

Sport Integrity Complaints Policy

Owner: Sport Integrity

CS/SI/0031

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1 Purpose

Sport Integrity Australia (SIA) developed the National Integrity Framework for a consistent approach to protect sport from integrity threats. In supporting this ethos, the Queensland Academy of Sport (QAS) has developed a suite of sport integrity policies (the QAS Integrity Policies) that meet the Integrity Policy Standards established by SIA and are derived from the National Integrity Framework. The Integrity Standards include:

- Sport Integrity Complaints Policy
- Safeguarding Children and Young People Policy
- Participant Protection Policy
- Improper Use of Drugs and Medicine Policy
- Competition Manipulation and Sports Gambling Policy

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.

This policy is supported by the following QAS documents:

- [Complaints Management Policy](#)
- [Managing Employee Grievances Policy](#)
- [Sport Integrity Complaints Procedure](#)
- [Public Interest Disclosure Policy](#)

2 Statement

QAS is committed to fostering a safe and fair place for all of our participants. 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 the following QAS integrity policies:

- Safeguarding Children and Young People Policy
- Participant Protection Policy
- Improper Use of Drugs and Medicine Policy
- Competition Manipulation and Sports Gambling Policy
- Code of Conduct for Athletes and Coaches
- any other policies and guidelines stated to be subject to this Policy as adopted by the QAS from time to time.



The Integrity Standards policies and the above referenced QAS policies are collectively known as the **Relevant Policies**.

2.1 Prohibited Conduct

- (a) Subject to clause 2.1 Error! Reference source not found., 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 QAS in accordance with clause 2.3.4 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 or enforce a Sanction or Provisional Action imposed in accordance with this Policy;
 - 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) QAS may initiate disciplinary action in accordance with this Policy if it becomes aware of a potential breach of clause 2.1 of this Policy.

2.2 Intentional Misrepresentation

- a) Intentional Misrepresentation is prohibited under the Competition Manipulation and Sports Gambling Policy but must be dealt with under the relevant Paralympics Australia or a sport's International Federation policies (as applicable). Allegations relating to Intentional Misrepresentation will not be managed under this Policy except to the extent provided in this Intentional Misrepresentation clause.
- b) Relevant Persons and Relevant Organisations will be bound by the relevant Paralympics Australia and a sport's International Federation policies to the extent that these policies apply to allegations of conduct which could, if proven, constitute Intentional Misrepresentation under the Competition Manipulation and Sports Gambling Policy. Failure to comply with an investigation under the Paralympics Australia or a sport's International Federation policies may be treated as a breach of clause 2.1 (a) of this Policy.
- c) Where Paralympics Australia is investigating an allegation of Intentional Misrepresentation involving a Relevant Person bound by the Competition Manipulation and Sport Gambling Policy:
- QAS will assist Paralympics Australia with its investigation as required, including by providing documents and information relevant to the allegations on request in line with its obligations under the [*Information Privacy Act*](#);
 - QAS may, in consultation with Paralympics Australia, impose restrictions on a Relevant Person under investigation for Intentional Misrepresentation, up to and including

provisional suspension from participation in their sport while the allegations remain under investigation; and

- if Paralympics Australia finds under its policies that a Relevant Person has engaged in Intentional Misrepresentation, Paralympics Australia will notify QAS of the proposed sanction, and the sport's National Sporting Organisation (NSO) or National Sporting Organisation for People with a Disability (NSOD) will issue a notice to the Relevant Person setting out the finding and the proposed sanction in accordance with the relevant Paralympics Australia policy.
- d) Any sanction imposed by Paralympics Australia, a sport's International Federation or the International Paralympic Committee in respect of a substantiated finding of Intentional Misrepresentation will be recognised by the sport's NSO/NSOD and the QAS in accordance with clause 2.4.5 (c).

2.3 Making a Complaint or Report

2.3.1 Vulnerable Persons and support persons

- a) 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.
- b) QAS 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 on the [National Office for Child Safety website](#), or such other guide that may replace it.
- c) 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 assisted by a support person or authorised representative where this is considered appropriate.

2.3.2 What is a Report?

- a) Refer to the Definition of Report.
- b) Reports received by QAS 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 Sport Integrity Manager in consultation with the QAS Chief Executive Officer. In some circumstances, Reports may be managed through the Complaints Process. Reporters may 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 or QAS, 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.

