



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Disclosure Log Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

Application Details	
Ref. No.	CMTEDDFOI 2026-022
Date of Application	28 January 2026
Date of Decision	2 April 2026
Processing time (in working days)	45
Fees	Waived
Decision on Access	Partial Release
<b>Information Requested (summary)</b>	WorkSafe ACT investigation of swimming coach at the Australian Institute of Sport between 2021-2025.
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

**From:** [no-reply@act.gov.au](mailto:no-reply@act.gov.au)  
**To:** [CMTEDD FOI](#)  
**Subject:** Freedom of Information request  
**Date:** Wednesday, 28 January 2026 9:40:26 AM

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**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

### Your details

**All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.**

Title:

First Name:

Last Name:

Business/Organisation:

Address:

Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:

### Request for information

**(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)**

Under the Freedom of Information Act 2016 I want to access the following document/s (\*required field):

All documents pertaining to the WorkSafe ACT investigation of [redacted] swimming coach at the Australian Institute of Sport, [redacted] My understanding is an investigation took place between 2021 and 2025.

I do not want to access the following documents in relation to my request::

Thank you.  
Freedom of Information Coordinator



## **FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 28 January 2026.

Specifically, you have sought access to the following information:

*“All documents pertaining to the WorkSafe ACT investigation of [redacted] swimming coach at the Australian Institute of Sport, [redacted] My understanding is an investigation took place between 2021 and 2025.”*

### **Authority**

I am an Information Officer appointed by the CMTEDD Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

### **Timeframes**

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application within 30 days.

As this matter required third party consultation, the decision due date was extended by 15 working days, in accordance with section 40(2) of the Act.

Therefore, a decision is due by **2 April 2026**.

### **Decision on access**

Searches of CMTEDD records have identified 132 documents within the scope of your request.

I have decided to grant **full access** to 14 documents.

I have decided to grant **partial access** to 23 documents.

I have decided to grant **no access (nondisclosure)** to 95 documents.

Some company information captured within your request is available for a fee from ASIC therefore this is refused under *section 45(g)* of the Act.

The records identified as relevant to your application are listed in the schedule enclosed at **Attachment A**. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

## **Release of documents**

The information being released to you is provided at **Attachment B**.

## **Statement of Reasons**

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below. In reaching my access decisions, I have taken the following into account:

- the Act
- the information that falls within the scope of your request
- third party views
- *Human Rights Act 2004*
- *Work Health and Safety Act 2011 (ACT) (WHS Act)*
- *Working with Vulnerable People (Background Checking) Act 2011*.

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per **Schedule 1** of the Act.
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring nondisclosure in **Schedule 2** of the Act.

## **Exemptions claimed**

### **Schedule 1: Information taken to be contrary to the public interest.**

My reasons for deciding not to grant access to the information or components of information found within documents are as follows:

- *Section 1.2 - Information subject to legal professional privilege.*

*Section 1.3 - Information disclosure of which is prohibited under law.*

Section 1.2 of Schedule 1 provides that information is taken to be contrary to the public interest to disclose if:

*“the information is subject to legal professional privilege.”*

Some documents contain:

- confidential communications between agency officers and internal/external legal advisers
- communications made for the dominant purpose of providing or obtaining legal advice
- material that maintains the characteristics of legal professional privilege.

I am satisfied that releasing these 13 documents would disclose legally privileged content and would constitute a waiver of privilege. Under section 1.2, the information is a conclusive exemption and must not be provided.

- *Section 1.3 - Information disclosure of which is prohibited under law.*

This information is information that is considered to be contrary to the public interest under Schedule 1, section 1.3(6) and 1.3(7) of the Act.

Section 1.3(6) states ‘any other information the disclosure of which is prohibited by a secrecy provision of a law.’

Section 1.3(7) states:

**secrecy provision**—*a provision of a law is a secrecy provision if it;*

*(a) applies to information obtained in the exercise of a function under the law; and*

*(b) prohibits people mentioned in the provision from disclosing the information, whether the prohibition is absolute or subject to stated exceptions or qualifications.*

A significant portion of the information captured within the scope of your request was compelled under sections 155 and 171 of the *Work Health and Safety Act 2011* (the WHS Act); as well as some information under the *Working with Vulnerable People (Background Checking) Act 2011*.

Section 271 - *Confidentiality of information* of the WHS Act applies to information obtained via the exercising of a function or power of the WHS Act, including section 155 and 171, to ensure that information cannot be disclosed.

The FOI Act, section 1.3(6) considers information contrary to the public interest to include information prohibited to be disclosed under law. Section 1.3(7) provides the definition of a secrecy provision which provides for section 155 and 171 of the WHS Act and further expands that the FOI Act deals with these provisions under schedule 1, 1.3 regardless of whether there is an exception.

Two documents contain risk assessment information that is protected information subject to secrecy provisions outlined in section 65 of the *Working with Vulnerable People (Background Checking) Act 2011*. This information cannot be released.

### **Public Interest Test**

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and nondisclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

### **Schedule 2: Factors to be considered when deciding the public interest.**

Taking into consideration the information within scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

#### ***Factors favouring disclosure (Section 2.1)***

- *Section 2.1(a)(iii) - inform the community of the government’s operations, including policies, guidelines and codes of conduct followed by the government in its dealings with members of the community.*
- *Section 2.1(a)(viii) - reveal the reason for a government decision and any background or*

*contextual information that informed the decision.*

Information within your requested scope involves material collected by WorkSafe ACT in its role as regulator for work, health and safety matters. I have considered access to the information would reasonably provide you with some background context I am satisfied that release of some information would inform the community of government operations and reveal measures undertaken as a result of the investigation done by WorkSafe ACT and I have given these factors moderate weight.

I am satisfied that these factors favouring disclosure carry some weight. However, these factors are to be balanced against the factors favouring nondisclosure.

***Factors favouring nondisclosure (Section 2.2)***

- *Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*
- *Section 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person.*
- *Section 2.2(a)(ix) - prejudice the flow of information to the police or another law enforcement or regulatory agency.*
- *Section 2.2(b)(i) - the information is personal information of a child and the disclosure of the information is reasonably considered not to be in the best interests of the child*

However, when considering the information against the factors favouring nondisclosure, I am satisfied that the protection of an individual's right to privacy is a significant factor as the parties involved have provided their personal information for the purposes of an investigation which, in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individual's involved in this matter. These individuals are entitled to expect that the personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy. Release of information concerning individuals working within the ACT Public Service is generally not considered to prejudice the protection of an individual's right to privacy. However, where mobile phone numbers may be used for home and work purposes, this information is redacted, as it could or would reasonably be expected to prejudice an individual's right to privacy under the *Human Rights Act 2004*.

Schedule 2 section 2.2(a)(xi) allows for government information to be withheld from release if disclosure of the information could reasonably be expected to prejudice the trade secrets, business affairs or research of an agency or person. The information withheld from release could reasonably be expected to unfairly prejudice the business affairs of a few third parties who were served with s155 notices, along with potential unwanted commercial implications.

In reaching my decision I have taken into consideration that some documents contained material that was acquired by WorkSafe ACT when investigating under the WHS Act did that not contain personal information as such but identifying information that some of the parties were compelled to provide in response to WorkSafe enquiries. I find that the release of the information may prejudice the regulator's ability to obtain confidential information in future matters of a similar nature.

There is one document that contains email contact from WorkSafe ACT seeking information from someone who has had their information redacted under the personal

information of a child. Release of this information or identifying information may reasonably considered to be not in the best interests of the child

Having applied the test outlined in section 17 of the Act and deciding that release of some information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met..

## **Charges**

Processing charges are applicable for this request because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived.

## **Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a [disclosure log](#).

Your original access application and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

## **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is provided to you, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

## **ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact the CMTEDD FOI Team by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely

Handwritten signature of Emma Hotham, consisting of the letters 'EH' in a stylized, cursive font.

Emma Hotham

Information Officer

Chief Minister, Treasury and Economic Development Directorate

2 April 2026



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

CMTE	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
"All documents pertaining to the WorkSafe ACT investigation of [REDACTED]	swimming coach at the Australian Institute of Sport, [REDACTED]. My understanding is an investigation took place between 2021 and 2025."	CMTEDDFOI 2026-022

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-3	s155 Notice - Australian Institute of Sport	18/10/2021	Partial	Sch 1s1.3(6) Sch 2 s2.2 (a)(ii)	Yes
2	4	Letter to ACT WorkSafe signed	27/10/2021	Partial	Sch 1s1.3(6) Sch 2 s2.2 (a)(ii)	Yes
3	5-6	RE_ S155 Australian Institute of Sport	8/11/2021	Partial	Sch 2 s2.2 (a)(ii)	Yes
4	7-69	Safeguarding Children and Young People Policy - August 2020 *publicly available: <a href="#">Safeguarding-Children-and-Young-People-Policy-August-2020.pdf</a>	03/08/2020	Full		Yes
5	70-74	Clarification - XXXXX ACTAS	18/10/2021	Partial	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(ix)	Yes
6	75	RE_ Clarification - XXXXX ACTAS	18/10/2021	Partial	Sch 2 s2.2 (a)(ii)	Yes
7	76	Email for XXXXXXXX	19/10/2021	Partial	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (b)(i) Sch 2 s2.2 (a)(ix)	Yes
8	77-78	Re_ WorkSafe ACT - ACT Academy of Sport	18/10/2021	Partial	Sch 2 s2.2 (a)(ii)	Yes
9	79-81	RE_ XXXXX	07/12/2021	Partial	Sch 2 s2.2 (a)(ii)	Yes
10	82-83	s155 - 60 Minutes (Draft)	Undated	Partial	Sch 1s1.3(6)	Yes
11	84-85	s155 - xxx (Draft)	Undated	Partial	Sch 2 s2.2 (a)(ii) Sch 1s1.3(6)	Yes
12	86-87	s155 - xxx (Draft)	Undated	Partial	Sch 2 s2.2 (a)(xi) Sch 1s1.3(6)	Yes

13	88-89	s155 – xxx (Draft)	Undated	Partial	Sch 2 s2.2 (a)(xi) Sch 1s1.3(6)	Yes
14	90-92	s155 Notice -xxx	18/10/2021	Partial	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(xi) Sch 1s1.3(6)	Yes
15	93-98	Legal document - Background		Exempt	Sch 1 s1.2	No
16	99-104	Improvement Notice N-0000003087	23/02/2022	Partial	Sch 2 s2.2 (a)(ii)	Yes
17	105-107	Independent Contractors Act 2006	Undated	Full		Yes
18	108-114	PART 1 - WorkSafeACT Notes to the Prosecutor	2021	Exempt	Sch 1 s1.2	No
19	115-116	RE_ Request for Transcription - ACTAS matter	08/12/2021	Partial	Sch 2 s2.2 (a)(ii)	Yes
20	117-121	20211215 Psychosocial Report - Confidential	13/12/2021	Full	Out of Scope	Yes
21	122	Response to Worksafe ACT Improvement Notice N-0000003087	21/07/2022	Partial	Sch 2 s2.2 (a)(ii)	Yes
22	123-126	A - ACTAS Complaint Handling Procedure	18/07/2022	Full		Yes
23	127-128	ACTAS response to Worksafe ACT - Improvement Notice N-0000003087 21 July 2022	21/07/2022	Partial	Sch 2 s2.2 (a)(ii)	Yes
24	129	Attachment D - Sport and Recreation Corrective Actions Register	2022/23	Full		Yes
25	130-135	B - ACTAS Complaint Form *Publicly available: <a href="#">ACTAS-Complaint-Form-Web-Version.pdf</a>	18/07/2022	Full		Yes
26	136	C - ACTAS Swimming (ACT Performance Hub) WIRE Container location	Undated	Full	Sch 2 s2.2 (a)(ii)	Yes
27	137	E - ACTAS Policies and Procedures Hyperlink	Undated	Full		Yes
28	138	F - ACTAS Complaints Handling Workflow SOP	Undated	Full		Yes
29	139-145	H-ACTAS Training Area Risk Assessment Checklist - AIS Pool - ACT Performance Hub	Undated	Full		Yes
30	146	I - ACTAS Athlete Training Area Induction Checklist - Swimming	Undated	Full		Yes
31	147-160	Attachment G - Sport and Recreation ACTAS Risk Register - Swimming	Undated	Full		Yes

32	161-162	RE_ ACTAS Update	27/04/2022	Partial	Sch 2 s2.2 (a)(ii)	Yes
33	163-164	RE_ Response to Worksafe ACT Improvement Notice N-0000003087	26/07/2022	Partial	Sch 2 s2.2 (a)(ii)	Yes
34	165-166	RE_ WORKSAFE ACT Improvement Notice (N-0000003087)	13/05/2022	Partial	Sch 2 s2.2 (a)(ii)	Yes
35	167-170	RE_ WorkSafe ACT Improvement Notice N-0000003087	22/04/2022	Partial	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(ix)	Yes
36	171-190	Salesforce Screenshots - Case 00138912		Partial	Sch 2 s2.2 (a)(ii)	Yes
37	191	WORKSAFE ACT Improvement Notice (N-0000003087)	13/05/2022	Partial	Sch 2 s2.2 (a)(ii)	Yes
38	192-199	Canberra Performance Hub Booklet	Undated	Full		Yes
39	200-204	No.-5-Employer-responsibilities - Reportable Conduct	Feb 2018	Full		Yes

**BINDER 1 – Exempt - Sch 1 s1.3(6) (secrecy Provision) – participants were compelled under sections 155 and 171 of the *Work Health and Safety Act 2011* (the WHS Act) to provide information.**

40-	1-5	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
41	6	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
42	7	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
43	8	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
44	9	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
45	10-13	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
46	14-15	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
47	16-17	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
48	18-19	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
49	20	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No

50	21	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
51	22	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
52	23	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
53	24-25	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
54	26-29	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
55	30-32	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
56	33-36	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
57	37	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
58	38	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
59	39	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
60	40	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
61	41-42	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
62	43-47	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
63	48	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
64	49	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
65	50-51	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
66	52-53	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
67	54-57	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
68	58	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
69	59	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No

70	60-61	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
71	62-64	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
72	65-68	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
73	69-77	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
74	78-79	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
75	80-81	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
76	82-87	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
77	88-89	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
78	90	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
79	91	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
80	92-95	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
81	96-97	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
82	98-99	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
83	100-113	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
84	114-133	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
85	134-164	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
86	165-169	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
87	170	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
88	171-172	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
89	173-179	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No

90	180-181	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
91	182-183	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
92	184-186	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
93	187-189	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
94	190-192	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
95	193-196	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
96	197-200	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
97	201-203	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
98	204-206	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
99	207-209	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
100	210-212	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
101	213-215	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
102	216-218	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
103	219-222	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
104	223	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
105	224-228	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
106	229	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
107	230-232	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
108	233-234	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
109	235-239	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No

110	240-242	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
111	243-267	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
112	268	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
113	269-297	Documents produced under s155 and 171 WHS Act		Exempt	Sch 1s1.3(6)	No
<b>Binder 2 – Exempt - Sch 1 s1.2 (legal advice)</b>						
114-124	1-46	Legal advice sought and received		Exempt	Sch 1 s1.2	No
<b>Binder 3 – Exempt - Sch 1 s1.3(6) (secrecy Provision) - <i>Working with Vulnerable People (Background Checking) Act 2011</i></b>						
125	1-3	Email		Exempt	Sch 1s1.3(6)	No
126	4-123	Email and attachments		Exempt	Sch 1s1.3(6)	No
<b>Binder 4 – Section 45(g) - Information available for a Fee</b>						
127	1-14	Current and Historical Company Information		Exempt	Section 45(g)	No
128	15-19	Current Company Information		Exempt	Section 45(g)	No
129	20-21	Roles and Relationship Extract		Exempt	Section 45(g)	No
130	22-32	Current and Historical Company Information		Exempt	Section 45(g)	No
131	33-36	Current Company Information		Exempt	Section 45(g)	No
132	37-38	Roles and Relationship Extract		Exempt	Section 45(g)	No
<b>Total No of Docs</b>						
132						

**From:** "Beaver, Jeffrey"  
**Sent:** 18/10/2021 1:19 PM  
**To:** "Sch 2.2(a)(ii)"  
**Cc:** "O'Connor, Meaghan" <Meaghan.O'Connor@worksafe.act.gov.au>  
**Subject:** s155 Notice - Australian Institute of Sport  
**Attachments:** s155 - Australian Institute of Sport 20211018.pdf  
**Importance:** High

**OFFICIAL: Sensitive - Legislative Secrecy**

Good afternoon Sch 2.2(a)(ii).

Thank you for taking my call today.

As discussed, please find attached a s155 Notice from WorkSafe ACT requiring attention by COB 1 November 2021.

Regards,

**Jeff Beaver | A/g Senior Inspector - Psychosocial**

EMAIL: [Jeffrey.beaver@worksafe.act.gov.au](mailto:Jeffrey.beaver@worksafe.act.gov.au)

Office of the Work Health and Safety Commissioner

GPO Box 158 Canberra ACT 2601 | [www.worksafe.act.gov.au](http://www.worksafe.act.gov.au)



For more information on NSWM, and to see our program of events, please visit our [National Safe Work Month 2021](#) page.



*Work Health and Safety Act 2011*

Section 155(2)

NOTICE TO GIVE INFORMATION TO WORKSAFE ACT

To: Australian Institute of Sport

C/- Sch 2.2(a)(ii)

Email: Sch 2.2(a)(ii)

I, Mr Jeffrey BEAVER, pursuant to section 155 of the *Work Health and Safety Act 2011*, have reasonable grounds to believe that you are capable of producing documents in relation to a possible contravention of section 33 of the *Work Health and Safety Act 2011*, Sch 1 1.3 in the Australian Capital Territory.

I require you to produce the documents set out in the attached schedule to me via return email at [jeffrey.beaver@worksafe.act.gov.au](mailto:jeffrey.beaver@worksafe.act.gov.au) on or before 1 November 2021.

A handwritten signature in black ink, appearing to be "Jeffrey Beaver", written over a white rectangular background.

Signed

Authorised delegate of WorkSafe ACT

Date: 18 October 2021

This warning and information forms part of the Notice under Section 155(2) of the *Work Health and Safety Act 2011*

**WARNING**

A person who refuses or fails to comply with this Notice without a reasonable excuse, may be liable to prosecution and, if found guilty, liable to a maximum penalty of \$10,000 for individuals and \$50,000 for a body corporate.

Under section 172 of the *Work Health and Safety Act* (the WHS Act), a person is not excused from answering a question or providing information or a document on the grounds of self incrimination or on the grounds that it may expose that person to a penalty. However, any information provided by an individual is not admissible as evidence in criminal or civil proceedings against that individual other than proceedings arising out of the false or misleading nature of the answer, information or document.

**Privilege**

This Notice does not affect, and nothing in the WHS Act requires, a person to produce a document that would disclose information, or otherwise provide information, that is subject to legal professional privilege – see section 269 of the WHS Act.

If this Notice requires a person to appear personally, the person may attend with a legal practitioner.

It is an offence under section 268 of the *Work Health and Safety Act 2011* to give false and misleading information and/or produce a document that is known to be false or misleading. Maximum penalty of \$10,000 for individuals and \$50,000 for a body corporate.

**Schedule – Required Documents**

Sch 1 1.3



27 October 2021

Jeffrey Beaver  
A/g Senior Inspector – Psychosocial  
WorkSafe ACT

**BY EMAIL:** [jeffrey.beaver@worksafe.act.gov.au](mailto:jeffrey.beaver@worksafe.act.gov.au)

Dear Mr Beaver

**RE: Notice to give information to WorkSafe ACT**

I refer to the notice to produce issued pursuant to section 155 of the *Work Health and Safety Act 2011* (ACT) to the Australian Institute of Sport (being the name that the Australian Sports Commission (**ASC**) operates under for the purpose of particular functions under the *Australian Sports Commission Act 1989*) dated 18 October 2021.

I am an authorised officer for the ASC under the *Work Health and Safety Act 2011* (Cth).

Section 12(3) of the *Work Health and Safety Act 2011* (Cth) which applies to the ASC provides that a "corresponding WHS law" does not apply to a "public authority" of the Commonwealth. The ASC is a public authority of the Commonwealth and the *Work Health and Safety Act 2011* (ACT) is a corresponding WHS law.

The ASC wishes to ensure that it is lawfully required to provide the requested documents to WorkSafe ACT, particularly given the implications of disclosing information (including personal information) where there is no lawful basis or authority to do so.

In order for the ASC to properly consider the Notice and meet its lawful obligations please confirm to the ASC at your earliest convenience:

- the scope of WorkSafe ACT's inquiries with respect to possible contraventions of section 33 of the *Work Health and Safety Act 2011* (ACT) **Sch 1 1.3**, and in particular, whether the ASC or its officers or workers are the subject of those inquiries;
- the basis upon which WorkSafe ACT considers it is able to lawfully compel the ASC to produce the required documents pursuant to section 155 of the *Work Health and Safety Act 2011* (ACT).

The ASC requests that an extension to the date for compliance with the notice be extended to 19 November 2021 to allow it to properly consider any response from you and its compliance with the notice.

Sch 2.2(a)(ii)

Chief Operating Officer  
Australian Sports Commission



**From:** "Beaver, Jeffrey"  
**Sent:** 08/11/2021 8:15 AM  
**To:** Sch 2.2(a)(ii)  
**Cc:** 'Sch 2.2(a)(ii)  
Sch 2.2(a)(ii)  
**Subject:** RE: S155 Australian Institute of Sport

**OFFICIAL**

God morning Sch 2.2(a)(ii)

WorkSafe ACT has considered your query and can now advise the section 155 Notice does not have application to the AIS as it was provided to the AIS pursuant to the ACT Act; which does not apply to bind a public entity of the Commonwealth.

As a result, the Notice has been withdrawn, and the AIS is not required to produce the information requested.

Thank you for your query in relation to this matter.

Kind regards,

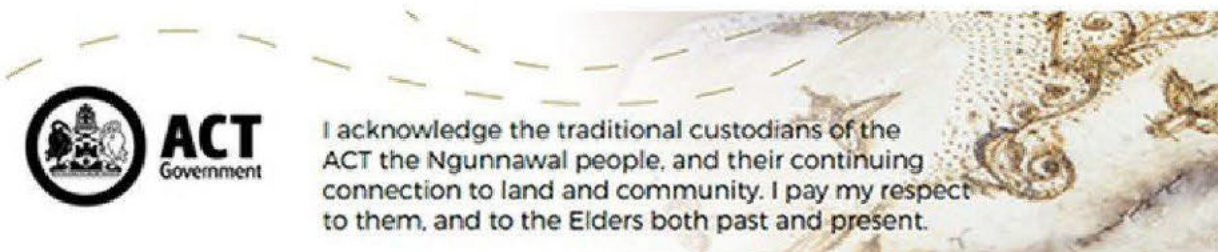
**Jeff Beaver | Investigator/Inspector – Major Investigations Team**

EMAIL: [Jeffrey.beaver@worksafe.act.gov.au](mailto:Jeffrey.beaver@worksafe.act.gov.au)

Office of the Work Health and Safety Commissioner

GPO Box 158 Canberra ACT 2601 | [www.worksafe.act.gov.au](http://www.worksafe.act.gov.au)

**WORKSAFEACT**



For more information on NSWM, and to see our program of events, please visit our [National Safe Work Month 2021](#) page.

---

**From:** Sch 2.2(a)(ii)  
**Sent:** Friday, 29 October 2021 1:20 PM  
**To:** Beaver, Jeffrey <Jeffrey.Beaver@worksafe.act.gov.au>  
**Cc:** Sch 2.2(a)(ii)  
**Subject:** S155 Australian Institute of Sport

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon Jeffrey,

Please see attached a letter from the ASC in response to the s155 notice. As you will note in the attachment, the ASC is seeking some further information from ACT WorkSafe in regard to the notice. We have also requested an extension to the date for compliance to be extended to 19 November 2021 based on the questions outlined in the attached letter.

If there any questions, please reply all to the recipients in this email.

Kind regards

Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

People and Culture

Corporate Division

**Australian Sports Commission**

Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

[sportaus.gov.au](http://sportaus.gov.au) | [AIS.gov.au](http://AIS.gov.au)

*The Australian Sports Commission, incorporating Sport Australia and the AIS, pay our respects to the Traditional Owners of country throughout Australia. We pay our respects to Elders past and present, and acknowledge the valuable contribution Aboriginal and Torres Strait Islander people make to Australian society and sport.*

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Keep up to date with what's happening in Australian sport visit [www.sportaus.gov.au](http://www.sportaus.gov.au) or [www.ais.gov.au](http://www.ais.gov.au)

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# **Safeguarding Children and Young People Policy**

# Swimming Australia

## Safeguarding Children and Young People Policy

Version	Issue Date	Created By	Approved By	Approval Date	Next Review Date
2.0	3 <sup>rd</sup> Aug 2020	SA Integrity & Risk	SA Board	July 2020	July 2022

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# COMMITMENT STATEMENT

Swimming Australia and each of its Member Associations (being Swimming New South Wales, Swimming Victoria, Queensland Swimming Association, Western Australian Swimming Association, Swimming SA, Tasmanian Swimming, Swimming Northern Territory, Australian Swimming Coaches and Teachers Association and Australian Swimmers Association) are committed to ensuring the safety and wellbeing of all Children or Young People who access any of Swimming's activities, programs, events or services.

We are committed to providing Children or Young People with positive and nurturing experiences and will strive to ensure that Children or Young People are protected.

As custodians responsible for Swimming's future, we are committed to ensuring that our organisations, Clubs and everyone involved also provide a safe environment for Children and Young People.

This Policy aims to ensure that Swimming is safe, fair and an inclusive environment for all Children and Young People associated with Swimming. This Policy and the Member Protection Policy form part of Swimming Australia's 'Safe Sport Framework'.

This Policy has been endorsed and adopted by the Swimming Australia Board in accordance with Rule 45 of the Swimming Australia Constitution. This Policy is binding on Swimming Australia and its Member Associations, Clubs, Members (an individual who is registered as a financial/paid up member of a Club) and Participants (anyone who participates in a swimming service, event, activity or program).

Leigh Russell  
CEO, Swimming Australia Limited



## 1. INTRODUCTION

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- (a) SA, its Member Associations (collectively referred to as "**Swimming Bodies**") and Clubs are committed to the safety and wellbeing of Children and Young People involved in Swimming. Swimming has a 'zero tolerance' approach to Child Abuse and is committed to ensuring Children and Young People are protected from Harm.
- (b) SA encourages everyone involved in Swimming to raise any concerns regarding the safety and wellbeing of Children or Young People.
- (c) It is critical within swimming in Australia that values drive our behaviours and conduct. While the wording of stated values and behaviours may change depending on the team or organisation within swimming, these key principles drive our conduct and behaviour:
  - (i) **COURAGE** - We are committed to having crucial conversations. We are bold, decisive and resilient.
  - (ii) **UNITY** - We act with honesty, authenticity, and transparency. We have pride in the tribe. We collaborate with purpose.
  - (iii) **EXCELLENCE** - We do as we say. We are professional and respectful in all that we do. We adopt a growth mindset.

## 2. PURPOSE

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- (a) The Swimming Bodies take seriously our responsibility to deliver a sporting environment that is caring, nurturing and safe.
- (b) The Swimming Bodies and Clubs will endorse, promote and monitor this Policy with the assistance of our Members. The Swimming Bodies recognise that the responsibility for safeguarding Children or Young People in Swimming lies with all those involved in Swimming.

## 3. SCOPE

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- (a) This Policy binds everyone who is involved in Swimming. It relates to matters concerning the safeguarding of Children or Young People within Swimming and applies to:
    - (i) SA;
    - (ii) Member Associations;
    - (iii) Clubs;
    - (iv) Members; and
    - (v) Participants.
  - (b) This Policy applies from the date of this policy (see first page) (**Commencement Date**).
  - (c) A Complaint relating to a breach of this Policy lodged from the Commencement Date, whether it involves conduct that is alleged to have occurred either before or after the Commencement Date, must be dealt with under this Policy.
-

- (d) For the avoidance of doubt, this Policy seeks to deal with matters where victims of Complaints are Children or Young People and excludes matters which should be dealt with under the Member Protection Policy.

#### **4. CODE OF CONDUCT FOR DEALING WITH CHILDREN AND YOUNG PEOPLE**

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##### **PART A: Applicable to all persons**

##### **4.1 Use of language and tone of voice**

- (a) Language and tone of voice used in the presence of Children or Young People should:
  - (i) provide clear direction, boost their confidence, encourage or affirm them;
  - (ii) not be Harmful – therefore, avoid language that is intended to be, or is likely to be received by the individual it is directed at or any other person as:
    - (A) discriminatory, racist or sexist;
    - (B) derogatory, belittling or negative;
    - (C) threatening or frightening; or
    - (D) profane or sexual in nature.

##### **4.2 Sending electronic communications to Children or Young People**

- (a) Wherever possible, messages (such as text, email, Facebook, Instagram or Swim Central messages) sent to a Child or Young Person by a Person in a Position of Authority or an adult in Swimming should be copied to their parent or carer.
- (b) Where a parent or carer is not included in the communication:
  - (i) restrict such communication to issues directly associated with delivering our services, activity or program, such as advising that a scheduled swimming event (such as training) is cancelled;
  - (ii) limit the personal or social content in such communications to what is required to convey the service-related message in a polite, friendly manner. In particular, do not communicate anything that a reasonable observer could view as being of a sexual nature;
  - (iii) do not use communication to promote unauthorised 'social' activity or to arrange unauthorised contact;
  - (iv) do not request a Child or Young Person to keep a communication a secret from their parents or carers; and
  - (v) do not communicate with Children or Young People using Internet chat rooms or similar forums such as social networking sites, game sites or instant messaging.

### **4.3 Physical contact with Children or Young People**

- (a) Any physical contact with Children or Young People must be appropriate to the delivery of the Swimming Bodies and Clubs' services, events, programs or activities (such as when fitting sporting equipment like goggles and appropriately correcting technique) and based on the needs of the Child or Young Person (such as to assist or comfort a distressed young person) and should never be initiated by the desire to meet the needs of Persons in Positions of Authority.
- (b) Under no circumstances should any person have contact with Children or Young People in Swimming that involves touching of genitals, buttocks or breasts.
- (c) Contact is expressly prohibited by Persons in Positions of Authority if:
  - (i) it would appear to a reasonable observer to have a sexual connotation;
  - (ii) is intended to cause pain or distress to the Child or Young Person – for example corporal punishment;
  - (iii) is overly physical – for example, wrestling, horseplay, tickling or other roughhousing;
  - (iv) is unnecessary – for example, assisting with toileting when a Child or Young Person does not require assistance;
  - (v) is initiated against the wishes of the Child or Young Person, except if such contact may be necessary to prevent injury to the Child or Young Person or to others, in which case:
    - (A) physical restraint should be a last resort;
    - (B) the level of force used must be appropriate to the circumstances, and aimed solely at restraining the Child or Young Person to prevent Harm to themselves or others; and
    - (C) the incident must be reported to a Senior Person as soon as possible.
- (d) Persons in Positions of Authority are required to report to a Senior Person any physical contact initiated by a Child or Young Person that is sexual and/or inappropriate (for example, acts of physical aggression) as soon as possible, to enable the situation to be managed in the interests of the safety of the Child or Young Person, Persons in Positions of Authority and any other Participants.

### **4.4 Sexual Misconduct**

- (a) Except to the extent permitted by law, under no circumstances is any form of sexual behaviour to occur between, with, or in the presence of, Children or Young People participating in any Swimming Bodies or Club environment.
- (b) While the Swimming Bodies and Clubs do not seek to prohibit lawful sexual behaviour, any sexual behaviour occurring in the presence of Children or Young People participating in a Swimming Bodies or Club environment has the potential to:

- (i) make other Participants uncomfortable; or
  - (ii) impact on the overall success of the activity, including the ability of other Participants to successfully participate to their fullest extent.
- (c) The Swimming Bodies and Clubs acknowledge that, in certain circumstances, consenting Children or Young People can engage in lawful sexual behaviour, and that age of consent laws differ between each State and Territory. See the [“Age of Consent Information”](#) document on the Safe Sport Resources section of the SA website.
- (d) Sexual behaviour 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 or Young Person through prostitution; and
  - (ii) ‘non-contact behaviour’, such as flirting between adults and Children or Young People, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

## **PART B: Applicable to all Persons in Positions of Authority**

### **4.5 Positive guidance**

- (a) Swimming Bodies and Clubs strive to ensure that Children or Young People participating in swimming events, services, programs and activities receive positive guidance to create a positive environment.
- (b) Swimming Bodies and Clubs require Persons in Positions of Authority to use guidance strategies that are fair, respectful and appropriate to the developmental stage of the Children or Young People involved. Children or Young People need to be provided with clear directions and given an opportunity to redirect their misbehaviour in a positive manner.
- (c) Under no circumstances are Persons in Positions of Authority to take disciplinary action involving physical punishment. Nor is any form of treatment that could reasonably be considered as degrading, cruel, frightening or humiliating to be tolerated.

### **4.6 Adhering to role boundaries**

- (a) Persons in Positions of Authority should act within the confines of their duties at all times, subject to a direction by a relevant Senior Person.
- (b) Except where permitted under this Policy or expressly and specifically authorised by the relevant parents/carers of a Child or Young Person to act otherwise, Persons in Positions of Authority must not:
  - (i) provide transportation;
  - (ii) engage in inappropriate activities or seek contact with, Children or Young People in Swimming; or

- (iii) accept an invitation to attend any private social function at the request of a Child or Young Person in Swimming.
- (c) For the purposes of this provision, express consent will only be construed as specific consent for particular activities that are stated verbally or in writing.
- (d) If any Persons in Positions of Authority become aware of a situation in which a Child or Young Person requires assistance that is beyond the confines of that person's role, or beyond the scope of the Swimming Bodies' or a Club's usual service, they should at the earliest opportunity seek advice from a Senior Person, and, if necessary:
  - (i) contact the Child or Young Person's parent or guardian as appropriate (which may be in consultation with SA);
  - (ii) refer the matter to an appropriate support agency, as well as to SA; or
  - (iii) refer the Child or Young Person to an appropriate support agency.

#### **4.7 Uniform and identity card/pass/badge/WWCC**

- (a) Persons in Positions of Authority should wear their uniform or identification tag/badge/pass (where available) only while involved in delivering services, programs, events or activities or as required by their role, such as when representing Swimming Bodies or Clubs at designated events and functions, or to and from that work.

#### **4.8 Supervision of Children or Young People**

- (a) Persons in Positions of Authority responsible for supervising Children or Young People must strive to ensure that Participants:
  - (i) engage positively within the delivery of the service, program or event;
  - (ii) behave appropriately toward one another; and
  - (iii) are in a safe environment and are protected from external threats.
- (b) Persons in Positions of Authority are required to avoid unsupervised situations with Children or Young People in Swimming. Where possible, all activities and/or discussions with Participants should be conducted in view of other Persons in Positions of Authority or adult Participants.

#### **4.9 Use of electronic communications**

- (a) All Persons in Positions of Authority who are involved in delivering services, programs, events and activities are required to follow our '**Acceptable Use**' policy in relation to browsing websites on Swimming Bodies and Clubs' computers. (See the Safe Sport section of the SA website).
- (b) Persons in Positions of Authority are required to ensure appropriate monitoring of Children or Young People when they use Swimming Bodies and Clubs' electronic communication equipment to ensure that they do not inadvertently place themselves at risk of committing Abuse or Sexual Exploitation via social networking sites, gaming sites, web searches, inappropriate email communication or other inappropriate use.

#### **4.10 Giving gifts to Children or Young People**

- (a) The giving of gifts by Persons in Positions of Authority to Children or Young People to whom Swimming Bodies and Clubs provide service must be appropriate and is subject to:
  - (i) obtaining prior authorisation from an Senior Person; and
  - (ii) parents/carers or other responsible adults being made aware of any gift given.

#### **4.11 Visual media of Children or Young People**

- (a) Children or Young People in Swimming are to be photographed or videoed by Persons in Positions of Authority while involved in Swimming Bodies or Clubs' service, activity, event or facility only if:
  - (i) prior approval has been granted by the relevant Child or Young Person or the parents/guardian of the relevant Child or Young Person (as appropriate); or
  - (ii) the relevant Child or Young Person or their parent/guardian (as appropriate), has provided their written consent (or if written consent is not reasonably practicable in the circumstances, their verbal consent) to the person proposing to take the relevant photograph or video,  
  
and:
    - (iii) the context is directly related to participation in Swimming;
    - (iv) the Child or Young Person is appropriately dressed and posed; and
    - (v) the image/video is taken in the presence of other Persons in Positions of Authority.
- (b) Images and videos are not to be distributed (including as an attachment to an email) to anyone outside Persons in Positions of Authority other than the Child or Young Person photographed or their parent/carer, without knowledge and approval of a Senior Person.
- (c) Images and videos (digital or hard copy) are to be stored by Swimming Bodies and Clubs in a manner that prevents unauthorised access by others, for example:
  - (i) if in hard copy form, in a locked drawer or cabinet; or
  - (ii) if in electronic form, in a 'password protected' folder.
- (d) Images and videos (digital or hard copy) are to be destroyed or deleted by Swimming Bodies and Clubs as soon as they are no longer required.
- (e) Images and videos are not to be exhibited on Swimming Bodies' or Clubs' websites or other digital mediums without parental/carer approval, or such images or videos must be presented in a manner that de-identifies the Child or Young Person. Any caption or accompanying text may need to be checked so that it does not identify a Child or Young Person.

#### **4.12 Overnight stays and sleeping arrangements for Children or Young People - Swimming Bodies & Clubs**

- (a) Overnight stays are to occur only with the authorisation of appropriate Swimming Bodies or Club Senior Persons and the parents/carers of the Children or Young People involved.
- (b) Practices and behaviour by our Persons in Positions of Authority during an overnight stay must be consistent with the practices and behaviour expected during delivery of Swimming Bodies and Club services, programs, events and activities at other times.
- (c) Standards of conduct that must be observed by Persons in Positions of Authority during an overnight stay include, but are not limited to:
  - (i) providing appropriate supervision of Children or Young People at all times as practicable, allowing for their privacy when bathing and dressing;
  - (ii) observing appropriate dress standards when Children or Young People are present – such as no exposure to adult nudity;
  - (iii) not allowing Children or Young People to be exposed to pornographic or violent material, for example, through movies, television, the internet or magazines;
  - (iv) not leaving Children or Young People under the supervision or protection of unauthorised persons such as hotel staff or friends;
  - (v) not permitting sleeping arrangements that may compromise the safety of Children or Young People such as unsupervised sleeping arrangements, or an adult sleeping in the same bed as a Child or Young Person;
  - (vi) the right of Children or Young People to contact their parents, or others, if they feel unsafe, uncomfortable or distressed during the stay; and
  - (vii) allowing parents to contact their Children or Young People if they wish.
- (d) The [“Safe Trips Away Guide”](#) in the Safe Sport Resources section of the SA website provides further information.

#### **4.13 Change room arrangements**

- (a) Persons in Positions of Authority are required to supervise Children or Young People in change rooms while balancing that requirement with a Child or Young Person’s right to privacy. In addition, Persons in Positions of Authority:
  - (i) should avoid one-to-one situations with Children or Young People in a change room area;
  - (ii) are not permitted to use the change room area to undress while Children or Young People are present unless they are also competing in a Swimming Bodies or Club event or are participating in a Swimming Bodies or Club training environment;

- (iii) should avoid using a change room to undress while Children or Young People are present where there may only be one change room available - Persons in Positions of Authority must use the change room to undress at a separate time to Children or Young People unless they are also competing in a Swimming Body or Club event or are participating in a Swimming Body or Club training environment;
- (iv) need to ensure adequate supervision in 'public' change rooms when they are used;
- (v) need to provide the level of supervision required for preventing Child Abuse or general misbehaviour, while also respecting a Child or Young Person's privacy; and
- (vi) need to ensure that a person of a particular gender or who expresses and identifies with a particular gender does not enter the opposite gender's change rooms.

#### **4.14 Use, possession or supply of alcohol or drugs**

- (a) While on duty or carrying out their roles, Persons in Positions of Authority must not:
  - (i) use, possess or be under the influence of an illegal or illicit drug;
  - (ii) use or be under the influence of alcohol;
  - (iii) be incapacitated by any other legal drug such as prescription or over-the-counter drugs;
  - (iv) supply alcohol or drugs (including tobacco) to Children or Young People; or
  - (v) smoke cigarettes or any other tobacco-related product.
- (b) Use of legal drugs other than alcohol is permitted, provided such use does not interfere with the ability of Persons in Positions of Authority to care for Children or Young People in Swimming.

#### **4.15 Transporting Children or Young People**

- (a) Children or Young People are to be transported by Persons in Positions of Authority only with prior authorisation from the Child or Young Person's parent/carer. In circumstances where you have prior authorisation, you must inform another Person in a Position of Authority or a Senior Person that you will be providing transport for that Child or Young Person in each particular instance. Gaining approval involves providing information about the proposed journey, including:
  - (i) the form of transport proposed, such as private car, taxi, self-drive bus, bus with driver, train, plane or boat;
  - (ii) the reason for the journey;
  - (iii) the route to be followed, including any stops or side trips; and

- (iv) details of anyone who will be present during the journey other than Persons in Positions of Authority.

## 5. RESPONSIBILITIES WITHIN SWIMMING

The role of each entity in relation to this Policy and the Code of Conduct for dealing with Children or Young People is detailed in the table below.

