

AUSTRALIAN OLYMPIC COMMITTEE

INCORPORATED
A.B.N. 33 052 258 241

President:
John Coates AC



16 February 2017

Mr John Wylie AM
Chair
Australian Sports Commission
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Dear John,

Further to our recent correspondence I now submit the attached draft framework for a partnership agreement between our two organisations for your consideration.

The following are potential areas for co-operation, under the AOC's Objects, for such a partnership agreement and for which we can consider mobilising our Olympians and, in some cases, extending access to the Olympic brand (for non-commercial use) (Olympic Agenda 2020 Recommendation 36) to promote and encourage these activities.

AOC Objects Clauses:

- 6.2 to promote, raise awareness of and encourage participation in sport for benefits of health, longevity, fitness, skill, achievement, social interaction, wellbeing and other benefits of exercise for all individuals in Australia;
- 6.4 to promote the fundamental principles and values of Olympism in Australia, in particular, in the fields of sport and education, by promoting Olympic sporting and health, educational programmes in all levels of schools, sports and physical education institutions and universities, as well as by encouraging the creation of institutions dedicated to Olympic education, such as National Olympic Academies, Olympic Museums and other programmes, including cultural, related to the Olympic Movement;
- 6.6 to recognise the heritage, culture and contribution of our nation's first people, and to give practical support to the issue of indigenous reconciliation through sport;
- 6.7 to encourage the development of sport for all for the health, wellbeing and other benefits to all individuals in Australia, and in support and encouragement of those objects, the development of high performance sport as the pinnacle of the benefits of sporting participation;
- 6.8 to take action against any form of discrimination and violence in sport;
- 6.9 to adopt and implement the World Anti-Doping Code;

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- 6.10 to encourage and support measures relating to the medical care and health of athletes;
- 6.11 to protect clean athletes and the integrity of sport by being a leading advocate in the fight against doping in Australia, and by taking action against all forms of manipulation of competition and related corruption.

In addition, while the AOC has exclusive authority for the representation and participation of Australia at the Olympic Games (Olympic Charter Rule 27.3), for Tokyo 2020 we would like to again work with the AIS (and SISs) (as we already are with our National Sports Federations) in our planning and preparations. We would also like to be able to consider appointing AIS (and SIS) employed medical and scientific support staff and coaches among our voluntary team staff, with priority in every case to those working with the National Sports Federations and proposed by them.

From the IOC's Olympic Agenda 2020 Recommendations we would like to work with the ASC to:

- Foster gender equality across Australian sport (Recommendation 11). Note "equality" not "equity";
- Ensure non-discrimination on sexual orientation across Australian sport (Recommendation 14).
- Strengthen support to athletes (Recommendation 18) in their transition from an athlete career to life after sport in the areas of health and wellness, related crisis management and career progression. Grant Hackett's current problem highlights the urgency for all of us to do more in these areas.
- Engaging with communities (Recommendation 23) including:
 - volunteers,
 - youth, and
 - and Masters age groups

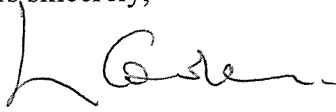
We are keen to consider the re-appointment of the AIS and its Olympic Training Centre in Varese, Italy (along with the SISs and OWIA) as AOC Olympic Training Centres and with the access to the Olympic brand which currently goes with these appointments.

We will continue to support the ASC in its efforts to establish an online national lottery for sport and in seeking increased Government appropriations for sport.

We are open to consider any other areas for co-operation which you identify and for which the AOC does not have exclusive authority under the Olympic Charter and which do not involve the AOC funding ASC programs.

I look forward to hearing from you and progressing a partnership.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Coates', written in a cursive style.

JOHN COATES

President, Australian Olympic Committee

Vice President, International Olympic Committee

Chair, IOC Coordination Commission for the Games of the XXXII Olympiad and the Paralympic Games, Tokyo 2020

cc: The Hon Greg Hunt MP, Minister for Sport
Ms Kate Palmer, CEO, Australian Sports Commission
AOC Executive
Presidents and CEOs of all Olympic National Sports Federations
Chair and CEOs of all State Institutes and Academies of Sport



DRAFT

Partnership Agreement

between

Australian Olympic Committee

and

Australian Sports Commission

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Date

Parties

1. **Australian Olympic Committee Inc.** (ABN 33 052 258 241) of Level 4, Museum of Contemporary Art, 140 George Street, Sydney, NSW 2000 (**AOC** or **Committee**).
2. **Australian Sports Commission** (ABN 67 374 695 240) of PO Box 176, Belconnen, ACT 2616 (**ASC** or **Commission**).

