



# SIMPLIFIED MINOR CONCERNS AND COMPLAINTS HANDLING PROCESS

## KARTING AUSTRALIA'S JUDICIAL AND INTEGRITY SYSTEMS BYLAW B7 "COMPLAINTS AND DISCIPLINE OF MEMBERS"

Karting Australia has two (2) important systems in place to ensure fairness and integrity in our sport.

The first system is governed by our **National Competition Rules ("NCR")**. It applies to matters that arise during Race Meetings as detailed in the "Australian Karting Manual." This system includes the use of: Infringement Notices, Penalty Notifications, and Stewards hearings. Most matters that are dealt with under our NCR's are completed by the end of the Meeting.

**Our Officials are authorised to deal with acts of MISCONDUCT at a Meeting.**

The offence of Misconduct may include acts of unacceptable or disrespectful behaviour - bullying, intimidation, abuse etc. [Refer to General Rules, Chapter 8 Rule 5 u)]. When an Official becomes aware of an alleged act of Misconduct, we urge them to immediately take reasonable action in accordance with our National Competition Rules.

Alleged acts of **Misconduct** should always be referred to the **Stewards** for investigation and action. Officials should not wait for or insist that a Protest is lodged.

This is the fastest, simplest, and most effective way of dealing with bad behaviour in our sport.

The second system is called the **Karting Integrity Framework ("KIF")**. It is based on our Bylaws and Policies and applies to all activities organised or authorised by Karting Australia or its affiliated organisations. It focuses on upholding sports integrity and includes addressing issues like manipulation of competitions, improper use of drugs, abuse of children and other persons in our karting environment, and failure to protect members from bullying, intimidation, discrimination, or harassment.

The Karting Integrity Framework, based on **Sport Integrity Australia's National Integrity Framework**, deals with a wider range of ethical principles and issues. The KIF is more complex to manage but provides guidance on integrity matters beyond what the National Competition Rules cover.

To assist Member States and Affiliated Clubs to effectively address integrity issues, we have developed and provide for your use, a number of resources such as the **"Two-Strike Warning Letter System"** and **"Breach Notice Templates"**.

This Concerns and Complaints Handling document summarises the steps involved in assessing, determining, and resolving complaints related to prohibited conduct under the KIF. It serves as a simplified guide for processing formal concerns and complaints and is intended for use by State Karting Associations and Affiliated Club Administrators.

While this summary document is not definitive, it is intended to help Clubs and State Associations understand their responsibilities in handling complaints within their jurisdiction and the template letters and notices provided will provide you with simply completed documents that you may need to use when dealing with alleged integrity issues in your Club or State.

Administrators should consult the KIF policies and documents for complete guidance.

**Essential Links:** [Karting Australia Integrity Framework](#) and [Bylaw 7 - Complaints and Discipline Of Members](#)

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## TWO-STRIKE WARNING LETTER SYSTEM

### **Purpose**

For use in the handling of **minor alleged breach issues** that come to the attention of a Club or Member State.

In the Karting Australia community (Karting Australia, Member State Associations, Clubs, personal Members, and suppliers) we take behavioural standards seriously and strive to maintain a positive and respectful environment for all Members.

By providing clear guidelines and consequences, we aim to encourage responsible behaviour and ensure the well-being of our members.

Most alleged breaches of behavioural standards in our sport fall into the minor incident/issue category.

Minor issues are best dealt with at Club or State level by applying a fair and progressive approach in an attempt to de-escalate issues before they require the application of disciplinary procedures.

**In order to address minor breaches of our standards, we recommend implementing a two-strike warning letter system.**

We have made available to each Club and State Association a series of draft template “**First and Second Warning**” Letters for your use. (They are provided in **Part 2** of “Karting Integrity Step By Step Concerns and Complaints Handling Process” documents that are supplied and are available in the Club Toolkit <https://www.karting.net.au/club-toolkit> )

In most cases, the First Warning letter, that serves as a reminder and opportunity for improvement, should cause a reasonable person to reflect on what has happened and to modify their behaviour. If that either does not happen, or if the recipient of the **First Warning Letter** becomes the subject of a further alleged breach, then a Club or State Association should send a **Second and Final Warning Letter** that indicates a more serious concern and requires the person to do certain things to resolve the issue/s.

