



# Code of Conduct and Policy Handbook



**The Pony Club Association of NSW  
Updated 2012**

*Promoting the physical, mental and spiritual  
development of young people*



## Introduction

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A code of conduct is a set of conventional principles and expectations that are considered binding on any person who is a member of a particular group.

A policy is an overall plan, principle, or guideline adopted or pursued by an individual, government, business, association, etc.

Hence the purpose of this publication is to set out clearly the Association's minimum standards of behaviour and position on important issues. It should be noted that the contents of this publication is by no means exhaustive. Through the code and policies we can do no more than attempt to address the fundamental principles and to highlight some of the most sensitive, and important, issues.

Pony Club NSW currently has over 15,000 members making us one of the largest state sporting associations in Australia. Our members are one of our most important assets. If are to continue to grow and prosper it will only be because of the efforts of each and every one of us. All members, guest and volunteers are expected to adhere to the Code of Conduct and Policy Handbook.

Individuals bound by this policy are responsible for:

- ◇ Making themselves aware of the policy and complying with its standards of behaviour;
- ◇ Complying with our screening requirements and Working with Children checks;
- ◇ Placing the safety and welfare of children above other considerations;
- ◇ Being accountable for their behaviour;
- ◇ Following the procedures outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination , harassment or other inappropriate behaviour;
- ◇ Complying with any decisions and/or disciplinary measures imposed under this policy.

*"A code of conduct is a set of conventional principles and expectations that are considered binding on any person who is a member of a particular group".*

**PCANSW Executive Committee – updated November 2012**

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Encourage young people to ride and learn horse sports.

*Provide instruction on riding and horsemanship and to instill in the members the proper care of their animals.*



Promote the highest ideals of sportsmanship, citizenship and loyalty.

## Code of Conduct

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### Member (including riders)

1. Play by the rules
2. Never argue with an official and respect their decision
3. Recognise that many officials and coaches are volunteers who give up their time to provide their services. Treat them with the utmost respect
4. Control your temper. Verbal abuse of official and sledging other players, deliberately distracting or provoking an opponent are not acceptable or permitted behaviors in any sport
5. Work equally hard for yourself and /or your team. Your team's performance will benefit, so will you
6. Be a good sport. Applaud all good performances whether by your team or the opposition
7. Treat all participants in your sport as you like to be treated. Do not bully or take unfair advantage of another competitor
8. Cooperate with your instructor, teammates and opponents. Without them there would be no competition
9. Participate for your own enjoyment and benefit, not just to please parents and instructors
10. Respect the rights, dignity and worth of all participants regardless of their gender, ability, cultural background or religion
11. Do not consume alcohol before, or during, any pony club related event or use bad language
12. Display modesty in victory and graciousness in defeat
13. Thank the opposition and officials at the end of competition
14. Respect the talent, potential and development of fellow riders and competitors
15. Care for and respect the equipment provided during training and competition
16. Adhere to all policies and procedures

*"Be a good sport. Applaud all good performances whether by your team or the opposition".*

### Instructor

1. Remember that young people participate for pleasure and winning is only part of the fun.
2. Never ridicule or yell at a rider for making a mistake or not coming first.
3. Be reasonable in your demands on riders' time, energy and enthusiasm.
4. Respect the talent and commitment of each rider and their horse and seek to develop their potential
5. Operate within the rules and spirit of the sport and teach riders to do the same.
6. Ensure that the time riders spend with you is a positive experience. All riders

## Code of Conduct *continued...*

- are deserving of equal attention and opportunities
7. Avoid overplaying the talented riders and understand that all riders need and deserve equal time
  8. Remember you set an example. Do not consume alcohol before, or during, any pony club related event
  9. Do not use bad language nor harass players, officials, spectators, other coaches, etc.
  10. Ensure that equipment and facilities meet safety standards and are appropriate to the age and ability of all riders
  11. Display control, respect and professionalism to all involved with the sport. This includes opponents, instructors, officials, administrators, the media, parents and spectators. Encourage riders to do the same
  12. Show concern and caution towards sick and injured riders and horses. Follow the advice of a physician/veterinarian when determining whether an injured rider/horse is ready to recommence training or competition
  13. Obtain appropriate qualifications and keep up to date with the latest coaching practices and the principles of growth and development of riders
  14. Any physical contact with a young person should be appropriate to the situation and necessary for the player's skill development
  15. Respect the rights, dignity and worth of every young person regardless of their gender ability, cultural background or religion
  16. Actively discourage foul play and/or unsportsmanlike behavior by riders
  17. Teach riders that an honest effort and competing to the best of their ability is as important as victory
  18. Promote horse welfare
  19. Adhere to all policies and procedures
  20. Promote the adherence to all policies and procedures

*“Teach riders that an honest effort and competing to the best of their ability is as important as victory”*

### Official, Judge

1. Place the safety and welfare of the participants above all else
2. Show concern and caution towards sick and injured riders as well as horses
3. Give all young people a 'fair go' regardless of their gender, ability, cultural backgrounds or religion
4. Be consistent, objective and courteous when making decisions
5. Accept responsibility for your own actions and decision
6. Avoid any form of verbal contact with instructors, team officials, parents, spectators, etc. during competition
7. Condemn unsporting behavior and promote respect for all opponents



*“Be consistent, objective and courteous when making decisions”*

## Code of Conduct continued...

8. Maintain strict impartiality. Avoid any situations which may lead to or be construed as a conflict of interest
9. Be a positive role model in behavior and personal appearance and ensure comments are positive, supportive and any criticism is constructive
10. Officiate to the age and/or experience of the riders
11. Be a good sport yourself. Actions speak louder than words
12. Respect other officials
13. Keep up to date with the latest trends in officiating, rules and the principles of growth and development of riders
14. Encourage and promote rule changes that will make participation more enjoyable
15. Respect the rights, dignity and worth of all people involved in the game regardless of their gender, ability or cultural background
16. Resolve complaints, or conflicts, fairly and promptly through established channels
17. Document complaints and the manner in which they were handled
18. Adhere to all policies and procedures
19. Promote the adherence to all policies and procedures

*“Involve young people in planning, leadership, evaluation and decision making related to the activity”*

### Administrator

1. Involve young people in planning, leadership, evaluation and decision making related to the activity
2. Give all young people equal opportunities to participate
3. Create pathways for young people to participate in sport not just as a player but also as a coach, referee, administrator etc.
4. Ensure that rules, equipment, length of games and training schedules are modified to suit the age, ability and maturity level of young riders
5. Provide quality supervision and instruction for riders
6. Remember that riders participate for their enjoyment and benefit
7. Help instructors and officials highlight appropriate behavior and skill development, and help improve the standards of instruction and officiating
8. Ensure that everyone involved in junior sport emphasizes fair play, and not winning at all costs
9. Distribute a code of conduct to spectators, officials, parents, instructors, riders and the media and encourage them to follow it
10. Remember you set an example. Do not consume alcohol before, or during, any pony club related event or use bad language
11. Make it clear that abusing young people in any way is unacceptable and will



Remember administrators play an important role

## Code of Conduct *continued...*

result in disciplinary action

12. Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion
13. Resolve complaints, or conflicts, fairly and promptly through established channels
14. Document complaints and the manner in which they were handled
15. Adhere to all policies and procedures
16. Promote the adherence to all policies and procedures

### Parent & Spectator

1. Remember that children participate in sport for their enjoyment not yours
2. Encourage children to participate, do not force, or pressure them - this is their game not mine
3. Focus on the child's efforts and performance rather than winning or losing.
4. Encourage children always to play according to the rules and respect officials and coaches decisions - no matter what
5. Never ridicule or yell at a child for making a mistake or losing a competition
6. Remember that children learn best by example. Appreciate good performances and skillful plays by all participants
7. Remember you set an example. Do not consume alcohol before, or during, any pony club related event or use bad language
8. Support all efforts to remove verbal and physical abuse from sporting activities.
9. Show appreciation for instructors, officials and administrators. Without them, your child could not participate
10. Teach your child to respect the efforts of their opponents
11. Assist where possible when asked by a coach or official
12. Respect officials decision - do not complain or argue about calls during, or after a competition
13. Respect the rights, dignity and worth of each individual involved in the game
14. Adhere to all policies and procedures



“Never ridicule or yell at a child for making a mistake or losing a competition”

*“Remember that children participate in sport for their enjoyment not yours”*

### MORE INFORMATION:

NSW Sport & Recreation

[www.dsr.nsw.gov.au/publicat/detail.asp?pub=165](http://www.dsr.nsw.gov.au/publicat/detail.asp?pub=165)

## Child Protection Policy



Make NSW a better place for children and young people

*All volunteers working with children must sign the Volunteer/Student Declaration*



Maintain safety, welfare and wellbeing

The Pony Club Association of New South Wales is committed to ensuring the safety, welfare and wellbeing of children and young people is maintained at all times during their participation in activities run by the Pony Club Association of New South Wales Inc. and its affiliated Zones and Clubs.

