



Australian Government
Department of Health

Safeguarding the Integrity of Sport – the Government Response to the Wood Review



Message from Minister McKenzie

Sport plays a fundamental role in Australian life. It keeps us fit and healthy. It is part of the Australian identity and safe, fair, inclusive sport underpins thriving communities. It is the social glue that binds us together around the water coolers and chat rooms of the country. It creates communities and underpins much of community life. It teaches our children fair play and team work, the fundamentals for success in life. It gives us our heroes. It allows us to collectively aspire to greatness, while celebrating effort, hard work and perseverance. Sport is an essential part of our economy, delivering billions in income and hundreds of thousands of jobs.



Sports and physical activity teaches much about life skills – teamwork, sportsmanship, community spirit and fair go. In particular, the Wood Review seeks to protect that ‘fair go’ element that is critical to the Australian image of ourselves.

But sport is under threat, and needs protection. Without integrity underpinning our sporting competitions and events, we risk losing the great benefits that sport delivers.

Doping remains a scourge for sport right across the world. Match-fixing is rife globally, with organised crime exploiting and undermining sport, corrupting officials and athletes and cheating sports fans. Bullying and harassment remains a concern and, sadly, there are those in sport that will prey on children. Australia is not immune from these problems – sporadically, the back page news becomes front page headlines when our major sports are rocked by scandal - and, while we are world leaders in the fight against sports integrity threats, more needs to be done.

I would like to thank the Hon. James Wood AO QC and his fellow Panel members for their efforts in producing the most comprehensive review of Australia’s sports integrity arrangements ever conducted. The Wood Review provides a sobering assessment of the current sports integrity environment, the consequences of inaction and a detailed roadmap to provide the protection Australian sport deserves.

I am proud to be the Minister for Sport in a government that takes these matters seriously. This response, when fully implemented, will protect our cherished Australian sports for generations to come and will have lasting effect on the lives of all sport loving Australians.

A handwritten signature in blue ink, appearing to read 'Bridget McKenzie', written in a cursive style.

Government Response: Review of Australia's Sports Integrity Arrangements (Wood Review)

Introduction

On 5 August 2017, the then Minister for Sport, the Hon. Greg Hunt MP, announced a review of Australia's sports integrity arrangements to be led by the Hon. James Wood AO QC. The Wood Review was part of the development of the National Sport Plan – Sport 2030.

The Minister for Sport, Senator the Hon. Bridget McKenzie publicly released the report on 1 August 2018.

The Wood Review is the most comprehensive examination of sports integrity arrangements ever undertaken in Australia and presents 52 recommendations for consideration by Government. The Government extends its appreciation to the Review Panel and adjunct panel members for their work in producing this impressive and informative report.

The Government agrees with 22 of the recommendations, agrees in-principle with 12 and a further 15 are agreed in-principle for further consideration. Two recommendations are agreed in part and one is noted.

The Government is committed to comprehensively protecting the integrity of Australian sport for the benefit of the entire Australian community. This will require a strong and ongoing partnership with key sports integrity stakeholders. It will be critical that beneficiaries of the national response, including states and territories, sports and wagering service providers, work with the Australian Government to develop a sustainable framework and funding model to support Australia's national sport integrity response into the future.

The full Government Response to the recommendations is provided at the end of this document. The following provides a summary on key elements of the response, noting areas where the Government is not in full agreement with a given recommendation.

In developing this response, the Government has consulted widely with interested parties: sports organisations – particularly the major professional sports and smaller 'medal' sports – but also the Australian Olympic Committee, Australian Paralympic Committee and Commonwealth Games Australia; law enforcement; wagering service providers; state and territory governments; and relevant overseas organisations. Their engagement and feedback has been invaluable in developing this response.

The Sports Integrity Threat Environment

The Government acknowledges the Wood Review finding that sports are challenged by a range of mounting integrity threats, which include the increasing sophistication and incidence of doping, the globalisation of sports wagering particularly through rapidly growing illegal online gambling markets, the infiltration and exploitation of the sports sector by organised crime, corruption in sports administration and growing participant protection issues – particularly the sexual abuse of minors in sporting environments (including recent revelations of a systematic sexual abuse of US gymnasts).

Australian sport has been affected by major sports integrity scandals in recent years – representing the local impact of a globally deteriorating sports integrity environment. We have had major doping scandals in professional sporting codes, convictions for match-fixing involving international match-fixing cartels targeting community football clubs through to local Australian tennis champions, and serial illicit drug scandals involving elite athletes. The findings of the recent Royal Commission into Institutional Responses to Child Sexual Abuse underlined the need for an ongoing commitment to protecting children in sporting environments. Ball tampering in cricket shocked the nation and raised questions about our commitment to fair play in sport.

The nature of sports corruption is evolving at an unprecedented rate due to the immense commercialisation of sport and sporting organisations and accelerating technological advancement. Sports integrity matters are now beyond the control of any single stakeholder. They are complex, globalised and connected, forming a complicated threat matrix exposing vulnerabilities that require a robust and nationally-coordinated response across sports, governments, regulators, the wagering industry, law enforcement and other stakeholders.

The Importance of Safeguarding the Integrity of Australian Sport

Sport plays a significant part in Australia's way of life and the Australian economy. As highlighted by the Boston Consulting Group's Intergenerational Review of Australian Sport (2017), each year 14 million Australians participate in some form of sporting activity and sport generates \$35-47 billion of economic activity (2-3 per cent of GDP, equivalent to the agriculture sector). In addition, each year the Australian Government invests more than \$300 million to support high performance sport and encourage greater participation.

