



# Netball Australia SAFEGUARDING CHILDREN & YOUNG PEOPLE POLICY

1 February 2025

*In the spirit of Reconciliation, Netball Australia acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Custodians of this ancient unceded land where we live, work and play netball on.*

*We honour the continuing cultures, languages, and heritage of Aboriginal and Torres Strait Islander peoples whose cultural, spiritual, and ancestral connections to the lands, sky, and waters has endured since time immemorial.*

*We pay our respects to Elders past and present, and we acknowledge and value the significant and continuing contributions Aboriginal and Torres Strait Islander peoples make within our community.*

*Netball Australia is committed to Reconciliation. We acknowledge the need to reflect on our shared history in order to build a vision for a reconciled and prosperous future for all within our sport. One built on mutual respect, equity, authentic collaboration, and genuine truth-telling.*

*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.*

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## 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, whether the Activity takes place in Australia or overseas.

**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.

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

**Approved Person** means a family member such as mother, father, sister, brother, grandparent, aunt, uncle or cousin, a guardian, carer, or a person who has been approved by the parent/carer and has an established relationship with the Child/Young Person and/or their family.

**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 (including any Contract with NA) to participate in the SN Reserves and/or NNC; and
- d) 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/Young Person** 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/Young Person 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 and Domestic Violence.

In South Australia, Child/Young Person Abuse also includes Harm as defined in the Children and Young People (Safety) Act 2017 (SA).

**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/Young People 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 a 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.

**Discrimination** includes both direct and indirect discrimination (either in-person or online) which have the following meaning:

- a) **'Direct discrimination'** occurs where, because a person has a Protected Characteristic, they are treated less favourably than a person without that characteristic would be treated in the same or similar circumstances.
- b) **'Indirect discrimination'** occurs where a practice, rule, requirement or condition that applies to everyone disadvantages people with a Protected Characteristic and the practice, rule, requirement or condition is not reasonable in the circumstances.

See Appendix 1 of the Member Protection Policy for examples.

**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) SN Reserves, 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** means behaviours that manipulate or control a Child/Young Person, their family, guardian and carers or other support networks, or organisations with the intent to gain access to the Child/Young Person, obtain the Child/Young Person's compliance, maintain the Child/Young Person's silence, and avoid discovery of sexual abuse.

**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, whether in-person or online. 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.

**Harmful Behaviour Towards a Child/Young Person** means any behaviour involving a Child/Young Person that is objectively age inappropriate and/or places the Child/Young Person at risk of harm. This includes but is not limited to:

- a) Child/Young Person Abuse;
- b) harmful training methods including physical punishment or overtraining which may cause harm to a Child/Young Person;
- c) excessive or unnecessary emphasis on appearance, weight requirements or muscularity (either in-person or online) that may include practices such as:
  - i. encouraging or enforcing excessive dieting or restrictive eating;
  - ii. excessive weigh-ins or focus on weight goals, body composition testing that is a sport requirement that carries punishment for the outcome (for example repeated bouts of exercises as punishment for weight gain); or
  - iii. unsafe practices that could put health at risk in order to reach weight or appearance requirements without adequate medical support (for example dehydration or restrictive eating).
- d) forcing a Child/Young Person to train or compete when ill or injured;
- e) threatening or humiliating a Child/Young Person (either in-person or online);
- f) using disciplinary action involving physical punishment or any form of treatment that could reasonably be considered as degrading, cruel, frightening or humiliating;
- g) making sexual comments to a Child/Young Person or engaging in open discussions of a sexual or adult nature with (either in-person or online), or in the presence of a Child/Young Person;
- h) taking inappropriate photos or footage of a Child/Young Person; or

- i) inappropriate and/or intimate physical contact with a Child/Young Person which is sexual in nature or causes them to feel uncomfortable, or feel pain or distress.

**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 of NA or a 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 registered with an MO.

**Misconduct with a Child** means any behaviour involving a Child/Young Person that is objectively age inappropriate and/or places the Child/Young Person 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** means Netball Australia Limited.

