

# Gymnastics Complaints Form

All information included in the form below is transmitted via secure networks and processes. Sport Integrity Australia ensures that all information, including any personal details you may wish to provide, is treated as confidential and managed in accordance with strict privacy principles. Your information will only be used and disclosed in accordance with the Privacy and Confidentiality Notice at [Attachment C](#) to this Complaints Form.

If a child is in immediate danger or there is an immediate threat to an individual's life, then contact your local law enforcement agency or dial '000'.

This Complaints Form can only be submitted during the period which the Australian Human Rights Commission (AHRC) is conducting community engagement and accepting submissions. Complaints received outside of these dates will be sent to Gymnastics Australia (GA) to be managed under the relevant Policy.

## Who should fill in this Complaints Form?

If you are or were an athlete and believe you have experienced any form of misconduct, bullying, abuse, sexual harassment or assault and would like to make a complaint, you will need to complete this form.

Parents / Guardians can complete this form on behalf of their child(ren) (under the age of 18 years old) or a person with a mental disability.

## Do I have a Relevant Complaint?

A Relevant Complaint is a complaint:

- made by an athlete or former athlete (or their parent / guardian)
- in relation to a current Gymnastics Australia member
- about misconduct, bullying, abuse, sexual harassment or assault
- which was experienced while they were an athlete in gymnastics in Australia.

## Completing this Complaints Form

Questions that are marked with an \* must be completed for your complaint to be considered by the Independent Assessor.

There may be an opportunity at a later date for you to provide statements and evidence, but we advise you to

include / attach as much information as you can with this Complaints Form to assist the Independent Assessor to determine which Complaints Handling Process is most appropriate for you.

If you require assistance completing this form, please contact Sport Integrity Australia for support.

E: [GymnasticsComplaint@sportintegrity.gov.au](mailto:GymnasticsComplaint@sportintegrity.gov.au)

P: (02) 6222 4217

## Who is Sport Integrity Australia?

Sport Integrity Australia (SIA) is an independent government organisation that combines the existing functions of the Australian Sports Anti-Doping Authority, the National Integrity of Sport Unit and the nationally focused integrity functions of Sport Australia.

Sport Integrity Australia will be responsible for conducting investigations of Relevant Complaints and where appropriate recommending Disciplinary Action.

## Who is the National Sports Tribunal?

The National Sports Tribunal (NST) was established by the Australian Government to hear and resolve sporting disputes in Australia. The NST is an independent body, and provides for effective and transparent resolution of sporting disputes through arbitration, mediation, and conciliation. If Disciplinary Action is taken against the respondent to your complaint, the respondent may then choose to appeal the decision to the NST.

## Who is the Independent Assessor?

The Independent Assessor (IA) is the person who was jointly recommended by Sport Integrity Australia and the National Sports Tribunal independent of Gymnastics Australia, and on this recommendation appointed by Gymnastics Australia to assess the information provided by the Complainant to then determine the most appropriate Complaints Handling Process.

This Complaints Form will be submitted to the IA.

## Submitting your complaint

Please submit your completed Complaints Form with any additional information to Sport Integrity Australia at [GymnasticsComplaint@sportintegrity.gov.au](mailto:GymnasticsComplaint@sportintegrity.gov.au).

## SECTION A — BACKGROUND

### \*Have you shared your story with the AHRC, prior to making this complaint?

No

Yes

### \*Have you previously made a complaint about this matter?

*If a complaint has already been dealt with previously through a formal complaint process, you cannot submit the same complaint again. However, you can provide the information to the Australian Human Rights Commission as part of their review by [clicking here](#).*

No — Skip to Section B

Yes — Who was it reported to?

### \*How was the complaint dealt with?

Mediation/Conciliation

Investigation

Discipline committee

Law enforcement

Other (please specify)

### \*Has the matter been finalised?

No

Yes

### \*What was the outcome? (please detail)

## SECTION B — DETAILS OF THE COMPLAINANT

The **Complainant** is a person (or their parent / guardian if the person is a child or a person with a mental disability) who is making a complaint.

### \*Are you;

An athlete

An athlete's parent / guardian (for athletes under the age of 18 years old or with a mental disability)

Other (please specify) (e.g. Judge, Coach, Administrator, etc)

\*Full Name

\*Age

\*Phone

\*Email

\*Address

**\*Details of the child, or person with a mental disability (if applicable):**

Child

Person with a mental disability

Other

\*Full Name

\*Age (at time of incident)

**Do you (or the child or person with a mental disability) identify as Aboriginal or Torres Strait Islander?**

No

Yes, Torres Strait Islander

Yes, Aboriginal

Unknown

**Are you legally represented?**

No

Yes — If yes, please provide contact details for your representative:

Full Name

Name of Firm

Phone

Email

**Would you like formal correspondence sent to you or your legal representative?**

To me

To my legal representative

**Do you wish to remain anonymous?**

*If you would like to remain anonymous your complaint will not progress further. Details of your complaint will be de-identified and provided to SIA investigators and/or other staff as 'relevant information' only.*

No

Yes

## SECTION C — DETAILS OF RESPONDENT/S

The **Respondent** is the person you are making a complaint about.

