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**MEMBER PROTECTION POLICY**

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## **PREFACE**

The Judo Federation of Australia (South Australia) Inc. [Judo SA] is committed to the health, safety and well being of all of its members and participants and takes responsibility for providing a safe environment to undertake the sport of Judo.

Judo SA values its members and respects their rights. The organisation will take all steps necessary to ensure that members are treated in a fair, equal and respectful manner without prejudice, and that systems are put in place to ensure that any situations that do arise in the management and organisation of the sport can be addressed promptly, fairly and thoroughly.

**RATIFIED BY THE COMMITTEE OF MANAGEMENT ON 30/9/2009**

**SECRETARY \_\_\_\_\_**

**THE JUDO FEDERATION OF AUSTRALIA (SOUTH AUSTRALIA) INC.**

## **PART A –MEMBER PROTECTION POLICY**

### **1. Core Values**

Judo SA is committed to the health, safety and well being of all of its members and participants and takes responsibility for providing a safe environment to undertake the sport of Judo.

Judo SA values its members and respects their rights. The organisation will take all steps necessary to ensure that members are treated in a fair, equal and respectful manner without prejudice, and that systems are put in place to ensure that any situations that do arise in the management and organisation of the sport can be addressed promptly, fairly and thoroughly.

### **2. Purpose of this policy**

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

The policy attachments provide the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, Judo SA will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by Judo SA and will be incorporated into our Rules. The policy starts on 27 September 2009 and will operate until replaced. This policy and/or its attachments may be amended from time to time by resolution of the Committee of Management. Copies of the policy and its attachments can be obtained from our website or from the Judo SA central office.

### **3. To Whom this Policy Applies**

This policy applies to the following, whether they are in a paid or unpaid/voluntary capacity:

- 3.1 Individuals sitting on boards, committees and sub-committees;
- 3.2 Employees and volunteers;
- 3.3 Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- 3.4 Coaches and assistant coaches;
- 3.5 Athletes and players;
- 3.6 Referees and other officials;
- 3.7 All categories of members;
- 3.8 Affiliated clubs;
- 3.9 Any other person or organisation that is a member of or affiliated to Judo SA; and
- 3.10 Parents, guardians, spectators and sponsors to the full extent that is possible.

This policy will continue to apply to a person even after they have stopped their association or employment with Judo SA if disciplinary action relating to an allegation of child abuse against that person has commenced.

#### **4. Code Of Conduct**

Judo SA requires every individual and organisation bound by this policy to:

- 4.1 be ethical, fair and honest in all their dealings with other people and Judo SA;
- 4.2 treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- 4.3 comply with Judo SA's constitution, rules and policies including this member protection policy;
- 4.4 operate within the rules and spirit of the sport;
- 4.5 comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and child protection laws;
- 4.6 be responsible and accountable for their conduct; and
- 4.7 abide by the relevant Role-Specific Codes of Conduct outlined in Part D of this policy.

#### **5. Organisational Responsibilities**

Judo SA must:

- 5.1 adopt, implement and comply with this policy;
- 5.2 publish, distribute and otherwise promote this policy and the consequences for breaching it;
- 5.3 promote appropriate standards of conduct at all times;
- 5.4 promptly deal with any breaches of or complaints made under this policy in an impartial, sensitive, fair, timely and confidential manner;
- 5.5 apply this policy consistently without fear or favour;
- 5.6 recognise and enforce any penalty imposed under this policy;
- 5.7 ensure that a copy of this policy is available or accessible to the persons to whom this policy applies;
- 5.8 appoint or have access to appropriately trained people to receive and handle complaints and allegations e.g. Member Protection Information Officers [MPIOs] and display the names and contact details in a way that is readily accessible; and
- 5.9 monitor and review this policy at least annually.

#### **6. Affiliated Club Responsibilities**

Clubs and Individuals within the club bound by this policy are responsible for:

- 6.1 making themselves aware of the policy and complying with the standards of conduct outlined in this policy;
- 6.2 consenting to a national police check if the individual holds or applies for a role that involves direct and unsupervised contact with people under the age of 18 years;
- 6.3 complying with all other requirements of this policy;
- 6.4 providing a sporting environment that is free from discrimination, child abuse and harassment; and
- 6.5 abiding by the possible consequences of breaching this policy.

