SPORT INTEGRITY AUSTRALIA

BULLYING IN SPORT

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Every person in sport, in every role, has the right to participate in an environment that is fun, safe and healthy, and to be treated with respect, dignity and fairness.

Bullying denies participants these rights and can result in feelings of disgrace, embarrassment, shame or intimidation, and can ultimately affect an individual's enjoyment of sport.

Athletes, parents, coaches, officials, administrators and sporting organisations all have ethical, legal and safety responsibilities to take action to prevent bullying occurring in sport and manage it, should it occur.

WHAT IS BULLYING?

The Fair Work Act defines 'bullying' as '**repeated** unreasonable behaviour towards another person or group which creates a risk to health and safety'. Bullying is deliberately hurting a specific person either physically, verbally, psychologically or socially. It can be carried out by one person or several people who are either actively or passively involved. In a sporting context bullying can take many forms, for example:

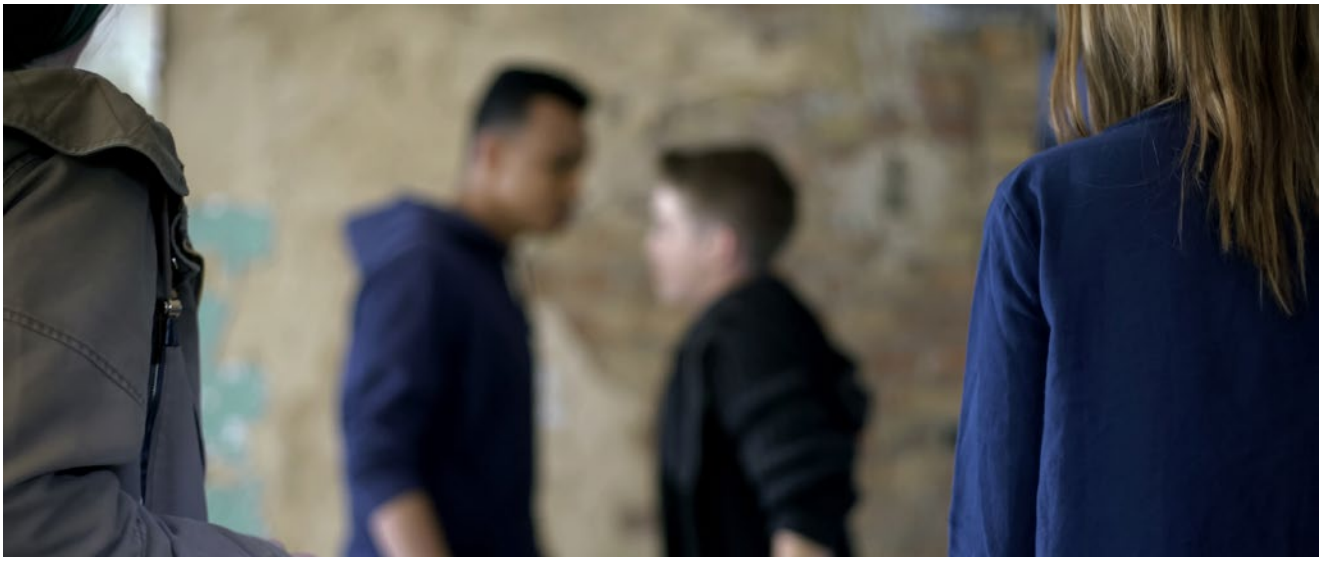
- an official being aggressive or intimidating to others
- a parent telling a child that they are incompetent, hopeless, useless, etc.
- a coach alienating an athlete (adult or child)
- several people ganging-up on an individual team member
- an athlete calling a referee names and using offensive language
- an administrator mocking or humiliating a young coach.[1]

Serious incidents of physical, verbal or psychological bullying may also constitute a criminal offence. Most states and territories have criminal laws in place covering conduct such as stalking or intimidating, blackmail, unlawful use of technology (for example, sending offensive images to scare someone), making threats to kill or cause serious harm, threats of violence, encouraging self-harm or suicide, breach of confidence and defamation.

Cyberbullying is defined as 'online communication to or about an Australian child that is seriously threatening, seriously intimidating, seriously harassing or seriously humiliating'. Cyberbullying can include posts, comments, emails, messages, memes, images and videos. Adult cyber abuse is online communication to or about a person +18 years old which is intended to cause them serious harm. It must be communicated through a social media service, relevant electronic service or designated internet service and includes posts, comments, emails, messages, memes, images and videos.

Not all behaviour that makes an individual upset or anxious is bullying. For example, if someone makes an inappropriate comment but it is made once and is not repeated, this is not bullying. A one-off incident of inappropriate behaviour, however, may constitute a breach of a Code of Conduct.

