



# Surf Life Saving Australia Policy

<b>Policy Name:</b>	Member Protection Policy
<b>Policy Number:</b>	6.05
<b>Issued:</b>	May 2014

## PART A: MEMBER PROTECTION POLICY

### 1. INTRODUCTION

Surf Life Saving Australia Limited (**SLSA**), including subsidiary companies and affiliated clubs, branches and states, is committed to the health, safety and wellbeing of all its members and is dedicated to providing a safe environment for those participating in surf life saving activities.

Surf lifesavers are nurtured in an environment that values safety, trust, respect, caring and responsibility. This environment encourages acceptance, confidence and risk taking. For surf lifesavers to venture into challenging waters in times of distress, they need to have faith and trust in themselves and in the people around them. The motivation for surf lifesavers to give freely of their time is to be found in surf life saving environments that value;

- safety and support
- caring and camaraderie
- trust and teamwork
- respect and responsibility

As part of the surf lifesaving community, each individual makes a commitment to actively encourage behaviours that promote a supportive and nurturing environment and contribute to our core purpose: "To save lives, create great Australians and build better communities".

### 2. PURPOSE OF THIS POLICY

This Member Protection Policy ("policy") aims to assist SLSA to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our organisation. It sets out our commitment to ensure that every person involved in our organisation is treated with respect and dignity and protected from discrimination, harassment and abuse. It also ensures that everyone involved in our organisation is aware of their legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

The policy attachments describe the practical steps we will take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behaviour from our activities. As part of this commitment, SLSA will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by SLSA's board of directors (**Board**) on 17 May 2014, is effective immediately and has been incorporated into our regulations in accordance with clause 39 of SLSA's Constitution. The policy starts on the date it is adopted by the Board and will operate until replaced. Copies of the current policy and its attachments can be obtained from the SLSA website at [www.sls.com.au](http://www.sls.com.au)

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### 3. WHO THIS POLICY APPLIES TO

This policy applies to the following;

- 3.1 Persons appointed or elected to boards, committees and sub-committees;
- 3.2 Volunteers;
- 3.3 Support personnel;
- 3.4 All Members, including life members; and
- 3.5 Any other person including but not limited to participants, parents, guardians, spectators and sponsors to the full extent possible.

This policy also applies to the following associations:

- 3.6 Member associations;
- 3.7 Affiliated clubs and organisations.

This policy will continue to apply to a person, even after they have stopped their association or employment with SLSA, if disciplinary action against that person has commenced.

Employees of branches or affiliated clubs, state associations, or SLSA are required to act in accordance with their employment contracts, awards and associated employment policies. Where a person listed in clauses 3.1 to 3.5 inclusive is also an employee of a branch or Affiliated club, Member association, or SLSA, the employer of that person has sole discretion to determine in the first instance if the employment contract, award or policy is relevant and appropriate to the action or behavior involved, and if so, may process or determine the matter in accordance with such material, or may choose to adopt part or all of this MP Policy. The employer may consult with SLSA as necessary.

### 4. RESPONSIBILITIES OF THE ORGANISATION

Surf Life Saving Australia, member associations and affiliated clubs must:

- 4.1 Adopt, implement and comply with this policy;
- 4.2 Ensure that the Constitution, By-laws or other rules and policies include the necessary clauses for this policy to be enforceable
- 4.3 Publish, distribute and promote this policy and the consequences of breaches;
- 4.4 Promote and model appropriate standards of behaviour at all times;
- 4.5 Deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner;
- 4.6 Apply this policy consistently;
- 4.7 Recognise and enforce any penalty imposed under this policy;
- 4.8 Ensure that a copy of this policy is available or accessible to the persons and associations to whom this policy applies;
- 4.9 Use appropriately trained people to receive and manage complaints and allegations [e.g. Grievance Officers]);
- 4.10 Monitor and review this policy at least annually

### 5. INDIVIDUAL RESPONSIBILITIES

Individuals bound by this policy are responsible for:

- 5.1 Making themselves aware of the policy and complying with its standards of behaviour and codes of conduct identified in Section B;

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- 5.2 Consenting to our screening requirements and any state/territory Working with Children Checks if the person holds or applies for a role that involves regular contact with a child or young person under the age of 18
- 5.3 Placing the safety and welfare of children above other considerations;
- 5.4 Being accountable for their behaviour;
- 5.5 Following the procedures outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour; and
- 5.6 Complying with any decisions and/or disciplinary measures imposed under this policy.

