

## **SUBMISSION TO SENATE COMMUNITY AFFAIRS REFERENCE COMMITTEE**

### **FUTURE OF RUGBY UNION IN AUSTRALIA INQUIRY**

#### **1. Executive Summary**

In summary my submission contends as follows:

a. The process by way of which the ARU reached the decision to exclude the Western Force from the SANZAR Super Rugby competition from 2018 onwards was fundamentally flawed; lacking transparency, credibility and natural justice, leading to inevitable conclusions of bias and prejudice.

b. The exclusion of the Western Force from the Super Rugby competition disenfranchises a significant geographical region of the country (WA) removing a pathway for aspiring players from WA. The effect being the dismantling of a national footprint for Rugby.

c. The decision to exclude the Western Force and the "lack of" due process in arriving at this decision will have significant negative impacts on rugby in Australia for many years to come. These include but are not limited to:

- *abandonment of a significant geographical and demographic region (WA) from elite pathways for players*
- *flow on negative commercial impacts in the medium to long term on sponsorships, broadcasters, fan engagement etc from the lack of a true national footprint for the game*
- *loss of increase in significant participation numbers as a result of no clear pathway or "local" team to support in WA*
- *complete lack of trust that will now exist with all State Unions as a result of way in which this process was conducted*
- *lack of trust with both State and Federal governments as a result of the manner in which the WA State Government has been treated notwithstanding significant financial and non-financial support for rugby over the past decade*
- *complete disengagement and disillusionment of a significant fan base*

#### **2. ARU Process**

The process by way of which the ARU reached the decision to exclude the Western Force from the SANZAR Super Rugby competition from 2018 onwards was fundamentally flawed from the outset. This is manifestly self-evident. The fact that this process was allowed to drag on for many months with the impact it had not only people's livelihoods but their mental health and well-being is a complete anathema and contrary to the values the game proudly espouses.

By way of contrast. the process in which WA gained admission to the Super Rugby competition in 2006 was totally transparent with formal expressions of interest sought, published criteria for assessment, opportunity to present cases, independence and objectivity included in the decision-making process etc.

Major fundamental deficiencies of the process included:

##### **Lack of transparency**

At no stage as far as I am aware did the ARU provide a rationale for the decision to reduce Australia's Super Rugby teams from five to four. At various times commentary was provided that the decision was based on financial reasons; at other times high performance reasons were provided such as "Australia does not have the talent to support 5 Super rugby teams".

From a governance perspective it would be expected that decisions based on either of these premises or any others for that matter would be evidenced based with parties affected by the decision

(Australian Super franchises and unions) being given access to this "evidence" and the ability to test fundamental propositions.

### **Lack of published criteria**

On acceptance of the proposition that the number of Australian teams participating in the Super Rugby competition would have to be reduced from five to four it was incumbent on the ARU to outline the process and criteria by way of which it would reach this decision.

As far as I am aware there was no communication of the criteria on which the ARU was proposing to make this decision. If there was any it certainly wasn't communicated extensively. Also, there was no process for the affected franchises to be able to make appropriate submissions or "cases".

These deficiencies not only lead to poor outcomes in decision making but well-founded allegations of not only procedural unfairness but a fundamental "denial of natural justice".

When one takes into account the performance of the Western Force against a broad range of performance criteria over the last decade:

- *2017 equal best performing Australian Super rugby franchise*
- *circa 300% increase in participation numbers since 2006*
- *produced 20 Wallabies*
- *13 locally produced players in Force Super rugby squad*
- *Perth Spirit National Rugby Championship premiers 2016*
- *WA government has contributed circa \$140m towards the game in both \$ and infrastructure etc*
- *Force secured largest Super Rugby sponsorship from State Government Instrumentality Road Safety \$1.5m*
- *fully funded rugby Academy*
- *financial guarantees promised by Mr Forrest*

Notwithstanding all the rhetoric and denials to the contrary by the ARU the inevitable conclusion that is reached is that the decision to eliminate the Western Force was made from a biased or prejudiced position simply because the ARU was able to legally do so, this only being possible after the original participation agreement entered into with WA Rugby was amended in good faith by WA Rugby in recent times.

### **3. Removal of National Footprint**

The exclusion of the Western Force from the Super Rugby competition not only disenfranchises a significant geographical region of the country (WA) but also removes a vital pathway for aspiring rugby players from WA to participate at higher levels of the game. This amounts to a complete dismantling of what was a national footprint for the development of the game creating a pipeline of development from juniors right through to the Wallabies across the country.

The success of the current development program can be seen from the facts:

- *participation growth in juniors in WA*
- *number of locally developed players in the current Western Force Super Rugby squad*
- *number of wallabies produced by the Western Force since their admission to the Super Rugby competition.*
- *Perth Spirit National Rugby Championship premiers in 2016*

With the demise of the Western Force these critical pathways will be lost resulting in rugby losing its true national footprint for development. This national development pathway is arguably now even more critical for the game than it was a decade ago as participation numbers in the eastern states has dropped with the growth of AFL and football (soccer) making significant inroads into juniors and schools especially the private schools which has been a "stronghold" for rugby for many years.

The so called "high performance" argument is fallacious, as given this context, the loss of the Western Force will weaken Australian rugby's performance at the elite level by closing off a vital pathway for aspiring players most of whom will likely pursue other sports because of the loss of opportunity.

#### **4. Flow on Consequences**

The decision to exclude the Western Force will have significant flow on consequences and negative impacts on rugby in Australia for many years to come. Many of these are self-evident and include but are not limited to:

- *abandonment of a significant geographical and demographic region (WA) from elite pathways for players (see above)*
- *flow on negative commercial impacts in the medium to long term on sponsorships, broadcasters, fan engagement etc from the lack of a true national footprint for the game*
- *loss of increase in significant participation numbers as a result of no clear pathway or "local" team to support in WA (see above)*
- *complete lack of trust that will now exist with all State Unions as a result of way in which this process was conducted*
- *lack of trust with both State and Federal governments as a result of the manner in which the WA State government has been treated notwithstanding significant financial and non-financial support for rugby over the past decade*
- *complete disengagement and disillusionment of fans*

This last point is particularly significant as rugby like many traditional sporting codes is in a battle to merely retain fans yet alone attract them. The disillusionment and disengagement of a significant fan base has been fully exposed during the length of this extended saga. WA is perhaps the only State in the country where rugby is able to take a position as the No. 2 winter sporting code. To simply surrender this position by "vacating" the territory allows the other winter codes a "free kick", something which they will and are taking full advantage of already.

Each of the above matters are significant in their own right. Their combined effect will set the game back for many years and to a position it unfortunately may not recover from.

#### **5. Summary**

The decision to exclude the Western Force from the Super Rugby competition can only be classified as an abandonment of Western Australia by the Australian Rugby Union.

The process initiated by the ARU in arriving at this outcome was by their own admission "lacking", being extremely damaging to the fabric of the game. In addition, the defects in the process have led to poor outcomes with perceptions of prejudice and bias.

As custodians of the game the ARU now faces the unenviable task of endeavouring to rebuild not only the foundations of the game but importantly confidence in the ability of the administration to do this. Recent events in relation to the Western Force suggest that this will be no easy task.