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

**NA General Manager – Legal & 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 an Individual Member or Participant; 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.

**Person in a Position of Authority** means a person, regardless of age, who through their position or involvement in Netball can exercise power, control, or influence over a Child/Young Person.

**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 \(SA\) \(PDF 120 KB\)](#) (the Regulations).

**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.

**Protected Characteristic** means:

- a) age;
- b) disability;
- c) race or ethnicity;
- d) sex or gender identity;
- e) sexual orientation; or
- f) pregnancy, potential pregnancy or breastfeeding; or
- g) religion.

**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 a 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/Young Person 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/Young Person under the age of 16;
- g) indecent act with Child/Young Person under the age of 16;
- h) sexual relationship with Child/Young Person 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/Young Person under the age of 16;
- m) bestiality;
- n) soliciting acts of sexual penetration or indecent acts;
- o) promoting or engaging in acts of Child/Young Person prostitution;
- p) obtaining benefits from Child/Young Person prostitution;
- q) possession of Child/Young Person pornography; and
- r) publishing Child/Young Person pornography and indecent articles

**SN Reserves** means the reserves competition for the Suncorp Super Netball (SSN) or other name given to that competition by NA, with each of the SSN Clubs and/or MOs participating in the competition.

**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, as at the date of this Policy, are:

- a) NSW Swifts;
- b) Giants Netball;
- c) Queensland Firebirds;
- d) Adelaide Thunderbirds;
- e) Melbourne Vixens;
- f) West Coast Fever;
- g) Melbourne Mavericks; 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 who is appointed by NA to support the role of Umpires in the Elite Programs.

**Victimisation** means subjecting a person, or threatening to subject a person, either in-person or online, 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, either in-person or online, 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; or
- c) aged 18 or over but has experienced or is experiencing poor mental health outcomes, either as a result of the incident in question, due to their life experiences, or as a result of societal factors, including but not limited to individuals from diverse backgrounds facing disproportionate mental health impacts, such as people with diverse sexualities or gender.

**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/Young Person arising from the Relevant Person's, Relevant Organisation's, or the Child/Young Person's involvement in any capacity with netball;
  - 1.1.2. in relation to any dealings in relation to a Child/Young Person that they might have with a Relevant Organisation or Relevant Persons;
  - 1.1.3. when dealing with a Child/Young Person 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. This Policy also applies to dealings between Children/Young People arising from or in relation to their participation in an Activity.
- 1.3. The following is **not** within the scope of this Policy:
  - 1.3.1. interactions involving a Relevant Person and a Child/Young Person 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/Young Person 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;

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

- 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/Young Person 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 circumstances where the requirements of the relevant State or Territory permit (but do not mandate);
  - 2.2.3. comply with the 'Responding to Risk of Abuse and Harm to Children and Young People' 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 Risk of Abuse and Harm to Children and Young People' in Appendix 2.

### 3. Prohibited Conduct

#### 3.1. Relevant Person

A Relevant Person (which for the avoidance of doubt, includes a Child/Young Person) commits a breach of this Policy when:

- 3.1.1. they are found guilty of any breach of a relevant State or Territory or Commonwealth law relating to or involving Child Abuse or Grooming; or
- 3.1.2. either alone or in conjunction with another or others, engage in any of the following conduct, either in-person, online or via any other form of telecommunication, against, or in relation to, a Child/Young Person in the circumstances outlined in clause 1.1:
  - 3.1.2.1. Harmful Behaviours Towards a Child/Young Person;
  - 3.1.2.2. Bullying;
  - 3.1.2.3. Discrimination;
  - 3.1.2.4. Harassment;

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<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)

