



INTERDISCIPLINARY
COLLOQUIUM ON SPORT

SAFETY IN SPORT:
GOVERNANCE, SYSTEMS, RIGHTS

16 FEBRUARY, 2024

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 14th 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, 16th February 2024

- 8:30am - 8:45am** **Registration and Morning Coffee**
Lounge & Hallway, Level 3, Faculty of Law (Building 4), Bond University
- 8:45am - 9:15am** **Opening Address**
Case Study 1, Level 3, Faculty of Law (Building 4), Bond University
The Hon Dr Annabelle Bennett AC SC FAA FAAL
Chancellor, Bond University
- 9:15am - 10:15am** **Keynote Speaker**
Lisa Purves, Director of Safeguarding, Sport Integrity Australia
The National Principles - a framework for safeguarding children and young people in sport.
- 10:15am - 10:45am** **Morning Tea**
- 10:45am - 12:15pm** **Simone Pearce and Jay Sanderson, University of Sunshine Coast**
Too risky to be Inclusive: Sport, safety and the discrimination of children with disability.
Isaac Maynard, Bond University
An exploration of barriers and facilitators for First Nation athletes in elite sport, an International perspective.
Leon Harris, University of Sunshine Coast
Head Games: How Australian sport must do better in dealing with concussion.
- 12:15pm - 1:30pm** **Lunch**
Level 2, Faculty of Law (Building 4)
- 1:30pm - 2:30pm** **Keynote Speaker**
Nikki Dryden, Human Rights Advisor, Sport Integrity Australia
Effective Remedy - Is restorative justice enough for survivors of abuse in Australian sport?
- 2:30pm - 3:00pm** **Afternoon Tea**
- 3:00pm - 4:30pm** **Dr Alex Donaldson, La Trobe University**
Protocol for a group concept mapping study of concussion regulations in the Australian boxing and combat sport sector.
Dr Matthew Raj, Bond University
Violence, Injury and Death in Sport: A criminal law perspective of 'Safe Sport'.
Michael Eastwood, Barrister at Law
Participant safety - a judicial committee perspective.
- 4:30pm - 4:45pm** **Interdisciplinary Discussion and Closing Remarks**
- 4:45pm - 6:00pm** **Closing Reception**
Level 2, Faculty of Law (Building 4)

KEYNOTE PRESENTATIONS

LISA PURVIS

Lisa joined Sport Integrity Australia in August and currently heads up the agency's safeguarding unit.

A forward-thinking, passionate leader in her field, Lisa is responsible for the development of national safeguarding policies, resources and education to build the capability of sporting organisations and individuals to provide safe sporting environments. Previously, at the NSW Office of Children's Guardian, Lisa was responsible for building the capability of organisations who work with children to implement the Child Safe Standards. This included developing training, resources and assessing an organisation's ability to comply with the legislative requirements of the scheme. She was also part of the team that implemented the Child Safe Standards in NSW and developed and administered the WWCC legislation in NSW, the first online system in Australia and the first to do continuous monitoring.

Her expertise includes developing community engagement strategies to build the capability of organisations who work with children to apply the legislative scheme, specifically to understand how children can be harmed and what they can do to prevent it. She believes applying the child safe standards and implementing policies that keep children safe requires strong leaders with clear vision and a culture change from the whole community.

Keynote Title: The National Principles - a Framework for Safeguarding children and Young People in Sport.

NIKKI DRYDEN

Nikki is a two-time Olympic swimmer, Commonwealth Games medalist and two-time Olympic journalist with 33 years of elite international sporting experience. She is a dual qualified lawyer and is the Human Rights Advisor at Sport Integrity Australia.

A former Associate at the Australian Human Rights Institute, Nikki just completed a Fulbright Global Research Scholarship in the UK and Canada where she built upon her PhD level research on athlete human rights in the sports dispute resolution system. She is on the Board of the Centre for Sport and Human Rights in Geneva and was on the Editorial Board of LawInSport for 10 years.

Nikki is one of the first lawyers to write, speak and argue for human rights in sport over 17 years ago and has experience examining athlete rights, gender discrimination, sex abuse, whistleblower protection, state sponsored doping, mega-sporting events and corruption in sporting organisations. She does extensive pro bono work including with a global group of lawyers to represent athletes on freedom of expression cases at the Olympics, as well as whistleblowers in sexual abuse cases in the Global South. In 2021, Nikki brought together a team that evacuated over 80 female athletes and their families from Kabul to Australia.

She has a BA in International Relations from Brown University, a J.D. from Brooklyn Law School, the International Olympic Committee's Safeguarding Officer Certificate and is qualified to practice law in NSW and New York.

Keynote Title: Effective Remedy - Is Restorative Justice Enough for Survivors of Abuse in Australian Sport?

PRESENTERS

SIMONE PEARCE AND JAY SANDERSON, UNIVERSITY OF SUNSHINE COAST

Title: Too Risky to be Inclusive: Sport, Safety and the Discrimination of Children with Disability.

Abstract: According to the Convention for the Rights of Persons with Disability and the Disability Discrimination Act 1992 (Cth) ('DDA') children with a disability should be included in mainstream sporting activities. It is not, however, common for adjustments to mainstream sporting rules to be made—instead preferring separate disability-specific sports. There are various reasons why children with disability are not provided adjustments to be included in mainstream sports. One of the key reasons is safety. This paper examines possible ways in which, despite discrimination law, safety concerns hinder the inclusion of children with disability in mainstream sports, particularly in their ability to experience a fair and meaningful contest. In doing so we scrutinize three considerations under section 28 of the DDA where safety is a relevant factor. First, how safety impacts the issue of whether a child with a disability is reasonably capable of the actions required for the sporting activity. Second, whether and when adjustments to elements of the sporting activity are reasonable (and safe). Third, when safety or risk of negligence is an unjustified hardship and therefore a defence to discrimination. To carry out this analysis we consider the limited case law as well as draw parallels to, and comparisons with, other areas of discrimination in sport including pregnant and transgender athletes. This work aims to better understand and limit how safety concerns are used as an excuse, or defence, to discrimination, which will almost always hinder inclusion in mainstream sports.

