
Anti-Match-fixing Policy Template

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National Policy on Match-Fixing

1. INTRODUCTION

Outline the Sport's position on match-fixing here, with the below wording setting out what would be expected at a minimum.

- a) The Sport 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.
- b) The Sport and its Member Organisations have a major obligation to address the threat of Match-Fixing and the corruption that flows from that.
- c) The Sport and its Member Organisations have a zero tolerance for illegal gambling and Match-Fixing.
- d) The Sport will engage the necessary technical expertise to administer, monitor and enforce this Policy.
- e) The purpose of the National Policy on Match-Fixing is to:
 - i. protect and maintain the integrity of the Sport;
 - ii. protect against any efforts to impact improperly the result of any match or event;
 - iii. establish a uniform rule and consistent scheme of enforcement and penalties; and
 - iv. adhere to the National Policy on Match-Fixing in Sport as agreed by Australian Governments on 10 June 2011.
- f) The conduct prohibited under this Policy may also be a criminal offence and/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 must comply with all applicable laws and regulations at all times.

2. APPLICATION

2.1 Application of Policy

- a) This Policy is made by the Board and is binding on all Relevant Persons. It may be amended from time to time by the Board.
- b) 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.
- c) By virtue of their ongoing membership, employment or other contractual relationship with the Sport, Relevant Persons are automatically bound by this Policy and required to comply with all of its provisions.

2.2 Relevant Persons

Outline those specific categories of people within the control of the Sport to whom the Policy will apply. The below list is intended as a guide, and any categories irrelevant to the Sport should be deleted.

- a) This Policy applies to any Relevant Person as defined from time to time by the Board. For clarity this includes, but is not limited to:
 - i. Player Agents;

The applicability of the Policy to Player Agents by the Sport may depend on the accreditation of agents within the Sport. Where Player Agents are not accredited by the sport, it remains important that where possible, Player Agents be captured by the National Policy to further strengthen sport integrity. This may require consultation with the Players/Athletes' Association within the Sport.

- ii. Athletes;
 - iii. Coaches;
 - iv. Officials;
 - v. Personnel;
 - vi. Persons who hold governance positions with the Sport or its Member Organisations;
 - vii. Selectors; and
 - viii. Squad Support Staff.

2.3 Education

- a) All Relevant Persons must complete appropriate education and training programs as directed by the Sport from time to time.
- b) All Relevant Persons as at the commencement of this Policy must undertake the Sport's education program.
- c) All persons who become Relevant Persons after the commencement of this Policy must undertake the Sport's education program as part of their induction:
 1. prior to competing in any Event or Competition; or

2. within two months of commencing employment (whether paid or voluntary).

As a minimum, the Sport should have all Relevant Persons undertake the [online education program](#) available at elearning.sport.gov.au.

2.4 Code of Conduct

- a) In addition to this Policy, all Relevant Persons are bound by the Sport's Code of Conduct (see Annexure D), as amended from time to time, which is underpinned by the following principles:

- Be Smart: know the rules
- Be Safe: never bet on your sport
- Be Careful: never share sensitive information
- Be Clean: never fix an event
- Be Open: tell someone if you are approached

3. PROHIBITED CONDUCT

The below Prohibited Conduct represents the minimum standard expected of sporting organisations. The Sport may in its discretion and subject to law, prohibit such other conduct it deems appropriate. For example, prohibiting the use of mobile telephones by Relevant Persons during an Event.

- a) A Relevant Person to whom this Policy applies must not directly or indirectly, alone or in conjunction with another or others breach this Policy or the Sport's Code of Conduct by:
 - i. betting, gambling or entering into any other form of financial speculation on any Competition or on any Event connected with the Sport; or
 - ii. participating (whether by act or omission) in Match-Fixing by:
 - A. deliberately underperforming or 'tanking' as part of an arrangement relating to betting on the outcome of any contingency within a Competition or Event;
 - B. deliberately fixing, or exerting any undue influence on, any occurrence within any Competition or Event as part of an arrangement relating to betting on the outcome of any contingency within a Competition or Event;
 - C. inducing or encouraging any Relevant Person to deliberately underperform as part of an arrangement relating to betting on the outcome of any Competition or Event;
 - D. providing Inside Information that is considered to be information not publicly known such as Team or its members configuration (including, without limitation, the Team's actual or likely composition, the form of individual athlete or tactics) other than in connection with bona fide media interviews and commitments;
 - E. ensuring that a particular incident, that is the subject of a bet, occurs;

