



**Submission of the Australian Athletes Alliance
to the Joint Select Committee on Gambling Reform
Inquiry into interactive and on-line gambling and gambling advertising**

The Australian Athletes' Alliance ("AAA") is the peak body of associations representing Australian athletes. Its members currently include the:

- Australian Cricketers' Association,
- AFL Players' Association,
- Australian Jockeys' Association,
- Australian Netballers' Association,
- Australian Swimmers' Association,
- Professional Footballers Australia,
- Rugby League Players' Association, and
- Rugby Union Players' Association.

As the peak body, we provide a unified voice on issues affecting Australian athletes. Together, the member associations of the AAA represent over 3,000 of Australia's elite professional athletes.

The terms of reference include three of particular interest to Australian athletes:

- (e) *the risk of match-fixing in sports as a result of the types of bets available online, and whether certain types of bets should be prohibited, such as spot-betting in sports which may expose sports to corruption;*
- (f) *the impact of betting exchanges, including the ability to bet on losing outcomes; and*
- (h) *appropriate regulation, including codes of disclosure, for persons betting on events over which they have some participation or special knowledge, including match-fixing of sporting events.*

General Principles

Before addressing the specific terms of reference, we wish to emphasise the general principles upon which the AAA's response to gambling proposals is based:

1. Sport must be free of corruption.
2. Each sport must implement a minimum level of risk management through collective bargaining with its athletes.
3. Any legislation affecting sports/athletes should be national, because the vast majority of professional sport is administered on a national level.

4. Regulation of athletes/participants (other than through applicable community-wide legislation) should be through collectively bargained regulatory schemes rather than mandatory codes determined by governments and applicable to all sports (similar to the World Anti-Doping Authority (“WADA”) Code) because governing bodies and athlete associations are in the best position to address the specific circumstances of each sport.
5. Any applicable regulations (other than those collectively bargained between athletes’ associations and sports governing bodies) should not be targeted specifically to particular categories of individuals (such as athletes and referees) but to anyone who may, in connection with betting, have an ability to improperly influence the outcomes of a sporting contest or make improper use of inside information.
6. It is essential that anyone who is not covered by a collectively bargained regulatory scheme but who participates in and/or has special access to a sport be covered by government regulation in addition to applicable criminal laws.
7. Before a sport can exercise its authority to approve gambling, it must collectively bargain a minimum level of risk management, including:
 - a dedicated integrity unit with independent and lawful powers of investigation, prosecution and sanction;
 - a comprehensive employment program and benefits for players, including a fair retirement/pension system so that financial pressures do not “force” athletes to act corruptly. (The recent response of the Chinese and South Korean Football Associations have included enshrining basic athlete rights such as a fair minimum wage and a contract dispute resolution system, where previously some players experienced months without payment).;
 - a comprehensive education program for players, referees/umpires, officials, and other participants on the specific issues of gambling and corruption, and
 - protection for athletes and others subject to be approached by persons wishing to involve them in corruption, including the means to safely communicate any such approach. (The risk of corruption is generally external: criminal elements approach participants and corrupt them through sophisticated processes.)

Whether Certain Type of Bets Should be Prohibited

Any prohibition on betting, including spot betting, by athletes should be regulated by the governing bodies of the sport, through collectively bargained policies, rather than through legislation, on the condition the sport has the minimum level of internal risk management mentioned above

Each sport would then be best qualified to determine whether a certain type of bet would or would not be appropriate. Moreover, each sport is best qualified to determine whether and through what entities betting is permissible.

Any legislation concerning betting by sports participants should be directed towards a prohibition on betting for corrupt purposes, rather than imposing a ban on betting *per se*.

The Impact of Betting Exchanges

Betting exchanges should not be permitted a free ride on the efforts of governing bodies, clubs, and athletes.

Accordingly betting exchanges should not be permitted to:

- 1) place bets on any sport, including racing, unless the governing body of the sport provides its consent; and
- 2) use the likeness, statistics, and/or name of any athlete without the athlete's specific consent.

A sport should only be permitted to provide its consent if it has collectively bargained the minimum levels of risk management described above.

Regulation of Persons with Special Knowledge

As stated in our principles, any applicable regulations (other than those collectively bargained between athletes' associations and sports governing bodies) should not be targeted specifically to particular categories of individuals (such as athletes and referees) but to anyone who may, in connection with betting, have an ability to improperly influence the outcomes of a sporting contest or make improper use of inside information.

As also stated in our principles, we completely oppose any WADA type gambling legislation both because it would not comprehend the vagaries in the different sports and because a one-size-fits-all approach leads to unreasonable and unfair results.

Those responsible for the governance of sports, including the directors of governing bodies, must be held to the same standards as all participants. In particular, a sport should only be permitted to authorise betting where it has collectively bargained the requisite level of risk management practices and where those risk management practices equally apply to all participants.