



SUPERKART MEMBER PROTECTION POLICY

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Message from the President

This Member Protection Policy aims to ensure The Superkart Club of NSW core values, good reputation and positive behaviours and attitudes are maintained. It assists us in ensuring that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse. Through this Policy, we aim to ensure that everyone involved in superkarting is aware of his or her legal and ethical rights and responsibilities.

This Policy also provides the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from superkarting. As part of this commitment, The Superkart Club of NSW will take disciplinary action against any person or organisation bound by this Policy if they breach it.

The Superkart Club of NSW is committed to providing an environment safe for children, which is free from harassment and abuse for everyone, and promotes respectful and positive behaviour and values. This Policy provides codes of conduct and behaviour that form the basis of appropriate and ethical conduct which everyone must abide by.

This Member Protection Policy is an essential part of our association's proactive and preventative approach to tackling inappropriate behaviour.

As President, I endorse this Member Protection Policy and am personally committed to ensuring that everyone associated with The Superkart Club of NSW complies with it.

.....
Wayne Horswell
President
The Superkart Club of NSW

This Member Protection Policy (MPP) forms part of the Superkart Club of NSW constitution that applies to all members including social and committee members, volunteers and officials who take part in either participation at or organisation of race events held or coordinated by The Superkart Club of NSW. This Member Protection Policy is effective from 1 June 2010 and will operate until it is replaced.

The objectives of the Member Protection Policy are to:

- (a) meet our obligations in relation to harassment, discrimination and other forms of inappropriate behaviour;
- (b) recognise that we have a moral obligation to establish standards of appropriate behaviour and to provide a safe, respectful and appropriate sporting environment;
- (c) emphasise that the safety and welfare of young drivers is of paramount importance; and
- (d) form part of The Superkart Club of NSW's overall risk management plan through the implementation of policies and procedures for addressing harassment, discrimination and other forms of inappropriate behaviour.

The MPP is divided into the following 7 parts:

- A. Core Policy;
- B. Roles and Responsibilities;
- C. State Specific Requirements;
- D. Complaint Procedures and Disciplinary Action;
- E. Codes of Conduct and Behaviour;
- F. Definitions and Interpretation; and
- G. Prescribed Forms.

Given the importance of this area, The Superkart Club of NSW is committed to the implementation, enforcement and continual review of this Member Protection Policy.

PART A: CORE POLICY

1. POLICY POSITION STATEMENT

1.1 The Superkart Club of NSW is committed to providing a sport and work environment free of discrimination and harassment (sexual or otherwise), where individuals are treated with respect and dignity.

1.2 The Superkart Club of NSW does not tolerate discriminatory or harassment behaviour under any circumstances and will take disciplinary action against anyone who breaches this Policy.

1.3 The Superkart Club of NSW is committed to ensuring that the safety, welfare and wellbeing of young adults are maintained at all times during their participation in activities run by The Superkart Club of NSW and affiliated Clubs. Accordingly, any person involved in the management, coaching or administration of any member under the age of 18 years may be asked to undergo screening procedures including police and other probity checks.

1.4 The law is always the minimum standard for behaviour within The Superkart Club of NSW and therefore any criminal offence will be reported to the appropriate authorities.

2. APPLICATION AND SCOPE

2.1 This Policy applies to The Superkart Club of NSW members including social and committee members at race meetings, club meetings and social events, and wherever interaction occurs related to superkarting or the club. (**Members**). To the fullest extent possible, it also applies to parents or guardians of drivers and to spectators at race meetings, club meetings and social events, and wherever interaction occurs related to superkarting or the club.

2.2 This Policy:

(a) applies to behaviour occurring both within and outside the course of The Superkart Club of NSW's business, activities and events, when the behaviour involves Members and negatively affects relationships within The Superkart Club of NSW's sport and work environment;

(b) continues to apply to a Member even after that Member's association or employment or engagement has ended, if that Member breached this Policy while a current Member and, particularly, if a complaint had been lodged in accordance with this Policy; and

(c) does not limit or restrict any National Disciplinary Regulations or any National Code of Conduct, which seek to promote and strengthen the reputation of superkarting in Australia as set fourth by CAMS and other organising organisations by establishing a standard of performance, behaviour and professionalism for its Members on and off the track.

(d) does not extend to acts of a **personal** nature not relating to superkart racing, The Superkart Club of NSW or promotion or social meetings about or on behalf of the Superkart Club of NSW and other sporting bodies.

