



**Australian  
Calisthenic  
Federation**

# **ACF NON-NIF COMPLAINTS & DISPUTES MANAGEMENT POLICY**

**July 2025**

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## **ACKNOWLEDGEMENT**

The Australian Calisthenics Federation respectfully acknowledges the Traditional Owners of Country throughout Australia and recognises their continuing connection to land, waters and culture.

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## 1. INTRODUCTION

The Australian Calisthenics Federation (ACF) is committed to maintaining Calisthenics a safe and fair place for all participants. The ACF Non-NIF Complaints & Disputes Management Policy is designed to provide a clear and structured process for addressing complaints and disputes that fall outside the scope of the ACF National Integrity Framework (NIF).

This policy ensures that all non-NIF complaints are managed consistently, transparently, and equitably, fostering a safe and supportive environment for all participants. By adhering to these guidelines, the ACF aims to uphold the principles of good governance and integrity, ensuring that any issues are resolved effectively and in a timely manner.

## 2. PURPOSE

This Policy has been adopted alongside the ACF National Integrity Framework to establish a formal process for people and organisations engaging with the sport of calisthenics to resolve complaints, grievances, conflicts and disputes that arise in the context of their involvement in Calisthenics, but do not involve a breach of an ACF National Integrity Policy.

## 3. DEFINITIONS

In this Policy, the following words have the corresponding meaning:

**Australian Calisthenics Federation (ACF) Tribunal** means a committee composed of the ACF National Operations Manager, the ACF Chair, and an externally appointed person. This tribunal is established to handle serious and ongoing complaints.

**Activity** means a sporting contest, match, competition, event, or activity (including training), whether on a one-off basis or as part of a series, league, or competition, sanctioned or organised by a National Sporting Organisation or Relevant Organisation.

**Breach Notice** means a written notification given to the Respondent notifying them that they have not complied with the rules and conditions of the policies in the Framework.

**Complaint** means an expression of dissatisfaction or unacceptable experience.

**Complaints Process** means the method of handling and resolving a Complaint under the guidance of this Policy from the time that the Complaint is received to the Resolution.

**Complainant** means a person who, or an organisation which, makes a Complaint about a Respondent in accordance with this Policy.

**Hearings Tribunal** means a hearing where both parties involved in the matter attempt to resolve the dispute.

**Integrity Policies** means the following ACF sports integrity-related policies adopted under the National Integrity Framework:

- a. Child Safeguarding Policy;
- b. Competition Manipulation and Sport Wagering Policy;

- c. Improper Use of Drugs and Medicine Policy;
- d. Member Protection Policy; and
- e. Complaints, Disputes and Discipline Policy.

**Member** means a member of ACF or a Relevant Organisation, including:

- a. **Member Organisations**, which means each company or incorporated association that is a member of ACF – including each:
  - i. State, Territory, and club member; and
  - ii. affiliate that is a member of a State and Territory Member.

**Individual Members**, which means individuals who are registered with a Member Organisation

**NST** means the National Sports Tribunal.

**Participant** means:

- a. Participants who are registered with or entitled to participate in a Relevant Organisation or an ACF activity;
- b. Coaches appointed to train a participant or team in a Calisthenics Organisation or an ACF activity;
- c. Administrators who have a role in the administration or operation of a Relevant Organisation or ACF including owners, directors, committee members or other persons;
- d. Officials including adjudicators, examiners, technical officials, or other officials appointed by a Relevant Organisation, ACF, or any league, competition, series, Club or Team sanctioned by ACF; or
- e. Support Personnel who are appointed in a professional or voluntary capacity by a Relevant Organisation, ACF, or any league, competition, series, Club or Team sanctioned by ACF including sports science sports medicine personnel, team managers, agents, selectors, and team staff members.

**Prohibited Conduct** means the conduct prescribed in each of the ACF Integrity Policies.

**Relevant Organisation** means any of the following organisations:

- a. ACF;
- b. Member Organisations; or
- c. Any other organisation that has agreed to be bound by the ACF National Integrity Framework and Policies.

**Relevant Person** means any of the following persons:

- a. Individual Member;
- b. Participant;
- c. Employee;
- d. Contractor;
- e. Volunteer; or

- f. Any other individual who has agreed to be bound by the Framework and the Integrity Policies.

**Respondent** means the person/s or organisation/s against whom a Complaint has been made.

**Sanction** means the disciplinary actions taken against a Respondent for breaching a policy under the National Integrity Framework.

**Standard of Proof** for all substantive decisions made under this policy regarding allegations is the 'balance of probabilities.' This means that it must be more likely than not that the event in question occurred.