Entity	Role/Responsibility
SA	<ul style="list-style-type: none"> <li>• Adopt, distribute and promote this Policy and its expectations.</li> <li>• Ensure that volunteers and employees engaged or appointed within Swimming are aware of this Policy and the Code of Conduct for dealing with Children or Young People.</li> <li>• Support Policy review and compliance on an annual cycle or at a time governed by legislation, regulations, Sport Australia directions or organisational learnings that promote or require a change to this Policy or procedural guidelines.</li> <li>• Conduct awareness training and guidance to Member Associations and Persons in a Position of Authority on a regular basis.</li> <li>• Develop opportunities for regular discussion at all levels to support a culture of openness and continued improvement and accountability to child protection and Member welfare.</li> <li>• Advocate and promote Child or Young Persons' rights, empowering and engaging Children or Young People in support of this Policy and its expectations.</li> <li>• Support Member Associations, Regional or District Associations and Clubs through any instance or allegation of Child Abuse.</li> <li>• Share information with relevant third parties, including but not limited to ASCTA in instances or allegations involving coaches who have breached this Policy.</li> <li>• Take seriously and appropriately investigate complaints or allegations made against any Persons in Positions of Authority.</li> </ul>
Member Associations	<ul style="list-style-type: none"> <li>• Ensure that all Persons in Positions of Authority understand their obligations in accordance with this Policy and any relevant procedural documentation.</li> <li>• Strive to ensure that this Policy is adhered to amongst Regional or District Associations, Clubs and their Members, staff, officials, volunteers and Participants.</li> </ul>

Entity	Role/Responsibility
	<ul style="list-style-type: none"> <li>• Strive to ensure that the development and implementation of required internal policy/work procedures and guidelines are in place to support child protection practice in accordance with the expectations of this Policy.</li> <li>• Ensure that volunteers and employees engaged or appointed within Swimming are aware of this Policy and the Code of Conduct for dealing with Children or Young People.</li> <li>• Distribute and promote this Policy among its Regional or District Associations, Clubs and provide them necessary and appropriate support.</li> <li>• Refer complaints or allegations made against any Persons in Positions of Authority to SA.</li> <li>• Proactively share resources and experience in the development of child safe initiatives in swimming as they are identified.</li> <li>• Develop opportunities for regular discussion at all levels to support a culture of continuous improvement and accountability of Child or Young Person protection and Member welfare. For example, in team meetings or regular forums, include safe sport as a regular agenda item.</li> </ul>
Clubs	<ul style="list-style-type: none"> <li>• Strive to ensure that all Persons in Positions of Authority understand their obligations in accordance with this Policy, the Code of Conduct for dealing with Children or Young People and any relevant procedural documentation.</li> <li>• Strive to ensure that the development and implementation of required internal policy and work procedures and guidelines are in place to support Child or Young Person protection practice in accordance with the expectations of this Policy.</li> <li>• Ensure that volunteers and employees engaged or appointed within Clubs are aware of this Policy and the Code of Conduct for dealing with Children or Young People.</li> <li>• Advocate and promote Child or Young Person rights, empowering and engaging Children or Young People in support of this Policy.</li> <li>• Proactively share resources and experience in the development of child safe initiatives in swimming as they are identified.</li> <li>• Develop opportunities for regular discussion at all levels to support a culture of continuous improvement and accountability of Child or Young Person protection and</li> </ul>

Entity	Role/Responsibility
	<p>Member welfare. For example, in team meetings or regular forums, include safe sport as a regular agenda item.</p> <ul style="list-style-type: none"> <li>• Refer complaints or allegations made against any Persons in Positions of Authority to SA.</li> </ul>
<p><b>Persons in Positions of Authority</b></p>	<ul style="list-style-type: none"> <li>• Understand the rights of Children or Young People, as appropriate to their role.</li> <li>• Understand and acknowledge the foundational significance of family relationships for the development of Children or Young People.</li> <li>• Respect the cultural and religious practices of families who access Swimming's services, programs or events.</li> <li>• Understand and appropriately respond to the special needs of Children or Young People with developmental delays or disabilities.</li> <li>• Be respectful of Children or Young People.</li> <li>• Appropriately act on any concerns raised by Children or Young People or their parents, guardians, carers etc.</li> <li>• Understand the definitions, relevant laws, reporting requirements, indicators and impact of Child Abuse, including but not limited to Grooming.</li> <li>• Know and follow applicable policies, regulations and codes of conduct in relation to the care of Children or Young People.</li> <li>• Co-operate with Police, relevant authorities and other formal investigations to the best of their ability to safeguard Children or Young People.</li> <li>• Always follow the Code of Conduct for dealing with Children or Young People and this Policy.</li> <li>• Not Harm or exploit Children or Young People who access our services, activities, programs, or events, nor contravene this Policy or any laws or regulations regarding the safety and wellbeing of Children or Young People.</li> </ul>

## **6. RECRUITMENT AND SCREENING PROCEDURES FOR ROLES WITH DIRECT CONTACT WITH OR PERMITTING ACCESS TO CHILDREN OR YOUNG PEOPLE**

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### **6.1 Introduction**

- (a) Best practice recruitment and screening for all persons involved in swimming who have direct contact with, or access to, Children or Young People, requires implementation of the practices outlined in sections 6.3 - 6.12.
- (b) Swimming Bodies and Clubs must apply the practices and procedures in this section 6 in relation to all prospective employees.
- (c) In recognition of the differences between legislation of Australia's States and Territories, unless otherwise stated, Swimming Bodies and Clubs must, where feasible and to the greatest extent practicable, apply the practices and procedures in this section 6 in relation to all volunteers and contractors in swimming.
- (d) In section 6, the term:
  - (i) **"volunteer"** includes any individuals volunteering their time free of charge, or receiving per diem or reimbursement expenses only;
  - (ii) **"contractor"** includes any individuals engaged by Swimming Bodies or Clubs who are remunerated for their time or services (but are not employees); and
  - (iii) **"employee"** includes any individuals, whether full time, part time or casual, employed by Swimming Bodies or Clubs and remunerated for their time or services.
- (e) Where a Member Association or Club is determining whether it is practicable to apply the practices and procedures in this section 6, the following will be taken into account:
  - (i) the size of the organisation seeking volunteers or contractors;
  - (ii) the number of prospective applications; and
  - (iii) the nature of the volunteer or contractor positions for which volunteers or contractors are being sought.

### **6.2 Purpose**

- (a) The recruitment and screening procedures have been developed to ensure that Swimming Bodies and Clubs recruit people who are suitably qualified and committed to providing professional, safe and enjoyable activities and services to Children or Young People.

### **6.3 Advertising**

- (a) All Swimming Bodies and Club advertised positions and internal position descriptions for positions that require direct contact with or permit access to Children or Young People should contain the following statement:

**“We require all applicants to undergo an extensive screening and background check process prior to appointment.”**

#### **6.4 Provision for Safeguarding Children or Young People**

- (a) This Policy must be supplied to all applicants for advertised positions at the same time as the position description and application documentation, and at least prior to an interview. All positions advertised online should contain a link to this Policy or a PDF version attached to the advertisement.

#### **6.5 Face-to-face or video interview**

- (a) All applicants that require direct contact with, or that permit access to, Children or Young People, are required to attend or participate in at least one face-to-face or video interview.
- (b) As part of the face-to-face or video interview, Swimming Bodies and Clubs should highlight our commitment to protecting Children or Young People from Abuse. Swimming Bodies and Clubs should also explain our screening requirements and their purpose.
- (c) During face-to-face or video interviews, the Swimming Bodies or Club Persons in Positions of Authority conducting the interview must consider the following issues and the applicant’s suitability to work with Children or Young People:
  - (i) the applicant’s general awareness and understanding of Child or Young Person protection issues and the importance of ensuring the safety and wellbeing of Children or Young People in particular;
  - (ii) the applicant’s beliefs and values in relation to the treatment of Children or Young People;
  - (iii) the applicant’s professional experience, qualifications and competence;
  - (iv) the applicant’s reasons for leaving previous positions involving work with Children or Young People; and
  - (v) any potential concerns regarding the applicant’s resume or work history, such as gaps in their work history, frequent job changes, or inability to nominate precise start or end dates for previous roles.
- (d) In undertaking an interview with any applicant for any role requiring direct contact with, or access to, Children or Young People, hiring Persons in Positions of Authority must reference and choose appropriate ["Interview questions"](#) (suggested Interview questions can be found on the Safe Sport Resources section on SA’s website). An applicant’s responses should be documented and, if they are the successful applicant, add it to their personnel file.

#### **6.6 Proof of Identity and Qualifications Check**

- (a) The identity and qualifications of each shortlisted applicant for any position requiring direct contact with, or access to, Children or Young People must be confirmed by sighting ‘proof of identity’ and ‘proof of qualifications’ documents presented by the applicant that are relevant to their role and their suitability to work with Children or Young People. On completion of the recruitment process,

copies of the successful applicant's 'proof of identity' and 'proof of qualifications' documents should be added to their personnel file.

- (b) If a variation to these requirements is required in relation to proof of identity or proof of qualifications, such as an applicant being unable to provide specific documentation, an appropriate Senior Person should be advised and approval for a variation sought. The Senior Person may withhold approval for any variation requested at their absolute discretion.

## **6.7 Background and Screening Checks**

- (a) Unless the law provides otherwise, all SA, Member Association and Club boards (however named) and employees must have a satisfactory Working with Children Check in the appropriate jurisdiction in which they spend the majority of their working time.
- (b) In addition, at the discretion of the engaging organisation, applicants may also be required to satisfy a number of background checks, at the commencement of, and in some cases during the time in which they hold their position. These include (but are not limited to) the following:
  - (i) a National Criminal History Record Check;
  - (ii) a signed declaration;
  - (iii) a reference check; and
  - (iv) any other relevant background checks to assess a person's suitability to work with Children or Young People.
- (c) Whenever possible, no applicant is to be offered a position with any Swimming Bodies or a Club until after completion of the relevant background and screening checks. When this is not possible, appointment of that person must be contingent on the relevant Swimming Bodies or Club receiving a satisfactory background and screening check. At a minimum and subject to specific State or Territory 'Working With Children Check' requirements which can be found at the websites set out in the table at **Annexure D**, the applicant must have completed the application documentation for the relevant Working with Children Check or background check (or both) and the employing organisation must sight that documentation prior to the commencement date of that person's position.
- (d) If the applicant has already commenced holding a position with any Swimming Bodies or a Club and the results of any background or screening checks are unsatisfactory, subject to the individual employment contract and laws, the Swimming Bodies or the Club may terminate the individual's position without notice.
- (e) Swimming Bodies and Clubs only recruit staff and volunteers with appropriate qualifications and experience and if at any stage (including before or after engagement) it is discovered that any aspect of the applicant's curriculum vitae or references or background checks provided in support of the application are dishonest or misleading, Swimming Bodies and Clubs may terminate the engagement immediately without notice.

## 6.8 Working with Children Checks

- (a) Each Australian jurisdiction has its own legislated screening schemes for undertaking checks to assess a person's suitability to work or interact with Children or Young People. Examples of this include 'Working with Children' or 'Blue Card' checks.
- (b) Accordingly, our recruitment procedures require that such checks be obtained for all applicants (including all applicants who are Children or Young People) who are to be offered or have accepted a position with any Swimming Bodies or Clubs that involves direct contact with, or permits access to, Children or Young People (i.e. including, but not limited to team managers, coaching staff, technical officials, etc). Swimming Bodies or the relevant Club will direct the applicant to the check required and make clear the relevant jurisdiction for the relevant check.
- (c) Where an applicant is not required to obtain a Working with Children Check by law, the applicant may be required to provide evidence to the satisfaction of the Swimming Body or Club confirming this, such as a letter or statement from the relevant State or Territory external agency.
- (d) The Person in a Position of Authority that is responsible for recruiting must either verify with the appropriate Working with Children or Blue Card Authority or, if the information cannot be verified through the appropriate authority, sight a copy of the applicable 'Working with Children' or Blue Card check documentation and record relevant details using our "[Working with Children and Background Check Register Template](#)" (this can be found on the Safe Sport Resources section on SA's website).
- (e) Swimming Bodies and Clubs must not employ or engage a person who returns a negative 'Working with Children' or Blue Card check (or similar). For the avoidance of doubt, volunteers who return negative checks must not be engaged by Swimming Bodies or Clubs also.

## 6.9 National criminal history record checks

- (a) Swimming Bodies or a Club may at any time require a National Criminal History Check. This might be required, for example, where a person may be exempt from a Working with Children Check requirement, but it can also be an additional requirement imposed by Swimming Bodies or a Club. If such record check is required, obtain application forms from Police in the relevant State or Territory, or download forms from their website, as detailed in the table at **Annexure D**.
- (b) No copy of the Police Check may be retained, and the original must be destroyed – in a secure manner – on completion of the selection process. However, Swimming Bodies and Clubs should record the date and certificate number of the Police Check in the applicant's personnel file on a 'National Criminal History Record Check' form.
- (c) When this is not possible, the person may be appointed contingent upon them receiving a satisfactory check. The person is to be subject to additional supervision until the check procedures are completed.

## 6.10 Record Keeping and Sharing of Information – Working with Children and/or National Criminal History Checks

- (a) Swimming Bodies and all Clubs must comply with relevant laws in relation to record keeping. Best practice record keeping requires Swimming Bodies and Clubs to maintain:
  - (i) records of all employees, contractors and volunteers, including proof of identify and proof of qualification documents and records; and
  - (ii) a register of Working with Children Check and National Criminal History Checks for all employees, contractors and volunteers for whom checks have been obtained. This register must detail application and approval or rejection details (including Working with Children Check or equivalent identifiers), expiry dates and any other identifying and useful information.
- (b) Please see the “**WWCC and Background Check Register Template**” in the Safe Sport Resources section on the SA website.
- (c) When requested by SA, Member Associations and Clubs must to the extent permitted by law share information from relevant employment records or their register of Working with Children Check or National Criminal History Checks in order to resolve any recruitment or screening issues and in the interests of resolving any complaints relating to Children or Young People. Subject to relevant laws, Clubs must also share employment records and proof of identity or qualifications information when requested by Member Associations for those same purposes.
- (d) For the avoidance of any doubt, all applicants provide their consent to SA, Member Associations and Clubs disclosing their personal information as set out above.

## 6.11 Undertaking reference checks

- (a) Swimming Bodies and Clubs must conduct a minimum of two reference checks for all shortlisted applicants for any employment, contractor or volunteer roles. This is to gather additional information about the applicant's suitability to work in the role for which they have applied and to ensure the applicant holds the professional qualification, experience or registration they claim to hold in relation to their suitability to work with Children or Young People.
- (b) Applicants being considered for appointment should, in the first instance, be asked to provide contact details for two referees who can provide information relating to the applicant's suitability to the role, including relating to the applicant's suitability to work with Children or Young People. Referees (preferably professional):
  - (i) should include a representative of the applicant's:
    - (A) current or most recent employer; or
    - (B) an employer in the past 5 years provided that if the applicant is offered the role, he/she must provide a reference from their current or most recent employer prior to commencing; and

- (ii) must, where practicable, have had a direct managerial relationship with the applicant and so be capable of commenting with direct knowledge in relation to the applicant, and ideally have been the applicant's supervisor or line manager.
- (c) Personal referees are not recommended. However, if there is no option but to include a personal referee (for example – applicants are applying for their first job), then that referee:
  - (i) should not be related to the applicant;
  - (ii) should have known the applicant for at least 12 months; and
  - (iii) must be able to attest to the applicant's reputation, good standing and character.
- (d) For any shortlisted applicant being considered for an employment, contractor or volunteer coaching role, Swimming Bodies and Clubs must also conduct reference checks with:
  - (i) ASCTA; and
  - (ii) the applicant's current or most recent engagement where he or she coached (if applicable) or from an engagement in the past 5 years provided that if the applicant is offered the role, he/she must provide a reference from their current or most recent engagement prior to commencing.
- (e) The referee checks undertaken must involve direct contact with the referee, whether in-person, by phone, video link or email. Written character references are not sufficient unless also followed up and verified through direct contact.
- (f) A completed 'Reference Check' form is to be filed in a successful applicant's personnel file prior to the applicant starting their engagement with the relevant Swimming Body or Club. Please see the "[Reference Check Template](#)" located in the Safe Sport Resources section on the SA website.

#### **6.12 Guidance for volunteers, contractors and Children or Young People in Positions of Authority**

- (a) Swimming Bodies and Clubs must comply with any 'Working with Children' check legislation that applies in the jurisdiction in which they operate and must undertake such checks for all prospective parent/carer contractors or volunteers in accordance with the relevant Australian State or Territory. More information can be found at the websites set out in the table at **Annexure D**.

### **7. COMPLAINT PROCEDURE**

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- (a) Complaints regarding the safety, health or wellbeing of a Child or Young Person will be treated by Swimming Bodies and Clubs as a high priority.
- (b) Where Complaints arise regarding a Child or Young Person in Swimming, it may be necessary for Swimming Bodies and its Persons in Positions of Authority to take very particular steps, such as reporting incidents to authorities. For that reason, Complaints regarding a Child or Young Person are to be addressed in accordance with the Complaint Procedure outlined in section 7.5, while having regard to the Complaint Guidelines set out in **Annexure C**.

- (c) The Complaint Procedure in section 7.5 including all resources, tools and templates apply to all Complaints lodged under this Policy, whether at Club, Member Association or SA level.
- (d) Existing disciplinary procedures contained within the constitution or rules, regulations or policies of any Club or Member Association remain and may be the relevant process to deal with any relevant breaches other than of this Policy.

### **7.1 Breaching this Policy**

- (a) Complaints may be made about an act, behaviour, conduct, omission, situation or decision that is a suspected breach of this Policy. It may be:
  - (i) in relation to issues with Children or Young People, a seemingly minor issue or a very serious issue, such as Harm to a Child or Young Person; or
  - (ii) a suspected breach of our Code of Conduct for dealing with Children or Young People set out in section 4,provided that such Complaint is not mischievous, vexatious or knowingly untrue.

### **7.2 Making a Complaint**

- (a) Complaints in relation to this Policy may be made by any person who has concerns about a person or their behaviour or conduct in Swimming.
- (b) Complaints should be referred to the Head of Integrity and Risk at SA or such other person as directed by SA from time to time.

### **7.3 Mandatory Reporting**

- (a) All Complaints or concerns involving Child Abuse or criminal conduct should immediately be referred to SA and the Police (if there is an immediate threat of Harm or a serious offence has occurred) and/or the appropriate external agencies.
- (b) There are certain circumstances where individuals will be legally required to report a Complaint that they receive to the relevant external authority.

Please refer to **Annexure B** for further responsibilities and information in relation to 'Mandatory Reporting' and relevant external authorities.

### **7.4 Initial Stages of a Complaint**

- (a) Where a Complaint is referred to SA and SA in its absolute discretion, determines it is not appropriate to deal with the Complaint or that the matter does not fall within the scope of this Policy (for example a Club dispute not involving a Child or Young Person), SA may refer the Complaint elsewhere or dismiss it accordingly.
- (b) For the avoidance of doubt, Member Associations or SA may also, at their discretion, refer Complaints received back to Club, ASCTA, ASA or a Member Association, should that be appropriate.

## 7.5 Procedure for Handling Complaints under this Policy

Any person who has concerns about a breach of this Policy must follow the Complaints Procedure outlined below while having regard to the Complaint Guidelines set out in **Annexure C**.

### Complaints Procedure

#### *Reporting Complaint*

**Step 1:** Complainant tells a Person in a Position of Authority about their Complaint.

**If immediate threat of Harm or mandatory reporting scenario, Person in a Position of Authority or Senior Person must report to police and/or relevant external agency.**

**Step 2:** Person in a Position of Authority talks to Complainant and identifies facts, records, explains next steps and reports to a Senior Person.

**Step 3:** Senior Person documents Complaint using the Complaint Recording Template set out in **Annexure A**.

**Step 4:** Senior Person reports Complaint to SA.

**Step 5:** SA reports to relevant external authority if mandatory reporting is required and it has not already been reported or if SA otherwise considers it appropriate to do so.

#### *Internal Investigation of Complaint*

**Step 6:** SA determines whether to delegate Complaint to a Delegated Organisation or refer the Complaint elsewhere. For the avoidance of doubt, all Complaints reported or dealt with under this Policy (or relating to conduct that is or may be a breach of this Policy) shall be dealt with by SA unless SA (at its sole discretion) determines that it should be delegated to a Delegated Organisation.

**Step 7:** SA or Delegated Organisation conducts internal investigation of Complaint unless otherwise requested by external agency.

#### *Determining Complaint*

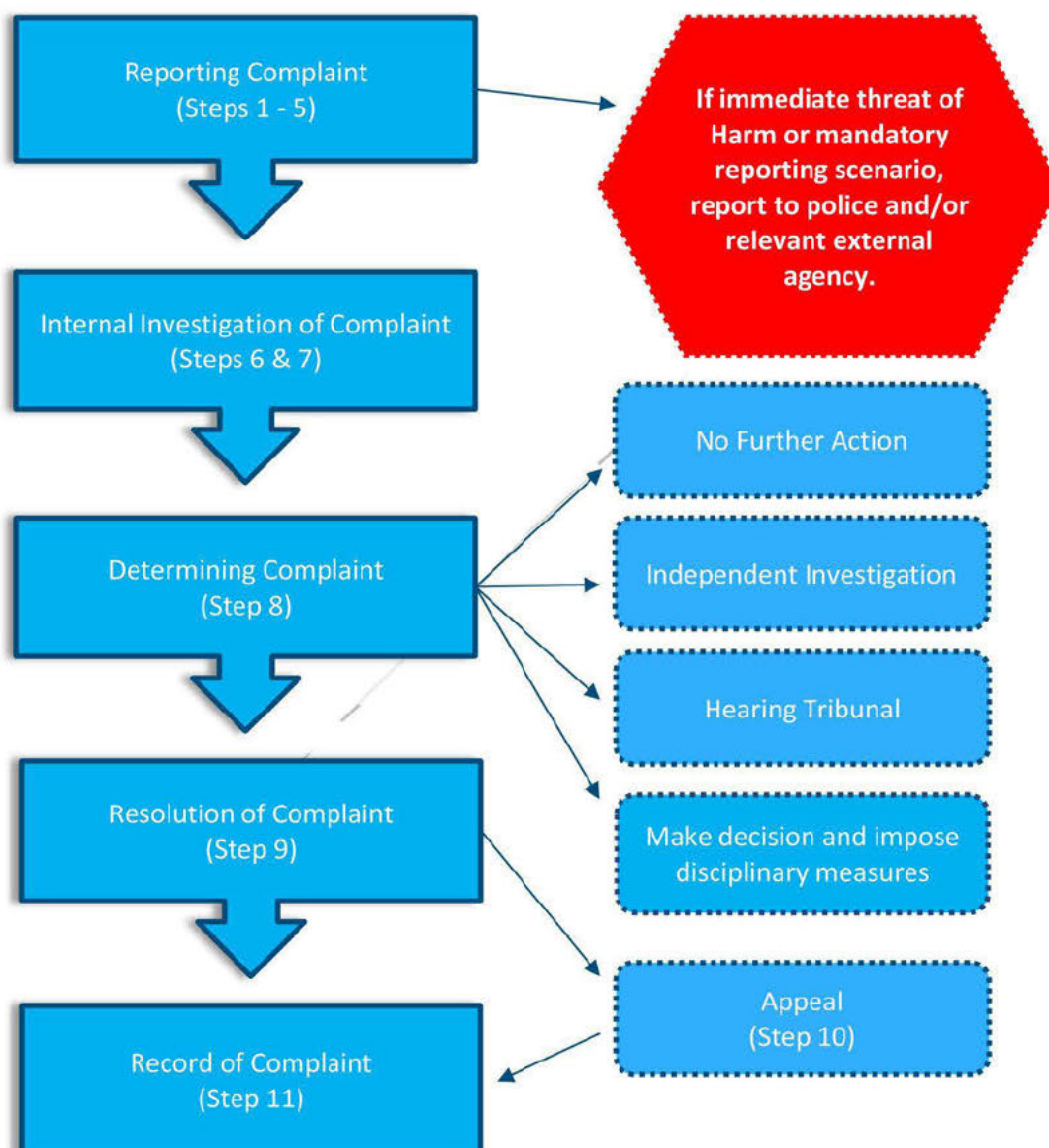
**Step 8:** After the internal investigation is completed, the CEO of SA or Delegated Organisation evaluates next steps and determines whether to:

- (a) close the Complaint where no further action is required, or no longer sought by the Complainant;
- (b) make decision and impose disciplinary measures (in accordance with section 8);
- (c) refer Complaint to Independent Investigation (refer to section 7.8); or
- (d) refer Complaint to Hearing Tribunal (refer to section 7.9).

### *Resolution of Complaint*

- Step 9:** Decision made and disciplinary measures (if required) imposed as a result of the chosen Step 8 process.
- Step 10:** Appeal (if deemed valid) may be lodged in relation to decision. If the appeal is heard, a decision is made and new disciplinary measures may be imposed. Refer to section 7.10.
- Step 11:** Record of Complaint finalised. SA and Delegated Organisation notified of outcome of Complaint. Complaint closed.

The above process is reflected in the diagram below:



## 7.6 Provisional Action

- (a) Provisional Action may be taken at any time by SA or its Delegated Organisation (in relation to Complaints) until the outcome(s) of the internal investigation, Independent Investigation or Hearing Tribunal (including any Appeal) is known.
- (b) Provisional Action may include, but is not limited to:
  - (i) suspension, restriction of duties or temporary re-deployment; or
  - (ii) suspension or restriction of rights, privileges and benefits.
- (c) In all circumstances in which a Complaint is reported to an Involved Organisation or the relevant external authorities, the Involved Organisation reserves the right in its sole discretion to determine that the activities undertaken by the Respondent are revised and amended as necessary to minimise risk.

- (d) Involved Organisations should be mindful of any contractual or employment issues arising where the Involved Organisation is contemplating Provisional Action. For instance:
  - (i) the contract governing a service provider's obligations to an Involved Organisation; or
  - (ii) an individual's employment or other contract with an Involved Organisation,may have an impact on the type of Provisional Action which may be legally taken by an Involved Organisation.
- (e) **IMPORTANT NOTE:** Where the livelihood of a Respondent to a Complaint is likely to be adversely impacted by any disciplinary measures imposed, including Provisional Action such as suspension, special care must be taken before imposing Provisional Action. An Involved Organisation should seek legal advice prior to imposing Provisional Action in those circumstances.

## 7.7 Internal Investigation

So that SA or Delegated Organisation has sufficient information to determine the appropriate step to be taken, the Investigation Officer within SA or Delegated Organisation should conduct an internal investigation. Step 7 and 8 of the Complaint Guidelines in **Annexure C** provides guidance on the conduct of an internal investigation.

## 7.8 Independent Investigation Procedure

- (a) Following or as part of an internal investigation into a Complaint the CEO of SA or Delegated Organisation may appoint an Investigator to review the circumstances of the Complaint and conduct an Independent Investigation.
- (b) Any internal or independent investigation process conducted in relation to a Complaint must occur concurrently with any external organisation process, as long as the internal or independent investigation process is placed on hold should an external organisation requests this to occur.
- (c) In conducting an Independent Investigation (and where an Investigator is appointed), the below steps must be followed:
  - (i) SA or Delegated Organisation will provide a written brief to the Investigator to ensure the terms of engagement and scope of the Investigator's role and responsibilities are clear.
  - (ii) The Complainant should be interviewed by the Investigator and the Complaint and any key information arising from the interview(s) documented in writing by the Investigator. The Complainant is entitled to have a support person present during any interview that takes place, subject to the support person not being a current practicing solicitor or barrister. Where the Complainant is a Child or Young Person, the Complainant's parent or guardian should also be present during the interview.
  - (iii) The key details of the Complaint should be conveyed to the Respondent(s). The Respondent(s) must be given sufficient information to enable them to properly respond to the Complaint.

- (iv) The Respondent(s) should be interviewed by the Investigator and given the opportunity to respond to the allegations. The response to the Complaint should be documented in writing by the Investigator. The Respondent is entitled to have a support person present during any interview, subject to the support person not being a current practicing solicitor or barrister. Where the Respondent is a Child or Young Person, the Respondent's parent or guardian should also be present during the interview.
- (v) If, in the process of the Independent Investigation, there continues to be a dispute regarding the facts, then statements from witnesses and other relevant evidence should be obtained by the Investigator to assist in reaching conclusions and preparation of a report and recommendations.
- (vi) The Investigator must make a finding, on the balance of probabilities, as to whether the Complaint, or each of the allegations in the Complaint (as appropriate) is:
  - (A) substantiated (there is sufficient evidence to support the Complaint);
  - (B) inconclusive (there is insufficient evidence either way);
  - (C) unsubstantiated (there is sufficient evidence to show that the Complaint is unfounded or not enough evidence to substantiate the Complaint); or
  - (D) mischievous, vexatious or knowingly untrue.
- (vii) A report documenting the Complaint, the investigation process, evidence, finding(s) and, if requested, recommendations, should be given to the CEO (or a person with delegated authority of the CEO) of SA or Delegated Organisation who may, in consideration of the report of the Investigator, either:
  - (A) take disciplinary action against either the Respondent, Complainant or any other person/persons involved in the Complaint in accordance with section 8;
  - (B) refer the Complaint to a Hearing Tribunal (which will take place in accordance with the Hearing Tribunal Procedure in Section 7.8) to determine what, if any, further action to take; or
  - (C) take no further action and close the Complaint.
- (viii) Within 14 days of the CEO (or a person with delegated authority of the CEO) of SA or Delegated Organisation receiving a report of an Investigator, a report must be provided to the Complainant(s) and the Respondent(s) which summarises the investigation process and documents key points that were found to be substantiated, inconclusive, unsubstantiated or mischievous (**Report**). The Report may be redacted to the extent required to protect necessary confidential or sensitive issues.
- (ix) All parties to the Complaint receiving a copy of the Report of the Investigator must maintain strict confidentiality of the Report, other than

where necessary to disclose the contents of the Report in order to obtain legal advice or as required by law. Any disclosure of the Report other than in accordance with this section 7.8(c)(ix) is a breach of this Policy and may result in disciplinary action being taken against the party making the disclosure.

- (x) Subject to sections 7.8(c)(ii) and 7.8(c)(iv), both the Complainant and the Respondent(s) are entitled to support throughout this process from their chosen support person/adviser.

## **7.9 Hearing Tribunal Procedure**

SA or a Delegated Organisation may (at its discretion) refer a Complaint to:

- (A) a Hearing Tribunal conducted by SA or the Delegated Organisation; or
- (B) the National Sports Tribunal (provided the National Sports Tribunal has jurisdiction to hear the Complaint).

Where SA or Delegated Organisation refers a Complaint to a Hearing Tribunal, the below steps must be followed. Where there is no CEO or a person with delegated authority of a CEO employed by SA or Delegated Organisation any reference to the CEO in this clause means the President of such organisation.

### ***Preparing for a Hearing Tribunal***

- (b) The Hearing Tribunal shall be constituted by SA or the Delegated Organisation.
- (c) The CEO of SA or the Delegated Organisation should convene the Panel Members to hear a Complaint. The Panel Members should be provided with a copy of all the relevant correspondence, reports or information received and sent by the CEO relating to the Complaint.
- (d) The Hearing Tribunal should be scheduled as soon as practicable but must allow adequate time for the Respondent(s) to prepare to respond to the Complaint.
- (e) Subject to 7.9(j), the number of Panel Members required to be present throughout the Hearing Tribunal process is 3.
- (f) The Hearing Tribunal must not include any person who has any actual or perceived conflict of interest, preconceived opinions, vested interests or personal involvement relating to the Complaint.
- (g) The Hearing Tribunal must comprise at least one person who has knowledge, and preferably experience, of any relevant laws relating to the Complaint (e.g. anti-discrimination).
- (h) One of the Panel Members shall be appointed Chairperson by the CEO of SA or the Delegated Organisation.
- (i) Any objection to a Hearing Tribunal Panel Member must be made by a party in writing to the CEO of SA or the Delegated Organisation no later than 72 hours prior to the Hearing Tribunal.

- (j) If for any reason 3 Panel Members are not maintained, the discontinuing Member may be replaced if it is considered appropriate by the CEO of SA or the Delegated Organisation. Factors to consider should include the circumstances of the Complaint and the ability of the new Panel Member to be reasonably and impartially informed of the hearing evidence up until the time of his or her appointment. If the CEO of SA or the Delegated Organisation believes it is appropriate for a new Panel Member to be appointed, then he or she should organise for the Hearing Tribunal to be rescheduled, with a new Panel.
- (k) The CEO must inform the Respondent by written notification that a Hearing Tribunal will take place. The written notification must outline:
- (i) that the Respondent has a right to appear at the Hearing Tribunal to respond to the Complaint/allegation(s);
  - (ii) details of the Complaint, including any relevant policy, rules or regulations which have allegedly been breached (if there is more than one Complaint these should be set out separately);
  - (iii) the date, time and venue of the Hearing Tribunal;
  - (iv) that the Respondent can make either verbal or written submissions to the Hearing Tribunal;
  - (v) that the Respondent may arrange for witnesses to attend the Tribunal hearing to support their position (statutory declarations of witnesses not available to attend and from character witnesses may also be provided to the Tribunal hearing);
  - (vi) an outline of any possible penalties that may be imposed if the Complaint is found to be true;
  - (vii) legal representation is not allowed; and
  - (viii) if the Respondent is a Child or Young Person (or a person with an intellectual disability or mental illness), they should have a parent, guardian or support person present.
- (l) A copy of any information or documents that have been given to the Hearing Tribunal should also be provided to the Respondent subject to the approval of the Chairperson.
- (m) The CEO will inform the Complainant by written notification that a Hearing Tribunal will take place. The written notification will outline:
- (i) that the Complainant has a right to appear at the Hearing Tribunal to support their Complaint;
  - (ii) details of the Complaint, including any relevant policies, rules or regulations (if there is more than one Complaint these should be set out separately);
  - (iii) the date, time and venue of the Hearing Tribunal;
  - (iv) that the Complainant can make either verbal or written submissions to the Hearing Tribunal;

- (v) that the Complainant may arrange for witnesses to attend the Tribunal hearing to support their position (statutory declarations of witnesses not available to attend and from character witnesses may also be provided to the Tribunal hearing);
  - (vi) legal representation is not allowed; and
  - (vii) if the Complainant is a Child or Young Person (or a person with an intellectual disability or mental illness), they should have a parent, guardian or support person present.
- (n) A copy of any information or documents that have been given to the Hearing Tribunal will also be provided to the Complainant subject to the approval of the Chairperson of the Hearing Tribunal.
- (o) If the Complainant believes the details of the Complaint are incorrect or insufficient they should inform the CEO as soon as possible so that the Respondent and the members of the Tribunal can be properly informed of the Complaint.

### ***Hearing Tribunal***

- (p) The following people are allowed to attend the Hearing Tribunal:
- (i) the Panel Members;
  - (ii) the Respondent;
  - (iii) the Complainant;
  - (iv) any witnesses called by the Respondent, but only for the period deemed required by the Chairperson for the witness to provide evidence and be questioned;
  - (v) any witnesses called by the Complainant, but only for the period deemed required by the Chairperson for the witness to provide evidence and be questioned; and
  - (vi) any parent, guardian or support person, excluding a legal representative, required to support the Respondent or the Complainant.
- (q) The Chairperson should call the hearing to order at the designated time and determine if the Respondent is present.
- (r) If the Respondent is not present and the Chairperson considers that no valid reason has been presented for their absence, the Hearing Tribunal may continue subject to the Chairperson being satisfied that all notification requirements under the Hearing Tribunal procedures have been carried out correctly and that the principles of Natural Justice will not be prejudiced solely by the absence of the Respondent.
- (s) If the Chairperson considers that a valid reason for the non-attendance of the Respondent is presented, or the Chairperson does not believe the notification requirements have been carried out correctly, then the Hearing Tribunal should be rescheduled to a later date. The Chairperson will inform the CEO of SA or the Delegated Organisation of the need to reschedule, and the CEO should organise for the Hearing Tribunal to be reconvened.

- (t) The Chairperson will read out the Complaint, ask the Respondent if they understand the Complaint being made against them, and if they agree or disagree with the Complaint.
- (u) If the Respondent agrees with the Complaint and accepts the alleged breach, he or she will be asked to provide any evidence or witnesses that should be considered by the Hearing Tribunal when determining any disciplinary measures.
- (v) If the Respondent disagrees with the Complaint or does not accept the alleged breach, the Complainant should be asked to describe the circumstances that led to the Complaint being made. The Complainant may:
  - (i) refer to brief notes; and
  - (ii) call witnesses.
- (w) The Respondent or their representative may apply to the Hearing Tribunal to be allowed to question the Complainant and their witnesses. It is in the Hearing Tribunal's sole discretion whether the Respondent should be allowed to question the Complainant.
- (x) The Respondent should then be asked to respond to the Complaint. The Respondent may:
  - (i) refer to brief notes; and
  - (ii) call witnesses.
- (y) The Complainant or their representative may apply to the Hearing Tribunal to be allowed to ask questions of the Respondent and their witnesses. It is the Hearing Tribunal's sole discretion whether the Complainant should be allowed to question the Respondent.
- (z) Both the Complainant and Respondent should be allowed to be present when evidence is presented to the Hearing Tribunal. Witnesses may be asked to wait outside the Hearing Tribunal until required.
- (aa) The Hearing Tribunal may:
  - (i) consider any evidence, and in any form, that it deems relevant;
  - (ii) question any person giving evidence; and
  - (iii) limit the number of witnesses presented to those who provide new or relevant evidence.
- (bb) The Hearing Tribunal must not:
  - (i) draw any adverse inference solely from a Complainant who is a Child or Young Person failing to be present at the Hearing Tribunal, or failing to be present and being represented by their parent, guardian or support person;
  - (ii) allow the Respondent to submit that an adverse inference should be drawn from the circumstances in (i) above; or

- (iii) draw an adverse inference where a Complainant who is a Child or Young Person provides evidence only by statutory declaration or other written statement prior to the Hearing Tribunal.
- (cc) Video evidence, if available, may be presented. The arrangements for such presentation will be the responsibility of the person/s wishing to offer this type of evidence.
- (dd) If the Hearing Tribunal considers that at any time during the Hearing Tribunal there is any unreasonable or intimidating behaviour from any person, the Chairperson has the power to deny any further involvement of the person in the Hearing Tribunal.
- (ee) After all of the evidence has been presented the Hearing Tribunal will, subject to section 7.9(hh), make its decision in private. If the Hearing Tribunal believes the Complaint has been substantiated on the balance of probabilities, the Respondent should then be given an opportunity to address the Hearing Tribunal and make submissions on any disciplinary measures that may be imposed and including but not limited to mitigating circumstances.
- (ff) The Hearing Tribunal may impose a disciplinary measure on the Respondent where it upholds the Complaint in whole or in part. The Hearing Tribunal will impose the disciplinary measure in accordance with section 8.
- (gg) All decisions made by the Hearing Tribunal will be made by a majority vote.
- (hh) Where a decision is made at the hearing the Chairperson should announce the decision in the presence of all those involved in the Tribunal Hearing and then declare the Tribunal Hearing closed. Where a decision will be made after the hearing, the Chairperson should inform the parties of this fact and declare the Tribunal Hearing closed.
- (ii) Within 48 hours, the Chairperson should:
  - (i) forward to the CEO of SA or the Delegated Organisation a copy of the Hearing Tribunal decision including any disciplinary measures imposed; and
  - (ii) forward a letter to the Respondent confirming the Hearing Tribunal's decision and any disciplinary measures imposed. The letter should outline the process and grounds for an appeal to be made.
- (jj) The Hearing Tribunal does not need to provide written reasons for its decision but may do so if it chooses.

#### **7.10 Appeal Procedure**

- (a) Subject to this Appeal Procedure, an Appellant may appeal a decision arising from:
  - (i) a decision to take disciplinary action following an internal investigation;
  - (ii) a decision to take disciplinary action following an Independent Investigation; or
  - (iii) a Hearing Tribunal,

conducted or imposed in accordance with this Policy.

- (b) An appeal may be submitted by the original Complainant or the original Respondent and must follow the Appeal Procedure set out under section 7.10.
- (c) If the appeal is accepted, an Appeal Panel (with new Panel Members) will be convened to determine the Complaint on appeal.
- (d) A person wanting to appeal must lodge a **Notice of Appeal** (this can be found on the Safe Sport Resources section on SA's website) to the CEO of SA or the Delegated Organisation within **7 days** of notification to the Appellant of the decision they are appealing. An appeal fee of **\$500.00** must be included with the Notice of Appeal.
- (e) If the Notice of Appeal is not received by the CEO of the relevant organisation (SA or the Delegated Organisation) within this time, the right of appeal will lapse. If the Notice of Appeal is received but the appeal fee is not received within this time, the appeal will also lapse.
- (f) An Appeal can only be granted on one or more of the following grounds:
  - (i) the decision was affected by actual bias; or
  - (ii) there was no evidence on which the decision could be reasonably based.
- (g) The Notice of Appeal must set out the ground(s) of appeal relied on by the Appellant and an outline of the Appellant's submissions.
- (h) Where an appeal is lodged, SA or the Delegated Organisation must appoint an Appeal Panel Chairperson. A permanent Appeal Panel Chairperson may be appointed from time to time and an alternate Appeal Panel Chairpersons. SA or the Delegated Organisation is entitled, at any time, to replace or remove any Appeal Panel Chairperson or fill any casual vacancy.
- (i) Where an Appeal is lodged, the relevant Appeal Panel Chairperson must in his/her absolute discretion determine, on the written submissions, whether:
  - (i) the appeal sets out a prima facie valid ground of appeal; and
  - (ii) there are sufficient grounds for the appeal to proceed,prior to an appeal being deemed valid and proceeding to an Appeal Panel for determination. Where determining whether an appeal is valid, the Appeal Panel Chairperson may:
  - (iii) request written submissions from one or both of the Complainant and Respondent; and
  - (iv) request from the Hearing Tribunal any of the materials before it.
- (j) Where the Appeal Panel Chairperson:
  - (i) deems the appeal invalid, or that it has not shown sufficient grounds, the appeal will be rejected and will not proceed. The Appellant will be notified in writing, including the reasons for the decision. The appeal fee will be forfeited; or

- (ii) deems the appeal valid, the appeal will be accepted and will proceed to an Appeal Panel for determination.
- (k) If the appeal proceeds to an Appeal Panel, in considering the appeal the Appeal Panel is only permitted to consider the materials submitted to the Hearing Tribunal, Independent Investigation or SA (or the Delegated Organisation). For the avoidance of doubt, the Appeal Panel is not a de novo hearing of the Complaint and is not permitted to consider any new materials.
- (l) In hearing an appeal, the Appeal Panel may:
  - (i) dismiss the appeal in whole or in part;
  - (ii) uphold the appeal in whole or in part;
  - (iii) decide on the appropriate action to be taken to resolve the appeal; or
  - (iv) recommend changes to the systems or procedures to ensure that problems of a similar nature do not reoccur.
- (m) Where the Appeal Panel dismisses the entirety of the appeal, the appeal fee shall not be refunded. Where the Appeal Panel upholds the appeal in whole or in part, the appeal fee shall be refunded to the Appellant in full.
- (n) No person appointed to an Appeal Panel may hear and consider any appeal if he or she:
  - (i) has a relationship with the Appellant or the Respondent;
  - (ii) has a relationship with any persons whose interests may be affected by the outcome of the appeal; or
  - (iii) would be reasonably considered to be other than impartial.
- (o) Each Appeal Panel will be bound by the following requirements:
  - (i) it must observe the principles of Natural Justice;
  - (ii) it is not bound by the rules of evidence and may inform itself as to any matter in such manner as it thinks fit;
  - (iii) it will conduct its hearings with as little formality and technicality and with as much expedition as the gravity and proper consideration of the matter permits;
  - (iv) hearings may occur in such manner as the Appeal Panel Chairperson decides, including via telephone or video conference;
  - (v) each Appellant must establish one or more grounds of appeal to the reasonable satisfaction of the Appeal Panel with full regard to the full importance and gravity of the issue;
  - (vi) the parties to an appeal are not entitled to be represented by a current practicing barrister or solicitor except with the leave of the Appeal Panel Chairperson, which will only be given in exceptional circumstances and, if given, may be given unconditionally or on such conditions as the Appeal Panel Chairperson thinks fit;

- (vii) if a question of law arises during the course of an Appeal, the Appeal Panel may, at the request of the parties or at the discretion of the Appeal Panel Chairperson, adjourn the hearing of the appeal in order to obtain legal advice;
  - (viii) the Appeal Panel Chairperson may require the parties to attend a directions hearing or hearings (whether in person or by any other means of communication determined by the Appeal Panel Chairperson) and the Appeal Panel Chairperson may give directions from time to time to assist in the efficient and expeditious conduct of the hearing;
  - (ix) if the Appeal Panel Chairperson is of the view that the outcome of the appeal may affect the interests of any person in addition to the Appellant, the Appeal Panel Chairperson may, so far as practicable, require that notice be given to such other person and that person may appear at the hearing of the appeal and/or make written submissions to the Appeal Panel;
  - (x) the Appeal Panel will give its decision on any appeal as soon as practicable after the hearing and will provide the CEO (or a person with delegated authority of the CEO), the Appellant and other parties to the appeal with a written statement of its decision; the Appeal Panel does not need to provide written reasons for its decision but may do so if it chooses;
  - (xi) each Appellant must attend his or her appeal hearing in person or over the audio or visual link established for the purposes of the hearing; and
  - (xii) notwithstanding anything else in this Appeals section, the Appeal Panel may give its decision on any appeal based on written submissions only (i.e. without holding a hearing) if so determined by the Appeal Panel having regard to the principles of Natural Justice. The Appeal Panel will give its decision on any appeal as soon as practicable after its decision.
- (p) The decision of the Appeal Panel is final and binding on the parties and there is no further right of appeal to any external body or tribunal.

