



**SWIMMING AUSTRALIA LIMITED**  
**CHILD WELFARE POLICY**

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## PREFACE

### Message from the President

Swimming Australia Limited is committed to the health, safety and general well-being of all its members. The organisation is dedicated to providing a safe environment for our members and of service providers participating in our activities.

Sport in Australia is held as a positive influence that enriches the lives of all who are involved. As Australians, we greatly value this essence of sport in our culture and our community, and we all have the right to enjoy our sport, at whichever level we participate. This Policy is an essential part of our organisation's proactive and preventative approach to tackling inappropriate behavior relating to children.

As a sport, we are proud to lead the way in ensuring safe and harassment-free sport for all of our competitors, coaches, officials, administrators, volunteers and supporters.

SAL believes that the welfare and protection of Children is the responsibility of each individual and organisation within the Swimming community. SAL recognises that everyone has a part to play in looking after Children with whom they are working, or come into contact and we are committed to the following principles:

- The child's welfare is the first and foremost consideration
- All children have the right to be protected from abuse

It is our commitment to ensure that everyone associated with Swimming Australia complies with this Policy and the guiding principles of child welfare.

I wish you all safe and successful swimming.



**Barclay Nettlefold**  
President

# SWIMMING AUSTRALIA LIMITED

## PART A – CHILD WELFARE POLICY

### 1. Swimming Australia's Core Values

Swimming Australia Limited's (SAL) strategic plan 2011 to 2016 states our vision as "to be the world's leading swimming nation." Being the world's leading swimming nation extends beyond the pool to all facets of SAL business including Child Welfare. This Policy reflects SAL's commitment to providing an environment characterised by fairness, safety and respect, and our desire to nurture and protect the sport because of its intrinsic value to the entire Australian community.

### 2. Purpose of this Policy

This Policy stems from the following guiding principles:

- (a) the Child's welfare is the first consideration;
- (b) all Children, regardless of age, gender, racial origin, religious belief, sexual identity and or disability, have a right to enjoy sport free from Child Abuse and all forms of Bullying, Harassment and Discrimination;
- (c) all individuals and organisations bound by this Policy have responsibilities for the welfare of Children in our sport;
- (d) all individuals and organisations bound by this Policy must act in accordance with the law in relation to child protection issues; and
- (e) SAL is committed to the protection of Children within our sport and will not tolerate practices in breach of this Policy.

Through this Policy, SAL aims to ensure that:

- our core values, good reputation and positive behaviours and attitudes are maintained;
- every Child involved in our sport is treated with respect and dignity and is safe and protected from Child Abuse, Bullying, Harassment or Discrimination; and
- everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities relating to the welfare of Children.

Any form of Bullying, Harassment or Discrimination is actionable if the victim feels distress or concern as a result of the aggressive and upsetting behaviour. Descriptions of behaviour which could be regarded as Bullying, Harassment or Discrimination are provided in the Dictionary page 9.

The "General Information & Procedures" for this Policy provide the procedures that support our commitment to preventing Child Abuse, Bullying, Discrimination, Harassment and other forms of inappropriate behaviour in our sport.

This Policy is supplemented by SAL's Member Welfare Policy, which provides specific guidelines and Complaints Procedures relating to the welfare and well being of all members in our sport. Both this Policy and the Member Welfare Policy have been endorsed by the Board of SAL. Together these two Policies replace the original Member

Protection Policy endorsed in October 2002 and start on 1 November 2006 and will operate until replaced.

This Policy and accompanying procedures may be amended from time to time by resolution of the Board of Directors of SAL. Copies of the Policy and its attachments can be obtained from our office and our website [www.swimming.org.au](http://www.swimming.org.au).

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

This Policy applies to SAL, its stakeholders, directors, employees, contractors, volunteers and members, provided that this Policy only applies to an affiliate if the Policy is formally adopted by that affiliate.

It is intended that this Policy also apply to the following, whether they are in a paid, unpaid or voluntary capacity:

- (a) support personnel including but not limited to team/squad managers, physiotherapists, psychologists, masseurs, and sport trainers;
- (b) coaches and assistant coaches;
- (c) technical Officials; and
- (d) any other person or organisation that is a member of or affiliated to SAL or who, in the reasonable opinion of SAL's Board, should be bound by this Policy, such as 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 membership, association or employment with SAL, or its Member Associations, if disciplinary action has been taken against them under this Policy during that person's membership, association or employment with that respective organisation.