## **7. Policy Position Statements**

### **7.1 Child Protection Policy**

Judo SA acknowledges that staff and volunteers provide a valuable contribution to the positive experiences of juniors. Judo SA aims to ensure this continues and to protect the safety and welfare of its junior participants. Several measures will be used to achieve this such as:

- prohibiting any form of abuse against children;
- prohibit the taking of images of children by any person or persons not authorised to do so by the child's parents or guardian;
- providing opportunities for juniors to contribute to and provide feedback on program development;
- carefully selecting and screening people whose role requires them to have direct and unsupervised contact with children (screening procedures are outlined in Part B of this policy);
- ensuring codes of conduct, particularly for roles associated with junior sport, are promoted, enforced and reviewed;
- providing procedures for raising concerns or complaints, as outlined in Part C of this policy); and
- providing education and/or information on child abuse and child protection, to those involved in our sport.

Judo SA requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within our sport, must report it immediately to the police or relevant government agency. Descriptions of the sorts of activity which may be abuse are in the Glossary at Clause 11.

Judo SA will deal with all allegations of child abuse promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. Our procedures for handling allegations of child abuse are outlined in Attachment C1 of this policy.

### **7.2 Anti-Discrimination and Harassment Policy**

Judo SA aims to provide a sport environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.

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

Judo SA prohibits all forms of harassment and discrimination.

Descriptions of some of the types of behaviour which could be regarded as harassment, discrimination or bullying are provided in the Glossary at Clause 11.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to Judo SA's complaints procedure outlined in Attachment C1 of this policy. This will explain what to do about the behaviour and how Judo SA will deal with the problem.

### 7.3 **Sexual Relationships Policy**

Judo SA takes the position that sexual relationships between coaches and the adult athletes who they coach should be avoided, as such relationships may be exploitative.

If a situation arises that could be deemed to be exploitative, Judo SA may investigate whether any action against the coach or athlete is necessary.

## 8. **Complaints Procedures**

### 8.1 **Complaints**

Judo SA aims to provide an easy to use, confidential and trustworthy approach. Any person may report a complaint [complainant] about a person/s or organisation bound by this policy if they reasonably believe that a person/s or a club has breached this policy.

In the first instance, advice and assistance can be provided by a Member Protection Information Officer. A list of MPIOs both within the Judo Federation of Australia Inc and outside can be obtained from the JFA Inc website or from the SA Office for Recreation and Sport.

While it is recommended that a MPIO be approached in the first instance, the person experiencing harassment also may seek advice and support from another trusted person, for example:

- a supervisor, coach or manager;
- a member of the Judo SA Complaints Committee; or
- any other official of the organisation.

A complaint may be reported as an informal or formal complaint to the Judo SA Committee of Management. The complaint may proceed from either the person making the complaint, the Committee of Management or the MPIO.

Judo SA can refer the matter to the State Sport Dispute Centre or the JFA Inc Tribunal for mediation, arbitration or tribunal proceedings if required. Judo SA can also refer the complaint to statutory authorities if appropriate.

### 8.2 **Vexatious Complaints & Victimisation**

Judo SA aims to ensure the complaints procedure has integrity and is free of unfair repercussions or victimisation.

If at any point in the complaint process if it is considered that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the Committee of Management for appropriate action which may include disciplinary action against the complainant.

Judo SA will also take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to sort it out. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

## 9. What is a Breach of this policy

The following will be considered a breach of this policy for any person or organisation to which this policy applies:

- 9.1 done anything contrary to this policy;
- 9.2 breached the General Code of Conduct or Role-Specific Codes of Conduct;
- 9.3 brought the sport of judo and/or Judo SA into disrepute;
- 9.4 failed to follow Judo SA policies and procedures for the protection, safety and welfare of children;
- 9.5 appointed or continued to appoint a person to a role that involves working with children and young people contrary to this policy;
- 9.6 discriminated against or harassed any person;
- 9.7 victimised another person for reporting a complaint;
- 9.8 engaged in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;
- 9.9 disclosed to any unauthorised person or organisation any Judo SA information that is of a private, confidential or privileged nature;
- 9.10 made a complaint they **knew** to be untrue, vexatious, malicious or improper;
- 9.11 failed to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; or
- 9.12 failed to comply with a direction given to the individual or organisation during the disciplinary process.

## 10. Forms of Discipline

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 directing a verbal or written apology be made, payment of a fine, suspension or de-registration, or termination of appointment or employment. More information on the range of disciplinary measures and the factors that will be considered before imposing discipline is at Attachment C6 of this policy.

## 11. Glossary

This Glossary 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:** a form of harassment. It 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:** a club which is a member of Judo SA

**Bullying:** any behaviour that is offensive, belittling, intimidating or threatening – whether this is face to face, indirectly or via communication technologies such as mobile phones or computers.

**Child:** a person who is under the age of 18 (see also **Junior** and **Young person** later in this Glossary)

**Child abuse:** harming of a child/children (usually by adults, sometimes by other children), often by those they know and trust. It can take many forms. Children may be harmed by both verbal and physical actions and by people failing to provide them with basic care.

