



INTERDISCIPLINARY COLLOQUIUM ON SPORT

SPORT COMMUNICATION:
WIDENING THE LENS

FRIDAY, 24 FEBRUARY 2023



ABOUT THE COLLOQUIUM

The Bond University Interdisciplinary Colloquium on Sport was first held in 2010 as a 'round table' event. Originally an initiative of the Emeritus Professor Jim Corkery from the Faculty of Law (and founder of the Centre for Commercial Law), the Colloquium is now in its 13th year.

The Colloquium is an interdisciplinary forum for the presentation and discussion of contemporary sport-related research with the objective to exchange ideas and create collaborative opportunities across jurisdictions, disciplines and institutions.

Selected papers are invited for peer review and submission to the Bond Sports Law and Governance Journal. Research presented at previous colloquia has been published in journals including the Bond Sports Law and Governance Journal and Sport Management Review.

The Bond University Colloquium is truly interdisciplinary and supported by:

- Faculty of Law
- Bond Business School
- Health Sciences & Medicine
- Faculty of Society and Design
- The Centre of Commercial Law
- Centre for Professional Legal Education
- Office of Research Services
- Office of Learning and Teaching
- Microcredential Unit



Friday, 24 February 2023

- 8.30am – 8.45am** **Registration and Morning Coffee**
Lounge & Hallway, Level 3, Faculty of Law (Building 4), Bond University
- 8.45am – 9.00am** **Opening Address & Acknowledgement to Country**
Case Study 1, Level 3, Faculty of Law (Building 4), Bond University
Professor Nick James
Executive Dean of the Faculty of Law, Bond University
- 9.00am – 10.00am** **Keynote Speaker**
Kitty Chiller AM (Deputy CEO – National Sports Tribunal)
The importance of communication within sport and assisting fair play: Insights from experiences as Chef de Mission of the Australian Olympic Team, CEO of Gymnastics Australia, Deputy CEO of the National Sports Tribunal, and other high profile and public roles
- 10.00am – 10.30am** **Morning Tea**
Level 2, Faculty of Law (Building 4)
- 10.30am – 12.00pm** **Dr Eric Windholz (Monash University)**
Navigating Sports' Generational and Cultural Divide: Implications for the Future of Sports Governance
- Charles Mountifield and Stirling Sharpe (University of Canberra)**
The Sport Volunteering Paradox: Concerns from a Legal and Governance Perspective but the Irony Remains
- Simone Pearce (University of the Sunshine Coast)**
Guidelines for the Inclusion of Children with Disability in Sport: Opening a Practical Dialogue for True Inclusion in Sport
- Richard Redman (Australian Institute of Sport)**
Guidelines for the Inclusion of Transgender Athletes in High Performance Sport
- 12.00pm – 1.00pm** **Lunch**
Level 2, Faculty of Law (Building 4)
- 1.00pm – 2.00pm** **Keynote Speaker**
Marie Mills (Managing Director – Mills Wilson)
It's Time to Make Integrity Cool – Is Cultural Change a Missed Opportunity in the Battle Against Corruption in Sport?
- 2.00pm – 2.30pm** **Afternoon Tea**
Level 2, Faculty of Law (Building 4)
- 2.30pm – 4.00pm** **Leon Harris (University of the Sunshine Coast)**
Sub-concussion Mitigation Measures in AFL – What We Don't Hear Won't Hurt Us
- Alison Quigley (Queensland University of Technology) and Dr Matt Nichol (CQUniversity)**
Legal Obligations and Duties on Australian Sports Governing Organisations to Protect Children
- Joshua Lindsey (Bond University)**
Organisational Stigma in Australian Esports
- Michael Collins and Andrew Hamilton (Bond University Sport)**
Crisis Communications from the Perspective of a CEO and Communications Manager in Sport
- 4.00pm – 4.30pm** **Interdisciplinary Discussion and Closing Remarks**
- 4.30pm – 6.00pm** **Closing Reception**