## **8. DISCIPLINARY MEASURES**

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### **8.1 Individuals/entities who may impose disciplinary measures**

- (a) The following individuals/entities may impose a disciplinary measure in response to a breach of this Policy in accordance with the Complaints Procedure:
  - (i) the CEO (or a person with delegated authority of the CEO) of SA or the Delegated Organisation after considering the findings of an internal investigation;
  - (ii) the CEO (or a person with delegated authority of the CEO) of SA or the Delegated Organisation after considering the findings of an Independent Investigation;
  - (iii) the Hearing Tribunal panel after conducting a Hearing Tribunal; or
  - (iv) the Appeal Panel after conducting an appeal hearing,

(referred to as, the **Disciplining Body**).

- (b) The relevant Disciplining Body may impose any disciplinary measure available to it under this section 8.

## **8.2 Considerations when imposing disciplinary measures**

- (a) Any disciplinary measure imposed under this section must:
  - (i) observe any contractual and employment laws;
  - (ii) conform to the principles of Natural Justice;
  - (iii) be based on the evidence and information presented;
  - (iv) be within the powers of the person or organisation imposing the disciplinary measure; and
  - (v) must be reasonable in all circumstances.
- (b) The form of disciplinary measures to be imposed on an individual or organisation should depend on factors such as:
  - (i) the nature and seriousness of the behaviour or incidents;
  - (ii) if the Respondent knew or should have known that the behaviour was a breach of the Policy;
  - (iii) level of contrition of the Respondent;
  - (iv) the effect of the proposed disciplinary measures on the Respondent including any personal, professional or financial consequences;
  - (v) if there have been relevant prior warnings or disciplinary action; or
  - (vi) if there are any mitigating circumstances such that the Respondent should not be disciplined at all or not disciplined so seriously.

## **8.3 Individual sanctions**

- (a) Subject to contractual and employment laws, if a finding is made that a Respondent who is an individual has breached a provision of this Policy, the Disciplining Body may take any one or more of the following measures:
  - (i) maintain any Provisional Action already taken in relation to the Complaint on the same or amended terms as the Disciplining Body thinks fit;
  - (ii) direct that the Respondent make a verbal or written apology;
  - (iii) provide a written warning;
  - (iv) direct that the Respondent undertake appropriate training, education or counselling;
  - (v) direct that the Respondent do something, or refrain from doing something, to remedy the breach of this Policy;

- (vi) withdraw any awards, placings, records, achievements bestowed in any competition, activities or events held or sanctioned by the organisation;
  - (vii) demote or transfer the Respondent to another location, role or activity;
  - (viii) suspend the Respondent's membership or participation or engagement in a role or activity;
  - (ix) recommend that another organisation suspend the Respondent's membership, appointment or engagement;
  - (x) in the case of a coach, Athlete or official, direct that the relevant accrediting organisation de-register the accreditation of the coach or official for a period of time or permanently, including but not limited to ASCTA or ASA membership;
  - (xi) termination or other disciplinary action in accordance with the Respondent's contract of employment and/or workplace laws; or
  - (xii) any other form of discipline that the Disciplining Body considers appropriate.
- (b) When imposing any form of discipline, it should be accompanied by a warning that a similar breach by that Respondent in the future may result in the imposition of a more serious form of discipline.

#### **8.4 Organisational sanctions**

- (a) If a finding is made that a Respondent who is an organisation has breached this Policy, the Disciplining Body may take any one or more of the following measures:
- (i) a written warning;
  - (ii) a fine;
  - (iii) a direction to set aside and remake a decision that is the subject of a Complaint under this Policy, which may or may not be subject to guidelines;
  - (iv) a direction that the Respondent do something, or refrain from doing something, to remedy the breach of this Policy;
  - (v) a recommendation that any rights, privileges and benefits provided to the Respondent by SA or another peak association be suspended for a specified period;
  - (vi) a recommendation that any funding granted or given to it by SA cease from a specified date;
  - (vii) a recommendation that SA ceases to sanction events held by or under the auspices of the Respondent;
  - (viii) a recommendation that the Respondent's membership of SA be suspended or terminated in accordance with the relevant constitution or rules; or

- (ix) any other form of discipline that the Disciplining Body considers appropriate.
- (b) When imposing any form of discipline, it should be accompanied by a warning that a similar breach of this Policy by the Respondent in the future may result in more serious form of discipline.

### **8.5 Disciplinary action against criminal convictions or findings of guilt**

- (a) In circumstances where a Complaint is referred to Police and the Respondent receives a criminal conviction or finding of guilt for an offence relating to Children or Young People, SA reserves the right to impose any form of discipline it considers appropriate having regard to the Complaint, the circumstances of the criminal conviction or finding of guilt and the overall reputation, safety and wellbeing for Children or Young People in Swimming.
- (b) If SA acts under 8.5(a), it may do so without acting in accordance with Steps 1 - 8 of the Complaint Procedure. Notwithstanding this, SA may still undertake its own investigation into the Complaint if considered necessary (Step 7 of the Complaint Procedure) and provide the Respondent with the opportunity to submit written submissions in response to the Complaint (criminal conviction or finding of guilt) and any proposed disciplinary measures. SA will consider the Respondent's submissions before deciding to impose any disciplinary measures.
- (c) Any decision to impose disciplinary measures on a Respondent under this section 8.5 shall be taken to be a decision as if it was made under Step 9 of the Complaint Procedure and an appeal of such decision may be available in accordance with the Appeals Tribunal procedure outlined in section 7.10.

### **8.6 Disciplinary action against mischievous, vexatious or knowingly untrue Complaints**

A Complaint which is found to be mischievous, vexatious or knowingly untrue will be considered a breach of this Policy and the Disciplining Body reserves the right to impose disciplinary sanctions on the individual or organisation who made the Complaint in accordance with the sanctions outlined in section 8.3 or 8.4.

## **9. DEFINITIONS**

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These definitions apply throughout this Policy and any tools, resources and templates referred to in the Policy.

<b>Term</b>	<b>Definition</b>
<b>Abuse</b>	Abuse means Physical Abuse, Emotional or Psychological Abuse, Sexual Abuse, and abuse of power that has caused, is causing or is likely to cause Harm to a person's wellbeing or development, whether in person directly or as the result of a publication viewable by any other person by any means. Examples of Abuse include, but are not limited to, Bullying, humiliation, verbal abuse and insults, Grooming, Harassment (including Sexual Harassment), Discrimination, Neglect and Sexual Exploitation.
<b>Appeals Panel</b>	Appeals Panel means the panel created in accordance with section 7.10.
<b>Appellant</b>	Appellant means the person or organisation who initiates an appeal.

<b>Term</b>	<b>Definition</b>
<b>ASA</b>	ASA means the Australian Swimmers Association.
<b>ASCTA</b>	ASCTA means the Australian Swimming Coaches and Teachers Association.
<b>Athlete</b>	Athlete means a swimmer - whether recreational or competitive - and who is an individual Member of a Club or Member Association, and therefore a Member of SA.
<b>Annexure</b>	Annexure means an annexure to this Policy.
<b>Bullying</b>	<p>Bullying involves the inappropriate use of power by one or more persons or groups of persons over another less powerful person or group of persons and is generally an act that is repeated over time. Bullying has been described by researchers as taking many forms which are often interrelated and include:</p> <ul style="list-style-type: none"> <li>• <i>Verbal</i> (name calling, put downs, threats);</li> <li>• <i>Physical</i> (hitting, punching, kicking, scratching, tripping, spitting);</li> <li>• <i>Social</i> (ignoring, excluding, ostracising, alienating); and/or</li> <li>• <i>Psychological</i> (spreading rumours, stalking, dirty looks, hiding or damaging possessions).</li> </ul> <p>Bullying may have Harmed, is Harming or is likely to Harm or endanger a Child or Young Person. For the avoidance of doubt, Bullying includes cyber Bullying.</p>
<b>CEO</b>	CEO means the Chief Executive Officer of SA, a Member Association or a Club, and includes the executive officer, general manager or other similar title. If the Member Association or Club has no executive officer (for example, for small Clubs or Districts) the CEO means the President of the organisation. If the CEO is unable to perform his or her role for the purposes of this Policy, the President may appoint another senior person to do so.
<b>Chairperson</b>	Chairperson means the chairperson of a Hearing Tribunal or Appeal Panel appointed in accordance with this Policy.
<b>Child Abuse</b>	Child Abuse is the mistreatment of a Child or Young Person that has Harmed, is Harming or is likely to Harm or endanger that Child or Young Person's physical or emotional health, development or wellbeing. For the avoidance of doubt, this includes but is not limited to Emotional or Psychological Abuse, Bullying, Grooming, Sexual Exploitation, Neglect and Harassment.
<b>Child or Young Person / Children or Young People</b>	A Child or Young Person is a person under the age of 18 years and Children and Young People mean more than one Child or Young Person.
<b>Child Protection Concern</b>	<p>A Child Protection Concern includes:</p> <ul style="list-style-type: none"> <li>• disclosures of actual Harm, Abuse or Sexual Exploitation of a Child or Young Person;</li> <li>• the potential risk of Harm, Abuse or Sexual Exploitation of a Child or Young Person; and</li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>breaches of the Codes of Conduct by staff or volunteers.</li> </ul>
<b>Club(s)</b>	Clubs means swimming clubs within Australia that are currently affiliated or registered with a Member Association. Clubs must agree to adhere to this Policy.
<b>Code of Conduct for dealing with Children or Young People</b>	The Code of Conduct for dealing with Children or Young People as set out in section 4 of this Policy.
<b>Complainant</b>	A Complainant is a person making a Complaint and includes a parent, guardian or adult representative of the Child or Young Person.
<b>Complaint</b>	Complaint means a complaint made to a Person in a Position of Authority relating to a suspected breach of this Policy.
<b>Complaint Guidelines</b>	The guidelines set out at <b>Annexure C</b> which should be applied in relation to the Complaint Procedure. The Complaint Guidelines are for guiding purposes only and are not mandatory.
<b>Complaint Procedure</b>	The procedure and steps for dealing with complaints in relation to Child or Young Person set out in section 7.5 of this Policy.
<b>Complaint Recording Template</b>	The complaint recording template as set out at Annexure A which should be used when reporting a Complaint.
<b>Delegated Organisation</b>	Delegated Organisation means an organisation delegated by SA to handle a Complaint, such as a Member Association.
<b>Disciplining Body</b>	The Disciplining Body has the meaning given to it in section 8.1 of this Policy.
<b>Discrimination</b>	Discrimination occurs when someone is treated (or is proposed to be treated) unfairly or less favourably than another person in the same or similar circumstances because of one of the personal characteristics covered by anti-discrimination laws. This is known as direct discrimination. Indirect discrimination occurs when there is (or is proposed) an unreasonable requirement, condition or practice that seems to treat everyone equally, but which has or is likely to have the effect of disadvantaging persons with a personal characteristic covered by anti-discrimination laws.
<b>Emotional or Psychological Abuse</b>	Emotional or Psychological Abuse occurs when a Child or Young Person does not receive the love, affection or attention they need for healthy emotional, psychological and social development. Such abuse may involve repeated rejection or threats to a Child or Young Person. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. Specific to swimming, overtraining can constitute Emotional or Psychological Abuse where these behaviours continue to an extent that results or has the potential to result in significant damage to the Child or Young Person's physical, intellectual or emotional wellbeing and development, including any form of Harm. The issue of Emotional or Psychological Abuse must be considered within the context of resources reasonably available to the Child or Young Person through their family or carer network.
<b>Grooming</b>	Grooming is a term used to describe what happens when a perpetrator of Abuse builds a relationship with a Child or Young Person with a view to

Term	Definition
	<p>abusing them at some stage. There is no set pattern in relation to the Grooming of Children or Young People. For some perpetrators, there will be a lengthy period of time before the Abuse begins. The Child or Young Person may be given special attention and what starts as an apparently normal display of affection, such as cuddling, can develop into sexual touching or masturbation and then into more serious sexual behaviour. Other perpetrators may draw a Child or Young Person in and Abuse them relatively quickly. Some abusers do not groom Children or Young People but Abuse them without forming a relationship at all. Grooming can take place in any setting where a relationship is formed, such as leisure, music, sports and religious activities, or in internet chatrooms, in social media or by other technological channels.</p>
<b>Harm</b>	<p>Harm to a Child or Young Person is any detrimental effect of a significant nature to the Child or Young Person’s physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:</p> <ul style="list-style-type: none"> <li>• Physical, Psychological or Emotional Abuse or Neglect;</li> <li>• Sexual Abuse or Exploitation;</li> <li>• a single act, omission or circumstance; and</li> <li>• a series or combination of acts, omissions or circumstances.</li> </ul>
<b>Harassment</b>	<p>Harassment means any type of unwelcome behaviour which has the effect of offending, humiliating, intimidating or reasonably likely to cause Harm to the person harassed. Harassment includes Bullying.</p> <p>Harassment may be sexual in nature or target a person because of their race, gender, pregnancy, marital status, sexual orientation or other characteristic (see characteristic list under the definition of Discrimination above).</p>
<b>Hearing Tribunal</b>	<p>Hearing Tribunal means the panel created in accordance with section 7.9.</p>
<b>Independent Investigation</b>	<p>Independent Investigation means an investigation conducted in accordance with section 7.8.</p>
<b>Investigation Officer</b>	<p>Investigation Officer refers to a Person in a Position of Authority that has been appointed by a Club, Member Association or SA to conduct internal investigations into a Complaint.</p>
<b>Investigator</b>	<p>Investigator means the person appointed by SA or the Delegated Organisation to conduct an Independent Investigation in accordance Step 8 of the Complaints Procedure.</p>
<b>Involved Organisation</b>	<p>Involved Organisation means the relevant organisation to receive a Complaint and may be SA, a Club, Member Association or affiliate.</p>
<b>Member</b>	<p>A Member is generally an individual who is registered as a financial (paid up) member of a Club. A Member can also include (but is not limited to) those classes of members used by Clubs such as “honorary member” and “life member” (or similar categories).</p>

<b>Member Associations</b>	Member Associations are the Australian State and Territory Swimming Associations, ASCTA and ASA. For those States and Territories that have Regional or District Associations, Member Associations include Regional or District Associations. Member Associations have agreed to follow and adhere to this Policy in its entirety.
<b>Member Protection Policy</b>	The Member Protection Policy means SA's Member Protection Policy document as amended from time to time which can be found at <a href="https://www.swimming.org.au/integrity/safe-sport-framework">https://www.swimming.org.au/integrity/safe-sport-framework</a>
<b>National Sports Tribunal</b>	The National Sports Tribunal established under the National Sports Tribunal Act 2019 (Cth).
<b>Natural Justice (or procedural fairness)</b>	<p>Natural Justice (or procedural fairness) is the principle that, when resolving a complaint:</p> <ul style="list-style-type: none"> <li>• both the Complainant and the Respondent must know the full details of what is being said against them;</li> <li>• both the Complainant and the Respondent must be given full opportunity to respond to the allegations and raise any matters in support of their position;</li> <li>• all parties need to be heard and all relevant submissions considered;</li> <li>• irrelevant matters should not be taken into account;</li> <li>• no person may judge their own case;</li> <li>• the decision maker(s) must be unbiased, fair and just; and</li> <li>• the penalties imposed must not outweigh the breach of this Policy or offending behaviour.</li> </ul>
<b>Neglect</b>	Neglect is the persistent failure or deliberate failure or denial to provide a Child or Young Person with the basic necessities of life. Such Neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the Child or Young Person's health and development is, or is likely to be, Harmed. Categories of Neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect. The issue of Neglect is to be referred to the relevant external authority in the jurisdiction in which it occurs.
<b>Panel Member</b>	Panel Member refers to either a Hearing Tribunal Panel or Appeals Panel member under this Policy.
<b>Participant</b>	A Participant includes anyone who participates in a Swimming Body or Club service, event, activity or program (whether for payment or otherwise), including people who may not be a Member.
<b>Person in a Position of Authority</b>	A Person in a Position of Authority includes everyone who holds a position of authority in Swimming, whether paid or unpaid, and includes, but is not limited to, all Swimming Bodies and Club staff, coaches, officials and volunteers. For the avoidance of doubt, a Person in a Position of Authority also includes Children or Young People who may hold a position of authority in Swimming over other Children or Young People.
	Physical Abuse occurs when a person subjects a Child or Young Person to non-accidental physically aggressive acts. The abuser may inflict an injury

<b>Physical Abuse</b>	intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a person or a Child or Young Person. Physically abusive behaviour includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, harmful overtraining, and kicking.
<b>Police Check</b>	Police Check means a national criminal history record check conducted as a pre-employment, pre-engagement or current employment background check on a person.
<b>Policy</b>	Policy means this Safeguarding Children and Young People Policy as amended from time to time.
<b>Provisional Action</b>	Provisional Action is action that may be taken by SA or its Delegated Organisation in relation to Complaints. Provisional Action is action taken against a Respondent of a Complaint where the alleged incident is serious enough to warrant such action being taken until the outcome(s) of the internal investigation, Independent Investigation or Hearing Tribunal (including an Appeal) is known. Provisional action may include, but is not limited to, suspension, restriction of duties or temporary re-deployment.
<b>Regional or District Association</b>	A Regional or District Association includes a governing body that is given powers at a local level for the advancement of Swimming in certain States or Territories. These Associations are required to comply with all applicable provisions of this Policy.
<b>Respondent</b>	Respondent means the person or organisation responding to a Complaint up to the conclusion of a Hearing Tribunal.  From the commencement of an Appeals Tribunal process, the Respondent means the person responding to the Appeal that has been initiated.
<b>SA</b>	SA means Swimming Australia Ltd ACN 109 333 628 which is the national governing body for swimming in Australia.
<b>Senior Person</b>	The President, CEO, Secretary or designated delegate of SA, a Member Association or Club, as applicable.
<b>Sexual Abuse</b>	Sexual Abuse occurs when an adult or person of authority (eg older) involves a Child or Young Person in any sexual activity. Perpetrators of Sexual Abuse take advantage of their power, authority or position over the Child or Young Person for their own benefit. It can include making sexual comments to a Child or Young Person, engaging Children or Young People to participate in sexual conversations over the internet or on social media, kissing, touching a Child or Young Person's genitals or breasts, oral sex or intercourse with a Child or Young Person. Encouraging a Child or Young Person to view pornographic magazines,

	websites and videos, or engaging Children or Young People to participate in sexual conversations over the internet is also considered Sexual Abuse.
<b>Sexual Exploitation</b>	Sexual Exploitation occurs when Children or Young People are forced or involved in sexual activities that are then unlawfully recorded in some way, or recorded without the consent of one or more parties, or used to produce pornography. Such pornography can be in the form of actual photos or videos whether or not published on the internet.
<b>Sexual Harassment</b>	Sexual Harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature and which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual Harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a hostile environment.
<b>Sexual Misconduct</b>	Sexual Misconduct means any of the following: <ul style="list-style-type: none"> <li>• Sexual Offences;</li> <li>• Sexual Harassment; and/or</li> <li>• the use of technology or social media platforms with sexual connotation.</li> </ul>
<b>Sexual Offence</b>	Sexual Offence means a criminal offence involving sexual activity or actions of indecency. Given differences between State and Territory laws, this can include but is not limited to: <ul style="list-style-type: none"> <li>• rape;</li> <li>• indecent assault;</li> <li>• sexual assault;</li> <li>• assault with intent to have sexual intercourse;</li> <li>• incest;</li> <li>• sexual penetration of a child;</li> <li>• indecent act with a child;</li> <li>• sexual relationship with a child;</li> <li>• sexual offences against people with impaired mental functioning;</li> <li>• abduction and detention;</li> <li>• procuring sexual penetration by threats of fraud;</li> <li>• procuring sexual penetration of a child;</li> <li>• bestiality;</li> <li>• soliciting acts of sexual penetration or indecent acts;</li> <li>• promoting or engaging in acts of Child or Young Person prostitution;</li> <li>• obtaining benefits from Child or Young Person prostitution;</li> <li>• possession of Child or Young Person pornography; and</li> <li>• publishing Child or Young Person pornography and indecent articles.</li> </ul>
<b>Swimming</b>	The sport of swimming in Australia, whether recreational or competitive.
<b>Swimming Bodies</b>	Swimming Bodies refers to SA and its Member Associations (collectively).
<b>Swim Central</b>	The bespoke online operating system used by Clubs, Participants and Swimming Bodies.

## ANNEXURE A

### Complaint Recording Template

<b>Complainant Name:</b> (if other than Child)			
<b>Age:</b>		<b>Date Formal Complaint Received:</b>	/ /
<b>Swim Club:</b>			
<b>Date Swimming Aust notified:</b>			

<b>Child's Details</b>
------------------------

<b>Full Name:</b>					
<b>Address:</b>					
<b>Date of Birth:</b>		<b>Sex:</b>		<b>Age at time of alleged offence:</b>	
<b>Swim Club:</b>					
<b>Parent/Guardian Name:</b>					
<b>Parent/Guardian Address:</b>					
<b>Parent/Guardian Telephone No.</b>					

<b>Person's reason for suspecting abuse (e.g. observation, injury, disclosure)</b>

<b>Location of alleged Abuse:</b>

<b>Name of Person Complained About</b>
--

<b>Full Name:</b>					
<b>Date of Birth:</b>		<b>Sex:</b>		<b>Age at time of alleged offence:</b>	

<b>Swim Club:</b>	
<b>Role/Status (in sport)</b>	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee <input type="checkbox"/> Official <input type="checkbox"/> Other ..... .....
<b>Alleged Breaches of Safeguarding Children &amp; Young People Policy</b>	
[Detail sections of Policy that you believe that the behaviour/conduct/incident(s) may have breached]	
<b>Outcome the complainant is seeking:</b>	

<b>Witnesses (if more than 3 witnesses attach details to this form)</b>	
Name (1):	
Contact details:	
Consent to provide details to others?:	YES / NO
Name (2):	
Contact details:	
Consent to provide details to others?:	YES / NO
Name (3):	
Contact details:	
Consent to provide details to others?:	YES / NO
Other notes?	

<b>Interim action (if any) taken (to ensure Child's safety and/or to support needs of person complained about)</b>
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<b>Police Contacted</b>	Who:	
	When:	
	Advice provided:	

<b>Government agency contacted</b>	Who:	
	When:	
	Advice provided:	

<b>CEO contacted</b>	Who:	
	When:	

<b>Police and/or Government agency investigation: ADVICE AND/OR FINDING</b>

<b>Internal investigation (if any): PROGRESS/FINDING</b>

<b>Action taken</b>
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<b>Completed by:</b>	<b>Name:</b>	
	<b>Position in Organisation:</b>	
	<b>Signature:</b>	Date:

<b>Signed by:</b>	Complainant (if not a Child)
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*This record and any notes must be kept in a confidential place and provided to the relevant authorities (Police and Government) should they require them. This record must be kept for a minimum of 7 years.*

## ANNEXURE B

### Mandatory Reporting

1. There are certain circumstances where individuals will be legally required to report a Complaint that they receive to a relevant external authority (please see the [Mandatory Reporting Table](#) located on the Safe Sport Resources section of the SA website for more information).
2. **'Mandatory reporting'** refers to legislative requirements imposed on specific classes of persons to report suspected cases of Child Abuse and Neglect to government authorities. Mandatory reporting laws exist in each State and Territory of Australia.
3. Child Protection Concerns are defined in this Policy as including:
  - (a) disclosures of actual Harm, Abuse or Sexual Exploitation of a Child or Young Person;
  - (b) the potential risk of Harm, Abuse or Sexual Exploitation of a Child or Young Person; or
  - (c) breaches of the protection policies or Code of Conduct for dealing with Children or Young People by Persons in Positions of Authority.
4. The 'state of mind' requirement and 'extent of Harm' requirements differ between each jurisdiction in Australia. However, for the purposes of this Policy, it is generally required that the person to whom the Complaint was reported "reasonably believes" that a Child or Young Person is at risk of Harm caused by Child Abuse.
5. You do not have to prove that the Abuse or breach of the relevant Code of Conduct for dealing with Children or Young People is happening. It is not the Person in a Position of Authority's job to investigate Child Abuse. **The relevant Person in a Position of Authority, Senior Person or Investigation Officer must report a Child Protection Concern if they form a reasonable belief that it is occurring or is at risk of occurring.** A reasonable belief is defined as "*an inclination to believe something rather than not believe something*". Such a person should trust their judgement, and never ignore their concerns. If in doubt, report Child Protection Concerns.
6. The persons referred to above **must** notify a Senior Person of any Child Protection Concerns.
7. Depending on:
  - (a) the jurisdiction in which the Person in a Position of Authority is located;
  - (b) the employment of the Person in a Position of Authority; and
  - (c) the specific allegations contained within a Complaint,certain Persons in a Position of Authority or Senior Persons dealing with a Complaint may also be required by law to mandatorily report the Complaint to an external authority.
8. The following individuals are likely to be required to mandatorily report a Complaint involving Child Abuse to the relevant external authority under the mandatory reporting laws:

- (a) any person over the age of 18 in the Northern Territory;
  - (b) any employee or volunteer of an Involved Organisation that assists in the provision of swimming-related services in South Australia;
  - (c) any person who holds a reasonable belief that a Child or Young Person in Victoria has been Sexually Abused;
  - (d) any employee of an Involved Organisation that assists in the provision of live-in camps in New South Wales; and
  - (e) any volunteer who in their fulltime employment falls within a class of employee that is a mandatory reporter in that jurisdiction.
9. To determine whether any specific Person in a Position of Authority, Senior Person or Investigation Officer falls under mandatory reporting laws, please refer to the Australian Government's *Child, Family, Community Australia* website below, which provides an outline of who must report, and in what circumstances they must report, in each jurisdiction. SA is able to provide guidance and advice to any person who is unsure about their reporting obligations.
- <https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>
10. **IMPORTANT NOTE:** If an individual receives a Complaint under this Policy and is classified as a mandatory reporter in their relevant jurisdiction and holds the relevant belief regarding the risk of Harm to the Child or Young Person, the individual is **personally legally responsible** for reporting their belief to the relevant external authority. If any individual within this Policy requires assistance in determining whether they should report a Complaint, they should immediately speak to a Senior Person.
11. Contact the government department in the relevant State or Territory to find out about mandatory reporting legislation in the jurisdiction set out below:

State / Territory	Mandatory Reporting - Government Departments
NSW	Department of Family and Community Services <a href="http://www.community.nsw.gov.au/preventing-child-abuse-and-neglect/reporting-suspected-abuse-or-neglect">http://www.community.nsw.gov.au/preventing-child-abuse-and-neglect/reporting-suspected-abuse-or-neglect</a>
QLD	Department of Communities, Child Safety and Disability <a href="http://www.communities.qld.gov.au/childsafety/protecting-children/reporting-child-abuse">http://www.communities.qld.gov.au/childsafety/protecting-children/reporting-child-abuse</a>
VIC	Department of Human Services <a href="http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection">http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection</a>
WA	Department for Child Protection <a href="http://mandatoryreporting.dcp.wa.gov.au/Pages/Home.aspx">http://mandatoryreporting.dcp.wa.gov.au/Pages/Home.aspx</a>
NT	Office of Children and Families <a href="https://nt.gov.au/emergency/child-safety/protect-your-child-from-sexual-abuse/introduction">https://nt.gov.au/emergency/child-safety/protect-your-child-from-sexual-abuse/introduction</a>

<b>SA</b>	Department for Families and Communities <a href="http://www.families.sa.gov.au/pages/protectingchildren/ReportingChildAbuse">http://www.families.sa.gov.au/pages/protectingchildren/ReportingChildAbuse</a>
<b>ACT</b>	Office for Children, Youth and Families <a href="http://www.communityservices.act.gov.au/ocyfs/reporting-child-abuse-and-neglect">http://www.communityservices.act.gov.au/ocyfs/reporting-child-abuse-and-neglect</a>
<b>TAS</b>	Department of Health & Human Services <a href="http://www.dhhs.tas.gov.au/children/child_protection_services">http://www.dhhs.tas.gov.au/children/child_protection_services</a>

## ANNEXURE C

### Complaint Guidelines

#### Step 1: Complainant tells Person in a Position of Authority

1. If any person involved in Swimming has concerns about a breach of this Policy, they are encouraged to seek out a Person in a Position of Authority to tell them about their concerns. This may be a coach, swimmer, parent, technical official, volunteer or employee of a Club, Member Association or SA. Wherever possible, the Complainant should provide to that person details about:
  - (a) who was involved (Respondent and Complainant, as well as witnesses, including any known contact details);
  - (b) if a Child or Young Person was involved, the details of the Child or Young Person's age and parent/guardian details;
  - (c) what you observed or heard;
  - (d) when you observed the concerning incident, behaviour or conduct;
  - (e) where the concerning incident, behaviour or conduct occurred;
  - (f) why you are concerned and the potential impact of the incident (ie injuries, others at risk of Harm); and
  - (g) if known, what you would like to happen next and the outcome you are seeking.
2. Refer to the Complaint Recording Template to assist.
3. Depending on the nature of the Complaint, after you make initial contact, there are two options:
  - (a) talk to a Person in a Position of Authority who can guide you as to the next steps; or
  - (b) depending on the nature and seriousness of the Complaint, formalise the Complaint to SA.

#### Step 2: Person in a Position of Authority talks to Complainant

4. Regardless of whether the Complainant is a Member, Participant or a Person in a Position of Authority, it is critical that all Complaints are treated seriously and without judgment. Everyone has a role to play to ensure appropriate steps are taken in a sensitive and non-judgmental way.
5. There are certain circumstances that make it inappropriate for a particular Person in a Position of Authority to speak to a Complainant about a Complaint, regardless of whether the Complainant specifically informed that Person in a Position of Authority of their Complaint. In the following circumstances, it may be appropriate for another Person in a Position of Authority, or a Senior Person, to talk to the Complainant once a Complaint is lodged:
  - (a) where the particular Person in a Position of Authority has had personal involvement in the circumstances giving rise to the Complaint;

- (b) where the Complainant does not wish to discuss the Complaint further with that particular Person in a Position of Authority;
  - (c) where there is a significant (actual or perceived) power imbalance between that particular Person in a Position of Authority and the Complainant; or
  - (d) where the particular Person in a Position of Authority shares another relationship with the Complainant outside the swimming context, including immediate or extended family members.
6. Where any of the circumstances in (a) - (d) arise, it may be appropriate for a different Person in a Position of Authority to talk to the Complainant, **unless the Complainant specifically requests, or will only speak to, that particular Person in a Position of Authority.**
7. Where a Person in a Position of Authority or Senior Person is talking to a Complainant about a Complaint, remember to:
- (a) talk to the Complainant calmly and without judgment or opinion;
  - (b) ensure that your conversation is occurring in a private and safe environment;
  - (c) ask non-leading questions to establish what the Complainant's concerns are. This can be in the form of the questions set out at Step 1 (a)-(g) (who, what when, where, why, what next?);
  - (d) if appropriate (for example, the issue is minor, easily resolved and no person is in danger) take steps to resolve the Complaint at that time;
  - (e) if the person receiving details of the Complaint is not an employee, official or coach of any Swimming Bodies or Club and the Complaint is not easily resolved, seek out a Swimming Body or Club employee, official or coach and tell them what you and/or the Complainant know about the Complaint; and
  - (f) take notes or record the details of what you find out regarding the Complaint.
8. Depending on the nature of the Complaint being made regarding a Child or Young Person, certain steps must be taken. **It is crucial that these steps are taken immediately or within 24 hours of becoming aware of a Complaint where a Child or Young Person is at risk of potential or future Harm.**
9. The initial response is crucial to the wellbeing of the Child or Young Person. It is important for the person receiving the information to:
- (a) listen to, be supportive and do not dispute what the Complainant says;
  - (b) reassure the Child or Young Person and let them know that what has occurred is not the fault of the Child or Young Person;
  - (c) ensure that the Child or Young Person is safe;
  - (d) remain calm and do not express shock, panic or disbelief;
  - (e) be honest and explain that other people may need to be told in order to stop what is happening;

- (f) clarify statements made by the Child or Young Person but do not elicit detailed information about the Abuse. Use objective, non-leading and non-suggestive questions that don't put words into the Child or Young Person's mouth as much as possible; and
  - (g) make written notes during or as soon as possible after the discussion.
10. In **all circumstances** where Persons in Positions of Authority are aware of information about any Complaint concerning Abuse of a Child or Young Person, they **must not discuss it with anyone other than their relevant Senior People**. They may be required to discuss their allegations with Police as directed.
11. Once details of the Complaint have been established the relevant **Person in a Position of Authority must**:
- (a) discuss their concerns with their immediate Senior Person or another Senior Person who is available; and
  - (b) collaborate with the Senior Person to develop a plan that aims to address the concerns regarding the particular Child or Young Person.

### **Step 3: Senior Person documents using Templates**

12. Once a Complaint is reported to a Senior Person under Step 2, the Senior Person must:
- (a) ensure that all relevant information is recorded regarding the Complaint in the "**Complaint Recording Template**" set out in **Annexure A** including the outcomes of decision-making; and
  - (b) ensure that all allegations of Sexual Abuse of a Child or Young Person are reported to Police (see also additional obligations for **Mandatory Reporting - Annexure B**).
13. When completing the Complaint Recording Template, the Senior Person should include as much information as possible which makes it easier for SA or the Delegated Organisation to investigate and action the Complaint.
14. Complaint Recording Templates for Complaints must be retained in a safe and secure location for 7 years after the incident, to ensure a copy is available for the duration of relevant limitations of liability period under the law. Refer to Step 11 for more information regarding record-keeping.

### **Step 4: Senior Person reports to SA**

15. Once a Complaint is documented by the Senior Person, the Senior Person must report the Complaint to the CEO (or a person with delegated authority of the CEO) of SA. In reporting the Complaint, the Senior Person must provide the following information:
- (a) the Complaint Recording Template in full;
  - (b) any materials lodged by the Complainant in relation to the Complaint;
  - (c) any transcripts or notes taken by the Person in a Position of Authority or Senior Person when dealing with the Complainant;

- (d) the record of any communications between representatives of the Involved Organisation and the Complainant in relation to the Complaint; and
- (e) any other information requested by SA.

#### **Step 5: SA reports to relevant external authority**

16. Once a Complaint is reported to SA under Step 4, the relevant Senior Person within SA that is dealing with the Complaint must:
- (a) determine whether or not the concerns should be reported to the relevant child protection authority or police. If the Person in a Position of Authority strongly disagrees with a decision not to report, he/she maintains the right to report the matter to the relevant child protection authority or Police. In this event, it is expected that the report will occur jointly with the Senior Person. See **Mandatory Reporting - Annexure B** for further information;
  - (b) if a report is made to the relevant child protection authority or the Police, determine who, when and what will be communicated to the relevant child protection authority or Police;
  - (c) in conjunction with the Person in a Position of Authority, determine whether or not the decision to notify the relevant protection authority is communicated to the Child or Young Person's parents/carers. As a principle, parents/carers of Children or Young Persons will be informed of and be involved in the process of the decision to make a notification to the relevant child protection authority unless doing so jeopardises the Child or Young Person's safety or the safety of any other person;
  - (d) if a report is not made to the relevant child protection authority, arrange for SA to develop and document a plan that will offer an appropriate range of support to the Child or Young Person and their family to address the concerns, should that be appropriate in the circumstances.
  - (e) establish a plan to offer support as required to the Child or Young Person who has been allegedly assaulted and his/her family, where appropriate;
  - (f) establish a plan to offer support and debriefing to other relevant Persons in Positions of Authority about the incident as soon as practicable;
  - (g) subject to (i) below, once informed of the allegations, provide the Respondent with access to support as organised by the relevant Senior People, as appropriate;
  - (h) set a review date to evaluate any changes arising from the support offered to the family of the Child or Young Person. At any stage, additional concerns about the Child or Young Person should be addressed. The Senior Person may escalate the extent of intervention provided to the Child or Young Person and family if the concerns for the Child or Young Person's safety increase; and
  - (i) not, and must ensure that SA does not, communicate with the Respondent against whom the allegations have been made. Police will determine the procedure for communicating with the Child or Young Person, their parents or carers and the Person in Positions of Authority against whom the allegations have been made.

17. All Persons in Positions of Authority who are aware of this information will not discuss it with anyone other than their relevant Senior Person. They may discuss their allegations with Police as legally required.

#### **Step 6: SA may delegate to a Delegated Organisation**

18. Under this Policy, SA retains the right at its absolute discretion to delegate the handling of a Complaint to a Delegated Organisation.
19. When considering whether to delegate a Complaint, SA may consider the following:
  - (a) the seriousness of the allegations contained in the Complaint;
  - (b) who the relevant Involved Organisation is;
  - (c) whether SA is the best organisation to handle the Complaint; and
  - (d) any other factors that are relevant to the decision to delegate a Complaint.
20. In all circumstances in which a Complaint is reported to SA or the relevant external authorities, SA or a Delegated Organisation also reserves the right in its sole discretion to recommend that the activities undertaken by the Respondent are revised or changed as necessary to minimise risk to others and to the Respondent.

#### **Steps 7 & 8: SA or Delegated Organisation conduct internal investigation**

21. When not to conduct an internal investigation
  - (a) In response to a report involving Child Abuse, an external authority may undertake an investigation, with or without requesting assistance from SA/the Delegated Organisation. The external authority may determine an internal investigation by SA/the Delegated Organisation will negatively impact on its own investigation and subsequent outcomes, or on the Child or Young Person or Respondent involved in the Complaint.
  - (b) **IMPORTANT:** Where a Complaint is reported to an external authority (see **Mandatory Reporting - Annexure B**), SA or the Delegated Organisation must not conduct an internal investigation in the following circumstances:
    - (i) where the external authority has requested that SA/the Delegated Organisation does not conduct an investigation in general; or
    - (ii) where the external authority has requested that SA/the Delegated Organisation does not conduct an investigation until a certain date, or until the happening of a certain event, upon which SA/the Delegated Organisation may commence an internal investigation.
  - (c) If the external authority requests that SA/the Delegated Organisation does not conduct an internal investigation, the relevant entity and Senior Persons and Persons in a Position of Authority involved in dealing with the Complaint must still cooperate with, and provide all reasonable assistance, to the external authority.
22. When conducting an internal investigation
  - (a) Natural Justice requires that each person that is a party to the complaint is informed about the allegations and has an opportunity to respond to them.

- (b) When investigating a Complaint, the Investigation Officer within SA or the Delegated Organisation will:
  - (i) connect with the Complainant responding to and investigating the Complaint;
  - (ii) connect with the Respondent against whom the allegation refers at an appropriate time and give the Respondent an opportunity to:
    - (A) hear the allegation against him/her/it in full;
    - (B) explain or respond to the allegation, either orally, in writing or both;
    - (C) identify any witnesses and supporting evidence in favour of the Respondent;
    - (D) make submissions (should the Respondent wish to do so) about possible disciplinary measures that may be imposed (noting that no decision has been made at this point);
    - (E) invite a support person or advisor, who must not be a current practicing solicitor or barrister, to attend any meeting with the person investigating; and
    - (F) obtain support (for example, professional counselling) if necessary;
  - (iii) where possible, obtain a signed statement and record of interview from the Respondent. The Respondent should have been provided with written particulars of the allegations prior to any interview occurring;
  - (iv) make contact with any witnesses and obtain, where possible, written and signed statements outlining details of the allegation (what happened, when, how); and
  - (v) obtain other information that could assist in making a decision on the allegation.
- (c) If the Respondent is an employee, swimmer, coach or official within swimming, the Investigation Officer will:
  - (i) convene separate meetings with the parties (as appropriate) and discuss the outcomes of the investigation; and
  - (ii) determine and implement a plan for managing feedback and counselling to the parties as appropriate.

## 23. Evaluating Next Steps

- (a) After completing the internal investigation, the CEO of SA or the Delegated Organisation must determine what action is taken next, namely:
  - (i) closing the Complaint where no further action is required, or no longer sought by the Complainant;

- (ii) making a decision and imposing disciplinary measures (if required) in response to the internal investigation of the Complaint;
- (iii) referring the Complaint to an Independent Investigation; or
- (iv) referring the Complaint to a Hearing Tribunal.

Where the CEO is the subject of the Complaint, a Senior Person (or delegate) shall make the determination in Step 8.

- (b) When evaluating which process to undertake in relation to any Complaint, the following table provides guidance I:

**Guidance Table - Processes for resolving Complaints**

Case	When to use
<b>SA (or Delegated Organisation) makes decision</b>	Complainant and Respondent are both Children or Young People
	There is little dispute as to the facts or the facts of the case are clear to SA or the Delegated Organisation
	Complaint is relatively minor
<b>Independent Investigation</b>	There are significant inconsistencies between each party's version of events
	Complainant is not comfortable appearing in the same room as the Respondent at a Hearing Tribunal
<b>Hearing Tribunal</b>	Respondent is an employee or independent contractor of the Involved Organisation (subject to legal advice)
	Respondent's livelihood will be impacted by any adverse finding or disciplinary measures

- 24. The relevant procedure that must be followed for an Independent Investigation or Hearing Tribunal under this Policy are set out in:
  - (a) section 7.8 for Independent Investigations; and
  - (b) section 7.9 for Hearing Tribunals.

**Step 9: Complaint resolution procedure**

- 25. As outlined at "Evaluating Next Steps" above, it may be beneficial for the CEO to make a decision and impose disciplinary measures (if required) at the completion of Step 7 where:
  - (a) both the Complainant and Respondent are Children or Young People;
  - (b) there is little dispute as to the facts of the Complaint or the facts of the case are clear to the SA or the Delegated Organisation; or
  - (c) the Complaint is considered to be relatively minor.

26. Where a CEO decides to impose disciplinary measures after the completion of Step 7 the following should have occurred to satisfy the requirements of Natural Justice:
  - (a) the Respondent was made aware in writing of the specific allegations against him/her/it and the identity of the Complainant;
  - (b) the Respondent was provided the opportunity to respond to the specific allegations within the Complaint, either in writing or in person; and
  - (c) the Respondent was afforded the opportunity to have a support person (who must not be a current practicing solicitor or barrister) present at any meeting or interview with a representative of SA or the Delegated Organisation.
27. As identified below (and Section 7.10), the Respondent may have a right of appeal from a decision and disciplinary measures imposed by SA or the Delegated Organisation in response to a Complaint (see Step 10).
28. Under section 8, SA or the Delegated Organisation may impose a variety of disciplinary measures against a Respondent (whether an individual or organisation) who has breached this Policy.
29. The form of disciplinary measures to be imposed on an individual or organisation should depend on factors such as:
  - (a) the nature and seriousness of the behaviour or incidents;
  - (b) if the Respondent knew or should have known that the behaviour was a breach of the Policy;
  - (c) level of contrition of the Respondent;
  - (d) the effect of the proposed disciplinary measures on the Respondent including any personal, professional or financial consequences;
  - (e) if there have been relevant prior warnings or disciplinary action; or
  - (f) if there are any mitigating circumstances such that the Respondent should not be disciplined at all or not disciplined so seriously.

