PLAY BY THE RULES MAGAZINE

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Issue 8

Child safe sports

A complete approach to safeguarding the integrity of sport

What really matters and why

No cause for complacency on match-fixing

Plus — Sports stars score a winning goal for kids in sport; Geelong tackles ICE epidemic through sport; Fair play: the importance of following a fair process in employee disciplinary matters

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# The Editor

It’s been a year since the launch of the Play by the Rules online magazine, and in that time we’ve had over 14,000 reads of our first six issues. With each new issue the readership grows and the February 2015 issue, themed around sport culture, smashed previous records with 3,570 reads. We are certainly happy with that as we move into our second year.

In this issue there’s a theme around safeguarding the integrity of sport. Throughout March, April and May we are working with the Australian Sports Commission, Australian Sports Anti-Doping Authority, National Integrity of Sport Unit and all state and territory departments of sport and recreation, to conduct a series of forums focusing on doping, match-fixing and the use of supplements and image-enhancing substances at sub-elite and grassroots levels of sport. There have been sellout crowds so far across the country. The forum content is framed around ethical decision-making in sport, and you can see an article on this and how it relates to the integrity of sport in this issue. There is also an article on match-fixing, and regular contributor Clyde Rathbone talks about what really matters and why!

There are also important articles about a new education program on child protection, and the emerging epidemic of ICE and how the town of Geelong is tackling the issue through sport.

Enjoy, and thanks for your support.

****

Peter Downs

Manager — Play by the Rules

# Geelong tackles ICE epidemic through sport

In August 2014, Geelong hosted a drug summit to tackle the crisis around ICE in the Geelong, Barwon and surrounding regions. The summit had representatives from the police, government, youth, education and sport sectors.

From that summit an action group — ‘Our Town’s ICE Fight’ — was formed, consisting of established subgroups including sport, youth, health, education, subject matter experts, police, businesses and employers.

**Clubs that care**

The ‘Clubs that care’ program was one of a number of initiatives developed from the summit.

Senior Sergeant Tony Francis of Geelong Police, said: ‘It's a multi-faceted approach where we look at strong education and effective process in relation to illicit drugs in the hope of training up and embedding welfare officers at each club to assist these clubs and communities in these areas’.

*‘Clubs that care’ is an initiative to build sporting clubs as settings which are protective against illicit drug use and to build the capacity of club personnel to be responsive to drug concerns in supportive and appropriate ways.*

Leisure Networks, in partnership with the Australian Drug Foundation, local alcohol and drug services and local sporting associations, will work with 12 clubs over the next 12 months to:

* develop an illicit drug policy and associated procedures
* include details of the policy in the club’s code of conduct, member handbook and other related member documents
* upskill wellbeing personnel in detection and referral
* provide player education.

This will require face-to-face work with committees and wellbeing personnel to understand the issues surrounding drug use, to commit to policy and establish procedures on what to do if drug-related issues come to their attention.

‘Clubs that care’ is funded through the Our Town’s ICE Fight campaign, and the work being done with football, netball, cricket and soccer clubs through this project should lead the way for all clubs across the region.

# NSW sports stars score a winning goal for kids in sport

Sydney FC and the NSW Swifts were among a crop of Child Safe Sports ambassadors who recently kicked off a Child Safe Sports community education campaign. The campaign aims to raise community awareness about managing the risks to children in sports environments.

A highlight of the campaign is a [video](https://www.youtube.com/watch?v=mFmGts0k4Ng&feature=player_embedded) featuring Sydney FC head coach Graham Arnold, captain Alex Brosque, women’s player Chloe Logarzo, NSW Swifts players and head coach Rob Wright, and sports ambassadors from soccer, triathlon, parathletics, netball and surf lifesaving.

Developed by the Office of the Children’s Guardian, the video was launched at the 20th anniversary of the annual NSW Sports Awards by the NSW Minister for Sport and Recreation Stuart Ayres.

People playing, coaching and involved in junior sport are also encouraged to share their support for Child Safe Sports by posting a photo with team-mates using the slogan: ‘We want sport to keep kids safe’, and sharing it on Twitter #childsafesports.

The campaign was designed in collaboration with the NSW Office for Sport and Recreation and is supported by print and online resources, a dedicated web portal, promotional banners and placards, online webinars and tutorials, and a soccer-ball themed fact sheet for young people.

Over 50 face-to-face and online information sessions have been conducted across New South Wales to educate people about implementing effective child-safe strategies and practices. More than 1000 people from archery, little athletics, swimming, cricket, football, softball, netball and pony club have attended these sessions.

