

NSW Department of Sport and Recreation

Child protection in sport and recreation

Guidelines for achieving child protection
for peak bodies and associations



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Disclaimer

No person should rely on the contents without first obtaining advice from a qualified professional. The contents are intended as a guide only.

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Representatives from a number of sport and recreation organisations contributed to the material through participation on an Industry Reference Group.

The organisations involved include:

- NSW Sports Federation
- NSW Amateur Soccer Federation
- NSW Basketball
- NSW Rugby league
- AFL (NSW/ACT)
- NSW Swimming
- NSW Squash
- Netball NSW
- NSW Surf Lifesaving
- NSW Rugby Union
- NSW Soccer Federation.

Introduction

Sport and recreation organisations have a legal and a moral responsibility to create an environment where children can participate in an activity and be safe from any form of abuse. This requires making a firm and open commitment to child protection and adopting procedures and practices that will minimise the risk of a child being abused.

Child protection is about keeping children safe from abuse and protecting them from people who are unsuitable to work with children. Child protection in sport and recreation enables children to participate in activities that are an integral part of their culture without being exposed to individuals who can damage their development and, in some instances, take away their ability to enjoy the future.

Unfortunately past incidents have shown that children participating in sport and recreation are at risk of abuse. Child abuse is not acceptable and sport and recreation organisations can and must make a stand against such behaviour as a legal and moral obligation. This child protection material will assist sport and recreation organisations to achieve that aim.

A series of child protection material has been developed to collectively assist different levels and individuals involved in sport and organised recreation to achieve child protection. The material includes:

- a booklet to guide peak bodies and associations (this booklet)
- a booklet to guide sport and recreation clubs
- a leaflet to raise awareness amongst parents and children
- an interactive web site that can be used by all groups as an information and training tool.

This booklet provides key information that peak bodies and associations should know to help them achieve child protection. The main focus of the booklet is on what you need to do and how you can achieve child protection in your sport or recreation activity. The booklet will assist sport and recreation peak bodies and associations to adopt a leadership role and be confident that the organisation and its affiliated clubs and groups are providing a safe environment for children involved in their sport or activity.

Understanding child abuse and protection



- What is child abuse and child protection
- Relevance to Sport and Recreation
- Links
- Child protection responsibilities
- Achieving child protection

Understanding child abuse and protection

Child abuse

Child abuse can take many forms. Children can be harmed by both verbal and physical actions. They can also be harmed by people failing to provide them with basic care. Child abuse could include:

- **Sexual abuse/sexual misconduct** – any sexual act or sexual threat imposed on a child, including suggestive behaviour and inappropriate touching
- **Physical abuse** – non-accidental injury and/or harm to a child caused by a parent, caregiver or another person responsible for the child
- **Emotional abuse** – behaviours that may psychologically harm a child, including verbal abuse and threats of abuse or excessive and unreasonable demands
- **Neglect** – where a child is harmed by the failure to provide the child with the basic physical and emotional necessities of life.

It is important to be aware that some children with a disability are at greater risk of child abuse due to mobility constraints and/or difficulties with communication.

All forms of child abuse pose a significant risk for sport and recreation organisations. This includes sexual abuse and misconduct such as suggestive behaviour or inappropriate physical contact, physical abuse including violent acts directed at or occurring in the presence of children and emotional abuse and neglect.

For the purpose of this child protection material, a child is considered to be a person under 18 years of age.

Child protection

Child protection involves protecting children from the risk of harm caused by sexual abuse or misconduct, physical abuse, emotional abuse or neglect. Sport and recreation organisations can work towards achieving this situation by:

- Implementing the *Working with Children Check* for child related positions, which is a legal requirement
- Creating an awareness of the risk of child abuse
- Making a commitment to avoiding any incident of child abuse through appropriate practices and procedures (including the *Working with Children Check*)
- Providing a safe, open and honest environment that protects children as well as the people working with children
- Appropriately responding to any risk or reported child abuse incident that you observe or that is raised with you. This can involve a personal as well as an organisational response.

Child protection does not mean that coaches and others involved in sport and recreation cannot physically contact children in any way. There are a number of sports including swimming and gymnastics where instructing and coaching involves physical contact with children to guide them in their activities. Organisations need to ensure that coaches and others understand what is appropriate behaviour when dealing with children and what constitutes appropriate physical contact. This aspect of child protection is discussed in greater detail in the publication *Guidelines for achieving child protection for sport and recreation clubs* and additional material can be obtained from the Australian Sports Commission web site www.ausport.gov.au.

The relevance to sport and recreation

Unfortunately, child abuse does occur in the area of sport and recreation. There are numerous known incidents of child abuse, where coaches and other individuals have used their power and the trust placed in them by children, parents and other officials to take advantage of children in their care.

Some recent examples of child abuse recorded by the Australian Sports Commission are summarised below.

- 2002** – Six adult and three juvenile elite water polo players were charged with indecent assault and assault after an initiation rite involving another member of their team

Swimming coach charged with indecently dealing with young girls who were part of the coach's training squad
- 2001** – Former magistrate found guilty on nine child sex abuse charges. The abuse was of junior lifesavers (nippers) aged seven-13 years when the accused was a state and club junior lifesaving coach
- 2001** – Retired professional female jockey alleges she was sexually assaulted for 11 years from the age of 11, by males working within the horse racing industry
- 2001** – Olympic kayaker recounts sexual abuse by swimming coach in late 1980s
- 2000** – Junior soccer coach jailed for 11 years after pleading guilty to 104 paedophile offences against four of his young players (aged 10 to 12 years)
- 2000** – Hockey coach pleaded guilty to allegations of indecent assault on a player under his care
- 1999** – Olympic assistant softball coach charged for 24 sexual offences against a 17-year-old under his supervision and care
- 1999** – Triathlon coach pleads guilty to molesting a 13-year-old female swimmer he was training 11 years previously
- 1999** – Rugby league coach jailed for sexually assaulting a 14-year-old rugby league player he had been coaching
- 1999** – Athletics coach jailed for sexually assaulting a 14-year-old girl he was coaching
- 1998** – Rugby league international Peter Jackson dies from drug overdose. Family state drug abuse was due to his being sexually abused by his football coach as a school boy
- 1998** – International cricket umpire pleaded not guilty to 26 sexual charges relating to the period 1979 to 1995
- 1997** – Sydney swimming coach committed to stand trial for sexually assaulting one of his 15-year-old male athletes
- 1997** – Australian cycling team assistant coach at Paralympic Games pleads guilty to two charges of indecently dealing with a 12-year-old.

The list unfortunately continues, with reported incidents of sexual abuse of juniors in swimming, cycling, rowing, baseball, gymnastics and other sports. These incidents do not include examples of physical and emotional abuse.

In addition, a survey by Trish Leahy, a Sports Psychologist with the Australian Sports Commission involving 1,000 elite athletes and 1,000 club athletes found:

- 21 per cent of men and 31 per cent of women had experienced sexual abuse before the age of 16 years
- 46 per cent of elite athletes and 25 per cent of club athletes said that the sexual abuse was experienced within sport.

As other organisations involved with children make a stronger stand against child abuse, sport and recreation clubs and groups could be at even greater risk of being targeted by a person who is inclined to abuse children because they could be seen as an easier target. Child protection and the need for policies and procedures that reduce the risk is highly relevant to sport and recreation organisations.