Child abuse may include:

- **Unauthorised Taking Images of Children:** taking images of children by any person not authorised by the child's parents or guardian.
- **Physical abuse:** hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; giving bad nutritional advice; or training that exceeds the child's development or maturity).
- **Sexual abuse:** 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 subjected 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:** ill-treating a child by negative emotions (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child).
- **Neglect:** failing to give care to a child when obligated or expected to do so (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:** an allegation about an act, behaviour, omission, situation or decision, etc that someone thinks is unfair, unjustified, unlawful and/or a breach of this policy. It may be about individual or group behaviour, it may be extremely serious or relatively minor, it may be about a single incident or a series of incidents, and the person about whom the allegation is made may admit to the allegations or emphatically deny them.

**Complainant:** the person making a complaint, or a parent/guardian if the Complainant is under the age of 18.

**Discrimination:** treating or proposing to treat a person less favourably than someone else in certain areas of public life on the basis of an attribute or personal characteristic they have. This includes any behaviour that is offensive, belittling, intimidating or threatening – whether this is face to face, indirectly or via communication technologies such as mobile phones or computers. The relevant attributes or characteristics are:

- Age;
- Disability;
- Marital status;
- Parental/carer status;
- Physical features;
- Political belief/activity;
- Pregnancy;
- Race;
- Religious belief/activity;
- Sex or gender;
- Sexual orientation;
- Social status;
- Trade union membership/activity;
- Transgender orientation.

Some States and Territories include additional characteristics.

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

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

Discrimination may consist of:

- **Incitement to discriminate:** Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination may also be discriminatory conduct.
- **Direct discrimination:** treating, or proposing to treat, someone less favourably because of a characteristic (such as race, sex, age etc), in the same or similar circumstances.
- **Indirect discrimination:** imposing or intending to impose a requirement, condition or practice that is the same for everyone but which has an unequal or disproportionate effect on particular individuals or groups.

**Executive (Judo SA Executive):** The Judo SA Executive consists of the President, Vice President, Secretary and Treasurer.

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

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

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

**Junior:** a person under the age of 18 years who is participating in an activity of Judo SA.

**Mandated Notifier (also called a ‘Mandated Reporter’):** a person required by law to report suspected child abuse or neglect.

**Mediator:** a person appointed to mediate complaints made under this policy. It is preferable that the mediator has relevant skills, qualifications and/or training in mediation.

**Member:** a person or organisation which is:

- an **Affiliated club** of Judo SA (see earlier in this Glossary); or
- a person who is a registered or affiliated member of Judo SA or is an honorary Life Member.

**Member protection:** a term used by the Australian sport industry to describe the practices and procedures that protect members – both individual members such as players, coaches and officials; and the member organisations such as clubs, state associations, other affiliated associations and the national body. Member protection involves:

- protecting those that are involved in sport activities from harassment, abuse, discrimination and other forms of inappropriate behaviour;
- adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with juniors; and
- providing education on member protection issues.

**Member Protection Information Officer [MPIO]:** a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this policy. The MPIO provides confidential information and moral support to the person with the concern or who is alleging harassment or a breach of this policy. The MPIO helps the complainant deal with any emotions they may have about what has happened and operate as a sounding board as the complainant decides what they want to do. The MPIO may accompany the complainant if the complaint proceeds.

**Natural justice:** procedures which incorporate the following principles:

- a person who is the subject of a complaint must be fully informed of the allegations against them;
- a person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence;
- all parties need to be heard and all relevant submissions considered;
- irrelevant matters should not be taken into account;
- no person may judge their own case;
- the decision maker/s must be unbiased, fair and just; and
- the penalties imposed must not outweigh the offence.

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

**Policy and This policy:** this Member Protection Policy.

**Respondent:** the person who is being complained about.

**Role-specific codes of conduct:** standards of conduct required of specific roles. See attachments in Part D of this policy for Codes of Conduct.

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

**Sexual offence:** a criminal offence involving sexual activity or acts of indecency including but not limited to:

- Rape;
- Indecent assault;
- Sexual assault;
- Assault with intent to have sexual intercourse;
- Incest;
- Sexual penetration of a child under the age of 16;
- An Indecent act with a child under the age of 16;
- A Sexual relationship with a 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 a 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; or
- Publishing child pornography and indecent articles.

**Victimisation:** subjecting a person or threatening to subject a person to any detrimental or unfair treatment because that person has or intends to pursue their rights to make a complaint under government legislation or under this Policy, or for supporting another person to make a complaint.

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

**Young Person:** a person who is over the age of 13 years and under the age of 18 years