

**Senate Community Affairs Legislation Committee**

ANSWERS TO QUESTIONS ON NOTICE

HEALTH PORTFOLIO

**Australian Sports Anti-Doping Authority Amendment (Enhancing Australia's Anti-Doping Capability) Bill 2019**

**Ref No: No 1**

**Topic: Recommendations**

**Type of Question:** Hansard, page 18

**Senator:** Rachel Siewert

**Question:**

**Mr Godkin:** There is a range of responses in there. The government agreed to the majority of them, but a number of those—I could get you the particular numbers, but the government agreed in principle or in agreement with the vast majority of the recommendations.

**Senator SIEWERT:** How many of those does this bill specifically implement?

**Mr Turner:** We'd have to take that on notice to give you the specific number, but I believe it's about nine.

**Answer:**

There are nine anti-doping recommendations made by the Wood Review (numbers 17-25 inclusive).

This Bill implements all or parts of 3 of recommendations: Recommendation 19, Recommendation 23 and Recommendation 24.

**Senate Community Affairs Legislation Committee**

ANSWERS TO QUESTIONS ON NOTICE

HEALTH PORTFOLIO

**Australian Sports Anti-Doping Authority Amendment (Enhancing Australia's Anti-Doping Capability) Bill 2019**

**Ref No: No 2**

**Topic: Consultation**

**Type of Question:** Hansard, page 19

**Senator:** Rachel Siewert

**Question:**

**Mr Turner:** Correct. The actual provisions were not specifically consulted on, but arising out of the consultation on the government response it was an expectation that these things would be legislated. Also, in formulating the provisions in the bill we did consult in a narrower sense with stakeholders to help to frame the legislation as we moved forward.

**Senator SIEWERT:** Could you outline who you consulted in that process?

**Mr Godkin:** Yes.

**Mr Turner:** Jonathan, you're going to have to help me with this. This went through one of the advisory groups, did it not?

**Mr Bray:** There were a range of consultations undertaken over a really significant period of time. One of the first things that we did in developing a response and then developing an implementation plan for the response was to set up some working groups and advisory groups of stakeholders—government and non-government, also state and territory and Commonwealth governments—to assist us in providing direct and specific feedback in relation to a number of things. In relation to the bill itself, there wasn't a consultation draft of the bill produced, but—

**Senator SIEWERT:** I understand that, but often there is of what the intent of the bill is.

**Mr Bray:** Certainly. There was a significant period of consultation that led up to the Wood review being drafted and released. What's in the Wood review when it comes to the content of the Enhancing Capabilities Bill, which is what we're here today to talk about, is an almost direct legislative translation of the recommendations of the Wood review. There was significant consultation, and we can take it on notice to provide you with the outline of the consultation.

**Senator SIEWERT:** If you could.

## **Answer:**

Multiple stages of consultation occurred both through the conduct of the Review of Australia's Sports Integrity Arrangements conducted by a panel of experts led by the Hon James Wood AO QC (now referred to as the 'Wood Review') and in the development of the Government Response to the Wood Review.

### *Consultation undertaken in the production of the Wood Review*

Submissions from stakeholders were sought via Minister Hunt's media release of 5 August 2017, which included the terms of reference for the Wood Review. Letters inviting submissions were also sent directly to key stakeholders including the sport sector, law-enforcement agencies, the Australian Sports Anti-Doping Authority, the Australian Sports Commission, state and territory gambling regulators, other domestic and international government departments, and members of the public. Through the Wood Review process written submissions from 33 stakeholders were received and reviewed, with some stakeholders providing multiple submissions.

Wood Review panel members were involved in an extensive, targeted stakeholder engagement process in the form of face-to-face interviews and conference calls with more than 40 stakeholders. A list of submissions received and stakeholders consulted is outlined on pages 21–22 of the [Report of the Review of Australia's Sports Integrity Arrangements](#).

These are:

### *Submissions and consultations – Wood Review*

## **Submissions**

Submissions were received from the following stakeholders.

