



Coves Yacht Club Inc

A0025908

MEMBER PROTECTION POLICY

January 2019



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MEMBER PROTECTION POLICY

1. Introduction

Members and visitors attending Coves Yacht Club socially or in a volunteer capacity can reasonably expect that they will be treated in an appropriate manner. No person attending the Club should be subject to anyone else's discriminatory or harassing behaviour nor should they impose such behaviour on others.

Coves Yacht Club accepts its responsibility to support appropriate behaviour on its premises. During on-water sailing activities the onus is on the skipper, boat owner and crew to support a sailing environment of mutual respect.

Coves Yacht Club is committed to supporting an environment which is free from illegal discrimination and harassment under the *Equal Opportunity Act 2010* (Vic), and other applicable State and Commonwealth legislation and acknowledges that it is illegal and unacceptable for people to be harassed because of one or more of the following attributes-: age, disability, gender identification, sexual orientation, marital, parental or carer status, physical features, political beliefs, pregnancy, race, or religious beliefs.

2. Purpose of Our Policy

The main objective of our Member Protection Policy (policy) is to maintain responsible behaviour and the making of informed decisions by participants in this club. It outlines our commitment to a person's right to be treated with respect and dignity, and to be safe and protected from abuse. Our policy informs everyone involved in our club of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required. It also covers the care and protection of children participating in our club's activities.

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

The policy starts in January 2019 and will operate until replaced. It will be reviewed every 12 to 18 months. The current policy and its attachments can be obtained from our website at: <http://www.cowesyachtclub.com/pdf/membership/>

This policy operates in conjunction with the Australian Sailing Member Protection Policy published at: <http://www.sailing.org.au/about-us/policy-documents/>

3. Who Our Policy Applies To

Our policy applies to everyone involved with the activities of Coves Yacht Club whether they are in a paid or unpaid/voluntary capacity including:

ordinary members, life members, committee/sub-committee members, coaches, race officers, sailors, parents and spectators, visitors, guests and contractors.

This policy will continue to apply to a person even after he or she has stopped their association or employment with Coves Yacht Club, if disciplinary action against that person has commenced prior to a person stopping their association with the Club.

4. Extent of Our Policy

Our policy covers unfair decisions (e.g. team selection) and actions, breaches of our code of behaviour and behaviour that occurs during racing, in the club rooms, at social events organised or sanctioned by the club and during events run at other clubs. It also covers private behaviour where that behaviour brings our club or sport into disrepute or there is suspicion of harm towards a child or young person.



5. Club Responsibilities

We will:

- Adopt, implement and comply with our policy
- Promote our policy and the consequences of any breaches of the policy to everyone involved in our club
- Promote and model appropriate standards of behaviour at all times
- Respond to breaches or complaints made under our policy promptly, fairly, and confidentially
- Recognise and enforce any penalty imposed under this policy
- Ensure that a copy of this policy is available or accessible to all people to whom this policy applies
- Monitor and review this policy every 12-18 months
- Use appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour [e.g. Member Protection Information Officers, Complaint Handlers]
- Use the disputes and mediation procedures set out in the Rules of Cowes Yacht Club to resolve any dispute between the Club and any member covered by this policy;

Serious issues include unlawful behaviour that involves or could lead to significant harm and includes criminal behaviour (e.g. physical assault, sexual assault, child abuse) and any other issues that our state or national body request to be referred to them.

6. Individual Responsibilities

Everyone associated with our club must:

- Comply with the standards of behaviour outlined in our policy;
- Treat others with respect;
- 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;
- Always place the safety and welfare of children above other considerations;
- Be responsible and accountable for their behaviour;
- Follow the guidelines outlined in this policy and in the Rules of Cowes Yacht Club if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour.
- Comply with any decisions and/or disciplinary measures imposed under this policy.

7. Anti-harassment, Discrimination and Bullying

Cowes Yacht Club is committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination and harassment. We recognize that people may not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.

7.1 Discrimination

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

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

Discrimination can be either direct or indirect.

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



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

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

7.2 Harassment

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

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

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

Every person is covered by the anti-discrimination laws that apply in their State as well as the Federal anti-discrimination laws.

