



**SPORT INTEGRITY
AUSTRALIA**



NATIONAL INTEGRITY FRAMEWORK

PROVISIONAL ACTION IN THE COMPLAINTS PROCESS

The safety and wellbeing of participants in sport is the number one priority of Sport Integrity Australia. The independent complaints process allows Sport Integrity Australia to take action against people who have behaved poorly in sport. In the most serious cases, this can mean a suspension or ban from a sport. However, because this process can take time, sports need to make sure that anyone who may pose an ongoing risk to others can be temporarily removed while they are being investigated. For this reason, Sport Integrity Australia can impose Provisional Action. This fact sheet is designed to explain what Provisional Action is, when it is necessary and how it works.

What is Provisional Action?

Provisional Action is where Sport Integrity Australia requires a sporting organisation to impose a temporary sanction or additional measures on a person who is the subject of a Complaint under the National Integrity Framework's [Complaints, Disputes and Discipline Policy](#). This includes where a Complaint is suspended during an investigation by law enforcement. Provisional Action is designed to keep members safe by removing or monitoring a person from sport who may pose a potential risk of ongoing harm to others.



When is Provisional Action necessary?

Provisional Action can be taken at any time during the Complaints Process at the discretion of Sport Integrity Australia. It may be taken against a Respondent if it is determined they pose an ongoing risk of harm to others in sport or are facing serious criminal charges.

Sport Integrity Australia will only have the authority to impose Provisional Action if a Complaint is found to be within scope of the National Integrity Framework. If a Complaint does not meet the Initial Threshold Questions, then Provisional Action cannot be taken.

How does Provisional Action work?

If Sport Integrity Australia deems it necessary to take Provisional Action against a Respondent, it will work with the sport to notify that person of the Provisional Action being taken, including a temporary disciplinary measure. This could include (but is not limited to) supervision, suspension, restriction of duties, temporary redeployment, or suspension or restriction of rights, privileges, or benefits.

For example, Sport Integrity Australia could take Provisional Action to provisionally suspend a member from sport who is facing criminal charges for sexual assault while the criminal investigation is ongoing, or ensure that a coach who is accused of bullying or harassment is supervised while a Complaints Process is ongoing.



How long does Provisional Action last?

Generally, Provisional Action will remain in place until a finding is made in relation to the Complaint. It will either be lifted when the allegations are found to be Unsubstantiated or Unable to be Substantiated, or replaced by a Sanction (if appropriate) where one or more allegations are found to be Substantiated.

If one or more allegations are found to be Substantiated, but the Respondent challenges the findings in a Hearing Tribunal, the Provisional Action will continue until a final decision has been made and any Sanctions are either imposed or are overturned by the Hearing Tribunal.

Can Provisional Action be contested?

If the person who the Provisional Action is taken against believes that the Provisional Action is unwarranted or unfair, they can seek an expedited hearing to contest the decision. This hearing would only look whether the decision to impose Provisional Action was fair – it is not a decision about the substance of the Complaint, and will not consider whether the allegations are true or not.

For example, if Sport Integrity Australia took Provisional Action to provisionally suspend a coach from sport who has allegedly engaged in grooming a child, the coach could seek an expedited hearing to determine if the provisional suspension is fair and reasonable given the circumstances. However, this hearing would not look at whether the coach engaged in grooming a child. It would only consider whether it was reasonable to impose Provisional Action in the circumstances, and whether the Provisional Action imposed is disproportionate to the risk to others in the sport.

If an expedited hearing is granted, it will be heard by either the National Sports Tribunal or an Internal Hearing Tribunal in accordance with the Complaints, Disputes and Disciplines Policy.