



Northern Rivers Dirty Wheels Mountain Bike Club Inc.

MEMBER AND PARTICIPANT PROTECTION POLICY (Draft)

Revision 3: 01 October 2018

IMPORTANT NOTE:

This policy is based upon the National Sporting Organisation Club Template dated April 2016. In 2017 MTBA advised that they have aligned themselves with this template.

CONTENTS

	Page
POLICY	
1. Introduction	3
2. Purpose of Our Policy	3
3. Who Our Policy Applies To	3
4. Extent of Our Policy	3
5. Club Responsibilities	3
6. Individual Responsibilities	4
7. Protection of Children	4
7.1 Child Protection	
7.2 Supervision	
7.3 Transportation	
7.4 Taking Images of Children	
8. Discrimination, Harassment and Bullying	6
8.1 Discrimination	
8.2 Harassment	
8.3 Bullying	
9. Inclusive Practices	6
10. Responding to Complaints	6
10.1 Complaints	
10.2 Complaint Handling Process	
10.3 Disciplinary Measures	
10.4 Appeals	

Attachment 1: Working With Children Check Requirements

Attachment 2: Codes of Behaviour

Attachment 3: Reporting Requirements and Documents

Attachment 4: Procedure for Handling of Allegation of Child Abuse

MEMBER AND PARTICIPANT PROTECTION POLICY

1. Introduction

The name of the incorporated association is Northern Rivers Dirty Wheels Mountain Bike Club Inc (“NRDW” or “the association”).

The object of the association is to encourage the development of all disciplines of mountain biking by:

- a) advocating for the development of legal facilities for mountain biking in the Northern Rivers area of New South Wales;
- b) building and maintaining legal facilities for mountain biking in the Northern Rivers area of New South Wales in accordance with current industry standards or guidelines;
- c) encouraging and organising education with respect to all aspects of mountain biking; and
- d) conducting racing, training and social riding events.

2. Purpose of Our Policy

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

3. Who Our Policy Applies To

This policy applies to everyone involved in all sanctioned activities of our club whether they are in a paid or unpaid/voluntary capacity and including:

- club committee members and office bearers;
- coaches and other personnel participating in events and activities, including training sessions;
- support personnel engaged directly by NRDW, including managers, physiotherapists, masseurs, sport trainers and others;
- officials and marshals;
- riders (whether NRDW members or not);
- visitors and users of NRDW managed sites and facilities;
- NRDW members;
- general community members participating in NRDW organised activities, and
- spectators.

4. Extent of Our Policy

Our policy covers all matters directly and indirectly related to NRDW and its activities. In particular, the policy governs unfair selection decisions and actions, breaches of our code of behaviour and behaviour that occurs at fundraising activities, club social rides, training sessions, at social events organised or sanctioned by the club (or our sport), and on away and overnight trips. It also covers private behaviour where that behaviour brings our club or sport into disrepute or there is suspicion of harm towards a child or young person.

5. Club Responsibilities

We will:

- make this policy publically available on our web site;
- adopt, implement and comply with this policy;
- ensure that this policy is enforceable;

- promote and model appropriate standards of behaviour at all times;
- deal with any complaints made under this policy in an appropriate manner;
- deal with any breaches of this policy in an appropriate manner;
- recognise and enforce any penalty imposed under this policy;
- ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies if requested;
- review this policy when the need to do so arises; and
- seek advice from, and refer serious issues to our district/region/state or national body or relevant law enforcement agency.

Serious issues include, but are not limited to, unlawful behaviour that involves or could lead to significant harm and includes criminal behaviour (e.g. physical assault, sexual assault, child abuse).

NRDW reserves the right to refuse membership, access to club facilities or participation in club activities, to any person that the executive feel are in conflict with this policy.