Serious or repeated allegations of behavioural breaches may result in the actions prescribed in section 5 through 10 being enacted.



### **NOTE.**

**THIS STEP BY STEP GUIDE FOLLOWS THE SAME NUMBERING REGIMEN AS BYLAW B7.**

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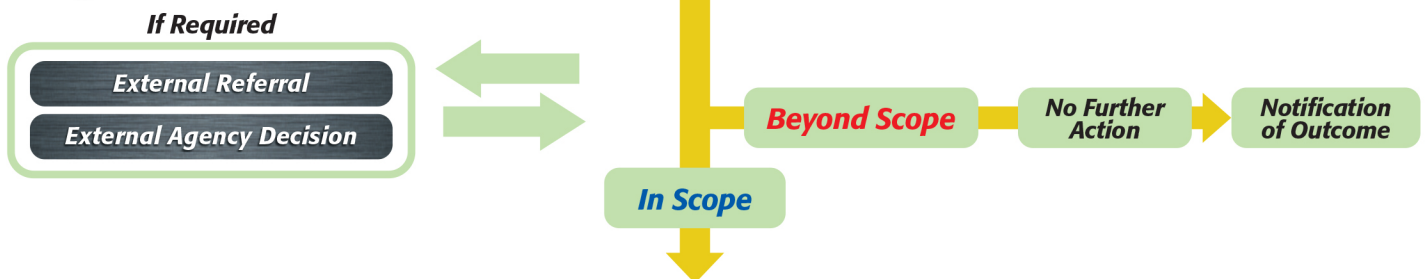
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# Formal Complaints Process Steps