Any serious allegations against a member of child abuse or neglect should be reporting through the appropriate channels such as the police or the Department of Community Services (DOCS) as this is a criminal offence.

It is also an offence for a person who has been convicted or found guilty of a listed serious offence against children (whether in NSW or elsewhere) to engage in child-related employment in any capacity, whether paid, volunteering or self employed. This includes anyone registrable under the Child Protection (Offenders Registration) Act 2000.

### Working With Children Checks

All volunteers working with children must currently sign the Volunteer/Student Declaration to confirm they are not prohibited from child-related volunteering. This means all members over the age of 18. The form is available online at [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au). The NSW Commission for Children & Young People have instituted a number of changes which will be phased in over the next five years for full details on these changes and how they will affect clubs, members and volunteers please see: <http://kids.nsw.gov.au/kids/working/newcheck>

Clubs will need to make themselves aware of these changes as they will begin on 11 February 2013 and members may start providing their Registration numbers from that date. Until these changes are completely phased in i.e. for Sporting Organisations the changes will be implemented in 2016 the current checks and forms will continue and Clubs must retain a copy of the form for the duration of the individuals membership, it does not need to be forwarded to the State office.

**Any individual refusing to complete the Volunteer/Student Declaration or provide a Registration number must be denied membership or have their existing membership revoked.**

### MORE INFORMATION

NSW Commission for Children and Young People

[www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)

NSW Department of Community Services

[www.community.nsw.gov.au](http://www.community.nsw.gov.au)

## Sun Smart Policy

The health of participants in Pony Club activities is of primary concern to the Pony club Association of New South Wales. Whilst PCANSW will endeavour to assist in sun protection when at meetings, rallies, training and competitions, it is recognised that ultimately, the responsibility is that of each individual.

### Section A – All levels of Pony Club Association of NSW Inc.

- PCANSW encourages and promotes the use of high SPF Broad Spectrum Sunscreen by members.
- Clubs must strive to conform to guidelines for sun safe clothing when choosing uniforms. Clubs will consider the harmful effects of open weave clothing when choosing uniforms.
- Riding members are encouraged to wear brims on helmets for extra protection of face, ears, neck and shoulders while participating in PCANSW activities.
- Members are encouraged to wear long sleeved shirts and collars.
- Maximum use should be made of existing natural shade. Where natural shade is not adequate, PCANSW, Zones and Clubs should endeavour to use portable shade structures for activities.
- PCANSW endeavours to promote sun safety in a positive way through newsletters, written literature, in education programs and over PA systems.
- PCANSW encourages trainers, coaches, officials and members in prominent positions to act as strong role models, making use of all sun protection available.
- Officials and carers will endeavour to constantly revise and upgrade sun protection measures.

### Section B – Parents and Guardians

Parents and Guardians of members participating in PCANSW, Zone and Club activities should be shown the PCANSW Sun Safety Policy and encouraged to comply with the policy.

Parents and Guardians are encouraged to:

- Provide high SPF Broad Spectrum Sunscreen for their child.
- Promote sun protection behaviour to their child.
- Provide correct 100% UV filtered ASA Safety Standard sunglasses for their child if providing glasses.
- Purchase sun safe protective uniform and extra sun safe protection for head.

#### MORE INFORMATION:

Cancer Council NSW

[www.cancercouncil.com.au](http://www.cancercouncil.com.au)



Slop on  
sunscreen

*“The major cause of skin cancer is exposure to UV radiation from the sun”*

Source: Cancer Council NSW



Slap on a hat

## Responsible Alcohol Policy

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### Policy Statement

PCANSW is committed to providing a safe sporting and working environment for every person involved in Pony Club activities. To enable this commitment to be met, the consumption of alcohol is absolutely forbidden for members under 18 years of age (the legal drinking age in Australia), and is not encouraged for members, officials, parents or volunteers of 18 years of age or above.

Generally, alcohol should not be available nor be consumed at a sporting event at which children under 18 are participants. Responsible service and consumption of alcohol should apply to any alcohol to be consumed after the competition has concluded, including light alcohol, food and soft drinks being available wherever possible

PCANSW will not tolerate any breach of this policy and will investigate any reported inappropriate use of alcohol in Pony Club activities. Disciplinary action will be taken against a person who is found in breach of this policy.

### Coverage

This policy applies to any person who is engaged in a Pony Club activity whether the activity is conducted in Australia or overseas.

Failure to adhere to the policy could have a detrimental effect on the safety and well being of Pony Club riders and their horses as well as non-riding members and the general public. It could also affect the good name of the Pony Club movement, which in turn could jeopardize any future State or National financial support.

### 1. Riding members involved in any Pony Club activity:

- Consumption of alcohol is absolutely prohibited for members who have not attained the legal drinking age.
- Consumption of alcohol is not encouraged, but if consumed by riders of legal age within constraints of this policy, should be discreet and with due regard to their responsibility to Pony Club Association of NSW Inc.
- Riders should never ride at any Club, Zone, State, National or International Pony Club rally or event under the influence of alcohol.
- Any rider found to be under the influence of alcohol at any time during a Pony Club competition will be automatically disqualified from the competition on the grounds of breach of an approved Pony Club policy. Such decision should be made by either a ground jury or the Technical Delegate.
- Consumption of alcohol by riders, of legal drinking age, when representing Pony

## Responsible Alcohol Policy continued...

Club is permitted in moderation at any arranged official function which is not scheduled on an evening prior to a competition.

### 2. Team Coaches, Chaperones

- Consumption of alcohol by Team Coaches and Chaperones is not encouraged, but if it is consumed they should be discreet and with due regard to their responsibility to Pony Club Association of NSW Inc.

### 3. Pony Club Officials, Parents, Volunteers and Supporters

- Consumption of alcohol at Pony Club functions or activities is not encouraged. If person's do so, this should be done discreetly and only at the end of the day's activities and with due regard to the safety and care of riders and their horses. The only exception is an Official function where no riders or children under drinking age are present.
- Officials assisting with the organisation or conduct of a Pony Club activity must not consume alcohol during the conduct of the activity.

Where possible The Pony Club Association of New South Wales Inc will:

## Drug Free Policy

### 1. Implement Safe Drug Use Practices

- Ensure that medications are used when needed and according to directions.
- Adopt and be guided by the Sports Medicine Australia Policy on the administration of medications by non-medical personnel.
- Discourage the use of medications in respect of injury/recovery that would enable a participant to compete where they would not otherwise have been able to.
- Educate participants through the delivery of drugs in sport information at courses conducted by or on behalf of PCANSW.

### 2. Moderate Alcohol Consumption And Smoke Free Environment

- Ensure compliance with the Liquor Licensing Act 1998 including:
  - ⇒ Not selling or supplying alcohol to an intoxicated (drunk) person.
  - ⇒ Not serving to intoxication.
  - ⇒ Not allowing the sale or supply of alcohol to people aged under 18.
- Ensure that alcohol is served in a responsible manner.
- Provide food, water, non- and low-alcohol alternatives at licensed venues.



Consumption of alcohol at Pony Club functions or activities is not encouraged

## Drug Free Policy continued...

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- Adopt and implement a smoke free policy for all indoor venues, outdoor functions and events under PCANSW control and not sell tobacco products at any PCANSW event.
- Strongly encourage Clubs to promote their venues/activities as smoke free.
- Implement a smoke free policy for bench, playing areas and changing rooms for all players, coaching staff, referees and other team officials.

### 3. Misuse Of Drugs Or Substances

- Adopt and abide by the Australian Pony Club Council Anti-Doping Policy.
- Provide appropriate education for participants as to the potential harm of using prohibited or banned substances.
- Ban the use of illegal drugs at all PCANSW activities.
- Not allow participants under the influence of alcohol and/or illegal drugs to participate in training or matches, in order to prevent harm to themselves and other participants.