## 6. WORKING WITH UNDER 18 MEMBERS

- (a) Members of SLSA who are under 18 years of age require special consideration within this policy to ensure the safety and well-being of our youngest members. The age, maturity level and developmental level of a member under the age of 18 years gives cause for special protection under the law, and under this policy. Any person working with Under 18 members is required to assume a heightened level of responsibility. This section of the policy provides guidelines for the exercise of that heightened responsibility.
- (b) Members who undertake the delivery or supervision of surf life saving activities for Under 18 members in their capacity as age or team managers, coaches, trainers, assessors, officials, administrators, patrol captains and like positions have a duty of care. These roles are responsible positions within SLSA and each person acting within these roles must adopt practices that minimise risk to protect both the people they are working with, and themselves. It is important that risk minimisation measures be adopted to protect people in these roles from any misconceptions about their behaviour in performing their designated roles.
- (c) Persons working with Under 18 members should assume the following practices;
  - (i) Maintain an open door policy when conducting briefings, meetings and assemblies of members. It is wise practice to ensure that two leaders are involved in each Under 18 activity. It is also advisable to invite all youth, parents, friends and other members to participate, particularly when conducting interviews, transporting youth and conducting excursions. Mixed teams of youth leaders (both genders) provides a healthy environment for both leaders and members.
  - (ii) Both male and female adults, leaders or parents (at least one of which should be an SLSA member) must accompany youths when taking surf life saving activities away from the club, and especially on overnight activities.
  - (iii) All members should be treated with respect and dignity. This involves being ever mindful of language, tone of voice and body language when addressing a problem and ensuring the problem is the focus, not the person.
  - (iv) Foster teamwork and group cohesion between adults and youth is important. Abusive and inappropriate behaviour must not be tolerated and should be dealt with immediately as per 6.5 Member Protection Policy. Group practices should encourage the identification and addressing of inappropriate attitudes and behaviour by team members.
  - (v) Encourage youth members and be mindful of each individual's capacities for surf life saving activities. Protect them from pressure to participate and perform.
  - (vi) Respect youth members' privacy, and expect that they respect your privacy.
  - (vii) Maintain your status as a ROLE MODEL to both youth and other adults. This will be achieved through being friendly, courteous and kind, whilst setting a good example in relation to dress,

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behaviour, language, etc.

- (viii) Be mindful that youth are experiencing changing life circumstance. Ensure that you do not respond inappropriately to any excessive attention seeking behaviour, physically, verbally or sexually, that may be exhibited by youth from time to time.
- (d) As well as modelling appropriate behaviour, it is important that people working with members Under 18 (and adults members if applicable) do not engage in, or allow others to engage in, any of the following;
- (i) Initiation ceremonies
  - (ii) Inappropriate undressing/dressing in front of youth
  - (iii) Invading the privacy of youth when showering or toileting
  - (iv) Photographing youths while undressing/dressing, showering, toileting or in other inappropriate circumstances
  - (v) Sleeping in closed quarters with youth without a second adult representative (e.g. parent)
  - (vi) Aggressive, physically distressing or sexually provocative activities
  - (vii) Sexually suggestive comments about or to a youth
  - (viii) Inappropriate or intrusive touching of a youth
  - (ix) Joking about, ridiculing, rejecting, isolating, or belittling a youth member (or any other member)

## 7. POSITION STATEMENTS

### 7.1 Child protection

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

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

#### 7.1.1 Identify and analyse risk of harm

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

#### 7.1.2 Develop codes of behaviour

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

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

#### 7.1.3 Choose suitable employees and volunteers

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

We will ensure that Working with Children Checks are conducted for all employees and volunteers who work with children, where an assessment is required by law. If a criminal history report is obtained as part of their screening process, we will handle this information confidentially and in accordance with the relevant legal requirements. (Refer to the attachments in Part C of this policy.)