KEYNOTE PRESENTATIONS

KITTY CHILLER AM

Kitty Chiller has had a long and distinguished international career in the sport of Modern Pentathlon, and in 2000 she represented Australia at the Olympic Games in Sydney. After retiring in 2000, Kitty maintained her involvement in Modern Pentathlon with President roles of both the Australian and Oceania Federations and as a member of the International Federation Executive. In the Olympic Arena, Kitty has been a member of the Australian Olympic Committee Executive Board since 2013 Board and in that year, was appointed as Chef de Mission for the Australian Olympic Team for Rio 2016, the first ever female in this role. Kitty previously served as Deputy Chef de Mission at the London 2012 Games, and as Media Director for the 1988 Team to Seoul. Kitty was a member of the IOC Athlete's Entourage Commission from 2017 – 2023 and in 2020 was awarded the prestigious IOC Women and Sport Award. Kitty held the role of Chief Executive Officer of Gymnastics Australia from 2017 – 2022 and still serves as President of the Oceania Gymnastics Union and is an Executive Board Member of the International Gymnastics Federation. With her MP role, Kitty is the only person in the world to sit on two International Federation Executive Boards. Kitty Chiller has held many other high profile executive roles including General Manager at Surf Life Saving Australia and Deputy General Manager at the Australian Sports Commission and has also previously worked as a television and radio sports journalist, project director of Workforce Training at the 2006 Melbourne Commonwealth Games and 2006 Doha Asian Games and national manager of the Telstra Business and Business Woman of the Year Awards. Kitty's current role is as Deputy CEO of the National Sports Tribunal.

KEYNOTE TITLE: The importance of communication within sport and assisting fair play: Insights from experiences as Chef de Mission of the Australian Olympic Team, CEO of Gymnastics Australia, Deputy CEO of the National Sports Tribunal, and other high profile and public roles

MARIE MILLS

Marie is a respected communications advisor and corporate coach who works with clients around the country. After an early career in broadcast journalism, she established her own public relations practice and works across a wide-range of industry sectors. Over the course of 30 years, her work has been recognised with a number of state and national industry awards. Her interest in corruption and integrity in the government and corporate arenas has developed over decades and has expanded in more recent years into the sporting arena. Marie holds a Master of Commercial Law from the University of Melbourne and is a member of the Australian and New Zealand Sports Law Association (ANZSLA). She brings a different perspective to the issue of corruption and integrity in sport. In 2022, Marie won the ANZSLA Paul Trisley Award – an award made to a person who has not been previously published in the ANZSLA Journal or presented at an ANZSLA event.

KEYNOTE TITLE: It's Time to Make Integrity Cool – Is Cultural Change a Missed Opportunity in the Battle Against Corruption in Sport?

PRESENTERS

(In alphabetical order)

MICHAEL COLLINS AND ANDREW HAMILTON

Title: Crisis Communications from the Perspective of a CEO and Communications Manager in Sport

Abstract: Michael and Andrew draw from their collective experiences in sport. They are looking at Crisis Communications from the perspective of a Sports CEO, Communications Manager, and the Media. They are sharing a case study from professional sport and examine this from three different perspectives.

LEON HARRIS

Title: Sub-concussion Mitigation Measures in AFL – What We Don't Hear Won't Hurt Us

Abstract: One of the most important measures implemented in contact sports like AFL to mitigate the risks of concussion, have been the concussion protocols and assessments and removal from the field of play when concussion has been diagnosed. But is there enough information being provided to protect all participants from brain injury in the sport? Public concern and awareness around the risks of brain injury resulting from concussion in contact sport has grown in recent years and is gaining momentum. However, the AFL policy around concussion, "Management of Sport-related Concussion in Australian Football", does not address a very real and substantial risk. A clear body of medical evidence shows repeated sub-concussive impacts—impacts not hard enough individually to cause concussion such as loss of consciousness—are just as injurious to the brain over time as concussion itself. Yet, "sub-concussive" (or variations on that) is not mentioned at all. The lack of information around risk to participants other than those "concussed" seems problematic, especially as participant numbers with vulnerability such as women and children are increasing. It is arguable the AFL governing body owes a duty of care to participants to make them aware of the inherent danger of sub-concussion and the consequences, which arise from playing such a contact sport. The focus on solely on "concussion" and

complete lack of information about the risk of sub-concussive injury, raises serious liability issues. Whilst clearly risks of brain injury from concussion must be managed, there is an absence of communication of the risks from sub-concussive events, which are potentially more prevalent and pose more people a greater risk. This paper considers sub-concussive impacts in AFL and what, if any, mitigation measures are occurring. It also considers possible legal issues arising from sub-concussive impacts and the AFL's (lack of) response to them.