To learn more about Child Safe Sports and to see the video go to: <http://www.kidsguardian.nsw.gov.au/childsafesports>

# A complete approach to safeguarding the integrity of sport

Today’s Australian sporting environment — fast-changing and ever-evolving — is being impacted by online and technological progress, globalisation of competitions, and massive incentives to perform. As a result, sports are facing unprecedented challenges from many directions, whether it be doping, match-fixing, the increased use of supplements, or day-to-day issues around governance, fair play or inclusion.

The pressure on athletes from parents, coaches and sporting clubs to succeed at younger ages, coupled with an unhealthy fear of failure or missing out, is resulting in a ‘win at all costs/no risk no reward/whatever it takes’ attitude that has enveloped modern sport at all levels and led to some recent prominent integrity issues.

While stronger laws, good governance, codes of conduct and sanctions are powerful guides and deterrents, they are only half of the equation. In sport — where performance, competition, ethics and values collide on a regular basis — making the right decision is not always straightforward. Many people continue to transgress and suffer the consequences.

One of the first steps to engaging people in the decision-making process on integrity issues is to understand what sport means to them and why they participate; how they consider values such as fairness, honesty and sportsmanship; and what importance they give to integrity in sport. These offer the strongest anchor on attitudes and, subsequently, behavioural choices.

This can be done having a more thorough discussion about:

* how athletes, coaches and administrators can live and perform in a way where they are true to themselves and their sport
* what the price is if they seek to win at all costs
* why the concept of ‘fair sport’ ought to be protected.

It is in this space where personal ethics can start to be explored.

In essence, ethical decision-making is a process that involves building awareness of ‘ethical content’ such as values, principles and beliefs about a person’s defining purpose and an understanding of personal morals to guide choices and actions.

Making good ethical decisions requires a trained sensitivity to ethical issues, and a practised method or framework for exploring the ethical aspects of a decision and weighing the considerations that should impact the choice of a course of action.

In the Safeguarding the Integrity of *S*port forums organised by Play by the Rules and currently being held across Australia, participants are confronted with choice and dilemma situations where right and wrong isn’t clear. They need to evaluate, discuss, debate and decide their course of action, and are provided with an ethical decision-making framework to help guide their choice.

In working through the dilemmas, participants discuss what is at stake and for whom, the consequences and values that underpin their choices, and how this relates to what sport means to them. They also reflect on the assumptions and biases that may affect the choices that are made. It is through this reflective process that people learn how to personally resolve an ethical situation, enabling them to make better-reflected decisions in the future.

There is not always an ideal answer or decision that leaves a person completely comfortable once they have worked through an ethical dilemma, and the execution of that decision won’t necessarily be easy or palatable for those involved. What ethical decision-making does is leave a person comfortable that they have invested well in making the best available choice in the circumstances.

A complete approach to safeguarding the integrity of sport requires a mix of personal responsibility, deterrence through laws, codes and policies, and accountability through penalties and sanctions. However, it also requires an element of education and support to help build the capacity of people to make the right choices through awareness of ethics and ethical decision-making, and help them convert their decisions into actions that mirror who they are, what they believe in and what they want their sport to represent.

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# What really matters and why?

I was still a teenager when Lance Armstrong first won the Tour de France, and remember being totally captivated by Armstrong’s story, the miraculous tale of a man who rose from his deathbed to win the toughest race of all.

Armstrong’s book, *It’s not about the bike*, became an immediate phenomenon, selling in record numbers worldwide and rocketing him to celebrity status as we bathed in the feel-good story of his success. Grumblings about performance-enhancing drugs followed Armstrong throughout his career, but his aggressive denials and a legion of fanatical supporters made journalists nervous to push the issue.

Eventually, as further details emerged, the grumblings became a roar and Armstrong’s denials appeared to be creaking under the pressure of the evidence. Finally, in an interview with Oprah Winfrey in January 2013, Armstrong came clean by admitting his dirty secret.

As someone who respected Armstrong’s achievements as an athlete and his efforts to drive positive change in cancer treatment via his LiveStrong foundation, I wondered what drove him to cheat. I then read a book by one of Armstrong’s former team-mates, Tyler Hamilton. Hamilton’s book, *The Secret Race — Inside the Hidden World of the Tour de France: doping, cover-ups, and winning at all costs*, shed light on the culture of professional cycling during the years when Armstrong dominated.

