AUSTRALIAN SPORTS COMMISSION

Legislation and Parliamentary Debates
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Australian Sports Commission Act 1985
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Introduction

The Australian Sports Commission Act was proclaimed by the Governor-General on 1 July 1985. It was a unique event in the history of Australian sport creating formally the first Federal Government statutory body in sport.

On 31 May, Australian Democrat Senator Jack Evans, from Western Australia—in his last speech in the Parliament before retirement—described the legislation as a “red letter day in sport”. The passage of the legislation was the culmination of several years of planning, enquiry and consultation. The Australian Sports Commission is the tangible result of the growing commitment of government to sport evidenced throughout the 1970’s and 1980’s.

The concept of a Sports Commission was first canvassed in 1982 in an Australian Labor Party platform document drafted by the then Shadow Minister for Sport, Mr John Brown, in preparation for the 1983 election. Mr Brown became Minister for Sport, Recreation and Tourism in March 1983 and later that year established the Interim Committee for the Australian Sports Commission. That five member Committee had the responsibility of reporting to the Minister on the role, functions and structure of a permanent ASC.

Essentially, the Committee recommended that the Commission be given the status of a statutory authority and with it the responsibility for providing leadership and coordination to Australian sport. The Committee identified two threshold issues which have impared the progress of sport in Australia in the past. These issues were:

1. The lack of real involvement of the sporting community in the identification of programs and needs and the resolution of these problems; and

2. The lack of sufficient and reliable sources of funding.

The objectives and functions defined in the Australian Sports Commission Act reflect the concerns and priorities of the Interim Committee.

This publication draws together details of the historic debates in the House of Representatives and the Senate and starts with the culmination of those debates, the Act itself.

Greg Hartung
General Manager
Australian Sports Commission
December 1985
Australian Sports Commission Act 1985
Proclaimed 1 July 1985
Australian Sports Commission Act 1985

No. 77 of 1985

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Australian Sports Commission Act 1985

No. 77 of 1985

An Act to establish the Australian Sports Commission, and for other purposes

[Assented to 6 June 1985]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Australian Sports Commission Act 1985.

Commencement

2. This Act shall come into operation on a day to be fixed by Proclamation.

Interpretation

3. In this Act, unless the contrary intention appears—

“appoint” includes re-appoint;

“Australian Sports Aid Foundation” means the Foundation formed in accordance with sub-section 8 (1);

“Chairperson” means Chairperson of the Commission;

“Commission” means the Australian Sports Commission constituted by this Act;
"Commissioner", in relation to the Commission, includes the Chairperson and the Deputy Chairperson;
“Deputy Chairperson” means Deputy Chairperson of the Commission;
“sport” means—
(a) sport in Australia; and
(b) the participation by Australians in international sport.

Extension to external Territories
4. This Act extends to all the external Territories.

PART II—ESTABLISHMENT, FUNCTIONS AND POWERS OF THE COMMISSION

Establishment of Commission
5. (1) There is established by this Act a Commission by the name of the Australian Sports Commission.

(2) The Commission—
(a) is a body corporate;
(b) shall have a seal; and
(c) may sue and be sued.

(3) All courts, judges and persons acting judicially shall take judicial notice of the imprint of the seal of the Commission appearing on a document and shall presume that the document was duly sealed.

Objects and functions of Commission
6. (1) The objects of the establishment of the Commission are—
(a) to encourage the private sector to contribute to the funding of sport to supplement assistance by the Commonwealth;
(b) to provide leadership in the development of Australia’s performance in sport; and
(c) to encourage increased participation by Australians in sport.

(2) The functions of the Commission are—
(a) to advise the Minister in relation to the development of sport;
(b) to raise money through the Australian Sports Aid Foundation for the purposes of the Commission;
(c) to administer and expend money appropriated by the Parliament, or raised by the Australian Sports Aid Foundation, for the purposes of the Commission;
(d) to co-ordinate activities in Australia for the development of sport;
(e) to consult and co-operate with appropriate authorities of the Commonwealth, of the States and of the Territories, and with other organizations, associations and persons, on matters related to its activities;
(f) to initiate, encourage and facilitate research and development in relation to sport; and
(g) to collect and distribute information, and provide advice, on matters related to its activities.

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(3) The functions of the Commission may be performed within or outside Australia.

(4) The Commission may perform any of its functions in co-operation with a State or Territory or any person, association or organization.

(5) The Commission may perform its functions to the extent only that they are not in excess of the functions that may be conferred on it by virtue of any of the legislative powers of the Parliament, and, in particular, may perform its functions—

(a) by way of expenditure of money that is available for the purposes of the Commission in accordance with an appropriation made by the Parliament;
(b) for purposes related to the collection of statistics;
(c) for purposes related to external affairs; and
(d) for purposes in relation to a Territory.

Powers of Commission

7. (1) The Commission has power to do all things necessary or convenient to be done for or in connection with the performance of its functions and, in particular, may—

(a) enter into contracts;
(b) acquire, hold and dispose of real or personal property;
(c) occupy, use and control any land or building owned or held under lease by the Commonwealth and made available for the purposes of the Commission;
(d) with the written approval of the Minister, make grants or lend money, and provide scholarships or like benefits;
(e) appoint agents and attorneys, and act as an agent for other persons;
(f) engage persons to perform services for the Commission;
(g) accept gifts, bequests and devises made to the Commission (whether on trust or otherwise) and act as trustee of money or other property vested in the Commission on trust; and
(h) do anything incidental to any of its powers.

(2) The powers of the Commission may be exercised within or outside Australia.

Australian Sports Aid Foundation

8. (1) The Commission may form a company, to be known as the Australian Sports Aid Foundation, for the purpose of raising money for the development of sport.
(2) Except to the extent necessary for the performance of its functions in relation to the Commission, the Australian Sports Aid Foundation is not empowered to do anything that the Commission is not empowered to do.

Directions to Commission

9. (1) The Minister may, by written notice, give directions to the Commission with respect to the policies and practices to be followed by the Commission.

(2) The Commission shall comply with any direction given to it under sub-section (1).

Strategic plan

10. (1) The Commission shall—

(a) formulate a strategic plan setting out the manner in which the Commission proposes to perform its functions on a continuing basis; and

(b) from time to time, review and revise the strategic plan.

(2) A strategic plan, or a revision of a strategic plan, has no effect until approved by the Minister.

(3) The first strategic plan shall be submitted to the Minister within 12 months after the commencement of this Act.

(4) At any time when a strategic plan is in effect, the Commission shall not perform its functions otherwise than in accordance with that plan.

Delegation

11. (1) The Commission may, either generally or as otherwise provided by the instrument of delegation, by writing under its seal, delegate to a person, or to a committee established under sub-section 19 (1), any of its powers under this Act, other than this power of delegation.

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Commission.

(3) A delegation of a power under this section does not prevent the exercise of the power by the Commission.

PART III—CONSTITUTION AND MEETINGS OF THE COMMISSION

Constitution of Commission

12. (1) The Commission shall consist of—

(a) the Chairperson;

(b) the Deputy Chairperson; and

(c) not fewer than 10 nor more than 20 other Commissioners.
(2) The Chairperson may be referred to as the Chairman or the Chairwoman, and the Deputy Chairperson may be referred to as the Deputy Chairman or the Deputy Chairwoman, as the case requires.

(3) The Commissioners shall be appointed by the Governor-General.

(4) A person appointed under paragraph (1) (a) or (b)—
   (a) shall hold office on a full-time or part-time basis, as is specified in the instrument of appointment; and
   (b) holds office for such period, not exceeding 5 years, as is specified in the instrument of appointment, but is eligible for re-appointment.

(5) A person appointed under paragraph (1) (c)—
   (a) shall hold office on a part-time basis; and
   (b) holds office for such period, not exceeding 3 years, as is specified in the instrument of appointment, but is eligible for re-appointment.

(6) The exercise of the powers, or the performance of the functions, of the Commission is not affected by reason only that—
   (a) there is a vacancy in the office of Chairperson or of Deputy Chairperson; or
   (b) the number of persons appointed under paragraph (1) (c) falls below 10 for not longer than 3 months.

Remuneration and allowances

13. (1) A Commissioner shall be paid such remuneration as is determined by the Remuneration Tribunal.

(2) A Commissioner shall be paid such allowances as are prescribed.

(3) Sub-sections (1) and (2) are subject to the Remuneration Tribunals Act 1973.

Resignation

14. A Commissioner may resign by written instrument delivered to the Governor-General.

Termination of appointment

15. (1) The Governor-General may terminate the appointment of a Commissioner for misbehaviour or physical or mental incapacity.

(2) If a Commissioner—
   (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit;
   (b) is absent—
       (i) in the case of the Chairperson, except on leave of absence granted by the Minister; or
(ii) in any other case, except on leave of absence granted by the Chairperson,

from 3 consecutive meetings of the Commission; or

(c) contravenes section 16 without reasonable excuse,

the Governor-General may terminate the appointment of the Commissioner.

Disclosure of interests

16. (1) A Commissioner who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Commission shall, as soon as possible after the relevant facts have come to the Commissioner’s knowledge, disclose the nature of the interest at a meeting of the Commission.

(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Commission and, unless the Minister or the Commission otherwise determines, the Commissioner shall not—

(a) be present during any deliberation of the Commission with respect to that matter; or

(b) take part in any decision of the Commission with respect to that matter.

(3) For the purpose of the making of a determination by the Commission under sub-section (2) in relation to a Commissioner who has made a disclosure under sub-section (1), a Commissioner who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not—

(a) be present during any deliberation of the Commission for the purpose of making the determination; or

(b) take part in the making by the Commission of the determination.

Meetings of Commission

17. (1) The Commission shall hold such meetings as are necessary for the efficient performance of its functions.

(2) The Chairperson—

(a) may, at any time, convene a meeting of the Commission; and

(b) shall, on receipt of a written request signed by not less than 3 other Commissioners, convene a meeting of the Commission.

(3) The Minister may, at any time, convene a meeting of the Commission.

(4) The Chairperson shall preside at all meetings of the Commission at which he or she is present.

(5) Where the Chairperson is not present at a meeting of the Commission, the Deputy Chairperson shall preside, or if the Deputy Chairperson is not present, the Commissioners present shall elect one of their number to preside.

(6) At a meeting of the Commission, a quorum is constituted by—

(a) 6 Commissioners; or
(b) a number of Commissioners that is not less than one-third of the number of Commissioners for the time being holding office, whichever is the greater number of Commissioners.

(7) Where, by reason of sub-section 16 (2), a Commissioner is not present at a meeting of the Commission during a deliberation of the Commission with respect to a matter, but, there would be a quorum present if that Commissioner were present, the remaining Commissioners present constitute a quorum for the purpose of any deliberation or decision of the Commission at that meeting with respect to that matter.

(8) Questions arising at a meeting of the Commission shall be determined by a majority of the votes of the Commissioners present and voting.

(9) The person presiding at a meeting of the Commission has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(10) The Commission shall keep a record of its proceedings.

(11) The Commission may invite a person to attend a meeting of the Commission for the purpose of advising or informing the Commission on any matter.

Acting appointments

18. (1) At any time when there is a vacancy in the office of Chairperson (whether or not an appointment has previously been made to the office) or the Chairperson is absent from duty or from Australia or is, for any other reason, unable to perform the functions of Chairperson, the Deputy Chairperson or a person acting as Deputy Chairperson under sub-section (2) shall act as Chairperson.

(2) The Minister may appoint a Commissioner to act as Deputy Chairperson—

(a) during a vacancy in the office of Deputy Chairperson (whether or not an appointment has previously been made to the office); or

(b) during any period, or during all periods, when the Deputy Chairperson is absent from duty or from Australia or is, for any other reason, unable to perform the duties of the office of Deputy Chairperson,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

(3) The Minister may appoint a person to act as a Commissioner—

(a) during a vacancy in an office of Commissioner (whether or not an appointment has previously been made to the office); or

(b) during any period, or during all periods, when a Commissioner is absent from duty or from Australia or is, for any other reason (including the reason that the Commissioner is acting as Deputy...
Chairperson), unable to perform the duties of the office of Commissioner,
but a person appointed to act during a vacancy shall not continue so to act for
more than 12 months.

(4) While a person is acting in an office under this section, the person has
and may exercise all the powers, and shall perform all the functions, of the
office.

(5) An appointment of a person under sub-section (2) or (3) may be
expressed to have effect only in such circumstances as are specified in the
instrument of appointment.

(6) The Minister may—
(a) determine the terms and conditions of appointment, including
remuneration and allowances, if any, of a person acting under this
section; and
(b) terminate such an appointment at any time.

(7) Where a person is acting in an office under paragraph (2) (b) or
(3) (b) and the office becomes vacant while the person is so acting, then,
subject to sub-section (5), the person may continue so to act until the Minister
otherwise directs, the vacancy is filled, or a period of 12 months from the date
on which the vacancy occurred expires, whichever first occurs.

(8) The appointment of a person under this section ceases to have effect if
the person resigns the appointment by written instrument delivered to the
Minister.

(9) The General Manager is not eligible for appointment under this
section.

(10) The validity of anything done by or in relation to a person purporting
to act under this section shall not be called in question on the ground that the
occasion for the appointment had not arisen, that there was a defect or
irregularity in or in connection with the appointment, that the appointment
had ceased to have effect or that the occasion for the person to act had not
arisen or had ceased.

Committees

19. (1) The Commission may establish such committees of its members as
it thinks fit, and a committee shall assist the Commission as directed by the
Commission.

(2) A committee may co-opt a person to be an additional member of that
committee for the purposes of consideration of a particular matter.

(3) A person who is co-opted under sub-section (2) shall act in an advisory
capacity only and is not entitled to remuneration or allowances.

(4) The number of members of a committee required to constitute a
quorum at a meeting of that committee shall be as specified by the Commission.
(5) Section 16 applies to a member of a committee (including a member co-opted under sub-section (2)) as if—

(a) a reference in that section to the Commission were a reference to the committee; and

(b) a reference in that section to a Commissioner were a reference to that member (whether or not that member is a Commissioner).

PART IV—GENERAL MANAGER AND STAFF

Division 1—General Manager

General Manager

20. There shall be a General Manager of the Commission, who shall be the chief executive officer of the Commission.

Appointment and term of office

21. (1) The General Manager shall be appointed by the Governor-General.

(2) A person appointed as General Manager shall hold office for such period, not exceeding 5 years, as the Governor-General specifies in the instrument of appointment.

(3) A person appointed as General Manager is eligible for re-appointment.

(4) A person who has attained the age of 65 years shall not be appointed or re-appointed as General Manager and a person shall not be appointed or re-appointed as General Manager for a period that extends beyond the date on which the person will attain the age of 65 years.

(5) The General Manager holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Governor-General.

General Manager not to engage in other work

22. The General Manager shall not engage in paid employment outside the duties of his or her office except with the approval of the Minister.

Remuneration and allowances

23. (1) The General Manager shall be paid such remuneration as is determined by the Remuneration Tribunal.

(2) The General Manager shall be paid such allowances as are prescribed.

(3) Sub-sections (1) and (2) have effect subject to the Remuneration Tribunals Act 1973.
Leave of absence

24. The Minister may grant leave of absence to the General Manager on such terms and conditions as to remuneration or otherwise as the Minister determines.

Resignation

25. The General Manager may resign by written instrument delivered to the Governor-General.

Termination of appointment

26. (1) The Governor-General may terminate the appointment of the General Manager for misbehaviour or physical or mental incapacity.

(2) If the General Manager—

(a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit;

(b) except with the approval of the Minister, engages in paid employment outside the duties of his or her office;

(c) is absent from duty, except on leave of absence granted by the Chairperson, for 14 consecutive days or for 28 days in any 12 months; or

(d) contravenes section 27 without reasonable excuse,

the Governor-General may terminate the appointment of the General Manager.

Disclosure of interests

27. The General Manager shall give a written notice to the Minister of all direct or indirect pecuniary interests that the General Manager has or acquires in any business.

Acting General Manager

28. (1) The Minister may appoint a person (not being a Commissioner or acting Commissioner) to act as General Manager—

(a) during a vacancy in the office of General Manager (whether or not an appointment has previously been made to the office); or

(b) during any period, or during all periods, when the General Manager is absent from duty or from Australia or is, for any other reason, unable to perform the functions of the office of General Manager,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

(2) An appointment of a person under sub-section (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.
(3) The Minister may—

(a) determine the terms and conditions of appointment, including remuneration and allowances, of a person acting as General Manager; and

(b) terminate such an appointment at any time.

(4) Where a person is acting under paragraph (1) (b) and the office of General Manager becomes vacant while the person is so acting, then, subject to sub-section (2), the person may continue so to act until the Minister otherwise directs, the vacancy is filled, or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

(5) The appointment of a person under this section ceases to have effect if the person resigns the appointment by written instrument delivered to the Minister.

(6) While a person is acting under this section, the person has and may exercise all the powers, and shall perform all the functions, of the General Manager.

(7) The validity of anything done by or in relation to a person purporting to act under this section shall not be called in question on the ground that the occasion for the appointment had not arisen, that there was a defect or irregularity in or in connection with the appointment, that the appointment had ceased to have effect or that the occasion for the person to act had not arisen or had ceased.

Division 2—Staff

Staff of the Commission

29. (1) The staff required to assist the Commission shall be persons appointed or employed under the Public Service Act 1922.

(2) The General Manager of the Commission has all the powers of, or exercisable by, a Secretary of a Department under the Public Service Act 1922 so far as those powers relate to the branch of the Australian Public Service comprising the staff referred to in sub-section (1) as if that branch were a separate Department.

PART V—FINANCE

Appropriation of money

30. (1) There is payable to the Commission such money as is appropriated by the Parliament for the purposes of the Commission.

(2) The Minister for Finance may give directions as to the amounts in which, and the times at which, money referred to in sub-section (1) is to be paid to the Commission.
Estimates

31. (1) The Commission shall prepare estimates, in such form as the Minister directs, of the receipts and expenditure of the Commission for each financial year and, if the Minister so directs, for any other period specified by the Minister, and the Commission shall submit estimates so prepared to the Minister not later than such date as the Minister directs.

(2) The money of the Commission shall not be expended otherwise than in accordance with estimates of expenditure approved by the Minister.

Application of money

32. The money of the Commission shall be applied only—

(a) in payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by the Commission in the performance of its functions and the exercise of its powers; and

(b) in payment of remuneration and allowances payable under this Act.

Borrowing from the Commonwealth

33. (1) The Minister for Finance may, on behalf of the Commonwealth, out of money appropriated by the Parliament for the purpose, lend money to the Commission at such rates of interest and on such other terms and conditions as that Minister determines.

(2) The Commission shall not borrow money except in accordance with sub-section (1).

(3) The Commission may give security over the whole or part of its assets for the repayment of amounts borrowed under sub-section (1) and the payment of interest on amounts so borrowed.

Contracts

34. The Commission shall not, except with the written approval of the Minister—

(a) enter into a contract involving the payment or receipt by the Commission of an amount exceeding $500,000; or

(b) enter into a lease of land for a period of 10 years or more.

Application of Division 3 of Part XI of Audit Act

35. (1) It is hereby declared that the Commission is a public authority to which Division 3 of Part XI of the Audit Act 1901 applies.

(2) The Commission shall, in each report prepared pursuant to section 63M of the Audit Act 1901 (as that section applies by virtue of sub-section (1))—

(a) specify the financial transactions and the state of the affairs of the Australian Sports Aid Foundation; and

(b) include particulars of each direction given to it by the Minister under sub-section 9 (1) during the financial year to which the report relates.
Commission exempt from taxation

36. (1) Subject to sub-section (3), the income, property and transactions of the Commission are not subject to taxation under the laws of the Commonwealth (other than laws relating to sales tax) or of a State or Territory.

(2) Subject to sub-section (3), the transactions of the Commission in respect of goods for use (whether as goods or in some other form), and not for sale, by the Commission are not subject to the laws of the Commonwealth relating to sales tax.

(3) The regulations may provide that sub-section (1) or (2) does not apply in relation to taxation under a specified law.

Foundation exempt from taxation

37. (1) Subject to sub-section (3), the income, property and transactions of the Foundation are not subject to taxation (including taxation under the Bank Account Debits Tax Act 1982) under the laws of the Commonwealth (other than laws relating to sales tax) or of a State or Territory.

(2) Subject to sub-section (3), the transactions of the Foundation in respect of goods for use (whether as goods or in some other form), and not for sale, by the Foundation are not subject to the laws of the Commonwealth relating to sales tax.

(3) The regulations may provide that sub-section (1) or (2) does not apply in relation to taxation under a specified law.

