

**THE COALITION OF MAJOR PROFESSIONAL AND PARTICIPATION SPORTS  
INCORPORATED**

**SUBMISSION TO REVIEW PANEL ON AUSTRALIA'S SPORTS INTEGRITY  
ARRANGEMENTS**

**2 October 2017**



## INTRODUCTION

COMPPS consists of the following organisations (**the Sports**):

- Australian Football League (**AFL**);
- Australian Rugby Union (**ARU**);
- Cricket Australia (**CA**);
- Football Federation Australia (**FFA**);
- National Rugby League (**NRL**);
- Netball Australia (**NA**); and
- Tennis Australia (**TA**).

The Sports play a huge role in developing, promoting and presenting sport in Australia from the grass roots through to the international level. They are not-for-profit bodies and are responsible for the long-term development and sustainability of their sports.

Each of these organisations is the governing body and custodian of a major professional sport in Australia. They are mass participation sports - between them, they have over 9 million participants and 16,000 clubs.

COMPPS members provide a wide range of public benefits through a self-funding business model. A large portion of their revenue is devoted to enhancing, promoting and developing sport for all Australians both at national and 'grassroots' level.

## BACKGROUND

The Sports welcome the opportunity to make a further submission to the Review Panel.

Our preliminary submission was forwarded to the Review Panel on 31 August 2017.

The preliminary submission dealt with the following:

1. We attached the COMPPS report of 27 May 2011 concerning Match-Fixing and Corruption;
2. Our comments on the Essendon and Cronulla cases;
3. Details of the integrity resources and capability of each sport; and
4. Details of the personnel who comprise the relevant tribunals and committees of each of the Sports.

In this submission, we now address the remaining matters contained in the Terms of Reference and a document provided to us by the review panel entitled "Review of Australia's Sports Integrity Arrangements – Issues for Consideration." We acknowledge that "integrity" embraces a wide range of issues that fall within the jurisdiction of the Sports as custodians of their codes. These include issues such as on-field infractions, off-field player behaviour, child protection, medical protocols, salary cap breaches, player eligibility, relationships with criminals, illicit substances, match-fixing, performance-enhancing drugs and various other issues. In this submission, in line with the thrust of the Terms of Reference, we focus on the issues of anti-doping and match fixing/betting related corruption.

## **SUBMISSION**

### **Review Objective 1 – Sports Integrity Threat Environment and Challenges**

#### **Match fixing and cheating at gambling**

The Sports acknowledge that match fixing and betting related corruption are major threats to the integrity of their sports and perceptions about the integrity of their sports.

A major feature of the Australian environment is that we have a well-regulated sports-betting structure that involves sports, betting operators, governments and police forces. We are well aware of the threat that emerges from the existence of large, illegal, unregulated, offshore betting operators that bet huge amounts on our sports. We have no visibility of these betting transactions and any control or influence over the betting operators. Our response has been to seek to control those matters over which we do have influence – our players, coaches and officials, Australian legislation and law enforcement and our relationships with Australian betting operators.

We are also aware that the volume of legal betting in Australia has increased significantly over the past decade and that this exacerbates the risk that criminals will seek to impact the results of matches or parts of them.

We are well aware of the numerous criminal prosecutions that have taken place in other parts of the world, particularly in Asia and Europe.

In this context, Australia has an excellent record in relation to match fixing and cheating at gambling. Compared with other parts of the world, the Sports have had very few cases and these have been dealt with by the Sports and police forces efficiently and effectively.

In recent years COMPPS sports have experienced the following events:

- NRL: Ryan Tandy attempted in 2010 to fix the early stages of a NRL match between Canterbury and North Queensland Cowboys;
- FFA: Four (international) players and a coach involved in fixing matches involving their club, the Southern Stars, in the Victorian Premier League in 2013;
- TA: Nick Lindahl pleaded guilty to intentionally losing a match in an ITF Futures tournament in Toowoomba in 2013. Players Brandon Walkin and Isaac Frost were also disciplined in respect of being involved in the same conduct;
- TA: Oliver Anderson pleaded guilty to throwing a set in a match at a Traralgon Challenger tournament in October 2016; and
- NSW Police is currently conducting an investigation into potential instances of match-fixing in the NRL Competition (Strike Force Nuralda).

It is fair to categorise these events as largely amateurish attempts to beat the system. Only the Southern Stars incident had an organised international match-fixing component.

The professional sports in Australia have committed resources to fighting against corruption in their sports and will continue to do so.

### **Anti-Doping Violations**

Save for the Essendon and Cronulla matters that we touched on in our preliminary submission, the Sports have had very few Anti-doping Rule Violations (ADRV) that have resulted in sanctions. There are 39 athletes or officials listed on the ASADA website as currently under sanction for an ADRV. Of these, only three fall under the direct jurisdiction of the sports (2 NRL; 1 AFL (Stephen Dank) at the elite level. There are, however, 7 at the domestic/State level of competition.

These numbers are consistent with previous years.

Cricket, Netball and Tennis do not have any athletes or officials under sanction.

We suggest that the Sports should not be considered to be high-risk sports, rather, they should be categorised as moderate to low risk sports from an anti-doping perspective.

As stated in our preliminary submission, lessons have been learnt from the Essendon and Cronulla cases and processes have been put in place to consolidate the anti-doping regimes of sports. The Sports have become extremely vigilant in relation to Performance and Image Enhancing Drugs (**PIEDs**) and in particular, they have put in place strict controls in relation to supplements. For example, ARU has a Supplements Advisory Committee made up of medical and dietetic experts (including independents from the AIS) where all team supplement programs are approved and policy guidance (such as introducing batch testing to reduce doping risk) is provided.

Further, the various International Federations also test athletes, have strict doping rules and in some instances contribute to education.

The Sports are not aware of any new threats in this area.

They remain committed to zero tolerance in respect of doping and seek to ensure that every aspect of their competitions is conducted fairly and free of the scourge of doping.

**Review Objective 2 – Adequacy of integrity arrangements and areas for improvement**

We dealt with the adequacy of integrity arrangements in our preliminary submission.

In following sections we will deal with areas for improvement.

## **Review Objective 3 – Anti-doping**

### **SUMMARY**

Netball uses CAS as its tribunal of first-instance for anti-doping matters. The other six Sports have established their own anti-doping protocols and tribunals. Details of the structure of these tribunals and the tribunal members were set out in the preliminary submission.

The Sports are not frequent users of the ADRV process as they have had a low number of cases in recent years.

It is their view that there are a number of issues with current ADRV processes in Australia that require improvement in order to address contemporary and future doping threats in Australian sport.

In a perfect model, ASADA's role would be that of a well resourced, agile support agency, managing the technical and scientific aspects of possible ADRVs and providing a platform for knowledge and information sharing between Government, law enforcement agencies and Australian sports. It would provide a more effective, intelligence driven testing program for sports. It would provide education support to supplement the education processes provided by the Sports.

Currently, ASADA is insufficiently funded and resourced to provide the type, and level, of support being sought by the Sports. Previously, ASADA had a strong detection and investigation arm.

The Sports have allocated significant human and financial resources to developing their own integrity units with the aim of addressing the significant integrity threat that Australian sport currently faces. These integrity units play a vital role in investigating potential ADRVs, administering and coordinating the operations of independent sports tribunals, and educating stakeholders on anti-doping processes and rules.

The Sports seek a competent, well-funded and streamlined government agency to support these efforts in order to effectively combat the doping threat within Australian sport.

We do not believe a National Sports Integrity Tribunal will effectively aid current ADRV processes. It will increase bureaucracy and may hinder the Sports' efforts to effectively and efficiently manage ADRV processes. We deal with this further later in this submission.

## ISSUES AND DIFFICULTIES WITH CURRENT ANTI DOPING RULE VIOLATION PROCESSES

### Time consuming and convoluted ADRV processes

The ADRV process is generally convoluted and confusing, and difficult for athletes and other stakeholders to understand. It is too bureaucratic, involving an inordinate number of procedural steps.

