



SWIMMING AUSTRALIA LIMITED

GAMBLING, BETTING AND MATCH FIXING POLICY

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Review History of SAL's Child Welfare Policy

Version	Date endorsed	Content reviewed/purpose
<i>Original Version 0.0</i>		<ul style="list-style-type: none">• <i>Original version</i>
<i>Version 1.0</i>	<i>January 2014</i>	<ul style="list-style-type: none">• <i>Match Fixing incorporated into the Betting and Gambling Policy</i>• <i>Meets requirements of the Australian Sports Commission and the National Integrity of Sport Unit (Department of Sport)</i>

Background

Through this Policy, Swimming Australia Limited ('Swimming Australia') aims to ensure that our core values, good reputation, and positive behaviours and attitudes are maintained.

Swimming Australia recognises that betting is a legitimate pursuit, however illegal or fraudulent betting is not. Fraudulent betting on sport and the associated match-fixing is an emerging and critical issue globally, for sport, the betting industry and governments alike.

Swimming Australia and its Member Organisations have a major obligation to address the threat of match-fixing and the corruption that flows from that.

Swimming Australia and its Member Organisations have a zero tolerance for illegal gambling and match-fixing. Swimming Australia will engage the necessary technical expertise to administer, monitor and enforce this Policy.

The purpose of the Swimming Australia Gambling, Betting and Match-fixing Policy ('the Policy') is to:

- i. protect and maintain the integrity of the sport of swimming in Australia
- ii. protect and maintain the integrity of Swimming Australia and its Member Organisations
- iii. protect against any efforts to impact improperly the result of a race or event covered by this Policy
- iv. establish a uniform rule and consistent scheme of enforcement and penalties, and
- v. adhere to the National Policy on Match-fixing in Sport as agreed by Australian Governments on 10 June 2011.

The conduct prohibited under this Policy may also be a criminal offence or a breach of other applicable laws or regulations. This Policy is intended to supplement such laws and regulations. It is not intended, and should not be interpreted, construed or applied, to prejudice or undermine in any way the application of such laws and regulations.

Relevant Persons (as defined in the Policy) must comply with all applicable laws and regulations at all times.

This Policy has been adopted and may be amended from time to time by Swimming Australia by a resolution of the Board of Swimming Australia. The Board may, in its sole discretion, delegate any or all of its powers under this Policy, including but not limited to the power to adopt, apply, monitor and enforce this Policy.

By virtue of their ongoing membership, employment or other contractual relationship with Swimming Australia, Relevant Persons are bound by this Policy and are required to comply with all of its provisions.

A copy of this Policy and any related attachments can be found on our website (www.swimming.org.au) or by contacting our office on 02 6219 5600.

1. Definitions

1.1. In this Policy the following words have the following meaning:

“Australian Swim Team” means any team of Swimmers selected to represent Swimming Australia at an Event;

“Betting Operators” means an operator in the sports wagering industry, including corporate bookmakers and totalisator agencies.

“Board” means the Directors of Swimming Australia as defined in Swimming Australia’s Constitution.

“Coach” means any coach registered with Swimming Australia (via the Australian Swim Teachers and Coaches Association);

“Competition Zone” means the field of play and back of house designated areas at a Swimming Australia Event;

“Concerned Party” means a Relevant Person who is the subject of an allegation or report of an Offence under this Policy.

“Director” means a member of the Board other than the Chief Executive Officer.

“Employees” means employees, independent contractors, agents and consultants of Swimming Australia;

“Event” means any swimming competition held anywhere in the world, whether or not affiliated with a Governing Body, in which a Swimmer is a participant, or in which a Swimmer is registered or has been registered as a participant, and includes part of an Event;

“Governing Body” means either Swimming Australia, being the national governing body for swimming in Australia or the Fédération Internationale de Natation (‘FINA’) being the international governing body of swimming, diving, water polo, synchronized swimming and open water swimming;

“Information in the Public Domain” refers to information that has been published or is a matter of public record or can be readily acquired by an interested member of the public or is information that has been disclosed according to the rules or regulations governing a particular Event or part of an Event.

“Inside Information” refers to information about the likely participation or likely performance of a Swimmer in an Event or part of an Event or concerning the weather, water conditions, pool conditions, status, outcome or any other aspect of an Event or part of an Event that is not Information in the Public Domain.

“Integrity Officer” means a Swimming Australia employee: -

- a) located at any office; or
- b) contracted team support staff member specifically appointed as part of a Australian Swim Team.

“Integrity Panel” means the panel constituted as pursuant to rule 43.7 (e) of the Swimming Australia constitution.

