



**Holstein Australia**  
**Youth Protection Policy**

July 2012

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## REVIEW HISTORY

VERSION	DATE REVIEWED	DATE ENDORSED	CONTENT REVIEWED

### PREFACE

Holstein Australia is committed to providing an environment that is safe for children and is free from harassment, discrimination and abuse/harm for everyone, and promotes respectful and positive behaviour and values.

This policy provides a code of conduct forming the basis of appropriate and ethical behaviour which everyone must abide by.

The Federal President of Holstein Australia is committed to ensuring that everyone associated with the Association complies with the policy.

Date of Issue: 1 July 2012

Signed:



Date: 1 July 2012

Ron Chittick  
Federal President  
Holstein Australia

## 1. Overview

Holstein Australia (HA) provides high quality, valued information services to our members and the broader community, while operating with the highest of ethical standards, including integrity and credibility. The Association seeks to support the board, committees, members, staff, youth and adults throughout their participation in HA activities.

This Policy is determined by the Federal Board; regularly reviewed by the Breed Development and Conformation Committee and is aimed at protecting Holstein Australia state branches, sub-branches, committees and any participating employees, members and non-members who are involved in some capacity on the day of a HA youth event.

Information on the rights and responsibilities for people involved in HA youth events is provided in this policy.

HA seeks to act in accordance with:

- Commonwealth, State and Territory Legislation (Sec 4, Att. F)
- HA Rules, By Laws and policies held at HA Head Office,
- Recommendations and guidelines from lawyers, insurers & other relevant agencies (Sec 4 Att. D)

## 2. Introduction and Scope

HA members participate in many activities and events that involve animals throughout the year in different locations and venues. Many of these are sanctioned by HA at Federal level and organised and run at state and sub branch level. Others include major shows and exhibitions such as those held by Royal Agricultural Societies and International Dairy Week.

The scope of this policy is to protect participants, including youth, in events that have been sanctioned, organised and run by HA members at national, state and sub branch level. This policy does not intend to replace the policies or terms and conditions or use of venue for those activities and events that HA do not have direct responsibility or liability. HA members should become familiar with the policies of other organised activities and events if they intend to participate.

### *Holstein Youth*

Holstein Youth is a youth development and social network program that aims to develop future leaders in the Holstein breed and foster a successful and positive future for Holstein Australia.

Holstein Youth members participate in calf and cattle shows, youth camps, study tours and a wide range of social events. Participants also learn valuable skills for life, such as leadership, communication and public speaking.

The objectives of Holstein Youth are;

- To encourage young people to learn and enjoy all aspects of the Holstein breed and the Association, including showmanship and animal husbandry and welfare
- To provide coaching in showmanship and animal husbandry and to instil in youth members proper care and welfare of their animals.
- To promote the highest ideals of sportsmanship, citizenship and loyalty, thereby cultivating strength of character and self-discipline.

The primary objective of this policy is to provide a safe and supportive environment for youth participants involved in HA activities and events.

## 3. Purpose of this Policy

This policy aims to maintain ethical and informed decision-making and responsible behaviours at all levels within HA. It outlines HA's commitment to HA youth event participants' right to be treated with respect and dignity and to be safe and protected from abuse, injury or harm.

This policy aims to inform people involved in HA events of their joint and/or individual legal and ethical rights, responsibilities and expected standards of behaviour throughout their involvement in these events.

The policy attachments outline the procedures that support HA's commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our activities. As part of this commitment, HA will take disciplinary action against any person or organisation if found to be in breach of this policy.

The purpose of this policy is to protect HA and youth participants involved in HA events by:

3.1 Providing a comprehensive and practical set of guidelines, procedures and rules for:

- 3.1.1 Responsible participation
- 3.1.2 Appropriate response, recording and reporting regarding and/or relating to;
  - Any/all serious allegations of incidents of abuse, injury or harm.

#### **4. Who this Policy Applies to**

This policy applies to the following people participating in or representing HA in HA events including:

- 4.1 Board members;
- 4.2 State Branch, sub-branch committee and sub-committee elected and/or appointed nominees;
- 4.3 Employees;
- 4.4 Youth event co-ordinators;
- 4.5 Event participating adults;
- 4.6 Event participating youth;
- 4.7 Event officials;
- 4.7 Members, including honorary and resigned members;
- 4.8 Event spectators;
- 4.9 Youth committee members;
- 4.10 Youth team members;
- 4.11 Or any other individual, group or organisation involved with an HA youth event.

*(For definitions of each please refer to the attached Dictionary.)*

HA state and sub branches are required to adopt and implement this policy and to provide proof to HA of approval of this policy by the relevant board in accordance with its own constitution. HA state and sub branches must also undertake to ensure that their individual members are bound by this policy and are made aware of this policy and what it says.

This policy will continue to apply to an HA individual including after they have ceased their association/membership or employment with HA when disciplinary action against that person has commenced.

#### **5. Responsibilities of the Association**

The HA Board, state branches, sub-branches, committees, members and employees must:

- 5.1 Adopt, implement and comply with this policy;
- 5.2 Publish, distribute and promote this policy and the consequences of breaches;
- 5.3 Promote and model appropriate standards of behaviour at all times;
- 5.4 Promptly deal with any breaches or complaints made under this policy;
- 5.5 Apply this policy consistently;
- 5.6 Recognise and enforce any penalty imposed under this policy;

- 5.7 Ensure that a copy of this policy is available and accessible to any/all person/s and association/s to whom this policy applies;
- 5.8 Use appropriately trained people to receive and manage serious complaints and allegations, (e.g. counsellor as suggested by appropriate legislative body)
- 5.9 Monitor and review this policy at least annually at the national level.

## 6. Individual Responsibilities

Individuals bound by this policy are responsible for:

- 6.1 Making certain they are aware of this policy and complying with its procedures, rules and standards of behaviour;
- 6.2 Complying with screening requirements required by each state or territory for Working with Children Checks (WWCC);
- 6.3 Placing the safety and welfare of event participating youth as priority above other considerations;
- 6.4 Being accountable for their own behaviour;
- 6.5 Following the procedures outlined in this policy if they wish to make a complaint or wish to report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour; and
- 6.6 Complying with any decision and/or disciplinary measures imposed under this policy.

## 7. Position Statements

### 7.1 Child Protection

HA acknowledges that the people involved in HA youth events provide a valuable contribution to the positive experiences of participating youth on the day. HA aims to protect their safety and welfare by:

- 7.1.1 Prohibiting any form of abuse or harm against participating youth;
- 7.1.2 Ensuring the appropriate people who organise, arrange and run HA events involved with participating youth have completed a satisfactory WWCC; *[state/territory requirements are summarised in Section 4 Attachment F of this policy]*
- 7.1.3 Carefully selecting and screening people over the age of 18 years; (e.g. Youth event co-ordinators, judges and officials who work, coach, mentor or have supervised or unsupervised contact with participating youth at an HA event)
- 7.1.4 Promoting and enforcing the Codes of Conduct, particularly for roles associated with participating youth;
- 7.1.5 Responding, recording and reporting allegations of abuse or harm promptly, ethically and confidentially;
- 7.1.6 Making information about child protection available, particularly to those whose roles are associated with 'working' with participating youth;
- 7.1.7 Adopting practices that reduce risk and provide the greatest opportunity for participating youth to be involved in a safe and supportive environment.

### 7.2 Reporting Allegations of Abuse or Harm

Anyone who (reasonably) suspects that an participating youth has been or is being abused or harmed by someone at an event is to report it immediately to the nearest local police and/or relevant state or territory agency and/or relevant designated HA person:

- 7.2.1 Youth event co-ordinator at the event or HA branch or state President, who will in turn utilise the Handling Allegations of Child Abuse procedure (refer Sec 4 Att.A4).

7.2.2 A person will not be victimised for reporting possible child abuse or allegations.

7.2.3 The privacy of all persons concerned will be respected and protected.

Descriptions of the sorts of activity which may be abuse are in the Dictionary at clause 12. If anyone suspects that a child is being abused by his or her parent/s, they are advised to contact the relevant government department for youth, family and community services in their state or territory.

### **7.3 Taking Images of Children**

Images of children are able to be used inappropriately or illegally.

HA requires that:

7.3.1 Individuals and associations, wherever possible, obtain permission from a parent, guardian or carer of participating youth;

7.3.2 The youth event co-ordinator ensure that any/all participating youth/s or participating adult/s who aim to take an image of a participating youth advise the youth event co-ordinator on the day of how the image will be used in future.

7.3.3 HA require the privacy of others to be respected and thus disallow the use of camera phones, videos and/or cameras inside changing areas, showers and/or toilets.

7.3.3.1 In the event that HA intends to use an image of a participating youth, HA will not use their name or identify them in any media without the express permission of their parent, guardian or carer.

7.3.4 HA will not print (alongside a photo) any personal contact information such as; email or residential or school names, addresses or phone numbers of a participating youth without gaining written consent from a parent, guardian or carer.

7.3.4.1 HA will not display information about hobbies, likes/dislikes etc of any participating youth as this information is known to be used as a grooming tool of paedophiles and/or others.

7.3.5 HA will only use appropriate images relevant to the association and ensure that the participating youth is suitably clothed and positioned in a manner that promotes the image and success of the individual and HA.

### **7.4 Anti-Discrimination and Harassment**

HA opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers. Some forms of harassment, discrimination and bullying, based on personal characteristics such as those listed in the Dictionary are against the law.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to the Complaints Procedure of this policy. (*Sec 4 Att.A*) This will explain what to do about the behaviour and how HA will deal with the issue.