- F. providing or receiving any gift, payment or benefit that might reasonably be expected to bring the Relevant Person or the Sport into disrepute; or
 - G. engaging in conduct that relates directly or indirectly to any of the conduct described in Clauses 3 a)(ii)(A) to (F) above and is prejudicial to the interests of the Sport or which bring a Relevant Person or the Sport into disrepute.
- b) Any attempt or any agreement to act in a manner that would 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.
 - c) If a Relevant Person knowingly assists or is a party to “covering up” Prohibited Conduct, that Relevant Person will be treated as having engaged in the Prohibited Conduct personally.
 - d) Nothing in this section prevents the Board from enforcing any other Rules and Regulations or referring any Prohibited Conduct to a relevant law enforcement agency.

The Sport should also ensure all Relevant Persons are aware of the criminal offences relating to Match-Fixing, which may carry up to a maximum sentence of 10 years imprisonment.

4. REPORTING PROCESS

Ensure that as a minimum a Relevant Person:

- 1. must adhere to clause 4 (a) below; and
- 2. is required to cooperate with investigations.

Outline who the above matters are to be reported to, and the process and timeframe for reporting.

- a) A Relevant Person to whom this policy applies must promptly notify the Chief Executive Officer if he or she:
 - i. is interviewed as a suspect, charged, or arrested by police in respect of conduct that would amount to an allegation of Prohibited Conduct under this Policy;
 - ii. is approached by another person to engage in conduct that is Prohibited Conduct;
 - iii. knows or reasonably suspects that another person has engaged in conduct, or been approached to engage in conduct that is Prohibited Conduct;
 - iv. has received, or is aware or reasonably suspects that another person has received, actual or implied threats of any nature in relation to past or proposed conduct that is Prohibited Conduct.
- b) If a Relevant Person wishes to report the Chief Executive Officer for involvement in conduct that is Prohibited Conduct under this Policy then the Relevant Person to which this Section 4 applies may report the conduct to the Chair of the Board.

- c) Notification by a Relevant Person under this Section 4 can be made verbally or in writing in the discretion of the Relevant Person and may be made confidentially if there is a genuine concern of reprisal. However, the Chief Executive Officer (or the Chair of the Board as the case may be) must record the fact of the reporting of Prohibited Conduct and particulars of the alleged Prohibited Conduct in writing within 48 hours of the report from the Relevant Person for presentation to the Board.
- d) Any report by a Relevant Person under this Section 4 will be dealt with confidentially by the Sport unless disclosure is otherwise required or permitted under this Policy, by law, or if the allegation of the Prohibited Conduct is already in the public domain.
- e) A Relevant Person has a continuing obligation to report any new knowledge or suspicion regarding any conduct that may amount to Prohibited Conduct under this Policy, even if the Relevant Person's prior knowledge or suspicion has already been reported.

5. INVESTIGATIONS

This section should be amended to suit the individual sports requirements and should include an outline of:

1. the process to undertake an investigation when the Sport suspects or is aware of a breach including an outline of the process to establish a Hearing Panel and nomination of panel members;
2. arrangements for protecting confidentiality during the investigation and disciplinary process; and
3. the process for referring alleged breaches to law enforcement agencies for criminal investigations.

5.1 Allegations of Prohibited Conduct

If the Board or Chief Executive Officer receives a report or information that a Relevant Person has allegedly breached this Policy including by engaging in actual or suspected Prohibited Conduct, the Board must, as soon as reasonably practicable refer that report or information and any documentary or other evidence that is available to it in relation to the alleged Prohibited Conduct by the Alleged Offender to the Hearing Panel.

If the Board or Chief Executive Officer has referred to the Hearing Panel a report or information that an Alleged Offender has allegedly breached this Policy including by engaging in actual or suspected Prohibited Conduct, the Board may, in its discretion and pending determination by the Hearing Panel suspend the Alleged Offender from any Event or activities sanctioned by the Sport or a Member Organisation.

Nothing in this section prevents the Board or Chief Executive Officer from enforcing any other Rules and Regulations or referring any Prohibited Conduct to a relevant law enforcement agency.

