



AUSTRALIAN OLYMPIC COMMITTEE INC
ABN 33 052 258 241
Registered Number A0004778J

SUBMISSION

concerning

AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY AMENDMENT (SPORT INTEGRITY AUSTRALIA) BILL 2019

Executive Summary

- 1 The Australian Olympic Committee (AOC) welcomes the introduction of the Australian Sports Anti-Doping Authority Amendment (Sport Integrity Australia) Bill 2019 (the Bill).
- 2 It is paramount to the integrity of sport in an increasingly complex sporting environment that there is a co-ordinated national approach against doping, match-fixing, illegal gambling, corruption and participant protection issues.
- 3 The AOC is supportive of all proposed amendments to the Australian Sports Anti-Doping Authority Act 2006 (the ASADA Act) and the establishment of a single Commonwealth agency to unify and develop sports integrity capabilities in Australia.

History

- 4 The AOC has a longstanding and significant history of supporting the fight against doping, match-fixing, illegal gambling, corruption and participant protection issues in sport, both as the National Olympic Committee responsible for its Australian Olympic Teams, and as an advocate of reforms more broadly within the sporting landscape.
- 5 On 5 March 2003, the AOC became a signatory to the World Anti-Doping Code (WAD Code) and is responsible for assisting ASADA in initiating, implementing and enforcing the doping control process.

- 6 The AOC requires that all Australian Olympic Team members refrain from participating or assisting in any gambling or betting activities associated with the Olympic Games. A copy of clause 10 (Gambling, Alcohol, Tobacco and Immoral Businesses) of the AOC's Team Membership Agreement for the Tokyo 2020 Olympic Games is Annexure A.
- 7 The AOC takes measures to ensure both the AOC and Australian Olympic Team members do not engage in any discrimination, harassment, vilification and child abuse through its Constitution, By-law and Team Membership Agreements. A copy of clause 2.2 and 2.3 of the AOC's Ethical Behaviour By-Law is Annexure B.

National Sport Integrity Commission and Doping Matters

- 8 The AOC supports a central National Sport Integrity Commission to build and unify sport integrity capabilities, particularly in relation to doping matters.
- 9 It is the AOC's position that that there should be a requirement that all sporting organisations in Australia have doping matters, including sanctions, managed and heard by ASADA under the ASADA Act, with a right of appeal to heard by the Court of Arbitration for Sport (the CAS) under the WAD Code or sent directly to be heard by the CAS. In this regard, we note and draw attention to the establishment of the CAS Anti-Doping Division from 1 January 2019 and the more expeditious and free hearings available under that jurisdiction.
- 10 No national sporting organisation in Australia should have a doping matter investigated by an internal inquiry or heard and sanctioned by an internal tribunal. This is consistent with the position consistently taken by the Olympic Summit since 2017.
- 11 The AOC's position that all doping matters, including sanctions, should be managed and heard by ASADA under the ASADA Act, with a right of appeal to CAS or sent directly to be heard by the CAS (now CAS Anti-Doping Division) and covering all national and international level athletes. This will provide greater consistency regarding doping protection measures and sanctions for doping violations across all sports practiced in Australia.

Submissions

- 12 The AOC is supportive of the proposed amendments, which establishes a single Commonwealth agency to cohesively draw together and develop existing sports integrity capabilities.
- 13 The AOC submits that the amendments covered by the Bill should go further and require all sporting organisations in Australia to have anti-doping matters, including sanctions, heard under the ASADA Act with a right of appeal to CAS or directly before the CAS Anti-Doping Division in relation to both national and international athletes.

- 14 The AOC will continue to take a leading position on the evolving risks that doping, match-fixing, illegal gambling, corruption and participant protection issues in sport pose to the integrity and health of Australian sport as part of our obligation to protect clean athletes and all those, particular children, practicing sport in Australia.

JOHN COATES AC
President, Australian Olympic Committee
9 January 2020

ANNEXURE A

Clause 10 of the Team Membership Agreement for the Tokyo 2020 Olympic Games

10. GAMBLING, ALCOHOL, TOBACCO AND IMMORAL BUSINESSES

10.1. I agree that:

- 1) I will not appear in, participate in or permit my image to be used for or in connection with the endorsement, promotion or marketing of any betting or gambling agency or the endorsement, promotion or marketing of any alcohol, tobacco, prohibited substances, pornographic or immoral businesses that relates to the Games;
- 2) I will not participate or assist in any betting or gambling activities associated with the staging of the Games or any performances at the Games (including by disclosing inside information); and
- 3) in the event that any fundraising scheme, betting or gambling agency, alcohol, tobacco, prohibited substance, pornographic or immoral business uses my Image without my consent, in a manner contemplated in this clause, then the AOC has the sole right to determine whether any claim should be made in respect of such misuse or unauthorised use and I appoint the CEO or his/her nominee to act as my representative, agent and attorney for that purpose, provided that the AOC indemnifies me and keeps me indemnified against any loss arising from that representation.

ANNEXURE B

Clauses 2.2 and 2.3 of the AOC's Ethical Behaviour By-Law

2.2 Subject to clause 2.5, all Relevant Persons must not, by their acts or omissions, engage or participate in:

- (1) Direct Discrimination;
- (2) Indirect Discrimination;
- (3) Harassment; or
- (4) Bullying,

in any area of activity where the Relevant Person is participating in that activity in their capacity as an Athlete, Official, Member of the AOC Executive, member of a commission or committee established by the AOC Executive pursuant to the Constitution of the AOC, officer, employee, contractor, intern or volunteer of the AOC.

2.3 All Relevant Persons must not, by their acts or omissions, engage or participate in:

- (1) Vilification;
- (2) Child Abuse; and
- (3) conduct otherwise prohibited under clause 3 of this By-Law.