

SWIMMING AUSTRALIA APPEARANCES POLICY

Reference Number:	CE-01
Responsible Officer:	General Manager, Commercial
Approval Date:	1 July 2015
Approval Authority:	Chief Executive Officer
Date of Next Review:	30 June 2016

OBJECTIVE

The objective of this Appearances Policy is to:

- (i) outline the objectives of the program
- (ii) specify the obligations on swimmers who have signed a Swimmer Agreement under the National Appearance Program and how they comply with these
- (iii) provide The Australian Swimmers Association, Swimming Australia staff, and member Associations detail on the formal process is to access and organise appearances.

APPLICATION

This Policy is applicable to Swimmers who are contracted to Swimming Australia under a Swimmer Agreement.

This Policy is applicable to Member Associations and Swimming Australia Business Units who organise appearances.

POLICY STATEMENT

Swimming Australia requires Swimmers who are on Swimmer Agreements to participate in Appearances to assist in the promotion and development of the sport and in the important task of servicing and providing value to sponsors and partners that are investing in the sport.

Swimmers acknowledge that as ambassadors for the sport, they have an obligation to make themselves available to participate in Appearances where a reasonable request has been made by Swimming Australia or a stakeholder body in consultation with Swimming Australia.

Swimmers will be remunerated for Appearances in-line with the Policy Operation component in this document.

Swimming Australia and Member Associations will not place unreasonable requirements on Swimmers in making requests to participate in Appearances, and will at all times take into account the training, competition and personal needs of Swimmers.

The owner of this Policy is the General Manager Commercial Swimming Australia. The program will be administered by The Australian Swimmers Association (ASA).

POLICY OPERATION

A. Number of Appearances to be Performed by Swimmer

Swimmers must complete a minimum amount of Appearances annually as part of their Swimmer Agreement. These appearances are unpaid and are an obligation of receiving funding.

The unpaid appearance amounts for each athlete group are as follows and at least one of these appearances must take place in the home state of the athlete, for their state association.

Able body pool swimmers	Three
Para pool swimmers	Two
Open water swimmers	Two
Junior swimmers	One

Swimmers who have completed their three appearances and are asked to do additional appearances will be remunerated for these as per section H.

The Swimmer's obligations to perform Appearances in accordance with the above are in addition to any obligations the Swimmer may have as a result of any other agreement with Swimming Australia or a Sponsor.

For the avoidance of doubt, Swimmers who are on a Swimmer Agreement are the only swimmers obligated to provide Appearances for Swimming Australia, its sponsors and or Member associations.

B. Type of Appearances and Process

An Appearance means the attendance of a Swimmer in-person, at the request of Swimming Australia, a Sponsor, Government partner, member Association, or at an event, function, clinic or other organised occasion as listed below:

- (a) Swimming Australia event, program or sponsor
- (b) State association event, program or sponsor
- (c) Swimming Clubs
- (d) One (1) school visit per swimmer per year – To ensure that all swimmers have access to appearance opportunities, one visit per year to a school will be approved per swimmer. Appearances at schools are otherwise not included in the program.

- (e) Other – additional appearances may be credited that fall outside the above criteria and are subject to approval by SAL and the ASA, including the production of promotional footage (refer to section I below).

If a Swimmer has a separate agreement with a SAL sponsor (e.g. an Ambassador agreement) that also covers appearances, these will not be counted as SAL appearances under this Agreement.

An Appearance requested by a club direct to the swimmer and not endorsed by the State Association and Swimming Australia under this policy, will not be counted as SAL appearances.

In circumstances where the dominant purpose of the Appearance is publicity and promotion of the sport of swimming including:

- i. Swimming Australia and its member Associations events, activities and programs;
- ii. Swimming Australia and its member Associations squads or teams; or
- iii. the sport of swimming generally,

then the Swimmer may be required to carry out an Appearance without any other Swimming Australia contracted swimmers.

If the Swimmer:

- i. has an existing Third Party Agreement (as notified to Swimming Australia under the clause 13 of the Swimmer Agreement); or
- ii. during the Term enters into a Third Party Agreement in compliance with obligations covered in clause 13 of the Swimmer Agreement,

then the Swimmer shall only be required to carry out an Appearance which promotes a Sponsor to the extent that the Appearance does not cause the Swimmer to be in breach of a Third Party Agreement.

