



## **Darwin Rifle Club Incorporated** **(DRC)**

### **CODE OF CONDUCT & ETHICS**

NTRA and affiliated clubs are affiliates of the National Rifle Association of Australia (NRAA).

This policy has been adopted from the NRAA and is to be administered by DRC under the same rules.

# **Darwin Rifle Club Incorporated**

## **CODE OF CONDUCT & ETHICS**

### **Member Protection Policy**

Effective 13/04/2021

## C O N T E N T S

ITEM	DESCRIPTION	PAGE NO
1.	INTRODUCTION 1.1 Law and Harassment 1.2 Summary of Australian Anti-Discrimination Legislation	4-5
2.	REQUIREMENTS	6
3.	WHO DOES IT COVER	6
4.	STATUS	7
5.	WHAT IS AN OFFENCE	7
6.	HOW TO MAKE A COMPLAINT	7
7.	COMPLAINT PROCESS	7
8.	INVESTIGATION AND HEARINGS	8
9.	HOW TO APPEAL	8
10.	PENALTIES	8-9
11.	DEFINITIONS	9
12.	DECLARATION	10

## CONDUCT & ETHICS

### 1. INTRODUCTION

#### 1.1.1 The Law and Harassment

The law does not recognise or prohibit harassment per se. However, there are several state and federal laws that impact directly on harassing behaviour. Some of these are:

- Sexual Harassment
- Harassment on grounds of disability
- Discrimination
- Vicarious Liability

#### 1.1.2 Sexual Harassment:

Two categories of sexual harassment can be identified broadly by;

- Direct or implied threat, promise or benefit, sometimes termed as 'sexual blackmail'.
- Behaviour which creates a hostile or sexually permeated environment, namely where sexual conduct such as crude remarks, jokes or general banter, or the display of offensive material, makes the working or sporting environment uncomfortable.

#### 1.1.3 Disability Harassment:

Includes harassment based on physical, mental or psychological disability or an associate or aide of a person with a disability. Examples include;

- interfering with a disability aid (e.g. hearing aid)
- obstructing a person in a manner that compounds his or her disability
- mocking a person's disability (asking a vision impairment person to describe a scene)
- creating a hostile environment (mimicking)

#### 1.1.4 Discrimination:

Sometimes harassment is not just based on grounds such as sexuality but consists simply of an abuse of power which the harasser holds over those harassed. For example;

- Age
- Marital Status
- Political belief / activity
- Race
- Gender
- Bullying and humiliation of athletes by coaches;
- Abuse of officials by 'players';
- Practical jokes which cause embarrassment or endanger others safety

## CONDUCT & ETHICS

### 1.1.5 Vicarious Liability:

It is a general legal principle that an individual is personally liable for his or her own unlawful acts. However, in some circumstances, employers can be held liable for wrongs committed by employees in the course of the employees' work, even if there is no deliberate contribution to the wrongful act on the part of the employer. This is referred to as vicarious liability.

Vicarious liability may apply not only in respect of employees, but also in respect of people acting on behalf of an organisation. Thus, if an employee harasses athletes or other non-employees in the workplace, the employer can be held legally responsible and may be liable to pay damages.

Also, if someone representing a sporting organisation, even in a voluntary capacity, harasses an athlete, a staff member or anyone else encountered in the course of carrying out that representative role, the organisation can also be held liable.

Employers and officials of organisation are responsible for ensuring that harassment does not occur within their workplace or organisations.

### General Comment:

However, harassment in sport must not be confused with legitimate comment and advice, including relevant negative comment or feedback, from supervisors or officials on work or athletic performance, or on the work or sport related behaviour of an employee or an athlete. Feedback differs from harassment in that it is intended to assist the employee or athlete to improve performance or the standard of their behaviour.

### 1.2 Summary of Australian Anti-Discrimination Legislation:

Name of Act	Administered By
Racial Discrimination Act 1975 (Commonwealth)	Human Rights and Equal Opportunity Commission
Sex Discrimination Act 1984 (Commonwealth)	
Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)	
Disability Discrimination Act 1992 (Commonwealth)	
Workplace Relations Act 1996 (Commonwealth)	Australian Industrial Relations Commission

## CONDUCT & ETHICS

### 2. REQUIREMENTS

As a member of DRC, you must meet the following requirements in regard to your conduct during any activity held by or under the auspices of DRC and in any role you hold within DRC.

- 2.1 Respect the rights, dignity and worth of others
- 2.2 Be fair, considerate and honest in all dealings with others
- 2.3 Be professional in and accept responsibility for your actions
- 2.4 Make a commitment to providing quality service
- 2.5 Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example
- 2.6 Be aware of, and maintain an uncompromising adherence to DRC standards, rules, regulations and policies
- 2.7 Operate within the rules of shooting including national and international guidelines which govern DRC
- 2.8 Understand your responsibility if you breach, or are aware of any breaches of this Code of Conduct & Ethics
- 2.9 Do not use your involvement with DRC or its members to promote your own beliefs, behaviour or practices where these are inconsistent with those of DRC or its members
- 2.10 Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible
- 2.11 Refrain from any form of abuse towards others
- 2.12 Refrain from any form of harassment towards, or discrimination of, others
- 2.13 Provide a safe environment for the conduct of the activity
- 2.14 Show concern and caution towards others who may be sick or injured
- 2.15 Be a positive role model

### 3. WHO DOES IT COVER

- 3.1 This document applies to all athletes, coaches, employees, administrators, officials, volunteers and members of the DRC

#### **4. STATUS**

- 4.1 This document forms part of the Policy of the DRC Incorporated
- 4.2 The Committee of the DRC may from time to time amend this document
- 4.3 It is the intent of this document to ensure the rights of the administrators, including appointed DRC coaches, team managers, captains and participants of their rights and obligations.