5.2 Confidentiality and Reporting

- a) To maintain the confidentiality of the process, no parties will publically announce, comment on or confirm any of its investigative or subsequent hearings or appeals activities. Notwithstanding this provision, however, a general description of a process that may be instigated under this policy is permissible.
- b) The Sport must not disclose any specific facts of an allegation of Prohibited Conduct or breach of this Policy.
- c) The identity of a Relevant Person against whom a finding of Prohibited Conduct is made may only be publicly disclosed after the Hearing Panel has notified the Relevant Person, the Sport and any other interested party of its decision. Such disclosure will be by way of an official release by the Sport.
- d) Where any public announcement may be considered detrimental to the wellbeing of a Relevant Person, the Board will determine the most appropriate course of action in its sole discretion based on the circumstances of the Relevant Person.
- e) All parties must maintain all information received in the course of any report, notice, hearing or appeal (other than a notice of decision by the Hearing Panel or an appeal tribunal) in relation to an allegation of conduct that is Prohibited Conduct as strictly confidential.
- f) Clauses 5.2 a) to e) do not apply if the disclosure is required by law or the Sport determines to refer information to a law enforcement agency.

5.3 Criminal offences

Offences that occur overseas will be subject to the law of the country the competition is occurring in. However the Sport may still apply sanctions under the rules of their sport.

- a) Any alleged Prohibited Conduct by an Alleged Offender which is considered by the Board or Chief Executive Officer as a prima facie unlawful offence will be reported to the police force in the jurisdiction the offence is alleged to have occurred and/or the Australian Federal Police.

5.4 Privilege

- a) Notwithstanding anything else in this Policy, a Relevant Person who is interviewed under suspicion, charged or arrested by a law enforcement agency in respect of a criminal offence that is, or may be considered to be conduct that is Prohibited Conduct under this Policy shall not be required to produce any information, give any evidence or make any statement to the Board if they establish that

to do so would breach any privilege against self-incrimination, or legal professional privilege.

- b) Clause 5.4 a) does not limit the Board from enforcing any other Rules and Regulations.

The effect of this clause is that while a Relevant Person subject to a criminal investigation does not need to cooperate with an investigation by the Sport, the Sport is still entitled to complete its investigation and administer any sanction it is entitled to under this Policy.

6. DISCIPLINARY PROCESS

The Sport will need to set out a disciplinary process, or refer to the existing disciplinary framework of the Sport, within this section of the Policy.

An example disciplinary process is contained in Annexure E. The NISU can provide assistance if required.

At a minimum, the disciplinary process should:

1. allow all Alleged Offenders to be afforded the right to a timely, fair and impartial hearing;
2. allow information disclosed during a hearing process to be used for further investigations;
3. outline the process for the hearing panel to refer a matter to the disciplinary panel if relevant;
4. afford the Alleged Offender a right to appeal a decision to an appeals tribunal:
 - a. where the decision of the Hearing Panel is wrong having regard to the application of this Policy or the Code of Conduct;
 - b. where new evidence has become available;
 - c. where natural justice has been denied; or
 - d. in respect of the penalty imposed.

7. SANCTIONS

7.1 Penalties

Outline minimum and robust sanctions that reflect the severity of the breach. These may include disqualification of results, suspension, ban, financial penalty and public disclosure.

The Sport will need to set out specific penalties, or refer to penalties in the existing disciplinary framework of the Sport, in this section of the Policy.

An example set of penalties is set out in Annexure E. The NISU can provide assistance if required.

8. INFORMATION SHARING

It needs to be outlined here that the Sport may share personal information of Relevant Persons with Betting Operators, law enforcement agencies, government agencies and/or other sporting organisations to prevent and investigate match-fixing incidents.

However, it is important the Sport complies with all legal obligations under the *Privacy Act 1988* (Cth) in sharing information.

8.1 Monitoring by Betting Operators

- a) Relevant Persons to whom this Policy applies must disclose information to the Sport of all their business interests, and connections with Betting Operators.
- b) The Sport will work with Betting Operators to help ensure the ongoing integrity of the Competitions and Events played under the auspices of the Sport and Authorised Providers.
- c) Betting Operators will monitor and conduct regular audits of its databases and records to monitor the incidents 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, the Sport may, from time to time and subject to any terms and conditions imposed by the Sport (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) Betting Operators must provide the Board with regular written reports on incidents 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.
- f) All requests for information or provision of information by the Sport 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.

