



PA Classification Standard: Intentional Misrepresentation

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1. Purpose

1.1 This document:

- 1.1.1 Sets out the position, role and responsibilities of Paralympics Australia (PA) regarding Intentional Misrepresentation (IM), as the national paralympic member of the International Paralympic Committee (IPC) and in accordance with the IPC Athlete Classification Code and Standards (IPC Code) and the IPC Model of Best Practice for National Classification; and
- 1.1.2 Provides a framework for the common technical and operational procedures of National Sporting Organisations (NSOs) and National Sporting Organisations for people with Disability (NSODs) who deliver the Australian Para-sport program.

1.2 This document should be read in conjunction with the IPC Code, IPC Code of Ethics, relevant International Sport Federation (**IF**) Classification Rules, PA Athlete Classification Policy, PA National Integrity Framework, PA Competition Manipulation and Sports Gambling Policy, PA Complaints, Disputes and Discipline Policy, and other relevant PA Policies and Standards.

1.3 If this Standard fails to provide for a matter covered by a provision in the IPC Code, the provision appearing in the IPC Code shall apply and is to be regarded as being part of this Standard.

1.4 A list of definitions and abbreviations is provided at the end of this Standard.

2. Who does this Standard apply to?

2.1 This Standard applies to:

- PA employees, contractors and volunteers
- Selected Athletes and Appointed Officials of Paralympic Teams
- PA member organisations, their members, Athletes and Athlete support personnel and any other person (paid or unpaid) who is engaged by the PA member to support classification activities and
- Any other organisations or individuals engaged by PA for Classification purposes.

2.2 PA will only recognise Australian classification activities that are conducted within the scope of this Standard and other PA Policies. This Standard does not apply to sports opportunities provided by PA members for athletes with impairments outside of the IPC Code (eg hearing impairment, transplant recipient).

2.3 The delivery of classification services for each sport in Australia is the responsibility of the Australian member organisation of the relevant IF, unless otherwise agreed by the IF member, PA and the Australian Sports Commission (ASC). For the purposes of this Standard, the term NSO/NSOD is used to refer to the organisation approved by the IF member, PA and the ASC for the delivery of the Australian Para-sport program.

3. International Sport Federation (IF) Role and Responsibilities

3.1 IF Classification Rules must comply with the IPC Code. Each IF must provide procedures on how to identify and manage allegations of IM in the IF's Classification Rules.

4. PA Roles and Responsibilities

4.1 PA has the following roles and responsibilities:

- Develop and support the implementation of a national classification program in accordance with this Standard.
- Provide support, education and resources to enable its members to comply with this Standard.
- Monitor compliance and address non-compliance of its members to this Standard.
- Provide general education to build classification awareness within the Australian sports community, Para-athletes and other relevant stakeholders (including media & spectators) in relation to this Standard.
- PA is committed to uphold its obligations under the IPC Code and the National Integrity Framework to report, investigate and/or respond to any IM allegations, as is jurisdictionally appropriate.

5. NSO/NSOD Roles and Responsibilities

5.1 PA adopts an inclusive approach for Australia's Para-sport system, with the expectation that Para-sport and classification programs are equally recognised and embedded within the structure, systems, people, and pathways of an NSO/NSOD.

5.2 NSO/NSODs are expected to:

5.3 Implement national processes that conform with the IF Classification Rules as much as is practical, and in any event, ensure IPC Code Compliance.

5.4 Ensure the NSO/NSOD Classification Rules include procedures for the management of IM, clearly differentiating the processes between issues under the jurisdictional scope of the IF and those under the scope of the NSO/NSOD.

5.5 Ensure appropriate safeguards are in place to protect and support the

physical and psychological health and wellbeing of all parties involved in allegations or procedures of IM, regardless of the outcome.

