



Member Protection Policy

June 2006

**Adopted as By-Law No 1 at the
General Meeting on 6th June 2006
and effective from that date.**

President's Statement

Hervey Bay BUG Inc proactively encourages and promotes cycling within Hervey Bay and advocates for improved facilities and programs. A variety of recreational cycling activities are provided.

It is now appropriate that we introduce a clearly understood and well-communicated Member Protection Policy covering discrimination, harassment and child protection, and that includes standards of behaviour that all clubmembers must abide by.

Implementation of this policy is the responsibility of all our members and its introduction is intended to ensure a club environment that is free from harassment and abuse for everyone, and promotes respectful and positive behaviour and values.

I am committed to seeing this policy implemented and ensuring all our members comply with this policy.

Dave McLeod

President

Hervey Bay BUG Inc

6th June 2006



MEMBER PROTECTION POLICY

1. Purpose of this policy

This Member Protection Policy (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 club activities is treated with respect and dignity, and is safe and protected from abuse. This policy also ensures that everyone is aware of his or her legal and ethical rights and responsibilities.

2. Who this Policy Applies To

This policy applies to all members of the club.

3. Code Of Conduct

Hervey Bay BUG Inc requires every individual and organisation bound by this policy to:

- 3.1 Be ethical, fair and honest in all their dealings with other people;
- 3.2 Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- 3.3 Always place the safety and welfare of children above other considerations;
- 3.4 Comply with Hervey Bay BUG Inc's rules and policies including this Member Protection Policy;
- 3.5 Operate within the rules and spirit of the club's activities;
- 3.6 Comply with all relevant Australian laws (Federal and State), particularly the road rules, anti-discrimination and child protection laws, and;
- 3.7 Be responsible and accountable for their conduct.

4. Organisational Responsibilities

Hervey Bay BUG Inc must:

- 4.1 Adopt, implement and comply with this policy;
- 4.2 Publish, distribute and otherwise promote this policy and the consequences for breaching it;
- 4.3 Promote appropriate standards of conduct at all times;
- 4.4 Promptly deal with any breaches of or complaints made under this policy in an impartial, sensitive, fair, timely and confidential manner;
- 4.5 Apply this policy consistently without fear or favour;
- 4.6 Recognise and enforce any penalty imposed under this policy, and;

4.7 Monitor and review this policy at least annually.

5. Individual Responsibilities

Individuals bound by this policy are responsible for:

- 5.1 Making themselves aware of the policy and complying with the standards of conduct outlined in this policy;
- 5.2 Consenting to undertaking a working with children check carried out by the Commission for Children and Young People and Child Guardian if the individual holds or applies for a role that involves working with people under the age of 18 years.
- 5.3 Complying with all other requirements of this policy;
- 5.4 Co-operating in providing a discrimination, child abuse and harassment free club environment;
- 5.5 Understanding the possible consequences of breaching this policy.

6. Policy Position Statements

6.1 Child Protection Policy

Every person bound by this policy must always place the safety and welfare of children above all other considerations. Child abuse is a criminal offence.

Hervey Bay BUG Inc aims to protect the safety and welfare of its junior participants using measures such as:

- Prohibiting any form of abuse against children;
- Carefully selecting and screening people whose role requires them to work with children including the requirement for people to complete the working with children check outlined in clause 5;
- Ensuring the code of conduct is promoted, enforced and reviewed, and;
- Providing procedures for raising concerns or complaints.

Hervey Bay BUG Inc 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 club activities, to report it immediately to the police or relevant government agency and the Management Committee. Descriptions of the sorts of activity which may be abuse are in the Dictionary at clause 10.

If anyone bound by this policy reasonably suspects that a child is being abused by his or her parent/s, they are advised to contact the Commission for Children and Young People and Child Guardian www.ccypcg.qld.gov.au.

6.2 Anti-Discrimination and Harassment Policy

Hervey Bay BUG Inc aims to provide a club environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.

Hervey Bay BUG Inc 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, homosexuality, sexuality, transgender, religion, political belief and/or industrial activity.

Hervey Bay BUG Inc prohibits all forms of harassment and discrimination not only because it is against the law, but because it is extremely distressing, offensive, humiliating and/or threatening and creates an uncomfortable and unpleasant environment. Descriptions of some of the types of behaviour which could be regarded as harassment or discrimination are provided in the Dictionary at clause 10.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in clause 7 of this policy..

7. Complaints Procedures

7.1 Complaints

Hervey Bay BUG Inc aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a complaint (complainant) about a person/s or organisation bound by this policy if they reasonably believe that a person/s has breached this policy. A complaint should be reported to a member of the Management Committee.

