Deaf Sports Australia National Integrity Framework

Participant Protection Policy

Commencement date:
6 November 2026

OFFICIAL

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1. Introduction

Deaf Sports Australia is committed to making Deaf Sports a safe and fair place for all participants. To achieve this, Deaf Sports Australia has adopted the National Integrity Framework, which includes this Participant Protection Policy.

The National Integrity Framework is designed to assist with creating a safe and fair sporting environment for all by setting out the rules about the types of behaviour that are unacceptable in Deaf Sports. These unacceptable behaviours are defined as Prohibited Conduct. The National Integrity Framework seeks to guide Relevant Persons and Relevant Organisations on what to do if they experience or witness breaches of these rules.

Nothing in the National Integrity Framework overrides a law of the Commonwealth, or a state or territory, which take precedence and must be complied with in the first instance. Relevant Organisations and Relevant Persons must inform themselves of any relevant requirements in their jurisdiction and ensure that they are complying with any additional legislative requirements that may exist in their state or territory.

2. Policy Intent

Deaf Sports Australia is committed to ensuring that everyone involved with Deaf Sports is treated with respect and dignity and is protected from Abuse, Abusive Behaviour Towards a Person with Disability, Bullying, Harassment, Sexual Misconduct, Discrimination, Victimisation, and Vilification.

This Policy seeks to ensure that everyone involved in Deaf Sports is aware of their rights and responsibilities and sets out the standards of behaviour expected of those involved in Deaf Sports and the behaviours that are not acceptable (Prohibited Conduct).

This Policy applies only to conduct directed towards adults. All conduct directed towards persons under the age of 18 should be dealt with under the Safeguarding Children and Young People Policy.

This Policy is aligned with the *Play Well Way* – a shared set of values collaboratively developed by the Australian sporting sector that guide how we create safe, welcoming, inclusive and fun sporting environments for all participants in sport.

In line with the *Play Well Way*, we are committed to fostering environments that prioritise:

- **Respect** – where every individual is treated with dignity and care
- **Belonging** – where people feel included, valued and connected
- **Wellbeing** – where physical, emotional and cultural safety is actively protected and promoted
- **Enjoyment** – where sport is a positive and fun experience
- **Growth** – where people are supported to learn, develop and thrive

These values inform the behaviours expected of all Relevant Persons and Relevant Organisations and reinforce our commitment to safeguarding people in sport.

3. Definitions

The following words have the corresponding meaning in this Policy:

Abuse means any type of behaviour (including physical, emotional/psychological, sexual, and inappropriate use of power and/or process) that has caused, is causing or is likely to cause harm to a person's wellbeing, whether in person or online.

Abusive Behaviour Towards a Person with Disability means any type of behaviour towards a person (whether in person, online or via any other means of communicationon the basis of their disability that is degrading, humiliating,

exploitative, or otherwise denies human dignity or autonomy without reasonable justification. For the avoidance of doubt, this does not include behaviour towards a person with disability that is unrelated to their disability.

Athlete means a person who is registered, or entitled to participate, in a Deaf Sports contest, match, competition, event, or other sporting activity (including training) which is sanctioned or organised by a Relevant Organisation.

Bullying means a person or group of people repeatedly and intentionally using words or actions, or the inappropriate use of power, against someone or a group of people to cause distress and risk to their wellbeing, whether in person, online or via any means of communication.

Complaints, Disputes and Discipline Policy means the policy adopted by Deaf Sports Australia for the handling and resolution of allegations regarding Prohibited Conduct.

Club means any club that is affiliated with Deaf Sports Australia or an SDSO or otherwise enters an Athlete or a Team to participate in a Deaf Sports contest, match, competition or event which is sanctioned or organised by a Relevant Organisation.

Contractor means any person or organisation engaged to provide services for, or on behalf of, a Relevant Organisation directly relating to the delivery of Deaf Sports activities to Participants. This includes:

(a) agents, advisers and subcontractors of a Relevant Organisation; and

(b) Employees, officers, Volunteers, and agents of the Contractor or subcontractor.

Deaf Sports means the sport of our member organisations as governed by Deaf Sports Australia and International Committee of Sports for the Deaf from time to time.

