

Sport Integrity Australia

National Integrity Framework (NIF)

Overview

The commissioning of *The Report of the Review of Australia's Sports Integrity Arrangements (Wood Review)*, completed by the Department of Health, reported on Australia's sports integrity arrangements to the Australian government in 2018 recommending a national coordinated body for sports integrity arrangements.

As a result, Sport Integrity Australia (**SIA**) commenced operation in **July 2020** as an executive agency of the Australian Government. It combines the operations of the Australian Sports Anti-Doping Authority, the National Integrity of Sport Unit of the Department of Health and the integrity programs of Sport Australia.

Thereafter, the Australian Olympic Committee, Paralympics Australia and Commonwealth Games Australia worked with SIA to introduce independent complaint handling arrangements for sport integrity matters under the National Integrity Framework (**NIF**).

Rowing Australia adopted a number of rules and policies of NIF effective from **30 June 2022** to manage unacceptable behaviour and change the way complaints about breaches of these rules are managed.

Adoption means that the policies apply to all sports organisations and people affiliated and involved in rowing in Australia.

Australia now has a consistent set of policies across all sport and national standards regardless of which sport an athlete participates in to tackle behaviours that have no place in sport, to keep sport safe and fair.

What is sports integrity?

Sports integrity means the manifestation of the ethics and values that promote community confidence in sport. Threats to the integrity of sport includes the:

1. (i) manipulation of sporting competitions;
2. (ii) improper use of drugs and medicine in sport;
3. (iii) abuse of children and other persons in a sporting environment; and
4. (iv) failure to protect Members and other persons in a sporting environment, from bullying, intimidation, discrimination, or harassment.

The key function of SIA is to focus on countering Prohibited Conduct.

NIF policies and Prohibited Conduct (Eligible Policy)

The six policies which make up the NIF are:

- National Integrity Framework Policy
- Child Safeguarding Policy
- Competition Manipulation and Sports Wagering Policy
- Member Protection Policy
- Improper Use of Drugs & Medicines Policy
- Complaints, Disputes and Disciplines

These Policies outline what types of behaviours are unacceptable in a sport – these behaviours are called **Prohibited Conduct**. Prohibited Conduct is an action that is a breach of a Policy – for example, bullying is Prohibited Conduct under the Member Protection Policy.

Any person or organisation who breaches a policy may be Sanctioned. A Sanction could range from mandatory education all the way up to a ban from participating.

The range of Prohibited Conduct includes but not limited to:

- Bullying
- Sexual Misconduct
- Harassment
- Grooming
- Victimisation
- Misconduct with a child
- Providing drugs to a child
- Match fixing
- Unlawful use of over the counter prescriptions
- Doping

As a member of a sport that has signed up and adopted the NIF, if someone behaves poorly by breaching one of the Policies, you can make a Complaint about the breach to SIA or **Relevant Organisation**¹. It also means that if you breach a NIF policy, you could be Sanctioned.

Jurisdiction of SIA

After the adoption of the new NIF Policies and subsequent education and training workshops conducted in 2022, an internal review by the SIA highlighted that the agency did not have the jurisdiction to investigate and provide sanctions under all the Policies it had developed. Their jurisdiction has been cut back to Child Protection and Harassment, in line with the *Human Rights Act Australia 1986*.

As such, a review of the NIF Policies was required in which RWA provided input to Rowing Australia. Subsequently, new policies were rolled out in 2023.

Under the previous model, any NIF matter would be managed by SIA. Many of these matters will now be managed by the relevant sporting entity or governing body.

The Rowing Australia Integrity Manager is Paul Williams.

¹ **Relevant Organisation** means any of the following organisations:

- i. NSO (National Sport Organisation);
- ii. Member Organisations; or
- iii. Any other organisation that has agreed to be bound by the National Integrity Framework and the Integrity Policies.

RWA requested that Rowing Australia undertake a series of educational forums to update rowing clubs on the new policies, which have occurred.

A new form for the reporting of any NIF matter is now on the Rowing Australia website. This will now be triaged by Paul Williams and either forwarded onto to SIA or managed by Paul Williams (with support from the relevant level of the sport).

A link is provided to the new updated Complaints process document.

https://www.sportintegrity.gov.au/sites/default/files/CDDP_Template_FINAL_accessible_V2.pdf

How to make a Complaint?

A Complaint is a formal notification of an alleged breach of one of the NIF Policies.

