

DEFINITIONS OF TERMINOLOGY RELATED TO CHILD SAFETY - ICE HOCKEY VICTORIA

JUNE 2019

BRODIE'S LAW: Bullying tends to be an accumulation of many small incidents over a long period. Each incident tends to be trivial, and on its own and out of context does not constitute an offence or grounds for disciplinary or grievance action. Victoria's anti-bullying legislation, known as Brodie's Law, commenced in June 2011 and made serious bullying a crime punishable by up to 10 years in jail.

Brodie's Law was introduced after the tragic suicide of a young woman, Brodie Panlock, who was subjected to relentless bullying in her workplace.

Brodie's Law makes serious bullying a criminal offence by extending the application of the stalking provisions in the Crimes Act 1958 to include behaviour that involves serious bullying. The offence of stalking, and therefore conduct that amounts to serious bullying, carries a maximum penalty of 10 years imprisonment.

BULLYING: repeated verbal, physical, social or psychological aggressive behaviour by a person or group directed towards a less powerful person or group that is intended to cause harm, distress or fear. Inappropriate behaviours are typically cruel, demeaning and hostile toward the bullying targets. Bullying is similar to harassment but the behaviours are not addressed under human rights laws. (Except Brody's Law) As with harassment, bullying can be undertaken in person or through social media, in written, verbal or electronic communication.

CHILD AND CHILDREN: Children and young people under 18 years of age

CHILD ABUSE: Physical, Emotional, Sexual, Neglect and Racial/Cultural/Religious Abuse. See the end of this document for a detailed explanation.

CHILD PROTECTION AGENCIES: Offer advice and handle reporting of child abuse/suspicion of harm against children. Provide advice on enquiries about suspicion of harm against children and investigate emotional abuse and neglect.

CHILD SAFETY OFFICER: A voluntary role within Ice Hockey Victoria that helps promote and support the safety of children. childsafety@ihv.org.au

CIVIL LAW REFORM: Removal of the time limit on legal action in which victims (including family members) needed to have commenced civil legal action for damages due to wrongful death. This reform applies to past and future cases of child abuse.

COMMISSION FOR CHILDREN AND YOUNG PEOPLE: www.ccyp.gov.au 03-8601-5884

COMMUNITY LEGAL AND MEDIATION SERVICES: Provide low (or no) free mediation for sport's club complaints. Free (or low cost), confidential mediation and negotiation. fclc.org.au

ADVICE AND SUPPORT FOR PEOPLE WHO ARE VICTIMS OF BULLYING

- Victims of Crime Helpline (8am-11pm) on 1800 819 817
- Lifeline 24 hours a day on 13 11 14
- Your local police

CRIMINAL LAW REFORM- Offences related to grooming, failure to protect and failure to disclose.

CREATING CHILD SAFE ORGANISATIONS- Seven Mandatory Child Safe Standards

FAILURE TO DISCLOSE: Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 years of age, has an obligation to report that information to police. Failure to disclose is a criminal offence.

GROOMING FOR SEXUAL CONDUCT WITH A CHILD UNDER THE AGE OF 16 YEARS: This offence applies where a person over 18 years of age communicates, by words or conduct, online or face to face with a child under the age of 16 years or with a person who has care, supervision or authority for a child with the intention of later sexual activity with a child.

HARASSMENT – emotional, physical, and/or sexual - that involves discrimination against a person because of their race, national or ethnic origin, age, colour, religion, family status, sexual orientation, sex/gender, disability, marital status, or pardoned conviction. Harassment can be undertaken in person or through social media. It is a HUMAN RIGHTS issue.

It can be player-to-player of the same age group, parent to official, coach to coach or between a person in a position of power or authority and a person in a subordinate position such as coach to player, sports administrator to employee etc.

For example:

- Unwelcome jokes, innuendo or teasing about a person's body, looks, race, sexual orientation
- Condescending, patronizing, threatening or punishing actions which undermine self-esteem
- Practical jokes that cause awkwardness or embarrassment, or may endanger a person's safety
- Degrading or inappropriate hazing rituals
- Unwanted or unnecessary physical contact including touching, patting, pinching
- Unwanted conduct, comments, gestures or invitations of a sexual nature which are likely to cause offence or humiliation, or which might on reasonable grounds be perceived as placing a condition of a sexual nature on employment or on any opportunity for training or advancement
- Sexual assault or physical assault

It is important to note that the behaviours described in the last three points, when directed towards a person under the age of 18, constitute abuse under child protection legislation. This may also be true of other behaviours, for example, certain hazing practices. In such cases, it must always be reported.

HAZING- a form of harassment: Any activity that allows team members to be humiliated or abused, regardless of their willingness to participate. Examples include: verbal abuse, threats or implied threats, expecting rookies to perform personal services to other members such as errands, cleaning etc., forcing or coercing players to drink alcohol, shower in front of other players etc.

If a player is unsure if they are experiencing hazing:

- Would I feel comfortable participating in this activity if my parents were watching?
- Would we get in trouble if a coach, manager, ambassador or IHV administrator walked by and saw us?

- Am I being asked to keep these activities a secret?
- Am I doing anything illegal?

Answering yes to any or all questions means there is a high chance that hazing is occurring.