- 3.1.2.5. Victimisation;
- 3.1.2.6. Vilification;
- 3.1.2.7. request or infer that the Child/Young Person keep any communication secret from their parents/carer, or other Relevant Person such as a coach or administrator, or Relevant Organisation<sup>3</sup>;
- 3.1.2.8. supply alcohol, or drugs (including tobacco) to a Child/Young Person;
- 3.1.2.9. supply medicine to a Child/Young Person, except for:
  - 3.1.2.9.1. where the Relevant Person reasonably believes that the medicine is necessary for lifesaving medical treatment;
  - 3.1.2.9.2. when permitted by law; or
  - 3.1.2.9.3. with the consent of the parent, guardian, or carer of the Child/Young Person and under a valid prescription for that Child/Young Person and at the prescribed dosage; or
- 3.1.3. do not comply with the Child/Young Person Safe Practices as set out in Appendix 4 that are applicable to all Relevant Persons.

### 3.2. **Person in a Position of Authority**

In addition to Prohibited Conduct outlined in 3.1, a Person in a Position of Authority commits a breach of this Policy when they, either alone or in conjunction with another or others, engage in any of the following conduct against, or in relation to, a Child/Young Person in the circumstances outlined in clause 1.1:

- 3.2.1. continue in a Child/Young Person-related position<sup>4</sup> if they have been charged or convicted of a crime that would make them ineligible to be granted a WWCC; or
- 3.2.2. do not comply with the Child/Young Person Safe Practices that are applicable to Persons in a Position of Authority as set out in Appendix 4.

### 3.3. **Relevant Organisations**

A Relevant Organisation commits a breach of this Policy when it:

- 3.3.1. engages a person who does not have a satisfactory WWCC in the relevant jurisdiction(s)<sup>5</sup>;
- 3.3.2. does not confirm the validity of a Relevant Person's WWCC currency;
- 3.3.3. does not undertake any screening measures when appointing a person to a child-related position;
- 3.3.4. does not obtain adequate informed consent from Approved Person/s prior to any sport sanctioned transportation or overnight accommodation of Children/Young People; or

<sup>3</sup> This does not include ordinary peer to peer interactions between Children/Young People.

<sup>4</sup> Provides examples of roles that may be considered Child-related positions.

<sup>5</sup> For the avoidance of doubt, if a person is not eligible to apply for a WWCC in the relevant jurisdiction (e.g. because they are a parent), it will not be a breach of this clause for a Relevant Organisation to engage that person without a WWCC.

- 3.3.5. has knowledge of and does not report a breach of clauses 3.1 or 3.2 to NA and/or the Member Organisation in accordance with the Netball Integrity Policy Framework, Conduct & Disciplinary Policy.

## 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. A failure to report any reasonable suspicion or knowledge that a Child/Young Person is, or is at risk of, being abused and/or neglected could result in criminal proceedings against that person under relevant State and Territory laws. A summary of each State and Territory's mandatory reporting obligations is set out in Appendix 2.
- 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/Young Person 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 Risk of Abuse and Harm to Children and Young People in Appendix 2. This includes waiting until statutory agencies have confirmed that they are either not responding to an allegation or have finalised any intervention they deem appropriate;
- 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; and
- 4.2.3. the Relevant Organisations must apply appropriate risk mitigation strategies to keep all Children/Young People safe while an allegation or complaint is being assessed/investigated. This may include interventions such as supervision, suspension, restriction of duties or temporary redeployment, or suspension or restriction of rights, privileges or benefits.

## 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](http://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

## VERSION HISTORY

Reference Number:	INT004
Policy:	Safeguarding Children & Young People Policy Version 1.4
Effective Date:	1 February 2025
Document Author:	NA General Manager - Legal and Integrity
Document Owner:	NA General Manager - Legal and Integrity
Approval Level:	NA Board
Date Last Reviewed:	November 2024
Scheduled Review Date:	Annually
Supersedes:	INT011 Child Safeguarding Policy Version 1.3

## Appendix 1: Child/Young Person Abuse Definitions

Child/Young Person Abuse is the mistreatment of a Child/Young Person that:

- causes, is causing or is likely to cause any detrimental effect so that a Child/Young Person's physical, psychological, or emotional wellbeing; or
- does, or is likely to, endanger that a Child/Young Person'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/Young Person 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/Young Person. 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/Young Person's physical development.
2. **Emotional or Psychological Abuse** which occurs when a Child/Young Person 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/Young People or adults. Such abuse may involve and can occur either online or in-person:
  - repeated rejection or threats to a Child/Young Person;
  - 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/Young Person'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/Young Person in any sexual activity. A Child/Young Person 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/Young Person for their own benefit. It can include making sexual comments to a Child/Young Person, kissing, touching a Child/Young Person's genitals or breasts, oral sex, or intercourse with a Child/Young Person.