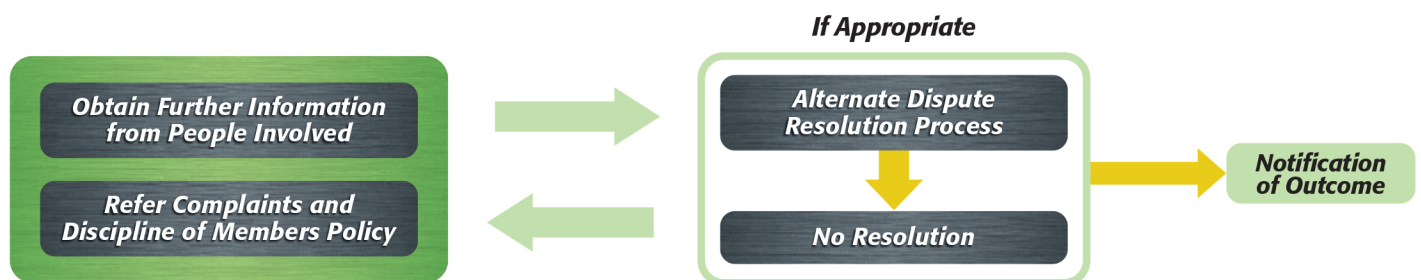
## Step 1 Complaint Received

KA Complaints Form

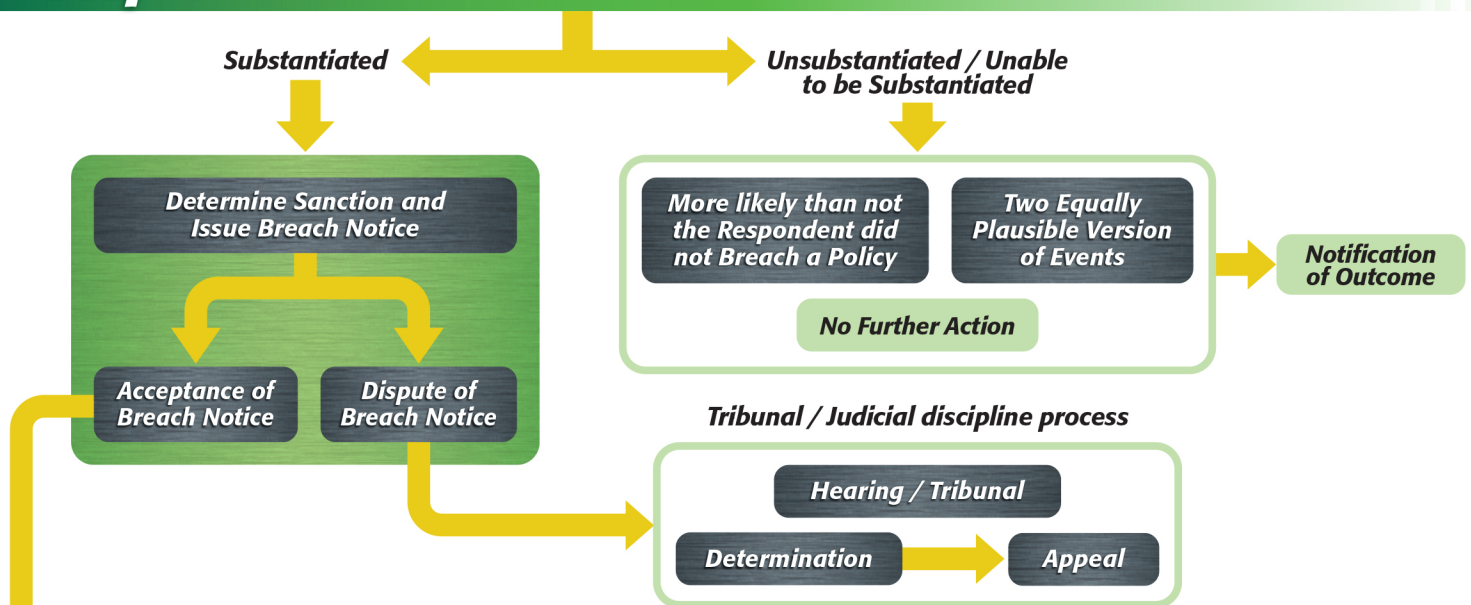
## Step 2 Initial Evaluation



## Step 3 Assessment / Investigation



## Step 4 Outcome



## Step 5 Finalisation



## 1. Purpose (Abridged)

If a Member is reasonably suspected to have breached KA's Non-sporting Rules, that Member may be subject to a Complaint and, if it considered necessary:

- An Investigation conducted in accordance with Bylaw 7 and/or
- Being required to appear as the Respondent at a:
  - Karting Australia Tribunal Hearing; or a
  - National Sports Tribunal ("NST") Hearing.
- Disciplinary action in accordance with the procedures and powers detailed in By-law B8.

By-law 7 provides the procedures for dealing with:

- Grievances and Concerns,
- Complaints,
- Misconduct and malpractice,
- Non-compliance with KA's Non-sporting Rules,
- The application of discipline that may be required to ensure compliance with the Non-sporting Rules by Members.

## 2. Definitions (Abridged)

**Complaint** means a formal notification, using a KA [Complaint Form](#), of a complaint relating to Prohibited Conduct by a Respondent of an Eligible Policy in relation to KA's Non-sporting Rules.

**Complaints Process** means the process of handling and resolving a Complaint under this By-law from the point where the Complaint is received to the finalisation of the Resolution Process.

**Complainant** means a person who or an organisation which makes a Complaint about an Alleged Breach by a Respondent in accordance with this By-law.

**Concern** means a preliminary advice, using a [Concern Form](#), that a Member/s may not be complying with KA's Non-sporting Rules.