“Match Fixing” includes, without limitation, the following conduct:

- a) directly or indirectly contriving or attempting to contrive the result of an Event or part of an Event in exchange for any benefit or reward;
- b) deliberately underperforming or ‘tanking’ as part of an arrangement relating to betting on the outcome of any contingency within a Event;
- c) deliberately fixing, or exerting any undue influence on, any occurrence within any Event as part of an arrangement relating to betting on the outcome of any contingency within a Event;
- d) inducing or encouraging any Relevant Person to deliberately underperform as part of an arrangement relating to betting on the outcome of any Event;
- e) providing Inside Information other than in connection with bona fide media interviews and statements;
- f) ensuring that a particular incident, that is the subject of a bet, occurs;
- g) providing or receiving any gift, payment, advantage, commission or benefit that might reasonably be expected to bring the Relevant Person or Swimming Australia into disrepute; and
- h) engaging in conduct that relates directly or indirectly to any of the conduct described in above and is prejudicial to the interests of Swimming Australia or which bring a Relevant Person or Swimming Australia into disrepute;

“Member Organisation” means Member Associations of Swimming Australia as defined in Swimming Australia’s Constitution.

“Nominated Person” means the:

- a) President of Swimming Australia;
- b) Chief Executive Officer of Swimming Australia;
- c) any person or persons delegated by the Chief Executive Officer or Board to receive such information;
- d) a General Manager or Chief Executive Officer of a Member Organisation.

“Offence” means any Prohibited Conduct;

“Policy” means this policy as amended from time to time by Swimming Australia;

“Prohibited Conduct” refers to conduct defined in clause 4.1 of this Policy;

“Relevant Persons” refers to:

- a) directors of Swimming Australia;
- b) directors of Swimming Australia’s Member Organisations;
- c) employees of Swimming Australia and Swimming Australia’s Member Organisations;
- d) all people holding ‘accreditation’ to access the Competition Zone at any Event sanctioned by Swimming Australia;
- e) Technical Officials, who officiate in Events conducted by Swimming Australia;
- f) Coaches and staff that are:
 - i. national team Coaches or staff;
 - ii. national training centre Coaches;
 - iii. podium and podium potential centre Coaches; or

- iv. state mentor Coaches or state development managers.
- g) Swimmers that are:
 - i. selected for the Australian Swim Team;
 - ii. that are receiving funding from or through Swimming Australia;
 - iii. on a scholarship at the Swimming Australia national training centre; or
 - iv. competing in Events conducted by Swimming Australia.

“Reporting Offence” refers to any conduct described in clause 5 of this Policy;

“Swimmer” refers to any swimmer who enters or participates in any Event;

“Swimming Australia” means Swimming Australia Limited; and

“Technical Official” means any official registered with Swimming Australia and that officiates in an Event.

2. Who this Policy applies to

2.1 This Policy applies to Relevant Persons.

3. Education

3.1 All Relevant Persons as at the commencement of this Policy must, within two months, undertake Swimming Australia’s gambling, betting and match fixing policy education and training program.

3.2 All persons who become Relevant Persons after the commencement of this Policy must undertake Swimming Australia’s gambling, betting and match fixing policy education and training program:

- a) prior to competing in an Event, or
- b) within two months of commencing employment (whether paid or voluntary).

3.3 All Relevant Persons must complete ongoing gambling, betting and match fixing education and training programs as determined and reasonably directed by Swimming Australia from time to time.

3.4 Member Organisations agree to provide Relevant Persons with access to Swimming Australia’s gambling, betting and match fixing policy education and training program in order to enable the Relevant Persons to comply with this Policy.

4. Prohibited Conduct

4.1 A Relevant Person must not directly or indirectly, alone or in conjunction with another or others breach this Policy by engaging in any of the following Prohibited Conduct:

- a) betting or wagering on the outcome of an Event or part of an Event, whether or not he or she is participating in the Event;

- b) having an interest in any bet or wager on any Event or part of an Event, including having someone else place a bet or wager on their behalf;
- c) facilitating or assisting with the making of a bet or wager on an Event or part of an Event;
- d) participating in, encouraging, inducing, advertising or promoting betting on an Event or part of an Event, without the prior permission of Swimming Australia;
- e) accepting any gift or other advantage including but not limited to money promised or sent to them or a third party to incite, cause or contribute to any breach of this Policy;
- f) accepting any commission or promises of such commission for negotiating deals of any kind while performing their duties, unless Swimming Australia or a Governing Body approves any such commission;
- g) contravening applicable betting, wagering or gambling laws of any State or Territory of Australia or of any other country;
- h) engaging in any other form of corrupt conduct in relation to any Event or part of any Event;
- i) participating (whether by act or omission) in Match-Fixing; and
- j) any breach of the Reporting Offences at clause 5 of this Policy.

4.2 For the purposes of clause 4.1, any attempt or any agreement to act in a manner that may culminate in Prohibited Conduct shall be treated as if the relevant Prohibited Conduct had occurred, whether or not the Prohibited Conduct actually occurred as a result of the attempt or agreement to act.

4.3 For the purposes of clause 4.1, if a Relevant Person knowingly assists or is a party in attempting to conceal or cover up Prohibited Conduct, that Relevant Person will be treated as having engaged in the Prohibited Conduct personally.