2.3 A person will be deemed to have engaged in conduct or behaviour:

(a) regardless of whether or not it was committed deliberately or negligently;

(b) if that person has attempted, threatened, or encouraged others, to engage in that conduct or behaviour; or

(c) where that person knowingly takes part in the conduct or behaviour.

3. POLICY COVERAGE

3.1 Discrimination, all forms of harassment and child abuse are unlawful under Federal, State and Territory legislation. The legislation provides the minimum standards of behaviour and has been taken into account in this Policy. If there is, however, any inconsistency between a term of any legislation and a term of this Policy, the term of that legislation applies to the extent of the inconsistency.

3.2 This Policy imposes rights and obligations on Members in the following key areas:

- (a) anti-discrimination; and
- (b) anti-harassment; and

3.3 In addition, a Member must not subject any person to Victimisation. Victimisation means subjecting, or threatening to subject, a person to any detriment or unfair treatment because that person has or intends to pursue his or her right to make a complaint or support another person in making a complaint against another person.

Anti-Discrimination Policy

3.4 A Member must not treat a person less favourably on the basis of an Attribute than someone else without that Attribute in the same or similar circumstances. This means that a Member must not engage in discriminatory behaviour, including public disparagement of, discrimination against, or vilification of, a person on account of an Attribute.

3.5 A Member must not impose a requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect or result on particular groups. Unless this type of requirement is reasonable in all the circumstance it is likely to be indirect discrimination, even if there was never any intention to discriminate.

Anti-Harassment Policy

3.6 A Member must not engage in any form of Harassment (including Sexual Harassment).

3.7 By way of example, Harassment could include:

- (a) written, verbal or physical abuse or threats;
- (b) unwelcome physical contact;
- (c) display of offensive materials;
- (d) promises or threats in return for sexual favours;
- (e) unwelcome sexual comments, jokes or propositions;
- (f) homophobic comments or behaviours; or
- (g) unwelcome jokes or comments directed at a person's body, looks or Attributes.

PART B: ROLES AND RESPONSIBILITIES

4. ALL MEMBERS' RESPONSIBILITIES

A Member must:

(a) comply with:

- (i) all applicable standards, awards, laws and regulations (particularly antidiscrimination and child protection laws); and
- (ii) The Superkart Club of NSW Statutes, including this Policy and the Constitution or Model Rules;

- (b) treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- (c) be responsible and accountable for that Member's own conduct;
- (d) make complaints about a breach of the Policy, or any unethical incident involving others who are bound by this MPP, in accordance with the Complaints Handling Procedure;
- (e) not make any vexatious or knowingly untrue claim that another person is in breach of this Policy; and
- (f) submit to the Complaints Handling Procedure if an allegation is made against that Member.

5. AN INDIVIDUAL'S RESPONSIBILITIES

In addition to the general responsibilities under clause 4, a member, an Official and an Agent must:

- (a) make themselves aware of the contents of this Policy, including the possible consequences of breaching it;
- (b) consent to a national police or criminal record check if the individual holds or applies for a position that involves direct and unsupervised contact with children; and

(c) co-operate in providing a discrimination, harassment and abuse free sporting environment.

PART C: STATE SPECIFIC REQUIREMENTS

6. STATE SPECIFIC LEGISLATION

6.1 Legislation governing discrimination, harassment and child protection in each State and Territory may differ slightly. Accordingly, a Member Federation may need to comply with additional terms or procedures from time to time.

6.2 The information specified in this Part C is subject to change at any time. As a State or Territory government introduces or varies legislation that affects this Policy, The Superkart Club of NSW will add new requirements or amend existing requirements to this Policy as required.

PART D: COMPLAINT PROCEDURES AND DISCIPLINARY ACTION

7. COMPLAINTS

7.1 Any person may report a complaint about a Member bound by this Policy if they reasonably think that a Member has breached this Policy or has otherwise engaged in unethical or inappropriate conduct or behaviour.

7.2 The Superkart Club of NSW:

(a) must deal with any complaints about breaches of this Policy promptly, seriously, sensitively and confidentially and in accordance with this Complaints Handling Procedure;

(b) must keep complaints confidential and will not disclose to another person without the complainant's consent, except if required by law or if disclosure is necessary to effectively deal with the complaint; and

(c) recognise that natural justice is the minimum standard of fairness to be applied in the investigation and adjudication of a complaint.

8. COMPLAINTS HANDLING PROCEDURE

8.1 The Complaints Handling Procedure applies exclusively to the reporting, investigation and resolution of complaints reported under this Policy.