The following is a list of all the personal characteristics that apply throughout Australian law:

- gender
- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration
- national extraction or social origin
- marital status, relationship status, identity of spouse or domestic partner
- pregnancy, potential pregnancy, breastfeeding
- family or carer responsibilities, status as a parent or carer
- age
- religion, religious beliefs or activities
- political beliefs or activities
- lawful sexual activity
- sexual orientation and gender identity
- profession, trade, occupation or calling
- irrelevant criminal record, spent convictions
- irrelevant medical record
- member of association or organisation of employees or employers, industrial activity, trade union activity
- physical features
- disability, mental or physical impairment
- defence service; and
- personal association with someone who has, or is assumed to have, any of these personal characteristics.

Legislation also prohibits:

- racial, religious, homosexual, transgender and HIV/AIDS vilification; and
- victimisation resulting from a complaint.



7.3 Bullying

Coves Yacht Club 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. Coves Yacht Club will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at an official, crewmate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting body.

If any person believes they are being, or have been, bullied by another person or organisation bound by this policy, he or she may make a complaint. (Refer to the attachments in Part D of this policy.)

7.4 Prohibition against discrimination and harassment

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

Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy is encouraged to raise their concerns with us. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation. (Refer to the attachments in Part D of this policy.)

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.

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

Coves Yacht Club takes all claims of harassment, discrimination, bullying and cyber bullying seriously. We encourage anyone who believes they have been harassed,



discriminated against or bullied to raise the issue with the Club (see Responding to Complaints).

8 Inclusive practices

Our Club is welcoming and we will seek to include members from all areas of our community.

8.1 People with a disability

Where possible we will include people with a disability in our Club. We will make reasonable adaptations (e.g. modifications to equipment and rules) to enable participation.

8.2 People from diverse cultures

We will support and respect people from diverse cultures and religions to participate in our Club and where possible will accommodate requests for flexibility.

8.3 Sexual & Gender Identity

All people, regardless of their sexuality, are welcome at our Club. We strive to provide a safe environment for participation and will take action over any homophobic behaviour.

Gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person. This includes the way people express or present their gender and recognises that a person's gender identity may be an identity other than male or female. Some terms used to describe a person's gender identity include trans, transgender and gender diverse.

8.3.1 Gender identity discrimination and harassment

Federal, state and territory anti-discrimination laws provide protection from discrimination against people on the basis of their gender identity. (See definition in Dictionary of terms).

Coves Yacht Club is committed to providing a safe, fair and inclusive sporting environment all where people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity.

All persons, regardless of gender identity, are entitled to be treated fairly and with dignity and respect at all times. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity. This includes discrimination or harassment of a person who is transgender or transsexual, who is assumed to be transgender or transsexual or has an association with someone who has or is assumed to be transgender or transsexual. (Refer to the attachments in Part D of this policy.)

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

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

8.3.2 Intersex status

Federal anti-discrimination law, and some state and territory anti-discrimination laws, provide protection from discrimination against a person on the basis of their intersex status. (See Dictionary of terms).



Coves Yacht Club is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their intersex status.

9 Social Networking

Coves Yacht Club acknowledge the enormous value of social networking to promote our sport and our Club and to celebrate the achievements and success of the people involved in our sport and club.

Social networking refers to any interactive website or technology that enables people to communicate and/or share content via the internet. This includes social networking websites such as Facebook and Twitter.

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

In particular, social media activity including, but not limited to, postings, blogs, status updates, and tweets:

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

10. Health and Wellbeing

Participants, or Parents/guardians of children, should consider personal health risks to themselves or their child before involving themselves in Club activities.

Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in our sport. We recommend pregnant women to consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation.

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

10.1 Responsible service and consumption of alcohol

Coves Yacht Club is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol.

In general, our policy is that:

- Alcohol is only to be served by people with current RSAs
- alcohol should not be available or consumed at sporting events involving children and young people under the age of 18;
- alcohol-free social events be provided for young people and families;
- food and low-alcohol and non-alcoholic drinks be available at events we hold or endorse where alcohol is served;



- a Committee member is present at events we hold or endorse where alcohol is served to ensure appropriate practices in respect of the consumption of alcohol are followed;
- safe transport options be promoted as part of any event we hold or endorse where alcohol is served.

10.2 **Smoke-free environment**

Coves Yacht Club is committed to providing a safe and healthy environment at all sporting and social events that we hold or endorse.

