Australian sport finds itself at a crossroads. The financial and social upheaval caused by the COVID-19 pandemic coincides with an increased threat environment to sport integrity. Sport Integrity Australia will help sports make the right decisions to protect against these threats now and into the future.

Although these are challenging times, it has been inspiring to see sporting organisations rising to the challenge with sports adapting to the conditions and returning to competition, planning to return or finding innovative ways to keep athletes and fans engaged and participating through virtual events, challenges and competitions.

At Sport Integrity Australia we are keenly aware of the different pressures faced by sports. We have been, and will continue to, reach out to sports to listen and offer support where we can. We will, by working with the industry, ensure sport remains protected at a time when athletes, support personnel and competitions find themselves more susceptible to integrity threats.

As a new agency, the conversations we are having with sports are positively influencing Sport Integrity Australia’s approach and direction.
SPORT INTEGRITY AUSTRALIA

ABOUT US

Sport Integrity Australia has brought together the functions of the Australian Sports Anti-Doping Authority (ASADA), the National Integrity of Sport Unit (NISU), and the nationally focused integrity functions of Sport Australia. Now we are together, here is a summary of the different areas of Sport Integrity Australia tasked to assist sports to protect themselves from the various integrity threats.

EDUCATION, LEGAL & ENGAGEMENT DIVISION

EDUCATION

Education plays a critical role in protecting athletes and preventing integrity threats in Australian sport. To that end, Sport Integrity Australia will provide a range of education resources and interventions for everyone who participates in sport, from grassroots to elite level athletes, their parents, teachers, coaches, National Sporting Organisation (NSO) staff and support personnel.

In the early stages of Sport Integrity Australia, the Education team’s focus will be on consolidating existing education resources and interventions from ASADA, NISU and Sport Australia into a single platform. Already, the agency’s online learning platform now includes multiple courses on anti-doping, competition manipulation (match-fixing), and integrity values, with online modules on other threats to follow in the coming months. The ASADA Clean Sport app, downloaded by more than 30,000 sportspeople to date, will be upgraded to fit Sport Integrity Australia’s new remit, as will our other award-winning resources including ASADA’s Virtual Reality testing experience and Augmented Reality Health Effects of Doping app.

Over the course of the next 12 months, the team will also expand its successful anti-doping face-to-face and outreach program to also deliver sessions on other integrity threats such as competition manipulation, gambling and illicit drugs. These sessions will be tailored and targeted based on the integrity threats relevant to each sport, based on Sport Integrity Australia intelligence and risk assessment models.

Where sports are already delivering integrity education, Sport Integrity Australia will provide support by offering intelligence to help NSOs’ guide and target their education programs, as well as continuing to provide resources such as mobile apps, virtual reality programs and eLearning free of charge.

In addition, the team will help contribute to the strategic direction and content of Play By the Rules – the online platform to help grassroots sports administrators keep sport fair, safe and inclusive.

The end result will be a holistic, nationally coordinated and targeted integrity education environment, which works across all threats in all sports, to best protect athletes and sports alike.

SPORT OPERATIONS

Sport Operations’ priority focus is to develop, allocate and plan anti-doping testing in order to best align with Sport Integrity Australia’s strategic objectives, and to ensure Sport Integrity Australia’s compliance with the World Anti-Doping Code. Through the use of Sport Integrity Australia’s intelligence, science and investigative resources, we aim to plan testing in a way which maximises the agency’s ability to detect and deter doping, protecting the rights of clean athletes.

During 2020-21, a major focus will be to protect the integrity of the Australian teams to compete at the Tokyo Olympic and Paralympic Games (2021) and future Winter and Commonwealth Games (2022).

With the assistance of our external stakeholders and anti-doping partners, Sport Operations seeks to meet or exceed World Anti-Doping Code compliance requirements. We continue to work closely with all sports and Sport Integrity Australia’s partners to provide anti-doping testing services and assistance that aligns with the Code.

FIELD OPERATIONS

The Field Operations team’s primary role, conducting testing of athletes according to the testing plans developed with the Sport Operations team, remains unchanged after transitioning to Sport Integrity Australia. To enable this testing to be undertaken Australia-wide Sport Integrity Australia maintains a casual workforce of experienced Doping Control Officers (DCO) and Chaperones.