- 5.6 Ensure adequate screening of International Level Athletes and Athlete Support Personnel is undertaken to:
- ensure Athletes and Athlete Support Personnel understand their obligations in relation to this Standard;
 - ensure that accurate and complete medical documentation is submitted to the IF;
 - minimise risk and support wellbeing for Athletes and team members undertaking International Level Classification.
- 5.7 Ensure any procedures regarding IM follow the PA Classification Standard: Data Protection.
- 5.8 Clearly outline the codes of conduct and expectations of their members, Athletes, Athlete support personnel, classification personnel and any other persons or organisations engaged by them within their classification system in relation to this Standard.
- 5.9 Develop and deliver Classification education and awareness programs for Athletes, Athlete Support Personnel, member organisations and any other relevant stakeholders (media, spectators) in relation to this Standard.
- 5.10 Cooperate and expect the cooperation of their members with any Classification investigative or IM process.
- 5.11 Integrate changes made by their IF to Classification Rules relating to IMs, within six months after the IF change is made and align their processes as closely to the IF system as is practical.
- 5.12 Collaborate with PA in the continuous improvement of national classification activities in relation to this Standard.

6. Levels of Intentional Misrepresentation

- 6.1 There are two recognised levels of IM in Australia:
- Those relating to Athletes and Athlete Support Personnel who are recognised under the jurisdiction of an IF's Classification Rules (referred to as **International Level Intentional Misrepresentation**). This typically includes those Athletes that are classified, or attempt to be classified, and/or compete, or attempt to compete, at an International Level and those Athlete Support Personnel who support them; and
 - Those relating to Athletes and Athlete Support Personnel who are recognised exclusively under the NSO/NSOD Classification Rules (referred to as **National Level Intentional Misrepresentation**). This includes those Athletes that are classified, or attempt to be

classified, or compete, or attempt to compete, at a National Level and those Athlete Support Personnel who support them.¹

6.2 Where an NSO/NSOD also chooses to offer a Provisional Classification service, general guidelines regarding IM are outlined in Article 10.

7. General Principles of IM

7.1 The following constitutes Intentional Misrepresentation (**IM**):

- An Athlete or Athlete Support Personnel, at any time, whether by act or omission, intentionally misleads or attempts to mislead an IF or NSO/NSOD or any of its representatives (such as Classification Personnel) in relation to any aspect of Classification; or
- An Athlete or Athlete Support Personnel, at any time, whether by act or omission, engages in any type of intentional complicity in respect of any violation or attempted violation of Article 7.1.

7.2 Examples of IM include (without limitation):

- submitting forged medical documentation attesting to the existence of a Health Condition or Eligible Impairment that the Athlete does not have;
- deliberately underperforming during a Classification evaluation session;
- intentionally undergoing Classification without the adaptive equipment they intend to use in competition;
- otherwise misrepresenting their skills, abilities, and/or the existence, nature, and/or degree of their impairment before, during or after Classification;
- disrupting Classification, or refusing to cooperate with a Classification Panel during Classification, with the intention of misleading the Classification Panel;
- not providing accurate information as to their identity or having another person attend Classification in their place; and/or
- deliberately failing to notify the relevant IF or NSO/NSOD of any relevant Classification-related information, including that they have previously undergone Classification (for example in the context of another Para sport) and/or that there has been a change in the nature or degree of their impairment that may necessitate a Medical Review.

¹For the avoidance of doubt, IM complaints relating to Athletes or Athlete Support Personnel who are recognised under the jurisdiction of both the IF and NSO/NSOD Classification Rules, shall follow the respective IF Classification Rules.

- 7.3 PA considers IM as a very serious offence that undermines the integrity of classification and Para-Sport and does not condone any attempts to commit or conceal such offences.
- 7.4 Athletes and/or Athlete Support Personnel may be subject to disciplinary actions if found guilty of IM offenses.
- 7.5 The consequences that will be applied to an Athlete or Athlete Support Person who is found to have been guilty of IM and/or complicity involving IM may be one or more of the following:
- a. Disqualification from all events at the Competition at which the IM occurred with the removal of any individual results obtained by the Athlete in that Competition, and all resulting consequences, including forfeiture of all medals, titles, points and prizes. In addition, any results obtained by the Athlete in Competitions taking place after the date upon which the IM occurred may be disqualified, with all of the resulting consequences, including forfeiture of any medals, titles, points and prizes; and/or
 - b. Not Eligible for Athlete Evaluation or other participation in Competitions for a specified period of time ranging from 1 to 4 years.
- 7.6 The consequences that will be applied to an Athlete or Athlete Support Personnel who is found to be guilty of IM and/or complicity involving IM on more than one occasion may include a lifetime ban on being eligible for Athlete Evaluation or for participation in any Competitions.
- 7.7 If an Athlete is found to have committed IM, the Athlete shall forfeit their Sport Class, and shall be designated "IM" in the Classification Master List for the relevant Para-sport for the period of the sanction. This designation shall be recognised and respected automatically by all relevant Para-sport organisations without the need for further action.
- 7.8 NSO/NSODs will recognise, respect and enforce any disciplinary action recommended or imposed on an Athlete or Athlete Support Personnel for IM as notified by the IPC, IF, PA or other authorised body across all levels of NSO/NSOD competition.
- 7.9 Where a person believes in good faith and on reasonable grounds that IM may have occurred they are encouraged to disclose their concern to the relevant authority body as outlined in Article 8 and 9. Disclosures should contain:
- The nature of the allegation
 - The Athlete/s or Athlete Support Personnel responsible
 - The facts on which the informant's belief that IM has occurred are based
 - The nature and whereabouts of any further evidence that would substantiate the informant's belief.