### 4. Supporting Elite Athletes

- Provide drug education to all elite athletes and coaching/administrative staff of State Representative teams.
- Ensure that athletes with conditions requiring the therapeutic use of drugs that are banned or restricted, have provided adequate and correct notification to the PCANSW.
- Encourage elite athletes to behave as appropriate role models for junior participants. Why do we want a smoke free environment.

### Smoking Policy

- To provide all members, and non-members, with a healthier environment and promote non-smokers from the hazards of passive tobacco smoke
- To reduce the risk of accidental fire which has the potential to cause significant loss of life and property
- New legislative laws also do not permit an individual smoking in certain areas

### What areas should be smoke free?

- Administration, dining, eating and office area
- Change rooms and toilets
- Indoor spectator viewing and riding areas
- Outdoor spectator grandstands and seating areas
- Indoor social functions of the organisation



Say NO to illicit drugs

## Smoking Policy continued...

In addition, cigarettes must not be sold (including from vending machines) As of the 1st January 2013—Smoking is banned in playgrounds, public sports grounds, swimming pools, public transport stops and the entrances to public buildings.

### Is anyone exempt from this requirement?

No. It applies to all members, spectators, parents and visiting suppliers or contractors.

In addition: -

- Volunteers and officials should refrain from smoking while they are acting in an official capacity
- Coaches and trainers to refrain from smoking whilst acting in their official capacity
- Riders to refrain from smoking whilst in uniform

### What do I do if I notice someone smoking?

Approach the individual and remind them that for health and safety reasons the area is a 'No Smoking' environment.

In the event that the individual does not comply the matter should be referred to your Club Committee who will request the individual to vacate the premises or take further action if required. Action that may be taken includes;

- Expelling or suspending the membership of the person (if he/she is a member);
- Providing the offender with a written warning;
- Requiring the offender to attend counselling; or
- Such other action as it deems reasonable in all the circumstances.

**Note:** Non-compliance of the Smoke Free Policy could place PCANSW in jeopardy of future Government funding.

## Harassment Policy

### What is harassment?

Bullying, Victimization and Intimidation are all forms of Harassment.

Harassment consists of offensive, abusive, belittling or threatening behaviour directed at a person or people, usually because they are different, or perceived to be different, from the harasser. The difference may be in gender, race, disability, sexual orientation, age, power (relative to the harasser), religion or some other



Use prescription medication only as directed by your doctor

## Harassment Policy continued...



Pony Club NSW is a smoke free environment

characteristic. It is behaviour that is unwelcome and that could reasonably be expected to upset the person or people at whom it is directed.

It is not right, it is not fair and it is against the principals of Pony Club, where we expect people to be treated with Respect.

Everyone in Pony Club has a right to a fair and safe environment where they are valued and treated with respect, whilst performing their particular role or partaking in Pony Club Activities.

Respect means without bullying, victimization, intimation, discrimination or harassment.

### What is Bullying?

Bullying denies people respect, it can cause a person to be offended, humiliated, intimidated, frightened, insulted or ridiculed. Bullying may be unintentional.

### What is Intimidation?

Intimidation includes the intentional or unintentional use of formal or informal power by inappropriately forcing a person or group of people to do or not to do something. Intimation also includes behaviour that may be manipulative or insulting, through actions that are verbally or physically threatening or abusive. Clear and proper directions, advise and/or opinion given in a respectful manner by a person in their official capacity, or as constructive feedback does not constitute bullying, intimidation or harassment.

### What is Victimisation?

Victimisation is a form of intimidation. Victimisation commonly takes the form of treating or threatening to treat someone differently on the basis of an action they have legitimately taken, or indicated that they intend to take, such as making a complaint or giving evidence.

### What is sexual harassment?

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

### What are some examples of harassment?

*Promoting  
Cleaner Air  
& A Healthy  
Lifestyle*

## Harassment Policy

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Behaviour constituting harassment can take many different forms and may be explicit or implicit, physical, verbal or non-verbal. Examples include, but are not limited to:

- Abusive behaviour aimed at humiliating or intimidating someone in a less powerful position;
- Jokes or comments directed at a person's body, looks, age, race, religion, sexual orientation or disability;
- Unwelcome remarks including teasing, name calling or insults;
- Innuendo or taunting;
- Homophobic comments and/or behaviours;
- Uninvited touching, kissing, embracing or massaging;
- Staring, leering, ogling;
- Smutty and/or rude jokes and comments;
- Persistent or intrusive questions about people's private lives;
- Repeated invitations to go out, especially after prior refusal;
- Sexual propositions, insults, taunts, name-calling;
- The use of promises or threats to coerce someone into sexual activity;
- The creation of a hostile or sexually permeated environment by constant inappropriate references to sexual matters, the display of sexuality explicit material (posters, cartoons, graffiti) or by the use of offensive phone calls, email, social media, letters or notes; and

### **Are consensual intimate relationships permitted?**

The PCANSW takes the view that intimate sexual relationships between coaches and riding members, while not necessarily constituting unlawful harassment, can have harmful effects on the individual riding member involved, on other riding members and coaches and on the public image of Pony Club. Such relationships tend to be exploitive because there is usually a disparity between coaches and riding members in terms of authority, maturity, status and dependence. Because there is always a risk that the relative power of the coach has been a factor in the development of such relationships the PCANSW takes the position that such relationships should be avoided by coaches working at all levels. Other professionals, such as teachers, doctors and counsellors are required when dealing with relatively vulnerable clients or students, to avoid sexual relationships with them.

Should a sexual relationship develop between a riding member and coach the PCANSW will investigate whether any action against the coach is necessary. Factors that may be relevant to consider are the age and maturity of the riding member relative to the coach, the financial and emotional dependence of the riding member on the coach and the likelihood of the relationship having any adverse impact on the riding member. If it is determined that the sexual relationship is inappropriate, action

## Harassment Policy continued...

may be taken to terminate the coaching relationships with the riding member. If no other action is feasible there could be a request for resignation or dismissal from coaching duties.

In the event that the riding member attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach may wish to approach the PCANSW's MPIO or other official if he/she feels harassed.

**The law is always the minimum standard for behaviour within the PCANSW and therefore sex with a minor of either the same or the opposite sex is a criminal offence.**

*Harassment is not acceptable in our association*

### What are my responsibilities?

Administrators, officials, managers, supervisors and coaches have a direct responsibility to make sure that riding and non-riding members and volunteers know about this policy and adhere to it and that matters of harassment are resolved quickly.

The Executive Committee is further responsible for ensuring that the policy is monitored and reviewed regularly.

### What do I do if I believe I have been harassed?

If you feel you are being subjected to bullying, victimization or harassment you have a right and a responsibility to do something about it. You might feel able to approach the person or persons who are responsible for the behavior, explain how it makes you feel and ask them to stop doing it.

OR if you don't feel able to do this, or the problem requires some senior official intervention, you can ask your Club President, to help you to deal with the issue.

Or you can ask the State Member Protection Information Officer (MPIO) to advise you how to deal with it. You can either deal with it verbally (informally) or you can put your complaint in writing explaining exactly what has occurred, how it makes you feel and what outcome you are looking for.

**NOTE ALL GRIEVANCES SHOULD BE HANDLED IN THE STRICTEST CONFIDENCE TO PREVENT FURTHER POSSIBLE HARASSMENT OF ANY KIND.**

### Summary of the Grievance Process:

If the issue is at Club level then the club President or MPIO have a responsibility to help you deal with the issue if you feel you are unable to do it yourself.

If the Club President feels they are unable to investigate and deal with the



Taunting & leering are unacceptable

## Harassment Policy *continued...*

grievance or you are not satisfied with the outcome or lack of action taken by the Club then the grievance can be referred to the Zone.

If the grievance is forwarded to the Zone then the grievance will be considered as formal and must be made in writing. If the grievance is at Zone level then the Zone President or Secretary of the Zone has a responsibility to do (or arrange for) an investigation and deal with the grievance.

If the Zone is unable to investigate and deal with the grievance or you are not satisfied with the outcome of Zone's findings or lack of action then the grievance can be forwarded to the State Office. If it goes to State level then the State President or designated person has a responsibility to do (or arrange for) an investigation and deal with the grievance.

Only if the State office is unable to investigate and deal with the grievance or you are not satisfied with the outcome of the State's findings, then the grievance can be forwarded to the President of Pony Club Australia (PCA).

Minor Grievances are usually investigated and handled at club level on an informal basis. Referring a grievance directly to PCA or an outside agency is a direct breach of this policy.