Significant additional investment has been made in this area in the past 12 months to improve the training and management of our field staff. This ensures we deliver the best possible testing services to Australian athletes through the use of technology and revised training and accreditation processes for our staff.

The team have had seven DCOS selected to work at the Tokyo Olympics and Paralympics which is both a reflection of the high regard our DCOS are held in and also provides a level of comfort to our Australian athletes when they see a familiar face in the Doping Control Station at the Games.
The STRATEGY AND POLICY DIVISION

ANTIDOPING

The Anti-Doping Strategy and Policy team assists advice and support to the Minister for Sport in their capacity as a member of the World Anti-Doping Agency (WADA) Foundation Board and Executive Committee. The Foundation Board primarily decides on WADA’s long-term strategy and the Executive Committee decides on day-to-day matters (for example, assertions of non-compliance against the World Anti-Doping Code (Code)). Australia shares responsibility to represent Oceania on the WADA Executive Committee with New Zealand on a two-year, one-year basis. The team supports the Minister by preparing submissions to WADA consultation rounds (e.g., Prohibited List amendments and Code Review submissions), advising on WADA reforms, and votes required of the Executive Committee and Foundation Board.

A new World Anti-Doping Code will take effect on 1 January 2021 which incorporates some significant changes including a new anti-doping rule violation and a novel approach to sanction in some areas. Legal will assist with the implementation of the Code, and provide training to relevant sections of the agency.

Our in-house lawyers have backgrounds in litigation, administrative and commercial law, international law, criminal law and advocacy – all areas of law which assist with the diversity of work the Sport Integrity Australia Legal section delivers on.

SAFEGUARDING

Participation in sport should be safe for all. Sport Integrity Australia is committed to ensuring that people in sport are treated with respect and dignity and are protected from bullying, discrimination, harassment and abuse.

The Sport Integrity Australia Safeguarding team will work with NSOs to:

- embed safeguarding into their culture
- ensure everyone involved in sport understands that discrimination, harassment, bullying and abuse are unacceptable and will not be tolerated
- enable anyone who has witnessed or experienced discrimination, harassment, bullying and abuse, to report the incident without fear of victimisation or retribution
- ensure a fair, appropriate and co-ordinated response to any incidents of discrimination, harassment, bullying and abuse within or connected to participation in sport
- minimise the likelihood of incidents of discrimination, harassment, bullying and abuse.

SPORTS WAGERING AND MATCH-FIXING

The Sports Wagering and Match-Fixing Strategy and Policy team identifies potential sports wagering and sport competitions manipulation threats and vulnerabilities to the broader Australian sport environment, and to individual NSOs. This is achieved through relationships with domestic and international law enforcement, regulators, gambling industry, and sporting organisations. A key tool used to identify the threats and vulnerabilities to sports is the Sport Integrity Threat Assessment Methodology (SITAM).

Subsequently, the team aims to drive legislative change and implement policy and programs to enhance the integrity framework for Australian sport and individual sports to mitigate against the enduring threat of manipulation of sports competitions. Currently this includes the following work:

- Pursuing ratification of the Council of Europe Convention on the Manipulation of Sports Competitions (Macolin Convention) - the only multi-lateral treaty specifically aimed at combating manipulation of sports competitions and related corruption in sport.
- Establishing Commonwealth offences for the manipulation of sports competitions and related corruption in sport. Such offences would provide a consistent national overlay to address cross-jurisdictional challenges faced by law-enforcement agencies in their investigation and pursuit to win of offenders.
- The development of the Australian Sports Wagering Scheme (ASWS) which aims to provide a clearer, more transparent and consistent regulation of sports wagering to enhance sport integrity responses.
- Coordinating the ‘Integrity Outreach’ program, whereby after it has been identified that a sport is vulnerable to integrity threats, Sport Integrity Australia embeds appropriately qualified sport integrity consultants within an NGO to develop or enhance elements of their integrity framework and responses.
new ones emerge. Current sport integrity threats evolve and Australia remains agile and responsive, as matters, and ensures that Sport Integrity provides a wide range of sport integrity related opportunities, and convergences across different sport integrity threats. Information-sharing with partner agencies, including Intelligence-informed executive and operational decision-making enables facilitation of the Integrity threats in the sporting environment. The Intelligence team of the National Sports Organisations and other stakeholders is pivotal in gaining insights into areas of integrity risks to our stakeholders to prevent, detect and disrupt threats to integrity in sport.