**Vulnerable Person** means a person who is:

- a. under the age of 18; or
- b. aged 18 or over but is or may be unable to take care of themselves or is unable to protect themselves against harm or exploitation, by reason of age, illness, trauma or disability, or any other reason.

#### 4. JURISDICTION

##### *4.1. Who this Policy Applies To*

- a. This Policy applies to Relevant Persons and Relevant Organisations.

##### *4.2. When this Policy Applies*

- a. This Policy applies to a grievance, dispute or complaint relating to:
  - i. a breach of the ACF Code of Conduct – Board & Management, or the ACF Code of Conduct – Participants, Coaches, Officials, Parents & Supporters by Relevant Persons;
  - ii. disputes between Relevant Persons and/or Relevant Organisations in their capacity as Relevant Persons or Relevant Organisations relating to their involvement in the sport of calisthenics;
  - iii. governance misconduct by Relevant Persons and/or Relevant Organisations in their capacity as Relevant Persons or Relevant Organisations relating to their involvement in the sport of calisthenics.

#### 5. HOW TO MAKE A COMPLAINT OR REPORT

##### *5.1. What is a Complaint?*

A Complaint means an informal or formal notification of an alleged grievance, dispute or complaint:

- a. made by a Complainant;
- b. relating to this policy; and
- c. against a Respondent.

### 5.2. Who Is a Complainant?

A Complainant must be a person or Organisation that is directly affected by the alleged complaint. Where the person directly affected by the conduct is a Vulnerable Person, a Complaint may be submitted on their behalf by a parent or guardian. The Vulnerable Person will still be considered to be the Complainant when a Complaint is submitted on their behalf. A Complainant's legal representative may make a complaint on the Complainant's behalf.

### 5.3. Who Can Be a Respondent?

A Respondent must be a Relevant Person or Relevant Organisation who is bound by the ACF Policies or Codes of Conduct they are alleged to have breached at the time the alleged complaint occurred.

### 5.4. Vulnerable Persons

- a. Where a Complainant or Respondent is a Vulnerable Person, the parent or guardian of the Vulnerable Person may act on the behalf of the Vulnerable Person and accompany them throughout the Complaints Process and any subsequent Resolution Process, including at any interview, Alternative Dispute Resolution process, or Hearings Tribunal or Appeals Tribunal.
- b. ACF and Relevant Organisations will have regard to the guide entitled "[Complaint Handling Guide: Upholding the rights of children and young people](#)" issued by the National Office for Child Safety in managing Complaints made on behalf of or involving Vulnerable Persons, or such other guide that may replace it.
- c. Any Complainant or Respondent may request that they be accompanied by a support person. This request will generally be granted unless there is a specific reason to deny it (for example, where the nominated support person is also a witness to the allegations or is continuously interrupting the interview process). Reporters and witnesses may be permitted to be accompanied by a support person where there is an identified need.

### 5.5. Withdrawing A Complaint

- a. A Complaint can be withdrawn at any time. Withdrawing a complaint must be done in writing or via electronic means.

### 5.6. Confidentiality

- a. All Complaints will be kept in confidence. Decisions around appropriate disclosure of information will be addressed on a case-by-case basis.
- b. All individuals involved in the complaint process, including the ACF Member Protection Officer, ACF Board and Management, investigators, and any other relevant parties, are required to maintain strict confidentiality. This obligation extends to the handling of all information related to the complaint to uphold the integrity of the investigation process.

## 6. THE INFORMAL COMPLAINTS PROCESS

Informal complaints may be concerns or issues raised by individuals that are typically resolved through less formal, direct, and immediate means. These complaints often involve minor grievances that do not require a formal investigation or written documentation.

An informal complaint may be the first action with regards to a complaint, and it can be escalated to a formal complaint after consultation with the ACF Member Protection Officer.

### 6.1. Informal Complaint Guidelines

Guidelines for resolving informal complaints encourage open communication and mutual understanding, allowing for issues to be addressed before they escalate to formal complaints.

#### a. Direct Communication

If appropriate and safe it is encouraged that a minor grievance be self-managed by the Complainant addressing their concerns directly with the Relevant Person or Relevant Organisation involved. When discussing the issue, it is important to remain respectful and constructive. Focus on behaviours or actions that have impacted you, rather than personal attacks.

#### b. Informal Mediation

If direct communication does not resolve the issue, a neutral third party, such as a coach, team manager or club official, can be asked to mediate the discussion. This person should facilitate the conversation, helping both parties understand each other's perspectives. The goal of informal mediation is to find a mutually agreeable solution. Both parties should be willing to compromise and work towards a resolution.