JOSHUA LINDSAY

Title: Organisational Stigma in Australian Esports

Abstract: Esports is a continuously growing industry that holds cultural significance. While research about esports is increasing, it is still limited and fragmented, leaving gaps in the literature. An identified gap is the lack of understanding of how different audiences perceive the esports industry. From the current research and my ongoing analysis, I have discovered stigmas affecting the industry's perception. These stigmas occur from negative events or institutional factors. The first is the mental health stigma that video games cause violence and are addictive. The second stigma is the corruption of the industry through match-fixing and cheating. The final stigma is those who play video games are lazy, unhealthy, lack social skills, and are men. The organisational stigmas identified have the potential to impact if esports are desirable, proper, and appropriate within the norms, values, beliefs, and definitions of the traditional sports industry here in Australia. My proposed presentation will discuss the identified organisational stigmas in Australian esports that occur from events or institutional factors. I will also address how the external audience and key industry stakeholders perceive these stigmas, along with how these industry stakeholders perceive the expression of stigmas from the external audience and suggestions on managing their impact.

CHARLES MOUNTFIELD AND STIRLING SHARPE

Title: The Sport Volunteering Paradox: Concerns from a Legal and Governance Perspective but the Irony Remains

Abstract: In Australia, volunteers represent a ubiquitous – and critical – feature of organised sport. Sporting events, be they an Olympic Games or a grassroots football match, require the services of a human resource whose engagement, in turn, necessitates consideration from a legal and governance standpoint. Yet, for the organisations administering sporting activities, volunteers represent an anomaly in an ecosystem where they are often subject to the whim and caprice of institutions that lack a proper understanding of the legal responsibilities linked to volunteer engagement. Issues concerning the appointment of volunteers – what constitutes employment and volunteer rights – have proved contentious in recent years, particularly within community sport. While volunteer numbers have fluctuated, legal issues have increased, resulting in various ‘injuries’ and other considerations relating to the treatment of sport volunteers. For sport organisations, however, there is a dilemma: the governance model for community sport is flawed due to the paradox between top-down policy edicts and the ability of volunteers to manage themselves by virtue of their non-professional role. Sport volunteers need appropriate training to obtain the skills and knowledge necessary to work safely and efficiently. Yet, based on volunteers supervising and instructing other volunteers, alongside time and workload constraints, there is the propensity for legal risk – compliance, regulatory, and financial – for an organisation from a human resource perspective. This paper seeks to identify issues impacting sport organisations that explain the irony that volunteers are unlikely to be able to fulfil expectations from a governance perspective, thus necessitating a different legal outlook.

SIMONE PEARCE

Title: Guidelines for the Inclusion of Children with Disability in Sport: Opening a Practical Dialogue for True Inclusion in Sport

Abstract: The claim by sporting organisations that they provide for children of ‘all abilities’ to play or take part in their sport, is commendable, but naïve. Standing next