HUMAN RIGHTS, EQUAL OPPORTUNITY AND ANTI-DISCRIMINATION AGENCIES: free confidential advice about discrimination, harassment, victimization and the lodgement of complaints. Administer national human rights and equal opportunity laws. Investigate and attempt to resolve complaints of illegal discrimination, harassment or victimisation. Educate to prevent discrimination and harassment.

Victorian Equal Opportunity and Human Rights Commission: 1-300 891-848

www.humanrightscommission.vic.gov.au

MANDATORY REPORTING: Everyone has a moral obligation and social responsibility to report concerns about child abuse. However, some professions are legally required to make a report to Child Protection if they form a belief on reasonable grounds that a child has or is likely to suffer significant harm because of physical injury or sexual abuse and the child’s parents have not protected or are unlikely to protect the child from harm of that type. E.g. Doctors, nurses, midwives, teachers, school principals, police, youth workers and social workers are Mandatory reporters under Children, Youth and Families Act 2005.

MEMBER PROTECTION INFORMATION OFFICER (MPIO) is responsible for providing information about a person's rights, responsibilities and options to an individual making a complaint or raising a concern, as well as support during the process. They may reside within the club, the state sports association or national sports organisation. They can also be freelance (not linked directly to the sport). They are **NOT** a person who investigates matters, advises, or advocates for the complainant. **MPIOs for members of Ice Hockey Victoria can be accessed through Ice Sports Victoria.**

POLICE - Investigate allegations of physical or sexual assault. Investigate suspicions of child abuse. Conduct criminal record checks. Provide application forms for national police checks.

Sexual Offences and Child Abuse Investigation Team

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| Melbourne: 03 8690-4056 | Dandenong: 03 8769-2200 |
| Box Hill: 03 8892-3292 | Knox: 03 9881-7939 |
| Web: www.police.vic.gov.au/content.asp?document_id=36448 | |

THE BETRAYAL OF TRUST REPORT: In April 2012, the Victorian government initiated an inquiry into the handling of child abuse allegations within religious and other non-government organisations. The inquiry’s final report “Betrayal of Trust” made a number of recommendations, which have been acted on by the Victorian Government.

WORKING WITH CHILDREN CHECK- 1-300-652-879 www.workingwithchildren.vic.gov.au

CHILD ABUSE

- Any form of physical, emotional and/or sexual mistreatment or neglect, which causes physical injury or emotional damages to a child, whether done in person or through technology.
- In Australia, a person is considered a child up to the age of 17 years depending on the state/territorial legislation.
- Evidence suggest that a considerable amount of child abuse and neglect goes undisclosed.
- Abuse is not always committed by adults and some downplay the issue of child abuse of other children.

Here are five major forms of child abuse:

1. **EMOTIONAL ABUSE:** When a person engages in inappropriate behaviours such as rejecting, ignoring, humiliating, isolating, threatening or verbally abusing a child, or allowing others to do so. Because this kind of abuse does not leave physical injuries, it is often hidden and underestimated. **EMOTIONAL ABUSE can be:**

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| Name calling | Threatening |
| Ridiculing | Berating |
| Intimidating | Isolating |
| Hazing | Ignoring the child's needs |

2. **PHYSICAL ABUSE:** Intentionally causing or threatening to cause physical injury to a child, or inadvertently causing injury as a consequence of physical punishment or physically aggressive treatment of a child. The injury may take the form of bruises, cuts, burns or fractures. **This must be reported to the police. PHYSICAL ABUSE may take the form of:**

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| Slapping | Hitting |
| Shaking | Kicking |
| Pulling hair or ears | Throwing and shoving |
| Grabbing | Hazing |
| Excessive exercise as a form of punishment | |

3. **NEGLECT:** When injuries are not adequately treated or players are forced to play with injuries, equipment is inadequate or unsafe, or road trips are not properly supervised. The following examples are particularly relevant for interstate tournaments. **NEGLECT** may be of lack of:

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| Nutritious diet | Supervision |
| Medical and dental care | Adequate rest |
| Safe environment | Moral guidance and discipline |
| Restricting underage drinking or smoking | Restricting underage illegal drugs |

4. **SEXUAL ABUSE: (a form of sexual violence)** When an older or more powerful **child, adolescent or adult** for his or her own sexual stimulation or gratification, uses a child. It can include contact or non-contact or through technology. It also includes language, gestures or behaviours that are sexual in nature with children. Grooming is also sexual abuse. When a person over 18 years of age communicates by words or conduct, online or face to face with a child under the age of 16 years of age or with a person who has care, supervision or authority of a child, with the intention of later sexual activity with the child. **This must be reported to the police.**
5. **RACIAL/CULTURAL AND/OR RELIGIOUS ABUSE:** Conduct that demonstrates contempt, ridicule, hatred or negativity towards a child because of their race, culture or religion. It may be overt, such as direct racial vilification or discrimination or covert, such as demonstrating a lack of cultural respect (attitude and values) and awareness or failing to provide positive images about another culture. For more information on racial, cultural or religious abuse, go to www.humanrightscommission.vic.gov.au

IT IS NOT CONSIDERED CHILD ABUSE TO:

- Bench a player for disciplinary reasons
- Cut a player from a team after tryouts
- Refusing to transfer a player
- Limit ice time
- Yell instructions from the bench
- Require a player to push themselves physically within defined limits
- Tell a player respectfully, they have made an error
- **Remember – abuse is a protection issue.**