PART VI—MISCELLANEOUS

Trust money

38. (1) The Commission shall ensure that any money received or held by the Commission on trust is paid into an account opened and maintained pursuant to section 63J of the Audit Act 1901 (as that section applies by virtue of section 35 of this Act) that does not, or accounts referred to in that section that do not, contain any money of the Commission not held on trust.

(2) Notwithstanding sections 31, 32 and 35—

(a) money or other property held by the Commission on trust shall be applied or dealt with only in accordance with the powers and duties of the Commission as trustee; and

(b) money held by the Commission on trust may be invested—

(i) in any manner in which the Commission is authorized to invest that money by the terms of the trust; or

(ii) in any manner in which trust money may, for the time being, be invested under law,

but not otherwise.
(3) Section 63K of the Audit Act 1901 (as that section applies by virtue of section 35 of this Act) has effect as if—
(a) the reference in that section to transactions and affairs included a reference to transactions and affairs relating to money or property received or held by the Commission on trust; and
(b) the reference in that section to moneys or to assets included a reference to money, or assets, as the case may be, received or held by the Commission on trust.

(4) Section 63L of the Audit Act 1901 (as that section applies by virtue of section 35 of this Act) has effect as if—
(a) the reference in sub-section 63L (1) to financial transactions included a reference to transactions relating to money received or held by the Commission on trust; and
(b) the reference in sub-section 63L (4) to moneys or to assets included a reference to money, or assets, as the case may be, received or held by the Commission on trust.

Reports to Minister
39. The Commission shall—
(a) from time to time inform the Minister concerning the general conduct of its activities; and
(b) furnish to the Minister such information in relation to its activities as the Minister from time to time requires.

Delegation by Minister
40. (1) The Minister may, either generally or as otherwise provided by the instrument of delegation, by written instrument, delegate to a person all or any of the Minister’s powers under this Act, other than—
(a) this power of delegation; and
(b) the Minister’s powers under paragraph 7 (1) (d), sub-section 9 (1), section 18 and paragraph 34 (a).

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Minister.

(3) A delegation under this section does not prevent the exercise of a power by the Minister.

Regulations
41. The Governor-General may make regulations, not inconsistent with this Act, prescribing matters—
(a) required or permitted by this Act to be prescribed by regulations; or
(b) necessary or convenient to be prescribed by regulations for carrying out or giving effect to this Act.
Australian Sports Commission Bill 1985
Second Reading Speech

The Hon. John Brown MP
Minister for Sport, Recreation and Tourism

House of Representatives
Thursday 9 May 1985
AUSTRALIAN SPORTS COMMISSION
BILL 1985

Bill presented by Mr John Brown, and read a
first time.

Second Reading

Mr JOHN BROWN (Parramatta—Minister
for Sport, Recreation and Tourism) (5.51)—I
move:

That the Bill be now read a second time.

This Bill is for an Act to establish the Aus-
tralian Sports Commission as a Commonwealth
Statutory Authority. The Bill sets out the objec-
tives, functions and powers of the Commission. It
also covers a wide range of issues relating to its
management and operation. The Bill defines the
relationship between the Commission and the
Government within which the Commission will
undertake its tasks. It also authorises the estab-
lishment of an Australian Sports Aid Foundation.

Background

Federal government involvement in sports de-
velopment assistance began in earnest a little
more than a decade ago. Under the guidance of
the late Frank Stewart in the Whitlam Labor
Government, the Federal Government estab-
lished a sports assistance program under the
auspices of the first national department with di-
rect responsibility for sport. The program covered
assistance to sporting organisations as well as an
attempt to increase the number and improve the
quality of sports facilities throughout the com-

I am pleased to point out to you, Madam Act-
ing Speaker, that one of the people who worked
very closely with Frank Stewart in that first sports
ministry, Graham Dempster, is sitting in the gal-

ry. He is now one of the leading officers in my
Department. I guess it would be fair to say that
our former colleague, Frank Stewart, will be smil-
ing at us from that great sporting field in the sky
when we introduce something which I know was
very dear to his heart.

Under the previous coalition Government, the
pattern of funding and support from the Com-
monwealth Government was erratic and unreli-
able. Indeed, in 1976, just before Australia's
undistinguished performance at the Montreal
Olympic Games, the Federal Government with-
drew entirely from direct support of sports de-
velopment. Our performance at those games,
together with some concerted pressure by the
sporting community, saw a measure of support
reinstated. The decline in funding came to an ab-
rupt halt in 1983. Since the last year of the Fraser
Government total sports funding through my
Department has increased enormously, to reach
$54m under this Government in 1984-85.

It has often been suggested that Australia's
sports effort has been fragmented and that conse-
quently we have been unable to realise fully the
basic objective of developing opportunities for
sporting excellence and participation for all Aus-
tralians. The Federal Government, the argument
continues, should take a stronger leadership and
coo-rdorative role. Prior to our election in 1983,
we published a major policy statement outlining
our plans and objectives for sports development
assistance. Central to those plans was the creation
of the Australian Sports Commission to draw
together more effectively our national sporting
effort.

In September 1983 the Government appointed
an interim committee to advise on the role, func-
tions and responsibilities of the proposed Com-
mission. The interim committee reported to me in
March 1984. During its investigations, the interim
committee identified a range of problems and
issues confronting contemporary sports develop-
ment in Australia. Although the priorities and
emphasis placed on those problems understand-
ably varied between a range of groups and individ-
uals, two persistent themes emerged:

(i) The need for a mechanism that allowed a
much greater direct involvement by sport
itself in determining needs, priorities and
strategies for action; and

(ii) The need to develop alternative sources of
funding for sport both to supplement
existing public sector sources of funds and
to provide a measure of certainty and stab-
ility in the flow of resources.

Undertaking those two fundamental reforms
provides the most effective foundation upon
which to build a more cohesive, co-ordinated
sporting system throughout Australia.

While it is generally acknowledged that the de-
partmental structure that has existed in the past
has serviced governments well in their programs
of support for sport in Australia, it is also recog-
nised that there are some restrictions on the flexi-
bility of such a structure. The Commission, on the
other hand, will be able to forge stronger links be-
tween the sporting community and the decision-
making process as well as to operate, through the
proposed Australian Sports Aid Foundation, in
the entrepreneurial and highly competitive world
of private sector sponsorship and fund raising. The Australian Sports Commission will be able to provide the necessary flexibility and autonomy to address those major reforms, while working within a framework of stated Government policies.

Government Announcement

On 13 September last year, the Prime Minister (Mr Hawke) announced the Government's intention to establish the Commission as a statutory authority. He also indicated the membership of the Commission, to be chaired on a part time basis by Mr Ted Harris, the Managing Director of Ampol Petroleum Ltd, who had chaired the interim committee. The part time Deputy Chairman will be the former Olympian, Mr Herb Elliott. Current members who will be confirmed are: Mrs Vicki Cardwell, the former world squash champion; Mr Pat Clohessy, who is well known as the coach of Robert De Castella; Mr Phillip Coles, the former Olympic canoeist, who is now the Secretary-General of the Australian Olympic Federation; Miss Betty Cuthbert, the famed Australian olympian; Mr Mike Fitzpatrick, the former captain of the Carlton Football Club; Mr Neale Fraser, the former Wimbledon champion and now the captain of the Australian Davis Cup Team; Mr Colin Hayes, probably the world's greatest horse trainer; Mr Grant Kenny, one of the greatest surfers Australia has ever produced and currently an olympic canoeist; Mr Andrew Lederer, the manager of the Australian soccer team; Mr Ray Lindwall, the former test cricketer of great fame; Mr Bruce MacDonald, the Secretary to my Department; Mr Roy Masters, the coach of the St George Football Club in Sydney; Mr John Newman, the Chairman of the Australian Karate Association; Mrs Glyns Nunn, whom all honourable members would know as a gold medallist in Los Angeles; Mrs Wendy Pritchard, the former Australian hockey captain; Mrs Margaret Pewtress, the Chairman of the Australian Netball Federation; Mr Mark Tonelli, a gold medal winner at the Moscow Olympic Games; and Mr Jim Yates, a former Australian bowls champion.

They provide a wide range of sporting experience and knowledge, as well as skills in business management and other fields. Since that announcement, the Commission has assumed a number of significant existing policy and program management responsibilities, and has addressed itself to some exciting new priority areas which we believe required urgent attention and action. I shall mention some of these later in this speech.

Major Features of the Bill

The Bill—which builds on the experience of the last seven months—outlines the Commission's objectives, which are to maximise funding for sport from the private sector, to provide leadership in the development of Australia's performance in international sport and to increase the level of participation in sport by all Australians. It also defines the functions of the Commission, which include program management, the coordination of our national sporting effort and the requirement to consult widely with the sporting community. The Bill also describes the powers that the Commission will have to undertake its work. These include the vital provision to establish and operate an Australian Sports Aid Foundation, through which to increase the volume and value of funds for sports development from the private sector.

I draw the attention of honourable members to those aspects of the Bill that define the powers and responsibilities of the Minister. The Government is anxious to ensure that the Commission operates within the framework of overall government objectives and policies, which will guide the strategic plan to be prepared by the Commission for consideration by the Minister. These provisions make it clear that the Commission will remain directly responsible to the Government. Together with the provision to allow the Minister to issue directions to the Commission, they will ensure a due and proper degree of ministerial overview and responsibility.

The Bill contains the usual sorts of provisions relating to a range of administrative and operational issues, including membership and appointment, the committee system, remuneration and financial management. It should be noted that the Commission will be required to submit estimates in respect of its proposed budget. It will be subject to the scrutiny of the Auditor-General and the production of an annual report.

Financial Impact Statement

Following the establishment of the Commission on 13 September 1984, the administrative and operational expenses relating to staff, travel, meetings and day-to-day running of the Commission are estimated to be $937,000 in 1984-85. These costs reflect the Government's concern to ensure that the Commission has sufficient funds available in this important establishment phase to undertake a number of projects in line with government sports development priorities. In addition, the funds cover the payment of fees and allowances to
Commission members. At the same time, the Government recognises the environment characterised by a need to control overall levels of government spending. The cost in 1985-86, being the first full-year operation of the Commission, will be determined in the Budget context. Under the legislation the Commission will have the power to set up a company to be known as the Australian Sports Aid Foundation, whose prime function will be to raise funds from the private sector to supplement public funds made available for sport development.

This Bill, especially those provisions relating to the Commission’s strategic plan, places the organisation in the vanguard of the Federal Government’s commitment to overall management improvement within the public sector. Within the context of the strategic plan, which has to be endorsed by the Minister, the Commission will be required to develop objectives for its programs and activities, to define measures against which it can test performance and to subject all aspects of its operations to regular evaluation. In broad terms, of course, the provisions of the legislation itself, to the extent that they set out the objectives and functions of the Commission, will offer a primary measure against which constantly to monitor its performance.

Achievements and Priorities

I mentioned earlier that since it commenced operations in September last year the Commission has addressed itself to a number of priority areas which we believed required urgent attention. For example, it has advanced considerably in the development of a major children in sport campaign. This has involved extensive consultations with the sporting community, with State and Territory education and sport departments, and with expert researchers in the field. The result has been the publication of an action plan entitled “Young Sport 88”. The plan, itself the subject of wide consultation amongst the various groups that will play an important part in its implementation, is directed towards a series of specific outcomes or targets. These targets are based on the simple, but vital, objective of providing every child in Australia with the skills and experience in a range of sporting and fitness activities. The plan is to introduce a high proportion of those children to those skills by 1988, Australia’s bicentennial year. Depending on availability of funds in the Budget, I would want to see an early start made on an agreed program of this sort.

At the other end of the spectrum the Commission is developing a plan that will spell out some basic principles to assist the development of programs to cater for the sporting needs of older Australians. By the year 2,000 some 15 per cent of Australians will be over 65. We have heard much of the trends in our technological age towards earlier retirement and increasing leisure time. These changes impose priorities to which it is imperative we respond right now. The Commission is doing just that.

The Commission has undertaken two major commitments—the Sports Aid Foundation and the provision to allow sportspersons with short, high-earning careers to average their incomes—and is urgently developing specific proposals for our consideration. With reference particularly to the Australian Sports Aid Foundation, the Government recognises that it is essential to provide sufficient incentive to ensure that the Foundation receives the maximum support possible from individuals and corporations within the community. In line with a commitment given during the last election campaign by the Prime Minister, the Government is giving full consideration to the provision of full tax deductibility for donations to the Foundation.

As well as these and other major new areas of activity and involvement, the Commission is running major programs of sports assistance taken over from my Department—the sports development program and the national athlete award scheme, for example. In 1984-85, the sports development program will provide some $7m to national sporting organisations and other bodies to assist with, among other things, administration, junior development programs, coaching development and travel to international competition. This year the national athlete award scheme will allocate more than $700,000 to over 155 individual athletes and 18 teams to assist with training and competition expenses. A major new program of assistance to our top sports people—the sports talent plan—has been foreshadowed and its full development will occur as soon as funds are available.

Consultation

Perhaps most importantly, the Commission has already developed avenues of consultation through which the sporting community can become closely involved in, and fully informed about, the Commission’s activities and decision-making processes. Consultation is necessary, not only with other organisations within the Commonwealth, such as my own Department and the Australian Institute of Sport, but also with State
and Territory governments, major umbrella groups and individual bodies responsible to such a large extent for the primary delivery of sport to the Australian community.

I believe the Commission's conduct, even in these first, brief months of its existence, provides ample and compelling evidence of the cooperation and consultation that will be the cornerstones of its overall approach. The Commission has no power or charter to intervene in or direct, without the direction of the Minister, the affairs of any individual organisation. It has neither the power nor the competence to effect some sort of unilateral 'takeover' of sport. Its charter is clear and simple—to ensure that taxpayers' money is used, and used wisely, to achieve the most effective outcomes for sport and for the community. The Government has no intention of allowing any compromise of the proud tradition of independence and autonomy of sporting organisations that lies at the heart of Australia's sporting achievements.

The Commission is to have powers that are independent of my Department and will have primarily an entrepreneurial role, as well as being responsible for recommending the allocation of funding to various sporting organisations and groups and the management of relevant assistance programs. My Department, on the other hand, will continue to provide an avenue of advice on sports policy issues, as well as maintaining responsibility for those areas in sport where cooperation of Commonwealth, State and Territory governments is a major factor. I am referring here to such things as the provision of sporting facilities and assistance with major multi-sports events of an international flavour where assistance could not normally be provided through appropriations available to the Commission. The Department is also to assume a more active role in the development and implementation of the Government's policies relating to community recreation and fitness.

A New Era in Sport

Australia has suffered in the past from a curious form of schizophrenia about sport. While proud of their sport, Australians have been uncertain as to where it fits into community life. This is despite the fact that we are one of the most sports-crazy nations on earth. Our people spend vast amounts of their time, energy and money playing, watching and enjoying sport. It is widely accepted that sport has been, and continues to be, a major expression of an enormous range of personal and emotional values and experiences, as well as a vital and vigorous element of our national identity and culture.

The Prime Minister recognised these values when he commented, in a speech in November 1984 that 'over the years Australia's high performance athletes and coaches have been treated so shabbily by coalition governments'. He went on:

Sportsmen and women, through their dedication and sheer hard work, have been great ambassadors for this country and have been great morale boosters at home. It is simply unfair and unjust for governments to underestimate—and hence undervalue—the role played by our sporting community in the projection of our image and prestige overseas and in the focus they provide for national pride and national achievement at home.

These values have not been lost on private enterprise and shall not go unheeded by this Government. We already estimate that direct sponsorship of sport by the private sector is at least $50m, and takes no account of the value of sports-related advertising. We will not only help sport, we will also ensure that the efforts of business to promote and assist sport are encouraged. We recognise that sport delivers not only valuable primary products such as fun, fitness and involvement, but also consistently provides such vital secondary outcomes as better health—both mental and physical—a sense of national pride, and one of the most marvellous manifestations of human striving for excellence and performance.

However, we are also beginning to understand more accurately the impressive dimensions of the involvement in sport by the community and its contribution to our national life. For example, we know that in 1983-84, registered participants in cricket, Australian rules, bowls, netball, soccer and tennis exceeded a total of 2.5 million people. The total registration of all national sporting organisations assisted by the Government reaches well beyond five million Australians—35 per cent of our population—and takes no account of those who play sport without formal registration with an organisation. A study into recreational fishing—one of Australia's most popular sports—identified a $2 billion contribution to the economy. In the 1981 census, 6 per cent of the population was working in the leisure industry, that is, a 27 per cent increase over the figure in the 1971 census.

Sport is becoming a major facet of the advertising industry, the insurance industry and the
media—all multi-million dollar activities of immense value to our country. Production of sports equipment alone accounts for over $75m in Australia per year. Sports-related industries, of course, account for far more. Yet, for all that, we have been strangely reluctant to see sport as a serious or significant area for government support and assistance. While we invest heavily in many other areas of our national life, Federal governments have not seen assistance to sport—despite all the enormous benefits it can deliver to our community—as the investment in national development that it truly represents. We will not only look to helping sport, but also to active cooperation with the private sector in its efforts in this field.

I have already mentioned the remarkable record achieved by this Government in the provision of more adequate funding for sport. To adopt a particularly apt metaphor, I can confidently say that the runs are well and truly on the board. But money is not the simple or singular answer. There must be a sound infrastructure of efficient and effective management to ensure that what we spend has the most beneficial impact on our community. We must put in place machinery to undertake the increasingly complex task that is sports development in the 1980s, or we shall fail to achieve the high aspirations we have for sport and for what sport can provide for all Australians. The Government believes that the Australian Sports Commission will achieve those vital objectives and, working closely with the sporting and wider community, will become an integral element in Australian sport’s brave new world.

The Sports Commission is only one of a number of things this Government is doing to promote sport at all levels. I do not think anybody in this House would disagree that sport is an enormous progenitor, first of national pride, secondly of national identity in the international sphere and, more importantly, is the greatest supplier we have of fitness and wellbeing, both mental and physical, within this community. Fortunately, sport in Australia has been basically an apolitical issue. I must pay tribute to one of my predecessors, the Hon. Bob Ellicott, for his formation of the Australian Institute of Sport here in Canberra. I note that the very effervescent and enthusiastic Director of the Australian Institute of Sport is sitting in the gallery. I can assure all members of this House that the Government is truly committed to sport at all levels. The Institute of Sport in Canberra is probably the best of its kind in the world, funded by taxpayers’ money under two governments to the extent of $100m. At long last the efforts of our extraordinarily skilful elite athletes who have led the world in the 1950s and 1960s just on raw ability are now being recognised by government, and public support has been put behind them in terms of finance.

However, we are not only concerned with sport at the elite level. The job of the Sports Commission will be to see that people at all levels of adequacy and skill in Australia are given an opportunity to play sport. The Bill I have just presented to the House which makes the Sports Commission a statutory authority and gives it new status in terms of the Government’s interest in sport is very worthwhile. I commend the Bill to the House.

Bill (on motion by Mr N. A. Brown) adjourned.
Australian Sports Commission Bill 1985

Second Reading Debate

House of Representatives
Thursday 16 May 1985
AUSTRALIAN SPORTS COMMISSION BILL 1985

Second Reading

Debate resumed from 9 May, on motion by Mr John Brown:

That the Bill be now read a second time.

Mr BLUNT (Richmond) (3.28)—It is with some regret and disappointment that I rise to oppose the Australian Sports Commission Bill. I had hoped that the Government and the Minister for Sport, Recreation and Tourism (Mr John Brown) would have been able to introduce a better and fairer proposal. As the Minister said in his second reading speech, the Bill we are considering today is historic. This is the first time the Commonwealth Government has sought to legislate in any significant way in connection with sport in Australia. This Bill, although basically simple in its structure and objectives, demands careful examination of its underlying philosophy and the principles of government on which it relies.

The Opposition has considered the Bill carefully and, on the basis of this consideration, is bound to oppose it. Our position is based not on perversity but on our fundamental philosophy and view of the role and responsibility of government. We on this side of the House have a commitment to the rights of the individual Australian and, by extension, the right of Australian sport to self-determination. We do not believe that government should seek to mould or change society. Rather we believe that government's proper role is to provide a framework within which individuals are free to associate, determine their priorities and objectives, and pursue them as they see fit.

In our country, as in other nations throughout history, sport, both as a participatory activity and as entertainment, has been fundamentally linked to national morale and national image. It is true to say that Australia is sport crazy. It is because of its importance to the men and women and, particularly, the children of this country that governments must be very careful of their activities in this area. The potential and preparedness of politicians across the whole political spectrum to manipulate sport for political purposes and so mould national consciousness in the direction that they desire is obvious. The gladiatorial contest of ancient Rome served a political purpose, just as the Soviet Union and other Eastern bloc nations see sport as an essential part of their propaganda effort, integrating sporting and cultural activities within their foreign policy.