It also has the effect of stopping any further investigation, until the grievance has been referred back to the organisation in writing.

### Complaints

Pony Club NSW aims to provide a simple procedure for complaints based on the principles of procedural fairness (natural justice). Any person (a complainant) may report a complaint about a person/s or organisation bound by this policy (respondent). Such complaints should be reported to the MPIO or the Club, Zone or State President.

The lowest level at which a matter can be dealt with shall always be preferred. Therefore if a complaint relates to behaviour or an incident that occurred at the Club level or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance. Likewise if the complaint relates to behaviour at a Zone event, it should be reported to and handled by the Zone President.

Only matters that relate to or occur at a state event or involves people operating at the state level, then the complaint should be reported to and handled by the state President in the first instance.

### Formal or Informal

A complaint may be dealt with informally or formally. The complainant usually decides this unless the law requires the complaint/allegation to be reported to an appropriate authority.



Unwelcome jokes are a form of harassment and are unacceptable

*"The law is always the minimum standard for behaviour within the PCANSW"*

## Harassment Policy Continued...

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All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in attachment [D 1].

### Vexatious Complaints & Victimisation

Pony Club NSW aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation. If at any point in the complaints process the Club, Zone or State President considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the State Executive for appropriate action which may include disciplinary action against the complainant.

PCA will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint.

### Mediation

Pony Club aims to resolve complaints with a minimum of fuss. Complaints may be resolved by agreement between the people involved with no need for disciplinary action, for example an apology. Mediation allows those involved to be heard and to come up with mutually agreed solutions.

Mediation may be offered after the investigation of a complaint. If a complainant wishes to resolve the complaint with the help of a mediator, the complaint manager/handler will, in consultation with the complainant, arrange for a neutral third party mediator where possible. Lawyers are not able to negotiate on behalf of the complainant and/or the respondent. More information on the mediation process is outlined on the website.

#### **MORE INFORMATION:**

NSW Government Industrial Relations Commission

[www.industrialrelations.nsw.gov.au/Employers/Employer\\_responsibilities/Anti-discrimination\\_law\\_and\\_employment.html](http://www.industrialrelations.nsw.gov.au/Employers/Employer_responsibilities/Anti-discrimination_law_and_employment.html)

## Discrimination Policy

### What is discrimination?

Discrimination consists of treating an individual less favourably due, but not limited, to their; colour, racial or ethnic background, religion, gender, age, sexual orientation, political views, physical or mental disability. It should be noted that some forms of discrimination may be considered unlawful.

### Discrimination and Sport

*Discrimination  
is not  
acceptable in  
our  
association*

## Discrimination Policy Continued...

It is not unlawful to exclude someone from participation in a sport when:

- ◇ Selecting people to represent a particular area or disability group
- ◇ Excluding people of one sex or a transgender person from an event for people of their identified gender
- ◇ Excluding people of particular ages
- ◇ The person is not reasonably capable of the actions required in that sport

### What are some examples of discrimination?

Behaviour constituting discrimination can take many different forms and may be explicit or implicit, direct or indirect, verbal or non-verbal. Examples include, but are not limited to:

- Refusing membership to an individual of a particular racial or ethnic background
- Rejecting riders entry into competitions on the grounds of their gender
- Imposing conditions on some members and not on others, e.g. Requiring female riding members have a parent join also, but not requiring male riding members to do the same.

### What are my responsibilities?

Administrators, officials, managers, supervisors and coaches have a direct responsibility to make sure that riding and non-riding members and volunteers are familiar with this policy and adhere to it and that matters of discrimination are resolved quickly.

The Executive Committee is further responsible for ensuring that the policy is monitored and reviewed regularly.

### What do I do if I believe I have been discriminated against?

The following procedures should be followed;

- (i) Raise your concerns with the person whom you believe has been acting in a discriminatory manner. If this is difficult for you, you may seek advice on an informal mediation from your Club President.
- (ii) If the individual continues with the discriminatory behaviour, lodge a formal written complaint with your Club Committee. All Clubs should have a MPIO (Member Protection Information Officer) who will arrange mediation between all parties involved and document the complaint and action taken. Action that may be taken includes;
  - Expelling or suspending the membership of the person (if he/she is a member);

*“Behaviour constituting discrimination can take many different forms and may be explicit or implicit, direct or indirect, verbal or non-verbal”*



Say NO to discrimination

## Discrimination Policy continued...



The accuracy of information depends on the information our members provide. Please update the Association annually

- Providing the offender with a written warning;
  - Requiring the offender to attend counselling; or
  - Such other action as it deems reasonable in all the circumstances.
- (iii) If after formal mediation at Club level does not resolve your complaint, lodge a formal written complaint with your Zone Committee. All Zones should have a MPIO (Member Protection Information Officer) who will arrange mediation between all parties involved and document the complaint and action taken. Action that may be taken includes;
- Expelling or suspending the membership of the person (if he/she is a member);
  - Providing the offender with a written warning;
  - Requiring the offender to attend counselling; or
  - Such other action as it deems reasonable in all the circumstances.
- (iv) If after formal mediation at Zone level does not resolve your complaint, lodge a formal written complaint with the State Office. This will then be raised with the Executive Committee who will take the appropriate action as well as document the complaint and action taken. Action that may be taken includes;
- Expelling or suspending the membership of the person (if he/she is a member);
  - Providing the offender with a written warning;
  - Requiring the offender to attend counselling; or
  - Such other action as it deems reasonable in all the circumstances.

### **MORE INFORMATION:**

Industrial Relations

[www.industrialrelations.nsw.gov.au/Employers/Employer\\_responsibilities/Anti-discrimination\\_law\\_and\\_employment.html#NSW\\_Antidiscrimination\\_law](http://www.industrialrelations.nsw.gov.au/Employers/Employer_responsibilities/Anti-discrimination_law_and_employment.html#NSW_Antidiscrimination_law)

## Privacy Policy

The Pony Club Association of New South Wales is committed to the protection of personal information. A commitment is based on an adherence to the national privacy principles.

### **1. Collection**

The Pony Club Association of NSW collects a minimum of personal information from a member, such as their name, contact details and date of birth.

## Privacy Policy continued...

The Pony Club Association of NSW collects medical information from individuals seeking selection as a representative individual of the State Association. This information usually concerns emergency contacts and health care details.

### 2. Use and Disclosure of Your Information

The primary purpose for the collection of personal information is to enable The Pony Club Association of New South Wales to perform its functions and activities. An accurate record of its members is essential for this purpose.

Members acknowledge that in order to function it is necessary for the Pony Club Association of New South Wales to share information, including known medical conditions or disabilities, membership standing, club, age, grading and horse ownership. People to whom such personal information may be disclosed (without limitation) include other members, other clubs and zones, sponsors, team managers and event organisers.

An individual has the right to refuse consent for the use of the collected medical information. An individual also has the right to refuse to supply the information. If an individual refuses to provide the requested medical information or not consent to the use of that information in the case of injury or other medical emergency, then The Pony Club Association of New South Wales will not assume any liability for any resulting action or disability that the individual may suffer as a result of his or her refusal.

### 3. Access to Personal Information

The Pony Club Association of New South Wales will use its best endeavours to ensure that the information it obtains is accurate, complete and current. An individual may access or change information that the Association has collected by placing a request in writing and sending the request to the Executive Director, Pony Club Association of NSW.

Please allow 14 days for your request to be processed.

### 4. Data Security

The Pony Club Association of New South Wales will endeavour to take all reasonable steps to keep secure any information held about an individual. The Pony Club Association of New South Wales has security measures in place to protect the loss, misuse and alteration of the information under its control.

### 5. Accuracy

The Pony Club Association of New South Wales takes all reasonable steps to ensure

*PCANSW collects a minimum of personal information from a member for our records and insurance purposes*



Horse welfare is of utmost importance

## Discrimination Policy continued...

that the personal information we collect, use and disclose is accurate, complete and up to date. However the accuracy of that information depends to a large extent on the information you provide. We recommend that you advise the Association if there are any errors in your personal information and keep us up to date with changes to personal information such as your name or address.

### 6. Complaint

If an individual considers that his or her privacy has been breached, a complaint may be made to our Executive Director. If the aggrieved person considers that the issue has not been resolved within an appropriate time frame, recourse may be made to the Federal Privacy Commissioner.