8.2 Sponsorship

- a) The Sport acknowledges that betting is a legal activity, and recognises that Betting Operators may wish to enter Commercial Partnerships to promote their business.
- b) The Sport may enter Commercial Partnerships with Betting Operators from time to time, subject to any applicable legislative requirements.
- c) A Member Organisation or any Team may enter into a Commercial Partnership with a Betting Operator with the written consent of the Sport. Such consent may be withheld at the discretion of the Sport and specifically where the proposed Commercial Partnership:

- i. conflicts with an existing Commercial Partnership held between the Sport and a Betting Operator(s); and/or
 - ii. is with a Betting Operator with whom the Sport has not entered into an integrity agreement as required under the National Policy on Match-Fixing in Sport and recognised by the applicable state gambling regulator.
- d) Subject to clause 8.2 c) above, a Relevant Person shall not be permitted to:
- i. enter into any form of Commercial Partnership with a Betting Operator; or
 - ii. promote a Betting Operator; or
 - iii. have any form of commercial relationship with a Betting Operator.

9. INTERPRETATIONS AND DEFINITIONS

9.1 Interpretation

- a) Headings used in this Policy are for convenience only and shall not be deemed part of the substance of this Policy or to affect in any way the language of the provisions to which they refer.
- b) Words in the singular include the plural and vice versa.
- c) Reference to “including” and similar words are not words of limitation.
- d) Words importing a gender include any other gender.
- e) A reference to a clause is a reference to a clause or subclause of this Policy.
- f) Where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.
- g) In the event any provision of this Policy is determined invalid or unenforceable, the remaining provisions shall not be affected. This Policy shall not fail because any part of this Policy is held invalid.
- h) Except as otherwise stated herein, failure to exercise or enforce any right conferred by this Policy shall not be deemed to be a waiver of any such right nor operate so as to bar the exercise or enforcement thereof or of any other right on any other occasion.

9.2 Definitions

In this Policy unless the context requires otherwise these words mean:

- a) **Alleged Offender** means a person accused of engaging in Prohibited Conduct under this Policy, prior to a determination by the Hearing Panel.
- b) **Athlete** means any person identified within the Sport’s athlete framework (Annexure A) as amended and updated from time to time.
- c) **Authorised Providers** means the Sport’s Member Organisations, Affiliates, or other organisations from time to time that conduct Events (for example the Australian Commonwealth Games Association or a private event management company operating an Event on behalf of the Sport).
- d) **Betting Operator** means any company or other undertaking that promotes, brokers, arranges or conducts any form of Betting activity in relation to the Sport
- e) **Coaches** means any person described in the Sport’s coach framework (Annexure B) as amended and updated from time to time.

- f) **Competition** means a <insert sport> contest, event or activity measuring performance against an opponent, oneself or the environment either once off or as part of a series.
- g) **Event** means a one off Competition, or series of individual Competitions conducted by the Sport or an Authorised Provider (for example International Test Matches, National Championships, or domestic leagues)
- h) **Hearing Panel** means the Panel appointed by the Board to hear and determine allegations of Prohibited Conduct.
- i) **Inside Information** means any information relating to any Competition or Event that a Relevant Person possesses by virtue of his or position within the Sport. Such information includes, but is not limited to, factual information regarding the competitors in the Competition or Event, tactical considerations or any other aspect of the Competition or Event but does not include such information that is already published or a matter of public record, readily acquired by an interested member of the public, or disclosed according to the rules and regulations governing the relevant Competition or Event.
- j) **Member Organisations** means those entities recognised by the Sport's constitution as its member organisations.
- k) **National Policy on Match-Fixing in Sport** means the Policy endorsed, on 10 June 2011, by all Australian sports ministers on behalf of their governments, with the aim of protecting the integrity of Australian sport.
- l) **Official** means any person identified within the Sport's Officials Accreditation Framework (Annexure C) as amended and updated from time to time.
- m) **The Sport** means <insert name of national sporting organisation> Limited/Inc <delete as appropriate>.
- n) <insert sport> means the sport and game of <insert name of sport> as determined by the Sport and the International Association with such variations as may be recognised from time to time.
- o) **Policy** means the Sport's National Policy on Match-Fixing as amended from time to time.
- p) **Prohibited Conduct** means conduct in breach of section 3 of this Policy.
- q) **Relevant Person** means any of the persons identified in Clause 2.2, or any other person involved in the organisation administration or promotion of <insert sport>, whose involvement in Gambling would bring <insert sport> into disrepute.
- r) **Team** means a collection of Athletes and includes a national representative team, National Institute Network Teams, including the Australian Institute of Sport and State/Territory Institutes/Academies' of Sport or Member Organisation team that competes in Competitions or Events.