Discrimination includes both direct and indirect discrimination (whether in person, online or via any other means of communication), which have the following meaning:

(a) 'Direct discrimination' occurs where, because a person has a Protected Characteristic, they are treated less favourably than a person without that characteristic would be treated in the same or similar circumstances, and the less favourable treatment has the effect of impairing or nullifying that person's enjoyment of a fundamental human right; and

(b) 'Indirect discrimination' occurs where a practice, rule, requirement or condition that applies to everyone disproportionately disadvantages one or more groups of people with a Protected Characteristic and the practice, rule, requirement or condition is not reasonable in the circumstances and has the effect of impairing or nullifying that group's enjoyment of a fundamental human right.

Employee means a person employed by a Relevant Organisation.

Harassment means any type of behaviour towards a person, whether in person, online or via any other means of communication, that they do not want and that is offensive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment.

Member includes both:

(a) **Member Organisations**, which means each company or incorporated association that is a member or affiliate of Deaf Sports Australia– including each:

  (i) SDSO and Club; and

  (ii) any National Deaf Sport Organisation or SDSO; and

(b) **Individual Members**, which means individuals who are registered as a member of Deaf Sports Australia or a Member Organisation.

National Deaf Sport Organisation means either:

- a sub-committee of the company with a minimum of two individuals established by resolution of directors to manage an individual sport for athletes who are deaf and hard of hearing, or
- a separate legal entity from the company but admitted by directors to manage an individual sport for athletes who are deaf and hard of hearing

National Integrity Framework means the National Integrity Framework as developed by Sport Integrity Australia and consisting of the following five policies:

(a) Safeguarding Children and Young People Policy;

(b) Competition Manipulation and Sports Betting Policy;

(c) Improper Use of Drugs and Medicine Policy;

(d) Participant Protection Policy; and

(e) Complaints, Disputes and Discipline Policy.

Participant means:

(a) Athletes;

(b) coaches appointed, engaged, accredited, registered or otherwise approved by a Relevant Organisation to train an Athlete or Team;

(c) administrators who have a role in the administration, operation or activities of a Relevant Organisation including owners, directors, committee members or other persons;

(d) officials including referees, umpires, technical officials, classifiers and related personnel, or other officials appointed by a Relevant Organisation, or by any league, competition, series, Club or Team sanctioned by a Relevant Organisation; and

(a) support personnel who are appointed in a professional or voluntary capacity by a Relevant Organisation or by any league, competition, series, Club or Team sanctioned by a Relevant Organisation, including sports science sports medicine personnel, Team managers, agents, selectors, and Team staff members.

Policy means this Participant Protection Policy including any appendices.

Prohibited Conduct means the conduct proscribed at clause 5 of this Policy.

Protected Characteristic means:

(a) age;

(b) disability;

(c) race or ethnicity (including skin colour, nationality or migrant status);

(d) sex or gender identity (including intersex status or identifying as non-binary or transgender);

(e) family or relationship status (including pregnancy, marital or relationship status, family responsibilities, breastfeeding);

(f) sexual orientation; or

(g) religion.

Relevant Organisation means any of the following organisations:

(a) Deaf Sports Australia;

(b) Member Organisations; or

(c) any other organisation that has agreed to be bound by this Policy.

Relevant Person means any of the following persons:

(a) Individual Member;

(b) Participant;

(c) Employee;

(d) Contractor;

(e) Volunteer; or

(f) any other individual who has agreed to be bound by this Policy.

Sexual Misconduct means:

(a) sexual harassment, which is any unwanted or unwelcome sexual behaviour (whether in person, online or via any other means of communication) where a reasonable person would anticipate the possibility that the person being harassed would feel offended, humiliated, or intimidated; and

(b) behaviour that may constitute a sexual offence that is unlawful.

State Deaf Sport Organisation (SDSO) means each of:

(a) DeafACT

(b) Deaf Sports Recreation SA

(c) Deaf Sports Recreation Queensland

(d) Deaf Sports Recreation Victoria

(e) New South Wales Deaf Sports

(f) Western Australia Deaf Recreation Association

Team means a collection or squad of Athletes, registered with a Relevant Organisation or entitled to participate in a Deaf Sports contest, match, competition or event which is sanctioned or organised by a Relevant Organisation.

Victimisation means subjecting a person, or threatening to subject a person, whether in person, online or via any other means of communication, to any unfair treatment because the person has made, intends to pursue their right to make, has supported another person to make or pursue their right to make, or is related to or associated with a person who made or intends to pursue their right to make a complaint, report or lawful disclosure relating to Deaf Sports. This includes but is not limited to any complaint, report or lawful disclosure made under the National Integrity Framework or applicable legislation, or in relation to safety or governance issues within a Relevant Organisation.