Australians have no tolerance for the corruption of sport. The Wood Review warns that 'without the presence of a comprehensive, effective and nationally coordinated response capability, the hard earned reputation of sport in this country risks being tarnished' and that beyond the immediate impact of corrupt conduct of the kind identified, a public loss of confidence in the sporting contest has direct consequences for the health, economic, social and cultural benefits that sports generates, and undermines significant investment in sport (more than AU\$300 million in 2016-17).

Sports people at all levels risk losing their confidence in their sports. They need – and indeed are entitled – to know that they are competing on an even playing field. And while Australia has always taken a strong stance against doping and other forms of cheating internationally, it is incumbent on us to ensure sport in Australia is protected from external threats, and that our own high sports integrity standards are in order to ensure all Australian sport is safe, fair and inclusive.

There is a strong argument for Government action - a cohesive, well-resourced national level capability is required now more than ever if Australia is to effectively respond to escalating integrity risks. The Wood Review identifies a critical leadership role for the Commonwealth Government by supporting the integrity efforts of sporting organisations in the evolving threat environment, particularly those sports with fewer resources. This is also expressed in the National Sports Plan, with 'Safeguarding the Integrity of Sport' one of four key pillars.

A National Sports Integrity Commission: Sport Integrity Australia

The centrepiece of the Wood Review recommendations is the formation of a single body to address sports integrity matters at a national level - a national sports integrity commission.

The Government is committed to establishing an effective national capability to protect Australian sport from integrity threats. Accordingly, the recommended National Sports Integrity Commission (NSIC) will be established, initially to unite the nationally focused integrity work currently performed by the National Integrity of Sport Unit (NISU), the Australian Sports Anti-Doping Authority (ASADA) and Sport Australia (formerly the Australian Sports Commission). This new body will be called Sport Integrity Australia. The agency will move towards a single point of responsibility for all national sports integrity matters and point of reference for all stakeholders, working in close co-operation with states and territories and across the sector.

The Government agrees Sport Integrity Australia must be equipped to manage personal and confidential information if it is to properly and effectively acquit its duties. The best manner by which to achieve this is the subject of ongoing consideration with relevant parties. Accordingly, the Government at this stage agrees with the principles of Recommendation 16 and will continue to develop appropriate strategies to meet its intent.

The Government supports the Wood Review's recommendations in relation to the value of effective outreach and education programs and that these functions will be an important component of the work of Sport Integrity Australia.

The Government agrees in-principle with the Wood Review recommendation regarding illicit drug policies, noting contractual and privacy sensitivities relating to individual illicit drug testing and results. The Government also notes that this is only one element of the sports integrity information flow necessary to protect sports and athletes, and Sport Integrity Australia will work with sporting bodies and player representation groups to achieve the overall intent of the recommendation to allow an informed and accurate understanding of threats in sport.

Establishing Sport Integrity Australia, absent of any additional functions, will reduce the regulatory burden on sport, athletes and others who are currently required to interact with multiple agencies on matters across the sports integrity spectrum. The ongoing support of the sports sector will be required for the full expansion of Sport Integrity Australia to cover all intended integrity outcomes.

The Macolin Convention

The Government has committed to Australia becoming a party to the Macolin Convention, the only multi-lateral treaty specifically aimed at combating match-fixing and other related corruption in sport. Australia was a key contributor to the drafting of the Macolin Convention and there has been strong stakeholder support within Australia and internationally for Australia to become a Party.

On 1 February 2019, with a high-level Council of Europe Delegation in attendance, Minister McKenzie formally signed the Convention in Sydney.

By engaging formally with the Parties to the Macolin Convention, Australia will be empowered to create a fully effective national platform to enhance detection of, and nationally coordinate responses to, match-fixing and related corruption of Australian sport and sports competitions. Membership of the 'Macolin Community' will enable Australia to obtain formal ongoing access to international counterparts and fora engaged in protecting global sport from corruption.



Senator the Hon. Bridget McKenzie, Minister for Regional Services, Sport, Local Government and Decentralisation, signing the Macolin Convention on 1 February 2019 with Mrs Gabriella Battaini-Dragoni, Deputy Secretary General of the Council of Europe.

Commonwealth Match-Fixing Offences

The Government agrees with the recommendation to establish national match-fixing laws. Such laws will complement those introduced by some states and territories, with further effort to be invested in promoting national consistency of approach, noting that most major sporting codes in Australia conduct national and, in some cases, international competitions.

In relation to enlivening telecommunications intercept powers as per Recommendation 3, it is the Government's view that national offences should be formulated in accordance with the *Guide to Framing Commonwealth Offences, Infringement Notices, and Enforcement Powers* and, accordingly, only agrees in-part to this recommendation.

The Australian Sports Wagering Scheme

The Government agrees that clearer, more transparent and consistent regulation of sports wagering in the context of protecting the integrity of sport would provide tangible benefits to the wagering, sport and community sectors. The Government is supportive of efforts to give full effect to the existing provisions of the 2011 National Policy on Match-Fixing in Sport, to streamline current processes and reduce administrative burden for stakeholders and to provide consistency and clarity of the regulatory regime.

