



# Netball Australia CHILD SAFEGUARDING POLICY

1 January 2023

## NETBALL AUSTRALIA CHILD SAFEGUARDING POLICY

*Netball Australia pays respect to the traditional custodians of our ancient continent, Aboriginal and Torres Strait Islander peoples, we honour their continuing connection to country and their custodianship of the world's oldest living culture.*

*Where relevant, in this Policy – reference to Netball Australia includes Suncorp Super Netball.*

*Netball Australia acknowledges the guidance of Sport Integrity Australia and template policy documents used in the preparation of this Policy.*

*Netball Australia's Purpose: We are the ultimate team sport. Netball is the place to belong, be your best and be bold.*

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## A. Purpose

Netball Australia (**NA**), each of the Netball Organisations (which includes the Member Organisations and SSN Clubs) and Affiliates (which includes all Associations, Clubs and Authorised Providers), together **the Relevant Organisations**, have a zero-tolerance policy to child abuse and neglect in any form.

Each of the Relevant Organisations are committed to safeguarding and promoting the welfare of Children in Netball by providing a safe and inclusive environment and by ensuring that everyone involved in Netball is educated and informed of their responsibilities to protect and look after Children.

All Children have the right to feel safe and protected from all forms of abuse, harm, and neglect. Children have the right to take part in sport in a safe, positive, and enjoyable environment.

Each of the Relevant Organisations aim to create and maintain an inclusive, child-safe environment that is understood, endorsed, implemented, and adhered to by everyone involved in Netball.

This Policy is part of Netball's proactive and preventative approach to upholding its commitment to the safety, wellbeing, participation and empowerment of all Children who participate in Netball.

This Policy seeks to ensure that everyone involved in Netball are aware of their rights and responsibilities in relation to Children. This Policy sets out the standards of behaviour expected of those involved in Netball and the behaviours that are not acceptable ('Prohibited Conduct').

This Policy imposes obligations on Relevant Organisations and Relevant Persons in relation to responding to allegations of Prohibited Conduct, including by reporting suspected Child Abuse to the appropriate authorities, and to implementing a commitment to child safety and child-safe practices, including recruitment and screening of Relevant Persons (where applicable).

This Policy recognises that Relevant Child Protection Legislation is in place, and that each of the Relevant Persons and Relevant Organisations must comply with these requirements.

## B. Scope and Exclusions

This Policy applies to Relevant Persons and Relevant Organisations.

Where a complaint, incident or matter arises which may be dealt with under this Policy, then it is to be resolved in accordance with the processes in the Policy, to the exclusion of all other disciplinary or grievance policies or processes of the Relevant Organisation, unless otherwise provided for by this Policy.

For the avoidance of doubt, this means that where a complaint relates to Child Safety and falls within the scope of this Policy, this Policy will prevail and any such complaint shall be dealt with in accordance with this Policy.

## C. Definitions

Defined terms not otherwise defined in this Policy have been defined in, and have the meaning given to them in the Netball Integrity Policy Framework, Conduct and Disciplinary Policy.

In this Policy, the following definitions apply:

**Abuse** means any type of abuse (including physical, emotional, psychological, sexual, and inappropriate use of power) that has caused, is causing or is likely to cause harm to a person's wellbeing, whether in person or as the result of a publication viewable by any other person by any means. See Appendix 1 of the Member Protection Policy for examples.

**Activity** means a netball contest, Match, competition, event (which for the avoidance of doubt includes any awards presentation, season launch, and other events conducted by NA or a Netball Organisation), or activity, including training, whether on a one-off basis or as part of a series, league or competition, sanctioned or organised by NA or a Netball Organisation.

**Affiliate** means:

- a) **Associations**, which means any netball association that is not a Netball Organisation that conducts Activities and is affiliated to a MO;
- b) **Clubs**, which means any netball club that is not a Netball Organisation that enters a team to participate in an Activity and is affiliated to an Association and/or MO;
- c) **Authorised Provider**, which means any non-MO authorised to conduct Activities sanctioned by NA or a Netball Organisation;
- d) any other netball Organisation who has agreed to be bound by the Policies, and has notified NA or an MO in writing.

**Affiliate Person** means any Individual Member that is not a Participant and is registered with an Affiliate.

**ANC** means the Australia Netball Championships and any subsequent or successor competition substantially similar to the Australia Netball Championships that is conducted by NA.

**ANPA** means Australia Netball Players' Association.

**Athlete** includes any person who:

- a) holds any playing Contract with NA as a member of an Australian Representative Squad);
- b) holds a playing Contract with an SSN Club;
- c) holds a playing Contract with an SSN Club or MO to participate in the ANC;
- d) holds a playing Contract with an SSN Club or MO to participate in the NNC; and
- e) holds a playing Contract to participate in any other Activity that is sanctioned and/or controlled by NA.

**Athlete Support Personnel** includes any coach, trainer, team manager, player agent, selector, team staff, official, doctor, physiotherapist, dietitian or other health related advisor and any other person employed by, contracted to, representing or otherwise affiliated to a team or squad that is chosen to represent NA or a Netball Organisation in an Elite Program, including any match in that Elite Program.

**Bullying** means a person or group of people repeatedly and intentionally using words or actions, or the inappropriate use of power, against someone or a group of people to cause distress and risk to their wellbeing. See Appendix 1 of the Member Protection Policy for examples.

**Business Day** means a day on which banks are open for general banking business in the state or territory where the Relevant Organisation is located, excluding Saturdays and Sundays and gazetted public holidays.

**Child** or **Children** means a child or young person, or two or more children or young persons, who is or are under the age of 18 years.

**Child Abuse** has the meaning given to it in Appendix 1 and includes the following as outlined in that Appendix:

- a) Physical Abuse;
- b) Emotional or Psychological Abuse;
- c) Sexual Abuse;
- d) Neglect; and
- e) Exposure to Family Violence.

In South Australia, Child Abuse also includes Harm as defined in the Safety Act.

**Child Safe Commitment** refers to Relevant Organisations' commitment to child safety in netball, as outlined in Appendix 3.

**Child Safe Practices** refers to the child safety requirements and practices adopted and implemented by Relevant Organisations to help ensure the safety of Children participating in a netball Activity as outlined in Appendix 4.

**Contractor** means any person or organisation engaged to provide services for or on behalf of NA or Netball Organisation, who is not an Athlete Support Personnel, and includes agents, advisors and subcontractors of NA or a Netball Organisation and employees, officers and agents of a contractor or subcontractor.

**Contract** includes the Standard Player Contract, Standard Training Partner Contract, Permanent Replacement Player Contract, the Scholarship Contract, Employment Agreement, Contractor Agreement, Participation Agreement or any other agreement between the Participant and NA or Netball Organisation.

**Director** means each member of the NA Board and each member of any Netball Organisation Board as the case may be.

**Elite Program** means the following:

- a) Australian representative squads (Australia Netball Diamonds squad, Australian Development Squad, Australian 21/U squad and any other Australian program determined by NA from time to time, the **Australian Representative Squads**);
- b) SSN competition, including pre-season matches and training programs;
- c) ANC, including pre-season matches and training programs;
- d) NNC, including pre-season matches and training programs;
- e) competition or tournament played by a MO team, SSN Club team or invitational representative Australian team against a touring international team in Australia that is sanctioned and/or controlled by NA.

**Employee** means a person employed by NA or a Netball Organisation who is not an Athlete Support Personnel.

**Grooming** refers to the process by which an adult establishes a trusting relationship with a child and those associated with the child's care and wellbeing, to create an environment in which abuse can occur.

**Harassment** means any type of behaviour towards a person that they do not want and that is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment. See Appendix 1 of the Member Protection Policy for examples.

**Harm** as defined in section 17 of the *Children & Young People (Safety) Act 2017 (SA)* (the **Safety Act**), means physical or psychological harm (whether caused by an act or omission), including harm caused by sexual, physical, mental or emotional abuse or neglect.

**Match** means a netball match of any format and duration in length in which two netball teams compete against each other, played anywhere in the world.

**Match Delegate/Technical Official/Match Official** means any person holding that role, from time to time, in respect of any Match.

**Member** means a member or NA or MO under its constitution, including:

- a) each MO;
- b) any Affiliate that is a member of an MO;
- c) **Individual Members**, which means individuals who are individuals registered with an MO.

**Misconduct with a Child** means any behaviour involving a Child that is objectively age inappropriate and/or places the Child at risk of harm.