Making a Complaint

A Complainant must be a person or organisation that is directly affected by the alleged Prohibited Conduct. A Complaint may be submitted by a parent or guardian on behalf of a vulnerable person. The vulnerable person will be considered the Complainant.

A Respondent to such a Complaint must be a Relevant Person ² or organisation who is bound by the Rowing Australia Integrity Policies they are alleged to have breached at the time the alleged Prohibited Conduct occurred.

Making a Report

A Report is a formal notification of an allegation/s that a Respondent has engaged in conduct which may be Prohibited Conduct under an Integrity Policy. A Report may be made anonymously, however this may limit the actions able to be taken. The process for managing a Report will be at the discretion of the Rowing Australia Complaints Manager or SIA, which may include managing the report through the Complaints Process.

A Report can be made by any person or organisation, including Rowing Australia or a Relevant Organisation, who has reason to believe that Prohibited Conduct under an Integrity Policy may have occurred.

Making a Complaint or Report

- A Complaint or Report may be submitted to the organisation responsible for managing the matter in writing (incl. electronic means) or verbally.
- The online web form is the preferred method for submitting a Complaint or Report to SIA
- A Complaint or Report can be submitted to SIA where it relates to alleged Prohibited Conduct under the Child Safeguarding Policy, or allegations relating to discrimination based on a Protected Characteristics, including race, sex, age, disability or religion.

² **Relevant Person** means any of the following persons:

- i. Individual Member;
- ii. Participant;
- iii. Employee;
- iv. Contractor;
- v. Volunteer; or
- vi. Any other individual who has agreed to be bound by the Framework and the Integrity Policies.

- A Complaint or Report can be submitted to Rowing Australia or Relevant Organisation where it relates to alleged Prohibited Conduct under any of the Integrity Policies.
- Rowing Australia will appoint a person to be the Complaint Manager, who will be the person within Rowing Australia with primary responsibility for managing Rowing Australia's obligations under this Policy.
- The Rowing Australia Complaint Manager will be responsible for providing information to SIA as requested for any matters referred to SIA to undertake the Complaints Process.

The Complaint Process

- Initial evaluation of Complaint or Report by SIA or Rowing Australia's Complaint Manager.
- The Complaint shall be case categorised, based on their level of harm to the participant.
- The assessment will determine if there is Provisional Action(s) required based on the level of harm to participant(s), i.e. supervision/suspension/restriction of duties, of the Respondent. Where this is imposed, the Respondent may seek independent review of the Provisional Action(s).
- Investigation may be undertaken if the alleged Prohibited Conduct is a breach of an Integrity Policy and may involve formal interviews and collection of additional evidence.
- "Standard of Proof" that applies to substantive decisions is "balance of probabilities", i.e. more than likely to have happened rather than likely not to have happened.
- The Complainant and Respondent may agree to an alternative dispute resolution process. If so, the Complaint process is suspended and may be discontinued if both parties are satisfied that the matter has been resolved.

Findings and Resolution Process

- Rowing Australia or SIA will make findings as to whether the requisite Standard of Proof, the Alleged Breach is substantiated, unsubstantiated or unable to be substantiated.
- In cases where SIA investigates the Complaint, Sport Integrity Australia will notify the parties of the findings, and refer to Rowing Australia to manage the resolution process (see below).
- Rowing Australia must implement an appropriate resolution process.
- Rowing Australia may delegate the management of the resolution process to another Relevant Organisation.
- Rowing Australia is ultimately responsible for applying and administering sanctions (including the issuance of a Breach Notice to the Respondent) and other related measures as they see fit, having regard to the Case Categorisation System and Guidance for Sanctioning.
- Where a Respondent admits the Alleged Breach and accepts the Sanction or fails to respond to the Breach Notice within the time prescribed within the Breach Notice, the Complaint Manager may take steps to impose and implement the Sanction and proceed to finalising the Complaint.

- When deciding on an appropriate sanction Rowing Australia may refer to the SIA Guidance for Sanctioning:
 - the seriousness of the behaviour;
 - whether it was a one-off incident or part of an overall pattern of behaviour;
 - whether it was an honest and reasonable mistake;
 - the potential impact on public confidence in the integrity of the sport;
 - the views and opinion of the Complainant; and
 - any relevant aggravating or mitigating factors.
- Rowing Australia to issue a Breach Notice to the Respondent.
- If the Respondent disputes the Breach, the NSO must refer the matter to the National Sports Tribunal General division for arbitration.

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