In general, our policy is that:

- no smoking shall occur at or near sporting events involving children and young people under the age of 18. This policy shall apply to coaches, swailors, trainers, officials and volunteers;
- social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas; and
- coaches, officials, trainers, volunteers and sailors will refrain from smoking while they are involved in an official capacity in our sport, both on and off the water.

11. **Protection of Children**

11.1. **Child Protection**

Coves Yacht Club is committed to the safety and wellbeing of all children and young people who are members of, or visitors to the Club and participating in sporting or social events. We support the rights of the child and will act without hesitation to ensure a child safe environment is maintained at all times. We also support the rights and wellbeing of our committee members, members and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.

Coves Yacht Club acknowledges that our committee members, members and volunteers provide a valuable contribution to the positive experiences of children involved in our sport. Coves Yacht Club aims to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

11.2. **Identifying and Analyse Risk of Harm**

Coves Yacht Club will develop and implement a risk management strategy, which includes a review of existing child protection practices, to determine how child-safe and child-friendly the organisation is and to determine what additional strategies are required to minimise and prevent risk of harm to children because of the action of an employee, volunteer or another person.

11.3. **Develop Codes of Conduct for Adults and Children**

Coves Yacht Club will ensure that it has codes of conduct that specify standards of conduct and care when dealing and interacting with children, particularly those in the Club's care. Coves Yacht Club will also implement a code of conduct to address appropriate behaviour between children.

The code(s) of conduct will set out professional boundaries, ethical behaviour and unacceptable behaviour. (See Part B)

11.4. **Choose Suitable employees and Volunteers**

Coves Yacht Club will ensure that it takes all reasonable steps to ensure that our club selects the most suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This include using a range of screening measures. Such measuress will aim to minimise the likelihood of selecting and using volunteers who are unsuitable to work with children.



Coves Yacht Club will ensure that working with children checks/criminal history assessments are conducted for all our employees and volunteers working with children, where an assessment is required by law.

If a criminal history report is obtained as part of their screening process, Coves Yacht Club will ensure that the criminal history information is handled confidentially and is dealt with in accordance with relevant state requirements. (See Part C)

11.5. Support, Train, Supervise and Enhance Performance

Coves Yacht Club will ensure that volunteers and employees who work with children or their records have ongoing supervision, support and training such that their performance is developed and enhanced to promote the establishment and maintenance of a child-safe environment.

11.6. Empower and Promote the Participation of Children in Decision-Making and Service Development

Coves Yacht Club will promote the involvement and participation of children and young people in developing and maintaining child-safe environments.

11.7. Report and Respond Appropriately To Suspected Abuse and Neglect

Coves Yacht Club will ensure that all our employees and volunteers are able to identify and respond appropriately to children at risk of harm.

Coves Yacht Club will make all employees, volunteers and members aware of their responsibilities under respective state laws if they have suspicion on reasonable grounds that a child has been or is being abused or neglected. (See Part E)

In addition to any legal obligation, if any person feels another person or the organisation bound by this policy is acting inappropriately towards a child or is breaching the code(s) of practice set out they may make an internal complaint. Please refer to our complaints procedure in the Rules of Coves Yacht Club. This will explain what to do about the behaviour and how Coves Yacht Club will deal with the problem.

11.8. Supervision

Members under the age of 12 years must be supervised at all times by a responsible adult. Our Club will provide a level of supervision adequate and relative to the members' age, maturity, capabilities, level of experience, nature of activity and nature of venue. If a member finds a member under the age of 12 years is unsupervised, they should assume responsibility for the member's safety until the parent/guardian or supervisor can be found.

Parents must turn up on time to collect their child for reasons of courtesy and safety. If it appears a member will be left alone at the end of a training session with just one child, they will ask another member to stay until the child is collected.

11.9. Transportation to and from events

Parents/guardians are responsible for transporting their children to and from Club activities (e.g. practice and races).

Where our Club makes arrangements for the transportation of children (e.g. for sailing events at other clubs), we will conduct a risk assessment that includes ensuring that there are sufficient numbers of escorting safety boats, that vehicles are adequately insured, that the skipper and crew are appropriately experienced/licensed and trained and appropriate safety measures are available.