Recitals

- A On 14 November 2016, the AOC shared with the ASC a template provided by the International Olympic Committee (**IOC**) *to facilitate co-operation between government authorities, and National Olympic Committees and National Sports Federations, under Olympic Agenda 2020 Recommendation 28 – Support Autonomy (Recommendation 28)*.
- B In a letter from the ASC to the AOC dated 21 December 2016, the ASC proposed a partnership between the parties.
- C Recommendation 28, is in line with the close cooperation between the IOC and the United Nations (**UN**) and in particular the principles enshrined in Resolutions of the UN General Assembly, which recognise *sport as a means to promote education, health, development and peace*, and also *support the independence and autonomy of sport as well as the mission of the IOC in leading the Olympic Movement and of the International Paralympic Committee in leading the Paralympic Movement*.
- D Cooperation between government authorities and National Olympic Committees and National Sports Federations is also based on the Olympic Charter and the principles and rules which govern the Olympic Movement, in particular paragraph 5 of the Fundamental Principles of Olympism which states: *“Recognising that sport occurs within the framework of society, sports organisations within the Olympic Movement shall have the rights and obligations of autonomy, which include freely establishing and controlling the rules of sport, determining the structure and governance of their organisations, enjoying the right of elections free from any outside influence and the responsibility for ensuring that principles of good governance be applied.”*
- E While *Recommendation 28* encompasses co-operation and interaction between government authorities and National Sports Federations, that is a matter for those parties to develop, and not the business of the AOC or addressed in this agreement.
- F In application of *Recommendation 28*, clause 6.13 of the AOC Constitution (set out in Schedule 1) and clause 7.1(b) and (q) of the *Australian Sports Commission Act 1989* (Cth) (**Act**) (included in Schedule 2), the AOC and ASC agree to enter into a partnership agreement on the terms and conditions set out in this Agreement.

It is agreed as follows.

1. Purpose

1. In view of the above, the parties undertake to mutually recognise and respect the following principles and elements.
 - a. The development of sport in a country requires harmonious collaboration, synergies and common-sense relations between:
 - i. the public authorities, in the framework of their public service missions; and
 - ii. the sports organisations, in the framework of their mission to develop, regulate and manage the practice of sport and sports competitions.
 - b. This concerted, coordinated, negotiated and consensual approach is aimed at achieving efficient cooperation which will benefit sport and the athletes, in a climate of mutual trust, and at the same time avoid undue interference and conflict situations.
 - c. To achieve this, it is necessary to properly define the role and responsibilities of the ASC, on the one hand, and the AOC, on the other, and to establish the necessary interactions by jointly determining the areas of cooperation and common interest, with mutual respect for the prerogatives and competences of each, taking into account the specificity of sport and the autonomy of the sports organisations.
 - d. The autonomy of sports organisations is a basic principle of the Olympic Movement which results from the specific nature of sport. Autonomy is not an end in itself, but a necessary means of ensuring the universality of sport, its values and its rules, and the integrity of sports competitions.
 - e. The principle of autonomy implies rights (freedom of association, power of self-regulation and definition of sporting and internal governance rules by sports organisations without undue external interference, etc.) but also duties (respect of the general legal framework applicable in the country, the rules and statutes of the international sports organisations concerned, the basic principles of good governance for the proper functioning of the organisation, its credibility and reputation, etc.). It is in this sense that the Olympic Movement speaks of “responsible autonomy”.
 - f. Autonomy of sports organisations does not mean that such organisations act in isolation, outside the national context in which they are established. On the contrary, sport and sports organisations are fully part of the framework of the local society and context, whilst respecting the universal values which characterise them. This is the principle of unity in diversity.
 - g. Membership of the Olympic Movement is free and voluntary, but if a sports organisation decides to be part of the Olympic Movement and fulfils the necessary conditions, it must respect – and be in a position to respect within its own country – the universal principles and rules which govern the Olympic Movement. This is a prerequisite to enable athletes, teams and sports leaders to take part in and represent their country at regional, continental or global sports events, and to benefit from the assistance and support of international sports organisations for the development of sport in their country.
 - h. Unlike the majority of National Sports Federations in Australia, the AOC neither seeks nor receives financial support from the ASC to fulfil its mission and role.

- i. In the framework of the Act, the ASC provides leadership in the development of sport in Australia [The ASC may wish to expand];
- j. There is the potential for cooperation and interaction in many areas. The aim is to identify and develop synergies between the ASC and AOC, based on partnership, jointly defining the role and responsibilities of each party and respecting the prerogatives of the ASC as defined in the Act (Clause 6 Objects and Clause 7 Functions, set out in Schedule 2), and the role, competences and exclusive authority of the AOC, as defined in the Olympic Charter and the AOC Constitution (Clause 6 Objects, set out in Schedule 1).