The Government agrees that the principles and intended sport integrity outcomes of the Australian Sports Wagering Scheme (ASWS) recommended by the Wood Review have significant merit and, accordingly, options for achieving these outcomes will be considered further in collaboration with affected stakeholders, including state and territory governments.

The Government will work with stakeholders to investigate appropriate models to achieve the intended Wood Review outcomes, including the ability for relevant wagering alerts and data to be consistently collated and assessed and, where required, for advice to be disseminated for response by appropriate parties – including sporting organisations, law enforcement and wagering service providers.

Recommendations regarding the regulation of Sports Controlling Body (SCBs) and Sports Wagering Service Providers (SWSPs) require continued consultation. The Government will seek to achieve outcomes consistent with the intent of the Wood Review and ensure close co-operation with state and territory regulators, who will retain primary responsibility for gambling licensing and regulation within their jurisdictions.

The Government is concerned by the significant sports integrity implications posed by the framing of markets on Australian sports by illegal offshore Wagering Service Providers (WSPs), the provision of online in-play services by such WSPs on Australian sports competitions, and the inability for the underlying data to be accessed by Australian law enforcement bodies.

The current Commonwealth policy position and legislative framework prohibits online in-play sports gambling within the Australian regulated wagering market, with the exception of regulated licensed venues.

The Government appreciates the key motivation behind the recommendation to further allow online in-play wagering is to combat the integrity impacts of illegal offshore wagering on Australian sport by bringing this activity - to the extent possible - into a regulated framework. However, taking into account progress to combat illegal offshore wagering in response to the O'Farrell Review, the Government has no intention of changing the current policy position regarding the prohibition of online in-play wagering.

The National Sports Tribunal

The Government agrees in principle with a National Sports Tribunal (NST) and will support a two-year investment in an NST, to pilot a cost effective, independent, transparent and consistent specialist sports dispute resolution capability, with final governance details and implementation pathways to be agreed later.

The proposed three divisions of the NST - Anti-Doping, General and Appeals - will provide a comprehensive avenue for sports integrity disputes that will be of particular benefit to athletes, support personnel and smaller sports. Currently, smaller sports that do not have the resourcing to establish and maintain in-house tribunals rely on the Swiss Court of Arbitration for Sport (CAS) to resolve anti-doping (and other) disputes which can be prohibitively expensive for sports with limited resources, as well as their athletes.

The 'opt-out' (for anti-doping matters) and 'opt-in' (for other sports integrity matters) provisions acknowledge existing capabilities and provide flexibility for the application of the NST facility across the sporting continuum. The Government recognises in particular that equipping the NST with powers to compel third party-testimony is an important improvement on existing capabilities in the interest of promoting natural justice in the resolution of sporting disputes.

Supplementary investigation of best-practice tribunal modelling will continue with both domestic and international arbitration agencies. This will ensure that appropriate legislative and procedural requirements are satisfied and effective coordination between the separate hearings environments can be implemented.

Anti-Doping

The Government notes the importance of effective anti-doping measures to protect the integrity of Australian sport and agrees with the Wood Review recommendations to enhance the national anti-doping capability.

However, the Government is of the view that this would best be achieved by combining the current operations of ASADA into the NSIC, as this will provide a single sports integrity body to ensure an effective response across the full range of integrity threats and a single point of contact for all sports integrity stakeholders. It will reduce duplication of effort and realise significant administrative efficiencies.

The Government notes that this proposal has been carefully considered by all relevant parties and that it is considered to have strong merit and is the preferred outcome. In combining ASADA's functions within the NSIC, the Government is mindful that the transition should occur such that ASADA's ongoing operations are not disrupted and that all requirements of the World Anti-Doping Code and UNESCO International Convention against Doping in Sport continue to be observed.

The recommendations that relate to changes to the *Australian Sports Anti-Doping Authority Act 2006*, increased resourcing for anti-doping capability and streamlining of processes, are agreed in-principle and will be appropriately fulfilled within the consolidated NSIC structure.

Conclusion

The Government is supportive of the recommendations provided in the Wood Review, committed to ensuring that Australian sport is appropriately protected in the rapidly evolving sports integrity threat environment, and that all Australians can be confident that Australian sports will continue to be clean, fair, safe and inclusive.

In order to achieve these outcomes, a phased approach to the recommendations will be undertaken, whereby immediate important responses may be realised, while allowing further consideration of options for the more complex recommendations.

| Recommendation STAGE-ONE IMPLEMENTATION | Position | Comments |
|--|---------------|--|
| Manipulation of Sports Competitions | | |
| <p>1: That Australia become a party to the Council of Europe Convention on the Manipulation of Sports Competitions (Macolin Convention), allowing the enactment of national match-fixing criminal legislation, supporting an effective global response to international sports integrity matters, acknowledging the transnational nature of match-fixing and related corruption in sport, and recognising the global quality of threats to the integrity of Australian-based competitions.</p> | Agree | <p>The Government agrees that Australia should become a party to the Macolin Convention. The Convention was signed on 1 February 2019 in Sydney in the presence of a high-level delegation from the Council of Europe.</p> |
| <p>2: That the Australian Government establish national match-fixing offences similar to those in New South Wales, while continuing to encourage national consistency in relevant criminal provisions introduced by state and territory governments.</p> | Agree | <p>The Government agrees to establish match-fixing offences at the Commonwealth level, while continuing to encourage national consistency in relevant criminal provisions and arrangements in states and territories.</p> |
| <p>3: That Commonwealth criminal offences be formulated such that:</p> <ul style="list-style-type: none"> • offence provisions have transnational application • match-fixing offences are linked to wagering outcomes, irrespective of whether said wager would have been otherwise lawful • provisions include offences for the use of inside information • offence provisions (including for sentencing) are calibrated such as to enliven the possibility of utilising telecommunication intercept powers • offence provisions are calibrated such as to ensure that any applicable time limit for start of proceedings will not interfere with reasonably conducted investigations of the type anticipated. | Agree in-part | <p>The Government agrees that Commonwealth match-fixing offences should be formulated and will give further consideration to the scope of the offences including whether they should be transnational and whether there will be offences for the use of insider information.</p> <p>It is the Government's view that penalty regimes should be determined in accordance with the Guide to Framing Commonwealth Offences, Infringement Notices, and Enforcement Powers.</p> |