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

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

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

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

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

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

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

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimized for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. SLSA procedures for handling allegations of child abuse are outlined in the SLSA Policy Statement on dealing with police investigations, criminal charges, guilty pleas and/or convictions (Policy 6.16 Dealing with police investigations – a copy of which can be found within the SLSA Members Portal Library)

## **7.2 Taking Images of Children**

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

To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets.

When using a photo of a child, we will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the parent/guardian. We will not provide information about a child's hobbies, interests, school or the like, as this can be used for inappropriate purposes.

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

SLSA also has a Photography Policy in place; please refer to Policy 6.21 Photography Policy located within the SLSA Member Portal Library

## **7.3 Anti-Discrimination and Harassment**

SLSA aims to provide an environment where all those involved in our activities and events are treated with respect.

We recognise that people cannot participate, enjoy themselves or perform at their best if they are treated unfairly,

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discriminated against or harassed.

We prohibit all forms of harassment, discrimination and bullying based on the personal characteristics listed in the “Definitions” set out in our Dictionary of Terms [see clause 11]. In most circumstances, this behaviour is against the law.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, they may make an internal complaint. In some circumstances, they may also be able to make a complaint to an external organisation. (Refer to the attachments in Part D of this policy.)

SLSA also has an Inclusive Organisation Policy in place; please refer to Policy 6.22 Inclusive Organisation Policy located within the SLSA Member Portal Library

#### **7.4 Sexual Relationships**

SLSA takes the position that consensual intimate relationships (whether or not of a sexual nature) between a person of authority and an adult participant should where possible be avoided as they can have harmful effects on the participant involved and on other members and on our organisations 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 person of authority and the participant.

If a participant attempts to initiate an intimate sexual relationship with a person of authority, it is the person of authority’s responsibility to discourage the approach and to explain why such a relationship is not appropriate.

The person of authority or participant may wish to seek advice or support from the Member Protection Information Officer or equivalent if they feel harassed. Our complaints procedure is outlined in Part D of this policy.

#### **7.5 Pregnancy**

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

SLSA will take reasonable care to ensure the safety, health and well-being of pregnant women and their unborn children. We will 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 Surf Life Saving activities.

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy and participating in Surf Life Saving activities and ensure that they make informed decisions about their participation. We will only require pregnant women to sign a disclaimer if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

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

#### **7.6 Gender Identity**

SLSA is committed to providing a safe, fair and inclusive environment 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.

We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or

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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 the attachments in Part D of this policy.)

SLSA recognises that excluding transgender and transsexual people from participating in events and activities has significant implications for their health, well-being and involvement in community life. In general, we will support their participation in our organisation on the basis of the gender with which they identify.

We 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, we 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.

SLSA also has an Inclusive Organisation Policy in place; please refer to Policy 6.22 Inclusive Organisation Policy within the SLSA Member Portal Library

### **7.7 Alcohol Policy**

Responsible service and consumption of alcohol should apply to any alcohol consumed. Responsible services might include ensuring that light alcohol and soft drinks always being available. Wherever possible, food might be made available to be consumed when alcohol is available, or transport policies may be adopted.

SLSA recommends that all organisations bound by this policy must adhere to strict guidelines regarding the responsible service and consumption of alcohol and act in accordance with relevant liquor license laws and regulations.

### **7.8 Smoking Policy**

Smoking is now banned in many public spaces including parks and beaches in some states. SLSA does not allow members to smoke while undertaking their lifesaving duties and asks that members refrain from the practice when engaged in official lifesaving events such as club meetings, carnivals, presentations, and patrols.

SLSA recommends that all organisations bound by this policy must adhere to relevant legislation and Local Government regulations in relation to smoking requirements.

### **7.9 Cyber Bullying/Safety**

SLSA regards bullying and harassment in all forms as unacceptable. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.

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.

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

Frustration at a surf life saving member, person of authority or a surf life saving organisation 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 club, branch, state or national body.