2. Mutual Obligations

1. Both parties agree to:-
 - (a) commence and maintain a constructive and inclusive dialogue to identify and develop synergies, based on their respective, non-exclusive roles and responsibilities, in which they can enjoy a working relationship. This includes encouraging the development of 'sport for all' for the health, wellbeing and other benefits to all individuals in Australia and, in support and acknowledgement of these objects, the development of high performance sport as the pinnacle of the benefits of sporting participation; and
 - (b) recognise and respect the independence and autonomy of National Sports Federations in Australia.

3. Meetings

1. The parties will meet quarterly alternating between each other's offices in Canberra and Sydney and be represented at such meetings:
 - (a) on the part of the AOC by its President or nominee, Chief Executive Officer and one other member of the AOC Executive or senior management; and
 - (b) on the part of the ASC by its Chairman or nominee, Chief Executive Officer and one other member of the ASC Board or senior management.

4. Indemnities

Neither party indemnifies the other against any claim, loss, debt, damage, liability, cost or expense that may be incurred or sustained by one party arising directly or indirectly out of any act, matter or thing done, permitted or omitted to be done by the other party, its employees or representatives in relation to the performance or breach of this Agreement.

5. Limitation of Liability

Neither party is liable to the other to make any payment (whether by way of indemnity, damages or otherwise) in respect of any loss arising from any breach of this Agreement or negligence.

6. Term and Termination

The Agreement shall remain in force from the date of execution of this Agreement until it is terminated by one of the parties, in writing, with 3 months notice to the other party.

7. General

1. No monetary consideration

For the avoidance of doubt, there will be no exchange or transfer of money between the parties to give effect to all or any part of this Agreement.

2. No Agency or Partnership

Nothing in this Agreement is to be construed as constituting an agency, partnership, joint venture, or any other form of association between the parties in which one party may be liable for the acts or omissions of the other party. No party has the authority to incur any obligation or make any representation or warranty on behalf of, or to pledge the credit of, the other party.

3. Further Assurances

Each party must do everything necessary (including executing agreements and documents) to give full effect to this Agreement and the relationships contemplated by it.

4. Counterparts

This Agreement may be executed in any number of counterparts. All counterparts together will be taken to constitute one instrument.

8. Interpretation

1. The singular includes the plural, and the converse also applies.
2. A reference to an agreement or document (including a reference to this Agreement) is to the agreement or document as amended, supplemented, novated or replaced, except to the extent prohibited by this Agreement or that other agreement or document, and includes the recitals and schedules to that agreement or document.
3. Mentioning anything after *includes, including, for example* or similar expressions does not limit what else might be included.
4. Where this Agreement is inconsistent with the AOC Constitution, the latter will prevail and this Agreement, to the extent of the inconsistency, will be invalid.
5. Where this Agreement is inconsistent with the Act, the latter will prevail and this Agreement, to the extent of the inconsistency, will be invalid.

Date: _____.

Executed in accordance with section 38 of the *Associations Incorporation Reform Act 2012* (Vic) by the **Australian Olympic Committee Inc.:**

Member of the Executive Signature

Company Secretary/Member of the Executive Signature

Print Name

Print Name

Executed on behalf of the **Australian Sports Commission** by its authorised agent/s:

Board Member Signature

Board Member/Secretary Signature

Print Name

Print Name

Schedule 1

AOC Constitution

Clause 6 - Objects

The objects of the Committee are:

- 6.1 to develop, promote and protect the principles of Olympism and the Olympic Movement in Australia in accordance with the Olympic Charter and all regulations and directives issued by the IOC;
- 6.2 to promote, raise awareness of and encourage participation in sport for benefits of health, longevity, fitness, skill, achievement, social interaction, wellbeing and other benefits of exercise for all individuals in Australia;
- 6.3 in support of the above objects, to effect its exclusive authority for the representation and participation by Australia at the Games, Youth Olympic Games, Youth Olympic Winter Games and at Regional Games and do all matters incidental thereto, including the selection and discipline of all members of the teams to represent Australia at those Games. The Committee is obliged to participate in the Games by sending athletes
- 6.4 to promote the fundamental principles and values of Olympism in Australia, in particular, in the fields of sport and education, by promoting Olympic sporting and health, educational programmes in all levels of schools, sports and physical education institutions and universities, as well as by encouraging the creation of institutions dedicated to Olympic education, such as National Olympic Academies, Olympic Museums and other programmes, including cultural, related to the Olympic Movement;
- 6.5 to ensure the observance of the Olympic Charter in Australia;
- 6.6 to recognise the heritage, culture and contribution of our nation's first people, and to give practical support to the issue of indigenous reconciliation through sport;
- 6.7 to encourage the development of sport for all for the health, wellbeing and other benefits to all individuals in Australia, and in support and encouragement of those objects, the development of high performance sport as the pinnacle of the benefits of sporting participation;
- 6.8 to take action against any form of discrimination and violence in sport;
- 6.9 to adopt and implement the World Anti-Doping Code;
- 6.10 to encourage and support measures relating to the medical care and health of athletes;
- 6.11 to protect clean athletes and the integrity of sport by being a leading advocate in the fight against doping in Australia, and by taking action against all forms of manipulation of competition and related corruption;
- 6.12 to exercise its exclusive authority to select and designate the city or cities which may apply to organise Games in Australia;
- 6.13 in order to fulfil these objects, the Committee may cooperate with governmental bodies. The Committee shall not associate itself with any activity which would be in contradiction with the