**MO** means each of the NA member organisations, being:

- a) ACT Netball Association Incorporated (**Netball ACT**);
- b) The New South Wales Netball Association Limited (**Netball NSW**);
- c) Netball NT Incorporated (**Netball NT**);
- d) Netball Queensland Limited (**Netball Queensland**);
- e) South Australia Netball Association Incorporated (**Netball SA**);
- f) Tasmania Netball Association Incorporated (**Netball Tasmania**);
- g) Victoria Netball Association Incorporated (**Netball Victoria**); and
- h) Netball WA (Incorporated) (**Netball WA**).

**MPP** means Netball's Member Protection Policy.

**NA Board** means the NA Board of Directors.

**Netball** means the sport of netball, as governed by NA and WN from time to time, and a reference to Netball means collectively NA, Netball Organisations and Affiliates.

**Netball Organisation** means each MO and SSN Club.

**Netball Organisation Board** means each Board of Directors of the Netball Organisation.

**NNC** means the National Netball Championships and any subsequent or successor competition substantially similar to the National Netball Championships that is conducted by NA.

**NA** means Netball Australia Limited.

**NA CEO** means the person holding that position at NA from time to time, including any person acting in that position.

**NA Head of Integrity** means the person holding that position at NA from time to time, including any person acting in that position.

**Non Member Person** means:

- a) any parent or guardian of a Relevant Person; and/or
- b) any person attending or associated with an Activity.

**Participant** means an Athlete, Athlete Support Personnel, Contractor, Employee, Director, Match Delegate/Technical Official/Match Official, Umpire or Umpire Support Personnel.

**Prescribed Position** means a position:

- a) in which a person works, or in the ordinary course of his or her duties, it is reasonably foreseeable that a person in that position will work, with children and/or young people; or
- b) set out in the [Prohibited Persons Regulations 2019 \(SA\) \(PDF 120 KB\)](#).

**Prohibited Persons Act** means the *Child Safety (Prohibited Person) Act 2016* (SA), being the South Australian Legislation regarding Working with Children Check Requirements.

**Prohibited Conduct** means the conduct proscribed at clause 3 of this Policy.

**Recruitment and Screening** means the child safety recruitment and screening requirements adopted and implemented by Relevant Organisations to help ensure the safety of Children participating in netball, as outlined in Appendix 5.

**Relevant Child Protection Legislation** means all state/territory child protection legislation as amended from time to time, a summary of which is available [at](#) each of the State/Territory child protection agency websites.

**Relevant Organisation** means any of the following organisations:

- a) NA;
- b) Netball Organisations;
- c) Affiliates.

**Relevant Person** means any of the following persons:

- a) Affiliate Person;
- b) Participant;
- c) Volunteer, which means any person engaged by NA or Netball Organisation in any capacity who is not otherwise a Participant;
- d) Non-Member Person;
- e) any other person who has agreed to be bound by the Policies, and has notified NA.

**Risk** applies in South Australia, and is defined in Section 18 of the Safety Act. This includes that a child or young person will be taken to be at risk if:

- a) the Child or Young Person has suffered Harm (being Harm of a kind against which a Child or Young Person is ordinarily protected); or
- b) there is a likelihood that the Child or Young Person will suffer Harm (being Harm of a kind against which a Child or Young Person is ordinarily protected).

**Serious Criminal Conduct** means any of the following:

- a) Sexual Offences;
- b) Child Abuse;
- c) the use, possession or trafficking of Illegal Drugs as defined in the Sports Medicine Policy;
- d) any criminal conduct deemed serious enough to warrant escalation to NA and the Netball Organisation.

**Sexual Misconduct** means:

- a) **Sexual Harassment**, which is any unwanted or unwelcome sexual behaviour where a reasonable person would anticipate the possibility that the person being harassed would feel offended, humiliated, or intimidated; and
- b) **Sexual Offences**, which includes any criminal offence involving sexual activity or actions of indecency.

See Appendix 1 of the Member Protection Policy for examples.

**Sexual Offence** means a criminal offence involving sexual activity or actions of indecency. This can include but is not limited to:

- a) rape;
- b) indecent assault;
- c) sexual assault
- d) assault with intent to have sexual intercourse;
- e) incest;
- f) sexual penetration of Child under the age of 16;
- g) indecent act with Child under the age of 16;
- h) sexual relationship with Child under the age of 16;
- i) sexual offences against people with impaired mental functioning;
- j) abduction and detention;
- k) procuring sexual penetration by threats of fraud;
- l) procuring sexual penetration of a Child under the age of 16;
- m) bestiality;
- n) soliciting acts of sexual penetration or indecent acts;
- o) promoting or engaging in acts of Child prostitution;
- p) obtaining benefits from Child prostitution;
- q) possession of Child pornography; and
- r) publishing Child pornography and indecent articles

**SSN** means the Suncorp Super Netball competition or such other name given to that competition by NA.

**SSN Clubs** means the Australia Netball teams owned by Team Owners that have been granted licences to participate in the SSN competition by NA in accordance with the terms of a Team Participation Agreement which are:

- a) NSW Swifts;
- b) Giants Netball;
- c) Queensland Firebirds;
- d) Adelaide Thunderbirds;
- e) Melbourne Vixens;
- f) West Coast Fever;
- g) Collingwood Magpies Netball; and
- h) Sunshine Coast Lightning.



**Team** means any team of a Netball Organisation that is participating in an Activity and/or that Contracts a Participant.

**Umpires** includes any person who:

- a) holds an umpire contract (permanent or casual) with NA; or
- b) enters into a participation agreement with NA in respect of a Pathways Program.

**Umpires Support Personnel** includes any person is appointed by NA to support the role of Umpires in the Elite Programs.

**Unlawful Discrimination** includes:

- a) Direct Discrimination, when a person or group of people is treated less favourably than another person or group, because of a personal characteristic; and
- b) Indirect Discrimination, when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share, where such personal characteristic is protected by applicable anti-discrimination legislation.

See Appendix 1 of the Member Protection Policy for examples.

**Victimisation** means subjecting a person, or threatening to subject a person, to any unfair treatment because the person has made, or intends to pursue their right to make, a complaint or lawful disclosure, including under applicable legislation or this Policy, or for supporting another person to take such action. See Appendix 1 of the Member Protection Policy for examples.

**Vilification** means a public act, conduct or behaviour that incites hatred, serious contempt for, or revulsion or severe ridicule of, a person or group of people because of a particular characteristic they hold, as covered by applicable legislation, including their race or religion, or homosexuality, transgender, or HIV/AIDS status. See Appendix 1 of the Member Protection Policy for examples.

**Vulnerable Person** means a person who is (a) under the age of 18; or (b) aged 18 or over but is or may be unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability or any other reason.

**WN**, formally the International Netball Federation, means the international federation recognised by the International Olympic Committee or the General Assembly of International Sports Federations as the entity responsible for governing netball internationally.

**WN Rules & Regulations** means the Rules and Regulations of WN.

**WWCC** means a 'Working with Children Check' (however named) under the applicable legislation of a State or Territory, see Appendix 6 for each relevant State or Territory authority.

## D. Other Related Policies and Documents

The following policies and documents also apply to the application of this Policy and must be adhered to at all times:

- i) Netball Integrity Policies; and
- ii) Netball Integrity Policy Framework, Conduct and Disciplinary Policy.

## 1. When this Policy Applies

- 1.1. All Relevant Persons and Relevant Organisations to which this Policy applies must comply with this Policy (at all times whilst they are a Relevant Person or Relevant Organisation), including:
  - 1.1.1. in relation to any dealings they have with a Child arising from the Relevant Person's, Relevant Organisation's, or the Child's involvement in any capacity with netball;
  - 1.1.2. in relation to any dealings in relation to a Child that they might have with a Relevant Organisation or Relevant Persons;
  - 1.1.3. when dealing with a Child or other Relevant Person or Relevant Organisation in their capacity as a Relevant Person or Relevant Organisation; and
  - 1.1.4. in relation to their Membership or standing as a Relevant Person or Relevant Organisation in general.
- 1.2. The following is **not** within the scope of this Policy:
  - 1.2.1. interactions involving a Relevant Person and a Child where there is no direct or indirect link to netball or a Relevant Organisation<sup>1</sup>.