Intelligence assessments are produced in a timely, relevant and actionable manner. The Intelligence team seeks to produce timely, relevant and actionable assessments into, and understanding of, specific sport integrity, intelligence refers to the insights and assessment of available information. Intelligence Australia is to inform executive and state and territory gambling regulators. The SBIU is the key hub for the collection, collation, analysis and dissemination of betting related allegations of fraud against Sport Integrity Australia, Australian Criminal Intelligence Commission, is the central unit within the Australian Criminal Intelligence Operational model for Australia to develop a sports betting platform. The Sport Integrity Australia and the Sports Betting Integrity Unit (SBIU) will continue this work, while acting as Australia’s National Platform under the Macolin Convention. The SBIU is the key domestic and international contact for domestic and international contact for Governments, Commonwealth, state and territory gambling organisations, regulated bookmakers, State and Territory Police, the World Anti-Doping Agency (WADA). To the international development of Sport Integrity, Australia in relation to any of these sections, please email engagement@sportintegrity.gov.au

Intelligence and Investigations

The Investigations team’s role is to support all areas of Sport Integrity Australia activities, investigations and many other missions, education and engagement activities, investigations and many other activities. Investigations team fulfils its role through:

• delivering effective investigative functions.
• supporting all areas of Sport Integrity, Testing, Investigations, Legal, Education and Communications
• building the collective capability of Integrity Australia and the Sport Integrity Australia Mobile Digital Forensics capability.
• managing the collective capability of Integrity Australia including Intelligence, education, testing and investigations.
• by working with the Sport Integrity Australia website.
• Science and Medicine also contribute to the implementation of an effective Intelligence, education, testing and investigations, through investigación standards - i.e. the Australian Sports Drug Testing, Investigations, Legal, Education and Communications.
• Manage the data entry and results of the Sport Integrity Australia website, including Integrity Australia Mobile Digital Forensics capability, and other resources, and keep up to date by following us on Twitter, Facebook, and Instagram.

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• streamlining the administrative phase of the ADRV process by removing the Anti-Doping Rule Violation Panel, instead having this process managed by the Sport Integrity Australia CEO.
• remove the ability of a person to appeal the decision to assert a possible ADRV to the Administrative Appeals Tribunal.
• extend statutory protections from civil lawsuits to other persons (such as National Sporting Organisation (NSO) officers) in the good-faith exercise of their ADRV functions, so the same protections afforded to Sport Integrity Australia staff are provided to NSO colleagues.
• facilitate better information sharing between Sport Integrity Australia and NSOs by enhancing the statutory protections for information provided to an NSO by Sport Integrity Australia.
• strengthen Sport Integrity Australia’s disclosure notice regime by removing the privilege against self-incrimination.
• provide more flexible sanctions for these athletes, ranging from compulsory education through to lengthy bans. The sanction relief reform commenced from 10 August 2020.

Sport Integrity Australia worked with the World Anti-Doping Agency to ensure that the anti-doping reforms are fully compliant with the World Anti-Doping Code. If you have any questions about the anti-doping reforms or need to contact Sport Integrity Australia, you can reach out to them at engagement@sportintegrity.gov.au.

TESTING TIMES DURING PANDEMIC

The pandemic has forced Sport Integrity Australia to re-evaluate the way we work, including how we continue to deliver a leading testing program during these difficult times. While testing was slowed due to a reduction of sporting events, this has started to change. As competitions have restarted, our focus has turned to how we can best offer our services while ensuring the health and safety of athletes, support personal and other staff.

Athletes remain subject to testing anytime and anywhere, even during the current pandemic. Athletes on Sport Integrity Australia’s Registered Testing Pool are still required to keep their whereabouts information up-to-date.

To protect the health and safety of athletes and testing staff during testing missions, Sport Integrity Australia is closely following the Department of Health’s advice in relation to managing the risks associated with COVID-19. We are also working closely with national sporting organisations, international federations and other national anti-doping organisations to identify testing missions posing a higher health risk. Where we are aware that an athlete is in isolation, or has recently travelled to a high-risk location, we will factor this in to our testing plans.