**Integrity Policy** means the following KA sports integrity-related policies adopted under this Framework:

- |   |  |
|---|--|
| a. This Framework document;                 | f. Social Media & Acceptable Use Of Social Media Policy; |
| b. Child Safeguarding Policy;               | g. Competition Manipulation & Sports Wagering Policy;    |
| c. Member Protection Policy;                | h. Complaints & Discipline of Members Bylaw (Bylaw 7);   |
| d. Improper Use of Drugs & Medicine Policy; | i. KA Tribunals (Bylaw 8).                               |
| e. Code of Conduct Policy;                  |  |

**Member** means a member of KA or a Member Organisation under Clause 5 of [KA's Constitution](#).

**Non-sporting Rules** means KA's Constitution, By-laws, Rules (other than those that are required to be dealt with by Stewards, and/or Disciplinary Tribunal's and/or Investigatory Tribunal's as specified in the National Competition Rules), Policies – including but not limited to the KA Integrity Framework, Member Protection Policy, Child Safeguarding Policy, Procedures and Regulations.

**Relevant Organisation** means any of the following organisations: KA, Member Organisation, Karting Organisation, which means and includes Member Organisation, Clubs, Authorised Provider - any non-Member organisations including but not limited to service providers and suppliers, teams, any other organisation who has agreed to be bound by the KIF.

**Relevant Person** means any of the following persons: a Member, Employee, Contractor, Volunteer who is engaged by KA or a Karting Organisation in any capacity, including but not limited to directors and office holders, coaches, driving instructors, officials, administrators, and support personnel including team mechanics and pit crew, Any other individual who has agreed to be bound by the KIF.

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### 3. Preliminary Matters (Abridged)

#### 3.1 What is a Complaint?

- A Complaint refers to an official grievance lodged within the KA (Karting Association) structure, concerning an alleged violation of Non-sporting Rules.
- Any Member, the KA Board, or CEO may raise a Concern or make a formal Complaint about a Relevant Person or Relevant Organisation if they believe that the Relevant Person or Relevant Organisation has breached the Non-sporting Rules.

#### 3.2 What is an Alleged Breach?

- An Alleged Breach implies an accusation that a Relevant Person or Organisation (including KA or Karting Organisations) has engaged in Prohibited Conduct under an Eligible Policy.
- It covers various misconducts including, but not limited to: breaching the Code of Conduct, engaging in prohibited conduct (Prohibited Conduct is any action or behaviour that is explicitly not allowed in accordance with KA's Policies and Bylaws), bringing the sport or a Member Organisation into disrepute, engaging in physical or verbal assault, intimidating someone, or creating an environment that is hostile, appointing unauthorised persons, harassment, disclosing confidential information, non-compliance with penalties or disciplinary processes.

#### 3.3 What is not an Alleged Breach?

- Excludes allegations or information not related to Prohibited Conduct under an Eligible Policy.
- Excludes Personal Grievances, knowingly false claims, or matters that have been previously addressed.
- An exception is if new information or evidence has emerged that was not known during the original complaint.

#### 3.4 Who can be a Complainant?

- Any Relevant Person or organisation, including KA, with information of an Alleged Breach.
- KA ensures fair treatment without retaliation for those filing a complaint.
- It is an offence to maliciously or knowingly make a false complaint. This may result in disciplinary action against the Complainant.

#### 3.5 Who can be a Respondent?

- A Respondent must be a Relevant Person or Relevant Organisation bound by the Eligible Policy alleged to have been breached.
- Respondents can also be those who were under the Eligible Policy at the time of the alleged breach.
- A Respondent cannot be an entity over which KA, or a Karting Organisation has no jurisdiction.
- Both Complainants and Respondents are entitled to support during the process, with restrictions on who can serve as a support person or advisor.

