

# COMPLAINTS, DISPUTES AND DISCIPLINE POLICY



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## 1. Introduction

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LAQ is committed to making Little Athletics a safe and fair place for all participants. To achieve this, LAQ has adopted the National Integrity Framework as a basis for developing best-practice solutions for its membership. LAQ is not bound by the National Integrity Framework via the Australian Sports Commission, and subsequently does not have the power to escalate issues to Sport Integrity Australia. Likewise, Sport Integrity Australia holds no jurisdiction over anything which may occur within the sport of Little Athletics in Queensland.

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

The National Integrity Framework has been developed by Sport Integrity Australia and is made up of the following five policies:

- Safeguarding Children and Young People Policy;
- Competition Manipulation and Sport Gambling Policy;
- Improper Use of Drugs and Medicine Policy;
- Member Protection Policy; and
- Complaints, Disputes and Discipline Policy (this Policy)

Little Athletics Queensland has not adopted the **Competition Manipulation and Sport Gambling Policy**, nor the **Improper Use of Drugs and Medicine Policy**.

Within the National Integrity Framework, this Policy sets out the process and parameters for how allegations of Prohibited Conduct are managed and resolved.

This Policy also applies to Prohibited Conduct under any other policies stated to be subject to this Policy as adopted by LAQ from time to time.

The National Integrity Framework policies are collectively known as the **Relevant Policies**.

This Policy should be read and used in conjunction with the Relevant Policies.

Nothing in the National Integrity Framework overrides a law of the Commonwealth, or a state or territory, which take precedence and must be complied with in the first instance.

This Policy subsumes the previous National Integrity Framework Policy and the relevant Prohibited Conduct that was contained within that Policy.

## 2. Policy Intent

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This Policy and its procedures are designed to ensure that allegations of Prohibited Conduct are managed through an effective, consistent, and timely process, which is fair and transparent.

## 3. Definitions

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In this Policy, the following words have the corresponding meaning:

**Activity** means a sporting contest, match, competition, event, or activity (including training), whether on a one-off basis or as part of a series, league, or competition, which is sanctioned or organised by a Relevant Organisation.

**Athlete** means a person who is registered, or entitled to participate, in an Activity.

**Alternative Dispute Resolution** is a collective term for processes, other than arbitration, such as mediation or conciliation that may be used to resolve allegations of Prohibited Conduct under this Policy.

**Appeals Tribunal** means an Appeals Tribunal established internally by LAQ to hear an appeal of a decision of a Hearing Tribunal.

**Board** means the board of LAQ.

**Breach Notice** means a written notification sent to the Respondent in accordance with clause 8.5.

**Complaint** has the meaning given in clause 6.1.

**Complaint Manager** means the person appointed under clause 6.11 to manage Complaints under this Policy.

**Complaints Process** means the process for managing a Complaint under the guidance of this Policy from the time the Complaint is received to the Resolution Process.

**Complainant** has the meaning given in clause 6.2.

**Contractor** means any person or organisation engaged to provide services for or on behalf of a Relevant Organisation, and includes:

- (a) agents, advisers, and subcontractors of a Relevant Organisation and
- (b) employees, officers, volunteers, and agents of a Contractor or subcontractor.

**Discrimination** includes both direct and indirect discrimination which have the following meaning:

- (a) **‘Direct discrimination’** occurs where, because a person has a Protected Characteristic, they are treated less favourably than a person without that characteristic would be treated in the same or similar circumstances.
- (b) **‘Indirect discrimination’** occurs where a practice, rule, requirement or condition that applies to everyone disadvantages people with a Protected Characteristic and the practice, rule, requirement or condition is not reasonable in the circumstances.

**Employee** means a person employed by a Relevant Organisation.

**Hearing Tribunal** means the first instance tribunal established internally by a Relevant Organisation to conduct a hearing under this Policy.

**LAQ** means Queensland Little Athletics Association Incorporated (ABN: 41 142 389 563) t/a Little Athletics Queensland

**Little Athletics** means the sport of Little Athletics, as governed by LAQ and Little Athletics Australia (LAA) from time to time.

**Member** means a member of a Relevant Organisation, including;

- (a) **Affiliated Centre** or **Affiliated Club**, which means a company, incorporated association or other entity that is a member of LAQ;
  - i. For the avoidance of doubt, the terms Centre or Club can be used interchangeably.
- (b) **Individual Member**, which means individuals who are individuals registered with an Affiliated Centre or Club.

**National Integrity Framework** means the National Integrity Framework as developed by Sport Integrity Australia.

**Participant** means:

- (a) Athletes;
- (b) coaches appointed to train an Athlete or Team in an Activity;
- (c) administrators who have a role in the administration, operation or Activity of a Relevant Organisation including owners, directors, committee members or other persons;
- (d) officials including referees, umpires, technical officials, or other officials appointed by a Relevant Organisation, or any league, competition, series, Centre or Team sanctioned by a Relevant Organisation; and
- (e) support personnel who are appointed in a professional or voluntary capacity by a Relevant Organisation, or any league, competition, series, Centre or Team sanctioned by a Relevant Organisation including sports science sports medicine personnel, team managers, agents, selectors, and team staff members.

**Policy** means this Complaints, Disputes and Discipline Policy.

**Prohibited Conduct** means the conduct proscribed in each of the Relevant Policies, including the conduct proscribed under clause 5 of this Policy.

**Protected Characteristic** means:

- (a) age;
- (b) disability;
- (c) race or ethnicity;
- (d) sex or gender identity;
- (e) sexual orientation; or
- (f) religion.

**Protected Disclosure** means, where a Relevant Organisation is a "regulated entity" under the whistleblower laws in the *Corporations Act 2001* (Cth), a disclosure of information to the Relevant Organisation that qualifies for protection under those laws.

**Provisional Action** means the process undertaken to impose a temporary measure on a Respondent while they are subject to a Complaints Process, or an investigation by law enforcement.

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

- (a) LAQ; or
- (b) Affiliated Centres of Affiliated Clubs

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

- (a) Participant;
- (b) Employee;
- (c) Contractor;
- (d) Volunteer; or
- (e) any other individual who has agreed to be bound by the Relevant Policies.