#### **MORE INFORMATION:**

[www.privacy.gov.au](http://www.privacy.gov.au)

## Horse Code of Conduct

### Trail Rides Code of Practice

#### Horse Welfare

1. All individuals must acknowledge and accept that at all times the welfare of the horse is paramount and must never be secondary to competitive or commercial influences
2. Horses and competitors must be fit, competent and in good health before permitted to compete. This encompasses medication use, surgical procedures that threaten welfare or safety, pregnancy in mares and the use of aids
3. Events must not prejudice horse welfare. This involves paying careful attention to the competition areas, ground surfaces, weather conditions, stabling, site safety and fitness of the horse for onward travel after the event
4. Every effort must be made to ensure that horses receive proper attention after they have competed and that they are treated humanely when their competition careers are over. This covers proper veterinary care, competition injuries, euthanasia and retirement

#### Jumping Warm Up Arena

1. Respect must be shown to all officials and fellow competitors at all times.
2. Follow instructions from the Ring Marshal at all times. Remember: Abuse of officials is a reportable offence
3. Always consult the ring Marshal before entering the warm up arena
4. Inform Office and Ring Marshall if you are scratching
5. Inform office and Ring Marshall if there is a rider change

## Horse Code of Conduct continued ....

6. If there is any reason rider wants to change draw order, this must immediately be forward onto Marshal and Judge for approval
7. Follow the published starting order
8. Abide by the show's recommended number of competitors in the warm up arena at any one time with a maximum of 10 horses allowed up to 1.30m classes where there is no restriction
9. Only competitors involved in the current competition can use the warm up arena
10. Replace all rails you knock down in the warm up arena
11. Warm up fences cannot be set more than 10cm higher and wider than the maximum dimensions of the current class
12. Competitors to place practice fences back to original height when finished
13. The nearest horse to go on course has priority to use ONE warm up fence
14. Do not return to the warm up fence after completing your round or have been eliminated
15. Do not dismount and hold your horse in the warm up arena unless you are adjusting riding equipment/tack. In this case you must be clear of any jumps

## Trail Rides Code of Practice

1. Ride only on designated trails
2. Do not take short cuts or form new trails
3. Avoid using trails when muddy or eroded
4. Comply with signage
5. Treat other trail users, residents and facilities with respect
6. Politely indicate to other trail users how to pass
7. Approach road crossings cautiously
8. Ride appropriately to suit the terrain, visibility and possible interaction with other trail users
9. Minimise impact on plants and animals by staying on the trail
10. Take with you all rubbish, manure and excess feed from the float parking area
11. Let others know this Code

### INFORMATION SOURCE:

HorseSA

[www.horsesa.asn.au](http://www.horsesa.asn.au)



Ride only on designated trails

## Anti Doping Policy

## Anti Doping Policy

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### Position Statement

The only legitimate use of drugs in sport is under supervision of a Veterinarian for a clinically justified purpose. This policy prohibits classes of substances and doping methods in recognition of their performance modifying effects contrary to the ethics of sport and the potential harm to the health of horses and riders.

All persons involved in PCANSW activities, including Veterinarians must take every care to ensure that the therapeutic use or administration of substances does not contravene this policy.

In all equestrian activities the horse must be considered paramount. The well-being of the horse shall be above the demands of breeders, coaches, riders, owners, dealers, organisers, sponsors or officials.

### 1. Interpretation

1.1 In these Rules, the following words have the following respective meanings:

“**Act**” means the Australia Sports Drug Agency Act 1990

“**Agency**” means any agency approved by the PCANSW which conducts Testing of horses in conformity with the procedures of the FEI and EFA.

“**Anti-Doping Officer**” means the person appointed or persons deemed to be appointed as such by PCANSW pursuant to clause 3.4

“**AOC**” means the Australian Olympic Committee Inc

“**ASC**” means the Australian Sports Commission

“**ASDA**” means the Australian Sports Drug Agency established under the Australian Sports Drug Agency Act 1990

“**Athlete**” means a current financial member of a Pony Club affiliated with the Pony Club Association of New South Wales Inc

“**CAS**” means the Court of Arbitration for Sport.

“**Doping**” in the case of a horse means:

- (a) the presence, in a horse’s Sample, of substances belonging to classes of pharmacological agents; or
- (b) the use of the various methods: prohibited by FEI, EA or PCANSW

## Anti Doping Policy Continued...

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**Doping Offence**” Means and includes:

- (a) Doping. Doping in relation to a horse is deemed to be the Doping Offence of the Person Responsible;
- (b) The refusal to provide, or allow the taking from a horse, a Sample for Testing upon request by a Responsible Authority or Agency;
- (c) Trafficking; or
- (d) Aiding, abetting, counselling or procuring;
  - (1) inducing (whether by threats or promises or otherwise);
  - (2) being in anyway, whether directly or indirectly, concerned in or party to; or
  - (3) conspiring with any other person to effect; any of the practises described in paragraphs (a) – (c) of this definition.

“**EA**” means the Equestrian Australia that is the national body responsible for equestrian sport in Australia.

“**FEI**” means Federation Equestre Internationale that is the international body responsible for equestrian sport.

“**Hearing Body**” means, in the case of the Doping of a horse, the PCANSW Disciplinary Committee, which consists of the President, Vice President and Chairmen of the Relevant Sub-Committees

“**Medical Code**” means the Medical Code provided for under Rule 48 of the Olympic Charter as in force from time to time.

“**Member**” means any person who is a current financial member of a Pony Club affiliated with the Pony Club Association of NSW Inc

“**Officer**” means all persons who administer, manage, assist or are otherwise involved in the sport of equestrian other than as an Rider or Official.

“**Official**” means all persons who administer, manage, coach, assist or are otherwise involved in the sport of equestrian other than as an Rider or as an Officer

“**Owner**” means the person declared to PCANSW as the owner/lessee or otherwise responsible for a horse.

“**PCANSW**” means the Pony Club Association of New South Wales Inc.

“**Person Responsible**” means the person legally responsible for a horse or their representative, as defined by FEI, and may include the Owner.

“**Positive Test Result**” means a notice from an Agency of Doping.

## Anti Doping Policy *continued...*

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**“Responsible Authority”** means PCANSW, Sporting Organisations, and State Sporting Associations.

**“Rider”** means a Riding Member of the PCANSW

**“Sample”** means a horse’s biological fluid, tissue or excreta.

**“Sporting Organisation”** means any body controlling a branch of sport, whether within Australia, overseas or internationally and recognised by the PCANSW.

**“Testing”** means the requesting, collecting and analysis of Samples for Doping.

- 1.2 (1) Reference to:
- (a) the singular includes the plural and the plural includes the singular;
  - (b) a person includes a body corporate; and
  - (c) a State includes a Territory.
- (2) If a person or Member to whom this policy applies consists of more than one person, then this policy binds them jointly and severally.
- (3) The Position Statement and Headings are for convenience only and do not form part of this policy or affect its interpretation.
- (4) “Including” and similar words are not words of limitation.
- (5) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.

## 2. Application of Anti-Doping Policy and Rules

2.1 These Rules apply to:

- (1) All persons who are current financial members of a Pony Club affiliated with the Pony Club Association of New South Wales Inc.
- (2) Persons Responsible; and
- (3) Owners.