## 2. Requirements of Relevant Persons and Organisations

- 2.1. Relevant Persons must always:
  - 2.1.1. comply with the requirements of Responding to Child Abuse Allegations in Appendix 2;
  - 2.1.2. comply with the Child Safe Practices as set out in Appendix 4;
  - 2.1.3. report any concerns or allegations of Prohibited Conduct involving any Relevant Person or Relevant Organisation;
  - 2.1.4. provide true and accurate information during Recruitment & Screening;
  - 2.1.5. comply with all obligations that they are subject to under the Relevant Child Protection Legislation; and
  - 2.1.6. comply with all legislative obligations that they are subject to in relation to reporting of suspected Child Abuse or a WWCC<sup>2</sup>.
- 2.2. Relevant Organisations must:
  - 2.2.1. adopt, implement, and comply with the:
    - 2.2.1.1. Child Safe Commitment;
    - 2.2.1.2. Child Safe Practices; and
    - 2.2.1.3. Recruitment & Screening,including reviewing and amending those requirements in accordance with all relevant laws;
  - 2.2.2. as a minimum requirement, meet the requirements of the relevant state or territory WWCC laws, however may mandate WWCC in

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<sup>1</sup> Such as a pre-existing personal or family relationship.

<sup>2</sup> See Appendix 6 of this Policy for each relevant State or Territory WWCC authority. [Australian child protection legislation | Australian Institute of Family Studies \(aifs.gov.au\)](https://www.aifs.gov.au/australian-child-protection-legislation)

circumstances where the requirements of the relevant state or territory permit (but do not mandate);

- 2.2.3. comply with the 'Responding to Child Abuse Allegations' in Appendix 2;
- 2.2.4. use best efforts to assist Relevant Persons to fulfil their responsibilities under this Policy;
- 2.2.5. recognise any Sanction imposed under this Policy; and
- 2.2.6. take all necessary steps to:
  - 2.2.6.1. enforce any Sanction imposed under this Policy and the Netball Integrity Policy Framework, Conduct and Disciplinary Policy; and
  - 2.2.6.2. procure compliance with the 'Responding to Child Abuse Allegations' in Appendix 2.

### 3. Prohibited Conduct

- 3.1. A Relevant Person or Relevant Organisation commits a breach of this Policy when:
  - 3.1.1. they, either alone or in conjunction with another or others, engage in any of the following conduct against, or in relation to, a Child or Children in the circumstances outlined in clause 0:
    - 3.1.1.1. Child Abuse;
    - 3.1.1.2. Grooming;
    - 3.1.1.3. Misconduct with a Child;
    - 3.1.1.4. request or infer that the Child keep any communication secret from their parents, guardian, carer, or other Relevant Person such as a coach or administrator, or Relevant Organisation;
    - 3.1.1.5. supply alcohol, or drugs (including tobacco) to a Child;
    - 3.1.1.6. supply medicines, except when permitted by law or with the consent of the parent, guardian, or carer of the Child and under a valid prescription for that Child and at the prescribed dosage; or
    - 3.1.1.7. commit any act that would constitute Prohibited Conduct under the MPP;
  - 3.1.2. there is a breach of a requirement imposed under clause 2, or clauses 2.2.1, 2.2.2, 2.2.3 or 2.2.6.2;
  - 3.1.3. they are involved in or have knowledge of and do not report a breach of clauses 3.1.1 or 3.1.2; or
  - 3.1.4. they have engaged in an attempt to breach of sub-clauses 3.1.1 to 3.1.1.7.

### 4. Reporting

- 4.1. **MANDATORY REPORTING:** Relevant Person's must, as a minimum requirement, meet the mandatory reporting requirements of the Relevant Child Protection Legislation.
- 4.2. Where a Relevant Organisation becomes aware of an Alleged Breach and the information known about that Alleged Breach is such that it would cause a

reasonable person to suspect that a Child is, or is at risk of, being abused and/or neglected:

- 4.2.1. the Relevant Organisation must comply with, and procure compliance with, the requirements of Responding to Child Abuse Allegations in Appendix 2; and
- 4.2.2. no further action under the Netball Integrity Policy Framework, Conduct and Disciplinary Policy in relation to that Alleged Breach, except Provisional Action or Assessment, should occur until the obligations in 4.2.1 are complied with.

## 5. Netball Integrity Policy Framework, Conduct and Disciplinary Policy

- 5.1 The Netball Integrity Policy Framework, Conduct and Disciplinary Policy applies to any alleged Prohibited Conduct, including reports of breaches, of this Policy.
- 5.2 The Relevant Organisations will have regard to the guide entitled “Complaint Handling Guide: Upholding the rights of children and young people” issued by the National Office for Child Safety in managing Complaints made on behalf of or involving Vulnerable Persons, currently available at Complaint Handling Guide: Upholding the rights of children and young people (pmc.gov.au), or such other guide that may replace it.
- 5.3 When interpreting this Policy, any provisions inconsistent with the Netball Integrity Policy Framework, Conduct & Disciplinary Policy apply to the extent of that inconsistency.

END

<b>Reference Number:</b>	INT011
<b>Policy:</b>	Child Safeguarding Policy
<b>Commencement Date:</b>	1 January 2023
<b>Author:</b>	NA Head of Integrity
<b>Owner:</b>	Business
<b>Approval Level:</b>	NA Board
<b>Date Last Reviewed:</b>	N/A
<b>Scheduled Review Date:</b>	Annually
<b>Supersedes:</b>	Child Safety Code of Conduct (INT011) Child Safety Policy (INTEG11) Child Safety Procedures (INT011)

## Appendix 1: Child Abuse Definitions

**Child Abuse** is the mistreatment of a Child that:

- causes, is causing or is likely to cause any detrimental effect so that a Child's physical, psychological, or emotional wellbeing; or
- does, or is likely to, endanger that a Child's physical or emotional health, development, or wellbeing,

whether through a:

- single act, omission, or circumstance; or
- series or combination of acts, omissions, or circumstances,

and includes:

1. **Physical Abuse** which occurs when a person subjects a Child to application of physical force, which may cause injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a Child. Physically abusive behaviour includes, but is not limited to:
  - shoving, hitting, slapping, shaking, throwing, punching, biting, burning, kicking; and
  - harmful training methods or overtraining where there is the potential to result in damage to a Child's physical development.
2. **Emotional or Psychological Abuse** which occurs when a Child does not receive the love, affection, or attention they need for healthy emotional, psychological, and social development or are exposed to violence/abuse against other Children or adults. Such abuse may involve:
  - repeated rejection or threats to a Child;
  - constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule, intentional exclusion, continual coldness, and rejection;
  - Bullying and Harassment;
  - harmful training methods or overtraining where there is the potential to result in damage to a Child's physical, intellectual, or emotional wellbeing and development.
3. **Sexual Abuse** which occurs when an adult, or a person in authority (i.e. older, or younger but more physically or intellectually developed) involves a Child in any sexual activity. A child cannot provide consent, therefore even if 'consent' is given, it still constitutes sexual abuse.

Perpetrators of sexual abuse take advantage of their power, authority, or position over the Child for their own benefit. It can include making sexual comments to a Child, kissing, touching a Child's genitals or breasts, oral sex, or intercourse with a Child.

Sexual exploitation is a form of Sexual Abuse and occurs when Children are forced into or involved in sexual activities that are then unlawfully recorded in some way, or recorded without the consent of one or more parties, or used to produce child sexual abuse material. Such material can be in the form of photographs or videos, whether published or circulated on the internet or social media. Encouraging a Child to view pornographic videos, websites, or images, or engaging a Child to participate in sexual conversations over social media or otherwise is also considered sexual exploitation.

4. **Neglect** which is the persistent failure or deliberate failure or denial to meet a Child's basic needs. Child Neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention, or supervision to the

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extent that the Child's health and development is or is likely to be harmed. Types of neglect include physical, medical, emotional, educational neglect and abandonment.

- 5. Exposure to Family Violence** which is any abusive behaviour used by a person in a relationship to gain and maintain control over their partner or ex-partner. It can include a broad range of behaviour that causes fear and physical and/or psychological harm. If a Child is living in a household where there have been incidents of domestic violence, then they may be at risk of significant physical and/or psychological harm.



## Appendix 2: Responding to Child Abuse Allegations

### You must ACT.

As a person involved in Netball you play a crucial role in protecting Children. You must follow the four actions set out below when responding to any Child Abuse allegations.

#### Action 1 - Responding

If a Child is at risk of immediate harm you must ensure their safety by:

- Calling 000 for medical and/or police assistance to respond to urgent health or safety concerns;
- Administering first aid, if required;
- Separating at-risk Child and others involved;
- Identifying an appropriate contact person for any on-going liaison with the Police.

If there is no immediate harm go to Action 2 below.