The first thing that stood out was how widespread doping in cycling was. Performance-enhancing drugs were viewed simply as part of a winning strategy. To be a serious contender in the Tour de France meant devoting oneself to punishing training routines and unforgiving physical loads. And the stakes were high — win and the cash flooded in, lose and one could be looking for a new team and new sponsors.

None of this justifies the actions of drug cheats, but it does help to explain why so many appear ready to roll the dice with their careers.

There is a lesson for all of us in the downfall of Lance Armstrong — that no serious endeavour should be entered into without us first evaluating our values. We must ask ourselves what really matters and why. It’s easy to lose sight of the fact that sport doesn’t just test us physically, it also tests our morality. And it’s most important to remember this when we risk being blinded by the prospect of fame and fortune.

It is interesting to consider the price one pays for cheating in sport. First there are the obvious downsides associated with getting caught match-fixing or doping. Needless to say these activities can have disastrous consequences. Public humiliation, financial ruin and potentially irreparable damage to reputation are severe, and not to be taken lightly. But I think there is a subtle but much greater cost — that of knowing one is a cheat. Only an extreme sociopath could behave in such a patently selfish way without suffering ill effects. Knowing that one is a liar and a cheat is seriously psychologically toxic.

These pitfalls can be avoided by zooming out from sport and seeing the bigger picture — that it is much more important to be a good person than it is to be a good athlete. Parents, teachers, coaches and team-mates have a moral responsibility to elevate the ethos of fair play above a ‘win at all costs’ attitude. Sport is a fantastic way to learn about ourselves. It acts to magnify the qualities that make us who we are. By upholding the highest standards of integrity, we have a chance to realise our potential through sport, and that’s one chance never worth risking.

Article by

Clyde Rathbone

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# Australia has no cause for complacency on match-fixing

What do sumo wrestling, ice hockey, snooker, handball and volleyball have in common?

They are all sports that have been affected by match-fixing, along with more well-known sports including soccer, cricket and tennis. The cause? A spectacular rise in global sports betting, instant global communications, poorly regulated betting sectors, and organised crime cartels attracted by a low-risk/high-profit equation. The combination has seen match-fixing proliferate across the globe, with the collapse of entire competitions and leagues, loss of sponsorship, and imposition of bans, relegations and, increasingly, criminal convictions for those involved. But a more ominous effect is the loss of faith in the credibility of sporting competition. Like knowing the outcome of your favourite competition before the season begins, match-fixing snuffs out the uncertainty that is the essence of the magic of sport.

The statistics about the rise of sports betting, and with it match-fixing, are staggering. Major regulated betting operators in Asia are estimated to turnover more than US$2 billion **each a week** on sports betting — and this is dwarfed by unregulated Asian betting markets, with insiders assessing the turnover to be up to US$1 trillion a year. If you add to this estimates that up to 80 countries a year suffer match-fixing scandals; a quarter of all sports played today are influenced by organised crime; US$140 billion a year is laundered through sports betting; and that sports betting now outstrips betting on racing, it is difficult to predict where the endpoint may lie.

Australia has no cause to be complacent. The now infamous ‘Southern Stars’ match-fixing incident in the Victorian Premier League has been preceded by other scandals, not least the NRL match-fixing event in 2010 which took on a tragic final turn with the death of former Bulldogs player Ryan Tandy from an apparent drug overdose in 2014.

Australian governments moved decisively to address this form of sports corruption through the unanimous support for the National Policy on Match-Fixing in Sport provided in June 2011. That policy bound governments to criminalise match-fixing, and promoted a model for cooperation between sports and betting agencies to limit the capacity for bets to be used for corrupt purposes. The policy also led to the establishment of the National Integrity of Sport Unit (NISU) to provide national coordination, monitoring and reporting on sports integrity issues.

Match-fixing is only one of a range of other integrity matters — most linked to each other — that affect sport, including illicit drug use, association with organised crime, accessibility and use of performance and image-enhancing drugs, member protection and player welfare issues. Many of these themes were brought to public attention through the Australian Crime Commission’s (ACC) *Organised Crime and Drugs in Sport* report released on 7 February 2013. That report contained many recommendations to shore up the protection of sport in Australia, which NISU has or is continuing to implement, aided by the ongoing secondment of an ACC senior analyst to the unit.

There are many other stakeholders with a role in protecting Australian sport from increasing integrity threats — agencies such as the Australian Sports Anti-Doping Authority, Australian Sports Commission, state and commonwealth law enforcement, betting industry and regulators, private sector agencies, and not least sports themselves, which have dedicated significant efforts to confronting the evolving integrity landscape. Internationally, Australia is seen as a foremost advocate for sports integrity and is routinely asked to contribute to key forums and working groups, promoting the integrity model developed here.