### **Step 10: Appeal**

30. Once a decision is made and disciplinary measures imposed (if required) a Respondent may be entitled to lodge an appeal.
31. An appeal from such a decision must be lodged within 7 days of the Respondent being notified of the original decision. The Appeal Procedure (section 7.10) sets out the grounds of appeal and the procedure that must be followed.
32. To lodge an appeal, the Appellant (who may be the original Complainant or the original Respondent) is required to submit a Notice of Appeal to the CEO of SA or the Delegated Organisation which will hear the Appeal.
33. The Chairperson of the Appeal Panel will consider whether the appeal is valid. The validity of an appeal is based on:
  - (a) whether the appeal demonstrates one or both of the grounds of appeal outlined in the Appeal Procedure; and

(b) there are sufficient grounds for the appeal to proceed.

34. The Appeal Panel is convened, held and makes its decision based on the Appeal Procedure set out in section 7.10 of this Policy.

**Step 11: Record, notify and finalise**

35. Swimming Bodies and Clubs must keep records of all Complaints (updated as necessary) for a minimum of 7 years.

Records must be maintained in a secure and confidential place.

36. When recording details at the finalisation of a Complaint, the Senior Person must:

(a) file all materials lodged by each party to the Complaint in a confidential and secure location;

(b) document the decision made with respect to the Complaint;

(c) document any disciplinary measures arising out of the Complaint; and

(d) record any additional outcomes of the Complaint.

37. If a Delegated Organisation has handled the Complaint, it must:

(a) where it is a Club, notify its Member Association and SA; or

(b) where it is a Member Association, notify SA,

as soon as possible after the Complaint is resolved.

## ANNEXURE D

### Working with Children Check and National Police Check Authorities

Further information regarding the operation of Working with Children Checks and National Police Checks can be found by contacting the relevant external agencies below:

State / Territory	Working with Children Checks	National Police Checks
<b>NSW</b>	Office of the Children's Guardian Phone: 02 8219 3600 <a href="http://www.kidsguardian.nsw.gov.au">www.kidsguardian.nsw.gov.au</a>	New South Wales Police Phone: 02 8835 7888 <a href="http://www.police.nsw.gov.au">www.police.nsw.gov.au</a>
<b>QLD</b>	Blue Card Services Phone: 07 3211 6999 <a href="http://www.bluecard.qld.gov.au">www.bluecard.qld.gov.au</a>	Queensland Police Service Phone: 07 3364 6562 <a href="http://www.police.qld.gov.au">www.police.qld.gov.au</a>
<b>VIC</b>	Working with Children Check Unit, Department of Justice & Regulation Phone: 1300 652 879 <a href="http://www.workingwithchildren.vic.gov.au">www.workingwithchildren.vic.gov.au</a>	Victoria Police Phone: 1300 881 596 <a href="http://www.police.vic.gov.au/content.asp?Document_ID=274">www.police.vic.gov.au/content.asp?Document_ID=274</a>
<b>WA</b>	Working with Children Screening Unit Phone: 08 6217 8100 <a href="http://workingwithchildren.wa.gov.au">workingwithchildren.wa.gov.au</a>	Western Australia Police Phone: 08 9351 0699 <a href="https://www.police.wa.gov.au/Police-Direct/National-Police-Certificates">https://www.police.wa.gov.au/Police-Direct/National-Police-Certificates</a>
<b>NT</b>	Northing Territory Screen Authority Phone: 1800 SAFE NT (1800 723 368) <a href="http://www.workingwithchildren.nt.gov.au">www.workingwithchildren.nt.gov.au</a>	Northern Territory Police Phone: 08 8922 5511 <a href="http://www.pfes.nt.gov.au">www.pfes.nt.gov.au</a>
<b>SA</b>	Department of Human Services Phone: 1300 321 592 <a href="https://screening.sa.gov.au/">https://screening.sa.gov.au/</a>	South Australia Police Phone: 08 7322 3347 <a href="https://www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check">https://www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check</a>
<b>ACT</b>	Background Screening Unit, Access Canberra Phone: 02 6207 3000 <a href="https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804/~/working-with-vulnerable-people-(wwvp)-registration#">https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804/~/working-with-vulnerable-people-(wwvp)-registration#</a>	Australian Federal Police Phone: 02 6140 6502 <a href="http://www.afp.gov.au/business/criminal_police_checks.html">www.afp.gov.au/business/criminal_police_checks.html</a>

<b>TAS</b>	Department of Justice Phone: 1300 13 55 13 <a href="http://www.justice.tas.gov.au/working_with_children">www.justice.tas.gov.au/working_with_children</a>	Tasmania Police Phone: 03 6173 2928 <a href="http://www.police.tas.gov.au/services-online/police-history-record-checks/">http://www.police.tas.gov.au/services-online/police-history-record-checks/</a>
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**From:** "Beaver, Jeffrey"  
**Sent:** 18/10/2021 2:33 PM  
**To:** Sch 2.2(a)(ii)  
**Cc:** "O'Connor, Meaghan" <Meaghan.O'Connor@worksafe.act.gov.au>  
**Subject:** Clarification - Sch 2.2(a)(ii)  
**Attachments:** RE: ACT Hub Interviews [SEC=UNCLASSIFIED]

**OFFICIAL: Sensitive - Legislative Secrecy**

Good afternoon Sch 2.2(a)(ii)

I left you a voice message this date.

WorkSafe ACT is currently making enquires in relation to information received.

In regard to those enquiries, please see attached historic email which WorkSafe ACT has secured.

Can you please clarify/expand on what you meant by Sch 2.2(a)(ix)

If you feel more comfortable, WorkSafe ACT can issue you a Notice requiring the production of the information, just let me know either way.

Regards,

**Jeff Beaver | A/g Senior Inspector - Psychosocial**

EMAIL: [Jeffrey.beaver@worksafe.act.gov.au](mailto:Jeffrey.beaver@worksafe.act.gov.au)

Office of the Work Health and Safety Commissioner

GPO Box 158 Canberra ACT 2601 | [www.worksafe.act.gov.au](http://www.worksafe.act.gov.au)



For more information on NSWM, and to see our program of events, please visit our [National Safe Work Month 2021](#) page.

**From:** Sch 2.2(a)(ii)  
**Sent:** 15/02/2018 2:25 PM  
**To:** Sch 2.2(a)(ii)  
Sch 2.2(a)(ii)  
**Cc:** Sch 2.2(a)(ii)  
**Subject:** RE: ACT Hub Interviews [SEC=UNCLASSIFIED]

Interesting considering Sch 2.2(a)(ii) had not yet even gone to referees as of today and interviews did not occur until Wednesday morning AEST time?

I spoke to Sch 2.2(a)(ii) on Friday (on leave) and Sch 2.2(a)(ii) had a quiet chat with Sch 2.2(a)(ii) pre interview around some unsolicited feedback we received from people around Canberra regarding Sch 2.2(a)(ii) name being touted as the coach as far back as late, last year Sch 2.2(a)(ix)

But yes times have changed down here - sport leads sport now - so we will step through with Sch 2.2(a)(ii) initially as Sch 2.2(a)(ii) will be overseeing the 'successful applicant'.

*You will report to the NSW State Head Coach for technical leadership and the Swimming NSW Chief Executive Officer for all employment related matters. You will work closely with the ACTAS Sports Programs Manager and Performance Services Manager for ACTAS day to day operational matters and maintain close and productive connection with the Swimming NSW Coach Leadership Team as well as key performance and facility staff of ACTAS, the AIS and the SAL NTC's. In consultation with your colleagues, you will manage your own workflow and for make key decisions in relation to your program plans.*

And yes office space provided here at ACTAS and Sch 2.2(a)(ii) and I will monitor day to day operations and are to refer any issues onto Sch 2.2(a)(ii) should they arise.

Think we all agree then that Sch 2.2(a)(ii) meets with Sch 2.2(a)(ii) as a first point of call.

All ACTAS staff (irrespective of who employs) have to follow same AIS facility, behavioural requirements as SAL staff and other tenants and this goes with the 'successful applicant' too.

Chat next week.

Cheers

Sch 2.2(a)(ii)

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**From:** Sch 2.2(a)(ii)  
**Sent:** Thursday, 15 February 2018 1:37 PM  
**To:** Sch 2.2(a)(ii)  
**Cc:** Sch 2.2(a)(ii)  
**Subject:** Re: ACT Hub Interviews [SEC=UNCLASSIFIED]

Hi all

I definitely think it is important that Sch 2.2(a)(ii) as Sch 2.2(a)(ii) need to understand how things now operate.

By the sound of this , the post I saw by Sch 2.2(a)(ii) on Tuesday Night is right Sch 2.2(a)(ii) has the job. Sch 2.2(a)(ii)  
Sch 2.2(a)(ii)

Happy to chat next week

Sch 2.2(a)(ii)

Sent from my iPhone

On 15 Feb 2018, at 1:30 pm, [redacted] wrote:

Hi [redacted]

No not an ideal outcome with the scheduling, I had informed them that Wednesday was the only day that I was unavailable.

Happy to catch up next week.

[redacted]

---

**From:** [redacted] Sch 2.2(a)(ii)

**Sent:** Thursday, 15 February 2018 1:11 PM

[redacted] Sch 2.2(a)(ii)

**Subject:** RE: ACT Hub Interviews [SEC=UNCLASSIFIED]

H [redacted] Sch 2.2(a)(ii)

Thanks for the update.

With [redacted] Sch 2.2(a)(ii) not involved in the interview process I am a bit concerned that some of the 'red flags' that were raised about one of the applicants were not considered in the interview process. It is done now though and I suppose that there is not much that can be done to influence the outcome.

It would be good for all of us to catch up with [redacted] Sch 2.2(a)(ii) is in town next week to work through the expectations and parameters of how this is all going to work. I know the coach will have some ACTAS office space, but just wanted to check who will be managing them on a day to day basis and who they will ultimately be reporting to? It also needs to be made very clear that whilst the coach is being employed by Swimming NSW/ACTAS, SAL will ultimately be responsible for their conduct as an invited user under our Facility Agreement.

I am around all next week but will be out for most on Tuesday on a phone hook-up meeting.

Thanks,

[redacted] Sch 2.2(a)(ii)

*I respectfully acknowledge the Traditional Owners and Custodians of the land on which I work.*

---

**From:** [redacted] Sch 2.2(a)(ii)

**Sent:** Thursday, 15 February 2018 12:32 PM

**To:** [redacted] Sch 2.2(a)(ii)

# Sch 2.2(a)(ii)

**Subject:** RE: ACT Hub Interviews [SEC=UNCLASSIFIED]

Hi Sch 2.2(a)(ii)

As per below email from Sch 2.2(a)(ii)

Just a quick update our end as Sch 2.2(a)(ii) mentioned he is planning on coming down later next week and meeting with us all and to provide an update on coach recruitment, begin planning, meet with some key club coaches etc

- ACT Hub interviews held yesterday in Sydney via skype.
- Sch 2.2(a)(ii) was unavailable to attend/skype in on all interviews at short notice so made the decision to remove himself from the interviews for procedural fairness)
- 2 of 4 interviewed were deemed suitable with 1 preferred candidate following interview.
- However should the preferred candidate, then the 2<sup>nd</sup> ranked candidate not accept the role. Will probably look at applicants again and/or broaden search.
- Coach will **not** be in position until end of April/early May if they accept.

Will let Sch 2.2(a)(ii) update the broader SAL network and local stakeholders with a name when appropriate.

I was also thinking that it would also be good for Sch 2.2(a)(ii) to touch base with Sch 2.2(a) at some stage, and as the Hub Head Coach's supervisor, regarding any AIS SAL FA requirements the coach/we will need to adhere too, facility booking processes and OHS requirements etc.

Anyone else Sch 2.2(a) should meet with perhaps just let Sch 2.2(a) know? We may show him around our gym and office set up too.

Catch you next week if not before.

Cheers

Sch 2.2(a)(ii)

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**From:** Sch 2.2(a)(ii)

**Sent:** Wednesday, 14 February 2018 2:56 PM

# Sch 2.2(a)(ii)

**Subject:** ACT Hub Interviews

Hi Sch 2.2(a)(ii)

I hope all is well.

We have just completed the interviews for the role and would like to give you an update on how we went.

So I wanted to check your availability for a phone chat with myself and Sch 2.2(a) tomorrow, from 10am onwards?? I would expect it would be for about 20-30 minutes.

If you could let me know that would be great.

Thanks,

Sch 2.2(a)(ii)

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

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**From:** Sch 2.2(a)(ii)  
**Sent:** 18/10/2021 4:44 PM  
**To:** "Beaver, Jeffrey" <Jeffrey.Beaiver@worksafe.act.gov.au>  
**Cc:** "O'Connor, Meaghan" <Meaghan.O'Connor@worksafe.act.gov.au>  
**Subject:** RE: Clarification - Sch 2.2(a)(ii) ACTAS

**OFFICIAL: Sensitive - Legislative Secrecy**

Hi Jeff

Forgot to mention that the Sch 2.2(a)(ii) I refer to is Sch 2.2(a)(ii).

Please also let me know if you also need the contact details of Sch 2.2(a)(ii) at the time of that email I believe), Sch 2.2(a)(ii) employed and is the Sch 2.2(a)(ii) whom oversees Sch 2.2(a)(ii) or Sch 2.2(a)(ii) )?

Thanks

Sch 2.2(a)(ii)



[Sport and Recreation | Economic Development | Chief Minister, Treasury and Economic Development Directorate | ACT Government Australian Institute of Sport \(Building 20\), Leverrier Street, Bruce ACT, 2617](#)

---

**From:** Beaver, Jeffrey <Jeffrey.Beaiver@worksafe.act.gov.au>  
**Sent:** Monday, 18 October 2021 2:33 PM  
**To:** Sch 2.2(a)(ii)  
**Cc:** O'Connor, Meaghan <Meaghan.O'Connor@worksafe.act.gov.au>  
**Subject:** Clarification - Sch 2.2(a)(ii) ACTAS

**OFFICIAL: Sensitive - Legislative Secrecy**

Good afternoon Sch 2.2(a)(ii)

I left you a voice message this date.

**From:** "Beaver, Jeffrey"  
**Sent:** 19/10/2021 2:48 PM  
**To:** Sch 2.2(a)(ii)  
**Subject:** Email for Sch 2.2(a)(ii), Sch 2.2(b)(i)  
**Importance:** High

**OFFICIAL**

Good afternoon (Australian time).

I am of the belief that you have student named Sch 2.2(a)(ii), Sch 2.2(b)(i) Sch 2.2(a)(ii), Sch 2.2(b)(i). Could I please ask for you to pass this email onto Sch 2.2(a)(ii) for Sch 2.2(b)(i) consideration.

Sch 2.2(a)(ii)

WorkSafe ACT are currently looking into some concerns raised in relation to the Sch 2.2(a)(ix) Sch 2.2(a)(ix)

This can be done via email.

If I do not hear from you via reply email in the next 2 weeks, I'll take that as you do not wish to be involved in those enquiries.

Kind regards,

**Jeff Beaver | A/g Senior Inspector - Psychosocial**  
EMAIL: [Jeffrey.beaver@worksafe.act.gov.au](mailto:Jeffrey.beaver@worksafe.act.gov.au)  
Office of the Work Health and Safety Commissioner  
GPO Box 158 Canberra ACT 2601 | [www.worksafe.act.gov.au](http://www.worksafe.act.gov.au)



For more information on NSWM, and to see our program of events, please visit our [National Safe Work Month 2021](#) page.

**From:** "Sch 2.2(a)(ii)"  
**Sent:** 18/10/2021 5:13 PM  
**To:** "Beaver, Jeffrey" <Jeffrey.Beaiver@worksafe.act.gov.au>  
**Subject:** Re: WorkSafe ACT - ACT Academy of Sport [SEC=UNOFFICIAL]

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Jeff,  
1pm works fine for me. You can reach me on Sch 2.2(a)(ii)  
Kind regards,

Sch 2.2(a)(ii)

On 18 Oct 2021, at 4:58 pm, Beaver, Jeffrey <Jeffrey.Beaiver@worksafe.act.gov.au> wrote:

**OFFICIAL: Sensitive - Legislative Secrecy**

Hey Sch 2.2(a)(ii)

Thank you for getting back so quickly.

Just wondering if you had 15 minutes free tomorrow afternoon around 1.00pm for a phone call. Just would like to ask you some questions about Sch 2.2(a)(ii), and Sch 2.2 selection back in 2018.

Regards,

**Jeff Beaver | A/g Senior Inspector - Psychosocial**  
EMAIL: [Jeffrey.beaver@worksafe.act.gov.au](mailto:Jeffrey.beaver@worksafe.act.gov.au)  
Office of the Work Health and Safety Commissioner  
GPO Box 158 Canberra ACT 2601 | [www.worksafe.act.gov.au](http://www.worksafe.act.gov.au)



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**From:** Sch 2.2(a)(ii)  
**Sent:** Monday, 18 October 2021 4:48 PM  
**To:** Beaver, Jeffrey <Jeffrey.Beaiver@worksafe.act.gov.au>  
**Cc:** Sch 2.2(a)(ii)  
**Subject:** RE: WorkSafe ACT - ACT Academy of Sport [SEC=UNOFFICIAL]

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

UNOFFICIAL

Hi Jeff,

Your email below was forwarded on to me.

How can I be of assistance?

Kind regards,

Sch 2.2(a)(ii)

PS - I have copied in my home email address as it is probably more appropriate that we converse on that email instead of my work one.

# Sch 2.2(a)(ii)

## NATIONAL INTEGRITY FRAMEWORK

Safeguard your sport

find out more ... [sportintegrity.gov.au](https://sportintegrity.gov.au)



---

**From:** Beaver, Jeffrey [<mailto:Jeffrey.Beaver@worksafe.act.gov.au>]

**Sent:** Monday, 18 October 2021 3:26 PM

**To:** Sport Integrity Australia <[contactus@sportintegrity.gov.au](mailto:contactus@sportintegrity.gov.au)>

**Subject:** WorkSafe ACT - ACT Academy of Sport

**OFFICIAL: Sensitive - Legislative Secrecy**

Good afternoon.

WorkSafe ACT is currently conducting enquiries in relation to alleged incidents at an ACT workplace. The ACT Academy of Sport has advised WorkSafe ACT that Sch 2.2(a)(ii) and previously of Sch 2.2(a)(ii) now works for your organisation.

WorkSafe ACT would like to contact Sch 2.2(a)(ii). Could you please forward this email to Sch 2.2(a)(ii) for the purpose of making that initial contact.

Regards,

**Jeff Beaver | A/g Senior Inspector - Psychosocial**

EMAIL: [Jeffrey.beaver@worksafe.act.gov.au](mailto:Jeffrey.beaver@worksafe.act.gov.au)

Office of the Work Health and Safety Commissioner

GPO Box 158 Canberra ACT 2601 | [www.worksafe.act.gov.au](http://www.worksafe.act.gov.au)

**From:** Sch 2.2(a)(ii)  
**Sent:** 07/12/2021 12:44 PM  
**To:** "Beaver, Jeffrey" <Jeffrey.Beaver@worksafe.act.gov.au>  
**Subject:** RE: Sch 2.2(a)(ii)

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Thanks Jeff

I can confirm that this was my only involvement with Sch 2.2(a)(ii). I did not undertake any form of induction with Sch 2.2(a)(ii) other than to provide the information contained in the email. I am happy to be contacted should I be able to provide any assistance.

Regards

Sch 2.2(a)(ii)

---

**From:** Beaver, Jeffrey <Jeffrey.Beaver@worksafe.act.gov.au>  
**Sent:** Tuesday, 7 December 2021 9:25 AM  
**To:** Sch 2.2(a)(ii)  
**Subject:** Sch 2.2(a)(ii)

OFFICIAL

Hey Sch 2.2(a)(ii)

Thanks for the call this morning.

Please see attached. Going by what you said, can you confirm the attached is effectively you involvement in Sch 2.2(a)(ii) return to the AIS.

Regards,

**Jeff Beaver | Senior Inspector – Psychosocial Team**  
EMAIL: [Jeffrey.beaver@worksafe.act.gov.au](mailto:Jeffrey.beaver@worksafe.act.gov.au)  
Office of the Work Health and Safety Commissioner  
GPO Box 158 Canberra ACT 2601 | [www.worksafe.act.gov.au](http://www.worksafe.act.gov.au)

**WORKSAFEACT**



I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.

---

**From:** Sch 2.2(a)(ii)  
**Sent:** Monday, 6 December 2021 2:13 PM  
**To:** Beaver, Jeffrey <[Jeffrey.Beaver@worksafe.act.gov.au](mailto:Jeffrey.Beaver@worksafe.act.gov.au)>  
**Subject:** Fwd: Sch 2.2(a)(ii)

**WORKSAFEACT**

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon Jeff

Your contact details have been forwarded to me from Sport Australia. Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

Happy to take a call

Regards

Sch 2.2(a)(ii)

Sent from my iPad

Begin forwarded message:

**From:** Sch 2.2(a)(ii)  
**Date:** 6 December 2021 at 2:00:17 pm AEDT  
**To:** Sch 2.2(a)(ii)  
**Subject: FW:** Sch 2.2(a)(ii)

Hi Sch 2.2(a)

Thank you for returning my call earlier.

Please see WorkSafe ACT's email below with an email address for Jeffrey (Jeff) Beaver ([Jeffrey.beaver@worksafe.act.gov.au](mailto:Jeffrey.beaver@worksafe.act.gov.au)).

Sch 2.2(a)(ii)

The ASC's new system for managing WHS incidents, investigations and corrective actions is now LIVE! For more information, please visit the [Noggin Intranet Page](#) or contact the [WHS Team](#).



[sportaus.gov.au](http://sportaus.gov.au) | [AIS.gov.au](http://AIS.gov.au)

*The Australian Sports Commission, incorporating Sport Australia and the AIS, pay our respects to the Traditional Owners of country throughout Australia. We pay our respects to Elders past and present, and acknowledge the valuable contribution Aboriginal and Torres Strait Islander people make to Australian society and sport.*

---

**From:** Sch 2.2(a)(ii)  
**Sent:** Monday, 6 December 2021 12:33 PM  
**To:** Sch 2.2(a)(ii)  
**Subject:** FW: Sch 2.2(a)(ii)

Hi Sch 2.2(a)(ii)

As discussed. Thanks for looking after this.

Sch 2.2(a)

---

**From:** Beaver, Jeffrey <[Jeffrey.Beaver@worksafe.act.gov.au](mailto:Jeffrey.Beaver@worksafe.act.gov.au)>  
**Sent:** Tuesday, 30 November 2021 10:05 AM  
**To:** Sch  
**Subject:** Sch 2.2(a)(ii)

OFFICIAL

Good morning Sch 2.2(a)(ii)

WorkSafe ACT is attempting to contact Sch 2.2(a)(ii), however the mobile number we have for Sch 2.2(a) is no longer working.

Sch 2.2(a)(ii)

I was wondering if you had a forwarding email for Sch 2.2(a) could you please send this email trail onward as WorkSafe needs to speak to Sch 2.2(a)(ii)

Regards,

**Jeff Beaver | Senior Inspector – Psychosocial Team**  
EMAIL: [Jeffrey.beaver@worksafe.act.gov.au](mailto:Jeffrey.beaver@worksafe.act.gov.au)  
Office of the Work Health and Safety Commissioner  
GPO Box 158 Canberra ACT 2601 | [www.worksafe.act.gov.au](http://www.worksafe.act.gov.au)

**WORKSAFEACT**



I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.

For more information on NSWM, and to see our program of events, please visit our [National Safe Work Month 2021](#) page.

**WORKSAFEACT**



*Work Health and Safety Act 2011*

Section 155(2)

NOTICE TO GIVE INFORMATION TO WORKSAFE ACT

To: The Responsible Officer  
60 Minutes Australia  
PO Box: Locked Bag 999,  
North Sydney, NSW 2059

Phone: 02 9906 9999

Email: [60Minutes@nine.com.au](mailto:60Minutes@nine.com.au)

I, Mr Tyrone SMITHERS, pursuant to section 155 of the *Work Health and Safety Act 2011*, have reasonable grounds to believe that you are capable of producing documents in relation to a possible contravention of section 33 of the *Work Health and Safety Act 2011*, Sch 1 1.3 in the Australian Capital Territory.

I require you to produce the documents set out in the attached schedule to me via return email at [tyrone.smithers@worksafe.act.gov.au](mailto:tyrone.smithers@worksafe.act.gov.au) on or before 15 August 2021.

Signed.....

Authorised delegate of WorkSafe ACT

Date: 28 July 2021

This warning and information forms part of the Notice under Section 155(2) of the *Work Health and Safety Act 2011*

**WARNING**

A person who refuses or fails to comply with this Notice without a reasonable excuse, may be liable to prosecution and, if found guilty, liable to a maximum penalty of \$10,000 for individuals and \$50,000 for a body corporate.

Under section 172 of the *Work Health and Safety Act* (the WHS Act), a person is not excused from answering a question or providing information or a document on the grounds of self incrimination or on the grounds that it may expose that person to a penalty. However, any information provided by an individual is not admissible as evidence in criminal or civil proceedings against that individual other than proceedings arising out of the false or misleading nature of the answer, information or document.

**Privilege**

This Notice does not affect, and nothing in the WHS Act requires, a person to produce a document that would disclose information, or otherwise provide information, that is subject to legal professional privilege – see section 269 of the WHS Act.

If this Notice requires a person to appear personally, the person may attend with a legal practitioner.

It is an offence under section 268 of the *Work Health and Safety Act 2011* to give false and misleading information and/or produce a document that is known to be false or misleading. Maximum penalty of \$10,000 for individuals and \$50,000 for a body corporate.

**Schedule – Required Documents**

Sch 1 1.3

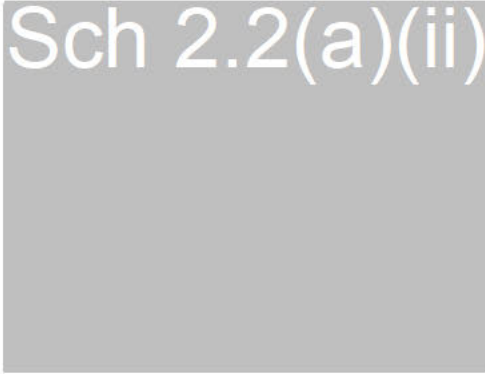


Work Health and Safety Act 2011

Section 155(2)

NOTICE TO GIVE INFORMATION TO WORKSAFE ACT

Sch 2.2(a)(ii)



I, Mr Tyrone SMITHERS, pursuant to section 155 of the *Work Health and Safety Act 2011*, have reasonable grounds to believe that you are capable of producing documents in relation to a possible contravention of section 33 of the *Work Health and Safety Act 2011*, Sch 1 1.3 in the Australian Capital Territory.

I require you to produce the documents set out in the attached schedule to me via return email at [tyrone.smithers@worksafe.act.gov.au](mailto:tyrone.smithers@worksafe.act.gov.au) on or before 30 August 2021.

Signed.....

Authorised delegate of WorkSafe ACT

Date: 16 August 2021

This warning and information forms part of the Notice under Section 155(2) of the *Work Health and Safety Act 2011*

**WARNING**

A person who refuses or fails to comply with this Notice without a reasonable excuse, may be liable to prosecution and, if found guilty, liable to a maximum penalty of \$10,000 for individuals and \$50,000 for a body corporate.

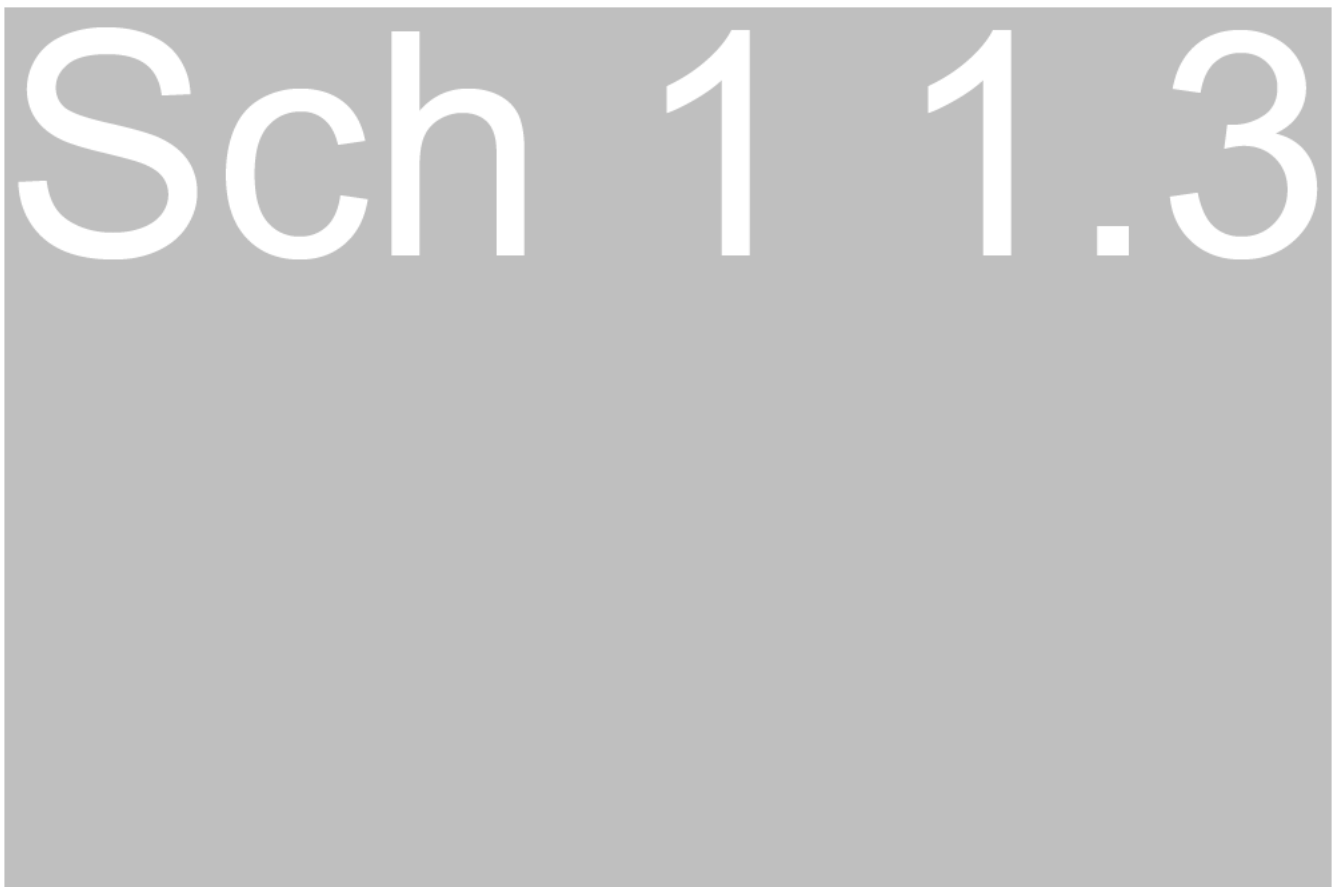
Under section 172 of the *Work Health and Safety Act* (the WHS Act), a person is not excused from answering a question or providing information or a document on the grounds of self incrimination or on the grounds that it may expose that person to a penalty. However, any information provided by an individual is not admissible as evidence in criminal or civil proceedings against that individual other than proceedings arising out of the false or misleading nature of the answer, information or document.

**Privilege**

This Notice does not affect, and nothing in the WHS Act requires, a person to produce a document that would disclose information, or otherwise provide information, that is subject to legal professional privilege – see section 269 of the WHS Act.

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**Schedule – Required Documents**



Work Health and Safety Act 2011

Section 155(2)

NOTICE TO GIVE INFORMATION TO WORKSAFE ACT

Sch 2.2(a)(xi)

I, Mr Tyrone SMITHERS, pursuant to section 155 of the *Work Health and Safety Act 2011*, have reasonable grounds to believe that you are capable of producing documents in relation to a possible contravention of section 33 of the *Work Health and Safety Act 2011*, Sch 1 1.3 in the Australian Capital Territory.

I require you to produce the documents set out in the attached schedule to me via return email at [tyrone.smithers@worksafe.act.gov.au](mailto:tyrone.smithers@worksafe.act.gov.au) on or before 18 August 2021.

Signed.....

Authorised delegate of WorkSafe ACT

Date: 04 August 2021

This warning and information forms part of the Notice under Section 155(2) of the *Work Health and Safety Act 2011*

**WARNING**

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**Schedule – Required Documents**

# Sch 1 1.3



Work Health and Safety Act 2011

Section 155(2)

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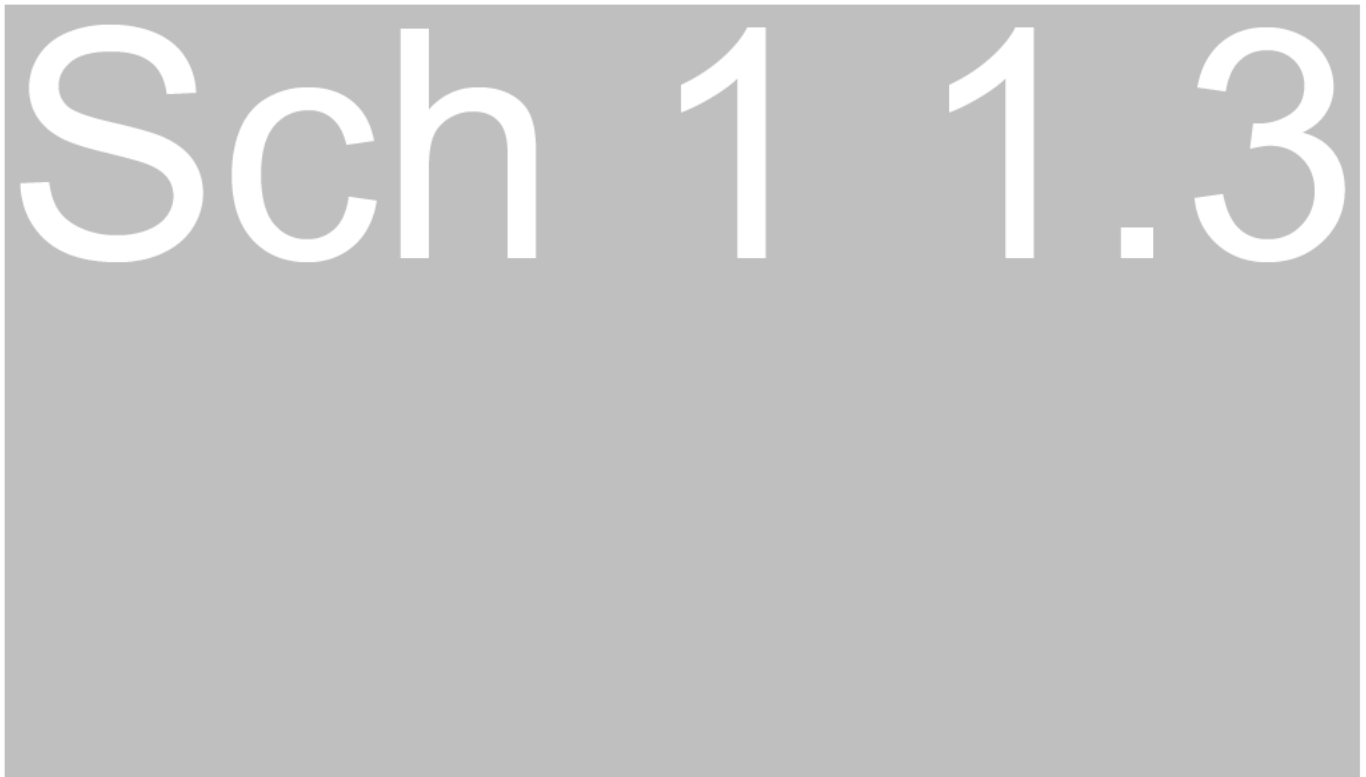
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**Schedule – Required Documents**

**From:** "Beaver, Jeffrey"  
**Sent:** 18/10/2021 1:50 PM  
**To:** Sch 2.2(a)(ii)  
**Cc:** "Sch 2.2(a)(xi)" "O'Connor, Meaghan"  
<Meaghan.O'Connor@worksafe.act.gov.au>  
**Subject:** s155 Notice - Swimming Australia  
**Attachments:** s155 - Swimming Australia 20211018.pdf  
**Importance:** High

**OFFICIAL: Sensitive - Legislative Secrecy**

Good afternoon.

Please find attached a s155 Notice requiring your attention by COB 1 November 2021.

Regards,

Jeff Beaver | A/g Senior Inspector - Psychosocial

EMAIL: [Jeffrey.beaver@worksafe.act.gov.au](mailto:Jeffrey.beaver@worksafe.act.gov.au)

Office of the Work Health and Safety Commissioner

GPO Box 158 Canberra ACT 2601 | [www.worksafe.act.gov.au](http://www.worksafe.act.gov.au)



For more information on NSWM, and to see our program of events, please visit our [National Safe Work Month 2021](#) page.



*Work Health and Safety Act 2011*

Section 155(2)

NOTICE TO GIVE INFORMATION TO WORKSAFE ACT

To: Sch 2.2(a)(xi)

C/- Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

Cc: Sch 2.2(a)(xi)

I, Mr Jeffrey BEAVER, pursuant to section 155 of the *Work Health and Safety Act 2011*, have reasonable grounds to believe that you are capable of producing documents in relation to a possible contravention of section 33 of the *Work Health and Safety Act 2011*, Sch 1 1.3 in the Australian Capital Territory.

I require you to produce the documents set out in the attached schedule to me via return email at [jeffrey.beaver@worksafe.act.gov.au](mailto:jeffrey.beaver@worksafe.act.gov.au) on or before 1 November 2021.

A handwritten signature in black ink, appearing to be "Jeffrey Beaver", written over a horizontal line.

Signed

Authorised delegate of WorkSafe ACT

Date: 18 October 2021

This warning and information forms part of the Notice under Section 155(2) of the *Work Health and Safety Act 2011*

**WARNING**

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**Schedule – Required Documents**

Sch 1 1.3

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

**From:** "WorkSafe ACT" <worksafe@act.gov.au>  
**Sent:** 23/02/2022 5:03 PM  
**To:** Sch 2.2(a)(ii)  
**Cc:** "Beaver, Jeffrey" <Jeffrey.Beaver@worksafe.act.gov.au>  
**Subject:** Improvement Notice N-0000003087  
**Attachments:** Improvement\_Notice\_N-0000003087.pdf

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi,  
Please see attached PDFs to view a copy of your Notice.

**Inspection number:** 00111369  
**Lead Inspector:** Jeffrey Beaver  
**Company Name:** ACT Academy of Sport (ACTAS)  
**Notice Number:** N-0000003087

For any further information please contact WorkSafe on:  
Telephone: (02) 6207 3000  
Facsimile: (02) 6205 0336  
Email: [worksafe@act.gov.au](mailto:worksafe@act.gov.au)

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

## Information

**Notice number N-0000003087**

Issued By: Jeffrey Beaver ID number:

### To whom this notice is issued

Name of registered company or Name of individual: ACT Academy of Sport (ACTAS)

ABN: 99999999999 Site/workplace: Australian Institute of Sport (Building 20), Leverrier Street, Bruce ACT 2617

Location within address of workplace:

Served on: Method of service: Email Date of issue: 23/02/2022

Due date to remedy the contravention or likely contravention: 20/04/2022

## Description

### The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

On 30 November 2021, WorkSafe ACT received an anonymous complaint regarding the operation of the Australian Capital Territory's Academy of Sport's (ACTAS) High Performance Swimming Hub. On that same date, I, Senior Inspector Jeff BEAVER of WorkSafe ACT commenced enquiries in relation to that complaint.

WorkSafe ACT enquiries included, but were not limited to, formally interviewing via digital recording, multiple witnesses pursuant to s.171 of the Work Health and Safety Act 2011 (WHS Act) directions. Enquiries also involved issuing multiple s.155 Notices pursuant to the WHS Act, and reviewing material supplied pursuant to those same Notices as well as from other sources.

The ACTAS was launched in 1989. It is an endorsed Australian Olympic Committee and Australian Paralympic Committee National Training Centre and a member of the National Institutes of Network (NIN). Membership of the NIN includes the eight (8) Australian state and territory institutes and academies of sport as well as the Australian Institute of Sport. The eight state and territory institutes and academies of sport (SIS/SAS), together with the AIS, form Australia's National Institute Network (NIN). The SIS/SAS provide high performance services and support in partnership with National Sporting Organisations in their respective state and territory jurisdictions with a view to delivering high quality daily training environments for priority athletes and teams.

ACTAS programs are formed via partnership agreements between the National Sporting Organisation (NSO), State Sporting Organisation (SSO), and the ACT Government (via ACTAS). ACTAS provides the daily training environment and a range of performance services for supported talented athletes including:

Athletic Performance and Rehabilitation; including Athletic Performance, Performance Science and Sports Medicine Coordination and Rehabilitation;  
Performance Nutrition;  
Performance Psychology;  
Personal Excellence;  
Training;  
Coaching;

Competition Support; and  
Program Management support

ACTAS aim is to assist Canberra's elite, and potentially elite athletes and teams improve their sporting performances. It provides a range of athlete performance services - coaching, training, sport science, athlete welfare and development and competition assistance.

Through a four-way partnership between, Swimming NSW, Swimming ACT, Swimming Australia and the ACT Academy of Sport (ACTAS), the ACT Performance Hub provides a transition High Performance program for swimmers to develop from talented Age Group Swimmers to the National Team.

The key components of the ACT Performance Hub include:

Lane Space;  
Sports Science and Sports Medicine Support (SSSM); and  
High-Performance Coach.

The ACT Performance Hub provides a high-performance training environment based at the Australian Institute of Sport for identified athletes transitioning from age group to open level competition, and athletes with potential for National Team selection. This service is extended to athletes residing in the ACT and regional NSW. Athletes accepted into the Program retain their 'home club' identity.

# Sch 2.2(a)(ii)

Eligibility to train at the ACT Performance Hub may be defined, but not limited by, the below criteria:

**National Age and Open Finalists;**

16 years and over\* (including university-aged students): This program is open to ACT and regional NSW athletes that have transitioned, or are transitioning, from age group swimming to open swimming. Consideration is also offered to those who reside outside the ACT and regional NSW.

(\*Swimmers outside of this age bracket may be considered on a case-by-case basis.);

**Collaboration with the athlete's home coach:** To be accepted into the ACT Performance Hub program, consultation and collaboration with the athlete's home coach and the ACT Performance Hub Head Coach is essential;

**Recommendations from the SNSW State Head Coach:** The NSW State Head Coach may, from time-to-time, have conversations with home coaches to create opportunities for their athletes to move into the ACT Performance Hub program;

**Hub Coach Discretion:** Final athlete acceptance into the ACT Performance Hub program is ultimately approved by the Head Coach in consultation with the NSW State Head Coach. Athletes must be able to recognise and acknowledge the key identified areas for development and must be willing to commit to addressing them in a daily performance environment; and

**Training Agreement:** For anyone training at the Hub, a training agreement must be entered into that outlines the program, as well as the conditions in which athletes train at the AIS facility. A monthly training fee is payable to the program. 100% of income derived from training fees are returned by way of program activities, as outlined by the Hub Head Coach.

At all materially relevant times, ACTAS came under the ACT Government's Sports and Recreation portfolio which sits in the

Economic Development area of the Chief Minister, Treasury and Economic Development Directorate.

Swimming ACT is a district of Swimming NSW. It is the peak body of the sport of competitive swimming in the Australian Capital Territory and administers the sport on behalf of its affiliated clubs. Like all districts of Swimming NSW, its own ACT Championships; but unlike many other districts in NSW these are open to teams and competitors from outside the district.