For example, in a process involving the investigation of a potential ADRV where no atypical sample has been detected, there are a series of procedural steps before the matter can proceed to a first instance hearing at a tribunal. The respondent is first given a show cause notice by ASADA to which he or she can respond. Following conclusion of the response period, the matter is then presented to the anti-doping rule violation panel (**ADRVP**) for consideration. Again, at this point, the respondent is given another opportunity to provide material relevant to the case. Following consideration by the ADRVP, if it is satisfied that a possible ADRV has occurred, the panel makes an “*assertion that a possible ADRV has been committed*”. This decision is then appealable to the Administrative Appeals Tribunal and, further, to the Federal Court of Australia.

Only once the “assertion” has been made by the ADRVP, and any appeal avenues waived or exhausted, is the respondent provided with an infraction notice by their sport before the matter proceeds to a hearing of the question of whether an ADRV has actually occurred.

It is worth noting that this outline does not include the myriad steps that may be involved in investigating the matter prior to a show cause notice being issued. In our view, this process is too long and cumbersome, and the ADRVP result – an “*assertion that a possible ADRV has been committed*” – is of very little assistance in the sporting tribunal, which must establish the existence of the violation to the comfortable satisfaction of the tribunal.

We query whether the ADRVP is duplicating the work to be done at a first instance hearing before a tribunal; namely considering the relevant evidence and materials to determine whether an ADRV has occurred.

We recommend that the ADRVP be abolished.

### Delineation of roles and responsibilities in the ADRV process

The Sports do not have clear guidance on when and how to engage with ASADA to respond to, and investigate, potential ADRVs. Under the sport’s anti-doping policy, often the sport shares responsibility with ASADA for a number of key ADRV functions and processes, including investigating possible ADRVs, information sharing and results management.

The current delineation of roles and responsibilities in responding to an alleged ADRV is blurred and ambiguous. For example, at times, the onus of pursuing an investigation falls on the sport, whilst at other times, ASADA will insist on leading the investigation.

When questioned by Sports on this issue, ASADA has failed to provide the clarity and certainty required to enable ADRV matters to be effectively managed. Additional resourcing and pre-emptive management from ASADA would help to achieve this clarity.

ASADA also needs a renewed focus on sports engagement. One sport reports that ASADA had a Director of Sports Engagement for 2.5 years and the sport met her for the first time in the last month before her departure from the role.

### **Lack of flexibility in ADRV processes**

Pursuant to the Regulations, it is mandated that sports in Australia be effectively required to adopt the ASADA model anti-doping policy. Sports are permitted to update their policies if they obtain ASADA's approval. ASADA has resisted attempts by a number of the Sports to update and enhance the model policy, and contextualise it for practical, real-world scenarios relevant to their sport. This has compounded the Sports' confusion in relation to current ADRV processes.

What inevitably follows is the adoption of an anti-doping policy that contains ambiguities and uncertainties. For example there is only one reference to the ADRV in the entire Tennis Anti-Doping Policy. As a result, there are gaps within the policy in relation to the process for referral to the ADRV, the composition of the ADRV and the rights of the respondent with respect to the ADRV.

### **ARE CURRENT ARRANGEMENTS CAPABLE OF ADDRESSING ANTI-DOPING THREATS?**

The Sports have long recognised the threat posed to national and international sport by integrity challenges. Over a number of years, the Sports have been proactive in developing and implementing measures designed to combat the anti-doping threat.

In particular, the Sports have allocated significant human and financial resources to:

- (a) manage their ADRV processes;
- (b) advance and streamline ADRV investigations;
- (c) establish processes and procedures for the hearing of anti-doping matters by sports tribunals;
- (d) invest significant sums in smart testing under an intelligence-led test distribution plan; and
- (e) implement training and education processes and resources to engage with athletes and other stakeholders.

Each of the Sports has now established its own integrity unit with responsibility for managing ADRV processes.

Despite this ongoing allocation of resources, we submit that current arrangements are not capable of adequately addressing the doping threat. Specifically, we contend that the Sports are not being given the support that they require by ASADA to effectively combat the current doping threat.



ASADA is insufficiently funded and under resourced to effectively and efficiently respond to the needs of the Sports. Accordingly, ASADA has been unable to satisfactorily perform a number of its vital functions that support the Sports' ADRV processes.

One sport reports that its biggest problem is getting ASADA to agree which teams/athletes will be tested and then providing the missions to go out and do the tests. This is an outcome of not having sufficient sport support staff that can manage multiple sport clients.

In particular, we highlight the following functions of ASADA, as set out in the Act and Regulations, as areas in which the Sports require, but are not adequately receiving, highly specialised and targeted support:

- (a) testing for atypical samples;
- (b) undertaking results management;
- (c) conducting investigations into possible ADRVs; and
- (d) providing advice and guidance on technical matters related to ADRV processes.

The Sports have differing views about ASADA's role in investigating potential ADRVs.

One sport reports that ASADA has been presented with what was, in the sport's opinion, prima facie evidence of matters warranting further follow up to determine if an ADRV has occurred, and ASADA was reluctant to investigate.

Another sport reports that the problem is that ASADA does not act in a timely manner – for example, it takes too long for ASADA to come to the sport with details on an atypical finding and it does not put in place steps to follow up, by which time the opportunity to detect an ADRV may have passed.

Another sport is comfortable with ASADA's role in this area and reports that ASADA has provided "tipoffs" about suspicious activity from time to time.

We submit that ASADA's processes for undertaking testing and results management are both bureaucratic and inefficient. Some of the Sports prefer to engage private testing agencies (where possible) instead of ASADA for these purposes. Private agencies are also more cost effective for the Sports that use their services.

The Sports acknowledge that ASADA itself operates in a relatively inflexible legislative framework, which limits its ability to work with sports in developing anti-doping policy.

## **WHAT DOES 'A PERFECT MODEL' LOOK LIKE**

In a perfect model, ASADA's role would be that of a well resourced, agile support agency, managing the technical and scientific aspects of possible ADRVs and providing a platform for knowledge and information sharing between Government, law enforcement agencies and Australian sports. It would provide a more effective, intelligence driven testing program for sports. It would provide education support to supplement the processes provided by the Sports.

Currently, ASADA is insufficiently funded and resourced to provide the type and level of support being sought by the major professional sports. Previously, ASADA had a strong detection and investigation arm.

Given the recent level of investment by the Sports in integrity related matters, they are well placed to play (and continue playing) an active role in managing the ADRV processes within their sport.

The outcome from this review should be to focus on tackling the existing issues and challenges in the ADRV processes.

A well-resourced ASADA, with a clear focus on supporting all sports to deal with ADRVs, can and would be a valuable asset in the fight against doping.

We also seek more general support and not just on ADRV management. For example, ASADA should be more active in test planning, public campaigning against doping (the UKAD is very effective in this space) and working with sports and governments to generate adaptable education and resources rather than the generic platforms that are produced, apparently without consultation with sport.

In particular, the Sports acknowledge that work needs to be done on developing policy to improve information sharing arrangements between Government, law enforcement agencies and the Sports. If the Sports are to promptly and effectively detect, investigate and sanction ADRVs, the information sharing function between these bodies must be enhanced. We can see ASADA (potentially with the support of the National Integrity of Sport Unit (**NISU**)) playing a key role in researching, coordinating and implementing such policy development.

We seek a system for greater protection of documents that are shared with sports as part of investigations. ASADA is currently reluctant to share documents with sport clients as those documents can become discoverable by third parties once they are in the hands of sports. We support ASADA's desire to be able to protect these documents more easily to protect them from subpoena/discovery when shared with the Sports.

## **National Sports Integrity Tribunal (the Integrity Tribunal)**

The Sports have well-established tribunals to hear integrity related matters at first instance and on appeal. It is acknowledged, of course, that CAS must hear appeals from anti-doping hearings. In addition, Netball uses CAS as its tribunal of first instance for anti-doping matters.