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For guidelines and further information on use of social media please refer to Policy 6.20 Use of Social Media within the SLSA Member Portal Library

### 7.10 Social Networking Websites Policy

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

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

Social media postings, blogs, status updates and tweets:

- must not use offensive, provocative or hateful language or photographs/images
- must not be misleading, false or injure the reputation of another person
- should respect and maintain the privacy of others
- should promote Surf Life Saving in a positive way.

For guidelines and further information on use of social media please refer to Policy 6.20 Use of Social Media within the SLSA Member Portal Library

### 7.11 Other SLSA Policies and Procedures

In addition to these policy statements, SLSA have a number of other policies which aim to provide a safe environment for our members. These include:

- Inclusive Organisation (Policy 6.22)
- Dealing with Police Investigations Policy(Policy 6.16)
- Use of Social Media (Policy 6.20)
- Photography Policy (Policy 6.21)
- Grievance Procedure (Policy 6.6)
- Pregnancy and the Surf Lifesaver – Competition and Patrols (Policy 3.3)
- Transgender/Transsexual Athlete (Policy 5.10)
- Privacy (Policy 6.2)
- Limiting and Permanent Disability (Policy 6.3)
- Risk Management (Policy 6.9)
- Occupational Health and Safety (Policy 2.3)
- Rehabilitation and Return to Duties (Policy 2.4)
- Peer Group Support (Policy 1.15)

These and all other SLSA policies can be found within the SLSA Member Portal Library. Please note several of the above policies are currently under review.

## 8. GRIEVANCE PROCEDURES

### 8.1 Grievances

SLSA aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a grievance (complainant) about a person/s or organisation bound by this policy. A grievance should be reported to the appointed official of the relevant surf lifesaving authority in accordance with this policy and follow the SLSA Grievance Procedure (Policy 6.6) which can be found on the SLSA Member Portal Library

### 8.2 Improper Complaints & Victimisation

SLSA aims to ensure its grievances and notifications procedures have integrity and are free of unfair repercussions or victimisation. If at any point in the process the appointed official of the relevant surf lifesaving authority has a concern that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, that official may investigate the matter further and if satisfied that the complaint is untrue, vexatious or malicious dismiss the complaint. That official may also refer the complaint to a judiciary for further investigation in accordance

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with the SLSA Regulations. If a complaint has been found to be untrue, vexatious or malicious SLSA may commence disciplinary proceedings against the complainant in accordance with the SLSA Regulations (Regulation 5.1).

SLSA will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint.

### 8.3 Judiciary Matters

A judiciary may be convened to hear a formal complaint;

- referred to it by a grievance handler
- referred to or escalated by an affiliated organisation
- for an alleged breach of this policy
- breaches as outlines in section 18 of the SLSA Constitution and Section 5.1.1 of the SLSA Regulations.

Procedures relating to the judiciary are outlined in section 5.1.2 of the SLSA Regulations.

## 9. WHAT IS A BREACH OF THIS POLICY

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

- 9.1 Breaching the Codes of Conduct (attachment B to this policy);
- 9.2 Bringing Surf Life Saving and/or SLSA into disrepute, or acting in a manner likely to bring Surf Life Saving and/or SLSA into disrepute;
- 9.3 Failing to follow SLSA policies (including this policy) and procedures for the protection, safety and welfare of children;
- 9.4 Discriminating against, harassing or bullying (including cyber bullying) any person;
- 9.5 Victimising another person for reporting a complaint;
- 9.6 Engaging in a sexually inappropriate relationship with a person that they supervise, or have influence, authority or power over;
- 9.7 Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the organisation;
- 9.8 Disclosing to any unauthorised person or organisation any SLSA information that is of a private, confidential or privileged nature;
- 9.9 Making a complaint they know to be untrue, vexatious, malicious or improper;
- 9.10 Failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; or
- 9.11 Failing to comply with a direction given to the individual or organisation during the discipline process.

## 10. DISCIPLINARY MEASURES

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. These may include making a verbal or written apology, paying a fine, being suspended or de-registered or having a person's appointment or employment terminated. More information on the range of disciplinary measures and the factors that will be considered in considering and before imposing discipline are documented in Section 5 of the SLSA Regulations.