### **4. Responsibilities**

All Individuals and organisations bound by this Policy have a role to play in discouraging unacceptable behaviours in the Swimming environment and in promoting a tolerant and enjoyable atmosphere for all persons involved in Swimming. SAL and its Members must:

- (a) adopt, implement and comply with this Policy and its accompanying procedures;
- (b) cause the respective members of Member Associations to agree to be bound by and adhere to this Policy;
- (c) publish, distribute and otherwise promote this Policy and the consequences for breaching it;
- (d) promote appropriate standards of conduct at all times;
- (e) promptly deal with any breaches of or Complaints made under this Policy in an impartial, sensitive, fair, timely and confidential manner;
- (f) apply this Policy consistently without fear or favour;

- (g) recognise and enforce any penalty imposed under this Policy irrespective of the party imposing the penalty;
- (h) ensure that a copy of this Policy is available or accessible to the persons to whom this Policy applies; and
- (i) appoint or have access to appropriately trained people to receive and handle Complaints and allegations and display the names and contact details in a way that is readily accessible.

Specifically:

- (a) SAL, Clubs, Member Associations, Affiliates, MPIOs and people in positions of authority (including but not limited to Coaches, Officials and Managers) should understand what Child Abuse, Bullying, Harassment and Discrimination are, know this Policy and follow and implement the correct Complaints Procedures when any of these behaviours are reported.

SAL will provide information so that volunteers and employees are able to identify and respond to children at risk of harm. SAL will make all volunteers and employees 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 attachment C).

- (b) Coaches, Officials and other persons in positions of authority should:
  - be alert to these behaviours and signs of distress and anxiety in athletes and other members;
  - respond to incidents of Child Abuse, Bullying, Harassment and Discrimination according to this Policy and Complaints Procedure;
  - model tolerant and accepting behaviours; and
  - make it known that Child Abuse, Bullying, Harassment and Discrimination are not acceptable. No matter what the excuse.
- (c) Clubs should:
  - make recognition and adherence to this Policy and Complaints Procedure a condition of membership of the Club;
  - disseminate information on this Policy widely to make the Policy known and available to all members and employees (paid and voluntary);
  - respond to incidents of Child Abuse, Bullying, Harassment and Discrimination according to this Policy and Complaints Procedure;
  - act in the best interests of their Child members and their safety and welfare; and
  - foster an environment of tolerance, friendship and enjoyment

SAL has developed a General Code of Behaviour and specific Codes of Conduct as guidelines for acceptable behaviour for all of its members.

## **5. Child Welfare Requirements**

Every organisation and individual bound by this Policy must always place the safety and welfare of Children above all other considerations.

SAL and its Member Associations acknowledge that their members, employees, directors, contractors and volunteers provide a valuable contribution to the positive experiences of Children. These organisations must aim to ensure this continues and to protect the safety and welfare of Children. Several measures to achieve this include:

- (a) prospective employees of organisations bound by this Policy must have a police check before their employment can commence;
- (b) compliance with Commonwealth, State and Territory child welfare laws;
- (c) prohibiting any form of Child Abuse, Bullying, Harassment and Discrimination against Children;
- (d) carefully selecting and screening individuals whose role requires them to have regular contact with Children;
- (e) providing Complaints Procedures for raising concerns or complaints; and
- (f) providing education and information to those involved in our sport on Child Abuse, Bullying, Cyber Bullying, Harassment, Discrimination and Child protection.

This Policy requires that any person who knows or reasonably suspects that a Child is or has been the victim of Child Abuse by someone involved in or related to swimming, report it immediately to the Police or relevant Government agency and the CEO of the Involved Organisation.

The CEO of the Involved Organisation must:

- (a) seek guidance from the Police or the relevant Government agency about whether it is appropriate for the Complaints Procedures under the “General Information and Procedures” to be enacted; and
- (b) promptly report the allegation to the CEO of SAL and thereafter continue to keep the CEO of SAL or its delegate informed on the status of the matter.

All allegations of Child Abuse must be dealt with 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. The Complaints Procedures for handling allegations of Child Abuse are outlined in the “General Information and Procedures” and must be followed.

## **6. Best Practice Procedures**

The following best practice procedures are strongly recommended for those in contact with Children.

At training or at competitions organisations and individuals bound by this Policy should:

- (a) ensure that there is enough supervision as appropriate for the age of the Children;
- (b) ensure that Children have access to a responsible adult of the same gender as the children concerned, at all possible times;
- (c) avoid private one-on-one situations with Children and have any meeting in the presence of another Athlete or responsible adult, or in an open and clearly visible area;

- (d) foster an environment of friendship, cooperation, tolerance and good sportsmanship between Children;
- (e) ensure that any immediate disciplinary measures are non-violent and do not involve humiliation or cause anxiety;
- (f) be aware of and be quick to act on any games that are physically rough or sexually provocative or that involve inappropriate language or contact;
- (g) get the consent of a Child before making physical contact with them and let the Child know what you are doing and why;
- (h) ask gender appropriate officials, parents or guardians to be responsible for Children while in the changing rooms;
- (i) ensure where Children are being picked up from training or the event, depending on the age of the Child, Children should be collected from a pre-determined area so the Coach or other responsible official can recognise when a Child has not been picked up and arrange for appropriate supervision;
- (j) ensure for older Children, an action plan be discussed with the squad so that such Children can find a safe way home; and
- (j) ensure children are not invited to a coach's house or other adult in a position of authority unless accompanied by that Child's parent or guardian, or with the consent of a parent or legal guardian.