Where an athlete is required to isolate, or has come into contact with someone who has contracted COVID-19, they should advise their national sporting organisation immediately. If they are in the Registered Testing Pool or Domestic Testing Pool, they should notify Sport Integrity Australia via contactus@sportintegrity.gov.au and include the following information:

• The reason for self-isolation, which could be that the athlete:
  - returned a positive COVID-19 test
  - is awaiting a COVID-19 test result
  - was in close contact with someone with the virus, or
  - has just returned from overseas
• The date self-isolation commenced.

In carrying out testing missions, Sport Integrity Australia field staff have been given clear procedures to follow. This maintains the safety of athletes and testing staff, while also safeguarding the integrity of the testing process. These procedures include high levels of hygiene and the use of personal protection equipment. In the event a field staff member displays COVID-19 symptoms, or meets any other high-risk criteria, they will be excluded from participating in testing missions.

Sport Integrity Australia will continue to monitor the situation closely and will update our advice to staff, sports and athletes when new information comes to hand. If you would like to talk to us about the testing program for your sport, email us on contactus@sportintegrity.gov.au to arrange a discussion.

NEW INTERIM UNIFORM

As part of the transition to Sport Integrity Australia our field staff and Clean Sport Educators are sporting a fresh new look. All athletes in the Registered Testing Pool and Domestic Testing Pool have been told of the change and been advised to ask for formal identification if concerned.

ATHLETES REMAIN SUBJECT TO TESTING ANYTIME AND ANYWHERE, EVEN DURING THE CURRENT PANDEMIC.
The Wood Review found that implementation of current regulation, through the ‘national operational model for sports wagering’ agreed under the National Policy, has been insufficient to achieve the nationally consistent regulation envisaged. This means Commonwealth and state and territory legislation of sports wagering remains highly variable and complex, particularly in the areas of betting contingencies approval, information and intelligence sharing, collection, analysis, and reporting. This creates an undue administrative burden on sporting organisations and Wagering Service Providers (WSPs).

In its response to the Wood Review the Australian Sports Wagering Scheme (ASWS) has acknowledged that clearer, more transparent and consistent regulation of sports wagering would provide tangible benefits to the wagering, sport and community sectors. The Government also acknowledged that the principles and intent of the ASWS are not able to address transnational match-fixing and related corruption in sport. Given the international nature of many sporting competitions, out of jurisdiction and related corruption in sport be addressed, governments to achieve greater cooperation and coordination in the prevention of match manipulation. It is a legal instrument and the only rule of international law on the manipulation of sports competitions.

In February 2019, the then Minister for Sport, the Hon. Senator Bridget McKenzie, signed the Convention on behalf of Australia. However, while Australia is one of 31 countries to have signed, we now need to ensure we satisfy the obligations of the Convention prior to formally joining the other countries that have already recognised the Convention. Sport Integrity Australia is working with relevant agencies to establish laws and related corruption in sport. Specifically, the problem arises due to the lack of national criminal legislation and inconsistency across state and territory legislation, noting the manipulation of sports competitions offences tend to be cross-jurisdictional or multi-jurisdictional (due to the national and international nature of major sporting competitions). Additionally, current laws are not able to address transnational criminal activity. This capability is essential given the international nature of sports wagering (including for Australian athletes and officials training, competing and officiating overseas). In its response, the Government committed to establish laws complementary to those introduced by some states and territories, with further effort to be invested in promoting national consistency of approach.

To address these deficiencies, Sport Integrity Australia is working with relevant agencies to establish laws complementary to those introduced to address transnational criminal activity. In its response, the Government committed to establish laws complementary to those introduced by some states and territories, with further effort to be invested in promoting national consistency of approach.

One of the obligations of the Convention is to nominate a National Platform, which acts as central hub for information collection and exchange. Currently the Sports Betting Integrity Unit (SBIU), within the Australian Criminal Intelligence Commission (ACIC), performs this role through active participation as a member of the Group of Copenhagen, the network of national platforms established under the Convention. By formally entering an agreement with the ACIC on 1 July 2020, Sport Integrity Australia will play a role, in partnership with the SBIU, in discharging the obligations of Australia’s National Platform under the Convention.

