



Gambling & Anti-Race Fixing Policy

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Gambling and Anti-Race Fixing Policy

IMPORTANT POINTS

- Swimming Australia recognises that gambling is a legitimate pursuit, however illegal or fraudulent gambling is not. Fraudulent gambling on sport and the associated race-fixing and spot-fixing is an emerging and critical issue globally for sport, the betting industry and governments alike.
- Race fixing can be a crime and punishable by law.
- This Policy prescribes prohibited conduct which constitutes a breach, as well as offences which must be reported to Swimming Australia.
- Through this Policy, Swimming Australia aims to ensure that its core values, good reputation, and positive behaviours and attitudes are maintained.

1. INTRODUCTION

- (a) Swimming Australia takes the threat of race-fixing and the corruption that flows from it seriously.
- (b) Swimming Australia has zero tolerance for illegal gambling and race-fixing. Swimming Australia will engage the necessary technical expertise from time to time to administer, monitor and enforce this Policy.

2. PURPOSE

The purpose of this Policy is to:

- (a) protect and maintain the integrity and reputation of:
 - (i) the sport of swimming in Australia; and
 - (ii) Swimming Australia and its Member Associations; and
 - (iii) Relevant Persons;
- (b) protect against any efforts to improperly impact the result of a race or Event;
- (c) establish a uniform rule and consistent scheme of enforcement and penalties;
- (d) educate Relevant Persons and Clubs about the potential risks associated with gambling and race-fixing;
- (e) ensure that Relevant Persons and Clubs are aware of their responsibilities with regard to safeguarding the integrity of swimming; and
- (f) adhere to the National Policy on Match-fixing in Sport as agreed by Australian Governments on 10 June 2011.

3. APPLICATION OF THIS POLICY

- (a) This Policy applies to Relevant Persons.

- (b) This Policy may be updated by Swimming Australia from time to time, with the amended Policy effective on the date and time it is published.
- (c) This Policy is to be read together with each other policy referred to in the Team Member Agreement.
- (d) This Policy forms part of the Team Member Agreement and the Swimmer Agreement. Any breach of this Policy by a Relevant Person who is a party to either agreement constitutes a breach of the applicable agreement.

4. EDUCATION

- (a) All Relevant Persons must complete ongoing gambling and anti-race fixing education and training programs as determined and reasonably directed by Swimming Australia from time to time.
- (b) Member Associations agree to provide Relevant Persons with access to Swimming Australia's Training Program in order to enable the Relevant Persons under its jurisdiction to comply with this Policy.

5. PROHIBITED CONDUCT

- (a) 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:
 - (i) betting, gambling or entering into any other form of financial speculation on any Event, or on any incident or occurrence in an Event, whether or not they are participating in the Event. For the avoidance of doubt:
 - (A) any bets placed by a betting syndicate or group, such as a 'Punter's Club', of which the Relevant Person is a member; or
 - (B) an interest in any bet or wager, including having someone else place a bet or wager on their behalf,shall be treated as if the bet was placed by the Relevant Person as an individual;
 - (ii) facilitating or assisting with the making of a bet or wager on an Event or part of an Event including (but not limited to) communicating in any way, including by using a mobile phone, computer or other electronic or other device, information that might give another person an unfair advantage if they were to engage in gambling related to that information, other than as required as part of acquitting official duties;
 - (iii) participating in, encouraging, inducing, advertising or promoting betting on an Event, without the prior permission of Swimming Australia;
 - (iv) 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;
 - (v) 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;
- (vi) contravening applicable betting, wagering or gambling laws of any State or Territory of Australia or of any other country;
 - (vii) engaging in any other form of corrupt conduct in relation to any Event or part of any Event;
 - (viii) participating (whether by act or omission) in race-fixing as follows:
 - (A) directly or indirectly contriving or attempting to contrive the result 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, or any contingency within, an 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, or any contingency within, an 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 whether for betting purposes or not, other than in connection with bona fide media interviews and statements, including (but not limited to) the form of a Swimmer or their injury status;
 - (F) ensuring that a particular incident, that is the subject of a bet, either does or does not occur;
 - (G) facilitating, assisting, aiding, abetting, encouraging, covering-up or being complicit in any other way in Prohibited Conduct; and
 - (H) engaging in conduct that relates directly or indirectly to any of the Prohibited Conduct and is prejudicial to the interests of Swimming Australia or which bring a Relevant Person or Swimming Australia into disrepute; or
 - (ix) fail to report an allegation as required by, and set out in, clause 6(a) of this Policy.
- (b) For the purposes of clause 5(a) and for the avoidance of doubt:
- (i) betting, gambling and financial speculation includes, but is not limited to any payment or reward, whether monetary or not, on or to influence or effect, the occurrence of an incident or outcome;
 - (ii) 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; and

- (iii) 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.