At camps or competitions requiring overnight accommodation organisations and individuals bound by this Policy should also ensure that:

- (a) teams are appropriately accompanied by the same gender coaches and officials;
- (b) Children room with Children of the same gender and where appropriate and available, with other Children of approximately the same age;
- (c) coaches, officials and other responsible adults of the opposite gender are accompanied by a coach, official or other responsible adult of the same gender if there is a need for them to enter the living or sleeping area of Children of the opposite sex, and where possible, this should be avoided and all contact should be in "group time";
- (d) any transport provided to a Child by private car by a coach, official or other responsible occurs with prior consent of the parents or guardians of the Child (unless in an emergency) and that an additional adult, preferably of the same gender as the Child (or other older Children) is also in the car. Children should always sit in the back seat; and
- (e) where transport is provided to Children in a mini-bus or larger vehicle there is adequate age-appropriate supervision with at least one same gender (of children) coach, official or other responsible adult present at all times.

## **7. What is a Breach of this Policy**

It is a breach of this Policy for any person or organisation to which this Policy applies to have been found to have:

- (a) done anything contrary to or in breach of this Policy;
- (b) discriminated against, bullied, harassed or inflicted Child Abuse on any Child;
- (c) victimised another person for reporting a complaint;
- (d) failed to follow SAL policies and procedures for the protection, safety and welfare of Children;
- (e) disclosed to any unauthorised person or organisation any information in relation to a complaint under this Policy of a private, confidential or privileged nature;
- (f) made a complaint under this Policy that they knew to be untrue, vexatious, malicious or improper;
- (g) appointed or continued to appoint a person to a role that involves working with Children contrary to this Policy;
- (h) failed to comply with a penalty imposed after a finding that the individual or organisation has breached this Policy;
- (i) engaged in a sexually inappropriate or unlawful relationship with a Child; and
- (j) failed to comply with a direction given to the individual or organisation during the Complaints Procedure.

## **8. Complaints Procedures**

This Policy aims to provide an easy to use, confidential and trustworthy process for Complaints Procedures based on the principles of Natural Justice. Any person may make a Complaint about an organisation or individual bound by this Policy if they reasonably believe that an organisation or individual bound by this Policy has breached this Policy.

All Complaints will be dealt with promptly, seriously, sensitively and confidentially and in accordance with the Complaints Procedure.

Any Complaint involving Child Abuse must be regarded as a formal complaint under the Complaints Procedure.

SAL, Member Associations and Affiliates who adopt this policy, must take all reasonable 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 deal with it. Disciplinary measures will be imposed on anyone who victimises another person for making a Complaint.

## **9. Forms of Discipline**

If an organisation or individual bound to this Policy breaches this Policy, one or more forms of discipline may be imposed. These may include but are not limited to making a verbal or written apology, paying a fine, being suspended or de-registered or having a person's appointment or employment suspended pending formal Police investigations. More information on the range of disciplinary measures and the factors that will be

considered before imposing discipline is contained in the “General Information and Procedures”.

## 10. Dictionary

This Dictionary sets out the meaning of words used in this Policy and in the “General Information and Procedures” without limiting the ordinary and natural meaning of the words. Where a term is not defined it should be given its ordinary and natural meaning.

**Abuse** means any form of Harassment and includes all abuse as defined in Child Abuse as well as physical abuse, emotional abuse (including psychological abuse), sexual abuse, neglect, and abuse of power that has caused, is causing or is likely to cause harm to a child’s wellbeing or development. Examples of abusive behaviour include but are not limited to bullying, humiliation, verbal abuse and insults.

**Athlete** means a swimmer, diver, water polo player or synchronised swimmer, whether recreational or competitive and who is an individual member of SAL, a Member Association or Affiliate.

**Affiliate** has the same meaning given to the term under the SAL Constitution.

**Appeals Tribunal** means a tribunal constituted according to Part C of this Policy.

**Attachment** means an attachment to this Policy.

**Bullying** means any use of aggression or taunting with the intent to cause harm to the victim. It may be physical or emotional and in serious cases may also be discrimination. Bullying may be done in person, by phone, email, SMS or other means.

**CEO** means the chief executive officer of SAL or a stakeholder organisation, and includes the executive officer, general manager or other similar title.