Joining the Convention provides Australia greater scope and impetus to implement measures at the Commonwealth level, and to develop enhanced cooperation and the exchange of information across all levels of Australian government and internationally, regarding the manipulation of sports competitions and related corruption in sport. Our involvement to date places Australia as a key partner in the global movement towards ensuring co-operation against manipulate and other corruption in sport. Given the international nature of many sporting competitions, membership will ensure ongoing effective co-operation with other member nations.

The Macolin Convention is an initiative of the Council of Europe with the purpose of galvanising and harmonising a collective response to combat the manipulation of sports competitions. The Convention encourages a consistent application of measures by sporting organisations, sports wagering providers and governments to achieve greater cooperation and coordination in the prevention of match manipulation. It is a legal instrument and the only rule of international law on the manipulation of sports competitions.
Threats to sports integrity in Australia are not limited to doping and competition manipulation. Equally important is the ability of governments and the sport sector to adequately respond to other integrity issues in the sporting sphere including harassment, bullying and discrimination, and member protection (including child protection).

Protecting the most vulnerable participants in sport from bullying, harassment and abuse is an increasing area of responsibility, particularly following the Royal Commission into the Institutional Response to Child Sexual Abuse. National Sporting Organisations (NSO) have legal obligations to prevent and address discrimination and harassment and to protect children from abuse. Before Sport Integrity Australia, safeguarding and member protection issues fell within the ambit of the Australian Sports Commission (Sport Australia) who developed policy templates and training programs to help sporting organisations meet their responsibilities. Sport Integrity Australia will continue to provide support to sport around member protection and safeguarding issues such as abuse, bullying, harassment, discrimination, dispute resolution and complaint handling. We will now address further policy development in this area and are committed to ensuring that people in sport are treated with respect and dignity.

The establishment of Sport Integrity Australia will allow, through close relationships formed over time with other Commonwealth, state and territory agencies, the operation of an assessment and referral model – triaging matters of varying severity or significance to sports, law enforcement agencies, or specialised agencies (including child protection agencies, the Australian Human Rights Commission or other state and territory agencies regarding discrimination).

In the first instance, Sport Integrity Australia will develop best practice national policies in three key areas, with resources and education to follow:

**MEMBER PROTECTION**

The Member Protection Policy seeks to ensure that everyone involved in sport is treated with respect and dignity and is protected from discrimination, harassment, bullying and abuse. It aims to ensure the core values, good reputation, positive behaviours and attitudes of sporting organisations are maintained and enhanced.

The policy ensures that everyone involved in sport is aware of their key legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

**CHILD SAFEGUARDING**

The Child Safeguarding Policy seeks to create and maintain a child-safe culture in sport. It is part of a proactive and preventative approach to upholding a commitment to the safety, wellbeing, participation and empowerment of all children who participate in sport.

The policy outlines prohibited conduct and imposes obligations on sporting organisations to respond to allegations of prohibited conduct, implement a commitment to child safety and child safe practices, including recruitment and screening.

**COMPLAINTS, DISPUTES AND DISCIPLINE**

The Complaints, Disputes and Disciplinary Policy sets out the framework for resolving complaints, disputes and disciplinary action arising from an individual or organisation breaching an eligible policy of the sport. It works in combination with integrity policies of the sport that set required behaviour or prohibit unacceptable behaviour. The policy provides a number of options to resolve disputes or complaints: Alternative Dispute Resolution, Minor Breach Procedure, Breach Offer or Hearing Tribunal (internal or via the National Sports Tribunal).
I L L I C I T  D R U G S

Illicit drugs have always been mentioned when discussing sport integrity threats. Illicit drug use by participants may leave them particularly vulnerable to exploitation for other criminal purposes, including match fixing and fraud. Additionally, use of illicit drugs also leaves athletes vulnerable to breaching anti-doping policies if those substances are detected ‘in-Competition’. Recent cases indicate that this scenario continues to occur.