Olympic Charter. The Committee may also cooperate with non-governmental bodies;

6.14 to preserve its autonomy and resist all pressures of any kind, including but not limited to political, legal, religious or economic pressures which may prevent the Committee from complying with the Olympic Charter;

6.15 that it has the right to:

- 1) designate, identify or refer to itself as the Australian Olympic Committee (AOC) which designation or identification must be included or referred to in its name;
- 2) send competitors, team officials and other team personnel to the Games in compliance with the Olympic Charter;
- 3) benefit from the assistance of Olympic Solidarity;
- 4) use certain Olympic properties as authorised by the IOC and in compliance with the Olympic Charter;
- 5) take part in activities led or patronised by the IOC, including Regional Games;
- 6) belong to ANOC and ONOC;
- 7) formulate proposals to the IOC concerning the Olympic Charter and the Olympic Movement, including the organisation of the Games;
- 8) give its opinions concerning the candidatures for the organisation of the Games;
- 9) participate, on request from the IOC, in the activities of the IOC commissions;
- 10) collaborate in the preparation of Olympic Congresses;
- 11) exercise other rights as granted to the Committee by the Olympic Charter or by the IOC; and

6.16 to do all such other acts and things incidental to the attainment of these objectives.

Schedule 2

Australian Sports Commission Act 1989 (Cth) - Clauses 6 and 7

6. Objects

1. The objects of the establishment of the Commission are:
 - a) to provide leadership in the development of sport in Australia;
 - b) to encourage increased participation and improved performance by Australians in sport;
 - c) to provide resources, services and facilities to enable Australians to pursue and achieve excellence in sport while also furthering their educational and vocational skills and other aspects of their personal development;
 - d) to improve the sporting abilities of Australians generally through the improvement of the standard of sports coaches;
 - e) to foster co-operation in sport between Australia and other countries through the provision of access to resources, services and facilities related to sport; and
 - f) to encourage the private sector to contribute to the funding of sport to supplement assistance by the Commonwealth.

7. Functions

1. The functions of the Commission are:
 - a) to advise the Minister in relation to the development of sport;
 - b) to co-ordinate activities in Australia for the development of sport;
 - c) to develop and implement programs that promote equality of access to, and participation in, sport by all Australians;
 - d) to develop and implement programs for the recognition and development of:
 - i. persons who excel, or who have the potential to excel, in sport;
 - ii. persons who have achieved, or who have the potential to achieve, standards of excellence as sports coaches, umpires, referees or officials essential to the conduct of sport;
 - e) to initiate, encourage and facilitate research and development in relation to sport;
 - f) to undertake research and development related to sports science and sports medicine;
 - g) to provide sports medicine services and sports science services to persons participating in programs of the Commission;
 - h) to establish, manage, develop and maintain facilities for the purposes of the Commission;
 - j) to collect and distribute information, and provide advice, on matters related to the activities of the Commission;

- k) for the purpose of fostering co-operation in sport between Australia and other countries, to provide access to persons from other countries to the resources, services and facilities of the Commission;
- m) to raise money through the Australian Sports Foundation, or by other means, for the purposes of the Commission;
- n) to administer and expend money appropriated by the Parliament, or raised in accordance with paragraph (m), for the purposes of the Commission;
- p) to consult and co operate with appropriate authorities of the Commonwealth, of the States and of the Territories, and with other persons, associations and organisations, on matters related to the activities of the Commission; and
- q) to provide advice on matters related to sport to the Australian Olympic Federation or other persons, bodies or associations; and
- r) to co-operate with national and international sporting organisations in aiming to foster a sporting environment that is free from the unsanctioned use of performance enhancing drugs and doping methods.