| Recommendation STAGE-ONE IMPLEMENTATION | Position | Comments |
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| A National Platform | | |
| <p>11: That, whether or not Australia becomes a party to the Macolin Convention, and initially independent, if necessary, of the establishment of the proposed National Sports Integrity Commission (NSIC), the Australian Government, as a matter of urgency, formalise and expand the work of the Sports Betting Integrity Unit (SBIU) by establishing a 'National Platform' type entity with the powers and capabilities required to address the threat of match-fixing as outlined in Article 13 of the Macolin Convention (including the national regulation of sports wagering, administering the Australian Sports Wagering Scheme (ASWS), and for information and data sharing).</p> | <p>Agree</p> | <p>The Government agrees that establishing a central information gathering, analysis and dissemination and coordination capability is critical to ensuring Australia's response to match-fixing is effective.</p> <p>Once established, the NSIC will be well placed to serve as the National Platform and meet the requirements of Article 13 of the Macolin Convention.</p> |
| <p>12: That, on the establishment of the proposed NSIC, the functions, powers and capabilities of the National Platform be subsumed within the NSIC, as part of the its broader regulatory and law-enforcement function. The NSIC will then be identified as Australia's 'National Platform' for the purposes of satisfying Article 13 of the Macolin Convention.</p> | | <p>16: That the National Platform have status as a law-enforcement agency to receive, deal with and disseminate law enforcement and private information.</p> |
| | | <p>The Government agrees with the principles and importance of the elements described as part of the National Platform in Recommendations 13-16.</p> <p>Related capability development has already commenced in this area through the operation of the SBIU. This important work will be further considered and enhanced during the establishment phase of the NSIC.</p> <p>The Government agrees the NSIC must be equipped to manage personal and confidential information if it is to properly and effectively acquit its roles and functions. The best manner by which to achieve will be subject to ongoing consultation with relevant parties.</p> |

| Recommendation STAGE-ONE IMPLEMENTATION | Position | Comments |
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| Anti-Doping Regulation | | |
| <p>17: That the Australian Sports Anti-Doping Authority (ASADA) be retained as Australia's National Anti-Doping Organisation and that the current requirement for all National Sporting Organisations (NSO) (including sports with competitions only up to the national level) to have anti-doping rules and policies that comply with the World Anti-Doping Code also be retained.</p> | <p>Agree in-part</p> | <p>While the Government agrees that all NSOs should continue to have compliant anti-doping policies, it is of the view that the current functions of ASADA should be incorporated into a NSIC to provide for a single, effective national body responsible for all sports integrity matters and providing a single point of consultation and outreach for all stakeholders on sports integrity matters.</p> <p>In achieving this outcome, all relevant requirements of the World Anti-Doping Code and UNESCO International Convention against Doping in Sport will continue to be observed.</p> |
| <p>18: That ASADA's regulatory role and engagement with sports in relation to the audit and enforcement of sport's compliance with anti-doping rules and approved policies be enhanced by establishing regulatory compliance powers exercisable by the proposed NSIC in collaboration with (and at the request of) the ASADA CEO.</p> | <p>Agree</p> | <p>The Government agrees to enhance anti-doping engagement with sports and compliance by establishing regulatory compliance powers exercisable by the NSIC.</p> |
| <p>19: That the introduction of regulatory amendments to the <i>Australian Sports Anti-Doping Authority Act 2006</i> (Cth) (ASADA Act) be considered to provide for:</p> <ul style="list-style-type: none"> • extending statutory protection against civil actions to cover NSOs in their exercise of Anti-Doping Rule Violation (ADRV) functions • facilitating better information sharing between ASADA and NSOs through enhancing statutory protections over information provided to an NSO by ASADA • empowering the ASADA CEO to comment on current cases under broader circumstances than currently permissible under s 68E of the ASADA Act, including where misinformation has been published • empowering the ASADA CEO to exercise discretion in respect of lower level athletes to apply more flexible rules in accordance with guidelines to be developed but maintaining compliance with the Code. | <p>Agree</p> | <p>The Government supports relevant changes being made to anti-doping statutes and has commenced the process required for such changes to take effect, noting the Government Response to Recommendation 17.</p> <p>In achieving this outcome, all relevant requirements of the World Anti-Doping Code and UNESCO International Convention against Doping in Sport will continue to be observed.</p> |

