



ARTISTIC SWIMMING WA (ASWA) POLICY – GAMBLING, BETTING AND MATCH FIXING

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Adopted from the Swimming Australia Limited - Gambling, Betting and Match Fixing Policy

Meets requirements of the Australian Sports Commission and the National Integrity of Sport Unit (Department of Sport), June 2019.

Artistic Swimming Australia is an affiliated body with Swimming Australia.

Background

Through this policy, ASWA aims to ensure that our core values, good reputation, and positive behaviours and attitudes are maintained.

ASWA 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.

Artistic swimming, like all sports, has a major obligation to address the threat of match-fixing and the corruption that flows from that. We have a zero tolerance for illegal gambling and match-fixing.

The purpose of the Gambling, Betting and Match-fixing Policy is to:

- protect and maintain the integrity of the sport of artistic swimming in Australia
- protect against any efforts to impact improperly the result of an event covered by this policy
- establish a uniform rule and consistent scheme of enforcement and penalties, and
- 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 ASWA by a resolution of the Board. 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 ASWA, relevant persons are bound by this policy and are required to comply with all its provisions.

A copy of this policy and any related attachments can be found on our website artisticswimmingwa.org.au.

1. Definitions

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

“Australian Team” means any team of swimmers selected at a representative event;

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

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

“Coach” means any coach registered with ASWA or Artistic Swimming Australia Inc;

“Competition Zone” means the field of play and back of house designated areas at an 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 ASWA Board.

“Employees” means employees, independent contractors, agents and consultants to ASWA.

“Event” means any swimming competition held by ASWA;

“Governing Body” means either ASWA, Artistic Swimming Australia Inc, being the national governing body for artistic swimming in Australia or the Federation Internationale de Natation (‘FINA’) being the international governing body of swimming, diving, water polo, artistic 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 an asWA official, volunteer official, employee or contracted team support staff member.

“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 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 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 ASWA 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 ASWA or which bring a Relevant Person or ASWA into disrepute;

“Nominated Person” means the:

- a. Chair of ASWA
- b. Any person or persons delegated by the Chair or Board to receive such information;
- c. A manager of a Member Organisation.

“Offence” means any Prohibited Conduct;

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

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

“Relevant Persons” refers to:

- d. directors of ASWA and associated clubs.
- e. all people holding ‘accreditation’ to access the Competition Zone at any Event sanctioned by ASWA.
- f. Technical Officials, who officiate in Events conducted by ASWA
- g. Coaches and staff
- h. Swimmers

“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 ASWA and that officiates in an Event.

2. Who this Policy applies to

2.1 This Policy applies to Relevant Persons.

3. Prohibited Conduct

3.1 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 ASWA;
- 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 ASWA 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.

3.2 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.

3.3 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.

4. Reporting Offences

4.1 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.

4.2 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.

4.3 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.

4.4 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.

4.5 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.

4.6 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.

4.7 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.

5. Investigations

5.1 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 ASWA Integrity Officer;
- b) a senior ASWA executive, board member or manager; or
- c) an independent, external person with appropriate and relevant experience in the investigation of complaints.

5.2 The Chair may decide in his/her absolute discretion to suspend the Concerned Party from their normal duties until the investigation has been completed.

5.3 Once the investigation has been completed, the Investigating Officer shall prepare a report for the ASWA Board as appropriate.

5.4 Where the Board finds that on the balance of probability the allegation cannot be substantiated the Concerned Party will be informed that the allegation has been unsubstantiated and that the matter is closed.

5.5 Where the Board finds that on the balance of probability the allegation is substantiated he/she may:

- a) make recommendations;
- b) report to the police force in the jurisdiction the offence is alleged to have occurred
- c) make a decision pursuant to clause 6.

6. Consequences of committing an Offence under this Policy

6.1 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 the ASWA Board, having regard to the type of Relevant Person and their relationship and obligations to ASWA.

6.2 ASWA 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.

7. Monitoring by Betting Operators

7.1 Relevant Persons to whom this Policy applies must disclose information to ASWA of all their business interests and connections with Betting Operators.