8.2 The lowest level at which a matter can be dealt with shall always be preferred. Therefore, if a complaint relates to behaviour or an incident that occurred at the:

- National level or involves people operating at the national level, then the complaint should be reported to and handled by the relevant national association in the first instance; or

- club level or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.

Only matters that relate to or occur at the national level and the most serious cases from club and state level should be referred to the national body.

8.3 A complainant:

(a) must initially attempt to resolve the complaint with the person involved; and

(b) if this is not possible or reasonable given the sensitivity of the complaint, or that attempt does not provide a satisfactory outcome, the complainant may notify the Member Protection Officer or an executive member and make an informal or formal complaint.

8.4 The Superkart Club of NSW aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation. If at any point in the complaints process the person to whom the complaint is being made considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or

malicious, the matter may be referred to a Disciplinary Committee for appropriate action, which may include disciplinary action against the complainant.

The Superkart Club of NSW 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.

8.5 In the event of an informal complaint, the person to whom the complaint is being made:

- (a) may refer the complainant back to attempt to resolve the complaint directly with the other person involved;
- (b) will assist the complainant to resolve the complaint, including through the suggestion of possible solutions;
- (c) explains how the Complaints Handling Procedure works;
- (d) acts as a support person if required by the complainant or may refer the complainant to an appropriate person;
- (e) informs the relevant government authorities or police if legally required to do so;
- (f) keeps a written record in Prescribed Form MP2 (Record of Informal Complaint); and
- (g) maintains strict confidentiality.

8.6 If the informal process does not resolve the complaint to the complainant's satisfaction or if the complainant wants to make a formal complaint, the complainant must submit to a member of the executive team a completed and signed Prescribed Form MP3 (Record of Formal Complaint).

8.7 On receipt of a formal complaint, The Superkart Club of NSW will appoint an executive member or, if it considers appropriate in the circumstances, an independent expert (*Investigator*) to investigate the complaint.

8.8 The Investigator (whether executive member or independent investigator) may:

- (a) implement any administrative or other arrangements that will apply until the completion of the investigation;
- (b) attempt to mediate the complaint;
- (c) refer the complaint to the Disciplinary Committee in accordance with the Grievance Resolution Regulations; or
- (d) refer the complaint to the police or an appropriate authority or agency.

8.9 The Investigator has the right to determine all procedures to be adopted in investigating a complaint and may during the course of the investigation:

- (a) admit or request a copy of any relevant written evidence available to a complainant, respondent or any other person; or
- (b) interview the complainant, respondent or any other person for the purpose of asking questions relevant to the complaint.

8.10 On completion of his or her investigation, the Investigator must provide The Superkart Club of NSW with a written determination and a finding that the complaint:

- (a) has been successfully mediated between the complainant and the respondent;
- (b) is substantiated (and, if so, the Investigator may make a recommendation as to an appropriate disciplinary sanction);
- (c) is inconclusive, in that there was insufficient evidence either way;
- (d) is unsubstantiated (or there was sufficient evidence that the complaint was unfounded); or
- (e) was knowingly untrue or vexatious.

8.11 If an informal or formal complaint relates to a Child Abuse allegation, the investigator must complete Prescribed Form MP4 (Record of Child Abuse Allegation) and, if it is of a serious or criminal nature:

- (a) take immediate steps to ensure the child's safety and well-being; and
- (b) notify, and obtain advice from, the police and other appropriate authorities.

9. CONFIDENTIALITY AND TIMEFRAMES

9.1 All Prescribed Forms and determinations of Investigators will be kept:

- (a) confidential and will not be disclosed without the complainant's consent, except if required by law or if disclosure is necessary to effectively deal with the complaint;
- (b) in a secure location with authorised access restrictions; and
- (c) for a period of 5 years from when the initial complaint was made.

9.2 Unless a complainant can establish that exceptional circumstances exist, a complaint must be brought within 2 years from the time the subject matter of the complaint arose.

10. RIGHT TO BE HEARD AND OF INTERVENTION

A Member Federation has jurisdiction to implement and enforce this Policy throughout its respective territory. The Superkart Club of NSW, however, reserves the right to be heard or to intervene in a Member investigation or hearing in accordance with The Superkart Club of NSW Statutes.

11. DISCIPLINARY SANCTIONS

11.1 Disciplinary action will be taken by The Superkart Club of NSW against anyone who is found to:

- (a) be in breach of this Policy;
- (b) victimise or retaliate against a person who has complained of a breach of this Policy or who has supported another person in making a complaint;
- (c) have made a vexatious complaint or a complaint the complainant knew to be untrue;
- or
- (d) have not complied with a sanction.