The Sports have worked hard at recruiting outstanding individuals who sit at the pinnacle of their profession to populate their tribunals and panels. Over the past two decades, a cadre of highly respected sports lawyers and doctors has emerged. If the proposed Integrity Tribunal were to be established, it is highly likely that the same judges, QCs, barristers, solicitors, medical doctors and former players would be on the short-list for appointment to it.

In addition, the Sports have established effective and efficient processes and protocols to support their disciplinary activities. Details of relevant Codes of Conduct, Rules and Regulations for each of the Sports have been provided in the COMPPS Preliminary Submission. Generally, they are “well-oiled” and ready to go at very short notice. They have been tested often and refinements have been adopted to make the systems stronger. Further, they have withstood the scrutiny of the sports media. They have also withstood the scrutiny of courts of law, as it has become fashionable to test tribunal decisions in the courts. The importance of the infrastructure that surrounds the existing tribunals should not be under-estimated. The Sports have willingly shared their Codes and policies with other sports when requested.

As stated previously, the Sports have a low number of ADRV hearings. They also have a low number of betting related corruption hearings. The tribunal members are not called upon often but they deal with a diverse caseload. This involves on-field infractions, off-field player behaviour, salary cap breaches, player eligibility, relationships with criminals, match-fixing and doping breaches and various other issues that emerge from the often surprising, but always challenging and usually media-fascinating business of running a sporting body. They sit often enough, however, to have an understanding of the peculiar features, vagaries and nuances of the sport that impact on disciplinary matters. They understand how the game is played how it is regulated and how it is refereed. They are familiar with earlier decisions that impact on their deliberations. This familiarity with the sport is an important part of the disciplinary process.

Cricket has introduced effective processes in this area. It invests in annual workshops at which it provides “training” to Commissioners on changes to CA’s rules, updates on strategy and changes to the Australian cricket landscape so they have a broad understanding of the issues that may come before them. It is also an opportunity for them to exchange ideas and discuss previous decisions and rulings. As well as being selected for their outstanding legal “pedigrees” the Commissioners are selected by CA because they have a deep connection with the sport through participation as players or volunteers at the community level. This gives them an intuitive understanding of the game, the players and their issues and gives CA confidence they it will get sensible outcomes from each individual Commissioner.

Further, these disciplinary processes exercise a protective jurisdiction for the sport. The imposition of sanctions for disciplinary breaches - particularly serious integrity breaches – provides the sport with a valuable weapon with which to protect its reputation and authority.

The Sports are subject to the general law, including the criminal law. The concept of a common approach to handling matters that go to the *reputation* of a sport (and by extension, its whole value and core business) should not be delegated to another party. Integrity is a major part of reputation. A sport cannot be the *custodian* of the sport without control of the matters affecting its reputation. If this is outsourced or delegated to an entity over which the sport has no control, then this is an effective ceding of its responsibility to govern the business. No major corporate such as a bank, airline or consumer retail business would do this. It would undermine the fundamental principle of the governance model of Australian sport – that it is the board, democratically elected by its members, who should govern the sport. The board has the responsibility and is held accountable by members who have the right to vote to remove a director or board. If boards are required to carry the responsibility of governing their sport, they also have to be enabled and empowered. There is no greater responsibility for a sport's governing body than to protect and promote the reputation and integrity of its sport. Given the potential impact on its business of not doing so (loss of broadcast partners, sponsors, fans, players and associated revenue) there is no greater risk than that represented by not managing its integrity.

Each of the Sports has its own unusual and complicating features. For example, FFA is obliged by its international federation (FIFA), to elect or appoint the members of its two independent judicial bodies. It is also a mandatory provision in the FFA Constitution that the FFA members are given the power to remove members who have been appointed or elected to its judicial bodies.

The role of the Sports in implementing their own integrity tribunals also encompasses the case management and procedural aspects of running a disciplinary system. This is particularly critical from the perspective of managing the timing of disciplinary procedures, not only to ensure their timely conduct but also to take account of key events in a sport's calendar. It can be extremely damaging to a sport's reputation and integrity to have a player under a serious misconduct charge permitted (and importantly be seen to be permitted by the governing body) to take the field. It may be imperative for a sport to ensure that a matter is conducted before a player facing a charge is due to appear in important matches such as a finals series or in the case of international sports, to represent their country. As one example, one of the Sports has faced the case of a player under a serious charge about to leave the country to perform national team duty with the consequent need to be able to control the timing of disciplinary procedures before continued national team representation was either confirmed or in this case withdrawn through sanction imposed by the sport and upheld on appeal to its independent tribunal. Whilst an external body can always indicate that expedition in urgent cases can be arranged, assessing the importance of expediting cases and ultimate control of the secretariat work involved in convening hearings, are matters over which the sports rightly should have control, given the potential damage to the sport that may arise from having a participant continue to be a public face of that sport under these circumstances. Provisional suspension measures pending the outcome of a

disciplinary process are not a satisfactory response, even where available, and through their panacea effect, can be counter-productive and damaging in inadvertently leading to more delay in the substantive and final resolution of a case.

The Sports have seen comments in documents provided by the Review Panel to the effect that there is concern about the perception of a potential conflict of interest of tribunal members because they have been appointed by the Sports. The Sports take exception to those comments. The tribunal members are independent. They value their independence. The Sports value and protect the independence of the tribunal members.

We are not aware of any instance where a tribunal member has been pressured or influenced by a sport to make a decision in a particular way. The calibre and reputations of the people appointed to tribunals is such that any such attempt would be rebuffed and reported.

We ask the Review Panel to apply this test – take a random selection of the tribunal members appointed by the Sports and ask them whether they have any difficulty in being independent when deciding sporting matters? Ask them further whether they have ever been pressured by the sport that has appointed them to make a decision in favour of that sport? Ask them what their reaction would be if they were asked by the sport to make a decision that was biased or in some way not based on the available evidence and the relevant legal principles?

Further, it is a disservice to the integrity of a sport if the tribunal members run a sub-standard or clearly inappropriate process. It is against the interest of the Sports for “non-independent” members to be on tribunals or, putting it the other way, it is in their interest for tribunals to be frank and fearless and to make decisions and hand out appropriate sanctions that respond commensurately with the seriousness of conduct that impacts on the reputations of the Sports.

Further, we have seen comments in documents provided by the Review Panel to the effect that only the professional sports can afford to set up and maintain independent tribunals. That is not the case. Many smaller sports have been able to set up effective tribunal systems. In this context it is worth noting that the Australian and New Zealand Sports Law Association (ANZSLA) has put in place a Sports Tribunal Referral List through which reputable sports lawyers offer their services pro bono to serve on tribunals throughout community and state level sport.

Persons facing charges under the jurisdiction of the Sports are permitted to have legal representation. Legal formality is minimal. The tribunals seek to dispense sporting justice quickly and with a no-frills approach.

The tribunals established by the Sports provide very affordable justice. The tribunal members appointed by the Sports either provide their services pro bono or at greatly reduced daily rates, generally nominal amounts compared with their daily charge-out rates. Persons who are charged with offences are not charged fees except by one sport that charges a \$500 application fee for commencing a matter before its disciplinary tribunal and \$2,000 for an appellant seeking to appeal to its Appeal Committee and another sport seeks a fee of \$250 for some appeals and disputes. Two sports seek a

surety from applicants to guard against frivolous or vexatious disputes. There is no provision for costs to be awarded against an applicant except for one sport that provides discretion for its disciplinary committee and appeals tribunal to award costs against a party for frivolous or vexatious prosecution or defence of a disciplinary dispute.

CAS, on the other hand, provides more expensive justice, where CAS requires payment of an application fee of \$1,314 to be paid by the claimant/appellant in both the ordinary and appeals division of CAS. It also requires each party to share in the costs of the arbitration, which includes the administrative costs of CAS, arbitrator's fees and staff allocated to a hearing. Depending on the complexity of the matter, the arbitration costs at CAS can be significant and, in matters where the parties are required to contribute to the arbitration costs in advance, it can be cost prohibitive for parties to exercise their rights.