2.3.3 Who is a Reporter?

- a) Refer to the Definition of Reporter.
- 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.

2.3.4 Responsibility for Managing Complaints or Reports

- a) All Relevant Persons may submit a Complaint or Report to QAS where it relates to alleged Prohibited Conduct under a QAS Sport Integrity Policy. QAS will determine if the Report or Complaint is in-scope for it to manage per clause 2.4.1
- b) A QAS-supported athlete or program coach may submit a Complaint or Report to SIA where it relates to alleged Prohibited Conduct under their sport's Safeguarding Children and Young People Policy (or equivalent policy) or allegations of Discrimination under their sport's Member Protection Policy (or equivalent policy).
- c) A QAS-supported athlete or program coach may submit a Complaint or Report to their sport where it relates to alleged Prohibited Conduct under their sport's:
 - i) Safeguarding Children and Young People Policy (or equivalent policy).
 - ii) Member Protection Policy (or equivalent policy).
 - iii) Competition Manipulation and Sports Gambling Policy (or equivalent policy).
 - iv) Improper Use of Drugs and Medicine Policy (or equivalent policy).
- d) A Complaint or Report may be submitted to QAS where it relates to any alleged Prohibited Conduct under a QAS policy.
- e) QAS will keep records of information in accordance with its policies and procedures whilst upholding the [Information Privacy Act](#).
- f) Allegations relating to Intentional Misrepresentation under the Competition Manipulation and Sport Gambling Policy must be submitted to either Paralympics Australia or a sport's International Federation in accordance with their relevant policies and procedures, whichever has jurisdiction over the matter as set out in the Paralympics Australia Classification Policy and will not be managed under this Policy. Any sanction imposed by Paralympics Australia or a sport's International Federation in respect of a substantiated finding of Intentional Misrepresentation will be recognised by a sport's NSO/NSOD and the QAS in accordance with clause 2.4.5 (c).
- g) Any conflict of interest in the management of a Complaint or Report will be managed as per the QAS Conflict of Interest Policy and Procedure.

2.3.5 Submitting a Complaint or Report

- a) A Complaint or Report should be submitted to QAS in accordance with clause 2.3.4.
- b) A Complaint must be made in writing (including electronically) or verbally.
- c) A Report can be made in writing (including electronically) or verbally.
- d) The online web form on the QAS website is the preferred method for submitting a Complaint or Report to QAS.

2.3.6 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.

2.3.7 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.
- d) QAS may, on request from SIA, provide information to SIA which it requires to undertake the Complaints Process whilst upholding its obligations under the [Information Privacy Act](#).

2.3.8 Appointment of Complaint Manager

- a) QAS will appoint a Complaint Manager, who will be responsible for managing QAS' obligations under this Policy.
- b) Unless circumstances prohibit or it is determined otherwise by the QAS Chief Executive Officer, the QAS Sport Integrity Manager will be the Complaint Manager.

2.3.9 Failure to cooperate

- a) Subject to clause 2.3.9 (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 2.1 (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, QAS, 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.

2.4 The Complaints Process

2.4.1 Evaluation

- a) Upon receipt of a Complaint, QAS will determine whether the matter falls within the scope of the Relevant Policies. The organisation will also make a determination in accordance with clause 2.3.4. as to which organisation should manage the Complaint. In making this determination the QAS will consider:
 - i) 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 2.1.
 - ii) whether the conduct alleged in the Complaint would, if proven to the requisite standard, constitute Prohibited Conduct under an Affiliate Organisation's or Games Times Partner's policies.
 - iii) If the Respondent is a QAS Employee or Contractor.