#### c. Documentation

While informal complaints do not require formal documentation, it can be helpful to keep notes of any discussions or agreements made. This can provide a reference if the issue resurfaces. It is important to follow up on any agreed actions to ensure the issue has been resolved satisfactorily.

#### d. Confidentiality

Ensure that the issue is kept confidential and only those directly involved are aware of the discussions. This helps protect the privacy of all parties and encourages openness.

#### e. Escalation

If the informal process does not resolve the issue, or if the complaint is too serious to handle informally, it should be escalated to the formal complaint process. This ensures that more serious concerns are addressed appropriately.

ACF reserves the right, at its discretion, to determine that any informal complaint brought to its attention is sufficiently serious to necessitate a formal investigation. In such cases, ACF may escalate the matter to a formal investigation without requiring a formal complaint lodgement.



## 7. THE FORMAL COMPLAINTS PROCESS

Formal complaints involve more serious or persistent issues that require a structured and documented process to resolve. These complaints often involve breaches of policy, code of conduct violations, or other significant concerns that necessitate a formal investigation and written records.

### 7.1. Formal Complaints Guidelines

Handling formal complaints in calisthenics involves a structured process to ensure fairness, transparency, and resolution of issues. The following steps outline the process for managing formal complaints under this Policy.

#### a. Determination of type and organisation level of complaint

Prior to making a formal complaint, it must be determined the type of complaint, and the organisation level that the issue has occurred. This will provide guidance to the initial steps to be taken in the formal complaints process.

##### i. The type of complaint and actions resulting:

Issues that require formal complaints may fall within three categories. Each type of complaint has a prescribed action to follow.

- (1) Reasonable suspicion that a child/young person is at risk of being abused or neglected. This type of complaint requires an **immediate response and reporting to police and / or child protection.**
- (2) An issue that relates to Prohibited Conduct under the ACF National Integrity policies, including, but not limited to, harmful behaviours towards a child / young person, bullying, discrimination, victimisation, vilification, improper use of drugs and medicine, and competition or sport wagering. This type of complaint is to be directed to [Sport Integrity Australia](#).
- (3) The complaint relates to an issue that is Calisthenics specific and relevant to this Policy as per Clause 4.2. Proceed to determining the organisation level at which the issue has occurred.

##### ii. The organisation level at which the issue has occurred:

There are three organisational levels under which the formal complaint could be directed. Depending on the level of organisation identified, different options for registering the formal complaint apply. In the event that it is unclear at which level the complaint should be addressed, contact the ACF Member Protection Officer for advice. If unsuccessful, unsatisfied, or the matter is not resolved, the matter can be escalated to the next level.

#### (1) Calisthenics Club level

- a. Lodge a complaint with the Club, following their complaint /grievance procedures.
- b. Contact the State Association Member Protection Officer for advice.