### **7.5 Sexual Relationships**

HA takes the position that sexual relationships between a participating youth (of any age) and an participating adult should be avoided (*and in some cases such relationships may be illegal*) as these relationships can have harmful effects on the individual(s) involved, on other participating

youth, and other participating adults and on the image of the association itself. Such relationships may be intentionally or unintentionally exploitative due to a disparity between the participating youth and the adult in terms of authority, power, maturity, status, influence and dependence.

Should a sexual relationship between a participating youth and an adult exist, HA will consider whether any action is necessary or not. Factors that may be relevant in this consideration are the age and maturity of the participating youth relative to the participating adult, the financial or emotional dependence of the participating youth on the participating adult, and the likelihood of the relationship having any adverse impact on the participating youth and/or other participating youth. If it is determined that the sexual relationship is inappropriate, action may be taken to stop the event participating adult's relationship with the participating youth. Action may include disciplinary action against the participating adult.

If a participating youth attempts to initiate an intimate sexual relationship the participating adult must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The adult or youth may wish to approach the Youth Protection Information Officer (YPIO) if feeling harassed.

## **7.6 Pregnancy**

While most of those females that participate in HA's youth events are not yet of child bearing age; it is important that pregnancy is referred to in this policy.

Everyone bound by this policy must treat pregnant females (of any age) with dignity and respect. Any unreasonable barriers to participation by them should be removed. HA will not tolerate any discrimination or harassment against pregnant females (of any age).

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

HA recommends that pregnant women wanting to participate in any capacity at an HA youth event consult with their medical advisers and make themselves aware of the facts about pregnancy in recreational activity, and ensure that they make informed decisions about participation.

## **7.7 Gender Identity**

Everyone bound by this policy must treat people (of any age) who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any unlawful discrimination or harassment of a youth event participant who identifies as transgender or transsexual or who is thought to be transgender.

Descriptions of the types of behaviour which could be regarded as transgender discrimination or harassment are provided in the Dictionary.

HA recognises that the exclusion of transgender people of any age from participation in HA Events has significant implications for their health, well-being and involvement in community life.

## **8. Complaints Procedures**

### **8.1 Complaints**

HA aims to provide a simple procedure for complaints and allegations of child abuse based on the principles of procedural fairness (natural justice). Any person (the complainant) may report a

complaint about an individual or organisation/association/business/syndicate/group bound by this policy (the respondent). Such complaints should be reported to the YPIO.

Complaints are to be dealt with at the Federal level and referred to the Federal President or YPIO.

A complaint may be dealt with informally or formally. The Complainant usually decides this unless the YPIO considers that the complaint falls outside this policy and would be better dealt with another way and/or the law requires the complaint/allegation to be reported to an appropriate authority. (e.g. police)

All complaints will be dealt with promptly, seriously, sensitively and confidentially.

HA's Complaint Procedures are outlined in Section 4 Attachment A.

Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection, criminal or other relevant legislation.

## **8.2 Vexatious Complaints and Victimisation**

HA aims for the Complaints Procedure to have integrity and be free of unfair repercussions or victimisation. If at any point in the complaints process the YPIO considers that a Complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the Board for appropriate action which may include disciplinary action against the Complainant.

HA will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint.

## **8.3 Mediation**

HA aims to resolve complaints with a minimum of fuss. Complaints may be resolved by agreement between the people involved with no need for disciplinary action. Mediation allows those involved to be heard and to decide mutually agreed solutions.

Mediation may occur before or after the investigation of a complaint. If a Complainant wishes to resolve the complaint with the help of a mediator, the YPIO will, in consultation with the Complainant, arrange for a neutral third party mediator where possible. Lawyers are *not able* to negotiate on behalf of the Complainant and/or the Respondent.

More information on the mediation process is outlined in Section 4 Attachment A2.

## **8.4 Disciplinary Committees**

Should a formal complaint be made the Disciplinary committee will be appointed in accordance with HA's Rules and By Laws and the complaint will be heard in accordance with those rules.

The Disciplinary Committees decision is final and every organisation bound by this policy will recognise and enforce any decision of the Disciplinary Committee.

## **9. What is a Breach of this Policy?**

It is a breach of this policy for any person or organisation to which this policy applies, to do anything contrary to this policy, including but not limited to:

- 9.1 Breaching the HA Codes of Conduct
- 9.2 Bringing an HA event or HA into disrepute, or acting in a manner likely to bring an HA Event or HA into disrepute;
- 9.3 Failing to follow HA policies (including this Policy), rules and procedures for the protection, safety and welfare of event participating youths;

- 9.4 Discriminating against, harassing or bullying (including cyber bullying) any person;
- 9.5 Victimising another person for reporting a complaint;
- 9.6 Engaging in a sexually inappropriate relationship with a person that they supervise, or have influence, authority or power over;
- 9.7 Verbally or physically assaulting another person, intimidating another person or creating a hostile environment at any time throughout the HA Event.
- 9.8 Disclosing to any unauthorised person or organisation any HA information that is of a private, confidential or privileged nature
- 9.9 Making a complaint they *knew* to be untrue, vexatious, malicious or improper;
- 9.10 Failing to comply with a penalty imposed after a finding that the individual or association has breached this policy; or
- 9.11 Failing to comply with a direction given to the individual or organisation during the discipline process.

## 10. Disciplinary Measures

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. Any disciplinary measure imposed under this policy must:

- Be applied consistently with any contractual and employment rules and requirements;
- Be fair and reasonable;
- Be based on the evidence and information presented and the seriousness of the breach; and
- Be determined in accordance with HA's Rules and By Laws, this policy and/or rules of the HA event and the event venue.

### 10.1 Individuals

Subject to contractual and an employment requirement, if a finding is made by the Disciplinary Committee, that an individual has breached this policy; one or more of the following forms of discipline may be imposed:

- 10.1.1 A direction that the individual make a verbal and/or written apology;
- 10.1.2 A written warning;
- 10.1.3 A direction that the individual attend counselling to address their behaviour;
- 10.1.4 A withdrawal of any awards, placing, records, and achievements bestowed in any HA event held or sanctioned by HA;
- 10.1.5 A suspension of the individual's membership, appointment or position of involvement with HA.
- 10.1.6 Termination of the individual's membership, appointment or position of involvement with HA.
- 10.1.7 A recommendation that HA terminate the individual's membership, appointment or position of involvement with HA.
- 10.1.8 In the case of an event participating adult, a direction that the relevant organisation de-register the accreditation (WWCC) of the event participating adult for a period of time or permanently;
- 10.1.9 A fine;
- 10.1.10 any other form of discipline that the HA Board considers reasonable and appropriate.

## 10.2 Organisations

If a finding is made that an organisation, committee, syndicate or group or club (affiliated or otherwise) has breached this Policy, one or more of the following forms of discipline may be imposed by the HA Board:

- 10.2.1 A written warning;
- 10.2.2 A fine;
- 10.2.3 A direction that any rights, privileges and benefits provided to that organisation, committee, syndicate or group or club (affiliated or otherwise) is suspended for a specified period;
- 10.2.4 A direction that any funding granted or given to it by HA ceases from a specified date;
- 10.2.5 HA will cease to sanction events held by or under the auspices of that organisation, committee, syndicate or group or club (affiliated or otherwise).
- 10.2.6 A recommendation to HA that its membership of the peak organisation, committee, syndicate or group or club (affiliated or otherwise) be suspended or terminated in accordance with the relevant constitution or rules; and/or
- 10.2.7 Any other form of discipline that the HA Board considers being reasonable and appropriate.

## 10.3 Factors to consider

The form of discipline to be imposed on an individual or organisation will depend on factors such as:

- Nature and seriousness of the breach;
- If the person knew or should have known that the behaviour was a breach;
- Level of contrition;
- The effect of the proposed disciplinary measures on the person including any personal, professional or financial consequences;
- If there have been relevant prior warnings or disciplinary action;
- Ability to enforce discipline if the person is a parent or spectator (even if they are bound by this Policy); and or;
- Any other mitigating circumstances.

## 11. Working With Children Check (WWCC)

### 11.1 Preamble

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

Working with Children (WWC) check laws operating in New South Wales, Queensland, Western Australia, Victoria and South Australia aim to prevent people who pose a risk from working with children as paid employees or volunteers (paid or unpaid).

This is done by checking certain criminal history and other matters. In some states this also involves reviewing relevant findings from disciplinary proceedings.

HA requires that, depending on the relevant state legislative requirements HA Youth Event coordinators and HA event officials complete and maintain a current and valid WWC check or declaration *unless they qualify for an exemption available under WWC legislation for the relevant state and territory.*  
(Sec 4 Att. F)

If a Youth Event Co-ordinator cannot attend a youth event the sub branch may nominate a designated alternative person to attend the event in their place provided that person holds a current Working with Children check or similar valid accreditation.

### 11.2 Screening Requirements

The ACT and Tasmanian laws and legislation *do not have WWC requirements*. HA members from here when they attend HA Events in the other states in a participating capacity where WWC laws are operating must comply with those complying states and territories' WWC requirements.

HA recommends that the HA Screening Requirement Checklist (ACT & Tasmania) be utilised for screening requirements there in place of the WWC check. (Sec 4 Att.E3)

### 11.3 Legislative requirements for states and territories

The Federal and state and territory governments have specific legislation regarding Working with Children. Please refer to Section 4 Attachment F.

## 12. Dictionary

This dictionary sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words. State or territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State or territory child protection commissions or equal opportunity and anti-discrimination commissions.

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

**Affiliated** is a group, body, club, syndicate, organisation or committee affiliated with the relevant state body.

**Child abuse** involves conduct which puts children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms, including verbal and physical actions and by people failing to provide them with basic care.