**Relevant Policies** means the following LAQ policies:

- (a) Safeguarding Children and Young People Policy;
- (b) Competition Manipulation and Sport Gambling Policy;
- (c) Improper Use of Drugs and Medicine Policy;
- (d) Member Protection Policy;
- (e) Complaints, Disputes and Discipline Policy
- (f) Any other by-laws, rules, regulations or policies of LAQ that are stated to be subject to this Policy

**Report** has the meaning given in clause 6.5.

**Reporter** has the meaning given in clause 6.6.

**Resolution Process** means the process from the point at which a Breach Notice has been issued to a Respondent.

**Respondent** has the meaning given in clause 6.3.

**Sanction** means the disciplinary action(s) taken against a Respondent for breaching a Relevant Policy.

**Team** means a collection or squad of Athletes, registered with a Relevant Organisation or entitled to participate in an Activity.

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

**Vulnerable Person** means a person who is:

- (a) under the age of 18;
- (b) aged 18 or over but is or may be unable to take care of themselves or is unable to protect themselves against harm or exploitation, by reason of age, illness, trauma or disability, or any other reason; or
- (c) aged 18 or over but has experienced or is experiencing poor mental health outcomes, either because of the incident in question, due to their life experiences, or because of societal factors, including but not limited to individuals from diverse backgrounds facing disproportionate mental health impacts, such as people with diverse sexualities or gender.

## 4. Jurisdiction

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### 4.1. When this Policy applies

- (a) This Policy applies to Prohibited Conduct under each of the Relevant Policies.

### 4.2. Who the Relevant Policies apply to

- (a) The Relevant Policies apply to and bind:
  - i. all Relevant Persons and Relevant Organisations.
  - ii. any person who, or organisation that:
    - A. has had a Complaint or Report made against them; and
    - B. was bound by the Relevant Policies at the time of the alleged Prohibited Conduct, even if they are no longer a Relevant Person or Relevant Organisation.
- (b) Employees are expected to abide by the terms of the Relevant Policies as a reasonable and lawful direction of the Relevant Organisation they are employed by (as relevant) as their employer.
- (c) A Relevant Organisation must ensure that all Contractors and Volunteers are contractually bound to abide by the terms of the Relevant Policies.
- (d) By participating in an Activity, a Participant is deemed to have agreed to be bound by the Relevant Policies.
- (e) Any person or organisation who has had a Complaint made about them and was bound by the Relevant Policies at the time of the alleged behaviour continues to be bound by the Relevant Policies until the Complaint is finalised and any sanction has been complied with.

### 4.3. What happens when there are conflicting provisions?

- (a) Laws of the Commonwealth, or a state or territory, take precedence and must be complied with in the first instance.

- (b) The Australian National Anti-Doping Policy or any other applicable World Anti-Doping Code compliant anti-doping policy (ADP) will prevail to the extent of any inconsistency with the Relevant Policies in all instances. Any allegation relating to a breach or possible breach of the Australian National Anti-Doping Policy or ADP will be dealt with under that policy.
- (c) Nothing in the Relevant Policies prevents the Relevant Organisation from referring any alleged Prohibited Conduct or criminal conduct to a relevant law enforcement agency.
- (d) The Relevant Policies are subject to the Constitution of the Relevant Organisation and if there is any inconsistency, the Constitution will prevail.

## 5. Prohibited Conduct

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### 5.1. What is Prohibited Conduct under this Policy?

- (a) Subject to clause 5.1(b), in addition to the conduct proscribed under each of the Relevant Policies, a Relevant Person or a Relevant Organisation will breach this Policy if they:
  - i. fail to report any conduct which is reasonably likely to be Prohibited Conduct, to a Relevant Organisation in accordance with clause 6.7, as soon as reasonably practicable after they become aware of it without reasonable cause;
  - ii. deliberately or wilfully withhold information in relation to any conduct which is reasonably likely to be Prohibited Conduct;
  - iii. fail to provide further information or documentation as requested during the Complaint Process without reasonable cause;
  - iv. fail to comply with a Breach Notice;
  - v. knowingly provide any inaccurate and/or misleading information during the course of any Complaint Process under this Policy; or
  - vi. fail to comply with obligations under this Policy to keep information confidential.
- (b) A Relevant Person or Relevant Organisation will not be deemed to have breached this Policy if they fail to answer a question or provide information on the grounds that doing so would be a breach of any applicable law.
- (c) A Relevant Organisation may initiate disciplinary action in accordance with this Policy if it becomes aware of a potential breach of clause 5.1(a) of this Policy.

## 6. Making a Complaint or Report

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### 6.1. What is a Complaint?

- (a) A Complaint is a formal written submission of an allegation:
  - i. made by a Complainant (who cannot make the Complaint anonymously); and
  - ii. relating to Prohibited Conduct under a Relevant Policy; and
  - iii. against a Respondent.

### 6.2. Who is a Complainant?

- (a) A Complainant is a person or an organisation who or which is directly affected by the alleged Prohibited Conduct and makes a Complaint about a Respondent in accordance with this Policy.
- (b) Where the person directly affected by the conduct is a Vulnerable Person, a Complaint may be submitted on their behalf by a parent or carer. The Vulnerable Person will still be considered to be the Complainant when a Complaint is submitted on their behalf.
- (c) A Complainant cannot be anonymous.



### 6.3. Who is a Respondent?

- (a) A Respondent is a Relevant Person or Relevant Organisation about whom a Complaint or Report has been made and who was bound by the Relevant Policy/ies at the time the alleged Prohibited Conduct occurred.

### 6.4. Vulnerable Persons and support persons

- (b) Where required, the parent or carer of a Vulnerable Person who is a party to a Complaint may support the Vulnerable Person and/or act on their behalf, if necessary, through the Complaints Process and any subsequent Resolution Process. For example, at any interview, Alternative Dispute Resolution process, or Hearing Tribunal or Appeals Tribunal.
- (c) Relevant Organisations may have regard to the guide entitled “Complaint Handling Guide: Upholding the rights of children and young people” issued by the National Office for Child Safety in managing Complaints made on behalf of or involving Vulnerable Persons, currently available [here](#), or such other guide that may replace it.
- (d) A party to a Complaint may request that they be assisted by a support person or authorised representative. This request will generally be granted unless there is a specific reason to deny it (for example, where a nominated support person or authorised representative is also a witness to the allegations or is actively hindering the interview process). Reporters and witnesses may be permitted to be assist by a support person or authorised representative where this is considered appropriate.