A complaint may be reported as an informal or formal complaint. The complainant decides whether the complaint will be dealt with informally or formally unless the Management Committee considers that the complaint falls outside the parameters of this policy and would be better dealt with another way.

All complaints will be dealt with promptly, seriously, sensitively and confidentially, free of unfair repercussions or victimisation.

7.2 Procedure

As a first step you (the complainant) should try to sort out the problem with the person or people involved if you feel able to do so. If this is not possible, you are not sure how to handle the problem or the problem continues after you tried to approach the person(s) involved, then you should talk with a member of the Management Committee. This committee member will note your complaint, sort out the facts of the case and look at options for solving the problem. This may include assisting you

work out your own resolution.

This is a confidential process and the committee member will inform the relevant government authority and/or Police if required by law to do so. In accordance with the principles of natural justice, the complainant cannot remain anonymous.

If you decide to take the matter further you must make a formal complaint in to the Management Committee in writing. The Management Committee must consider the seriousness of the complaint and whether it warrants further investigation. If the Management Committee decides to proceed with the investigation then they must get full information from the complainant and present this to the respondent asking for their version of events. The Management Committee after gathering all the facts and interviewing the respective parties can either make a decision about the complaint or refer the matter to mediation.

Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to try and resolve the complaint with the assistance of a mediator, the Management Committee will, in consultation with the complainant, arrange for a mediator to mediate the complaint. Lawyers are not able to negotiate on behalf of the complainant or respondent. If mediation is not successful the complaint is referred back to the Management Committee.

All decisions made by the Management Committee with respect to a complaint are subject to appeal. If either party wishes to appeal a decision they must do so in writing and state the grounds for appeal. The Management Committee will brief an independent person (not necessarily a club member) to review the case, interview the parties, consider the appeal and advise whether the appeal is justified. The decision of the independent person and the decision is final and binding on the parties involved in the appeal and the Management Committee.

7.3 Vexatious Complaints & Victimisation

Hervey Bay BUG Inc aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the Member Protection Manager considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the Management Committee for appropriate action which may include disciplinary action against the complainant.

Hervey Bay BUG Inc 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.

8. What is a Breach of this policy

It is a breach of this policy for any person to which this policy applies, to have been found to have:

- 8.1 Done anything contrary to this policy;
- 8.2 Breached the Code of Conduct;
- 8.3 Brought the activities of the club into disrepute;
- 8.4 Failed to follow Hervey Bay BUG Inc policies and procedures for the protection, safety and welfare of children;
- 8.5 Appointed or continued to appoint a person to a role that involves working with children and young people contrary to this policy;
- 8.6 Discriminated against or harassed any person;
- 8.7 Victimised another person for reporting a complaint;
- 8.8 Engaged in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;
- 8.9 Disclosed to any unauthorised person or organisation any Hervey Bay BUG Inc information that is of a private, confidential or privileged nature;
- 8.10 Made a complaint they **knew** to be untrue, vexatious, malicious or improper;
- 8.11 Failed to comply with a penalty imposed after a finding that the individual or organisation has breached this policy;
- 8.12 Failed to comply with a direction given to the individual during the discipline process.

9. 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 making a verbal or written apology, having a person's appointment or employment terminated, or membership revoked.

10. Dictionary

This Dictionary sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words.

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

Child means a person who is under the age of 18 years (see also definition of young person)

Child abuse relates to children at risk of harm (usually by adults, sometimes by other children) and 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:

- Physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; giving bad nutritional advice; or training that exceeds the child's development or maturity).

- Sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations).
- Emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child).
- Neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

Complainant means the person making a complaint.

Discrimination means 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. 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;
- 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; 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).

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination may also be discriminatory conduct.

Discrimination may be direct or indirect. **Direct discrimination** is 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** is 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.

Harassment is 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 means a person under the age of eighteen (18) years who is participating in an activity of the Hervey Bay BUG Inc.

Management Committee includes the President, Secretary and Treasurer of Hervey Bay BUG Inc.

Mediator means 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 means a current member of Hervey Bay BUG Inc as defined by the membership list maintained by the Treasurer.

Member protection is a term used to describe the practices and procedures that protect members. Member protection involves:

- protecting those that are involved in club 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.

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
- the penalties imposed must not outweigh the 'crime'

Respondent means the person who is being complained about.

Sexual harassment means 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 harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

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

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

Victimisation means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make a complaint under government legislation (e.g. anti-discrimination) or under this policy, or for supporting another person to make a complaint.

Vilification involves a person or organisation doing public acts 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 People/person means people in the 13 - 18 year age group