### 4. How to Make a Complaint (Abridged)

#### 4.1 Submitting a Complaint

- Fill in **KA Concern Form** or **KA Complaint Form** and submit it to the relevant authority based on the level the issue pertains to (see the points below - Club, State, or National (KA)) (the "**Authority**").
- If a Concern or Complaint relates to behaviour or an incident that occurred at the:
  - Club level**, or involves people operating at the Club level, then the KA Concern/Complaint should be reported to and handled by the relevant Club in the first instance.
    - Note: The Club upon receiving a properly completed KA Concern/KA Complaint Form must provide a copy of the KA Concern/KA Complaint Form to their Member State for their information.**
  - State level**, or involves people operating at the state level, then the Concern/Complaint should be reported to and handled by the relevant Member State in the first instance.
    - Note: The Member State upon receiving a properly completed KA Concern/Complaint Form must provide a copy of the KA Concern/Complaint to KA for their information.**
  - Only matters that relate to, or which occurred at, the **National level**, as well as serious cases referred from the Member State and club level, should be referred using the appropriate KA Concern/Complaint Form to the KA Complaint Officer and dealt with by KA.
- Complaints cannot be anonymous.
- A parent or guardian can submit a Concern and/or a Complaint on behalf of a vulnerable person.
- An acknowledgment receipt will be provided.

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## 4.2 Withdrawing a Complaint

- Complainants can withdraw a Complaint by writing to the Authority they submitted the complaint to before a finding is made.

## 5. Complaint Assessment (Abridged)

### 5.1 Initial Assessment

- The Authority assesses if the complaint is a protected disclosure, personal grievance, mischievous, involves an ineligible respondent, employment matter, or falls under other specific criteria.
- If it falls under certain criteria, (see Bylaw 7, Clauses 5.1a.i-v) the complaint process is discontinued.
- If the Complaint relates to Prohibited Conduct under an Eligible Policy (see Bylaw 7, Clause 5.1a.vii) the Complaint process is continued.

**It is at this point, after making the initial assessment, that the Authority – the Club or State Association or KA, should issue the First or Second Warning Letter to the respondent if they consider it warranted.**

### 5.2 Notification to Parties

- The Authority will keep both the complainant and respondent informed throughout the process.

### 5.3 Assessment

- If not discontinued, the Authority will further assess the complaint in such manner that they determine in their absolute discretion to decide if it's an Alleged Breach and the most suitable resolution process to deal with the Complaint.
  - Formal interviews may or may not be conducted and evidence collected.
  - Both parties will be provided an opportunity to be heard.

### 5.4 External Referral

- The Authority can refer the complaint to an external organisation. (This may include a law enforcement agency, government or regulatory authority or child protection agency.)
- The process may be suspended until the external organisation concludes its resolution.

### 5.5 Referral to Alternative Dispute Resolution (ADR)

- Complaints can be referred to ADR, such as mediation, conciliation, or case appraisal.
- The parties must participate in good faith.
- If resolved, the officer must finalise the complaint accordingly.
- If ADR fails, the process resumes.

### 5.6 Provisional Action

- KA may take provisional action in cases involving prohibited conduct, serious criminal charges, or risk of harm.
- Provisional action may include suspension, restrictions, or other appropriate actions.

### 5.7 Handling Unreasonable Demands/Behaviour

- Where a Complainant makes unreasonable demands or exhibits unreasonable behaviour the Authority may minimise its dealings with the Complainant and give them the reasons why.

## 6. Assessment Findings and Determination (Abridged)

### 6.1. After evaluating the complaint, KA or a Karting Organisation will:

- Determine if the alleged breach is:
  - substantiated,
  - unsubstantiated, or
  - inconclusive.
- Decide on the appropriate resolution process, either:
  - taking no further action or
  - issuing a breach notice.
- Notify both the complainant and respondent of the findings and chosen resolution process.
- If investigation is needed:

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- appoint an investigator who will interview involved parties, collect evidence, and make a finding.
- A written report will be provided to the CEO.

## **6.2. KA will oversee the implementation of the resolution process.**

- Relevant Organisations must implement the resolution process as determined by KA and/or Member State and/or Club.
- KA and/or a Member State may delegate the management of the resolution process to another Karting Organisation.
- Only KA can refer a matter to the NST for resolution.
- The KA National Complaints Officer will facilitate communication between all parties and ensure the process is done.

## **7. Resolution Process (Abridged)**

### **7.1. No Further Action**

- If no further action is deemed necessary, the KA National Complaints Officer will record the complaint for future reference without additional notifications.

