

## PART C: CHILD PROTECTION REQUIREMENTS

### Attachment C1: South Australia's Child Protection Requirements

*This information is taken from Child-Safe Environments: Principles of Good Practice for Recreation and Sport, published by the SA Office for Recreation and Sport, February 2008. The information is subject to change at any time. For current information relating to child-safe sport, refer to the SA Office for Recreation and Sport website.*

#### SUMMARY

- All recreation and sport organisations are now subject to the South Australian amended *Children's Protection Act 1993*, which became effective from January 2008.
- **The Act** makes all staff and volunteers of recreation and sporting organisations mandated notifiers of child abuse.
- **Regulations** governing the Act require all non – government organisations to develop child-safe environments, including codes of behaviour so that all members are aware of their responsibilities.
- **Criminal History Checks** are not compulsory for non - government recreational and sporting organisations except in special circumstances.

#### Legislation

Under the amendments to the *Children's Protection Act 1993*, which were introduced in December 2006, certain organisations [in South Australia] that provide services wholly or partly for children must, as soon as practicable following the formation of the organisation, or as soon as possible following the prescribed date (1 January 2008) for existing organisations, establish appropriate policies and procedures for ensuring:

- that appropriate reports of abuse or neglect are made by mandated notifiers; and
- that child-safe environments are established and maintained within the organisation.

#### Mandated notification and reporting suspected abuse and neglect

Anyone who suspects, on reasonable grounds, that a child or young person is being abused or neglected should report it to the Child Abuse Report Line.

Under Section 11 of the *Children's Protection Act 1993*, certain groups of people are required to report to Child and Family Youth Services if they suspect on reasonable grounds that a child is being abused or neglected and this suspicion is formed in the course of their work. This is a legal obligation that carries a penalty if the individual fails to comply. These people are referred to as 'mandated notifiers', and include any people who are employees of, or volunteers in, sporting or recreational services wholly or partly for children, being a person who either

- Is engaged in the actual delivery of these services to children; or
- Holds a management position in the relevant organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children.

This requirement applies to both staff and volunteers who are engaged by the organisation to deliver these services.

A reasonable suspicion must be based on, for example:

- a disclosure of abuse from a child;
- professional judgment, based on the notifier's experience and observations; or
- disclosure by a child or an adult that a child is being abused.

Organisations that provide services to children are obliged, under the regulations of the *Children's Protection Act 1993*, to establish policies and procedures that:

- take into account the guidance provided by the Chief Executive, Department for Families and Communities on appropriate standards of conduct for adults in dealing with children; and
- reflect the appropriate standards of care for ensuring the safety of children as defined by the Chief Executive, Department for Families and Communities.

### **Criminal History Checks**

Organisations or their responsible authorities must ensure that if a criminal history report has been obtained for employees and volunteers who work with children, that the criminal history information is dealt with in a sensitive and appropriate manner.

Non-government organisations are not required to obtain a criminal history check for employees and volunteers except in certain circumstances. [If your organisation provides any 'services' to a state government organisation for children you may be affected.]

However, non-government organisations may choose to obtain criminal history checks for either their employees and/or their volunteers, in which case they are required to deal with this information in accordance with the standards.

Recreation and sport organisations in receipt of a financial grant from the Office for Recreation and Sport are not deemed to be providing services.

The standards to be observed in dealing with information obtained about criminal history of employees and volunteers are available from the Child and Family Youth Services website.

### **Attachment C2: The Judo Federation of Australia Inc's Child Protection Requirements**

Child Protection is about keeping children safe from abuse and protecting them from people who are unsuitable to work with children. Child abuse is illegal in all states and territories of Australia, with each having their own child protection laws that cover the reporting and investigation of cases of child abuse.

In New South Wales, Queensland and Western Australia child protection legislation places specific requirements upon individuals and organisations involved in a range of areas including sport and recreation. The Victorian, South Australian, Northern Territory and Tasmanian governments are currently developing child protection legislation that will also impact upon sport. We will add these new requirements or any amendments to existing requirements to our Member Protection Policy as they are introduced.

Please be aware that state and territory child protection requirements also apply to individuals and organisations originating outside of the states with the legislation in place. For example, if one of the state associations or affiliated clubs takes junior players into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with the NSW legislative requirements.

As part of the Judo Federation of Australia Inc.'s commitment to protecting the safety and welfare of children and young people involved in the Judo Federation of Australia Inc.'s activities, the Judo Federation of Australia Inc. requires the following measures to be met:

- provide opportunities for juniors to contribute to and provide feedback on program development;
- provide education and/or information on child abuse and child protection to those involved in our sport such as coaches, juniors, parents and officials; and
- meet the requirements outlined in the Judo Federation of Australia Inc's Member Protection Policy Attachments: B1, B2, B3 and B4.