The relevance to sport and recreation

Legislative requirements

It is important to realise that child protection has legislative power and is not just a 'nice to do' activity. There are legislative requirements that sport and recreation organisations must meet and organisations have a legal responsibility to follow these requirements and provide environments that are safe for children. The key legislative requirement is the need to undertake the *Working with Children Check* to avoid the risk of an unsuitable person working with children.

It is an offence under the *Child Protection (Prohibited Employment) Act 1998* for a club/group not to ask its employees, coaches, officials or volunteers that work with children to declare whether or not they are a prohibited person. A club can be fined up to \$10,000 if this requirement is not met. It is also an offence for individuals working with children to falsely sign the *Prohibited Employment Declaration*.

Details of the relevant legislation are included at the end of this booklet under *Useful material and contacts*.

The requirements of child protection are relevant to all people involved in sport and recreation in NSW. This includes sport and recreation peak bodies and associations, sport and recreation clubs and organised groups, players, managers of players, coaches, umpires, other officials, talent scouts and parents. It also includes people from interstate while they are involved in an activity in NSW (for example, a national event or carnival).

The implications of child abuse

Any organisation, group or individual that works with or undertakes an organised activity with a child has a moral and legal responsibility to care for the welfare of that child and to minimise the risk of harm. Sport and recreation organisations and clubs must provide an environment that protects children. This child protection information aims to make this responsibility less complex and achievable, and assist organisations to meet their obligations in a positive and effective manner.

Incidents of child abuse will damage a sport or recreation organisation or club, let alone the life of the child. At a time when media attention about child abuse is rightfully high, an organisation that gives poor attention to child protection and is the target of child abuse is likely to suffer unwanted media exposure, lose credibility with the community and lose large numbers of participants as a result. At a time when organised sport and recreation activities are competing with other activity opportunities and commitments, groups cannot afford to be placed in such a situation.

Links to other material

Various documents and material have been developed on child protection by different bodies. The key information is reflected in this booklet and details of relevant material are included at the end of the booklet as useful reading.

One key document that sport and recreation peak bodies and associations should read in addition to this booklet is *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection*, NSW Department of Sport and Recreation

These guidelines outline key responsibilities for child protection and assist organisations to determine whether a person is suitable to work with children.

The Department has also produced a simple guide that summarises the guidelines and outlines a five-step approach to creating a safer environment for children called *Child Protection A simple guide for sport and recreation clubs*. While these steps are reflected in this booklet, comprehensive details are provided in the guidelines and the shortened guide.

The above documents can be obtained from the web site www.dsr.nsw.gov.au.

In addition, there are a number of web sites that provide key information on child protection. These include:

NSW Department of Community Services (DoCS)
www.community.nsw.gov.au

The Commission for Children and Young People
www.kids.nsw.gov.au

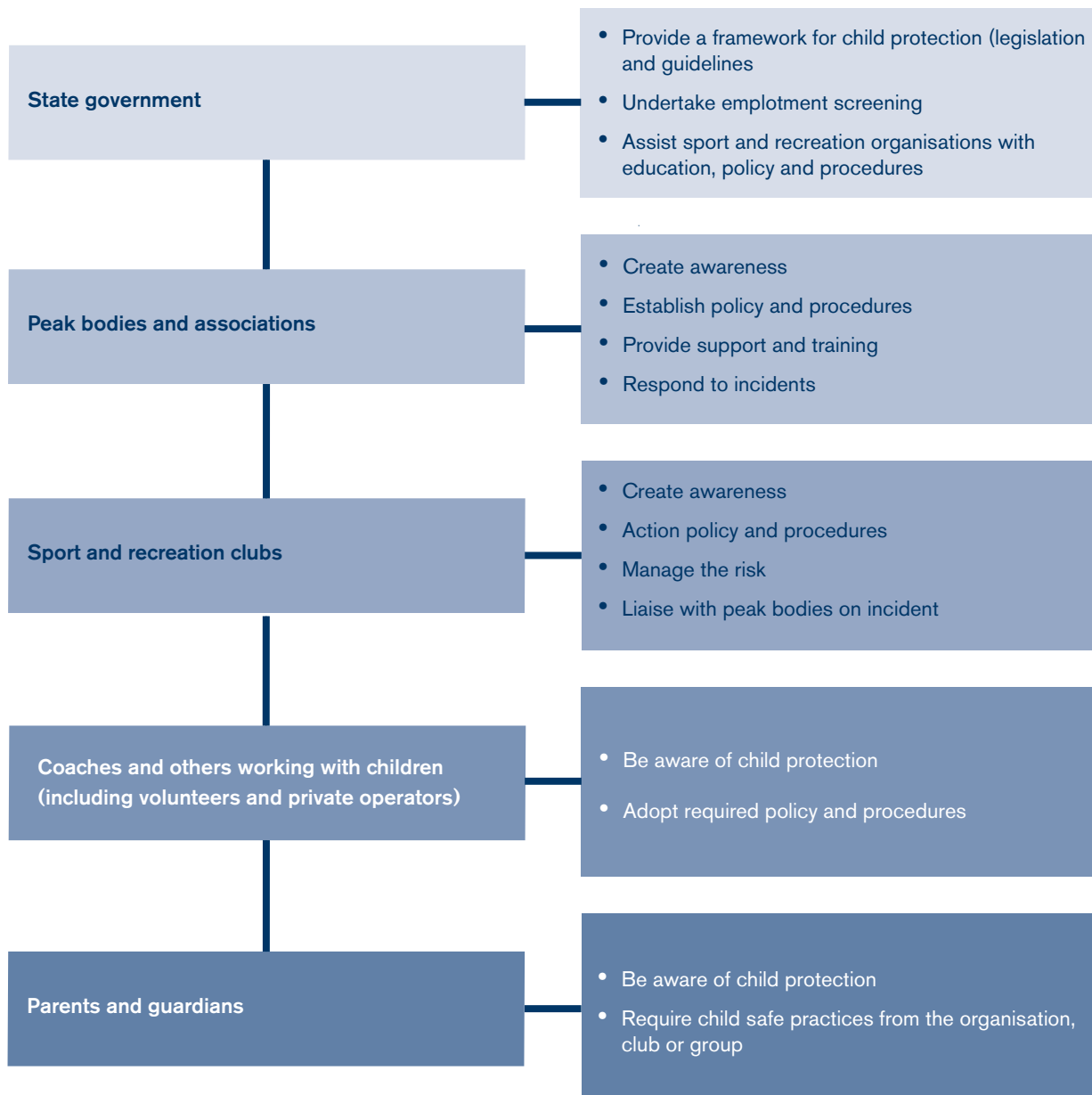
The Australian Sports Commission
www.ausport.gov.au

The Play by the Rules web site
www.playbytherules.net.au

NSW Department of Sport and Recreation
www.dsr.nsw.gov.au

Child protection responsibilities

Within sport and organised recreation, there are a number of different levels. These levels and the particular responsibilities regarding child protection are summarised in the chart below.



Each level has a different role to play and needs to communicate and work together to collectively achieve child protection.