Arbitrators' costs range from \$394 to \$687 per hour and they are also paid travel costs, a daily meals allowance of up to \$197 and a daily accommodation allowance of up to \$461. An order for costs may be included in an award or divided separately between the parties. The arbitrator has a discretion to award costs to a successful party.

The Sports have seen reference to the Integrity Tribunal (if established) being a **compulsory** jurisdiction for all sports integrity matters. This is in direct conflict with undertakings given to the Sports by the Minister. It was made clear that any such tribunal would operate on an "opt-in" basis and that there would be no pressure on sports to submit to its jurisdiction. The current Minister's assurance is consistent with undertakings given to the Sports by successive Prime Ministers and Sports Ministers to the effect that they do not seek to interfere with the sovereignty of sports in Australia.

The strong preference of the Sports is that they continue to use their existing independent tribunals and disciplinary committees to hear integrity-related matters that fall within its disciplinary jurisdiction, including issues, which arise at elite levels in their sport.

They are unlikely to "opt-in" to the jurisdiction of a National Sports Integrity Tribunal.

The Sports value their ability to dispense sporting justice fairly, cheaply, quickly, effectively and efficiently.

They see little benefit to them in the formation of such a tribunal. It is likely to be an expensive process. It is an unnecessary level of bureaucracy. It is likely to duplicate resources that are already available to them. They have chosen their tribunal members carefully from the pinnacle of their professions. The tribunal members are familiar with the vagaries of the sports in which they operate. They are independent of the Sports and value that independence. The Sports have the infrastructure and experience to operate the processes that are involved. In the view of the Sports, a National Sports Integrity Tribunal is unlikely to add any value to the disposition of anti-doping and corruption matters.

The Sports have no objection to it being formed if that is the wish of sports other than the major professional sports.

We are asked to comment on funding and staffing of the National Sports Integrity Tribunal.

The Sports meet the costs of their existing tribunals and have worked hard to minimise the costs and provide effective, affordable justice. It is unlikely that they will opt-in to the jurisdiction of a National Sports Integrity Tribunal. It follows that they do not wish to provide any of the funding if it is established.

The Sports are asked which matters do they believe might or should be covered by an Integrity Tribunal.

Under cover of the above comments concerning the possible formation of such a Tribunal, they make the following comments:

Integrity matters strike at the heart of a sport. The Sports are the custodians of their codes. Maintaining, defending and promoting the integrity of their sport are responsibilities that weigh heavily on those who are empowered to govern and manage the sport. Save for the right of appeal to CAS in anti-doping matters, they do not wish to sub-contract this responsibility to a third-party.

## Review Objective 4 – Match-Fixing

### Resources and current strategies

The starting point in the fight against match-fixing is that each of the Sports has established a sound foundation for addressing match-fixing that is consistent with best practice promoted globally by the International Olympic Committee and with the requirements of sporting organisations set out in the Australian National Policy on Match-Fixing in Sport (**Policy**) agreed by State Attorneys General in 2011:

- Appropriate codes/policies proscribing a wide range of match-fixing related conduct and covering a wide range of sport participants including players, coaches, match officials, player agents and other support personnel;
- Extensive and sport-specific education programs targeting all key participants in their sports;
- The establishment of integrity units and appointment of integrity professionals including the ability to add investigation capacity to such units as required to fully and professionally investigate incidents of match-fixing; and
- Effective management of the enforcement processes contained within anti-corruption codes/policies (including through the appointment of highly qualified and independent tribunal members) so that offenders are prosecuted and, where applicable, appropriately sanctioned.

### The Sports also *monitor and identify* suspected match-fixing events, including:

- The use of bet monitoring services mainly through Sportradar Integrity Services (engaged by 6 of the Sports) to provide monitoring, intelligence and prevention solutions to support the sports in the fight against betting-related match-fixing;
- Provisions in Product Fee and Integrity Agreements (**PFIAs**) through which wagering service providers report suspicious betting activity through to the Sports as 'sports controlling bodies' (**SCB**) and through which sports can veto betting markets on their sports that have the potential for manipulation;
- At-match anti-corruption overlays that restrict communication channels to participants while establishing monitoring systems (including in relation to court/pitchsiders) and, in some cases, offering official data services to expedite the delivery of verified match data to reduce potential manipulation of official betting markets;
- Formal and informal information exchange protocols with government and law enforcement agencies, including the Australian Federal Police, Border Force, the Australian Criminal Intelligence Commission and local State police agencies such as the Victorian Sports Integrity Intelligence Unit;
- Hotlines through which participants and members of the public can report – personally or anonymously – suspicions of corrupt conduct;
- Internal analysts who monitor data sets including bet market activity, participant form and intelligence reports; and
- Information sharing networks between the Sports and their respective international federations, counterpart national sport governing bodies and, where applicable, international sport integrity bodies (e.g., the Tennis Integrity Unit).



## **Processes for dealing with suspected match fixing events; difficulties with current processes; options for improvement**

Each of the Sports has built capacity within its internal integrity systems to deal with suspected match-fixing events by:

- Reporting such conduct to relevant police agencies via established networks or to international federation or other relevant sports body;
- Utilising internal investigation capabilities to conduct anti-corruption code related investigations, usually subject to any criminal processes underway with police agencies; and
- Effective enforcement against violations of anti-corruption codes pursuant to tribunal processes conducted by highly qualified and independent tribunal members.

### **Mandatory Reporting**

Each Sport, as the SCB will notify the existence of a match-fixing incident on a mandatory basis to VCGLR (who then also notifies the NSW OLGR) and to the ASC pursuant to requirements under Sport Investment Agreements.

Separately, as shown in recent FFA and TA match-fixing examples, the Sport also notifies the local police (and other applicable agencies such as Border Force or the ACIC or AFP) if there is an element of criminal conduct under match fixing laws or otherwise for actual or suspected match fixing.

While the reporting protocol is the same, the manner in which sports report the same types of issues to the same bodies differs depending on the sport's network and key relationship contact. We see value in a single point of contact nominated by each relevant entity.

It would be even more useful to consider a national platform that could act as a co-ordinator of information.

### **Incidence of suspected match-fixing events – extent, communication to authorities, effectiveness of authorities' response:**

As mentioned above, the Sports have had very few match-fixing events and these have been dealt with by the Sports and police forces efficiently and effectively.

In recent years COMPPS sports have experienced the following events:

- NRL: Ryan Tandy attempted in 2010 to fix the early stages of a NRL match between Canterbury and North Queensland Cowboys;
- FFA: Four (international) players and a coach involved in fixing matches involving their club, the Southern Stars, in the Victorian Premier League in 2013;
- TA: Nick Lindahl pleaded guilty to intentionally losing a match in an ITF Futures tournament in Toowoomba in 2013. Players Brandon Walkin and Isaac Frost were also disciplined in respect of being involved in the same conduct; and

- TA: Oliver Anderson pleaded guilty to throwing a set in a match at a Traralgon Challenger tournament in October 2016.

Upon identification of each of these incidents, the respective sports referred the matters to local police agencies who took responsibility for investigating the matters. We note that despite the availability of heavy sanctions for offences relating to the manipulation of sports betting outcomes, the individual athletes received relatively light sanctions. Further, in most instances the relevant Sport subsequently applied a contractual sanction that was more substantial including lengthy suspensions from the sport and heavy financial penalties.

Our preferred position would be for stronger sentences to be imposed on any athlete convicted of match-fixing related conduct as a disincentive for athletes to engage in such conduct and to deter potential corrupters from trying to fix Australian sports.