**Child/Children** means an Athlete or individual who is under 18 years of age.

**Child Abuse** is any form of behaviour directed towards a child that is a crime as indicated by the *Crimes Act 1900* (Cth) and any other Commonwealth, State or Territory child welfare legislation as applicable from time to time and includes, but not limited to:

- physical abuse;
- sexual abuse;
- emotional abuse;
- neglect; and
- any other violation of a Child by a person in a position of trust and authority.

**Club** has the same meaning given to the term under the SAL Constitution.

**Codes of Conduct** means the Role Specific Codes of Conduct outlined in the “General Information and Procedures” section 1.

**Complaint** means a Complaint made under Clause 8 of this Policy.

**Complainant** means the person making a Complaint and includes a parent, guardian or adult representative of the child.

**Complaints Procedure** means the Complaints Procedure set out in the “General Information and Procedures”.

**Discrimination** means treating, proposing to treat or requesting, assisting, instructing or encouraging another person to treat a person less favourably than someone else on the basis of an attribute or personal characteristic they have. The relevant attributes or characteristics include but are not limited to the following:

- age;
- disability;
- marital status;
- parental or carer status;
- physical features;
- political belief or activity;
- pregnancy;
- race;
- religious belief or activity;
- sex or gender;
- sexual orientation;
- trade union membership or activity; and
- transgender orientation.

Discrimination also includes any other behaviour recognised by Commonwealth, State or Territory law as discrimination.

**General Information and Procedures** means the code of conduct outlined in section 1 of the “General Information and Procedures”.

**Harassment** is any type of behaviour that the other person does not want, that is offensive, abusive, belittling or threatening, 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. Harassment includes Bullying.

Unlawful harassment includes the above but may be of a sexual nature or target a person because of their race, sex, pregnancy, marital status, sexuality or other characteristic (see characteristic list under Discrimination).

The basic rule is if someone else finds it harassing then it may be harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

**Hearing Tribunal** means the panel created in accordance with the “General Information and Procedures” to hear a complaint under this Policy.

**Involved Organisation** means the relevant organisation to receive a Complaint and may be SAL, a Club, Member Association or Affiliate.

**Mediator** means a person appointed to mediate a Complaint made under this Policy, preferably with relevant skills, qualifications or training in mediation.

**Member** has the same meaning given to the term under the SAL Constitution.

**Member Association** has the same meaning given to the term under the SAL Constitution.

**Member Protection Information Officer** and **MPIO** means a person appointed as 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.

**Natural Justice** incorporates the following principles:

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

**Panel Members** means a member of an Appeals Tribunal or Hearing Tribunal convened under this Policy.

**Policy** means this Child Welfare Policy and its Attachments.

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

**SAL Constitution** means the constitution of SAL as in force and amended from time to time.

**Victimisation** means 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 law or under this Policy, or for supporting another person to make a Complaint.

## 11. Other relevant Policies

Other relevant policies can be found at [www.swimming.org.au](http://www.swimming.org.au). Some of those policies which contribute to the welfare of all our Members include:

- (a) Member Welfare Policy

This Policy aims to ensure that 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 aims to ensure that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities.

(b) Privacy Policy

SAL routinely collects personal information about individuals and considers that protecting their personal information is important and SAL takes their right to privacy seriously. The Privacy Policy covers SAL's regulations on the collection, purpose, storage, use and distribution of information.

(c) Risk Management Policy

Risk Management identifies the chance of something happening which will impact on an organisation's objectives, measured in terms of consequence and likelihood. SAL's Risk Management Policy aims to reduce, transfer or avoid risks in order to protect its Member.

(d) Anti-Doping Policy

SAL is bound by the World Anti Doping Authority and Australian Sports Anti Doping Agency policies in ensuring Athletes are able to participate in a drug free environment.

(e) Social Media Guidelines

SAL encourages the appropriate use of social media by all Persons bound by these Guidelines to engage with fans, promote the sport of swimming (particularly major events), individual athletes and communicate with the general public and media. SAL acknowledges social media is a broad and instant form of communication and treats all social media content, whether written, photographic, video, or audio, as public comment which is accessible to all.

(f) Cyber Bullying Policy

Bullying and harassment in all forms is regarded by SAL as unacceptable in this sport. Given the emergence of new telephone and internet social networks, the opportunity for unwanted and improper comments and statements has dramatically increased. Messages or statements made in these ways using these means of communication are largely instantaneous, and can easily be abused. Other may also manipulate a person by encouraging a statement to be made on Twitter or Facebook, for example, when the author may be upset or vulnerable. Bullying has the potential to cause great anxiety and distress to the person who has been the target of any comments or statements. In some cases, bullying is regarded as a criminal offence punishable by imprisonment, amongst other things. Frustration at officials, team mates, coaches or SAL and its Stakeholders should never be communicated on social network channels, but rather by way of reasoned and logical verbal and written statements and where appropriate, complaints, to the relevant controlling club, Stakeholder or SAL.