How to achieve child protection

Make child protection part of the culture of your sport

Child protection does not happen by chance. It requires commitment, leadership and a genuine desire to reduce the risk of child abuse. Peak bodies and associations that embrace child protection and make it an important part of the culture of their organisation and their sport or recreation activity are more likely to achieve an environment that is safe for children. For a start, an organisation or sport/activity that is committed to child protection is likely to be less appealing to a person that purposefully aims to abuse children.

Some ways in which child protection can become part of an organisation's culture include:

- Reference to the commitment to child protection in material produced by the organisation for example, annual report, promotional material, registration forms
- Regular discussion of child protection objectives at meetings with staff and representatives of the sport or activity (eg. clubs, coaches, participants, parents)
- Child protection posters and leaflets in prominent positions around the organisation and at venues and club facilities
- The distribution of child protection material and promotion of relevant web sites.

The general aim of peak bodies and associations should be to raise the profile and importance of child protection and adopt practices that reduce the risks.

Adopt basic principles

To minimise the risk of child abuse there are a number of basic principles that should be adopted by sport and recreation organisations and clubs. These include:

- Be aware of the risk of child abuse
- Be aware of the indicators of child abuse
- Openly communicate the risk of child abuse to coaches, players, officials and parents and the organisation's commitment to removing any risk of child abuse
- Adopt procedures that minimise risks for coaches, players and parents. Try to avoid placing coaches, players or parents in a position where they could be accused of child abuse. Examples include only one coach or parent/guardian to supervise an overnight trip with a group of children or allowing only one official to supervise children when using change rooms and showers
- Be clear on what is acceptable behaviour and what is not acceptable (refer to the Australian Sports Commission guidelines www.ausport.gov.au)
- Develop and promote concise and easy to follow policy and procedures regarding child protection
- Promptly respond to any complaint, allegation or indicator of child abuse.

Undertaking key tasks



- Key tasks for peak bodies and associations
- Key tasks for clubs
- Link between peak bodies and clubs

Undertaking key tasks

The specific tasks that can be undertaken by peak bodies and associations to achieve child protection are outlined below. The tasks are suggested good practice approaches for achieving child protection, with the exception of **Task 6 (Working with Children Check)** which is a **legal requirement**. The tasks are expanded upon under the heading Guidelines for tasks.

task 1 Allocate responsibility

Formally allocate the responsibility of managing child protection to your Member Protection Officer or appoint a Child Protection Officer. This may involve providing training to assist the person to appropriately answer questions and manage incidents. Information and training resources will be available from the following web sites www.dsr.nsw.gov.au and www.playbytherules.net.au. Member Protection Officer training is available through the NSW Sports Federation www.sportnsw.com.au and assistance may be provided by the Australian Sports Commission.

task 2 Develop or update policy

Develop a policy on child protection drawing on the template in the *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection*, NSW Department of Sport and Recreation, or update any existing policy if required.

task 3 Adopt or update code of conduct

Adopt a code of conduct that will guide clubs in practices relating to child protection. Where a code of conduct is already developed, ensure it adequately addresses child protection.

task 4 Promote child protection to clubs/groups

Promote child protection to clubs and other affiliated groups. This will include distributing and explaining your policy and code of conduct, forwarding other material, for example, the *Guidelines for achieving child protection for sport and recreation clubs and/or Child Protection – A simple guide for sport and recreation organisations*, encouraging a culture of awareness and action and ensuring clubs understand reporting requirements, for example, who to report to and what to report on.

task 5 Provide training

Provide training and resources to clubs to assist them to adopt the policy and practices developed by your organisation and included in the child protection material. In particular, provide information and training to child protection representatives at each club. Information and training resources will be available from the following web sites www.dsr.nsw.gov.au and www.playbytherules.net.au.

task 6 Undertake Working with Children Check

Undertake and require affiliated clubs to undertake relevant aspects of the *Working with Children Check* for paid and unpaid employees, including volunteers. **This is a legal requirement** and will involve the following:

- require all paid and unpaid employees/volunteers, where one of the essential duties of the position involves direct unsupervised contact with children, to sign a *Prohibited Employment Declaration*. This includes employees and volunteers from interstate while they are involved in child related employment in NSW
- conduct employment screening on preferred applicants of paid positions, where one of the essential duties for the position involves direct unsupervised contact with children.

Further details of these requirements and forms are included in the *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection* and the web site www.dsr.nsw.gov.au.

Undertaking key tasks

task 7 Manage suspected incidents of child abuse

Manage any suspected incident of child abuse, including any allegation or complaint. Rather than clubs managing and investigating an incident and being at risk of adopting different approaches, it is recommended that the peak body or relevant association should generally manage the process of dealing with and investigating any child abuse incident or accusation. The process should involve the following:

- Assess the risks to the child and the person being investigated and action accordingly. Report an incident to DoCS Helpline (phone 132 111) and/or NSW Police Service (phone 131 444) where appropriate (see task 8)
- Clarify details and communicate with related parties where appropriate (recording all information obtained)
- Gain the assistance of an independent investigator if appropriate (an independent and professional assessment will reduce the risk of an organisation being accused of inadequate assessment or personalising the issue)
- Assess the incident and prepare a summary of the information gathered
- Ensure there is no harassment of the child or their parents/guardians by the person accused of the abuse or other members of a club or group. If there is, this should be addressed by the peak body or association immediately. People should be encouraged to make a stand against child abuse and should not be victimised for doing so.

task 8 Report the incident

Report the incident as appropriate. In particular:

- Report the incident to NSW Police Service, where the incident is of a criminal nature for example, sexual abuse or physical. This should occur at the commencement of the investigation and advice should be sought from police on the approach to be taken regarding communication with the parties involved
- If a child is at risk of harm report the incident to DoCS. This should occur at the commencement of the investigation and advice should be sought on the approach to be taken regarding communication with the parties involved
- Report the incident to the Commission for Children and Young People where the incident meets the definition of a completed disciplinary proceeding, that is action has been taken to investigate an allegation relating to child abuse, sexual misconduct or acts of violence against children (refer *Guidelines for tasks* for further details). Note that you do not need to report an incident that has been found to be false, vexatious or misconceived.

Undertaking key tasks

The key tasks that sport and recreation clubs can undertake to achieve child protection (and that peak bodies and associations should be aware of) are:

task 1 Appoint a child protection representative

Appoint a child protection representative from the committee of the club. This person should be the first point of contact where a child, parent, or other member of the club becomes concerned about an incident. The person should be appropriately informed and trained and their details and role should be well advertised within the club.

task 2 Adopt policies and procedures

Adopt policies and procedures recommended by the relevant peak body or association and outlined in the booklet *Guidelines for achieving child protection for sport and recreation clubs*. This should involve informing all committee members, coaches and other club members of the requirements. If there is no affiliated peak body or association, the club should develop their own policies and procedures.

task 3 Undertake Working with Children Check

Undertake relevant aspects of the *Working with Children Check* for paid and unpaid employees (including volunteers). **This is a legal requirement** and includes:

- requiring all paid and unpaid employees/volunteers, where one of the essential duties of the position involves direct unsupervised contact with children, to sign a *Prohibited Employment Declaration*.

This includes employees and volunteers from interstate while they are involved in child related employment in NSW

- conducting employment screening on preferred applicants for paid positions, where one of the essential duties of the position involves direct unsupervised contact with children.