| Recommendation STAGE-ONE IMPLEMENTATION | Position | Comments |
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| Anti-Doping Education and Outreach | | |
| <p>20: That ASADA and the sports sector should increase their respective investments in anti-doping education, collaborating to deliver more effective education and training packages with greater reach below national-level athletes (with the benefit of the example provided by United Kingdom's Anti-Doping Education Delivery Network, World Anti-Doping Agency (WADA) and other education programs established by other National Anti-Doping Organisations).</p> <p>Education and training programs to focus on:</p> <ul style="list-style-type: none"> • information on the testing process and allied rights of athletes • the need for values-based education. | Agree | <p>The Government strongly supports increased focus on anti-doping education and, in 2018-19, provided additional funding to ASADA to support this work.</p> |
| Anti-Doping Testing and Investigations | | |
| <p>21: That the Australian Government ensure that ASADA is adequately resourced and financially sustainable, enhancing its capacity to engage with sports and be an effective and responsive regulator and National Anti-Doping Organisation.</p> | Agree | <p>The Government acknowledges the importance of adequately resourcing Australia's anti-doping capability.</p> <p>ASADA was provided with \$3.8m in additional funding in 2018-19. Ongoing funding support will be considered in the context of Recommendation 17 and the funding strategy for the NSIC.</p> |
| <p>22: That the Australian Government resolve longstanding issues regarding the costs and sustainability of the sample analysis system in Australia to enable an effective testing program, and ensure that ASADA is commercially competitive in the user-pays market</p> | Agree | <p>The Australian Sports Drug Testing Laboratory within the National Measurement Institute was provided \$3.3m interim funding in 2018-19, with further funding support being provided under the broader Government Response.</p> |

| Recommendation STAGE-ONE IMPLEMENTATION | Position | Comments |
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| Anti-Doping Testing and Investigations (continued) | | |
| <p>23: That ASADA's investigative capability be enhanced by:</p> <ul style="list-style-type: none"> • establishing, through collaboration with the sporting sector, guidelines for the conduct of anti-doping investigations which clearly define the roles and responsibilities of government agencies (including ASADA and the sporting sector (subject to the Australian Government Investigations Standards) • establishing strong information and intelligence sharing links with law-enforcement agencies and regulatory agencies, including with and through the proposed NSIC (with consideration being given to the application of the Privacy Act 1988 (Cth) and any need for amendment, including conferring law-enforcement status on ASADA and the NSIC) • strengthening ASADA's disclosure notice regime by: <ul style="list-style-type: none"> – excluding the right to claim privilege against self-incrimination when answering a question or providing information to ASADA, while providing, where an objection or privileged is raised, – appropriate protections against non-direct or derivative use in any criminal prosecution • ensuring that sanctions for non-compliance with disclosure notices are appropriate • establishing whistleblower protections. | <p>Agree</p> | <p>The Government provided \$3.8m additional funding in 2018-19 to enhance ASADA capability and has commenced the process to amend legislation to enact these recommendations.</p> <p>The Government agrees that intelligence and investigation functions play a central role in the deterrence and detection of sophisticated doping methods and that anti-doping investigative capability be enhanced via these specific recommendations. The issues of law enforcement status and ongoing functioning of ASADA is addressed under Recommendations 17 and 42.</p> |

| Recommendation STAGE-ONE IMPLEMENTATION | Position | Comments |
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| Anti-Doping Enforcement and Sanction (Pre-Hearing) | | |
| <p>24: That the ARDV process be streamlined, but remain responsive to the increasing emphasis on non-adverse analytical finding (non-AAF) ADRVs. That this be achieved through:</p> <ul style="list-style-type: none"> • amending the statutory process so that a response to ADRV allegations from an athlete or support person is sought no more than once prior to the issue of an infraction notice • removing recourse to the Administrative Appeals Tribunal for review of any aspect of the pre-hearing ADRV process • retaining the expertise of ADRV Panel members in an advisory capacity or as arbitrators for the proposed NST. | Agree | <p>The Government has commenced the process for these changes to take effect.</p> <p>The Government notes and values the expertise held by the current ADRV Panel members and will take this into consideration during the establishment of the NST.</p> |
| The Role of the Australian Sports Drug Medical Advisory Committee | | |
| <p>25: That, in recognition of the extra services that the Australian Sports Drug Medical Advisory Committee (ASDMAC) provides to the ADRV process and the appropriateness (or otherwise) of these services being provided by the ASDMAC, ASADA consider, as an alternative, strategies for incorporating more medical expertise within its workforce.</p> | Agree | <p>The Government agrees to consider strategies to incorporate more medical expertise within Australia's anti-doping framework, noting the response to Recommendation 17.</p> |
| A National Sports Tribunal | | |
| <p>26: That the Australian Government establish an independent arbitral tribunal for sports matters – the NST.</p> | Agree in-principle | <p>The Government agrees in-principle with this recommendation and will trial an NST to act as an arbitral tribunal for sports matters to provide independent and cost effective resolutions of a wide variety of sporting disputes.</p> <p>The establishing legislation will provide for an initial period of two years to ensure a suitable tribunal is set up before a permanent arrangement is agreed.</p> <p>The two year pilot will be used to establish demand, costs, effective operations, and types of cases it will deal with.</p> |