### **Sport sector**

Australian Athletes' Alliance  
Australian Paralympic Committee  
Coalition of Major Professional and Participation Sport  
Commonwealth Games Australia  
eSports Mogul  
Play by the Rules

### **Australian Government**

Australian Sports Anti-Doping Authority (ASADA)  
Department of Social Services (DSS)

### **State/territory government**

Department of National Parks, Sport and Racing – Queensland Government  
Department of the Attorney-General and Justice – Northern Territory Government  
Department of Treasury and Finance – Tasmanian Government  
The Hon. John Eren MP (on behalf of the Victorian Government)

### **Law enforcement**

Australian Criminal Intelligence Commission (ACIC)

Australian Federal Police (AFP)  
Queensland Police Service  
Tasmania Police  
Victoria Police

## Wagering sector

Responsible Wagering Australia (RWA)  
Tabcorp

## Interested parties

Addisons  
Danny Corcoran  
Melinda Downie  
Darrell Egan  
Graham Flynn  
Bruce Francis  
Allan Hird  
Michael Horoba  
Alan Jones AO  
David Maiden  
Wayne Morison  
Robert O'Dea  
Michael Pederson  
Tony Robinson

## **Consultations**

The following stakeholders were consulted by the Wood Review panel:

### Sport sector

Australian Athletes' Alliance  
Australian Football League  
Australian Olympic Committee  
Australian Paralympic Committee  
Basketball Australia  
Coalition of Major Professional and Participation Sports  
Commonwealth Games Australia  
Cricket Australia  
Football Federation Australia  
National Rugby League  
Rugby Australia  
Swimming Australia  
Tennis Australia

### Australian Government

Australian Communications and Media Authority (ACMA)  
Australian Criminal Intelligence Commission (ACIC)  
Australian Sports Anti-Doping Authority (ASADA)  
Australian Sports Commission (ASC)  
Department of Social Services (DSS)  
Play by the Rules

## State government

Victoria Department of Justice and Regulation – Liquor, Gaming and Racing  
New South Wales Department of Industry – Liquor and Gaming NSW

## Subject matter experts

Professor Jack Anderson – Sports Law, University of Melbourne  
Ben McDevitt AM APM – former ASADA CEO  
Professor Andrew McLachlan – Chair, Australian Anti-Doping Rule Violation Panel (ADRVP)  
John O’Callaghan – Victorian magistrate  
Hayden Opie AM – CAS member, former ADRVP member, former Professor of Sport Law, Melbourne Law School  
Dr Susan White – Chair, Australian Sports Drug Medical Advisory Committee (ASDMAC)

## Law enforcement

Australian Federal Police (AFP)  
NSW Police  
Victoria Police

## Wagering sector

Racing Australia  
Responsible Wagering Australia (RWA)  
Sportradar  
Tabcorp

## International organisations

Anti-Doping Denmark  
Canadian Centre for Ethics in Sport  
European Sport Security Association (ESSA) Sport Betting Integrity  
Institute of National Anti-Doping Organisations (INADO)  
Japan Anti-Doping Agency  
Japan Sports Council  
Sport and Recreation New Zealand  
Sport Ireland  
Sport Resolutions UK  
UK Anti-Doping  
UK Gambling Commission

## National Sport Plan submissions covering sports integrity

Submissions to the National Sport Plan that dealt with integrity issues were received from the following stakeholders.

## Sport sector

Australian Athletes’ Alliance  
Australian Football League  
Australian Olympic Committee  
Australian Paralympic Committee  
Coalition of Major Professional and Participation Sport  
Confederation of Australian Motor Sports  
Cricket Australia  
Exercise and Sports Science Australia

Football NSW  
Gymnastics Australia  
National Rugby League  
Netball Australia  
Netball NSW  
Rugby Australia  
Sport NSW  
Sport SA  
Sports Disputes Mediation Centre  
Surf Life Saving Australia  
Swimming Australia  
Tennis ACT  
Tennis Australia  
Triathlon Australia  
VicSport  
Water Polo Australia

## Wagering sector

Responsible Wagering Australia (RWA)