Child abuse may include:

- *Physical abuse* by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity)
- *Sexual abuse* by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations)
- *Emotional abuse* by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child)
- *Neglect* (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

**Complaint** means a complaint made under clause 8.

**Complainant** means a person making a complaint.

**Complaint Handler/Manager** means a person appointed under this policy to *investigate* a complaint.

**Designated Alternative Person** is the HA sub branch nominated person who may attend a HA Youth Event as an alternative to the Youth Event Co-ordinator and must hold a current and valid Working with

Children check or similar valid accreditation. The Designated Alternative Person may or may not be an HA member.

**Discrimination** means treating or proposing to treat someone less favourably because of a particular characteristic in the same or similar circumstances in certain areas of public life (Direct Discrimination), or imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics (Indirect Discrimination). The characteristics covered by discrimination law across Australia are:

- Age;
- Disability;
- Family/carer responsibilities;
- Gender identity/transgender status;
- Sexual orientation;
- Irrelevant medical record;
- Irrelevant criminal record;
- Political belief/activity;
- Pregnancy and breastfeeding;
- Race;
- Religious belief/activity;
- Sex or gender;
- Social origin;
- Trade union membership

(Some states and territories include additional characteristics such as physical features or association with a person with one or more of the characteristics listed above)

#### **Examples of Discrimination**

- *Age:* An association refuses to allow an older member to co-ordinate because of age.
- *Breastfeeding:* A member of the association who is breastfeeding a baby at an event is asked to leave/move away.
- *Disability:* A youth participant is overlooked because of mild epilepsy.
- *Family Responsibilities:* An association decides not to promote an employee because they have a child with a disability even though the employee is the best person for the job.
- *Gender Identity:* A transgender HA Event Youth Co-ordinator is harassed when employees refuse to call her by her female name.
- *Marital Status:* A youth participant is deliberately excluded from social functions because they are married.
- *Pregnancy:* A female is dropped from a team when she becomes pregnant.
- *Race:* A New Zealand (NZ) judge is not permitted to judge a show with a high proportion of NZ youth participants competing.
- *Sexual orientation:* A youth participant is ostracised after their sexual orientation is known.

**Duty of Care:** A legal term indicating a reasonable expectation of any adult in the presence of a child to responsibly provide that child with a standard of care appropriate to the attending adult's experience and ability.

**Harassment** is any type of behaviour that the other person does not want and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and a reasonable person would recognise it as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Unlawful harassment is sexual, or targets a person because of their race, sex pregnancy, marital status, sexual orientation or some other characteristic (see characteristic list under discrimination – above)

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident but is usually repeated. It may be explicit or implicit, verbal or non-verbal.

Discrimination and harassment are not permitted in employment (including volunteer and unpaid employment); when providing competition goods and services including access to competitions; when providing training and accommodation; the selection or otherwise of any youth participant or other person involved in an event or camp for example.

Some exceptions to state and federal anti-discrimination laws apply. Examples include:

- holding a competition for females only who are under 12 years of age or of any age where strength, stamina or physique is relevant or
- not selecting a participant if the person's disability means they are not reasonably capable of performing the actions reasonably required for that particular activity.

Requesting, assisting instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law.

It is also a breach of discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment. Example: a participating youth is ostracised by their youth co-ordinator for complaining about their sexist behaviour or for supporting another participating youth who has made such a complaint.

Public acts of racial hatred which are reasonably likely to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some states and territories also prohibit public acts that vilify on other grounds.

**HA Event** is a scheduled event, show, camp, competition or other activity that HA has approved for HA Youth involvement, *in writing* to and/or in accordance with any organiser and/or other association (affiliated or otherwise), whether it occur on a local, state, national or international basis.

**HA Event Participating Adult** (participating adult) is any person over **18 years** of age on the day of the HA Event attending in any capacity other than that of youth event co-ordinator, supervisor, judge, coach, mentor, steward, official or assigned event volunteer (paid or unpaid). HA event participating adults are responsible for minors in their care at the event.

**HA Event Official** (official) is any person attending and participating on the day of the HA Event in an official capacity such as the HA youth event co-ordinator, supervisor, judge, coach, steward, official or assigned event volunteer (paid or unpaid). HA Event Officials are responsible for minors in their care at the event.

**HA Event Participating Youth** (participating youth) is any person **under 18 years of age** who is involved in an HA event for the purposes of competition, instruction or education. This includes any person under 18 years of age assisting in the preparation and fitting out of animals for exhibition or competition.

**HA Event Spectator** (spectator) is any person regardless of age who attends an HA event only for the purposes of observing and supporting an individual or team on the day of the event and are not involved in any official or 'competition of the day' capacity. Adult spectators are responsible for minors in their care at the event.

**HA Youth Event Co-ordinator** (youth coordinator) is the nominated HA sub branch member who manages and coordinates HA youth events, HA event participating adults, HA youth event participants, HA event officials, HA event spectators and the related HA event paperwork and forms.

**HA Member** means a current financial or honorary member of the Association.

**HA Youth** is a youth development and social network program that aims to develop future leaders and foster a successful and positive future for Holstein Australia. Membership is free for people until 18 years and includes participation in calf and cattle shows, youth camps, study tours and a wide range of social

events throughout the year. Participants also learn valuable skills for life, such as leadership, communication and public speaking.

**Natural Justice/Procedural fairness** incorporates the following principles:

- both the Complainant and the Respondent must know the full details of what is being said against them and have the opportunity to respond;
- all relevant submissions must be considered;
- no person may judge their own case;
- the decision maker/s must be unbiased, fair and just;
- the penalties imposed must be fair.

**Police check** is a national criminal history record check conducted as a pre-employment, pre-engagement or current employment background check on a person.

**This Policy** is this HA Policy

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

**Role-specific codes of conduct** are standards of conduct required of certain roles (e.g. judges)

**Sexual harassment** is unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical conduct, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

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

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

For example:

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

**Transgender** is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation.

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

**Vilification** involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of person having any of the attributes or characteristics within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

**YPIO** is the Youth Protection Information Officer and is a person responsible for being a first point of contact for a person reporting a complaint or breach of this Policy.

## Section 2: CODES OF CONDUCT

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### Preamble

The prime objective of an HA event is the meeting, exchange and sharing of ideas and experiences between participants taking part in fair and healthy competition. Good sportsmanship, showmanship, expert animal handling, team spirit and the ability to cheerfully participate in all activities planned by the organisers is of paramount importance when representing HA.

HA youth event coordinators, members, event officials, parents/guardians/cares, spectators and participating youths must comply with HA policies including this policy.

Disciplinary action may be taken against an individual who is found in breach of any of the policies and/or Codes of Conduct, and may also result in disqualification or removal of an individual, event participant or team.

### 1. Code of Conduct for HA Event Youth Coordinators

HA youth event coordinator/s should be encouraged to involve participating youth in the planning, leadership, evaluation and decision making related to the event.

Specifically:

Give all young people equal opportunities to participate;

- 1.1 Create pathways for young people to take part not just as a participant but also in an official or organising capacity
- 1.2 Ensure that rules, equipment, length of events and training schedules are modified to suit the age, ability and maturity level of participating youth.
- 1.3 Provide quality supervision and instruction for participating youth.
- 1.4 Remember that youth participate for their enjoyment and benefit as a priority to the achievement of awards.
- 1.5 Assist participating adults promote appropriate behaviour and skill development, by helping them to improve their standards of supervision and officiating.
- 1.6 Ensure that everyone involved in HA events understand the emphasis is for participation and fair play, as opposed to winning at all costs.
- 1.7 Provide a Code of Conduct sheet to HA members, participating adults, parents/guardians/carers, spectators and participating youth and urge them to adhere to the code.
- 1.8 Be mindful that at all times event coordinators provide the ultimate role-model for HA conduct and thus event coordinators behaviour and comments should be consistently positive and supportive.
- 1.9 Not tolerate abuse or harm of participating youth and accordingly issue disciplinary action in accordance with disciplinary procedures outlined in this policy (or other HA policies) that may result in their removal from an HA event or dismissal from HA membership.
- 1.10 Respect the rights, dignity and worth of all those involved and participating in HA events irrespective of any differences or discriminating factors.

## 2. Code of Conduct for HA Members

- 2.1 HA Members should be aware of HA values, that are to:
- Operate with high ethical standards, including integrity and credibility.
  - Maintain an independent, member focused position and views.
- 2.2 HA Members should be aware of the aims and objectives of HA youth events involving HA that is:
- i To encourage young people to participate in and learn to enjoy all HA approved activities connected with handling and exhibiting of dairy animals;
  - ii To provide instruction in handling and exhibiting of dairy animals and to instil in the event participants the proper care and welfare of their animals; and
  - iii To promote fellowship, citizenship and loyalty while cultivating strength of character and self-discipline.
- 2.3 HA members should also be aware that:
- i HA Youth is a youth movement that has always maintained a high standard of behaviour and presentation;
  - ii When representing HA, members' behaviour must never compromise, bring into disrepute or embarrass HA;
  - iii As ambassadors of HA, their actions will reflect upon everyone in the association, including members or teams representing HA in HA events;
- 2.4 HA members should demonstrate pride in their involvement in HA at all times.

## 3. Code of Conduct for HA Event Officials

An HA event official at an event must exercise a duty of care with regards to the safety, health and well being of participating youth in their care.