12. NOTICE AND RIGHT TO BE HEARD

The Superkart Club of NSW may enforce the terms of this Policy and invoke the sanctions only if it has given the party alleged to have breached this Policy:

- (a) reasonable details of the alleged breach;
- (b) notice of possible sanctions; and
- (c) the opportunity to be heard in relation to the issues of breach and sanction.

13. GRIEVANCE RESOLUTION REGULATIONS

13.1 If a party disputes The Superkart Club of NSW's purported action taken under this Policy that party must give notice to the executive committee and they are to be referred to a community justice centre for mediation in accordance with the Community Justice Centres Act 1983:

- (a) within 7 days after the date on which the purported action was taken; and
- (b) specifying the relevant facts and the reason for the dispute.

13.2 A mediator may be mutually determined by the parties involved in the dispute.

PART E: ROLE SPECIFIC CODES OF CONDUCT

14. SUPERKART CODE OF CONDUCT

14.1 Any National Codes of Conduct as determined by CAMS and other organising bodies or as outlined herewith applies to all Members and governs:

- (a) bringing The Superkart Club of NSW or superkarting into Disrepute, including through discriminatory behaviour, offensive or abusive behaviour and incitement of hatred or violence;
- (b) liability for spectator and supporter conduct and
- (c) disparaging public or media statements.

15. SPECTATOR CODE OF BEHAVIOUR

15.1 A spectator at an event or otherwise involved in any activity sanctioned or staged by, or held under the auspices of The Superkart Club of NSW or a associated Club must:

- (a) respect the decisions of Officials and teach children to do the same;
- (b) never ridicule or unduly scold a person for making a mistake;
- (c) respect the rights, dignity and worth of every person regardless of their gender, ability, race, colour, religion, language, politics, national or ethnic origin;
- (d) not use violence in any form, whether it is against other spectators, volunteers, officials or drivers;
- (e) not engage in discrimination, harassment or abuse in any form, including the use of obscene or offensive language or gestures, the incitement of hatred or violence or partaking in indecent or racist chanting;
- (f) comply with any terms of entry of a venue, including bag inspections, prohibited and restricted items such as flares, missiles, dangerous articles and items that have the potential to cause injury or public nuisance;
- (g) not throw missiles (including on to the track, pit or paddock area or at other spectators) and must not enter the track, pit or paddock area or its surrounds without lawful authority; and
- (h) conduct themselves in a manner that enhances, rather than injures, the reputation and goodwill of The Superkart Club of NSW and superkarting generally.

15.2 Any person who does not comply with the Spectator Code of Behaviour or who otherwise causes a disturbance may be evicted from a venue and banned from attending future events.

PART F: DEFINITIONS AND INTERPRETATION

16. DEFINITIONS

16.1 In this Policy:

Attribute means race, colour, religion, language, politics, national or ethnic origin, gender, transgender, sexual orientation, age, marital status, pregnancy or intellectual or physical impairment or any other attribute specified under commonwealth or state legislation.

child means a person under the age of 18 years and **children** has a corresponding meaning.

Club means any club that is associated with The Superkart Club of NSW in coordinating and organising events of superkarting and the promotion of the sport.

Club Official means any person involved with the administration, management or organisation of a Club (whether paid or unpaid), including employees, contractors, consultants, officers and directors and representatives.

Competition Administrator means the entity responsible for the conduct and staging of a competition, tournament or league registered with The Superkart Club of NSW in accordance with the National Registration Regulations.

Complaints Handling Procedure means the procedure for the reporting and investigation of complaints about a breach of this Policy, as specified in clause 8.

Event means any race meeting or club meeting staged or participated in, or sanctioned by, The Superkart Club of NSW, a Member Federation or a Competition Administrator.

Harassment means any unwelcome verbal or written comments, conduct, or gestures directed toward an individual or group of individuals that the harasser knows, or should reasonably be expected to know, is insulting, intimidating, humiliating, malicious, degrading or offensive.

Members mean those who have applied for and paid monies due to become a member of The Superkart Club of NSW at any level whether it be full, social, interstate, life or membership with special considerations.