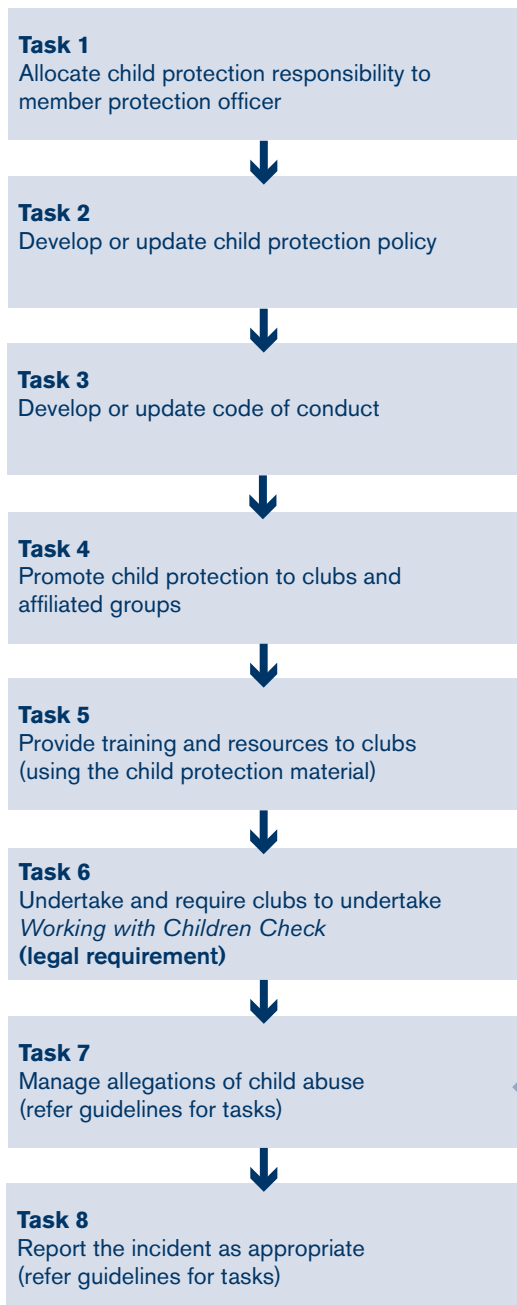
Further details of these requirements and forms are included in the *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection* and the web site www.dsr.nsw.gov.au.

task 4 Respond to suspect child abuse (including allegations/complaints)

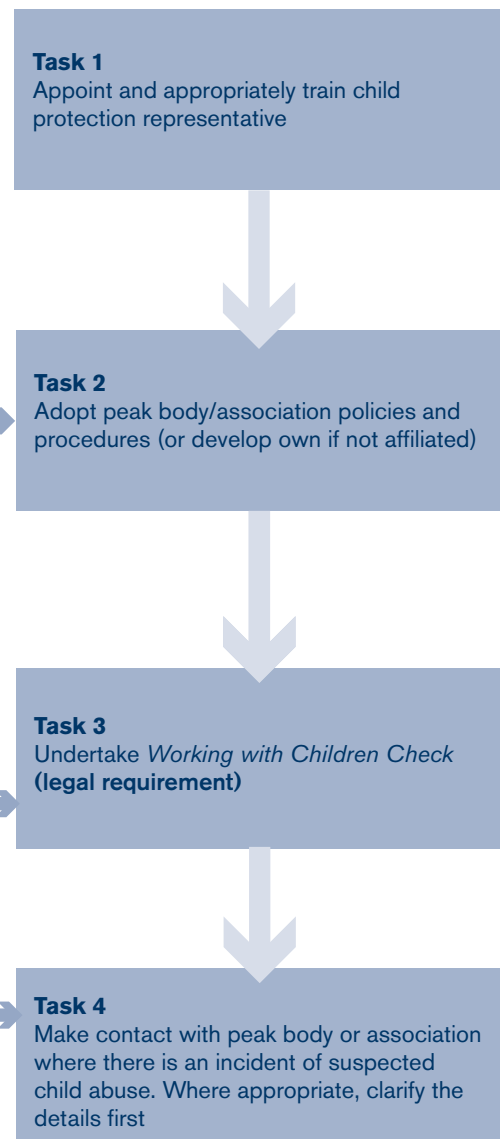
Where there is an incident of suspected child abuse, the child protection representative for the club should immediately make contact with the peak body or association to seek advice and refer the management of the incident to the more independent peak body or association. Where there is no peak body or association or it is not feasible for the peak body/association to investigate the incident (eg. due to distance to travel), the club should follow tasks 7 and 8 outlined for peak bodies and associations and ensure that any people involved in the investigation are appropriately independent of the incident. Where there is no peak body or association, advice can be obtained directly from the NSW Department of Sport and Recreation.

The link between peak bodies and clubs

Peak bodies and associations



Sport and recreation clubs and groups



Guidelines for tasks



- More specific guidelines for the completion of the 8 tasks required of peak bodies and associations

Guidelines for tasks

More specific guidelines for the key tasks required of peak bodies and associations are provided below. The tasks are suggested 'good practice' approaches for achieving child protection, with the exception of Task 6 (Working with Children Check) which is a legal requirement that must be undertaken by any organisation that employs people (or has volunteers) where one of the essential duties of the position involves direct unsupervised contact with children. This would include most sport and recreation organisations.

task

1 Allocate child protection responsibility

All peak bodies and associations should have a member protection officer/ child protection officer.

With regard to child protection, the member protection officer/child protection officer should:

- Develop or update the organisation's policy on child protection
- Develop or update codes of conduct
- Ensure information is forwarded to clubs
- Coordinate training in the organisation and at club level
- Provide a point of contact and a source of advice for clubs
- Implement the *Working with Children Check*
- Respond to and investigate any allegations of abuse
- Report allegations of abuse as appropriate
- Liaise with the organisation's management throughout as appropriate.

The member protection officer/child protection officer has a key role to play in achieving child protection. Training will be available in the near future by logging onto the NSW Department of Sport and Recreation web site www.dsr.nsw.gov.au and playbytherules.net.au or through the NSW Sports Federation (www.sportnsw.com.au) for member protection officer training.

task

2 Develop or update child protection policy

A template for developing a child protection and intervention policy is provided by the NSW Department of Sport and Recreation in the *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection*.

The main themes in this policy that should be clearly stated in any organisation policy are:

- Protecting children from child abuse is a key responsibility of the organisation
- Child abuse is not acceptable to the organisation (including affiliated clubs and groups)
- The organisation is committed to ensuring the safety, welfare and well-being of children involved in activities associated with the organisation
- The organisation is committed to raising awareness and appropriately informing all staff and volunteers of responsibilities
- The organisation is committed to open communication about child abuse.

Guidelines for tasks

task 3 Develop or update code of conduct

A code of conduct should clearly state what is acceptable behaviour regarding child protection. It should consider the responsibility of different groups in the organisation such as players, coaches, administrators, officials and parents, and it should address each aspect of child abuse, ie. sexual abuse, physical abuse, emotional abuse and neglect.

Some examples of suitable statements in a code of conduct are provided below. These include statements from the Codes of Behaviour developed for Aussie Sport, which can be obtained through the Australian Sports Commission (web site www.ausport.gov.au).