7.10 When providing information a person can choose to reveal their own identity or to remain anonymous. Any requests for anonymity will be honoured except in so far as it may be overridden by due process of law.

7.11 Any allegations which are considered to be vexatious, malicious, motivated by revenge, motivated by personal gain, motivated by a desire to harm the reputation of another may be viewed as a serious disciplinary offence.

8. International Level IM

8.1 Allegations of, investigations into and any subsequent sanctions of IM for Athletes or Athlete Support Personnel recognised under the jurisdiction of an IF can only be handled by, and according to, the procedures of that IF.

8.2 If PA, an NSO/NSOD, Athlete or Athlete Support Personnel holds genuine evidence that an Athlete or Athlete Support Personnel has attempted IM, it must report such evidence to the relevant IF for consideration.

8.3 Any Appeals against sanctions related to International Level IM must follow the procedures of that IF.

8.4 PA may assist NSO/NSODs to respond to requests from IFs or the IPC regarding IM related matters, where jurisdictional scope permits.

9. National Level IM

9.1 All NSO/NSODs must include provisions that all allegations, investigations and recommendations for sanctioning relating to any National Level allegations of IM must be referred to PA. Allegations made directly to the NSO/NSOD must be directed to PA.

9.2 NSO/NSODs who have adopted the National Integrity Framework (**NIF**), including PA, must designate within their NSO/NSOD Classification Rules that IM under those rules constitutes Competition Manipulation under the NSO/NSOD's Competition Manipulation and Sports Gambling Policy.

9.3 PA procedures for managing any National Level allegations of IM will follow PA's Complaints, Discipline and Disputes Policy..

9.4 All NSO/NSOD Classification Rules must include provisions by which appeals against national level IM sanctions will be referred to the National Sports Tribunal (NST).

9.5 Neither PA, nor any other independent body which investigates an allegation or hears an appeal in relation to a sanction which has been imposed, has any power to modify, alter or otherwise change any Sport Class and/or Sport Class Status decision, for example by allocating an Athlete a new Sport Class and/or Sport Class Status.

9.6 If an alleged case of IM is proven and a sanction is imposed or recommended, PA, or the NST must notify all relevant parties, including the alleged party and the NSO/NSOD.

10. Allegations of IM relating to Provisional Classifications

10.1 If an NSO/NSOD offers Provisional Classification, the NSO/NSOD should follow the procedure outlined in Article 9.

IM Appeals

11. Levels of Appeals There are two recognised levels of IM related Classification Appeals in Australia:

- Appeals of International Level IM sanctions
- Appeals of National Level IM sanctions

11.2 Where an NSO/NSOD offers Provisional Classification, guidelines regarding appeal processes related to IM sanctions are outlined in Article 20.

12. General Principles of IM Appeals

12.1 An Appeal related to IM refers to the process by which a formal objection to an IM sanction, either in relation to how the investigation has been conducted or how the sanction was allocated, is submitted and subsequently resolved.

12.2 Appeals related to cases of IM can only be heard where the Appeal is formally lodged according to the relevant IF or NSO/NSOD procedures.

13. Appeals of International Level IM Sanctions

13.1 Appeals relating to the allocation of IM sanctions can only be managed by the relevant IF, in accordance with the processes outlined in that IF's Classification Rules.

13.2 International Level Appeals may only be made by the sanctioned person, the relevant IF, the IF member (or other NSO/NSOD if the IF member has authorised this designation), NPC or the IPC.