So when watching the next sporting event, spare a thought for the efforts that are going into ensuring the competition is ‘fair and honest, unaffected by illegitimate enhancements or external interests’. After all, it’s what happens on the park that should really matter.

Damian Voltz

National Integrity of Sport Unit

# Legal stuff — Fair play: the importance of following a fair process in employee disciplinary matters

The Cronulla Sharks football club was recently on the receiving end of a claim of unfair dismissal by former high-profile five-eighth Todd Carney. Carney was sacked from the club after a lewd photo of him appeared on social media last year.

Carney successfully challenged his dismissal through the NRL’s appeals tribunal. According to media reports, the dismissal was found to be unfair because a proper process was not followed before the decision was made, in that Carney was not given a chance to discuss his case with the club’s board before the decision was made to sack him.

Cronulla is not the first employer to fall foul of the rules of procedural fairness. Failing to follow a fair process or to afford ‘natural justice’ can often get employers into trouble. No matter how good the reason or grounds for dismissal, if a fair process is not followed, the ultimate decision will be tainted and, if challenged, may be declared unfair.

While Carney’s case involved a decision by the NRL appeals tribunal relating to a player, the same considerations of procedural fairness will arise where a sporting organisation is looking to dismiss an employee for misconduct. In such cases, there will often be a risk of an unfair dismissal claim by the employee to the Fair Work Commission, seeking compensation or reinstatement (or both).

**What does a fair process look like?**

Here are some of the key requirements for a fair process.

1. **Put the allegations to the individual**. This is critical to a fair procedure. All too often employers fail to spell out the allegations to the accused in sufficient detail. If the employee or player does not know precisely what they have been accused of, how can they respond? Which leads us to …
2. **Give the individual a chance to respond to the allegations**. An opportunity to respond is another critical feature of due process. No matter how bad that photo looks on its face, there may be more to the story and it is incumbent on employers to hear the employee out.
3. **Consider all relevant evidence**. This might require further inquiries or an investigation to be carried out and an unbiased weighing of the evidence found.
4. **Consider any mitigating circumstances**. Even where the misconduct is serious, the punishment needs to factor in any personal circumstances that might weigh against a penalty as harsh as dismissal. A previously unblemished record marred by a single lapse in judgment or a period of difficult personal circumstances leading to irrational behaviour, are mitigating circumstances that might weigh against a dismissal.

Often these elements of procedural fairness will be written into the employment contract, club rules or enterprise bargaining agreement. In such cases, a failure to follow these steps could expose the employer or club to more than just a claim for unfair dismissal (for example, breach of contract).

**Fair investigations**

Employers and sports club administrators also need to consider procedural fairness when conducting investigations, whether into misconduct or complaints (such as under the club’s member protection policies). Before the allegations can be put to an individual, it may be necessary to make further inquiries to find out what happened. As mentioned above, ensuring that you have all of the relevant evidence in front of you before you make a decision is critical to procedural fairness.

Sometimes a formal investigation will be appropriate. In other cases, less formal inquiries might be made.

There have been many cases where a flawed investigation has resulted in an unfair dismissal, so it is important to keep some basic principles in mind to keep the process on track. In particular:

* Make sure the investigator is unbiased and impartial. Anyone with a personal interest in the outcome of the investigation, or who appears to be biased one way or the other, should not be conducting the investigation. Sometimes this will require that someone external to the organisation be engaged to investigate.
* Confidentiality should be maintained as far as possible. This is important for a number of reasons, including to protect reputations, minimise the risk of anyone being victimised for participating in the investigation, and to instill confidence among other employees, members or players that should they ever need to raise issues, those matters will be handled confidentially.

**Tips for avoiding unfair dismissals**

* No matter how bad it looks, make inquiries before making decisions. There may be another side to the story.
* Make sure you follow the organisation’s policies and procedures, and any requirements in contracts or enterprise bargaining agreements.
* Give the individual any details of the allegations against them and a chance to respond.
* Consider any mitigating factors when deciding on the appropriate penalty.

And remember, if someone first hears about their dismissal from reading a club’s press release, chances are that a fair process was not followed.

Kerryn Tredwell

Partner, Hall & Wilcox

# Around the grounds

**Most parent volunteers do NOT need a Working With Children Check in NSW**

From **1 April 2015** existing workers in the sport and recreation sectors in NSW, including those employed in dance schools, are to be phased in to the online Working With Children Check (WWCC) system.