The intentional misuse of prescription drugs, often with alcohol and possibly as an alternative to illicit drug use, has also featured as an integrity issue in Australian sports in recent years. While the use of prescription drugs in line with recommended dosages and periods of use established by medical practitioners is critical to effective management of athlete health and injury issues, intentional misuse causes similar concerns to those associated with illicit drug use.

The Wood Review identified that the lack of information sharing from sports that run illicit drug testing programs for code of conduct purposes represents a significant missed opportunity for Sport Integrity Australia and law enforcement to integrate with existing intelligence. Consequently, the Wood Review recommended Sport Integrity Australia work closely with sports regarding illicit drugs policies and seek access to results of sample analysis for the purposes of their integration with intelligence and analysis capabilities.

The Government agreed in-principle to this recommendation citing that further consideration is required, noting contractual and privacy sensitivities relating to individual illicit drug testing, and that this is only one element of the sports integrity information flow necessary to protect sports and athletes. Sport Integrity Australia will work with sporting bodies and player representation groups to achieve the overall intent of this recommendation to allow an informed and accurate understanding of the integrity threat environment and for protective and preventive measures to be developed.


Sport Integrity Australia is currently updating the Illicit Drugs Policy template previously available to National Sporting Organisations (NSO). NSOs looking to implement or update existing policies must consider many associated factors before doing so. This includes such things as the resources required in terms of expense and staff, whether a testing program should be implemented, disclosures, and any welfare or treatment programs required. Sport Integrity Australia is happy to assist and support sports looking to implement or update existing policies.

DEVELOPING A NATIONAL INTEGRITY FRAMEWORK FOR NATIONAL SPORTING ORGANISATIONS

Sport Integrity Australia is completing a project to review and update the National Integrity Framework (the Framework), including all integrity policies that sit within it. This project aims to address the issues raised by sporting organisations and participants around the current member protection policy and complaint handling procedure and to ensure the new system is proportionate to the seriousness of the matter, at the relevant level of the sport. The Framework seeks to take a proactive approach to mitigate the threats to sports integrity and provide a safe, fair and trustworthy environment for participants at all levels of sport.

The Framework will provide National Sporting Organisations (NSOs) with a streamlined approach to addressing sport integrity threats and sets out the broad expectations for the conduct of all participants including procedures for managing, reporting, investigating and determining potential breaches of integrity policies. Best practice policy templates for specific integrity threats are being developed as part of the Framework, which includes the Anti-Competition Manipulation and Sports Gambling Policy, Member Protection Policy and Illicit Drugs Policy.

The Complaints, Disputes and Discipline Policy will provide a single, clear and easy-to-follow process to manage complaints and alleged breaches of integrity policies linked to the National Integrity Framework (except of anti-doping matters), which includes alternative dispute resolution options.

IMPLEMENTATION

The Integrity Framework will be released shortly. Sport Integrity Australia will work with NSOs to establish an implementation plan and timeline to adopt and implement the National Integrity Framework and Complaints, Disputes and Discipline Policy and will provide direct assistance as required.

The importance of Education in Tackling Sport Integrity Threats

At Sport Integrity Australia, we acknowledge that regulations can be complicated, causing confusion amongst even experienced lawyers, let alone young athletes and their coaches who may fall foul of the rules. We also recognise that integrity threats like abuse, discrimination and harassment can thrive in environments where people don’t know what to look for, who to turn to, or how to report concerns.

Education and prevention is at the heart of Sport Integrity Australia’s mission to protect Australian sport. It is critical that participants, from administrators and athletes to volunteers, are informed and aware of the integrity threats that can infiltrate their sport. It is also critical that we all know how to deal with them to prevent them from causing any harm.

To that end, in the coming months, Sport Integrity Australia will begin working closely with all sports to ensure their athletes, support personnel, parents and NSO staff are aware of the threats facing sport, and how they can prevent them.

In the education space, plans are already underway for a range of new resources and interventions including:

- onboarding modules for NSO staff and other sporting administrators for a range of integrity threats
- education materials for parents to raise awareness of child abuse and how they can work with sports to protect their young athletes
- posters and advertisements on match-fixing to raise awareness of how to report suspicious activity and what types of behaviour to be wary of
- a comprehensive online module to teach athletes and support personnel about major changes to the 2021 World Anti-Doping Code
- a new virtual reality experience that lets athletes ‘choose their own adventure’ through a range of ethically grey issues in sport.