2.2 Sanctions are applicable in the event of any infraction of these Rules.

## Anti Doping Policy *continued...*

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### 3. Obligations

- 3.1 All Persons Responsible must allow the taking from a horse, Samples for Testing at the request by a Responsible Authority or Agency.
- 3.2 Every person or body whom these Rules apply must not commit a Doping Offence.
- 3.3 PCANSW:
- (1) permits and authorises ASDA to attend competitions conducted by it or under its auspices to obtain Samples for Testing;
  - (2) requires and will cause Persons Responsible and Officials to permit ASDA or other Agency to collect Samples for Testing and provide reasonable assistance for this purpose. This assistance includes the prompt, complete and correct advice of the address and contact details of any Person Responsible as known to the Member together with any other information requested by ASDA or any other Agency relevant to the collection of Samples;
  - (3) permits and assists any Agency appointed by PCANSW to obtain Samples from horses for Testing;
  - (4) will implement and administer this policy promptly and without favour or discrimination to the satisfaction of the PCANSW;
  - (5) subject to any applicable law to the contrary, will require PCANSW or any other Agency conducting Testing of horses to notify the EFA (NSW Branch) of;
    - (a) all positive results of that Testing;
    - (b) the results of all Testing conducted at the direction of PCANSW;
    - (c) the results of such other Testing as advised by the PCANSW;
    - (d) any refusal to provide a Sample upon request.
- 3.4 Except to the extent required by the rules of FEI, PCANSW observes the *current* Anti-Doping Policy of the EFA and to this end will appoint an Anti-Doping Control Officer. Failing the appointment of a person to this position, the President of PCANSW will be deemed to be the Anti-Doping Control Officer.
- 3.5 The obligations of the Anti-Doping Control Officer are:
- (1) to ensure PCANSW complies with its obligations to the AOC, the ASC, FEI and EFA pursuant to their respective anti-doping policies;

## Anti Doping Policy *continued...*

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- (2) without limiting the obligations under paragraph (1):
  - (a) to notify Persons Responsible and Owners that their horse is liable for selection to provide Samples for Testing whether in Australia or overseas;
  - (b) to arrange for completion and return of forms required for the purposes;
  - (c) to advise promptly the EFA (NSW Branch) *of the Rules of the PCANSW* and any changes thereto within 72 hours of becoming aware of such changes;
  - (d) to notify promptly the EFA (NSW Branch) of any circumstances which may be or are an infraction of the anti doping policy of the PCANSW including:
    - i. the name of any horse, Person Responsible and Owner of a horse that returns a Positive Test Result, details of that result and addresses of those persons concerned which is last known by PCANSW;
    - ii. the name of any person who the PCANSW, or any of its Officers, knows of having committed an infraction of this policy or the Anti-Doping Policy of the AOC and all relevant circumstances of that possible infraction.

### 4. Testing

- 4.1 Testing of horses must be conducted substantially in conformity with the requirements of FEI, or if FEI does not prescribe any such requirements (or during the Olympic Games), then substantially in conformity with the Medical Code.
- 4.2 Minor irregularities, which cannot reasonably be considered to have affected the results of otherwise valid tests, will have no effect on such results. Minor irregularities do not include the chain of custody of the Sample, improper sealing of the container/s in which the Sample is stored, failure to request the signature of the Person Responsible, or failure to provide the Person Responsible with an opportunity to be present or be represented at the opening and analysis of the 'B' Sample.

### 5. Infractions

- 5.1 The commission of a Doping Offence is an infraction of these Rules;
- 5.2 For the avoidance of doubt, it is expressly stated that intention to use

## Anti Doping Policy *continued...*

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substances belonging to classes of pharmacological agents prohibited under these *Rules* is not relevant in determining whether Doping has occurred.

### 6. Advice of Alleged Infractions

- 6.1 Where the PCANSW or a Member has arranged for the testing of a horse by an Agency and the Agency informs the PCANSW of a return of a Positive Test Result, the PCANSW will hold a disciplinary hearing in accordance with the PCANSW Disciplinary Rules. In the event of that disciplinary hearing finding the Person Responsible guilty, the PCANSW will advise the Anti-Doping Control Officer of the finding.

### 7. Infraction Notice

- 7.1 As soon as possible after the Anti-Doping Control Officer has received notification, Under Clause 6, or they believe on other grounds that a person may have committed a Doping Offence, they will give to the person an infraction notice, together with a copy of this policy and Rules.
- 7.2 The infraction notice to be given under clause 7.1 may be given by the PCANSW President or Senior Vice President on behalf of the Anti-Doping Control Officer. Where the PCANSW President or Senior Vice President gives the infraction notice, they may do so jointly with any infraction notice under the Anti-Doping Policy of the PCANSW. Should the PCANSW President or Senior Vice President give the infraction notice on behalf of the Anti-Doping Control Officer, then references in the remainder of this clause 7 and in clause 11 to the "Anti-Doping Control Officer " will be read as if they were references to the PCANSW President or Senior Vice President.
- 7.3 The infraction notice given pursuant to clause 7.1 must:
- (1) be in writing and be delivered to the person's address as last known to PCANSW;
  - (2) set out the nature and particulars of the alleged Doping Offence;
  - (3) set out the sanction that may be imposed under this policy should the Doping Offence be established or deemed to be established; and
  - (4) state that:
    - (a) the person may, by notice in writing to be received by the Anti-Doping Control Officer within 14 days of the date of the infraction notice, require PCANSW to refer the matter to the Hearing Body for a hearing;

## Anti Doping Policy *continued...*

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- (b) in the absence of such notice to the Anti-Doping Control Officer- the person will be deemed to have committed the Doping Offence and will be subject to sanction in accordance with clause 8; or
  - (c) the person may admit to the Doping Offence.
- 7.4 In the event that the person notifies the Anti-Doping Control Officer that they require a hearing pursuant to clause 7.3(4)(a), the Anti-Doping Control Officer must so refer the matter to the Hearing Body for a hearing to be conducted pursuant to clause 9.
- 7.5 In the event that the person who has been sent an infraction notice pursuant to clause 7.3:
- (1) does not notify the Anti-Doping Control Officer within 14 days of the date of the infraction notice that they require PCANSW to refer the matter to the Hearing Body for hearing; or
  - (2) notifies the Anti-Doping Control Officer that they committed the Doping Offence:

the person will be deemed to have committed the Doping Offence and the relevant sanction pursuant to clause 8 will be automatically applied.

Where a discretion as to sanction is involved, or where the Anti-Doping Control Officer is of the view that an increased sanction under clause 8.6 ought to be imposed, then PCANSW will refer the matter solely on the question of the applicable sanction to the Hearing Body for a hearing to be conducted pursuant to clause 9.

- 7.6 Where a person is deemed to have committed a Doping Offence under clause 7.5, the Anti- Doping Control Officer will inform the person by notice in writing of the recording of the Doping Offence and the sanction imposed.
- 7.7 A person who receives notification pursuant to clause 7.6 may apply to the Hearing Body to have the recording of the Doping Offence and the sanction imposed set aside. As a preliminary issue to any hearing, the person must first establish to the satisfaction of the Hearing Body that he or she is unaware of the infraction notice sent to him or her or the contents thereof and, as result, did not request the matter be referred to the Hearing Body for

## Anti Doping Policy *continued...*

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a hearing. Should the Hearing Body be so satisfied, the Hearing Body will then proceed to hear the matter as if the person had requested it be referred to it for hearing.

### 8. Sanctions

8.1 Where a horse is found by the PCANSW or a member to have returned a Positive Test Result and the person responsible is found guilty of a Doping Tribunal Offence, the horse and Rider will be disqualified from the event subject to clause 8.3, and will have all awards won in that event withdrawn. In addition, the Person Responsible may:

- (1) unless otherwise determined by the Hearing Body, together with the Rider/Owner as appropriate, be required to repay to PCANSW all costs of testing; and
- (2) have all awards, placings and records won from the date of the occurrence of the Doping Offence withdrawn;

and the Person Responsible will be:

- (a) ineligible for membership of, or selection by PCANSW in any New South Wales representative team;
- (b) banned from competing in any events and competitions conducted by or under the auspices of PCANSW;
- (c) ineligible to receive, directly or indirectly, funding or assistance from PCANSW; and
- (d) ineligible to hold any position with PCANSW.

For the applicable period described in clause 8.2 and may be subject to a fine and required to undergo counselling at their own expense.

8.2 The applicable periods and appropriate fines referred to in clause 8.1 are as follows:

- (1) except in the case described in paragraph (2), suspensions for a period from three to twenty-four months and a fine of A\$ 100 – 15,000; and
- (2) for a first infraction, if the person responsible can prove that it NSWs not a deliberate attempt to affect the performance of the horse or that the findings are the results of legitimate treatment of the horse, suspension for a period from one to three months and a maximum fine of A\$15,000.