6. REPORTING OFFENCES

- (a) A Relevant Person must immediately disclose to the Integrity Officer if they:
 - (i) receive an approach from another person to engage in Prohibited Conduct;
 - (ii) 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;
 - (iii) have received or are aware or reasonably suspect 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
 - (iv) are interviewed as a witness or suspect or are arrested or charged by police in respect of conduct that may amount to an allegation of Prohibited Conduct.
- (b) A Relevant Person has a continuing obligation to report any new knowledge or suspicion to the Integrity Officer regarding any Prohibited Conduct even if the Relevant Person's prior knowledge or suspicion has already been reported.
- (c) Where the Integrity Officer receives a report made under clause 6(a), they must immediately, where written notice is provided, forward a copy of the written notice to the Chief Executive Officer of Swimming Australia.
- (d) Where a person makes a verbal disclosure to the Integrity Officer under clause 6(a), that person must as soon as practicable, confirm the disclosure by providing the disclosure in writing to the Integrity Officer.
- (e) For the purposes of this clause 6, an allegation may include, but is not limited to, information that a Relevant Person:
 - (i) has acted inconsistently with the Policy;
 - (ii) has acted inconsistently with the Policy as witnessed by a Relevant Person; or
 - (iii) has acted inconsistently with the Policy as notified by a third party.
- (f) A Relevant Person reporting an allegation will only be identified to the person against whom the allegation has been lodged where required by law or where it is necessary to do so to ensure procedural fairness in the course of investigating the allegation.
- (g) For the avoidance of doubt a breach of this clause 6 by a Relevant Person constitutes a reportable offence in itself and falls within the definition of Prohibited Conduct.

7. INFORMATION SHARING

- (a) Swimming Australia may share personal information relating to Participants with Betting Operators, law enforcement agencies, government agencies or other sporting organisations to prevent and investigate alleged race-fixing incidents.
- (b) In sharing information, Swimming Australia will remain bound by the legal obligations contained in the *Privacy Act 1998* (Cth) and Swimming Australia's Privacy Policy.

8. MONITORING BY BETTING OPERATORS

- (a) Relevant Persons to whom this Policy applies must disclose information to Swimming Australia relating to all of their business interests and connections with Betting Operators.
- (b) 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 Associations, which may include but is not limited to, entering into product fee and integrity agreements with such Betting Operators.
- (c) Swimming Australia may request Betting Operators to monitor and conduct regular audits of their databases and records to monitor the incidence 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.
- (d) 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.
- (e) Swimming Australia may request that Betting Operators provide the Board with regular written reports on incidence 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.
- (f) All requests for information or provision of information by Swimming Australia or a Betting Operator shall be kept strictly confidential and shall not be divulged to any third party or otherwise made use of except where required by law or where information is already in the public domain other than as a result of a breach of this Policy, and all Swimming Australia agreements with Betting Operators must contain provisions to this effect. For the avoidance of doubt, any information gathered by or reported to Swimming Australia may be used to enforce this Policy.

9. SPONSORSHIP

- (a) Swimming Australia acknowledges that betting is a legal activity and recognises that Betting Operators may wish to enter commercial agreements to promote their business.