Players	<ul style="list-style-type: none"> • Treat all participants in your sport as you would like to be treated. Do not abuse, bully or take unfair advantage of another competitor • Respect the rights, dignity and worth of all participants regardless of their gender, ability, cultural background or religion.
Coaches	<ul style="list-style-type: none"> • Any physical contact with a child or young person should be appropriate to the situation and necessary for the player's skill development.
Administrators	<ul style="list-style-type: none"> • Make it clear that abusing children and young people in any way is unacceptable and will result in disciplinary action • Ensure all players, coaches, parents and officials are made aware that sexual misconduct, sexual abuse and violent acts directed at or occurring in the presence of children are not acceptable and will be reported.
Officials	<ul style="list-style-type: none"> • Place the safety and welfare of the participants above all else.
Parents	<ul style="list-style-type: none"> • Support all efforts to remove verbal and physical abuse from sporting activities.

task 4 Promote child protection to clubs and affiliated groups

A key role of peak bodies and associations is to encourage clubs and affiliated groups to achieve child protection at the club level. This will include:

- Promote the legal requirement that clubs/groups need to undertake the *Working with Children Check*
- Raise the awareness and importance of child protection in clubs and groups
- Encourage clubs and groups to adopt the policies and procedures developed by the peak body/association
- Encourage clubs and groups to undertake required tasks.

Some specific ways that peak bodies and associations can promote child protection to clubs and groups are:

- Distribute the booklets *Child protection in sport and recreation – guidelines for achieving child protection for sport and recreation clubs* and *Child Protection – A simple guide for sport and recreation organisations to clubs and groups affiliated with your organisation*
- Forward the organisation's policy and code of conduct on child protection to all clubs and groups (by email or hard copy) and request implementation
- Promote the *Achieving child protection* interactive web site www.dsr.nsw.gov.au to clubs and groups when available
- Utilise and promote training resources to club representatives. This could involve presenting material on child protection and discussing how to deal with situations.

Guidelines for tasks

task 5 Provide training and resources to clubs

Advise clubs and groups that interactive training will be available through the NSW Department of Sport and Recreation web site www.dsr.nsw.gov.au. The aim of the interactive training is to raise the awareness of child protection responsibilities by peak bodies and associations, clubs, coaches and other officials, parents and players and to enable practical consideration of how the risk of child abuse can be reduced.

The peak body or association may also wish to provide direct training through presentations and the facilitation of discussions with club representatives. Information and training resources will be available at www.dsr.nsw.gov.au and playbytherules.net.au.

task 6 Undertake and require clubs to undertake Working with Children Check (legal requirement)

The *Working with Children Check* helps determine whether a person is suitable to work with children.

The *Working with Children Check* requires sport and recreation organisations, including clubs, to undertake the following:

1. Ask all existing and prospective paid and unpaid employees (including volunteers), where one of the essential duties of the position involves direct unsupervised contact with children, to sign a Prohibited Employment Declaration to declare whether or not they are a prohibited person. This must be securely filed by the employer.
 - A prohibited person is a person convicted of a serious sex offence, that is an offence involving sexual activity or acts of indecency that would receive a prison sentence of 12 months or more if it were committed in NSW

- A 'registrable person' is a person who has been found guilty of murder, sexual offences, indecency offences punishable by imprisonment of 12 months or more, kidnapping, offences connected with child prostitution and possession or publication of child pornography. A registrable person is by definition a prohibited person
 - It is an offence under the *Child Protection (Prohibited Employment) Act 1998* to employ a person in a child related position without first asking that person to declare their prohibited person status for example, by signing the Prohibited Employment Declaration
 - Any current employee (including volunteers) that declares they are a prohibited person or a registrable person must remove themselves immediately from child related employment. Where there is an urgent service delivery situation, the legislation allows for continuation of employment (under supervision) for a period up to three months.
2. Conduct employment screening on preferred applicants for paid positions working with children (using a *Working with Children Check* request form). This involves:
 - The organisation registering with the NSW Department of Sport and Recreation to obtain an Employer ID Number by completing a registration form
 - The preferred applicants signing a *Working with Children Check* consent form to enable the screening process. This must be securely filed by the employer
 - The organisation completing the *Working with Children Check* request form and forwarding this to the NSW Department of Sport and Recreation as the Approved Screening Agency for sport and recreation organisations

Guidelines for tasks

- The organisation informing the Commission for Children and Young People if it decides not to employ someone based on the risk assessment component of the *Working with Children Check*.

The Prohibited Employment Declaration and the *Working with Children Check* consent and request forms are available through the *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection* and the NSW Department of Sport and Recreation web site www.dsr.nsw.gov.au.

task 7 **Manage allegations of child abuse**

The steps suggested to appropriately manage a child abuse allegation are outlined below. These steps could be undertaken by an independent investigator or an appropriately trained Member Protection Officer on behalf of the organisation.

Where there is no peak body or association or it is not feasible for a peak body/association to undertake the on-the-ground investigations, for example due to distance to travel, the process should be undertaken by an appropriately trained a person or persons in the club or group that are as independent as possible to the incident and the outcome.

The assessment of allegations should be handled promptly. The initial response to the alleged abuse of a child should be immediate in incidents that are serious or criminal in nature while less urgent matters should be actioned as soon as possible, for example within 24 hours.

Throughout the process of managing allegations, it is important to recognise that some allegations can be false. As such, any investigations should ensure due process and natural justice are served and that all parties are dealt with sensitively.

STEP 1 – Clarify the details of the allegation

- Obtain details of all people involved, including any witnesses. This should be available through the child protection officer for the club or group involved
- Meet or communicate with the person that has made the allegation to clarify the details. Ask the person to provide a written and signed statement outlining the details or record the details provided and ask the person to sign this record
- Undertake Steps 2 and 3 for more serious incidents, for example sexual abuse or physical abuse, before further clarification.

STEP 2 – Report incidents of a more serious nature

Note that incidents of a more serious nature are generally sexual abuse or physical abuse.

- If the allegation is of a criminal nature, report the incident immediately to NSW Police (Police Assistance Line 131 444 is available 24 hours a day, seven days a week)
- If the allegation involves a child at risk of harm, eg. sexual abuse, physical abuse, emotional abuse or neglect, report the incident immediately to DoCS (Department of Community Services). In some instances it will be appropriate to report the incident to both DoCS and the NSW Police. The DoCS Helpline number is 132 111 and the NSW Police Assistance Line is 131 444. A reporting form is available on the Department's web site www.dsr.nsw.gov.au.

For incidents that are of a criminal nature or involve a child at risk of harm, obtain advice from DoCS and/or NSW Police on the appropriate level of consultation with the child, the person against whom the allegation has been made and witnesses. In particular, NSW Police may be concerned that any communication with the parties involved could taint evidence or not be handled appropriately. A Joint Investigative Response Team could be involved, and if so it may be necessary to liaise with a representative from this group.