**(2)** State / Territory Calisthenics Association Level

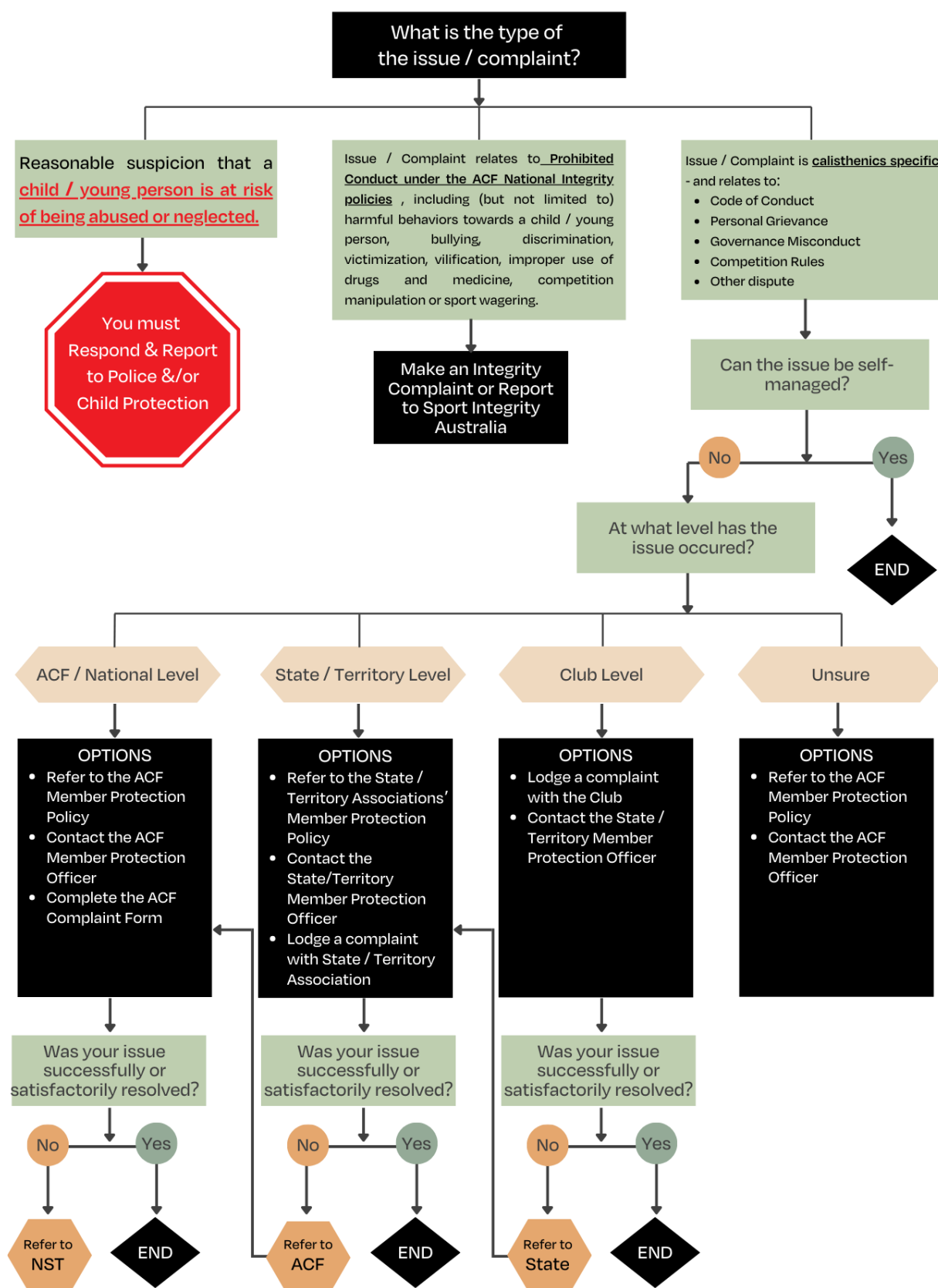
- a. Refer to the State/Associations Member Protection Policy.
- b. Lodge a complaint with the State/Territory, following their complaint /grievance procedures.
- c. Contact the State Association Member Protection Officer.

**(3)** ACF / National Level

- a. Refer to the ACF Member Protection Policy.
- b. Contact the ACF Member Protection Officer.
- c. Complete the [ACF Complaint Form](#) (available [here](#) or by emailing [complaints@calisthenicsaustralia.com.au](mailto:complaints@calisthenicsaustralia.com.au)).

The ACF Complaints Decision Flowchart in Figure 1 provides a graphic representation of determining the type and level of the complaint.

**ACF COMPLAINTS DECISION FLOWCHART**



**Figure 1. ACF Complaints Decision Flowchart**

b. Submission of Formal Complaint to ACF

After identifying the type of complaint 1) relates to an issue that is Calisthenics specific and relevant to this Policy as per Clause 4.2., and 2) identifies the organisational level under which the complaint is to be directed is the ACF (see Clause 7.1a to assist with these determinations), a Complainant may make a formal complaint by completing and submitting the [ACF Complaint Form](#) (available [here](#) or by emailing [complaints@calisthenicsaustralia.com.au](mailto:complaints@calisthenicsaustralia.com.au)).

c. Initial Assessment of Formal Complaint to ACF

On submission of the Formal Complaint Form, an initial assessment will be commenced by the ACF Member Protection Officer or an ACF assigned Complaint Case Manager, with support from the ACF National Operations Manager (NOM), and / or the ACF Chair. The ACF Member Protection Officer or Case Manager will conduct a preliminary review of the complaint to ascertain the nature of the complaint, and that it falls within this Policy and not the National Integrity Framework. Based on the initial assessment the ACF Member Protection Officer/Case Manager will decide if the complaint can be resolved informally or requires a formal investigation.

If it is determined the complaint falls within the National Integrity Framework, the ACF Member Protection Officer/Case Manager and / or NOM will take appropriate action under the [ACF National Integrity Framework Complaints, Disputes and Discipline policy](#), and / or refer the complaint to Sports Integrity Australia.