Sexual exploitation is a form of Sexual Abuse and occurs when Children/Young People 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, social media or the public domain. Encouraging a Child/Young Person to view pornographic videos, websites, or images, or engaging a Child/Young Person 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/Young Person's basic needs. Child/Young Person Neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention, or supervision to the extent that the Child/Young Person'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 and Domestic Violence** which is abusive behaviour in any personal relationship that allows one person to intimidate or to gain power and control over the other. It can include a broad range of behaviour that causes fear and physical and/or psychological harm. If a Child/Young Person 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 Risk of Abuse and Harm to Children & Young People

### You must ACT.

As a person involved in Netball you play a crucial role in protecting Children/Young People. You must follow the four actions set out below when responding to any Risk of Abuse and Harm to Children & Young People.

### Action 1 - Responding

If a Child/Young Person 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/Young Person 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/Young Person 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/Young Person 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 or by contacting the Netball Speak Up Hotline.

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.

Netball Speak Up Hotline:

Ph: 1800 955 900

Email: [NetballSpeakUp@coreintegrity.com.au](mailto:NetballSpeakUp@coreintegrity.com.au)

URL: [qrs.ly/NetballSpeakUp](https://qrs.ly/NetballSpeakUp)

Post: PO Box 730, Milsons Point 1565

NA Integrity:

Nicole Malcher, General Manager – Legal & 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:





## Mandatory Reporters

\* always confirm with State/Territory Government advice

State/Territory links:	<u>Vic</u>	<u>NSW</u>	<u>ACT</u>	<u>Qld</u>	<u>Tas</u>	<u>SA</u>	<u>NT</u>	<u>WA</u>
In the course of their work only	✓	✓	✓	✓	✓	✓		✓
Always							✓	
Everyone							✓	
People in religious ministry	✓	✓	✓		✓	✓		
Members of the clergy (any religion)					✓			
Employees or Volunteers of an organisation formed for religious or spiritual purposes						✓		
Police		✓	✓		✓	✓		✓
Police officers with child protection responsibilities		✓	✓	✓	✓			
Probation officers					✓			
Community corrections officer						✓		
Doctors	✓	✓	✓	✓				✓
Registered medical practitioners	✓	✓			✓	✓		
Nurses	✓	✓	✓	✓	✓	✓		✓
Midwives	✓	✓	✓		✓			✓
Pharmacists						✓		
Occupational therapists		✓						
Speech pathologists		✓						
Allied health professionals		✓						
Dentists		✓	✓		✓	✓		
Dental professionals					✓			
Psychologists	✓	✓	✓		✓	✓		
Teachers	✓	✓	✓	✓	✓	✓		✓
School principals	✓	✓			✓			
School counsellors	✓	✓	✓					
Teachers' aide or childcare assistant			✓					
Person authorised to inspect education materials/records for home education			✓					
Out of home care workers	✓							
Early childhood workers	✓			✓				
Childcare workers		✓			✓			
Childcare centre worker that cares for a child			✓					
Family day carers		✓						
Home-based carers		✓						
Person coordinating or monitoring home-based care for a family day care scheme provider			✓					
Youth justice workers	✓							
Social workers		✓				✓		