5. Reporting Offences

5.1 A Relevant Person must immediately disclose to a Nominated Person:

- a) if he or she receives an approach from another person to engage in Prohibited Conduct;
- b) if he or she know or reasonably suspect that any Relevant Person, including a person that once was a Relevant Person, has or will engage in conduct or that such a Relevant Person has been approached to engage in Prohibited Conduct;
- c) if he or she has received or is aware or reasonably suspects that another current or former Relevant Person has received actual or implied threats of any nature in relation to past or proposed Prohibited Conduct; or
- d) if he or she is interviewed as a witness or suspect or is arrested or charged by police in respect of conduct that may amount to an allegation of Prohibited Conduct.

5.2 A Relevant Person has a continuing obligation to report any new knowledge or suspicion to a Nominated Person regarding any Prohibited Conduct even if the Relevant Person's prior knowledge or suspicion has already been reported.

5.3 Where the Nominated Person in any report made under clause 5.1 is any person other than the Chief Executive Officer of Swimming Australia that Nominated Person must immediately, where written notice is provided, forward a copy of the written notice to the Chief Executive Officer of Swimming Australia.

- 5.4 Where a person makes a verbal disclosure to a Nominated Person under clause 5.1, that person must as soon as practicable, confirm the disclosure by providing the disclosure in writing to the Nominated Person.
- 5.5 For the purposes of this clause 5, an allegation may include, but is not limited to:
- a) information that a Relevant Person has acted inconsistently with the Policy; or
 - b) information that a Relevant Person has acted inconsistently with the Policy as witnessed by a Relevant Person; or
 - c) information that a Relevant Person has acted inconsistently with the Policy as notified by a third party.
- 5.6 A Relevant Person reporting an allegation will only be identified to the Concerned Party where required by law or where it is necessary to do so to ensure procedural fairness in the course of investigating the allegation.
- 5.7 For the avoidance of doubt a breach of this clause (clause 5) by a Relevant Person constitutes a Reporting Offence and comes within the definition of Prohibited Conduct.

6. Investigations

- 6.1 Upon notification under clause 5.1, 5.2 or 5.3, the Chief Executive Officer of Swimming Australia will appoint an appropriate person (Investigating Officer) to independently investigate the allegation, who may be:
- a) a designated Swimming Australia Integrity Officer;
 - b) a senior Swimming Australia executive, board member or manager; or
 - c) an independent, external person with appropriate and relevant experience in the investigation of complaints.
- 6.2 The Chief Executive Officer may decide in his/her absolute discretion to suspend the Concerned Party from their normal duties until the investigation has been completed.
- 6.3 Once the investigation has been completed, the Investigating Officer shall prepare a report (Investigation Report) for the Swimming Australia Chief Executive Officer or the Board as appropriate.
- 6.4 Where the Chief Executive Officer or the Board finds that on the balance of probability the allegation cannot be substantiated the Concerned Party will be informed by the Chief Executive Officer or his/her delegate, that the allegation has been unsubstantiated and that the matter is closed.
- 6.5 Where the Chief Executive Officer finds that on the balance of probability the allegation is substantiated he/she may:
- a) refer the allegation to the Integrity Panel for review and report to the Board with recommendations;
 - b) report to the police force in the jurisdiction the offence is alleged to have occurred and/or the Australian Federal Police; or
 - c) make a decision pursuant to clause 7.
- 6.6 This Policy does not limit Swimming Australia from enforcing any other Swimming Australia contract, Constitution provision, by-law, policy, rule or regulation.

7. Consequences of committing an Offence under this Policy

- 7.1 Where it is alleged or found that a Relevant Person has committed an Offence under this Policy, that person may be subject to disciplinary action, sanctions or termination as determined by Swimming Australia Chief Executive Officer or Board, having regard to the type of Relevant Person and their relationship and obligations to Swimming Australia.
- 7.2 Swimming Australia may refer any allegation of an Offence by a Relevant Person to the appropriate authorities of the relevant State or Territory of Australia or country in which an Offence has or is alleged to have occurred.

8. Monitoring by Betting Operators

- 8.1 Relevant Persons to whom this Policy applies must disclose information to Swimming Australia of all their business interests and connections with Betting Operators.
- 8.2 Swimming Australia will work with Betting Operators to help ensure the ongoing integrity of the Events operated under the auspices of Swimming Australia and Member Organisations.
- 8.3 Swimming Australia may request Betting Operators to monitor and conduct regular audits of its databases and records to monitor the incidents of suspicious betting transactions (including single or multiple betting transactions or market fluctuations) that may indicate or tend to indicate that Relevant Persons have engaged in conduct that is Prohibited Conduct under this Policy.
- 8.4 In order to enable the Betting Operator to conduct such audits, Swimming Australia may, from time to time and subject to any terms and conditions imposed on or by Swimming Australia (including in relation to confidentiality and privacy), provide to Betting Operators details of Relevant Persons who are precluded by virtue of this Policy from engaging in Prohibited Conduct.
- 8.5 Swimming Australia may request that Betting Operators provide the Board with regular written reports on incidents of suspicious betting transactions (including single or multiple betting transactions or market fluctuations) that may indicate or tend to indicate that Relevant Persons have engaged in conduct that is Prohibited Conduct.