

7 September 2015

Dr Kathleen Dermody
Committee Secretary
Senate Economics References Committee
Parliament House
CANBERRA ACT 2600

By email: economics.sen@aph.gov.au

Dear Secretary

Inquiry into foreign bribery

Please accept this letter as a submission to the Inquiry into Foreign Bribery.

1. Introduction.

COMPPS consists of the following organisations:

- Australian Football League (**AFL**);
- Australian Rugby Union (**ARU**);
- Cricket Australia (**CA**);
- Football Federation Australia (**FFA**);
- National Rugby League (**NRL**);
- Netball Australia; and
- Tennis Australia.

These sports play a huge role in developing, promoting and presenting sport in Australia from the grass roots through to the international level. They are not-for-profit bodies and are responsible for the long-term development and sustainability of their sports. Between them, they have 8.95 million participants and 16,000 clubs.

Each of these organisations is the governing body and custodian of a major professional sport in Australia.



COMPPS members provide a wide range of public benefits through a self-funding business model. A large portion of the revenue of COMPPS members is devoted to enhancing, promoting and developing sport for all Australians both at national and 'grassroots' level.

One of COMPPS' roles is to provide a collective response on behalf of its member sports where their interests are aligned.

2. COMPPS' Role in Respect of Corruption, Match-fixing and Sports-betting.

The major point of intersection between the professional sports and the Inquiry into Foreign Bribery occurs in the context of corruption, match-fixing and sports-betting.

A matter of common and intense interest to all COMPPS members is the preservation of the integrity of sport in Australia. Most relevantly this includes addressing the serious threat that match fixing poses, particularly the threat from global organised crime.

In late 2010 in recognition of:

- the growing volume of sports betting (regulated and unregulated, onshore and offshore);
- the growing incidence of match-fixing globally; and
- the potential for the threat of match fixing to strike at the core of sport's integrity and the perception of sport's integrity in Australia,

COMPPS seized the initiative and formed an anti-corruption working party.

This comprised representatives of each of the COMPPS sports, the major betting operators, players' associations and the Australian Sports Commission.

In mid-2011 the Working Party provided the CEOs of the COMPPS sports with a report containing 30 recommendations, each of which was adopted by the COMPPS CEOs and then referred to the Federal Government.

Around the same time as the COMPPS Working Party commenced its review, there was intense focus on the issue of corruption in sport. In Australia alone, the State Governments of Victoria and New South Wales initiated reviews of sports gambling related corruption. Led by the then Commonwealth Minister for Sport, Senator Arbib, the State and Territory Sports Ministers in June 2011 signed off on a *National Policy on Match-Fixing in Sport*. The press release announcing this is **attached** at Annexure A.

Since that time, there has been a serious and concerted effort on the part of relevant stakeholders to implement measures and strategies to combat the threat of match-fixing. This includes measures adopted by sports, governments, and law enforcement agencies - individually and collectively. The extent of time and resources invested in this area and the level of formal and informal cooperation between these stakeholders is indicative of the seriousness with which the threat is perceived and the significant damage that could ensue to all sport if the scourge of match-fixing were to increasingly infiltrate Australian sport.

Examples of the measures and initiatives include:

- establishment and recruitment of dedicated integrity personnel within the sports;
- establishment by the Federal Government of the National Integrity of Sport Unit;
- enactment of integrity related legislation by state governments including amendments which saw the introduction of specific match-fixing offences punishable by up to ten years' imprisonment;
- establishment by NISU of the Australian Sport Integrity Network which meets regularly and on which all the COMPPS sports, as well as other Australian sport governing bodies, are represented;
- integrity agreements entered into by the sports with the betting operators;
- establishment within law enforcement agencies of dedicated sports integrity units or personnel, such as the Sporting Intelligence Integrity Unit within Victoria Police;
- contracting by the sports of expert agencies such as Sportradar to monitor betting activity on their leagues and matches and detect potential incidents of fraud;
- attendance at various industry workshops and symposiums incorporating sports, government, state and territory and federal police, betting operators to collectively address the threat of match fixing;
- measures to share relevant policies, practices and integrity related measures to ensure consistency of treatment across Australia and across sports.

In particular, COMPPS has formed the COMPPS Integrity Committee (CIC) comprising one member from each of the sports to co-ordinate joint activities between the COMPPS members and to maximize opportunities to use the collective power of the seven sports to combat corruption. A key element of the work that is undertaken by CIC is with the objective of ensuring to the greatest extent possible, consistency amongst the sports in combatting match-fixing. This includes recognition by all sports that match-fixing (as is organised crime) is "sport neutral" and that the risk to one sport can translate to a subsequent risk to other sports.

3. Inquiry Terms of Reference.

In developing the national policy in 2011 the federal government indicated that commonwealth legislation dealing with match fixing was not its avenue of choice. It follows that sports have had to rely on legislation introduced by state and territory governments and to work with local police forces seeking to enforce alleged breaches of the legislation. There are inconsistencies in the legislation that has been adopted and, in fact, not all States and Territories have complied with the national policy. This has led to gaps in the legislation and the possibility that offenders will engage in "forum shopping" where they seek to operate in jurisdictions that have not adopted the national policy. It follows that we are apprehensive that inconsistencies will provide opportunities for offenders to avoid prosecution.

In general terms, if the commonwealth legislative framework dealing with foreign bribery were to extend to cover sporting officials, there may be factual situations where incidents of corrupt conduct in the form of match fixing could be captured under commonwealth

legislation thereby potentially increasing the armoury available to address these offences.

Specifically, Paragraph b xii of the Terms of Reference seeks submissions as to the effectiveness of and any possible improvements to existing Commonwealth Legislation governing foreign bribery not involving foreign public officials, for example company to company or international sporting bodies.

Recent developments in relation to officials from FIFA member countries being charged in the USA provide examples of effective cross-border anti-corruption enforcement.

COMPPS respectfully submits that this Inquiry should seek to extend the reach of the legislative framework to the conduct of officials in international sporting bodies.

For further information please contact me on 0400 115 487, at mspeed@compps.com.au or at:

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Yours sincerely



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