6. Individual Responsibilities

Everyone associated with our club must:

- make themselves aware of the contents of this policy;
- comply with all relevant provisions of this policy, including the standards of behaviour outlined in this policy;
- consent to the screening requirements set out in this policy, and any state or territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18, or where otherwise required by law;
- treat other people with respect;
- always place the safety and welfare of children above other considerations;
- be responsible and accountable for their own behaviour;
- follow the guidelines outlined in this policy if they wish to make a complaint or report a concern;
- comply with any decisions and/or disciplinary measures imposed under this policy;
- not have any existing or pending criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence;
- not have had any disciplinary proceedings brought against them by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence.

7. Protection of Children

7.1 Child Protection

NRDW is committed to the safety and wellbeing of children and young people who participate in our clubs activities or use our services. We support the rights of the child and will act at all times to the best of our ability to ensure that a child safe environment is maintained. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure and safe environment for all participants.

NRDW acknowledges the valuable contribution made by our staff, members and volunteers and we encourage their active participating in providing a safe, fair and inclusive environment for all participants.

7.1.1: Codes of Conduct for Adults and Children

We will adopt the mountain biking national industry body, MTBA's Code of Conduct ("Code of Conduct – Members and Affiliated Organisations") which specifies standards of conduct and care we expect of adults when they deal and interact with children. This will also promote appropriate behaviour between children (See Attachment 2).

7.1.2: Choosing Suitable Employees and Volunteers

NRDW will take all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

Where practicable, NRDW will ensure that Working with Children Checks are conducted for employees and volunteers working with children, where parents or their nominated guardian are not present at the activity or participating with the child. (See Attachment 1)

7.1.3: Empower and Promote the Participation of Children In Decision-Making And Service Development

NRDW will promote the involvement and participation of children and young people in developing and maintaining a child-safe environment in our club.

7.1.4: Report and Respond Appropriately to Suspected Abuse and Neglect

NRDW will ensure that employees and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under state laws to make a report if they suspect on reasonable ground that a child has been, or is being, abused or neglected (See Attachment 4).

In addition to any legal obligations, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child or is in breach of this policy they may make an internal complaint. Please refer to our complaints procedure in section 10 of this policy.

Any person who believes a child is in immediate danger or in a life threatening situation, should contact the police immediately.

7.2 Supervision

Except during a race or club ride event, children under the age of 18 must be supervised at all times by a responsible adult, preferably the parent or guardian. We endeavour to provide an appropriate level of supervision at all times. If a member finds a child under the age of 18 is unsupervised, they should assume responsibility for the child's safety until the child's parent/guardian or supervisor is located.

For reasons of courtesy and safety, parents must collect their children on time. If it appears a member will be left alone with children or just one child at the end of any club activity, they will ask another member (if available) to stay until the child is collected.

During the Dirtmasters Juniors Social Rides:

- a parent, or guardian, of children under the age of 10 must ride with the group.
- we prefer if a parent, or guardian, of children under the age of 13 rides with the group.
- NRDW will provide a lead rider and sweep for each riding group. All riders shall stay behind the lead rider and in front of the sweep rider.
- at least one NRDW participant must hold a current and approved Working With Children Check.
- NRDW will undertake junior rides in accordance with our social ride policy.

7.3 Transportation

Parents and or guardians are responsible for organising the transportation of their children to and from club activities.

7.4 Taking Images of Children

Participants of club activities (including children) consent to NRDW taking photographs for the purpose of promoting the club and its activities (only). These photos may be published in mountain bike related print media or online social media (such as the club facebook page) without permission. It is the responsibility of the parent or guardian to contact NRDW should they not want their child photographed.

When using a photo of a child, we will not name or identify the child or publish personal information, such as a residential address, email address or telephone number, without the consent of the child's parent or guardian. We will not provide information about a child's hobbies, interests, school or the like.

We will only use images of children that are relevant to our club's activities and we will ensure that they are suitably clothed in a manner that promotes our club and the sport.

8. Discrimination, Harassment and Bullying

Our club is committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination, harassment and bullying.