**Views on opportunities for improvement with particular reference to possible national laws on gambling, including national consistency in relation to availability of betting contingencies:**

At present, there is no requirement on sports betting providers to enter into Product Fee and Integrity Agreements (PFIAs) with sports controlling bodies in respect of events occurring outside Victoria or NSW. The Sports have managed to negotiate agreements covering events outside Victoria and NSW. These PFIAs include valuable integrity mechanisms including that betting operators are required to provide information on suspicious betting activities on any event played in Australia covered by that PFIA. However, this cannot be relied upon in the longer term, given that the national scope of these agreements is contractual in nature and not supported by legislation.

The success of the Victorian Gambling and Racing Legislation Amendment (Sports Betting) Act 2007 supported by the subsequent NSW Racing Administration Amendment (Sports Betting National Operational Model) Act 2014 indicates the need for similar legislation to be adopted in all other states and territories of Australia. To do so would give substantial statutory weight to the integrity mechanisms in the PFIAs.

Further, a great concern for Australian sport, as identified by NISU acting with the ACIC through Project Petram, is that much of the suspicious betting activity and corrupt conduct originates outside of Australia and outside of the reach of sport integrity units. The Sports encourage NISU and ACIC to invest in Project Petram-related activities, which examine the nature and extent of domestic criminal activity of offshore-unregulated bookmakers and to share all relevant information on corrupt conduct with sport as it comes to hand.

For some sports there can be jurisdictional complexities in managing corrupt conduct if it overlaps both the local NSO and international federation anti-corruption codes.

Further, there can be insufficient and inconsistent sharing of information between national and international sporting bodies and between sports and police agencies. This can be because of lack of intent or resourcing (on both sides) or because of privacy or disclosure concerns.

The Sports have also found limits to their investigation ability due to having limits on a sport's coercive powers. Some player associations in Australia have rejected a sport's right to access player electronic devices and sports, unlike police agencies, cannot access information obtained from monitoring of telecommunications.

In Australia, each sport carries out its own sports betting intelligence gathering. Six of the Sports have a standalone contract with Sportradar. The Sports could access betting information in a more efficient, cost-effective way under a nationally coordinated arrangement, whether through a unified Sportradar arrangement or via a government-sponsored platform.

Each sport would be provided secure on-line access to relevant information about its own sports betting market. It would be up to individual sports to determine what resources to employ to collate, store, analyse and if necessary act on the information provided. Participation would be optional for sports.

Integrity units within the Sports also rely on betting operators to report suspicious betting transactions to uncover links to corrupt conduct. Therefore, they are dependent on the betting operators being able to identify irregular or suspicious activities, which may be limited by resource constraints or a lack of intent.

The Sports support recent initiatives in reforming the Interactive Gambling Act 2001 (Cth) to build a stronger response to unregulated offshore bookmakers but would repeat its view expressed to the O'Farrell Review that online in-play sports betting should be permitted in Australia under the Act to minimise the leakage of Australian bettors to offshore online betting operators.

### **Possible national laws criminalising match fixing**

The Sports have argued for consistent laws criminalising match fixing for many years.

We note that the Policy takes us part of the way. It is underpinned by the principle of 'a nationally consistent approach to deterring and dealing with match fixing in Australia'.

There are gaps and inconsistencies in the legislation that has been adopted pursuant to the Policy. It is essential that all states and territories adopt legislation that is consistent and does not create loopholes that result in inconsistencies between jurisdictions. The current situation provides anomalies that result in conduct being caught by the criminal law in one jurisdiction but not in another.

The multiplicity of jurisdictions does not work. We recommend a national system.

We see merit in the Commonwealth Government considering the potential of measures, such as the Macolin Convention, which might permit Federal match-fixing legislation and regulation of gambling. This is discussed further in Objective 5. Such legislation would address some of the cross-jurisdictional challenges faced by police investigations if supported by appropriate policing resources and would iron out some inconsistencies that exist because of the uneven application of match fixing legislation across states.

## **Better information sharing between sport, law-enforcement, and WSPs through national platform/national sport integrity commission**

Key to the identification and management of match-fixing events is improved information sharing. The Sports support establishment of a 'national platform', whether through the adoption of the Macolin Convention or otherwise. We note that an equivalent entity, the Sports Betting Intelligence Unit, has performed this function successfully for UK sports in recent years.

The Sports also support ongoing transnational cooperation between Australian agencies and international agencies including through formalised information sharing arrangements and through participation in sports integrity bodies such as the IOC-supported International Sports Integrity Partnership.

## **The Current Regulatory Environment**

Australia's regulation of sports wagering crosses multiple jurisdictions, with wagering regulation and enforcement dealt with at the State level under legislation such as the *Betting & Racing Act* (NSW) and *Gambling Regulation Act* (VIC) and internet/telephone access to wagering controlled at the Federal level under the *Interactive Gambling Act* (Cth).

Recent developments in the wagering regulation space have included:

- the *National Policy on Match Fixing in Sport* (2011) and limited State-based implementation (see discussion below);
- the O'Farrell Review into Illegal Offshore Wagering (2016);
- amendments to the Commonwealth *Gambling Regulation Act* 2001 (2017) to increase the powers of the Australian Communication and Media Authority;
- NSW Government amendments to wagering advertising (2016);
- Further proposed amendments to wagering advertising at the Federal level (2017);
- South Australia's introduction of a Point-of-Consumption tax for wagering taking place within the State (2016).

As key stakeholders, the Sports have been active in engaging with regulators on these topics. Although the Sports have not been supportive of all of the above initiatives, they remain committed to further improve the regulation of wagering across all jurisdictions, and propose that this is a key area to which the work of the Review Panel might be directed.

## **The National Policy on Match-Fixing (the Policy)**

The Sports support the Policy and are keen to see all of its recommendations enacted and enforced.

The Policy was agreed by Australian Governments on 10 June 2011 and is directed at providing a consistent response across Australian jurisdictions to reducing corruption in sport and promoting a sustainable approach to sports wagering. The Policy calls for

these objectives to be achieved through a combination of legislation, regulation, codes of conduct and industry standards.

For their part, the Sports have been diligent in putting into place measures in accordance with the Policy, including:

- strong Codes of Conduct prohibiting involvement in match-fixing, the provision of inside information and gambling by participants on their sport;
- clear guidelines for the promotion of wagering in association with their sport;
- comprehensive education programs covering codes of conduct, integrity risks and responsible gambling;
- active participation in policy discussions with Federal and State governments, both individually and through the mechanism of COMPPS.

### Regulatory Implementation of the National Policy

From a legislative and regulatory point of view, the Policy has two primary objectives:

- The creation of suitable **criminal offences** to deter and deal with **match-fixing**; and
- **Formal appointment of sports organisations as SCBs**. A significant element of this appointment is the requirement that wagering providers enter into *Integrity & Product Fee Agreements* with the relevant SCB, empowering the sport to **determine bet-types** which may be offered on their sport, mandating **integrity information sharing** between sport and wagering providers, and ensuring a **financial return** to sports on which wagering is permitted. The Sports generally have used this income to further the development of their competitions and fund community programs.

Since 2011, however, implementation of aspects of National Policy has been sporadic. As mentioned earlier, some but not all jurisdictions have introduced match-fixing offences. Several have not introduced legislation to formally appoint sports organisations as “Sports Controlling Bodies”.

	NSW	VIC	QLD	SA	TAS	WA	NT	ACT
Criminal Laws re Match-Fixing	✓	✓	✓	✓	-	-	✓	✓
Sport Controlling Bodies	✓	✓	-	-	-	-	-	-

The Sports are supportive of the full implementation of the remainder of the National Policy. We seek nationally consistent legislation that criminalises match fixing. We seek legislation through which each Sport would be appointed as the SCB in each Australian jurisdiction in which their sport is played or wagered on. This would strengthen the authority of Sports in jurisdictions where SCB status is not currently conferred, and in which Sports must rely on purely voluntary contractual arrangements with wagering providers to exert influence on their markets, enforce integrity information sharing and secure an appropriate product fee.

## **Further Regulatory Development**

The Sports are also supportive of measures, which would further harmonise the approach to wagering regulation across jurisdictions, including in the following areas.

