, confidentially and impartially. Workplace bullying is governed by the Occupational Health and Safety Legislation in each State.

5. Sexual relationships

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

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

We take the position that consensual sexual relationships between coaches or officials and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's public image.

These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach and the athlete.

If a sexual relationship exists between an athlete and a coach, we will consider whether disciplinary action is necessary. Factors that will be taken into account include the relative age and maturity of the athlete to the coach, the financial or emotional dependence of the athlete on the coach and the likelihood of the relationship having an adverse impact on the athlete and/or other athletes.

If KA, a Member State or an Affiliated Club determines that the sexual relationship is inappropriate, action may be taken to stop the coaching relationship with the athlete. This could include a transfer, a request for resignation or dismissal from coaching duties.

If an athlete attempts to initiate an intimate sexual relationship with a coach, it is the coach's responsibility to discourage the approach and to explain why such a relationship is not appropriate.

The coach or athlete may wish to seek advice or support from KA if they feel harassed. KA's complaints procedure is outlined in Part C of this Policy.

6. Pregnancy

Pregnant women should be treated with respect and any unreasonable barriers to their full participation in KA related activities should be removed. KA will not tolerate any discrimination or harassment against pregnant women.

KA and Member States and each Affiliated Club will take reasonable care to ensure the safety, health and well-being of pregnant women and their unborn children. KA and Member States and each Affiliated Club should advise pregnant women that there may be risks involved and encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and well-being, and that of their unborn children, are of utmost importance in their decision-making about the extent they choose to participate in KA related activities.

KA, Member States and each Affiliated Club encourages all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in KA related activities. KA and Affiliated Clubs should only require pregnant women to sign a disclaimer if

all other participants are required to sign one in similar circumstances. KA will not require women to undertake a pregnancy test.

If a pregnant woman feels she has been harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint (refer to Part D of this Policy.)

7. Gender identity

KA is committed to providing a safe, fair and inclusive environment for KA related activities where people of all backgrounds can contribute and participate. People who identify as Transgender or transsexual should be treated fairly and with dignity and respect at all times. This includes acting with sensitivity when a person is undergoing gender transition.

KA will not tolerate any unlawful discrimination or harassment of a person who identifies as Transgender or transsexual or who is thought to be Transgender or transsexual. If a Transgender or transsexual person feels he or she has been harassed or discriminated against by another person or organisation bound by this Policy, he or she may make a complaint (refer to Part D of this Policy.)

KA recognises that excluding Transgender and transsexual people from participating in KA related activities and activities has significant implications for their health, well-being and involvement in community life. In general, KA will support their participation in AKA activities on the basis of the gender with which they identify.

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

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

8. Responsible service and consumption of alcohol

KA is committed to conducting KA related activities in a manner that promotes the responsible service and consumption of alcohol. KA also recommend that those to whom this Policy applies follow laws regarding the service and consumption of alcohol.

Alcohol should not be available or consumed at sporting events organised solely for Children.

9. Smoke-free environment

KA is committed to providing a safe and healthy environment at all sporting and social events that we hold or endorse. We recommend that the following policies be applied to all KA related activities.

- No smoking shall occur at or near sporting events involving Children under the age of 18. This Policy shall apply to all Members.
- Social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas.
- Members will refrain from smoking and remain smoke-free while they are involved in an official capacity at KA related activities.

10. Bullying – Including Cyber-bullying

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

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

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

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

- Verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- Excluding or isolating a group or person;
- Spreading malicious rumours; or
- Psychological harassment such as intimidation.

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

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

Frustrations in relation to an KA related activity should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting body.

11. Social networking websites

KA acknowledges the enormous value of social networking websites, such as Facebook and Twitter, to promote our sport and celebrate the achievements and success of the people involved in KA related activities.

KA expect all individuals and entities to who this Policy applies to conduct themselves appropriately when using social networking sites to share information related to KA related activities.

Social media postings, blogs, status updates and tweets:

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

Complaints Procedures

1. Complaints

KA aims to provide a simple, confidential and trustworthy procedure for Complaints based on the principles of Natural Justice.

A Complainant may report a Complaint about a person or organisation bound by the Policy if they reasonably believe that a person or a sporting organisation has breached the Policy. A Complaint should be reported to the MPIO or the CEO.

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

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

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

A Complaint may be dealt with informally or formally. The Complainant may indicate his or her preferred option and the MPIO or the CEO should consider whether that is an appropriate way to handle the particular complaint. For example, the law may require that the complaint/allegation be reported to an appropriate authority.

All Complaints will be dealt with promptly, seriously, sensitively and confidentially. KA's Complaint procedures are outlined in Part C of the Policy.

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

2. Vexatious Complaints and Victimisation

KA aims to ensure our Complaints procedure has integrity and is free of unfair repercussions or Victimisation against any person making a complaint.

If at any point in the Complaint process the MPIO considers that a Complainant has knowingly made an untrue Complaint or the Complaint is vexatious or malicious, the matter may be referred to an Investigatory Tribunal for appropriate action which may include disciplinary action against the complainant.