#### Action 2 - Reporting

If you suspect, on reasonable grounds that a Child was, is, or is at risk of being abused and/or neglected, you must report it to the police and/or the relevant State/Territory child protection agency.

If the alleged Child Abuse is occurring in a Relevant Organisation, it must be documented on the Report Form found in the Netball Integrity Policy Framework, Conduct and Disciplinary Policy.

You must also report internally to your designated contact in your Relevant Organisation (including the CEO and Board), who then needs to report to the NA Integrity Team. The NA CEO and NA Board must be advised by the Relevant Organisation and/or the NA Integrity Team.

NA Integrity:

Nicole Malcher, Head of Integrity

Ph: 03 8621 8600

Email: [integrity@netball.com.au](mailto:integrity@netball.com.au)

#### Action 3 - Contact

You must contact the police and/or the relevant child protection agency to determine the information that may be shared with parents/guardians, and who should lead this contact (i.e. police, child protection department or Relevant Organisation representative). This could include advice:

1. Not to contact the parents or guardians in circumstances where they are alleged to have engaged in the abuse.
2. To contact the parents/guardians and provide agreed information as soon as possible.

#### Action 4 - Support

- Support should be provided to any Child that has experienced abuse.
- It is important that the person providing support to the Child does not attempt to provide support which is outside of the scope of their role.

- Support should include maintaining a calm open manner when listening to any allegations and disclosures, while avoiding seeking detailed information or asking leading questions.
- This information needs to be well documented and shared with the Relevant Organisation's designated contact.
- Further support for the Child, relevant adults and others involved may be required, including a referral to wellbeing or healthcare professionals and or the development of a safety plan.

## CONTACT DETAILS FOR ADVICE OR TO REPORT CHILD ABUSE ALLEGATIONS

**If a Child is at risk of immediate harm call '000'**

<b>ACT</b>	
<b>ACT Police</b> Non-urgent police assistance Phone: 131 444 Website: police.act.gov.au	<b>Child and Youth Protection Services</b> <a href="http://act.gov.au">Report Child Abuse and Neglect - Community Services (act.gov.au)</a> Phone: 1300 556 728
<b>NSW</b>	
<b>New South Wales Police</b> Non-urgent police assistance Phone: 131 444 Website: police.nsw.gov.au	<b>Department of Family and Community Services</b> <a href="http://nsw.gov.au">Family &amp; Community Services (nsw.gov.au)</a> Phone: 132 111
<b>NT</b>	
<b>Northern Territory Police</b> Non-urgent police assistance Phone: 131 444 Website: pfes.nt.gov.au	<b>Territory Families</b> <a href="http://NT.GOV.AU">Report child abuse   NT.GOV.AU</a> Phone: 1800 700 250
<b>Queensland</b>	
<b>Queensland Police</b> Non-urgent police assistance Phone: 131 444 Website: police.qld.gov.au	<b>Department of Child Safety, Youth and Women</b> <a href="http://www.qld.gov.au">Reporting child abuse   Community support   Queensland Government (www.qld.gov.au)</a> Phone: Business Hours: your relevant Regional Intake Service - Find your regional number here: <a href="http://cyjma.qld.gov.au">Regional Intake Services - Department of Children, Youth Justice and Multicultural Affairs (cyjma.qld.gov.au)</a> After hours: 1800 177 135
<b>Tasmania</b>	
<b>Tasmania Police</b> Non-urgent police assistance Phone: 131 444 Website: police.tas.gov.au	<b>Department of Communities</b> <a href="http://communities.tas.gov.au">Communities Tasmania - Children, Youth and Families</a> Phone: 1800 000 123
<b>Victoria</b>	



<p><b>Victoria Police</b>  Non-urgent police assistance  Phone: 131 444  Website: police.vic.gov.au</p>	<p><b>Department of Human Services</b>  <a href="#">Reporting child abuse - DFFH Services</a>  Phone: Business hours – phone your relevant regional Intake Centre.  Find your regional number here:  <a href="#">Child protection contacts - DFFH Services</a>  After hours: 131 278</p>
<p><b>WA</b></p>	
<p><b>Western Australia Police</b>  Non-urgent police assistance  Phone: 131 444  Website: police.wa.gov.au</p>	<p><b>Department of Communities – Child Protection and Family Support</b>  <a href="#">Child protection (www.wa.gov.au)</a>  Phone:  Business Hours: 1800 273 889  After hours: (08) 9223 1111</p>
<p><b>SA</b></p>	
<p><b>South Australia Police</b>  Non-urgent police assistance  Phone: 131 444  Website: police.sa.gov.au</p>	<p>Department of Child Protection  <a href="#">Reporting child abuse   Department for Child Protection</a>  Phone: 131 478</p>

## Appendix 3: Child Safe Commitment Statement

Each of the Relevant Organisations are committed to ensuring the safety and wellbeing of all Children that are involved in Netball. Our policies and procedures seek to address risks to Child safety and to establish practices and a culture for safeguarding Children.

### 1. We are committed to keeping Children safe

- (a) Through our Child Safeguarding Policy, we document our clear commitment to keeping Children safe from abuse and neglect.
- (b) The Relevant Organisations take a risk-based approach to ensuring that Activities are Child safe and will undertake regular risk assessments, including for Activities that may involve contact with Children. These risk assessments will consider the following: contact with Children and levels of supervision, risk factors, mitigation factors and management strategies.
- (c) We communicate our commitment to all our staff and volunteers and give them access to a copy of our commitment statement.

### 2. We promote equity and respect diversity

- (a) We actively anticipate Children's diverse circumstances and respond effectively to those with additional vulnerabilities.
- (b) We give all Children access to information, support, and a complaints process.
- (c) We consider the needs of all Children, particularly Aboriginal and Torres Strait Islander Children, Children with a disability, LGBTQI Children and Children from culturally and linguistically diverse backgrounds.

### 3. We involve Children

- (a) We will seek to consider and involve Children in decisions that affect them and providing them with information about their rights. We will do this by a number of mechanisms which may include:
  - 1. establishing a Youth Advisory Committee/Youth representative position on committees and boards;
  - 2. obtaining feedback from Children through surveys or focus groups;
  - 3. providing a Child-friendly version of the Child Safeguarding Policy and other procedures; and
  - 4. displaying child-friendly posters about Children's rights and how to raise a concern at local sports clubs/venues.

### 4. Our staff and volunteers know the behaviour we expect

- (a) We ensure that each person involved in our delivery of services to Children understands their role and the behaviour we expect in relation to keeping Children safe from abuse and neglect through application of our Child Safe Practices.
- (b) We utilise clear position descriptions which clearly state relevant Child safe requirements.
- (c) We have Child Safe Practices, which are approved and endorsed by Sport Integrity Australia and the NA Board that outlines our expectations for behaviour towards Children.
- (d) Our staff and volunteers are given a copy of and have access to the Child Safe Practices.

- (e) Our staff and volunteers acknowledge (as far as practicable), in writing, that they have read and are committed to the Child Safe Practices.

**5. We minimise the likelihood of recruiting a person who is unsuitable**

- (a) We have appropriate measures in place to minimise the likelihood that we will recruit staff or volunteers who are unsuitable to work/volunteer with Children.
- (b) We will meet the requirements of the relevant state or territory WWCC regulations.

**6. Induction and training are part of our commitment**

- (a) We will provide all new staff, volunteers, and participants with information about our commitment to Child Safety including our Child Safeguarding Policy, Child Safe Practices and Responding to Child Abuse Allegations.
- (b) We support ongoing education and training for our staff and volunteers to ensure child safety information is provided and updated as required.
- (c) We ensure that our staff and volunteers have up-to-date information relevant to specific legislation applying in the state or territory they are based in or where they may travel to as a part of their duties.
- (d) We will also:
  - 1. undertaking regular performance appraisals;
  - 2. appointing a Child Safety Officer;
  - 3. provide access to online resources about issues concerning Child safety and wellbeing; and
  - 4. providing professional development opportunities to build knowledge and skills regarding the wellbeing and development of Children.

**7. We encourage the involvement of Children and their parents**

- (a) We involve and communicate with Children and their families in developing a safe, inclusive, and supportive environment. We will provide information to Children and their parents/carers (such as brochures, posters, handbooks, guidelines) about:
  - 1. our commitment to keeping Children safe and communicating their rights;
  - 5. the behaviour we expect of our staff and volunteers and of themselves;
- (b) our policy about responding to Child Abuse.
- (c) We have processes for encouraging two-way communication with Children and families.
- (d) We seek their feedback and have a process for responding.
- (e) We respect diversity and seek to facilitate effective communication and involvement.