11.10. Taking Images of Children

Images of children can be used inappropriately or illegally. Cowes Yacht Club requires that individuals/members, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and ensure that the parent knows the way the image will be used. We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If Cowes Yacht Club uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by paedophiles or other persons. We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc.

12. Responding to Complaints

12.1. Complaints

Our Club takes all complaints about on and off-field behaviour seriously. Our Club will handle complaints based on the principles of procedural fairness (natural justice), that is:

- all complaints will be taken seriously;
- both the person making the complaint (complainant) and the person the complaint is against (respondent) will be given full details of what is being said against them and have the opportunity to respond (give their side of the story);
- irrelevant matters will not be taken into account;
- decisions will be unbiased and fair;
- more serious complaints will be dealt with in accordance with the dispute and mediation provisions of the Rules of Cowes Yacht Club; and
- any penalties imposed will be fair and reasonable.

More serious complaints may be escalated to our state or national body [Yachting Victoria and Australian Sailing].

If the complaint relates to suspected child abuse, sexual assault or other criminal activity, then our club will need to report the behaviour to the police and/or relevant government authority.

12.2. Complaint Handling Process

When a complaint is received by our Club, the person receiving the complaint (e.g. Commodore, Member Protection Information Officer) will:

- listen carefully and ask questions to understand the nature and extent of the concern;
- ask the complainant how they would like their concern to be resolved and if they need any support;;
- explain the different options available to help resolve the complainant's concern;
- take notes;
- inform the relevant government authorities and/or police, if required by law to do so; and
- where possible and appropriate, maintain confidentiality but not necessarily anonymity.

Once the complainant decides on their preferred option for resolution, the club will assist, where appropriate and necessary, with the resolution process. This will be done in accordance with the Rules of Cowes Yacht Club, Part 5 – Disputes and Resolution. This may involve:

- supporting the person complaining to talk to the person being complained about



- bringing all the people involved in the complaint together to talk objectively through the problem (this could include external mediation);
- gathering more information (e.g. from other people that may have seen the behaviour);
- seeking advice from our district, regional, state and/or national body or from an external agency (e.g. State Department of Sport or anti-discrimination agency);
- referring the complaint to Australia Sailing; and/or
- referring the complainant to an external agency such as the Dispute Settlement Centre of Victoria, Victoria Police or anti-discrimination agency.

In situations where a complaint is referred to Australia Sailing and an investigation is conducted, the Club will:

- co-operate fully;
- ensure the complainant and respondent are not victimised;
- where applicable, ensure the complainant is not placed in an unsupervised situation with the respondent(s); and
- act on Australia Sailing's recommendations.

At any stage of the process, a person can seek advice from or lodge a complaint with an anti-discrimination commission or other external agency.

12.3. Disciplinary Measures

Our Club will take disciplinary action against anyone found to have breached our policy or made false and malicious allegations. Any disciplinary measure imposed under our policy must:

- Be fair and reasonable;
- Be applied consistent with any contractual and employment rules and requirements;
- Be based on the evidence and information presented and the seriousness of the breach;
- Be determined by the Rules of Coves Yacht Club, Code of Conduct, by-laws, this policy and/or the rules of the sport.

Possible measures that may be taken include:

- a direction that the individual make a verbal and/or written apology;
- counselling of the individual to address behaviour;
- withdrawal of any awards, placings, records, achievements bestowed in any regattas, activities or events held or sanctioned by our club;
- suspension or termination of membership, participation or engagement in a role or activity; or
- de-registration of accreditation for a period of time or permanently;
- any other form of discipline that our club considers reasonable and appropriate.
- any form of discipline provided for in the Rules of Coves Yacht Club, Part 4 – Discipline, Suspension and Expulsion of Members.

12.4. Appeals

The complainant or respondent may be entitled to lodge an appeal against decisions of or disciplinary measures imposed by our Club in accordance with the Rules of Coves Yacht Club and to our district, state or national Sailing body. Appeals must be based on any right of appeal provided for in the relevant constituent documents, rules, regulations or by laws.



13 Dictionary of terms

This Dictionary sets out the meaning of words used in this policy and its attachments, without limiting the ordinary and natural meaning of the words. Further detail or definitions that are specific to different states and territories can be sourced from the relevant child protection authorities or equal opportunity and antidiscrimination commissions.