### 6.5. What is a Report?

- (a) A Report is a submission of allegations that a Respondent has engaged in conduct which may be Prohibited Conduct which does not meet the definition of a Complaint.
- (b) Reports received by a Relevant Organisation may be recorded for information purposes only with no further action taken. The process for managing a Report will be at the discretion of the Complaints Manager. In some circumstances, Reports may be managed through the Complaints Process. Reporters will not be contacted regarding their Report unless further information is required.
- (c) Factors that may be taken into account in determining whether to progress a Report through the Complaints Process include (but are not limited to) the seriousness of the alleged conduct, the availability of evidence that could be relied upon in an investigation, whether a person or organisation has been directly affected by the alleged Prohibited Conduct and if so their circumstances and preferences, the perceived risk to the sport, and whether there have been other Reports relating to similar allegations.
- (d) A Report may be made anonymously; however this may limit the action that can be taken in relation to the allegations.
- (e) Where multiple Reports relate to the same or related alleged conduct by the same Respondent, they may be combined for the purposes of the Complaints Process.
- (f) If a Report is to be progressed through the Complaints Process, any reference to a Complaint throughout this Policy will apply to the Report.

### 6.6. Who is a Reporter?

- (a) A Reporter is any person or organisation, including a Relevant Person or Relevant Organisation, who or which has reason to believe that Prohibited Conduct may have occurred and makes a Report. A Reporter may be anonymous.
- (b) A Reporter is not entitled to the same rights throughout the Complaints Process as a Complainant. For example, a Reporter may not be kept informed of any decisions made in relation to the Report or participate in any Alternative Dispute Resolution.

### 6.7. Responsibility for Managing Complaints or Reports

- (c) A Complaint or Report may be submitted to LAQ where it relates to any alleged Prohibited Conduct.
- (d) Where a Complaint relates to alleged Prohibited Conduct below the state level LAQ may delegate its functions and responsibilities relating to managing Complaints under this Policy to a Relevant Organisation, other than those functions and responsibilities set out in this clause 6.7. LAQ must take into account any significant conflict of interest, and whether it can be appropriately managed, in

considering whether to delegate such functions and responsibilities to a Relevant Organisation. If delegated:

- i. any reference to LAQ in provisions relevant to the delegated functions will be read as a reference to that Relevant Organisation;
  - ii. the matter remains subject to overview and review by LAQ, which may require the Relevant Organisation managing the Complaint to remedy any failure to discharge a delegated responsibility and/or improper exercise of a delegated function.
- (e) The organisation managing the Complaint may appoint an independent investigator where appropriate but will remain responsible for overall management of the Complaint.

#### **6.8. Submitting a Complaint or Report**

- (a) A Complaint or Report should be submitted to the Relevant Organisation in accordance with clause 6.7.
- (b) A Complaint must be made in writing (including electronically).
- (c) A Report can be made in writing (including electronically) or verbally.

#### **6.9. Withdrawing a Complaint**

- (a) A Complaint can be withdrawn at any time. Withdrawing a Complaint must be done in writing (including electronically) to the organisation that it was submitted to.
- (b) Where a Complaint has been withdrawn, the organisation managing the Complaint may choose to continue to progress the matter through the Complaints Process.

#### **6.10. Confidentiality**

- (a) All Complaints and Reports will be kept in confidence.
- (b) Any Relevant Organisation may disclose information as required or authorised by law.
- (c) Subject to this clause, decisions around appropriate disclosure of information will be addressed on a case-by-case basis. Disclosure of information to parties not directly affected by the alleged behaviour may be restricted.

#### **6.11. Appointment of Complaint Manager**

- (a) Relevant Organisations will appoint a Complaint Manager, who will be responsible for managing their obligations under this Policy.
- (b) Where no Complaint Manager has been formally appointed, the CEO (for LAQ matters) or President (for Centre matters) will be responsible for determining who will manage the complaint.
  - i. For Regional level matters, the Regional Competition Coordinator (RCC) will be responsible for managing the complaint.

#### **6.12. Failure to cooperate**

- (a) Subject to clause i(c)i(c), Relevant Persons should cooperate fully with any Complaints Process or Resolution Process they are involved in. A failure to do so may be Prohibited Conduct under clause 5.1(a) of this Policy.
- (b) If a Respondent fails or refuses to respond, after a request has been made in a reasonable time in advance, to answer any relevant question, provide relevant documentation, and/or participate in a Complaints Process or Resolution Process, the organisation handling the complaint, a Hearing Tribunal or an Appeals Tribunal (as applicable) may make findings based on the available information.
- (c) No individual or organisation bound by this Policy is required to answer a question or provide information where to do so would be a breach of any applicable law.

## 7. The Complaints Process

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### 7.1. Evaluation

- (a) Upon receipt of a Complaint, the organisation which receives the Complaint will determine whether the matter falls within the scope of the Relevant Policies. In making this determination the organisation will consider whether the conduct alleged in the Complaint would, if proven to the requisite standard, constitute Prohibited Conduct, as well as whether it otherwise meets the requirements of clause 6. The organisation will also make a determination in accordance with clause 6.7. as to which organisation should manage the Complaint.
- (b) Where a Complaint is determined to be out of scope under the Relevant Policies, it may be managed under an alternative policy of a Relevant Organisation (if applicable).
- (c) Mischievous or vexatious claims will not be managed under this Policy.
- (d) A Complaint that has been previously managed through a complaints process will not be reconsidered or reinvestigated unless there are compelling reasons to do so, such as relevant new information becoming available.
- (e) Where a Complaint raises allegations about behaviour that could be a breach of both a Relevant Policy or another policy of a Relevant Organisation, the matter will be managed under the most appropriate policy.
- (f) If the Complaint is determined to be out of scope of the Relevant Policies, the organisation which received the Complaint will notify the Complainant and no further action will be taken under this Policy.
- (g) If a person considers that a child is at risk of immediate harm the matter must be reported to the relevant law enforcement/child protection agency as soon as possible.

### 7.2. Case Categorisation: In-scope matters

- (a) Once a Complaint has been deemed to be in-scope, it will undergo Case Categorisation to determine an appropriate means of dealing with the Complaint. Complaints are categorised with reference to the nature of the alleged conduct, the possible level of harm and complexity of the issues raised in the Complaint.
- (b) Following Case Categorisation, any one or a combination of the following actions may be undertaken:
  - i. External referral;
  - ii. Referral to a Hearing Tribunal;
  - iii. Provisional Action;
  - iv. Investigation;
  - v. Alternative Dispute Resolution;
  - vi. Case closure.
- (c) A Relevant Organisation may refer a Complaint directly to a Hearing Tribunal to hear the allegations and make findings about the Complaint instead of proceeding to an investigation.

