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s 38, s 47C, s 47E



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s 38, s 47C, s 47E



s 38, s 47C, s 47E



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s 38, s 47C, s 47E



s 38, s 47C, s 47E



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s 38, s 47C, s 47E



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s 38, s 47C, s 47E

If you or someone you know is at imminent risk, call Emergency Services on 000.

If you or someone you know is in crisis, and you are unsure which service to contact, call Kids Help Line on 1800 55 1800 or Lifeline on 13 11 14. Both are available from anywhere in Australia 24 hours a day (toll free) and provide generalist crisis counselling, information and referral services.

<p><u>1800 Respect</u> Call 1800 737 732</p>	24/7 telephone and online crisis support, information and immediate referral to specialist counselling for anyone in Australia who has experienced or been impacted by sexual assault, or domestic or family violence.
<p><u>1800 THE LINE</u> Call 1800 695 463</p>	A national relationships helpline for Children to talk to someone about the relationship issues they may be experiencing, or if they are unclear about where to draw the line between what is, or is not, a respectful relationship.
<p><u>Lifeline</u> Call 13 11 14</p>	A generalist and crisis telephone counselling, information and referral service, provided by trained volunteers who are supported by professional staff.
<p><u>Blue Knot Foundation</u> 1300 657 380</p>	Staffed by trained trauma-informed counsellors, this support line offers information, support and referral to adult survivors of childhood trauma and abuse, and partners, family and friends of survivors.
<p><u>Bravehearts</u> Call 1800 272 831</p>	Open to anyone wanting information, advice, referrals and support regarding child sexual assault.
<p><u>Child Wise</u> <u>National Child Abuse Prevention Helpline</u> Call 1800 99 10 99</p>	Confidential support services for individuals who have experienced abuse in an institutional setting and/or need support and counselling after giving evidence to the Royal Commission into Institutional Responses to Child Sexual Abuse, or for professionals supporting these individuals. This helpline can provide information, short-term counselling, and referrals.
<p><u>Children and Young People with Disability Australia</u> Call 1800 222 660</p>	National peak body for Children with disability. Provides information and systemic representation
<p><u>Counselling Online</u></p>	A free online and SMS/text-based service providing assistance to Australian residents concerned about alcohol and other drugs
<p><u>Headspace</u> Call 1800 650 890</p>	A free and confidential telephone and online service for people aged 12-25. Qualified youth mental health professionals provide support to young people worried about their mental health or experiencing issues such as depression, bullying and isolation. Support is also available to concerned parents or carers.
<p><u>Healing Foundation</u></p>	Service to help build the capacity of Indigenous organisations and support the development of the Link Up network
<p><u>Kids Helpline</u> Call 1800 55 1800</p>	Kids Helpline is Australia's only free, private and confidential 24/7 phone and online counselling service for young people aged 5 to 25.

<p><u>People with Disability Australia</u> – Call 1800 422 015/TTY: 1800 422 016</p>	<p>National telephone line to provide information and referrals to people with disabilities</p>
<p><u>QLife</u> Call 1800 184 527</p>	<p>Provides early intervention, peer supported telephone counselling and referral services for people who identify as gender diverse, lesbian, gay, bisexual, trans, and/or Intersex (LGBTI).</p>
<p><u>Sexual Assault Counselling Australia</u> Call 1800 211 028</p>	<p>National telephone counselling service for people who have experienced abuse. Face-to-face counselling is available in New South Wales.</p>

 Outlook

RE: Complaint

s 47F

Date Wed 12/9/2020 1:39 PM

To Gymnastics Complaint <GymnasticsComplaint@sportintegrity.gov.au>

s 47F

 7 attachments (322 KB)

image001.jpg; image002.jpg; image003.jpg; image004.jpg; image005.jpg; image009.png; image006.png;

OFFICIAL

s 47F

The complaints form has a tick box in it for a complainant to indicate that they are okay with their complaint being referred to law enforcement, under a yes/no question about whether they are willing to participate in a complaints handling process. In this case, the complainant has selected yes to being willing to engage in a form of complaints handling process, but hasn't ticked any of the boxes beneath it (which suggests that any of the complaints handling processes are agreed to).