to, or turning up on a different day, is not taking part. ‘Multiclass’ is a separate and segregated experience. The inclusion of children with disability by separating and segregating them from their mainstream peers is all too common and often lauded. Take for example, an ‘award-winning inclusion program’ from a rugby league club that involves a one-day skills session, only available to some children with disability and on a different day to the mainstream training and matches. Despite efforts made by sporting organisations and schools, children with disability do not enjoy the same fair and meaningful contests in sport that mainstream children do. This could be, and often is, discriminatory at law. Despite the *Disability Discrimination Act (Cth) 1992*, children with disability may be discriminated against in organised sport; with no practical advancement of true inclusion of children with disability. This is not always unlawful but may be wrongful discrimination. Tellingly, there is little guidance for sporting organisations and parents about how true inclusion might be achieved. Whilst there are Guidelines for the Inclusion of Transgender and Gender Diverse People in Sport, issued by the Australian Human Rights Commission, there is no mechanism to assist in the treatment of children with disability in sport. This paper introduces *Guidelines for the Inclusion of Children with Disability in Sport*, informed by substantive equality, providing practical promotion of true inclusion and, most importantly, opening dialogue between sporting organisations, parents and children.

ALISON QUIGLEY AND DR MATT NICHOL

Title: Legal Obligations and Duties on Australian Sports Governing Organisations to Protect Children

Abstract: In recent times the Royal Commission into Institutional Responses to Child Sex Abuse and the Wood Review recommended key reforms to the way Australian sports are regulated. In response to these recommendations, the federal parliament legislated for a National Sports Tribunal and Sport Integrity Australia (‘SIA’). SIA has now formulated a National Integrity Framework (‘NIF’), a suite of integrity policies for all sports to follow, including policies related to child protection in sport. The NIF sits within an existing regulatory matrix of rules and principles in criminal law, civil law, legislation and common law. Ultimately, the board of directors and senior executives in an Sports Governing Organisations (‘SGO’) and member clubs are

legally (and ethically) liable for protecting children in their sport. This presentation will use a hypothetical case study to demonstrate the complexity of child protection matters through an analysis of the relevant legal duties imposed on boards and the governance framework that compels SGOs to act to protect children.

RICHARD REDMAN

Title: Guidelines for the Inclusion of Transgender Athletes in High Performance Sport

Abstract: The inclusion of transgender and gender-diverse (TGD) athletes into high performance (HP) sport is an evolving area. Although small in numbers, media and social coverage of the issue is profound. Globally, there is growing momentum for the inclusion of gender-diverse groups across all facets of society. Moreover, the right of transgender and gender-diverse athletes to participate in sport is a fundamental human right. To assist the Australian high performance sport system appropriately traverse this area, the AIS has consulted widely in the development of “Guidelines for the Inclusion of TGD Athletes in HP Sport”. The guidelines acknowledge and build upon the IOC’s 2021 Framework, which supports considerations of inclusion that are sport-specific, evidence-based, and rights-respecting. The IOC Framework is informed by three values that are at the foundation of the Olympic Movement: fairness, inclusion, and non-discrimination. The inclusion of TGD athletes in HP sport proposes many and diverse considerations, including matters of eligibility. The AIS believes it is reasonable and appropriate that eligibility rules be integrated as part of a values-led approach, and stipulated clearly for the benefit of all stakeholders. The AIS has therefore developed draft guidelines to support those National Sports Organisations that are looking to devise and tailor their own policies.

DR ERIC WINDHOLZ

Title: Navigating Sports’ Generational and Cultural Divide: Implications for the Future of Sports Governance

Abstract: Navigating A (generational and cultural) divide is opening up between those who govern our sports and those who compete in them. Across a range of issues, athletes today are more willing to challenge those in

authority. Examples include values-based challenges to sponsors; advocacy of LGBTQ+, race and other human rights; and a more assertive attitude to athlete health and safety. This is leading sport governing bodies to rethink (or should lead them to rethink) how they engage with their athletes. Traditionally, a meaningful athlete voice in sport governance regimes has been absent. The lack of a meaningful athlete voice is compounded by the absence from sports global regulatory order of civil society non-governmental organisations acting as a countervailing force to sports’ commercial and cultural power and governments captured by it. But this is beginning to change. Sport governing bodies increasingly are having to respond to and engage with athletes and civil society. Athlete commissions and civil society actors increasingly are playing an important role assisting sports to navigate complex societal issues. The result is that sporting organisations are communicating with actors and about issues with which they have not previously engaged. This presentation will explore this emerging dynamic and its implications for the future of sports governance.

