



## Anti-Match Fixing Policy September 2019

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## INTRODUCTION

- a) Paralympics Australia (PA) recognises that while betting is a legitimate pursuit, 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. It is damaging to the trust and integrity of sport.
- b) PA have a major obligation to address the threat of Match-Fixing and the corruption that flows from this.
- c) PA has zero tolerance for illegal gambling and Match-Fixing.
- d) PA 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 PA;
  - 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.


# APPLICATION

## 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 association, employment or other contractual relationship with PA, Relevant Persons are automatically bound by this Policy and required to comply with all of its provisions.
- d) Nothing in this policy prevents the Board from enforcing any other Rules and Regulations or referring any Prohibited Conduct or related information to a relevant law enforcement agency or to a relevant governing body.
- e) PA Member Organisations are responsible for ensuring they have their own Anti-Match Fixing Policy and regulations in place that apply to their Relevant Persons.

## Relevant Persons

- a) This Policy applies to any Relevant Person as set out below, or as amended from time to time by the Board. Relevant Person means any person who is appointed to an Australian Paralympic team or who is any way associated with such a team (or with an organisation or event associated with such a team) and includes, but is not limited to:
  - i. Agents
  - ii. Athletes in PA teams;
  - iii. Coaches in PA teams;

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- iv. Officials in PA teams;
  - v. PA team support personnel, including, but not limited to, doctors, physiotherapists, team managers;
  - vi. Persons who hold governance positions with PA;
  - vii. PA staff and volunteers;
  - viii. Authorised providers of PA events.

## Education

- a) It is recommended that all Relevant Persons complete appropriate education and training programs as directed by PA from time to time.
- b) All Relevant Persons as at the commencement of this Policy must undertake PA's education program, including the Keep Sport Honest [online education program](https://elearning.sport.gov.au) available at [elearning.sport.gov.au](https://elearning.sport.gov.au).
- c) All persons who become Relevant Persons after the commencement of this Policy must undertake the PA's education program as part of their induction.
- d) PA will monitor the education and training completed by Relevant Persons through a training register.

## Code of Conduct

- a) In addition to this Policy, all Relevant Persons are bound by the PA's Anti-Match fixing 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

## PROHIBITED CONDUCT

a) A Relevant Person must not directly or indirectly, alone or in conjunction with another or others breach this Policy or PA'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 PA; or
- II. participating (whether by act or omission) in Match-Fixing by:
  - a. deliberately underperforming or 'tanking' within a Competition or Event;
  - b. deliberately fixing, or exerting any undue influence on, any occurrence within any Competition or Event;
  - c. inducing or encouraging any Relevant Person to deliberately underperform;
  - d. providing Information that is not publicly known such as Team or its member's 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/or which is prejudicial to the interests of PA and/or Member Organisations or which bring a Relevant

Person or PA and/or Member Organisations 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) All Relevant Persons should make themselves aware of the criminal offences relating to Match-Fixing, and associated penalties (which may be very substantial periods of imprisonment).

## REPORTING PROCESS

- a) A Relevant Person must promptly notify the PA 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;
  - ii. is approached by another person to engage in conduct that is or would be 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.

- v. is aware or reasonably suspects that another person has engaged in 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 Clause 4 applies may report the conduct to the Chair of the Board.
- c) Notification by a Relevant Person under this Clause 4 can be made verbally or in writing in the discretion of the Relevant Person and may be made confidentially (via emailing [integrity@paralympic.org.au](mailto:integrity@paralympic.org.au)) 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 Clause 4 will be dealt with confidentially by PA 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.



# INVESTIGATIONS

## Allegations of Prohibited Conduct

- a) PA will establish a Hearing Panel (comprising 2-3 members at its discretion) which will have the power to investigate alleged Prohibited Conduct and determine an appropriate sanction in accordance with this Policy, and will be required to report their findings to the CEO, Chair of the Board and any relevant law enforcement agencies.
- b) 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.
- c) The Board may, at its sole discretion, elect to not refer matters to the Hearing Panel until after it discloses the allegations of the Prohibited Conduct to the Police or other such relevant regulatory agency.
- d) If the Board or Chief Executive Officer has referred to the Hearing Panel a report or information that a person 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 or remove the Alleged Offender from any Event or activities sanctioned by PA or a Member Organisation until the outcome of any Hearing Panel determination under clause 6 of this Policy.

## Confidentiality and Reporting

- a) To maintain the confidentiality of the process, no Relevant Person or parties (including PA) will publicly announce, comment on or confirm any of its investigative or subsequent hearings or appeals activities, except in accordance with this clause 5.2. Notwithstanding this provision, however, a general description of a process that may be instigated under this policy is permissible.
- b) PA must not disclose any specific facts of an allegation of Prohibited Conduct or breach of this Policy prior to determination by a Hearing Panel.
- 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, PA, Member Organisation and any other interested party of its decision. Thereafter, such public disclosure will be by way of an official release by PA, in its sole discretion.
- 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.

## **Criminal offences**

- 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.
- b) Offences that occur overseas will be subject to the law of the country the competition is occurring in. However, PA may nevertheless apply sanctions.

## **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.

# **DISCIPLINARY PROCESS**

## **Commencement of Proceedings**

- a) The Hearing Panel must comprise persons independent of PA 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.