| Recommendation STAGE-ONE IMPLEMENTATION | Position | Comments |
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| A National Sports Tribunal | | |
| 27: That the NST be established by statute, exercising powers of private arbitration underpinned by legislation. | Agree in-principle (27-35) | The Government agrees in-principle with these recommendations and will trial the NST with the key features set out in Recommendations 27-35. |
| 28: That the NST have available appropriate powers to facilitate the effective resolution of cases, including the power to order witnesses to appear before it to give evidence, and/or to produce documents or things; and the power to inform itself independent of submissions by the parties. | | |
| 29: That the NST be an independent statutory authority accountable to the Australian Government, and not be subject to ministerial direction except under limited circumstances. | | |
| 30: To improve current national sports dispute resolution arrangements, the NST must: <ul style="list-style-type: none"> • be cost effective for both sports and participants, with funding provided in-part by government and in-part on a user-pays basis (on a sliding scale based on financial capacity) • be efficient, including with regard to clear, consistently applied, and flexible practice and procedure • be transparent – publishing decisions by default, with discretion to withhold confidential material or sensitive decisions by the NST on application by the parties • have pre-eminent arbitrators available on a closed list, with appointment to the list by application and selection processes conducted by the proposed NSIC in consultation with the Minister for Sport. | | |

| Recommendation STAGE-ONE IMPLEMENTATION | Position | Comments |
|---|---------------------------|-----------------|
| Structure of the National Sports Tribunal | | |
| <p>31: That the NST have two first-instance divisions – the Anti-doping Division, and the General Division, and that the NST also offer an Appeals Division for both the Anti-doping Division and General Division. A further avenue of appeal to CAS Appeals Arbitration Division be available in all instances where this is a requirement for maintaining compliance with the Code.</p> | <p>Agree in-principle</p> | <p>As above</p> |
| A National Sports Tribunal – Anti-Doping Division | | |
| <p>32: That the NST be the default dispute resolution body responsible for arbitrating anti-doping matters other than in circumstances where a sporting organisation has approval from the NSIC for in-house dispute resolution arrangements (conditional 'opt-out' jurisdiction).</p> | <p>Agree in-principle</p> | <p>As above</p> |
| <p>33: That, in recognition of the extra powers available to the NST to order witnesses to appear before it to give evidence, and/or to produce documents or things; an athlete or support person subject to an ADRV assertion, who participates in a sport which has an NSIC-approved internal dispute resolution tribunal, be entitled to seek leave from that tribunal to have their matter heard in the NST where justice requires. A similar provision should apply to ASADA or the Sports Controlling Body (SCB) where that is necessary for a fair and just outcome.</p> | | |
| <p>34: That in circumstances where the NST is the hearing body for first-instance ADRV matters, appeals be heard at the option of the aggrieved party by the NST Appeals Division, or the Court of Arbitration for Sport Appeals Arbitration Division (as appropriate, and subject to the rules of the sport).</p> | | |
| <p>35: That engagement with the conditional opt-out system for ADRV arbitration be a requirement of achieving and maintaining SCB status (required for Australian Sports Commission funding and to participate in the ASWS).</p> | | |

| Recommendation STAGE-ONE IMPLEMENTATION | Position | Comments |
|---|---------------------------|-----------------|
| A National Sports Tribunal – General Division | | |
| <p>36: That the NST also exercise jurisdiction to resolve other sport disputes, in so far as athletes and support personnel, and sporting organisations, have elected through contractual arrangements to have disputes of particular types resolved by the NST (the ‘opt-in’ jurisdiction of the NST) in its General and Appeals Divisions as may be required.</p> | <p>Agree in-principle</p> | <p>As above</p> |
| <p>37: For general disputes, that the NST be established in such a way that it can provide arbitration, mediation and conciliation services, depending on the needs of the sporting organisation and, where appropriate, the right of appeal to the proposed NST Appeals Division.</p> | | |

| Recommendation STAGE-ONE IMPLEMENTATION | Position | Comments |
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| A National Sports Integrity Commission | | |
| 38: That the Australian Government establish a NSIC to cohesively draw together and develop existing sports integrity capabilities, knowledge and expertise, and to nationally coordinate all elements of the sports integrity threat response including prevention, monitoring and detection, investigation and enforcement. | Agree | The Government agrees to establish a NSIC, Sport Integrity Australia, to address the numerous vulnerabilities in the current national sports integrity framework as identified throughout the Wood Review. |
| 39: That the NSIC be identified as Australia’s National Platform for the purposes of the Macolin Convention. | Agree | The Government agrees in-principle with the role and responsibility of Sport Integrity Australia and notes the complexity of establishing the entity. As such, the Government proposes Sport Integrity Australia be established in a phased approach which includes: Stage-One, involving uniting the current sports integrity functions of ASADA, NISU and Sport Australia and development of further viable options for Government consideration for the implementation of Stage-Two capabilities. Consideration of Stage-Two and the possible implementation of agreed capabilities under Recommendations 41, 43, 44 and 45 will take place should the funding be secured and industry support be achieved. |
| 40: That the NSIC have three primary areas of focus: <ul style="list-style-type: none"> • regulation • monitoring, intelligence and investigations • policy and program delivery (including education, outreach and development). | Agree | |
| 42: That the NSIC be authorised to deal with information captured by the <i>Privacy Act 1988</i> (Cth), and have the ability to collect and use ‘sensitive information’ about a person without consent. The NSIC be designated as a law-enforcement agency to have the confidence of international and Australian law-enforcement agencies as both a receiver and provider of personal information, and material alleging criminality. | Agree | |
| 46: That the NSIC work closely with the ACIC and that the ACIC be resourced to maintain a standing, advanced sports criminal intelligence capability to: enable enhanced analysis and exploitation of NSIC data and intelligence products; support the NSIC through advanced intelligence capabilities; and proactively develop intelligence on serious organised criminality linked to sport but outside the remit of the NSIC (e.g. money laundering through Wagering Service Providers (WSPs)). | Agree | The Government agrees Sport Integrity Australia will work closely with the ACIC and for the ACIC be resourced to maintain a standing advanced sports criminal intelligence capability. |