Perhaps the most notorious use, or, more accurately, abuse, of sport has been perpetrated by the fascist regime of Nazi Germany. Few people would not be aware of the despicable use of the 1936 Olympic Games by Hitler and his propaganda minister, Goebbels, to promote their racial views of an Aryan master race. That repugnant regime consciously used sport to galvanise German national pride and to make sport part and parcel of the Nazi propaganda machine. It is of great concern to the coalition that we again see this technique used throughout the world today to manipulate and control national attitudes. Unfortunately, Australia and its governments cannot claim to be above the politicisation of sport or sportsmen and sportswomen. Australian political parties have shamelessly sought to use sportsmen and sportswomen for political purposes. I am sure most people can remember party political advertisements that contain sequences taken from major sporting events, events such as the America's Cup and finals of swimming and athletics events, these sequences juxtaposed with shots of the politician whom it is sought to promote or popularise.

I say to the House, sincerely, that I disapprove of this technique and that I believe it should be condemned for the dangerous propaganda tool that it is. In previous capacities, I have acted as campaign director for the National Party. I assure the House that I have never used that technique. I do not approve of it, and I will never countenance it on behalf of myself.

It is because of the capacity of power-hungry politicians and their political machines to manipulate sport for their own purposes that we must carefully consider the potential uses and abuses of any legislation that we enact in this area. In my opening remarks, I mentioned that this Bill broke new legislative ground in this Parliament. The founding fathers of this nation did not give this Parliament specific power to legislate for sport. Perhaps the issue did not cross their minds. Perhaps it did and they rejected it. I do not know. But, because of the omission of any mention of sport from the Constitution, this Bill is based on three powers, the relevance of which to sport is not immediately apparent. They are the powers in relation to statistics, territories and external affairs.

The resort to the territories and external affairs powers is understandable, if dubious. It is the use of statistics as a power which is curious. Will the proposed Sports Commission conduct a sports census to determine how many red-headed discus
throwers or blue-eyed leg spinners we have, or is this power to be used in connection with the distribution of funds? Later, we shall see that it is intended that the Sports Commission will distribute funds by grants, et cetera. Are these grants and other assistance measures to be conditional on a sporting organisation's provision of detailed statistics on its activities and the activities of its members?

In my opening remarks I mentioned the significance of the underlying philosophy of the Bill. The Bill establishes the Australian Sports Commission as a statutory authority, but the Commission has no autonomy. To understand the relationship established between the Government and the Commission by this Bill, it is necessary to consider a number of specific provisions. I shall paraphrase them. The Minister, by written notice, can give directions to the Commission with respect to its policies and practices. The Commission may, with the written approval of the Minister, make grants, lend money or provide scholarships or like benefits. The Minister has control of the membership of the Commission. The Minister appoints the Chairman, the Deputy Chairman and between 10 and 20 commissioners.

It is instructive to contrast the lack of autonomy, the lack of independence and the degree of ministerial control proposed for the Australian Commission with that given to other comparable statutory authorities, such as the Australia Council, which were also Labor Government initiatives. When speaking to this Bill, the Minister said:

I draw the attention of honourable members to those aspects of the Bill that define the powers and responsibilities of the Minister. The Government is anxious to ensure that the Commission operates within the framework of overall government objectives and policies, which will guide the strategic plan to be prepared by the Commission for consideration by the Minister.

The Bill provides that the Minister must approve the strategic plan. He continued:

These provisions make it clear that the Commission will remain directly responsible to the Government.

The coalition disagrees with this degree of ministerial control on two fundamental grounds: First, we believe that a basic principle of self-determination should apply. We believe that sport and its representatives should be able to determine their own development and direction and the pace at which they develop. The model that the Government has introduced in the Bill is based on the techniques used in Eastern Europe—the East German model of sport development, and the restriction to a government plan. I personally believe that that is obnoxious. Why has the Minister not seen fit to follow the recent precedents established by his colleagues and provide for direct representation on the Commission of national sporting organisations? There are many fine people on the Commission. They are, indeed, representative of Australian sport; but they are not representatives of Australian sport. That is a very fundamental and important distinction.

Australian sport should not be subject to the control, actual or potential, of a quango in turn controlled by the Minister of the day, staffed by public servants and required to operate within the sport policy of the government of the day. The coalition believes that it is inappropriate and potentially dangerous to require an organisation such as the Commission, which has both an administrative and a financial role, to be subject to the policy of the Government. In this area, I ask the Minister to explain the implications of this statement contained in his second reading speech:

The Commission has no power or charter to intervene in or direct, without the direction of the Minister, the affairs of any individual organisation.

Why would the Australian Sports Commission want to intervene in or direct the affairs of a national sporting organisation? I ask this question not flippantly but sincerely: Has the Minister based his recommendations in this area on the constitution of the Australian Labor Party, which provides for Federal intervention all too frequently?

The coalition's policy, by contrast, is quite clear. A coalition government would establish a Federal body to be an autonomous, independent adviser on sport and recreation. It would be representative of national sporting organisations and charged with providing a forum to stimulate national levels of participation and achievement in sport and recreation. This body would be autonomous and would advise the Government of long term policies and programs to develop the diverse needs of the Australian community at all levels. It would not have an administrative or interventionary role. Our policy is supported by a majority of national sporting organisations. Undoubtedly the Minister will be able to table representations that he has received from national sporting bodies, saying that they support his initiative. I could do likewise. The exercise would prove nothing.

This whole debate really revolves around the fundamental philosophy of government, the dif-
ference between the people on the Government side of the House and the coalition on this side of the House. The Opposition is truly amazed that the Government has chosen to introduce such significant legislation without ensuring widespread public debate. It is a strange approach for a Minister in a government committed to consensus and summity. Does it represent a ditching of the principle, or merely a double standard? The Government so far has steadfastly refused to release the report of the Interim Committee on the Sports Commission, even in response to requests made under the freedom of information legislation. I find that absolutely amazing. It is harder to get hold of that report than it is to get hold of some royal commission reports. I do not understand it. Surely the document cannot have a security rating. What possible suggestions could it contain in relation to sport—and that is the issue—that make it essential to maintain confidentiality and secrecy? I ask the Minister to explain why this is happening and what possible difficulties could arise from the releasing of that report.

The detailed provisions of the Bill have been secret. The degree of consultation with sport throughout Australia has been minimal. The Confederation of Australian Sport, which acts as a major umbrella organisation for Australian sport and which represents some 122 organisations and about 5.3 million participants, has expressed concern at many aspects of this legislation. It shares many of the fundamental concerns of those on this side of the House. The Confederation, on behalf of its members, undertook a survey of its constituent organisations to ascertain the degree with which they had been consulted on this issue. The survey revealed almost no consultation on the part of the Government and widespread dissatisfaction at this and concern at the implications for the future operations of the Commission.

The background to the drafting of this Bill is unusual, to say the least. The Australian Sports Commission currently exists, not as a statutory authority but as an office in the Department of Sport, Recreation and Tourism. It is appropriate to note that the present Government's policy on sport has been, as the Minister frequently tells us, successfully implemented without the Sports Commission being a statutory authority. The Australian Sports Commission and its staff—the Chairman and commissioners, all of whom will continue if this Bill is passed by the House—have been in consultation with the Department in the process of drafting this legislation. It is almost like writing one's own job description without consulting the people for whom one is supposed to work—in this case, Australian sport.

This also raises a point about which this Government, with its newfound commitment to fiscal responsibility, should be acutely aware, that is, the potential not only for duplication between the Australian Sports Commission and the Department of Sport, Recreation and Tourism but also for rivalry and conflict, all of which reduce efficiency, increase costs and cause waste. This is to say nothing of the effect of any such conflict on the morale of the staff of the two organisations. Quite frankly, this proposal really means more bureaucrats and more paperwork. I do not believe that the Minister has satisfactorily justified the need for both the Australian Sports Commission and the continuation of the Department, particularly in view of the considerable powers and responsibilities to be given to the Australian Sports Commission. We look forward to a more detailed explanation.

I wish now to address my attention to the coalition's concerns at some of the functions and powers of the Sports Commission. The first listed and presumably paramount objective of the Australian Sports Commission is to encourage the private sector to contribute to the funding of sport. Sport in Australia already relies heavily on private sponsorship and contributions. The major private sponsors of sport in Australia have done an excellent job over many years. Without naming them, I pay tribute to their support and contributions. Notwithstanding the substantial existing support, it is a laudable objective to increase such contributions. The coalition supports the objectives but has significant reservations and concerns at the method proposed by the Government.

The Australian Sports Commission is to establish a company. This company is to be known as the Australian Sports Aid Foundation. We are told that consideration is being given to making donations to the Foundation tax deductible. This is in line with the promise of the Prime Minister (Mr Hawke) during the last election campaign. As with all his other promises, I expect that we can confidently assume that it will be honoured! Our concern arises from the relationship to be established between the Foundation and the Sports Commission. The Foundation will be controlled by the Sports Commission. It will have no independence. It will need to comply with the Australian Sports Commission and its strategic plan and ultimately, of course, with the policy of the government of the day. The effect of this arrangement is for the Government to gain control of private donations to sport by giving
preferential treatment to the Foundation, that is, tax deductibility for gifts to the Foundation but not tax deductibility for gifts to any other national sporting association or private foundation supporting sport.

If this Government is truly committed to encouraging private funding for sport, why does it not give tax deductibility status to all significant private sports foundations and national organisations? This is the approach adopted with charitable organisations, the effect of which is to maximise private contributions by maximising the marketing effort.

I note that in his second reading speech the Minister said that he was confident that the Australian Sports Commission would demonstrate entrepreneurial initiative. Quite frankly, I would rather rely on the entrepreneurial initiative of a number of private organisations than of one quango. I hope that the Minister will not reject this by suggesting that it is impractical, or dismiss it by deprecating the organisations involved which would stand to gain considerably from such an initiative. The Australian Olympic Federation or the Commonwealth Games Association would certainly be responsible organisations and which I am sure the Minister would be prepared to trust with such authority and responsibility. If it works for charities, why can it not work for private sports foundations and national organisations? The Minister should explain how it is preferable and more efficient to have double handling of donations. Does he believe that he is more proficient at physically presenting cheques than the managing director of a public company or a private donor?

Another aspect of the relationship between the Commission and the Foundation needs to be examined in some detail. Who will bear the costs of the administration charges? Will it be the Commission or will it come off the top of the donations? The legislation gives no guarantees that private donations to the Foundation will entirely end up in the hands of sport in Australia. What will be the management charge between the Commission and the Foundation? Sport in Australia deserves clarification of this and preferably an assurance that no charge will be made on private donations to this Foundation.

Earlier I made reference to our concern arising from the ability of the Minister of the day to control absolutely the financial activity of the Sports Commission. The Bill proposes that the Commission will require written ministerial approval for all grants, loans, scholarships and other such benefits. This, coupled with the Minister's capacity to hire and fire the Australian Sports Commission's Chairman, commissioners and General Manager, provides massive potential for political leverage. I believe this to be inappropriate, not only in the light of my earlier references to the propensity of politicians to exploit sport and sportsmen and sportswomen, but also because of the control this Bill gives the Minister over private funding and the inequitable and discriminatory way in which this control is achieved.

Further, we on this side of the House are concerned at the potential implications of the area in which it is proposed that the Australian Sports Commission will operate as well as its responsibilities and activities. In our opinion, it is totally inappropriate to give responsibility for and control of the Australian Sports Commission to the Minister in the Government who also controls the Information Co-Ordination Branch, the National Media Liaison Group and the Ministerial Media Group. A moment's reflection on the activities of these units will reveal the potential problems that could arise if sport is added to this grouping.

In my opening remarks, I stated that the coalition regrets that we are unable to support this proposal. I hope that will not be treated to a superficial response from the Government, with accusations of the coalition's being anti-sport; I assure the House that we are not. Honourable members will remember, I am sure, that it was the initiatives of former coalition governments that established the Australian Institute of Sport, the Australian Coaching Council which embraces the national coaching accreditation scheme and the original proposal for the Australian Games. I wish to note at this time that, although the Minister for Sport, Recreation and Tourism attended the Australia Games, not one other Minister in his Government bothered to attend the Games.

Mr John Brown—Were you there?

Mr BLUNT—The Minister asks whether I was there. Of course, if he had spent a little more time there, he would have realised that I was present. A review of the Government's Forward Estimates shows the potential for decline in its support for sport. If the Minister is sincere in his approach to sport and in his commitment on behalf of the government to fund sport, he should give an undertaking to sport that as a result of this Bill there will be no slackening in the Government's budgetary contributions and that he does not intend to replace budgetary allocations with private donations which are available to sport in other ways.
In summary, this Bill gives sport no representation, no independence or autonomy and no guarantee of government funding, but it does give Government an immense opportunity to interfere in and control sport. I say again that we are not anti-sport. Our concerns are genuine, our philosophy is fundamentally different from that of those who sit on the other side of the House. We would approach the need to provide assistance to sport differently. I hope that our fears will not be realised. We oppose this Bill.

Dr CHARLESWORTH (Perth) (3.51)—This Government's commitment to sport has been substantial over a large number of years. In opposition, we spoke very strongly about sport and our commitment to a certain number of objectives. Principal amongst those objectives were encouragement of the development of excellence in sports people, encouragement and support for participation in sport by all members of the community and an encouragement of an appreciation that the adoption of a healthy and active lifestyle was for the betterment of society.

We realised that the quality of the lives of individuals in this country is enhanced and enriched by their involvement in sport. In many ways it touches the lives of almost everyone in this country. More than five million Australians are registered with official national sports organisations. That represents nearly 35 per cent of the population. On top of that, many are involved in recreation in an official way. As mentioned in the second reading speech of the Minister for Sport, Recreation and Tourism (Mr John Brown), there is a significant sector whose livelihood is obtained through sport and leisure industries. Of course, the vast majority of Australians are entertained on a weekly basis by sporting events.

This legislation extends our already strong commitment to the objectives and it recognises the value of sport to the fabric of our life style and to our national identity and unity. This is, as has been mentioned, landmark legislation. This is the first time since Federation that sport as an issue has been the subject of legislation in this Parliament. In 1941 there was the National Fitness Act, which was a response to the fact that Australian recruits for the Second World War proved to be less fit than we would have liked, but before and since then there has been no legislation before this House with regard to sport.

This legislation is not ill-conceived or ad hoc. It has been part of the policy of the Australian Labor Party for some time. Indeed, we have gone to two elections with this standing as part of our platform. There has been a significant amount of planning to bring about this legislation. Indeed, in September 1983 an interim committee was set up to look at the establishment of the Australian Sports Commission. It represents a recognition of the inadequacy of past planning and commitment of governments in this country to sport. For too long we paid lip-service to our sportsmen. Many of us sat and basked in the glories of our sports men and women, but we did precious little to assist them. This legislation is an attempt to rectify the mistakes that have been made in the past.

Anybody who has been close to sport in this country on a domestic or international level would be well aware of the fact that during the 1950s, 1960s and 1970s Australian sport was left behind. While it may not be a barometer of everything that is happening in sport, if one looks at our international performances one finds that in 1956 Australia won a significant number of gold medals at the Olympic Games and 20 years later, in 1976, the best we could do was a silver medal. Another country which has perhaps an ideology that we may not agree with, East Germany, has shown entirely different results. Its commitment to sport over that time and to the fitness of its community brought about significant results at the very highest level. In 1956 East Germany won one silver medal and then there was a turnaround. In 1976 more than 50 gold medals were won by that country. While we may not support its ideology, I think it is a recognition of the fact that there was a significant commitment to sport in that country and many other countries and Australia was left behind in that regard.

We now have an Australian Sports Commission which will provide a solid base for advice to the Government. We have a Sports Commission which will ensure stability of funding for sport in an appropriate sense. There will be a planned approach to sport and we will have avenues whereby sport can be directly associated with government and have direct input. We will also take advantage of the opportunity to tap alternative funding sources. It is my belief that the Australian Sports Commission will provide flexibility and autonomy to get that job done and to ensure value for the sports dollar.

Members of the Opposition have come in here today with criticism and humbug. Today they had an opportunity to establish their credentials in sport. Sadly their credentials in sport are very disappointing. It might be salutary at this time to look at their record. In the 1950s and 1960s their contribution to sport in this country was, at the
best, piecemeal and ad hoc and not substantial in any way. In 1972, for the first time, the Ministry of Sport, Recreation and Tourism was established by a Labor Government, but in 1975 on taking office that was dismantled by the coalition parties and their first significant move was to take $100,000 from the team for the Montreal Olympic Games. Following an inquiry after the poor performance of that team, they changed their commitment somewhat but even then, during the late 1970s, the real funding for sport by the coalition parties was less, in real money terms, than that which had been provided by the Labor Party in 1975.

In 1980 we had for the first time the politicisation of sport to a marked level in this country when the then Prime Minister strode around the country browbeating sporting groups and organisations into not competing in the Moscow Olympic Games. The shadow Minister, the honourable member for Richmond (Mr Blunt), has been talking about politicisation. I believe the greatest perpetrators of difficulties in that area were his colleagues. The then Prime Minister did not get his way because there was a significant amount of autonomy in sport but, as a consequence, he took $500,000 away from that Olympic team and subsequently we heard that millions of dollars in compensation have been paid to various groups which have suffered as a result. Indeed, the cynicism of members of the Opposition came to a head in 1982 at the Commonwealth Games just prior to its demise as a government. I will quote an article from the Bulletin of October 1982. Mike Gibson, referring to the Brisbane Commonwealth Games, said:

Another great performer was the Prime Minister. Representing a government that is internationally notorious for the misery attitude it adopts towards its greatest advertisement—our sportsmen and women—Malcolm Fraser seemed to bob up at the Games whenever a television camera presented itself. He took the gold medal for cynicism. No wonder most competitors to whom I spoke merely grinned wryly and shook their heads at the mention of his name.

I believe that Mike Gibson in that comment encapsulates the commitment of the coalition parties over a long period to sport in this country. That was the high point of the Opposition's hypocrisy. Yet members of the Opposition come in here today and have the gall to criticise the Government with regard to this issue, a government that has gone to the electorate with a substantial policy—that of the Sports Commission. They have no credentials and their record is contrasted with that of the present Government.

Expenditure on sport in their last year in office was $14m and now, two years later, under this Minister and under this Government expenditure has risen to $54m. There has been an increase in coaching and administration programs; increased assistance to Olympic and international teams; increased assistance to disabled people for sport and recreation; a junior participation program; the reintroduction of Federal funds for recreation programs and continued and increased assistance for life saving and other groups. The Australian Institute of Sport has been expanded and decentralised and the international sports facilities fund has been updated and improved to the new national standards sports facility program. At the beginning of this year we saw the inaugural Australia Games. This Government has done much more, but I just wanted to mention those particular matters.

With the establishment of this Sports Commission we have given further effect to our commitment to sport. Indeed, the functions of this Commission will be to advise the Minister in much the same way as the previous Government's Advisory Council advised it. The Sports Commission will define and recommend priorities. It will recommend the allocation of funds and administer the disbursement of those funds. It will consult with sporting bodies in the community. We find that within the legislation any number of times the word 'consultation' used. The Commission will take the opportunity to generate funds in order to supplement those funds that are provided by the Government. Through the Sports Aid Foundation I have no doubt that the lot of our international sportsmen, who have suffered so greatly over the years, will be improved.

I take this opportunity to say a few words about those criticisms which have been directed at the Sports Commission by the shadow Minister, the honourable member for Richmond. He was particularly concerned that there was no direct representation for sport on the Sports Commission. Again, the previous Government established the Sports Advisory Council in exactly the same way, by appointment of the Minister, and I find it very difficult to believe that the honourable member can be serious. Are we to expect that the Sports Commission should have a representative from every sport in this country? Are we to expect it to have 120 representatives? I find that frightening. Are we to expect that people representing sport should have merely sectional interests, rather than a generic interest in sport to gain a complete and overall picture? Indeed, the committees within the Sports Commission are already operat-
ing and they are tapping into the expertise that is out there in the community. Consultation has been one of the fortes of this Commission in the seven months that it has been operating.

The honourable member's second concern is that the Sports Commission has no autonomy or financial independence. Again, I stress the fact that this Commission is an advisory body, but more so than any other body, it is at arm's length from the Government. The suggestion that the Government should abrogate its responsibility to sport is a horrendous possibility. The taxpayers want value for their sports dollar and I believe there should be audit and parliamentary scrutiny of what goes on within the Sports Commission. It is amazing to imagine that a coalition government would abrogate that ministerial responsibility that we all see as being part of the Westminster system. The honourable member is also concerned about the proposals for the Sports Aid Foundation and tax deductibility. I think it is very important to consider that if we open that tax deductibility to all sorts of groups and organisations, we will open up a can of worms—an administrative monster.