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Welfare case workers		✓						
Youth workers		✓						
Refuge workers		✓						
Community housing providers		✓						
Disability support workers		✓						
Personal care workers		✓						
Boarding supervisors								✓
Public servant whose work provides services personally to children or families			✓					
Employees or Volunteers in government agencies or organisations that provide health, welfare, education or care wholly or partly for children					✓			
Public advocate			✓					
Child advocate				✓				
“Official visitor” appointed by Minister			✓					
Members of the State Parliament					✓			
Employees or Volunteers in an organisation, who directly provide or supervise the provision of health, welfare, education, sporting or recreational, childcare or residential services wholly or partly for children						✓		
Officer or employee of a State agency or organisation who supervises the provision of services for children						✓		

## Appendix 3: Child Safe Commitment Statement

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

- 1. We are committed to keeping Children/Young People safe**
  - (a) Through our Safeguarding Children & Young People Policy, we document our clear commitment to keeping Children/Young People safe from abuse and neglect.
  - (b) The Relevant Organisations take a risk-based approach to ensuring that Activities are Child/Young Person safe and will undertake regular risk assessments, including for Activities that may involve contact with Children/Young People. These risk assessments will consider the following: contact with Children/Young People 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/Young People's diverse circumstances and respond effectively to those with additional vulnerabilities.
  - (b) We give all Children/Young People access to information, support, and a complaints process.
  - (c) We consider the needs of all Children/Young People, particularly First Nations, Aboriginal and Torres Strait Islander Children/Young People, Children/Young People with a disability, LGBTQI Children/Young People and Children/Young People from culturally and linguistically diverse backgrounds.
- 3. We involve Children/Young People**
  - (a) We will seek to consider and involve Children/Young People 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/Young People through surveys or focus groups;
    3. providing a Child/Young Person-friendly version of the Safeguarding Children & Young People Policy and other procedures; and
    4. displaying child-friendly posters about Children/Young People'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/Young People understands their role and the behaviour we expect in relation to keeping Children/Young People safe from abuse and neglect through application of our Child Safe Practices.
  - (b) We utilise clear position descriptions which clearly state relevant Child/Young People 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/Young People.
  - (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/Young People.
  - (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 Safeguarding of Children & Young People Policy, Child Safe Practices and Responding to Risk of Abuse and Harm to Children & Young People.
  - (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. undertake regular performance appraisals;
    2. appoint a Child Safety Officer;
    3. provide access to online resources about issues concerning Child/Young Person safety and wellbeing; and
    4. provide professional development opportunities to build knowledge and skills regarding the wellbeing and development of Children/Young People.
- 7. We encourage the involvement of Children/Young People and their parents**
- (a) We involve and communicate with Children/Young People and their families in developing a safe, inclusive, and supportive environment. We will provide information to Children/Young People and their parents/carers (such as brochures, posters, handbooks, guidelines) about:
    1. our commitment to keeping Children/Young People 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/Young Person Abuse.
  - (c) We have processes for encouraging two-way communication with Children/Young People and families.
  - (d) We seek their feedback and have a process for responding.



## Appendix 4: Child Safe Practices

Each of the Relevant Organisations are committed to safeguarding everyone involved in our organisation including Children/Young People 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/Young People in Netball.

There are exceptions where these Child Safe Practices do not apply:

- when a Relevant Person/Person in a Position of Authority is also an Approved Person in respect to that Child/Young Person; or
- in an emergency and where the action is protective of a Child/Young Person, when prior authorisation is not possible.

These Child/Young Person Safe Practices set out requirements for how Relevant Organisations and Relevant Persons must behave with and around Children/Young People.

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

### 1. Professional boundaries

- (a) A Person in a Position of Authority must establish and maintain professional boundaries (both in-person and online) when working with Children/Young People who are involved in our sport. Professional boundaries ensure that the nature of the relationship between a Person in a Position of Authority and Child/Young Person does not move from a professional one to a personal one and becomes harmful or exploitative of the Child/Young Person and/or family.
- (b) A Person in a Position of Authority, unless they are also an Approved Person, must not:
1. provide any form of support to a Child/Young Person 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. use a personal phone, camera, or video camera to take images or video footage of Children/Young People prior written authorisation from the Relevant Organisation is provided;
  3. exhibit any type of favouritism towards a Child/Young Person;
  4. transport Children/Young People other than in accordance with clause 12 of these Child Safe Practices, Transporting Children/Young People;
  5. give gifts/presents to Children/Young People other than the provision of official awards;
  6. have one on one contact with a Child/Young Person outside of authorised sport activities (includes direct contact such as in-person as well as indirect, such as by phone, or online); or
  7. attend any private social function at the request of a Child/Young Person or their family, where there is no existing social, personal, or family relationship.