| Recommendation STAGE-ONE IMPLEMENTATION | Position | Comments |
|---|--------------|--|
| A National Sports Integrity Commission – Policy and Program Delivery | | |
| <p>49: That consideration be given to the NSIC becoming responsible for centrally coordinating sports integrity policy functions previously executed by a number of different organisations including the Australian Sports Commission, Good Sports Program (through the Alcohol and Drug Foundation) and NISU.</p> | <p>Agree</p> | <p>The Government agrees with Recommendations 49-52 and will continue to consider the most effective way to transition the functions of affected Commonwealth agencies into a single entity during Stage-One of the implementation of Sport Integrity Australia.</p> |
| <p>50: That the NSIC be a single point of contact for athletes, sporting organisations, Sports Wagering Service Providers (SWSP), and other stakeholders for matters relating to sports integrity.</p> | | |
| <p>51: That the NSIC provide direct assistance to small and emerging sports in Australia that lack capacity to deal with integrity issues.</p> | | |
| <p>52: That a single, easily identifiable education and outreach platform be established within the NSIC, dedicated to developing and coordinating education, training and outreach resources and programs in collaboration with the ASADA, Australian Sports Commission, sports (particularly Coalition of Major Professional and Participation Sports integrity units) and athletes, including athletes' associations. Administration of existing initiatives and forums, including the Australian Sports Integrity Network, Jurisdictional Sports Integrity Network, Betting Regulators forum and Play by the Rules, should be incorporated into the NSIC education and outreach platform.</p> | | |

| Recommendation STAGE-TWO IMPLEMENTATION | Position | Comments |
|--|---|--|
| Manipulation of Sports Competitions | | |
| <p>4: That the regulation of sports wagering become subject to an Australian Sports Wagering Scheme (ASWS) to streamline current processes and to provide clarity, transparency and consistency of the regulatory regime at a national level, with regulatory responsibilities to sit within the proposed National Platform.</p> | <p>Agree in-principle – for further consideration (4-9)</p> | <p>The Government agrees that the principles and intended sport integrity outcomes proposed in Recommendations 4 to 9 have significant merit.</p> <p>The Government will work towards the development of an appropriate model for streamlined regulation following ongoing detailed consultation with stakeholders including WSPs and state and territory regulators who will retain primary responsibility for gambling licensing and regulation within their jurisdictions.</p> <p>The Government agrees Sport Integrity Australia will be best placed to lead the collaborative development of a model meeting the intent of these recommendations.</p> |
| <p>5: That the ASWS give full effect to the operational model for sports betting anticipated in the National Policy, including requirements for information and intelligence gathering and sharing by sporting organisations and WSPs. Through the ASWS, the National Platform is to be responsible for:</p> <ul style="list-style-type: none"> • assessing and declaring, as appropriate, NSOs as SCBs for the purposes of the ASWS and to be eligible to enter into product fee arrangements • assessing and declaring WSPs, otherwise licensed as a wagering service provider in a state or territory, as a 'sports wagering service provider' for the purposes of the ASWS, and to be authorised to offer markets on Australian sport. | | |
| <p>6: That the administration of the ASWS, particularly in respect of the assessment of applications from NSOs and WSPs for relevant recognition, be such as to bring together a range of expertise including from the Australian Criminal Intelligence Commission (ACIC), Australian Communications and Media Authority (ACMA), ASADA, Australian Sports Commission and the National Integrity of Sport Unit (NISU) to ensure that a robust system of integrity oversight, monitoring and compliance is in place.</p> | | |
| <p>7: That SCB recognition from the National Platform, involving an assessment of the sufficiency of the integrity policies and procedures implemented by NSOs (including anti-doping policies, anti-match-fixing policies and engagement, where appropriate, of the jurisdiction of the NST, to be a prerequisite for government funding and recognition.</p> | | |

| Recommendation STAGE-TWO IMPLEMENTATION | Position | Comments |
|--|---|---|
| Manipulation of Sports Competitions (Continued) | | |
| <p>8: That the National Platform have, as part of the ASWS, a dispute resolution function to be exercised in circumstances in which an agreement cannot be reached between a SWSP and SCB. Also, that the National Platform have available compliance and enforcement powers for SWSPs or WSPs offering wagering markets on contingencies that are not authorised, and/or the subject of an agreement between the SWSP and the relevant SCB.</p> | <p>Agree in-principle – for further consideration (4-9)</p> | |
| <p>9: That the National Platform be responsible for determining and publishing a schedule of authorised wagering contingencies, following consultation, and in collaboration with law enforcement, sporting organisations, SCBs, WSPs and state and territory regulators.</p> | | |
| <p>10: That consideration is given to allowing online in-play wagering in Australia through authorised SWSPs to provide a more effective identification of potential wagering-related match-fixing or other forms of sports corruption and so as to allow sports, authorised Australian SWSPs and governments to receive the financial benefits generated</p> | <p>Noted</p> | <p>The Government notes this recommendation. The Government has no intention of expanding the regulated Australian gambling market to include online in-play wagering at this time.</p> <p>The Government notes that it is not the intent of the Wood Review that the Australian gambling market be expanded, but to redirect Australian users of illegal offshore online platforms into a regulated market.</p> <p>The Wood Review notes it is highly preferable that sports wagering occurs in a regulated environment that protects both wagering consumers and sports and is underpinned by a framework that endeavours to marginalise illegal offshore operators, provide more effective identification of potential match-fixing and associated corruption events and reduce loss of revenue to offshore illegal operators.</p> |