### **7.2. Breach Notice**

- If a breach notice is issued, the relevant authority (Club or Member State) must first notify the higher authority (Club notifies the SKA and SKA must notify KA) for confirmation or adjustment.
- The breach notice will include details of the alleged breach, proposed sanctions, the respondent's rights, and options for response, and must be provided within 14 days.
- The respondent can admit the breach and accept the sanction, dispute the allegation (in which case it will be referred for a hearing), or not respond (which will be considered an admission).

### **7.3. Resolution without a Hearing**

- If the respondent admits to the breach and accepts the sanction, the KA National Complaints Officer will ensure the sanction is implemented and finalise the complaint.

### **7.4. Referral to a Hearing**

- If disputed, the complaint will be referred to an internal hearing Tribunal either at the KA level or Karting Organisation level or, in some cases, the KA CEO may decide to refer the matter to the NST for arbitration or mediation.
  - If the matter was being managed at Club level, the Club must, at this point of the proceedings refer the matter to the Member State to be dealt with by a Tribunal organised by the Member State.
- The respondent may appeal decisions made through these processes.

### **7.5. Sanctions**

- If a breach is confirmed, sanctions may include warnings, apologies, counselling, loss of accreditation or awards, suspension, expulsion, fines, or other disciplinary measures, depending on the nature and severity of the breach.
- Certain employment-related sanctions may not be issued by the KA or Karting Organisation.
- Factors such as seriousness of the behaviour, the respondent's contrition, and any mitigating circumstances will be considered when determining sanctions.

## **8. Hearing Tribunals (Abridged)**

- There are two (2) types of hearing tribunals:
  - National Sports Tribunal (NST) General Division and
  - Karting Australia Internal Hearing Tribunal.
- NST General Division arbitrates whether provisional action is disproportionate or if a sanction should be imposed.
- Internal Hearing Tribunal determines the same matters as NST but is convened by the KA National Complaints Officer.
- Parties involved are KA or Karting Organisation and the Respondent.
- Hearing Tribunal decisions are communicated to the involved parties.

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## 9. Appeals (Abridged)

- Decisions of Hearing Tribunals can be appealed to the KA Appeal Tribunal or the NST Appeals Division.
- Appeals can be made by KA, Karting Organisation, or the Respondent.
- Appeals must be based on grounds like failure to abide by By-law or unreasonable decisions.
- Appeals must be lodged within 14 days of receipt of the decision and include a notice of appeal, payment of appeal fee, and service to other party.
- Procedures for NST Appeals are in accordance with NST legislation.
- The Appeals Tribunal reviews grounds for appeal, not the entire case. Sanctions can be altered.
- Appeal decisions are communicated to the involved parties.

## 10. Finalising Complaints (Abridged)

- Resolution Process is finalised when no further action is required, breach notice is issued, hearing tribunal decision is made, or appeal tribunal decision is made.
- No further appeals are allowed after the Resolution Process is finalised.
- KA National Complaints Officer notifies involved parties of the outcome and implements any sanctions.



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# KARTING INTEGRITY

## Standards & Prohibited Conduct Guide



### Karting Integrity Framework (KIF) – what it means to you.

This guide is for everyone involved in karting, including (but not limited to) Members, participants, employees, contractors and volunteers. This means Drivers, parents and family members, Team Principals, Mechanics, pit crew, engine builders, suppliers of equipment, coaches, instructors, officials and administrators at all levels.