If the ASA view a swimmer requires further training and development on how to conduct an Appearance, then the Buddy System will be initiated. This system is mostly for junior swimmers or those who have not completed an appearance in the past. These identified swimmers will be paired with a more experienced or senior swimmer so they can be mentored and gain the required experience. This will be offered to swimmers for their first appearance and a second if required.

Notification and Approval Process

In order for a Swimmers Appearance to be approved the following notification process must take place:

- (a) State Association, internal SAL Business Unit, or Club are to fill out an online Appearance request form which can be found [here](#);
- (b) This online form will be sent to the ASA;
- (c) The ASA will confirm the request via email.
- (d) The ASA will then contact the coach and swimmer and organise the appearance;
- (e) The Swimmer conducts the appearance;
- (f) An online feedback form is to be filled out by the person who arranged the appearance. This form can be found [here](#);
- (g) The Swimmer invoices the Association or Swimming Australia if relevant; and

- (h) The ASA is to prepare a full report on appearances quarterly that illustrates the number, type, length and date of appearances and will provide this detail to Swimming Australia and Member States.

C. Certain Events Not Deemed to be Contractual Appearances

For the purpose of this Policy an Appearance does not include:

- (a) The attendance of a Swimmer in-person, whether at the request of Swimming Australia or otherwise, at an event, function, clinic or other organised occasion that takes place at a time when the Swimmer is assembled with the Australian Swim Team or a Squad;
- (b) Media Commitments;
- (c) The attendance of a Swimmer in-person, at the request of a Swimming Australia club, at an event, function, clinic or other organised occasion that has not been through the notification process under point B of this policy;
- (d) School appearances and charity events outside of the one exception allotted to each swimmer per year;
- (e) The attendance of a Swimmer in-person, whether at the request of Swimming Australia or otherwise, at functions such as the Swimmer of the Year Awards.

D. Notification of Appearances

The ASA shall use its best endeavours to give the Swimmer at least 14 days advance written notice of the date, time and location of an Appearance at which the Swimmer is required to attend, where possible.

Where the Swimmer excuses his or her self from making an Appearance, the ASA may request another swimmer make the Appearance and the need for notice will be dispensed with.

In recognition of the Swimmer's busy schedule, the ASA will use best endeavours to make sure that Appearances do not interfere with the Swimmer's reasonable education, employment, training and competition commitments.

Where the Swimmer or member Association themselves is approached directly for an appearance, the Swimmer shall give the ASA at least 10 days advance written notice of the date, time and location of an Appearance at which the Swimmer is required to attend.

The ASA will advise the Swimmer and or member Association within three days of receiving a notice if it approves for the Appearance to be counted. The ASA's approval will not be unreasonably withheld.

E. Swimmers Right Not to Make an Appearance

The Swimmer may, within three days of receiving a notice of an Appearance under this Policy, write to the ASA requesting to be excluded from making the Appearance set out in the notice on the basis of:

- (a) Illness or injury;
- (b) A clash with a previously scheduled commitment;
- (c) Another reason which reasonably prevents the Swimmer from participating in the Appearance;
or
- (d) That the Swimmer's Appearance may cause him or her to breach a Third Party Agreement which is permitted under this Agreement.

The ASA and Swimming Australia may request documentation in support of a Swimmer's request for being excused from an Appearance.

F. Time of Appearances

An Appearance shall be no longer than four hours in duration (excluding travel time). Travel time to appearances will vary depending on location and swimmer selected. Every four hours of travel incurred by an athlete will count as one appearance. Costs for accommodation, fuel and flight costs incurred by the swimmer for the distance travelled will be reimbursed by the organiser – that is the Swimming Australia Business Unit, State Association or Club that has organised the appearance with the Athlete.

G. Swimmers Obligations at Appearances

The Swimmer shall wear at an Appearance the branding of clothing determined by Swimming Australia or its member Association at their absolute discretion. Unless otherwise advised by Swimming Australia or its member Associations, this will be the current Australian Swim Team or National Swim Squad gear.

The Swimmer must ensure that they prepare for the Appearance by reading any briefing material provided by SAL, Sponsor or member Association and act in compliance with this briefing for the Appearance.

The Swimmer must ensure that they conduct themselves in compliance with the Swimming Australia Ethical Framework and the Code of Conduct.

If a Swimmer is in breach of their obligations the matter may sanctioned in accordance with the disciplinary procedures detailed in the Code of Conduct.