**8. Our staff and volunteers understand their responsibility for reporting child abuse**

- (a) Our policy for responding to child abuse is approved and endorsed by the NA Board and applies to all our staff and volunteers. Staff and volunteers must:
  - 1. immediately report abuse or neglect and any concerns with policies, practices or the behaviour of staff and volunteers;

2. meet any legislated mandatory or other jurisdictional reporting requirements;
  3. follow a specified process when reporting abuse or neglect.
- (b) Our staff and volunteers are given a copy of and have access to the Complaints, Disputes and Discipline Policy and understand the implications of the policy for their role.
- (c) We document any allegation, disclosure or concern regarding child abuse and monitor responses to all allegations, disclosures, or concerns.

**9. We maintain and improve our policies and practices**

- (a) We are committed to maintaining and improving our policies, procedures, and practices to keep Children safe from neglect and abuse.
- (b) We have assigned responsibility for regularly maintaining and improving our policies and procedures to (insert name or person or group).
- (c) We monitor our staff, volunteers, and external providers to ensure appropriate practice, behaviour and policies are followed.
- (d) We require our staff and volunteers to disclose convictions or charges affecting their suitability to work with Children. We review police record and WWCC checks regularly.
- (e) We have formally reviewed our service delivery to identify and document potential risks to Children.
- (f) We undertake formal reviews, at least annually, to identify and document potential risks to Children associated with our service delivery.

**10. We make information accessible**

- (a) We are committed to promoting a Child-safe sporting environment. We do this by:
1. having a dedicated, easy to access child-safe area on the NA website;
  2. through the Netball Organisations, provide information about the Child Safeguarding Policy, Child Safe Practices and Recruitment and Screening requirements as part of membership and event registration, Affiliation agreements and accreditation programs;
  3. utilising social media channels to promote the Child Safeguarding Policy and the value that netball places on Child safety; and
- (b) displaying posters about Child Safe Practices and how to make a complaint or provide feedback at local sports clubs/venues.

## Appendix 4: Child Safe Practices

Each of the Relevant Organisations are committed to safeguarding everyone involved in our organisation including Children in Netball's care, ensuring that they feel and are safe. These Child Safe Practices has been developed to identify and prevent behaviour that may be harmful to the Children in Netball.

A breach of the Child Safe Practices is a breach of the Child Safeguarding Policy and will be managed by the Netball Integrity Policy Framework, Conduct and Disciplinary Policy.

There may be exceptional situations where aspects of the Child Safe Practices do not apply, for example in an emergency it may be appropriate to physically restrain a child. However it is crucial that, where possible, you seek authorisation prior to taking action that does not comply with these standards or that you notify a Relevant Organisation as soon possible after any incident in which these standards are not complied with.

### 1. Sexual misconduct

- (a) Under no circumstances is any form of 'sexual behaviour' to occur between, with, or in the presence of Children.
- (b) 'Sexual behaviour' needs to be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:
  - 1. 'contact behaviour', such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution; and
  - 2. 'non-contact behaviour', such as flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

### 2. Professional boundaries

- (a) Relevant Persons must act within the scope of their role (as specified in their position description or contract) when working with Children who are involved or have been involved in Netball. They must not:
  - 1. provide any form of support to a child or their family unrelated to the scope of their role, where there is no existing social, personal, or family relationship (e.g. financial assistance, babysitting, provide accommodation);
  - 2. retain on their personal phone, camera, or video camera images of Children taken as part of their role - any images should be stored on the Relevant Organisation's files and deleted from any personal device as soon as practicable;
  - 3. exhibit any type of favouritism towards a Child;
  - 4. transport Children unless specifically approved;
  - 5. give gifts/presents to Children other than the provision of official awards;
  - 6. engage in open discussions of a mature or adult nature in the presence of Children;
  - 7. discriminate against any Child, including on the basis of gender identity, culture, race, or disability;

8. have one on one contact with a Child outside of authorised sport activities (includes direct contact such as in-person as well as indirect, such as by phone, or online); or
  9. accept an invitation to attend any private social function at the request of a Child or their family, where there is no existing social, personal, or family relationship.
- (b) If Relevant Persons become aware of a situation in which a Child requires assistance that is beyond the confines of that person's role, they should undertake any or all of the following at the earliest opportunity:
1. refer the matter to an appropriate support agency;
  2. refer the Child to an appropriate support agency;
  3. contact the Child's parent or guardian;
  4. seek advice from a Relevant Organisation.

### 3. Use of language and tone of voice

Language and tone of voice used in the presence of Children should:

- (a) provide clear direction, boost their confidence, encourage, or affirm them;
- (b) not be harmful to Children. In this respect, not use language that is:
  1. discriminatory, racist, or sexist;
  2. derogatory, belittling, or negative, for example, by calling a Child a 'loser' or telling them they are 'too fat';
  3. intended to threaten or frighten; or
  4. profane or sexual.

### 4. Positive guidance (Discipline)

- (a) Children participating in Netball will be made aware of the acceptable limits of their behaviour so that we can provide a positive experience for all participants.
- (b) Relevant Persons and Relevant Organisations must use appropriate techniques and behaviour management strategies to ensure:
  1. an effective and positive environment; and
  2. the safety and/or wellbeing of Children and personnel participating in sport.
- (c) Relevant Persons and Relevant Organisations must use strategies that are fair, respectful, and appropriate to the developmental stage of the Children involved.
- (d) Children need to be provided with clear directions and given an opportunity to redirect their behaviour in a positive manner.
- (e) Under no circumstances are Relevant Persons or Relevant Organisations to take disciplinary action involving physical punishment or any form of treatment that could reasonably be considered as degrading, cruel, frightening or humiliating.

### 5. Supervision

- (a) Children participating in Netball programs and services must always be supervised. Supervision must be constant, active, and diligent and requires

Relevant Persons to always be in a position to observe each Child, respond to individual needs and immediately intervene if necessary.

- (b) One-to-one unsupervised situations with Children should be avoided, however some services and programs may involve such circumstances (e.g., medical treatment and physical therapy) and in this case, these situations will need to be identified and recorded by the Relevant Organisation.
- (c) Any incident of one-to-one unsupervised contact should be immediately reported to the Relevant Organisations management within 24 hours of the incident occurring.

## 6. Use of electronic or online communications

- (a) For any electronic or online communication with Children in Netball we adopt a two-deep model, that is, copy in the organisation and a parent or guardian in all communication.
- (b) When communicating with Children, Relevant Organisations and Relevant Persons must ensure content is:
  1. directly associated with delivering our services, such as advising that a scheduled event is cancelled;
  2. concise with personal or social content limited only to convey the message in a polite and friendly manner;
  3. devoid of any sexualised language; and
  4. not promoting unauthorised social activity or contact.

## 7. Photographs of Children

- (a) Children are to be photographed or videoed while involved in Netball only if:
  1. the Child's parent or guardian has provided prior written approval for the photographs to be taken or for the video footage to be captured;
  2. the context is directly related to participation in Netball;
  3. the Child is appropriately dressed and posed; and
  4. the image is taken in the presence of other personnel.
- (b) Relevant Organisations and Relevant Persons must not distribute images or videos (including as an attachment to an email) to anyone outside Netball organisation other than the Child photographed or their parent, without organisational knowledge and approval.
- (c) Images (digital or hard copy) are to be stored in a manner that prevents unauthorised access by others and will be destroyed or deleted as soon as they are no longer required.
- (d) Images are not to be exhibited online or in publications (annual report) without parental knowledge and approval (through a signed image consent form), or such images must be presented in a manner that de-identifies the Child. Any caption or accompanying text may need to be checked so that it does not identify a Child if such identification is potentially detrimental.

## 8. Physical contact with Children

- (a) Any physical contact with Children must be appropriate to the delivery of Netball programs or services and based on the needs of the Child such as assisting with the use of equipment, technique, treatment by a health practitioner or administering first aid.

- (b) Under no circumstances should Relevant Persons have contact with Children participating in our programs and services that:
1. involves touching of genitals, buttocks, or the breast area other than as part of delivering medical or allied health services;
  2. would appear to a reasonable observer to have a sexual connotation;
  3. is intended to cause pain or distress to the Child (e.g. corporal punishment);
  4. is overly physical (e.g. wrestling, horseplay, tickling or other roughhousing);
  5. is unnecessary (e.g. assisting with toileting when a Child does not require assistance); or
  6. is initiated against the wishes of the Child, except if such contact may be necessary to prevent injury to the Child or to others, in which case:
    - physical restraint should be a last resort;
    - the level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the Child to prevent harm to themselves or others; and
    - the incident must be reported to management as soon as possible.
- (c) Relevant Persons are required to report to the Relevant Organisation any physical contact initiated by a Child that is sexualised and/or inappropriate, for example, acts of physical aggression, as soon as possible, to enable the situation to be managed in the interests of the safety of the Child, Relevant Persons and any other participants.