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

Affiliated club means those clubs which are directly affiliated as a club to a State Association.

Affiliated class means those classes which are directly affiliated as a class to a State Association. National class associations can also affiliate directly to Australian Sailing.

Child means a person who is under the age of 18.

Child abuse involves conduct which puts a child at risk of harm and may include:

- **physical abuse**, which occurs when a child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. This may include, but is not limited to, hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity.
- **sexual abuse**, which occurs when an adult, other child, or adolescent uses their power or authority to involve a child in a sexual activity or any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography, including child pornography, or inappropriate touching or conversations).
- **emotional abuse**, which occurs when a child's social, emotional, cognitive or intellectual development is impaired or threatened. Emotional abuse can include, but is not limited to, emotional deprivation due to persistent rejection or criticism, hostility, teasing/bullying, humiliation, taunting, sarcasm, yelling, name-calling or placing unrealistic expectations on a child. Page 16 of 48
- **neglect**, which occurs when a child's basic necessities of life are not met and their health and development are affected. Basic needs include food, water, shelter, adequate clothing, personal hygiene, timely provision of medical treatment and adequate supervision.

Complaint means a complaint made under clause [7] of this policy

Complainant means the person making a complaint.

Complaint handler/manager means the person/s appointed under this policy to investigate a complaint.

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

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



- age
- sex or gender
- gender identity
- intersex status
- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration
- disability, mental and physical impairment
- family/carer responsibilities, status as a parent or carer
- marital status
- pregnancy, potential pregnancy, breastfeeding
- sexual orientation and gender identity
- physical features
- irrelevant medical record
- irrelevant criminal record, spent convictions
- political beliefs or activities
- religion, religious beliefs or activities
- national extraction or social origin
- lawful sexual activity
- profession, trade, occupation or calling
- member of association or organisation of employees or employers, industrial activity, trade union activity
- defence service
- personal association with someone who has, or is assumed to have, any of the above characteristics

Examples of discrimination are available on the Play by the Rules website:

www.playbytherules.net.au/legalstuff/discrimination

Some exceptions to state, territory and federal anti-discrimination law apply, including exceptions for sporting activities, such as:

- holding a competitive sporting activity for a specific age or age group (e.g. only those who are under the age of 15 years);
- excluding people on the basis of their 'excluding people on the basis of their sex and/or gender identity status from participation in a competitive sporting activity where the strength, stamina or physique of competitors is relevant to the specific activity (note that this does not apply to activity by children who are under the age of 12 years); and
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity.

Gender identity: The term 'gender identity' refers to a person's deeply held internal and individual sense of gender.

Gender expression: The term 'gender expression' refers to the way in which a person externally expresses their gender or how they are perceived by others.

Harassment is any type of unwelcome behaviour which has the effect of offending, humiliating or intimidating the person harassed. Unlawful harassment can be based on any of the personal characteristics covered by Page 17 of 48 anti-discrimination law, such as a person's race, sex, pregnancy, marital status or sexual orientation (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/neutral person appointed to mediate Complaints. **Member** means a person affiliated to Australian Sailing through a State Association by virtue of their membership of an affiliated club, in accordance with Australian Sailing's 'Cardholder' terms and conditions.

Intersex: The term 'intersex' refers to people who have genetic, hormonal or physical characteristics that are not exclusively 'male' or 'female'. A person who is intersex may identify as male, female, intersex or as being of indeterminate sex.

Member Protection Information Officer means a person appointed by us to be the first point of contact for a person reporting an issue or a complaint under, or a breach of, this policy.

Procedural fairness requires that:

- the respondent knows the full details of what is being said against him or her and they have the opportunity to respond;
- no person may judge their own case; and
- the decision-maker(s) must be unbiased, fair and just.

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

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 in our organisation (e.g. coaches, officials, umpires).

Sexual harassment means unwelcome behaviour of a sexual nature which could reasonably be expected to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwelcome physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual harassment does not have to be intentional.