We recognise that people may not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against, harassed or bullied.

NRDW is committed to providing an environment that is free from bullying. We understand that bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and we regard bullying in all forms as unacceptable in our club or at our club activities.

Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or group.

Whilst generally characterised by repeated behaviours, one off instances can amount to bullying.

9. Inclusive Practices

Our club is welcoming and we will seek to include and encourage participation by members from all areas of our community including people with a disability and people from diverse cultures regardless of sexuality or gender identity. aMTB activities are accommodated where possible.

NRDW, members, volunteers and participants will not discriminate against any person for any reason.

10. Responding to Complaints

10.1 Complaints

Our club takes all complaints about behaviour seriously. Our club will handle complaints based on the principles of procedural fairness, and ensure:

- all complaints will be taken seriously;
- the person to which the complaint relates will be given full details of what is being alleged against them and have the opportunity to respond to those allegations;
- irrelevant matters will not be taken into account;
- decisions will be unbiased; and
- any penalties imposed will be thoroughly considered and appropriate for the circumstances.

More serious complaints may be escalated to our national body (e.g. MTBA) or relevant law enforcement agency (e.g. Police).

10.2 Complaint Handling Process

When a complaint is received by our club, relating to a club activity or person, the person receiving the complaint (e.g. President, Secretary) will:

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

Once the complainant decides on their preferred option for resolution, the club will assist, where appropriate and necessary, with the resolution process. This may involve:

- supporting the person complaining to talk to the person being complained about;
- bringing all the people involved in the complaint together to talk objectively through the problem (this could include external mediation);
- gathering more information (e.g. from other people that may have seen the behaviour);
- seeking advice from our district, regional, state and/or national body or from an external agency (e.g. State Department of Sport or anti-discrimination agency);
- referring the complaint to our national association; and/or
- referring the complainant to an external agency such as a community mediation centre, police or anti-discrimination agency.

In situations where a complaint is referred to our national association and an investigation is conducted, the club will:

- co-operate fully with the investigation;
- where applicable, ensure the complainant is not placed in an unsupervised situation with the respondent(s); and
- act on our national association's recommendations or as determined by legal advice.

At any stage of the process, a person can seek advice from an anti-discrimination commission or other external agency and, if the matter is within their jurisdiction, may lodge a complaint with the anti-discrimination commission or other external agency.

10.3 Disciplinary Sanctions

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

- be applied consistent with any contractual and employment rules and requirements;
- be fair and reasonable;
- be based on the evidence and information presented and the seriousness of the breach; and
- be determined by our constituent documents, by Laws and the rules of the sport.

Possible sanctions that may be taken include:

- a direction that the individual make verbal and/or written apology;
- counselling of the individual to address behaviour;
- withdrawal of any awards, placings, records, achievements bestowed in any races, activities or events held or sanctioned by our club;
- suspension or termination of membership, participation or engagement in a role or activity;
- refusal of membership; or
- any other form of discipline that our club considers reasonable and appropriate.

10.4 Appeals

The complainant or respondent may be entitled to lodge an appeal against a decision made in relation to a complaint (including a decision where disciplinary sanctions are imposed by our club) to our national association. Appeals must be based on any right of appeal provided for in the relevant constituent documents, rules, regulations or by laws.

Attachment 1: WORKING WITH CHILDREN CHECK REQUIREMENTS

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

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

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

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

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

New South Wales

Contact the Office of the Children's Guardian
Website: www.kidsguardian.nsw.gov.au/check
Phone: 02 9286 7276

Queensland

Contact the Queensland Government Blue Card Services
Website: www.bluecard.qld.gov.au
Phone: 1800 113 611

Travelling to other states or territories

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

In certain jurisdictions, temporary, time limited exemptions from working with children checks may be available for interstate visitors with a Working with Children Check in their home state.

The laws providing interstate exemptions are not consistent across Australia.

If an employee or volunteer for your club is travelling interstate to do work that would normally require a working for children check, you will need to check the relevant requirements of that state or territory.

