

FINDINGS AND RECOMMENDATIONS

PREAMBLE

1.1 The Senate Environment, Recreation, Communications and the Arts References Committee has conducted its inquiry under severe time constraints. We are very conscious of the need to provide our principal findings and recommendations as quickly as possible so that the reorganisation of soccer, which has already begun, can be conducted with greater certainty and clarity of direction.

1.2 Under the rules of the Senate, the Committee must give those named adversely in evidence an opportunity to provide contrary evidence. This process has not been comprehensively possible within the time limits imposed by the reporting date. The Committee may therefore conduct further hearings to fully discharge this responsibility, and this will result in a further report which will also serve to explain the basis for this report's conclusions and recommendations.

1.3 The genesis of this Senate inquiry lies in a number of allegations made about the administration of soccer, especially in relation to the transfer of Australian players to overseas clubs. Many of these allegations appeared in the media. This caused the Australian Soccer Federation (ASF) to seek the assistance of former Justice the Hon D G Stewart, to inquire into these allegations and report. Mr Stewart reported to the ASF in December 1994 and made a number of findings, also naming a number of people involved in soccer. Mr Stewart reported that his investigations had been hampered by the fact that his was not a judicial inquiry, that he had not had the power to *subpoena* witnesses nor had he been able to offer witness protection. He suggested that further inquiries be conducted by a body which possessed these powers.

1.4 After legal advice, the ASF took the view that it could not release the Stewart Report because of the fear of legal action. However, some members of the ASF Board were given copies of the Report and parts of the contents appeared to have been leaked. It was apparent that members of the media had knowledge of the contents of the report. This Committee was given the inquiry to review the work of Stewart and examine some other matters. For the reasons just given, the Committee decided to release the Report, under Parliamentary privilege and invite all those affected by any of its contents to come forward and provide their own evidence.

1.5 Most of the matters of concern to the Committee have either been resolved or are in the process of being resolved by events, particularly the major recommendation by Mr Stewart of the need for a "sea change" in the administration of Soccer football, including the ending of financial and other arrangements involving a potential for conflict of interest.

1.6 A member of the Committee, Senator Michael Baume, made inquiries on matters of concern to the Committee with the Fédération Internationale de Football Association (FIFA) in Zurich and the Premier League and The Football Association (FA) in London. As a result, certain material relating to a substantial sum of money transferred to a Melbourne club's bank account but not received by that club has been referred to appropriate investigation authorities in Australia.

1.7 The Committee thanks all witnesses, particularly those few players who, by their frankness and sincerity, placed themselves at the risk of offending officials and coaches, but who nonetheless came forward to do their duty by the game they obviously hold dear.

DIFFICULTIES ENCOUNTERED BY THE COMMITTEE

1.8 It is a matter of regret to the Committee that:

- (a) many players who are alleged to have privately made serious allegations, particularly to the media, chose not to appear before this Committee, despite assurances from the ASF and national coaches that they faced no retribution for doing so;
- (b) at least one player who did appear has since suffered from not having his player contract renewed, ostensibly because of a decline in his performance. Nevertheless, the same high transfer fee has been applied to him now that he is no longer wanted, as when his services were enthusiastically required upon joining the club;
- (c) despite the assurance on behalf of the Government from Senator Faulkner, the Minister for the Environment, Sport and Territories, when the terms of reference were given to the Committee by the Senate on 8 December 1994, that the Government did not intend to stand in the way of the inquiry taking place, and that the Government would work cooperatively with the inquiry as appropriate, Government members of the Committee did not accept the democratic decision of the Senate to hold the inquiry and cooperate

as full members of the Committee. The Government members of the Committee were particularly concerned that the rights of individuals named by the Hon D G Stewart or who may be named in evidence before this Committee would not be sufficiently protected;

- (d) changes in the composition of Government members of the Committee, along with the failure of Government members to attend several hearings, meant that no current Government Committee members were present at a majority of the Committee's public hearings; and
- (e) the Committee's activities were subject to repeated criticism by Government members on the occasions they did attend, which did not assist the Committee's objective of establishing a sound base on which soccer could progress.

1.9 While the Committee was at all times sensitive to the rights of individuals named in evidence, it was also conscious of the fact that it was the ASF itself and not the Senate that had instigated the inquiry by the Hon D G Stewart, that the report of Mr Stewart was available to certain people and that parts of this report had leaked to the media. When it made its decision on 10 January 1995, the Committee was firmly of the view that, for this reason, it was highly desirable that the whole report become public and be protected by Parliamentary privilege, and that those named in the report have an opportunity to come forward, under Parliamentary privilege, to provide more comprehensive evidence than was available to Mr Stewart.

1.10 The Committee was required by a motion of the Senate to conduct this inquiry. We feel that any dispassionate reading of our report vindicates the investigation we have carried out and the findings and recommendations we have made.