H. Compensation for Swimmers at Appearances

Appearance Fee

After the required amount of Contracted Appearances have been completed by the Swimmer at no charge, Swimming Australia and/or its member Associations shall then pay the Swimmer the following amounts for appearances by the Swimmer:

	Level 1	Level 2	Level 3
Swimming Australia Sponsor	\$1,500	\$1,250	\$1,000
Swimming Australia Programs and Events	\$1,250	\$1,000	\$750
Member Associations	\$250 - \$500		
Clubs	\$250 - \$500		
Schools	\$750	\$500	\$350

For the purpose of this Policy:

- (a) Level 1 amount will be paid to Swimmers ranked between 1 and 8 in world rankings at the time of the appearance in accordance with the methodology outlined in the Policy for Distribution of Georgina Hope Foundation Swimmers Support Scheme Funds.

- (b) Level 2 amount will be paid to Swimmers ranked between 9 and 16 in world rankings at the time of the appearance in accordance with the methodology outlined in the Policy for Distribution of Georgina Hope Foundation Swimmers Support Scheme Funds;
- (c) Level 3 amount will be paid to Swimmers ranked 17 and 25 in world rankings at the time of the appearance in accordance with the methodology outlined in the Policy for Distribution of Georgina Hope Foundation Swimmers Support Scheme Funds.
- (d) Appearances at fund raising events for charity will not generally attract payments unless justified by the circumstances or objectives of the event and agreed with Swimming Australia. It is expected that swimmers give their time free of charge to charities as a way of giving back to the community.
- (e) Appearances where an organisation has approached the Association, the ASA, or Swimming Australia and have proactively advised they have a budget, will always be paid appearances regardless if the selected swimmer has not completed more than three.

Travel and Accommodation Costs

Swimming Australia and or the member Association shall reimburse, or at its absolute discretion pay in advance for, the Swimmer's reasonable travel and accommodation costs in attending an Appearance. Where a Swimmer seeks reimbursement of expenses incurred, he or she must provide evidence of the reasonable travel and accommodation to Swimming Australia within 10 Business Days of the costs being incurred, failing which the organising body will have no obligation to reimburse the Swimmer.

Number of free appearances available to State Associations and ASCTA

Each State Association and ASCTA receives unlimited appearances per annum. This requires each state to carefully consider their appearance request to ensure they are all worthwhile and maximises the exposure of the sport of swimmer, the athlete, Swimming Australia and the State Association. This number will be reviewed annually and adjusted if required.

Insurance Cover

Athletes participating in appearances requested through this program will be covered under Swimming Australia's insurance arrangements. The insurance cover does not extend to appearances that have not been through the notification process under point B of this policy, or for appearances that are part of an athlete's individual or personal agreements with a third party.

I. Video Filming

Swimmers expressly agree to be involved in up to two video filming sessions per year of no more than four hours from which there will be produced a promotional video (the promotional footage). These will count as an Appearance under this policy.

Swimmers captured in the promotional footage consent to Swimming Australia using the footage for the purpose of promoting Swimming Australia, swimming events or the sport.

The Swimmer's involvement in the filming of the promotional footage shall constitute an Appearance for the purposes of this Policy.

Filming for the promotional footage does not include video filming for news and public relations videos, or any other video filmed during swimming events, team, squad camps, or tours which may be captured by Swimming Australia or its agents and subcontractors.

In relation to all video filming, the Swimmer shall use his or her best endeavours to comply with Swimming Australia's reasonable directions to assist with the recording.

DEFINITIONS

The ASA: The Australian Swimmers Association

Appearance means the attendance of a Swimmer in-person, at the request of Swimming Australia, a Sponsor, Government partner, Swimming Australia, State Swimming Association, at an event, function, clinic or other organised occasion as detailed under Policy Operation at Section B.

Contracted Appearance means the minimum number of appearances that athletes are obligated to do at no charge under their compliance with the Swimmer Agreement.

Swimmer refers to able body pool swimmers, para pool swimmers, open water swimmers and junior swimmers.

REVIEW

This policy is to be reviewed on an annual basis by the Responsible Officer. Amendments are to be approved by the Board of Swimming Australia prior to implementation.

ONLINE FORM LINKS

- Swimming Australia Appearance Request FORM & BRIEF - <http://form.jotform.co/form/32381471550854>
- Swimming Australia Appearance Feedback FORM - <http://form.jotform.co/form/32398434451861>

REFERENCES AND RELATED MATERIALS

Document Number	Title
	Ethical Framework for Swimming
	Swimmers, Coaches and SAL Codes of Conduct
	Swimmer Agreement
	Team Agreement