As members of NSW Swimming, members of clubs affiliated with ACT Swimming compete in the NSW Championships. Swimming ACT is constituted by 10 swimming clubs which are all registered with Swimming NSW and Swimming Australia, two of these clubs (Goulburn and Queanbeyan) are not geographically within the ACT but are affiliated with ACT Swimming. In this regard ACT Swimming is much like ACTAFL and ACT Rugby union in that the area covered geographically extends across state borders.

During 1985, under a new corporate structure, the Amateur Swimming Union of Australia was incorporated in the Australian Capital Territory and became Australian Swimming Inc. On 1 October 2004, Australian Swimming became a company limited by guarantee and changed its name to Swimming Australia Ltd.

Swimming Australia is the peak governing body for competitive swimming in Australia. The body has approximately 100,000 registered members nationally in 1100 clubs across the country, which includes swimmers, coaches, officials, administrators and volunteers. The body oversees the management and development of the sport from the national team at the elite level, the conduct of national and international events, through to grass roots participation.

All witnesses described the relationship between ACTAS, Swimming NSW and Swimming Australia at the ACT AIS High Performance Hub as a partnership arrangement. This description was supported by various documents reviewed by WorkSafe ACT.

The workplace for the ACT High Performance Hub program is the Australian Institute of Sport (AIS), Bruce ACT. This facility is Commonwealth owned and operated by the Australian Sports Commission. The relationship between ACTAS, Swimming NSW and Swimming Australia at the ACT AIS Hub is enabled through the Swimming Australia Facilities Agreement with the AIS. This Facilities Agreement does not create a tenancy of ACTAS on site in relation to the pool deck where [redacted] Sch 2.2(a)(ii) [redacted] leverage/operate under that Agreement to undertake the activity at that location.

## Sch 2.2(a)(ii)

WorkSafe ACT enquiries revealed that whilst ACTAS received information and complaints from participants in the ACT High Performance Swimming Hub program, ACTAS failed to reasonably monitor those complaints, instead, relying on Swimming Australia to conduct enquiries. Even with Swimming Australia conducting those enquiries and deciding an outcome, ACTAS was not provided the full details of Swimming Australia's investigation and associated findings; resulting in ACTAS being unable to properly ensure, so far as is reasonably practicable, the health and safety of those participants.

[redacted] Sch 2.2(a)(ii) [redacted]

[redacted]. I am further satisfied that the ACT High Performance Swimming Hub at the Australian Academy of Sport meets the definition of a workplace within the meaning of section 8 of the WHS Act.

The reliance on Swimming Australia to conduct enquires regarding possible psychosocial hazards at this ACTAS workplace allegedly involving a worker, is contrary to s.14 of the WHS Act; with the partnership arrangement also covered pursuant to s.16 of the WHS Act.

I, Senior Inspector Jeff BEAVER, have formed a reasonable belief based on my enquiries summarised above, that ACTAS, as a person conducting a business or undertaking, failed to ensure, so far as is reasonably practicable, that the health and safety of other persons was not put at risk from work carried out as part of the conduct of the business or undertaking which is contrary to s.19(2) of the WHS Act. A contravention of s.19(2) may also invoke an offence pursuant to s.33 of the WHS Act.

The action, of failing to reasonably monitor its workplace in relation to psychosocial hazards, and, effectively contracting out its duty to do so to Swimming Australia without any mechanisms to properly inform itself of the outcomes of those enquiries, requires the issuing of this Improvement Notice to rectify the non-compliance.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

ACTAS must, within 90 days of receiving this Improvement Notice, provide evidence to the issuing Senior Inspector of the following:

1. Implement a system whereby ACTAS can receive, record and report on complaints received by participants at the ACT High Performance Swimming Hub;
2. Implement a system whereby ACTAS can triage and then, where deemed appropriate, investigate complaints by participants at the ACT High Performance Swimming Hub; and
3. Implement a risk register at the ACT High Performance Swimming Hub in relation to all work, health and safety hazards including those related to coaching staff and participants.

The inspector recommends that you:

Model Code of Practice: How to manage work health and safety risks -

<https://www.safeworkaustralia.gov.au/doc/model-codes-practice/model-code-practice-how-manage-work-health-and-safety-risks>

Psychosocial hazards - <https://www.safeworkaustralia.gov.au/psychosocial-hazards>

Work-related psychological health and safety: A systematic approach to meeting your duties -

<https://www.safeworkaustralia.gov.au/doc/work-related-psychological-health-and-safety-systematic-approach-meeting-your-duties>

**See over for important information on your rights and responsibilities.**

#### **Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information**

If you have any questions you may contact the inspector who issued this notice.

#### **Display of Notices**

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

#### **Compliance with direction or notice**

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

(a) in the case of an individual—\$50 000; or

(b) in the case of a body corporate—\$250 000

#### **Contents of Notice**

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

#### **Directions and recommendations**

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

#### **Changes to notice by inspector**

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

#### **Privacy statement**

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at [www.act.gov.au/privacy](http://www.act.gov.au/privacy).

#### **Review of this *Work Health and Safety Act* notice**

If you have any questions or need more information you may contact the inspector who issued this notice, or email [worksafe@act.gov.au](mailto:worksafe@act.gov.au).

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

[worksafe@act.gov.au](mailto:worksafe@act.gov.au)

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

[www.acat.act.gov.au](http://www.acat.act.gov.au).

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

#### **WorkSafe ACT contact details**

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax:(02) 6205 0336.

#### **Translating and Interpreting Service**

Phone: 131 450

## *Independent Contractors Act 2006*

### **5 Services contract**

#### *General meaning*

- (1) A **services contract** is a contract for services:
- (a) to which an independent contractor is a party; and
  - (b) that relates to the performance of work by the independent contractor; and
  - (c) that has the requisite constitutional connection specified in subsection (2).

Note: Conditions or collateral arrangements relating to a services contract may be taken to be part of the services contract: see subsection (4).

#### *The requisite constitutional connection*

- (2) A contract for services has the **requisite constitutional connection** if:
- (a) at least one party to the contract is:
    - (i) a constitutional corporation; or
    - (ii) the Commonwealth or a Commonwealth authority; or
    - (iii) a body corporate incorporated in a Territory in Australia; or
  - (b) one or more of the following subparagraphs is satisfied:
    - (i) the work concerned is wholly or principally to be performed in a Territory in Australia;
    - (ii) the contract was entered into in a Territory in Australia;
    - (iii) at least one party to the contract is a natural person who is resident in, or a body corporate that has its principal place of business in, a Territory in Australia.
- (3) Without limiting its effect apart from this subsection, subparagraph (2)(a)(i) also has the effect it would have if the reference to a constitutional corporation were, by express provision, confined to a constitutional corporation that has entered into the contract for the purposes of the business of the corporation.

### **7 Exclusion of certain State and Territory laws**

- (1) Subject to subsection (2), the rights, entitlements, obligations and liabilities of a party to a services contract are not affected by a law of a State or Territory to the extent that the law would otherwise do one or more of the following:
- (a) take or deem a party to a services contract to be an employer or employee, or otherwise treat a party to a services contract as if the party were an employer or employee, for the purposes of a law that relates to one or more workplace relations matters (or provide a means for a party to the contract to be so taken, deemed or treated);
  - (b) confer or impose rights, entitlements, obligations or liabilities on a party to a services contract in relation to matters that, in an employment relationship, **would be workplace relations matters** (or provide a means for rights, entitlements, obligations or liabilities in relation to such matters to be conferred or imposed on a party to a services contract);

## 8 What are workplace relations matters

- (1) Subject to subsection (2), **workplace relations matter** means any of the following matters:
  - (a) remuneration, allowances or other amounts payable to employees;
  - (b) leave entitlements of employees;
  - (c) hours of work of employees;
  - (d) enforcing or terminating contracts of employment;
  - (e) making, enforcing or terminating agreements (not being contracts of employment) determining terms and conditions of employment;
  - (f) disputes between employees and employers, or the resolution of such disputes;
  - (g) industrial action by employees or employers;
  - (h) any other matter that is substantially the same as a matter that relates to employees or employers and that is dealt with by or under:
    - (i) the *Fair Work Act 2009*; or
    - (ia) the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*; or
    - (ii) a State or Territory industrial law;unless the matter is specified in regulations made for the purposes of this paragraph;
  - (i) any other matter specified in regulations made for the purposes of this paragraph.
- (2) **None of the following is a workplace relations matter:**
  - (a) prevention of discrimination or promotion of EEO, but only if the State or Territory law concerned is neither a State or Territory industrial law nor contained in such a law;
  - (b) superannuation;
  - (c) workers compensation;
  - (d) **occupational health and safety** (including entry of a representative of a trade union for a purpose connected with occupational health and safety);
  - (e) child labour;
  - (f) the observance of a public holiday, except the rate of payment of an employee for the public holiday;
  - (g) deductions from wages or salaries;
  - (h) industrial action affecting essential services;
    - (i) attendance for service on a jury;
    - (j) professional or trade regulation;
  - (k) consumer protection;
  - (l) taxation;
  - (m) any other matter specified in regulations made for the purposes of this paragraph.

Independent contractors provide agreed services under a contract for those services. They usually negotiate their own fees and working arrangements and can work for more than one client at a time. Independent contractors are often called contractors or subcontractors.

<https://www.fairwork.gov.au/find-help-for/independent-contractors>

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18 March 2020 Funding Deed amount \$30 000. Guiding Partnerships – The Funding Managers’ Guide, ACT Government, states “A Directorate may manage a procurement valued under \$25,000 itself but any procurement with a value of \$25,000 or more must be referred to Shared Services Procurement to facilitate the process.” (p.7). Did that grant have that done? Signatures are all ACTAS.

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# Sch 1 1.2

# Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

**From:** "Grey, Brooke" <Brooke.Grey@worksafe.act.gov.au>  
**Sent:** 08/12/2021 3:47 PM  
**To:** "Beaver, Jeffrey" <Jeffrey.Beaver@worksafe.act.gov.au>  
**Subject:** RE: Request for Transcription - ACTAS matter

OFFICIAL

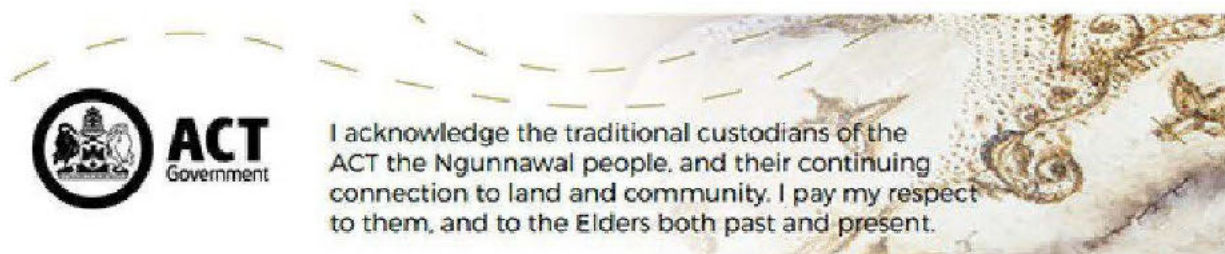
Hi Jeff,

Based upon the recommendation, the request is approved.

thanks

Brooke Grey | Senior Director – Investigations and Psychosocial  
P: 02 6205 0753 | M: [Sch 2.2\(a\)\(ii\)](#) | E: [Brooke.Grey@worksafe.act.gov.au](mailto:Brooke.Grey@worksafe.act.gov.au)  
Office of the Work Health and Safety Commissioner  
GPO Box 158 Canberra ACT 2601

**WORKSAFEACT**



I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.

---

**From:** Beaver, Jeffrey <Jeffrey.Beaver@worksafe.act.gov.au>  
**Sent:** Wednesday, 8 December 2021 8:56 AM  
**To:** Grey, Brooke <Brooke.Grey@worksafe.act.gov.au>  
**Subject:** RE: Request for Transcription - ACTAS matter

OFFICIAL

Hey Brooke,

Think there is enough for a s.33 relating to s.19(3)(g) and contracting out of a duty. Public interest in favour I believe as it is possible from what witnesses have said, that similar contracting out arrangements may be prevalent across the ACT Public Service via this type of 'standard template' Deed funding.

Also think that if DPP do not proceed, having the material in that form will mitigate any future corporate risk if the surrounding/historic matter becomes topical and WorkSafe ACT's enquiries are scrutinised.

Regards, J

---

**From:** Grey, Brooke <Brooke.Grey@worksafe.act.gov.au>  
**Sent:** Wednesday, 8 December 2021 8:39 AM  
**To:** Beaver, Jeffrey <Jeffrey.Beaver@worksafe.act.gov.au>  
**Subject:** RE: Request for Transcription - ACTAS matter

OFFICIAL

Good morning Jeff,

Do you think there is enough evidence to suggest a Sec 33 contravention or enough for improvement notices?

thanks

Brooke Grey | Senior Director – Investigations and Psychosocial  
P: 02 6205 0753 | M: [Sch 2.2\(a\)\(ii\)](#) | E: [Brooke.Grey@worksafe.act.gov.au](mailto:Brooke.Grey@worksafe.act.gov.au)  
Office of the Work Health and Safety Commissioner  
GPO Box 158 Canberra ACT 2601

**WORKSAFEACT**



**ACT**  
Government

I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.

---

**From:** Beaver, Jeffrey <[Jeffrey.Beaver@worksafe.act.gov.au](mailto:Jeffrey.Beaver@worksafe.act.gov.au)>  
**Sent:** Tuesday, 7 December 2021 5:29 PM  
**To:** Grey, Brooke <[Brooke.Grey@worksafe.act.gov.au](mailto:Brooke.Grey@worksafe.act.gov.au)>  
**Subject:** Request for Transcription - ACTAS matter

OFFICIAL

Hey Brooke,

Permission sought to have the following transcribed in relation to ACT Academy of Sport matter. BoE is being prepared for consideration of s.33 offence.

Sch 2.2(a)(ii)



Regards,

**Jeff Beaver** | Senior Inspector – Psychosocial Team  
EMAIL: [Jeffrey.beaver@worksafe.act.gov.au](mailto:Jeffrey.beaver@worksafe.act.gov.au)  
Office of the Work Health and Safety Commissioner  
GPO Box 158 Canberra ACT 2601 | [www.worksafe.act.gov.au](http://www.worksafe.act.gov.au)

**WORKSAFEACT**

## Psychosocial Reporting

The below table outlines the Psychosocial open cases for noting and progress toward closure in the period ending 13 December 2021.

### Summary

- 28 open Psychosocial cases

Out of Scope

## **Psychosocial Cases of Note**

Status: green = on track; yellow = delayed; red = severely delayed/stopped

Complexity: green = not complex >6 months complete; yellow = moderate complexity 6-12 months complete; red = highly complex 12-18 months complete

# Out of Scope

	Case name	Brief Outline	Start date	SOL date	Steps toward closure	Referral Potential to MIT	Comple xity	Status
2.	[Redacted]  Lead: Jeff Beaver Second: Meaghan O'Connor	Multiple anonymous complaints  ACT Government directorate  Allegations of bullying, harassment, and psychosocial injuries  Failure in the PCBU's duty  Contracting out of duty	June 2021	Ongoing	1. Witnesses scoped and scheduling for interviews has commenced. Some witnesses are high profile (National). 20+ witnesses identified. Scope has been determined to focus on possible s.33 offences, including a contracting out of the PCBU's duty in the ACT. Multiple entities involved. S155's have been issued and are being complied with. Looking to commence s171 witness interviews in w/c 8 Nov 2021. I/v's will, in the majority, be held at WorkSafe ACT office due to sensitivities. Matter currently being viewed as possible ACT DPP referral. MIT being updated – Psychosocial Team is lead at present. 2. Further witnesses contacted, and interviews being scheduled. Legal advice received as to privacy of information and lock down of information. Expectation that w/c 8 Nov 21 through to end of Dec 21 will be allocated to witness interviews requiring attention of 2 x Inspectors. 3. 5 x s171 witness i/v scheduled for w/c 8 Nov 2021. Further witnesses	Unlikely		

	Case name	Brief Outline	Start date	SOL date	Steps toward closure	Referral Potential to MIT	Comple xity	Status
					<p>being engaged and further i/v's to be scheduled.</p> <p>4. 5 x witnesses interviewed. 2 more scheduled. Matter moving toward preparation of a BoE.</p> <p>5. Witness list has been refined. 2 x s171 interviews scheduled. BoE being compiled against PCBU, insufficient corroborative evidence for a BoE against an individual. MIT has been updated.</p> <p>6. Final 4 witnesses interviewed. Potential for BoE to cover potential for ss 14, 16 &amp; 19(3)(g) invoking s.33 offences (x3). Request for legal advice to be drafted then a report to be compiled for CMP consideration of possible outcomes.</p>			

# Out of Scope

Out of Scope

**From:** "Kelley, Rebecca" <Rebecca.Kelley@act.gov.au>  
**Sent:** 21/07/2022 8:43 AM  
**To:** "Palmer, Ben" <Ben.Palmer@worksafe.act.gov.au>  
**Cc:** "Corradini, Gerard" <Gerard.Corradini@act.gov.au>  
**Subject:** Response to Worksafe ACT Improvement Notice N-0000003087  
**Attachments:** ACTAS response to Worksafe ACT - Improvement Notice N-0000003087 21 July 2022.pdf, A - ACTAS Complaint Handling Procedure.pdf, B - ACTAS Complaint Form.pdf, C - ACTAS Swimming (ACT Performance Hub) WIRE Container location.pdf, Attachment D - Sport and Recreation Corrective Actions Register.pdf, E - ACTAS Policies and Procedures Hyperlink.pdf, F - ACTAS Complaints Handling Workflow SOP.pdf, Attachment G - Sport and Recreation ACTAS Risk Register - Swimming.xlsx, H-ACTAS Training Area Risk Assessment Checklist - AIS Pool - ACT Performance Hub.pdf, I - ACTAS Athlete Training Area Induction Checklist - Swimming.pdf

**OFFICIAL**

Dear Inspector Palmer,

Please find attached a response to the Worksafe ACT Improvement Notice N-0000003087 issued to the ACT Academy of Sport (ACTAS).

I am available to discuss if required and we look forward to your advice on our compliance with the notice.

Regards

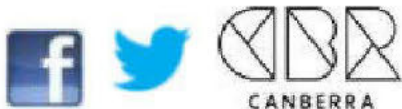
Rebecca Kelley

**Executive Branch Manager | Sport and Recreation**

Economic Development | Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Level 3, Canberra Nara Centre, 1 Constitution Ave, Canberra City, ACT | PO Box 147, Civic Square, ACT 2608

[www.sport.act.gov.au](http://www.sport.act.gov.au)

Phone 02 62074389 **Sch 2.2(a)(ii)**





## ACT ACADEMY OF SPORT (ACTAS) COMPLAINT HANDLING PROCEDURE

### Overview

To provide a clear and easily understood complaint handling procedure which will assist athletes, parents, guardians, stakeholders, and members of the public to submit informal and formal complaints and feedback to the ACT Academy of Sport (ACTAS). All recommendations and feedback obtained through complaint resolution will be used to improve business operations and the daily training environment (DTE).

ACTAS is committed to treating complaints seriously and aims to address all complaints quickly and appropriately and learn from them to improve the way we do business.

### Rationale

ACTAS is committed to ensuring the prompt, fair and courteous handling of complaints regarding the way we do business, our employees or our facilities, services, and programs.

### Complaint Lodgement (or Procedures)

#### Informal Complaint

Many incidents, issues or concerns can be resolved quickly and easily by first discussing the matter at the local level, that is, with the person the complainant has been dealing with when they first become dissatisfied.

ACTAS aims to resolve all informal complaints quickly or refer the complaint to an appropriate staff member (ACTAS support staff) where appropriate and if you feel comfortable to do so.

If the complainant is not comfortable speaking directly to an ACTAS staff member, or are not satisfied with the local level response, they can lodge a formal complaint.

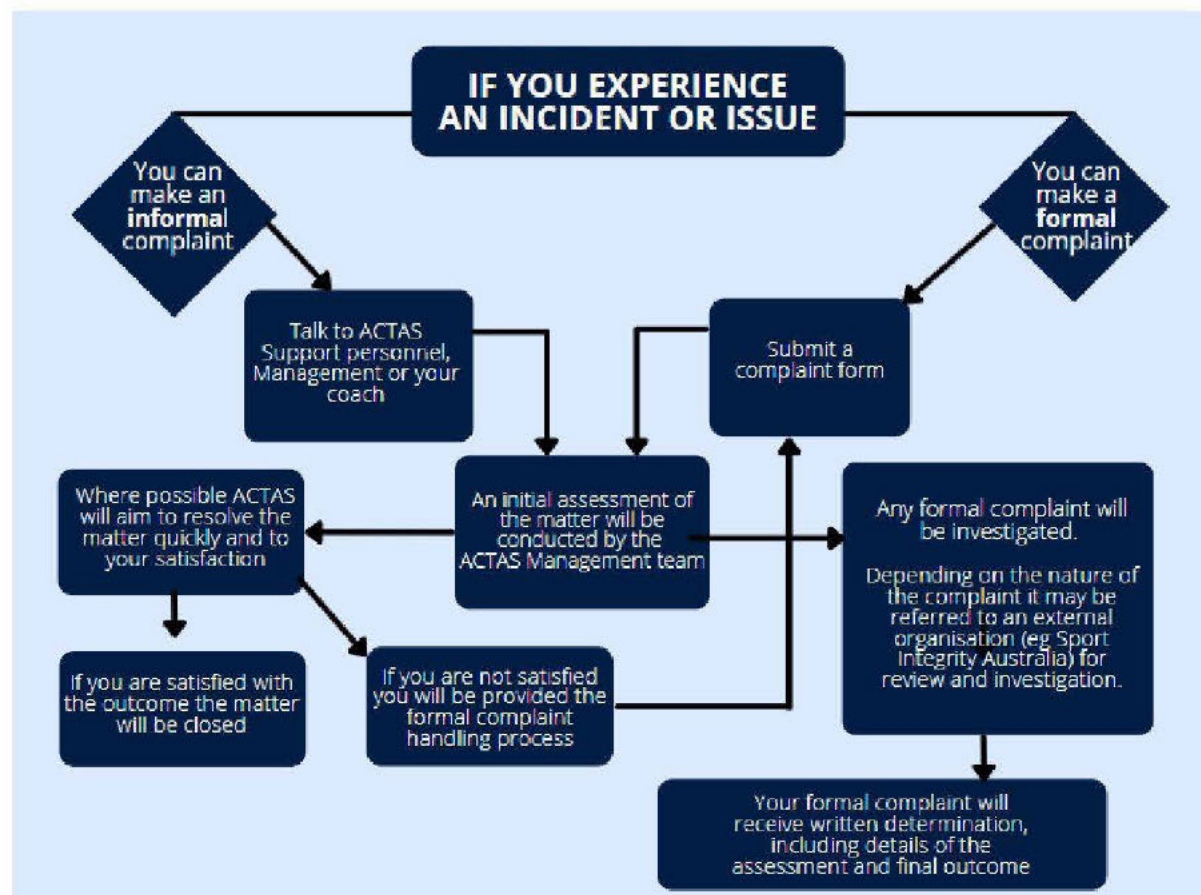
#### Formal Complaint

A formal complaint using the **ACTAS Complaint Form** [ACT Academy of Sport - Sport and Recreation](#) can be emailed to the ACTAS Director [gerard.corradini@act.gov.au](mailto:gerard.corradini@act.gov.au) This form is also available to collect in-person from the ACTAS reception or by emailing [actasadmin@act.gov.au](mailto:actasadmin@act.gov.au)

A formal complaint can be made **anonymously**, and even though we still review the claims made, this can affect our ability to assess, investigate, resolve and respond to the complaint. It also affects our ability to provide feedback on any action taken to the complaint.

ACTAS will not disclose any confidential information or personal details of the complainant without first obtaining their consent or the information is required by legislation to be provided to regulatory agencies for child safety or anti-doping ie Sports Integrity Australia.

## ACTAS Complaints Handling Process



All formal complaints will be acknowledged within two business days of receipt.

### Assessment

An initial assessment of the complaint will be undertaken by the ACTAS Management Team. Where insufficient information is provided, ACTAS may contact the complainant to seek further information or provide advice on the process for managing the complaint.

Where a complaint relates to a matter concerning an ACTAS program coach or external contractor, ACTAS may need to notify Sports Integrity Australia, the Australian Sports Commission (where AIS facilities are in use) the sporting organisation or employer of the coach or external contractor.

Where the complaint is outside of ACTAS' responsibility, ACTAS will assist the complainant in referring complaints to the correct organisation or agency. Complaints related to a sporting organisation may need to be referred to Sports Integrity Australia under your sport's National Integrity Framework – <https://www.sportintegrity.gov.au/what-we-do/national-integrity-framework/sports-signed-national-integrity-framework>

The assessment stage can be the longest part of the complaints handling process. ACTAS will notify the complainant at the start of the assessment and provide updates where possible throughout.

## **Resolution or Investigation**

Where possible ACTAS aims for early resolution of complaints. If early resolution is not possible, an investigation of the complaint will be undertaken by ACTAS. Any required disciplinary action will be undertaken in accordance with the relevant procedure (e.g. Athlete Scholarship Agreement, CMTEDD HR process, or NSO/SSO employment contract).

This process will usually be finalised within 28 days. Where this is not possible, the complainant will be advised of the anticipated timeframe for completion and kept informed of progress related to the complaint.

## **Finalisation**

All complaints will be finalised once an outcome has been provided and any actions related to the complaint are completed. Formal complaints (that require a response) will receive written determination, usually within 28 days, which includes details of the assessment(s) undertaken, final outcome, and further options available to the complainant.

## **Record Keeping**

Formal complaints will be recorded in secure file locations (ACT Government's WIRE) with restricted access for continuous improvement and monitored through regular WHS review to improve ACTAS business operations and services.

Confidential and personal information will only be accessible by authorised ACTAS employees or external investigators such as the Police or SIA.

Informal complaints, incidents or issues will also be recorded alongside sports and athlete survey results to manage trends, identify hazards and any other WHS issues where preventative action may be taken to mitigate risks.

## **What you can expect from ACTAS**

For any concern raised to ACTAS we will:

- act transparently
- treat you with respect and listen to understand your needs
- reply in a timely manner
- provide appropriate duty of care and support
- share your feedback with relevant areas, external agencies, our ACT Government Directorate, with your permission, to inform WHS or service improvement
- document and analyse enquiries, feedback and complaints to inform improvements to policy, procedure and practice
- encourage and support you to seek early resolution of complaints
- tell you how we handle complaints
- tell you about any conflicts of interest.

Where complaints are escalated to in writing we will:

- let you know we've received your complaint within two working days and reply within 28 days where a response is needed
- help you to document your complaint (if needed)
- ask you what outcome or resolution you are looking for
- handle your complaint confidentially and impartially
- where referring the complaint externally - maintain due diligence around any investigation process including keeping you informed throughout the process where appropriate
- let you know about the outcome of the complaint and where appropriate, including any actions we've taken.

## What we ask of you

We ask that you:

- share your concerns
- treat us with respect, in all communications
- provide us with honest, constructive feedback on our service
- provide information that is timely, accurate and complete
- tell us if you need help to understand or access our service.

## Related Documents

ACTAS Complaint Form [ACT Academy of Sport - Sport and Recreation](#)

ACTAS Scholarship – Code of Conduct (available on athlete's AMS profile)

CMTEDD Complaint Handling [Directorate \(act.gov.au\)Chief Minister and Treasury Complaint Handling \(act.gov.au\)](#)

CMTEDD RED Formal Complaint Form [Chief Minister and Treasury Complaint Handling \(act.gov.au\)](#)

CMTEDD Reportable Conduct Policy – [Reportable Conduct Policy \(act.gov.au\)](#)

## Related Websites

**Sports Integrity Australia** <https://www.sportintegrity.gov.au/>

**Australian Sports Commission** [Sport Australia | Sport Australia](#)

**National Sports Tribunal** <https://www.nationalsporttribunal.gov.au/>

**AIS be heard** <https://www.ais.gov.au/AISBe-Heard>

**Reportable Conduct Scheme** <https://actgovernment.sharepoint.com/>

**National Office for Child Safety** <https://childsafety.pmc.gov.au/resources/speak-up-make-complaint>

**The ACT Ombudsman** <https://www.ombudsman.act.gov.au/making-a-complaint/how-to-make-a-complaint>

**WorkSafe ACT** <https://www.worksafe.act.gov.au/health-and-safety-portal/notify-worksafe>

**ACT Policing -** <https://www.police.act.gov.au/report-and-register/complaints-and-compliments>

You can also refer to your respective National or State Sporting Organisation's websites.

<b>Procedure owner</b>	Director, ACTAS
<b>Approved by</b>	Executive Branch Manager, Sport & Recreation
<b>Effective date</b>	18 July 2022
<b>Updated by</b>	Director, ACTAS
<b>Review due</b>	18 July 2024



Building 20,  
AIS Campus  
Leverrier St Bruce  
Canberra ACT 2617  
+61 6207 4388

Mr. Ben Palmer  
Senior Psychosocial Inspector  
Worksafe ACT  
Office of the Work Health and Safety Commissioner  
GPO Box 158 Canberra  
ACT 2601

Via email [ben.palmer@worksafe.act.gov.au](mailto:ben.palmer@worksafe.act.gov.au)

21 July 2022

**Subject: WorkSafe ACT Improvement Notice N-000003087**

Dear Inspector Palmer,

Following your email of 22 April 2022 to Mr. Gerard Corradini, Director, ACT Academy of Sport (ACTAS), I would like to inform you of several activities in response to Improvement Notice N-000003087.

The table below describes the activities undertaken by ACTAS, with corresponding attachments as evidence of compliance.

Notice Number	Inspector	Activities undertaken and attachments that address corrective actions
Improvement Notice  <b>N-000003087</b>	Inspector Beaver	<p><b>1. Implement a system whereby ACTAS can receive, record and report on complaints received by participants at the ACT High Performance Swimming Hub;</b></p> <p><b>Activities undertaken</b></p> <p>ACTAS has updated several complaints handling documents, registers and recording platforms -</p> <ul style="list-style-type: none"> <li>• <b>Attachment A</b> - ACTAS Complaints handling procedures</li> <li>• <b>Attachment B</b> - ACTAS Complaint Form</li> <li>• <b>Attachment C</b> - Record keeping - WIRE Container - "ACTAS Swimming"</li> <li>• <b>Attachment D</b> - Record keeping - Sport and Recreation Corrective Actions Register (CAR)</li> <li>• <b>Attachment E</b> - Hyperlink to documents (Attachments A/B) <a href="https://act.gov.au/policies-and-procedures-sport-and-recreation">Policies and Procedures - Sport and Recreation (act.gov.au)</a></li> <li>• All staff, partners, athletes, and parents of minors have been emailed the new complaints handling procedures and complaint form (20 July 2022).</li> </ul>



<p>Improvement Notice <b>N-0000003087</b></p>	<p>Inspector Beaver</p>	<p><b>2. Implement a system whereby ACTAS can triage and then, where deemed appropriate, investigate complaints by participants at the ACT High Performance Swimming Hub; and</b></p> <p><b>Activities undertaken</b></p> <ul style="list-style-type: none"> <li>• <b>Attachment F</b> – ACTAS Complaints Handling Workflow. This is now our <u>internal</u> standard operating procedure (SOP).</li> </ul>
<p>Improvement Notice <b>N-0000003087</b></p>	<p>Inspector Beaver</p>	<p><b>3. Implement a risk register at the ACT High Performance Swimming Hub in relation to all work, health and safety hazards including those related to coaching staff and participants.</b></p> <p><b>Activities undertaken</b></p> <ul style="list-style-type: none"> <li>• <b>Attachment G</b> – Sport and Recreation Risk Register – ACT Performance Hub/ACTAS Swimming</li> <li>• <b>Attachment H</b> – ACTAS Training Area Risk Assessment - AIS Pool</li> <li>• <b>Attachment I</b> – ACTAS Athlete Training Area Induction Checklist - ACT Performance Hub - Swimming</li> </ul>

These activities have involved consultation through an Advisory Panel which has convened over the course of actioning these improvements. This has included senior executive and management representatives from within Economic Development (ED) (CMTEDD), People and Safety Management (CMTEDD), and ACTAS. The CEO of Swimming NSW, the Sport and Recreation Health and Safety Representative and the ED WHS Coordinator were also part of the Panel.

Consultation was also undertaken with the Australian Sports Commission, two swimming coaches, as well as other ACTAS and Sport and Recreation staff regarding specific aspects of the procedures and the risk register.

If I could please request your acknowledgement of receipt of this email and we will await your advice regarding ACTAS' compliance with the directions listed in Improvement Notice N-0000003087.

Yours sincerely

Sch 2.2(a)(ii)

Ms Rebecca Kelley  
Executive Branch Manager  
Sport and Recreation, Economic Development  
Chief Minister, Treasury and Economic Development Directorate (CMTEDD)  
ACT Government

Sch 2.2(a)(ii)

CC: Mr Gerard Corradini – Director ACT Academy of Sport



Attachment D - Record Keeping - Sport and Recreation Corrective Actions Register (CAR) - Excerpt

Corrective Actions Register – Sport and Recreation 2022/23										
WHS non-conformances shall be remediated in the following time frames; High Risk – ASAP or immediate, Medium risk – 30 days or Low risk – 60 days.										
Area	Identified Problem	Has an incident been submitted in Riskman?	Risk Level	Required Corrective Action	Action Officer	Target Date	Status	EBM Approved	Closed off date	Progress Notes
Building 20	Worksafe ACT Improvement Notice May 2022 - N0000003087	Yes	High Risk - ASAP	1. Implement a System whereby ACTAS can receive, record and report on complaints received by participants at the ACT High Performance Swimming Hub. 2. Implement a system whereby ACTAS can triage and then, where deemed appropriate, investigate complaints by participants at the ACT high Performance Swimming Hub. 3. Implement a risk register at the ACT High Performance Swimming Hub in relation to all work, health and safety hazards including those related to coaching staff and participants.	Andrew Stainlay and Gavin Thornley working with Advisory Panel - EBM Rebecca Kelley as Chair	21/07/2022	Outstanding			Ongoing work with progress consulted upon with Advisory Group formed to oversee the improvements to comply with the notice. New Complaint Handling procedure developed, including complaints form. Specific Risk Register developed for the ACT Performance Hub which forms part of the broader Sport and Recreation Risk Register. New Assessment checklists for the swimming training area and athlete inductions now in place to support inspection and induction processes. Improved record keeping via WIRE and complaint operating procedure supported by process flowchart. Response drafted for submission to Worksafe ACT.

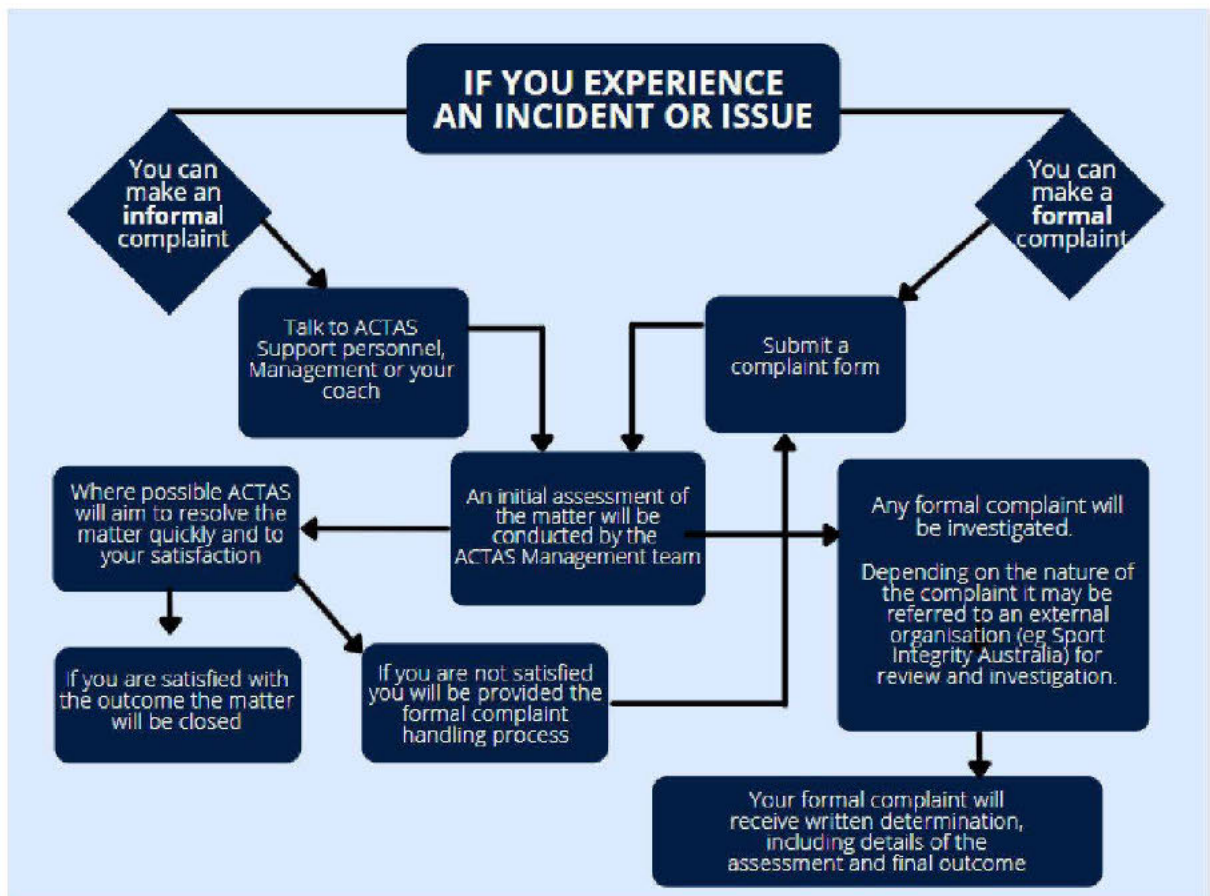


## ACT ACADEMY OF SPORT – ACTAS COMPLAINT FORM

At the ACT Academy of Sport (ACTAS) we believe sport should be safe, fair, and inclusive. To do this we must provide an environment where you can report poor or inappropriate behaviour which may include, but not be limited to verbal abuse, sexual harassment, intimidation, discrimination, or bullying.

### The Process

As a complainant you can expect to be treated with dignity and respect throughout the process. You can raise an incident, issue, or complaint at any time. For some matters we ask that you complete a complaint form. We will not disclose this information without your permission unless we are legally required to do so. You have the option of raising a complaint informally or anonymously which means ACTAS will become aware of your concern, however this limits the response ACTAS may be able to take.



If you would like to speak to someone about the ACTAS Complaint Procedure, please contact the ACTAS Director at [gerard.corradini@act.gov.au](mailto:gerard.corradini@act.gov.au) or 0417683183.

## Part A – About you, the complainant

Please note: If you wish to make an anonymous complaint go to page 2. Complaints may be lodged anonymously, if so, this limits the option to provide a response.

I am making the complaint myself or on behalf of someone else

Title:

First name:

Last name:

Age: if under 18 - are my parents/guardians aware I am making a complaint.

Address:

Suburb:

State/Territory:

Postcode:

Email:

Mobile :

If you require assistance to participate in the complaint process, please outline the assistance you require:

**If you are complaining on behalf of someone else, please provide the following details about this person.**

Title:

First name:

Last name:

Address:

Suburb:

State/Territory:

Postcode:

What is their relationship to you?

Please advise if they need assistance to participate in the complaint process and the kind of assistance they need:

**I wish to make an anonymous complaint:**

Yes / No

Is someone assisting you with this complaint? Yes / No

If so, who? Please provide the following details about this person.  
(For example, a legal representative, advocate, or union representative)

Title:

First name:

Last name:

Position:

Organisation:

Address:

Suburb:

State/Territory:

Postcode:

Email:

Mobile:

Please advise if they need assistance to participate in the complaint process and the kind of assistance they need:

#### Assistance

For any of the people involved in the complaint, please advise if they need any assistance in the complaint process and the kind of assistance they may need.

Please call the ACTAS Director on 0417 683 183 to discuss options available.

## **Part B – Who is the complaint about? They are known as the respondent**

### **Respondent 1**

Name of the person or organisation:

Role of the person or organisation: Please indicate or circle

Coach

Athlete

Manager

Support personnel

Parent

What is your relationship to this respondent?

## Respondent 2

Name of the person or organisation:

Role of the person or organisation:

What is your relationship to this respondent?

Note: If you are complaining about more than two people or organisations, please provide information about each additional person or organisation.

## Part C – What is the form of the perceived issue, concern, or grievance?

(Please select at least one reason below) For definitions, please visit <https://www.sportintegrity.gov.au/definitions-of-prohibited-conduct>

- I have been discriminated against because of my**
  - Age
  - Disability  
What is your disability?
  - Gender identity  
What gender do you identify as?
  - Pregnancy
  - Sexual orientation  
What is your sexual orientation?
  - Intersex status
  - Race (this includes colour, national origin, descent or ethnic origin)  
What is your race/national or ethnic origin/descent?
  - Religion  
What is your religion?
  - Political opinion  
What is your political opinion?
- I have been sexually harassed / abused**
- I have been physically harassed / abused**
- I have experienced racial hatred**

What is your race/national or ethnic origin/descent?

- I have been victimised because I made, or tried to make, a complaint about discrimination
- The respondent(s) belittled me
- I have been bullied
- I have been isolated from my training environment
- I want to complain about non-selection
- Health & Safety
- Interpersonal conflict and difficulties
- Other (please specify i.e., inappropriate behaviour)

**When did the alleged event(s) happen?**

**Where did the alleged event(s) happen?**

**What happened?**

Describe the event(s) that you want to complain about. We need to know what you say happened, where it happened and who was involved. Please give us all the dates and other details that you can remember.

**If you are complaining about employment, please tell us when you commenced employment, your job title and whether you are still employed.**

### **Supporting documents**

Please attach copies of any documents that support the claims in your complaint. For example - letters, separation certificate, doctors' certificate. If you cannot do this,

Please tell us about the documents or other information and how this information can be obtained. (it is not a requirement to have supporting documentation if you do not have any.)

### **How do you think this complaint could be resolved?**

For example, a complaint may be resolved with an agreement that a respondent will change its behaviour, introduce training or policies on anti-discrimination, take other action to prevent possible discrimination, mediation, a formal conflict resolution process, training or education on anti-discrimination, or other actions to prevent possible discrimination, bullying or harassment.