**Respondent 1:**

\*Full Name (if known)

Age (at time of incident, if known)

Phone (if known)

Email (if known)

\*Club / Association (at time of incident)

**Respondent 2 (If only one Respondent, please mark with N/A):**

\*Full Name (if known)

Age (at time of incident, if known)

Phone (if known)

Email (if known)

\*Club / Association (at time of incident)

**Respondent 3 (If only one Respondent, please mark with N/A):**

\*Full Name (if known)

Age (at time of incident, if known)

Phone (if known)

Email (if known)

\*Club / Association (at time of incident)

**\*Role / position:**

Administrator

Athlete

Board / Committee member

Coach / Assistant Coach

Judge

Parent

Volunteer

Other (please detail)

**SECTION D – DETAILS OF ALLEGATION**

**\*Please categorise the incident(s):**

*For definitions of each of these terms, please refer to [Attachment A](#).*

Abuse

Assault

Bullying

Misconduct

Sexual harassment

**\*Date/s of incident(s):**

*Please add multiple dates separated by a comma if applicable (e.g. 06/12/1998, 12/03/1999 or 2000, 2001).*

**\*Location of incident(s):**

*Please outline where the alleged incidents occurred.*

Club (please provide club name and State / Territory)

Competition Venue (please provide name of venue)

Overseas, on tour / camp (please provide country and tour / camp details)

Interstate, on tour / camp (please provide State / Territory and tour / camp details)

Other (please detail)

**\*Please outline what happened in chronological order (If you have listed more than one Respondent, please identify which Respondent you are referring to):**

**Witness(es) (if any):**

*If more than 3 witnesses, please attach additional details to this form.*

**Did anyone else witness this alleged breach by the Respondent?**

Yes

No

Not Sure

**If 'Yes', please list the witnesses and their contact details (if known):**

Witness 1 Name

Witness 1 Phone

Witness 1 Email

Witness 2 Name

Witness 2 Phone

Witness 2 Email

Witness 3 Name

Witness 3 Phone

Witness 3 Email

**Sections of Policy allegedly breached:**

Please outline, if you can, the particular Codes of Ethics, Codes of Behaviour and or Policy that you say has been breached.

**\*The IA will determine the Complaints Handling Process based on the information provided in this Complaints form. Are you comfortable to participate in any of the following Complaints Handling Processes?**

For information about the complaint handling processes, please refer to [Attachment B](#).

No — please explain:

Yes

Mediation

Conciliation

Minor Breach Procedure

Sport Integrity Australia Investigation

Law Enforcement Investigation

**SECTION E – ADDITIONAL INFORMATION**

Level of the sport at which the alleged conduct / breach occurred:

National level — where they relate to behaviour, an incident or circumstances that occurred at / or involve individuals operating at the National Sporting Organisation level (e.g. national training squads, international competitions)

State / Territory Association level — where they relate to behaviour, an incident or circumstances that occurred at / or involve individuals operating at the State / Territory Association level (e.g. state teams / squads, state tours) or

Affiliated Club level — where they relate to behaviour, an incident or circumstances that occurred at / or involve individuals operating at an Affiliated Club (e.g. club training, club competitions, club camps)

**Do you have any documents or files you would like to include? (e.g. images, photographs, emails, social media posts or other data)**

No

Yes — Please attach to your email when submitting this form

**Do you know of any other individuals who may submit a complaint against the same Respondent?**

No

Yes

**If yes, has the other individual (or their parent / guardian, as applicable) consented to their details being provided as part of this complaint?**

No

Yes — Please attach signed consent for other Complainant(s) ([Attachment D](#))

**If yes, please provide details of any other Complainant(s) who have given their consent (do not provide details of anyone who you have not obtained a signed consent form from):**

Complainant 1 Name Complainant 1 contact details

Complainant 2 Name Complainant 2 contact details

Complainant 3 Name Complainant 3 contact details

## **SECTION F – DECLARATION**

**Signed by Complainant:**

I hereby declare that the information I have provided in this Complaints Form is true and correct to the best of my knowledge. I understand that if I have knowingly provided false information, I may be subject to disciplinary action by Gymnastics Australia.

I accept that the information provided may be used and disclosed for the purposes outlined in the Privacy and Confidentiality Notice ([Attachment C](#)).