## Anti Doping Policy *continued...*

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- 8.3 In clause 8.1, a horse and Rider may not be disqualified where:
- (1) the committee responsible for the event authorises the horse to continue in the event; and
  - (2) the Veterinary Commission/Delegate has provided written approval to that committee prior to any treatment involving a prohibited substance being administered; or
  - (3) the administration of any treatment involving a prohibited substance NSWs necessary urgently and written certification NSWs provided to the Veterinary Commission/Delegate at once and the Veterinary Commission/Delegate recommends to that committee that the horse may take part in the event.
- 8.4 Where a Rider or person is found to have committed a Doping Offence other than a Positive Test Result, they will be subject to at least the same penalties as described in clauses 8.1 - 8.2, provided that such penalties are a minimum only and may be increased according to the circumstances and culpability involved.
- 8.5 The above sanctions may be applied to a person, or person responsible, regardless of any sanction or penalty, its duration or timing or whether current or past, imposed by any Responsible Authority provided that:
- (1) PCANSW and the Hearing Body will recognise previous sanctions imposed by any Responsible Authority to determine whether the infraction is a first or second offence, provided that the event which resulted in the sanction imposed by the Responsible Authority would be an infraction of this policy if this policy had applied to that event; and
  - (2) in the event that a Responsible Authority has imposed a heavier sanction than that imposed pursuant to clauses 8.1 - 8.2, the Hearing Body may impose the same sanction imposed by that Responsible Authority.
- 8.6 Notwithstanding clauses 8.1 – 8.5, the Hearing Body has an overriding ability under clause 9.5 to reduce the sanction imposed in respect to a Positive Test Result.

## 9. Case Hearing

- 9.1 A hearing under this clause 9 will be conducted pursuant to the Code of Sports-Related Arbitration. All parties to such hearing may appear in person (or if a body corporate to be represented by any of its officers) or to be

## Anti Doping Policy *continued...*

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represented by their legal representative.

- 9.2 Where the alleged Doping Offence arises out of a Positive Test Result, the CAS may only determine that a Doping Offence has not occurred if the Rider or Person Responsible establishes on the balance of probabilities that:
- (1) the Sampling or Testing procedure is not conducted in accordance with this policy;
  - (2) the Samples which led to the Positive Test Result were not those of the horse (as the case may be); or
  - (3) the Samples which led to the positive Test Result were so contaminated as to affect the result of the test:

or any combination of these factors.

- 9.3 In all other instances of alleged Doping Offences PCANSW bears the onus of establishing on the balance of probabilities that the Doping Offence has been committed.

- 9.4 Subject to clauses 9.5 and 9.6, if the CAS determines that a person has committed a Doping Offence as detailed in the infraction notice, it will impose on the person the relevant sanction pursuant to clauses 8.1 - 8.6.

- 9.5 In any hearing of the kind referred to in clause 9.2, the CAS may reduce the sanction (but not overturn the Doping Offence) only if the Rider establishes on the balance of probabilities that extenuating circumstances exist and that as a result of those extenuating circumstances the sanction should be reduced.

- 9.6 The CAS may impose a sanction greater than specified in clause 8.4 if it is satisfied on the balance of probabilities that it is appropriate to do so in all the circumstances (including the need to fight against the use of drugs in sport and for PCANSW to lead that fight by example).

- 9.7 In any hearing by the CAS:
- (a) CAS will decide according to the laws applicable in New South Wales;
  - (b) PCANSW will bear the costs of CAS but each party will bear their costs of the hearing;
  - (c) the hearing will not be confidential and the provisions of R43 of the Code of Sports-Related Arbitration regarding confidentiality will not

## Anti Doping Policy *continued...*

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apply; and

- (d) the CAS award will be made public, except in exceptional cases at the direction of CAS.

### **10. Appeals From Decisions of the Hearing Body**

- 10.1 A person (including PCANSW) aggrieved of a decision of the Hearing Body under this policy may appeal that decision to the CAS. An appeal may be against the finding that a Doping Offence has occurred, the sanction imposed or both.
- 10.2 Any appeal from a decision of the Hearing Body must be solely and exclusively resolved by the CAS. The decision of the CAS will be final and binding on the parties to the appeal and no person (including PCANSW) may institute or maintain proceedings in any court or tribunal other than the CAS.
- 10.3 An appeal will be a rehearing of the matters appealed against and the provisions of clause 9 will apply, *mutatis mutandis*, to any appeal to the CAS.

### **11. Notification**

- 11.1 Upon the imposition of a sanction under clauses 7.5 or 9, the Anti-Doping Control Officer will send details of the Doping Offence and the sanction imposed to:
  - (1) EA (NSW Branch)
  - (2) Any other person or organisation the Anti-Doping Control Officer believes should be informed.
- 11.2 If on appeal the CAS overturns the finding that a Doping Offence has occurred or alters the sanction imposed, the Anti-Doping Control Officer will advise the decision to all those persons notified of the initial imposition of the sanction pursuant to clause 11.1.

### **12. Recognition of Other Decisions**

- 12.1 PCANSW will recognise any finding and sanction of a Responsible Authority or a Sporting Organisation that a person has committed an infraction of the anti-doping policy of that Responsible Authority or Sporting Organisation, provided that infraction of the anti-doping policy would also have been an infraction of this policy.
- 12.2 Where clause 12.1 applies, the provisions of this policy will apply to that infraction.

## Anti Doping Policy *continued...*

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### 13. Disputes

Any dispute regarding the construction and/or application of this policy must be solely and exclusively resolved by the CAS according to the Code of Sports-Related Arbitration. The decision of the CAS will be final and binding on the parties concerned and no Rider or person may institute or maintain proceedings in any court or tribunal other than the CAS.

### 14. Review of Doping

If a person recorded as having committed a Doping Offence is subsequently found not to have committed that Doping Offence or is otherwise cleared or pardoned of any relevant wrongdoing by:

- (1) the CAS; or
- (2) PCANSW.

PCANSW will overturn the Doping Offence and any sanction that had been imposed as a result of that Doping Offence and the Anti-Doping Control Officer will advise this fact to those persons notified of the Doping Offence pursuant to clause 11.

### 15. Review of Sanction

- 15.1 Where a person to which a sanction has been applied under this policy in respect of a Doping Offence (including any preceding EFA anti-doping policy) has new and relevant information concerning the subject Doping Offence, they may make written application to the Anti-Doping Control Officer setting out the grounds for a possible review of that sanction.
- 15.2 The Anti-Doping Control Officer will consider the application and, after first consulting with any other Sporting Organisation which has a current sanction over the person, determine whether to review any sanction imposed under this policy and may alter a sanction imposed previously including a reduction or withdrawal of the sanction.
- 15.3 The Anti-Doping Control Officer will not alter any sanction under clause 15.2 without the prior approval of the PCANSW.
- 15.4 In the event of any alteration to a sanction by PCANSW pursuant to this clause 15, the Anti-Doping Control Officer will promptly notify the person concerned as well as those persons who received notification from them of the Doping Offence and sanction.

## Anti Doping Policy continued...

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**“Act”** means the Australia Sports Drug Agency Act 1990

**“Agency”** means any agency approved by the PCANSW which conducts Testing of horses in conformity with the procedures of the FEI and EFA.

**“Anti-Doping Officer”** means the person appointed or persons deemed to be appointed as such by PCANSW pursuant to clause 3.4

**“AOC”** means the Australian Olympic Committee Inc

**“ASC”** means the Australian Sports Commission

**“ASDA”** means the Australian Sports Drug Agency established under the Australian Sports Drug Agency Act 1990

**“Athlete”** means a current financial member of a Pony Club affiliated with the Pony Club Association of New South Wales Inc

**“CAS”** means the Court of Arbitration for Sport.

**“Doping”** in the case of a horse means:

the presence, in a horse’s Sample, of substances belonging to classes of pharmacological agents; or

the use of the various methods:

prohibited by FEI, EFA or PCANSW

**Doping Offence”** Means and includes:

Doping

Doping in relation to a horse is deemed to be the Doping Offence of the Person Responsible;

The refusal to provide, or allow the taking from a horse, a Sample for Testing upon request by a Responsible Authority or Agency;

Trafficking; or

Aiding, abetting, counselling or procuring;

inducing (whether by threats or promises or otherwise);

being in any NSWy, whether directly or indirectly, concerned in or party to; or

## Anti Doping Policy continued...

conspiring with any other person to effect;

any of the practises described in paragraphs (a) – (c) of this definition.

“EFA” means the Equestrian Federation of Australia that is the national body responsible for equestrian sport in Australia.

“FEI” means Federation Equestre Internationale that is the international body responsible for equestrian sport.

## Disciplinary Matters - A Guideline

From time to time Clubs encounter difficulties with managing one or more of their members. How the Club handles these difficulties will impact on the culture of the Club and how the Club as a group of volunteers continues to operate together.

These difficulties are sometimes the result of a breach of Club or Pony Club rules but are often a consequence of a misunderstanding, lack of communication, personality clashes or differences in expectations. Quite often, members may not be aware of the Club rules and expectations.