10. ANNEXURE A - ATHLETE FRAMEWORK

List here all classes of athlete to whom the Policy applies.

This should include any athlete that competes:

- in professional domestic leagues,
- at international benchmark competitions or events (such as world championships, world cups, or one-off international competitions; and
- at any other competition or event that attracts or is likely to attract a betting market (this would include competitions and events that have no domestic betting markets but attract overseas betting markets).

This framework should be reviewed regularly and amended as appropriate.

11. ANNEXURE B - COACHES FRAMEWORK

List here all classes of coaches to whom the Policy applies.

This should include any coach, including head coaches and assistant coaches of Athletes and Teams:

- in professional domestic leagues,
- at international benchmark competitions or events (such as world championships, world cups, or one-off international competitions; and
- at any other competition or event that attracts or is likely to attract a betting market (this would include competitions and events that have no domestic betting markets but attract overseas betting markets).

This framework should be reviewed regularly and amended as appropriate.

12. ANNEXURE C- OFFICIALS FRAMEWORK

List here all classes of officials to whom the Policy applies.

This should include any officials, including umpires and technical officials that officiate:

- in professional domestic leagues,
- at international benchmark competitions or events (such as world championships, world cups, or one-off international competitions; and
- at any other competition or event that attracts or is likely to attract a betting market (this would include competitions and events that have no domestic betting markets but attract overseas betting markets).

This framework should be reviewed regularly and amended as appropriate.

13. ANNEXURE D- CODE OF CONDUCT

NAME OF SPORT

(“the Sport”)

Code of Conduct

Anti-Match-Fixing Code of Conduct

CODE OF CONDUCT

Preamble

The Sport 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.

Accordingly, the Sport and its Member Organisations have a major obligation to address the threat of Match-Fixing and the corruption that flows from that.

The Sport and its Member Organisations have a zero tolerance for illegal gambling and Match-Fixing.

The Sport has developed a National Policy on Match-Fixing to:

- Protect and maintain the integrity of the Sport
- Protect against any efforts to impact improperly the result of any match.
- Establish a uniform rule and consistent scheme of enforcement and penalties.
- Adhere to the National Policy on Match-Fixing in Sport as agreed by Australian Governments on 10 June 2011.

A copy of the National Policy can be obtained from the Sport upon request, and is available on the Sport's website.

The Sport will engage necessary technical expertise to administer, monitor and enforce this Policy.

Application

The National Policy, as amended from time to time, includes a defined list of Relevant Persons to whom this Code of Conduct applies.

Sample Code of Conduct Principles/ Rules of Behaviour

This Code of Conduct sets out the guiding principles for all Relevant Persons on the issues surrounding the integrity of sport and betting.

Guiding Principles

1. Be Smart: know the rules
2. Be Safe: never bet on your sport
3. Be Careful: never share sensitive information
4. Be Clean: never fix an event
5. Be Open: tell someone if you are approached

1. Be Smart: know the rules

Find out the sports betting integrity rules of the Sport (set out in the Sports National Policy) prior to each season, so that you are aware of the Sport's most recent position regarding betting.

If you break the rules, you will be caught and risk severe punishments including a potential lifetime ban from your sport and even being subject to a criminal investigation and prosecution.

2. Be Safe: never bet on your sport

Never bet on yourself, your opponent or your sport. If you, or anyone in your entourage (coach, friend, family members etc), bet on yourself, your opponent or your sport you risk being severely sanctioned. It is best to play safe and never bet on any events within your sport including:

- never betting or gambling on your own matches or any competitions in your sport; including betting on yourself or your team to win, lose or draw as well as any of the different spot bets (such as first goal scorer, MVP etc);
- never instructing, encouraging or facilitating any other party to bet on sports you are participating in;
- never ensuring the occurrence of a particular incident, which is the subject of a bet and for which you expect to receive or have received any reward; and
- never giving or receiving any gift, payment or other benefit in circumstances that might reasonably be expected to bring you or your sport into disrepute.