## 7.2. Formal Investigation

a. Where the ACF Member Protection Officer/Case Manager deems the complaint to require a formal investigation, they will begin the following investigation guidelines:

- i. Interview the complainant to clarify the grievance or dispute and identify the outcome the complainant is seeking. Written notes of the interview are to be taken and recorded.
- ii. Convey full details of the complaint to the respondent (s) and interview the respondent to allow them to answer the complaint. Written notes of the interview are to be taken and recorded.
- iii. Obtain statements from witnesses and other relevant evidence to assist in a determination.
- iv. Make a finding as to whether the complaint is:
  - substantiated (there is sufficient evidence to support the complaint);
  - inconclusive (there is insufficient evidence either way);
  - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
  - mischievous, vexatious or knowingly untrue.
- v. Provide a written report to the ACF NOM to document the complaint, investigation process, evidence, finding and recommendations.

- b. ACF may, on advice from the ACF Member Protection Officer/Case Manager or ACF NOM, who believes it is appropriate and relevant, direct persons involved in the complaint to refrain from participating in calisthenics activities for the duration of the investigation.
- c. If the matter is deemed to be of significant seriousness, including previous complaints, or concerns about the inability to resolve the issue, the ACF NOM may escalate the issue to the ACF Tribunal at any time.
- d. If a resolution cannot be achieved due to a stalemate or non-compliance by the parties involved, the ACF Member Protection Officer and/or the National Operations Manager (NOM) may appoint an external investigator or mediator. The costs associated with this appointment will be discussed and agreed upon prior to the appointment.
- e. The Complainant and the Respondent(s) will be entitled to support throughout this process from their chosen support person/adviser (e.g. MPIO or other person).

## 8. FINDINGS AND RESOLUTION PROCESS

- a. ACF must implement an appropriate resolution process for a Formal Complaint Investigation.
- b. ACF may delegate the management of the resolution process to another Relevant Organisation. When considering delegation, ACF will consider if there are any conflict of interest matters that may arise if the resolution process were to be managed at the Relevant Organisation level or if the Relevant Organisation does not have the capacity to manage the resolution process.
- c. The ACF is ultimately responsible for applying and administering disciplinary actions and sanctions (including the issuance of a Breach Notice to the Respondent) and other related measures as they see fit, having regard to the nature and severity, and the relevant circumstances in which the complaint arose. This includes preceding incidents, the impact on the individuals involved, and existing organizational policies and guidelines that determine appropriate responses and disciplinary actions, and the compliance and cooperation of those involved.
- d. Where a Respondent admits the Alleged Breach and accepts the Sanction or fails to respond to the Breach Notice within the time prescribed within the Breach Notice, the ACF NOM, in consultation with the ACF board, may take steps to impose and implement the Sanction and proceed to finalising the Complaint.

### 8.1. Notifications to Parties

- a. ACF will be responsible for communicating with the Respondent throughout the Resolution Process and will notify both the Complainant and the Respondent at the conclusion of the Complaints Process.

### 8.2. Appropriate Sanctions

- a. ACF may impose Sanctions where the behaviour warrants such action.
- b. When deciding on an appropriate sanction, ACF may consider:

- i. The seriousness of the behaviour;
  - ii. Whether it was a one-off incident or part of an overall pattern of behaviour;
  - iii. Whether it was an honest and reasonable mistake;
  - iv. The potential impact on public confidence in the integrity of the sport;
  - v. The views and opinion of the Complainant; and
  - vi. Any relevant aggravating or mitigating factors.
- c. Where the Complaint relates to misconduct, or the outcome of the investigation process includes Sanctions, the matter will be referred to the NOM and the ACF Board for consideration. A range of Sanctions may be deemed necessary to resolve or address the behaviour complained of, including but not limited to:
- i. Written Reprimand or Warning.
  - ii. Formal Apology.
  - iii. Direction to attend Training, Education or Counselling.
  - iv. Placing an individual on a probation period.
  - v. Assigning a mentor to guide and monitor the individual's conduct.
  - vi. Suspension or Termination of ACF Accreditation.
  - vii. Revocation of ACF Awards.
  - viii. Exclusion from activities or events held by ACF and / or calisthenics organisations.
  - ix. Suspension or Termination of Membership from ACF and / or Member Organisations.

### 8.3. Breach Notice

- a. Where a Complaint has been found to be substantiated, ACF must send a Breach Notice to the Respondent.
- b. In response to a Breach Notice, a Respondent may:
  - i. Admit the Alleged Breach, waive their right to a hearing and accept the proposed Sanction;
  - ii. Dispute the Alleged Breach and/or the proposed Sanction, in which the matter will be referred to a Hearing Tribunal under this Policy; or
  - iii. Not respond, in which case they will be deemed to have admitted the Alleged Breach, waived their right to a hearing and accepted the proposed Sanction.
  - iv. A Respondent has 14 days from receipt of the Breach Notice to notify the ACF NOM of their decision.