## **Part D – Lodging the complaint**

Please send the complaint form to:


Post: Director - ACT Academy of Sport  
Building 20  
Australian Institute of Sport  
Bruce, ACT, 2617  
Email: [gerard.corradini@act.gov.au](mailto:gerard.corradini@act.gov.au)

Signature:

Date:

<b>Form/Procedure owner</b>	Director, ACTAS
<b>Approved by</b>	Executive Branch Manager, Sport & Recreation
<b>Effective date</b>	18 July 2022
<b>Updated by</b>	Director, ACTAS
<b>Review due</b>	18 July 2024

Attachment C - Record Keeping - WIRE Container - ACTAS Swimming - Snip



Search as...  Save search 7 records found

Title	Record Type
HUMAN RESOURCES - Health & Safety - 14, Incident Notification and Management - Sport and Recreation	CMTEDD - CM - General Container


  

CM2019/7234 - HUMAN RESOURCES - Health & Safety - 14, Incident Notification and Management - Sport and Recreation

<input type="checkbox"/>			Title	Record Type	Record Number
<input type="checkbox"/>			ACTAS Hockey - Complaint Handling	CMTEDD - CM - Content	Sch 2.2(a)(ii)
<input type="checkbox"/>			ACTAS Swimming - Complaint Handling	CMTEDD - CM - Content	
<input type="checkbox"/>			ACTAS Athletics - Complaint Handling	CMTEDD - CM - Content	
<input type="checkbox"/>			ACTAS Rowing - Complaint Handling	CMTEDD - CM - Content	
<input type="checkbox"/>			ACTAS Cycling - Complaint Handling	CMTEDD - CM - Content	
<input type="checkbox"/>			ACTAS Individual Athlete Program - Complaint Handling	CMTEDD - CM - Content	
<input type="checkbox"/>			Corrective Actions Register - Sport and Recreation	CMTEDD - CM - Content	


Records per page: 50 records per page 1 - 7 of 7 records

[Policies and Procedures - Sport and Recreation \(act.gov.au\)](#)



ACT Government

# Sport and Recreation

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[Home](#) [About us](#) [Grants](#) [Aquatic and leisure facilities](#) [Sport facilities](#) [Clubs and organisations](#)

[Elite sport](#) [ACT Academy of Sport](#)

[Home](#) > [ACT Academy of Sport](#) > [About Us](#) > [Policies and Procedures](#)

## Policies and Procedures

### ACT Academy of Sport

- About Us
- Sponsors and Partners
- Latest News
- Policies and Procedures**
- Sports Programs
- Services

### ACT Academy of Sport (ACTAS) Complaint Handling Procedure

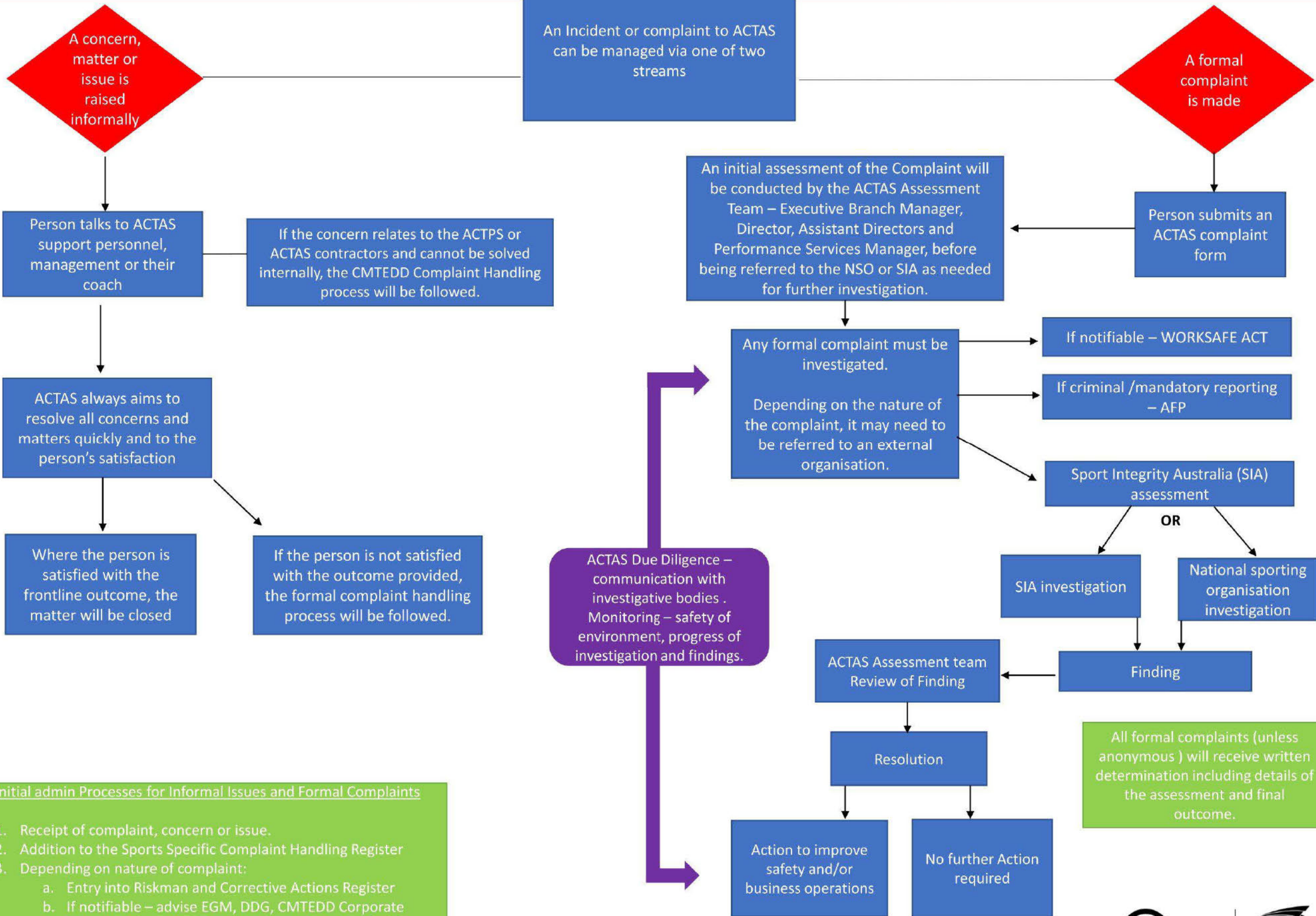
ACTAS is committed to treating complaints seriously and aims to address all complaints quickly and appropriately. The attached documents will assist athletes, staff, coaches, parents, guardians, stakeholders, and members of the public to submit informal and formal complaints and feedback to the ACT Academy of Sport (ACTAS).

- [ACTAS Complaint Handling Procedure \(PDF 251KB\)](#)
- [ACTAS Complaint Form \(PDF 207KB\)](#)

If you would like to speak to someone about the ACTAS Complaint Handling Procedure please contact the ACTAS Director via email [gerard.corradini@act.gov.au](mailto:gerard.corradini@act.gov.au)

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# ACTAS Internal – Complaints Handling Flowchart (SOP)



## Initial admin Processes for Informal Issues and Formal Complaints

1. Receipt of complaint, concern or issue.
2. Addition to the Sports Specific Complaint Handling Register
3. Depending on nature of complaint:
  - a. Entry into Riskman and Corrective Actions Register
  - b. If notifiable – advise EGM, DDG, CMTEDD Corporate
  - c. If it occurred on the AIS Campus – advise the Australian Sports Commission.

All formal complaints (unless anonymous) will receive written determination including details of the assessment and final outcome.



## ACTAS Training Area Risk Assessment

CMTEDD Business Units must inspect WHS compliance at workplaces where CMTEDD (ACTAS) personnel perform work, in accordance with [PeopleSafety Requirement 3.3](#). This checklist is designed to support the effective WHS inspections within CMTEDD work locations. Refer to your local level WHS Plan for further instructions on WHS inspections.

Local Health and Safety Representatives (HSR) should be invited to participate in all WHS inspections along with ASC/AIS WHS personnel for AIS facility assessments.

This checklist is adapted from the [ACTPS Office Safety Checklist B6A3.1 V.2019](#) and updated to include COVID Safe inspection requirements.

<b>Business Unit:</b>	ACT Academy of Sport	<b>Manager:</b>	Gerard Corradini
<b>Activities/operations:</b>	Sports/Athlete Training – staff and facilities	<b>Date of inspection:</b>	
<b>Worksite location:</b>	AIS Training and Testing Pool - ACT Performance Hub (ACTAS swimming)	<b>Person/s completing inspection:</b>	

**S** = Satisfactory    **A** = Action Required

**Priority - High/Medium/Low** (*High – ASAP or immediate, Medium – 30 days or Low – 60 days*)

*Comments should be recorded to provide evidence of the result, including against items marked satisfactory*

	Training Area Safety	S	A	Comments	Priority
1.	Is the facility overseen by an AIS security contractor	<input type="checkbox"/>	<input type="checkbox"/>		
2.	Are changerooms clean and tidy	<input type="checkbox"/>	<input type="checkbox"/>		
3.	Is the pool deck surface safe to walk on (not slippery)	<input type="checkbox"/>	<input type="checkbox"/>		
4.	Are materials/equipment available to dry the pool deck surface if needed	<input type="checkbox"/>	<input type="checkbox"/>		
5.	Is there safety equipment for lifesaving purposes	<input type="checkbox"/>	<input type="checkbox"/>		
6.	Are there adequate storage areas for personal items	<input type="checkbox"/>	<input type="checkbox"/>		
7.	Have all Athletes and Coaches/Staff received the ACTAS Training Area Induction process (Responsibilities, Actions on, Reporting lines (AIS and ACTAS e.g injury management)	<input type="checkbox"/>	<input type="checkbox"/>		
8.	Are persons protected from sharp objects	<input type="checkbox"/>	<input type="checkbox"/>		
9.	Free standing fittings (e.g. filing cabinets / bookcases) secure and stable	<input type="checkbox"/>	<input type="checkbox"/>		



## ACTAS Training Area Risk Assessment

Coaching and Support Staff Welfare		S	A	Comments	Priority
10.	Has the coach/staff obtained all relevant qualifications to practice	<input type="checkbox"/>	<input type="checkbox"/>		
11.	Risk assessments are carried out for all MH risks	<input type="checkbox"/>	<input type="checkbox"/>		
12.	Appropriate MH equipment is provided	<input type="checkbox"/>	<input type="checkbox"/>		
13.	Is there pool/poolside equipment needed for communication with athletes around the training program	<input type="checkbox"/>	<input type="checkbox"/>		
14.	Are the coach/staff aware of WHS obligations in the HP Pool training area?	<input type="checkbox"/>	<input type="checkbox"/>		
15.	Is the coach/staff aware of the ACT Academy of Sport Complaints handling process	<input type="checkbox"/>	<input type="checkbox"/>		
16.	Has the coach been provided with Training and Education regarding your sports complaints handling process				
17.	Is the coach aware of any athlete welfare issues prior to starting the session	<input type="checkbox"/>	<input type="checkbox"/>		
18.	Is the Coach aware of the injury status of all athletes prior to starting a new scholarship/TA period	<input type="checkbox"/>	<input type="checkbox"/>		
19.	Is the coach/staff aware of their employer's Code of Conduct/Ethics	<input type="checkbox"/>	<input type="checkbox"/>		
20.	Is the coach aware of their sport's/sports coaching association (ASCTA) code of conduct/policies	<input type="checkbox"/>	<input type="checkbox"/>		
Athlete Welfare		S	A	Comments	Priority
21.	Do athletes have all equipment needed to perform training	<input type="checkbox"/>	<input type="checkbox"/>		
22.	Do all athletes have AIS security passes to access appropriate areas	<input type="checkbox"/>	<input type="checkbox"/>		
23.	Are the athletes aware of the member protection policy (National Integrity Framework) for Swimming	<input type="checkbox"/>	<input type="checkbox"/>		
24.	Have the athletes reported any injuries/health issues to coaching and medical staff within last 6 months	<input type="checkbox"/>	<input type="checkbox"/>		
25.	Are the athletes aware of the ACT Academy of Sport Complaints Handling Procedure/Form	<input type="checkbox"/>	<input type="checkbox"/>		



## ACTAS Training Area Risk Assessment

26.	Have athletes been provided Training and Education (from Swimming Australia or NSW Swimming) regarding Swimming's Complaints Handling process	<input type="checkbox"/>	<input type="checkbox"/>		
27.	Are the athletes aware of the training program requirements	<input type="checkbox"/>	<input type="checkbox"/>		
	<b>Indoor Environment - AIS</b>	<b>S</b>	<b>A</b>	<b>Comments</b>	<b>Priority</b>
28.	Adequate ventilation	<input type="checkbox"/>	<input type="checkbox"/>		
29.	Lighting for all indoor work areas sufficient and suitable for work performed	<input type="checkbox"/>	<input type="checkbox"/>		
30.	Glare levels satisfactory for tasks	<input type="checkbox"/>	<input type="checkbox"/>		
31.	Temperature maintained at appropriate (comfortable) level throughout indoor areas	<input type="checkbox"/>	<input type="checkbox"/>		
32.	No smoking policy maintained	<input type="checkbox"/>	<input type="checkbox"/>		
33.	Noise levels comfortable	<input type="checkbox"/>	<input type="checkbox"/>		
	<b>Access/Egress - AIS</b>	<b>S</b>	<b>A</b>	<b>Comments</b>	<b>Priority</b>
34.	Passageways - free from obstructions, electrical cords and other trip hazards	<input type="checkbox"/>	<input type="checkbox"/>		
35.	Exits - accessible, signposted, adequately lit, not locked	<input type="checkbox"/>	<input type="checkbox"/>		
36.	Adequacy of traffic flow	<input type="checkbox"/>	<input type="checkbox"/>		
37.	Condition of floors, carpets, stair treads, handrails, landings, etc	<input type="checkbox"/>	<input type="checkbox"/>		
38.	Restricted area access controls are maintained, e.g. plant room, individual tenancies	<input type="checkbox"/>	<input type="checkbox"/>		
	<b>Fire Safety - AIS</b>	<b>S</b>	<b>A</b>	<b>Comments</b>	<b>Priority</b>
39.	Fire equipment serviceability - <i>verify service tag dates and record in comments</i>	<input type="checkbox"/>	<input type="checkbox"/>		
40.	Fire equipment accessibility	<input type="checkbox"/>	<input type="checkbox"/>		
41.	Flammable materials stored appropriately	<input type="checkbox"/>	<input type="checkbox"/>		
42.	Fire escape facilities and evacuation plans and procedures in place and up to date	<input type="checkbox"/>	<input type="checkbox"/>		
	<b>First Aid and Hygiene - AIS</b>	<b>S</b>	<b>A</b>	<b>Comments</b>	<b>Priority</b>
43.	First aid kit and defibrillator serviceability - <i>verify service tag dates and record in comments, ensure contents of first aid kits are within date</i>	<input type="checkbox"/>	<input type="checkbox"/>		
44.	First aid kit/s easily accessible and in prominent position	<input type="checkbox"/>	<input type="checkbox"/>		



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45.	First aid signage - posters, directional arrows prominently displayed	<input type="checkbox"/>	<input type="checkbox"/>		
46.	First aid posters showing nearest first aid officers' names, locations and phone numbers are up-to-date	<input type="checkbox"/>	<input type="checkbox"/>		
47.	Supply of running water, soap, towels, etc	<input type="checkbox"/>	<input type="checkbox"/>		
48.	Area for clothing storage (if required)	<input type="checkbox"/>	<input type="checkbox"/>		
<b>Emergency Procedures - AIS</b>		<b>S</b>	<b>A</b>	<b>Comments</b>	<b>Priority</b>
49.	Site emergency plan readily available	<input type="checkbox"/>	<input type="checkbox"/>		
50.	Emergency personnel contact details readily available and up-to-date	<input type="checkbox"/>	<input type="checkbox"/>		
51.	Emergency checklists readily available (bomb-threat, chemical, radiation etc)	<input type="checkbox"/>	<input type="checkbox"/>		
52.	Emergency evacuations/drills practiced according to timeframes in current emergency management plan <sup>1</sup> <i>Record date of last drill</i>	<input type="checkbox"/>	<input type="checkbox"/>		
53.	Emergency equipment available and accessible, e.g. eye wash bottles or deluge showers	<input type="checkbox"/>	<input type="checkbox"/>		
54.	Audibility of sirens and alarm signals	<input type="checkbox"/>	<input type="checkbox"/>		
55.	Personal Emergency Evacuation Plans in place and practiced ( <i>discuss with Chief Warden</i> )	<input type="checkbox"/>	<input type="checkbox"/>		
<b>Electrical Safety - AIS</b>		<b>S</b>	<b>A</b>	<b>Comments</b>	<b>Priority</b>
56.	Serviceability of light fittings	<input type="checkbox"/>	<input type="checkbox"/>		
57.	Serviceability/adequacy of power outlets	<input type="checkbox"/>	<input type="checkbox"/>		
58.	ICT cords and equipment at workstations are regularly inspected by users	<input type="checkbox"/>	<input type="checkbox"/>		
59.	No double adaptors, or piggybacking	<input type="checkbox"/>	<input type="checkbox"/>		
60.	Serviceability of power leads, extension cords and power boards	<input type="checkbox"/>	<input type="checkbox"/>		
61.	Electrical equipment tested and tagged or risk assessment indicating test/tag not required	<input type="checkbox"/>	<input type="checkbox"/>		
62.	Records kept relating to all inspections carried out on electrical equipment	<input type="checkbox"/>	<input type="checkbox"/>		
63.	Labelling of outlets with panel and circuit breakers information for power isolation	<input type="checkbox"/>	<input type="checkbox"/>		
<b>Office Equipment – AIS/ACTAS</b>		<b>S</b>	<b>A</b>	<b>Comments</b>	<b>Priority</b>
64.	Serviceability and condition	<input type="checkbox"/>	<input type="checkbox"/>		



## ACTAS Training Area Risk Assessment

65.	Adequacy of instruction and training provided for use of machines	<input type="checkbox"/>	<input type="checkbox"/>		
66.	Risk assessment documentation readily available for all machines	<input type="checkbox"/>	<input type="checkbox"/>		
67.	Standard Operating Procedures (SOPs) up-to-date, readily accessible and enforced	<input type="checkbox"/>	<input type="checkbox"/>		
68.	Adequate signage	<input type="checkbox"/>	<input type="checkbox"/>		
69.	Suitability and serviceability of step ladders/ step stools etc	<input type="checkbox"/>	<input type="checkbox"/>		
<b>Storage Areas - AIS</b>		<b>S</b>	<b>A</b>	<b>Comments</b>	<b>Priority</b>
70.	Accessibility and layout	<input type="checkbox"/>	<input type="checkbox"/>		
71.	Defined areas (sufficient signage e.g. manual handling, storage at height)	<input type="checkbox"/>	<input type="checkbox"/>		
72.	Labelling of substances	<input type="checkbox"/>	<input type="checkbox"/>		
73.	Safety Data Sheet (SDS) provided for all hazardous chemicals	<input type="checkbox"/>	<input type="checkbox"/>		
74.	Ventilation	<input type="checkbox"/>	<input type="checkbox"/>		
<b>General – AIS/ACTAS</b>		<b>S</b>	<b>A</b>	<b>Comments</b>	<b>Priority</b>
75.	Adequacy of AIS policies and procedures	<input type="checkbox"/>	<input type="checkbox"/>		
76.	Adequacy and availability of risk assessment documentation	<input type="checkbox"/>	<input type="checkbox"/>		
77.	Adequacy and availability of SOPs	<input type="checkbox"/>	<input type="checkbox"/>		
78.	Procedures sufficient for afterhours access	<input type="checkbox"/>	<input type="checkbox"/>		
79.	Procedures sufficient for health and safety of visitors to work areas	<input type="checkbox"/>	<input type="checkbox"/>		
80.	Procedures sufficient for health and safety of visitors or engaged contractors	<input type="checkbox"/>	<input type="checkbox"/>		
<b>Other – AIS/NSWS/ACTAS</b>		<b>S</b>	<b>A</b>	<b>Comments</b>	<b>Priority</b>
81.	AIS WHS Policy Statement easily accessible ( <i>sighted - record location</i> )	<input type="checkbox"/>	<input type="checkbox"/>		
82.	Management of stress	<input type="checkbox"/>	<input type="checkbox"/>		
83.	Management of violence and aggression	<input type="checkbox"/>	<input type="checkbox"/>		
84.	Management of drugs and alcohol	<input type="checkbox"/>	<input type="checkbox"/>		
85.	Management of isolation	<input type="checkbox"/>	<input type="checkbox"/>		
86.	Management of bullying and harassment	<input type="checkbox"/>	<input type="checkbox"/>		
87.	Management of fatigue	<input type="checkbox"/>	<input type="checkbox"/>		

**CMTEDD COVID Safe Checks**

<b>Signage – AIS</b>		<b>S</b>	<b>A</b>	<b>Comments</b>	<b>Priority</b>
88.	Capacity limit signs displayed at meeting rooms / offices / lifts/ entry points and is adhered to ( <i>observe usage</i> )	<input type="checkbox"/>	<input type="checkbox"/>		
89.	Hand hygiene signs displayed	<input type="checkbox"/>	<input type="checkbox"/>		
90.	Social distancing signs displayed	<input type="checkbox"/>	<input type="checkbox"/>		
91.	'Reducing the spread' signs displayed	<input type="checkbox"/>	<input type="checkbox"/>		
92.	Lift capacity limit signs displayed at lift entry points and is adhered to ( <i>observe usage</i> )	<input type="checkbox"/>	<input type="checkbox"/>		
<b>Sanitation – AIS/ACTAS</b>		<b>S</b>	<b>A</b>	<b>Comments</b>	<b>Priority</b>
93.	Alcohol based hand-sanitiser available: <ul style="list-style-type: none"> <li>- Entry and exit points</li> <li>- Work areas</li> <li>- Breakout spaces</li> <li>- Kitchens</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>		
94.	Alcohol based disinfectant wipes available: <ul style="list-style-type: none"> <li>- Work areas</li> <li>- Breakout spaces</li> <li>- Kitchens</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>		
95.	Handwash/hand soap available: <ul style="list-style-type: none"> <li>- Kitchens</li> <li>- Bathrooms</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>		
<b>Social distancing - AIS</b>		<b>S</b>	<b>A</b>	<b>Comments</b>	<b>Priority</b>
96.	Floor markings in use and in good condition	<input type="checkbox"/>	<input type="checkbox"/>		
97.	Workstations spaced to provide 1.5m social distancing on all sides. Workstations that have been isolated for social distancing purposes are not in use.	<input type="checkbox"/>	<input type="checkbox"/>		
<b>Workstations</b>		<b>S</b>	<b>A</b>	<b>Comments</b>	<b>Priority</b>



## ACTAS Training Area Risk Assessment

98.	Disinfectant surface spray/wipes to clean workstations and equipment such as monitor, phone, keyboard, and mouse. Staff are observed to follow requirements for cleaning workstations before and after use.	<input type="checkbox"/>	<input type="checkbox"/>	NA	
<b>Meeting Rooms and Offices - AIS</b>		<b>S</b>	<b>A</b>	<b>Comments</b>	<b>Priority</b>
99.	Chairs spaced 1.5m apart and excess chairs removed from common areas and meeting rooms. <b>For noting:</b> <ul style="list-style-type: none"> <li>Maximum limits are based on public health directions</li> <li>The amount and type of furniture in the room should also be considered when determining limits</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>		
100.	Alcohol based hand-sanitiser available in the rooms	<input type="checkbox"/>	<input type="checkbox"/>		
101.	Disinfectant wipes available in the room	<input type="checkbox"/>	<input type="checkbox"/>		
102.	Meeting rooms are free of stationery (e.g. pens, cups)	<input type="checkbox"/>	<input type="checkbox"/>		
<b>Kitchens, Breakout spaces, Waiting areas, Foyers</b>		<b>S</b>	<b>A</b>	<b>Comments</b>	<b>Priority</b>
103.	Chairs spaced 1.5m apart and excess chairs removed	<input type="checkbox"/>	<input type="checkbox"/>	NA	
104.	Unnecessary / excess furniture removed or isolated to minimise touchpoints	<input type="checkbox"/>	<input type="checkbox"/>	NA	
105.	Staff can easily navigate the work area whilst maintaining social distancing	<input type="checkbox"/>	<input type="checkbox"/>	NA	
106.	Common and shared surfaces clear of material (e.g. newspapers, pamphlets, magazines).	<input type="checkbox"/>	<input type="checkbox"/>	NA	

Items marked as 'action required' must be entered and monitored in the business unit Corrective Actions Register. Refer to [PeopleSafety Element 3](#) and local WHS Plan for further information. Assistance may be sought from a [local WHS Coordinator](#).

### ACTAS WHS Rep

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_

<sup>1</sup>The conduct of training and emergency practices should be determined by the nature of the work carried out by a business unit which would include a risk assessment of type and frequency of emergency responses/processes that a business unit should have in place. Details should be recorded on the relevant emergency management plan.



# Risk Management and Implementation

WHSMS Framework B7A3.6  
Induction Checklist

## ACTAS Athlete Training Area Induction Checklist – ACT Performance Hub - Swimming

	Yes	No	N/A	Comment
Has the athlete completed all pre-training administrative requirements <ul style="list-style-type: none"> <li>Scholarship/TA agreement</li> <li>Medical Assessment (ECG)</li> <li>AMS access username and password</li> </ul>				
Has the athlete obtained an AIS security access pass				
Do they know what to do in an emergency				
Do they know the contact details for their site contact and how to get assistance if required				
Do they know how to raise an emergency alarm				
Do they know the evacuation routes and the assembly point				
Do they know how to get First Aid treatment				
(In an emergency) Do they know what to do if they become separated from others				
Is the athlete aware of what safe behaviours are required on the pool deck				
Are they competent in the use of PPE? ie helmet, protective clothing				
Are they aware of restricted areas on site				
Any other issues				
I have undertaken the site induction and understand and will follow all appropriate safety procedures. <b>Inductee signature:</b> _____  <b>ACTAS WHS rep/ACTAS Management signature:</b> _____				

## Work Health & Safety Risk Register - The Context

Identifying the context sets the scene for how the risk assessment will proceed, what risks will be considered, how they will be rated and what actions and decisions will follow from the process to manage and reduce the risks identified.

### Topic of the Risk Assessment

Purpose of the risk register, a specific event, project or undertaking.

The purpose of this risk register is to manage the WHS risks arising from the work activities/environment in the ACT Performance Hub (Swimming) which is supported and operates at the AIS under agreement with the ACT Academy of Sport (ACTAS). ACTAS is a service area within the branch of Sport and Recreation.

### Details

Provide a summary of the activities and goals/objectives of the risk assessment. This may include defining responsibilities, the scope of the risk assessment (what is included and excluded) and how the risk assessment will be conducted.

(Hit <Alt><Enter> to make a line break)

Sport and Recreation supports the ACT Community's physical activity levels from social to high performance participation, through facility planning and development, athlete services, and capacity building programs. In doing so, Sport and Recreation creates health, social and economic benefits for the ACT.

The ACT Performance Hub is a partnered program of ACTAS, Swimming NSW and Swimming Australia. Athletes are engaged under scholarship and training agreements. The daily training environment includes a pool and a gymnasium at the Australian Institute of Sport (AIS). Travel to alternate locations interstate or internationally is occasionally required for events such as championships. Travel is under the auspice of Swimming NSW or Swimming Australia.

The nature and scope of work includes working with athletes within a swimming specific training program and across a range of performance services including strength and conditioning, sport psychology, nutrition, sport science, physiotherapy, athlete wellbeing and soft tissue therapy.

The risk assessment and reviews are undertaken by Sport and Recreation staff, in consultation with Swimming NSW. The specific risks identified for the swimming program are in addition to a range of risks in the broader Sport and Recreation risk register that captures branch wide risks, and ACTAS specific risks, such as sports science, onsite emergencies (eg fire), common area risks (eg offices), and pandemic related risks that would also apply to the ACT Swimming Performance Hub.

### Owner

Directorate:

CMTEDD
Gavin Thornley, Fiona Moore, Rebecca Kelley
Krystle Tate, Andrew Stainlay
Gerard Corradini

Risk Assessment Undertaken By:

Agency / Branch / Event:

ED - Sport and Recreation
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Date of Initiation:

15-July-2022
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Local Version Control:

1
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Next Review Date:

15/10/2022
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Approving Authority

Rebecca Kelley
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Signature

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## ACT Government WHS Risk Register Instructions

### Sheet 1: The Context

Identifying the context sets the scene for how the risk assessment will proceed, what risks will be considered, how they will be rated and what actions and decisions will follow from the process to manage and reduce the risks identified.

#### Topic of the Risk Assessment

This field allows free text to be entered to identify the topic of the risk assessment to be carried out. Is the WH&S risk assessment related to a business unit, department, project or program?

#### Details

Provide a summary of the activity including business/ project/ program objectives. What do we hope to achieve through the management of WH&S risks within the context of the business unit, department, project or program? How does this help to achieve compliance with the *Work Health and Safety Act (2011)*?

This may include defining responsibilities and scope of the risk assessment process (what is included and excluded).

#### Owner

Complete as per the titles.

Its important to save the original risk assessment and to save a different version for each review period. The risk assessment maybe updated as risk controls/treatments are reviewed/monitored or as new risks are identified. Appropriate record keeping and audit trails are integral to ensuring risks are managed effectively.

### Sheet Two: Risk Register

#### Risk Reference Number

Provide a number for the risk. The easiest and most effective numbering system is 1,2,3,4,5 etc.

#### Hazard Category

This is a drop down box to select the appropriate category of hazard to which the risk identified relates. The available hazard categories have been included and can be picked from the drop down field. Alternatively, there is an option to amend or add your hazard categories within the Control Panel sheet of the risk register. Please refer to the Control Panel for further instructions.

Please note, the hazard categories provided should be considered where possible, as these are directly aligned to the TOOCS hazard categories identified within WH&S and have been created in collaboration with the WH&S representatives across Government.

#### Risk Description

A description of the risk, what can happen?

Language is important. Legislation is not in itself a risk – the risk is better defined as “breach of legislation.” Likewise a building is not a risk: risks relating to a building may be: “damage to building,” “failure of building integrity / collapse of building” etc.

Examples of appropriate language include:

Failure of

Failure to

Breach of

Damage to

Loss of

Exceeding (authority, delegations, contract price etc.)

#### Source

This is a free text field which identifies the driver to the risk. How the risk comes about or what causes the risk?

This is the result of if what can happen does happen. Essentially this is the consequence of the risk. If there is no consequence then what has been described is not a risk.

It is important to remember that the consequence described should be the consequence in its most normal form and not the extreme form. For example the consequence of a paper cut in its most likely form is: injury/small cut not requiring first aid treatment. The consequence in its most extreme form would be injury/small cut, resulting in infection and blood poisoning resulting in death. Using the extreme form of the consequence does not add value to the process as all risks would end up in the “extreme” and “high” levels of risk which would make it difficult to prioritise risk treatment plans and further action where required.

#### Risk Owner

This is a free text field. The risk owner should be a ‘role’ or ‘function’ responsible for managing the risk. Ideally this should be someone who understand the risk from a day to day operational perspective.

Names of people should be avoided to ensure that the risk ownership remains regardless of whom is in that role.

#### Risk Controls Currently in Place

This is a free text field which allows you to summarise all the things that we are already doing to manage the risk.

This may include, policies, procedures or practices, legislation or regulatory requirements, Acts, approvals, checks and verifications etc.

#### Risk Rating (‘Inherent Risk Rating’)

The risk is rated taking into consideration the current controls that are already in place to modify and manage the risk. The ACTIA Risk Matrix (‘Matrix’) should be referred to in rating the risks. The Matrix was developed in collaboration with ACT Government stakeholders, therefore it is recommended that the Matrix is used to rate risks, where possible.

#### Consequence

This is a drop down field. Consequence of a risk needs to be rated based on the impact of the event happening on a scale of 1-5 as shown below, taking into consideration the current controls which exist. In rating the consequence, it is important that the rating is looked at in its most ‘likely form’. The most likely form of the consequence of a risk is defined as the consequence in the normal course of business.

Each identified consequence will fall within a consequence category as illustrated within the Matrix. The impact is further described under each of the consequence categories across the 1-5 scale within the Matrix.

Where there are multiple consequences that exists for one risk, the consequence with the highest impact is selected to rate the risk.

A rating between 1-5 needs to be selected for the highest consequence identified.

1- Insignificant

2 – Minor

3 – Moderate

4 – Major

5 - Catastrophic

The consequence categories may be adjusted where appropriate to better reflect a certain project or program.

The important thing to remember is that at one end of the scale an insignificant consequence will have a limited impact on achieving your objectives and at the other end of the spectrum a catastrophic consequence may mean that you will not achieve your objectives at all.

#### Likelihood

This is a drop down field. Now that the consequence has been defined and measured, the next question to be answered in the risk register is: What is the likelihood of the consequence?

The likelihood rating needs to be entered on a scale of 1-5. The criteria for each scale are contained within the Matrix.

1 – Rare

2 – Unlikely

3 – Possible

4 – Likely

5 – Almost certain

#### Level of Risk (Inherent Risk Rating)

This field will be automatically populated. The Inherent Risk Rating is the level of risk taking into account the current controls in place.

The risk register automatically populates this field using the consequence and likelihood ratings entered. For example a ‘Moderate’ risk with a likelihood rating of ‘Possible’ will produce a level of risk of Medium. This is also evident from the Matrix, by the coloured risk levels shown against each consequence and likelihood scale.

#### Control Effectiveness Rating

This rating is used to understand the effectiveness of current controls in managing the risk identified. This is a drop down field where the rating can be measured as ‘Adequate’, ‘Room For Improvement’, or ‘Inadequate’. The definition of each effectiveness rating is explained in the Matrix.

It is important to note that when selecting a rating, the rating is based on a quantitative assessment where appropriate rather than a qualitative assessment.

The ACT Government Risk Management Policy 2019 Implementation Guide (the ‘Guide’) recommends all risks rated ‘High’ or ‘Extreme’ or where the Control Effectiveness rating is ‘Inadequate’ or has ‘Room for Improvement’ to develop and implement treatments (new controls) in order to reduce the level of risk to an acceptable level.

#### Further Treatments

This is a drop down field to select ‘Yes’ or ‘No’ to further treatments based on the results from the previous step.

#### Comments

This is a free text field. Where the Inherent Risk Rating is ‘High’ or ‘Extreme’ and the Control Effectiveness rating is ‘Inadequate’ or ‘Room for Improvement’, AND further treatments will not be developed and implemented, this field allows to enter comments around the reasons for not implementing treatments (new controls).

This may be due to resource constraints, all applicable treatments have been identified and therefore the current level of risk needs to be accepted, or the current level of risk is within the risk appetite of the entity, project or program.

#### Delete Function

**DO NOT DELETE ROWS IN THIS SPREADSHEET.** If you need to delete a risk, click on the ‘x’ Delete Button on the far right-hand side of the table. This will delete the entire row on both the RiskRegister and Treatments sheets and move the remaining risks up.

### Sheet Three: Treatments

The Guide recommends all risks rated ‘High’ or ‘Extreme’ or where the control effectiveness ratings is ‘Inadequate’ or has ‘Room for Improvement’ to develop and implement treatments (new controls) in order to reduce the level of risk to an acceptable level.

The risks that require further treatments (new controls) as identified within the risk register sheet are highlighted in ‘red’ in column ‘I’.

This page shows the information entered in the Risk Register sheet. This information is locked and cannot be amended within the Treatments sheet. The data is repeated for the purpose of transparency of the current controls in identifying the treatments (new controls).

## ACT Government WHS Risk Register Instructions

It's important to note, that when the risk register is reviewed for currency according to the review timeframes, treatments (new controls) may become a current control (if implemented and active) and therefore should be amended as such in the revised version within the Risk Register sheet. It may also be applicable to remove a current control because it no longer contributes to the management of that risk.

### New Controls to Improve Rating

This is a free text field. Treatments (new controls) are entered within column 'J'.

### Strategy/Implementation

This is a free text field. The Treatment Action Plan is entered here which describes the strategy and actions taken to implement the new controls in order to further reduce the risk rating. Where required, the Treatment Action Plan can be documented in more detail using the ACTIA Treatment Action Plan template available in the ACTIA website.

### Treatment Owner

This is a free text field. This should be a 'role' or 'function' responsible for managing the treatment of the risk. In some circumstances, the risk treatment owners maybe the same as the risk owner. Names of people should be avoided, to ensure that the ownership for risk remains regardless of who is in that role.

### Due Date

This is a free text field. The dates for completion of the treatment strategies should be entered here in the following format (MM-Year).

### Risk Rating (Residual Risk Rating)

The risks are rated again using the consequence and likelihood criteria within the Matrix.

The risk rating steps illustrated in the Risk Register sheet needs to be replicated in this section to rate the risks.

In rating the risks, it is important to note that the consequence and likelihood ratings should now take into consideration the treatments (new controls) identified within this section.

The Residual Risk rating is the level of risk that remains taking into account treatments or new controls.

### Control Effectiveness Rating

This is a drop down field. This rating is used to understand the effectiveness of treatments (new controls) in managing the risks identified.

The Control Effectiveness rating steps illustrated in the Risk Register sheet, needs to be replicated in this section to rate the risks.

It is important to note that when selecting a rating, the rating is based on a quantitative assessment where appropriate rather than a qualitative assessment.

## Sheet Four: Control Panel

**PLEASE DO NOT PRINT EACH TAB USING THE FILE> PRINT (Ctrl + P) FUNCTION.**

This page presents different printing options of the assessed risks to assist with reporting and decision making. Each button when pressed allows to print preview and print the selected option.

As noted in the Risk Register sheet, this page also allows for amending or adding your own hazard categories. A maximum of 22 categories are able to be added. However, it is recommended that the pre populated categories are used where possible, as this represents a broad group of hazard categories which is applicable across the ACT Government and aligned with the TOOCS hazard categories. Click the Auto-Populate buttons to access specific categories.

### Risk Register and Treatments

Print the Context, Risk Register and Treatments sheets.

### Selected Risks

All risks are sorted by consequence and likelihood. This option allows to print 'Extreme', 'High', 'Medium' and 'Low' risks as well as the risks associated with each hazard category.

### Risk Statistics

This option breaks down and maps all risks by a number of different views, and graphically shows a comparison of 'Residual' vs 'Inherent' and 'High' and 'Extreme' risks over 2 heat maps. An example is shown on the page.

### High Risk Analysis

This option provides the 'Inherent' and 'Residual' risk ratings for the 'High' and 'Extreme' risks and prints these along with the current controls and treatments (new controls).

### Data Dump: To Excel

This option provides a data dump of the data entered in the Risk Register and the Treatments sheets to a new excel workbook.

The user is able to create specialised reporting as required using this raw data.

### Data Dump: To Word

This option allows to print the data entered in the Risk Register and Treatments sheets in a Word format for those that require this functionality. It is important to save the Mail Merge templates for the relevant risk register in the same location as the risk register, for the 'To Word' functionality to work. Please contact the ACTIA Risk Managers for assistance with this if required.

### Matrix

This option allows to print a copy of the ACT Government Risk Matrix.

### Hazard Categories

The Custom WHS Hazard Categories populate the Hazard Category drop-box in the risk register.

If you remove a Hazard Category that is used in the risk register, that risk will not appear in the statistics report.

This is why you should finalise your Hazard Categories before creating your risks.

You can always add to the list any time, if you need to, without affecting the statistics report. Up to 22 are allowed but not mandatory.

## Sheet Five: ACT Government Risk Matrix

This page is locked. The Risk Matrix sets the context as to how the ACT Government manages risk and is used to rate the risks in the risk register.

## How to edit or navigate in a cell.

### To navigate the cursor within a cell (1)

Hit <F2> and use the arrow keys to move the cursor around within the cell.

### To get a "line break" while editing a cell's text

Hit <Alt><Enter>

### To navigate the cursor within a cell (2)

When there is too much text to fit in the formula bar, click this button to open the formula bar up to display all text.

Click again to close.

Shortcut: <Ctrl><Shift><U>

### Pasting data into the register

ALWAYS use Paste Special - Values Only

This way the formatting of the register remains the same and the reports print OK.

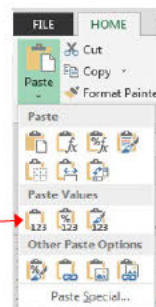
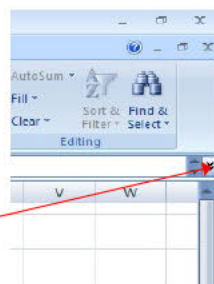
### Macros

The Risk Register spreadsheet contains custom macros to make the buttons work.

The file must be saved as an ".xism" file in order to save these macros.

Also, if you are asked to confirm "allow macros to run", use the button to say yes.

Why? Unauthorised macros can sometimes contain viruses!