3. Be Careful: never share sensitive information

As a Relevant Person you will have access to information that is not available to the general public, such as knowing that team mate is injured or that the coach is putting out a weakened side. This is considered sensitive, privileged or inside information. This information could be sought by people who would then use that knowledge to secure an unfair advantage to make a financial gain.

There is nothing wrong with you having sensitive information; it is what you do with it that matters. Most Relevant Persons know that they should not discuss important information with anyone outside of their club, team or coaching staff (with or without reward) where the Relevant Person might reasonably be expected to know that its disclosure could be used in relation to betting.

4. Be Clean: never fix an event

Play fairly, honestly and never fix an event or part of an event. Whatever the reason, do not make any attempt to adversely influence the natural course of an event or competition, or part of an event or competition. Sporting contests must always be an honest test of skill and ability and the results must remain uncertain. Fixing an event or competition, or part of an event or competition goes against the rules and ethics of sport and when caught, you may receive a fine, suspension, lifetime ban from your sport, and/or even a criminal prosecution.

Do not put yourself at risk by following these simple principles:

- Always perform to the best of your abilities.
- Never accept to fix a match. Say no immediately. Do not let yourself be manipulated - unscrupulous individuals might try to develop a relationship with you built on favours or fears that they will then try to exploit for their benefit in possibly fixing an event. This can include the offer of gifts, money and support.
- Seek treatment for addictions and avoid running up debts as this may be a trigger for unscrupulous individuals to target you to fix competitions. Get help before things get out of control.

5. Be Open: tell someone if you are approached

If you hear something suspicious or if anyone approaches you to ask about fixing any part of a match then you must tell someone at the Sport (this person is stipulated in the National Policy) straight away. If someone offers you money or favours for sensitive information then you should also inform the person specified above. Any threats or suspicions of corrupt behaviour should always be reported. The police and national laws are there to protect you. The Sport has developed the National Policy and the procedures contained in it to help.

14. ANNEXURE E- SAMPLE CLAUSES

DISCIPLINARY PROCESS

6.1 Commencement of Proceedings

- a) The Hearing Panel must comprise three persons independent of the Sport and with appropriate skills and experience appointed by the Board for such time and for such purposes as the Board thinks fit. The Board will appoint one of the members of the Hearing Panel to act as its Secretary.

The independence and skill set of Hearings Panel members is important in giving the process credibility and reducing the risk of appeals.

- b) On receipt of a referral from the Board of an actual or suspected contravention of this Policy by an Alleged Offender, the Secretary of the Hearing Panel must issue a notice to the Alleged Offender detailing:
- i. the alleged offence including details of when and where it is alleged to have occurred
 - ii. the date, time and place for the proposed hearing of the alleged offence which shall be as soon as reasonably practicable after the Alleged Offender receives the Notice;
 - iii. information advising the Alleged Offender of their rights and format of proceedings;
 - iv. the potential penalties in the event that the Hearing Panel makes a finding that the Alleged Offender engaged in the Prohibited Conduct;
 - v. a copy of the referral from the Board and any documentary or other evidence that was submitted to the Hearing Panel by the Board in relation to the alleged Prohibited Conduct by the Alleged Offender.
- ("the Notice").
- c) Within fourteen business days of the date of the Notice, the Alleged Offender must notify the Hearing Panel in writing of:
- i. whether or not he or she wishes to contest the allegations; and
 - ii. if the Alleged Offender does not wish to contest the allegations and accedes to the imposition of penalty, he or she may so notify the Hearing Panel in writing, in which case no hearing shall be conducted and the Hearing Panel will remit the matter to the Board for the Board's consideration and imposition of a penalty; or
 - iii. if the Alleged Offender does not wish to contest the allegations, but wishes to make submissions disputing and/or seeking to mitigate the penalty, he or she may must notify the Hearing Panel either:
 - A. that he or she wishes to make those submissions at a hearing before the Hearing Panel, in which case, the Hearing will proceed in accordance with clause 6.2 below; or
 - B. that he or she wishes to make those submission in writing, in which case the Hearing Panel will, on receipt of those submissions, remit the matter to the Board for the Board's consideration and imposition of a penalty (giving due consideration to those written submissions)