- iv) If the Respondent is employed or contracted by an Affiliate Organisation or Games Times Partner.
 - v) If the Respondent is a member of or associated with an Affiliate Organisation or Games Times Partner that they would be bound by the Affiliate Organisation's or Games Times Partner's policies.
 - vi) The location of where the alleged conduct occurred and the organisation with management responsibility for the program, event, tour etc. Note Daily Training Environment will be considered the jurisdiction of the Affiliate Organisation unless it is leased and operationally managed by QAS e.g. the gym at Queensland Sport and Athletics Centre.
- b) Where a Complaint has the potential to be managed by either an Affiliate Organisation or Games Times Partner's or QAS, the Complainant will be referred to the Affiliate Organisation or Games Times Partner unless there is a compelling reason for the Complaint to be managed under this Policy.
 - c) Where a Complaint is determined to be out of scope under the Relevant Policies, it may be managed under an alternative policy of QAS or an Affiliate Organisation or Games Times Partner (if applicable).
 - d) Mischievous or vexatious claims will not be managed under this Policy.
 - e) 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. This includes Reports or Complaints part of an Affiliate Organisation's or Games Times Partner's complaints process or a SIA complaints process.
 - f) Where a Complaint raises allegations about behaviour that could be a breach of both a Relevant Policy or another policy of QAS, the matter will be managed under the most appropriate policy. Where conduct may constitute Prohibited Conduct but is a Protected Disclosure with respect to QAS, it must be dealt with under the QAS Public Interest Disclosure policy.
 - g) 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.
 - h) **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**

2.4.2 Case Categorisation Model: 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 (refer to [Case Categorisation Model](#)).
- 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) For Complaints that have been categorised as Category 1, the Complaint may be closed in accordance with clause 2.5.10(a)(i) with no findings being made or sanction imposed. A Respondent may be reminded of their obligations under the Relevant Policies or recommended to undergo education or training.
- d) QAS 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.

2.4.3 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.
- i) 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.
 - ii) This may include the relevant Affiliate Organisation or Games Times Partner as the matter is deemed out of scope by QAS and the Affiliate Organisation or Games Times Partner is suitably placed to address the Report or Complaint.
- 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.

2.4.4 Provisional Action

- a) Where an allegation suggests a risk of harm to a Participant which justifies imposing Provisional Action, QAS or the relevant Affiliate Organisation will determine whether any Provisional Action will be taken to mitigate any potential harm to any person and/or interference in an investigation. The QAS will uphold any Provisional Action taken by a Relevant Organisation or an Affiliate Organisation or Games Times Partner. The QAS will determine Provisional Action relating to its Employees or Contractors.
- b) Provisional Action may only be taken by QAS or the Relevant Organisations or the Affiliate Organisation and not by SIA. For matters managed by SIA that may relate to a QAS Relevant Person, SIA or the Affiliate Organisation or Games Times Partner will advise QAS as soon as practicable of any possible risk of harm to Participants identified, including sufficient details of the matter to enable QAS to determine whether to impose any Provisional Action determined by the Affiliate Organisation or Games Times Partner or as recommended by law enforcement.
- c) Provisional Action may include allocation of alternate duties and/or workplace, increased supervision, suspension, restriction of duties or temporary re-deployment, or suspension or restriction of rights, privileges or benefits.
- d) If a decision is made to impose Provisional Action, a Respondent may seek to have that decision reviewed by a Hearing Tribunal. The Hearing Tribunal 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.

- e) Failure to comply with Provisional Action by a Respondent and with any Relevant Person or Relevant Organisation required to implement the action with receive a Breach Notice

2.4.5 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 2.5, or if being managed by an Affiliate Organisation may be referred directly to a Hearing Tribunal.

2.4.6 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.

2.4.7 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.
- c) If a Complaint relates to an NST Eligible Matter, QAS may refer the Complaint to mediation, conciliation or case appraisal in the NST General Division.

2.5 Findings and Resolution Process

2.5.1 Findings

- a) Unless the matter has been referred directly to a Hearing Tribunal under clause 2.4.5(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 QAS manages the Complaint, QAS will notify the parties of the findings, and if the allegation of Prohibited Conduct is substantiated, will manage the Resolution Process described in clause 2.5.2.

2.5.2 The Resolution Process

- a) QAS must implement an appropriate Resolution Process.
- b) QAS may delegate the management of the Resolution Process to another Relevant Organisation or Affiliate Organisation with the exception of QAS Employees and Contractors noting the *Information Privacy Act* .

- c) The Affiliate Organisation is ultimately responsible for issuing a Breach Notice to the Respondent where they are a member and the QAS is ultimately responsible for issuing a Breach Notice to the Respondent if they are an Employee or Contractor and applying and administering Sanctions and other related measures as it sees fit. QAS may refer to SIA's [Case Categorisation Model](#) for this purpose.
- 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 Affiliate Organisation Complaint Manager may impose the Sanction and proceed to finalise the Complaint. Any QAS Employee or Contractor breaches will be addressed by QAS.