Official means:

- (a) a Club Official, Race Official or Track Official;
- (b) an employee, consultant, officer or director of The Superkart Club of NSW; or

(c) a member of a Standing Committee or other council, committee, panel or body constituted by The Superkart Club of NSW

Personal means acts or incidents not relating to Superkarting, and that does not directly and negatively affect relationships within The Superkart Club of NSW's sport and work environment. By way of example, a personal situation could include;

- (a) Lending and borrowing of money between members
- (b) Family matters
- (c) Relationship issues outside of superkarting (boyfriend/girlfriend)

Sexual Harassment means conduct or behaviour that has a sexual element, which is unwelcome and could reasonably be expected, in the circumstances in which it occurs, to offend, humiliate or intimidate the person or people at whom it is directed.

Victimisation means subjecting, or threatening to subject, a person to any detriment or unfair treatment because that person has or intends to pursue his or her right to make a complaint or support another person in making a complaint against another person.

17. INTERPRETATION

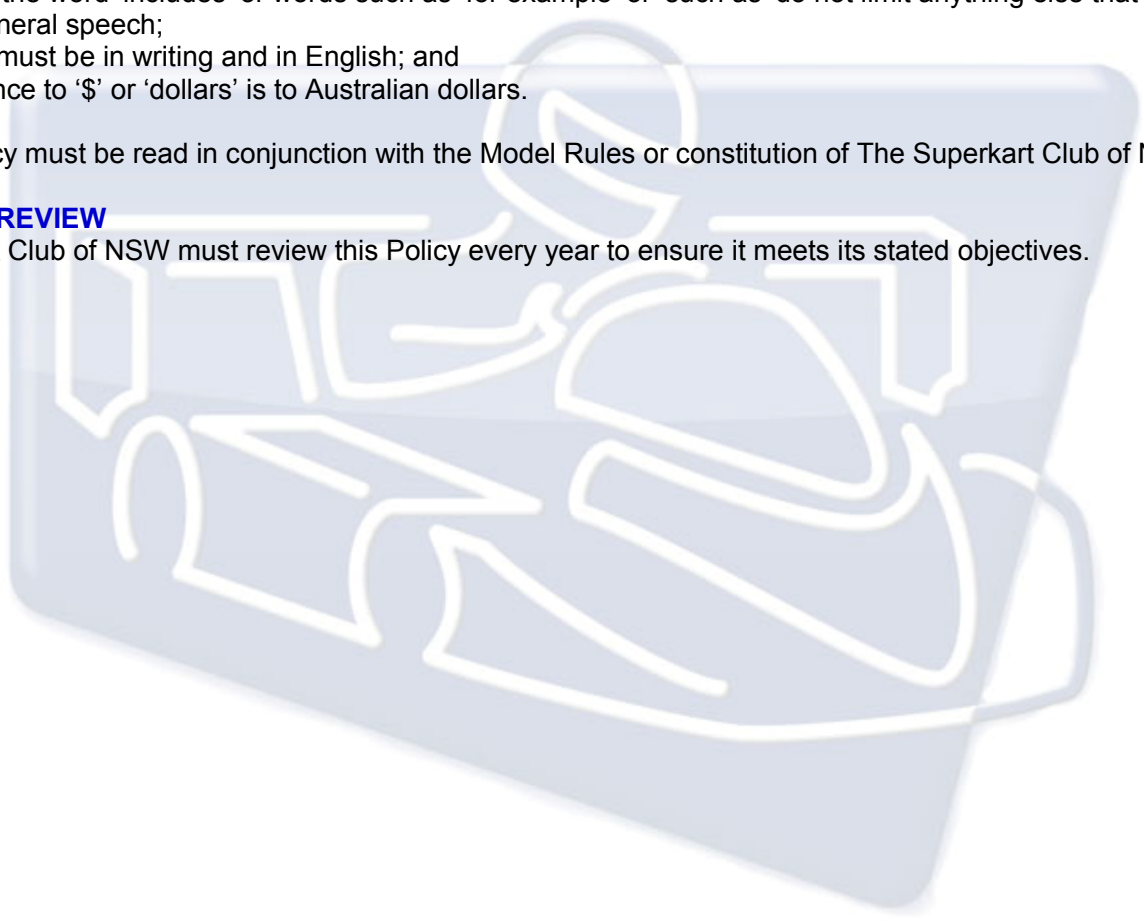
17.1 In this Policy:

- (a) any terms used but not defined has the meaning prescribed to it in the Superkart Club of NSW Statutes;
- (b) any use of the word 'includes' or words such as 'for example' or 'such as' do not limit anything else that is included in general speech;
- (c) all notices must be in writing and in English; and
- (d) any reference to '\$' or 'dollars' is to Australian dollars.