Vilification means a public act, conduct or behaviour, either in-person or online, that incites hatred, serious contempt for, or revulsion or severe ridicule of, a person or group of people because of a Protected Characteristic they hold.

Volunteer means any person engaged by a Relevant Organisation in any capacity who is not otherwise an Employee or Contractor, including parents or carers that volunteer, directors and office holders, coaches, officials, administrators and support personnel.

Any capitalised term not defined in this Policy has the meaning given to it in the Complaints, Disputes and Discipline Policy.

4. Jurisdiction

4.1 Who this Policy applies to

This Policy applies to:

(a) Relevant Persons (regardless of age); and

(b) Relevant Organisations.

4.2 When this Policy applies

(a) All Relevant Persons and Relevant Organisations to which this Policy applies must always comply with this Policy (at all times whilst they are a Relevant Person or Relevant Organisation), including:

(i) in relation to any dealings they have with Relevant Organisations or any person representing a Relevant Organisation (including Employees, Contractors, and Volunteers);

(ii) when dealing with other Relevant Persons or Relevant Organisations in their capacity as a Relevant Person/Relevant Organisation; and

(iii) in relation to their membership or standing as a Relevant Person or Relevant Organisation in general.

(b) This Policy does not apply in the following circumstances:

(i) where an interaction (whether in person, online or via any other means of communication) occurs involving one or more Relevant Persons or Relevant Organisations, and the only link or connection

between the interaction and Deaf Sports is the fact that one or more individuals are Relevant Persons or Relevant Organisations[1]; and

(ii) where Prohibited Conduct occurs in contravention of this Policy, any subsequent conduct or interaction(s) that, whilst related to the original Prohibited Conduct, no longer directly relates to Deaf Sports (even where such conduct or interaction(s) would otherwise be Prohibited Conduct)[2].

5. Prohibited Conduct

5.1 Prohibited Conduct

A Relevant Person (including a Relevant Person under the age of 18) or Relevant Organisation commits a breach of this Policy when they, either alone or in conjunction with another or others, whether in person, online or via any other means of communication, engage in any of the following conduct against one or more adults, in the circumstances outlined in clause 4.2:

(a) Abuse;

(b) Abusive Behaviour Towards a Person with Disability;

(c) Bullying;

(d) Harassment;

(e) Sexual Misconduct;

(f) Discrimination;

(g) Victimisation; or

(h) Vilification.

Annexure A sets out examples of what may constitute Prohibited Conduct under this Policy.

5.2 Actions that do not constitute Prohibited Conduct

For the avoidance of doubt, the Prohibited Conduct set out in clause 5.1 does not include any actions legitimately and reasonably taken for the following purposes:

(a) management action;

(b) management processes;

(c) disciplinary action; or

(d) allocation of activities in compliance with agreed systems.

6. Reporting and Complaints

(a) Allegations of Prohibited Conduct under this Policy may be submitted to Sport Integrity Australia only where the alleged behaviour relates to Abusive Behaviour Towards a Person with Disability or Discrimination. Any Allegation of Prohibited Conduct under this Policy can be submitted to Deaf Sports Australia in accordance with the Complaints, Disputes and Discipline Policy.

[1] Such as two Members of a Relevant Organisation getting into a verbal or physical argument at a shopping centre, or two Members sending abusive social media messages to each other that have no direct link to Deaf Sports.

[2] Such as where a Member of a Relevant Organisation allegedly breaches this Policy by physically assaulting another Member at a match, but then the personal grievance(s) between those two individuals spills into issues not directly related to Deaf Sports.

(b) Allegations of Prohibited Conduct under this Policy will be managed in accordance with the Deaf Sports Australia Complaints, Disputes and Discipline Policy.

(c) Any behaviour that may constitute a criminal offence should be reported to the relevant state/territory law enforcement agency.

7. Other Matters

7.1 Education

(a) To prevent breaches of this Policy, build positive behaviours in sport and protect Participants from threats, Deaf Sports Australia is responsible for developing and implementing an education plan addressing the content and subject matter of this Policy.

(b) Deaf Sports Australia should engage Sport Integrity Australia to assist in the design, implementation, and maintenance of the education plan and to determine priority education groups and appropriate interventions.