In the first instance the Club President should identify the problem informally and ascertain whether it can be handled by some informal counselling or bringing together of the relevant parties to talk it over. The President may delegate this role to another person (Complaint Handler/Manager) who will be responsible for investigating the complaint. This person needs to be independent of both the complainant and respondent, they may be one of the more experienced well respected members of the Club/Zone.

It is much better for the wellbeing of the Club or Zone to resolve minor issues early, particularly if they are the result of a misunderstanding. By laws are often used to clarify some of the grey areas.

However, if it is a serious matter or repeated behavioural issues, this may not be appropriate.

A range of steps have been set out in the Pony Club policies for dealing with groups or individuals who engage in any of the behaviours prohibited by Pony Club NSW.

This document provides guidance for those with a complaint or concern, those who have had a complaint made against them and those who are responsible for handling a complaint.

All complaints will be handled based on the principles of procedural fairness (natural Justice) that is:

Confidentially will be maintained:



Call a committee meeting to discuss the matter at hand

## Disciplinary Matters - A Guideline *continued...*

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Both the person making the complaint (complainant) and the person the complaint is against (respondent) will be given full details of what is being said against them, and have the opportunity to respond (give their side of the story);

Irrelevant matters will not be taken into account;

Decisions will be unbiased and fair;

And any penalties imposed will be fair and reasonable.

### **Standard of Proof**

The standard of Proof for determining whether a breach of the Code of Conduct has occurred is *“on the balance of probabilities”*. This means that the decision maker must be satisfied that a breach of the code is more probable than not.

The level of proof, whilst still being on the balance of probabilities will rise in accordance with the seriousness or importance of the issue to be determined. For example an allegation of being rude to an official will have a lesser level of proof than an allegation of theft.

### **Pony Club Complaints Procedures**

Pony Club NSW aims to provide a simple procedure for complaints based on the principles of procedural fairness (natural justice). Any person (a complainant) may report a complaint about a person bound by this policy. Such complaints should be reported to their Member Protection Information Officer (MPIO) or to their Club/ Zone President. The President is responsible for appointing the Complaint Handler/Manager and for selecting and appointing the complaints committee if required.

A complaint may be dealt with informally or formally depending on its severity. The complainant usually decides this, unless the MPIO or the Club/PCA President considers that the complaint would be better dealt with another way and/or the law requires the complaint / allegation to be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially.

The lowest level at which a matter can be dealt with shall always be preferred. Therefore if a complaint relates to behaviour or an incident that occurred at the Club level or involves people operating at the Club level, then the complaint should be reported to and handled by the relevant Club President (or MPIO) in the first instance.

Or if it occurred at the Zone level or involves people operating at the Zone level, but not in your Club, then the complaint should be reported to and handled by the relevant Zone MPIO or President in the first instance.

Only matters that relate to or occur at the National level or cases referred from Club and Zone level should be referred to the State office. All matters referred to the State office must be in writing.

## Disciplinary Matters - A Guideline continued...

If a matter has been referred to Pony Club Australia (National Body) or an outside agency such as the police or Department of Sport and Recreation or Australian Sports Commission, then it cannot be considered by PCANSW, until all other investigation has been completed. Likewise once a complaint has been referred to the Zone, then the Club investigation must stop.

Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection, criminal or other relevant legislation. Whilst under review by an outside agency, all internal reviews and investigations of the complaint will be stopped. Unless advised in writing that the external investigation has been completed, no further action will be taken by the Pony Club.

### Vexatious Complaints & Victimisation

Pony Club NSW aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation. If at any point in the complaints process the MPIO or the State President considers that a complainant has made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the Complaint Handler/Manager for appropriate action which may include disciplinary action.

Pony Club will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimizes another person for making a complaint.

### Best Outcome

Complaints may be resolved by agreement between the people involved with no need for disciplinary action.

### Mediation

Mediation may occur after the start of investigation of a complaint. Mediation allows those involved to be heard, and to come up with mutually agreed solutions. If a complainant wishes to resolve the complaint with the help of a mediator, the relevant President will, in consultation with the complainant, arrange for a neutral person to mediator where possible. Lawyers are *not able* to negotiate on behalf of the complainant and/or the respondent.

### Formal Complaint and Grievance guidelines

If the informal approach to resolving the matter does not address the problem. The President will appoint a Complaint Handler/Manager who will be responsible for investigating the complaint. This person needs to be independent of both the complainant and the respondent. The first step is to receive and note the written and signed statement (s) from the person(s) making the complaint. All complaints (other than informal complaints) must be made in writing and signed and dated.

The Complaint Handler will arrange for a letter to be sent to the Respondent detailing the alleged complaint and giving a reasonable amount of details to enable the person to make an informed response.

*Breaches  
will not go  
unnoticed  
and  
unpunished*

## Disciplinary Matters - A Guideline *continued...*

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The Complaint Handler will then consider the signed statements, and at this stage make a recommendation to the President. The complaint at this stage may be dismissed with no further penalty. If so the Complaint Handler will arrange a letter to both parties, outlining the decision and reasons. At this point the matter is then closed.

If the Complaint Handler is not satisfied that the matter has been resolved, the following process should be followed:

Form a complaint committee consisting of the Complaint Handler, President (ex officio), and suitable committee members to make a group of between 3 and 5.

Call a meeting on a confidential basis and any committee member who has a conflict of interest should declare it and leave the meeting.

Consider the written submissions at the meeting. Do not take sides, do not listen to gossip, do not consider issues other than the relevant ones or take into account statements which are not signed.

The committee needs to decide whether the complaint has been “substantiated on the balance of probabilities” (i.e. more probable than not). As the seriousness of the allegation increases, so too must the level of satisfaction of the committee that the complaint has been substantiated.

Make full notes of discussions and append these in a sealed envelope (after confirmation that they are correct and complete) to the minutes. Do not distribute these notes with the minutes but place them in a safe and confidential place for later reference if required.

If after full and dispassionate consideration of the facts, the committee is of the view that the matter is on the balance of probabilities of sufficient seriousness that it should be taken further, then a letter should be sent to the “offending” person setting out the factual findings of the committee and inviting that person to respond, in writing, within 14 days. If the offender is under age 18, all matters must be addressed to their parent or guardian.

When the “offender’s” response has been received, the committee should reconvene to consider their response. The same procedure as in b) through to e) should be adopted.

If, after considering the response, the committee is of the view that the offender has been exonerated or that the matter has already been resolved or is so trivial that no further action should be taken, then the Complaint Handler should notify the offender and complainant of this. The matter will then be closed.

If, however, the committee considers that the written response is inadequate or not credible it may invite the “offender” to personally attend a complaint committee meeting where they can make a verbal response, or answer questions. The complaint committee should keep an open mind and not start thinking of penalties until this process is completed.

## Disciplinary Matters - A Guideline continued...

Once this has been completed, the committee should meet in confidence to consider its options.

In considering its options, the complaint committee may also have regard to the following:

- the age of the member
- the member's experience within the Club
- the member's standing within the Club
- whether the member has previously offended
- the seriousness of the matter (for example, does it involve cruelty or improper conduct, especially in public)
- the effect that the disciplinary action will have upon the member and his family
- Whether the member seems genuinely contrite and prepared to mend his ways

The disciplinary options that may be considered are as follows: (these are not exhaustive)

- counselling
- official warning
- that they make a public apology
- removal of privileges for a period of time
- withholding of prizes, certificates or awards
- suspension from Club, Zone and/or State competition for a period of time
- suspension from rallies or restriction of activities at rallies
- withdrawal from other Pony Club activities (e.g., camps, squads, parades)
- suspension of Club membership for a period of time
- impose a monetary penalty, for example where the person deliberately damaged property
- recommendation that the member not be accepted as a member next year

The committee, having determined a course of action, should inform the "offender" of its decision in writing. In some circumstances it may wish to defer or suspend the expulsion or suspensions upon the member entering into a formal agreement to mend his ways and right any wrongs done by him.

Where a committee is of the opinion that a suspension of membership for a substantial time (for example 6 months) or expulsion is the appropriate penalty, and where it is not intended to suspend such penalty then the committee would be wise to notify the State Office of the PCANSW on a confidential basis prior to notifying the offender of its decision.

In all other cases, instructors or Club officers who need to know the penalty should be informed on a confidential basis.

*Breaches  
will not go  
unnoticed  
and  
unpunished*



*Our members are one of our most important assets.  
If we are to continue to grow and prosper it will only be because  
of the efforts of each and every one of us.*



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