Specifically:

- 3.1 Be consistent, objective and courteous when making decisions. Remember, you set an example. Your behaviour and comments should be positive and supportive.
- 3.2 Place the safety and welfare of the youth event participants above all other considerations.
- 3.3 Provide positive and supportive assistance that is consistent, objective and respectful.
- 3.4 Remind event participating youth to comply with their Code of Conduct responsibilities.
- 3.5 Promote respect for all competitors; emphasising the spirit of the activity, rather than remaining focused on errors that occur or the number of awards won.
- 3.6 Display positive sportsmanship, remembering actions speak louder than words.
- 3.7 Remain up to date with the rules of the competition.
- 3.8 Give all event participating youth a 'fair go' irrespective of any differences or discriminating factors.
- 3.9 Personally maintain high standards of behaviour and urge all participating youth to similarly comply with HA policies, including this policy and by opposing and reporting any witnessed, noted or proven:
  - i use of bad or abusive language that may result in disqualification from any event.
  - ii Bullying or taking unfair advantage of another competitor.
  - iii Use or possession of recreational or illicit drugs;
  - iv Sexual liaisons, physical aggression or assault;

- v Theft or vandalising of facilities or property;
- vi Absconding from a billet or group without permission;
- vii Cruelty or abuse/harm of animals;
- viii Riding as a passenger by a participating youth in a vehicle driven by a person under 18 years of age

#### **4. Code of Conduct of HA Event Participating Parents/Guardians/Carers**

HA encourages the participation of parents/guardians/carers in HA events to ensure participating youth have the most rewarding and enjoyable experience possible. During HA events, participating parents/guardians/carers are expected to behave appropriately and to accept instructions and/or directions given by the HA event co-ordinator and/or other HA event officials.

Specifically;

- 4.1 Behave in accordance with this policy
- 4.2 Remember that participating youth enter into these events for their enjoyment.
- 4.3 Encourage children to participate, do not force them.
- 4.4 Focus on the child's efforts and performance rather than winning or losing.
- 4.5 Encourage children always to play according to the rules and settle disagreements without resorting to hostility or violence.
- 4.6 Not ridicule or yell at a child for making a mistake or losing a competition.
- 4.7 Remember that children learn by best example. Appreciate good and skilful performances by all participants.
- 4.8 Support all efforts to remove verbal and physical abuse/harm from HA events and activities.
- 4.9 Respect the HA youth event coordinator and HA event officials decisions and urge their children.
- 4.10 Extend respect and appreciation for all the event administrators, coordinators, officials, members, spectators and other parent/guardians/carers; all of whom positively care and endorse participating youth's safe and happy involvement in HA events.
- 4.11 Respect the rights, dignity and worth of every participating youth regardless of their differences or discriminating factors.

#### **5. Code of Conduct for HA Event Spectators**

HA welcomes spectators to HA events. Spectators' attendance serves to positively motivate and encourage participating youths to perform at their best while achieving a most rewarding and enjoyable experience as is possible. HA event spectators are expected to behave appropriately and to accept instruction/s and/or direction/s given by the event co-ordinator and/or event official.

Specifically;

- 5.1 Respect the decisions of the event coordinator and event officials and urge accompanying young spectators to do the same.
- 5.2 Not to ridicule or scold any participating youth or other competitors for incidental errors made during competition in an HA Event.
- 5.3 Condemn the use of violence in any form, whether it is by other spectators, coaches, officials or event participants.
- 5.4 Show respect for all participants in an event; including the competition. Deliberate attempts to distract competitors through undue noise, movement or other means will not be tolerated.
- 5.5 Not use aggression, violence, harassment or deliver abuse/harm in any form (that is, do not use foul language, sledge or harass toward any event coordinator, participating youth, participating adult, official, event Judge, parent/guardian/carer or any other organiser or competitor or other event spectator.

- 5.6 Display respect for the rights, individuality and worth of all attendees irrespective of any differences or discriminating factors.

## 6. Code of Conduct for Event Participating Youth

Event participating youth at HA events come under the supervision of the HA youth event co-ordinator. During HA events, participating youth are expected to behave in accordance with this policy and follow the directions given on the day by the event co-ordinator and/or event officials.

Event participating youths are expected to:

- 6.1 If required, wear a visible and official HA logo uniform /garment to advertise representation of HA during an HA Youth event and/or as directed by the event co-ordinator;
- 6.2 Participate in HA events according to the rules;
- 6.3 Respect the decision of HA event officials. If in disagreement; an event participating youth should approach the official during a break and/or after the competition to calmly discuss the difference of opinion/perspective;
- 6.4 Control his/her temper. Verbal abuse of event officials or sledging other competitors, deliberately or by distracting or provoking a competitor is not acceptable or permitted behaviour.
- 6.5 Work equally hard for yourself and your team.
- 6.6 Treat all participants as you would like to be treated;
- 6.7 Cooperate with other event participating youths and competitors;
- 6.8 Respect the rights, dignity and worth of all HA event participants regardless of their age, gender, ability, cultural background or religion.
- 6.9 Maintain a high standard of behaviour that complies with HA policies including this policy and specifically includes:
  - i The use of bad or abusive language that may result in disqualification from any event.
  - ii no bullying or taking unfair advantage of another competitor.
  - iii no use or possession of recreational or illicit drugs;
  - iv no sexual liaisons, physical aggression or assault;
  - v no theft or vandalising of facilities or property;
  - vi no absconding from a billet or group without permission;
  - vii no cruelty or abuse/harm of animals;
  - viii no riding as a passenger in a vehicle driven by a person who is not of license age and/or is unlicensed to drive a vehicle.

**Failure by any Event participating youth to comply with the above Code of Conduct may result in disciplinary action that may result in him/her being dismissed from the event.**

**SECTION 3: RULES OF EVENT PARTICIPATION**

RULES OF EVENT PARTICIPATION	HOLSTEIN AUSTRALIA YOUTH EVENTS	NOVEMBER 2011
<p><b>1.Purpose</b></p>	<p>Holstein Australia (HA) conduct shows and events at national, state and sub branch level that allow children of varying ages to participate assisted and unassisted in the handling and showing of Holstein livestock in competition at show grounds and arenas.(Youth Handlers)</p> <p>The purpose of this schedule is to outline the responsibilities, procedures and guidelines that will protect and allow the safe and enjoyable experience of those participants in a supportive environment.</p> <p><i>This schedule forms part of Holstein Australia's Youth Protection Policy and should be used in conjunction with that policy when interpreting its contents. Any decision, outcome or action determined as a result of referring, interpreting or applying those decisions, outcomes or actions from this schedule is required to comply with the Youth Protection Policy.</i></p>	
<p><b>2.Responsibilities</b></p>	<p><b>2.1 Sub Branch.</b>  <i>Each Holstein Australia Sub Branch has the following responsibilities:</i></p> <ul style="list-style-type: none"> <li>i) Each sub-branch of HA has the responsibility at each Annual Meeting to nominate at least one (1) Youth Event Co-ordinator(s) for a period of 12 months.</li> <li>ii) Each sub branch may nominate a designated alternative person if the Youth Event Co-ordinator is unable to attend a Youth Event. In the absence of the Youth Event Co-ordinator the sub branch is responsible for the designated alternative person during the youth event.</li> <li>iii) To ensure the Youth Event Co-ordinator(s) (or designated alternative person) is aware of the Youth Protection Policy</li> <li>iv) That sub branch Youth Events are conducted within the terms of the policy.</li> <li>v) To ensure that safety of Youth Handlers and their animals is paramount during Youth Event competitions &amp; presentations conducted in the event ring or arena.</li> <li>vi) To ensure one Youth Event Co-ordinator (or designated alternative person) is available to attend each of the sub branch Youth Events during the next 12 months.</li> </ul> <p><b>2.2 Youth Event Co-ordinator.</b>  <i>Each Youth Event Co-ordinator has the following responsibilities:</i></p> <ul style="list-style-type: none"> <li>i) To ensure all Youth Event entry forms and declarations are submitted on time and are completed correctly prior to the commencement of each sub branch Youth Event. <i>The sub branch secretary may already perform this task in the normal course of co-ordinating a sub branch youth event.</i></li> <li>ii) To provide the final decision on the day of the Youth Event as to which Youth Handler and/or animal requires the presence of a parent/guardian/carer during the competition and/or the presentation ceremony conducted in the event ring or arena.</li> <li>iii) To refuse the right of entry to a Youth event of any Youth Handler, parent/guardian/carer, judge, official, HA member, spectator or animal in the best interests of safety for all.</li> <li>iv) To make the final decision in the event of a dispute regarding any Youth event participant or animal in the competition regardless if that dispute occurs between any combination of Youth Handler, parent/guardian/carer, judge, official, HA member or spectator.</li> <li>v) To ensure a fully stocked <i>First Aid Kit &amp; First Aid equipment</i> is on hand and visible.</li> </ul> <p><b>2.3 Parents/Guardians/Carers of participating Youth handlers under 18 years.</b>  <i>Parents/Guardians/Carers of a participating Youth handler under 18 years have the responsibility:</i></p> <ul style="list-style-type: none"> <li>i) To submit to the Youth event co-ordinator, prior to a Youth Event commencing the completed Youth Event entry forms and declarations. Failure to submit the completed form</li> </ul>	