(g) Smoking Policy

The following policy applies to all sporting and social events:

- No smoking shall occur at or near any swimming event involving persons under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers
- Socials functions shall be smoke free with smoking permitted at designated outdoor smoking areas in accordance with facility rules and government legislation
- Coaches, officials, volunteers and players will refrain from smoking and remain smoke free while involved in an official capacity for any SAL, Stakeholder or club activity

(h) Pregnancy Policy

Everyone bound by this policy must treat pregnant women with dignity and respect and any unreasonable barriers to participation by them in this sport should be removed. SAL will not tolerate any discrimination or harassment against pregnant women.

While many swimming activities are safe for pregnant women, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the activity and the particular pregnant woman's circumstances. 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 the sport.

SAL recommends that pregnant women wanting to participate consult with their medical advisers, make themselves aware of the facts about pregnancy in swimming and ensure that they make informed decisions about participation. SAL will only require pregnant women to sign a disclaimer if we require other participants to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

(i) Gambling and Betting Policy

Through this Policy SAL aims to ensure that our core values, good reputation, and positive behaviours and attitudes are maintained.

(j) Illicit Drugs in Sport Policy

SAL wishes to prevent the use of Illicit Drugs in Sport through increased education for Athletes and the community in relation to the potential harm associated with the use of Illicit Drugs

Swimming Australia has adopted this Illicit Drugs Policy to:

- (a) address and deter the out-of-competition use of Illicit Drugs by Athletes;
- (b) deter and prevent the use of Illicit Drugs in the community; and
- (c) reduce the harm caused to individuals, families and stakeholders of Swimming Australia and the broader community as a result of Illicit Drugs.

(k) Alcohol Policy

SAL recommends that Stakeholders and their member clubs adhere to strict guidelines regarding the responsible consumption of alcohol. Generally, alcohol

should not be available nor be consumed at a swimming event at which children under 18 are participants in the sport. Responsible service and consumption of alcohol should apply to any alcohol to be consumed after the competition has concluded. Wherever possible, alternatives to full strength alcohol should be available such as light alcohol, soft drink and water in addition to food being available. Guidance can be obtained from the "Alcohol Management Policy available at: <http://www.goodsports.com.au/goodsports/pages/sample-policies.html>.

## **PART B: SAL CHILD WELFARE REQUIREMENTS / WORKING WITH CHILDREN**

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### **Background**

Child protection is about keeping children safe from harm/abuse. Child abuse is illegal, and all states and territories have their own systems and laws that cover screening and/or the reporting and investigation of cases of child abuse.

Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with children as paid employees or volunteers. In New South Wales, Queensland, Western Australia, Victoria and South Australia laws require individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with children. This is done by checking certain criminal history and other matters. In some states this also involves reviewing relevant findings from disciplinary proceedings. There are also requirements placed on organisations.

The Northern Territory government has passed new law and screening will be compulsory from January 2010. The Australian Capital Territory and Tasmania are currently reviewing their screening laws. New requirements and amendments will be added to this policy as they are introduced.

Please be aware that state and territory WWCC requirements may also apply to individuals who visit states with screening laws. For example, if a state association or club takes players U18 into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with NSW law.

The state WWCC requirements apply regardless of our national, state or club Child Welfare Policy.

The following attachments provide:

- summary information on state and territory WWCC requirements and where to obtain more information and relevant forms
- our Child Welfare Declaration (for all states/territories except NSW who must complete a Prohibited Employment Declaration provided by the NSW Commission for Children and Young People)
- our screening requirements for people residing in ACT and Tasmania

## **Attachment B1: SCREENING REQUIREMENTS**

*[for states/territories without Working With Children Checks such as ACT and Tasmania]*

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This attachment sets out the screening process for people in Swimming Australia who work, coach, supervise or have regular unsupervised contact with people under the age of 18 years.

Swimming Australia will, and also requires state associations and clubs to:

1. Identify positions that involve working, coaching, supervising or regular unsupervised contact with people under the age of 18 years.
2. Obtain a completed *Child Welfare Declaration (CWD)* (Attachment B2) from all people who are identified in the above step and keep it in a secure place.
3. Provide an opportunity for a person to give an explanation if a CWD isn't provided or it reveals that the person doesn't satisfactorily meet any of the clauses in the CWD. We will then make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years. If unsatisfied we will not appoint them to the role/position.
4. Where possible, check a person's referees (verbal or written) about his/her suitability for the role.
5. Ask the people identified in step 1 to sign a consent form for a national police check.
6. Possibly request (or ask the person to request) a national 'Part Exclusion' police check from our relevant police jurisdiction. This check excludes irrelevant records. If the police check indicates a relevant offence, we will provide an opportunity for the person to give an explanation, and then we 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 we will not appoint them to the role/position.
7. Make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years if the person does not agree to a national police check after explaining why it is a requirement under our policy. If unsatisfied, we will not appoint them.
8. Decide whether to offer the person the position taking into account the result of the police check and any other information the club has available to it. Where it is not practical to complete the police check prior to the person commencing in the position, we will complete the check as soon as possible, and if necessary, act immediately on the outcome.
9. Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the checking process.
10. Return information collected during screening (such as a completed CWD form, police records and referee reports) to the relevant person if that person is not appointed to the position, or otherwise be destroyed within 28 days of the date of the decision or the expiry of any appeal period, unless within that time the person requests that the documents be returned to them. For appointed persons, information will be kept on file in a secure location.