ISAAC MAYNARD, BOND UNIVERSITY

Title: An Exploration of Barriers and Facilitators for First Nation Athletes in Sport, an International Perspective.

Abstract: First Nations athletes are subject to unique challenges when pursuing excellence in an elite sports environment. Most prominent research on Canadian First Nations, Maori, and Australian First Nations athletes indicate significant hurdles when attempting to uphold both their traditional cultural identities, and their identities as athletes in a largely monocultural sports system. First Nations athletes often have difficulty maintaining cultural connection and establishing a sense of belonging in what is often a foreign environment. A lack of cultural safety within sports has been cited to elicit feelings of loneliness, embarrassment, and poor psychological wellbeing. As such, it is becoming increasingly important to foster cultural safety within the elite sports domain. Literature suggest that integrating cultural practices into elite sports creates a bicultural environment that results in improved wellbeing and sports outcomes for First Nations athletes. This is critical to ensuring elite sports opportunities are culturally accessible and encourage sporting success for elite First Nations athletes.

LEON HARRIS, UNIVERSITY OF SUNSHINE COAST

Title: Head Games: How Australian Sport Must Do Better in Dealing with Concussion.

Abstract: Concussion in sport has become a significant public health concern in Australia. Research arising from the Boston University CTE Center has driven much of the discussion for many years in relation to CTE and other neurodegenerative conditions caused by repeated head trauma. The Boston University CTE Conference held annually represents a chance to hear from some of the foremost experts in the field about the latest research findings and potential future directions of research, possible treatment, and best-practice regulation of sport to mitigate the risk. This presentation will address several of the key findings presented at the 2023 Conference from the perspective of Australian sport governing bodies and the potential implications for the ethical promotion and regulation of safe sport in Australia. In light of these findings, it is clear current policies and procedures in major sporting codes in Australia are, at best, only partially protecting athlete health and well-being in relation to head trauma arising from sport. More could, and should, be done to ensure the health and safety of participants across a range of sporting activities, including sports other than "contact" sports.

PRESENTERS

DR ALEX DONALDSON, LA TROBE UNIVERSITY

Title: Protocol for a Group Concept Mapping Study of Concussion Regulations in the Australian Boxing and Combat Sport Sector.

Abstract: Concussion in sport is a high-profile health and legal concern across many sports in Australia, including boxing and combat sport. Several Australian states have developed and implemented concussion regulations to protect the health and safety of boxing and combat sport participants. However, a recent retrospective analysis of news media reports of Australian boxing-related fatalities concluded that current regulations are either inadequate or not effectively implemented. The aim of this research and the presentation is to develop a conceptual, socio-ecological map of the challenges to implementing and complying with concussion regulations in Australian boxing and combat sports. The Research method involves the use concept mapping (via the online Concept Systems groupwisdom™ platform), a multi-phase mixed methods approach to generate and organise the ideas of a group of individuals with insight into a topic of interest. Stakeholders are grouped according to certain levels aligned to the socio-ecological model. The practical relevance of this presentation is to examine the use of concept mapping as a method to inform review of the current regulations and to guide strategies to enhance regulation implementation and compliance.

DR MATTHEW RAJ, BOND UNIVERSITY

Title: Violence, Injury and Death in Sport: A Criminal Law Perspective of 'Safe Sport'.

Abstract: In October 2023, professional ice hockey player Adam Johnson (aged 29), died from a neck injury during a match in England (the scene immediately prior to Johnson's death is pictured below). Following the death, many called into question the actions of opponent Matthew Petgrave. In November 2023, news media confirmed that a man had been charged on suspicion of manslaughter in relation to Johnson's death. This presentation explores the role of criminal law in circumstances where injury (including death) occurs in a sporting context. In so doing, the presentation canvasses relevant criminal legislation, as well as empirical research measuring societal attitudes to (unsanctioned) violence in sport. The work of the Safe Sport Legal Research Team at Bond University will be showcased, including proposed research advancing Vamplew's 1991 study of sports violence in Australia.

MICHAEL EASTWOOD, BARRISTER AT LAW

Title: Participant Safety: a Judicial Committee Perspective

Abstract: This presentation examines the proposition that disciplinary proceedings, for breaches of the laws/rules/codes of conduct of any sport, contribute to the safety of sport's participants. The presenter suggests that participants should not just be limited to those who play the game. Participants should include match officials, coaches and other support staff, club administrators, and spectators. This presentation will approach the topic by giving a broad definition of what safety might be. The presentation then examines judicial committee outcomes and their relationship to deterrence and rehabilitation of those who commit breaches. That will be put into the context of the existing Rugby Australia Disciplinary Rules and Code of Conduct. The presentation then examines steps which have been put in place to ensure that Judicial Committee outcomes are consistent.

NOTES





Together

by Imogen Clarence
Bachelor of Business / Bachelor of Social Science
(CRICOS 088309G)

The artwork represents the different communities coming together at Bond University. It is a diverse University and when we all come together, we shine.

Imogen Clarence is a proud Kamilaroi descendant of Kamilaroi people, raised on Bigambul Country (Goondiwindi).

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