These resources are planned above and beyond the suite of award-winning education materials already available to sports including the Introduction to Match-fixing online course, Health Effects of Doping mobile app and nine anti-doping courses targeted to all levels of the athlete pathway, amongst others.
Q & A WITH CEO JOHN BOULTBEE

The National Sports Tribunal (NST), a key part of the Government’s comprehensive sport integrity strategy, opened on 19 March 2020. In this issue of Sport Integrity Matters, we sit down with the CEO of the NST John Boultbee and ask him to reflect on the first six months of the NST’s operation, and his vision for the future.

Q: The Tribunal has only been operational since March 2020, what have been the largest challenges it has faced in its first few months and how has it responded to them? Has COVID-19 added to those challenges?

The initial challenge is making it known that for the first time, Australia possesses a full-time sports resolution body. So the first few months, where sport was in COVID shutdown, has been an opportunity to ensure that all the national sports bodies are aware that this facility is open to them, and to let athletes, and other participants in sport know that they can come to the NST. The COVID situation has forced us to do all of our hearings by virtual means, and this has proved quite successful, and is likely to be an important part of how we will work in the future.

Q: What do you perceive to be the main types of disputes that will make their way to the Tribunal?

In the early days, we are seeing a quite a lot of disciplinary matters coming before us, and also “member protection” matters where members have been subject to bullying, discrimination or the like, but I expect that there will be anti-doping and selection cases taking up a lot of our time in the future.

Q: The NST has the power to make decisions through arbitration, or to assist parties in achieving a mutually agreeable resolution through mediation, conciliation and case appraisal. Have there been early indications of any preference for either forms of dispute resolution?

The early cases have shown a clear preference for mediation or conciliation, and conciliation in particular. I expect this is because parties welcome the slightly more directive approach the conciliator takes towards a conclusion, whereas mediation may be seen more as facilitating a discussion with the parties which may lead to resolution. This is a welcome recognition that those methods are best able to retain a workable relationship between the individuals and the bodies involved, whilst getting through the disagreement that has arisen, and a resolution they can live with.

Q: One of the criticisms of domestic and international sports arbitration, is that it is costly, procedurally complex and too slow. What measures has the NST adopted to address these concerns?

Sporting disputes tend often to be less multi-dimensional than other matters (I think) and therefore are amenable to fairly simple procedures, which is what are applied in our legislative framework. Other than that, the process of holding a “Preliminary Conference” with the parties in every NST matter where procedural steps are dealt with, and often the issues are defined and contained, has in the early days of the NST been very effective.

Q: Unlike most sporting tribunals, the NST has legislative-backed coercive powers that can require parties by written notice to, appear and give evidence, and provide information or produce documents and things. A failure to comply may expose a person to a term of imprisonment or the imposition of a civil penalty. How do you anticipate these powers being used?

I think these powers will be exercised sparingly. The most likely usage of the coercive powers will be in the anti-doping area, where many of the cases will involve the identification of anti-doping rule violations by means other than standard drug testing, so that extracting information from parties or other persons may be necessary to prove the violation. In the more private disputes, these quite powerful tools will be less likely to be appropriate.

Q: Does the NST have procedures in place to “fast-track” the determination of disputes?

In sport, a speedy resolution of matters is very often a major concern. For example, in a selection appeal relating to an event which is due to happen very shortly after selection, there is an absolute necessity to resolve the dispute quickly. To that end our procedures include a provision for expedition, to be exercised by the CEO and Members. It also provides for an early Preliminary Conference, early appointment of the Member(s) to hear the dispute, and waiving compliance with procedural requirements.

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Q: If you were granted three wishes for the NST, what would they be and why?

The government has set us up on a two-year trial basis. My wish would be that it becomes so obvious that we are filling a significant need that the government will need little time or effort to decide that the trial has been successful. I would also wish that within the space of a year our caseload will justify the appointment of additional Members. Lastly I would wish that the NST be recognised and celebrated as the predominant forum in the country for sports disputes, and that the limits of our jurisdiction be expanded to take in a number of areas which to date are not specified in our rules.

Contact the NST at www.nationalsportstribunal.gov.au.