## **Attachment B2: CHILD WELFARE DECLARATION**

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Swimming Australia has a duty of care to all those associated with the sport and to the individuals and organisations to whom our national Child Welfare Policy applies. As a requirement of our national Child Welfare Policy, Swimming Australia must enquire into the background of those who undertake any work, coaching or have regular unsupervised contact with people under the age of 18 years.

I ..... (name) of .....

..... (address) born ...../...../.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence.
4. I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
6. To my knowledge there is no other matter that Swimming Australia may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the *CEO* of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses above has changed.
8. I adhere to any state or territory working with children legislative requirements.

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

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: .....

## Attachment B3: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS

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The following information was updated in April 2011. It is subject to change at any time.

### 1. QUEENSLAND

A person will need a Working with Children Check, also known as the **blue card**, if they propose to work in a paid or voluntary capacity or to carry on a business in a child-related area regulated by the *Commission for Children and Young People and Child Guardian Act 2000*. Once a person is checked and approved they are issued with a "blue card." **Volunteers and paid employees employed in sporting organisations generally fall under the 'churches, clubs and associations' category of regulated employment. Volunteers and paid employees employed in private businesses may fall under the 'sport and active recreation' category of regulated employment. The check is a detailed national criminal history check including charges and investigations relating to children.**

People such as those with previous convictions involving children are disqualified from applying for or renewing a blue card (refer to website below for details).

A blue card remains current for two years. Existing card holders will be notified by the Queensland Commission for Children and Young People and Child Guardian before their card expires.

In addition to obligations regarding the blue card, **employers** must develop and implement a written child protection risk management strategy and review it each year.

For more information on the blue card, including current forms:

- [www.ccytg.qld.gov.au](http://www.ccytg.qld.gov.au)
- 1800 113 611

### 2. NEW SOUTH WALES

All organisations within NSW that employ people in child-related employment (in a paid or volunteer capacity) must meet the requirements of the Working with Children Check (WWCC). Child related employment is work which primarily involves direct unsupervised contact with children. The WWCC involves the following:

1. **Ensuring** all paid employees in a child-related position sign an [Applicant Declaration and Consent Form](#) which declares they are not prohibited from working with children.
2. **Submitting** all applicants for **paid** employment to NSW Commission For Children and Young People for a Working With Children Background Check.
3. All volunteers and students on placement whose work is categorised as 'child-related employment' must sign a [Volunteer/Student Declaration](#); except those volunteers who mentor disadvantaged children in family-like relationships, or provide intimate personal care (e.g. bathing or toileting) for disabled children. These volunteers require a Working With Children Background Check. (see 1. and 2. above)
4. **Reporting** relevant employment proceedings for any paid and unpaid employees to the Commission for Children and Young People. A relevant employment proceeding involves any reportable conduct committed outside of work as well as in the workplace with or in the presence of a children.

Sporting organisations are responsible for managing the WWCC process. Individuals cannot apply for a WWCC directly. Sporting organisations should register with the **NSW Commission for Children and Young People** providing a contact who will receive the information on the background checks.

A WWCC is valid for employment in that position within the organisation. Short-term employees (where that person is being employed for periods of less than six months and returning for short periods throughout a 12 month period) only need to be checked **once** every 12 months.

For more information, including the required forms visit:

- <https://check.kids.nsw.gov.au/index.php> or contact 02 9286 7219 during business hours.

### 3. WESTERN AUSTRALIA

The Working with Children Check (WWC Check) is a compulsory and rigorous criminal record check for certain people who carry out 'child-related work' in WA. A person is in 'child-related work' if the usual duties of their work involves, or is likely to involve contact with a child in connection with specified categories of work (see the website below for further details) It includes child-related work carried out by paid employees, volunteers, unpaid people and the self-employed. Parents volunteering in connection with their child's activity are exempt (although this does not apply to overnight camps); however they should still be required to complete the non-WWC Check screening process. There are other exemptions, for example volunteers under 18 years old. Further details about exemptions can be found on the website below. Only those in child-related work under the Act may apply.

Applicants will be issued with either:

- An Assessment Notice in the form of a WWC Card enabling them to be in all types of child-related work for three years unless there are new offences of concern.
- An Interim Negative Notice, which prohibits them from child-related work until a final decision is made on their application.
- A Negative Notice, which prohibits them from child-related work.