### 7.3. External referral

- (a) At any time during the Complaints Process, allegations may be referred to a relevant external organisation if it will assist the organisation to perform or exercise any of the functions, duties or powers. This may include referral to a law enforcement agency, government or regulatory authority or child protection agency. If a person considers that a child is at risk of immediate harm the matter must be reported to the relevant law enforcement/child protection agency as soon as possible.
- (b) If an external referral is made, the Complaints Process may be suspended pending external resolution to avoid any potential compromise to the external process.

### 7.4. Provisional Action

- (a) Where an allegation suggests a risk of harm to a Participant which justifies imposing Provisional Action, the organisation handling the complaint will determine whether any Provisional Action will be taken to mitigate any potential harm to any person and/or interference in an investigation.
- (b) Provisional Action may include suspension, supervision, restriction of duties or temporary re-deployment, or suspension or restriction of rights, privileges or benefits.

- (c) If a decision is made to impose Provisional Action, a Respondent may seek to have that decision reviewed by the LAQ Operations Manager. The Operations Manager will only consider whether the decision to impose the Provisional Action is proportionate to the perceived risk of harm and will not consider the merits of the Complaint except as is necessary to assess proportionality.

### 7.5. Investigation

- (a) The organisation responsible for managing the Complaint may conduct an investigation to obtain additional evidence, including by way of formal interview and collection of additional information, to determine if the alleged Prohibited Conduct is a breach of a Relevant Policy.
- (b) In conducting an investigation, the rules of procedural fairness will apply, including by providing both the Complainant and the Respondent with a reasonable opportunity to be heard.
- (c) Where a Respondent has been convicted or found guilty in a criminal, disciplinary or professional proceeding of engaging in conduct which would constitute Prohibited Conduct under a Relevant Policy, the Respondent will be deemed under this Policy to have committed Prohibited Conduct without requiring further investigation, or any other process.
- (d) Following an investigation, the Complaint will be managed in accordance with clause 8, or may be referred directly to a Hearing Tribunal.

### 7.6. Standard of proof

- (a) The standard of proof that applies to all substantive decisions (including by a Hearing Tribunal) made under this Policy in respect of allegations of Prohibited Conduct is "balance of probabilities". This means the decision-maker must be satisfied that it is more likely than not that there has been a breach of a Relevant Policy.

### 7.7. Alternative Dispute Resolution

- (a) The Complainant and the Respondent may agree to an Alternative Dispute Resolution. The Complaints Process may be suspended while Alternative Dispute Resolution is pursued. The Complaints Process may be discontinued if both parties are satisfied that the matter has been resolved.
- (b) This process will be coordinated by the Complaint Manager, if required.

## 8. Findings and Resolution Process

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### 8.1. Findings

- (a) Unless the matter has been referred directly to a Hearing Tribunal under clause 7.5(d), following an investigation, the organisation managing the Complaint will determine whether, to the requisite standard of proof, the allegation of Prohibited Conduct is substantiated, unsubstantiated or unable to be substantiated.
- (b) In cases where a Relevant Organisation manages the Complaint, they will notify the parties of the findings, and if the allegation of Prohibited Conduct is substantiated, will manage the Resolution Process described in clause 8.28.2.

### 8.2. The Resolution Process

- (a) The organisation handling the complaint must implement an appropriate Resolution Process.
- (b) Consistent with clause 6.7(d), the organisation handling the complaint may delegate the management of the Resolution Process to another Relevant Organisation.
- (c) The Relevant Organisation handling the complaint is ultimately responsible for issuing a Breach Notice to the Respondent and applying and administering Sanctions and other related measures as it sees fit.
- (d) 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 impose the Sanction and proceed to finalise the Complaint.

### 8.3. Notification to parties

Relevant Organisations will communicate as appropriate with the Respondent, Complainant and any Relevant Organisation involved in the matter throughout the Resolution Process and will notify both the Complainant and the Respondent of the outcome and finalisation of the matter at the conclusion of the Resolution Process.

### 8.4. Appropriate Sanctions

- (a) Relevant Organisations may impose one or more Sanctions on a Respondent where this is considered appropriate.
- (b) In making a determination under clause 8.4(a) Relevant Organisations should refer to the Set Penalties Framework in Appendix 4, taking into account:
  - i. the seriousness of the behaviour;
  - ii. whether it was a one-off incident or part of an overall pattern of behaviour;
  - iii. whether it was an honest and reasonable mistake;
  - iv. the potential impact on public confidence in the integrity of the sport;
  - v. the potential impact of the proposed Sanction on the Respondent;
  - vi. the views and opinion of the Complainant; and
  - vii. any other relevant aggravating or mitigating factors.
- (c) Without limiting the rights of membership, any suspension invoked by a Relevant Organisation to this policy is transferable to another.
  - i. Where an individual transfers to another Centre or State Association, any portion of a suspension not served at one Centre will be deemed to apply to the next Centre.

### 8.5. Breach Notice

- (a) If the allegations are found to be substantiated, the organisation handling the complaint will issue a Breach Notice. Any Breach Notice issued by a Relevant Organisation to a Respondent will:
  - i. notify the Respondent of the allegations found to be substantiated, including the alleged conduct;
  - ii. state the proposed Sanction, if any, for the substantiated allegations;
  - iii. state that the Respondent has a right to a hearing in relation to the allegations found to be substantiated and/or the proposed Sanction;
  - iv. state that the Respondent may accept the findings, waive their right to a hearing and accept the proposed Sanction;
  - v. state that if the Respondent does not respond in writing within 14 days of the date of the Breach Notice, they will be deemed to have accepted the findings, waived their right to a hearing and accepted the proposed Sanction, unless otherwise agreed by the Relevant Organisation;
  - vi. state that any response to the Breach Notice must be made to the Relevant Organisation, and provide contact details of the Complaint Manager; and
  - vii. be provided to the Respondent, and (if applicable) Relevant Organisation.
- (b) In response to a Breach Notice, a Respondent may:
  - i. accept the findings, waive their right to a hearing and accept the proposed Sanction; or
  - ii. dispute the findings and/or the proposed Sanction, in which case the matter will be referred to a Hearing Tribunal under this Policy.
- (c) Unless otherwise agreed by the Relevant Organisation, a Respondent has 14 days from the date of the Breach Notice to notify the Complaint Manager in writing of their decision.
- (d) Notice given under paragraph 8.5(b)ii. must be:
  - i. given in writing (whether by email or other means);
  - ii. sent to the Relevant Organisation's Complaint Manager at the address given on the Breach Notice; and
  - iii. received within 14 days from the date of the Breach Notice.
- (e) If the Relevant Organisation handling the complaint does not receive notice under clause 8.5(b)ii. within 14 days from the date of the Breach Notice, the Respondent will be deemed to have waived their right to appeal.