I would like to speak longer but unfortunately time is limited. It needs to be said that when it comes to sport the coalition has failed, and it has failed over a number of years. Honourable members opposite are yesterday's men. They do not have the ideas and they do not have the confidence of the public. Australians did not work under the previous coalition Government, nor did they have the opportunity to play. We are putting them to work, hopefully, and providing them with the opportunity to play and to be involved in sport. For the first time in this Parliament we have significant legislation in sport. I would have hoped that the coalition parties would have supported it; I have no doubt that the Democrats will support it and I look forward to this legislation serving sport and the Australian community well in the coming years.

Mr WILSON (Sturt) (4.05)—I join the honourable member for Richmond (Mr Blunt) in opposing the Australian Sports Commission Bill. There is, in this Parliament and around the nation, bipartisan support for the need to expand the sporting and recreational opportunities of all Australians. What is at issue today is how best to do that; how best to ensure that individual sports men and women can develop their talents to the level of their choice; and how to do this in a way that ensures maximum opportunities are created and that there is the greatest possible community input into the development of sport.

We live in a country that has three spheres of government. This legislation is aimed at centralising the management, leadership and sponsorship of Australian sport. In the past, sport has developed because of the encouragement of Liberal-National Party governments and also because of the encouragement of a previous Labor Government.

Mr John Brown—Oh!

Mr WILSON—The Minister for Sport, Recreation and Tourism mocks the great development that occurred in Australian sport over the seven years of the Fraser Government. He should go back and study the record, because during that period some very dramatic landmark decisions were taken. These shaped and are still shaping today—in some cases with this Government's continuing encouragement—the development of Australian sport. I get tired of the way in which the Government in this House is never prepared to give credit where credit is due. Credit was due to the Fraser Government for the establishment of the Australian Institute of Sport.

Mr John Brown—It is in the second reading speech, if the honourable member can read.

Mr WILSON—The Minister's interjections deny everything he said in that second reading speech. On this side of the House we object to the method that is being adopted by this legislation to centralise government involvement in Australian sport. It would have been possible for the Government to have pursued sporting policies at the national level by using a government department and having the Minister in charge responsible for the actions of that department. Yet this legislation will go on to the statute book—if it is carried—to create a charade, the pretense of an arm's length body. What nonsense the honourable member for Perth (Dr Charlesworth) put before the House. He said that the type of statutory authority, as implied by this Bill, would be at arm's length from the Minister. One just has to look at the legislation itself to find that it is unique. This legislation sets up a statutory authority that gives the Minister the widest possible power and discretion to direct and to order the Commission as to what it is to do. He has the same powers over this statutory authority that a Minister would have over his own department. Is that arm's length autonomy for a statutory authority? Not at all.

The legislation requires the Commission to establish and formulate a strategic plan. Is that to be done at arm's length, with autonomy, with independence after consultation with Australian
sport? Not at all. It is to establish a strategic plan which can only become the strategic plan of the Commission if it is approved by the Minister. How can a body that is at arm’s length move and act only with the approval of the Minister? It is a nonsense in this case to establish a statutory authority and pretend that it has independence. If the Minister wanted to do what he is seeking to do in this legislation, it would have been far better for him to have left the matter in the hands of his own Department.

I draw to the attention of the House the fact that the House of Representatives Standing Committee on Expenditure had something to say on this matter. In a recent report, which was totally ignored by the Government and the Minister, the Committee said that it had an ‘open mind’ on the desirability of the establishment of a national sports commission as an independent agency, absorbing functions that were previously carried out by the Department. I ask honourable members to note the words ‘as an independent agency’. The Committee had an open mind which rather implies that there were differing views on that Committee in this regard. The report went on to say:

However, the Committee believes that a Commission structure was only one and not necessarily the best of a number of organisational models, including a department or an advisory committee, which could achieve the leadership objective. In the Committee’s view however, the need for leadership extended beyond sport to cover recreation.

While the Committee did not want to second guess the interim committee that the Minister had set up the report went on to say:

... it felt bound to make some remarks on the scope and operation of the National Sports Commission.

The Committee talked at length about the need for the Commission, if it were to be established, to involve recreation and recreational sport so that neither became the poor relation of elite sport. The Committee expressed its concern in the report in these terms:

The Committee was concerned however to avoid the possibility that such an arrangement would institutionalise an unwanted distinction between sport and recreation and allow the National Sports Commission to continue the Commonwealth’s emphasis with elite sport.

More significantly, the report went on to say:

The Committee believed that the Commission model, if adopted, is one which should ensure its independence and hence its ability, if it so wishes, to give advice that may not be attractive to governments. There is the danger that the Commission’s role could just as easily and more effectively be performed by a Department of State.

There is a danger. That danger is now before this House. The Commission is no different from a department and yet there is a pretence that it is a body that will be at arm’s length. The legislation does not give it the independence, the autonomy, the separate existence and the right to act and advise in a free and autonomous way. Not only does it have to comply with the Minister’s direction and put in a strategic plan which would become its strategic plan only if the Minister approves, but also under the clauses relating to the financial arrangements for the Commission in the preparation of its estimates the Minister can insist on a line by line basis and on a specific allocation grant basis that it indicate to him what it is proposing; the estimates will be made available only if they have the detailed approval of the Minister. The Commission will have no independent autonomous discretion to determine the allocation of funds according to its assessment of the needs of Australian sport.

As the honourable member for Richmond has pointed out, the legislation provides for the establishment of the Australian Sports Aid Foundation—another shell or sham company to mask the control of the Minister. He said in his second reading speech that there was a need for a mechanism to give much greater direct involvement by sport in determining the needs, priorities and strategies for action. This legislation certainly does not set up the appropriate mechanism whereby there can be a greater involvement of sport. In fact, it will reduce the involvement of sport in the decision-making process. The second reason the Minister advanced for establishing the Commission was to allow it to open up alternative sources of funding. It is on that basis that he seeks to set up the Foundation. Under this legislation it will be as much under the Minister’s control and direction as the Sports Commission itself.

My experience as a Minister was that if a government wants to encourage the private sector to support a worthwhile activity one of the least effective ways of doing so is to endeavour to siphon the funds through a public sector instrumentality. I suppose it is not surprising because most people see their payments to the public sector as taxes. They pay their taxes and they think that from taxation revenue governments and parliaments should allocate appropriate amounts to satisfy the public sector needs. The Minister was silent in his second reading speech as to whether he, his Department or his Government would guarantee that for every dollar given to the Sports Foundation an additional dollar will be spent on Australian sport. My own experience—and the
Minister might well experience this in the future—leads me to believe that if a Minister raises $1m through the Foundation the Department of Finance and the Treasury will say: 'That is good. We believe that the Government's effort in sport should be $Xm. You have raised $1m and the Government now needs to put in only $X minus $1m.' There is no guarantee that there will be any extra spending on Australian sport as a consequence of the establishment of the Australian Sports Aid Foundation. No evidence is advanced by the Minister that this is the best way to maximise funding for Australian sport.

I believe that the best way to maximise funding for Australian sport is to encourage sporting groups and organisations to raise their own funds, to encourage the public sector to give direct to sporting organisations and sportsmen and to encourage sport. A great deal of that is going on now. Public sector support, under both this Government and past governments is only a small proportion of the public's expenditure on sport. It will always remain so. This Minister is setting up a mechanism that will reduce people's efforts through giving directly to their own organisations. He will do it in a way that will give the Minister power over more money but the net result for Australian sport as a whole will be a lesser allocation and availability of resources.

Our approach is not opposition to encouraging the expansion of Australian sport; it is not a failure to understand the importance of the dual role of encouraging elite sport and participatory sport; it is not any lack of understanding of the importance to Australians of their involvement in competitive sport and recreational sport; it is a concern at the absurd methodology employed by this Government in pursuit of its sports policy. We believe that by establishing this mechanism the Government will do great harm to the future development of Australian sport and the opportunities of Australians generally to participate in and enjoy it.

Mr MARTIN (Macarthur) (4.18)—Prior to the election of the first Hawke Government in 1983, a major policy statement was published which outlined the plans and objectives for sports development assistance of the Government. Central to those plans was the creation of the Australian Sports Commission to draw together more effectively our national sporting efforts. The policy was developed as a direct response to criticisms from within the sporting community that the Federal Government was not doing enough to co-ordinate Australia's sporting effort and was not offering sufficient leadership in the attempt to achieve the greatest impact of available resources.

Those legitimate complaints are addressed directly by the establishment of the Commission. It will be able to offer a focus for a co-ordinated approach to specific sports development challenges and opportunities. It will be able, through the Australian Sports Aid Foundation, to increase the flow of funds to sport from the private sector. It will be able to offer the sporting community more avenues into the process of defining priorities and making decisions. It will not, as the Minister for Sport, Recreation and Tourism (Mr John Brown) has consistently said, have any mandate to interfere with or direct in any way the plans, priorities or autonomy of individual associations and organisations. The Commission has a very specific brief to advise and assist the Government in its attempts to get the best possible use out of the resources available for sports development assistance.

It is interesting to hear honourable members opposite say that there has been a lack of consultation and no deliberation on this important issue. To them I say: Humbug, absolute nonsense. The Australian Olympic Federation at its recent annual meeting wholeheartedly endorsed the ASC as have other key organisations in sport in Australia. The Confederation of Australian Sport recently held lengthy discussions with the Minister on this issue and said, in a letter to all members of the House:

Whilst the Confederation does have some reservations...we believe that our fundamental commitment to the development of sport in Australia shared by the government. We have advised you of the concern being expressed by a number of our member associations and we must...rely on your good offices to ensure that the government ameliorates those concerns.

The Confederation understands and notes that the Australian Sports Commission will assist government in the implementation of its sport policy. As expressed to you in our discussion, the Confederation offers its services and resources on a continuing basis for the benefit of sport.

This Government, in its commitment to continuing discussion and liaison with those in the sporting community who want to play an active role in the development of this Commission through its own system of Caucus committees has had considerable discussion and deliberation with a number of representative sporting groups in the community. The Caucus infrastructure subcommittee on sport and recreation has received numerous responses congratulating this Govern-
ment and this Mininster on their foresight in getting involved in sport. The Australian Wrestling Union—honourable members opposite will know something about that—has stated:

We are particularly appreciative of the funding provided to allow us to employ a professional administrator and increased funds for development projects that occurred in our 1984-85 grant allocation.

My organisation would hope that the minister would be able to increase funding for the development of our sport to allow us to give some support to our affiliated state bodies. We feel that these appointments would give the sport of wrestling an opportunity to penetrate the school system.

Earlier it stated:

The Australian Wrestling Union applauds the increase in funding for sport in the last two budgets and in the directions in which the funds have been spent.

There are many other similar letters representing a number of different sporting organisations with which this Government liaises and with which it certainly holds lengthy and meaningful discussions. In order to formulate its policy it goes to the people, it goes to those organisations and community groups who participate in sport. It does not sit back here in the chamber and hypothesise about what should or should not happen. We go to the people and find out what they want. I think the Opposition could learn from that. These consultation processes include direct and daily contact with Australia's national sporting organisations and umbrella groups, and there are a number of other significant examples where this has occurred other than those I have mentioned. All national sporting associations have been provided with information about the role and objectives of the Sports Commission as well as issues which are to be considered by the Commission. Two full Interim Commission meetings have been held to date, and after each meeting a summary report is circulated to all national sporting organisations. Honourable members opposite tell me there is no consultation. What absolute nonsense.

I move on to some of the advantages that will flow to the sporting public in Australia because of the institution of this significant piece of legislation. I refer specifically to some of the policy options that will be encompassed within that legislation, and in particular I will concentrate on the question of junior sport. The area I represent has been renowned over the years for the production of sports men and women of great prowess who have gone on to international fame. In the sport of rugby league I could list people ad infinitum. The St George Rugby League Club is just about full of Illawarra exports. I will not go into what happened to the Steelers last night. That is another matter, and we will probably pick up next week when we beat St George in Wollongong, with a home ground advantage. In junior sport—again taking rugby league, the greatest game of all—in Saturday and schoolboy competitions on the South Coast over 3,000 boys now participate in that sport. There are over 1,500 girls and boys up to the age of 15 participating in little athletics in areas such as Picton, Bargo, Wollongong, Dapto, and Lake Illawarra. About 4,000 juniors, both boys and girls, participate in soccer. In netball we have approximately 1,600 along the Illawarra coast.

This Commission will give these people, these sports men and women of the future, an opportunity to improve because coaching schools are proposed and a range of other things. It is important that these people, the champions of tomorrow, are given this opportunity. Something was made of the way East Germany and other Eastern bloc countries train their sports people. The Opposition hates their political philosophy. It might well be pointed out that the people of East Germany and other Eastern bloc countries—I understand this has been proven—generally live longer because they have embarked upon a fitness program. They are a lot fitter and live a lot longer. I suggest to some honourable members opposite that they should try doing that. They should come running with me in the morning or go swimming with the honourable member for Canning (Mr Gear). Indeed, the honourable member for Perth (Dr Charlesworth) could play them at hockey by himself and he would probably thrash the lot of them. The anti-sport policies of the Opposition are to be deplored. It is fraudulent to say that this Government does not consult. It is fraudulent to say that it is not concerned with the sporting community of Australia. Indeed it has been shown time and again that the commitment by the Government is there.

Lastly I say to the House that comment was made about the problems of ministerial control and how terrible that would be. I can think of no better Minister to whom we could entrust ministerial control of this portfolio than the man who sits at the table now, the Minister for Sport, Recreation and Tourism. He is committed to the sporting public of Australia and he is to be applauded for it. He is also to be applauded for introducing this legislation. I commend it to the House.

Mrs SULLIVAN (Moncrieff) (4.28)—The honourable member for Macarthur (Mr Martin),
who spoke just before me, used the term "fraudulent" in relation to certain things that he claimed the Opposition had done. I cannot help but wonder whether he might use that term in relation to the practice of selectively quoting from letters, which is what he did in his speech. He quoted from a letter from the Confederation of Australian Sport which is addressed to 'Dear Member of the House of Representatives,' It might have occurred to him that Opposition members of the House of Representatives also received that letter. I should like to add to the quotation he made.

Mr Martin—Can you read?

Mrs SULLIVAN—Yes, I can. The letter said in part:

The following is the text of a letter today sent to the Honourable J. J. Brown, Minister for Sport, Recreation and Tourism arising from his response to the Confederation's paper titled 'Australian Sport Commission—A Point of View'.

The letter continues:

Our attention has been drawn to your letter of 9th May to Federal Members and Senators which was a response to the Confederation's "A Point of View". There are a number of details raised in your letter with which we respectfully disagree.

That was the rebuttal by the Minister for Sport, Recreation and Tourism (Mr John Brown) of the case made by the Confederation of Australian Sport against the Australian Sports Commission. I will give honourable members a small quotation from that letter because it sheds some light on the performance of the Commission to date, which might give us some indication of what we can expect in the future. It is a total vindication of the views put on behalf of the Opposition by the Honourable member for Richmond (Mr Blunt), our shadow Minister for Sport. In that letter, dated 15 April 1984, the Confederation of Australian Sport through its President, makes this statement:

Since that meeting—

that is the meeting of the Confederation—

a number of national sporting organisations have expressed concern at the effects of decisions being made by the Australian Sporting Commission.

Actions and decisions relating to key sports issues, such as

Children In Sport
Australian Coaching Council
Australian Sports Aid Foundation

have each indicated a desire on the part of the Commission to exert control rather than to co-ordinate and cooperate as Sport was to understand by statements by the Minister.

Those same statements are in the second reading speech of the shadow Minister in relation to the Australian Sports Commission Bill and they are not rebutted by the content of the Bill.

The Minister's speech has some very fine words. It has wonderful headings such as 'A New Era in Sport'. The Minister is either an excellent speech writer or he has an excellent speech writer. But there are many fancy words which do not go to the key issues. Claims are made in relation to what the Australian Sports Commission and the Australian Sports Aid Foundation will do, but they are not borne out by the Bill. I intend to deal with that in some detail in my speech.

I turn my attention briefly to the comments of the honourable member for Perth (Dr Charlesworth), who is, of course, an excellent sportsman. He has represented Australia with distinction at the Olympic Games and I congratulate him. I say that he is a good sportsman, but he makes a lousy lawyer. He cannot read a Bill and understand what is in it. In his speech he made many assertions about what is in the Bill, but they are just not there. He took the Minister's word for it. He should have read the Bill. Maybe he did read the Bill, but he did not understand it if he did. He made certain statements about the performance of Liberal and Labor governments in relation to sport.

Dr Charlesworth—And they were disgraceful, and you know it. Why don't you admit it?

Mrs SULLIVAN—Mr Deputy Speaker, I ask under what circumstances another member's microphone can be switched on so that he can drown out the person who has the floor? I do not want an answer at this point, but perhaps you will take responsibility for checking that subsequently. I point out also that we are voluntarily under a constraint of time, less than our allotted time, in order to help get through the great pressure of legislation that we have. I do not want my time wasted in that way.

The honourable member for Perth said that this Bill will assure stability of funding. What assurance is there? There is no assurance in the Bill. What problem does the honourable member for Perth have? Does he think the Government might change its mind about future funding? There is no more assurance about stability of funding than sport has under the present arrangements, because it will be subject to government appropriations and decisions about how much money government is prepared to give, apart from what the Australian Sports Aid Foundation might
raise, which I will come to in a minute. The honourable member for Perth said that it will tap alternative funding. That is one way of putting it. Those who might be tempted to contribute to the Australian Sports Aid Foundation, if this Bill passes Parliament, will find that they are being asked to write a blank cheque. They will fill in the amount, but they will have no control over its direction.

Dr Charlesworth—You do not know that; you are making it up.

Mrs Sullivan—The Bill does not say it, and that is the critical issue. On the subject of the record of the Whitlam Government, frankly the performance of the Whitlam Government and its Ministers on the subject of sport amounted to the greatest pork barrelling exercise this country has ever seen. Proud as the honourable member might be of Labor's record, he might check how sports appropriation fared in the 1975 Hayden Budget. He might get a little surprise if he cares to find out the facts. The gold medal for cynicism was referred to by the honourable member in relation to Mr Fraser being at the Commonwealth Games. Those games certainly would not have been held in Brisbane, and probably not in Australia, but for the millions of dollars the Fraser Government gave for their establishment. They would not have been held without that Federal funding. The Brisbane City Council, the State Government and the Federal Government all contributed. However, they would never have got under way, we would not have got the bid for those Commonwealth Games, without the assurance of that Commonwealth funding. The latest gold medal for cynicism—indeed the new Australian record for cynicism—goes to Mr Hawke for his performance at certain sporting functions in the past two years.

I turn to the Bill and, because of the time constraints, I can say only a few brief things. The Minister makes claims about the merits of the Bill, but they are just not in the Bill. Why do we need the Australian Sports Commission at all? All its objectives and functions, as outlined in clause 6 of the Bill, were performed by previous Australian governments, with the exception of those parts of the clause that refer to getting money from the private sector for the Sports Aid Foundation. That is the only additional function that the Government cannot do itself at present. All these functions are already being performed. The Minister has claimed credit for it and his members have heaped credit on him for it. Why do we need the Commission? It is under ministerial control and direction, so what is different from the present situation? It is not an independent body; it is at all times subject to the Minister. That is very different from the term 'arm's length' that the honourable member for Perth used in relation to it. Arm's length traditionally applies to such bodies as the Australia Council—there is no parallel at all.

The Australian Sports Aid Foundation received some little attention in the Minister's speech. He said:

With reference particularly to the Australian Sports Aid Foundation, the Government recognises that it is essential to provide sufficient incentive to ensure that the Foundation receives the maximum support possible from individuals and corporations within the community. In line with a commitment given during the last election campaign by the Prime Minister, the Government is giving full consideration to the provision of full tax deductibility for donations to the Foundation.

Lest any well meaning people in sport—there are many hundreds of thousands of them in Australia—should think that that is the same as saying that there will be tax deductibility, let me disabuse them and tell them to look for the fine print in the Prime Minister's campaign speech as well as in the Minister's second reading speech. That is not a commitment to give tax deductibility; it is a commitment only to think about it. There are various ways that tax deductibility can be achieved. It is granted in relation to other bodies and causes and it can be done in relation to sport. The honourable member for Perth said that various sports organisations cannot be trusted. He said we should be very careful and that tax deductibility for all sorts of organisations would open a can of worms. What on earth did he mean by that? Did he mean that giving tax deductibility other than through the Australia Sports Aid Foundation, if money were to be given direct to certain sporting organisations, as it is for example in the case of humanitarian aid, those organisations might abuse the special position that that tax deductibility gives them? I would like to see the piece of legislation allowing tax deductibility that did not do all the i's and cross all the t's in relation to accountability. The explanatory memorandum to this Bill states:

The Bill also defines . . . the powers that the Commission will have to undertake its work. These include the vital provision to establish an Australian Sports Aid Foundation to increase the volume and value of private sector funds for sports development.