## 9. Overnight stays and sleeping arrangements

- (a) Overnight stays involving Children are to occur only with the Relevant Organisations approval and consent of a parent or guardian of the Children involved.
- (b) Written approval must be obtained prior to the overnight stay. Written approval could include electronic messaging formats such as email or SMS.
- (c) Practices and behaviour by Relevant Persons involved during an overnight stay must be consistent with the practices and behaviour expected during delivery of Netball at all other times.
- (d) Standards of conduct that must be observed by Relevant Organisations and Relevant Persons involved during an overnight stay include:
1. Children are provided with privacy when bathing, toileting, and dressing;
  2. appropriate dress standards are observed when Children are present – such as no exposure to adult nudity;
  3. Children will not be exposed to pornographic material, for example, through movies, television, the internet, or magazines;
  4. Children will not be left under the supervision or protection of unauthorised persons such as accommodation staff, or peers;
  5. sleeping arrangements will not compromise the safety of Children such as unsupervised sleeping arrangements or Children sharing a bed or an adult sleeping in the same bed as a Child; and



6. Children have the right to contact their parents, or another adult, if they feel unsafe, uncomfortable, or distressed during the stay.

## 10. Change room arrangements

- (a) Children should be supervised in change rooms whilst ensuring their right to privacy.
- (b) A minimum of two Relevant Persons of the same gender as the group should always be present,
- (c) Relevant Persons must not shower or change at the same time as supervising groups of Children.
- (d) Relevant Persons must avoid one-to-one situations with a Child in a change room area
- (e) Relevant Persons need to ensure adequate supervision in 'public' change rooms when they are used, providing the level of supervision required for preventing abuse by members of the public, adult users, or general misbehaviour, while also respecting a Child's privacy.
- (f) Phones, cameras and recording devices are not to be used in changing rooms and in particular whilst Children are getting dressed.

## 11. Use of, possession or supply of alcohol or drugs

Relevant Persons, whilst responsible for the care of Children, must not:

- (a) use, possess or be under the influence of an illicit drug;
- (b) use or be under the influence of alcohol;
- (c) be impaired by any other legal drug such as prescription or over-the-counter drugs;
- (d) supply alcohol or drugs (including tobacco); or
- (e) supply or administer medicines, except when permitted by law or with the consent of the parent, guardian, or carer of the Child and under a valid prescription for that Child and at the prescribed dosage.

## 12. Parent/Guardian Involvement

Relevant Organisations must:

- (a) ensure that a parent/guardian is involved in any significant decision, including the signing of any documentation in relation to their Child's involvement in Netball.
- (b) conduct all training sessions in open locations and allow parents/guardians to watch their Children during training.
- (c) make parents/guardians aware of the standard of behaviour required when watching their Child during training. Parents/guardians displaying inappropriate conduct may be asked to leave but may not be denied access for an undetermined amount of time.

## 13. Transporting Children

- (a) Children are only to be transported in circumstances that are directly related to the delivery of Netball programs and services.
- (b) Other than in an emergency, it is not acceptable for Relevant Persons to transport Children without prior written approval from their parent or guardian. Gaining approval involves providing information about the proposed journey, including the:

1. form of transport to be used;
  2. reason for the journey;
  3. route to be followed, including any stops or side trips; and
  4. details of anyone who will be present during the journey
- (c) When transporting Children, the Relevant Person must drive responsibly, not be impaired by alcohol or any other mind-altering substances, have an unrestricted drivers' licence and to the extent practicable, not be alone in the car with a Child.
- (d) Children may only be transported in a vehicle when the manufacturer stated capacity is adhered to and seatbelts and child restraints must meet Australian Standards (AS/NZS1754).

#### 14. Drop off and Pick up of Children

Relevant Organisations must:

- (a) ensure Children and their parent or guardian know the time and location of training and matches, including start and finish times.
- (b) arrive before scheduled practice or game times to ensure that Children are not left unattended.
- (c) have an accessible register of parent and guardian emergency contact numbers and an operational phone.
- (d) ensure they are aware of alternative pick up arrangements for Children and that the parent or guardian has provided consent.
- (e) ensure that if a parent or guardian is late, they make reasonable attempts to contact them. It is not the responsibility of Relevant Persons to transport Children home if their parent or guardian is late for pick up.
- (f) not leave the training or match until all Children have been collected by their parent or guardian.

## Appendix 5: Recruitment & Screening

These recruitment and screening requirements have been developed to provide a fair, safe, consistent, and comprehensive recruitment process across Netball. Netball takes child protection seriously and ensures that the Relevant Organisations recruit personnel that are suitably qualified and committed to providing professional, safe, and enjoyable programs and services to Children.

It is recognised that in some instances an individual may be engaged by a Relevant Organisation in an ad hoc role or on an ad hoc basis (due to unavailability of a Relevant Person or another exceptional circumstances), where this is the case, the Relevant Organisation will assess the risks associated with the ad hoc role and make a determination as to what recruitment and screening process are required (if any).

### 1. Child-Related Positions

- (a) All advertised roles within Netball (Relevant Persons) both new and existing must be assessed using Appendix 6: Child-Related Position Assessment.
- (b) A child-related position means a position that involves or may involve contact with children, either under the position description or due to the nature of the role.
- (c) Positions assessed as 'child-related' must be appointed using the recruitment and screening process outlined in this Appendix 5: Recruitment & Screening.

### 2. Position Descriptions

- (a) Developing appropriate selection criteria for a position is a valuable first step to reducing the risk of appointing someone who poses a child safety risk.
- (b) Examples of appropriate selection criteria may include: 'Must have experience working with Children.' 'Must be able to demonstrate an understanding of appropriate behaviours when engaging with Children.'

### 3. Advertising

- (a) All positions identified as child-related will include a statement in the position description and any advertising (example below):

*{Sport Organisation} is committed to protecting Children from harm. We require all applicants that will work with Children to undergo an extensive screening process prior to appointment.*

### 4. Interviews

- (a) All applicants for child-related positions are required to attend at least one interview, preferably in person or on a videoconference (e.g. Zoom etc.).
- (b) During the interview, questions regarding the applicant's suitability to work with Children must be included. Refer to Appendix 7: Interview Requirements and Sample Questions.

### 5. Working with Children Checks

- (a) WWCC laws aim to prevent people who pose a risk from working with Children as paid employees or volunteers. WWCC laws are currently in place in all Australian states and territories.
- (b) These laws require certain 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. Whether a particular individual is required to undertake a check depends on the WWCC laws of the relevant state or territory.

- (c) Relevant Organisations must, as a minimum requirement, meet the requirements of the relevant state or territory WWCC laws, however may mandate WWCC in circumstances where the requirements of the relevant state or territory permit (but do not mandate).
- (d) All personnel that require a WWCC will supply a copy of it to, or be validated by, the organisation making the appointment.
- (e) Relevant Organisations may not engage a person who does not have a satisfactory WWCC in the relevant jurisdiction(s).
- (f) Regardless of whether an individual is required or otherwise eligible to obtain a WWCC in the relevant jurisdiction(s), it is a serious breach of the Child Safeguarding Policy if an individual:
  1. who has convictions that would make them ineligible to be granted a WWCC is appointed to a child-related position in Netball; or
  2. continues in a child-related position if they have been charged or convicted of a crime that would make them ineligible to be granted a WWCC.
- (g) Relevant Persons are required to report to the Relevant Organisation’s Human Resource/People & Culture Department (or other person of Authority/Responsibility such as the President) any criminal conviction or charge that indicates that they may present a potential risk to the Children to whom they help deliver programs or services, such as illegal drug possession or use, gun crimes and assault including adult sexual assault.

## 6. National Criminal History Record Checks

- (a) Depending on the relevant jurisdictional legislation a Relevant Organisations may require the preferred candidates to have completed a ‘national criminal history record check’ (also known as a ‘police check’) where the candidate does not otherwise meet the jurisdictional threshold to apply for and obtain a WWCC.
- (b) A criminal history does not automatically preclude an applicant from being appointed unless their criminal history suggests that they may pose a risk to Children. If there is information relevant to the employment decision, the applicant will be provided with an opportunity to respond to the contents of their police check (if they wish to do so).
- (c) The decision to appoint or not appoint an applicant because of a police check result, along with the rationale for that decision, must be communicated to the applicant by the Relevant Organisation.
- (d) A copy of the police check must not be retained. The original must either be returned to the applicant if requested or be destroyed in a secure manner on completion of the recruitment process. If the applicant is appointed, a record of the date and certificate number of the police check should be recorded in their personnel file.