## 8.6. Referral to a Hearing Tribunal

If the Respondent disputes the substantiated allegations and/or the proposed Sanction in the Breach Notice, the Complaint Manager must refer the matter to a Hearing Tribunal convened internally either at LAQ level or other Relevant Organisation level.

## 8.7. Hearing Tribunals

- (a) Arrangements must be established to manage internal hearings and appeals.
  - i. Hearing Tribunals must be managed in accordance with Appendix 1, or other process as outlined by LAQ.
- (b) If arbitration is sought through an internal Hearing Tribunal, the Hearing Tribunal will, as applicable:
  - i. determine whether any Provisional Action imposed in accordance with clause 7.4 is disproportionate; or
  - ii. if referred directly to the Hearing Tribunal under clause 7.1, make the findings required by clause 8.1, and determine whether a Sanction should be imposed and if so, the nature of that Sanction; or
  - iii. if referred to a Hearing under clause 8.6 following an investigation, arbitrate the substantiated allegations and proposed Sanction set out in the Breach Notice.

## 8.8. Appeals

- (a) A decision of a Hearing Tribunal in respect of:
  - i. Provisional Action, is not subject to appeal;
  - ii. allegations referred directly to a Hearing Tribunal for a finding, is subject to appeal; and
  - iii. a substantiated allegations finding and/or Sanction, is subject to appeal.
- (b) Grounds of appeal:
- (c) The decision of a Hearing Tribunal can only be appealed by the Respondent and/or LAQ on the basis that:
  - A. the Hearing Tribunal failed to abide by this Policy or to properly apply the relevant Policy and such failure resulted in a denial of natural justice; and/or
  - B. no reasonable decision maker in the position of the Hearing Tribunal, based on the material before them, could reasonably make such a decision.
- (d) Unless otherwise agreed by LAQ, a Respondent has 7 days from the date of the Hearing Tribunal to notify the LAQ Chief Executive Officer in writing, of their decision to appeal.
- (e) Notice given under paragraph (d) must be:
  - i. given in writing (whether by email or other means);
  - ii. sent to the LAQ Chief Executive Officer at the address given on the Notification of Outcome; and
  - iii. received within 7 days from the date of the Breach Notice.
- (f) If LAQ does not receive notice under clause 8.8(e). within 7 days from the date of the Hearing Tribunal, the Respondent will be deemed to have waived their right to appeal.

## 8.9. Implementation

- (a) It is the responsibility of all Relevant Organisations to ensure that appropriate Sanctions (or other alternative actions) are undertaken, and that the Relevant Policies are implemented and applied. LAQ is responsible for ensuring that Relevant Persons and Relevant Organisations are aware of the Relevant Policies and facilitate an understanding for how they apply to them. This may include relevant educational material that Sport Integrity Australia provides from time to time.
- (b) Relevant Organisations will determine if a Sanction should be publicly disclosed in order to give it full effect. This may be necessary for suspension or cancellation of membership or accreditation.
- (c) Notwithstanding clause 8.9(a), ignorance of the Relevant Policies is not a defence, excuse or justification for Prohibited Conduct and will not be considered a mitigating circumstance.

## 8.10. Case closure

- (a) Complaints may be closed under this Policy at any of the following times:
  - i. the Complaint is evaluated as being out of scope of this Policy under clause 7.1;

- ii. during investigation of the Complaint, it becomes apparent that the Complaint no longer meets the eligibility requirements set out in clause 6 (for example, the Respondent is discovered not to have been bound by the Relevant Policies at the time the alleged conduct occurred due to information obtained during the investigation);
- (b) the Complaint is resolved through Alternative Dispute Resolution in accordance with clause 7.7, or the Complaint was sought to be resolved through Alternative Dispute Resolution, but it was not resolved, and the participants are in agreement that the Complaint may be closed;
  - i. following investigation, all allegations are found to be either unsubstantiated or unable to be substantiated in accordance with clause 8.1;
  - ii. following investigation, the Respondent accepts or is deemed to have accepted the findings and any Sanction imposed upon them in accordance with clause 8.5; or
  - iii. the matter is finalised before a Hearing Tribunal or Appeals Tribunal.
- (c) Once a matter has been closed in accordance with this clause, it has been finalised and no further action will be taken in relation to the matter under this Policy unless there is a compelling reason to do so.
- (d) LAQ and Relevant Organisations will retain appropriate records of the Complaint and any outcomes in accordance with any relevant policies or procedures relating to record-keeping.

## 9. Interpretation and Other Matters

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### 9.1. Application and commencement

- (e) The Relevant Policies are approved by LAQ Board.
- (f) The Relevant Policies:
  - i. commence on the date outlined on the front cover (Commencement Date);
  - ii. are subject to LAQ's constitution (or other governing rules as applicable), and if there is any inconsistency, the constitution will prevail; and
  - iii. when in force, are binding on all Relevant Persons and Relevant Organisations.
- (g) Nothing in the National Integrity Framework limits the rights or obligations of any person under any other Relevant Organisation policy, or other relevant agreement.
- (h) The National Integrity Framework does not override or limit the application of any laws of Australia or a state/territory.
- (i) The 'Policy Intent' section (if applicable) at the start of each Relevant Policy is not intended to be and should not be construed in any way as a complete and comprehensive overview of that Relevant Policy. To the extent of any inconsistency, the operative provisions of that Relevant Policy prevail.

### 9.2. Amendment

In accordance with LAQ constitution (or other governing rules as applicable), the Board may amend the Relevant Policies as required, including to incorporate amendments notified to LAQ by Sport Integrity Australia from time to time. Such amendments will be effective on the date specified by the Board.