There are set obligations and strong penalties for non-compliance including for employers and volunteer co-coordinators.

For more information:

- [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au) or call 1800 883 979 (toll free)

### 4. VICTORIA

The Working with Children (WWC) Check creates a mandatory minimum checking standard across Victoria. The *Working with Children Act 2005* requires that some people who work or volunteer in child-related work require a WWC Check. The check involves a national police records check and a review of relevant findings from prescribed professional disciplinary bodies (currently only the Victorian Institute of Teaching). There is an exemption for volunteers whose own children are involved in the particular activity; however they should still be required to complete the screening process.

A person who has no criminal or professional disciplinary history will be granted an *assessment notice*. This notice will entitle the person to undertake child-related work in Victoria and is valid for five years (unless revoked). A person deemed unsuitable to work or volunteer with children will be given a *negative notice* and cannot work in [child-related work](#) in Victoria.

For more information:

- [www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren) or 1300 652 879

### 5. SOUTH AUSTRALIA

There are provisions under the *Children's Protection (Miscellaneous) Amendment Act 2005* that apply to non-government and volunteer organisations that are entrusted with the care of children or who regularly come into contact with children. Part of the Government regulations are 'Seven Principles of Good Practice' which clubs and organisations are expected to adopt as proactive and preventative strategies. These principles are to help prevent and minimise opportunities for abuse and to appropriately respond when abuse occurs or is suspected. The principles can be assessed at the following link:

[http://www.recsport.sa.gov.au/training-development/documents/Keep\\_Children\\_Safe\\_Guidelines.pdf](http://www.recsport.sa.gov.au/training-development/documents/Keep_Children_Safe_Guidelines.pdf)

Criminal history assessments (checks) are likely to be mandatory for most positions in sporting organisations from 2010/2011. Some exemptions could apply.

Staff and volunteers who work with children are mandated notifiers and have a legal obligation to report any suspected child abuse and/or neglect.

For more information:

- <http://www.dfc.sa.gov.au/pub/Default.aspx?tabid=281>

## **6. NORTHERN TERRITORY**

From January 2010, all persons employed in child related work, either paid or as a volunteer, must hold a valid clearance notice issued by the SAFE NT Screening Authority. There are penalties for failure to comply. Sports coaches, trainers, team administrators, officials and volunteers of Sporting Organisations that deal with children are included under the legislative requirements.

Clearance notices are valid for two years from date of issue unless revoked, and are transferable within employment fields. As a part of the assessment process, SAFE NT will consider the applicant's criminal history record and other relevant information.

For more information contact 1800 SAFE NT (1800 723 368)

## Attachment C: CHILD ABUSE REPORTING REQUIREMENT AND DOCUMENTS

The following information was updated in November 2011. It is subject to change at any time.

### QUEENSLAND

If you have a reason to suspect a child in Queensland is experiencing harm, or is at risk of experiencing harm, you need to contact [Child Safety Services](#):

- **During normal business hours** - contact the [Regional Intake Service](#).
- **After hours and on weekends** - contact the Child Safety After Hours Service Centre on **1800 177 135** or (07) 3235 9999. The service operates 24 hours a day, seven days a week.

If you believe a child is in immediate danger or in a life-threatening situation, contact the Queensland Police Service immediately by dialling **000**.

Queensland Police Service has a number of child protection and investigation units across Queensland. To contact the Queensland Police Service, contact the [Police District Communication Centre](#) nearest you.

If you aren't sure who to call, or for assistance to locate your nearest child safety service centre, contact Child Safety Services' Enquiries Unit on **1800 811 810**. Child safety service centres have professionally trained child protection staff who are skilled in dealing with information about harm or risk of harm to children.

### NEW SOUTH WALES

Anyone who suspects, on reasonable grounds, that a child or young person is at risk of being neglected or physically, sexually or emotionally abused, should report it to Community Services.

Reasonable grounds is the standard that reporters must use in deciding whether or not to report to Community Services.

It does not mean that reporters are required to confirm their suspicions or provide solid proof before making a report. A useful rule of thumb is to consider whether another person, when faced with similar information, would also draw the same conclusion.

You can make a report by phoning the **Child Protection Helpline on 132 111** (TTY 1800 212 936) for the cost of a local call, 24 hours a day, 7 days a week.

### WESTERN AUSTRALIA

If you are concerned about a child's wellbeing, [contact](#) the Department for Child Protection's district office closest to where the child lives or the [Crisis Care Unit](#) after hours.

If you believe a child is in immediate danger or in a life-threatening situation, contact the Western Australia Police immediately by dialling **000**.

