

1.26 ORIENTEERING AUSTRALIA

National Policy on Match-Fixing

Table of Contents

1.	INTRODUCTION	2
2.	APPLICATION.....	2
3.	PROHIBITED CONDUCT.....	3
4.	REPORTING PROCESS.....	5
5.	INVESTIGATIONS	5
6.	DISCIPLINARY PROCESS.....	7
7.	SANCTIONS.....	7
8.	INFORMATION SHARING	8
9.	INTERPRETATIONS AND DEFINITIONS	9
13.	ANNEXURE - CODE OF CONDUCT	11

ORIENTEERING

National Policy on Match-Fixing

1. INTRODUCTION

- 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

a) This Policy applies to any Relevant Person as defined from time to time by the Board. Until otherwise determined by the Board, a Relevant Person is defined as follows:

- (i) Any member of a team selected for the World Orienteering Championships or Mountain Bike Orienteering World Championships;
- (ii) Any member of any other team or squad designated by the Director (High Performance);
- (iii) Any official appointed by Orienteering Australia to have responsibility over teams or squads referred to in (i) or (ii);
- (iv) Any other person designated by the Director (High Performance).

(b) A person designated as a Relevant Person under clauses (a)(i) – (iii) shall remain a Relevant Person until they cease to be a member of the applicable squad (in the case of a squad) or until the selection of the next equivalent team (in the case of a team).

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:
 - (i) prior to competing in any Event or Competition; or
 - (ii) 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 once it is available.

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

- 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.

For the relevant criminal legislation in each state and territory, visit www.regional.gov.au/sport

4. REPORTING PROCESS

- a) A Relevant Person to whom this policy applies must promptly notify the 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 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 President.
- 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 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

5.1. Allegations of Prohibited Conduct

- a) If the Board or 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 Misconduct Tribunal.

- b) If the Board or Executive Officer has referred to the Misconduct Tribunal 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 Misconduct Tribunal suspend the Alleged Offender from any Event or activities sanctioned by the Sport or a Member Organisation.
- c) Nothing in this section prevents the Board or 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 Misconduct Tribunal 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

- a) Any alleged Prohibited Conduct by an Alleged Offender which is considered by the Board or 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

Disciplinary action under this Policy will be dealt with in accordance with the disciplinary and appeals procedures defined in clause 21 of the Orienteering Australia Constitution (see Appendix).

7. SANCTIONS

7.1. 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 Misconduct Tribunal 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 Misconduct Tribunal 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 Misconduct Tribunal 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 Misconduct Tribunal 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.

8. INFORMATION SHARING

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 any relevant Betting Operators to help ensure the ongoing integrity of the Competitions and Events played under the auspices of the Sport.
- c) Relevant 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 relevant Betting Operators 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 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. For the purposes of this clause, a “commercial relationship” does not include activities as an ordinary customer of a Betting Operator (e.g. placing a bet on a sport other than orienteering), to the extent that such activities are not Prohibited Conduct under clause 3.

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 an orienteering 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) **Misconduct Tribunal** means the Panel appointed in accordance with the Orienteering Australia Constitution 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 as amended and updated from time to time.
- m) **The Sport** means Orienteering Australia Inc.
- n) **Orienteering** means the sport and game of **orienteering** as determined by the Sport and the International Orienteering Federation 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 orienteering, whose involvement in Gambling would bring orienteering 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- CODE OF CONDUCT

Orienteering ("the Sport") Code of Conduct

Anti-Match-Fixing 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;
- 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 a 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.