- (c) Where direct supervision is not possible, a Relevant Person must know the location of each Child/Young Person and ensure that they can respond to individual needs and immediately intervene if necessary.
- (d) Any incident of one-to-one unsupervised contact should be immediately reported to the Relevant Organisations management within 24 hours of the incident occurring.

## 5. Use of electronic or online communications

- (a) A Person in a Position of Authority unless they are also an Approved Person (in respect to the relevant Child/Young Person), Medical Practitioner or Health Professional, must not communicate directly (one to one) with a Child/Young Person either electronically or online (including phone calls) without the inclusion of a representative from the Relevant Organisation and/or the Child/Young Person's parent or carer. Communication by Medical Practitioners and Health Professionals must only relate to appropriate and required medical care in this context.
- (b) When communicating with Children/Young People, a Person in a Position of Authority 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.

## 6. Photographs of Children/Young People

- (a) An Approved Person may photograph or film their Child/Young Person when participating in Netball.
- (b) When arranging official photography/videography of Children/Young People involved in Netball (other than where subject to a Contract (including Terms and Conditions of Entry) that allows for the publication), Relevant Organisations must:
  1. obtain prior written consent from the Child/Young Person's Approved Person. Where appropriate and possible, consent should also be sought from the Child/Young Person. Written approval could include electronic messaging formats such as email or SMS;
  2. give due consideration to Children/Young People who are protected by a court order;
  3. appoint a photographer/videographer who holds a current WWCC;
  4. ensure the photographer/videographer is supervised at all times;
  5. ensure the context is directly related to participation in Netball or Activities;
  6. ensure the Child/Young Person is appropriately dressed and posed; and
  7. not distribute images or videos (including as an attachment to an email) to anyone outside the Relevant Organisation without parent/carers knowledge and approval.

- (c) Relevant Organisations must store images (digital or hard copy) in a manner that prevents unauthorised access by others and must be destroyed or deleted as soon as they are no longer required.
- (d) Relevant Organisations must not publish images or footage of a Child/Young Person or identify the Child/Young Person pictured, whether online or in print, without written consent of the Child/Young Person's Approved Person (through a signed image consent form or where the Contract (including Terms and Conditions of Entry) allows for the publication).
- (e) Relevant Organisations must ensure any Employee, Volunteer or Contractor (such as an event photographer) comply with the above requirements while working at an Activity.

## 7. Physical contact with Children/Young People

- (a) Any physical contact with Children/Young People must be appropriate to the delivery of Netball programs or services and based on the needs of the Child/Young Person such as assisting with the use of equipment, technique, treatment by a health practitioner or administering first aid.
- (b) Relevant Persons must not have contact with Children/Young People 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 to those specific areas of the body;
  2. would appear to a reasonable observer to have a sexual connotation;
  3. is intended to cause pain or distress to the Child/Young Person (e.g. corporal punishment);
  4. is overly physical (e.g. wrestling, horseplay, tickling or other roughhousing) except where this contact is consistent with the rules of the sport and accepted and reasonable behaviour within the Activity when undertaking that Activity;
  5. is unnecessary (e.g. assisting with toileting when a Child/Young Person does not require assistance); or
  6. is initiated against the wishes of the Child/Young Person, except if such contact may be necessary to prevent injury to the Child/Young Person or to others, in which case:
    - physical restraint must be a last resort;
    - the level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the Child/Young Person 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/Young Person 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/Young Person, Relevant Persons and any other participants.