- iv. If the Alleged Offender does not admit or denies the alleged Prohibited Conduct and notifies the Hearing Panel that he or she wishes to contest the allegations, the Alleged Offender, is, by that notice, taken to have consented to the determination of the allegations in accordance with the procedure outlined in this Policy, and if the Hearing Panel finds that the Alleged Offender breached this Policy including by engaging in Prohibited Conduct, to the imposition of a penalty.
- d) If the Alleged Offender fails to respond to the Notice within fourteen business days of the date of the Notice, the Alleged Offender shall be deemed to have:
 - i. waived their entitlement to a hearing in accordance with this Policy; and
 - ii. admitted to the Prohibited Conduct specified in the Notice; and
 - iii. acceded to the imposition of a penalty by the Board; and
 - iv. the Hearing Panel will remit the Alleged Offender's Prohibited Conduct to the Board, informing the Board, by notice in writing, of the Alleged Offender's failure to respond to the Notice and requesting the Board to impose a penalty in the Board's Discretion in accordance with this section.
- e) Notwithstanding any of the above, an Alleged Offender shall be entitled at any stage to admit they have engaged in the Prohibited Conduct specified in the Notice and to accede to penalties determined by the Board
- f) Personnel covered by the Sport or a Member Organisation Employee Collective Agreement will be subject to relevant Clauses, including Dispute, Hearings, Appeals and Termination Clauses contained in such Agreement, and if applicable the *Fair Work Act 2009 (Australia)*.

6.2 Procedure of the Hearing Panel

- a) This section applies if the Alleged Offender contests the allegation(s) that he or she has engaged in the Prohibited Conduct specified in the Notice, and there is a hearing of the allegations by the Hearing Panel.
- b) The purpose of the hearing shall be to determine whether the Alleged Offender has engaged in the Prohibited Conduct specified in the Notice and, if the Hearing Panel considers that the Alleged Offender has engaged in Prohibited Conduct, for the imposition any penalty in the Hearing Panel's discretion.
- c) The Hearing Panel may conduct the hearing as it sees fit and, in particular, shall not be bound by the rules of evidence or unnecessary formality. The Hearing Panel must determine matters in accordance with the principles of procedural fairness, such as a hearing appropriate to the circumstances; lack of bias; inquiry into matters in dispute; and evidence to support a decision.
- d) The hearing shall be inquisitorial in nature and the Hearing Panel may call such evidence as it thinks fit in its discretion and all Relevant Persons subject to this Policy must, if requested to do so by the Hearing Panel, provide such evidence as they are able.

This allows the Hearing Panel to be actively involved in the hearing (i.e. asking questions of the Alleged Offender and the Sport).

- e) The hearing must be conducted with as much expedition as a proper consideration of the matters permit. However, the Hearing Panel may adjourn the proceedings for such reasonable time as it considers it necessary.
- f) Notwithstanding the above, the Alleged Offender:
 - i. is permitted to be represented at the hearing (at their own expense);
 - ii. may call and question witnesses;
 - iii. has the right to address the Hearing Panel to make their case; and
 - iv. is permitted to provide written submissions for consideration by the Hearing Panel (instead of or as well as appearing in person). If the Alleged Offender provides any written submissions, the Hearing Panel must consider those submissions in its deliberations.
- g) The hearing shall be closed to the public. Only persons with a legitimate interest in the hearing will be permitted to attend. This will be at the sole discretion of the Hearing Panel.
- h) The Hearing Panel must determine whether the Alleged Offender engaged in the Prohibited Conduct on the balance of probabilities.
- i) The decision of the Hearing Panel shall be a majority decision and must be recorded in writing. The decision must, at a minimum, set out and explain:
 - i. the Hearing Panel's findings, on the balance of probabilities and by reference to the evidence presented or submissions made, as to whether the Alleged Offender engaged in Prohibited Conduct; and
 - ii. if the Hearing Panel makes a finding that the Alleged Offender engaged in Prohibited Conduct, what, if any, penalties it considers appropriate.
- j) Subject only to the rights of appeal under Clause 5.3, the Hearing Panel's decision shall be the full, final and complete disposition of the allegations of Prohibited Conduct by the Alleged Offender and will be binding on all parties.
- k) If the Alleged Offender or their representative does not appear at the hearing, after proper notice of the hearing has been provided, the Hearing Panel may proceed with the hearing in their absence.