## Interested parties

Alcohol and Drug Foundation  
Australian Psychological Society  
University of Technology Sydney  
Victoria University

## International organisations

ESSA Sport Betting Integrity

## Individuals

Annette Greenhow  
Individual – no name given  
Individual – no name given (2)

### **Consultations - Development of the Government Response to the Wood Review**

Following the public release of the Report of the Wood Review, the Department of Health conducted a further round of stakeholder consultation as it worked towards the development of the Government response. This consultation included:

- 53 direct (teleconference or in person) meetings between 6 June 2018 and 18 December 2018 across the full spectrum of stakeholders including sport, federal government, state government and sports wagering. Consultation included meetings with both the Australian Athlete's Alliance (AAA) and the Coalition of Major Professional and Participations Sports (COMPPS)
- a public consultation process via the Health Citizen Space online platform. 22 Submissions were received through the platform, including submissions from AAA and COMPPS

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ANSWERS TO QUESTIONS ON NOTICE

HEALTH PORTFOLIO

**Australian Sports Anti-Doping Authority Amendment (Enhancing Australia's Anti-Doping Capability) Bill 2019**

**Ref No:** No 3

**Topic:** Australian Athletes Alliance

**Type of Question:** Hansard, page 20

**Senator:** Rachel Siewert

**Question:**

**Senator SIEWERT:** Four thousand members of the Australian Athletes Alliance. That's a significant number. I hear what you're saying, because we also heard from the coalition, but that's a fairly significant chunk. Sorry, I can't remember how many members ESSA has, but I'd say it would have a fair—

**Senator McCARTHY:** Seven thousand.

**Senator SIEWERT:** Seven thousand. That's a fair chunk.

**Mr Bray:** Sure. Throughout the consultation, we did consult with AAA, and AAA also provided written submissions at various points along the way. I think it would be for AAA to make them available to the committee if that were what they chose to do. We also made it very publicly known that we were open for consultation. The Department of Health has an online consultation forum, and we went through each of the Wood review's themes. The Wood review can kind of be separated into themes. I think there are probably five or six key themes in the Wood review. So we grouped each one of those themes on the consultation website and, I guess, prompted commentary and feedback from the wider Australian community as well. It is difficult for us to engage specifically with such a large number of athletes through the Olympic athletes commission and also AAA, but certainly we made it as widely known as we possibly could that it was available for the Australian community to consult in relation to the development of the response and also implementation. We'd probably have to take on notice how many responses we actually got back through that, but I don't recall any specific responses coming back from athletes that raised concerns in relation to those issues.

**Senator SIEWERT:** If you could take that on notice, that would be appreciated. I have some more questions, but—

**Answer:**

Further to the consultation conducted through the Wood Review and the Government Response (outlined in response to QoN No 2) the Department of Health (Department) also conducted consultation with stakeholders following the lapsing of the ASADA Amendment (Enhancing Australia's Anti-Doping Capability) Bill 2019 (the Bill) at the end of the 45<sup>th</sup> Parliament.

The Bill was considered by the Senate Standing Committee for the Scrutiny of Bills (SSCSB) and the Parliamentary Joint Committee on Human Rights (PJCHR). No formal response to questions raised by the Committees was provided due to the lapsing of Parliament shortly thereafter.

Before introducing the Bill into the 46<sup>th</sup> Parliament, the Department further consulted with stakeholders on the proposed inclusions, and noting the content of the previously introduced Bill. An online platform was used to invite general feedback on the Bill and regarding the issues raised by the SSCSB and the PJCHR. Additionally, approximately 65 members of five key Advisory and Working Groups established by the Sports Integrity Taskforce (Taskforce) on 7 June 2019 were included in the consultation opportunity. Members of the Advisory Groups include (but are not limited to) representatives from national sporting organisations, law enforcement, state and territory governments, the wagering industry, and peak bodies such as the Australian Olympic Committee and Australian Athlete's Alliance (AAA).

The Taskforce did not receive any specific feedback from stakeholders.