## 8. Overnight stays and sleeping arrangements

- (a) Overnight stays involving Children/Young People must be approved and managed by the Relevant Organisation.

- (b) Written approval must be obtained prior to the overnight stay. Written approval could include electronic messaging formats such as email or SMS. Where appropriate and possible, consent should also be sought from the Child/Young Person.
- (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/Young People are provided with privacy when bathing, toileting, and dressing;
  2. appropriate dress standards are observed when Children/Young People are present such as no exposure to adult nudity;
  3. Children/Young People will not be exposed to pornographic material, for example, through movies, television, the internet, or magazines;
  4. Children/Young People 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/Young People, including:
    - an Adult must not sleep alone in the same room as a Child/Young Person, unless they are an Approved Person; and
    - Children/Young People must not share a bed with an Adult or another Child/Young Person; and
  6. Children/Young People must have the right to contact their parents, or another adult, if they feel unsafe, uncomfortable, or distressed during the stay.
  7. Parents/carers must be permitted to contact their Child/Young Person if required.

## 9. Change room arrangements

- (a) Children/Young People must be supervised in any change room that is in official use by a Relevant Organisation, whilst ensuring their right to privacy.
- (b) A Person in a Position of Authority must not:
  1. shower or change at the same time as supervising groups of Children/Young People;
  2. be alone with a Child/Young Person in a change room area.
- (c) 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/Young Person's privacy.
- (d) Phones, cameras and recording devices must not be used in changing rooms.

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

Persons in a Position of Authority must not:

- (a) use, possess or be under the influence of an illicit drug in the presence of a Child/Young Person or Children/Young People;

- (b) use or be under the influence of alcohol while supervising a Child/Young Person or Children/Young People during an Activity;
- (c) be impaired by any other legal drug such as prescription or over-the-counter drugs while in the presence of a Child/Young Person or Children/Young People;
- (d) supply alcohol or drugs (including tobacco) to any Child/Young Person or Children/Young People; or
- (e) supply or administer medicines, except when permitted by law or with the consent of the parent, guardian, or carer of the Child/Young Person and under a valid prescription for that Child/Young Person and at the prescribed dosage.

#### 11. 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/Young Person's involvement in Netball;
- (b) not prevent parents/carers from accessing their Child/Young Person when required; and
- (c) make parents/guardians aware of the standard of behaviour required when watching their Child/Young Person during training. Parents/guardians displaying inappropriate conduct may be asked to leave but may not be denied access for an undetermined amount of time.

#### 12. Transporting Children/Young People

- (a) Children/Young People must only to be transported in circumstances that are directly related to the delivery of Netball programs and services.
- (b) Other than in an emergency, a Person in a Position of Authority, unless they are an Approved Person, must not transport Children/Young People without prior written approval from their parent or guardian.
- (c) When transporting Children/Young People, the Person in a Position of Authority 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/Young Person.
- (d) Children/Young People must only be transported in a roadworthy vehicle when the manufacturer stated capacity is adhered to and seatbelts and child restraints are fitted as required.

#### 13. Drop off and Pick up of Children/Young People

Relevant Organisations must:

- (a) have an accessible register of parent and guardian emergency contact numbers and an operational phone; and
- (b) ensure that if a parent or guardian is late, they make reasonable attempts to contact them. It is not the responsibility of the Person in a Position of Authority to transport Children/Young People home if their parent or guardian is late for pick up.

## 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/Young People.

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/Young People.' 'Must be able to demonstrate an understanding of appropriate behaviours when engaging with Children/Young People.'

### 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/Young People 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/Young People. 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 Safeguarding Children & Young People 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/Young People 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 Organisation 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/Young People. 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 record 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/Young People;
  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/Young People. 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 Safeguarding Children & Young People Policy, Child Safe Practices and the obligations associated with working with Children/Young People; and
  4. obtain information about any pre-existing relationships, especially where the Child-applicant interacts personally with another Child/Young Person 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/young people.
- 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/young people?
- 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/young people?
- What boundaries are important when working with children/young people?
- Have you ever had any disciplinary action taken against you in relation to you working with children/young people?