Any disciplinary measure imposed under this policy must:

- Be applied consistent with any contractual and employment rules and requirements;
- Be fair and reasonable;
- Be based on the evidence and information presented and the seriousness of the breach; and
- Be determined in accordance with our Constitution, By Laws, this policy and/or Rules of the organisation.

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## 11. DICTIONARY

This Dictionary sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection commissions or equal opportunity and anti-discrimination commissions.

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

**Affiliated club** means a club who has applied for annual affiliation with the relevant state centre. An affiliated club must be incorporated or in the process of incorporation, have a constitution that is acceptable to SLSA and substantially in conformity with the SLSA constitution and have paid the appropriate fee (where applicable).

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

**Child abuse** involves conduct which puts children at risk of harm and 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 grievance made in accordance with clause 8 of this policy.

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

**Complaint Handler/Manager** means a person appointed under this policy to investigate a Complaint (e.g. Grievance Officer).

**Discrimination** occurs when someone is treated unfairly or less favourably than another person in the same or similar circumstances because of a particular personal characteristic. This is known as direct discrimination. Indirect discrimination occurs when a rule, policy or practice disadvantages one group of people in comparison with others, even though it appears to treat all people the same.

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

- age
- disability
- family/carer responsibilities
- gender identity/transgender status
- homosexuality and sexual orientation
- irrelevant medical record
- irrelevant criminal record
- political belief/activity
- pregnancy and breastfeeding
- race
- religious belief/activity

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- sex or gender
- social origin;
- trade union membership/activity.

Some states and territories include additional protected characteristics, such as physical features or association with a person with one or more of the characteristics listed above.

**Examples of discrimination** are available on the Play by the Rules website: [www.playbytherules.net.au/legal-stuff/discrimination](http://www.playbytherules.net.au/legal-stuff/discrimination)

Some exceptions to state and federal anti-discrimination law apply, such as:

- holding a competitive sporting activity for boys and girls only who are under the age of 12, or of any age where strength, stamina or physique is relevant
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular activity.

**Grievance** means a grievance made under the SLSA Grievance Procedures.

**Grievance Officer** means a person trained to be the first point of contact for a person reporting a complaint/grievance under, or a breach of, this Policy. The Grievance Officer provides impartial and confidential support to the person making the complaint.

**Harassment** is any type of behaviour that the other person does not want and is likely to make the person feel intimidated, insulted or humiliated. Unlawful harassment can target a person because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law (see the list under "Discrimination").

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

**Mediator** means an impartial person appointed to help those people involved in a complaint to talk through the issues and resolve the matter on mutually agreeable terms.

**Member** means any person who is a member of SLSA, a constituent association or of an affiliated club or state centre.

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

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

**Participant** means a person who partakes in a surf life saving activity

**Person of authority** means surf life saving position that is empowered to direct, control or influence others such as coach, official, patrol captain, team manager, training officer, committee member.

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

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

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

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

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

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

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

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

**Victimisation** means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make any complaint including 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 an organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of people having any of the characteristics listed under the definition of "Discrimination".

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## PART B: CODES OF CONDUCT

SLSA requires every individual and or organisation bound by this policy to:

### 1. General

- a) respect the rights, dignity and worth of others;
- b) be fair, considerate and honest in all dealings with others, and be a positive role model;
- c) make a commitment to providing quality service ;
- d) be aware of, and maintain an uncompromising adherence to SLSA's standards, rules, regulations and policies;
- e) demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age;
- f) contribute to the provision of a safe environment to the conduct of all activities within surf lifesaving;
- g) abide by the relevant role specific codes of conducts outlined below.

### 2. Surf Life Saving Team Leader

A SLSA Team Leader (e.g. Patrol Captain, ORB Skipper, etc.) will:

- a) agree to abide by the code of conduct.
- b) be responsible for the overall safety and well-being of the members of the patrol
- c) maintain a 'duty of care' towards team members, an accountability for the management of the team and a responsibility for the actions of the team members
- d) have a sound knowledge of SLSA policies, responsibilities and lifesaving techniques, and ensure that the conduct of the patrol is in accordance with these policies and guidelines.
- e) foster a collaborative approach to the management of the patrol.
- f) treat the general public with respect and communicate with them in a professional manner
- g) be a positive role model for surf lifesavers and SLSA.