6.3 Appeals

- a) The Alleged Offender, the Sport and/or the Member Organisations have a right to appeal the decision of the Hearing Panel.
- b) The available grounds of appeal are:
 - i. where the decision of the Hearing Panel is wrong having regard to the application of this Policy or the Code of Conduct;
 - ii. where new evidence has become available;
 - iii. where natural justice has been denied; or
 - iv. in respect of the penalty imposed.
- c) A notice of appeal must be made in writing, lodged with the Board, through the Sport's Chief Executive Officer, within fourteen business days of the Hearing Panel's decision. The notice of appeal must specify the grounds for the appeal.
- d) Where the Board receives a notice of appeal, the Board must convene an appeal tribunal for the purposes of hearing the appeal ("the Appeal Tribunal"). Any hearing of the appeal must be held within thirty days of the notice of appeal being received by the Board.
- e) Any decision of the Hearing Panel that is appealed to the Appeal Tribunal will remain in effect while under appeal unless the Board orders otherwise.

- f) The Appeal Tribunal must be appointed by the Board for such time and for such purposes as the Board thinks fit and must:
 - i. be comprised of three Persons independent of the Sport with appropriate skills and experience to hear the matter;
 - ii. include at least one person who has considerable previous experience in the legal aspects of a disciplinary/hearings tribunal and dispute resolution; and
 - iii. not include any members from the initial Hearing Panel.

It is important for the Appeal Tribunal to be independent and suitably skilled, to bring confidence in all Relevant Persons they will receive a fair hearing.

- g) The hearing before the Appeal Tribunal is not a rehearing of the matter, but a hearing of the issue under appeal only.
- h) The Appeal Tribunal may conduct the appeal as it sees fit. However, any party to the appeal can be represented at and make written and oral submissions to the Appeal Tribunal subject to the discretion of the Appeal Tribunal.
- i) The Appeal Tribunal may, in its discretion:
 - i. affirm the decision of the Hearing Panel and the penalty imposed;
 - ii. affirm the decision of the Hearing Panel but decide to impose an alternative penalty; or
 - iii. revoke the decision of the Hearing Panel and the penalty imposed.
- j) The decision of the Appeal Tribunal shall be a majority decision and must be recorded in writing. The Appeal Tribunal and be communicated to the Sport's Chief Executive Officer and appellant as soon as practicable.
- k) The decision of Appeal Tribunal shall be final, non-reviewable, non-appealable and enforceable. No claim, arbitration, lawsuit or litigation concerning the dispute shall be brought in any other court or tribunal. Note: This provision does not prevent any law enforcement agency taking action.

This clause is subject to any legal rights a Relevant Person may have, such as the ability to appeal a matter to a superior Court through applicable legislation or common law.

SANCTIONS

6.4 Penalties

- a) If a Relevant Person admits they engaged in Prohibited Conduct or there is a finding that a Relevant Person has engaged in conduct that is Prohibited Conduct under this Policy or the Code of Conduct, the Board, the Hearing Panel or the Appeal Tribunal, as the case may be, may order that the Relevant Person:
 - i. be fined;
 - ii. be suspended from participating in any Competition or Event connected with the Sport;
 - iii. be banned from participating in any Competition or Event connected with the Sport;
 - iv. be reprimanded for their involvement in the Prohibited Conduct;

- v. lose accreditation to continue their involvement in the Sport;
 - vi. be ineligible, for life, from participating in any Competition or Event connected with the Sport or from any other involvement in the Sport;
 - vii. be counselled and/or required to complete a course of education related to responsible gambling and harm minimisation; or
 - viii. subject to the terms and conditions of any contract between the Sport and the Relevant Person, have that contract terminated.
- b) Notwithstanding the provisions of clause 7.1, the Board, the Hearing Panel or the Appeal Tribunal may impose any other such penalty as they consider appropriate in their discretion.
 - c) In addition to the penalties set out above, the Board, the Hearing Panel or the Appeal Tribunal may impose any combination of these penalties in their absolute discretion taking account of the gravity of the Prohibited Conduct.
 - d) Further, the Board, the Hearing Panel or the Appeal Tribunal may, depending on the circumstances of the Prohibited Conduct, suspend the imposition of a penalty in their absolute discretion.
 - e) All fines received pursuant to this Policy must be remitted to the Sport for use by the Sport for the development of integrity programs or as otherwise deemed appropriate.