#### **5. WHAT IS AN OFFENCE**

- 5.1 It is an offence under this document for any person to whom this document applies, to:
  - 5.1.1 Engage in Harassment of another person/s in the course of, or arising out of (whether directly or indirectly), their role with DRC.
  - 5.1.2 Engage in Discrimination against a person/s as set out in applicable federal or state legislation and as highlighted herein in this document

#### **6. HOW TO MAKE A COMPLAINT**

- 6.1 Any person may make a complaint about a person to whom this document applies if they consider that person has, or may have, committed an offence and/or breached any part of this Policy
- 6.2 A complaint may be made in writing or verbally
- 6.3 A complaint may be made to
  - a) The Captain, or
  - b) any Committee member
- 6.4 Making a frivolous, vexatious or malicious complaint is an offence under this document and will be dealt with as set out in Item 10, Penalties.

#### **7. COMPLAINT PROCESS**

- 7.1 If a person listed at 6.3 receives a complaint of harassment, discrimination or abuse he/she must ask whether the complainant wishes them to:
  - a) simply listen and advise the complainant about what their options are and what the complainant might do
  - b) act as a mediator between the complainant and the alleged offender to try and resolve the complaint, or
  - c) report the complaint to the Panel for it to be further investigated
- 7.2 Having determined the complainant's wishes above at 7.1, the person/s listed in 6.3 must;
  - a) act in accordance with the complainants wishes as set out in 7.1, and
  - b) keep the matter confidential and only discuss it with those people whom the complainant has authorised you to speak to about the complaint

## 8. INVESTIGATION AND HEARINGS

8.1 Where a DRC Committee member receives:

- a) information from any source whatsoever (but which is not a Complaint), or
- b) a complaint which is reported by the Captain of DRC and/or the Chair, he/she shall follow the procedures as set out herewith;

8.1.1 Upon receipt of the information or a Complaint, investigate the matter as he/she thinks fit to ascertain whether in their opinion there is reasonable cause to suspect that an offence under this document has been committed;

8.1.2 If it is considered there is reasonable cause to suspect that an offence has been committed, he/she shall refer the matter to the Committee for resolution;

8.1.3 In addition, upon referral to the Committee, the Committee may in its discretion, where it considers there is a risk to the safety and welfare to the complainant or to others, order that the alleged offender be;

- a) suspended from any role they hold with DRC or its members,
- b) banned from any event or activities held by or under the auspices of DRC or its members,
- c) required not to contact or in any way associate with the complainant or other person about whom the alleged offence relates;

pending the determination of the hearing;

8.1.4 The defendant may appeal a decision of the Committee

## 9. HOW TO APPEAL

9.1 The defendant or the complainant in the proceedings may appeal a Decision of the Committee, in writing, within 14 days of notification, to the Captain of the DRC

9.2 The Committee [excluding any persons on the Panel] will re-hear the complaint within 21 days of notice of appeal

9.3 Their decision will be final and binding on the parties and no recourse will be heard

## 10. PENALTIES

10.1 Penalties that may be imposed under this Code include:

10.1.1 requiring the defendant to attend counselling to address his/her behaviour;

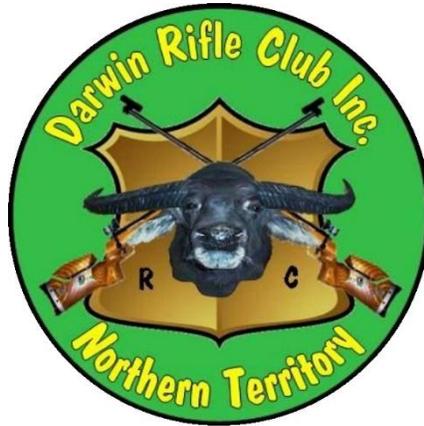
10.1.2 termination of the appointment to the role in which the defendant holds with the DRC;

10.1.3 the payment of compensation to the complainant and/or others who were subject to the behaviour committed by the defendant;

- 10.1.4 in the case of an Accredited Coach, de-register such accreditation for a period or indefinitely;
- 10.1.5 the withdrawals of any awards, placings, records won in any event and competitions conducted by or under auspices of DRC or the Members from the date the offence was committed, and,
- 10.1.6 require the defendant to repay all or part of any financial assistance (excluding any fee for service, wages or expenses) given to them by DRC or the Member, the Australian Sports Commission or any federal or State funding agency from the date the offence was committed.
- 10.2 If a penalty is imposed, the Captain of the DRC shall notify every Member of such penalty. Each member is required to use its best endeavours to notify its members of such penalty.
- 10.3 Any penalty imposed shall be recognised and enforced by every member of NRAA, the failure to do so under this document is an offence.
- 10.4 The Complainant understands and accepts that should they decide to take the matter further, any costs incurred by them will be at their expense. It is further understood that should their complaint be dismissed they agree to meet any costs incurred by the NRAA to defend their actions.

## 11. DEFINITIONS

- "The Committee" consists of those persons elected by the members in accordance with the DRC Constitution
- The Panel" consists of three persons who are not necessarily Committee members but elected by the Committee for the purpose of this Code
- "Member" represents a member pursuant to the DRC Constitution
- "Captain" means the Captain/Chairman of the DRC Incorporated



**DECLARATION**  
**CODE OF CONDUCT & ETHICS**

I -----  
[Please print Full Name]

of -----

HAVE READ AND UNDERSTAND THE DRC CODE OF CONDUCT & ETHICS DOCUMENT  
AND AGREE TO ABIDE BY THE CONDITIONS.

-----  
[Signature]

-----  
[Date]

-----  
[Witness]

Note: This original signed Declaration shall be retained by the DRC.