- (b) Swimming Australia may enter commercial agreements with Betting Operators from time to time, subject to any applicable legislative requirements and otherwise in its absolute discretion.
- (c) Any sponsorship or partnership agreements between Swimming Australia and Betting Operators will be entered into subject to due consideration of Swimming Australia's values and principles as set out in the Ethical Framework and will include terms and conditions to support and maintain the integrity of Events.
- (d) Member Associations and Clubs may enter into a commercial arrangement with a Betting Operator only with the prior written consent of Swimming Australia. Such consent may be withheld at the discretion of Swimming Australia, including in particular where the proposed commercial arrangement:
 - (i) conflicts with an existing commercial arrangement held between Swimming Australia and a Betting Operator(s); or
 - (ii) is with a Betting Operator with whom Swimming Australia has not entered into an integrity agreement as required under the National Policy on Match-Fixing in Sport and recognised by the applicable state or territory gambling regulator, or
 - (iii) is contrary to the interests of the sport of swimming.
- (e) A Participant must not:
 - (i) enter into any form of commercial arrangement with a Betting Operator; or
 - (ii) promote a Betting Operator; or
 - (iii) have any form of commercial arrangement with a Betting Operator.

10. CONSEQUENCES

- (a) A Relevant Person who breaches this Policy may be responsible for any loss suffered by Swimming Australia or its Associated Parties.
- (b) If a breach of this Policy is substantiated, disciplinary action may result.
- (c) Breaches of this Policy will be dealt with in accordance with the disciplinary provisions under Swimming Australia's Team Member Code of Conduct.

11. DEFINITIONS

For the purpose of this Policy, the below definitions apply. Capitalised terms not defined in this Policy have the same meaning as that given to them in the Team Member Agreement.

Accredited Persons means all people holding 'accreditation' to access the Competition Zone at any Event.

Associated Parties means Swimming Australia Members, Sponsors, stakeholders and other parties associated with Swimming Australia.

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.

Club means an organisation affiliated with a Member Association.

Coach means any coach accredited with Swimming Australia.

Competition Zone means the racing area or pool deck, marshalling areas and back of house designated areas at a Swimming Australia Event.

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 (including, but not limited to, the Olympic Games, World Championships, Pan Pacific Swimming Championships and the Commonwealth Games) and includes part of an Event.

Governing Body includes Swimming Australia, the Australian Paralympic Committee, the Fédération Internationale de Natation (**FINA**) and World Para Swimming.

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

Integrity Officer means the Head of Integrity and Risk (or their authorised delegate) who will be responsible for the supervision and administration of this Policy and to receive information in accordance with this Policy

Member means a member of Swimming Australia under clause 14 of the Swimming Australia constitution (as amended from time to time).

Member Association means and includes those entities recognised under clause 12.1 of the Swimming Australia constitution (as amended from time to time).

Participant means Swimmers, Coaches, administrators, officials and Support Personnel participating in or engaged with the delivery of Events, as well as all directors, employees and volunteers.

Policy means this Gambling and Anti-Race Fixing Policy as amended from time to time.

Prohibited Conduct refers to the conduct set out in clause 5 of this Policy.

Relevant Persons mean:

- (a) Accredited Persons;
- (b) Team Members;
- (c) Swimmers;
- (d) Technical Officials; and

(e) Coaches.

Sponsor means a sponsor of Swimming Australia, whether the sponsorship is cash or contra or a combination of both.

Staff Members mean all employees and contractors of Swimming Australia and their Member Associations, including but not limited to permanent, casual and temporary staff and students on placement, as well as members of the Swimming Australia and respective Member Associations' board.

Support Personnel means any coach, trainer, manager, agent, team Staff Member, official, scientist, massage therapist, medical or para-medical or other personnel working with, treating or assisting a Swimmer, a Team or a Team Member preparing for or participating in sporting activities.

Swimmer means any individual who has signed, or is required to sign, a Swimmer Agreement.

Swimming Australia means Swimming Australia Limited.

Team means any team of Swimmers and support staff, including but not limited to coaches and Swimming Australia employees, selected or appointed and otherwise designated by Swimming Australia as the "Australian Swim Team" or the "Australian Swim Squad" or any other applicable team or squad selected by Swimming Australia which is representing Swimming Australia at any team activity including training sessions, camps, competitions, functions and any event determined by Swimming Australia to be a team activity from time to time.

Team Member means an individual who has signed, or is required to sign, a 'Team Member Agreement' with Swimming Australia, including but not limited to the team manager, team doctors, physiotherapists, sports scientists and dietitians.

Technical Official means an official registered with Swimming Australia.

Training Program means Swimming Australia's gambling and anti-race fixing policy education and training program as varied from time to time.