## 7. International Criminal History Record Checks

- (a) Any applicant who has resided overseas for 12 months or more in the last ten years must obtain an international criminal check.
- (b) Some countries will not release information regarding an individual for personal or third-party purposes. Where police records checks cannot be made, reference checks must be conducted with at least two referees that personally knew the individual whilst they were residing in the other country.

- (c) The Relevant Organisation must inform the applicant that referees will be asked whether they have knowledge or information concerning the applicant that would adversely affect the applicant from performing the job, including any relevant criminal offences. The credentials of persons acting as referees must be verified and can include previous employers or government officials).
- (d) Overseas applicants should not commence until this process is satisfactorily completed.

## 8. Monitoring compliance

Relevant Organisations will ensure that all personnel in child-related positions have a current WWCC as specified in state and territory legislation:

<https://aifs.gov.au/cfca/publications/pre-employment-screening-working-children-checks-and-police-checks/part-overview>

## 9. Reference checks

- (a) The Relevant Organisation (noting that Affiliates shall use the best endeavours, where not required by law and having considered Appendix 6) will conduct a minimum of two reference checks for the preferred applicant to gather additional information about the applicant's suitability to work in the role for which they have applied.
- (b) The selected referees must:
  1. be able to provide information relating to the applicant's suitability to work with Children;
  2. have known the applicant for at least 12 months;
  3. not be related to the applicant;
  4. be able to vouch for the applicant's reputation and character.

**Please note:** Written character references are not sufficient unless also followed up and verified through direct contact.

- (c) Referees will be asked directly about any concerns they may have about the applicant working with Children. Refer to Appendix 8: Reference Check Requirements and Sample Questions.

## 10. Qualification and registration checks

Educational or vocational qualifications, or professional registration will be verified for the preferred applicant for the position, if applicable.

## 11. Minors

- (a) If a person under the age of 18 is appointed to a child-related position, the Relevant Organisation must:
  1. comply with the relevant WWCC legislation;
  2. undertake appropriate screening (interviews and referee checks);
  3. ensure that they are aware that they are bound by the Child Safeguarding Policy, Child Safe Practices and the obligations associated with working with Children; and
  4. obtain information about any pre-existing relationships, especially where the Child-applicant interacts personally with another Child participant.

## Appendix 6: Child-Related Position Assessment

Note: State and territory jurisdictions have different requirements regarding screening and WWCC. This child-related position assessment aims to assist Relevant Organisations identify child-related positions however, **it should not be used to determine if a Relevant Person requires a WWCC.**

Specific state and territory requirements also apply.

Question - Does the position/activity (paid/unpaid or volunteer):	Yes	No
Involve supervising children?		
Involve being alone with children or engaging with children in a way that is not observed or monitored?		
Involve activities with children away from the organisation's usual location?		
Involve direct one-on-one or group contact with children via phone, letter, email, online or social media?		
Involve supervising child-to-child online contact?		
Have access (online or paper based) to a child's or children's personal and/or confidential information?		
Involve the need for physical contact/touching children?		
Involve any of the following: transporting children; over-night supervision; and/or out-of-town activities?		
Have a perceived or actual level of authority (including from a child's perspective)?		
Involve any other type of contact with children?		

If you answered YES to one or more of the above questions, the position is a **child-related position**.

The Relevant Organisation is required to undertake the recruitment and screening process as outlined in Appendices 5, 7 and 8, including conducting interviews and reference checks.

Relevant Organisations must also meet the requirements of the relevant state or territory WWCC laws.

### State and Territory WWCC Authorities

- ACT: [Access Canberra Working with Vulnerable People \(WWVP\) Registration](#)
- NEW SOUTH WALES: [Office of the Children's Guardian](#)
- NORTHERN TERRITORY: [Northern Territory Government, Working with Children Clearance](#)
- SOUTH AUSTRALIA: [Department of Human Services, Screening Unit, Working with Children Check](#)
- TASMANIA: [Registration to Work with Vulnerable People](#)

- QUEENSLAND: [Blue Card Services](#)
- VICTORIA: [Working with Children Check Victoria](#)
- WESTERN AUSTRALIA: [Government of Western Australia, Working with Children Check](#)



## Appendix 7: Interview Requirements and Sample Questions

- The interview process is a very important step in selecting the right people for your organisation and in identifying any people that may pose a risk of harm to children.
- An open-ended style of behavioural-based questioning will give insights into the applicant's values, attitudes and understanding of professional boundaries and accountability.
- All applicants should be informed during the interview that referees will be contacted as part of any final selection process.

### Questions that MUST be asked

- Would you please tell us about your beliefs and values in relation to working with children?
- Would you please tell us about your awareness and understanding of child protection?
- Would you please tell us about your professional experience, competencies, and qualifications in relation to working with children?
- What boundaries are important when working with children?
- Have you ever had any disciplinary action taken against you in relation to you working with children?

### Additional Questions (for positions that work predominately with children) that MAY be asked

- What do you find most rewarding about working with children?
- What do you find most challenging about working with children?
- How would you handle a child that is behaving in a manner that is disruptive in a group setting?
- How do you think your peers, supervisors and referees would describe the way you work with children?
- Are there any children whom you would not wish to work with and, if so, why?
- How would you deal with a child who is acting aggressively?
- Have you ever lost your temper working with children? What was the trigger for this? What was the outcome?
- How would you respond to a child who disclosed they were being subjected to abuse?
- A parent of a child attending your service wants someone from the organisation to care for their child out of hours. What would be your response to this request?
- What would you do if you thought another staff member or volunteer had harmed or was harming a child?
- What would you do if you thought a child was being abused at home?
- Can you tell us about children you have found challenging to work with? What strategies do you use to handle challenging behaviour?
- How would you handle a child that appears sad and refuses to participate in activities?

**Take notice of your own thoughts and feelings when interacting with the applicant. Ask for more information if the applicant does not provide sufficient information in his or her responses.**

#### **Red Flags include, but are not limited to:**

- unexplained lengthy gaps in employment history
- strange or inappropriate questions / statements about children
- expresses an interest in spending time alone with children / in working with children of a particular age or gender
- excessive interest in child photography
- being evasive or inconsistent in responding to questions.



## Appendix 8: Reference Check Requirements and Sample Questions

- The purpose of seeking references is to obtain objective and factual information to support appointment decisions.
- Ask the same questions of each referee.
- When contacting the referee, identify yourself and your position, give the name of the candidate and the reason for your call.
- Before asking questions, describe the job and the competencies that you are seeking.

### Questions that MUST be asked

- Are you related to the applicant? (Please note, if the person answers yes, you cannot proceed with this referee check and another referee needs to be obtained from the applicant).
- In what capacity have you known the applicant and for what length of time? (Please note, if less than 12 months another referee should be obtained from the applicant)
- How would you describe the personal character of the applicant?
- Would you have any concerns about this applicant working with or being in contact with children?
- How does the person respond to supervision/oversight?
- In your time working with the applicant, was there anything that led you to believe that this applicant is not suitable to work with or be in contact with children?
- To your knowledge, has this person ever been involved with the abuse or neglect of children?

### The panel should consider the validity of the referees by reflecting on the following questions:

- What is the relationship between the referee and the applicant?
- Has the referee known the applicant in a professional capacity and if so when and for how long?
- Is the referee able to provide relevant information about the applicant's work history and performance?
- Has the referee observed the applicant demonstrating the skills and knowledge required for the position?

### Red Flags include, but are not limited to:

- A reluctant referee
- A referee who does not know (or appear to know) the applicant well
- Information that the referee will not provide
- Information that differs from the applicant's account
- Evasive or convoluted responses
- Referees that would not re-hire the applicant
- Referees that cannot be contacted
- Referees that were not informed they would be used.

# Netball Australia Child Safeguarding Policy – South Australian Addendum

As at 1 January 2023

## 1. Introduction

In South Australia, organisations providing services to children and young people must, by law, provide child safe environments. Those organisations are required to:

- have child safe environments policy(ies) in place and at a minimum, review their policy(ies) once every 5 years
- meet [Working with Children Check](#) obligations, and
- [lodge a child safe environments compliance statement](#) with the Department of Human Services and lodge a new statement each time policy(ies) are reviewed and updated (or every 5 years, whichever occurs first).