### **Consistent reporting and information sharing requirements across State and Territory jurisdictions**

Online wagering takes place nationally, but the current regulatory environment requires the Sports to deal directly with individual State and Territory regulators, each of which has different reporting and information sharing requirements. This generates a significant administrative burden on Sports, creates duplication and increases the risk of information becoming siloed from jurisdiction to jurisdiction.

The Sports are supportive of measures that seek to streamline reporting and notification requirements across Australian jurisdictions, and that facilitate the sharing of information between individual regulators and sports.

### **Increased enforcement of existing wagering laws**

The Sports are in the process of receiving briefings regarding the recent amendments to the *Interactive Gambling Act 2001* (Cth) providing additional powers to the Australian Communications and Media Authority. They support, in principle, measures to ensure that regulators are more easily able to enforce the existing wagering laws to increase certainty in this area.

The Sports are not aware of any enforcement action to date being taken to ensure that wagering operators are made aware of and compelled to enter into integrity arrangements with Sports (in the States where that requirement is law). The practical result is that sports can be placed in the position of acting as a form of regulator – chasing wagering providers to enter into the necessary agreements.

### **Consistent approaches to Product Fee and Integrity Agreements**

As noted above, PFIA's are the primary mechanism by which the Sports interact with wagering providers offering markets on their competitions. The Sports have been successful in entering and enforcing PFIA's despite limited legislative support.

Although PFIA's are currently mandated by Victorian and NSW legislation, the content of those agreements remains largely a matter for negotiation between sport and wagering provider.

Each of the Sports has its own format for these agreements, which establish broadly standard terms for the wagering operators offering markets on their sport. Common elements of these Integrity Agreements are:

- **Control over Betting Contingencies** – The PFIA confirm in contractual form the powers granted by NSW legislation (and to a lesser extent Victorian legislation) for a SCB to determine the betting markets, which may be offered on its competition. Each of the Sports has internal processes by which the relative risk of the markets proposed or offered by wagering providers may be assessed, and the PFIA sets out schedules of permitted markets that have been approved by the sport.

The Sports have established robust systems for reviewing and determining applications for additional betting markets. However, in most jurisdictions this power remains purely contractual in the absence of overarching legislation.

- **Information Sharing** – The PFIA require the sharing of information between the sport and wagering provider for integrity purposes. These requirements are imposed under NSW and Victorian legislation, although there is little detail as to what level of information and co-operation is required. In response, the Sports have negotiated relatively detailed processes for the auditing of betting accounts of their players and officials and the provision of information and alerts for wagering on their competitions. It must be noted, however, that the level of access is dependent on contractual negotiation by the individual sports.

The Sports are supportive of further development of the PFIA model, which could see measures such as the following:

- confirmation across all Australian jurisdictions of the right of SCBs to determine (subject to any necessary powers of the responsible Minister) the betting markets which may be offered on their sport;
- minimum standards for information sharing, including the format, volume and timing of information to be provided by wagering providers;
- confirmation across all Australian jurisdictions of the right of SCBs to receive a product fee, which reflects the value the wagering operator derives from the sporting product. This is considered separately below.

It is suggested that, in addition to further work at the State/Territory level, some of these measures might be achievable through Federally mandated PFIA, whereby wagering operators offering their services by means governed by the *Interactive Gambling Act* might be permitted to do so only where appropriate agreements are in place.

## Product Fees

Product Fees are an important element of the integrity framework proposed in the National Policy on Match-Fixing. They represent a return to the sports, which bear all the risk in staging their competitions, for the value of their product derived by all wagering operators in operating their businesses. This source of revenue is wholly distinct from other commercial arrangements, such as sponsorships, that a sport may choose to enter into with an individual wagerer.

The revenue derived from Product Fees is essential to the funding of the integrity and compliance functions of the Sports. The Sports would be interested to understand any

preliminary views the Review Panel has in relation to product fees and other mechanisms for wagering revenue to flow to sports.

The Sports are currently involved in a dialogue with the Federal, State and Territory Governments in relation to potential introduction of Point-of-Consumption wagering taxes at the State and Territory level. The primary concern of the Sports in this discussion is to ensure that any modification of the taxation of Australian wagering does not:

- put Australian regulated wagers at competitive disadvantage such that it encourages the transfer of betting to unregulated, off-shore wagering providers that do not pay taxes or Product Fees, and are beyond the reach of the framework of PFIAs; or
- degrade sports' ability to obtain a fair return from wagering conducted on it.



## **International Federations**

### **Expectations and Conflicts**

Each of the Sports except AFL has an international federation. AFL is the national and international federation although it does not have official international federation status.

The existence of, and roles played by, International Federations present inherent logistical and jurisdictional challenges for Australian sports governing bodies, particularly where the International Federation wishes to assume conduct of the investigation and ensuing proceedings and/or where multiple jurisdictions may be involved.

The challenges are not necessarily caused or exacerbated by the National Policy and are not limited to matters involving match fixing (similar challenges can arise in anti-doping and athlete conduct issues).

The National Policy – and the local legal requirements and those initiatives taken by sports as part of its implementation – are not in ‘*conflict*’ with the anti-corruption policies of International Federations. The National Policy framework has in fact provided benefit and assistance to International Federations in addressing match-fixing and corrupt betting practices and is viewed favourably by some International Federations when compared to other jurisdictions.

### **Criminal Legislation**

The introduction of state/territory legislation criminalising match-fixing and corrupt practices is a clear denunciation of this type of behaviour. International Federations support the criminalising of such practices. Nevertheless, striking a balance between respecting local criminal processes and taking disciplinary action pursuant to sporting policy, can be difficult, particularly given the potential time taken to resolve criminal proceedings. Many policies of International Federations acknowledge the potential for criminal proceedings and they reserve their rights to stay disciplinary action. Importantly, the policies of some International Federations also allow an athlete (or other individual) to be stood down pending the outcome of criminal proceedings to address the potential integrity and reputational risk of an athlete participating in the sport under a significant cloud of suspicion.

The National Policy refers to a role for Government (NISU) in: “*developing protocols for sanctions by sports*”. The Sports would welcome a discussion about protocols or processes that may assist with the interplay between local criminal proceedings and disciplinary proceedings under policies of International Federations.

### **Law Enforcement**

The existence of the National Policy and associated criminal legislation provides the impetus for Australian law enforcement agencies to focus their attention on investigating and prosecuting match-fixing and corrupt betting practices. Local law enforcement agencies provide the International Federations with a valuable resource in their efforts

to combat such behaviour. International Federations such as the ICC, FIFA, World Rugby and the ITF have relationships with, and utilise the expertise of, Australian law enforcement agencies.

As touched on earlier in our submission, reporting lines and information sharing with law enforcement is currently ad hoc. The Sports and their International Federations would benefit from formalising information sharing arrangements. The National Policy refers to a role for Government (NISU) in: “*developing protocols for referral of criminal activity to law enforcement.*” The Sports agree that this would be of great benefit to sports and International Federations.

The fact that some of the Sports through their international federations have signed information exchange documents with the AFP and other government agencies is a positive achievement. We seek a more coherent information exchange framework involving NSOs and IFs working collectively with law enforcement, government agencies and sports betting operators.

In this context, it is worthwhile to recount one instance where information sharing has been of great benefit to two of the Sports and the mechanisms have proved to be effective.

In 2014-5 an integrity taskforce was established between the federal government, law enforcement agencies, the International Cricket Council, Cricket Australia, Asian Football Confederation, FFA and the local organising committees to handle integrity issues surrounding the Asian Football Cup and the Cricket World Cup in 2014-15, two major events taking place in Australia during those years. It involved collaborative development of a Major Sporting Events 2015 Concept of Operations that guided the coordination of anti-corruption measures in the lead-up to, and during, the respective tournaments. This proved to be a worthwhile objective that was of value to the two Sports involved in it.

