

CONCLUSIONS AND RECOMMENDATIONS ARISING FROM THE COMMITTEE'S FURTHER INVESTIGATIONS

2.1 The Committee has concluded that the responses provided by people under the "adverse comment" procedures and other information that was received after the First Report was completed do not alter the findings of that report.

2.2 The Committee considers that the recommendations of the First Report of the Soccer Inquiry should stand unchanged.

2.3 An additional Committee recommendation relates to the relationship between clubs internationally and the role of FIFA (Recommendation 12) and a further Committee recommendation (Recommendation 13) relates to women's soccer. Another recommendation has resulted from an examination of a potential conflict of interest relating to the National Women's Coach of the Australian Women's Soccer Association (AWSA) and the Head Coach (Soccer) at the Australian Institute of Sport (AIS) (Recommendation 14).

IMPLEMENTATION OF RECOMMENDATIONS OF FIRST REPORT

2.4 The Committee welcomes the progress made towards the implementation of the 11 recommendations made in its *First Report*. After an initial lukewarm reception to the report by the new Chairman of the Australian Soccer Federation (ASF), Mr David Hill, it is pleasing to note the ASF's increasing interest in implementing its recommendations, as stated in supplementary submissions from him to the inquiry, dated 28 and 29 November 1995:

I would like to confirm that the Board of Soccer Australia at its meeting held on Sunday November 26 adopted as policy the recommendations contained in the following agenda papers:

Agenda Item 10 - Accreditation of Player Agents

[The recommendations stated that Soccer Australia establish a committee to be known as Soccer Australia Player Agents Accreditation Committee; that Soccer Australia enter into a Memorandum of Agreement with the Australian Soccer Players' Association concerning the accreditation of Player Agents; and that Soccer Australia adopt the attached rules for

domestic registration and regulation of conduct of Player Agents and attached Application and Certification Statement].

Agenda Item 14 - National Regulation governing the status and transfer of players

[This recommendation stated that the Board approve the attached regulations governing the status and transfer of players. (The regulations concern the following areas: I. Player Categories, II. Non-amateur Players, III Player Eligibility, IV National Transfer Certificates, V Players transferred from One State Federation to Another, VI Procedure of Appeals, VII Reacquisition of Amateur Status, IX Special Provisions, X Release of Player for State Association Representative Matches, XI Clubs faced with Bankruptcy Proceedings or Ceasing to Trade, XII Transfer of Players to Foreign Clubs, XIII Final provisions)].

Agenda Item 19 - Code of Conduct (and other matters)

[includes Code of Conduct, National Teams - Officials Responsibilities and Duties Statement].

I would also like to confirm that the Board of Soccer Australia will now continue to address other issues raised in the interim Report of the Senate Soccer Inquiry as outlined to your Committee Staff on November 20¹.

2.5 Action on the 11 recommendations of the Committee's First Report may be summarised as follows.

Recommendation 1

The Committee **recommends** that the whole process of player transfers must be handled in future in a much more rigorous and transparent manner. Australia's soccer interests must be paramount and the financial aspects of the transfer must be conducted in such a way that no hint of impropriety is possible. There should be no cash payments. All payments must be made in such a manner as to leave a clear audit trail.

¹ Australian Soccer Federation, Submission No 12c dated 28 November 1995

2.6 The Committee notes a general improvement in the way in which the ASF regulates player transfers², but reiterates that all payments must be made in such a manner as to leave a clear audit trail, and the highest standards of accountability must be maintained.

Recommendation 2

The Committee **recommends** that the Australian Soccer Federation (ASF) should accredit an agent, or agents who would act for the ASF in relation to overseas player transfers so as to ensure that Australia's soccer and financial interests are fully protected. These agent(s) must be experienced in the area of player transfers in the international scene, and must be people of integrity.

2.7 The ASF has recently advised the Committee:

Soccer Australia intends appointing an agent to represent Soccer Australia interests³.

The Australian Soccer Players' Association has proposed to the ASF that an Australian Soccer Agents Accreditation Committee be established and this has been accepted by the ASF⁴. A Memorandum of Understanding on this matter has not yet been signed, although the ASF has agreed to do so⁵.

Recommendation 3

The Committee **recommends** that the Australian Soccer Federation should establish a panel of experienced people who can provide advice to players and clubs with respect to a player who had been approached by an overseas club or who wished to seek a transfer to an overseas club. This panel should contain the National Coach, but the National Coach should not provide independent advice to players, and his advice through the panel should relate to football matters and not to other aspects of the potential transfer.