If you make a report or disclose relevant information to the Department for Child Protection, there is legislative protection for the notifier. These are:

- Protection of identity - with some exceptions, your identity must not be disclosed without your consent. For further information, refer to section 240 of the *Children and Community Services Act 2004*
- Legal protection – you are not subject to legal liability under State law providing the information is provided in good faith.

- Professional protection – authorised disclosure of information cannot be held to constitute unprofessional conduct or a breach of professional ethics. As a result you cannot be disciplined by your professional body or incur any formal professional negative consequences at your workplace.

When you contact the Department, the Duty Officer will gather and record information that you provide and decide how best to respond. The type of information that the officer will gather includes:

- details about the child/young person and family
- the reasons you are concerned
- the immediate risk to the child
- whether or not the child or family has support
- what may need to happen to make the child safe
- your contact details, so that the officer can call you to obtain further information if required or to provide feedback.

You do not need to have all the details about the child or family when you contact the Department for Child Protection

For more information: <http://www.dcp.wa.gov.au/ChildProtection/>

## **VICTORIA**

Some professionals such as doctors, nurses, police and school teachers are legally obliged to report suspected child abuse. In addition, any person who believes on reasonable grounds that a child needs protection can make a report to the Victorian Child Protection Service. It is the Child Protection worker's job to assess and, where necessary, further investigate if a child or young person is at risk of harm.

For more information: <http://www.dhs.vic.gov.au/>

## **SOUTH AUSTRALIA**

Staff and volunteers who work with children are mandated notifiers and have a legal obligation to report any suspicion of child abuse and/or neglect that they may form in the course of their employment or volunteer activity based on reasonable grounds. This obligation extends to persons holding a management position whose duties include direct responsibility for, or direct supervision of the provision of services to children.

Reports are made to the CHILD ABUSE HELP LINE 13 14 78

A reasonable suspicion must be based on facts, for example:

- A disclosure of abuse by a child
- Professional judgement, based on the notifier's experience and observations

The organisation has an obligation to make each affected person aware of this legal obligation.

There is no obligation that recreation or sporting organisations require mandated reporters to undertake formal external training in the recognition of child abuse.

The law also stipulates that no person shall threaten or intimidate, or cause damage, loss or disadvantage to another person because that person has made a notification or proposes to make a notification pursuant to the *Children's Protection Act 1993*.

For more information: [www.dcsi.sa.gov.au](http://www.dcsi.sa.gov.au)

## **NORTHERN TERRITORY**

In the Northern Territory any person who believes that a child is being, or has been, abused or neglected is required by law to report their concerns.

Reports should be made to the 24 hour Centralised Intake Service by using the free-call phone number **1800 700 250**.

Remember, you do not need to prove abuse or neglect, you need only report your concerns. The Care and Protection of Children Act provides legal protection against civil or criminal liability for people who make reports in good faith.

The Act also makes it clear that making a report does not breach any requirements of confidentiality or professional ethics.

For more information: [http://www.childrenandfamilies.nt.gov.au/Child\\_Protection/](http://www.childrenandfamilies.nt.gov.au/Child_Protection/)

## **AUSTRALIAN CAPITAL TERRITORY**

Care and Protection services is responsible for facilitating coordination across government for the care and protection of children and young people. Care and Protection services and an After Hours service, provide a continuum of service delivery to children and young people considered 'at risk' of serious harm.

Care and Protection Services is authorised to collect personal information under the *Children and Young People Act 2008* to ensure the safety and wellbeing of children and young people in the ACT. The information collected may be disclosed to government and non government agencies (including but not limited to the Australian Federal Police, ACT Children's Court, the Family Court, Health and Education Directorates and community organisations) to assist in ensuring the safety and wellbeing of children and young people. Information identifying a person making a child protection report is treated with the highest confidentiality and will not be disclosed except where a Court orders the disclosure.

For more information: [http://www.dhcs.act.gov.au/ocyfs/services/care\\_and\\_protection](http://www.dhcs.act.gov.au/ocyfs/services/care_and_protection)

## **TASMANIA**

Most professionals who provide services to children and families in Tasmania are 'mandatory reporters' of child abuse, under the Children, Young Persons and their Families Act 1997. This includes, but is not limited to, the following groups:

- DHHS employees
- Child Care providers
- Dentists, dental therapists or dental hygienists
- Police officers and probation officers
- Psychologists
- Registered medical practitioners and nurses
- School principals and teachers
- Volunteers and employees of any organisation that provides health, welfare, education, care or residential services and which receives government funding.

To make an urgent notification about abuse or neglect to Child Protection Services, please ring 1300 737 639 at any time.

Child Protection Services prefer to talk to a notifier in order to aid them in gathering information. However, if it is after hours and you are a mandatory reporter, an online notification can also be made.

For more information: [http://www.dhhs.tas.gov.au/children/child\\_protection\\_services](http://www.dhhs.tas.gov.au/children/child_protection_services)

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