Attachment 2: CODES OF BEHAVIOUR

MTBA Code of Conduct – Members and Affiliated Organisations (2 Pages)



Code of Conduct – Members and Affiliated Organisations

Effective as of 3 June 2015

1. Purpose

The purpose of Code of Conduct (code) is to describe the type of behaviour that Mountain Bike Australia (MTBA) is seeking to promote and encourage its members and supporters to adopt. MTBA has adopted this code to assist defining what is appropriate (and inappropriate) conduct. MTBA is committed to the promotion of mountain biking as a positive active and healthy lifestyle choice. This code will assist to guide this promotion and encourage all members and affiliated organisations to

2. Application

The code shall apply to all persons formally associated with mountain biking in Australia. In particular, it shall apply to:

- 2.1. Persons acting for or on behalf of MTBA.
- 2.2. Athletes, coaches, managers and support staff of MTBA whilst in Australia or travelling abroad.
- 2.3. All persons participating in MTBA sanctioned events.
- 2.4. Officials, Commissaires and support personnel assisting in or conducting MTBA events.
- 2.5. MTBA appointed delegates and employees of MTBA.

3. Key Principles

The key principles of the code of conduct are outlined below.

- 3.1. MTBA wishes to operate in an environment where people show respect for others and their property.¹
- 3.2. MTBA wishes to operate in an environment that is free from harassment.²
- 3.3. MTBA wishes to operate in a non-discriminatory environment. Respect the right, dignity and worth of every human being - within the context of the activity, treat everyone equally regardless of gender, ethnic origin or religion.
- 3.4. Persons to whom this Code applies acknowledge and agree to comply with the disciplinary and grievance procedures as outlined in the Member Protection Policy.

4. Key Elements

All persons who are bound by this code shall:

- 4.1. Act in a manner that is compatible with the interests of MTBA;
- 4.2. Accord people involved in mountain biking (and cycling more generally) with the appropriate courtesy, respect and regard for their rights and obligations;
- 4.3. Treat people's property with respect and due consideration of its value;
- 4.4. Show a positive commitment to MTBA's policies, rules, procedures, guidelines and agreements;
- 4.5. Respect the law and customs of the places they visit;
- 4.6. Respect the confidentiality of information that they receive in the course of fulfilling their duties;
- 4.7. Uphold the standing and reputation of mountain biking (and cycling more generally) within Australia;
- 4.8. Not misuse provided funds or property belonging to another party; and
- 4.9. Observe and comply with the Anti Doping Rules set out in the CA Doping Policy.

¹ Respect is defined as consideration for another's physical and emotional wellbeing and possessions, to ensure no damage or deprivation is caused to either.

² Harassment is defined as any action directed at an individual or group that creates a hostile, intimidating or offensive environment.

5. Unacceptable Behaviour

This list provides examples of behaviour deemed to be unsuitable and not in the best interests of the sport.

- 5.1. 'Sledging' other athletes, officials or event organisers.³
- 5.2. Excessive use of alcohol, acting in a way that becomes a public nuisance, or creating a public disturbance.
- 5.3. Damaging another person's property or depriving them of that property.
- 5.4. Sexual relations between an appointed official and a junior athlete (under the age of consent), irrespective of the wishes and desires of the athlete. In all other cases such relations are strongly discouraged.
- 5.5. Any physical contact with athletes shall be appropriate to the situation and be necessary for the further development of the athlete's skill.
- 5.6. The use or encouragement of the use of banned substances.⁴
- 5.7. Statements that are deemed to denigrate the group that an individual is representing.
- 5.8. Any type of gambling, betting or organisation of betting at any MTB event, while competing, officiating or undertaking a management role.
- 5.9. Any form of harassment.