2.8 The ASF has advised the Committee:

2 See Footnote 1

3 Australian Soccer Federation, Submission No 12d, dated 29 November 1995

4 Australian Soccer Players' Association, Submission 20a

5 See Footnote 3

Soccer Australia has agreed to the establishment of a Players Commission which will among other things be an advisory panel. The Commission will include membership from Soccer Australia and the Players' Association⁶.

Recommendation 4

The Committee **recommends** that formal contracts must be concluded between the Australian Soccer Federation and the National Coach and Assistant National Coach and that these contracts must include the matters mentioned in Recommendation 3 and paragraphs 2.5, 2.9 and 2.10 (of the First Report). The contracts must include a clause to the effect that it is inappropriate for them to become involved with overseas transfers in any other way, and must include a clause insisting that coaches use the power conferred by their position in strict accordance with an accepted code of conduct, such as that adopted by the Australian Soccer Federation on 31 October 1992.

2.9 The ASF drew the Committee's attention to the action already being undertaken with regard to the formal contracts, although the Committee notes that these have not yet been signed by the national coaches. The ASF also drew the Committee's attention to the action already being undertaken with regard to the adoption of a *Code of Conduct*.

Recommendation 5

The Committee **recommends** that the domestic player transfer fee be abolished immediately.

2.10 The Committee reiterates the need for the immediate abolition of the internal player transfer fee.

2.11 The Committee notes that this would be in accordance with what is likely to become international practice, as the interim judgement by the European Court of Justice in the case of Jean-Marc Bosman *versus* RFC Liège has ruled that it is a breach of the Treaty of Rome for clubs to request a transfer fee for

6 See Footnote 3

7 See Footnotes 1 and 3

the transfer of a player from one club to another after the expiry of the player's contract.

2.12 However, players should still be able to sign contracts with individual clubs and "compensation payments" should be permitted. The details of how this is to be done are still to be resolved.

Recommendation 6

The Committee **recommends** that player contracts, including contracts with juniors and players with language or other such difficulties, must be reviewed to ensure they are fair and equitable. Players are not chattels to be bought and sold without proper consideration of their interests.

2.13 The Committee urges the Australian Soccer Federation and the Australian Soccer Players' Association to cooperate in pursuing this recommendation. The education of young players in their options regarding overseas transfers is essential, through the clubs, the national team program, the Australian Institute of Sport, State Academies, intensive training centres and elite training venues. The Committee expresses serious concern at the lack of progress relating to the development of adequate processes to protect the interests of minors and other disadvantaged persons in contractual arrangements.

Recommendations 7 and 8

Relating to Stewart recommendations 1 and 2

7. The Committee **recommends** that the Australian Soccer Federation Board takes every step, through implementation of the measures outlined above, to ensure that a National Coach is not allowed to be placed in such a position of conflict of interest again.

8. The Committee **recommends** that the Australian Soccer Federation take every step to ensure that an Assistant National Coach and National Youth Coach is not placed in such a position of conflict of interest again.

2.14 The ASF, in supplementary submissions dated 28 and 29 November 1995, drew the Committee's attention to the action already being undertaken, which was welcomed by the Committee:

Soccer Australia intends to enter contracts with the two National Coaches (Thomson and Scheinflug) as originally intended, till 1998, details of the contracts are still being finalised. The Code of conduct will be included in the contract.⁸

Recommendations 9 and 10

Relating to Stewart Recommendation 3

9. The Committee **recommends** that the Australian Soccer Federation take every step, through providing an adequate contract and the other measures indicated above, to ensure that a national team manager is not placed in such a position of conflict of interest again.

10. The Committee **recommends** that a dedicated and professional team manager should accompany international teams.

2.15 The ASF, in supplementary submissions dated 28 and 29 November 1995, drew the Committee's attention to the action already being undertaken with the adoption of a *Code of Conduct* and the *National Teams - Officials Responsibilities and Duties Statement*⁹. The Committee suggests that the ASF ensure the *Code of Conduct* and other guidelines are adhered to whether the team manager on overseas duty with international teams is engaged in a voluntary capacity or as an employee of the ASF. If a team manager does not accompany international teams, there should be clear lines of responsibility and delegation from the ASF Chairman.

Recommendation 11

Relating to Stewart Recommendation 7

The Committee **recommends** that the Australian Soccer Federation make all players and clubs aware of the new FIFA Regulations.

2.16 The Committee has received the following assurance from the ASF:

8 See Footnote 3

9 See Footnotes 1 and 3

Soccer Australia dealt with this matter at the Board meeting of 26 November, 1995. Clubs and players will now be advised of the new FIFA regulations¹⁰.

10 See Footnotes 1 and 3