Guidelines for tasks

STEP 3 – Protect the child/children and the employee by taking appropriate action. Some options could include redeployment to a non child related position, supervision of the employee or where the employer considers it necessary removal of the person from their duties

- If the risk to the child or other children is not considered to be high and the concerns raised cannot immediately be proven, the employer could consider arranging for the person that the allegation is against to be redeployed or supervised until the investigation is undertaken. This supervision could be undertaken by a club/group committee representative and be for the protection of the children and the person involved. The supervision would ideally occur with the knowledge of the person
- If the risk to the child or other children is considered to be high, the employer may decide that the person should be stood down from the role of working with children immediately. It should be made clear to all parties that are aware of the incident that this does not mean the person is guilty and a proper investigation still needs to be undertaken to ensure the allegation is not false, vexatious or misconceived.

STEP 4 – Further clarify and investigate the allegation

FOR INCIDENTS OF A MORE SERIOUS NATURE

- Make contact with the parents or carers of the child involved at an appropriate time and as directed by NSW Police and/or DoCS. If appropriate, meet with the parents/carers and the child to clarify the incident and offer support if required, eg. professional counselling. Be concerned about the welfare of the child throughout the process

- Meet with the person against whom the allegation has been made at the appropriate time and as directed by NSW Police and/or DoCS. Give the person the opportunity to explain the incident and identify any witnesses and supporting evidence. The person should have the opportunity to invite a support person or advisor to attend the interview. The person should be treated fairly and with respect during this process. Offer support such as professional counselling as necessary. A signed statement and record of interview should be sought from the person
- Make contact with any witnesses and obtain written and signed statements outlining details of the incident, eg what happened, when and how. This should only occur following advice by NSW Police and/or DoCS regarding the appropriateness of talking to witnesses
- Collect other information that could assist in making a decision on the incident, such as:
 - Rosters to prove the child and the person involved were at the location of the incident
 - Details of other people who could have been at the location of the incident (as possible witnesses and to consider whether the person had the opportunity to abuse the child)
 - Information on how long the person allegedly undertaking the abuse has been involved with the club or group and details of any previous incidents
 - Information on other clubs or groups that the person is or has been involved in and whether there have been incidents at these clubs or groups
 - Any other information that could be relevant to making a decision on the likelihood of the incident, including available medical, psychological or criminal records.

Guidelines for tasks

Throughout the process of clarifying the details there should be ongoing liaison with the NSW Police and/or DoCS as appropriate. The collected information should be made available to NSW Police and/or DoCS as required.

Do not ask leading questions to any person and seek advice from the NSW Police and DoCS on the appropriate questions to ask.

FOR INCIDENTS OF A LESS SERIOUS NATURE

Note that incidents of a 'less serious nature' could include verbal abuse or an incident of physical abuse, for example roughly grabbing the arm.

- Make contact and meet with each of the parties involved to personally obtain details of the allegation. The parties will include the child that has allegedly

been abused or a representative of the child, the person or persons accused of the abuse and any witnesses to the abuse. In holding these meetings adopt the following approach:

- Have another independent person at all meetings as a witness (possibly the child protection officer of the club or group involved)
- Invite parents or carers to attend any meeting with the child
- Enable the person accused of the abuse to have an observer and/or advisor present.

- Ask questions at the meetings that are not leading, are relatively broad and require more than a yes or no answer. Some examples of good and bad questions are outlined below.

Person interviewed	Appropriate questions	Inappropriate questions
Child that has been allegedly abused	<ul style="list-style-type: none"> • I'd like to hear about what happened. In your own words tell me what happened? • When did this happen? • Who else was around at the time that might have seen what happened? 	<ul style="list-style-type: none"> • Where were you when the person hit you? • Did the person hit you hard? • Has this person abused you before? • Do you like the person?
Person accused of the abuse	<ul style="list-style-type: none"> • In your own words tell me what happened? • When did this happen? • Who might have been around at the time of the incident? • What other things do we need to consider? 	<ul style="list-style-type: none"> • Why did you hit the child? • Did the child deserve to be hit? • Would the child fabricate the abuse because they don't like you? • Do you like the child?
Witnesses	<ul style="list-style-type: none"> • Tell me what you know about the incident? • When did this happen? • What other information do you have that might support or contradict the allegation? • Who else may have seen the incident? 	<ul style="list-style-type: none"> • Did you see the person hit the child? • Was the person alone with the child at any time? • Could the incident have been fabricated? • Is the person liked by others?

Guidelines for tasks

- Collect other information that could assist in making a decision, such as:
 - Rosters to indicate the child and the person involved were at the location at the alleged time of the incident
 - Information on how long the person allegedly undertaking the abuse has been involved with the club or group and details of any previous incidents
 - Information on other clubs or groups that the person is or has been involved in and whether there have been incidents at these clubs or groups
 - Any other information that could be relevant to making a decision on the likelihood of the incident.

All investigations (more serious and less serious) should place an emphasis on confidentiality, fairness, trust, due process and natural justice. This includes undertaking the following:

- Carefully and sensitively listen to and show compassion to the child that has allegedly been abused. This includes arranging counselling for the child if required
- Give appropriate support to the person that is accused of the abuse, including the arranging of counselling if required
- Discuss the matter only with the relevant parties
- Request the parties involved to avoid discussing the matter with others until the investigation has been properly investigated
- Reinforce that the person being investigated is not considered guilty until a determination is made.

STEP 5 – Record and analyse all information

Document all discussions and information obtained. Then assess the accuracy of the information and the seriousness of the allegation.

An assessment form should include:

- Name and details of the child allegedly abused (including age, gender, cultural and religious background)
- Name and details of the person or persons accused of the abuse
- Details of the alleged incident (the type of alleged abuse and when, how and why the incident occurred), giving the different accounts of the incident
- Any evidence that substantiates or discounts the allegation
- The seriousness of the allegation, including the physical and emotional impact on the child that has allegedly been abused
- The further risks to the child and/or other children
- A determination regarding the accuracy and seriousness of the allegation and the rationale
- The recommended action and the rationale.

Guidelines for tasks

STEP 6 – Undertake disciplinary proceedings

FOR INCIDENTS OF A MORE SERIOUS NATURE

For incidents of a more serious nature, consideration should be given to the findings of the NSW Police and/or DoCS before making a decision on disciplinary proceedings. However, the final findings of the NSW Police and DoCS and court proceedings could take some time and it may be necessary for the sport or recreation organisation to make an earlier decision in relation to their disciplinary process.

If a proper process of investigation by the sport and recreation organisation supports the allegation, it may be appropriate to undertake disciplinary proceedings prior to a criminal or other formal sentencing. The disciplinary outcome for an incident of a more serious nature could be to formally remove the person from any involvement in the sport or recreation activity for an appropriate period of time.

If the findings of a more serious incident are uncertain, the sport or recreation organisation may be wise to defer making a decision on disciplinary proceedings until clearer findings are evident. However, the employer may decide that the person involved would either need to be constantly supervised or placed in a position that does not have contact with children until a decision is made. Further investigations and meetings with the parties involved may be required to assist in making a decision.

If there is thought that a more serious incident could have occurred but the allegation cannot be sustained, disciplinary proceedings could still be undertaken.

It may not be appropriate for the disciplinary outcome to be as severe eg the person may be required to coach at a Masters level and no longer work with children rather than removing the person from any involvement in the sport or recreation activity.