Paid employees in these industry sectors who were previously ‘checked’ under the old system will now need to apply for a new WWCC and provide their application or clearance number to their employer or relevant organisation for online verification by 31 March 2016.

However, there are important exemptions to the requirement to obtain a WWCC, including volunteer parents and other close relatives who volunteer with a team, program or other activities which usually involve their children.

There are also exemptions for those who help around a sports club but do not have direct contact with children, such as canteen staff or maintenance workers.

The Office of the Children’s Guardian in New South Wales has developed a range of resources including a *Sport, Clubs and Coaches: the Working With Children Check* brochure to assist organisations to comply with their legislative obligations.

**Clubs need to check the Check! Register and verify**

Employers, clubs and associations have an important role to play in the WWCC system.

They need to **register** online so they can **verify** the status of the WWCCs of their paid and unpaid employees.

This online verification enables the Office of the Children’s Guardian to contact clubs that have verified an applicant should the WWCC clearance be cancelled.

To learn more go to <http://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check/child-related-employers>

**VIC**

**2015 Fair go, sport! schools announced**

Congratulations to Buckley Park College, Manor Lakes College and Overnewton Anglican Community Collegefor being selected to participate in the *Fair go, sport!* schools project for 2015!

The [*Fair go, sport!*](http://www.humanrightscommission.vic.gov.au/index.php/reservoir-high-school) schools project aims to make schools safer and more inclusive for same sex attracted and sex and gender diverse students (SSAGD), primarily through sport and physical education.

Research shows that most homophobia experienced by SSAGD young people occurs at school and they feel least safe in sport or in the physical education class. This negative experience has a significant impact on their health and wellbeing.

The *Fair go, sport!* project being adopted at these schools will aim to allow students to feel more comfortable when participating in sport and physical education and will help to create a sense of belonging within the greater school environment.

Congratulations to these schools for adopting this challenging and exciting project. They join Reservoir High School, Keilor Downs College, Whittlesea College and Castlemaine Secondary College as the trailblazers for fair and inclusive sport in Victorian schools.

Keep up to date with *Fair go, Sport!* news by following us on [Twitter](https://twitter.com/fair_go_sport).

# Online course update

**Play by the Rules Child Protection online course**

**Indicators of abuse**

It is important that people working with children are aware of the indicators of abuse and have the confidence to respond.

Some indicators of child abuse are:

* bruising, particularly in the face, head or neck region
* an injury left untreated
* differing versions of how an injury occurred
* a child/relative advising of abuse
* a child, referring to someone else being abused, may mean him/herself
* sexual behaviour which is inappropriate for the age of the child
* nightmares/bedwetting/going to bed fully clothed
* a high level of distrust of other people
* an inability to relate well to adults and/or children
* extreme attention seeking behaviour, disruptive or aggressive behaviour and bullying
* seeking indiscriminate or inappropriate adult affection.

The presence of one indicator does not necessarily suggest that a child is the subject of abuse. People working with children need to consider the context in which the indicators are observed and use common sense.

If you feel any doubt, ring and consult with the child protection authorities.

The Play by the Rules online Child Protection course is free and you can register now at: <http://learning.ausport.gov.au>

# Resource profile

Australians with disability participate in a range of sports. There are many practical ways to include people of all abilities in sport at a level of their choice whilst still maintaining the integrity of the activity.

Sport for people with disability is not ‘one size fits all’. The focus for clubs should be on finding practical ways for people with disability to participate in sport at a level of their choice.

Inclusion is about providing a range of options (e.g., options that are only for people with disability and options that are for everyone, but happen to include people with disability with some modifications).

It is not reasonable that all people with disability must be included in all activities all of the time. However there are usually ways to include most people (e.g., athlete, coach, instructor, administrator, official, parent or volunteer).

People with disability are often the best source of information as they know what they can do and they can tell you about possible modifications to assist with inclusion.

It is alright to ask a person with disability questions and give things a go as this is often the best way to learn.

Go to the Play by the Rules disability inclusion interactive scenario here: http://www.playbytherules.net.au/interactive-scenarios/disability-inclusion

# Infographic of the month

Fittingly, the infographic for this month is Safeguarding the Integrity of Sport, developed specifically for the Safeguarding the Integrity of Sport forums currently being organised by Play by the Rules. It looks at reported match-fixing cases by continent over the past three years, the prevalence of corruption in international sport, the dangers of doping, and results of the Fair Play in Sport Survey and the Illicit Drug Data Report 2011–12.

For the full infographic go to: <http://play-by-the-rules.s3.amazonaws.com/safeguarding_integrity.pdf>

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