### 8.4. Referral To a Hearing Tribunal

- a. If the Respondent disputes the alleged breach and/or Sanction, the NOM must:
  - i. If an NST eligible matter, refer the alleged breach to the NST General Division for arbitration;
  - ii. For all other matters, refer the alleged breach to an Internal Hearing Tribunal, either at the ACF level or Relevant Organisation level.
- b. ACF is responsible for making the application and paying any application and service fees to the NST.

- c. ACF is responsible for appointing and convening an ACF level Internal Hearing Tribunal. See Appendix 1.

### 8.5. Appeals

- a. A decision of a Hearing Tribunal can only be appealed on the following grounds:
- i. The Hearing Tribunal failed to abide by this Policy or to properly apply the relevant Policy and such failure resulted in a denial of natural justice; and/or
  - ii. No reasonable decision maker in the position of the Hearing Tribunal, based on the material before them, could reasonably make such a decision.
- b. For an appeal to be valid it must be submitted within 14 days of the notice of the Hearing Tribunal's decision.
- i. NST Hearing Tribunal: Follow the NST Appeals Division Grounds of Appeal process.
  - ii. Internal Hearing Tribunal:
    - (1)** Lodge a written Notice of Appeal to the ACF Chair stating the full Grounds of Appeal, including relevant documentation;
    - (2)** Pay the ACF appeal fee as set from time to time;
    - (3)** Serve a copy of the Notice of Appeal to the other party.
- c. ACF is responsible for convening an ACF Appeals Tribunal. See Appendix 2.

### 8.6. Failure to Co-operate

- a. Relevant Persons and Organisations bound by this Policy must fully comply with the Complaints and Resolution Processes chosen to resolve an Alleged Complaint.
- b. Respondents' failure or refusal to comply with the Processes as outlined in this Policy within a reasonable time, may result in an adverse finding and form part of the Alleged Breach.
- c. If a resolution cannot be achieved due to a stalemate or non-compliance by the parties involved, the ACF Member Protection Officer and/or the National Operations Manager (NOM) may appoint an external investigator or mediator. The costs associated with this appointment will be discussed and agreed upon prior to the appointment.

### 8.7. Alternative Dispute Resolution

- a. The Complainant and the Respondent may agree to an alternative dispute resolution. The Complaints Process may be suspended while alternative dispute resolution is pursued. The Complaints Process may be discontinued if both parties are satisfied that the matter has been resolved.
- b. This Alternative Dispute Resolution process may be coordinated by the ACF Member Protection Officer.

## 9. FINALIZING THE FORMAL COMPLAINTS PROCESS

- a. The following outlines when the Processes will be considered finalized:



- a. Written Warning: When the Relevant Organisation notifies the relevant parties of its decision;
  - b. Breach Notice: When the Respondent admits the Alleged Breach, waives their right to a hearing and accepts the Sanction, or is deemed to have done so;
  - c. Hearing Tribunal: When the parties to the proceedings are notified of the decision and no appeal has been filed; or
  - d. Appeals Tribunal: When the parties to the proceedings are notified of the decision.
- b. All decisions with regards to Sanctions applied under this policy will be recognised and respected by all other Relevant Organisations upon receipt of notice of the Sanction without the need for further formality. Relevant Organisations will take all legal steps available to enforce and give effect to the Sanction.
- c. It is the ultimate responsibility of ACF to ensure that appropriate Sanctions (or other alternative actions) are undertaken, and that all ACF Policies, including the ACF Framework and Integrity Policies and Codes of Conduct, are implemented and applied. ACF is responsible for ensuring that Relevant Persons and Relevant Organisations are aware of their Policies and facilitate an understanding for how they apply to individuals and organisations within Calisthenics.