1 From Play by the Rules – Bullying in sport – Play by the Rules – Making Sport inclusive, safe and fair



Managing bullying in sport

Sports should promote their organisation as one that will not allow or tolerate bullying.

The National Integrity Framework and its Member Protection Policy set out behavioural expectations and unacceptable behaviours (prohibited conduct) for anyone involved in sport. In addition to this, many sporting organisations may have their own Code of Conduct which sets out behavioural expectations and prohibits inappropriate conduct.

Sport Integrity Australia can receive complaints and investigate threats to sport integrity in relation to bullying, intimidation, discrimination or harassment only where the conduct is linked to a 'protected attribute' including age, race, disability, sex or religion. Incidents of bullying where the conduct is not linked to a protected attribute need to be dealt with by the sport's Code of Conduct and related Disciplinary Policy (if applicable) or through another relevant agency.

Wherever possible and safe to do so, in particular in cases where the bullying behaviour is assessed to have a low risk of harm, is unintentional or lacks an intent to do harm, sporting organisations should attempt to resolve any complaints locally as breaches of their Code of Conduct.

Other support pathways

An individual's options for seeking support for managing bullying, or their right to remedy, vary depending on the type of conduct in question and applicable legislative frameworks.

Fair Work Commission & the Workplace Health and Safety Regulators in each state and territory

In the context of the workplace, bullying is prohibited by the *Fair Work Act 2009* (Cth). Employers also have an obligation under the work health and safety legislation in each state and territory to eliminate or reduce the risks to workers' health and safety caused by workplace bullying.

The Fair Work Commission has powers to conciliate complaints of bullying between the parties and to make Stop Bullying Orders under certain circumstances. The Workplace Health and Safety Regulators (WHS Regulators) in each state and territory can assist an employer to manage and reduce psychosocial hazards (including bullying) at work (e.g. by ensuring an employer has adequate training, education and risk identification practices in place). They can't conciliate bullying disputes between parties or make orders relating to a disciplinary process.

Police

Some bullying behaviours can also constitute criminal offences in each state and territory, either through specific anti-bullying provisions (such as Brodie's Law in Victoria[2]), or through other criminal offences also applicable to bullying.

2 Brodie's Law made serious bullying a crime punishable by up to 10 years in jail.

eSafety Commissioner

The eSafety Commissioner administers regulatory schemes dealing with cyberbullying or adult cyber abuse, both of which may also constitute a criminal offence under federal legislation.[3] The eSafety Commissioner can investigate cyberbullying of children, adult cyber abuse, and image-based abuse (sharing, or threatening to share, intimate images without the consent of the person shown), issue notices to individuals or service providers and, where required, take formal enforcement action.

Complaints about cyberbullying or adult cyber abuse and image-based abuse can be made online via the eSafety website. In order for eSafety to be able to issue a removal notice to an individual responsible for the online content, or an online service provider, an individual requesting such a notice must show that they have contacted the online service provider first asking for the relevant content to be removed. If an individual or an online service provider does not respond to a removal notice issued by eSafety, they can seek formal enforcement by obtaining a court injunction or pursuing civil penalties.

Human rights, equal opportunity and anti-discrimination agencies

Each Australian jurisdiction[4] has a human rights, equal opportunity or anti-discrimination agency whose role is to investigate and conciliate complaints relating to the breach of anti-discrimination and equal opportunity legislation in their jurisdiction.

In general, these agencies can also investigate and conciliate complaints related to bullying, but only where such conduct is linked to a 'protected attribute' (e.g. gender, age, race, disability, gender identity, sexual orientation or pregnancy), and can also constitute discrimination or harassment on the basis of those protected attributes. Sport Integrity Australia also has jurisdiction in matters where the conduct has a link to a protected attribute.

3 See the *Online Safety Act 2021* (Cth). The *Commonwealth Criminal Code Act 1995* makes it an offence to menace, harass or cause offence using a 'carriage service' (a service that carries communications electronically).

4 Australian Human Rights Commission (Cth), Anti-Discrimination Board (NSW), Victorian Human Rights and Equal Opportunity Commission, Office of the Equal Opportunity Commissioner (SA), Equal Opportunity Commission (WA), Northern Territory Anti-Discrimination Commission, Queensland Human Rights Commission, ACT Human Rights Commission, Equal Opportunity Tasmania.