	<p>and declaration may prohibit the Youth Handler from participating in the event.</p> <p>ii) To determine whether or not they will accompany the Youth Handler into the event ring/arena to participate by choosing either:</p> <ol style="list-style-type: none"> <li>a) To observe only or</li> <li>b) To hold the Youth-Handler's hand, or</li> <li>c) To walk beside the animal and Youth-Handler, or</li> <li>d) To hold and lead the animal for the Youth-Handler.</li> </ol> <p>And to notify the Youth Event Co-ordinator prior to the competition commencing.</p> <p>iii) To refrain from coaching the Youth Handler whilst in the competition ring/arena.</p> <p><b>2.4 Judge of the Day.</b>  <i>The Judge of the Day, in regard to this schedule has the responsibility:</i></p> <p>i) To present the Youth Handler competition points/prizes/ribbons/awards</p> <p>ii) To refrain from physical contact with the Youth Handler; other than to congratulate and present prizes/ribbons/awards</p> <p>iii) To <i>not</i> reduce points/scores for any Youth Handler who is in any manner accompanied into the competition ring/arena by a Parent/Guardian/Carer provided prior notice has been given to the Youth Event Co-ordinator.</p>
<p><b>3. Eligibility of participating Animals</b></p>	<p><i>On the day of the event each animal entered in the Youth Event shall be deemed to be :</i></p> <ol style="list-style-type: none"> <li>i) female</li> <li>ii) off-heat /out-of-season</li> <li>iii) matched to the Youth-Handler age group</li> </ol>
<p><b>4. Minimum Youth Handler and animal age categories</b></p>	<p><i>Minimum age categories are on the day of the event.</i></p> <p><i>Age Group 1:</i>          Youth Handlers: under 8 years          Animal: less than 12 months old          Parent/Guardian/Carer MUST halter control the animal and accompany the Youth-Handler in the competition/presentation arena/ring.</p> <p><i>Age Group 2:</i>          Youth Handlers: 8 years and over and under 11 years          Animal: less than 12 months old          Parent/Guardian/Carer may (or may not) choose to accompany the Youth-Handler in the competition/presentation arena/ring.</p> <p><i>Age Group 3: :</i>          Youth Handlers: 11 years and over and under 15 years          Animal: less than 20 months old          Youth handler and Parent/Guardian/Carer may choose if accompaniment is required in the competition/presentation arena/ring.</p> <p><i>Age Group 4:</i>          Youth Handlers: 15 years and over          Animal: Any age          Youth handlers ARE NOT to be accompanied in the competition/presentation arena/ring.          Youth handlers between 15 and 18 require parent/guardian/carers permission to compete in this age group.</p>

## SECTION 4: ATTACHMENTS

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### ATTACHMENT A: COMPLAINTS PROCEDURES

#### Preamble

All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection or other relevant legislation.

If you wish to remain anonymous, Holstein Australia may have difficulty assisting you to resolve your complaint.

Procedural fairness (natural justice) means that Holstein Australia is required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond.

#### Attachment A1: COMPLAINTS PROCEDURE

##### INFORMAL APPROACHES

##### Step 1: Talk with the other person (where this is reasonable and appropriate)

In the first instance, you (the Complainant) should try to sort out the problem with the person or people involved (respondent) if you feel able to do so.

##### Step 2: Contact the Youth Protection Information Officer (YPIO)

Talk with the Youth Protection Information Officers (YPIO) if:

- the first step is not possible or reasonable;
- you are not sure how to handle the problem by yourself;
- you want to talk confidentially about the problem with someone and obtain more information about what you can do; or
- the problem continues after you tried to approach the person or people involved.

The YPIO is a designated person who will:

- take confidential notes about your complaint;
- try to find out the facts of the problem;
- ask what outcome/how you want the problem resolved and if you need support;
- provide possible options for you to resolve the problem;
- act as a support person if you so wish;
- refer you to an appropriate person (e.g. Mediator) to help you resolve the problem, if necessary;
- inform the relevant government authorities and/or police if required by law to do so;
- maintain confidentiality.

##### Step 3: Outcomes from initial contact

After talking with the YPIO or the designated person, you may decide:

- there is no problem;
- the problem is minor and you do not wish to take the matter forward;
- to try and work out your own resolution (with or without a support person such as a YPIO); or
- to seek a mediated resolution with the help of a third person (such as a mediator); or
- to seek a formal approach.

## FORMAL APPROACHES

### Step 4: Making a Formal complaint

If your complaint is not resolved or informal approaches are not appropriate or possible, you may:

- make a formal complaint in writing to the YPIO
- approach a relevant external agency such as an anti-discrimination commission, for advice.

On receiving a formal complaint and based on the material you have provided, the YPIO will decide whether:

- they are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure;
- to appoint a person to **investigate** (gather more information on) the complaint;
- to refer the complaint to mediation;
- to refer the complaint to a hearings Disciplinary Committee;
- to refer the matter to the police or other appropriate authority; and/or
- to implement any interim arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the YPIO will take into account:

- whether they have had any personal involvement in the circumstances which means that someone else should handle the complaint;
- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- the relationship between you and the respondent (for example an actual or perceived power imbalance between you and the respondent);
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the possibility that you will be subject to further unacceptable behaviour while the complaint process is underway.

If the YPIO is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

- put the information they've received from you to the person/people you're complaining about and ask them to provide their side of the story;
- decide if they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- determine what, if any, further action to take. This action may include disciplinary action in accordance with this policy.

### Step 5: Investigation of the complaint

A person appointed under Step 3 will conduct an investigation and provide a written report to the YPIO who will determine what further action to take;

- If the complaint is referred to mediation, it will be conducted in accordance with Attachment A2 or as otherwise agreed by you and the respondent and the mediation provider;
- If the complaint is referred to a hearing Disciplinary Committee, the hearing will be conducted in accordance with Rule 6 (7).
- If the complaint is referred to the police or other appropriate authority, Holstein Australia will use its best endeavours to provide all reasonable assistance required by the police or other authority.

*[Any costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or hearings Disciplinary Committee) are to be met by Holstein Australia unless otherwise stated in the relevant Attachment.]*

### **Step 6: Reconsideration of initial outcome/investigation or appeal**

If, under the formal complaint process, mediation is unsuccessful, you may request that the YPIO reconsider the complaint in accordance with Step 3.

### **Step 7: Documenting the resolution**

The YPIO or designated person will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place. The original document will be stored at the national office.

### **EXTERNAL APPROACHES**

There are a range of other options available depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from your State or Territory antidiscrimination commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be harassment within its jurisdiction, you may lodge a formal complaint with the commission.

Once a complaint is received by an anti-discrimination commission, it will investigate. If it appears that unlawful harassment or discrimination has occurred, the commission will conciliate the complaint confidentially. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made. The Disciplinary committee will decide upon what action, if any, will be taken. This could include financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred.

If you do lodge a complaint under anti-discrimination law, you may use an appropriate person (e.g. YPIO or designated person) as a support person throughout the process. It is also common to have a legal representative, particularly at the hearing stage of a complaint.

You could also approach another external agency such as the police.

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### **Attachment A2: MEDIATION PROCESS**

Mediation is a process during which people in conflict are helped to communicate with each other to identify the areas of dispute and to make decisions about resolving it. This attachment outlines the general procedure of mediation that will be followed by Holstein Australia.

1. If mediation is chosen, the YPIO or other designated person will, under the direction of the Holstein Australia and in consultation with the complainant and the respondent(s), arrange for a mediator.
2. The mediator's role is to assist the complainant and respondent(s) reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and respondent(s), will choose the procedures to be followed during the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.
3. The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached which will be signed by them as their agreement.
5. If the complaint is not resolved by mediation, the complainant may:
  - a). Write to the President of Holstein Australia or designated person to request that the President/designated person reconsider the complaint in accordance with Step 3; or
  - b). Approach an external agency such as an anti-discrimination commission.
6. Mediation will not be recommended if:
  - a). The respondent has a completely different version of the events and will not deviate from these;

- b). The complainant or respondent are unwilling to attempt mediation;
- c). Due to the nature of the complaint, the relationship between the complainant and the respondent(s) or any other relevant factors, the complaint is not suitable for mediation; or
- d). The matter involves proven serious allegations, regardless of the wishes of the Complainant.

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### **Attachment A3: INVESTIGATION PROCEDURE**

If an investigation needs to be conducted to gather more information the following steps will be followed:

1. Holstein Australia will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator will:

- 1.1 Interview the complainant and record the interview in writing.
- 1.2 Convey full details of the complaint to the respondent (s) so that they can respond.
- 1.3 Interview the respondent to allow them to answer the complaint, and record the interview in writing.
- 1.4 Obtain statements from witnesses and other relevant evidence to assist in a determination, if there is a dispute over the facts
- 1.5 Make a finding as to whether the complaint is:
  - substantiated (there is sufficient evidence to support the complaint);
  - inconclusive (there is insufficient evidence either way);
  - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded);and/or
  - mischievous, vexatious or knowingly untrue.

1.6 Provide a report to Holstein Australia (the YPIO) documenting the complaint, investigation process, evidence, and finding and, if requested, recommendations.

2. Holstein Australia will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.

3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser.

4. There is no right to appeal against any decision based on the investigation.

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### **Attachment A4: HANDLING AN ALLEGATION OF CHILD ABUSE PROCEDURE**

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. It is not the responsibility of anyone working in Holstein Australia in a paid or unpaid capacity to decide whether or not child abuse has taken place. However, there is a responsibility to act on any concerns by reporting these to the appropriate authorities. The following outlines the key steps to follow.

*More information can be obtained from State or Territory government agencies.*

#### **Step 1 – Initial Receipt of an Allegation**

If a child or young person discloses an allegation involving harm or abuse to them or another child, then it is crucial that you:

- Stay calm;
- Listen, be supportive and do not dispute what the child says;
- Reassure the child that what has occurred is not the fault of the child;
- Be honest with the child and explain that other people may need to be told in order to stop what is happening;

- Ensure you are clear about what the child has said but do not elicit detailed information, ask leading questions or offer an opinion;
  - Act promptly to accurately record the discussion in writing;
- Do not discuss the details with any person other than those detailed in these procedures; and
  - Do not contact the alleged offender.

### **Step 2 – Report allegations**

- Immediately report any allegation or disclosure of child abuse or situation involving a child at risk of harm, to the police and/or government child protection agency. You may need to report to both.
- Contact the relevant child protection agency or police for advice if there is any doubt about whether the complaint should be reported (for example, the allegation may relate to poor/inappropriate practice).
- If the child's parent/s is suspected of committing the abuse, you should report the allegation to the relevant government agency.
- If the allegation involves anyone to whom our policy applies, then also report the allegation to the President of Holstein Australia so that they can manage the situation (e.g. contact the parents following advice from the authorities, deal with any media enquiries and manage steps 3 and 4).