Sexual offence means a criminal offence involving sexual activity or acts of indecency. Because of differences under state and territory laws, this can include but is not limited to:

- rape
- indecent assault
- sexual assault
- assault with intent to commit sexual acts
- incest
- sexual penetration of child under the age of 16 years
- indecent act with child under the age of 16 years
- sexual relationship with child under the age of 16 years
- sexual offences against people with impaired mental functioning
- abduction and detention
- procuring sexual penetration by threats or fraud
- procuring sexual penetration of child under the age of 16 years
- bestiality
- soliciting a child under the age of 16 years to take part in an act of sexual penetration, or an indecent act
- promoting or engaging in acts of child prostitution
- obtaining benefits from child prostitution Page 18 of 48
- possession of child pornography
- publishing child pornography and indecent articles.

Transgender 'Transgender' is an umbrella term that refers to a person whose gender identity is different to their physical sex as recorded at birth. Transitioning refers to the



process where a transgender person commences living as a member of another sex. This is sometimes referred to as the person 'affirming' their gender because transitioning means they start living in what they identify as their true gender. For people who are transitioning/affirming their gender, having their identity fully recognised in all areas of life is a crucial part of the experience of living as their affirmed gender.

Sexual orientation: The term 'sexual orientation' refers to a person's emotional or sexual attraction to another person, including, amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual or same-sex attracted.

Victimisation means treating someone unfairly or unfavourably, or threatening to do so, because that person has, or intends to, pursue their right to make any complaint, including a complaint under government legislation (e.g. anti-discrimination legislation) or under this policy, or for supporting another person to make complaint.

Vilification means behaviour that occurs in public which incites hatred towards, serious contempt for, or revulsion or severe ridicule of a person or group of people because that person or persons have a particular personal characteristic. Anti-discrimination laws in Australia make it unlawful to vilify a person or group of persons on the basis of race, religion, homosexuality, transgender status and HIV/AIDS status.

NOTE: Additional obligations may apply under relevant/applicable state or territory anti-discrimination laws.



Attachment 1.1: MEMBER PROTECTION DECLARATION

Our Club has a duty of care to all those associated with our Club. As a requirement of our Member Protection Policy, we must enquire into the background of those who undertake any coaching or 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 acts of violence, dishonesty, sexual offences, or offences related to children.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving harassment, other forms of harassment or acts of violence, child abuse, or sexual misconduct.
4. To my knowledge there is no other matter that the Club may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me as a volunteer.
5. I will notify the Commodore of Coves Yacht Club immediately upon becoming aware that any of the matters set out in clauses 1 to 4 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:



Attachment 1.2: WORKING WITH CHILDREN CHECK REQUIREMENTS

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

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

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

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

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

Victoria

Contact the Department of Justice

Website: www.justice.vic.gov.au/workingwithchildren

Phone: 1300 652 879

Travelling to other states or territories

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

In 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.



Cowes yacht club



Attachment 2: CODES OF BEHAVIOUR

Cowes Yacht Club Inc

A0025908

CODE OF BEHAVIOUR

This Code of Behaviour aims to set out the minimum standards for anyone involved in sailing at Cowes Yacht Club. It should apply when playing, training or taking part in club-sanctioned activities.

- Act within the rules and spirit of yacht racing in particular, and sailing in general.
- Promote fair play over winning at any cost.
- Encourage and support opportunities for people to learn appropriate behaviour and skills.
- Support opportunities for participation in all aspects of sailing.
- Treat each person as an individual.
- Show respect and courtesy to all involved with sailing.
- Respect the rights and worth of every person, regardless of their age, race, gender, ability, cultural background, sexuality or religion.
- Respect the decisions of race officers and club officials.
- Wherever practical, avoid unaccompanied and unobserved one-on-one activity (when in a supervisory capacity or where a power imbalance exists) with people under the age of 18.
- Display appropriate and responsible behaviour in all interactions.
- Display responsible behaviour in relation to alcohol and other drugs.
- Act with integrity and objectivity, and accept responsibility for your decisions and actions.
- Ensure your decisions and actions contribute to a safe environment.
- Ensure your decisions and actions contribute to a harassment-free environment.
- Do not tolerate abusive, bullying or threatening behaviour.



SAILORS

Competitors are expected to comply with the Basic Principles outlined in the Racing Rules of Sailing.