Directorate: CMTEDD											Agency / Branch / Event: ED - Sport and Recreation										
Risk Reference No.	Hazard Category	The Risk:	Hazard:	Impact / Outcome	Risk Owner	Risk Controls Currently in Place	Risk Rating				Control Effectiveness Rating	Further Treatments (Y/N)	Comments								
							Consequence (1-5)	Likelihood of Consequence (1-5)	Inherent Risk Rating	Control Effectiveness Rating											
1	Thermal/Temperature	Exposure to thermal discomfort	- Poor air conditioning function or breakdown - Low or high water temperatures in pool - Poor circulation/air quality	People. Physical Injury	Executive Branch Manager - Sport and Rec	- Day-to-day monitoring of indoor climate by AIS operations or as requested - Airconditioning monitoring and maintenance program coordinated by AIS Facilities - Pool monitoring and maintenance program coordinated by AIS Facilities	1	1	Low	Adequate											
2	Remote/Isolated Work	Training alone	Physical and/or psychological injury due to: - delay in receiving assistance or first aid if injury occurs - loss or non-carrying of staff pass restricts access within building areas - exposure to inappropriate behaviour by others	People. Physical and/or psychological injury	Executive Branch Manager - Sport and Rec	- Facility protocol regarding inability of athletes to train individually - Pass protocols detailed by ACTAS through induction - Set training times for athletes within programs denot/Incident Reporting process (Riskman) - Team contact numbers shared within teams for emergency situations - Athlete inductions to ensure awareness of safety requirements within training venues	1	1	Low	Adequate											
3	Remote/Isolated Work	International travel	Physical and/or psychological injury due to delay in receiving assistance or first aid if injury occurs	People. Physical and/or psychological injury	Executive Branch Manager - Sport and Rec	- Communication with governing body overseeing travel (eg National Sporting Organisation, Australian Olympic Committee) to ensure awareness of travel and critical incident protocols - Governing body travel policies in place, requiring approvals, minimum standards of accommodation etc (assessed as suitable and safe) - Gaining medical approval in instances where existing medical conditions are likely to be aggravated or exacerbated by travel - Accident/Incident Reporting process (Riskman) - Travel itinerary with flight, accommodation details etc maintained by ACTAS (where appropriate) and formal contact arrangements in place, so whereabouts of athlete in case of emergency - Prepared to respond to issues overseas if something does occur - Appropriate vaccinations and medical advice sought prior to travel - Athlete provided with appropriate advice to travel safely	5	1	High	Adequate											

Directorate: CMTEDD		Agency / Branch / Event: ED - Sport and Recreation										
Risk Reference No.	Hazard Category	The Risk:	Hazard:	Impact / Outcome	Risk Owner	Risk Controls Currently in Place	Risk Rating				Further Treatments (Y/N)	Comments
							Consequence (1-5)	Likelihood of Consequence (1-5)	Inherent Risk Rating	Control Effectiveness Rating		
4	Remote/Isolated Work	Interstate travel	Physical and/or psychological injury due to delay in receiving assistance or first aid if injury occurs	People. Physical and/or psychological injury	Executive Branch Manager - Sport and Rec	<ul style="list-style-type: none"> <li>- Communication with governing body overseeing travel (i.e. Swimming NSW) to ensure awareness of travel and critical incident protocols</li> <li>- Travel policies in place, requiring approvals, minimum standards of accommodation etc</li> <li>- Gaining medical approval in instances where existing medical conditions are likely to be aggravated or exacerbated by travel</li> <li>- Formal risk assessment conducted for travel to remote/isolated locations</li> <li>- Accident/Incident Reporting process (Riskman)</li> <li>- Travel itinerary with flight, accommodation details etc maintained by ACTAS/Swimming NSW, so whereabouts of traveller in case of emergency</li> </ul>	5	1	High	Adequate		
5	Thermal/Temperature	Environment conditions	<ul style="list-style-type: none"> <li>- Exposure to extreme environmental conditions including heat/cold when performing in environments other than AIS campus</li> <li>- Unfamiliar surroundings</li> </ul>	People. Physical injury	Executive Branch Manager - Sport and Rec	<ul style="list-style-type: none"> <li>- Staff instructed not to perform in extreme weather conditions, unless risk assessment conducted to ensure appropriate controls are in place</li> <li>- Appropriate PPE supplied by ATAS e.g. hats</li> <li>- Informal risk assessment conducted by staff through discussion with site before visit to determine appropriate PPE and identify other possible issues.</li> <li>- Situational awareness discussion with athletes</li> </ul>	1	1	Low	Adequate		
6	Biomechanical	Pre-existing injury or medical condition	<ul style="list-style-type: none"> <li>1 - Exacerbated injury Due to training load</li> <li>- Onset of medical emergency during training or competition</li> <li>- Long term damage through compounded injury</li> </ul>	People. Physical and/or psychological injury	Executive Branch Manager - Sport and Rec	<ul style="list-style-type: none"> <li>- Athlete pre-screening - Medical assessment</li> <li>- Accreditation of coaching staff</li> <li>- Athlete induction and awareness of personal responsibilities</li> <li>- ACTAS Medical and Physiotherapy support</li> <li>- Appropriate training plans</li> <li>- First aid training of coaches and onsite staff</li> <li>- Site specific inductions (e.g. AIS pool) for all program participants</li> </ul>	3	2	Medium	Adequate		

Directorate: CMTEDD		Agency / Branch / Event: ED - Sport and Recreation										
Risk Reference No.	Hazard Category	The Risk:	Hazard:	Impact / Outcome	Risk Owner	Risk Controls Currently in Place	Risk Rating			Control Effectiveness Rating	Further Treatments (Y/N)	Comments
							Consequence (1-5)	Likelihood of Consequence (1-5)	Inherent Risk Rating			
7	Motion	Injury within sport specific environment (e.g. on pool deck, in water)	Physical injury due to slippery pool deck or starting blocks Medical incident causing distress while in water (e.g. pool)	People. Physical and/or psychological injury	Executive Branch Manager - Sport and Rec	<ul style="list-style-type: none"> <li>- Athlete pre-screening - Medical assessment</li> <li>- Training environment check by coaching staff</li> <li>- Report all inadequate maintenance or areas requiring attention to AIS Facilities Management</li> <li>- Spot audits by ACTAS Management</li> <li>- ACTAS Training Environment risk assessments and inspections (twice yearly)</li> <li>- ACTAS program specific inductions (e.g. Swimming Program induction at AIS pool)</li> <li>- Damaged equipment reported to AIS for action and placed out of use/signage</li> <li>- Staff undertake professional development on all new equipment</li> <li>- Equipment use supervised by ACTAS staff member</li> <li>- Induction provided to all new staff and athletes, includes rules, reporting issues</li> <li>- Appropriate supervision of athletes in water (lifeguards on site through AIS operations)</li> <li>- First aid training of coaches and onsite staff</li> </ul>	2	2	Medium	Adequate		
8	Psychosocial	Inappropriate conduct or behaviour by staff, coaches, contractors, athletes and sport partnered personnel.	<ul style="list-style-type: none"> <li>- Disgruntled stakeholders, via phone, email or face-to-face</li> <li>- Random acts of aggression due to Mental illness</li> <li>- Random occurrence</li> <li>- Sexual Harassment</li> <li>- Verbal Harassment</li> <li>- Violence and Aggression</li> <li>- Workplace Bullying</li> <li>- Emotional or Psychological Abuse</li> <li>- Grooming</li> <li>- Victimisation</li> <li>- Discrimination</li> <li>- Being belittled</li> <li>- Isolated from training environment (e.g. a coach freezing out an athlete)</li> </ul>	People. Physical and/or psychological injury	Executive Branch Manager - Sport and Rec	<ul style="list-style-type: none"> <li>- Public Sector Management Act 1994 and ACTPS Employment Framework</li> <li>- Promotion and use of EAP Services</li> <li>- Emergency procedures and all staff awareness and training sessions</li> <li>- Security card access to Training area</li> <li>- Security guard on site at AIS</li> <li>- Security video surveillance in high risk areas</li> <li>- Emergency contacts readily known and available</li> <li>- PeopleSafety Occupational Violence Hazard Management Element provides info and guidance</li> <li>- ACTAS athletes are pre-screened, issues identified and relayed to staff as required</li> <li>- Debrief with managers</li> <li>- Good culture/checking in</li> <li>- Rotation of tasks/environment</li> <li>- Transfer of information between ACTAS trainers (e.g. if one trainer fills in for another)</li> <li>- Full-time ACTAS Psychologist as well as a full-time Athlete Wellbeing &amp; Engagement Advisor on staff (mental health)</li> <li>- Athlete Inductions processes to support athlete understanding of what a "safe environment" should look like, including site specific (e.g. pool) risks</li> <li>- ACTAS Member Protection Policy</li> <li>- ACTAS Complaint Handling Procedure</li> <li>- Onboarding compliance and ongoing currency for all staff and coaches to hold the following - Working</li> </ul>	2	4	Medium	Has Room for improvement	Yes	

Directorate: CMTEDD										Agency / Branch / Event: ED - Sport and Recreation									
Risk Reference No.	Hazard Category	The Risk:	Hazard:	Impact / Outcome	Risk Owner	Risk Controls Currently in Place	Risk Rating				Control Effectiveness Rating	Further Treatments (Y/N)	Comments						
							Consequence (1-5)	Likelihood of Consequence (1-5)	Inherent Risk Rating	Control Effectiveness Rating									
9	Psychosocial	Reputational damage to ACTAS, sport coaches, sport programs	Malicious or vexatious claims against a coach or staff member	<b>People.</b> Psychological injury. <b>Service Delivery.</b> Program impacts due to process and timeframes	Executive Branch Manager - Sport and Rec	1- ACTAS Complaint Handling procedures - Sport partner affiliation with Sport Integrity Australia and adoption of the National Integrity Framework - EAP Services - Debrief/informal support mechanisms with coaching network - Due diligence in recruitment processes - Communication Strategy support (e.g. in event of media interference)	3	1	Medium	Adequate									

Dir: CMTEDD Agency / Branch / Event: ED - Sport and Recreation																		
Risk Reference Number	The Risk:	Risk Owner	Risk Controls Currently in Place	Risk Rating					Further Treatments (Y/N)	Further Treatments to Improve Rating	Strategy / Implementation	Treatment Owner	Due Date	Risk Rating				
				Consequence	Likelihood of Consequence	Inherent Risk Rating	Control Effectiveness	Residual Risk Rating						Consequence	Likelihood of Consequence	Residual Risk Rating	Control Effectiveness	
1	Exposure to thermal discomfort	Executive Branch Manager - Sport and Rec	<ul style="list-style-type: none"> <li>- Day-to-day monitoring of indoor climate by AIS operations or as requested</li> <li>- Airconditioning monitoring and maintenance program coordinated by AIS Facilities</li> <li>- Pool monitoring and maintenance program coordinated by AIS Facilities</li> </ul>	1	1	Low	Adequate											
2	Training alone	Executive Branch Manager - Sport and Rec	<ul style="list-style-type: none"> <li>- Facility protocol regarding inability of athletes to train individually</li> <li>- Pass protocols detailed by ACTAS through induction</li> <li>- Set training times for athletes within programs</li> <li>- Incident Reporting process (Riskman)</li> <li>- Team contact numbers shared within teams for emergency situations</li> <li>- Athlete inductions to ensure awareness of safety requirements within training venues</li> </ul>	1	1	Low	Adequate											
3	International travel	Executive Branch Manager - Sport and Rec	<ul style="list-style-type: none"> <li>- Communication with governing body overseeing travel (eg National Sporting Organisation, Australian Olympic Committee) to ensure awareness of travel and critical incident protocols</li> <li>- Governing body travel policies in place, requiring approvals, minimum standards of accommodation etc (assessed as suitable and safe)</li> <li>- Gaining medical approval in instances where existing medical conditions are likely to be aggravated or exacerbated by travel</li> <li>- Accident/Incident Reporting process (Riskman)</li> <li>- Travel itinerary with flight, accommodation details etc maintained by ACTAS (where appropriate) and formal contact arrangements in place, so whereabouts of athlete in case of emergency</li> <li>- Prepared to respond to issues overseas if something does occur</li> <li>- Appropriate vaccinations and medical advice sought prior to travel</li> <li>- Athlete provided with appropriate advice to travel safely</li> </ul>	5	1	High	Adequate											

Dir: CMTEDD Agency / Branch / Event: ED - Sport and Recreation																	
Risk Reference Number	The Risk:	Risk Owner	Risk Controls Currently in Place	Risk Rating					Further Treatments to Improve Rating	Strategy / Implementation	Treatment Owner	Due Date	Risk Rating				
				Consequence	Likelihood of Consequence	Inherent Risk Rating	Control Effectiveness	Further Treatments (Y/N)					Consequence	Likelihood of Consequence	Residual Risk Rating	Control Effectiveness	
4	Interstate travel	Executive Branch Manager - Sport and Rec	<ul style="list-style-type: none"> <li>- Communication with governing body overseeing travel (i.e. Swimming NSW) to ensure awareness of travel and critical incident protocols</li> <li>- Travel policies in place, requiring approvals, minimum standards of accommodation etc</li> <li>- Gaining medical approval in instances where existing medical conditions are likely to be aggravated or exacerbated by travel</li> <li>- Formal risk assessment conducted for travel to remote/isolated locations</li> <li>- Accident/Incident Reporting process (Riskman)</li> <li>- Travel itinerary with flight, accommodation details etc maintained by ACTAS/Swimming NSW, so whereabouts of traveller in case of emergency</li> </ul>	5	1	High	Adequate										
5	Environment conditions	Executive Branch Manager - Sport and Rec	<ul style="list-style-type: none"> <li>- Staff instructed not to perform in extreme weather conditions, unless risk assessment conducted to ensure appropriate controls are in place</li> <li>- Appropriate PPE supplied by ATAS e.g. hats</li> <li>- Informal risk assessment conducted by staff through discussion with site before visit to determine appropriate PPE and identify other possible issues.</li> <li>- Situational awareness discussion with athletes</li> </ul>	1	1	Low	Adequate										
6	Pre-existing injury or medical condition	Executive Branch Manager - Sport and Rec	<ul style="list-style-type: none"> <li>- Athlete pre-screening - Medical assessment</li> <li>- Accreditation of coaching staff</li> <li>- Athlete induction and awareness of personal responsibilities</li> <li>- ACTAS Medical and Physiotherapy support</li> <li>- Appropriate training plans</li> <li>- First aid training of coaches and onsite staff</li> <li>- Site specific inductions (e.g. AIS pool) for all program participants</li> </ul>	3	2	Medium	Adequate										

Dir: CMTEDD Agency / Branch / Event: ED - Sport and Recreation																
Risk Reference Number	The Risk:	Risk Owner	Risk Controls Currently in Place	Risk Rating			Control Effectiveness	Further Treatments (Y/N)	Further Treatments to Improve Rating	Strategy / Implementation	Treatment Owner	Due Date	Risk Rating			
				Consequence	Likelihood of Consequence	Inherent Risk Rating							Consequence	Likelihood of Consequence	Residual Risk Rating	Control Effectiveness
7	Injury within sport specific environment (e.g. on pool deck, in water)	Executive Branch Manager - Sport and Rec	<ul style="list-style-type: none"> <li>- Athlete pre-screening - Medical assessment</li> <li>- Training environment check by coaching staff</li> <li>- Report all inadequate maintenance or areas requiring attention to AIS Facilities Management</li> <li>- Spot audits by ACTAS Management</li> <li>- ACTAS Training Environment risk assessments and inspections (twice yearly)</li> <li>- ACTAS program specific inductions (e.g. Swimming Program induction at AIS pool)</li> <li>- Damaged equipment reported to AIS for action and placed out of use/signage</li> <li>- Staff undertake professional development on all new equipment</li> <li>- Equipment use supervised by ACTAS staff member</li> <li>- Induction provided to all new staff and athletes, includes rules, reporting issues</li> <li>- Appropriate supervision of athletes in water (lifeguards on site through AIS operations)</li> <li>- First aid training of coaches and onsite staff</li> </ul>	2	2	Medium	Adequate									
8	Inappropriate conduct or behaviour by staff, coaches, contractors, athletes and sport partnered personnel.	Executive Branch Manager - Sport and Rec	<ul style="list-style-type: none"> <li>- Public Sector Management Act 1994 and ACTPS Employment Framework</li> <li>- Promotion and use of EAP Services</li> <li>- Emergency procedures and all staff awareness and training sessions</li> <li>- Security card access to Training area</li> <li>- Security guard on site at AIS</li> <li>- Security video surveillance in high risk areas</li> <li>- Emergency contacts readily known and available</li> <li>- PeopleSafety Occupational Violence Hazard Management Element provides info and guidance</li> <li>- ACTAS athletes are pre-screened, issues identified and relayed to staff as required</li> <li>- Debrief with managers</li> <li>- Good culture/checking in</li> <li>- Rotation of tasks/environment</li> <li>- Transfer of information between ACTAS trainers (e.g. if one trainer fills in for another)</li> <li>- Full-time ACTAS Psychologist as well as a full-time Athlete Wellbeing &amp; Engagement Advisor on staff (mental health)</li> <li>- Athlete Inductions processes to support athlete understanding of what a "safe environment" should look like, including site specific (e.g. pool) risks</li> <li>- ACTAS Member Protection Policy</li> <li>- ACTAS Complaint Handling Procedure</li> <li>- Onboarding compliance and ongoing currency for all staff and coaches to hold the following - Working With Vulnerable People 'General Registration', Member Protection Training, Play By the Rules training, Sport</li> </ul>	2	4	Medium	Has Room for improvement	Yes	Regular Athlete survey to assist hazard identification  Further education and training for coaches (specifically Respectful Behaviours Training (AIS) and other training identified through Sport Integrity Australia)	Survey development in consultation with Australian Institute of Sport (AIS). Quarterly survey to be distributed to athlete cohort.  Registration and participation in relevant courses by program coaches as an expectation of partnership program meetings.	Assistant Director ACTAS	01/09/2022	2	3	Medium	Adequate

Dir: CMTEDD Agency / Branch / Event: ED - Sport and Recreation														
Risk Reference Number	The Risk:	Risk Owner	Risk Controls Currently in Place	Risk Rating			Further Treatments (Y/N)	Further Treatments to Improve Rating	Strategy / Implementation	Treatment Owner	Due Date	Risk Rating		
				Consequence	Likelihood of Consequence	Inherent Risk Rating						Control Effectiveness	Consequence	Likelihood of Consequence
9	Reputational damage to ACTAS, sport coaches, sport programs	Executive Branch Manager - Sport and Rec	1- ACTAS Complaint Handling procedures - Sport partner affiliation with Sport Integrity Australia and adoption of the National Integrity Framework - EAP Services - Debrief/informal support mechanisms with coaching network - Due diligence in recruitment processes - Communication Strategy support (e.g. in event of media interference)	3	1	Medium	Adequate							



**\* Hint**  
 To help assess the consequence and likelihood of a risk:  
 1. Consequence- What will be the outcome/impact should the risk eventuate in the most normal form? Where there are many consequences, choose the one that has the highest outcome/impact.  
 2. Likelihood- What is the likelihood of that outcome/impact?  
 3. When identifying, analysing and rating risk, consideration should be given but not necessarily limited to the above categories of risk and the suggested examples of frequency and consequences.

**\* Priority for Attention / Action**  
 Every care should be taken to act as soon as possible to implement risk control measures wherever possible or to take action to fix the problem. 'Extreme' and 'High' risks especially where the risk relates to people and personal injury require us to act immediately to take steps to fix the problem. The suggested timing of treatment does not mean that immediate action ought not be taken or that the timing can not be completed sooner than suggested.

		Consequence of risk in the most normal form				
		Insignificant	Minor	Moderate	Major	Catastrophic
<b>Financial</b>		1% of Budget or <\$5K	2.5% of Budget or <\$50K	> 5% of Budget or <\$500K	> 10% of Budget or <\$5M	>25% of Budget or >\$5M
<b>People</b>		Injury or ailments not requiring First Aid treatment and/or psychological injury managed by staff support services.	Minor injury or requiring First Aid treatment or short term injury (less than four weeks incapacity for work) and/or psychological injury resulting in reduced ability to perform tasks requiring treatment from a health professional.	Serious injury causing hospitalisation or medium term reversible disability (four weeks or more incapacity for work) or multiple medical treatment cases and/or psychological injury resulting in reduced ability to perform tasks requiring ongoing support from GP/health professional.	Single life threatening injury (including loss of limbs) or multiple serious injuries causing hospitalisation and/or permanent disability and/or psychological injury resulting in reduced ability to perform tasks requiring significant additional psychological treatment.	Death or multiple life threatening injuries and/or multiple injuries causing major life altering impairment and/or psychological injury resulting in inability to perform tasks requiring ongoing significant psychological treatment.
<b>Compliance/Regulation</b>		Non-compliance with work policy and standard operating procedures which are not legislated or regulated.	Numerous instances of non-compliance with work policy and standard operating procedures which are not legislated or regulated.	Non-compliance with work policy and standard operating procedures which require self reporting to the appropriate regulator and immediate rectification.	Restriction of business operations by regulator due to non-compliance with relevant guidelines and / or significant non-compliance with policy and procedures which threaten business delivery.	Operations shut down by regulator for failing to comply with relevant guidelines / legislation and / or significant non-compliance with internal procedures which could result in failure to provide business outcomes and service delivery.
<b>Reputation &amp; Image</b>		Internal review and/or minor dissatisfaction across a small number of demographic groups or stakeholders.	Scrutiny required by internal committees or internal audit to prevent escalation and/or moderate dissatisfaction across a small number demographic groups or several stakeholders.	Local media scrutiny (1 week) and/or scrutiny required by external committees or ACT Auditor General's Office, or inquest, etc and/or dissatisfaction across a few demographic groups or multiple stakeholders.	Intense public, political and national media scrutiny (1 week) and/or Minister / Chief minister involvement and/or dissatisfaction across a large range of demographic groups and stakeholders.	Adverse finding from Assembly inquiry or Commission of inquiry or sustained adverse international media and/or loss of public confidence in Govt or Public Service forcing changes to the machinery of Govt.
<b>Service Delivery</b>		Loss of or interruption to non critical/no-core services up to 3 days.	Interruption of core services affecting critical infrastructure (eg law & order, public safety, health) or cessation of core/ critical service essential to business continuity for up to 3 days.	Cessation of core services affecting critical infrastructure (eg law & order, public safety, health) or cessation of core/ critical service essential to business continuity for up to 3 days and/or disruption for a week.	Cessation of core services affecting critical infrastructure (eg law & order, public safety, health) or cessation of core/ critical service essential to business continuity for up to 3 days and/or disruption over subsequent weeks.	Total cessation of core services affecting critical infrastructure (eg law & order, public safety, health) or cessation of core/ critical service essential to business continuity for more than 1 week and/or disruption over subsequent months.

Frequency			Matrix	1	2	3	4	5	
Likelihood of Consequence	Almost Certain	Is expected to occur in most circumstances	Once in a quarter or more	5	Medium	High	High	Extreme	Extreme
	Likely	Will probably occur	Once a year or more	4	Medium	Medium	High	High	Extreme
	Possible	Might occur at some time in the future	Once every 1 - 5 years	3	Low	Medium	Medium	High	Extreme
	Unlikely	Could occur but doubtful	Once every 5 - 20 years	2	Low	Medium	Medium	High	High *
	Rare	May occur but only in exceptional circumstances	Once every 20 - 100 years	1	Low	Low	Medium	Medium	High *

Priority for Attention/Action				
Priority	Indicative Escalation *	Indicative Action Plan *	Authority for Action	Optional Considerations
Extreme	Within 24 hours	1 month or sooner	DG & DDG (CEO or equivalent)	Chair ARMC Director WH&S
High	Within 7-14 days	2 months or sooner	Senior Executive or equivalent (DDG/ED/Head)	Director WH&S
Medium	Within 1-3 months	3 months or sooner	Executive/Business Unit Head/Manager	WH&S Team
Low	1-3 months in course of normal business	3-6 months or sooner	Team Leader/Supervisor	WH&S Team

Risk Control Effectiveness	
Control Effectiveness	Guide
Adequate	Controls are well designed and operating effectively in treating the root cause of the risk. Additional controls exist to appropriately manage consequence. Nothing further to be done except review and monitor the existing controls. Controls are largely preventative and management believes that they are effective and reliable at all times.
Room for Improvement	Some deficiencies in controls have been identified however most controls are designed and implemented effectively in treating some root causes of the risk. While some preventative controls exist, controls are largely reactive. There are opportunities to improve the design/implementation of some controls to improve operational effectiveness.
Inadequate	Significant control deficiencies identified. Either controls do not treat root cause or they do not operate effectively. Controls, if they exist are just reactive. Management has little confidence on the effectiveness of the controls due to poor control design and/or very limited operational effectiveness.

Category of risk	Consequence of risk in the most normal form				
	Insignificant	Minor	Moderate	Major	Catastrophic
Assets	Loss or destruction of assets up to \$2,000.	Loss or destruction of assets \$2,000 to \$10,000.	Loss or destruction of assets \$10,000 to \$100,000.	Loss or destruction of assets \$100,000 to \$5M.	Loss or destruction of assets greater than \$5M.
Compliance/Regulation	Non-compliance with work policy and standard operating procedures which are not legislated or regulated.	Numerous instances of non-compliance with work policy and standard operating procedures which are not legislated or regulated.	Non-compliance with work policy and standard operating procedures which require self reporting to the appropriate regulator and immediate rectification.	Restriction of business operations by regulator due to non-compliance with relevant guidelines and / or significant non-compliance with policy and procedures which threaten business delivery.	Operations shut down by regulator for failing to comply with relevant guidelines / legislation and /or significant non-compliance with internal procedures which could result in failure to provide business outcomes and service delivery.
People	Injury or ailments not requiring First Aid treatment and/or psychological injury managed by staff support services.	Minor injury or requiring First Aid treatment or short term injury (less than four weeks incapacity for work) and/or psychological injury resulting in reduced ability to perform tasks requiring treatment from a health professional.	Serious injury causing hospitalisation or medium term reversible disability (four weeks or more incapacity for work) or multiple medical treatment cases and/or psychological injury resulting in reduced ability to perform tasks requiring ongoing support from GP/health professional.	Single life threatening injury (including loss of limbs) or multiple serious injuries causing hospitalisation and/or permanent disability and/or psychological injury resulting in reduced ability to perform tasks requiring significant additional psychological treatment.	Death or multiple life threatening injuries and/or multiple injuries causing major life altering impairment and/or psychological injury resulting in inability to perform tasks requiring ongoing significant psychological treatment.
Environment	Limited effect to something of low significance and/or effects are limited to a small area with rapid recovery.	Transient, minor effects and/or minor effects to environment and/or disturbance of native vegetation or waterways.	Moderate, short-term environmental harm to environment and/or disturbance of native vegetation or waterways.	Significant, medium-term environmental harm to environment and/or disturbance of native vegetation or waterways.	Long term environmental harm and/or widespread or severe impacts to environment, threatened species and/or long term effects on ecological community or native vegetation or waterways.
Financial	1% of Budget or <\$5K	2.5% of Budget or <\$50K	> 5% of Budget or <\$500K	> 10% of Budget or <\$5M	>25% of Budget or >\$5M
Service Delivery	Loss of or interruption to non critical/no-core services up to 3 days.	Interruption of core services affecting critical infrastructure (eg law & order, public safety, health) or cessation of core/ critical service essential to business continuity for up to 3 days.	Cessation of core services affecting critical infrastructure (eg law & order, public safety, health) or cessation of core/ critical service essential to business continuity for up to 3 days and/or disruption for a week.	Cessation of core services affecting critical infrastructure (eg law & order, public safety, health) or cessation of core/ critical service essential to business continuity for up to 3 days and/or disruption over subsequent weeks.	Total cessation of core services affecting critical infrastructure (eg law & order, public safety, health) or cessation of core/ critical service essential to business continuity for more than 1 week and/or disruption over subsequent months.
Information & Records Management	Interruption to ICT systems, electronic records and data access less than ½ day and/or system breach to business administration system with no personal or classified information stored.	Interruption to ICT systems, electronic records and data access 1/2 - 1 day and/or system breach to business administration system with some identifiable information but non-client threatening (data access known).	Significant interruption (but not permanent loss) systems and data access 1-7 days and/or system breach to business administration system with some identifiable information but non-client threatening (data access unknown).	Complete, permanent loss of some electronic records and/or data, or loss of access to ICT systems and data for more than 7 days and/or systems breach to business administration system with identifiable/classified information stored but non-client welfare threatening.	Complete, permanent loss of or inability to recover/reconstruct all records and data and/or total loss of confidence in data/record integrity and/or systems breach to Govt or business critical systems with client and/or business welfare threatened.
Reputation & Image	Internal review and/or minor dissatisfaction across a small number of demographic groups or stakeholders.	Scrutiny required by internal committees or internal audit to prevent escalation and/or moderate dissatisfaction across a small number of demographic groups or several stakeholders.	Local media scrutiny (1 week) and/or scrutiny required by external committees or ACT Auditor General's Office, or inquest, etc and/or dissatisfaction across a few demographic groups or multiple stakeholders.	Intense public, political and national media scrutiny (1 week) and/or Minister / Chief minister involvement and/or dissatisfaction across a large range of demographic groups and stakeholders.	Adverse finding from Assembly inquiry or Commission of inquiry or sustained adverse international media and/or loss of public confidence in Govt or Public Service forcing changes to the machinery of Govt.
Cultural & Heritage	Low-level repairable damage to commonplace structures.	Mostly repairable damage to items of cultural and/or heritage significance.	Significant damage to items of cultural and/or heritage significance.	Permanent damage to structures or items of cultural and/or heritage significance.	Irreparable damage to or loss of highly valued items of cultural and/or heritage significance.
General Business Activities	Minor errors in systems or processes requiring corrective action and/or minor delay without impact on overall schedule and/or insignificant impact on business outcomes and strategic objectives and/or negligible disruption to services or non-essential subsidiary services.	Policy procedural rule occasionally not met and/or services do not fully meet need and/or minor impact on business outcomes and strategic objectives and/or non-essential or subsidiary services experience minor disruptions.	One or more key accountability requirements not met and /or inconvenient but not client welfare threatening and/or moderate impact on business outcomes and strategic objectives and/or a number of objectives not met, minor or subsidiary services impaired.	Significant impact on business and / or strategic objectives and/or strategies not consistent with Government's agenda and/or trends show service is degraded and/or key service delivery impaired.	Strategic business outcomes processes fail, control infrastructure failure, critical business objectives not met. Unable to deliver necessary critical services.

**From:** "Alford, Robert" <Robert.Alford@worksafe.act.gov.au>  
**Sent:** 27/04/2022 3:27 PM  
**To:** "Palmer, Ben" <Ben.Palmer@worksafe.act.gov.au>  
**Subject:** RE: ACTAS Update

OFFICIAL

Ben

Thanks for the update.

Kind Regards

**Bob Alford** | Senior Director - Compliance & Enforcement  
P: 02 6205 4261 | Mobile: [Sch 2.2\(a\)\(ii\)](#) | E: [robert.alford@worksafe.act.gov.au](mailto:robert.alford@worksafe.act.gov.au)  
Office of the Work Health and Safety Commissioner  
GPO Box 158 Canberra ACT 2601

**WORKSAFEACT**



**ACT**  
Government

*We acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. We pay our respects to them, and to the Elders both past and present.*



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**From:** Palmer, Ben <Ben.Palmer@worksafe.act.gov.au>  
**Sent:** Wednesday, 27 April 2022 3:26 PM  
**To:** Alford, Robert <Robert.Alford@worksafe.act.gov.au>  
**Subject:** ACTAS Update

OFFICIAL

Hi Bob,

Brooke has asked if I could give you an update on the ACTAS case.

The Notice (N0000003087) that Jeff issued to ACTAS (Gerard Corradini) appears to have gone to their junk mail and so they were not aware of the IN sent at the time. I has since, sent them the IN via email and applied the same 90 Day period for compliance as Jeff has stated in his notice.

I have had confirmation from Gerard Corradini that he has now received the IN.

I can let you know when the IN has been complied with if you like?

Cheers,

Ben

**Ben Palmer** | Senior Psychosocial Inspector  
P: 02 6205 3710 | M: [Sch 2.2\(a\)\(ii\)](#) | E: [ben.palmer@worksafe.act.gov.au](mailto:ben.palmer@worksafe.act.gov.au)

Office of the Work Health and Safety Commissioner  
GPO Box 158 Canberra ACT 2601

**WORKSAFEACT**



**ACT**  
Government

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**From:** "Palmer, Ben"  
**Sent:** 26/07/2022 3:28 PM  
**To:** "Kelley, Rebecca" <Rebecca.Kelley@act.gov.au>  
**Subject:** RE: Response to Worksafe ACT Improvement Notice N-0000003087

OFFICIAL

Good afternoon Rebecca,

After review of the response provided in relation to Improvement Notice N-0000003087, I am satisfied based on this information that the intent of the notice has now been complied with.

The WorkSafe ACT case with ACT Academy of Sport (reference:00128912) will now be closed with no further action at this time.

Should you have any further questions, please let me know.

Thank you,

Ben

Ben Palmer | Senior Psychosocial Inspector  
P: 02 6205 3710 | M: [Sch 2.2\(a\)\(ii\)](#) E: [ben.palmer@worksafe.act.gov.au](mailto:ben.palmer@worksafe.act.gov.au)  
Office of the Work Health and Safety Commissioner  
GPO Box 158 Canberra ACT 2601

**WORKSAFEACT**



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**From:** Kelley, Rebecca <Rebecca.Kelley@act.gov.au>  
**Sent:** Thursday, 21 July 2022 8:43 AM  
**To:** Palmer, Ben <Ben.Palmer@worksafe.act.gov.au>  
**Cc:** Corradini, Gerard <Gerard.Corradini@act.gov.au>  
**Subject:** Response to Worksafe ACT Improvement Notice N-0000003087

OFFICIAL

Dear Inspector Palmer,

Please find attached a response to the Worksafe ACT Improvement Notice N-0000003087 issued to the ACT Academy of Sport (ACTAS).

I am available to discuss if required and we look forward to your advice on our compliance with the notice.

Regards

Rebecca Kelley

**Executive Branch Manager | Sport and Recreation**

Economic Development | Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Level 3, Canberra Nara Centre, 1 Constitution Ave, Canberra City, ACT | PO Box 147, Civic Square, ACT 2608  
[www.sport.act.gov.au](http://www.sport.act.gov.au)

Phone 02 62074389 Sch 2.2(a)(ii)



**From:** "Palmer, Ben"  
**Sent:** 13/05/2022 12:34 PM  
**To:** "Kelley, Rebecca" <Rebecca.Kelley@act.gov.au>  
**Subject:** RE: WORKSAFE ACT Improvement Notice (N-0000003087)

**OFFICIAL**

Good afternoon Rebecca,

Thank you for your email and the update.

I look forward to future communication regarding compliance with the notice.

Regards,

Ben

Ben Palmer | Senior Psychosocial Inspector  
P: 02 6205 3710 | M: [Sch 2.2\(a\)\(ii\)](#) E: [ben.palmer@worksafe.act.gov.au](mailto:ben.palmer@worksafe.act.gov.au)  
Office of the Work Health and Safety Commissioner  
GPO Box 158 Canberra ACT 2601

**WORKSAFEACT**



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**From:** Kelley, Rebecca <Rebecca.Kelley@act.gov.au>  
**Sent:** Friday, 13 May 2022 9:24 AM  
**To:** Palmer, Ben <Ben.Palmer@worksafe.act.gov.au>  
**Cc:** Corradini, Gerard <Gerard.Corradini@act.gov.au>  
**Subject:** WORKSAFE ACT Improvement Notice (N-0000003087)

**OFFICIAL**

Dear Inspector Palmer

I reference the Worksafe ACT Improvement Notice (N-0000003087) issued from Inspector Beaver, and your recent email to Mr Gerard Corradini, Director ACT Academy of Sport (ACTAS). I am the CMTEDD Executive with responsibility to ensure compliance with the Notice and wish to update you on the progress and actions to date.

ACTAS is well advanced with updating existing processes and developing a new ACTAS Complaint Handling Procedure. This is based off existing CMTEDD procedures and new Sports Integrity Australia (SIA) Complaint Handling Procedures.

We have established an Advisory Panel to oversee and guide the improvement process. I chair the panel which includes representatives from CMTEDD, ACTAS and Swimming NSW.

This Panel will meet regularly through to the end of 90-day term to monitor compliance, agree on the new updated Complaint Handling Procedures and provide advice to ACTAS on risks, policy and procedures.

ACTAS management is in current discussions with the National Sports Tribunal and SIA around working towards the new National Integrity Framework which will assist business improvement within ACTAS. As an aside, our program partner, Swimming Australia, is also working towards the National Integrity Framework.

I am also meeting with ACTAS management on a weekly basis to progress operational discussions pertaining to the improvements.

I look forward to providing our compliance report to you with associated evidence within the 90-day period by 21 July 2022.

I am available on [Sch 2.2\(a\)\(ii\)](#) or [Rebecca.Kelley@act.gov.au](mailto:Rebecca.Kelley@act.gov.au) if required.

Yours sincerely

Rebecca Kelley

**Executive Branch Manager | Sport and Recreation**

Economic Development | Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Level 3, Canberra Nara Centre, 1 Constitution Ave, Canberra City, ACT | PO Box 147, Civic Square, ACT 2608  
[www.sport.act.gov.au](http://www.sport.act.gov.au)

Phone 02 62074389 [Sch 2.2\(a\)\(ii\)](#)



**From:** "Palmer, Ben"  
**Sent:** 22/04/2022 10:04 AM  
**To:** "Corradini, Gerard" <Gerard.Corradini@act.gov.au>  
**Subject:** RE: WorkSafe ACT Improvement Notice N-0000003087

OFFICIAL

Thank you for confirming Gerard.

Regards,

Ben

Ben Palmer | Senior Psychosocial Inspector  
P: 02 6205 3710 | [Sch 2.2\(a\)\(ii\)](#) E: [ben.palmer@worksafe.act.gov.au](mailto:ben.palmer@worksafe.act.gov.au)  
Office of the Work Health and Safety Commissioner  
GPO Box 158 Canberra ACT 2601

**WORKSAFEACT**



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**From:** Corradini, Gerard <Gerard.Corradini@act.gov.au>  
**Sent:** Friday, 22 April 2022 10:02 AM  
**To:** Palmer, Ben <Ben.Palmer@worksafe.act.gov.au>  
**Subject:** RE: WorkSafe ACT Improvement Notice N-0000003087

OFFICIAL

Good morning Ben,

Replying to confirm receipt of your email and the attached Improvement Notice N-0000003087.

Regards,  
Gerard

**Gerard Corradini**  
Director | ACT Academy of Sport  
ACT Academy of Sport  
Direct: +61 2 6207 4410 | [Sch 2.2\(a\)\(ii\)](#)





[Sport and Recreation | Economic Development | Chief Minister, Treasury and Economic Development Directorate | ACT Government Australian Institute of Sport \(Building 20\), Leverrier Street, Bruce ACT, 2617](#)

**From:** Palmer, Ben <[Ben.Palmer@worksafe.act.gov.au](mailto:Ben.Palmer@worksafe.act.gov.au)>  
**Sent:** Friday, 22 April 2022 9:35 AM  
**To:** Corradini, Gerard <[Gerard.Corradini@act.gov.au](mailto:Gerard.Corradini@act.gov.au)>  
**Subject:** RE: WorkSafe ACT Improvement Notice N-0000003087

OFFICIAL

Good morning Gerard,

Thank you for your email.

The notice is displaying as being sent to your email address on our system (23 February 2022), however, it is possible that it has gone to your junk/spam mail.

Due to this possibility, please:

- See the attached the Improvement Notice N-0000003087 issued from Inspector Beaver,
- Confirm receipt of this email and the attached Improvement Notice N-0000003087,
- Comply with the notice direction within 90 days from receipt of the notice (Thursday, 21 July 2022), as per the notice direction.

Regards,

Ben

Ben Palmer | Senior Psychosocial Inspector  
P: 02 6205 3710 | [Sch 2.2\(a\)\(ii\)](#) E: [ben.palmer@worksafe.act.gov.au](mailto:ben.palmer@worksafe.act.gov.au)  
Office of the Work Health and Safety Commissioner  
GPO Box 158 Canberra ACT 2601

**WORKSAFEACT**



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**From:** Corradini, Gerard <[Gerard.Corradini@act.gov.au](mailto:Gerard.Corradini@act.gov.au)>  
**Sent:** Thursday, 21 April 2022 6:20 PM  
**To:** Palmer, Ben <[Ben.Palmer@worksafe.act.gov.au](mailto:Ben.Palmer@worksafe.act.gov.au)>  
**Cc:** Kelley, Rebecca <[Rebecca.Kelley@act.gov.au](mailto:Rebecca.Kelley@act.gov.au)>; Bailey, Daniel <[Daniel.Bailey@act.gov.au](mailto:Daniel.Bailey@act.gov.au)>  
**Subject:** RE: WorkSafe ACT Improvement Notice N-0000003087

OFFICIAL

Good evening Ben,

Replying to confirm that I have not received 'Improvement Notice N-0000003087'.

Also confirming that I have not heard anything, or had contact from, Mr Beaver nor WorkSafe ACT Sch 2.2(a)(ix)  
[REDACTED].

Regards,  
Gerard

**Gerard Corradini**  
Director | ACT Academy of Sport  
ACT Academy of Sport  
Direct: +61 2 6207 4410 | Sch 2.2(a)(ii)



[Sport and Recreation | Economic Development | Chief Minister, Treasury and Economic Development Directorate | ACT Government Australian Institute of Sport \(Building 20\), Leverrier Street, Bruce ACT, 2617](#)

---

**From:** Palmer, Ben <[Ben.Palmer@worksafe.act.gov.au](mailto:Ben.Palmer@worksafe.act.gov.au)>  
**Sent:** Thursday, 21 April 2022 4:09 PM  
**To:** Corradini, Gerard <[Gerard.Corradini@act.gov.au](mailto:Gerard.Corradini@act.gov.au)>  
**Subject:** WorkSafe ACT Improvement Notice N-0000003087

OFFICIAL

Good afternoon Gerard,

As Inspector Beaver has transferred carriage of Improvement Notice N-0000003087 to myself, I am follow up on the compliance actions that were due on the **20 Apr 2022**.

If the evidence of compliance with this notice has been sent to Inspector Beaver, can you please send that information through to myself for review.

Please also advise if this information has not been sent through to Inspector Beaver.

Regards

Ben

Ben Palmer | Senior Psychosocial Inspector

P: 02 6205 3710 | Sch 2.2(a)(ii) E: [ben.palmer@worksafe.act.gov.au](mailto:ben.palmer@worksafe.act.gov.au)

Office of the Work Health and Safety Commissioner

GPO Box 158 Canberra ACT 2601

**WORKSAFEACT**



**ACT**  
Government

I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.



## Salesforce Screenshots – Case 00138912

**Entity**

Account Name: ACT Academy of Sport (ACTAS)

Industry: \_\_\_\_\_

Trading as: \_\_\_\_\_

Email: \_\_\_\_\_

Primary Phone: Sch 2.2(a)(ii)

ACN: \_\_\_\_\_

ABN: 9999999999

ASIC File: ASIC File has not been linked

Billing Address: \_\_\_\_\_

**PCBU Contact**

Account Name: Mr. Gerard Corradini

Primary Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**Account Relationships (0)**

**Informant/Complainant**

Name: \_\_\_\_\_

Case **00138912**

[ABN Lookup](#) [Endorsed by CMP](#) [Create Work Order](#)

New Allocated In Progress On Hold Finalise C... Enforceab... **Case Clo...**

**Status: Case Closed** [Change Closed Status](#)

**Details** Feed Activity

**Case Information**

Case Owner	<a href="#">Ben Palmer</a>	Status	Case Closed
Date of notification	1/07/2021	Sub Status	Resolved
Account Name	<a href="#">ACT Academy of Sport (ACTAS)</a>	Priority	Tier 4- All other complaints/ issues not involving an immediate risk of harm
Primary Contact	<a href="#">Gerard Corradini</a>	Case Origin	Email
Contact Name	<a href="#">gerard Corradini</a>	Case Reason	Complaint
Industry	Arts and Recreation Services	Type	PSY - Psychosocial
Sub-division	Sports and Recreation Activities	Campaign Title	
ANZSIC Code L3		Objective Folder	<a href="https://objective.act.gov.au/#/documents/fA11790002">https://objective.act.gov.au/#/documents/fA11790002</a>

**Work Orders (1)**

00111369

Status: Allocated

[View All](#)

**Case Team (0)**

**Infringements (0)**

**Notices (1)**

N-0000003087

Type: Improvement

Status: Notice Sent

Offence: 19

[View All](#)

**Files (0)**

[Upload Files](#)

Or drop files

**Sch 2.2(a)(ii)**

Primary Phone: Sch 2.2(a)(ii) ACN: \_\_\_\_\_

ABN: 9999999999 ASIC File: ASIC File has not been linked

Billing Address: \_\_\_\_\_

---

**PCBU Contact**

Account Name: Mr. Gerard Corradini

Primary Phone: \_\_\_\_\_ Email: \_\_\_\_\_

---

**Account Relationships (0)**

Date of notification: 1/07/2021 Sub Status: Resolved

Account Name: ACT Academy of Sport (ACTAS) Priority: Tier 4- All other complaints/ issues not involving an immediate risk of harm

Primary Contact: Gerard Corradini Case Origin: Email

Contact Name: gerard Corradini Case Reason: Complaint

Industry: Arts and Recreation Services Type: PSY - Psychosocial

Sub-division: Sports and Recreation Activities Campaign Title: \_\_\_\_\_

ANZSIC Code: L3 Objective Folder: <https://objective.act.gov.au/#/documents/fa11790002>

---

**Incident Type**

Incident Type: Complaint Hazard Category: Mental stress

Serious Injury Type: \_\_\_\_\_ Hazard Sub-Category: Work related harassment and/or workplace bullying

Dangerous Incident Type: \_\_\_\_\_ Hazard Detailed Classification: \_\_\_\_\_

Serious Illness Type: \_\_\_\_\_ Escalated:

Serious Illness Subtype: \_\_\_\_\_ Escalated Case Comments: 1

Has been reported to police?

**Files (0)**

Upload Files

Or drop files

---

**Case Comments (3+)**

**Ben Palmer**

Public:

Created Date: 26/07/2022 3:34 pm

Comment: All correspondence (including notice response evidence) uploaded to objective folder for ACTAS. Rebecca Kelly EGM for ACTAS emailed to advise of notice intent compliance and case closure with WorkSafe ACT.

**Ben Palmer**

Public:

Created Date: 22/04/2022 9:46 am

Comment: Compliance follow up due on the 21 July 2022

**Ben Palmer**

Public:

Created Date: 22/04/2022 9:38 am

Comment: Gerard responded via email and advised that he had not received the issued notice. Inspector palmer

Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

Primary Phone  
**Sch 2.2(a)(ii)**

ACN

ABN  
9999999999

ASIC File  
ASIC File has not been linked

Billing Address

**PCBU Contact**

Account Name  
Mr. Gerard Corradini

Primary Phone      Email

**Account Relationships (0)**

Subtype

Has been reported to police?