17.2 This policy must be read in conjunction with the Model Rules or constitution of The Superkart Club of NSW.

18. ANNUAL REVIEW

The Superkart Club of NSW must review this Policy every year to ensure it meets its stated objectives.



19. Examples of offences and consequences

These examples are provided as a guide only.

| | |
|---|--|
| Verbal abuse: | |
| Unwanted name calling or rude comments without aggression or interference of personal space. | Unofficial warning but noted. |
| Persistent and wilful unwanted name calling or rude comments without aggression or interference of personal space. | Official warning documented |
| Unwanted name calling or rude comments with aggression and/or interference of personal space. | Official warning documented |
| Persistent and wilful unwanted name calling or rude comments with aggression and/or interference of personal space. | Official warning for each reported act. |
| Physical abuse: | |
| Unwanted interference of personal space of a non-sexual or non violent nature. Eg intimidation by presence (in your face) | Unofficial warning but noted |
| Unwanted interference of personal space of an inappropriate nature. Eg shoving, rubbing | Official warning documented |
| Unwanted interference of personal space of an inappropriate nature by an object. Eg spitting | Immediate suspension of a time determined by the executive committee. |
| Unwanted interference of personal space of a sexual or violent nature. Eg touching inappropriate body parts, punching, slapping | Immediate suspension of a time determined by executive committee. Depending on nature of abuse, duration and injuries either psychological or physical, cessation of membership may be deemed appropriate. If it also determined that the act breaches criminal laws, information will be passed onto appropriate authorities. |
| Harassment /Discrimination | |
| Minor/flippant/casual negative and/or disparaging remarks written and published publicly. Eg. (person's name) is a d.....head | 1 st incident – unofficial warning 2 nd incident – official warning |
| Negative and/or disparaging remarks written and published publicly that are more than one minor/casual/flippant remark | 1 st incident - official warning 2 nd incident - Depending on the nature and severity of the remarks, the Executive committee may determine that a suspension of membership is required. |
| Threatening or intimidation either verbally or in writing including electronic forms of communication | Official warning – Depending on the nature and severity of the threat or intimidation, the Executive committee may determine that a suspension or cessation of membership is required. If it also determined that the act breaches criminal laws, information will be passed onto appropriate authorities. |

PART G: PRESCRIBED FORMS

20. PRESCRIBED FORM MP1: RECORD OF INFORMAL COMPLAINT

| | | |
|--------------------------------|--|-------------------|
| Name of person reported to: | | Date: / / |
| Complainant's name: | | |
| Role in Superkarting | | |
| Respondent's Name | | |
| Role in Superkarting | <input type="checkbox"/> Member <input type="checkbox"/> Administrator <input type="checkbox"/> Official <input type="checkbox"/> Spectator <input type="checkbox"/> Other _____ | |
| Nature of complaint | <input type="checkbox"/> Harassment <input type="checkbox"/> Discrimination <input type="checkbox"/> Physical Abuse <input type="checkbox"/> Verbal Abuse <input type="checkbox"/> Other _____ | |
| Location of alleged event | | |
| Facts as stated by complainant | | |

| | |
|---|--|
| Feelings expressed by complainant | |
| Desired outcome or resolution | |
| Information provided to complainant | |
| Complainant's or Superkart Club of NSW's next step | |
| Additional information | |

21. PRESCRIBED FORM MP2: RECORD OF FORMAL COMPLAINT

| | | |
|--------------------------------|--|-------------------|
| Name of person reported to: | | Date: / / |
| Complainant's name: | | |
| Role in Superkarting | | |
| Respondent's Name | | |
| Role in Superkarting | <input type="checkbox"/> Member <input type="checkbox"/> Administrator <input type="checkbox"/> Official <input type="checkbox"/> Spectator <input type="checkbox"/> Other _____ | |
| Nature of complaint | <input type="checkbox"/> Harassment <input type="checkbox"/> Discrimination <input type="checkbox"/> Physical Abuse <input type="checkbox"/> Verbal Abuse <input type="checkbox"/> Other _____ | |
| Location of alleged event | | |
| Facts as stated by complainant | | |

| | |
|---|--|
| Feelings expressed by complainant | |
| Desired outcome or resolution | |
| Information provided to complainant | |
| Complainant's or Superkart Club of NSW's next step | |
| Methods of informal resolution (may have been already taken) | |

I warrant that the information contained in this Form is true and correct

.....
Signature of complainant

.....
Date