Usually I would suggest we may want to confirm this with the complainant to be sure, in a similar way we do with the anonymous complaints, but as this case involves a child under the age of 18, the SCMP explicitly states at paragraph 1.13 that "GA, the IA, SIA, and the NST and their officers and affiliates will have regard to, and wherever possible comply with the "Procedure for Reporting and Responding to Child Abuse Allegations" set out in the GA [Child Safe Policy (CSP)] in relation to Reports and/any complaints (including Relevant Complaints) that relate to any concerns, suspicions or incidents of, child abuse or misconduct with a child." That policy states, at step 3, that:

"(a) If the organisation who is handling the allegation (Handling Organisation) suspects or believes on reasonable grounds that a Child is, has been, or is at risk of being, the subject of physical abuse, sexual abuse, emotional or psychological abuse, neglect or exposure to family violence, they must immediately report the matter to the relevant child protection authority in the respective State or Territory in accordance with Step 4(a).

(b) If the criteria set out in paragraph (a) above is not satisfied, the Handling Organisation shall either:

- (i) make a determination (at their discretion) to report the matter to the relevant child protection authority in accordance with Step 4(a) if they have concerns for the safety and / or wellbeing of a Child, even though they do not fall within the criteria set out in the above paragraph; or
- (ii) proceed to Step 4b."

In this context, my view is that where the complaint involves conduct against a child, the GA CSP procedure (as well as any potential mandatory reporting obligations) overrides the need to obtain explicit consent from the complainant to refer the matter to the appropriate authority. In terms of whether we can disclose the complainant's name in doing so, my view is that given the GA CSP being explicitly referenced in the SCMP, an exemption applies under the Australian Privacy Principles at APP 6.2(a) in relation to information being used or disclosed for an expected secondary purpose that is directly related to the primary purpose of collecting the information. (We may or may not also have mandatory

s 38 If we do, there is also an exemption under the Privacy Principles that would explicitly relate to disclosing information where required by law.)

That said, based on how the SCMP is worded, the IA still has an obligation to assess whether the complaint is a Relevant Complaint or not, so if it is not (which appears to be the case, based on the Respondent no longer being a member), it may be worth mentioning that the matter has been referred to police in the letter informing the Complainant that the complaint is not a Relevant Complaint, with the caveat that the matter may not proceed to investigation.

Regards,

s 47F

Sport Integrity Australia

s 47F Hotline 13 000 27232

PO Box 1744, Fyshwick, ACT, 2609 | Unit 14, 5 Tennant St, Fyshwick ACT 2609

sportintegrity.gov.au

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[cid:image008.png@01D6CE30.8486B0E0](#)

From: Gymnastics Complaint

Sent: Wednesday, 8 December 2020 11:23 AM

s 47F

Cc: Gymnastics Complaint <GymnasticsComplaint@sportintegrity.gov.au>

Subject: FW: Complaint

OFFICIAL

s 47F

We are going to refer the attached complaint to law enforcement.

s 38

I note in the complaint form it states:

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.

However, is there anything in the SCMP that states we need to advise the complainant, or the IA, whilst we are making the referral (noting we do not know whether law enforcement will actually take this as an 'Investigation' and may not know straight away)

e to law enforcement?



Hotline 13 000 27232
nit 14, 5 Tennant St, Fyshwick ACT 2609



Sent: Monday, 7 December 2020 6:51 PM
To: Gymnastics Complaint <GymnasticsComplaint@sportintegrity.gov.au>
Subject: Complaint

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TO: David Sharpe APM OAM - CEO

FROM: s 47F

S 38

Emma Johnson, Deputy CEO Legal Education and Corporate has reviewed and approved the MOU, which has now been signed by s 47F.

If you would like to discuss the above or have any further queries, just let me know.