**Investigation Information**

Referred to DPP

Commenced by Investigations Team

CMP Endorsed Date

Under Investigation

**Incident Details**

Description: Psychosocial Complaint

Date of Incident: 1/07/2021

Time of Incident: 12:00:00 am

Incident involve dangerous substances? No

Incident related to a utility asset? No

**Case Address**

Incident Street No and Street Name: Building 20, Leverrier St

Incident Suburb: Bruce

Incident Postcode: 2617

Exact Incident Location Description: AIS Bruce

**Case Comments (3+)**

**Ben Palmer**

Public:

Created Date: 26/07/2022 3:34 pm

Comment: All correspondence (including notice response evidence) uploaded to objective folder for ACTAS. Rebecca Kelly EGM for ACTAS emailed to advise of notice intent compliance and case closure with WorkSafe ACT.

**Ben Palmer**

Public:

Created Date: 22/04/2022 9:46 am

Comment: Compliance follow up due on the 21 July 2022

**Ben Palmer**

Public:

Created Date: 22/04/2022 9:38 am

Comment: Gerard responded via email and advised that he had not received the issued notice. Inspector palmer responded by emailed- providing a copy of the notice to Gerard; requesting receipt confirmation, and compliance of notice direction within 90 days of receipt of the notice, as per the notice.

[View All](#)

Primary Phone <b>Sch 2.2(a)(ii)</b>	ACN
ABN 9999999999	ASIC File ASIC File has not been linked
Billing Address	

<b>PCBU Contact</b>	
Account Name <b>Mr. Gerard Corradini</b>	
Primary Phone	Email

<b>Account Relationships (0)</b>	
----------------------------------	--

Sch 2.2(a)(ii)

Incident Suburb	Bruce	
Incident Postcode	2617	
Incident State	ACT	

<b>Notification</b>		
Has the incident been notified by phone?	No	WorkSafe Contact Person
Name of the person who notified		Phone of the person who notified
		Notification Number

<b>Actions</b>		
Actions taken to rectify the problem		
Actions planned to prevent incident		

<b>Close Case Details</b>		
Case Closure Outcome	Notices issued	
Case Closure Outcome (Other)		

<b>Case Comments (3+)</b>
<b>Ben Palmer</b>
Public: <input type="checkbox"/>
Created Date: 26/07/2022 3:34 pm
Comment: All correspondence (including notice response evidence) uploaded to objective folder for ACTAS. Rebecca Kelly EGM for ACTAS emailed to advise of notice intent compliance and case closure with WorkSafe ACT.
<b>Ben Palmer</b>
Public: <input type="checkbox"/>
Created Date: 22/04/2022 9:46 am
Comment: Compliance follow up due on the 21 July 2022.
<b>Ben Palmer</b>
Public: <input type="checkbox"/>
Created Date: 22/04/2022 9:38 am
Comment: Gerard responded via email and advised that he had not received the issued notice. Inspector palmer responded by emailed- providing a copy of the notice to Gerard; requesting receipt confirmation, and compliance of notice direction within 90 days of receipt of the notice, as per the notice.
<a href="#">View All</a>

Primary Phone  
**Sch 2.2(a)(ii)**  
 ACN  
 ASIC file  
 9999999999  
 ASIC File has not been linked  
 Billing Address

**PCBU Contact**

Account Name  
 Mr. Gerard Corradini  
 Primary Phone  
 Email

**Account Relationships (0)**

**Close Case Details**

Case Closure Outcome: Notices issued  
 Case Closure Outcome: Other

**System Information**

Created By: Jeffrey Beaver, 30/11/2021 9:35 AM  
 Last Modified By: Ben Palmer, 26/07/2022 3:36 PM  
 Subject  
 Case Record Type: Incident

**Case History (6+)**

Date	Field	User	Original Value	New Value
26/07/2022 3:36 PM	Status	Ben Palmer	In Progress	Case Closed
26/07/2022 3:36 PM	Sub Status	Ben Palmer	Unresolved	Resolved
26/07/2022 3:34 PM	Status	Ben Palmer	Finalise Case	In Progress
18/05/2022 9:23 AM	Status	Ben Palmer	In Progress	Finalise Case
23/03/2022 4:04 PM	Case Owner	Jeffrey Beaver	Jeffrey Beaver	Ben Palmer
23/02/2022 10:56 AM	Status	Jeffrey Beaver	New	In Progress

View All

**Case Comments (3+)**

- Ben Palmer**

Public:

Created Date: 26/07/2022 3:34 pm

Comment: All correspondence (Including notice response evidence) uploaded to objective folder for ACTAS. Rebecca Kelly EGM for ACTAS emailed to advise of notice intent compliance and case closure with WorkSafe ACT.
- Ben Palmer**

Public:

Created Date: 22/04/2022 9:46 am

Comment: Compliance follow up due on the 21 July 2022
- Ben Palmer**

Public:

Created Date: 22/04/2022 9:38 am

Comment: Gerard responded via email and advised that he had not received the issued notice. Inspector palmer responded by emailed- providing a copy of the notice to Gerard; requesting receipt confirmation, and compliance of notice direction within 90 days of receipt of the notice, as per the notice.

View All

Sch 2.2(a)(ii)

Cases > 00138912  
**Case History**

7 items • Sorted by Date • Updated a few seconds ago



	Date	Field	User	Original Value	New Value
1	26/07/2022 3:36 PM	Status	Ben Palmer	In Progress	Case Closed
2	26/07/2022 3:36 PM	Sub Status	Ben Palmer	Unresolved	Resolved
3	26/07/2022 3:34 PM	Status	Ben Palmer	Finalise Case	In Progress
4	18/05/2022 9:23 AM	Status	Ben Palmer	In Progress	Finalise Case
5	23/03/2022 4:04 PM	Case Owner	Jeffrey Beaver	Jeffrey Beaver	Ben Palmer
6	23/02/2022 10:56 AM	Status	Jeffrey Beaver	New	In Progress
7	30/11/2021 9:35 AM	Created.	Jeffrey Beaver		

Cases &gt; 00138912

**Case Comments**

9 items • Sorted by Last Modified Date • Updated a few seconds ago



Next

	User	P...	Created Date	Comment
1	Ben Palmer	<input type="checkbox"/>	26/07/2022 3:34 pm	All correspondence (including notice response evidence) uploaded to objective folder for ACTAS. Rebecca Kelly EGM for ACTAS emailed to advise of notice intent compliance and case closure with WorkSafe ACT.
2	Ben Palmer	<input type="checkbox"/>	22/04/2022 9:46 am	Compliance follow up due on the 21 July 2022
3	Ben Palmer	<input type="checkbox"/>	22/04/2022 9:38 am	Gerard responded via email and advised that he had not received the issued notice. Inspector palmer responded by emailed- providing a copy of the notice to Gerard; requesting receipt confirmation, and compliance of notice direction within 90 days of receipt of the notice, as per the notice.
4	Ben Palmer	<input type="checkbox"/>	21/04/2022 4:09 pm	Compliance follow up sent to Gerard (identified PCBU and recipient of Notice)
5	Jeffrey Beaver	<input type="checkbox"/>	23/03/2022 4:04 pm	Ben - just need to monitor compliance with Improvement Notice.
6	Jeffrey Beaver	<input type="checkbox"/>	18/02/2022 2:48 pm	Error - Legal advice received 12 January 2022. SI to consider appropriate avenues.
7	Jeffrey Beaver	<input type="checkbox"/>	18/02/2022 2:23 pm	Still awaiting legal advice.
8	Jeffrey Beaver	<input type="checkbox"/>	17/01/2022 4:03 pm	Request for GSO advice sought.
9	Jeffrey Beaver	<input type="checkbox"/>	30/11/2021 9:37 am	Due to sensitivities, all material being saved in MIT G:

### Case Details

Case Number: 00138912 Status: Case Closed

Date of Incident: 1/07/2021 Time of Incident: 12:00:00 am

Description: Psychosocial Complaint

Objective Folder: <https://objective.act.gov.au/#/documents/f/A11790002>

Drive Folder:

### PCBU

Account Name: ACT Academy of Sport (ACTAS) Primary Phone: Sch 2.2(a)(ii)

Billing Address:

### PCBU Contact

Link a related record.

### Work Order Jeffrey Beaver

Create Notice Create Infringement Create Revisit S-Docs

Allocated Pending Approval Approved Final Status

Status: Allocated

### Details

Details Feed Activity

You cannot create a workplace visit for one of the following reasons:

1. Account field representing the main PCBU is blank on the Work Order record
2. PCBU Contact field is blank on the Work Order record

Inspector Notes

Notes:

### Information

Work Order Number	00111369	Status	Allocated
Case	00138912	Owner	Jeffrey Beaver

### WorkSafe Campaigns (0)

### Infringements (0)

### Notices (1)

N-0000003087

Type: Improvement

Offence: 19

Issued to: ACT Academy of Sport (ACTAS)

View All

### Team Members (0)

### Child Work Orders (0)

### Files (0)

Upload Files

Or drop files

### Approval History (0)

Case Number	Status
00138912	Case Closed
Date of Incident	Time of Incident
1/07/2021	12:00:00 am
Description	
Psychosocial Complaint	
Objective Folder	
<a href="https://objective.act.gov.au/#/documents/f/A11790002">https://objective.act.gov.au/#/documents/f/A11790002</a>	
Gdrive Folder	

**PCBU**

Account Name	Primary Phone
ACT Academy of Sport (ACTAS)	Sch 2.2(a)(ii)
Billing Address	

**PCBU Contact**

Link a related record.

**Information**


Work Order Number	00111369	Status	Allocated
Case	00138912	Owner	Jeffrey Beaver
Account	ACT Academy of Sport (ACTAS)	Parent Work Order	
PCBU Contact		Priority	Tier 4- All other complaints/ issues not involving an immediate risk of harm

**Description From Case**

Description	Enquiries completed - Improvement Notice to be issued
-------------	---

**Inspection Address**

Address	Australian Institute of Sport (Building 20), Leverrier Street, Bruce ACT 2617
---------	---



WPV Details

- WorkSafe Campaigns (0)**
- Infringements (0)**
- Notices (1)**
  - N-0000003087
    - Type: Improvement
    - Offence: 19
    - Issued to: ACT Academy of Sport (ACTAS)

[View All](#)
- Team Members (0)**
- Child Work Orders (0)**
- Files (0)**

[Upload Files](#)

Or drop files
- Approval History (0)**

00138912 | Case Case Com... Work Ord... 0011136...

Case Number: 00138912  
 Status: Case Closed  
 Date of Incident: 1/07/2021  
 Time of Incident: 12:00:00 am  
 Description: Psychosocial Complaint  
 Objective Folder: <https://objective.act.gov.au/#/documents/f/A11790002>  
 Gdrive Folder:

**PCBU**

Account Name: ACT Academy of Sport (ACTAS)  
 Primary Phone: Sch 2.2(a)(ii)  
 Billing Address:

**PCBU Contact**

Link a related record.

**WPV Details**

Start Date	End Date
Legislation visit conducted under: WHS	Breaches of the legislation identified? Yes
Notification of entry to	Potential Breach: s19(2)
Purpose of Visit: Psychological hazards	Workers Compensation Policy Maintained
Work Place Visit Report Completed	Are there accompanying inspectors

**WPV Emails**

Email 1	Lead Inspector Email Address: jeffrey.beaver@worksafe.act.gov.au
Email 2	
Email 3	

**Actions**

**WorkSafe Campaigns (0)**

**Infringements (0)**

**Notices (1)**

N-0000002087  
 Type: Improvement  
 Offence: 19  
 Issued to: ACT Academy of Sport (ACTAS)  
[View All](#)

**Team Members (0)**

**Child Work Orders (0)**

**Files (0)**

[Upload Files](#)  
 Or drop files

**Approval History (0)**

00138912 Case Closed

Date of Incident: 1/07/2021  
Time of Incident: 12:00:00 am

Description: Psychosocial Complaint

Objective Folder: <https://objective.act.gov.au/#/documents/f/A11790002>

Drive Folder:

**PCBU**

Account Name: ACT Academy of Sport (ACTAS)  
Billing Address:

Primary Phone: Sch 2.2(a)(ii)

**PCBU Contact**

Link a related record.

Search Accounts...

Email 2  
Email 3

**Actions**

Previous Notices(s) Issued?	No	Further Action Required?	Yes
Type of Notice(s)		Additional Issue?	<input type="checkbox"/>
		Additional Issue Description	

**System Information**

Created By: Jeffrey Beaver, 23/02/2022 11:00 AM  
Last Modified By: Jeffrey Beaver, 23/02/2022 11:00 AM

Work Order Record Type: WSF

**Work Order History (1)**

Date	Field	User	Original Value	New Value
23/02/2022 11:00 AM	Created.	Jeffrey Beaver		

[View All](#)

**Infringements (0)**

**Notices (1)**

N-000003087  
Type: Improvement  
Offence: 19  
Issued to: ACT Academy of Sport (ACTAS)

[View All](#)

**Team Members (0)**

**Child Work Orders (0)**

**Files (0)**

[Upload Files](#)  
Or drop files

**Approval History (0)**

Work Orders > 00111369  
**Notices**

1 item • Updated a few seconds ago

Notice Num...	Type	Offence	Issued to	Issued by	Date of Visit	Status	Is Extension	Parent Not...
1 N-000003087	Improvement	19	ACT Academy of Sport (ACTAS)	Jeffrey Beaver	23/02/2022	Notice Sent		

**Notice Improvement**

Submit for Approval Extension Notice Edit

Status: Notice Sent Compliance Period End Date: 20/04/2022 Offence Category: [Work Health and Safety Act](#) Offence: 19

**Details**

**Information**

Notice Number	N-0000003087	Status	Notice Sent
Record Type	Improvement	Offence Category	<a href="#">Work Health and Safety Act</a>
Case	<a href="#">00138912</a>	Offence	19
Work Order	<a href="#">00111369</a>	Regulation Referenced	
Campaign Title			
ANZSIC Code L3			

**Issuing Details**

Issued by	Jeffrey Deaver	Date of Issue	23/02/2022
ID Number		Compliance Period End Date	20/04/2022

**Notice Issued To**

**Files (1)**

Improvement\_Notice\_N-0000003087.pdf  
23/02/2022 • 55KB • pdf

[View All](#)

**Activity History**

Filters: All time • All activities • All types

[Refresh](#) • [Expand All](#) • [View All](#)

**Upcoming & Overdue**

No activities to show.  
Get started by sending an email, scheduling a task, and more.

**February • 2022**

4 Years Ago

[Improvement Notice N-0000003087](#)

5:02 PM ( 23/02/2022 )

ID Number		Compliance Period	20/04/2022
Notice Issued To			
Issued to	<a href="#">ACT Academy of Sport (ACTAS)</a>	Recipient Type	Company
Business or trading name		Method of Service	Email
Head of Directorate Name		Recipient Email	<a href="mailto:gerard.corradini@act.gov.au">gerard.corradini@act.gov.au</a>
ABN	9999999999	Given to	
ACN		Notice Physically Handed To	
Recipient Address		Role	
Site Location			
Street	Australian Institute of Sport (Building 20), Leverrier Street,	Site to which the notice relates	
Suburb	Bruce		
Postcode	2617		
State	ACT		
Improvement Notice Details			
Details of provision being contravened			

No activities to show.  
Get started by sending an email, scheduling a task, and more.

**February • 2022** 4 Years Ago

Improvement Notice N-000003087 5:03 PM | 23/02/2022

[worksafe@act.gov.au](mailto:worksafe@act.gov.au) sent an email to [Gerard Corradini](#) and 1 oth...

No more past activities to load.

---

**Approval History (2)**

Manager Review

Date: 23/02/2022 5:02 pm  
 Status: Approved  
 Assigned To: WSF Manager Approvers  
 Actual Approver: Anthony O'Bryan  
 Comments: Approved

Approval Request Submitted

Date: 23/02/2022 11:03 am  
 Status: Submitted  
 Assigned To: Jeffrey Beaver  
 Actual Approver: Jeffrey Beaver  
 Comments:

[View All](#)

State ACT

Improvement Notice Details

Details of provision being contravened

Description and Basis for Belief On 30 November 2021, WorkSafe ACT received an anonymous complaint regarding the operation of the Australian Capital Territory's Academy of Sport's (ACTAS) High Performance Swimming Hub. On that same date, I, Senior Inspector Jeff BEAVER of WorkSafe ACT commenced enquiries in relation to that complaint.

WorkSafe ACT enquiries included, but were not limited to, formally interviewing via digital recording, multiple witnesses pursuant to s.171 of the Work Health and Safety Act 2011 (WHS Act) directions. Enquiries also involved issuing multiple s.155 Notices pursuant to the WHS Act, and reviewing material supplied pursuant to those same Notices as well as from other sources.

The ACTAS was launched in 1989. It is an endorsed Australian Olympic Committee and Australian Paralympic Committee National Training Centre and a member of the National Institutes of Network (NIN). Membership of the NIN includes the eight (8) Australian state and territory institutes and academies of sport as well as the Australian Institute of Sport. The eight state and territory institutes and academies of sport (SIS/SAS), together with the AIS, form Australia's National Institute Network (NIN). The SIS/SAS provide high performance services and support in partnership with National Sporting Organisations in their respective state and territory jurisdictions with a view to delivering high quality daily training environments for priority athletes and teams.

ACTAS programs are formed via partnership agreements between the National Sporting Organisation (NSO), State Sporting Organisation (SSO), and the ACT Government (via ACTAS). ACTAS provides the daily training environment and a range of performance services for supported talented athletes including:

- Athletic Performance and Rehabilitation; including Athletic Performance, Performance Science and Sports Medicine
- Coordination and Rehabilitation;
- Performance Nutrition;
- Performance Psychology;
- Personal Excellence;

Assigned to: Jeffrey Beaver  
Actual Approver: Jeffrey Beaver  
Comments:  
[View All](#)

**Notices (0)**

**Notes (0)**

Performance Psychology;  
Personal Excellence;  
Training;  
Coaching;  
Competition Support; and  
Program Management support

ACTAS aim is to assist Canberra's elite, and potentially elite athletes and teams improve their sporting performances. It provides a range of athlete performance services - coaching, training, sport science, athlete welfare and development and competition assistance.

Through a four-way partnership between, Swimming NSW, Swimming ACT, Swimming Australia and the ACT Academy of Sport (ACTAS), the ACT Performance Hub provides a transition High Performance program for swimmers to develop from talented Age Group Swimmers to the National Team.

The key components of the ACT Performance Hub include:

Lane Space;  
Sports Science and Sports Medicine Support (SSSM); and  
High-Performance Coach.

The ACT Performance Hub provides a high-performance training environment based at the Australian Institute of Sport for identified athletes transitioning from age group to open level competition, and athletes with potential for National Team selection. This service is extended to athletes residing in the ACT and regional NSW. Athletes accepted into the Program retain their 'home club' identity.

# Sch 2.2(a)(ii)

## Sch 2.2(a)(ii)

Eligibility to train at the ACT Performance Hub may be defined, but not limited by, the below criteria:

### National Age and Open Finalists;

16 years and over\* (including university-aged students): This program is open to ACT and regional NSW athletes that have transitioned, or are transitioning, from age group swimming to open swimming. Consideration is also offered to those who reside outside the ACT and regional NSW.

(\*Swimmers outside of this age bracket may be considered on a case-by-case basis.);

Collaboration with the athlete's home coach: To be accepted into the ACT Performance Hub program, consultation and collaboration with the athlete's home coach and the ACT Performance Hub Head Coach is essential;

Recommendations from the SNSW State Head Coach: The NSW State Head Coach may, from time-to-time, have conversations with home coaches to create opportunities for their athletes to move into the ACT Performance Hub program;

Hub Coach Discretion: Final athlete acceptance into the ACT Performance Hub program is ultimately approved by the Head Coach in consultation with the NSW State Head Coach. Athletes must be able to recognise and acknowledge the key identified areas for development and must be willing to commit to addressing them in a daily performance environment; and

Training Agreement: For anyone training at the Hub, a training agreement must be entered into that outlines the program, as well as the conditions in which athletes train at the AIS facility. A monthly training fee is payable to the program. 100% of income derived from training fees are returned by way of program activities, as outlined by the Hub Head Coach.

At all materially relevant times, ACTAS came under the ACT Government's Sports and Recreation portfolio which sits in the Economic Development area of the Chief Minister, Treasury and Economic Development Directorate.

Swimming ACT is a district of Swimming NSW. It is the peak body of the sport of competitive swimming in the Australian Capital Territory and administers the sport on behalf of its affiliated clubs. Like all districts of Swimming NSW, its own ACT Championships; but unlike many other districts in NSW these are open to teams and competitors from outside the district.

As members of NSW Swimming, members of clubs affiliated with ACT Swimming compete in the NSW Championships. Swimming ACT is constituted by 10 swimming clubs which are all registered with Swimming NSW and Swimming Australia, two of these clubs (Goulburn and Queanbeyan) are not geographically within the ACT but are affiliated with ACT Swimming.

Swimming ACT is constituted by 10 swimming clubs which are all registered with Swimming NSW and Swimming Australia, two of these clubs (Goulburn and Queanbeyan) are not geographically within the ACT but are affiliated with ACT Swimming. In this regard ACT Swimming is much like ACTAFL and ACT Rugby union in that the area covered geographically extends across state borders.

During 1985, under a new corporate structure, the Amateur Swimming Union of Australia was incorporated in the Australian Capital Territory and became Australian Swimming Inc. On 1 October 2004, Australian Swimming became a company limited by guarantee and changed its name to Swimming Australia Ltd.

Swimming Australia is the peak governing body for competitive swimming in Australia. The body has approximately 100,000 registered members nationally in 1100 clubs across the country, which includes swimmers, coaches, officials, administrators and volunteers. The body oversees the management and development of the sport from the national team at the elite level, the conduct of national and international events, through to grass roots participation.

All witnesses described the relationship between ACTAS, Swimming NSW and Swimming Australia at the ACT AIS High Performance Hub as a partnership arrangement. This description was supported by various documents reviewed by WorkSafe ACT.

The workplace for the ACT High Performance Hub program is the Australian Institute of Sport (AIS), Bruce ACT. This facility is Commonwealth owned and operated by the Australian Sports Commission. The relationship between ACTAS, Swimming NSW and Swimming Australia at the ACT AIS Hub is enabled through the Swimming Australia Facilities Agreement with the AIS. This Facilities Agreement does not create a tenancy of ACTAS on site in relation to the pool deck where Sch 2.2(a)(ii) leverage/operate under that Agreement to undertake the activity at that location.

## Sch 2.2(a)(ii)

WorkSafe ACT enquiries revealed that whilst ACTAS received information and complaints from participants in the ACT High Performance Swimming Hub program, ACTAS failed to reasonably monitor those complaints, instead, relying on Swimming Australia to conduct enquiries. Even with Swimming Australia conducting those enquiries and deciding an outcome, ACTAS

workSafe ACT enquiries revealed that whilst ACTAS received information and complaints from participants in the ACT High Performance Swimming Hub program, ACTAS failed to reasonably monitor those complaints, instead, relying on Swimming Australia to conduct enquiries. Even with Swimming Australia conducting those enquiries and deciding an outcome, ACTAS was not provided the full details of Swimming Australia's investigation and associated findings; resulting in ACTAS being unable to properly ensure, so far as is reasonably practicable, the health and safety of those participants.

Sch 2.2(a)(ii)

I am further satisfied that the ACT High Performance Swimming Hub at the Australian Academy of Sport meets the definition of a workplace within the meaning of section 8 of the WHS Act.

The reliance on Swimming Australia to conduct enquiries regarding possible psychosocial hazards at this ACTAS workplace allegedly involving a worker, is contrary to s.14 of the WHS Act; with the partnership arrangement also covered pursuant to s.16 of the WHS Act.

I, Senior Inspector Jeff BEAVER, have formed a reasonable belief based on my enquiries summarised above, that ACTAS, as a person conducting a business or undertaking, failed to ensure, so far as is reasonably practicable, that the health and safety of other persons was not put at risk from work carried out as part of the conduct of the business or undertaking which is contrary to s.19(2) of the WHS Act. A contravention of s.19(2) may also invoke an offence pursuant to s.33 of the WHS Act.

The action, of failing to reasonably monitor its workplace in relation to psychosocial hazards, and, effectively contracting out its duty to do so to Swimming Australia without any mechanisms to properly inform itself of the outcomes of those enquiries, requires the issuing of this Improvement Notice to rectify the non-compliance.

Directions to Remedy  
Contravention

ACTAS must, within 90 days of receiving this Improvement Notice, provide evidence to the issuing Senior Inspector of the following:

1. Implement a system whereby ACTAS can receive, record and report on complaints received by participants at the ACT High Performance Swimming Hub;
2. Implement a system whereby ACTAS can triage and then, where deemed appropriate, investigate complaints by participants at the ACT High Performance Swimming Hub; and
3. Implement a risk register at the ACT High Performance Swimming Hub in relation to all work, health and safety hazards

High Performance Swimming Hub;  
 2. Implement a system whereby ACTAS can triage and then, where deemed appropriate, investigate complaints by participants at the ACT High Performance Swimming Hub; and  
 3. Implement a risk register at the ACT High Performance Swimming Hub in relation to all work, health and safety hazards including those related to coaching staff and participants.

Recommendations

Model Code of Practice: How to manage work health and safety risks - <https://www.safeworkaustralia.gov.au/doc/model-codes-practice/model-code-practice-how-manage-work-health-and-safety-risks>

Psychosocial hazards - <https://www.safeworkaustralia.gov.au/psychosocial-hazards>

Work-related psychological health and safety: A systematic approach to meeting your duties - <https://www.safeworkaustralia.gov.au/doc/work-related-psychological-health-and-safety-systematic-approach-meeting-your-duties>

Extension Details

Is Extension  Extension Date

Parent Notice

System Information

Created By Jeffrey Beaver, 23/02/2022 11:03 AM Last Modified By Lydia Somerville, 20/06/2023 2:11 PM

Owner Jeffrey Beaver

Notice History (3)

Date	Field	User	Original Value	New Value
------	-------	------	----------------	-----------

Psychosocial hazards - <https://www.safeworkaustralia.gov.au/psychosocial-hazards>

Work-related psychological health and safety: A systematic approach to meeting your duties - <https://www.safeworkaustralia.gov.au/doc/work-related-psychological-health-and-safety-systematic-approach-meeting-your-duties>

Extension Details

Is Extension  Extension Date

Parent Notice

System Information

Created By Jeffrey Beaver, 23/02/2022 11:03 AM Last Modified By Lydia Somerville, 20/06/2023 2:11 PM

Owner Jeffrey Beaver

Notice History (3)

Date	Field	User	Original Value	New Value
23/02/2022 5:02 PM	Record unlocked.	Anthony O'Bryan		
23/02/2022 11:03 AM	Record locked.	Jeffrey Beaver		
23/02/2022 11:03 AM	Created.	Jeffrey Beaver		

[View All](#)

Notices > N-0000003087  
Notice History

3 items • Sorted by Date • Updated a few seconds ago



Date	Field	User	Original Va...	New Value
1 23/02/2022 5:02 PM	Record unlocked.	Anthony O'Bryan		
2 23/02/2022 11:03 AM	Record locked.	Jeffrey Beaver		
3 23/02/2022 11:03 AM	Created.	Jeffrey Beaver		



Notices > N-0000003087

## Files

Add Files

1 item • Sorted by Last Modified • Updated a few seconds ago



	Title	Owner	Last Modified	Size	
1	 Improvement_Notice_N-0000003087.pdf	Anthony O'Bryan	23/02/2022 5:03 pm	55KB	

**From:** "Kelley, Rebecca" <Rebecca.Kelley@act.gov.au>  
**Sent:** 13/05/2022 9:24 AM  
**To:** "Palmer, Ben" <Ben.Palmer@worksafe.act.gov.au>  
**Cc:** "Corradini, Gerard" <Gerard.Corradini@act.gov.au>  
**Subject:** WORKSAFE ACT Improvement Notice (N-0000003087)

**OFFICIAL**

Dear Inspector Palmer

I reference the Worksafe ACT Improvement Notice (N-0000003087) issued from Inspector Beaver, and your recent email to Mr Gerard Corradini, Director ACT Academy of Sport (ACTAS). I am the CMTEDD Executive with responsibility to ensure compliance with the Notice and wish to update you on the progress and actions to date.

ACTAS is well advanced with updating existing processes and developing a new ACTAS Complaint Handling Procedure. This is based off existing CMTEDD procedures and new Sports Integrity Australia (SIA) Complaint Handling Procedures.

We have established an Advisory Panel to oversee and guide the improvement process. I chair the panel which includes representatives from CMTEDD, ACTAS and Swimming NSW. This Panel will meet regularly through to the end of 90-day term to monitor compliance, agree on the new updated Complaint Handling Procedures and provide advice to ACTAS on risks, policy and procedures.

ACTAS management is in current discussions with the National Sports Tribunal and SIA around working towards the new National Integrity Framework which will assist business improvement within ACTAS. As an aside, our program partner, Swimming Australia, is also working towards the National Integrity Framework.

I am also meeting with ACTAS management on a weekly basis to progress operational discussions pertaining to the improvements.

I look forward to providing our compliance report to you with associated evidence within the 90-day period by 21 July 2022.

I am available on [Sch 2.2\(a\)\(ii\)](#) or [Rebecca.Kelley@act.gov.au](mailto:Rebecca.Kelley@act.gov.au) if required.

Yours sincerely

Rebecca Kelley  
**Executive Branch Manager | Sport and Recreation**  
Economic Development | Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Level 3, Canberra Nara Centre, 1 Constitution Ave, Canberra City, ACT | PO Box 147, Civic Square, ACT 2608  
[www.sport.act.gov.au](http://www.sport.act.gov.au)

Phone 02 62074389 [Sch 2.2\(a\)\(ii\)](#)





Swimming NSW  
Performance Hub - Canberra

# Introduction

Through a four-way partnership between, Swimming NSW, Swimming ACT, Swimming Australia and the ACT Academy of Sport, the ACT Performance Hub will provide a transition High Performance program for swimmers to develop from talented Age Group Swimmers to the National Team.

The key components of the ACT Performance Hub will include;

- lane Space
- Sports Science and Sports Medicine Support (SSSM)
- High Performance Coach

Due to its strategic positioning, there is limited access to the Australian Institute of Sports (AIS) residential program for developing ACT swimmers or swimmers from the surrounding areas. Our evidence is that many of these swimmers either move interstate, internationally or exit the sport.

Historically, the AIS Swimming program assisted many regionally based NSW athletes to reach the National Team as well as become World Champions and Olympic Gold Medallists.

Clubs from Swimming ACT continue to achieve excellent results at the National Age Championships, but this does not currently transfer to the National Open Championships.

With a view to identify local opportunities for growth, It is worth noting that right at this point in time there are over 60,000 University students who live within a 20-minute radius of the AIS.

Through the ACT Performance Hub, an opportunity exists to re-commence a program at the AIS for ACT and regionally based NSW athletes who are excellent age group swimmers and are ready to make their transition to the National team. The ACT Performance Hub will not be a residential program, but will provide Head Coach, Sports Science and Sports Medicine (SSSM) support and training space for athletes.



# Purpose and Focus

The aim of the ACT Performance Hub, is to provide a High Performance Coaching environment based at the AIS. This service is extended to athletes residing in ACT and regional NSW. Athletes accepted in the Program will retain their NSW 'home club' identity with the goal of optimising performances of these athletes nationally and internationally.

Athletes who are considering relocation are also welcome to apply. Specific criteria will apply on application.

## Program Values

- Enhance High Performance outcomes for the ACT region and greater NSW
- Increase the number of athletes transitioning on to National Junior and Senior Teams
- Increase overall Coach Education across the ACT and regional NSW
- Provide increased SSSM support to ACT and regional NSW athletes.

## Shannon Rollason- Head Coach

Shannon Rollason has been appointed to the role of Head Coach at the ACT Performance Hub.

Shannon brings with him a wealth of expertise, experience and proven performance success. During Shannon's successful career to date, he has placed 38 swimmers on National Teams with 6 swimmers achieving World Record Performances: Jodie Henry in the 100m Freestyle and Rikke Molle Pedersen in the 200 Breaststroke.

Some of Shannon's impressive achievements to date include;

- 4 - time Olympic Coach -2004, 2008, 2012, and 2016 (Denmark)
- Coached swimmers to 23 Gold, 17 Silver and 15 Bronze medals at Olympic and World Championships across all 4 strokes
- 9 - time World Championships Team Coach
- 4 - time Australian Coach of the Year - 1999, 2001, 2002 and 2004
- Head Coach NTC Denmark



- ❖ **Facilitating Excellence**
- ❖ **Respecting the Effort of Others**
- ❖ **Creating Better People through Sport**



# Performance Hub Eligibility

Eligibility to train at the ACT Performance Hub may be defined but not limited by the below criteria;

➤ **National Age Finalists**

➤ **16 years and Over (including University aged students)**

This program is open for ACT and Regional NSW athletes that have transitioned or are transitioning from age group swimming to open swimming. Consideration is also offered to those who reside outside the ACT and Regional NSW. Please do not hesitate to contact Ron McKeon, SNSW State Head Coach [ron.mckeon@swimming.org.au](mailto:ron.mckeon@swimming.org.au) or 0418 409 758.

➤ **Collaboration with the athlete's home coach**

To be accepted into the ACT Performance Hub program, consultation and collaboration with the athlete's home coach and the ACT Performance Hub Head Coach is essential.

➤ **Recommendations from the SNSW State Head Coach**

The NSW State Head Coach from time-to-time may have conversations with home coaches around Australia to create opportunities for their athletes to move into the ACT Performance Hub program.

➤ **Hub Coach Discretion**

Final athlete acceptance to the ACT Performance Hub program ultimately is approved by the Head Coach in consultation with the NSW State Head Coach. Athletes must be able to recognise and acknowledge the key identified areas for development and must be willing to commit to addressing them in a Daily Performance Environment (DPE).

➤ **Training Agreement**

For anyone training at the HUB, a training agreement must be entered into that outlines the program as well as the conditions in which athlete's train at the AIS facility. A monthly training fee (\$200.00 PCM) is payable to the program. 100% of income derived from training fees are returned by way of program activities as outlined by the HUB Head Coach.



# Expressions of Interest

Please complete the below form to register your expression of interest in this program and email it to [ron.mckeon@swimming.org.au](mailto:ron.mckeon@swimming.org.au). The program coordinator will be in contact with you to further discuss potential opportunities at the ACT Performance Hub.

Name

D.O.B

Athlete Email

Parent/Guardian  
Email

Athlete Phone

Parent/Guardian  
Phone

Current Club

Coach Name

Coach Phone

Coach Email

Comments

Athlete  
Signature

---

Coach  
Signature

---

Date

Date

Please return the completed form to Ron McKeon [ron.mckeon@swimming.org.au](mailto:ron.mckeon@swimming.org.au)

# Safe Sport Framework

The safety of children and young people in our sport is paramount. We want swimming to be fun, enjoyable and safe for all. All of us in the Australian swimming community have a role to play in ensuring that we keep our proud sport as safe and enjoyable as possible. To access the Safe Sport Framework, click this link <http://www.swimming.org.au/Home/Swimmer-HQ/A-Sport-For-Everyone/Safe-sport.asp>

*Safe Sport Framework supplied by Swimming Australia*

## Contacts

For more information relating to the Swimming NSW ATC Performance Hub please contact;

State Head Coach: [Ron McKeon](#)



Photo courtesy of Nina Beilby



# ACT Ombudsman Practice Guide No.5 Employer Responsibilities

This practice guide provides information to assist employers in understanding their responsibility when responding to 'reportable allegations' and 'reportable convictions' against employees.

## Notifying the ACT Ombudsman

The ACT Ombudsman is responsible for monitoring the handling of reportable allegations and convictions against employees of all government and certain non-government entities in the ACT. The scheme requires that employers respond to and investigate allegations. The Ombudsman is also responsible for scrutinising the systems of these agencies for preventing and handling reportable allegations and convictions against employees.

Employers<sup>1</sup> that must notify the Ombudsman of reportable allegations or convictions against employees include:

- all ACT directorates
- a health service
- kinship and foster care organisations
- residential care organisations
- government and non-government schools
- child care services
- education and care service providers, including after school care.

## When an allegation is made

An employer must report any allegation of reportable conduct arising after 1 July 2017. When notifying the Ombudsman of a reportable conduct allegation, an employer must:

- notify the Ombudsman using a *s 17G Notification* form, available on our website, within 30 days of the employer becoming aware of the allegation. We encourage early consultation and ask employers to contact the Ombudsman as soon as possible after learning of an allegation
- provide details of the reportable allegation or conviction and what the entity proposes to do or has done

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<sup>1</sup> In this practice guide, the word employer is substituted for the term 'designated entity' which is defined in the Act. See s 17EA for the definition of 'designated entity.'

- provide copies of relevant material available at the time of notification. The employer is still required to notify the Ombudsman of the allegation even if Child and Youth Protection Services (CYPS) and/or police are already investigating a reportable allegation against an employee.

### At the conclusion of the entity investigation

Once the employer is satisfied that the investigation has been concluded, they must, as soon as possible, provide the Ombudsman with:

- completed s 17J Report (or final report), including findings and recommendations
- any report prepared by or for them relating to the investigation, as well as copies of all statements and other documents which form the basis of the report
- any comments that they may want to make about the report
- the results of the investigation
- advice of the action that has been taken, or will be taken (arising from the investigation), in respect to the reportable allegation or conviction.

This enables the Ombudsman to determine if the investigation was carried out in a satisfactory manner and appropriate action taken.

### Who is the employer and the employee?

It is the employer, or head of a designated entity, who is responsible for reporting to the Ombudsman (for example, the Chief Executive Officer for an organisation, or the Director-General for an ACT directorate). In some instances, the head of entity/employer may not be obvious and the entity should contact the Ombudsman for advice. An employer may wish to nominate a contact person for day-to-day correspondence or inquiries with the ACT Ombudsman and delegate actions required by the scheme.

For the purpose of the *Ombudsman Act 1989* (the Act) an employee<sup>2</sup> is any person engaged by a contract of employment to provide services to an employer under the scheme. The definition of employee also includes any individual engaged by an employer to provide services to children, such as volunteers, contractors, foster carers, students on placement and instructors of religion. This includes employees engaged by another organisation to provide services to children on behalf of the employer covered by the scheme, for example, through labour hire or subcontracting arrangements.

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<sup>2</sup> see s 17D of the Act.

## Responsibilities of the employer

Employers must:

- notify the Ombudsman of reportable allegations or convictions made against an employee, what action the employer intends to take and for what reason. Reports should be made as soon as possible but no later than 30 days after the employer becomes aware of the allegation. (See *s 17G Notification* on the website.)
- ensure systems, policies and procedures are in place for recording and responding to or investigating allegations or convictions involving reportable conduct against employees.
  - policies and procedures may include a code of conduct, managing and investigating complaints, misconduct, discipline, employee welfare and support
  - this includes allegations and convictions of reportable conduct that are exempt from notification to the Ombudsman.<sup>3</sup>
- provide information, as the Ombudsman requires, about the type and operation of the employer's systems to provide a safe environment for children in the employer's care, and systems for handling and responding to reportable allegations and convictions made against employees
- establish systems that require employees to notify the employer (or delegate), as soon as possible, of any concern, allegation or conviction of reportable conduct involving an employee, of which they become aware
- ensure ACT Policing and/or Child and Youth Protection Services are notified of allegations as appropriate in the first instance.
- provide to the Ombudsman on request, documents, updates and other information (including records of interviews) with respect to an investigation being undertaken.
- provide to the Ombudsman the results of an investigation, including copies of reports, evidence gathered and considered, the findings reached and action being taken or proposed to be taken as a result of an investigation.

## What does the employer need to report?

When a complaint or allegation is made about an employee, the employer should consider whether it constitutes an allegation of reportable conduct (a reportable allegation or a reportable conviction).

### Reportable conduct:

Employers covered by the scheme need to report allegations, offences or convictions relating to child abuse or child-related misconduct by an employee to the Ombudsman. It does not matter whether or not the employee engaged in the conduct in the course of employment or whether a child consents to the conduct. Reportable conduct includes:

- sexual offences and convictions where a child is a victim or is present
- offences against the person, including physical offences and convictions, where a child is a victim or is present
- conviction, or finding of guilt, under a territory law or a state or Commonwealth law, involving reportable conduct

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<sup>3</sup> Currently, no exemptions have been put in place by the ACT Ombudsman.

- inappropriate discipline or offences relating to protecting of children from harm in accordance with the provisions of the Education and Care Service National Law
- ill-treatment of a child (including emotional abuse, hostile use of force/physical contact, neglect and restrictive intervention)
- psychological harm
- misconduct of a sexual nature.
- Reportable conduct includes allegations, offences and convictions relating to any of the above.

A **reportable allegation** refers to an express assertion that reportable conduct has happened or may have happened (including a statement or declaration with or without proof). For an allegation to be notifiable to the Ombudsman, the following components are necessary:

- the person who is the subject of the allegation must be a current employee of a designated entity or have been an employee at the time the employer became aware of the allegation
- the employee must be identified or identifiable either by name or by other information including their description, work schedules and locations of the entity)
- the allegation must contain a description of behaviour that may constitute reportable conduct, and the child or young person who was alleged to have been involved in reportable conduct by an employee, must have been under 18 years at the time of the alleged incident or conduct.

A **reportable conviction** is defined as a conviction, or finding of guilt, under a territory law or a State or Commonwealth law, involving reportable conduct; and entered against the person before or after the commencement of the Act. Some common law convictions may also be reportable if related to similar conduct. More information is available in the ACT Ombudsman Practice Guide No 2: Identifying Reportable Conduct which is available on our website at [ombudsman.act.gov.au](http://ombudsman.act.gov.au).

## What to expect from the ACT Ombudsman

When the Ombudsman receives a notification, we will write to the employer to acknowledge receipt and provide a reference number and contact details. (See *The ACT Ombudsman Practice Guide No. 1: How the ACT Ombudsman Responds to Notifications and Reports*).

If the investigation has been completed at the point of notification, the Ombudsman will assess the information that the employer has provided and give feedback in response. If the investigation has not been completed, we will ask the entity to send us the final report when the investigation has been finalised.

The Ombudsman will work with employers under the scheme to build on existing misconduct procedures and reporting obligations. The Ombudsman will:

- monitor employers' investigations and analyse trends
- share information with police and key organisations to better protect children from abuse
- take complaints about the handling of reportable conduct
- provide guidance and support to entities on best practice, including conducting investigations that are procedurally fair

- consider investigating an allegation or conviction in limited circumstances
- monitor the policies, practices and procedures of an employer for the prevention of child abuse and child related misconduct.

Ombudsman staff may also observe interviews conducted by, or on behalf of, the entity and may confer with the people conducting the investigation about its conduct and progress. If asked, the investigators must provide the Ombudsman with any information relating to the investigation. The Ombudsman will consider and respond to the employer's *s 17J Report*. If the employer does not understand the comments or would like to raise issues about how the matter was addressed, the employer may contact the Ombudsman to discuss concerns. (See *The ACT Ombudsman Practice Guide No. 9: How the ACT Ombudsman Assesses an Employer's Response/Investigation*.)

## Contact

We encourage early contact with the ACT Ombudsman. You can contact us using the details below.

**Telephone: 02 6276 3770**

**Email: [act@ombudsman.gov.au](mailto:act@ombudsman.gov.au)**

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More information is available at [ombudsman.act.gov.au](http://ombudsman.act.gov.au)

Please note: This document is intended as a guide only. For this reason, the information should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases. To the maximum extent permitted by the law, the ACT Ombudsman is not liable to you for any loss or damage suffered as a result of reliance on this document. For the most up-to-date versions of cited Acts, please refer to [legislation.act.gov.au](http://legislation.act.gov.au).