2.5.3 Notification to Parties

QAS will communicate as appropriate with the Respondent, Complainant and in line with the [Information Privacy Act](#) for any Affiliate Organisation or other 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.

2.5.4 Appropriate Sanctions

- a) QAS or an Affiliate Organisation may impose one or more Sanctions on a Respondent where this is considered appropriate. The QAS may also uphold this sanction with regards to a person's engagement in their role with the QAS.
- b) In making a determination under clause 2.5.4a) QAS or the Affiliate Organisation may refer to the [Case Categorisation Model](#), 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.

2.5.5 Breach Notice

- a) If the allegations are found to be substantiated, QAS will issue a Breach Notice. Any Breach Notice issued by QAS 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 QAS;

- vi) state that any response to the Breach Notice must be made to QAS, and provide contact details of the Complaint Manager; and
 - vii) be provided to the Respondent, and (if applicable) Relevant Organisation or Affiliate 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 QAS, 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 clause 2.5.5b)(ii)) must be:
- i) given in writing (whether by email or other means);
 - ii) sent to the QAS 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 QAS does not receive notice under clause 2.5.5b)(ii)) within 14 days from the date of the Breach Notice, the Respondent will be deemed to have waived their right to appeal.

2.5.6 Referral to a Hearing Tribunal

- a) 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.
- b) If the matter is an NST Eligible Matter, the substantiated allegations and proposed Sanction may be referred by QAS to the NST General Division for arbitration. QAS is responsible for making the application to the NST. Payment of the NST fees will be as agreed by the parties or managed in accordance with the NST Legislation.
 - i. QAS and the party requesting the matter be referred to the NST will equally share the cost of the NST fees.
 - ii. A party may make application to the QAS in writing to QAS.safeguarding@sport.qld.gov.au requesting QAS cover the cost of all fees due to financial hardship. This will be considered by the QAS Chief Executive Officer.
- c) If the matter is not referred to the NST, it will otherwise be referred to a Hearing Tribunal convened internally by QAS.

2.5.7 Hearing Tribunal

- a) Arrangements must be established to manage the internal hearings and appeals.
- b) If arbitration is sought in either the NST General Division or an internal Hearing Tribunal, the Hearing Tribunal will, as applicable:
 - i) Determine whether any Provisional Action imposed in accordance with clause 2.4.4 is disproportionate; or
 - ii) If referred directly to the Hearing Tribunal under clause 2.4.1 make the findings required by clause 2.5.1, and determine whether a sanction should be imposed and if so, the nature of that Sanction; or

- iii) If referred to a Hearing Tribunal under clause 2.5.6 following an investigation, arbitrate the substantiated allegations and proposed Sanction set out in the Breach Notice.

2.5.8 Appeals

- a) A decision of a Hearing Tribunal in respect of:
 - a. Provisional Action is not subject to appeal;
 - b. Allegations referred directly to a Hearing Tribunal for a finding, is subject to appeal; and
 - c. A substantiated allegations finding and/or Sanction, is subject to appeal.
- b) Appeals from the NST General Division must be referred to the NST Appeals Division. Appeals from Internal Hearing Tribunals may be referred to the NST or to another Appeals Tribunal. Appeals from a QAS Hearing Tribunal may be referred to the NST Appeals Division. Payment of the NST fees will be as agreed by the parties per 2.5.6 or managed in accordance with the NST Legislation.
- c) Grounds of appeal:
 - a. The decision of a Hearing Tribunal can only be appealed by the Respondent and/or QAS on the basis that:
 - i. The Hearing Tribunal failed to abide by the Policy or to properly apply the relevant Policy and such failure resulted in a denial of natural justice; and/or
 - ii. No reasonable decision maker in the position of the Hearing Tribunal, based on the material before them, could reasonably make such a decision.
- d) A QAS employee or contractor may request an Internal review of complaint outcomes via the QAS [Complaint Management](#) Policy.

2.5.9 Implementation

- a) It is the responsibility of QAS to ensure that appropriate Sanctions (or other alternative actions) are undertaken, and that the Relevant Policies are implemented and applied. QAS is responsible for ensuring that Relevant Persons, Affiliate Organisations 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 including that SIA provides from time to time.
- b) QAS 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, or to ensure that Affiliate Organisations are aware of Sanctions imposed on their members.
 - i. QAS will advise Affiliate Organisations of Sanctions imposed on their members.
 - ii. QAS will keep a record of Sanctions applied in its case management system.
- c) Notwithstanding clause 2.5.9(a), ignorance of the Relevant Policies is not a defence, excuse or justification for Prohibited Conduct and will not be considered a mitigating circumstance.