### **Step 3 – Protect the child and manage the situation**

- The President of Holstein Australia will assess the risks and take interim action to ensure the child's/children's safety. Action that Holstein Australia may implement includes redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined.
- The President of Holstein Australia will consider the kind of support that the child/children and parents may need (e.g. counselling, help lines, support groups).
- The YPIO or the President of Holstein Australia will address the support needs of the alleged offender.
- The YPIO or the President of Holstein Australia will also put in place measures to protect the child and the person against whom the complaint is made from victimisation and gossip. If the person is stood down, it should be made clear to any persons aware of the incident that this does not mean the respondent is guilty and a proper investigation will be undertaken.

### **Step 4 – Internal action**

- Where there is an allegation made against a person to whom this policy applies, there may be three types of investigations:
  - o Criminal (conducted by police)
  - o Child protection (conducted by child protection authority)
  - o Disciplinary or misconduct (conducted by Holstein Australia)
- Irrespective of the findings of the child protection and/or police inquiries, Holstein Australia will assess the allegation to decide whether the person should be reinstated, banned, have their employment or position terminated or any other action.
- The decision-maker(s) will be the Board of Holstein Australia and it will consider all the information, including the findings of the police, government agency and/or court, and determine a finding, recommend action and explain its rationale for the action. This may be a difficult decision particularly where there is insufficient evidence to uphold any action by the police.
- If disciplinary action is to be taken, the procedures outlined in Clause 10 of the policy will be followed.
- If disciplinary action is taken, Holstein Australia will advise and provide a report to the relevant government authority should this be required (e.g. the NSW Commission for Children and Young People requires notification of relevant employment proceedings).

## **Attachment A5: HEARINGS AND DISCIPLINARY COMMITTEE PROCEDURE**

The following will be followed by the hearings disciplinary committee established by Holstein Australia to hear member protection related complaints.

### **Preparation for Disciplinary Committee Hearing**

1. A disciplinary committee panel will be constituted following the rules outlined in Rule 6 (5) (a) of Holstein Australia's Rules to hear a complaint that has been referred to it by the President of Holstein Australia.

The number of disciplinary committee members required to be present throughout the hearing will be determined as outlined in Rule 22 (4) of Holstein Australia's Rules,

2. Disciplinary committee members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the President of Holstein Australia or YPIO relating to the complaint/allegations.

3. The disciplinary committee hearing will be scheduled as soon as practicable, but must allow adequate time for the person being complained about (the respondent(s)) to prepare their case for the hearing.

4. The disciplinary committee will not include any person who has any actual or perceived conflict of interest, or bias regarding the matter.

5. The YPIO or designated person will inform the respondent(s) in writing that a disciplinary committee hearing will take place. The notice will outline:

- That the person has a right to appear at the disciplinary committee hearing to defend the complaint/allegation;
- Details of the complaint, and details of all allegations and the clause of any policy or rule, allegedly breached;
- The date, time and venue of the disciplinary committee hearing;
- That they can make either verbal or written submissions to the disciplinary committee hearing;
- That they may arrange for witnesses to attend the disciplinary committee hearing in support of their position (statutory declarations of witnesses not available or from character witnesses may also be provided to the disciplinary committee);
- An outline of any possible penalties that may be imposed if the complaint is found to be true; and
- That legal representation will not be allowed. If the respondent is a minor, they are required to have a parent, guardian or carer present.

A copy of any information / documents that have been given to the disciplinary committee (e.g. investigation report findings) will also be provided to the respondent.

The respondent(s) will be allowed to participate in all Holstein Australia activities and events, pending the decision of the disciplinary committee, unless the President of Holstein Australia believes it is necessary to exclude the respondent(s) from all or some Holstein Australia activities and events, after considering the nature of the complaint.

6. The YPIO or designated person will notify the complainant(s) in writing that a disciplinary committee hearing will take place. The notice will outline:

- That the person has a right to appear at the disciplinary committee hearing to support their complaint;
- Details of the complaint, including any relevant rules or regulations the respondent is accused of breaching
- The date, time and venue of the disciplinary committee hearing;
- That they can make either verbal or written submissions to the disciplinary committee;
- That they may arrange for witnesses to attend the disciplinary committee in support of their position (or provide statutory declarations from witnesses unable to attend); and
- That legal representation will not be allowed. If the respondent is a minor, they are required to have a parent, guardian or carer present.

A copy of any information / documents that have been given to the disciplinary committee (e.g. investigation report findings) will also be provided to the complainant.

7. If the complainant believes the details of the complaint are incorrect or insufficient they should inform the President of Holstein Australia as soon as possible so that the respondent and the disciplinary committee panel members can be properly informed of the complaint.

8. It is preferable that the disciplinary committee include at least one person with knowledge or experience of the relevant laws/rules (e.g. discrimination).

### **Disciplinary Committee Hearing Procedure**

9. The following people will be allowed to attend the disciplinary committee hearing:

- The disciplinary committee members;
- The respondent(s);
- The complainant;
- Any witnesses called by the respondent;
- Any witnesses called by the complainant;
- Any parent / guardian or support person required to support the respondent or the complainant.

10. If the respondent(s) is not present at the set hearing time and the disciplinary committee chairperson considers that no valid reason has been presented for their absence, the disciplinary committee Hearing will continue subject to the disciplinary committee chairperson being satisfied that all disciplinary committee notification requirements have been met.

11. If the disciplinary committee chairperson considers that a valid reason for the non-attendance of the respondent(s) has been presented, or the disciplinary committee chairperson does not believe the disciplinary committee notification requirements have been met, then the disciplinary committee will be rescheduled to a later date.

12. The disciplinary committee chairperson will inform the relevant person of the need to reschedule, and the relevant person will organise for the disciplinary committee to be reconvened.

13. The disciplinary committee chairperson will read out the complaint, ask the respondent(s) if they understand the complaint and if they agree or disagree with the complaint.

14. If the respondent agrees with the complaint, they will be asked to provide any evidence or witnesses that should be considered by the disciplinary committee panel when determining any disciplinary measures (penalty) under the Holstein Australia rules.

15. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.

- Reference may be made to brief notes.
- The complainant may call witnesses.
- The respondent(s) may question the complainant and witnesses.

16. The respondent(s) will then be asked to respond to the complaint.

- Reference may be made to brief notes.
- The respondent may call witnesses.
- The complainant may ask questions of the respondent and witnesses.

17. Both the complainant and respondent may be present when evidence is presented to the disciplinary committee. Witnesses may be asked to wait outside the hearing until required.

18. The disciplinary committee may:

- consider any evidence, and in any form, that it deems relevant.
  - question any person giving evidence.
  - limit the number of witnesses presented to those who provide any new evidence.
  - Require the attendance of any witness it deems relevant;
- Act in an inquisitorial manner in order to establish the truth of the issue/case before it.
19. Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.
20. If the disciplinary committee considers that at any time during the disciplinary committee hearing that there is any unreasonable or intimidating behaviour from anyone the chairperson may stop further involvement of the person in the hearing.
21. After all of the evidence has been presented the disciplinary committee will make its decision in private. The disciplinary committee must decide whether the complaint has been substantiated on the balance of probabilities (i.e. more probable than not). As the seriousness of the allegation increases, so too must the level of satisfaction of the disciplinary committee that the complaint has been substantiated. The respondent will be given an opportunity to address the disciplinary committee on disciplinary measures which might be imposed. Disciplinary measures imposed must be reasonable in the circumstances.
22. All disciplinary committee decisions will be by majority vote.
23. The disciplinary committee chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed, or may advise those present that the decision is reserved and will be handed down in written form.
24. Within 48 hours, the disciplinary committee chairperson will:
- Forward to the relevant person a copy of the disciplinary committee decision including any disciplinary measures imposed.
  - Forward a letter to the respondent(s) reconfirming the disciplinary committee decision and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an appeal. Where the matter is of unusual complexity or importance, the disciplinary committee chairperson may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours.
25. The disciplinary committee does not need to provide written reasons for its decision.

**ATTACHMENT B: RECORDING DOCUMENTS**

**Attachment B1: CONFIDENTIAL RECORD OF INFORMAL COMPLAINT**

CONFIDENTIAL RECORD OF INFORMAL COMPLAINT		
Date		
Name of person receiving complaint:		
Complainants Name:		
Age:	<input type="checkbox"/> Under 18	<input type="checkbox"/> Over 18
Role/Status of complainant:	<input type="checkbox"/> Co-ordinator <input type="checkbox"/> Participant <input type="checkbox"/> Spectator <input type="checkbox"/> Parent/Guardian/Carer <input type="checkbox"/> Employee <input type="checkbox"/> Official <input type="checkbox"/> Other.....	
Event and event location of alleged issue:		
Date of event:		
Allegations as stated by complainant		
Nature of Complaint  <i>You can tick more than one box</i>	<p><i>Category:</i></p> <input type="checkbox"/> Harassment <input type="checkbox"/> Discrimination <input type="checkbox"/> Inappropriate physical contact <p><i>Basis:</i></p> <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection/Result Dispute <input type="checkbox"/> Method of Supervision <p><i>Grounds:</i></p> <input type="checkbox"/> Sexuality <input type="checkbox"/> personality clash <input type="checkbox"/> verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> bullying <input type="checkbox"/> physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> disability <input type="checkbox"/> victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> child abuse <input type="checkbox"/> unfair decision <input type="checkbox"/> Other..... .	
What outcome would complainant want to occur to overcome the issue?		
What information has been provided?		
What complainant is going to do now		

This record and any notes must be kept in a confidential place – do not enter on a computer system. If the issue becomes a formal complaint this record is to be sent to Holstein Australia’s YPIO.