Summary of available support pathways for bullying

BULLYING

Fair Work Act 2009 (Commonwealth)

- Application for a Stop Bullying Order to Fair Work Commission
- Possible conciliation or hearing and decision/orders issued

Workplace Health and Safety Legislation (state/territory)

- WHS Regulator may intervene upon application
- Education, training, support managing psychosocial hazards at work
- In serious cases possible prosecution for breach of WHS laws

Criminal Laws (state/territory and Commonwealth)

- Police may investigate and refer for prosecution if bullying conduct constitutes an offence

Anti-discimination Laws (state/territory and Commonwealth)

- Only available where a 'protected attribute' is relevant to bullying conduct
- Investigation and conciliation by human rights or anti-discrimination body

Online Safety Act 2021 (Commonwealth)

- Applies to Cyberbullying targeted to a child or children or Cyber abuse targeting adults
- eSafety may investigate, issue notices and take formal enforcement action

Sport Integrity Australia Act 2020 (Commonwealth)

- Only available where a 'protected attribute' is relevant to bullying conduct
- Sport's Code of Conduct

SPORT INTEGRITY AUSTRALIA

BULLYING IN SPORT

A REFERRAL GUIDE

Sport Integrity Australia

At Sport Integrity Australia we offer a safe place for people to raise concerns about behaviour they've witnessed or experienced in sport. You can make an integrity complaint or report an issue via our website or call 1300 027 232, where bullying is based on protected characteristics.

Office of the eSafety Commissioner

Incidents of Cyberbullying and Adult Cyber Abuse can be lodged by completing an online report on the eSafety Commissioner's website. For general enquiries and requests for information, the eSafety Commission can be contacted via their website. The Office of the eSafety Commissioner does not have a telephone advice service.

Fair Work Australia

The Fair Work Commission can be contacted by calling 1300 799 675 between 9am and 5pm Monday to Friday for information on lodging a Stop Bullying Order. Individuals may also be eligible for free legal assistance through the Commission's Workplace Advice Service. Individuals may also write to or visit the Fair Work Commission which has offices in every state and territory.

Australian Capital Territory (Canberra)	**Address:** Level 3, 14 Moore Street, Canberra, ACT, 2600 **Postal address:** GPO Box 539, Canberra City, ACT, 2601 **Telephone:** 1300 799 675 (within Australia) **Fax:** (02) 6247 9774 **Email:** canberra@fwc.gov.au **Opening hours:** Monday to Friday 9am to 5pm
New South Wales (Sydney and Newcastle)	**SYDNEY OFFICE** **Address:** Level 11, Terrace Tower, 80 William Street, East Sydney, NSW, 2011 **Telephone:** 1300 799 675 (within Australia) **Fax:** (02) 9380 6990 **Email:** sydney@fwc.gov.au **Opening hours:** Monday to Friday 9am to 5pm **NEWCASTLE OFFICE** **Address:** Level 3, 237 Wharf Road, Newcastle, NSW, 2300 **Telephone:** 1300 799 675 (within Australia) **Fax:** (02) 9380 6990 **Email:** sydney@fwc.gov.au **Opening hours:** Hearings take place at the Commission in Newcastle between 9am and 5pm weekdays (excluding public holidays). There is no counter at the Newcastle office for the submission of documents.
Northern Territory (Darwin)	**Address:** 10th Floor, Northern Territory House, 22 Mitchell Street, Darwin, NT, 0800 **Postal address:** GPO Box 969, Darwin, NT, 0801 **Telephone:** 1300 799 675 (within Australia) **Fax:** (03) 9655 0420 **Email:** darwin@fwc.gov.au **Opening hours:** Monday to Friday 9am to 5pm

Queensland (Brisbane)	**Address:** Level 14, Central Plaza Two, 66 Eagle Street, Brisbane, QLD, 4000 **Postal address:** GPO Box 5713, Brisbane, Qld, 4001 **Telephone:** 1300 799 675 within Australia **Fax:** (07) 3000 0388 **Email:** brisbane@fwc.gov.au **Opening hours:** Monday to Friday 9am to 5pm
South Australia (Adelaide)	**Address:** Level 6, Riverside Centre, North Terrace, Adelaide, SA, 5000 **Postal address:** PO Box 8072, Station Arcade, Adelaide, SA, 5000 **Telephone:** 1300 799 675 (within Australia) **Fax:** (08) 8410 6205 **Email:** adelaide@fwc.gov.au **Opening hours:** Monday to Friday 9am to 5pm
Tasmania (Hobart)	**Address:** 1st Floor, Commonwealth Law Courts, 39-41 Davey Street, Hobart, TAS, 7000 **Postal address:** GPO Box 1232, Hobart, Tas, 7001 **Telephone:** 1300 799 675 (within Australia) **Fax:** (03) 6214 0202 **Email:** hobart@fwc.gov.au **Opening hours:** Monday to Friday 9am to 5pm
Victoria (Melbourne)	**Address:** Level 4, 11 Exhibition Street, Melbourne, VIC, 3000 **Postal address:** PO Box 1994, Melbourne, Vic, 3001 **Telephone:** 1300 799 675 (within Australia) **Fax:** (03) 9655 0401 **Email:** melbourne@fwc.gov.au **Opening hours:** Monday to Friday 9am to 5pm
Western Australia (Perth)	**Address:** Level 12, 111 St Georges Terrace, Perth, WA, 6000 **Postal address:** GPO Box X2206, Perth, WA, 6001 **Telephone:** 1300 799 675 (within Australia) **Fax:** (08) 9481 0904 **Email:** perth@fwc.gov.au **Opening hours:** Monday to Friday 9am to 5pm

Workplace Health and Safety Regulators

Each state and territory in Australia has a Workplace Health and Safety Regulator whose role is to investigate workplace incidents and enforce workplace health and safety laws in their jurisdiction.