## 10. RECORD KEEPING

- a. ACF and Relevant Organisations are responsible for maintaining a record of Alleged Breaches for a minimum of 7 years from the date of resolution of Complaints made under this Policy. Records are to include dates of events and other relevant information as outlined in ACF'S Confidential Record of Formal Complaint Template, including:
  - i. Alleged Breach
  - ii. The Complainant
  - iii. The Respondent
  - iv. The Process followed
  - v. The Outcome

## 11. RELATED DOCUMENTS

The following documents may be used as reference information for the deployment of this policy/procedure:

Reference	Title	Identifier
(1)	ACF Safeguarding Children & Young People Policy	ACF-076-POL
(2)	ACF Member Protection Policy	ACF-075-POL
(3)	ACF Inclusion Framework & Policy	ACF-008-POL
(4)	ACF Code of Conduct – ACF Board & Management	ACF-078-POL



(5)	ACF Code of Conduct – Participants, Coaches, Officials, Parents & Supporters	ACF-079-POL
(6)	ACF Social Media Policy	ACF-059-POL
(7)	ACF Formal Complaint Form	ACF-168-FRM
(8)	ACF Confidential Record of Formal Complaint Form	ACF-170-FRM
(9)	ACF Breach Notice Template	ACF-171-TMP
(10)	ACF Written Warning Notice Template	ACF-172-TMP

**AUTHORISATION**

*Kerry Sargent*

Signature of ACF Chair

Date of Approval by the Board – 26/06/2025

Australian Calisthenics Federation

<b>Version Control Table</b>		
<b>Version</b>	<b>Date Endorsed</b>	<b>Approved By</b>
001	25 June 2025	ACF Board

## APPENDICES

### APPENDIX 1. ACF HEARING TRIBUNAL

#### 12.1. *Tribunal Schedule*

- a. The ACF Hearing Tribunal is to be convened by ACF (or Member Organisation where relevant) and the composition is to include:
  - i. Tribunal Chairperson: An independent and impartial individual, preferably with legal or judicial experience, to oversee the proceedings and ensures fairness.
  - ii. Tribunal Members: To include up to three experienced members from the ACF Board and / or Member State Organisations, legal experts, or individuals with relevant expertise in the sport or dispute resolution.
  - iii. Support Staff: Administrative personnel to manage documentation, scheduling, and other logistical aspects of the tribunal process.
- b. The Tribunal will not include any person who has any actual or perceived conflict of interest, or bias regarding the matter.
- c. The Tribunal members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the ACF NOM relating to the complaint/allegations.
- d. The Tribunal will be scheduled as soon as practicable, but must allow adequate time for the Respondent to prepare their case for the hearing.

#### 12.2. *Tribunal Notification – Respondent*

- a. The ACF NOM will inform the Respondent(s) in writing that a tribunal hearing will take place. The notice will outline:
  - i. That the person has a right to appear at the tribunal hearing to defend the complaint/allegation;
  - ii. Details of the complaint, and details of all allegations and the clause of any policy or rule allegedly breached;
  - iii. The date, time and venue of the tribunal hearing;
  - iv. That they can make either verbal or written submissions to the Tribunal;
  - v. That they may arrange for witnesses to attend the Tribunal in support of their position (statutory declarations of witnesses not available or from character witnesses may also be provided to the Tribunal);
  - vi. An outline of any possible penalties that may be imposed if the complaint is found to be true; and

- vii. That legal representation will not be allowed. If the respondent is a minor, they should have a parent or guardian present.
- viii. A copy of any information / documents that have been given to the Tribunal (e.g. investigation report findings);
- b. The respondent(s) will be allowed to participate in all ACF activities and events, pending the decision of the Tribunal, including any available appeal process, unless under Clause 7.2b the Respondent has been directed by ACF direct to refrain from participating in calisthenics activities.

### **12.3. Tribunal Notification – Complainant**

- a. The ACF NOM will inform the Respondent(s) in writing that a tribunal hearing will take place. The notice will outline:
  - i. That the person has a right to appear at the tribunal hearing to support their complaint;
  - ii. Details of the complaint, including any relevant rules or regulations the respondent is accused of breaching
  - iii. The date, time and venue of the tribunal hearing;
  - iv. That they can make either verbal or written submissions to the Tribunal;
  - v. That they may arrange for witnesses to attend the Tribunal in support of their position (or provide statutory declarations from witnesses unable to attend); and
  - vi. That legal representation will not be allowed. [If complainant is a minor, they should have a parent or guardian present.]
  - vii. A copy of any information / documents that have been given to the Tribunal (e.g. investigation report findings).
- b. If the Complainant believes the details of the complaint are incorrect or insufficient they should inform the Complaints Coordinator as soon as possible so that the Respondent and the Tribunal Panel members can be properly informed of the complaint.
- c. It is preferable that the Tribunal include at least one person with knowledge or experience of the relevant laws/rules (e.g. Discrimination).