**Attachment B2: CONFIDENTIAL RECORD OF FORMAL COMPLAINT**

CONFIDENTIAL RECORD OF FORMAL COMPLAINT	
Date complaint received:	
Name of Complainant: <i>(person making the complaint)</i>	
Complainants contact details:	Phone: _____ email: _____
Age of Complainant:	<input type="checkbox"/> Under 18 <input type="checkbox"/> Over 18
Role/Status of Complainant:	<input type="checkbox"/> Co-ordinator <input type="checkbox"/> Participant <input type="checkbox"/> Spectator <input type="checkbox"/> Parent/Guardian/Carer <input type="checkbox"/> Employee <input type="checkbox"/> Official <input type="checkbox"/> Other.....
Name of respondent: <i>(person the complaint is about)</i>	
Age of respondent:	<input type="checkbox"/> Under 18 <input type="checkbox"/> Over 18
Role/Status of respondent:	<input type="checkbox"/> Co-ordinator <input type="checkbox"/> Participant <input type="checkbox"/> Spectator <input type="checkbox"/> Parent/Guardian/Carer <input type="checkbox"/> Employee <input type="checkbox"/> Official <input type="checkbox"/> Other.....
Event and event location of alleged issue:	
Date of event:	
Allegations as stated by complainant <i>(describe the alleged issue)</i>	
Nature of Complaint  <i>You can tick more than one box</i>	<b>Category:</b> <input type="checkbox"/> Harassment <input type="checkbox"/> Discrimination <input type="checkbox"/> Inappropriate physical contact  <b>Basis:</b> <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection/Result Dispute <input type="checkbox"/> Method of Supervision  <b>Grounds:</b> <input type="checkbox"/> Sexuality <input type="checkbox"/> personality clash <input type="checkbox"/> verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> bullying <input type="checkbox"/> physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> disability <input type="checkbox"/> victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> child abuse <input type="checkbox"/> unfair decision  <input type="checkbox"/> Other.....

Methods , if any of attempted informal resolution	
Outline the formal resolution procedures followed	
If investigated; what were the findings?	
<i>Disciplinary Committee</i> If complaint went to hearing: Decision:  Action recommended:	
<i>Mediation:</i> Date of mediation: Were both parties present? Terms of Agreement:  Other actions taken:	
<i>Appeals Disciplinary Committee:</i> If complaint went to appeals Disciplinary Committee: Decision:  Action recommended:	
Resolution	<input type="checkbox"/> less than 3 months to resolve <input type="checkbox"/> between 3 and 9 months to resolve <input type="checkbox"/> more than 9 months to resolve
Record completed by:	Name: Position: Signature: <span style="float: right;">Date:</span>
Signed by:	Complainant: <span style="float: right;">Date:</span>  Respondent: <span style="float: right;">Date:</span>

This record and any notes must be kept in a confidential place – do not enter on a computer system.  
 Originals of formal complaint records must be forwarded to the national office.

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**Attachment B3: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION**

Before completing, ensure the procedures in Attachment A4; Handling an Allegation of Child Abuse have been followed and advice has been sought from the relevant government agency and/or police.

CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION	
Date complaint received:	
Name of Complainant: <i>(if other than the child)</i>	
Child's name:	Child's Age:
Childs address:	
Complainants reason for suspecting abuse: <i>(e.g. observation, injury, disclosure)</i>	
Name of respondent: <i>(person the complaint is about)</i>	
Role/Status of respondent:	<input type="checkbox"/> Co-ordinator <input type="checkbox"/> Participant <input type="checkbox"/> Spectator <input type="checkbox"/> Parent/Guardian/Carer <input type="checkbox"/> Employee <input type="checkbox"/> Official <input type="checkbox"/> Other.....
Witnesses <i>(if more than 3 witnesses, attach details to this form)</i>	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:
Interim action (if any) taken (to ensure child's safety and/or to support needs of respondent)	
Police contacted	Who: When: Advice provided:
Government agency contacted	Who: When: Advice provided:

Holstein Australia contacted	Who: When: President of HA:Y/N
Police and/or government agency investigation	Finding:
Holstein Australia internal investigation (if any)	Finding:
Action taken	
Record completed by:	Name: Position: Signature: <span style="float: right;">Date:</span>
Signed by:	Complainant ( <i>if not a child</i> ): Date:

This record and any notes must be kept in a confidential place and provided to the relevant authorities (police and government) should they require them – do not enter on a computer system.  
Originals of formal complaint records must be forwarded to the national office.

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**ATTACHMENT C: FORMS**

**Attachment C1: Holstein Australia Event Participation Form – under 18 years**

**Holstein Australia Event Participation Form – under 18 years**

*Parent/Guardian/Carer Entry, Agreement, Indemnity & Waiver form*

Chief Executive Officer  
Holstein-Friesian Association of Australia  
24-36 Camberwell Road  
HAWTHORN EAST VIC 3122

I/we agree that my/our child/ward \_\_\_\_\_ (name) of \_\_\_\_\_  
\_\_\_\_\_ (address)

who wishes to take part as a participant of a Holstein-Friesian Association of Australia event, either organised by Holstein-Friesian Association of Australia or one of its Sub or State Branches, shall participate in the activity/event at my sole risk and responsibility and without any liability to the Holstein-Friesian Association of Australia, Board, Staff or Members assisting in the activity/event for any loss or damage, accident or illness which may occur during or by reason of their or my participation in such activity/event, and I/we agree to indemnify the Holstein-Friesian Association of Australia, Board, Staff or Members or event coordinator, supervisor or official against any claim, damages, fees and expenses whatsoever in respect thereof.

I/we hereby state that my/our child/ward suffers from the following medical condition and/or food allergy:

\_\_\_\_\_  
I/we further authorise the Association representative, in the event of any such illness or accident, to obtain all necessary medical assistance and treatment and transportation to medical assistance or hospital. I/we agree to pay all fees and expenses so incurred. I/we authorise any qualified medical practitioner to administer to my/our child/ward an anaesthetic if they deem it necessary. Should approval be given to any/my/our request(s) for me/my/our child/ward to travel to and/or from the activity/event site independently, such travel shall be at my/our own risk in all things.

**Event name, venue and location:** \_\_\_\_\_

**Rules of Participation:**

**Youth Handler Age Group:** *(Note: age on the day of the event)*

- under 8 years: Animal aged less than 12 months
- 8 years and over and under 11 years: Animal less than 12 months
- 11 years and over and under 15 years: Animal aged less than 20 months
- 15 years and over: Animal of any age

**If you intend to accompany the participant in competition please tick one box only:**

- I will not accompany. (Note: participant must be older than 8 years of age)
- I will observe from beside the competition ring/arena
- I will hold Youth Handlers hand
- I will walk beside the animal and Youth Handler
- To hold and lead the animal for the Youth Handler

**Participating animals:**

If I am providing my own animal(s) for participation in the event for competition, education or demonstration I agree that the animal will be female, off heat/out of season and matches the Youth-Handler age group category(s) as outlined in the Youth Protection Policy. .

Parent/Guardian/Carer Name: \_\_\_\_\_ Phone Numbers: \_\_\_\_\_ / \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Privacy Statement**

*Holstein Australia is committed to ensuring that your privacy is protected in accordance with our privacy policy. We will not sell, distribute or give your personal information to third parties unless we have your express permission or are required by law to do so.*

**Attachment C2: YOUTH PROTECTION DECLARATION FORM**

**YOUTH PROTECTION DECLARATION FORM**

Holstein Australia (HA) has a duty of care to all those associated with their events and to the individuals whom its policies apply. As a requirement of the Youth Protection Policy, Holstein Australia must enquire into the background of those who, at an HA event undertake any work, coaching, instruction, supervised or unsupervised contact with people under the age of 18 years.

Event:..... Location:..... Date:.....

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

..... (address), Date of Birth:.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence towards any person
3. I have not had any disciplinary proceedings brought against me by an employer, organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence
4. I am not currently serving a sanction for a violation under HA's rules and by laws or any other animal or show society rules or regulations
5. I will not participate in, facilitate or encourage any practice prohibited by HA's rules and by laws applicable to me.
6. To my knowledge there is no other matter that Holstein Australia may consider to constitute a risk to its members, employees, volunteers, event participants or reputation by engaging me.
7. I will notify the Youth Protection Information Officer immediately upon becoming aware that any of the matters set out in clauses [1 to 6] above has changed.

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

on..... (date) Signature.....

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**Parent/Guardian/Carer Consent (in respect of a person under the age of 18 years)**

I have read and understood the declaration provided by the child/ward in my care. I confirm and warrant that the contents of the declaration provided by the child/ward in my care are true and correct in every particular.

Name: .....

Signature: .....

Date: .....

*Privacy Statement*

*Holstein Australia is committed to ensuring that your privacy is protected in accordance with our privacy policy. We will not sell, distribute or give your personal information to third parties unless we have your express permission or are required by law to do so.*

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## **ATTACHMENT D: RELATED PARTIES RECOMMENDATIONS and POLICIES**

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### **Public and Personal Liability**

Holstein Australia holds a certificate of insurance protecting the Association from liability to pay compensation for personal injury or damage to property for the sum of \$20 million. This insurance cover is renewed annually.

### **Legal**

The Federal and state and territory governments have specific legislation regarding Working with Children (WWC). Holstein Australia's legal advice is that HA members who participate in HA activities and events involving children should be aware of their statutory responsibilities in regard to WWC and to act within the limits of the law.

Specific state and territory legislation related to working with children can be found in Attachment F1.

### **Agricultural Societies**

This policy does not intend to replace the policies or terms and conditions of entry, participation in or use of venue for any agricultural society or show activity and event.