(c) A Relevant Organisation may, from time to time, direct certain Participants to undertake education, which will be relevant and proportionate to their level of participation in Deaf Sports and the associated integrity risks.

(d) Sport Integrity Australia has developed a range of education resources and training material to support the National Integrity Framework which can be found here.

7.2 Information sharing

(a) Subject to the *Privacy Act 1988* (Cth), Relevant Organisations may share information they receive relating to this Policy with Sport Integrity Australia to enable Sport Integrity Australia to effectively perform its functions.

(b) In sharing information, Relevant Organisations will remain bound by the legal obligations contained in the *Privacy Act 1988* (Cth) and the Relevant Organisation's Privacy Policy.

8. Companion Guide

(a) This Policy should be read in conjunction with the Companion Guide: Participant Protection Policy.

(b) The Guide contains further information on how to create a safe, positive and enjoyable environment for all in sport.

Annexure A: Examples of Prohibited Conduct

1. **Abuse** is behaviour which includes, but is not limited to:

   (a) physical abuse and assault, including hitting, slapping, punching, kicking, destroying property, deprivation of food, water or rest, forced feeding, unreasonable physical restraint, spitting at another person, biting or otherwise putting a person at unreasonable risk of physical harm, except where any physical contact is consistent with the rules of the sport and accepted and reasonable behaviour within an activity when undertaking that activity;

   (b) sexual abuse, including rape and assault, using sexually degrading insults (whether in person, online or via any other means of communication), forced sex or sexual acts, deliberately causing pain during sex, using sex to coerce compliance, or sextortion;

   (c) emotional/psychological abuse (either in-person or online), such as repeated and intentional embarrassment in public, unreasonably preventing or excluding someone from participating in sport activities, humiliation, or intimidation, repeated or severe insults, name calling, criticism, swearing and humiliation, repeated attacks on someone's intelligence, homophobic, biphobic and transphobic comments, body shaming, or aggressive yelling; or

   (d) using authority over another person (such as a coach over an athlete) to exert coercive control over them, such as by making unreasonable demands or imposing unreasonable restrictions on the person's personal and social activities or diet, compelling the person to take supplements or prohibited medications, and/or monitoring or tracking the person's activities outside of sport, and punishing the person for not complying with such demands through means such as taking possession of the person's passport, exerting influence over the person's sponsorships or scholarships, threatening to limit play time and opportunities, and/or verbal abuse and public humiliation.

2. **Abusive Behaviour Towards a Person with Disability** is behaviour including, but not limited to:

   (a) wilfully or recklessly damaging, hiding or restricting access to a mobility or other assistive device (such as a wheelchair, prosthetic, communication device or mobility aid);

   (b) denying a person the ability to make their own decisions (e.g. consulting a parent or carer of an adult with disability instead of asking the affected person directly) without legitimate medical reason to do so;

   (c) talking about a person in the third person in their presence instead of addressing them directly;

   (d) mocking, ridiculing or humiliating a person because of their disability, including imitating speech, movement, behaviour or support needs;

   (e) making belittling, infantilising or dismissive remarks about a person based on their disability;

   (f) using a person's disability to intimidate, control or manipulate them, including threatening loss of support, participation opportunities or assistance;

   (g) deliberately excluding a person from an activity, team environment or social setting because of their disability where the person could reasonably participate with appropriate support;

   (h) sharing or disclosing information about a participant's disability, diagnosis or support needs without their consent where that information is not required for safety or participation purposes;

   (i) providing personal or intimate care (e.g. help with toileting or personal hygiene) unless asked to or in the capacity of a carer; or

   (j) asking invasive or personal questions about a person's disability or diagnosis or how it affects their ability to perform particular functions or tasks without reasonable justification (e.g. where information is required to make reasonable adjustments for safety),

   but does not include legitimate and reasonable coaching, supervision, safeguarding or duty-of-care actions undertaken in good faith to ensure participant safety and wellbeing.

3. **Bullying** is behaviour (whether in person, online or via any other means of communication) which includes, but is not limited to, repeatedly:

   (a) keeping someone out of a group;

(b) making rude gestures, using inappropriate or derogatory names, being rude, constantly negative and teasing;

(c) spreading rumours or lies, or misrepresenting someone (e.g., using their social media account to post messages as if it were them); or

(d) intentionally and repeatedly hurting someone physically.

