



**SPORT INTEGRITY
AUSTRALIA**



NATIONAL INTEGRITY FRAMEWORK

LAW ENFORCEMENT REFERRAL IN THE COMPLAINTS PROCESS

While many issues of poor behaviour in sport can be handled by Sport Integrity Australia through the complaints process, any Complaint that alleges potentially criminal conduct must be dealt with by law enforcement agencies who are both trained to deal with and have the authority to handle these types of issues. This information is designed to explain what a law enforcement referral is, when it is necessary and how it works.

What is a Law Enforcement Referral?

Sometimes an allegation about poor behaviour in sport might be a crime as well as a possible breach of policy. An example of this is trafficking illegal drugs, which is both a criminal offence and a breach of the Improper Use of Drugs and Medicines Policy. In these instances, the criminal process takes priority over any Sport Integrity Australia process.

A Law Enforcement Referral is the process undertaken by Sport Integrity Australia to pass on information about behaviour that may be potentially criminal to a law enforcement agency, such as referring information about an assault to police, or information about child abuse to a child protection agency.



How does a Law Enforcement Referral work?

Every piece of information reported to Sport Integrity Australia is evaluated to determine whether the alleged conduct might be criminal.

When information about a possible crime is reported, Sport Integrity Australia will report it to an appropriate law enforcement agency.

When this happens, Sport Integrity Australia will contact the person who made the Complaint to let them know that the matter has been referred to law enforcement.

The law enforcement agency will then handle the matter until it is resolved (e.g. criminal charges are laid) and the Complainant may choose to deal with law enforcement through this process. Sport Integrity Australia will put the assessment of the breach of policy on hold while any criminal investigation is underway.

During this time, Sport Integrity Australia may determine Provisional Action such as suspension or supervision of the Respondent be put in place for the duration of any criminal investigation to protect other participants of the sport.

For more information on Provisional Action, check out our [Provisional Action Fact Sheet](#).

The law enforcement agency may refer the matter back to Sport Integrity Australia if they believe the conduct isn't criminal, or if a criminal investigation cannot prove the allegation beyond reasonable doubt.

As there is a higher burden of proof in criminal matters, there may be situations where a matter cannot be criminally prosecuted but may be found by Sport Integrity Australia to constitute a breach of policy under the National Integrity Framework after being referred back.

There may also be situations where a Complaint is found not to fall within the scope of the National Integrity Framework but involves a potential breach of a State or Commonwealth law. In these cases, the Complaint will be permanently discontinued under the National Integrity Framework and referred to the appropriate agency, which may include other government agencies such as the Australian Securities and Investments Commission.

Does a Complainant have to engage with law enforcement?

If a person has been subjected to alleged criminal conduct, for example an alleged assault, that person will get to decide whether they want to pursue criminal charges or not. If the person decides to pursue criminal charges, they will work with law enforcement to do so. If the person doesn't want to pursue criminal charges, law enforcement is able to refer the matter back to Sport Integrity Australia to pursue through the complaints process, which may result in disciplinary action in a sporting context.

In some circumstances, the law enforcement agency may decide to pursue criminal charges without the involvement of the person who reported the conduct. This situation usually occurs when the criminal conduct hasn't occurred against a specific person. An example of this is when a law enforcement agency may pursue charges related to match fixing where the conduct is serious enough to warrant criminal charges. If this pursuit of criminal charges was to be unsuccessful, law enforcement would still be able to refer the matter back to Sport Integrity Australia to consider disciplinary action in a sporting context.

What happens if a person is found guilty of criminal conduct?

If a person is found guilty of criminal conduct which is also Prohibited Conduct within any of the National Integrity Framework policies, that person will automatically be found to have breached the policy and be sanctioned without the need for further investigation by Sport Integrity Australia.

For example, if a Complaint is made about a member of a sport assaulting another member on the sideline of a competition, and that person is found guilty of assault in a criminal proceeding, a breach of the Member Protection Policy would be found to be substantiated automatically. This is because the member has been found to have engaged in Prohibited Conduct (abuse) through the criminal proceedings. In this case, Sport Integrity Australia would determine an appropriate sanction in a sporting context, which would be served alongside any sanctions determined through criminal proceedings (for example, a ban from sport).