As a competitor you shall:

- Give your best at all times.
- Participate for your own enjoyment and benefit.
- Abide by the rules of sailing and show respect for other sailors, race officers and club officials.
- Be tolerant of other users of the waterways and surrounding environs.
- Never argue with an official.
- Control your temper. Verbal abuse of officials and sledging other sailors/boating participant, deliberately distracting or provoking an opponent are not acceptable or permitted behaviour.
- Not abuse other crew members.
- Abide by the Australian Sailing Anti-Doping Policy.
- Work equally hard for yourself and/or your crew. Your boat's performance will benefit and so will you.
- Be a good sport. Applaud your opponents when they get one up on you.
- Treat all participants as you like to be treated. Do not bully or try to take an unfair advantage of another competitor.
- Cooperate with your fellow sailors/boating participants, without them there would be no competition.
- Participate for your own enjoyment and benefit not just to please others.
- Respect the rights, dignity and worth of all participants regardless of their gender, ability, cultural background or religion.



TRAINERS/COACHES

Coaches and instructors educate participants in the fundamental techniques, skills and tactics of sailing. Accredited coaches and instructors are vital to quality sailing development. Sailing coaches and instructors shall:

- Agree to abide by the code of conduct.
- Encourage enjoyment of sailing, participation should be for pleasure, winning is only part of the fun.
- Cater for varying levels of ability so that all sailors have a 'fair go' in both practice and competition.
- Provide equal encouragement to males and females to participate, acquire skills and develop confidence.
- Make opportunities available for exceptionally talented sailors or boating participants to develop their full sailing and/or boating potential.
- Prepare and conduct sessions based on sound coaching principles.
- Set realistic standards and objectives for juniors.
- Provide safe sailing or boating conditions.
- Insist that the required protective clothing is fitted and worn appropriately.
- Educate sailors and in the case of juniors, the parents on health and safety in sailing or boating.
- Abide by the World Anti-Doping Code and the Australian Sailing Anti-Doping Policy.
- Ensure that the consequences of inappropriate behaviour are clearly understood by sailors and boating participants, and in the case of juniors, the parents.
- Operate within the rules and spirit of the sport and teach your sailors and boating participants to do the same.
- Never ridicule or yell at young sailors or boating participants for making a mistake or not coming first.
- Provide a good role model of sporting behaviour and respect the rights, dignity and worth of every sailor and boating participants regardless of their age, gender, ability, cultural background or religion.
- Place the safety and welfare of the sailors and club race officers above all else.
- Help each person (sailor, official, etc.) to reach their potential. Respect the talent, developmental stage and goals of each person and encourage them with positive and constructive feedback.
- Obtain appropriate qualifications and keep up-to-date with the latest training practices and the principles of growth and development of young sailors and club race officers.
- Ensure that any physical contact with another person is appropriate to the situation and necessary for the person's skill development.



RACE OFFICERS

- Place the safety and welfare of the sailors and volunteers assisting above all else.
- Ensure all people are included and can participate, regardless of their race, gender, ability, cultural background, sexuality or religion.
- Be consistent, impartial and objective when making decisions.
- Address unsporting behaviour and promote respect for other sailors and officials.
- Accept responsibility for their actions.
- Be impartial.
- Avoid anything which may lead to conflicts of interest.
- Be courteous, respectful and be open to discussion and interaction.
- Value the individual in sport.
- Seek continual self-improvement through study, performance appraisal and regular updating of competencies.
- Encourage inclusivity and access to all areas of officiating.

Be a positive role model in behaviour and personal appearance.

CLUB OFFICERS

- Ensure quality supervision and instruction for sailors.
- Support trainers and race officers to improve their skills and competencies.
- Act honestly, in good faith and in the best interests of the sport as a whole.
- Ensure that any information acquired or advantage gained from the position is not used improperly.
- Conduct Club responsibilities with due care, competence and diligence.
- Agree to abide by the Code of Conduct.
- Be fair, considerate and honest in all dealing with others.
- Be professional in their actions, language, presentation, manners and punctuality in order to reflect high standards.
- Maintain confidentiality in regards to sensitive and/or commercial information.
- Resolve conflicts fairly and promptly through established procedures.
- Maintain strict impartiality in matters relating to the Member Protection Policy.
- Maintain a safe environment for others.
- Show concern and caution towards others.

Be a positive role model for others.