### ***Information Sharing with Betting Agencies***

International Federations have benefited from increased cooperation between the Sports and betting agencies; the result of legislating the concept of the SCB detailed in the National Policy.

The Sports have access to substantial information held by betting operators. International Federations – via the Sports as facilitators – have been able to access this information to aid the investigation, hearing and enforcement of matters relating to their policies.

International Federations are also supportive of the ability for SCBs to dictate the events and the bet types that Australian betting operators can offer markets. This limits the integrity risk associated with match fixing and corrupt practices.

## **Review Objective 5**

***What are the views of sports regarding the possibility of establishing a National Sports Integrity Commission (NSIC), or similar body, or a national platform for policy development and operational capability?***

### **Opportunities for structural improvement – an industry approach**

There are some key issues that need to be addressed at a national level. These include:

- a) National match-fixing legislation;
- b) Nationally coordinated or federal sports controlling body legislation to reflect the Victorian and NSW system; and
- c) A coordinated and effective national intelligence-sharing platform

These objectives may be achievable by extending the powers and remit of NISU, particularly in relation to policy. We suspect, however, that this will simply paper-over the cracks and not provide a sustainable solution.

The Sports would support exploration of alternative integrity mechanisms that could help solve the issues identified above. Some of those mechanisms, discussed below, are seemingly being used to good effect in other jurisdictions. In any event, all industry participants including government, police agencies, sport and sports betting operators should be collectively involved in developing and participating in the solutions that are required to optimise our integrity efforts.

We feel that a national commission that is constituted as a government agency will have limited effectiveness, as the practical delivery of enhanced integrity outcomes must come from industry cooperation.

Some of the options that the Working Party might consider include the effectiveness and suitability of:

- The adoption of the European Macolin Convention on the Manipulation of Sports Competitions. This would give the government flexibility to introduce national match-fixing legislation, as well as (if desired) a national sports controlling body scheme like that found in Victoria and NSW.
- A national betting regulator with equivalent powers and responsibilities to the UK Sports Gambling Commission. Such a body could also assume some of the responsibilities shared with other federal and state government agencies.
- An improved information sharing network between sport, law enforcement and sports betting providers through a national intelligence platform, whether as contemplated by Article 13 of the Macolin Convention or through establishment of a dedicated pan-sport intelligence unit (within ACIC or the proposed through a central betting authority). We note that an equivalent entity, the Sports Betting Intelligence Unit has performed this function for UK sports in recent years as part of the Sports Gambling Commission. The intelligence platform should have wide

scope to share information with sports and agencies (such as ASADA) on topics such as anti-doping, salary cap cheating, organised criminal infiltration, player eligibility etc.

Each of these options obviously involves a considerable amount of detail and the Sports would appreciate the opportunity to make further submissions on any options considered viable by the Panel.

We encourage consideration of a sports (betting) integrity forum like the model in the UK that incorporates industry participants rather than merely being a government instrumentality. The UK Sports Betting Integrity Forum, as in the UK, can successfully bring together sports, police agencies, betting operators and government agencies (including NISU, ACIC (or the 'national platform' contemplated by the Convention) and the central gambling regulator, if agreed as per recommendation above) and has:

- Created a detailed action plan to identify key action items required including: (i) an intelligence sharing framework that works within existing or modified disclosure and privacy laws and (ii) identification of integrity codes of best practice; and
- Allocated responsibilities for participants in the Forum.

Further, in relation to ASADA, in the view of the sports, ASADA operates best as an independent authority and resources should be applied to its testing, investigation and education objectives as described earlier in this submission. We do not consider it appropriate to fetter ASADA by incorporating it into any new commission. In the suggested model, there is a clear overlap in the proposed national intelligence platform.

Accordingly, while we do not support the formation of a National Sports Integrity Commission, there are opportunities in this area for closer industry cooperation and improved sports integrity outcomes.

## Education

### What are the educational resources used by the sports for anti-doping and match-fixing matters – online or face-to-face?

Each of the Sports uses a combination of face-to-face and online educational programs.

The table below provides an overview of the integrity education programs of each Sport:

Sporting Organisation	Face-to-Face Educational Resources	Online Educational Resources
<b>AFL</b>	<p>The AFL Education team delivers face-to-face education on their Codes &amp; Policies to all players, coaches and officials at AFL Clubs. A more detailed education program delivered to all new draftees entering the elite system further supplements this.</p> <p>The AFL Education team delivers “Train the Trainer” programs with each of the AFL State Affiliate bodies to build the capacity of State staff in the delivery of Integrity education across State League Clubs (Senior), and Talent Pathway Clubs (U16-18).</p>	<p>The AFL Education Team works in collaboration with the AFL Integrity team to enroll all registered players, coaches and officials into an online education program and assessment focused on the key AFL Codes/Policies (including Integrity policies). This is a follow up to the face-to-face education.</p> <p>The AFL also has a dedicated education page on its website. The <a href="#">AFL Education</a> page provides publicly available links to educational information and resources in relation to a range of integrity matters including anti-doping, match fixing and corruption.</p>

Sporting Organisation	Face-to-Face Educational Resources	Online Educational Resources
<p><b>ARU</b></p>	<p>The ARU supplements its extensive online education program with various face-to-face education sessions covering anti-corruption and betting, anti-doping, medical and supplements policies.</p> <p>The Rugby Union Player’s Association in conjunction with the ARU holds an Induction Camp each year, which includes various face-to-face education sessions on key integrity matters. This Induction Camp is part of an extensive Player Development Program containing various education and training for players in areas of integrity, wellbeing, financial management and post career transition</p>	<p>Registered players, officials and contracted athletes across professional and certain amateur competitions are required to complete a mandatory integrity education program online via the ‘Rugby Learning Centre’ before they can participate in a match/event. Education requirements are tailored to reflect stage of the elite pathway program.</p> <p>At the amateur level, the ARU directs players and officials to the online resources of World Rugby. These resources include a dedicated anti-doping page “<a href="#">Keep Rugby Clean</a>” and anti-corruption page “<a href="#">Keep Rugby Onside</a>”. ASADA E-Learning is also utilised.</p>

Sporting Organisation	Face-to-Face Educational Resources	Online Educational Resources
<p><b>Cricket Australia</b></p>	<p>The CA's Integrity Unit works closely with CA's education team, the Australian Cricketers' Association and team-based player development managers to deliver ongoing best practice education programs. Players, coaches and support staff are educated and briefed on sports integrity broadly, with a specific focus on the areas of: anti-corruption, anti-doping and player conduct matters. These player briefings are delivered at least annually using a hybrid delivery- approach of face-to-face and online tools.</p> <p>Anti-corruption and anti-doping education is supported by ongoing access to anti-doping materials and updates throughout the year and by a network of Anti-Corruption Officers or SSSM staff (including medical officers and dietitians).</p>	<p>As well as the educational resources offered by Cricket Australia, a range of educational resources are also offered at the international level by the ICC. These include stand-alone <a href="#">Anti-Corruption</a> and <a href="#">Anti-Doping</a> pages.</p> <p>In addition, Cricket Australia has created a number of online courses for players, officials and staff; Spirit of Australian Cricket, Player Briefings Level 1 &amp; 2, People Practices, Safety Induction, Match Officials, Match Referees, Specialist Certificates in Leadership.</p> <p>The online platform used is Moodle, which allows remote access on mobile phones, tablets and computers. These courses form part of the annual player-briefing framework and complement the key learnings delivered through face-to-face briefings. That said, selected courses are also designed as stand-alone products, which are utilised as education tools to ensure a wider-reach of CA's education program amongst its participants.</p>