Australian Capital Territory	Worksafe ACT	You can report a concern or an issue online. **Address:** Canberra Nara Centre, 3 Constitution Avenue, Canberra, ACT, 2601 **Postal address:** WorkSafe ACT, GPO Box 158, Canberra, ACT, 2601 **Telephone:** 13 22 81 Monday to Friday 8am to 6pm **Email:** worksafe@worksafe.act.gov.au
New South Wales	SafeWork NSW	You can report a concern or an issue online. **Address:** Visit your local Service NSW centre **Postal address:** SafeWork NSW, Locked Bag 2906, Lisarow, NSW, 2252 **Telephone:** 13 10 50 Monday to Friday 9am to 5pm
Northern Territory	NT WorkSafe	For all workplace health and safety enquiries, notifications and complaints: **Telephone:** 1800 019 115 **Email:** ntworksafe@nt.gov.au
Queensland	Worksafe QLD	You can report a concern or an issue online. **Telephone:** 1300 362 128 Monday to Friday 8am to 5.30pm
South Australia	SafeWork SA	**Address:** GPO Box 465, Adelaide, SA, 5001 **Telephone:** 1300 365 255 **Email:** help.safework@sa.gov.au
Tasmania	WorkSafe Tasmania	You can lodge a general enquiry online. **Telephone:** 1300 366 322 **Email:** wstinfor@justice.tas.gov.au
Victoria	Worksafe Victoria	You can report a concern or an issue online. **Telephone:** 1800 136 089 Monday to Friday 7.30am to 6.30pm
Western Australia	WorkSafe WA	For general inquiries and to lodge a complaint. **Telephone:** 1300 307 877 Monday to Friday 8am to 5pm

Human rights and anti-discrimination or equal opportunity agencies

Commonwealth Government	Australian Human Rights Commission	You can lodge a complaint online. **Telephone:** 1300 656 419
Australian Capital Territory	ACT Human Rights Commission	You can lodge a complaint online. **Telephone:** (02) 6205 2222 **TTY:** (02) 6205 1666 **Fax:** (02) 6207 1034 **Email:** human.rights@act.gov.au or HRCIntake@act.gov.au **Victims Support contact number:** 1800 822 272 (free call)
New South Wales	Anti-Discrimination NSW	You can lodge a complaint online. **Postal address:** Locked Bag 5000, Parramatta, NSW, 2124 **Telephone:** 1800 670 812 **Email:** complaintsadb@justice.nsw.gov.au
Northern Territory	Northern Territory Anti-Discrimination Commission	You can lodge a complaint online. **Telephone:** 1800 813 846 **Email:** antidiscrimination@nt.gov.au
Queensland	Queensland Human Rights Commission	You can lodge a complaint online. **Telephone:** 1300 130 670 **Email:** enquiries@qhrc@qld.gov.au
South Australia	Equal Opportunity South Australia	You can lodge a complaint online. **Telephone:** (08) 7322 7070 **Email:** oceo@sa.gov.au
Tasmania	Equal Opportunity Tasmania	You can lodge a complaint online. **Telephone:** 1300 305 062 **Email:** office@equalopportunity.tas.gov.au
Victoria	Victorian Human Rights and Equal Opportunity Commission	You can lodge a complaint online. **Telephone:** 1300 292 153 **Email:** enquiries@veohrc.vic.gov.au
Western Australia	Equal Opportunity Commission	You can lodge a complaint online. **Telephone:** 1800 198 148 **Email:** eoc@eoc.wa.gov.au

Police

To report a suspected criminal offence, individuals are advised to contact the police service in their home state or territory, or in the state or territory where the offence occurred. Anyone in immediate danger should call 000.

Other support services

Individuals who have experienced bullying, discrimination or harassment may feel distressed and require support.

Lifeline

24-hour crisis support and suicide prevention

Telephone: 13 11 14
www.lifeline.org.au

beyondblue

Mental health support

Telephone: 1300 224 636
www.beyondblue.org.au

Kids Helpline

24/7 telephone and online counselling service for children and young adults, parents and carers

Telephone: 1800 55 1800
www.kidshelpline.com.au

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