6. Officials Code of Ethics

The responsibility for the ethical conduct of mountain bike events rests equally with officials and participants as well as coaches, media, and spectators. The duty of an official carries with it an obligation to perform those duties with accuracy, consistency, objectivity and a high sense of integrity. To preserve and encourage confidence in the professionalism and integrity of mountain bike officiating all officials are expected to follow ethical behaviour.

MTBA officials expect that:

- 6.1. Their health and safety will be considered of paramount importance;
- 6.2. They will be treated with respect and openness;
- 6.3. They will be appointed to a level of event appropriate to their level of competence; and
- 6.4. They will have access to self-improvement opportunities.

MTBA officials will observe and adhere to the following code of ethics:

- 6.5. Place safety and welfare of the participants above all else;
- 6.6. Accept responsibility for their actions;
- 6.7. Be impartial;
- 6.8. Avoid and conflict of interest;
- 6.9. Be courteous, respectful and open to discussion and interaction;
- 6.10. Value the individual;
- 6.11. Seek continual self-improvement through study, performance appraisal and regularly updating of competencies;
- 6.12. Encourage inclusivity and access to all potential participants;
- 6.13. Be a positive role model in behaviour and personal appearance;
- 6.14. Refrain from any form of personal abuse to others;
- 6.15. Refrain from any form of sexual harassment to others; and
- 6.16. Show concern and caution towards sick and injured participants.

³ Sledging is defined as a statement that is deemed to denigrate and/or intimidate another person, or behaviour likely to constitute emotional abuse.

⁴ The banned substance list is as outlined under current CA doping listings. Go to www.cycling.org.au

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

CONFIDENTIAL

Attachment 4: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

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

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

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

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

Step 1: Receive the allegation

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

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

Step 2: Report the allegation

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

Step 3: Protect the child and manage the situation

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

Step 4: Take internal action

- At least three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
 - a criminal investigation (conducted by the police)
 - a child protection investigation (conducted by the relevant child protection agency)
 - a disciplinary or misconduct inquiry/investigation.
- The President will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include considering whether the alleged offender should return to his or her position, be dismissed, banned or suspended or face other disciplinary action.
- If disciplinary action is undertaken, we will follow the procedures set out in Clause 10 of our Member Protection Policy.
- Where required we will provide the relevant government agency with a report of any disciplinary action we take.
- **Contact details for advice or to report an allegation of child abuse**

Australian Capital Territory	
ACT Police Non-urgent police assistance Ph: 131 444 www.afp.gov.au	Office for Children, Youth and Family Services http://www.communityservices.act.gov.au/ocyfs/reporting-child-abuse-and-neglect Ph: 1300 556 729
New South Wales	
New South Wales Police Non-urgent police assistance Ph: 131 444 www.police.nsw.gov.au	Department of Family and Community Services www.community.nsw.gov.au Ph: 132 111
Northern Territory	
Northern Territory Police Non-urgent police assistance Ph: 131 444 www.pfes.nt.gov.au	Department of Children and Families www.childrenandfamilies.nt.gov.au Ph: 1800 700 250
Queensland	
Queensland Police Non-urgent police assistance Ph: 131 444 www.police.qld.gov.au	Department of Communities, Child Safety and Disability Services www.communities.qld.gov.au/childsafety Ph: 1800 811 810
South Australia	
South Australia Police Non-urgent police assistance Ph: 131 444 www.sapolice.sa.gov.au	Department for Education and Child Development www.families.sa.gov.au/childsafes Ph: 131 478
Tasmania	
Tasmania Police Non-urgent police assistance Ph: 131 444 www.police.tas.gov.au	Department of Health and Human Services www.dhhs.tas.gov.au/children Ph: 1300 737 639
Victoria	
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 www.police.vic.gov.au	Department of Human Services www.dhs.vic.gov.au Ph: 131 278
Western Australia	
Western Australia Police Non-urgent police assistance Ph: 131 444 www.police.wa.gov.au	Department for Child Protection and Family Support www.dcp.wa.gov.au Ph: (08) 9222 2555 or 1800 622 258