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

- What do you find most rewarding about working with children/young people?
- What do you find most challenging about working with children/young people?
- How would you handle a child/young person 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/young people?
- Are there any children/young people whom you would not wish to work with and, if so, why?
- How would you deal with a child/young person who is acting aggressively?
- Have you ever lost your temper working with children/young people? What was the trigger for this? What was the outcome?
- How would you respond to a child/young person who disclosed they were being subjected to abuse?
- A parent of a child/young person attending your service wants someone from the organisation to care for their child/young person 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/young person?
- What would you do if you thought a child/young person was being abused at home?
- Can you tell us about children/young people you have found challenging to work with? What strategies do you use to handle challenging behaviour?
- How would you handle a child/young person 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/young people

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

- expresses an interest in spending time alone with children/young people / in working with children/young people 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/young people?
- 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/young people?
- To your knowledge, has this person ever been involved with the abuse or neglect of children/young people?

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 Safeguarding Children Policy – South Australian Addendum

As at 1 January 2024

## 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 Safeguarding Children & Young People Policy to meet compliance requirements. To the extent of any inconsistency between this Addendum and the Safeguarding Children & Young People Policy, this Addendum will prevail. Any capitalised terms used and not defined in this Addendum have the meaning given in the Safeguarding Children & Young People Policy.

The Safeguarding Children & Young People 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 Safeguarding Children & Young People 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 Safeguarding Children & Young People 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 Safeguarding Children & Young People 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 \(SA\) \(PDF 120 KB\)](#) (the Regulations).

**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 person who is providing a service or activity in the course of the operation of a club or association with a significant membership of, or involvement by, children, is considered to be working in a Prescribed Position.
- 4.4. If a club or association has significant involvement by children, then under the Prohibited Persons Act and Regulations all volunteers and employees are required to have a valid Working With Children Check (and not be a Prohibited Person), regardless of whether they have contact with children.
- 4.5. A Relevant Organisation can only employ, appoint or continue to employ/appoint a Relevant Person in a Prescribed Position if:
  - 4.5.1. they have verified that the Relevant Person has had a Working with Children Check conducted in the last 5 years; and
  - 4.5.2. that the person is not prohibited from working with children.
- 4.6. A Relevant Organisation must register with the Central Assessment (*Department of Human Services (DHS) Screening Unit*) and verify via their Organisation Portal that the Relevant Person has a valid Working With Children Check and is not prohibited. It is not acceptable to sight a clearance email, the verification must be done online.
- 4.7. The Prohibited Persons Act requires organisations to contact the DHS Screening Unit if:
  - 4.7.1. they become aware of any assessable information in relation to the person;
  - 4.7.2. they become aware that the person is prohibited from working with children under a law of the Commonwealth or of another State or Territory;
  - 4.7.3. they become aware that the person is (or becomes) a registrable offender under the *Child Sex Offenders Registration Act 2006*; or

- 4.7.4. 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>6</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>7</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 is or may be "at risk".

## 6. Child Safe Environments Compliance

- 6.1. Under the Safety Act, Relevant Organisations affiliated with Netball SA:

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<sup>6</sup> Section 30(3), Children and Young People (Safety) Act 2017.

<sup>7</sup> Regulation 9, Children and Young People (Safety) Regulations 2017.

- 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:
  - 6.1.2.1 prepare or adopt policies and procedures designed to ensure that safe environments for Children and Young People are established and maintained; and
  - 6.1.2.2 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.
- 6.2. Adoption and implementation of the Safeguarding Children & Young People Policy and this Addendum will assist Relevant Organisations affiliated with Netball SA meet these obligations.

## 7. Safeguarding Children & Young People 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 Safeguarding Children & Young People 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 Safeguarding Children & Young People 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 Safeguarding Children & Young People 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 Safeguarding Children & Young People 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 Safeguarding Children & Young People 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.