FOR INCIDENTS OF A LESS SERIOUS NATURE

For incidents of a less serious nature that are sustained, disciplinary proceedings may be undertaken immediately following the investigation. Disciplinary proceedings could involve a warning and providing advice on more appropriate behaviour (for less serious incidents such as name calling or bad language), to removing the person from working with children (where it is clear that the person does not have the patience or skills to work with children) through to ending the employment of the person for more serious incidents.

If the allegation is found to be false, vexatious or misconceived, the findings should be presented in writing to the accused person and the allegations should be dispelled as appropriate within the organisation. Counselling and support may be required for the accused person.

INVOLVEMENT OF SENIOR MANAGEMENT

For all incidents, any final decision on disciplinary proceedings should be made or at least supported by the senior management of the peak body. This will require the Member Protection Officer to liaise with the peak body's senior management during the process of investigation and recommendations.

Guidelines for tasks

task

8 Report the incident as appropriate

The Commission for Children and Young People must be advised of any completed disciplinary proceeding. A completed disciplinary proceeding is where any action has been taken to investigate an allegation of:

- Child abuse
- Sexual misconduct
- Acts of violence committed by an employee in the course of employment (this includes non paid volunteers).

This is where the act:

- Involves children
- Is directed at children
- Takes place in the presence of children.

A report to the Commission for Children and Young People is not required if the allegation is found to be false, vexatious or misconceived. However, if the employer is not able to say that a matter was definitely not child abuse, sexual misconduct or an act of violence, it must report to the commission, even if the allegation was not sustained.

Definitions and details are provided in the *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection*, NSW Department of Sport and Recreation.

The reporting forms are included in the *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection*, NSW Department of Sport and Recreation or can be obtained from the NSW Department of Sport and Recreation web site www.dsr.nsw.gov.au.

For matters of a more serious nature a report will already have been made to NSW Police and/or DoCS (ie, as soon as the incident was reported and clarified). The report to the Commission for Children and Young People should provide details of this earlier reporting and the outcomes of the subsequent investigations by NSW Police and/or DoCS where available.

Some scenarios are provided below to assist peak bodies and associations to appropriately respond to different situations. A number of other examples are included at www.dsr.nsw.gov.au.

Responding to situations



Some scenarios are provided on the following pages to assist peak bodies and associations to appropriately respond to different situations.

A number of other examples are included on the web site www.dsr.nsw.gov.au

Responding to situations

Situation 1 – Emotional abuse

Possible situation	Some options to consider	Inappropriate response
<p>A parent has complained that their child is being yelled at by the coach and is afraid to go to training. The club has not contacted you as the peak body (the parent has come to you because the club is not responding).</p>	<ul style="list-style-type: none"> • Make contact with the club and remind them that they should report all complaints involving children to the peak body or association. Determine whether the club has spoken to the coach • Meet with the parent and the child to discuss the concerns raised (find out what happened and the circumstances) • Speak to other witnesses if there are concerns that the coach's behaviour is unjustified or inappropriate • Meet with the coach concerned and discuss the allegation (find out what happened and the circumstances) • Obtain written and signed statements from all parties consulted • Consider the evidence and make a determination. Clearly document the discussions and the rationale for the determination • If the abuse is relatively minor (eg. occasional loss of temper) request a change in behaviour and consider whether support is required, eg. anger management course • If there is evidence of more serious abuse and/or there is risk of harm to the child/children (including psychological), options can include a changed role or dismissal of the coach The matter should be reported accordingly (refer task 8) • If there appears to be an over reaction by the parent, consider facilitating a meeting with the coach • Formally advise all parties concerned of the recommended action • Report the completed disciplinary proceeding to the Commission for Children and Young People. 	<ul style="list-style-type: none"> • Ask the club to deal with the problem, and take no responsibility (you may consider the issue to be relatively minor and not worth your time) <p>OR</p> <ul style="list-style-type: none"> • Contact the coach to let him know that there is a complaint, but not request any change in behaviour, eg. say you know the parents must be over reacting <p>OR</p> <ul style="list-style-type: none"> • Tell the parent that it is the right of the coach to yell at the children and they should leave the club if they are not happy.

Responding to situations

Situation 2 – Sexual abuse

Possible situation	Some options to consider	Inappropriate response
<p>A child has mentioned to a friend that he has been inappropriately touched by the coach in the change room. The friend's parents have raised the issue with the club, who has contacted you as the peak body for advice.</p>	<ul style="list-style-type: none"> • Advise the club that you will manage the investigations and consult with them during the process. This will ensure greater impartiality • Make contact with NSW Police to report the matter and seek advice • Make contact with the parent that raised the issue and obtain a written statement. Ask that the incident be kept confidential until the investigation is completed and advise them of the steps that will be taken. This action could be undertaken by the NSW Police • Ensure early contact with the child and his parents to clarify the allegation. This would be undertaken by NSW Police or the police may guide you on the best approach to take • Seek advice from NSW Police on appropriate communication with the child and his parents, the coach accused of the abuse and other witnesses. NSW Police may wish to interview all parties first • Seek advice from NSW Police on information that is required for the investigation, eg. rosters, details of potential witnesses, club contacts etc 	<ul style="list-style-type: none"> • Investigate the matter yourself without making contact with NSW Police <p>OR</p> <ul style="list-style-type: none"> • Talk to the coach (who denies the incident) and decide not to take it further <p>OR</p> <ul style="list-style-type: none"> • Go straight to the child concerned to find out what has happened, without first talking to the Police.

(continued on following page)

Responding to situations

Situation 2 – Sexual abuse *(continued)*

Possible situation	Some options to consider	Inappropriate response
	<ul style="list-style-type: none"> • Consider the safety of the child/children and follow your established procedures. This could involve either redeployment, arranging for the coach to be supervised or removing the coach from their duties until the matter is finalised. This will also protect the coach from other allegations and possible abuse from parents. Make it clear that this is only an investigation and there should be no inference that the coach is guilty of the abuse • Collect appropriate information to assist police and your investigation • Liaise with the parties and witnesses as appropriate and as guided by the police. This will include a formal interview with the coach (and a support person) to enable a response to the allegation • Consider the evidence and make a determination. Clearly document the discussions and the rationale for the determination • Undertake the appropriate disciplinary proceedings. This may be dismissal if the allegation is sustained • Report the incident to the Commission for Children and Young People, unless the allegation is found to be false, vexatious or misconceived. 	

Responding to situations

Situation 3 – Physical abuse

Possible situation	Some options to consider	Inappropriate response
<p>A club official assisting with canteen operations has physically lashed into their own child for giving them a mouthful of abuse (while on duty in the canteen). The child was punched a number of times on the back and shoulder by the official (parent) in front of a number of witnesses, including other young children.</p>	<ul style="list-style-type: none"> • Recognise that the official has clearly physically abused a child in the presence of other children and that action must be taken immediately • Consider the safety of the child and whether DoCS/ NSW Police should be contacted. Make a report to DoCS if there is risk of harm to the child • Obtain written statements from witnesses on what happened • Meet with the club official (parent) to obtain their views and response to what happened. Ensure natural justice and due process • Document all discussions and report on the findings • Recognise that physical abuse is a serious matter and respond accordingly • At the conclusion of the disciplinary process, report the incident to the Commission for Children and Young People unless the allegation is proven to be false vexations or misconceived. 	<ul style="list-style-type: none"> • Take no action in the belief that the parent can do what they want with their own children, despite the fact that they were working with the club at the time <p>OR</p> <ul style="list-style-type: none"> • Talk to the parent and ask them not to do that again, otherwise you will report them <p>OR</p> <ul style="list-style-type: none"> • Think about the problem for a number of weeks without saying anything to the parent, the child or others, but then decide that something should be done (ie report the matter a number of weeks later).