### 9.3. Interpretation

- (a) The following rules of interpretation apply to each Relevant Policy:
  - i. Headings are for convenience only and shall not be deemed part of the substance of the document or to affect in any way the language of the provisions to which they refer.
  - ii. Words in the singular include the plural and vice versa.
  - iii. Reference to 'including' and similar words are not words of limitation.
  - iv. Words importing a gender include any other gender.
  - v. A reference to a clause is a reference to a clause or subclause of the Relevant Policy in which it appears.
  - vi. Where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.
  - vii. If any provision of a Relevant Policy is determined invalid or unenforceable, the remaining provisions shall not be affected, and the document shall not fail because any part of it is held invalid.

- viii. Except as otherwise stated herein, failure to exercise or enforce any right conferred by this Framework shall not be deemed to be a waiver of any such right nor operate to bar the exercise or enforcement thereof or of any other right on any other occasion.
- ix. Defined terms are Capitalised and consistent across the Relevant Policies.

#### 9.4. Education

- (a) To assist Participants to understand this Policy and their rights and responsibilities, LAQ is responsible for developing and implementing an education plan addressing the content and subject matter of this Policy.
- (b) LAQ should engage Sport Integrity Australia to assist in the design, implementation and maintenance of the education plan and to determine priority education groups and appropriate interventions.
- (c) The Relevant Organisation may, from time to time, direct certain Participants to undertake education, which will be relevant and proportionate to their level of participation in little athletics and the associated integrity risks.
- (d) Sport Integrity Australia has developed a range of education resources and training material to support the National Integrity Framework which can be found [here](#).



## Appendix 1: LAQ Complaints Management Process

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LAQ has provided additional clarity to support the complaints handling process that affiliated Centres and Clubs must follow. A flowchart summarising this process can be found in Appendix 3.

### 1. Receive a Complaint/Report

Complaints or Reports must be submitted in accordance with clause 6.

## INITIAL ACTION

### 2. Undertake an initial assessment to determine if provisional action needs to be taken

The Case Categorisation Tool in Appendix 2 will be used to determine if provisional action needs to be taken. (Clause 7.2). Depending on where the complaint originated from, this will be conducted by:

- The Executive Committee for **Centre** level complaints.
- The Regional Committee for **Regional** level complaints.
- The LAQ Chief Executive Officer (LAQ CEO) for **LAQ** level complaints.

Depending on the severity of the complaint, provisional action may be taken in accordance with clause 7.4. The provisional actions listed in the Case Categorisation Tool are recommendations, and organisations may make their own assessments considering the factors outlined in clause 7.4.

A **Dispute** is considered out of scope of this policy and should be managed in accordance with the Relevant Organisation's Constitution.

Should the complaint be of a **Severe** nature, the Centre Manager should immediately contact the LAQ CEO or seek legal advice to determine the next steps.

A Respondent has the right to appeal provisional action in accordance with clause 7.4(c) by contacting the LAQ Operations Manager (LAQ OM). The Operations Manager will assess the complaint to determine if the appropriate action undertaken was proportionate with their decision final.

## INVESTIGATION

### 3. Undertake an investigation

The **Complaints Manager** must conduct their investigation in a timely manner, in accordance with clause 7.5.

### 4. Prepare a report

Upon completion of their investigation, the **Complaints Manager** will prepare a written report outlining the process undertaken and the evidence they have collated. This report does not have to be of any specified length, or format. Using the 'standard of proof' outlined in clause 7.6 the report must contain a finding, to the requisite standard of proof, whether the allegation of Prohibited Conduct is:

- Substantiated,
- Unsubstantiated, or
- Unable to be substantiated (unable to determine). (Clause 8.1)

A recommended course of action may be included in the report but is not required.

## 5. Determine the best process to reach a resolution

Upon receipt of the report, the **Executive Committee** (or Regional Committee for Regional level complaints) will determine the best course of action (Clause 8.4). In most cases this will result in:

- No further action being required,
  - Referring the parties to mediation,
  - Issuing a sanction (which may include a formal warning),
- (e) Referring the incident directly to a Hearing Tribunal. This may be likely in the event where the allegation was unable to be substantiated.
- The incident may be delegated to another organisation. NOTE: This may only be possible with the consent of the other organisation.

The **Secretary** should subsequently advise the whole Committee of a summary of the incident and the action taken.

## 6. Issuing a Sanction

Should issuing a sanction be determined to be the appropriate resolution, the **Executive Committee** should refer to the LAQ Set Penalties Framework contained as Appendix 4 within this document to determine the appropriate penalty.

Unless otherwise specified, any suspension issued is a suspension from activities only, and not a suspension from membership. This suspension precludes the Respondent from participating in events conducted by a Centre, or Little Athletics Queensland, including but not limited to:

- Training,
- Centre Meets,
- LAQ competitions, including carnivals, or Regional or State Championships,
- Centre functions (including sign-on or presentation days),
- State team participation, including competing at the Australian Little Athletics Championships.

Members suspended from activities retain the rights of membership (e.g. entitlement to vote or sit on a committee) during their suspension as outlined in the relevant Constitution.

In accordance with clause 8.5 the Secretary must send the Respondent a Breach Notice using the template provided by LAQ. Upon receipt of this Breach Notice, a Respondent has up to 14 days to respond. They may either:

- Accept the findings and associated sanctions (Clause 8.5(b)i.)
- Dispute the findings and have the allegations heard by a Hearing Tribunal (Clause 8.5(b)ii.)

Failure to respond within 14 days will deem the sanctions as accepted. (Clause 8.5(e)). In the event this occurs, written notification must be provided to the Respondent using the appropriate LAQ template.

NOTE: Sanctions only involving a warning cannot be disputed and heard by a Hearing Tribunal.

NOTE: A suspension from activities applies across all LAQ events and Centres and is transferrable should a member transfer or attend another Centre.

## HEARING TRIBUNAL

### 7. Organise a Hearing Tribunal

Where a Hearing Tribunal has been requested, the Respondent remains suspended from activities until their penalty expires, or the Hearing Tribunal can be convened.

### **For Centre level disputes**

The Secretary must convene a **committee meeting**, duly arranged as per the Centre's constitution, but no later than 14 days after receiving the request.

### **For Regional level or LAQ managed disputes**

The LAQ CEO must convene a **Board of Directors meeting**, duly arranged as per LAQ's constitution, but no later than 14 days after receiving the request.

### **Hearing Tribunal Process**

At the Hearing Tribunal, the Chair must give the Respondent a full and fair opportunity to make verbal representation and give due consideration to any written representations submitted to the management committee by the Respondent at or before the meeting.

The Complainant, or other witnesses are not required to attend this hearing unless requested by the Chair. The Hearing Tribunal is the Respondent's opportunity to present their case as to why they should not be issued the sanction they were issued in step 6.