### 3. Surf Life Saving Team Manager

A SLSA Team Manager will:

- a) agree to abide by the code of conduct.
- b) be responsible for the overall safety and well-being of team members and officials when travelling with a team.
- c) maintain a 'duty of care' towards team members and an accountability for the management of the team.
- d) have a sound knowledge of SLSA policies, responsibilities and competition rules, and ensure that the conduct of the affairs of the team is in accordance with these policies and guidelines.
- e) foster a collaborative approach to the management of the team.
- f) be a positive role model for surf lifesavers and SLSA.

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#### 4. Surf Life Saving Age Manager

A SLSA Age Manager (junior activities) will:

- a) agree to abide by the code of conduct.
- b) be responsible for the overall safety and well-being of the group.
- c) be responsible for the group's learning.
- d) take time to plan and prepare the activities delivered to the group.
- e) foster a collaborative approach to the management of the group.
- f) instill enjoyment and fun in what they do.
- g) be a positive role model for surf lifesavers and SLSA.

#### 5. Surf Life Saving Coach

A SLSA Coach will:

- a) agree to abide by the code of conduct.
- b) be responsible for matters concerning the coaching, training and development of surf lifesavers.
- c) provide positive feedback to participants.
- d) treat all participants equally.
- e) maintain a 'duty of care' towards others and an accountability for matters relating to training and competition.
- f) have a sound working knowledge of SLSA policies, rules and regulations and coaching techniques.
- g) actively discourage the use of performance enhancing drugs, and the use of alcohol, tobacco and illegal substances
- h) ensure that any physical contact with others is;
  - (i) appropriate to the situation
  - (ii) necessary for the person's skill development
- i) provide a safe environment for training and competition.
- j) be a positive role model for surf lifesavers and SLSA.

#### 6. Surf Life Saving Official

A SLSA Official will:

- a) agree to abide by the code of conduct.
- b) be responsible for matters concerning the development of surf lifesavers and the conduct of competitions.
- c) maintain a 'duty of care' towards others and an accountability for matters relating to training and competition.
- d) have a sound working knowledge of SLSA policies, rules and regulations.

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- e) be impartial and accept the responsibility for all actions taken.
- f) ensure that any physical contact with others is; (i) appropriate to the situation
- g) (ii) necessary for the persons skill development
- h) provide a safe environment for training and competition.
- i) be a positive role model for surf lifesavers and SLSA.

#### 7. **Surf Life Saving Athlete**

A SLSA Athlete will:

- a) agree to abide by the code of conduct
- b) be fair, considerate and honest with others
- c) operate within the rules of SLSA including national, international and doping the Anti-Doping Policy Guidelines
- d) be professional in, and accept responsibility for your actions
- e) show concern and caution towards others who maybe sick or injured
- f) be punctual and dressed accordingly
- g) be a positive role model

#### 8. **Surf Life Saving Administrator/Director/Officer**

A SLSA Administrator/Director/Officer will:

- a) agree to abide by the code of conduct.
- b) be fair, considerate and honest with others.
- c) operate within the rules of SLSA.
- d) be professional in your actions. Your language, presentation, manner and punctuality should reflect high standards.
- e) resolve conflicts fairly and promptly through established procedures.
- f) maintain strict impartiality.
- g) maintain a safe environment for others.

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- h) show concern and caution towards others.
- i) be a positive role model for others.

#### 9. **Surf Life Saving Parent/Guardian**

A Parent/Guardian of an SLSA member will:

- a) remember that their child participate in surf lifesaving for their own enjoyment.
- b) focus on their child's efforts and performance rather than winning and losing.
- c) show appreciation for good performance by all participants.
- d) never ridicule or yell at their child or other children for making a mistake.
- e) respect official's decisions and teach their children to do likewise.
- f) not physically or verbally abuse or harass anyone associated with the activities (e.g. coach, official, age manager, etc.).
- g) be a positive role model for others.

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

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

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

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

SLSA, including our member associations, affiliated clubs and organisations, will meet the requirements of the relevant state or territory Working with Children Check laws.