### **Attachment C3: Judo SA's Child Protection Requirements**

Judo SA requires a screening process for people who currently occupy or who apply for any work (paid or voluntary) for Judo SA and its member clubs that involves direct and unsupervised contact with people under the age of 18 years.

Screening under this policy is not a replacement for any other procedure required by law. If state or occupational legislation sets an equivalent or higher standard of screening, the requirement to screen people under the process outlined below need not be followed.

#### **Judo SA requirements**

Judo SA and its Committees are required to:

1. Identify positions (paid and voluntary) that involve working with people under the age of 18 years.
2. Obtain a completed *Member Protection Declaration* or MPD (Attachment B4) from all people who are bound by this policy if they occupy or apply for a position that involves working with people under the age of 18 years. The MPD will be kept in an identified secure location with restricted access procedures.

If a MPD is not provided, or it reveals that a person does not satisfactorily meet with one or more of the clauses in the MPD (e.g. has a relevant criminal conviction), Judo SA will:

- provide an opportunity for the person to respond/provide an explanation, and
- make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years.

If unsatisfied, then Judo SA will:

- in the case of an existing employee/volunteer, transfer the person to another role which does not require them to work [directly and unsupervised] with people under the age of 18 years. If this is not possible, the appointment will be terminated. **Note: legal advice should be obtained before the termination process begins.**
  - in the case of someone applying for the position/role, not appoint them.
3. Check a person's referees (verbal or written) and interview a person about his/her suitability for the role and his/her suitability for working with children for both paid and voluntary positions.
  4. Ask people applying for and people who currently occupy a position that involves direct and unsupervised contact with people under the age of 18 years to sign a consent form for a national police check. (Information on police checks and forms can be found at [www.ausport.gov.au/ethics/policechecks.asp](http://www.ausport.gov.au/ethics/policechecks.asp) ).

5. Request to see a recent national police check from the relevant police jurisdiction for people applying for, and people who currently occupy, paid or voluntary positions that involve direct and unsupervised contact with people under the age of 18 years.

If the police check indicates a relevant offence, Judo SA will:

- provide an opportunity for the person to respond/provide an explanation; and
- make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years.

If unsatisfied, then Judo SA will:

- in the case of an existing employee/volunteer, transfer the person to another role which does not require them to work directly and unsupervised with people under the age of 18 years. If this is not possible, the appointment will be terminated. **Note: legal advice should be obtained before the termination process begins.**
- in the case of someone applying for the position/role, not appoint them.

If the person does not agree to a national police check after Judo SA has explained why it is a requirement, Judo SA will:

- make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years.

If unsatisfied, Judo SA will:

- in the case of an existing employee/volunteer, transfer the person to another role which does not require them to work directly and unsupervised with people under the age of 18 years. If this is not possible, the appointment will be terminated. **Note: legal advice should be obtained before the termination process begins.**
- in the case of someone applying for the position/role, not appoint them.

6. Protect the privacy of any person who is checked and the confidentiality of any information obtained through the checking process. Personal documents collected during screening will be returned to the relevant person.
7. In all instances complete records of all Judo SA proceedings and documents should be maintained and kept in an identified secure location with restricted access procedures.

## Attachment C4: Member Protection Declaration

Judo SA has a duty of care to its members and to the general public who interact with its employees, volunteers, members and others involved with Judo SA activities. As part of this duty of care and as a requirement of Judo SA's Member Protection Policy, Judo SA must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that involves direct and unsupervised contact with people under the age of 18 years.

I \_\_\_\_\_  
(name)

of \_\_\_\_\_  
(address)

born \_\_\_\_\_ sincerely declare:  
(date)

1. I do not have any criminal charge for sexual offences, offences related to children, the sale/use of illegal drugs, or acts of violence pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children, the sale/use of illegal drugs, or acts of violence.
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, acts of violence, intimidation or other forms of harassment.
4. I have never been sanctioned for an anti-doping rule violation under any anti-doping policy applicable to me.
5. I have never participated in, facilitated or encouraged any practice prohibited by the World Anti-Doping Agency Code or any other anti-doping policy applicable to me.
6. To my knowledge there is no other matter that Judo SA may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the President of Judo SA immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above have changed for whatever reason.

Declared in the State of South Australia on \_\_\_\_\_(date)

Signature \_\_\_\_\_

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### 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: \_\_\_\_\_