2.5.10 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 2.4.1;

- ii) the Complaint is categorised as a Category 1 Complaint in accordance with clause 2.4, Case Categorisation Model: In-scope matters clause and the Case Categorisation Model, and no further action is being taken;
 - iii) during triaging or investigation of the Complaint, it becomes apparent that the Complaint no longer meets the eligibility requirements set out in clause 2.3 (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);
 - iv) the Complaint is resolved through Alternative Dispute Resolution in accordance with clause 2.4.7, 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;
 - v) following investigation, all allegations are found to be either unsubstantiated or unable to be substantiated in accordance with clause 2.5.1;
 - vi) following investigation, the Respondent accepts or is deemed to have accepted the findings and any Sanction imposed upon them in accordance with clause 2.5.5; or
 - vii) the matter is finalised before a Hearing Tribunal or Appeals Tribunal.
- b) 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.
 - c) QAS will retain appropriate records of the Complaint and any outcomes in accordance with any relevant policies or procedures relating to record-keeping.

2.6 Interpretation and Other Matters

2.6.1 Application and Commencement

- a) The Relevant Policies are approved by the QAS Board and noting Delegations clause 5.
- b) The Relevant Policies:
 - i) commence on the date outlined in clause 15, Delegate Approval (Commencement Date);
 - ii) are subject to QAS's policies, and if there is any inconsistency, QAS policies will prevail; and
 - iii) when in force, are binding on all Relevant Persons and Relevant Organisations.
- c) The QAS Integrity Policies do not override or limit the application of any laws of Australia or Queensland.
- d) The 'Purpose' 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.

2.6.2 Amendment

- a) In accordance with QAS' policies, the QAS Board may amend the Relevant Policies as required, including to consider incorporating amendments notified to the QAS by SIA from time to time. Such amendments will be effective on the date specified by the Board.

- b) Reviews and updating of the policy will be as per clause 14 and will be effective on the date specified by the Board.

2.6.3 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.
 - i) Words in the singular include the plural and vice versa.
 - ii) Reference to 'including' and similar words are not words of limitation.
 - iii) Words importing a gender include any other gender.
 - iv) A reference to a clause is a reference to a clause or subclause of the Relevant Policy in which it appears.
 - v) 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.
 - vi) 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.
 - vii) Except as otherwise stated herein, failure to exercise or enforce any right conferred by QAS Integrity Policies 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.
 - viii) Defined terms are Capitalised and consistent across the Relevant Policies.

2.7 Education

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

3 Authority

Information Privacy Act 2009

National Principles for Child Safe Organisations

Public Sector Act 2022

Public Interest Disclosure Act 2010

Human Rights Act 2019

Anti-Discrimination Act 1991

4 Scope

4.1 When this policy applies

This Policy applies to Prohibited Conduct under each of the Relevant Policies.

Where an allegation of Prohibited Conduct may be dealt with under either the Relevant Policies or the policies of an Affiliate Organisation, the policies of the Affiliate Organisation will apply to the exclusion of the Relevant Policies unless there is a compelling reason why the Relevant Policies should apply.

4.2 Who the Relevant Policies apply to

- a) This policy applies to:
 - i) Employees
 - ii) Contractors
 - iii) QAS board members
 - iv) Relevant Persons
 - v) Relevant Organisations
- b) The Relevant Policies apply to and bind:
 - i) all Relevant Persons and Relevant Organisations; and
 - 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.
- c) Employees are expected to abide by the terms of the Relevant Policies as a reasonable and lawful direction of QAS as their employer.
- d) A Relevant Organisation must ensure that all Contractors and Volunteers are bound to abide by the terms of the Relevant Policies when participating in an Activity.
- e) By participating in an Activity, a Participant is deemed to have agreed to be bound by the Relevant Policies.
- f) 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.

Note: For application of this policy and/or procedure and supporting documents, the term 'employee' is used collectively to describe persons who perform work for the QAS.

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

Nothing in the QAS Integrity Policies overrides a law of the Commonwealth or Queensland, which take precedence and must be complied with in the first instance.