Each state representative agricultural society, including Royal Agricultural Societies (RAS) recommend that HA members become familiar with the policies and conditions of participation, including WWC for each event conducted by each state representative agricultural society, including RAS.

### **Government Agencies**

All statutory and government appointed agencies such as Work Safe are responsible for applying and enforcing legislation relating to workplace occupational health and safety including the safety and care of children.

There are significant resources available to organisations such as HA to understand their responsibilities and apply safe and supportive practices for youth who participate in HA events. These resources are also available for parents, guardians, carers and children.

Statutory and government appointed agencies who are responsible for workplace health and safety including the safety and care of children recommend HA members comply with relevant legislation and contact their relevant agency to discuss the resources and assistance that is available.

## **ATTACHMENT E: CHECKLISTS**

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### **Attachment E1: HA YOUTH EVENT CO-ORDINATOR – CHECKLIST**

#### **Youth Event Co-ordinator – CHECKLIST**

- Attain and keep up-to-date *Working With Children Check* or similar valid accreditation
- Attend Holstein Sub-Branch Annual meeting for nomination and election to position
- Make visible at each/all youth events a well-maintained First Aid Kit
- Distribute, collate and follow-up with parents/guardians/carers re the signing and timely submission of the event entry and declaration forms prior to each youth event
- Provide 'Final Say' – for the benefit of judges, parents/guardians/carers and safety of youth and animals on the day of each/all youth events

## Attachment E3: SCREENING REQUIREMENTS CHECKLIST

### Screening Requirements Checklist

(for ACT & Tasmania in the absence of Working with Children checks)

This Checklist sets out the screening process for people in Holstein Australia who undertake any work, coaching, instruction, supervised or unsupervised contact with people under the age of 18 years.

Holstein Australia will and also requires state and sub branches to:

- 1. Identify positions that involve working, coaching, supervised or unsupervised contact with people under the age of 18 years.
  - 2. Obtain a completed *Youth Protection Declaration* (YPD) (*Attachment C2*) from all people who are identified in step 1 and keep it in a secure place.
  - 3. Provide an opportunity for a person to give an explanation if a YPD isn't provided or it reveals that the person doesn't satisfactorily meet any of the clauses in the YPD. We will then make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years. If unsatisfied, we will not appoint them to the role/position.
  - 4. Where possible, check a person's referees (verbal or written) about his/her suitability for the role.
  - 5. Ask the people identified in step 1 to sign a consent form for a national police check.
  - 6. Possibly request (or ask the person to request) a national 'Part Exclusion' police check from their relevant police jurisdiction. This check excludes irrelevant records. If the police check indicates a relevant offence, HA will provide an opportunity for the person to give an explanation, and then we will make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years. If unsatisfied, we will not appoint them to the role/position.
  - 7. Make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years if the person does not agree to a national police check after explaining why it is a requirement under our policy. If unsatisfied, we will not appoint them.
  - 8. Decide whether to offer the person the position taking into account the result of the police check and any other information the club has available to it. Where it is not practical to complete the police check prior to the person commencing in the position, we will complete the check as soon as possible, and if necessary, act immediately on the outcome.
  - 9. Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the checking process.
  - 10. Return information collected during screening (such as a completed YPD form, police records and referee reports) to the relevant person if that person is not appointed to the position, or otherwise be destroyed within 28 days of the date of the decision or the expiry of any appeal period, unless within that time the person requests that the documents be returned to them. For appointed persons, information will be kept on file in a secure location
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## ATTACHMENT F: STATUTORY REQUIREMENTS

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### Attachment F1: WORKING WITH CHILDREN - CHILD PROTECTION REQUIREMENTS FOR STATES AND TERRITORIES

*The following information was correct at time of publishing and is subject to change at any time. If HA members are in doubt about their responsibilities under state and territory legislation please contact the Chief Operating Officer at the Holstein office on 03 9835 7600.*

#### 1. NATIONAL

In 2010, the Commonwealth Government passed legislation to establish an independent statutory office of the Commonwealth Commissioner for Children and Young People.

The objects of the office of Commissioner will:

- (a) advocate at a national level for the needs, views and rights of people below the age of 18; and
- (b) monitor the development and application of laws affecting children and young people; and
- (c) co-ordinate related policies, programs and funding across Australia, which impact on children and young people; and
- (d) proactively involve children and young people in the decisions that affect them.

For more information:

The Commonwealth Commissioner for Children and Young People: 02 6246 3788

#### 2. QUEENSLAND

A person will need a Working with Children Check (WWCC), also known as the Blue Card, if they propose to work in a paid or voluntary capacity or to carry on a business in a child-related area regulated by the Commission for Children and Young People and Child Guardian Act 2000. The check is a detailed national criminal history check including charges and investigations relating to children. Once a person is checked and approved they are issued with a "Blue Card." Existing card holders will be notified by the Queensland Commission for Children and Young People and Child Guardian before their card expires.

Blue Cards for volunteers and trainee students are valid for 3 years and there is no application. Exemptions apply.

Exemptions from requiring a Blue Card:

*Volunteers*

1. A child under 18 unless they are a trainee student
2. A volunteer parent of a child who participates in the same or similar activities

For more information on how to obtain a Blue Card visit [www.ccyipcq.qld.gov.au/bluecard](http://www.ccyipcq.qld.gov.au/bluecard)

The Commission for Children and Young People and Child Guardian: 07 3211 6700

#### 3. NEW SOUTH WALES

All organisations within NSW that employ people in child-related employment (in a paid or unpaid capacity) must meet the requirements of the Working with Children legislation.

Most volunteers and students on placement in NSW are only required to complete the online Volunteer/student worker declaration.

The declaration can be completed online at [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au) and there is no application fee. Once completed please send a copy of the declaration to Holstein Australia. Exemptions apply but please consider completing the declaration in any case.

Exemptions:

*Volunteers*

1. A volunteer for an organisation attending with or viewing their own children.

For more information on the Volunteer/student worker declaration visit [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)

The Commission for Children and Young People and Children: 02 9286 7276

#### 4. WESTERN AUSTRALIA

Under the *Working With Children (Criminal Record Checking) Act 2004* people whose usual duties of work involve (or are likely to involve) contact with a child in connection with one or more categories of child-related work carried out by paid employees, volunteers, unpaid people and the self-employed are required to have a The Working with Children (WWC) check. Exemptions apply.

WWC application forms are available from Australia Post outlets and cost \$10.00 for volunteers.

Exemptions:

1. A child under 18 years old
2. Short term visitors to WA carrying out child-related work for two week period
3. Parents volunteering in connection with their child's activity (although this does not apply to overnight camps);
4. Five Day Threshold: Allows volunteers, students and employees to be engaged in child-related work on no more than five days in a calendar year without a WWC check however they should still be required to complete the non-WWCC screening process.

For more information on WWC visit [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au) or call 1800 883 979 (toll free)

WA Commissioner for Children and Young People: 08 6213 2297

#### 5. VICTORIA

The Working with Children Check (WWCC) creates a mandatory minimum checking standard across Victoria. The *Working with Children Act 2005* requires that some people who work or volunteer in child related work require a WWC Check. The check involves a national police records check and a review of relevant findings from prescribed professional disciplinary bodies. Exemptions apply.

WWC application forms are available from Australia Post outlets and there is no cost for applications for volunteers.

Exemptions:

1. Volunteers whose own children are involved in the particular activity; however they should still be required to complete the screening process.
2. "Regular" contact exemption. The legislation does not define the term "regular" so employers and organisations are left to interpret the word by 'dictionary' definition, as required by the Victorian government. For the purposes of the policy the Encarta Dictionary definition has been chosen: "*.....regular: occurring in a fixed, unvarying, or predictable pattern, with equal amounts of time or space between each one.....*"

Most HA youth events, excluding major annual events are *not* held on a regular basis insofar as they are (usually once a year and not always at the same time of year).

For more information on how to obtain a WWC check visit [www.kids.vic.gov.au](http://www.kids.vic.gov.au) or call 1300 78 29 78

The Victorian Department of Justice: 1300 652 879 or [www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren)

#### 6. SOUTH AUSTRALIA

There are provisions under the *Children's Protection (Miscellaneous) Amendment Act 2005* that apply to non-government and volunteer organisations that are entrusted with the care of children or who regularly come into contact with children.

Since January 2011, organisations providing services to children in SA are required to conduct criminal history assessments on volunteers. Exemptions apply.

Exemptions:

1. A volunteer whose child is participating
2. A person under 18 years of age
3. A person working or volunteering for a short term event or activity of less than 10 days activity or no more than 1 day in any month

For more information visit [www.families.sa.gov.au/childsaf](http://www.families.sa.gov.au/childsaf)

SA Department of Families and Communities: 08 8226 7000

#### 7. TASMANIA, AUSTRALIAN TERRITORIES AND NEW ZEALAND

Some states and territories currently do not have specific legislation regarding WWC checks. For more information on Working With Children requirements please refer to the following:

##### TASMANIA.

The Commissioner for Children: [www.childcomm.tas.gov.au](http://www.childcomm.tas.gov.au) or 03 6233 4520

**A.C.T.** The Children and Young People Commissioner: 02 6205 2222

The ACT government Working With Children brochure:  
[www.hrc.act.gov.au/res/file/49455%20AHRC%20Children%206pp%20DL.pdf](http://www.hrc.act.gov.au/res/file/49455%20AHRC%20Children%206pp%20DL.pdf)

**N.T.:** Office of the Children Commissioner visit [www.childrenscommissioner.nt.gov.au](http://www.childrenscommissioner.nt.gov.au) or 08 8999 6076

**New Zealand**

The Children's Commissioner of NZ: 08 0022 4453