After considering all representations made by the Respondent, the Tribunal Panel must decide, using the 'standard of proof' outlined in clause 7.6, whether the allegation of Prohibited Conduct is:

- Substantiated,
- Unsubstantiated, or
- Unable to be substantiated (unable to determine).
- And, whether further action is required, including issuing or reviewing a Sanction. The Hearing Tribunal may issue any sanction they determine, which may include either an increase or decrease in then suspension initially offered, or other actions as the committee deems fit.

### **8. Notification**

This decision must be communicated verbally to the Respondent at the hearing, and the Secretary must provide subsequent written notification of the outcome using the template provided by LAQ.

### **9. APPEAL**

A respondent may appeal a finding from a Hearing Tribunal only in accordance with clause 8.8.

Upon receipt of a request to appeal, the LAQ CEO will arrange an **Appeals Tribunal** in accordance with the LAQ Constitution.

Any decision of the Appeals Tribunal is final.

### **10. RECORDING**

Upon completion of any complaints process in accordance with clause 8.10, all information must be filed confidentially.

The Complainant must be notified of the outcome by the Secretary. The Complainant does not have grounds to appeal the decision unless there is a compelling reason to reopen the case as per clause 8.10(c).

Written notification must be forwarded on to the LAQ CEO, who will update the disciplinary register.

## Appendix 2: Case Categorisation Tool

The Case Categorisation Tool is used to assist with determining Provisional Action in accordance with clause 7.4.

Primarily, assessment as to whether provisional action is required will use the basis of **mitigating against any potential harm to any person and/or interference in an investigation**. Generally, provisional action (if required) would involve a temporary suspension from activities for a member who is alleged to have breached a policy, whilst an investigation (clause 7.5) can be completed.

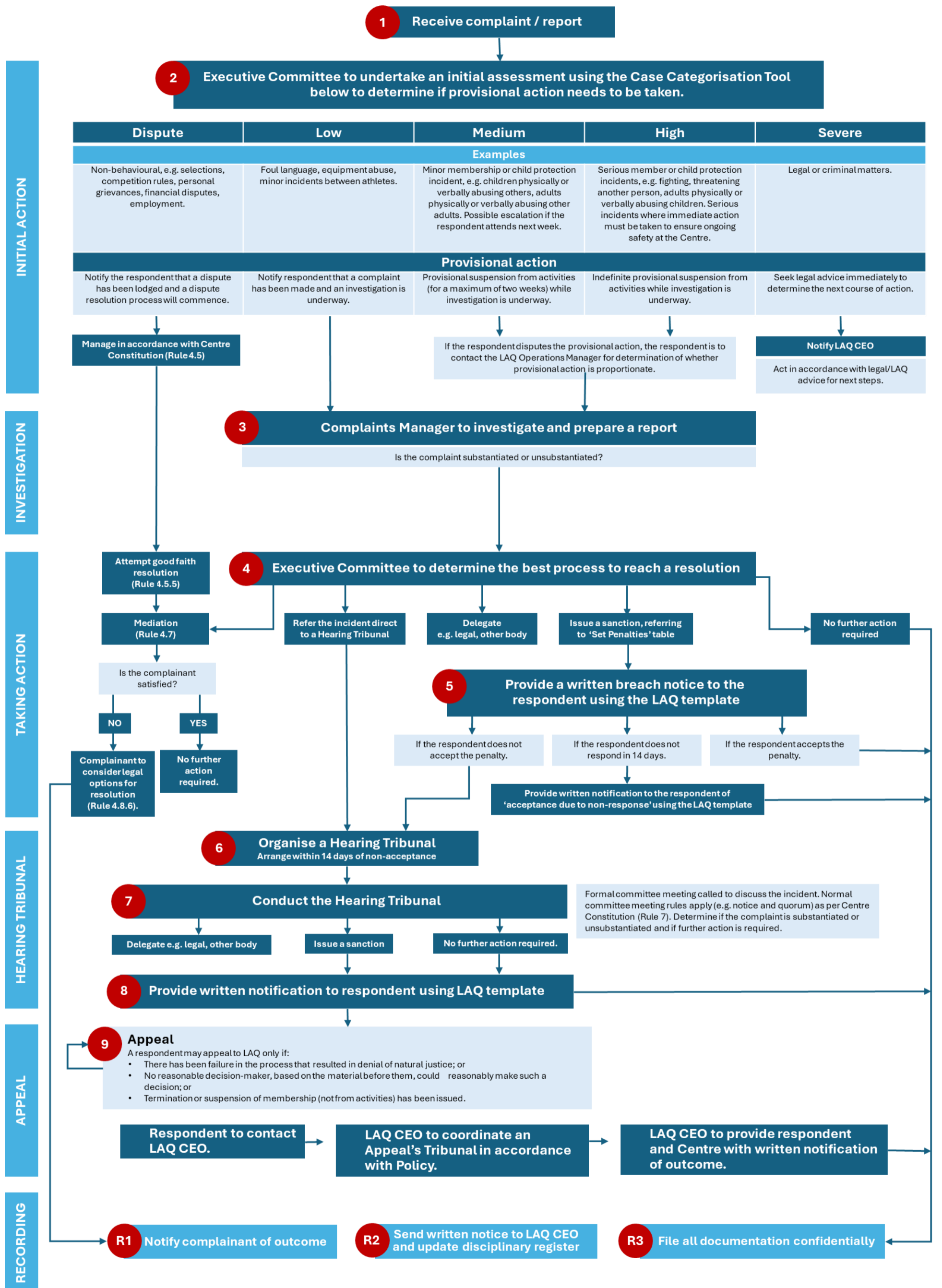
The tool is to be used as a guide and cannot cover every single type of complaint which may be received; therefore, the **Executive Committee** must use **best judgement** to identify which category the complaint falls under, and if Provisional Action is required.

It is important to recognise that provisional action is not a determination of guilt and any provisional suspension from activities should be carefully communicated to ensure that the rights of natural justice are preserved.