KA and Member States and Affiliated Clubs should also take all necessary steps to make sure that people involved in a Complaint are not victimised by anyone for coming forward with a Complaint or for helping to resolve. Disciplinary measures will be imposed on anyone who victimises another person for making a Complaint.

3. Mediation

Individuals and organisations may also pursue their Complaint externally under anti-discrimination, Child protection, criminal or other relevant legislation.

KA aims to resolve complaints quickly and fairly and wherever possible, with the minimum of formality.

In many cases, Complaints can be resolved by agreement between the people involved with no need for disciplinary action. The Complainant and the Respondent may also seek the assistance of a Mediator or another neutral third party. Lawyers are not able to negotiate on behalf of the Complainant and/or Respondent.

Mediation may occur either before or after an investigation of a Complaint. If a Complainant wishes to try and resolve the Complaint with the assistance of a Mediator, the MPIO will, in consultation with the Complainant, arrange for a Mediator to mediate the Complaint. We will not allow lawyers to participate in the mediation process.

More information on the mediation process is outlined in Part C of this Policy.

4. Tribunals

In accordance with By-law 4.7 a Tribunal may be formed to hear a proceeding:

- Referred to it by the CEO; or
- Referred to it or escalated by a Member State either
 - Because of the serious nature of the complaint,
 - Because it was unable to be resolved at the state level or
 - Because the policy of the Member State directs it to be

for an alleged breach of this policy.

Our Tribunal procedure is outlined in By-law 4.8

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

Every organisation bound by the Policy will recognise and enforce any decision made, and form of discipline imposed, by an Investigatory Tribunal under the Policy.

What is in Breach of this Policy

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

1. Breach the Code of Conduct;
2. Bring the sport and/or KA into disrepute, or act in a manner likely to bring the sport and/or KA into disrepute;
3. Fail to follow KA policies (including this Policy) and our procedures for the protection, safety and welfare of

Children;

4. Appoint or continue to appoint a person to a role that involves working with Children and young people contrary to this Policy;
5. Discriminate against or harass or bully any person;
6. Victimise another person for making or supporting a Complaint;
7. Engage in an inappropriate intimate relationship with a person that the person supervises, or has influence, authority or power over;
8. Verbally or physically assault another person, intimidate another person or create a hostile environment within the sport and/or KA;
9. Disclose to any unauthorised person or organisation any KA information that is of a private, confidential or privileged nature;
10. Make a Complaint they knew to be untrue, vexatious, malicious or improper;
11. Fail to comply with a penalty imposed after a finding that the individual or organisation has breached this Policy;
12. Fail to comply with a direction given to the individual or organisation during the discipline process; or
13. Act in any way contrary to this Policy.

Disciplinary Measures

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

Any disciplinary measure imposed will be:

- Fair and reasonable;
- Applied consistent with any contractual and employment rules and requirements;
- Applied in accordance with the Constitution, By-laws and policies of KA;
- Be based on the evidence and information presented and the seriousness of the breach; and
- Be determined in accordance with our constituent documents, by-laws, this policy and/or the rules of the sport.

Individual

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

- A direction that the individual make a verbal and/or written apology;
- A written warning;
- A direction that the individual attend counselling to address their behaviour;
- A withdrawal of any awards, prizes, trophies, placings, records, achievements bestowed in any Competitions, activities or events held or sanctioned by KA;
- A demotion or transfer of the individual to another location, role or activity;
- A suspension of the individual's membership or participation or engagement in a role or activity;
- Termination of the individual's membership, appointment or engagement;
- A recommendation that KA terminate the individual's membership, appointment or engagement;
- In the case of an official or person who holds a KA issued credential of any kind, a direction that the KA or the Member State de-register the accreditation of the official or accredited person for a period of time or permanently;
- A fine;
- Any other form of discipline that the KA Board considers appropriate.

Organisation

If a finding is made that a KA member or affiliated organisation has breached its own or this MPP, one or more of the following forms of discipline may be imposed by either the Board or the KA Tribunal.

- A written warning;
- A fine;
- A direction that any rights, privileges and benefits provided to that organisation by KA and/or the Member State with which it holds affiliation be suspended for a specified period;

- A direction that any funding granted or given to it by the KA cease from a specified date;
- A direction that the KA and/or the Member State with which it holds affiliation cease to sanction events held by or under the auspices of that organisation;
- A recommendation to KA that the organisation's membership of KA and/or the Member State with which it holds affiliation be suspended or terminated in accordance with the relevant constitution or rules;
- Any other form of discipline that KA considers reasonable and appropriate.

Circumstances To Be Considered In Applying Discipline

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

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

Other References

The following schedules are attached to this Policy:

- Part B - KA Child Protection Requirements;
- Part C – Complaints Procedure;
- Part D – Code of Conduct;
- Part E – Record template forms; and
- Frequently asked questions.