13.3 PA may assist NSO/NSODs with International Level Appeal procedures at the request of the NSO/NSOD.

13.4 Payment of any Appeal fees will be in accordance with the relevant IF Classification Rules.

14. Appeals of National Level Athlete IM Sanctions

14.1A sanctioned person may submit an Appeal to a decision.

14.2For NSO/NSODs that have adopted the NIF , including PA, the procedures for hearings and appeals set out in the NSO/NSOD's Complaints, Disputes and Discipline Policy will apply in place of sections 14.3 and 15 to 19 below.

14.3All other NSO/NSODs must designate within their National Classification Rules, the NST - General Division as the Body for resolving Appeals under its jurisdiction. The NST may only confirm or overturn an IM sanction decision; it does not have power to modify, alter or otherwise change any Sport Class and/or Sport Class Status decision, for example by allocating an Athlete a new Sport Class and/or Sport Class Status.

14.4The NST may decline to hear an Appeal if it appears to the CEO of the NST (or their delegate) that other available processes and/or remedies have not been exhausted.

15. Parties Permitted to Make a National Appeal

15.1Appeals of national level IM sanctions may only be made by the sanctioned person.

16. National Appeal Process

16.1A National IM Appeal will be conducted in accordance with the NST Legislation, unless an alternate process is approved by PA and the NSO/NSOD.

16.2Any National Appeals directed to the NST must be submitted within 14 days of the date at which the Athlete was notified in writing of the IM investigation outcome.

17. Assessment of National Appeal

17.1For National Appeals directed to the NST, if all other available remedies have been exhausted, the National Sports Tribunal shall conduct a hearing in its General Division in accordance with NST Legislation.

18. National Appeal Hearings

18.1The NST – General Division panel, will comprise one member who has at no stage been involved with the dispute brought before the NST.

19. National Appeal Decisions

19.1 The NST will issue decision and written reasons for any Appeal in accordance with NST Legislation.

19.2Subject to the relevant NSO/NSOD's Classification Rules, the decision of the NST – General Division can be appealed to the NST – Appeals Division in accordance with the NST Legislation.

20. Appeals of Provisional Classifications

20.1 If an NSO/NSOD offers Provisional Classification, any provisional level IM Appeals will be conducted in accordance with the NST rules, unless an alternate process is approved by PA and the NSO/NSOD.

21. Definitions

This Standard uses the defined terms in the IPC Code and PA Athlete Classification Policy. Further defined terms specific to this PA Classification Standard are as follows:

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| National Integrity Framework (NIF): | the suite of integrity-related policies promulgated by Sport Integrity Australia which includes the , the Competition Manipulation and Sports Gambling Policy, and the Complaints, Disputes and Discipline Policy |
| National Sports Tribunal (NST): | the suite of integrity-related policies promulgated by Sport Integrity Australia which includes the , the Competition Manipulation and Sports Gambling Policy, and the Complaints, Disputes and Discipline Policy |
| National Sports Tribunal (NST) Legislation: | the legislative instruments set out in Article 22 |
| Sport Integrity Australia: | Sport Integrity Australia, the non-corporate Commonwealth entity established by the Sport Integrity Australia Act 2020 (Cth) |

Relevant policies, codes and standards

- [IPC Athlete Classification Code and International Standards](#)
- [IPC Classification Code Model of Best Practice - National Classification](#)
- [IPC Code of Ethics](#)
- [PA Classification Standard - Eligible Impairments](#)
- [PA Classification Standard - Athlete Evaluation](#)
- [PA Classification Standard - Classification Personnel and Training](#)
- [PA Classification Standard – Classification Data Protection](#)
- [PA Classification Standard – Protests and Appeals](#)
- [PA Code of Conduct](#)
- [PA Competition Manipulation and Sports Gambling Policy](#)
- [PA Complaints, Disputes and Discipline Policy](#)
- [PA National Integrity Framework](#)

- [Other PA policies \(including but not limited to People Protection Policy and Privacy Policy\)](#)
- [National Sports Tribunal Act 2019 \(Cth\)](#)
- [National Sports Tribunal Rule 2020 \(Cth\)](#)
- [National Sports Tribunal \(Practice and Procedure\) Determination\) 2021 \(Cth\)](#)

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