DISPUTE	LOW	MEDIUM	HIGH	SEVERE
<b>EXAMPLES</b>				
Non-behavioural complaints, e.g. selections, competition rules, personal grievances, financial disputes, employment.	Foul language, equipment abuse, minor incidents between athletes.  <b>No ongoing risk</b> to the complainant or other members.	Minor member or child protection incident, e.g. children physically or verbally abusing others, adults physically or verbally abusing other adults.  <b>Possible escalation</b> if the respondent attends next week.	Serious member or child protection incidents, e.g. fighting, threatening another person, adults physically or verbally abusing children.  <b>Serious incidents where immediate action must be taken</b> to ensure ongoing safety at the Centre.	Legal or criminal matters.
<b>PROVISIONAL ACTION</b>				
Notify the respondent that a dispute has been lodged and you will commence a dispute resolution process.	Notify respondent that a complaint has been made and an investigation is underway.	Provisional suspension <u>from activities</u> while investigation is underway, for a <u>maximum</u> of 2 weeks.	Indefinite provisional suspension <u>from activities</u> while investigation is underway.	Seek legal advice immediately to determine the next course of action.
<b>NEXT STEPS</b>				
Manage the dispute in accordance with the Constitution's grievance procedures	<b>Complaints Manager</b> to undertake an investigation			Notify the LAQ CEO  Act in accordance with LAQ and/or legal advice

In accordance with clause 7.4(c) a respondent may appeal the decision of any provisional action by contacting the LAQ Operations Manager who will assess whether the provisional action is proportionate.

Appendix 3: Complaints Management Flowchart



## Appendix 4: Set Penalties Framework

The Set Penalties Framework is to be used to assist Relevant Organisations in determining appropriate suspensions for breaches of LAQ Policies. Sanctions may be offered in accordance with clause 8.4 either at the conclusion of the investigation process or by a Hearing Tribunal.

Unless otherwise specified, any suspension issued is a suspension from activities only (e.g. centre meets, training, LAQ competitions), and is not a suspension from membership. Members suspended from activities retain the rights of membership (e.g. entitlement to vote or sit on a committee) during their suspension as outlined in the relevant Constitution.

The incidents outlined below are not exhaustive and cannot capture all factors, and every possible incident. Therefore, this table should be used as a best guide for appropriate penalties within Little Athletics Queensland.

	Incident	Penalties		
		Offences accumulate across all categories within 2 years		
		1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence	3 <sup>rd</sup> Offence
P1	<ul style="list-style-type: none"> <li>Use of audible foul language</li> <li>Disputing judgment/decision of an official</li> <li>Minor equipment abuse</li> <li>Rough play, barging, pushing etc</li> <li>Frivolous complaints (first incident)</li> </ul>	Verbal Warning	Written Warning	Minimum 1 week Suspension
P2	<ul style="list-style-type: none"> <li>Displays of unnecessary aggressive behaviour</li> <li>Abuse in any form (verbal, written, online etc.) to LAQ or Centre personnel</li> <li>Disparaging or insulting remarks and/or the use of foul language directed toward another athlete/official.</li> <li>Failing to carry out a lawful direction of an official</li> <li>Use of social media, or other technology to disparage, harass or insult a person or association connected to Little Athletics, including resharing content.</li> </ul>	Written Warning	Minimum 1 week Suspension	Minimum 2 weeks Suspension
P3	<ul style="list-style-type: none"> <li>Prolonged verbal abuse of an official/athlete</li> <li>Deliberately barging with force</li> <li>Displays of excessive aggressive behaviour</li> <li>Frivolous complaint (second and further incidents)</li> <li>Prolonged use of social media, or other technology to harass, bully or demean a person connected to Little Athletics, including resharing content.</li> </ul>	Minimum 1 week Suspension	Minimum 2 weeks Suspension	Minimum 4 weeks Suspension
P4	<ul style="list-style-type: none"> <li>Provoking a fight, but no further involvement</li> <li>Intentional physical abuse (e.g. punching, kicking, tripping, slapping or striking)</li> <li>Major equipment abuse where there is potential to injure participants and/or spectators</li> </ul>	Minimum 2 weeks Suspension	Minimum 4 weeks Suspension	Minimum 8 weeks Suspension
P5	<ul style="list-style-type: none"> <li>Fighting</li> <li>Threatening an official or athlete</li> <li>Posting or sharing content online, or through other technology that could be considered defamatory or illegal, even if it is removed willingly</li> </ul>	Minimum 4 weeks Suspension	Minimum 6 weeks Suspension	Any penalty as determined by a Hearing Tribunal
P6	<ul style="list-style-type: none"> <li>Physically attacking an official or athlete</li> </ul>	Minimum 12 months Suspension	Any penalty as determined by a Hearing Tribunal	Any penalty as determined by a Hearing Tribunal

- Note 1:** Any offence committed by an adult will automatically be increased by one category level, and the higher penalties will apply. Example: An adult who ‘displays excessive aggressive behaviour’ as a first offence (P3) will have the penalties for a P4 offence applied (first offence = minimum 2 week suspension).
- Note 2:** The suspension applies to the next competition day, regardless of level of competition, including LAQ Competitions.
- Note 3:** If referencing this table following an investigation; where an offence refers to ‘any penalty as determined by Hearing Tribunal’, no sanction should be offered, and the incident instead referred straight to the Hearing Tribunal. The Hearing Tribunal may then issue any penalty they deem sufficient.
- Note 4:** Any fourth or more offences within two (2) years will be referred directly to the Hearing Tribunal.
- Note 5:** Penalties not completed by the end of the current competition season shall carry over to the next and if necessary, to a subsequent competition season.
- Example 1:** If an individual commits a P2 offence and within two (2) years commits a P1 offence it will be deemed a second offence, and that individual will be liable for a written warning.
- Example 2:** If an individual commits a P1 offence and within two (2) years commits a P2 offence it will be deemed as second offence, and that individual will be liable for a suspension of one (1) week”.

## 10. Review

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The Complaints, Disputes and Discipline Policy was adopted using Sports Integrity Australia’s National Integrity Framework in August 2024. This policy, along with the Member Protection Policy and Child Safeguarding and Young People Policy were adopted to replace several previous policies used to address child protection procedures and complaints management.

<b>Policy</b>	<b>Review Date</b>
<i>Next Review Scheduled</i>	<i>April 2025</i>
Complaints, Disputes and Discipline Policy <i>New policy developed from SIA NIF templates</i>	August 2024
Complaint Handling Procedure – Centre Complaint Handling Procedure – LAQ	October 2018
Complaint Handling Procedure – Centre Complaint Handling Procedure – QLAA	July 2006
As of the time of writing, this table includes all policies that were accessible. The absence of inclusion in this table does not suggest that no further updates occurred, rather they were simply not accessible as of August 2024.	