Employment screening requirements will also be followed in the Australian Capital Territory and Tasmania.

Individuals travelling with children and young people to another state or territory in a work-related capacity must comply with the screening requirements of that particular state or territory.

### **ATTACHMENTS**

- Attachment C1: Screening requirements (for the Australian Capital Territory and Tasmania)
- Attachment C2: Member Protection Declaration
- Attachment C3: Working with Children Check requirements

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## ATTACHMENT C1: SCREENING REQUIREMENTS

[For states/territories without Working with Children Checks - Tasmania]

This attachment explains the process we will use to screen the people associated with our organisation who have regular unsupervised contact with children and young people under the age of 18. We require our state associations and clubs to do the same.

1. We will identify all positions where people have regular unsupervised contact with children and young people under the age of 18.
  2. Before a person is offered such a position, we will ask him or her to complete a Member Protection Declaration (“MPD”) (see [Attachment C2]).
  3. If a person is unable to provide a MPD, or if he or she cannot satisfactorily answer the questions in the MPD, we will ask for an explanation. We will then make an assessment about the person’s suitability to work with children and young people. If we are not fully satisfied, we will not appoint him or her to the position.
  4. Where possible, we will check a person’s referees (verbal or written) about his or her suitability for the position.
  5. We will ask each person to sign a consent form for a national police check and explain why our policy requires a check to be undertaken.
  6. If a person does not agree to a national police check, we will make an assessment about his or her suitability to work with children and young people.
  7. If the national police check indicates that a “relevant offence” has been recorded, we will ask the person to provide an explanation. We will then make an assessment about the person’s suitability to work with children and young people. If we are not fully satisfied, we will not appoint him or her to the position.
  8. If it is not practical to complete the national police check prior to the person starting in the position, we will complete the check as soon as possible. We will act immediately if the results of the check highlight any issues of concern.
  9. We will protect the privacy of each person who undertakes the screening process and keep all information we obtain strictly confidential.
  10. We will return all the information collected as part of the screening process (e.g. completed MPD forms, national police checks and referee reports) to the relevant person if he or she is not appointed to the position. Alternatively, all records will be destroyed within 28 days of the date of the decision or the expiry of any appeal period unless, within that time, the person requests the documents to be returned to him or her. The records of all people appointed to our organisation will be kept on file in a secure location.
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## ATTACHMENT C2: MEMBER PROTECTION DECLARATION

SLSA has a duty of care to all those associated with the organisation and to the individuals and organisations to whom our Member Protection Policy applies. As a requirement of our Member Protection Policy, that SLSA must enquire into the background of those who undertake any regular unsupervised contact with people under the age of 18 years.

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

sincerely declare:

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

Declared in the State/Territory of .....

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

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

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

Name:.....

Signature:.....

Date: .....

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## ATTACHMENT C3: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS

Working with Children Checks aim to create a child-safe environment and to protect children and young people involved in our organisation from physical and sexual harm.

They assess the suitability of people to work with children and young people and can involve:

- criminal history checks
- signed declarations
- referee checks, and
- other relevant background checks to assess a person's suitability to work with children and young people.

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

### **New South Wales**

Contact the Commission for Children and Young People

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

Phone: 02 9286 7276

### **Northern Territory**

Contact the Northern Territory Screening Authority

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

Phone: 1800 SAFE NT (1800 723 368)

### **Queensland**

Contact the Commission for Children and Young People and Child Guardian about the "Blue Card" system.

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

Phone: 1800 113 611

### **South Australia**

Contact the Department for Education and Child Development

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

Phone: 08 8463 6468.

### **ACT**

Contact the Department for Justice and Community Safety

Website: [http://www.ors.act.gov.au/community/working\\_with\\_vulnerable\\_people](http://www.ors.act.gov.au/community/working_with_vulnerable_people)

Phone: 02 6207 3000

### **Victoria**

Contact the Department of Justice

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

Phone: 1300 652 879

### **Western Australia**

Contact the Department for Child Protection

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

Phone: 1800 883 979

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### **Travelling to other states or territories**

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

In October 2011 at the Standing Council on Community, Housing and Disability Services, Commonwealth, state and territory ministers agreed to introduce, by late 2012, national exemptions to Working with Children Checks for paid employees and volunteers who are required to cross state or territory borders for work related purposes.