What does the Bill itself actually say about the Australian Sports Aid Foundation? It is summed up in only six lines in clause 8:

(1) The Commission may form a company, to be known as the Australian Sports Aid Foundation, for the purpose of raising money for the development of sport.
(2) Except to the extent necessary for the performance of its functions in relation to the Commission, the Australian Sports Aid Foundation is not empowered to do anything that the Commission is not empowered to do.

So the Foundation is under the control and direction of the Minister.

Dr Charlesworth—Thankfully.

Mrs SULLIVAN—The honourable member for Perth says ‘thankfully’. He admits that that is what it is; it is not arm’s length after all. Finally, I refer to the statement of the honourable member for Perth that he believed the Australian Democrats would support this Bill and it would pass with their support. I issue a challenge to the Democrat Senators. If they are tempted to support this Bill because they support the sentiments of the Minister’s second reading speech, they should make the Bill do what the Minister’s second reading speech claimed it does, but it does not. I say to the Democrats: ‘If you want an independent Sports Commission, amend the Bill to make it so’. I could not guarantee that the Opposition would support it—I very much doubt that it would—but if the Democrats claim to support it for these reasons the Minister gives in his second reading speech, they should put in the amendments that will give effect to the Ministers assertions. We would see what the Government would do then. Would the Minister let go, of his control of the Sports Commission? Would the apron strings be cut? Or are they in fact puppeteers’ strings?

Mr DEPUTY SPEAKER (Mr Keogh)—The honourable member for Moncrieff mentioned a matter during her address to the House in regard to the microphone of the honourable member for Perth. That certainly should not have occurred. I will ensure that it is brought to the attention of the Australian Broadcasting Corporation to avoid such an incident occurring again.

Mr RONALD EDWARDS (Stirling) (4.38)—I am sure members of the Australian community will be happy to hear from the honourable member for Perth (Dr Charlesworth) whenever they can. They recognise his skills in sport—

Mr DEPUTY SPEAKER—Order! I draw the attention of the honourable member for Stirling to the fact that, whether or not that may be so, every honourable member has the right to be heard in this chamber without the sort of interruption that took place because of the microphone of the honourable member for Perth being turned on to the extent that it was.

Mr RONALD EDWARDS—I trust that the members of the Opposition will give me that courtesy, although their performances usually have shown that they do not, but I will proceed anyway. There are a couple of points to be made at the outset. The honourable member for Moncrieff (Mrs Sullivan) spoke about the speech of the Prime Minister (Mr Hawke). The Prime Minister talked about tax averaging, not tax deductibility. The honourable member for Moncrieff should get her facts straight. She was quite inaccurate. When the Prime Minister spoke about tax matters in the election campaign, he was talking about tax averaging, not tax deductibility. A number of months have passed since the election and I would have thought that the honourable member would have learnt the difference by now. Another point that I find extraordinary is that the honourable member for Moncrieff and other members of the Opposition spoke of sports people being puppets of the Minister. I am amazed that they should choose to insult sports people because that is what they have done. They have insulted Herb Elliott, Ted Harris, Bruce MacDonald, Mike Fitzpatrick, Roy Masters. These are all people whom we are expected to assume will be willing puppets. There are others: John Newman—

Mr Martin—Mark Tonelli.

Mr RONALD EDWARDS—Yes, Mark Tonelli and Colin Hayes. The Opposition claims these people are puppets of the Minister. I do not know where honourable members opposite have been all their lives but they must not realise that these people have established their reputations in the Australian community as independent people of great standing. The honourable member for Moncrieff thinks these people are puppets. Phil Coles had some connection with the Australian Olympic Federation. I refer also to Glynnis Nunn, Grant Kenny, Vicki Cardwell, Ray Lindwall, Pat Clohessy, Neale Fraser, Betty Cuthbert, Wendy Pritchard, Andrew Lederer, Jim Yates, and Margaret Pewtress. The Australian community should know that Opposition speakers have indicated these people will be puppets of the Government. I hope all Australians and the people in question have heard what the members of the Opposition have said. The honourable member for Moncrieff talked about puppeteers.

Mrs Sullivan—The Bill makes them puppets.

Mr RONALD EDWARDS—That is precisely what she said. The honourable member for Moncrieff will have to rest on what she said in her speech. She alleged that all of these people would be puppets of the Australian Government. The honourable member has succeeded in collectively insulting all of those people.

Mrs Sullivan—They will have to do as they are told.
Mr RONALD EDWARDS—We have a different view of it. We are not afraid to say that these are skilful people. We recognise their achievements in sport. We welcome their appointment to the Australian Sports Commission, and we are very glad that they have accepted. I also add, because the Opposition is slow to learn in these matters, that these are the sorts of people who are capable of conducting themselves with success and integrity in matters of sport. I know that success and integrity elude the Opposition, but they have not eluded the people appointed to the Sports Commission, and we ought to recognise that. The Opposition speakers referred to the structure of the Sports Commission. If we take it that in Australia there are about 120 sports, is the Opposition saying that it wants a 120-member sports commission?

Mr Peter Fisher—No.

Mr RONALD EDWARDS—I wish that the Opposition would clarify its thinking on that matter, because I find it rather extraordinary. The Opposition members also stated that we as a government did not want to give the Sports Commission financial independence. Does the Opposition want a totally, financially autonomous body to be set up? I wish the Opposition would clarify that point. So far, Opposition speakers have collectively insulted the members of the Sports Commission, which has been operating so far as the Interim Sports Commission. Honourable members opposite really have to lift their game, if I can use the sporting term, because honourable members on this side such as the honourable member for Perth and the honourable member for Macarthur (Mr Martin) have shown that they can lift their game.

We ought to be saying to the Australian community that we are setting up a structure that gives a commitment to sport. Such a commitment was absent from the previous Government. All that we got was a degree of divisiveness—that was characteristic of their policy in all respects—with respect to sport. We have only to look at the events that led up to the Moscow Olympics. The honourable member for Perth would remember them very well, as would many other Olympians whose sporting careers were tampered with by a very repressive government that sought to victimise people who did not do what it wanted. We are doing something different.

The Sports Aid Foundation is designed to provide a structure whereby private donations to sport can become tax deductible. We believe it is important to set up such a structure and that is what we intend to do. We believe that it will provide an enormous impetus to Australian sport. It is extraordinary that donations to art were tax deductible but donations to sport were not. Let us get some credit on the line and recognise that sport is very important. I cannot understand why the Opposition seems to have the attitude that sports men and women should be second-class citizens. The Opposition has chosen to oppose the Bill. In its term in government it treated them as if they were second-class citizens. We have the opposite view. Interestingly, the Australian community seems to think that they are not second-class citizens because they enjoy seeing them compete on weekends and in major international and national sporting events. We recognise their position and that approach to sport is embodied in this legislation.

With respect to the members of the Sports Commission, the Opposition has said that it does not think that those people are able to stand up and argue the case for sport. Opposition members are prepared to say that collectively, and we can expect no better of them, because they really are B-grade when it comes to sporting performance. When it comes to political performances, they are C-grade. Let us not fool around with that point. The Opposition is saying that members of the Sports Commission such as John Newman, Mark Tonelli and Colin Hayes are not capable of conducting a Commission independently of the Minister. If that is the Opposition’s view of these people, it should say it to them and it should say it to the Australian community, but it must accept the consequences. We know that the Opposition’s attitude in the game of politics is basically to bad mouth people. Opposition members should keep that up. It is a very good approach to the business of politics. The honourable member for Moncrieff has done it and the honourable member for Richmond (Mr Blunt) has done it. We can expect other honourable members opposite to parrot those views and to say the same things later in the debate.

One issue I have already touched upon is the question of tax averaging. Now that we are in government we recognise—I remind the honourable member for Moncrieff that this is a matter which the Prime Minister (Mr Hawke) referred to in his speech—the importance of tax averaging, particularly in high contact sports where people have very short sporting careers but often end up paying very high marginal tax rates. Such people often go from earning an income of $12,000 or $14,000 to earning an income of up to $50,000 to $60,000. After a short sporting career of maybe four or five years, they return to earning moderate
incomes. We are saying that we ought to make it possible for those people to average their tax over a longer period and therefore pay tax at lower marginal rates. It is a sensible proposition. We expect a report compiled on this issue by some consultants to come to us. We will then look at that position very carefully, because we recognise, even if the Opposition does not recognise, that injustice has been done to many men and women involved in sport whose sporting careers have been relatively short.

The Interim Sports Commission will become the Australian Sports Commission hopefully after the passage of this legislation, unless the Opposition chooses to king-hit it. It would not be out of the ordinary if the Opposition chose to knock it off in the Senate. We expect from the Sports Commission the establishment of a framework to develop Australian sport. I applaud the Sports Commission for choosing to fund a feasibility study into a national football competition. I am sure the honourable member for Mallee (Mr Peter Fisher) recognises that as being important, because that looks towards the proper development of Australian Rules football as a national sport. It must be remembered that we must have a commitment to junior sport and to local club sport. We have that commitment. The Sports Commission legislation recognises it.

I move to the final point which I wish to deal with, that is, the question of sporting transfers and disputes over contracts. I have spoken about this matter before, but I refer to it again in this debate. One of the major problems in professional sports these days is caused by disputes over where sports men and women will play. Currently, those disputes are being settled by paying lawyers rather high sums of money to settle them under common law in the various court systems. It would make sense to bring all of those disputes under the arbitration system, whereby sports men and women would be regarded as employees and the managing bodies for which they work would be regarded as employers. It would be a very straightforward and economical way of dealing with that problem. By following that course we would be able to establish a very quick and straightforward method of settling disputes.

I know that honourable members opposite find that proposal strange because so far they have chosen to enjoy and promote conflict. Honourable members on this side of the House are about resolving problems. I remind the Opposition that in 1979 the Trade Practices Commission said that it believed that that could be a way to deal with the settlement of disputes involving sporting transfers. That is a matter that the Sports Commission ought to be looking at.

In summary, this legislation is historic. It recognises a major commitment by this Government to sport. We recognise the commitment and involvement that sports men and women have given to sport. It is time that governments in this country started to provide the necessary framework and support. We are not afraid to do that. The Minister has provided that leadership, for which I congratulate him. I believe that the Government has provided that leadership. What the Opposition chooses to do by casting doubts upon the people who support us, such as the Sports Commission, is of its own making. Our position has always been clear. We are pleased to support sport. I am pleased to have spoken in this debate in support of my colleagues, the honourable member for Perth and the honourable member for Macarthur, who have made a major contribution. I congratulate the Minister on the impetus and leadership he has given to sport. I commend the Bill to the House.

Mr PETER FISHER (Mallee) (4.49)—Many people today still wish that sport was set aside from the world of commerce and returned to the principles of amateurism and friendly competition. That time has now passed. Many people also would seek a return to success at local and international level, free from this commercial support. That time also has passed. Sport and recreation today are big business. In fact, it would appear to many that the chief importance of sport in a modern society lies, in fact, in its economic implications. It has become large scale business based on specialisation, professionalism, ruthless competition, at times exploitation of many performers, and, of course, exaggerated publicity.

One of the outstanding features of sport in Australia, however, has been its ability to flourish without stifling class divisions, which are obvious in some countries. Sporting careers have been open to talent wherever it might be displayed. The great majority of our athletes who have achieved excellence have not come from leisure-class homes or high income groups. They are products, in fact, of the cottages rather than the mansions. These are Australian traditions that I believe should be preserved.

In developing the Opposition's policy on sport and recreation prior to the last election, I was able to consult countless sporting individuals and organisations, and two great characteristics of Australians became clear: First, there was a belief in self-reliance and a right to a fair go. Individuals needed the encouragement and education to provide for themselves wherever possible. This, of
course, does not absolve government at the local, State or Federal level from ensuring that the environment, be it economic or attitudinal, provides a diverse range of opportunities. I believe that it is up to the individual to decide which is the best way to spend his leisure or his sporting dollar.

Recent studies by the South Australian Department of Sport and Recreation indicate that the majority of Australians hold the same view, namely:

They do not wish to be organised and are very individualistic in their tastes. People don't like to be told they should do this or that. A strong interest in outdoor activities reflects the wish for unstructured activities. We are more affluent, educated and mobile than 30 or 40 years ago.

A government's role, therefore, is to ensure that people have the capacity, the opportunity and the facilities to decide the best way to spend their leisure or to participate in sport. Governments have responded to this at the Federal level over recent years in the continuing upgrading and growth of national sporting facilities, the creation and planned growth of the Australian Institute of Sport, the assistance to national sporting associations to maximise their administrative and coaching potential and, of course, the assistance to bodies that complement our sporting impetus, such as the Australian Olympic Federation, the Commonwealth Games Committee and the Confederation of Australian Sport. This process and support should continue, and I in no way under-value the significant growth of funding and involvement in sport by the present Government, as I acknowledge the initiative of the coalition Government since 1981. I particularly mention, in this involvement of both governments, the work of the late Frank Stewart and Bob Ellicott—two Ministers who made a very real impact on the sporting life of this country.

The second characteristic of Australian sport, of course, has been its healthy reliance on and involvement of the voluntary sector. This voluntary participation in administration, organisation and finance is as important to our way of life as is the competition. It is for these two reasons that I oppose the Australian Sports Commission Bill, which seeks to establish the Australian Sports Commission as a statutory authority. The coalition policies have never given support to such a concept. In doing this, we do not make a criticism of the present Sports Commission. We believe that many of the programs that it has initiated since its inception have been good and beneficial and that the results it has produced have been great for sport in this country.

Obviously, the honourable member for Stirling (Mr Ronald Edwards) was very confused when he spoke this afternoon. Obviously, he did not know the difference between a campaign speech, or his own election speeches, and the policy document of the Australian Labor Party, which clearly states that Labor will implement tax deductibility and will implement tax averaging for sportspeople. The honourable member suggested that we should take disputes such as those in progress at present, such as where our cricketers should and should not play, to the Australian Conciliation and Arbitration Commission. That is one of the most outlandish views that I have ever heard projected in this place.

The coalition has always seen the need for a Federal body. In fact, we established the Sports Advisory Council. However, we have always believed that it should be an independent adviser to government, that it should be representative of national sporting organisations and that it should be a forum for stimulating participation and achievement. Above all, it should be free of government control. It is the role of the Minister and the Department to administer and determine the distribution and level of funding. A sports body such as the Commission must be autonomous and advise the Government of long term policies and programs to meet the diverse needs of the Australian community at all levels. Let there be no misunderstanding about the level of control that this authority will give to any government or any Minister, today or in the future. I quote the words of the Minister for Sport, Recreation and Tourism (Mr John Brown) in the second reading speech:

I draw the attention of honourable members to those aspects of the Bill that define the powers and responsibilities of the Minister. The Government is anxious to ensure that the Commission operates within the framework of overall government objectives and policies, which will guide the strategic plan to be prepared by the Commission for consideration by the Minister. These provisions—the provisions in the Bill—make it clear that the Commission will remain directly responsible to the Government. Together with the provision to allow the Minister to issue directions to the Commission, they will ensure a due and proper degree of ministerial overview and responsibility.

I simply ask: Do sporting individuals and bodies want this? Sport already is taking on too many business-like and work-like characteristics. In a word, it has become bureaucratised. Concern is expressed about the attraction of bureaucratised sport to the supporter and the viewer. The real question is whether the public will continue to be attracted to sports which are arranged around the needs of television networks and which are
treated by players as work and dominated by business interests?

The Minister cannot say that he will not abuse such control. I remind him of his occasional outbursts against any individual who challenges him. I cite as an example the fiasco in Los Angeles concerning the promotion of the Australia Games, or the current attempt at restriction of civil liberties and even abuse of some of our talented cricketers who seek to sell their services as business and commerce sell their products and trade.

I fully supported the creation of the Australian Sports Commission, and I did, as stated in the Minister's Press release of 18 April, speak of it in laudatory terms at its launch last September. But I object to the Minister using this as an indication of my support for a statutory authority. There is a distinct difference. The Commission already has achieved much, but it has done so under its present concept, and its own success shows that a statutory authority is both unnecessary and highly bureaucratic and ultimately will be expensive. What a paradox this Bill is. I noticed the Minister for Primary Industry (Mr Kerin) in the chamber a few moments ago. Recently we have seen him changing statutory authorities, reducing them in membership so that he, on behalf of the Government, could obtain control. Here, of course, we see the Minister—

Mr John Brown—Which one are you talking about?

Mr PETER FISHER—We are talking about all sorts of authorities in the primary producing area—the Australian Wheat Board, the Australian Dried Fruits Corporation and the Australian Dairy Corporation. But here we have a large membership, publicly funded—unlike those boards which are funded by levies on those who contribute to them. The same result is being achieved here, but different guidelines are being set down to achieve it.

I turn to the creation of the Sports Aid Foundation. As I have said, sport today is big business. Popular sports attract corporate sponsors and attract high ratings for television networks. Sponsorship will continue to be an attractive proposition for sporting bodies, giving economic support to many professional and semi-professional sports. It also has provided the necessary financial infrastructure for a number of lesser known, amateur-oriented club and country sports bodies. But the key participants in commercial sports sponsorship are basically large companies and organised spectator sport—not always the best combination if we are interested in broadening participation and extending interest in diverse sport and leisure activities.

At the same time, of course, we see public agitation—much of it ill-informed—and government philosophy is putting pressure on many areas of traditional sponsorship. I need mention only tobacco and alcohol advertising, but the bandwagon of pseudo-medicos is already white-anting the sugar and red meat industries with the same arguments. These factors are understandable and the reasons for the support of a Sports Aid Foundation by many of our smaller sporting bodies are understandable. But, if the big sports lose the big advertisements, that will increase dramatically the need for public funding and will affect the sponsorship now available to low profile but high participating sports involving many young people.

The real difficulty that I have with this proposal is its relationship to a statutory authority. Government, through the Minister, will direct the allocation of funds. Such a power cannot and will not be exercised without patronisation, politicisation or philosophical direction. There is nothing wrong with the objective of a foundation but I believe the Minister has ruined its effectiveness and acceptance by his desire to exercise control through this quango. Sponsorship is a vital component of sport in Australia. But it has brought a change in the attitude of players and has undoubtedly modified spectator attitudes. The spectator today is less concerned with the aesthetics and skill of the game; witness the violence of soccer in the United Kingdom or the demands from spectators for acts of daring and continual acts of heroism in all sports. Player-club relationships are now more like the employee-employer contracts in the business world, with more emphasis on reward, secure contracts and a range of fringe benefits.

I conclude by acknowledging the contribution of Australian sports people, supporters and administrators. As with the experience and dedication of members of the present Sports Commission and personnel in the Department of Sport, Recreation and Tourism, so hundreds of thousands of men and women, through a love of the game and in a voluntary capacity, have raised the identity of Australians through sport. I do not believe that the Sports Commission, structured as a statutory authority, will either contribute to or enhance the progress of the last five years or meet the aspirations of Australia's sports community.

Mr SMITH (Bass) (5.02)—As only a few moments remain, I will be very brief. It seems to me that the issue with regard to the Australian Sports
Commission Bill is not whether one supports sport, because both sides of the House do. The question is really of how best to help sport. We on this side of the House believe that this Bill presented by the Minister for Sport, Recreation and Tourism (Mr John Brown) is not the correct way to do this. But perhaps we should also look to more independent people who are more involved in sport in Australia.

The Confederation of Australian Sport, which is the major umbrella organisation in this country, represents 122 organisations and about 5.3 million participants. In its submission on this legal legislation, it said:

- proposed legislation will establish the Australian Sports Commission as a statutory authority, despite the fact that it is widely accepted that statutory authorities are cumbersome, unwieldy, costly, difficult to change, and virtually impossible to dismantle. Such a permanent step should only be taken when the benefits to Sport, not Governments, are obvious, tangible, and measurable.

I think the key words there are that the benefits should be to sport and not to governments. What we contend is that this Bill will create an authority that will be put into the hands of government—an authority and power that it should not have.

Further on it poses the question that sport asks of why it is necessary to have this commission. This is what it said:

Sport already has its own forums in the form of the Confederation of Australian Sport, Australian Olympic Federation, Australian Commonwealth Games Association and the Australian Universities Sports Association. It does not want any bureaucratic organisation to oversee or in any way control these organisations.

I will quote further—I am not surprised that government members do not wish to hear this—for it states:

- No cogent statement yet exists to convince sport that the existing system was so wrong that a huge, expensive, irrevocable bureaucracy is needed to replace it.

That is the genesis of what we are trying to say on this side of the House in our opposition.

What concerns me is that what the Minister might be doing is splitting sport in this community by overt political interference. We have had representations to us, and I am sure that the Minister has too, from the Confederation of Australian Motor Sport, the National Football League of Australia, the Sporting Shooters Association of Australia, the Lawn Tennis Association of Australia, a leading surgeon in Melbourne, and I am sure there are others, all expressing reservations with the legislation.