| Recommendation STAGE-TWO IMPLEMENTATION | Position | Comments |
|--|---|--|
| A National Platform | | |
| <p>13: That the National Platform facilitate a Suspicious Activity Alert System (SAAS), enabling real-time receipt and dissemination of alerts, collection of responses and assessment of integrity risk, to allow timely and decisive action. Participation in the SAAS is to become a condition of SWSP status, with the National Platform to have the authority to nationally suspend wagering markets where significant risk of match-fixing is identified.</p> | <p>Agree in-principle – for further consideration (13-16)</p> | <p>The Government agrees with the principles and importance of the elements described as part of the National Platform in Recommendations 13-16.</p> <p>Related capability development has already commenced in this area through the operation of the SBIU. This important work will be further considered and enhanced during the establishment phase of Sport Integrity Australia.</p> <p>The Government agrees Sport Integrity Australia must be equipped to manage personal and confidential information if it is to properly and effectively acquit its roles and functions. The best manner by which to achieve this will be subject to ongoing consultation with relevant parties.</p> |
| <p>14: That a central clearinghouse function be established within the National Platform to receive, assess and disseminate data, information and intelligence from SWSPs and SCBs, including:</p> <ul style="list-style-type: none"> • line-by-line transaction data and account information from SWSPs (including for sports wagering and racing) • all relevant player, support personnel and other sport integrity related data (including as might be deemed relevant from time to time) from SCBs. | | |
| <p>15: That provision of relevant sports integrity related data, information and intelligence (including the reporting of any suspicious activity in a timely manner) be a condition of SCB and SWSP status.</p> | | |

| Recommendation STAGE-TWO IMPLEMENTATION | Position | Comments |
|--|--|---|
| A National Sports Integrity Commission | | |
| 41: That the NSIC be responsible for overseeing and coordinating the regulation of sports wagering in Australia, working in close collaboration with state and territory gambling regulators, sports controlling bodies and wagering service providers, as part of the proposed ASWS. | Agree in-principle – for further consideration | The Government agrees in-principle with the role and responsibility of Sport Integrity Australia and notes the complexity of establishing the entity. As such, the Government proposes Sport Integrity Australia be established in a phased approach which includes: |
| 43: That a formal, ongoing SBIU be established within the NSIC (with functions transferred from the SBIU recently established within the ACIC) to allow for the systematic receipt, assessment and dissemination of information relating to suspicious betting activity, and undertake an ongoing regulatory monitoring, compliance and enforcement function. | Agree in-principle – for further consideration | Stage-One, involving uniting the current sports integrity functions of ASADA, NISU and Sport Australia and development of further viable options for Government consideration for the implementation of Stage-Two capabilities outlined under Recommendations 41, 43, 44 and 45. |
| 44: That a Joint Intelligence and Investigations Unit (JIU) be established in the NSIC, with dedicated representatives of state and territory law-enforcement agencies, as well as relevant Commonwealth agencies including the ACIC, Australian Federal Police (AFP), ASADA, and the Department of Home Affairs (DHA). The JIU is to be responsible for: intelligence collection and analysis for a broad range of sports integrity issues; liaison with domestic and international law-enforcement agencies and criminal intelligence commissions; and referral services – to law enforcement in criminal matters, and to sporting organisations for code of conduct issues. | Agree in-principle – for further consideration | Consideration of Stage-Two and the possible implementation of agreed capabilities under Recommendations 41, 43, 44 and 45 will take place should funding be secured and industry support be achieved. |
| 45: That a Strategic Analysis Unit be established as part of the NSIC, and be responsible for conducting open-source threat identification and analysis including: monitoring of illegal offshore wagering market framing; conducting strategic and threat analyses and providing advice (including in relation to sports integrity threat overviews); and determining a schedule of authorised wagering contingencies. | Agree in-principle – for further consideration | |

| Recommendation STAGE-TWO IMPLEMENTATION | Position | Comments |
|--|---|--|
| A National Sports Integrity Commission (Continued) | | |
| <p>47: That a whistle-blower scheme encompassing all sports integrity issues, and a related source protection framework, be administered by the NSIC.</p> | <p>Agree</p> | <p>The Government agrees that an independent whistle-blower service administered by Sport Integrity Australia is necessary for the confidential reporting of integrity threats by athletes and support personnel.</p> <p>Priority will be given to establishing Sport Integrity Australia initially with existing ASADA and NISU capability, before then considering how a whistle-blower scheme may integrate into an expanded future NSIC.</p> |
| <p>48: That the NSIC work with major professional sports regarding illicit drugs policies with a view to seeking access to results of sample analysis for the purposes of integrating with intelligence and analysis capabilities.</p> | <p>Agree in-principle – for further consideration</p> | <p>Sport Integrity Australia will work with sporting bodies and player representation groups to achieve the overall intent of this recommendation to allow an informed and accurate understanding of the integrity threat environment and for protective and preventive measures to be developed.</p> |