4.3 Recognition of Affiliate Organisation sanctions

Where an individual or organisation has been sanctioned under the policies of an Affiliate Organisation for conduct which would constitute Prohibited Conduct under a Relevant Policy, QAS

will recognise that sanction and will honour any period of suspension (including lifetime bans) or conditions on participation in relation to that individual or organisation's involvement in Activities as relevant and applicable, where authorised by law.

4.4 What happens when there are conflicting provisions?

- a) Laws of the Commonwealth, Queensland, take precedence and must be complied with in the first instance.
- b) Where conduct may constitute Prohibited Conduct but is a Protected Disclosure with respect to QAS it must be dealt with under the QAS Public Interest Disclosure Policy.
- c) 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.
- d) Nothing in the Relevant Policies prevents the Relevant Organisation from referring any alleged Prohibited Conduct or criminal conduct to a relevant law enforcement agency.
- e) The Relevant Policies are subject to the QAS policies (or other governing rules as applicable) and if there is any inconsistency, the QAS policy will prevail.

5 Delegations

For Reports and Complaints managed by QAS, delegations in relation to this document are to be exercised in accordance with the QAS Human Resource Delegation Instrument and Financial and Contractual Delegation Instrument.

6 Responsibilities

Board

- ensure QAS has appropriate policies that support the complaint principles of the *Public Sector Act* and ensure compliance with the Queensland Public Service Customer Complaint Management [guideline](#) and [framework](#).

Chief Executive Officer

- ensure QAS has appropriate guidelines and tools that support the complaint principles of the *Public Sector Act* and ensure compliance with the Queensland Public Service Customer Complaint Management [guideline](#) and [framework](#)
- maintain accountability for the delivery of the sport integrity complaints management function.
- Liaise with the Sport Integrity Manager regarding the case management approach for any reports or complaints relating to a breach of this policy that is managed under the QAS Sport Integrity Complaints Policy and/or Sport Integrity Complaints Procedure.

Executive Director Corporate Services:

- conduct an annual review of compliance with the policy and associated procedures
- promote agency wide awareness of the policy and procedures.

Senior Leadership Team

- Specific members of the senior leadership team may be engaged as appropriate as part of a case management process.

Sport Integrity Manager

- Lead all reports or complaints in line with the Sport Integrity Complaints Policy and/or Sport Integrity Complaints Procedure.
- Liaise with the Chief Executive Officer throughout the case management process including seeking approval for key actions and decisions under this policy.
- Maintain all files relating to each report or complaint in the approved QAS complaint management system.
- As policy owner, liaise with the QAS Principal Governance and Reporting Advisor and Executive Director Corporate Services regarding any updates or changes to this policy.

Employees and Contractors

- Ensure they understand how this policy applies to their position, and they are clear on how to meet their obligations under this policy.
- Ensure the timely submission of reports or complaints, as required.
- Maintain confidentiality of all report or complaint processes in which the employee participates.
- Undertake mandatory training (education) on the complaints process.

7 Reporting requirements

A complaints register is maintained by QAS. The register and associated documentation are kept confidential and secure.

Under s. 264 (3) of the [Public Sector Act](#), QAS must publish the number of complaints received for the financial year on its website.

Under s. 97 of the [Human Rights Act](#), QAS must include in its annual report details of any human rights complaints received by the entity.

Customer complaints are reported yearly in the QAS annual report, detailing the number of complaints received during the reporting period and those which required further action.

QAS will meet its reporting requirements as per section 63 of the [Financial Accountability Act 2009](#) and section 21.4 of the [Annual report requirements for Queensland Government agencies](#), due by 30 September each year.

Only sport integrity complaints about QAS Employees or Contractors will be included in these reporting requirements.

8 Information privacy

All personal information will be managed in accordance with the [Information Privacy Act 2009](#), in particular the Queensland Privacy Principles (QPPs) in that Act. This includes providing personal information, as required under this policy, with the respective national sporting organisation and SIA.

9 Storage of information

All information will be managed in accordance with the Queensland Government Information Management Framework, which includes the:

- [Public Records Act 2002](#)
- Information Standard 31: Retention and disposal of public records (IS31)
- Information Standard 40: Recordkeeping (IS40).

In addition, personal information will be managed in accordance with the [Information Privacy Act 2009](#), in particular the Information Privacy Principles (IPPs) in that Act.