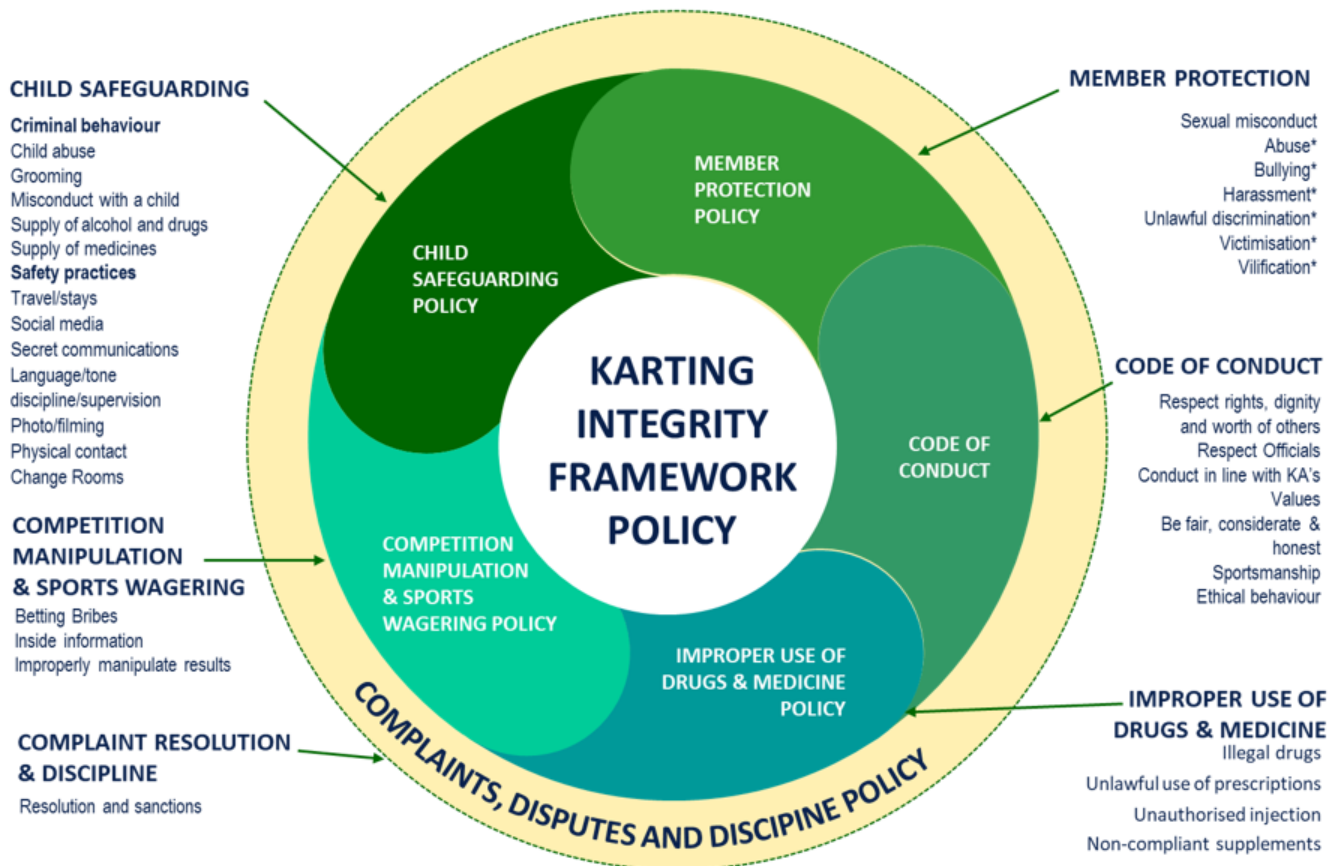
## THE KARTING INTEGRITY FRAMEWORK

This Guide provides an overview of the expected standards of conduct as set out in the Karting Integrity Framework.

The Karting Integrity Framework is a suite of policies designed to ensure a safe, fair and healthy sporting environment for all by setting out unacceptable behaviours in sport, known as Prohibited Conduct.

Prohibited Conduct ranges from misconduct such as disrespectful behaviour to serious criminal acts (including assault, sexual offences and drug offences).

### KARTING INTEGRITY FRAMEWORK POLICIES



\* In addition to Affiliated Club's, State Karting Associations and Karting Australia's involvement in matters relating to bullying, harassment, or discrimination, the Karting Australia Integrity Unit may become directly involved in such matters where they relate to a 'protected characteristics', such as protecting a child, or involves discrimination on the grounds of race, sex, age, disability or religion.