The South Australian Addendum (Addendum) has been developed to supplement the Child Safeguarding Policy to meet compliance requirements. To the extent of any inconsistency between this Addendum and the Child Safeguarding Policy, this Addendum will prevail. Any capitalised terms used and not defined in this Addendum have the meaning given in the Child Safeguarding Policy.

The Child Safeguarding Policy and this Addendum must also be read, interpreted, and applied with reference to, and in conjunction with, the Safety Act and Prohibited Persons Act as defined in section 2 below.

The purpose of this Addendum is to ensure that Relevant Organisations and Relevant Persons in South Australia comply with their legislative obligations under the South Australian Child Protection Legislation. This Addendum is not intended to create any additional Prohibited Conduct under the Child Safeguarding Policy.

Any alterations made to this addendum will require approval of the South Australian Department of Human Services.

## 2. Definitions

Defined terms not otherwise defined in this Addendum have been defined in and have the meaning given to them, in the National Integrity Framework and the Child Safeguarding Policy. In this Addendum the following words have the corresponding meaning:

**Harm** as defined in Section 17 of the Safety Act means physical or psychological harm (whether caused by an act or omission), including harm caused by sexual, physical, mental, or emotional abuse or neglect. This definition should be read in conjunction with the definition of Child Abuse as outlined in Appendix 1 of the Child Safeguarding Policy.

**Mandatory Notifiers** means people specified under the Safety Act to report to the Department for Child Protection if they suspect on reasonable grounds that a child is, or may be at, risk and this suspicion is formed in the course of their work (paid or unpaid).

**Netball SA** is the governing body for netball in South Australia.

**Prescribed Position** means a position:

- in which a person works, or in the ordinary course of his or her duties, it is reasonably foreseeable that a person in that position will work, with children and/or young people.
- set out in the [Prohibited Persons Regulations 2019 \(SA\) \(PDF 120 KB\)](#).

**Prohibited Persons Act** means the *Child Safety (Prohibited Persons) Act 2016 (SA)*, being the South Australian legislation regarding Working with Children Check requirements.

**Risk** as defined in Section 18 of the Safety Act. This includes that a child or young person will be taken to be at risk if:

- (a) the child or young person has suffered harm (being harm of a kind against which a child or young person is ordinarily protected); or
- (b) there is a likelihood that the child or young person will suffer harm (being harm of a kind against which a child or young person is ordinarily protected).

**Safety Act** means the *Children & Young People (Safety) Act 2017* (SA), being the South Australian Child Protection Legislation.

### 3. Scope

The Addendum applies to all Relevant Organisations and Relevant Persons affiliated with Netball SA.

### 4. Working with Children Checks

- 4.1. The Prohibited Persons Act requires people working or volunteering with children in South Australia to have a valid Working with Children Check prior to commencing working with children and young people.
- 4.2. A Relevant Person who works in a Prescribed Position must have a valid Working with Children Check.
- 4.3. A Relevant Organisation can only appoint or continue to appoint a Relevant Person in a Prescribed Position if:
  - 4.3.1. they have verified that the Relevant Person has had a Working with Children Check conducted in the last 5 years; and
  - 4.3.2. that the person is not prohibited from working with children.
- 4.4. The Prohibited Persons Act requires organisations to contact the Central Assessment Unit (Department of Human Services Screening Unit) if:
  - 4.4.1. they become aware of any assessable information in relation to the person;
  - 4.4.2. they become aware that the person is prohibited from working with children under a law of the Commonwealth or of another state or territory;
  - 4.4.3. they become aware that the person is (or becomes) a registrable offender under the *Child Sex Offenders Registration Act 2006*; or
  - 4.4.4. the person makes a disclosure to the employer under section 66 of the *Child Sex Offenders Registration Act 2006*.

### 5. Mandatory Notifiers

- 5.1. Under the Safety Act, the following people are mandated notifiers:
  - 5.1.1. medical practitioners;
  - 5.1.2. pharmacists;
  - 5.1.3. registered or enrolled nurses;
  - 5.1.4. dentists;
  - 5.1.5. psychologists;
  - 5.1.6. police officers;

- 5.1.7. community corrections officers under the *Correctional Services Act 1982*;
  - 5.1.8. social workers;
  - 5.1.9. ministers of religion;
  - 5.1.10. employees of, or volunteers in, an organisation formed for religious or spiritual purposes;
  - 5.1.11. teachers employed to teach in a school, pre-school, or kindergarten;
  - 5.1.12. employees of, or volunteers in, an organisation that provides health, welfare, education, sporting or recreational, childcare, or residential services wholly or partly for children and young people, being a person who:
    - (i) provides such services directly to children and young people; or
    - (ii) holds a management position in the organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children and young people<sup>3</sup>, or
  - 5.1.13. an officer or employee of a prescribed organisation (as per section 114, of the Safety Act) who holds a management position in the organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of services to children.<sup>4</sup>
- 5.2. Mandated notifiers are required by law to notify the Department for Child Protection via the Child Abuse Report Line (CARL), Phone: 13 14 78, if they suspect on reasonable grounds that a Child is, or may be, at risk and the suspicion is formed in the course of the person's work (whether paid or voluntary) or in carrying out official duties.
- 5.3. By way of general guidance, reporting obligations arise where there is "a reasonable suspicion" that a Child may be "at risk".

## 6. Child Safe Environments Compliance

- 6.1. Under the Safety Act, Relevant Organisations affiliated with Netball SA:
  - 6.1.1. with significant membership of, or involvement by, Children and Young People; or
  - 6.1.2. who provide coaching to Children and Young People, must:
    - 6.1.3. prepare or adopt policies and procedures designed to ensure that safe environments for Children and Young People are established and maintained; and
    - 6.1.4. lodge (or have a representative body such as Netball SA lodge on its behalf) a statement with the Department of Human Services certifying that these child safe environment policies and procedures are in place for affiliated clubs.

<sup>3</sup> Section 30(3), Children and Young People (Safety) Act 2017.

<sup>4</sup> Regulation 9, Children and Young People (Safety) Regulations 2017.

- 6.2. Adoption and implementation of the Child Safeguarding Policy and this Addendum will assist Relevant Organisations affiliated with Netball SA meet these obligations.

## 7. Child Safeguarding Policy Implementation

### 7.1. Risk Management

7.1.1. Netball SA takes a risk-based approach to ensure that all activities are child safe and will undertake risk assessments for any activity that may involve contact with children.

7.1.2. The risk assessment will consider:

- (i) the contact (with Children) and levels of direct supervision.
- (ii) the risk factors.
- (iii) the mitigation factors.
- (iv) the management strategies.

### 7.2. Involving Children

7.2.1. Netball SA is committed to involving children in decisions that affect them and providing them with information about their rights. We will do this by:

- (i) establishing a Youth Advisory Committee / Youth representative position on the Board;
- (ii) obtaining feedback from Children through surveys or focus groups;
- (iii) providing a child-friendly version of the Child Safeguarding Policy and other procedures; and
- (iv) displaying child-friendly posters about Children's rights and how to raise a concern at local sports clubs/venues.

### 7.3. Supporting Employees and Volunteers

7.3.1. Netball SA is committed to providing Employees and Volunteers with ongoing training and support to ensure they understand their responsibilities in relation to Child safety. We will do this by:

- (i) conducting an induction for all employees and volunteers outlining their obligations under the Child Safeguarding Policy and Child Safe Practices;
- (ii) undertaking regular performance appraisals;
- (iii) regular supervision sessions that include a focus on Child safety and wellbeing;
- (iv) appointing a Child Safety Officer;
- (v) access to online resources about issues concerning child safety and wellbeing; and
- (vi) providing professional development opportunities to build knowledge and skills regarding the wellbeing and development of Children.

### 7.4. Communication and Awareness of Child Safeguarding Policy

7.4.1. Netball SA is committed to promoting a child-safe sporting environment. We will do this by:

- (i) having a dedicated, easy to access child-safe area on our website;
- (ii) providing information about the Child Safeguarding Policy, Child Safe Practices and Recruitment and Screening

- requirements as part of membership and event registration, affiliation agreements and coach and officials accreditation;
- (iii) utilising social media channels to promote the Child Safeguarding Policy and the value that netball places on Child safety; and
  - (iv) displaying posters about Child Safe Practices and how to make a complaint or provide feedback at local sports clubs/venues.