### **12.4. Tribunal Procedure**

- a. An ACF Hearing Tribunal may be convened virtually, or in person. The Tribunal may invite the following to assist with their enquiries:
  - viii. The Respondent(s);
  - ix. The Complainant;
  - x. Any witnesses called by the Respondent;
  - xi. Any witnesses called by the Complainant;

- xii. Any parent / guardian or support person required to support the Respondent or the Complainant.
- b. If, after invitation, the Respondent(s) is not present at the set hearing time and the Tribunal Chairperson considers that no valid reason has been presented for their absence, the Tribunal Hearing will continue subject to the Tribunal Chairperson being satisfied that all Tribunal notification requirements have been met.
  - i. If the Tribunal Chairperson considers that a valid reason for the non-attendance of the Respondent(s) has been presented, or the Tribunal Chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal will be rescheduled to a later date.
  - ii. The Tribunal Chairperson will inform the NOM of the need to reschedule, and the NOM will organise for the Tribunal to be reconvened.
- c. If the respondent agrees with the Complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal Panel.
- d. If the Respondent disagrees with the complaint, the Complainant will be asked to describe the circumstances that lead to the complaint being made. The Complainant may refer to notes and call witnesses.
- e. The Respondent(s) will then be asked to respond to the complaint. The Respondent may refer to notes and call witnesses.
- f. Both the Complainant and Respondent may be present when evidence is presented to the Tribunal. Witnesses may be asked to wait outside the hearing until required.
- g. The Tribunal may:
  - i. consider any evidence, and in any form, that it deems relevant.
  - ii. question any person giving evidence.
  - iii. limit the number of witnesses presented to those who provide any new evidence.
  - iv. Require the attendance of any witness it deems relevant.
  - v. Act in an inquisitorial manner in order to establish the truth of the issue/case before it.
- h. Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.
- i. If the Tribunal considers that at any time during the Tribunal Hearing that there is any unreasonable or intimidatory behaviour from anyone the Chairperson may stop further involvement of the person in the hearing.
- j. After all of the evidence has been presented the Tribunal will make its decision in private. The Tribunal must decide whether the complaint has been substantiated to the Standard of Proof (see SIA Resource: Determining the Balance of Probabilities). As the seriousness of the allegation

increases, so too must the level of satisfaction of the Tribunal that the complaint has been substantiated.

- k. All Tribunal decisions will be by majority vote.

#### **12.5.      *Notification of Tribunal Decision***

- a. Within 48 hours, the Tribunal Chairperson will:
  - i. Forward to the ACF NOM and Board, a copy of the Tribunal decision including any disciplinary measures imposed.
  - ii. Forward a letter to the Complainant and Respondent(s) reconfirming the Tribunal decision and any Sanctions imposed. The letter should also outline, if allowed, the process and grounds for an appeal .
  - iii. Where the matter is of unusual complexity or importance, the Tribunal Chairperson may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours.
- b. The Tribunal does not need to provide written reasons for its decision.

**APPENDIX 2. ACF APPEALS****13.1. Appeals Tribunal Schedule and Procedure**

- a. The Appeals Tribunal is to be convened by the ACF (or Member Organisation where relevant) and is to include:
  - i. Appeals Tribunal Chair: An independent and impartial individual to oversee the proceedings and ensures fairness.
  - ii. Tribunal Members: To include up to two experienced members from the ACF Board and / or Member State Organisations, legal experts, or individuals with relevant expertise in the sport or dispute resolution.
- b. The Appeals Tribunal will not include any person who has any actual or perceived conflict of interest, or bias regarding the matter, or who has served on the ACF Hearing Tribunal for the matter.
- c. The Appeals Tribunal members will be provided with a copy of the Notice of Appeal, the Hearing Tribunal decision, and any supporting or relevant documentation.
- d. The Appeals Tribunal will be scheduled as soon as practicable and may be convened virtually, or in person.
- e. The Appeals Tribunal must determine, to the Standard of Proof (see SIA Resource: Determining the Balance of Probabilities, that the Grounds of Appeal as set out in Clause 8.5 of this Policy are proven and may result in the Appeals Tribunal:
  - i. Dismissing the appeal
  - ii. Upholding the appeal
  - iii. Reducing, increasing, or otherwise varying any Sanction imposed by the Hearing Tribunal under this Policy.
- f. The Appeals Tribunal must not rehear the matter or the facts of the Alleged Breach.

**13.2. Notification of Appeals Tribunal Decision**

- a. Within 48 hours of the Appeals Tribunal, the Appeals Tribunal Chairperson will forward to the parties of the proceedings, including the Respondent, Complainant, ACF NOM and Board, a copy of the Appeals Tribunal decision including any change to Sanctions imposed.
- b. The Appeals Tribunal does not need to provide written reasons for its decision.
- c. The decision of the Appeal Tribunal will be final.