Responding to situations

Situation 4 – Neglect

Possible situation	Some options to consider	Inappropriate response
<p>A child is regularly arriving at practice and games with insufficient gear, complaining about his elbow, which appears to be swollen. He appears unkempt and is unaware that he has a distinctive odour and that his clothes are regularly not clean. He is sullen and withdrawn. His parents do not appear concerned and are well liked in their club.</p>	<ul style="list-style-type: none"> • Talk to the child to find out what is happening. Do not ask any leading questions such as 'does daddy hit you' and do not do this alone, ie have a support person • If there is a concern that the child is being abused by his parents or any other person, make an immediate report to DoCS and seek advice • If from the discussions with the child, there is no indication that the child is being abused, talk to the parents about your concerns (again, have a support person with you). 	<ul style="list-style-type: none"> • Report the incident to DoCS without trying to clarify the situation. The child could be suffering from a medical condition of which you are unaware.

Ideally, the above situations would be investigated by the Member Protection Officer of the peak body/association or an independent skilled investigator. This will ensure the investigator is appropriately trained and skilled and there is a suitable level of independence. However, there will be some instances where a club may need to take a greater role in the investigations, eg. where a club is geographically isolated and the incident is less serious or where a club or business does not have a peak body or association to refer to. In such instances, it may be appropriate for the club or business to follow the approach that would normally be adopted by the peak body or association. If this is the case, the club or business should liaise closely with the peak body or association or the NSW Department of Sport and Recreation (where there is no peak body or association) to ensure they are adopting the best approach.

Review and evaluation

There is always potential to improve policy and procedures, and child protection is no exception. Peak bodies and associations should constantly review and update their policy on child protection, their code of conduct, their role in raising the awareness of child protection and their approach to any alleged incidences of child abuse.

In particular, peak bodies and associations should consider:

- Whether the approach to meeting the requirements of the *Working with Children Check* can be improved
- Whether their policy makes a clear statement that child abuse is unacceptable
- Whether there is open communication in their organisation and sport/activity about the need for child protection
- Whether people in their organisation have the appropriate skills and resources to respond to any allegations of child abuse.

As part of the process of review and evaluation, peak bodies and associations should report on their response to child protection at least every six months. This could include an outline of any guidelines that have been produced, training that has been provided to clubs and approaches that have been adopted when responding to any allegations. The report could be included in a newsletter to clubs or in an annual report, or placed on a web site for clubs and parents to access.

Relevant legislation

Sport and recreation organisations and clubs have a moral and legal obligation to achieve child protection within their sport or activity. Relevant legislation includes:

Commission for Children and Young People Act 1998

The act established and guides the functions of the Commission for Children and Young People. The act also:

- Makes it mandatory to screen preferred applicants for paid child related employment. The NSW Department of Sport and Recreation is the Approved Screening Agency for the sport and recreation industry. Employers must conduct employment screening on preferred applicants using a *Working with Children Check* Request Form
- Allows for the introduction of non-mandatory screening of existing paid employees and volunteers. However, the Commission for Children and Young People is currently considering the options for the screening of volunteers through their Voluntary Screening Reference Group
- Enables the commission to maintain a database of completed disciplinary proceedings and relevant Apprehended Violence Orders.

Child Protection (Prohibited Employment) Act 1998

This act prohibits persons found guilty of committing certain serious sex offences from working in child related employment. A serious sex offence is an offence involving sexual activity or acts of indecency that is punishable by a prison sentence of 12 months or more if it was committed in NSW.

The act requires all people working with children (paid workers and volunteers) to sign a Prohibited Employment Declaration, indicating whether or not they are a prohibited person. It is an offence for a prohibited person to work with children.

Children and Young Persons (Care and Protection) Act 1998

The Children and Young Persons (Care and Protection) Act 1998 is a result of changing community attitudes on how we should care for and protect children and young people and incorporates recommendations of the Wood Royal Commission.

The act promotes flexible, responsive and innovative methods to address problems experienced by families and seeks to involve children in the decision-making process for their safety, welfare and well-being.

The act outlines requirements for mandatory reporting, that is employees that are required by law to report any incident of a child at risk of harm.

The act supports members of the community in reporting an incident to DoCS if a child is at risk of harm.

Child Protection (Offenders Registration) Act 2000

Under this act, a person who has been found guilty of certain offences against children will be known as a Registrable Person. A Registrable Person automatically becomes a *Prohibited Person under the Child Protection (Prohibited Employment) Act 1998*.

The term certain offences includes:

- Murder
- Sexual offences
- Indecency offences punishable by imprisonment of 12 months or more
- Kidnapping
- Offences connected with child prostitution
- Possession or publication of child pornography.

Other key documents

Other documents that provide useful information on child protection are listed below:

- *Child Protection in sport and recreation – Guidelines for achieving child protection for sport and recreation clubs*, NSW Department of Sport and Recreation, 2003
- *Child Protection in sport and recreation – Guidelines for parents/guardians and children*, NSW Department of Sport and Recreation, 2003
- *Child Protection – A simple guide for sport and recreation organisations*, NSW Department of Sport and Recreation, 2002
- *Choose With Care*, A Handbook to Build Safer Organisations for Children, Bernadette McMenamin, Paula Fitzgerald, ECPAT
- *Making a Difference*, Recognising and Reporting/Notifying Child Abuse and Neglect, Self Paced Learning Kit, NSW Child Protection Council, May 1998
- *Guidelines for Employers The Working with Children Check*, NSW Commission for Children and Young People
- *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection*, NSW Department of Sport and Recreation.

Other information and key contacts



Contact resources and phone numbers for matters relating to child protection are as follows

NSW DEPARTMENT OF COMMUNITY SERVICES

DoCS Helpline 132 111

Web site www.community.nsw.gov.au

KIDS HELPLINE

Kids Helpline 1800 55 1800

Email admin@kidshelp.com.au

NSW POLICE

Police Assistance Line 131 444

Seven days a week, 24 hours a day

NSW DEPARTMENT OF SPORT AND RECREATION

Child Protection Infoline 1300 366 407

Email workingwithchildrencheck@dsr.nsw.gov.au

Website www.dsr.nsw.gov.au/

COMMISSION FOR CHILDREN AND YOUNG PEOPLE

Office 9am-5pm (02) 9286 7220

Fax (02) 9286 7201

Email kids@kids.nsw.gov.au

AUSTRALIAN SPORTS COMMISSION

Web site www.ausport.gov.au

PLAY BY THE RULES

Web site www.playbytherules.net.au

More specific area contacts for the Department of Community Services (DoCS) are included in the *Guidelines for Sport and Recreation Organisations – Working with Children Check and Child Protection*, NSW Department of Sport and Recreation.

Child protection infoline
1300 366 407
www.dsr.nsw.gov.au