- b) On receipt of a referral from the Board of an actual or suspected contravention of this Policy by an Alleged Offender, the PA CEO 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 a 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 submissions 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 clause.

- 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.

## **Procedure of the Hearing Panel**

- a) This clause applies if the Alleged Offender contests the allegation(s) and there is a Hearing.
- 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.
- 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 and must be 'comfortably satisfied' on the weight of the evidence.
- 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 6.3, 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.

## Appeals

- a) The Alleged Offender, PA 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 PA Codes 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 PA'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 (comprising 2-3 people at PA's discretion) must be appointed by the Board for such time and for such purposes as the Board thinks fit and must:



- i. be comprised of Persons independent of PA 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.
- 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 PA'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.

## SANCTIONS

- 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 PA's Codes of Conduct, the Board, the Hearing Panel or the Appeal Tribunal may impose one or more of the following penalties:
- i. fine, and the amount of such fine;
  - ii. suspension;
  - iii. imposition of a suspended sentence;
  - iv. ban;
  - v. reprimand;
  - vi. loss of accreditation;
  - vii. lifetime ineligibility for PA teams or from any other involvement with PA;
  - viii. counselling and/or required to complete a course of education related to responsible gambling and harm minimisation;
  - ix. contract termination.
  - x. Any combination of the penalties above.
- b) Notwithstanding the provisions of clause 7(a), the Board, the Hearing Panel or the Appeal Tribunal may impose any other such penalty as they consider appropriate in their discretion.
- c) If an Offender commits a second or subsequent Offence under this Policy, then the Hearings Panel and or Appeal Tribunal shall take into consideration the previous Offence, the penalty imposed and any other relevant factors (including any findings and penalties from any other investigation or hearing relating to illegal gambling or match fixing, and penalties imposed by other Member Organisations), in imposing a penalty for the second or subsequent Offence.

- d) All fines received pursuant to this Policy must be remitted to PA for use by PA for the development of integrity programs or as otherwise deemed appropriate.

## INFORMATION SHARING

### Information Sharing

- a) PA may share personal information related to an Alleged Offender with Betting Operators, law enforcement agencies, government agencies and/or other sporting organisations set up to prevent and investigate match-fixing incidents.
- b) In sharing information, PA will comply with all legal obligations under the *Privacy Act 1988* (Cth).

### Sponsorship

- a) PA acknowledges that betting is a legal activity, and recognises that Betting Operators may wish to enter Commercial Partnerships to promote their business.
- b) However, PA has a policy of not entering into Commercial Sponsorship Partnerships with any Betting Operators.
- c) A Relevant Person (when they are competing on an Australian Paralympic Team) 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.

## INTERPRETATIONS AND DEFINITIONS

### 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.

### 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) Appeal Tribunal is convened by the Board for the purposes of hearing an appeal.
- c) Athlete means any person identified within the PA’s athlete framework (Annexure A) as amended and updated from time to time.
- d) Authorised Providers means the PA’s Member Organisations, Affiliates, or other organisations from time to time that conduct Events (for example Summer/Winter Paralympic Games or a private event management company operating an Event on behalf of PA).

- e) Betting Operator means any company or other undertaking that promotes, brokers, arranges or conducts any form of Betting activity in relation to PA.
- f) Coaches means any person described in the PA's coach framework (Annexure B) as amended and updated from time to time.
- g) Competition means a Para-Sport contest, event or activity measuring performance against an opponent, oneself or the environment either once off or as part of a series.
- h) Event means a one off Competition, Games or series of individual Competitions conducted by PA or an Authorised Provider.
- i) Hearing Panel means the Panel appointed by the Board to hear and determine allegations of Prohibited Conduct.
- j) Inside Information means any information relating to any Competition, Games or Event that a Relevant Person possesses by virtue of his or her position within PA or Australian Paralympic Team. Such information includes, but is not limited to, factual information regarding the competitors in the Competition or Event, team members' 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.
- k) Member Organisations means those entities recognised by the PA's Constitution as its member organisations.
- l) 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.

- m) Official means any person identified within the PA's Officials Accreditation Framework (Annexure C) as amended and updated from time to time.
- n) PA means Paralympics Australia.
- o) Policy means the PA'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 PA and/or para-sport, whose involvement in Gambling would bring PA into disrepute.
- r) Team means the Summer/Winter Australian Paralympic teams.

## **ANNEXURE A**

### Athlete Framework

The National Policy on Match Fixing applies to athletes competing in, or registered with:

- Australian Paralympic Teams
- Domestic Events
- International Events
- Any other competition or event that attracts or is likely to attract a betting market (whether domestic or overseas).

## **ANNEXURE B**

### Coaches Framework

The National Policy on Match Fixing applies to coaches of athletes competing in, or registered with:

- Australian Paralympic Teams
- Domestic Events
- International Events
- Any other competition or event that attracts or is likely to attract a betting market (whether domestic or overseas).

## **ANNEXURE C**

### Officials and Volunteers Framework

The National Policy on Match Fixing applies to events involving referees, scorers, officials, time keepers and volunteers for:

- Australian Paralympic Teams
- Domestic Events
- International Events
- Any other competition or event that attracts or is likely to attract a betting market (whether domestic or overseas).