\* Completed by Complainant (or Parent / Guardian, where applicable)

\*Name

\*Date

\*Signature

**Submitting your complaint**

Please submit your completed Complaints Form and any additional information to Sport Integrity Australia at [GymnasticsComplaint@sportintegrity.gov.au](mailto:GymnasticsComplaint@sportintegrity.gov.au).

## ATTACHMENT A – DEFINITIONS

*For the purposes of this Complaints Handling Process, the following definitions should be read in relation to an athlete. For example, abuse, assault, bullying, misconduct or sexual harassment against an athlete.*

**Abuse** is any form of harassment and includes harm, bullying, emotional or psychological abuse, neglect, physical abuse, family violence, sexual abuse, grooming, and/or sexual exploitation.

**Assault** means physical violence, being behaviour involving physical force intended to hurt, damage, or kill someone or something and includes (without limitation) physical assault.

**Bullying** is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety.

Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or a group.

Whilst generally characterised by repeated behaviours, one-off instances can amount to bullying.

The following types of behaviour, where repeated, or occurring as part of a pattern of behaviour, would be considered bullying:

- i. verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- ii. excluding or isolating a group or person;
- iii. spreading malicious rumours; or
- iv. psychological harassment such as intimidation.

Bullying includes cyber-bullying which occurs through the use of technology.

**Misconduct** means a failure to uphold any of the Codes of Behaviour or Codes of Ethics as outlined in Gymnastics Australia's [Member Protection Policy](#) and [Child Safe Policy](#) as misconduct.

**Sexual Harassment** means unwanted, unwelcomed or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual Harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

Sexual Harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not Sexual Harassment.

Sexual Harassment needs to be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:

- i. 'contact behaviour', such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution; and
- ii. 'non-contact behaviour', such as flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.



## ATTACHMENT B – COMPLAINTS HANDLING PROCESSES

### Conciliation

In a Conciliation, the Complainant and Respondent come together with a Conciliator (an independent third party) to talk through the dispute to try to come to a mutual resolution.

The Conciliator takes an active and advisory role throughout the process but will not decide who is right or wrong or decide an outcome but will offer advice regarding possible outcomes.

Conciliation is administered by the National Sports Tribunal.

Refer to Attachment C2 of the [Supplementary Complaints Management Policy](#) for further information.

### Mediation

Mediation is a process where a neutral third party, called a mediator, helps people (a Complainant and a Respondent) in conflict negotiate a resolution to a dispute.

In a Mediation, the Mediator will not decide who is right or wrong or tell either side what they must do. Instead, they help those involved discuss the issues and seek to facilitate a mutually agreeable solution.

Mediation is administered by the National Sports Tribunal.

Refer to Attachment C2 of the [Supplementary Complaints Management Policy](#) for further information.

### Law Enforcement Investigation

A Law Enforcement Investigation is when a complaint is referred to the police or another appropriate authority such as a child safety agency who will then carry out an investigation regarding alleged breaches of the law.

During a Law Enforcement Investigation other processes through the Supplementary Complaints Management Policy will not be available.

### Minor Breach Procedure

The Minor Breach Procedure is a procedure that allows for the efficient resolution of complaints that would only result in a warning as a Disciplinary Measure.

A Minor Breach means a breach of a Relevant Policy, if proved, would likely only result in a warning being imposed on the Respondent as the applicable Disciplinary Measure.

Refer to Attachment C2 of the [Supplementary Complaints Management Policy](#) for further information.

### Sport Integrity Australia Investigation

An independent external investigator will investigate the complaint, which depending on the nature of the complaint, will mean some or all of the following will occur, to ensure that the Respondent and Complainant are provided with procedural fairness throughout an investigation:

- (a) interview the Complainant and record the interview;
- (b) convey sufficient details of the complaint to the Respondent so that they can respond;
- (c) interview the Respondent to allow them to answer the complaint and record the interview;
- (d) if required based on conflicting evidence, obtain statements from witnesses and any other relevant evidence and/or re-interview the Complainant;
- (e) caution any witness, Complainant and/or Respondent that the information they provide may be used in evidence, including in a hearing, and that the information that they provide will become known to Gymnastics Australia.

Refer to Attachment C3 of the [Supplementary Complaints Management Policy](#) for further information.

# ATTACHMENT C – PRIVACY AND CONFIDENTIALITY NOTICE

By submitting this Complaints Form, you consent to your personal information being collected by Sport Integrity Australia and disclosed to the Independent Assessor for the purposes of handling your complaint.

The information contained in your complaint will not be disclosed to anyone other than in accordance with this Privacy and Confidentiality Notice.

## Anonymous complaints

At the point of submitting your complaint, the contents of your complaint will not be disclosed to anyone other than the Independent Assessor or personnel within Sport Integrity Australia directly involved in receiving and triaging complaints sent to the [GymnasticsComplaint@sportintegrity.gov.au](mailto:GymnasticsComplaint@sportintegrity.gov.au) mailbox, until it is assessed.