10 Complaints management

A person who is dissatisfied with, and is directly affected by, a service, action or decision made by QAS, its staff or persons it has engaged to provide services may lodge a complaint in accordance with the [Public Sector Act 2022](#) and relevant QAS policies and procedures.

If a complainant is dissatisfied with any action taken by QAS in relation to a complaint, and after they have exhausted all available avenues of review within QAS as outlined in the [Complaints Management Policy](#), they can request for QAS' decision to be reviewed by the [Queensland Ombudsman](#).

11 Employee grievances and appeals

An employee who is the subject of an administrative decision or action is entitled to lodge a complaint in accordance with the Managing Employee Grievances Policy should they feel the administrative decision is unfair or biased.

Employees who are unsatisfied with the outcome of their employee complaint may be entitled to lodge an appeal in accordance with [PSC Appeals Directive 04/23](#).

An appeal may be started by giving the Industrial Registrar an appeal notice. Further information on starting an appeal and appeal rights is available from the [Queensland Industrial Relations Commission](#) website.

12 Human rights considerations

This document is compatible with human rights under the [Human Rights Act 2019](#) because it limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of that Act.

This document was last reviewed in 03/07/2025 to ensure actions and decisions under the policy are made in a manner compatible with human rights. Please note, when implementing this policy, workers must still consider if any human rights are relevant to and likely to be impacted by a particular decision, and whether any limitation of human rights are reasonable and justified.

13 Definitions

The following words have the corresponding meaning in this Policy

Word/Term/Acronym	Meaning
Activity	A sporting contest, match, competition, event, or activity (including training, testing and specialist support provision), whether on a one-off basis or as part of a series, league, or competition, organised or supported by QAS.
Affiliate Organisation	A National Sporting Organisation, State Sporting Organisation or National Institute Network organisation that is officially affiliated with QAS, either through partnership or affiliation agreements with QAS or through the administration of an Activity.

Word/Term/Acronym	Meaning
Alternative Dispute Resolution	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	The NST Appeals Division or other Appeals Tribunal (including an Appeals Tribunal established internally by QAS) established to hear an appeal of a decision of a Hearing Tribunal.
Athlete	A person who has a current athlete agreement with QAS.
Attribute	Includes: a) sex; b) relationship status; c) pregnancy; d) parental status; e) breastfeeding; f) age; g) race; h) impairment; i) religious belief or religious activity; j) political belief or activity; k) trade union activity; l) sex work activity; m) gender identity; n) sexuality; o) sex characteristics; p) family responsibilities; q) association with, or relation to, a person identified on the basis of any of the above Attributes.
Breach Notice	A written notification sent to the Respondent in accordance clause 2.5.5 of this policy.
Case Categorisation Model	The guidelines published by Sport Integrity Australia and available on its website for evaluating and prioritising allegations of Prohibited Conduct and assisting with determining an appropriate mechanism to manage a Complaint, as amended from time to time.
Complaint	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.

Word/Term/Acronym	Meaning
Complaint Manager	The person appointed under clause 2.3.8 to manage Complaints under this Policy.
Complaints Process	The process for managing a Complaint under the guidance of this Policy from the time the Complaint is received to the Resolution Process.
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.
Contractor	Any person or organisation engaged to provide services for, or on behalf of, QAS. • On hired personnel from recruitment agency • Independent contractor (individual or entity) including their sub-contractors, engaged to provide services, such as physiotherapy, nutrition or other professional services. • Consultants
Delegate	The QAS Chief Executive Officer and any employee occupying a position which has been authorised to make decisions, exercise powers and/or undertake functions that have been sub-delegated under legislation or a delegation instrument.
Discrimination	Direct and indirect discrimination (either in-person or online) which have the following meaning: a) 'Direct discrimination' on the basis of an Attribute happens if a person treats, or proposes to treat, a person with an Attribute less favourably than another person without the Attribute is or would be treated in circumstances that are the same or not materially different. b) 'Indirect discrimination' on the basis of an Attribute happens if a person imposes, or proposes to impose, a term— i) with which a person with an Attribute does not or is not able to comply; and ii) with which a higher proportion of people without the Attribute comply or are able to comply; and that is not reasonable.