PARENTS/GUARDIANS

- Encourage your child to participate, do their best and have fun.
- Remember that children participate in sailing or boating for their enjoyment, not yours.
- Focus on your child's effort and performance, rather than winning or losing.
- Encourage children to sail or boat according to the rules and to settle disagreements without resorting to hostility, violence or abuse.
- Never ridicule or yell at a child for making a mistake or losing a race.
- Remember that children learn best by example. Appreciate good performances and skills displayed by all participants.
- Support all efforts to eliminate verbal and physical abuse from sport.
- Respect officials' decisions and teach children to do likewise.
- Show appreciation of the efforts of volunteer coaches, officials, administrators and other helpers as without them there would be no sport for your children to participate in.
- Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.
- Help out the trainers or Club race officers at training and games, where possible.
- Model appropriate behaviour, including respect for all other people involved in the Club and visitors.



SPECTATORS

- Respect the effort and performances of sailors and race officers.
- Reject the use of harassment, bullying or violence in any form, whether by other spectators, trainers, race officers or sailors.
- Applaud good performance and efforts from all sailors, boating participants and teams. Congratulate all sailors/boating participants on their performance regardless of the event's outcome.
- Respect the decisions of officials and teach young people to do the same.
- Never ridicule or scold a young sailor for making a mistake. Positive comments are motivational.
- Condemn the use of violence in any form, whether it is by other spectators, coaches, officials, sailors or boating participants.
- Show respect for your team's opponents. Without them there would be no event.
- Encourage sailors or boating participants to follow the rules and the officials' decisions.
- Do not use violence, harassment or abuse in any form (i.e. do not use foul language, sledge or harass sailors, coaches, officials or other spectators).
- Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.

I, _____ have read and understood the policy and will abide by it as a member of COWES YACHT CLUB

Signature:

Date:

If under 18 years of age, parent/guardian:

Signature:

Date:



<p>Nature of complaint (category/basis/grounds)</p> <p>Can tick more than one box</p>	<p> <input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other </p>
<p>What they want to happen to fix issue</p>	
<p>Information provided to them</p>	
<p>Resolution and/or action taken</p>	
<p>Follow-up action</p>	

**Attachment 4
PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE**

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

Fact sheets on reporting allegations of child abuse in different states and territories are available at www.playbytherules.net.au

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

All people working with Cowes Yacht Club in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

Step 1: Receive the allegation

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

Do	Don't
Make sure you are clear about what the child has told you	Do not challenge or undermine the child
Reassure the child that what has occurred is not his or her fault	Do not seek detailed information, ask leading questions or offer an opinion.
Explain that other people may need to be told in order to stop what is happening.	Do not discuss the details with any person other than those detailed in these procedures.
Promptly and accurately record the discussion in writing.	Do not contact the alleged offender.

Step 2: Report the allegation

- Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.
- If the allegation involves a person to whom this policy applies, then also report the allegation to the Commodore of Cowes Yacht Club so that he or she can manage the situation.



Step 3: Protect the child and manage the situation

- The Commodore or Child Safety Officer will assess the immediate risks to the child and take interim steps to ensure the child’s safety and the safety of any other children. This may include redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is an employee of Cowes Yacht Club.
- The Commodore or Child Safety Officer will consider what services may be most appropriate to support the child and his or her parent/s.
- The Commodore or Child Safety Officer will consider what support services may be appropriate for the alleged offender.
- The Commodore or Child Safety Officer will seek to put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

Step 4: Take internal action

- At least three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
 - a criminal investigation (conducted by the police)
 - a child protection investigation (conducted by the relevant child protection agency)
 - a disciplinary or misconduct inquiry/investigation (conducted by Cowes Yacht Club).
- Cowes Yacht Club will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include considering whether the alleged offender should return to his or her position, be dismissed, banned or suspended or face other disciplinary action.
- If disciplinary action is undertaken, we will follow the procedures set out in *[Clause 9]* of our Member Protection Policy.
- Where required we will provide the relevant government agency with a report of any disciplinary action we take.
- **Contact details for advice or to report an allegation of child abuse**

Victoria	
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 www.police.vic.gov.au	Department of Human Services www.dhs.vic.gov.au Ph: 131 278



Government agency contacted	Who: When: Advice provided:
President and/or MPIO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

This record and any notes must be kept in a confidential and safe place and provided to the relevant authorities (police and government) should they require them.