



17 January 2020

Jeanette Rackcliffe  
Secretary  
Senate Standing Committee on Community Affairs  
PO Box 6100  
PARLIAMENT HOUSE  
CANBERRA ACT 2600

Via Upload Submission Online Link at:

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**Inquiry into the Australian Sports Anti-Doping Authority Amendment (Sport Integrity) Bill 2019 (SIA Bill)**

We refer to an undated letter from you but sent by email on 26 November 2019 at 10.59 am inviting Surf Life Saving Australia (SLSA) to provide a written submission in respect of the SIA Bill. Thank you for the invitation and the opportunity to make a submission. This letter constitutes SLSA's submission. SLSA acknowledges the conditions governing such submissions.

1. SLSA supports the transformation of ASADA into Sport Integrity Australia (SIA) as an agency that focuses on the overall integrity of Australian Sport and the health and welfare of those who participate in sport.
2. SLSA notes that existing sport integrity resources from the National Integrity in Sport Unit (NISU) and the Australian Sports Commission (ASC) will also be transferred to SIA. SLSA supports this transfer. The SIA Bill should expressly seek to oust any other legislation (e.g. ASC Act) in regard to sports integrity matters.
3. SLSA assumes that the SIA Bill, when passed, will be within power and notes that the legislation seeks to rely on the external affairs power under the Commonwealth Constitution. SLSA notes that although Australia has signed the Macolin Convention, it is not ratified and until ratified it will not be capable of activating the Commonwealth's external affairs power to give constitutional authority to general federal regulation of sports integrity matters.
4. Is it intended that the SIA Bill covers the field in relation to sports integrity? If so, it should say so.
5. SLSA notes that the Macolin Convention recommends the criminalisation of the manipulation of sporting competitions. SLSA generally supports this position and queries whether consideration ought to be given to criminalising anti-doping rule violations.
6. SLSA considers that all sports should be subject to the jurisdiction of SIA.
7. SLSA notes and supports the AOC's concerns as to whether the Government had committed sufficient funding for implementation of SIA.
8. SLSA has no concerns with the impact of the SIA Bill from a privacy perspective.
9. SLSA queries how the SIA sits with the proposed National Sports Tribunal (NST). SLSA considers that the NST should be part of SIA.
10. SLSA notes the extremely broad powers of the CEO of the SIA. SLSA has some concerns with this and requests that consideration be given to ensure that there are checks and balances on the CEO's powers.

11. The proposed definition of “matter” should be broadened so that it at least captures the headline matters from the proposed definition of “threats”.
12. The proposed definition of “sports integrity” (‘sports integrity’ means ‘the manifestation of the ethics and values that promote community confidence in sport’) is extremely broad and very subjective as the ethics and values that promote community confidence in sport vary from community to community and are very temporal. It is also considered that the community considers the ethics and values of different sports very differently. Challenges based on this definition are foreseeable.
13. It is considered the proposed definition of “threats” be amended to include threats to sport from persons making false member protection related claims; so a variation on paragraph (d) (which should remain). Many false, vexatious and spurious claims are being made against many persons and sporting organisations under the guise of a member protection complaint; almost such that legitimate complaints are being lost in the mix and are delayed due to sport’s ability and resources to manage such claims.
14. The language of proposed sections 20B and 20C is circular. The SIA is legally and effectively the CEO. The functions of SIA is to assist the CEO perform his/her functions OR the function of the CEO is to assist the CEO function. What accountability is there in the CEO given this circularity?
15. SLSA supports the proposed amendment to section 68B(3) by the addition sub-section (fa).
16. SLSA queries the consequences of a failure to comply with proposed section 75.

SLSA reserves its right to make further submissions if necessary. SLSA is willing to discuss any of the above with the Committee if required, answer any questions in regard to the above and to appear before the Committee if required.

Yours sincerely,

Ian Fullagar  
**General Counsel**  
**Surf Life Saving Australia**