Sporting Organisation	Face-to-Face Educational Resources	Online Educational Resources
<p><b>FFA</b></p>	<p>Players, coaches and team support staff of all Hyundai A-League, Westfield W-League and Foxtel Y-League receive an annual pre-season integrity and code of conduct education session with a specific focus on the areas of: anti-corruption, anti-doping and player behavior and reputation matters. Attendance is compulsory to maintain registration.</p> <p>FFA also provides integrity and code of conduct updates on a more frequent basis as required to Hyundai A-League, Westfield W-League and Foxtel Y-League Clubs, as well as Member Federations. Face to face education is also provided to FFA's National Teams.</p>	<p>FFA issues an annual integrity resources pack to all of its Member Federations for use and distribution to its registered participants. This includes:</p> <ul style="list-style-type: none"> <li>• a pro-forma integrity and code of conduct education presentation which Member Federations can tailor for their specific needs and audiences</li> <li>• recommendations that participants complete ethics, doping and fixing online courses offered by the Australian Sports Commission and ASADA; and</li> <li>• free posters for Clubs to place around their facilities regarding betting prohibitions and obligation to notify FFA of suspicious behaviour to help facilitate awareness of participants' obligations under the FFA National Code of Conduct.</li> </ul> <p>FFA also has a dedicated Integrity Framework page on its official website.</p> <p>A range of resources is also offered at the international level by FIFA and Interpol. This includes the dedicated <a href="#">"Say No to Doping"</a> educational page and eLearning modules for players, referees and team officials.</p>



Sporting Organisation	Face-to-Face Educational Resources	Online Educational Resources
<p><b>NRL</b></p>	<p>NRL Rookie Camp comprises face-to-face and online components during which information is presented through a variety of mediums to educate players about an array of relevant topics including gambling, illicit drugs and criminal associations. Each attendee is issued a manual containing the content of the training and education covered in the program.</p> <p>Mandatory wellbeing and education programs for everybody involved in NRL from Under 16s to NRL (professional) level including training on gambling &amp; criminal activity.</p> <p>Compulsory education sessions and seminars including presentations from NSW and QLD Police around gambling, criminal associations, illicit drugs and various other relevant topics. The NRL is committed to providing a range of training programs and education as well as wellbeing and support to players and staff. These initiatives are developed in consultation with the NRL Integrity Unit.</p> <p>The NRL further encourages and provides education grants, career coaching and finance literacy training to equip players following their NRL careers.</p>	<p>The NRL has a dedicated education site, "<a href="#">League Wise</a>", run in conjunction with the Rugby League Players Association. League Wise offers a range of integrity education resources including in the areas of anti-doping and anti-corruption.</p> <p>Furthermore, players and staff are required to complete a mandatory online module covering the topics of alcohol, illicit drugs, supplements and ASADA requirements, gambling, respectful relations and social media. The module is followed by a quiz relating to the material covered and a list compiled of all the participants who completed the module. As part of the gambling segment topics of inside information and bribes were covered.</p>

Sporting Organisation	Face-to-Face Educational Resources	Online Educational Resources
<p><b>Netball Australia</b></p>	<p>Netball Australia supplements its extensive online education program with limited face-to-face education sessions covering anti-corruption and betting, anti-doping, medical and supplements policies.</p> <p>The Australian Netball Player’s Association in conjunction with individual Suncorp Super Netball Clubs visits teams pre-season and addresses a variety of matters, including integrity.</p> <p>Anti-doping education is supported by ongoing access to anti-doping materials and updates throughout the year.</p>	<p>Registered players, officials and contracted athletes are required to complete a range of integrity education requirements and submit relevant supporting documentation before they can participate in a match.</p> <p>Netball Australia participants at an elite level must complete the “<a href="#">Keep Sport Honest</a>” module, a NISU e-learning program designed to help participants understand what match fixing is, its consequences, how to recognise it and report it.</p> <p>Similarly, elite level Netball Australia participants must complete ASADA’s e-learning resource “Pure Performance Online”. Pure Performance Online provides participants with an introduction to the key areas of Anti-Doping. It covers topics such as prohibited substances and methods, therapeutic use exemptions, doping control and whereabouts requirements.</p> <p>Netball Australia issues an annual Integrity in Netball Framework - Action Summary to all of its Member Organisations and Suncorp Super Netball Clubs. Netball Australia also has a dedicated Integrity Framework page on its official website.</p>

Sporting Organisation	Face-to-Face Educational Resources	Online Educational Resources
<p><b>Tennis Australia</b></p>	<p>Face-to-Face education is conducted during December with all players from U12's to the Elites. These sessions include presentations by the TA Chief Medical Officer, Police and the Tennis Australia Integrity and Compliance Unit. In the younger age groups, parents are encouraged to attend these sessions. Coaches, Support Staff and Officials are continually updated via a professional development program developed by TA called Bounce.</p>	<p>Athletes are continually provided information on Anti-Doping and Anti-Corruption via the TA Athlete Management System, which is a web-based program available to all athletes.</p> <p>A range of educational resources is also offered at the international level through the International Tennis Federation (ITF) and the <a href="#">Tennis Integrity Unit (TIU)</a>. The TIU offers a range of online resources including the Tennis Integrity Protection Programme and the TIU App. The ITF offers various educational resources through its <a href="#">Anti-Doping</a> webpage.</p>

### **Are the Sports' education programs adequate?**

The Sports take threats to the integrity of their sport, and sport generally, extremely seriously. For this reason, each of the Sports prioritises the education of players and officials.

While integrity trends and threats are constantly evolving, the Sports are constantly reviewing and updating their education programs to address any emerging threats. The education programs are adequate at addressing integrity threats.

The Sports are keen to learn of any recent developments that emerge in this Review that will enable them to provide further or better education programs.

### **Is it possible to have a “one-size fits all” online education module?**

While there is some overlap between the Sports' education programs, the possibility of a “one-size fits all” online education program is limited. Many of the sports face differing integrity issues. For example, the integrity issues faced by team based Sports differ from those faced by individual sports. Similarly, the issues faced by sports that compete internationally, especially in high-risk areas such as Asia, differ from sports that compete exclusively at a domestic level. To address these varying integrity issues, a tailored approach has proved to be more effective.

Similarly, some of the Sports require tailored education programs to meet requirements set out by their international governing bodies.

Adding to the argument that a “one-size fits all” approach is not required is the fact that the Sports have previously demonstrated an ability to share educational resources, reducing inefficiencies in reproducing similar content.

Although the application of a “one-size fits all” education program is limited, the Sports believe that the sporting industry would benefit from the development of base level education content on matters such as doping and match fixing. Examples of this content could include recent case studies, videos, best practice guides and the statistics and trends in integrity issues. The Sports could then tailor this content for their own needs.

Additionally, the Sports recognise that a “one-size fits all” education model could be an appropriate tool for educating participants at a sub-elite and amateur level.

### **How effective are education programs in competitions that sit below elite level?**

The Sports face governance restraints educating participants at a sub-elite and amateur level, as many of these programs are co-ordinated and run by the various state associations. Similarly, the Sports face resource constraints in educating participants that sit below the elite level due to the large number and geographical spread of participants.

The resource and governance restraints faced by the Sports means that educational programs aimed at competitions that sit below the elite and semi-elite level could benefit from public or shared resources.

Some of the Sports have found the online resources offered by ASADA and NISU useful in educating participants in competitions that sit below the elite levels. However, the Sports suggest that these resources could be more effective if supplemented with face-to-face education programs.

The public resources provided to face-to-face education programs below an elite level is limited. For example, ASADA offers face-to-face training sessions free of charge to national teams and squads of recognised national sporting organisations, whilst charging other groups for training sessions. ASADA training sessions cost organisations \$576 for the first hour, \$146 for additional hours and organisations must cover additional expenses such as flights and accommodation. These fees are prohibitive for many organisations that sit below the national level and forces them to rely on online resources. Additionally, the face-to-face training ASADA offers to national teams and squads of recognised national sporting organisations, duplicates training offered by the Sports, whilst neglecting sub-elite and amateur participants that could benefit the most from this training.

## **CONCLUSION**

The Sports value the opportunity to make this submission to the Review Panel.

We are happy to provide further information if required.

We wish the panel well in its deliberations.

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