These exemptions will be for up to 30 days in any 12 month period and will enable workers to participate in national and inter-jurisdictional activities on a short-term basis. This means that volunteers and workers with a valid check in their home state or territory will be able to participate in short-term activities across state and territory borders without the need for additional checks.

The Australian Sports Commission will provide more information as soon as it becomes available.

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## PART D: GRIEVANCE HANDLING PROCEDURES

Grievance handling procedure can be found at SLSA Grievance Procedure Policy 6.6 within the SLSA Members Portal. Judicial, Appeals and Discipline procedures can be found in Section 5 of the SLSA Regulations on the SLSA website at [www.sls.com.au](http://www.sls.com.au)

### ATTACHMENT D1: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. It is not the responsibility of anyone working in the SLSA in a paid or unpaid capacity to decide whether or not child abuse has taken place. However, there is a responsibility to act on any concerns by reporting these to the appropriate authorities. The following outlines the key steps to follow. More information can be obtained from State or Territory government agencies.

#### Step 1 – Initial Receipt of an Allegation

If a child or young person discloses an allegation involving harm or abuse to them or another child, then it is crucial that you:

- Stay calm;
- Listen, be supportive and do not challenge or undermine what the child says;
- Reassure the child that what has occurred is not the fault of the child;
- Be honest with the child and explain that other people may need to be told in order to stop what is happening;
- Ensure you are clear about what the child has said but do not elicit detailed information, ask leading questions or offer an opinion;
- Act promptly to accurately record the discussion in writing;
- Do not discuss the details with any person other than those detailed in these procedures; and
- Do not contact the alleged offender.

#### Step 2 – Report allegations

- Immediately report any allegation or disclosure of child abuse or situation involving a child at risk of harm, to the police and/or government child protection agency. You may need to report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the complaint should be reported (for example, the allegation may relate to poor/inappropriate practice).
- If the child's parent/s is suspected of committing the abuse, you should report the allegation to the relevant government agency.
- If the allegation involves anyone to whom our policy applies, then also report the allegation to the CEO of your state so that they can manage the situation (e.g. contact the parents following advice from the authorities, deal with any media enquiries and manage steps 3 and 4).

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

- The state CEO or other senior management will assess the risks and take interim action to ensure the child's/children's safety. Action may include redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined.
- The state CEO or other senior management will consider the kind of support that to the child/ren and parents if required (e.g. counselling, helplines, support groups).
- The state CEO or other senior management will consider the support needs of the alleged offender.
- The state CEO or other senior management will also put in place measures to protect the child and the person against whom the complaint is made from victimisation and gossip. If the person is stood down, it should be made clear to any persons aware of the incident that this does not mean the respondent is guilty and a proper investigation will be undertaken.

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#### Step 4 – Internal action

- Where there is an allegation made against a person to whom this policy applies, there may be three types of investigations:
  - Criminal (conducted by police)
  - Child protection (conducted by child protection authority)
  - Disciplinary or misconduct (conducted by relevant State Centre or SLSA)
- Irrespective of the findings of the child protection and/or police inquiries, SLSA will assess the allegation to decide whether the person should be reinstated, banned, have their employment or position terminated or any other action.
- The decision-maker(s) will be administered in accordance with section 5 of the SLSA Regulations and it will consider all the information, including the findings of the police, government agency and/or court, and determine a finding, recommend action and explain its rationale for the action. This may be a difficult decision particularly where there is insufficient evidence to uphold any action by the police.
- If disciplinary action is to be taken, the procedures outlined in clause 10 of the policy will be followed.
- If disciplinary action is taken, advise and a report to the relevant government authority should this be required (e.g. the NSW Commission for Children and Young People requires notification of relevant employment proceedings).

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## **PART E: REPORTING REQUIREMENT AND DOCUMENTS**

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

This information, and any additional records and notes, will be treated confidentially and stored in a secure place.

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

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

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