Mr Tim Fischer—And the dead hand of government.

Mr SMITH—And the dead hand of government.

Dr Charlesworth—Four out of 120.

Mr SMITH—We have not heard anything from the hockey organisation but I doubt whether we will.

Let us look at what the Minister said on 14 December 1983 in Melbourne. He said:

The Sports Commission will act first and foremost as a co-ordination mechanism able to draw together, through extensive consultations, groups and organisations . . .

That is fair enough. He continued:

- It certainly will not be making a bid for the role as the "supreme voice" of Australian Sport . . .

I think that is what the Minister is doing. He is trying to get the supreme voice of Australian sport and I think that is wrong. It is bad for sport.

I will just make a few other points, some of which have been raised by other speakers. The Australian Sports Aid Foundation, to be established under this Bill, has the potential to cripple private funding for local sporting bodies because of the consideration being given to making donations to the Foundation tax deductible while not extending this proposal to other donations. The Government should give tax deductibility status to all significant private sports foundations and national organisations, if it is to be consistent.

Secondly, the Minister of the day will have full control over the Commission which in turn will control, as opposed to co-ordinate, sports administration, which seems to me to be in direct contradiction with what he said on 14 December. The Commission will be nothing but a tool for this Government to propagandise sport. The Minister also controls the Information Co-ordination Branch, the National Media Liaison Group and the Ministerial Media Group, so all the arms of advertising are controlled by this Minister. The point I raise is: Is the Government merely cashing in on the jingoistic attitude of most Australians to sport and sporting success? It is a wonder the Prime Minister (Mr Hawke) is not here because he has been noted for his presence wherever teams win around the country.

The third point I make is that the national Government intervention to centralise sports administration is not necessarily compatible with our federal system. The rapid way in which governments have been able to extend their legislative competence into areas not originally envisaged for them is something that we in this
Parliament should be ever mindful of. The functions of the Commission are largely already carried out by the Confederation of Australian Sport and the existing Commission in its existing role.

The fourth point that I make is that little or no consultation was engaged in by this Government with either the Confederation or national sporting bodies. That is shameful. All sporting bodies are upset. Many of them are upset because the Minister has not consulted widely. It looks to us as though he has just tried to push this through very quickly. The 16 commissioners of sport will be appointed solely by the Minister and will not necessarily be representatives of sports administration bodies in Australia. Of course, this does not, as was suggested by someone on the other side of the House, mean that we in any way impugn the honour, integrity or ability of those who will be on the Commission. We certainly do not. The point we make is that those in the administration of sport do not get representation on that body.

However, the thing that concerns me most is the very real threat posed to private funding of local sport. By this proposal all money could be channelled into the Foundation because people will be seeking the tax deductibility aspect of it and, therefore, other bodies, because of their inability to get donations and to offer tax deductibility, may well miss out. The coalition strongly opposes the Bill for the reasons that I, the honourable member for Richmond (Mr Blunt) and other speakers have outlined. I commend the opposition to this Bill to the House.

Mr John Brown (Parramatta—Minister for Sport, Recreation and Tourism) (5.08)—in reply—In summing up on this Bill, I will make a few points. I have circulated four amendments which involve simple wording changes to the Bill but do not really alter the nature or the spirit of the Bill.

Mr Peter Fisher—Where are they?

Mr John Brown—They were circulated at 1.45 p.m., the Clerk tells me. They are simple word changes as suggested by a legislative committee of the Senate. I will move those at the Committee stage. I wish to say a few words about the opposition to the Australian Sports Commission Bill. This is an historic Bill. This Parliament has been representing the people of Australia since 1901 and it has taken 84 years for a Bill pertaining particularly to sport to reach this debating chamber. Not surprisingly, the Opposition fails to support this Bill. In fact, it opposes it. In opposing it, it shows all of its paranoid and phobias about sport.

The shadow Minister, the honourable member for Richmond (Mr Blunt), spoke about the denial of freedom of choice, the manipulation of sport, and the moulding of public opinion. He even drew his bow wide enough to talk about the Berlin Games of 1936 and to suggest that the experience of the world in 1936 was akin to what is proposed in this Bill. Such cynicism in one so young and, might I say, so stupid. The abiding memory of the 1936 Games is not of German armies marching up and down: It is one dignified black man, Jessie Owens, a sportsman, who won gold medals galore against the might of the Aryan race standing up there like the proud sportsman he was accepting a medal. That is what the world remembers about 1936—the dignity of the sportsman, not the indignity of the Nazi masses. For Opposition members to suggest that that is a parallel to this Bill is an arrant insult, not only to this Government, not only to every sportsman in Australia—

Mr Blunt—Mr Deputy Speaker, I raise a point of order. The Minister is misrepresenting me. I have not suggested that this Bill has any relationship to the 1936 Olympic Games. I suggested that the 1936 Olympic Games represented the manipulation of sport for political purposes. I suggest that the Minister should withdraw.

Mr Deputy Speaker (Mr Blanchard)—Order! There is no point of order.

Mr John Brown—I reject absolutely that this Bill is an attempt to mould public opinion or to suggest that sport will become the tool of this Government. Far from it. This Commission is set up to remove sport and the funding of sport from the influence of politics. I found it rather laughable that a former Minister, the honourable member for Sturt (Mr Wilson), should stand up and talk about arm's length funding, when meagre amounts of money were provided for sport in his term of office. Let me tell honourable members what the Commission has done this year. Some $8m has been disbursed to sporting associations all around Australia by the commissioners appointed, with no supervision by the Minister or the Government. We appointed commissioners to make sure that money was disbursed to sporting bodies on the strength of their submission, not as a means of political patronage.

I refer honourable members to the record in government of the honourable member for Sturt. When I became the Minister and looked at the grants, I was surprised to find that the biggest grant went to yachting. Nobody could tell me that yachting was the biggest sport in Australia or the one that most needed funding. The honourable
member for Sturt, the ex-Rhodes scholar, the ex-lacrosse player—

Mr Cadman—Mr Deputy Speaker, I raise a point of order. This Government has given $30m to yachting.

Mr DEPUTY SPEAKER—Order! There is no point of order.

Mr JOHN BROWN—I noted that the honourable member's own sport of lacrosse received $49,000, one of the biggest grants given to sport in that year. Yet Opposition members have the hide to accuse use of political patronage. Every cent of that $8m was distributed by those independent sports commissioners the honourable member for Richmond has sought to impugn by his suggestions that they will become puppets of this Government.

Mr Blunt—Mr Deputy Speaker, I raise a point of order. At no point during my remarks did I mention any sports commissioner by name or suggest in any way that they would be puppets of this Government. The Minister is deliberately misrepresenting my remarks.

Mr DEPUTY SPEAKER—Order! There is no point of order.

Mr JOHN BROWN—The honourable member for Moncrieff (Mrs Sullivan) used that exact term—that the commissioners would be puppets of this Minister. I think the honourable member for Stirling (Mr Ronald Edwards) pointed out in very clear terms what an insult that was to the integrity and independence of 20 remarkable Australians who are members of the Sports Commission. This Commission was set up in the first place to be a statutory authority. The Bill translates that Commission, which now has very little status, into a statutory authority. The basis for doing that is that this Government is contributing large amounts of public money to sport. That money needs to be audited properly. It will be audited by this Commission in the best possible way, independently, to see that sport is the winner and that money is not used to prop up this Government or its statute, not used as a means of political patronage. That is exactly why this Commission is being set up as a statutory authority.

The reasons there are clauses in the statutory authority Bill that make sure the Commission remains under the control of the Minister is simply that in the previous Government's term of office it set up a lot of commissions with very little control, commissions that are now running out of control. That will not happen with this Commission. It certainly does not happen with the Australian Tourist Commission. This Commission will be under the control of the Government, as every statutory authority should be. The Opposition's paranoia about commissions stems from its inability to set up any sort of statutory authority that exercised the policy of the Government, which is what it is there for.

The Sports Commission in its short term of operation has set up a remarkable record. I am pleased to note that the honourable member for Mallee (Mr Peter Fisher) was decent enough to suggest that a lot of the things it has done have been excellent. Let me tell honourable members about some of them. The Australia Games was mooted by the previous Government and was one of the original policies of the late Frank Stewart, the first Minister for Sport in Australia. I note that his proud daughter is sitting in the gallery today. She is very pleased to see that some of her father's dreams are being realised in this Bill. The Australia Games took place because of this Government's determination. For the first time ever in Australia we had handicapped athletes competing on an international basis on the same program as Australian and international athletes who are not handicapped.

We will set up the Australian Sports Aid Foundation to bring tax deductibility to contributions to sport. The cynicism of members of the Opposition is such that they immediately suggest: 'Oh, well, you will get a $1 from somebody else and take it away from government funding'. That is an absolutely blatant lie. The difficulty the previous Government had in getting any money into sport from the corporate sector was that it did not give any itself. Now we are contributing $54m of public money. Not one letter has come to my notice from any member of the public suggesting that that is an improper use of public funds.

Mr Blunt—Let us have an undertaking now.

Mr JOHN BROWN—The honourable member can have an undertaking any time he wants. I will get the right honourable member for New England (Mr Sinclair), who is the Leader of the National Party, to give the honourable member one. He is very good at giving undertakings. Tax deductibility for contributions to sport will come about because of the setting up of the Sports Aid Foundation. I can assure honourable members that this is not a ruse to limit the amount of public money that goes into sport. What we can do, because we have put up this amount of public funding, is go to the corporate sector and say: 'Hey, we are doing our share with public money, what about you doing your share to help contribute to the functions of sport in Australia?' The other thing that is happening, and it is something
which professional sportsmen in Australia have
desired for generations, is tax averaging for people
in high contact and dangerous sports. It is a simple
matter of fact that many of Australia's leading
professional sportsmen have a very short earning
career. They earn a lot of money in a very short
period and pay a lot of tax. Why are they not en-
titled to the same sorts of benefits as a farmer,
author, inventor or artist? This Sports Com-
mission will see that tax averaging is introduced
for professional sportsmen and that social justice
is at last given to another section of the
community.

A committee has been set up to investigate
sport for the elderly.“By the year 2000 there will
be an enormous percentage of Australians in the
elderly level, including a lot of us. It is high time
that something was done to introduce a healthier
life style for people who are getting on in years.
Sport for the handicapped has become a reality
under this Government. The handicapped sports
men and women of Australia who got not one
penny from the previous Government got $1m of
public money this year. Is it not an insult to all
Australians that that was the case and that we had
to redress that imbalance? The most important
committee we have set up is Kid Sport 1988. This
committee will see that every Australian child has
the opportunity to play sport at whatever level he
or she can aspire to. The Sports Commission's de-
sire is to see that we lose one of the worst world
championships we hold, that is, a very high level
of heart disease. I think we are now the third
worst in the world, all because previous govern-
ments have done nothing, with the possible excep-
tion of those the marvellous years of Stewart's
rule, about getting Australians involved in sport.

I could probably stand here for an hour telling
honourable members about the things that have
happened. I will not do that because they are all
on the record. I will mention only one. Before this
Government not one cent of public funding went
to recreation pursuits. The great bulk of Aus-
tralians have some sort of recreational pursuit,
but now they are being funded in all their aspects,
whether it is marching girls, bush walkers, stamp
collectors, chess players or bridge players. They
are all being funded, and so they should be. The
Surf Life Saving Association of Australia, prob-
ably the most noble of all sporting pursuits, is now
being funded to the extent of $1.1m. The funding
in 1982 was $400,000. We still have the odd sight
of young lifesavers standing at traffic lights with
buckets collecting coins to make sure that their
operation keeps going. Their sport is saving lives.
The Opposition ignored them when it was in
government but they have not been ignored by
this Government and they will not be.

Most particularly the Sports Commission has
been able to invoke the basis of our philosophy for
sport, that is, to get participation levels up. I am
happy to tell the House that in almost every sport
in Australia participation rates in the last two
years have gone through the roof because of the
attitude that the Sports Commission has taken
towards the funding of sport. Sports bodies are
now not funded on the old basis of political
patronage. There is a simple set of guidelines—the
sports that have the highest participation level,
the best junior development schemes, the best
modification of rules to enable kids to enjoy their
sport without necessarily being of international
standard and the best level of international stand-
ming are the sports that get the most funding. The
results have been amazing. I take netball as an
example. Two years ago there were 400,000 regis-
tered netball players. There are now 700,000 and
there are another 300,000 unregistered players in
schools. That is the story through the whole regi-
men of sport in Australia because this Govern-
ment has undertaken the task of making Australia
a happy, healthy nation that is involved in some
sort of physical activity. In its short life, this
Sports Commission has printed a whole new and
glorious chapter in the history of sport in
Australia. It is removing all the indignities and
overcoming all the omissions of the past. I have
tried to outline our philosophy of sport in my sec-
ond reading speech and briefly again in this
speech. Sport is about the beauty of the human
body and the flight of the human spirit—

Mr Tim Fischer—Ha, ha!

Mr JOHN BROWN—The honourable member may laugh but perhaps he does not
understand what sport is about. Sport is about
dignity, freedom, artistry and beauty and, most
importantly, it is about fun. It is probably the
most exalted of all human capacities.

Mr Blunt—Why bureaucratisate it?

Mr John BROWN—If the honourable
member will listen for a minute I will tell him.
With the Sports Commission we have sought to
fund sport at all levels—from kids at the very
basic level in schools to the elites at the top of the
pile. The Opposition fails to recognise just how
important sport is to all Australians at all levels.

Mr Peter Fisher—But this Bill is about a stat-
tutory authority.

Mr JOHN BROWN—I will get around to
that in a minute. I will explain to honourable
members where they have gone wrong. The co-
alition parties have formed the government of this
country for 31 of the past 36 years. When they got
back into office in 1976 one of the first things they
Mr John Brown—The shadow Minister asks me what this has to do with the Bill. This Bill is about enshrining in Australia the proper funding of sport. That is something that the Opposition did not do when it was in government. From Frank Stewart’s time, the Opposition wound the funding of sport down to nothing. We have picked it up and, in government funding terms, we have raised sport to where it belongs. It is one of most important and understated social welfare areas in Australia. Sport has prospered enormously in two years. We propose to turn the Sports Commission, which takes the political patronage out of sports funding, into a statutory authority—to give it teeth, to enable it to do the sorts of things that we want it to do.

We are asking the Opposition to support us in allowing sport to take a major step forward. The Opposition is asking us to take a major step backwards to where it was with an advisory body with no teeth. The Opposition appointed that body just as I have appointed the commissioners to this Commission. Those people are not there for political purposes; they are there with a global knowledge of sport. All I asked the Opposition to do was to come here and, on a bi-partisan basis, accept that sport requires public funding and that public funding requires proper auditing. This should be done on a bipartisan and honest level. The Opposition cannot do that because it does not understand what sport is all about. However, I am pleased to tell the House that in the Senate the Australian Democrats will support the Bill.

It has been said quite openly in this debate that the Sports Commission will be a great overpowering body that stands over all other sporting bodies. I read a passage from the second reading speech:

I believe the Commission’s conduct, even in these first brief months of its existence, provides ample and compelling evidence of the co-operation and consultation that will be the cornerstones of its overall approach. The Commission has no power or charter, to intervene in or direct without the direction of the Minister, the affairs of any individual organisation. It has neither the power nor the competence to effect some sort of unilateral ‘takeover’ of sport. Its charter is clear and simple—to ensure that taxpayers’ money is used wisely to achieve the most effective outcomes for sport and for the community. The Government has no intention of allowing any compromise of the proud tradition of independence and autonomy of sporting organisations that lie at the heart of Australia’s sporting achievements.

The Opposition has made great play of some correspondence from the Confederation of Australian Sport. Honourable members have quoted at length from some survey that the Confederation conducted in which 40 bodies wrote back suggesting that they had some worries about what

Mr Blunt—What has this got to do with the Bill?
we were doing. I have in my hand three telegrams that I have just received. The first says:

The Australian Olympic Federation supports the establishment of the Australian Sports Commission as a Commonwealth statutory authority and looks forward to cooperating with the Commission.

The second is from the Australian Rowing Council. It says:

The Australian Rowing Council welcomes the establishment of the Australian Sports Commission as a Commonwealth statutory authority. We have been impressed by the co-operation that the Commission has already displayed and by its desire to consult with us on matters relating to our sport.

The third says:

Yesterday I forwarded to the honourable Andrew Peacock and Senator Don Chipp the following telegram. "In my capacity as President of the Australian Soccer Federation I was one of the founders of the Confederation of Australian Sport. I am astonished to hear that representations have been made to you to suggest that sport generally is not in favour of the current legislation of the Government which will come before the assembly tomorrow. I hasten to inform you that this is not correct and in this regard I speak not only for soccer but also for many major sports including a large number of the Olympic sports with whom I discussed the matter." I have spoken to a large number of major sports and the representations being made by the Confederation do not reflect their views.

The telegram is signed by Sir Arthur George. (Extension of time granted) Finally, I have had this letter from the Confederation of Australian Sport. I will table it for honourable members but before I do that I will read two or three lines. It says:

Many of the misunderstandings which have arisen in the past weeks were resolved as a result of our discussions and we thank you for that.

Whilst the Confederation does have some reservations with respect to the legislation, we believe that our fundamental commitment to the development of sport in Australia is shared by the government.

The Confederation understands and notes that the Australian Sports Commission will assist government in the implementation of its sport policy.

Question put:
That the Bill be now read a second time.

The House divided.

(Mr Deputy Speaker—Mr C. A. Blanchard)

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Question so resolved in the affirmative.

Bill read a second time.

In Committee

The Bill.
Amendments (by Mr John Brown)—by leave—agreed to:

(1) Clause 3, page 3, lines 4 to 9, omit proposed definitions of "securities" and "share".

(2) Clause 11, page 4, line 29, insert "established under sub-section 19 (1)" after "committee".

(3) Clause 34, page 12, lines 29 and 30, omit "or, if a higher amount is prescribed, that higher amount".

(4) Clause 40, page 14, line 28, omit paragraph (b), insert the following paragraph:

"(b) the Minister's powers under paragraph 7 (1) (d), sub-section 9 (1), section 18 and paragraph 34 (a)."

Bill, as amended, agreed to.

Bill reported with amendments; report—by leave—adopted.

Third Reading

Bill (on motion by Mr John Brown)—by leave—read a third time.
Australian Sports Commission Bill 1985

Second Reading Debate
Senate

Friday 31 May 1985
AUSTRALIAN SPORTS COMMISSION BILL 1985

Second Reading

Debate resumed from 21 May, on motion by Senator Button:

That the Bill be now read a second time.

Senator COLLARD (Queensland) (11.45)—There is already a Sports Commission in existence. It operates within the Department of the Minister for Sport, Recreation and Tourism (Mr John Brown). The legislation before us—the Australian Sports Commission Bill—has been introduced to create what will basically be another quango. I note that my colleague Senator Peter Rae is on the speakers list. Anybody who knows Senator Peter Rae will be under no illusion as to what he wants to talk about in regard to this Bill. Another quango—who needs it? It might be said also that this quango is being formed without any consultation with the Confederation of Australian Sport or interested sporting groups. One would have thought that the Government would have learnt its lesson. It has been in all sorts of problems in the last few weeks because of legislation which has been introduced without consultation—without consultation with ex-service groups, with rural industry groups and so on. Here is another example of the Government that says it governs by consensus not talking to people who will be affected by its policies.

One Chairman of the Commission and no less than 10 and up to 20 commissioners will be appointed by the Minister. Undoubtedly they will be sportsmen, but they will not necessarily be sports representatives or representatives appointed by different sporting bodies around Australia.

Senator Jack Evans—And sportswomen.

Senator COLLARD—I stand corrected. There might even be some sportswomen, as my colleague Senator Jack Evans says. The Australian Sports Commission will also be empowered to set up a company called the Australian Sports Aid Foundation to collect donations. It has been hinted that those donations may be tax deductible. This would provide an unfair advantage to the Sports Aid Foundation and the Australian Sports Commission. Anybody who wants to donate money to other sporting bodies would probably not do so because of this unfair advantage given to the Sports Aid Foundation. The Government is setting up an organisation and all money is to be channelled to that body and then disbursed with largesse and, possibly, political patronage, at that organisation's will. That is a frightening concept.