4. **Harassment** is behaviour which includes, but is not limited to:

(a) telling insulting jokes and/or making derogatory comments about racial groups, women or girls, or people of diverse genders and sexualities (whether in person, online or via any other means of communication);

(b) displaying racially offensive or pornographic images or screen savers;

(c) making derogatory comments or taunts about someone's race, religion, disability, sexual orientation, gender identity or gender expression, weight or appearance (whether in person, online or via any other means of communication);

(d) asking intrusive questions about someone's personal life, including their medical history, sexuality or relationship history (whether in person, online or via any other means of communication);

(e) intentionally stalking someone (whether in person, online or via any other means of communication); or

(f) intentionally disclosing (whether in person, online or via any other means of communication) the transgender identity or sexual orientation of someone without consent;

(g) doxxing someone; or

(h) creating or sharing deep-fake images or any other AI-generated content intended to cause distress.

5. **Sexual Misconduct** is behaviour including, but not limited to:

(a) unwelcome touching;

(b) suggestive comments or jokes (whether in person, online or via any other means of communication);

(c) showing or sharing sexually explicit images or pictures (whether in person, online or via any other means of communication);

(d) unwanted invitations to go out on dates (whether in person, online or via any other means of communication);

(e) requests for sexual intercourse (whether in person, online or via any other means of communication);

(f) unnecessary familiarity, such as deliberately brushing up against a person;

(g) insults or taunts based on sex or gender identity (whether in person, online or via any other means of communication);

(h) sexually explicit physical contact;

(i) sending sexually explicit or suggestive emails, texts, or other electronic/social media messages;

(j) displaying pornographic images or screen savers;

(k) taking sexually suggestive photographs of a person without their consent; or

(l) asking intrusive questions about someone's sex life, sexual experience or body (whether in person, online or via any other means of communication).

6. **Direct Discrimination** is differential treatment (whether in person, online or via any other means of communication) based on a Protected Characteristic including, but not limited to:

(a) not giving a person the same opportunities to participate in sport (e.g. not selecting a person for a team, not allowing field time, not giving coaching opportunities) due to their Protected Characteristic;

(b) fostering a culture of racism, sexism, homophobia, transphobia or other form of intolerance towards a particular group with a Protected Characteristic within a particular sporting environment;

(c) giving preferential treatment towards people without a particular Protected Characteristic in providing training opportunities (e.g. in a mixed gender training environment, separating boys and girls and providing more attention to the male group); or

(d) not allowing a person to compete under their chosen name or repeatedly misgendering or referring to them by a name other than their chosen name in official documentation.

7. **Indirect Discrimination** is imposing a blanket rule, requirement, practice or condition that disproportionately disadvantages a group with a Protected Characteristic where there is no reasonable justification for imposing the rule, requirement, practice or condition (such as safety, or a legislative exemption that allows specific categories of sporting activities based on age, gender or ability). This includes, but is not limited to:

(a) failing to make reasonable adjustments to allow a person with disability to participate in an activity or have access as a spectator;

(b) imposing hair, uniform or dress requirements that would be difficult for a person with a particular Protected Characteristic to comply with due to physical limitations, gender expression, or religious or cultural practices or beliefs; or

(c) failing to take reasonable steps to ensure that cultural and religious practices or requirements are accommodated (e.g., not confirming dietary restrictions in advance of catered events and making arrangements to ensure that acceptable food options are available for all attendees).

8. **Victimisation** is behaviour including, but not limited to:

(a) dismissal of a person or disadvantage to their involvement in sport because they have or intend to make a complaint;

(b) exclusion of a person from a sport activity because they were a witness to Prohibited Conduct; or

(c) failure to select an individual on merit because they have supported another person in lodging a complaint.

9. **Vilification** is behaviour including, but not limited to:

(a) speaking, writing or otherwise communicating (whether in person, online or via any other means of communication) about a person's sex or gender identity in a way that could make other people dislike, hate, or ridicule them;

(b) publishing claims that a racial or religious group is involved in serious crimes without any evidence in support;

(c) repeated and/or serious verbal abuse (whether in person, online or via any other means of communication) about a Protected Characteristic of another person;

(d) encouraging violence against people (whether in person, online or via any other means of communication) who belong to a particular sex or gender identity, or damaging their property; or

(e) encouraging people to hate a racial or religious group using flyers, stickers, posters, a speech, or publication, or using websites, social media applications or email.