If you indicate in your complaint that you wish to remain anonymous, your complaint will be de-identified to remove your personal information and the de-identified complaint will be provided to SIA investigators and/or staff on the basis of being 'relevant information' only, and no further action will be taken.

Under these circumstances, the Independent Assessor, Gymnastics Australia and Sport Integrity Australia will have difficulty resolving or investigating the Relevant Complaint, because natural justice means that a Respondent must be provided with sufficient details of a Relevant Complaint so that they have a fair and reasonable chance to respond to any allegations.

However, the Relevant Complaint may be considered 'relevant information' and taken into account in a broader investigation.

## Initial Assessment

If you do not indicate that you wish to remain anonymous, the Independent Assessor will conduct an initial assessment of your complaint. As part of this initial assessment, the Independent Assessor and members of Sport Integrity Australia who are assisting the Independent Assessor may disclose your name, age and details of the club you were or are a member of, to Gymnastics Australia for the purposes of verifying your identity and membership details, and may collect the following additional information including:

- the period during which you were or have been a Member of Gymnastics Australia and whether during that time you were an Athlete;
- the period during which any Respondent was or has been a member of Gymnastics Australia;
- the disciplinary history of any Respondent; and
- any other basic information relevant for confirming whether your complaint is a Relevant Complaint for the purposes of the Supplementary Complaints Management Policy.

Neither the Independent Assessor nor Sport Integrity Australia will disclose the details of your complaint as part of this process.

If your complaint is assessed as not being a Relevant Complaint, your personal information will not be

further disclosed unless you give your consent to the Independent Assessor to do so.

If your complaint is assessed as being knowingly false, misleading or vexatious, the Independent Assessor may disclose the complaint to Gymnastics Australia together with a recommendation that the matter be closed, and/or that possible Disciplinary Action be taken under the Gymnastics Australia Member Protection Policy.

## Handling of Relevant Complaints

If following the initial assessment your complaint is assessed as being a Relevant Complaint, the personal information provided may be disclosed to the following persons for the purposes of handling your complaint in accordance with the Supplementary Complaints Management Policy:

- Sport Integrity Australia, for the purpose of investigating your complaint;
- the CEO of Gymnastics Australia, or their delegate, for the purposes set out below;
- the Respondent to the complaint (as part of the investigation process, or if you have indicated that you are open to entering into a mediation or conciliation, as part of that process);
- any witnesses whose details you have provided in your complaint (as part of the investigation process); and
- law enforcement agencies, including child protection agencies, if you have provided your consent in your complaint for your complaint to be referred to law enforcement and the Independent Assessor forms the view that this would be appropriate.

Depending on the circumstances of your complaint, the Independent Assessor or Sport Integrity Australia may be entitled to or required by law to report the details of your complaint to law enforcement and/or child protection agencies without your consent.

Your personal information may also be disclosed to the National Sports Tribunal if Disciplinary Action is taken against the Respondent as a result of your complaint and the Respondent chooses to appeal this decision, or if you indicate that you are willing to engage in a mediation or conciliation process in relation to your complaint.

Once the Independent Assessor has assessed a complaint as being a Relevant Complaint and has determined the most appropriate Complaints Handling Process, the Independent Assessor will notify Gymnastics Australia of the Relevant Complaint and the Complaints Handling Process to be applied. If the Independent Assessor forms the view that the Relevant Complaint requires investigation, Sport Integrity Australia will be notified and will undertake the investigation.

Gymnastics Australia will take all reasonable steps to ensure that no one is victimised for making, supporting or providing information about a Relevant Complaint. Victimisation of a person for making, supporting or providing information about any complaint is in itself a breach of the Gymnastics Australia Member Protection Policy and will be dealt with in the strongest possible terms under that policy.

## ATTACHMENT D – CONSENT TO DISCLOSE INFORMATION BY OTHER COMPLAINANTS

I confirm that I am aware of the details of the complaint being made against  
by \_\_\_\_\_ and that I consent to my name and contact details being provided as  
another Complainant against the Respondent.

I confirm that I have been provided with a copy of the Privacy and Confidentiality Notice at [Attachment C](#) to the  
Complaints Form, and that I consent to my personal information being collected and used for the purposes set  
out in the Notice.

I acknowledge that I may be contacted as part of the investigation of the complaint, and consent to my  
involvement in this process.

*If signed on behalf of the other Complainant by a Parent/Guardian:*

I confirm that I am the Parent / Guardian of \_\_\_\_\_, who is a:

Child

Person with a mental disability

Completed by Complainant (or Parent / Guardian, where applicable)

\*Name of other Complainant

Name of Parent / Guardian (where applicable)

\*Signature

Date