It is interesting that the Government has received a report from the interim committee appointed to advise on the Australian Sports Commission; yet we cannot find out what is in that report. Under the Freedom of Information Act the shadow Minister for Sport, Recreation and Tourism, Mr Charles Blunt, applied for a copy of that report, but could not get it. My colleague in the Senate, Senator Puplick, also applied for it under FOI, and he could not get it. I shall read to the Senate an excerpt of a letter from the Hon. John Brown to Senator Puplick in which he said:

The report you have requested is a confidential report to Government. Accordingly I have decided to refuse your request on the grounds that the document is an exempt document under Section 36 (1) of the FOI Act because its disclosure would be contrary to public interest. Many of the matters dealt with in the report are still current and have potential policy significance and the release of the report would compromise the effectiveness of the decision making processes of government in this area.

One can only wonder at what is in this report that the government of the day does not want us to see, particularly before that new gango, the Sports Commission, is brought into operation.

Senator Peter Rae—It is a very secretive Government. There are a number of those sorts of replies to requests for information.

Senator COLLARD—I say to Senator Rae that, as I recall it, the present Government was hell bent on bringing in the FOI Act when it was in opposition. It was part of its philosophy. Yet it is hiding behind confidentiality provisions of the Act. The Confederation of Australian Sport has obviously been by-passed. That organisation is already in existence and is made up of representatives from most of the sporting groups in Australia. This gango seeks to displace the Confederation of Australian Sport.

As I have said, one of the most frightening aspects of this Bill is that the Australian Sports Commission is open to political patronage. We are setting up a gango under the direct control of the Minister. The Chairman and the commissioners will all be appointed by the Minister. One can only wonder and worry about that. In times past sport has been used by totalitarian regimes for political purposes. I hope we will not get to that stage in Australia. One can only wonder and be concerned that this Commission has to be appointed by the Government when in reality the Confederation of Australian Sport could act as a Federal representative body for the sports men and women of Australia.
The coalition is completely opposed to this Bill and will be opposing it at the second reading stage. The coalition has a policy that says:

A Coalition Government would establish a Federal body to be an autonomous independent adviser on sport and recreation. It would be representative of national sporting organisations and charged with providing the forum to stimulate national levels of participation and achievement in sport and recreation.

This body would be autonomous and advise the Government of long term policies and programs to develop the diverse needs of the Australian community at all levels. It would not have an administrative or interventionary role.

There is a very basic difference between the coalition policy and the policy of this Government. I find that the Government’s policy does not sit too well. It seems to reek of double standards. We subject rural industry to 'market forces or market signals', yet we will not do that to secondary industry. Now sport is being almost socialised; it will be brought under a Commission which will be appointed and run by the Minister. As I indicated, we will be opposing the Bill at the second reading stage.

Senator CROWLEY (South Australia) (11.51)—I rise to speak in strong support of the Australian Sports Commission Bill. As a preamble, I say that it is important to know the history of the Government’s relationship with sport in this country. For a comprehensive understanding of that history, I refer honourable senators to the House of Representatives Hansard of 9 May 1985, page 1996, where that history is well spelt out by the Minister for Sport, Recreation and Tourism (Mr John Brown) in his second reading speech. I do not intend to go through it in detail at this stage.

I was interested to note Senator Collard’s remarks at the conclusion of his speech that he sees the idea of ministerial control over the Australian Sports Commission as a threat or a problem. I wonder whether he would see that if he were in government. There is, I think, a very peculiar line in what he argues; that if the Labor Party is in power we have political influence to the point of whatever ‘socialism’ means when Senator Collard uses it in that pejorative way but when the Liberal Party is in power all is freedom and light! I would be interested to know, if and when he is in government, whether the Liberal Government would abolish the Australian Sports Commission and revert to the practice of previous Liberal governments in dealing with sport, particularly during the 1970s when funding for sport was erratic and unreliable, almost to the point of non-existence. Mr John Brown, in his speech, clearly and extensively paid tribute to the Hon. Bob Elliott for his formation of the Australian Institute of Sport and for what he did for sport under his portfolio in the previous Government. I wonder whether Senator Collard has taken the time to speak to Bob Elliott about the Liberal policy on sport.

It is interesting that this legislation spells out very clearly the functions, aims and objectives of the Commission and also defines clearly the powers and responsibilities of the Minister. It makes no apology for the fact that the Commission will operate within the framework of overall Government objectives and policies guided by a strategic plan to be approved by the Minister. That would pertain to any Liberal government, just as much as it does to the Labor Government. To suggest that Labor Ministers are dishonourable and that Liberal Ministers would not behave in the same way, or would be honourable or somehow quite different, is to misunderstand altogether the operation of ministerial responsibility in the Westminster system of government. I object to that slur on the Government.

I support the Bill because it formally confirms this Government’s commitment to the promotion of sport, not only at the elite level but also at the level of broad participation in the community. The Bill aims to provide clear guidelines and objectives for the promotion of sport in the community. It acknowledges the importance of sport as a morale booster for individuals and for the country, and promotes health and fitness for every member of the community. Sport also plays a very important part as an industry, in hard economic terms. There are now many jobs associated with sport and it is clear that that number of jobs is growing. It is clear also that media coverage of sport is an acknowledgment of the increased finance associated with sport. It is argued that in some ways sport is big business and no longer recreational. The Government’s Australian Sports Commission Bill spells out quite clearly the understanding of the difference between those two readings of sport and the importance of promoting both, but not one at the expense of the other.

The Commission builds on the Australian Institute of Sport, which, while it is excellent, promotes sporting achievements only at the level of excellence in this country. This is an insufficient understanding of sport as this Government sees it. Sport is also to be provided for everybody in Australia who wishes to participate in sport in a recreational way. In fact, the Sports Commission now has registered organisations under its un-
brella which cover something like five million to six million Australians. I quote from the Minister's second reading speech in the House of Representatives:

A study into recreational fishing—one of Australia's most popular sports—

on the numbers available to the Commission—

identified a $2 billion contribution to the economy. In the 1981 census, 6 per cent of the population was working in the leisure industry; that is, a 27 per cent increase over the figure in the 1971 census.

So sport cannot be treated as something on the side, or a minor distraction for people. Sport is big business, jobs, a considerable contributor to our economy and, very importantly, contributes to the good health and morale of the nation.

As honourable senators would know, I have just passed to the Government a report of the Working Group on Women in Sport that I convened. That report was tabled in the House of Representatives and the Senate last week. The principal recommendation in that report was that a Women's Sports Promotion Unit be established under the auspices of the Sports Commission and that that unit be answerable to the Minister. I find it quite interesting that the recommendation of the Working Group on Women in Sport is very much in sympathy with the guidelines of the Australian Sports Commission Bill before us today. I sincerely hope that the Government, in addressing that report, will find its way clear to adopt the central recommendations of the Working Group on Women in Sport; not only because I think it is very important that women's sport be given adequate coverage and funding, which to this point it has not been given, but also because the report of the Working Group on Women in Sport very much promotes the idea of sport at the level of excellence and sport at the level of community participation. The views of the Working Group on Women in Sport very much match the aims and objectives of this piece of legislation before us today. Our Working Group found a number of points that I think would be relevant to the Commission, and no doubt the Commission is under way in addressing those. One of the things the Working Group on Women in Sport noted was the insufficiency of hard data about the number of people participating in sport; the number of jobs and dollars involved in the sport economy, the levels of funding from all tiers of government and the criteria which the media use in covering women's sport.

It is interesting to note that there are five women commissioners on the Sports Commission. We acknowledge the presence of five illustrious women on the Commission. We also alert the Minister to the fact that five women out of 20 commissioners is not as representative as some of us would like to see. We certainly acknowledge the representation and presence of women on that Commission.

I hope that the Commission—of course, this means not only the women but also the men on that Commission—and the Women's Sports Promotion Unit, if and when it comes into existence, will look at the promotion of women's sport. At the moment women's sport does not have equitable access to funding or equitable access to training provisions, coaching and so on. Nor does women's sport have equitable access to medical coverage. Nor is there the acknowledgment of women's sport in our society that the majority of men's sports have been given. I would have thought that the aim of an increased and more equitable coverage of women's sport would not only be an aim of our working group but an aim very much at the heart of the Commission.

It is my understanding that the Minister for Education (Senator Ryan) and Minister Brown, in tabling the report, made it very clear that they had considerable sympathy with the recommendations in the report. I have always found Minister Brown very supportive of promoting not only women's sporting achievements but also all sporting achievements. I feel pleased not only to add those words about the recommendations of the Working Group on Women in Sport but also to stand today to support this legislation. I am very happy to urge honourable senators to support it.

Senator JACK EVANS (Western Australia) (12.02)—I think it is a red letter day for sport on both sides of this chamber as the Australian Sports Commission Bill passes through its stages. I would like to pay tribute to former Minister Ellicott who had the courage, initiative and drive to get a new direction for sport in this country. That direction incorporated the creation of the Australian Institute of Sport which gave incentive and motivation to sports people around Australia to come together, to work together and to recognise that we were a long way behind in the international sporting sphere. The Institute allowed these people to work with each other, with the scientists, coaches, educators and all the people who were able and willing—who have always been willing—to assist sports people in this country to improve their performance. In particular, the creation of the Institute helped those at the top of their sport, an area in which we have tended to fade away after the 1956 Olympics in this country.
The new directions have been carried through at both national and State levels. I think it is great to see bodies such as the Western Australian Institute of Sport created and developing. Hopefully it will be the model for other State institutes of sport in this country. However, we have to allow the structure, the organisation, the administration of sport and government’s awareness of what is going on in sport to grow with those things. I believe this Bill will achieve that. It was disappointing to discover when listening to Senator Collard from the National Party of Australia how little understanding that Party has of how sport functions in Australia. We have to recognise that in sport, not only on the playing field but also in the administration of sport, those competitive instincts come out. We have very aggressive people concerned with the administration of sport. This is understandable. Aggression and drive are what makes them very successful sports people. Therefore, we will not have a lovely homogeneous group of people we can put together and say that that is the model representative of sport.

What we need is the advice of a broad spectrum of people who can speak on behalf of sport. I think the group of people selected by the Minister for Sport, Recreation and Tourism (Mr John Brown) as commissioners on the Australian Sports Commission are an admirable group representative of sport at all levels and most facets of sport in this country. What they are going to have to do is to give the Government consistent advice. They will have to find consensus amongst themselves while recognising that the input they will be getting will be conflicting. There will always be conflicting advice on sport. There will always be conflicts, for example, between Commonwealth representatives and State representatives — those people who want more powers for the States and those who want more powers for the Commonwealth. There will always be conflict between larger States — those who get too much of the cake — and the smaller States — those who are left in an underprivileged position so far as facilities for their sporting contestants are concerned, simply because their populations cannot support better facilities. Whether we have conflict among sporting groups themselves or between the two major groups I perceive in sport, that is, the professional entertainment sports groups on the one hand and, on the other hand the participative or amateur sports groups, they have vastly different needs. There must be an input and awareness of those contrasting needs provided to this Government through its Minister. As I see it, that is the point of having the Australian Sports Commission appointed.

In this country we have to look to a growing, developing and, one would hope, improving, future for sport and sports people. We have to set this at the international level because we must endeavour at all times to set the example, for those who come into sport, of the peaks of performance possible for those sports people who have the joy of representing our nation overseas or representing the nation within Australia.

We also have to look to the future in terms of the needs of recreational sport. Recreational sport is growing. It is a vital area that will require government input and government decisions. It is not a matter of socialising sport. It is a matter of providing some structure and support for the millions of people who will want to get into sport, in the next few years in particular. It is wonderful to see that area of sport growing. It produces a healthy nation and gives us a degree of pride in our nation. We have to get more participants in sports. Sad though it might be to a government trying to prune the Budget, one of the ways to get more participants is to provide better and more appropriate facilities. That is where the Commission will come in. It will consider appropriate facilities appropriately located. It will look after appropriate sporting groups. I stress that when we say we are seeking more participants we do not want just macho male participants, although we certainly want them, who are represented overseas as the image of Australian sports people. We have another very highly regarded group of sports people who cannot be seen as macho males. I am referring to our disabled sports people who have given us a reputation in a certain sector of sport which this country needs to recognise and give full praise to. We need to recognise not just those disabled sports people but also those who support them.

I stress that it is not just disabled people who need to get into sport and get the benefits of sport. We want more juniors in sport. We want to provide the facilities and opportunities for juniors to get into sport, particularly non-competitive sports, in primary schools. I hope that is one of the things that the Commission takes on board very early so that there is at least one sport open to every child in this country. Certainly there is a great enough variety of sports to allow every child to get into a sport that he or she will enjoy participating in. We want also to find a solution to the problem of how to keep our teenagers in sport when other things pull them away just when they are developing and at a time when sport will benefit them and be benefited itself by their participation.
As Senator Crowley indicated a few moments ago, we need to give women a fair go in sport. They have not had a fair go up until now. Let us hope that the 'Women, Sport and the Media' report will ensure that women get the recognition and support to enable them to participate and enjoy sport, not just as girls or teenagers, but as they have their children and grow older. Talking about growing older, one of the things I have witnessed recently—I hope it develops immensely across Australia—is the return to sport and the staying in sport of the so-called veterans. These are the older people who get great benefits not just from participating in the sport itself but also from its social aspects which older people, particularly lonely older people, can get from continued participation in sport or from taking up new sports which are available to them. I commend the Bill. On behalf of the Australian Democrats I indicate that it has our wholehearted support.

Senator SHEIL (Queensland) (12.10)—I am very sorry that the Australian Democrats are supporting the Australian Sports Commission Bill. When I spoke last night I showed how, inevitably, government interference in the health care industry has led to the confrontation which exists today. That confrontation will continue until the Government retreats from the health area. I do not know when we will ever learn. In this case, the Government is moving into the sports business. This will inevitably lead to confrontation and problems in the sports industry.

Honourable senators have talked about experience in the administration of sport. I have been involved, in the last 10 or more years, in a major sporting body. I have been Vice-President of the Queensland Lawn Tennis Association and the President of the Greater Brisbane Hardcourt Tennis Association. We are affiliated with the Lawn Tennis Association of Australia. It is an enormous organisation. We handle local competitions, interstate competitions, international competitions, visiting exhibitions and the development of junior players, eminently successfully. We have players travelling around the world. We are developing junior players whom the whole nation will be proud of very shortly. I am also a foundation member of the Queensland Cricket Association and the Queensland Rugby Union and I have watched them develop. There is an organisation of major sporting bodies in Australia today that co-ordinates all its own activities. I ask the Democrats whether they can name one sporting body that supports the establishment of the Australian Sports Commission. The Western Australian Institute of Sport, which is a State government instrumentality, does not support its establishment.

Senator Jack Evans—That is not true.

Senator SHEIL—That is what Senator Jack Evans says. That Institute wants money from the Federal Government and nothing else. It does not want the control that is embodied in this Bill. The largest sporting organisation, the Confederation of Australian Sport, has not been consulted. I must say, having been involved in the administration of a major sporting body, that I cannot recall any consultation on the Australian Sports Commission until the last couple of months when there was panic and pandemonium about how the Commission would move in and take over the administration of sporting bodies. Of course, many sporting bodies have not lobbied against the Australian Sports Commission out of fear. When I have contacted them I have found that they have been afraid to lobby against it for fear of reprisals by a vindictive Minister once the Commission is brought into being. They say: 'Oh well, if it is to come we do not want to be nominated as the people who fought against it because we are only little sporting bodies'.

There is, as has been said in the Senate, a mosaic pattern of sport in Australia. For example, we do not do a lot of skiing in Queensland and people in Tasmania do not do much swimming. Rugby is confined to two or three States and Australian Rules is confined to the southern States. In the overall administration by the Australian Sports Commission I can very well see a bureaucrat saying: 'We have to have economies of scale'. Bureaucrats talk about economies of scale in all other areas, including health administration, in Australia. Economies of scale always backfire. I can hear the bureaucrats saying: 'We will concentrate on swimming in Queensland and on hockey in Perth'.

Senator Peter Rae—Cycling in Tasmania.

Senator SHEIL—Yes. In other words, they would have specialised centres for different sports throughout Australia which would rob young sportsmen of their opportunities in all other areas. Why would people play hockey in Queensland if Western Australia were the hockey centre for Australia and nobody was concentrating on it in Queensland?

Senator Jack Evans—Would you rather have it all centralised in Canberra?

Senator SHEIL—I am against that too. I can see that if the Australian Sports Commission centralised sports in different areas of Australia and
took the creme de la creme for Canberra that would have a further disruptive effect.

Senator Jack Evans—So you don’t think we should have an Australian Institute of Sport?

Senator SHEIL—No, we should not. We would do a lot better without it.

Senator Jack Evans—It was created by the Fraser Government, of course.

Senator SHEIL—It was—another mistake. He missed just about every hurdle. The fears that have been expressed so far are justified. The Minister will have overriding power over the whole of the Sports Commission. I do not think it has been mentioned so far but he will take charge of all moneys that are donated to sport. He will do that by means of tax deductibility of donations to sport. Who will give money to sport if it is tax deductible in some cases and not in others? He will create a vortex down which all money given to sport will go. In other words, he will syphon off into the Australian Sports Commission money which otherwise would have gone to one sport. By ministerial fiat he can decide where it will go. Honourable senators say that Ministers are responsible and they understand. I can very well see the direction of money to sports which have been sanitised of any anti-socialist bias they might have. There will be a marshalling of sportsmen for all sorts of propaganda purposes.

The Commission is to be put in the charge of a Minister who will then be given control of the whole propaganda machine of the Government. He will have control of the National Media Liaison Service, the Ministerial Media Group, the Ministerial Committee on Government Advertising and the Information Co-ordination Branch, whatever that is. The Minister will have the machinery for marshalling, for whatever purpose he wants—I see a sinister purpose—the whole of the sports industry and the propaganda industry. We know how the Prime Minister (Mr Hawke) discovered the use that could be made of sport. We saw him showering in champagne at the Australia II win.

Senator Crichton-Browne—That was after he and Senator Walsh called Bond a crook just 12 months before in the Parliament.

Senator SHEIL—That is right. All of a sudden it was ‘my mate Bondy’. The Prime Minister was present at the football final, the Davis Cup and when our cricket team won the Ashes.

Senator Peter Rae—You know the definition of any successful sportsman, don’t you? It’s the fellow standing just behind Bob Hawke.

Senator SHEIL—that is right. I think he realised the political advantages that could be gained from mobilising the sports industry to use for his purposes. The authority under this Bill, plus the media machine that can be generated behind it, will be put under the one Minister. That Minister will get an enormous amount of money through the tax deductibility of donations to sporting bodies. He will be able to syphon that money off. He will be the sole person who decides the distribution of those funds. If the Democrats cannot see the danger to sports administration, particularly with the mosaic pattern of sport in Australia, I think they will leave us a very sad legacy by voting for the Australian Sports Commission Bill. The Bill was rammed through the House of Representatives. That should have been sufficient warning for the Democrats of the urgency with which the Government viewed the Bill, despite cries of protest. The Government says that the legislation will bring co-ordination to sport and that it will draw sports together—reconciliation and consensus. It will not do any of that. Indeed, it will create great jealousies between the sports that get money and the sports that do not.

I have had experience of the Government bypassing the authoritative sporting body in a State and giving money to special groups. I have seen the dislocation that that can cause in the organisation of a sport and the way it can undermine the discipline of the people who are trying to administer their sport properly. The Confederation of Australian Sport represents 122 sporting bodies, none of which is in favour of this legislation. They represent six million Australian sportspeople who are not in favour of it. We talk of sport for the disabled. People will donate, bequeath and do more for the disabled than any government will ever do. To see what government takeover of sport and the formation of elite organisations do we need only look at Iron Curtain countries. We remember the thrill we got when the young gymnasts from Romania performed. Nadia Comaneci was a delight. The only way she could escape from being a sportswoman was to overeat to get herself out of the business. It is criminal that she could not do it in any other way. This sort of thing inevitably will happen here eventually, although it may take 20 years.

This has not been mentioned, but undoubtedly the Commission will create a ponderous bureaucracy at a great cost. Sporting bodies will have to apply for what they need. The Government will realise that there is a cost of administration. Much of the administration of sport at the moment is
voluntary. This is one of the mistakes that the
Government made with its health organisation
when it brought in medical benefits. It forgot that
doctors had treated free of charge all other doc-
tors, their families, and religious people. There
was enormous good will in the profession. That
has been completely destroyed by government in-
trusion into medicine. The good will that exists in
sport administration in Australia today will be de-
stroyed by this legislation. Sport administrators
everywhere will want to be paid expenses and will
need national meetings to decide on the great
events to be held. The Government suddenly will
say: 'No, the cost is far too high. We will have to
restrict things'. Instead of being a body that will
expand sport, the Commission suddenly will be-
come a body restricting sport in every area. All
common sense and our learning from the history
of the involvement of government in private enter-
prise has shown it to be a total failure. I
plead with the Australian Democrats to recon-
sider their position and not to leave us a legacy of
a body such as the Australian Sports Commission.