Word/Term/Acronym	Meaning
Employee	A person employed at the QAS under the <i>Public Sector Act 2022</i> for services at the QAS. An Employee may be: a) permanent, fixed-term and temporary b) secondees from other agencies (including staffing approved under interchange or mobility arrangements) c) work placement staff (such as trainees, work experience students, cadets) d) PhD students (working at QAS under a university agreement) e) non-executive employees engaged via a fixed term contract f) senior officers and senior executives including those engaged via a section 155 contract.
Games Times Partner	Key sporting organisation partners responsible for Australian teams at Commonwealth Games, Olympic Games and Paralympic Games and include: • Australian Olympic Committee • Paralympics Australia • Commonwealth Games Australia
Hearing Tribunal	The NST General Division or other first instance tribunal (including a Hearing Tribunal established internally by QAS established to conduct a hearing under this Policy.
Intentional Misrepresentation	Has the specific meaning given in the Paralympics Australia Classification Policy as amended or replaced from time to time, but refers in general to an Athlete or Athlete support personnel intentionally misleading, or attempting to mislead, their International Federation or respective NSO or any of their representatives as to any aspect of Para-sport classification, whether by act or omission, or to a person who engages in any type of intentional complicity with such an act or omission.
International Federation	means the international federation for a Sport that their NSO is aligned to.
NST	means the National Sports Tribunal established under the NST Legislation.

Word/Term/Acronym	Meaning
NST Eligible Matter	An alleged breach that is a kind of dispute that falls within the jurisdiction of the NST.
NST Legislation	The <i>National Sports Tribunal Act 2019</i> (Cth) (NST Act), and any legislative instruments made under the NST Act as may be in force from time to time, including the National Sports Tribunal Rule 2020 (Cth) (NST Rule), National Sports Tribunal (Practice and Procedure) Determination 2021 (Cth) and <i>National Sports Tribunal Act 2019 - Principles for Allocating a Member to a Dispute 2020</i> .
Participant	a) Athletes; b) QAS program coaches appointed to train an Athlete or Team in an Activity; c) any other person who participates in or is involved in running an Activity.
Policy	This Sport Integrity Complaints Policy.
Prohibited Conduct	The conduct proscribed in each of the Relevant Policies, including the conduct proscribed at clause 2.1 of this Policy.
Protected Disclosure	Where QAS is a "regulated entity" under the whistleblower laws in the <i>Public Interest Disclosure Act</i> , a disclosure of information to QAS that qualifies for protection under those laws.
Provisional Action	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.
Records Management System	The approved and compliant system used by QAS for recordkeeping requirements is Rely. <i>The Records Management System may also be known as the Complaints Management System.</i>
Relevant Organisation	Any of the following organisations: a) QAS; b) any organisation that participates in or is involved in the administration of an Activity (including an Affiliate Organisation), in connection with that Activity; or
Relevant Person	Any of the following persons: a) Participant; b) Employee; c) Contractor; d) QAS board member; e) any other individual who has agreed to be bound by QAS policies.

Word/Term/Acronym	Meaning
Relevant Policies	The following policies: • QAS Safeguarding Children and Young People Policy • QAS Participant Protection Policy • QAS Improper Use of Drugs and Medicine Policy • QAS Competition Manipulation and Sports Gambling Policy • QAS Code of Conduct for Athletes and Coaches • any other policies and guidelines stated to be subject to this Policy as adopted by the QAS from time to time.
Report	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.
Reporter	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.
Resolution Process	The process from the point at which a Breach Notice has been issued to a Respondent.
Respondent	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.
Sanction	The disciplinary action(s) taken against a Respondent for breaching a Relevant Policy.
Team	A collection or squad of Athletes, registered with or supervised by QAS or entitled to participate in an Activity.
Vulnerable Person	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 as a result of the incident in question, due to their life experiences, or as a result 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.

14 Date of effect and review

This policy and its supporting documents:

- come into effect from the date of delegate approval
- will be reviewed
 - within two years of the approval date
 - following a SIA National Integrity Framework review
 - unless otherwise:
 - stipulated in statutory obligations
 - triggered by circumstances determined appropriate by QAS.

15 Delegate approval

David Lyons Chair Queensland Academy of Sport Board
Date: 10 September 2025

16 Version history

Version	Date	Author	Amendment description	Action
1.00	10 September 2025	Sport Integrity	New document	Approved by the QAS Board