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Everyone must ensure they understand the full extent of their responsibilities by referring to the Karting Integrity Framework Policies at: <https://www.karting.net.au/administration/by-laws-policies>.



Failure to comply with the Karting Integrity Framework Policies and Bylaws may lead to Sanctions ranging from a warning and mandatory education to a ban from participating. Criminal conduct will be managed by law enforcement.

## PERSONAL STANDARDS AND BEHAVIOUR

1. **Always** display **respectful behaviour and high personal standards** that is appropriate to your role in the sport.
2. **Never** consume **alcohol** or **substances** which may impact judgment, performance or behaviours whilst engaged in sporting environments.<sup>1</sup>
3. **Never** display **offensive** or **inappropriate images, objects, or other material** (including on clothing), including in social media posts.
4. **Never** make **offensive gestures, remarks, or jokes, derogatory or suggestive comments**, or call people by **offensive nicknames** within the sporting environment.
5. **Never** use **intimidation** or **unnecessary aggression**.
6. **Never** **disparage opposing Drivers, teams or club and Race Officials**.
7. **Always** treat all participants with **respect**.
8. **Always** accept **success or failure** with dignity and grace, and **always** play by the rules.

## SAFEGUARDING

1. **Always** maintain **professional boundaries** and do not **abuse** or **misuse** any **relationship of trust**, or position of power or **influence**.
2. **Always** ensure **appropriate supervision**, including in relation to children.
3. **Never** carry out **unnecessary touching** (including never touching the genitals, buttocks, or breasts) in the sporting environment, and **NEVER** with a child.
4. **Never** carry out unwelcome flirting, or sexual advances within the sporting environment, and **NEVER** with a child.
5. **Never** engage in **humiliating** or **embarrassing** behaviours including 'hazing'.
6. **Never** **bully, intimidate, or harass** anyone or **discriminate** against any individual or group (including based on their age, race, religion, ethnicity, nationality, disability).<sup>2</sup>
7. **Never** engage in practices which are known to be **harmful** to the **physical** or **psychological wellbeing** of a person (e.g., restricted access to food and fluids).
8. Adults must **NEVER**:
  - a. engage in **sexual misconduct, ESPECIALLY** with a child.
  - b. ask a child to keep any communication **secret** or **communicate privately** with a child **online** without consent of and providing a copy of the communication to parents or guardians.
  - c. **photograph** or **film** a child without written consent.
  - d. **travel**, or arrange **overnight stays** with a child without written consent.
  - e. be in a one-on-one situation in a change room area with a child.
9. **Always** promptly **report concerns of abuse** or **neglect** of a child or adult at risk.

<sup>1</sup> Club sanctioned events and celebrations involving the reasonable consumption of alcohol is excepted, subject to ensuring that it does not lead to excessive drinking and/or inappropriate behaviour.

<sup>2</sup> In addition to your sporting organisation's involvement in matters relating to bullying, harassment, or discrimination, Sport Integrity Australia may become directly involved in such matters where they relate to a 'protected characteristics', such as such as protecting a child, or involves discrimination on the grounds of race, sex, age, disability, or religion.

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## INTEGRITY

1. **Always** act in accordance with the **criminal law**.
2. **Never** excuse or ignore any **breaches** of the **Karting Integrity Framework**.
3. **Always** report **serious breaches** of the Karting Integrity Framework, **cooperate** with authorities, and never discourage or interfere with any other person from doing so.
4. **Always** inform Karting Australia Integrity Unit - [integrityunit@karting.net.au](mailto:integrityunit@karting.net.au) if you are **arrested** or **charged with a criminal offence**.
5. **Never** compromise member athletes or the sport by **contravening rules to gain an unfair advantage, including improper use of supplements, drugs and medicine**.
6. **Never** take **bribes, improperly manipulate results**, or provide **inside information** in relation to competitions within sport.
7. **Always** respect the **confidentiality** of information provided to you within the sporting environment, subject to any safeguarding requirements.

Guide Ends.



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