Senator PETER RAE (Tasmania) (12.24)—I
speak but briefly to indicate, as have other
speakers from this side of the chamber, that we
strongly support the development of sport in
Australia, and its importance to the country and
its people. Our record is one of which we can be
proud. When we were in government we in-
creased Commonwealth funding for sport very
rapidly from an almost non-existent figure when
we took over after the Whitlam era, by 330 per
cent in one year, 106 per cent in another year and
120 per cent and 107 per cent in other years,
which is not a bad record of increase in expendi-
ture for sport. It hardly indicates a lack of sup-
port. The creation of the Australian Institute of
Sport is something for which Bob Ellicott, the
former Minister responsible for sport, deserves
considerable credit. It has played an important
part in the development of sport in Australia.
That has been one of the important steps which
have been taken.

However, I totally oppose the introduction of
socialism into sport. I do not see any reason why it
should be controlled by a quango and a huge bu-
reaucracy, and why we should be wasting on
administration a lot of money that otherwise
could go to sport. That is what will happen. His-
tory shows that, as a quango is created, a bu-
reaucracy is created and therefore an administration
cost is created. When considering Appropriation
Bill (No. 3) a short time ago, where did we see all
the extra money going? It was going to adminis-
tration. There were increases in some depart-
ments of 15 per cent and in others of 30 per cent
to 40 per cent. The money was not going out to
the people; it was going to administration. That is
where the increases and extra costs have been
going.

What has happened with the Australian Sports
Commission Bill? It is based on one of the most
shonkey bases of constitutional power imaginable.
It is based on even more shonkey claims about
support from sporting bodies. We hear bitter com-
plaints of lack of consultation on a proper basis
with sport about the type and creation of yet
another quango. I reiterate this Government's
pennant for the creation of qangos. It has been
creating them at the rate of about one a fortnight
since it came to office. It is not a bad record, if one
is hell-bent on creating qangos. But what was the
policy the Government went to the people with?
It was a policy called 'Labor and Quality of
Government'. It was issued on 9 February 1983,
just before the March election. It was issued by
none other than Bob Hawke, the leader of the
Australian Labor Party, and the shadow
Attorney-General, Senator Gareth Evans. What
did it say about qangos? About the basic ap-
proach of the Labor Party, it said:

As a matter of general principle, in the absence of
specific and over-riding reasons to the contrary new func-
tions of government to be carried out by ministerial de-
partments rather than public authorities.

What does this Government do in this case? It
creates a public authority, a quango, to carry out
the functions. In the second reading speech on this
Bill, are the specific and over-riding reasons to the
contrary set out? No; I defy anyone to find them.
The policy also said:

Labor in government to concentrate its resources on
making existing departments more responsive to govern-
ment policy rather than seeking (in the absence of specific
and over-riding reasons to the contrary) to bypass that
machinery by creating public authorities.

That is another aspect of the Labor Party saying
that it is against the creation of qangos. Yet, since
it came to power it has been creating them as if
there were no tomorrow and they all had to be
created today. The policy also states:

As a general principle, advisory functions to be per-
formed within the framework of ministerial departments
rather than through the creation of separate public
authorities, but with departments developing structures
and procedures (for example advisory councils and public
hearings) designed to ensure appropriate external input.

But is the Government following that policy? No;
it is going to create a quango. The policy goes on:

In the application of these general principles, consider-
ation to be given to the reduction of the number of statu-
So, is the Government implementing that part of its policy? No; it is creating yet another qango. It is another qango for which there is no logical and rational reason. The support of sport is not a matter about which there is a division of attitude; it is something upon which, I understand, all sides of the chamber are united. What we differ about is how that support should be provided, and how we should provide, in the best possible way, for the encouragement of sport in Australia. We believe that the creation of ministerial interference through the capacity to give ministerial directions, this socialisation of sport by a Labor socialist Government, is not something which will be in the best interests of sport. It is not something which will help develop sport in Australia. So the Opposition opposes this Bill, not because we are opposed to the development of sport but because we wish to see the development of sport take place in the most efficient and effective way possible, not in a way in which it will be overwhelmed by ministerial interference and bureaucratic control. That is what will happen as a result of the way in which this Sports Commission is being created.

Senator Kilgariff—Big government.

Senator PETER RAE—Big government. Labor parliamentarians cannot get away from wanting to have government bigger and more intrusive the whole time. The rate of growth of government has quadrupled under this Administration, and now it is creating more and more quangos all the time. I wish the Government would have some regard for its policy, in which it said that it would be curtailing the size of government, that it would be cutting out the quangos, that it would not be creating new ones all the time. I have quoted the Government’s policy—but what has it done? This is another broken promise. We are dealing with another broken promise, one in the long chain of broken promises.

I can imagine how Senator Peter Walsh, the Minister for Finance, feels about the idea of yet another qango being created, with all the administrative costs which will be added, which could have been avoided by using, as my colleagues have said, the voluntary services available in Australia. When they are given voluntarily, they are given usually more efficiently, more effectively, more willingly and more appropriately.

I join with others in opposing the Bill for those reasons. I hope that sport in Australia will not turn out to be too adversely affected during the period that this Government remains in power, which will not be very long; then we can have another look at whether we should have a qango of this type.

Senator VANSTONE (South Australia) (12.32)—At the outset, I congratulate Senators Crowley and Jack Evans on being so apolitical in drawing the Senate’s attention to the contribution that the coalition parties have made to sport in Australia. I also join with my colleague Senator Peter Rae in pointing out that the question of supporting sport is not at stake. There is general consensus that sport in this country needs to be supported. The differences arise in just exactly how we should achieve that.

I agreed with almost everything Senator Evans said. He spoke of the participation of disabled people and of old people in sport. I agree with that. I simply do not believe that the admirable sentiments he expressed will be achieved by the passage of the Australian Sports Commission Bill. I wish to draw attention to the Government’s commitment to a reduction in the number of statutory authorities. As was pointed out in the Canberra Times on Thursday, 23 May, the Labor Government has made little headway in this regard. In that sense alone, this Bill is no contribution to the credibility of this Government.

However, I have some other concerns about this Bill. From reading newspapers and the mail that I have received over the last couple of weeks, it appears that I am not alone in holding these concerns. I quote from an article in the Canberra Times by a Mr Bill Mandle, who seems to understand very well some of the problems with this Bill. Writing about the Sports Commission, he said:

It is, we are told, to investigate (but with what powers, and by what right?) to elicit private funds (to distribute where, upon what criteria?) to supplement the work of the Institute (in what regard—as coach, researcher, helper?) to pay attention to the social implications of the growth of leisure (with not one of its members having displayed any interest or achievement in that aspect of sport?).

Given the time limits on the Senate today, it would not be appropriate for me to quote extensively from the representations that have been made to me by Sporting bodies, particularly in South Australia, but some from other States and nationally. I simply say that they appear to share the concerns of the Opposition with respect to this Bill. In particular, my main concern about the Bill is the aspect of ministerial control, as opposed to
has no place in this area. It should not be sticking its beak into the activities of marching girls, bushwalkers, stamp collectors, chess players and bridge players. That argument gives no support whatsoever to this Bill. While I endorse the Government's attempts to support the increased involvement of Australians in sport, I cannot support this Bill.

Senator CRICHTON-BROWNE (Western Australia) (12.42)—The Australian Sports Commission Bill 1985 establishes the Australian Sports Commission as a Commonwealth statutory authority, thereby having the effect of giving the Commonwealth Government an unprecedented influence over sport. It provides what I would regard as an unwarranted level of ministerial direction over sporting matters. The establishment of the Commission was announced on 13 September 1984, one year after the Labor Government had appointed an interim committee to advise on the role, functions and responsibilities of the proposed Commission. This committee presented its report to the Minister for Sport, Recreation and Tourism (Mr John Brown) in March 1984. I find it extremely odd that the contents of this report have been kept such a closely guarded secret. I am not alone in that view.

The Australian Confederation of Sport which, as an honourable senator pointed out earlier, has a membership of 122 national sporting organisations and can therefore perhaps lay claim to being representative of sporting concerns right throughout Australia, in commenting on that report, said:

During the period of the interim committee, and in the data gathering process leading to the production of the Interim Committee's report, consultation with national sporting operations took place, but at no time were the contents of the subsequent report made available to sport. Both the Minister and the Interim Committee refused to accede to requests for copies of the report.

Evidently the Commission will wield considerable power over sporting bodies and sporting matters. The danger lies in the amount of control the Government will be able to exert over the Commission.

Far from being an autonomous body able to act quite independently in the best interests of Australian sport, the Commission is to work expressly within the framework of stated government policies. This legislation fails to give the Commission any real independence. For example, clause 10 (1) (a) provides that the Commission shall:

... formulate a strategic plan setting out the manner in which the Commission proposes to perform its functions on a continuing basis ...

However, this plan requires approval by the Minister and indeed has no effect until the Minister's approval is given. Further, when a strategic plan is in effect the Commission must perform its functions in accordance with the plan. The Minister is at liberty to direct the policies and practices to be followed by the Commission at any time, and the Commission must comply with those directions. Mr President, as it is 12.45 p.m., I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Debate resumed.

Senator CRICHTON-BROWNE (Western Australia) (3.12)—Immediately prior to the luncheon adjournment I was speaking on the Australian Sports Commission Bill. I understand that new legislation will be introduced in the Senate this afternoon, which the Senate is required to deal with as a matter of urgency. As a result of that we have a very real difficulty with the amount of time available. Whilst the Senate might find itself denied the eloquence of the balance of my speech, I ask the Senate for leave to incorporate in Hansard the balance of my speech.

Senator Georges—I want to make a comment before I agree. It seems to me to be impossible under the Standing Orders for an honourable senator to incorporate a speech which he does not have prepared in a form which is legible for Hansard. I raise that point at this stage.

Leave Granted.

The speech read as follows—

In his second reading speech, the Minister pointed to a persistent theme, which he said had emerged during the investigations of the Interim Committee:

the need for a mechanism that allowed a much greater direct involvement by sport itself in determining needs, priorities and strategies for action

Yet under this legislation it appears that the priorities and strategies for action will be those that accord with the wishes of the Government. The Minister emphasises the ministerial control over the Commission in his second reading speech:

The Government is anxious to ensure that the Commission operates within the framework of overall government objectives and policies, which will guide the strategic plan to be prepared by the Commission for consideration by the Minister.

Additionally, the Confederation of Australian Sport pointed out that:

In the appointment of Members of the Commission, sport has not been consulted, with the result that sport is concerned that many Commission decisions could be reached without reflecting a genuine sports' input.

The other major part of this legislation is the provision for the National Sports Commission to form a company,
control by the voluntary sporting bodies. I draw the Senate's attention to some remarks made by Senator Crowley suggesting that this sort of argument was in some way critical of a Labor control of sport but seemed to accept a Liberal control of sport. I do not associate myself with those arguments at all. My complaint about this Bill is not that I oppose a Labor government controlling sport, but that I oppose any government controlling sport. I have as little faith in a Labor Minister controlling sport as I do in a Liberal Minister controlling sport. At this point, I thank the sporting bodies which took the time to telephone my office or to write to me to express their concerns. I also point out that the question of ministerial control was the concern that was most often expressed to me.

I have another concern with the Bill, and that is the reference made, through the debates in the House of Representatives and through various Press releases, to the likelihood of tax deductibility being granted for donations to the Australian Sports Aid Foundation. There are a number of matters that the Senate should take into account, given the likelihood of that tax deductibility eventuating. I believe that such deductibility for donations to the Sports Aid Foundation will do a number of things, not the least of which is that it will give the Minister control of private money. Secondly, however, I believe that sort of mechanism will take dollars away from local sport. By 'local sport' I mean the little local football club, the little league baseball club or athletics club. I believe that such a practice will draw money away from State sporting bodies. That mechanism, therefore, is nothing but an attempt to further centralise the funding of sport in Australia. I do not think it is appropriate to follow a path that leads to centralising the control of sport in Australia, because sport, of its very nature, is something in which one participates as an individual or as a member of a team. I therefore think the funding of sport and the control of sport should be kept as local as possible.

I wish to draw the Senate's attention to a number of other points. One other point I raise is the question of the administrative expenses of the Commission and the Foundation. Are these expenses to come off the top of those private donations? I do not believe that question has been answered. I wish also to address some remarks in relation to some comments made by Dr Charlesworth when speaking in the House of Representatives on 16 May. He said:

We realised that the quality of the lives of individuals in this country is enhanced and enriched by their involvement in sport.

There is no disagreement on that. I cannot see how that, on its own, is any support for the Bill at all. I simply stress that the improvement in the quality of lives, and the way in which they are enhanced and enriched, is not a consequence of government funding, but a consequence of individuals' involvement in sport. Dr Charlesworth went on to cite the example of East Germany and the quite substantial increase in the number of gold medals that that country won after its Government put its attention nationally to the funding of sport. That may well be true. I would expect Dr Charlesworth to have an interest in that, given his interest in that level of sporting activity in this country. But I point out that that is not why an Australian child at the age of five, six or seven joins the local football team. That is not why kids at school enter athletics competitions. I agree with Senator Jack Evans that we should be doing everything we can to get every child in Australia playing some sort of sport. But controlling sport from Canberra and encouraging our national teams to win more gold medals is not the only way to do that, and it is not the appropriate way to do that.

Another point I wish to raise is the point made by Dr Charlesworth when he said:

... this Commission is an advisory body, but more so than any other body, it is at arm's length from the Government.

I just cannot understand how Dr Charlesworth could possibly say that. The Government will be controlling the purse and the policy, and I say that that puts the Commission at a very short arm's length from the Minister. I query just how independent the advice that is offered to government can be when the Minister is in control. It is human nature for people giving advice to take into account the beliefs of the people to whom they are giving that advice. I therefore think it is totally inappropriate for the Minister to have the control that this Bill allows him to have.

I wish to make one final point. The Minister made some comments, again on 16 May, pointing out that the great bulk of Australians now have some sort of recreational pursuit and are being funded in that. He listed groups like marching girls, bushwalkers, stamp collectors, chess players and bridge players being funded; and so they should be. I simply draw the Senate's attention to the point of view that the Federal Government
the Australian Sports Aid Foundation, for the purpose of raising money for the development of sport.

The aim of this Foundation, according to the Prime Minister and the Minister for Sport, Recreation and Tourism, is:

To attract additional, private sector resources that can be used to support sports development programs that will benefit all levels of Australian sport.

It will, they assure us—

have the flexibility and autonomy required to generate additional funds from the private sector.

I find it very hard to accept that the Australian Sports Foundation established under this legislation will be truly autonomous. The Commission is to form the Foundation, the Commission is to raise money through the Australian Sports Aid Foundation for the purposes of the Commission, and the Commission is to administer and expend money raised by the Australian Sports Aid Foundation.

It appears that the Australian Sports Aid Foundation will be very closely bound to the Commission's strategic plan which must, of course, be designed to fit in with Government policy, and requires ministerial approval. This is very far from my idea of an independent body.

Of course, the establishment of an Australian Sports Foundation will also increase the power of the Commission. As the Confederation of Australian Sport pointed out, this would lead to a position where the Commission would control:

All of the public sector funding of sport at a national level; a substantial amount of the private sector funding and sponsorship funds; and perhaps see itself as the clearing house for all sponsorship proposals for national sports.

In addition, the Minister has said that the Government is giving full consideration to the provision of full tax deductibility for donations to the foundation. This would, of course, have the effect of directing private sector funds to the Foundation—representing enormous sums of money. The Government estimates direct sponsorship of sport by the private sector is at least $50m.

These funds would then be distributed by the Commission, according to Government policy. In addition under this legislation, the Commission needs to have the written approval of the Minister to make grants, or lend money, or provide scholarships or like benefits.

Thus the Government has a remarkable degree of financial control over sport, without any obvious benefits for Australian sport. There are no guarantees of sports role in the Foundation to be found in the legislation, rather the dominant factor will be government policy.

Finally I would make the point that this legislation is a very good illustration of the differences of approach between the Liberal Party and the ALP. As Professor David Kemp put it in the autumn 1984 review of the Institute of Public Affairs:

Wise government . . . will not overburden itself by trying to take away the capacity to plan from individuals and groups and locate this authority in government itself.

Senator RYAN (Australian Capital Territory—Minister for Education) (3.13)—I will conclude the second reading debate. Because of the time constraints I will not make a detailed response to criticisms raised by the Opposition. I simply point out that the claims that there has not been consultation are quite wrong. There has been extensive consultation in the preparation of the legislation. Indeed, the modus operandi of the Australian Sports Commission will be consultation with sporting organisations and other relevant organisations. I think it is clear that there has been adequate and satisfactory consultation, given that expressions of support to the Commission have come from virtually all sporting organisations—for example, organisations associated with tennis; Australian football; rugby league; soccer; rowing; volleyball; the Australian Olympic Federation; the Australian Institute of Sport; the Australian Sports Medicine Federation; and the Australian Council for Health, Physical Education and Recreation, amongst many others. So the Bill is the product of consultation. It is supported broadly throughout the sporting community. I believe it will achieve the objective of helping to support and stimulate a great variety of sporting activities which Australians enjoy. I commend the Bill to the Senate.

Question put:
That the Bill be now read a second time.

The Senate divided.

(The President—Senator the Hon.
Douglas McClelland)

Ayes .......................... 37
Noes .......................... 30

Majority ........................ 7

AYES

Aulich, T.
Black, J. R.
Bouttie, N.
Butler, J. N.
Child, B. K.
Chipp, D. L.
Cookin, J.
Colston, M. A.
Cook, P. F. S.
Cooney, R.
Crowley, R. A.
Devlin, R.
Eustath, R. C.
Evans, Gareth
Evans, Jack
Foreman, D.
Georges, G.
Guzdell, A. T.
Giles, P. J.

Haines, J.
Hans, J. M.
McClelland, Douglas
McKinnon, G. D.
McKenna, J. P.
Macklin, M. J.
Maguire, P. F.
Maton, C. V. J.
Pilmer, G. C.
Ray, Robert
Reynolds, M.
Richardson, G. F.
Robinson, E. A. (Teller)
Ryan, S. M.
Sibra, K. W.
Vigor, D.
Walsh, P. A.
Zakharov, A. O.
that certain answers may create an impression that the NFL is for one body and against the other.

We believe that the Confederation and the Sports Commission should have two very important but distinctly different roles.

The NFL is most appreciative of the Confederation's initiatives and achievements and fully supports it as the organisation to represent the interests of National Sporting Organisations. However we strongly support the concept of the Australian Sports Commission, with its independent membership, being responsible for policy and allocation in respect of Federal Government funding.

As with every statutory authority, there will be some shortcomings. Certainly, I was disappointed at the large membership of the Commission. I have personally spoken to John Brown, Ted Harris and Bruce McDonald along these lines.

However, I am satisfied that the establishment of the ASC is a most progressive innovation. Its structure and the independent nature of its membership will permit it to make a positive contribution to Australian sport. The general thrust of its activities should, I believe, receive our full support.

Having been a member of the past Sports Advisory Council, which I found to be ineffective and at times parochial, I personally support the advent of the ASC and do not agree that a separate advisory committee is necessary.

The NFL does not conform to the view that the Commission should be representative of National Associations as this would again lead to parochialism and sectional lobbying evident in the former Sports Advisory Council. Whatever the perceived failings of the Commission's present membership, it is at least independent in a sense that the individuals are not open to instruction from sporting associations.

The interim Commission comprising expertise in Business, Public Sector and Sport, is considerably more progressive than a return to the system of an Advisory Council, essentially representing vested interests.

I am confident that any areas of concern regarding the roles of the Confederation and the Commission can and will be resolved.

Yours sincerely

A. J. AYLETT
President

17.5.85

Mr L. J. Martin
President
Confederation of Australian Sport
78 Jolimont Street
Jolimont, Vic. 3002

Dear Les

Re Australian Sports Commission

I have chosen to write to you direct rather than complete your Confederation's Questionnaire as I am concerned
The Hon. J. J. Brown, M.P.
Minister for Sport, Recreation and Tourism,
Parliament House,
Canberra

Apparently the LTAA was referred to in Parliament yesterday by the Opposition as being opposed to aspects of the Australian Sports Commission Bill.

I wish to make it clear that the LTAA, in fact is not in opposition to the Bill and indeed specifically declined to answer a questionnaire circulated by the Confederation of Australian Sport dealing with it. This was done because it was felt that the questionnaire was loaded and we certainly did not wish to appear to be party to providing material for opposition use.

I may say that I had, previous to this telex forwarded correspondence to you.

Nothing in the above statements is meant to suggest that the Confederation of Australian Sport has dishonoured the confidentiality of its questionnaire.

COLIN McDONALD
Executive Director,
Lawn Tennis Association of Australia

Bill agreed to.
Bill reported without amendment; report adopted.

Third Reading
Bill (on motion by Senator Ryan) read a third time.