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## MINORITY FIRST REPORT BY GOVERNMENT SENATORS

### A RESPONSE

4.1 The minority report by Government Senators claimed that the inquiry was a "gross abuse of the processes of the Senate" and an assault on civil liberties. This is strongly denied. Such an attempt to denigrate both the substance of the Committee's report and those Senators who assiduously sought to discover the truth and to resolve the wide-spread serious allegations made in public about leading participants in the sport of soccer football, is to be regretted.

4.2 After the determinedly non-political approach to this matter by the non-Government Senators, the minority report is in striking contrast with unanimous support given by the then Government members of the Committee to the processes decided on by the Committee when it first began its task and resolved to provide parliamentary privilege to the Stewart report.

4.3 It is false to assert that "the Committee was the vehicle by which these allegations could first be made". This assertion displays ignorance of the facts of the matter. The Senate inquiry followed public accusations made in the media from April 1993 which prompted the ASF to appoint the Stewart inquiry.

4.4 These allegations of corruption in Australian soccer were given high profile media coverage. No-one with an interest in soccer football could have missed them:

- (a) The SBS TV World Sport programme on 2 April 1993 covered the investigation by the English Football Association into claims of illegal dealings between an English football agent and certain English clubs over the transfer to them of three Australian soccer players from their Australian clubs;
- (b) The June 1994 issue of *Inside Sport* detailed allegations concerning the involvement of the Australian National Coach, Mr Eddie Thomson, in international transfers and the improper access of agents to Australian teams overseas that became the substance of Mr Stewart's subsequent inquiry. It also raised the Marconi transfers, where there was a discrepancy of hundreds of thousands of dollars between the purchase price of Australian players by an

overseas club and the price received by Marconi and it questioned the ASF's resolve to investigate "questionable transfer matters generally".

- (c) The ABC radio programme *Grandstand* on 28 May 1994 included a panel discussion between the President of the ASF, Neville Wran AC QC, the Chief Executive of the Australian Unity Soccer Players' Association, Kimon Taliadoros, and ABC TV Four Corners journalist, Ross Coulthart. This programme dealt with allegations of National Coach Eddie Thomson's involvement in overseas player transfers, the proposed inquiry into them by the ASF and concerns expressed by soccer players. Messrs Wran, Taliadoros and Coulthart and the programme's presenter, Tracey Holmes, subsequently appeared before the Senate inquiry; and
- (d) The ABC TV Four Corners programme *Kickback* on 6 June 1994 provided further allegations of corruption and improper involvement of soccer officials, coaches and overseas agents in the transfer and selection of players, the payment of secret commissions, redirection of transfer fees to other parties and other matters of concern. It named Club Marconi and Tony Labbozzetta, and the gap between the \$515,000 Club Brugge paid for the transfer of Paul Okon and the \$240,000 that Marconi actually received, Eddie Thomson, Frank Arok, the agent Israel Maoz and suitcases of cash, with several Australian soccer footballers expressing their concern with such quotes as: "I was ripped off"; "It's a meat market - it's a mug's game"; "We believe the game is riddled with corruption"; "Something has to be done to fix it".

4.5 These accusations were made over a period of up to 21 months before the Committee's inquiry gave parliamentary privilege to the Hon D G Stewart's inquiry into them. It was Mr Stewart's recommendations, not the evidence printed in his report, that had the potential to damage some people who were subject to his adverse remarks. This Committee largely absolved those people from the levels of "guilt" that Mr Stewart attributed to them. However, it should be noted that all of the people subject to Mr Stewart's critical recommendations had nevertheless taken part in matters, in some cases innocently, that are no longer permissible because they are now recognised to be not in the best interests of soccer football, or else in matters that have been referred to the appropriate law enforcement authorities.

4.6 The fact that the Committee did not support the level of "punishment" recommended by Mr Stewart cannot be taken as an indication that the Committee found their behaviour, in all cases, to be appropriate. For example, one person Mr Stewart recommended (in our view unfairly) to be barred from soccer, had signed a false receipt for hundreds of thousands of dollars on behalf of his club, and it was entirely proper that he should be asked by the Committee to explain his actions (which had been the subject of public concern). Despite his own protestations to the contrary, the Committee's inquiry provided him with an opportunity to clear his name, which he accepted.

4.7 The claim in the minority report that, "by allowing itself to be used for the airing of allegations of illegal acts" the Committee has put at risk any subsequent prosecutions for such acts, is a misrepresentation of the advice by the Department of the Senate<sup>1</sup> and is another element of an extraordinary campaign to denigrate the Committee's report. Raising an allegation of illegality in a privileged hearing would only create a problem for law enforcement agencies if evidence demonstrating that illegality, which was not readily available elsewhere, was given the protection of parliamentary privilege and therefore not useable in the courts.

4.8 It is illogical to assert that raising such an unsubstantiated allegation before the Committee would result in the evasion of subsequent conviction. The Committee went out of its way to ensure that such a risk at no time arose. Where evidence relating to criminal offences was offered to the Committee, it was deliberately not received and, instead, was forwarded to appropriate law enforcement agencies. In the Government Senators' own words, the Committee found "no sustainable evidence of impropriety (let alone illegality) to support Stewart's allegations". The absence of such evidence underlines the absurd and irrelevant nature of the minority Government Senators' objections that the Committee behaved improperly in this respect.



Meg Lees  
**Chair**

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<sup>1</sup> Letter from Committee Secretary to Committee Chair. 28 April 1995. 3 pp