

## NZIFSA Anti-Match-Fixing and Sports Betting Policy

Version 1.0 (8 May 2018)

### 1. Introduction

1.1 The purpose of this Policy is:

- a. to protect and maintain the integrity of ice figure skating
- b. to protect ice figure skating against any efforts to improperly influence the result, or any aspect, of any Event
- c. to generally align with the New Zealand Policy on Sports Match-Fixing and Related Corruption developed by Sport New Zealand (Sport NZ)

1.2 Conduct prohibited by this Policy may also be a criminal offence and/or a breach of other applicable laws or regulations. This Policy is intended to supplement other laws and regulations and does not replace, prejudice or undermine in any way the application of other laws and regulations. People to whom this Policy applies must comply with all applicable laws and regulations at all times.

### 2. Prohibited Conduct

2.1 This Policy prohibits a Relevant Person engaging in the conduct and activities listed in this Section 2 ("Prohibited Conduct"). For the purposes of this Policy, Relevant Person is defined as all Coach Members, Members of Affiliated Clubs, Officials, Honorary Life Members, Board and Operations and Development Group Members.

2.2 Any Relevant Person who engages directly or indirectly, alone or in conjunction with another or others in the listed conduct and activities commits an offence in breach of this Policy and will be subject to sanctions.

#### 2.3 Corruption:

No Relevant Person shall:

- a. fix, contrive, improperly influence or otherwise take action which could cause the occurrence of a particular incident, outcome, result or anything else in an Event, and for which any money, Benefit or Reward (including associated with a Betting arrangement) is expected or received.
- b. pay or accept, or seek or offer or agree to pay or accept, any bribe or other reward to fix, contrive, or otherwise improperly influence the occurrence of a particular incident, outcome, result or any other aspect in an Event
- c. fail, for any money, Benefit or Reward (including associated with a Betting arrangement), to perform as reasonably expected to their abilities in, or withdraw completely from, any Event, other than solely for genuine medical reason.

#### 2.4 Betting:

No Relevant Person shall Bet, gamble or enter into any other form of financial speculation on any Event sanctioned by NZIFSA.

## 2.5 **Misusing Inside Information:**

No Relevant Person shall:

- a. use, or provide to any person, Inside Information where it might reasonably be expected the information could be used for Betting purposes
- b. pay or accept, or seek or offer or agree to pay or accept, any bribe or other Benefit or Reward for Inside Information
- c. To avoid doubt, this does not prevent the appropriate use or disclosure of Inside Information for genuine business or organisational purposes related to NZIFSA such as: communications between NZIFSA personnel for those purposes; necessary communications with other relevant sports sector personnel for those purposes; media interviews and other public commitments
- d. To avoid doubt, nothing in Section 2.5a. is intended to prohibit any such disclosure made within a personal relationship (such as to a member of the Relevant Person's family) where it is reasonable for the Relevant Person to expect that such information can be disclosed in confidence and without being subsequently used for Betting, and where the person who is told the information is also told it cannot be shared with another person.

## 2.6 **General Offences:**

No Relevant Person shall:

- a. receive, take an action with the expectation of receiving, or provide or offer to provide any Benefit or Reward (for example a gift) in circumstances that might reasonably give the impression that the Relevant Person is involved in, influenced by, or connected with any Prohibited Conduct
- b. tamper with, obstruct, delay and/or destroy any evidence, potential evidence, documentation and/or information which may be relevant to a breach (actual or potential), and/or an investigation, under this Policy
- c. engage in any other form of corrupt conduct, as defined by NZIFSA, regarding any Event sanctioned by, or connected to, NZIFSA.

## 2.7 **Further offences relating to Prohibited Conduct in Sections 2.3 – 2.6**

No Relevant Person shall:

- a. knowingly help with, cover up or otherwise be complicit in any Prohibited Conduct.
- b. induce, instruct, encourage or facilitate anyone to engage in any Prohibited Conduct.
- c. Attempt to engage, or agree with any other person (whether a Relevant Person or not) to engage, in any Prohibited Conduct, whether or not such Attempt or agreement in fact resulted in the commission of an offence or breach under this Policy or whether or not, in the circumstances, it was possible to commit such an offence or breach
- d. engage in any conduct relating directly or indirectly to any Prohibited Conduct, which is prejudicial to the interests of NZIFSA or which brings the person engaging in the conduct, or NZIFSA into disrepute.

## 2.8 **Failure to disclose information or cooperate with investigations**

No Relevant Person shall:

- a. fail to promptly disclose to NZIFSA full details of facts and circumstances of which they are aware, including any acts, incidents, approaches, invitations or threats relating to themselves or any other person regarding any Prohibited Conduct
- b. fail to cooperate fully with any reasonable investigation carried out by NZIFSA regarding any alleged breach of this Policy, including providing any requested information.

## 2.9 **Circumstances not amounting to Prohibited Conduct**

To avoid doubt, none of the measures in section 2 or otherwise specified in this Policy prevent:

- a. taking action solely for genuine medical reasons
- b. investment in, or financial support for, a team or athlete in accordance with legitimate commercial practices.

## 2.10 **Factors not relevant in determining whether an offence has been committed**

The following factors are not relevant in determining whether an offence has been committed or not under this Policy (although they may be relevant to the appropriate sanction to be imposed):

- a. the Relevant Person was not participating in the Event to which the offence is alleged to relate
- b. the nature or outcome of any Bets in issue
- c. the outcome of the Event in question or of any aspect of it on which Bets were made
- d. whether or not any Benefit or Reward was actually given or received
- e. whether or not the Benefit or Reward was intended for, given to, expected by, or received by, the Relevant Person or another associated person, for example a family member, friend or someone the Relevant Person wishes to benefit
- f. whether or not any of the results in, or any aspect of, the Event in question were (or could have expected to have been) affected by any act or omission in question.

## 2.11 **Criminal offences**

Any information or reports on alleged Prohibited Conduct by a Relevant Person, or activity by anyone outside the sport, which the Board considers may be a criminal offence, must be immediately referred, by the Board, to the New Zealand Police (the Crime Policy & Project Officer, National Criminal Investigations Group, Police National Headquarters, 180 Molesworth Street, P O Box 3017, Wellington, phone (04) 474 9499). The Board must also inform the Chief Executive Officer (CEO) and the Chief Executive Officer of Sport NZ of this report to the New Zealand Police.

## 3. **Education**

- 3.1 The NZIFSA will provide education about this Policy and its application to all Relevant Persons to enable them to clearly understand NZIFSA's requirements regarding Match-Fixing rules and to be aware of risk management strategies. Information will be communicated to all Relevant Persons via the NZIFSA newsletter on an annual basis and via the biannual policy review process.

#### 4. **Reporting Process**

- 4.1 It is fundamental to the operation of this Policy that Relevant Persons or any other person associated with NZIFSA, report a suspected Match-Fixing breach to NZIFSA as soon as practicable.
- 4.2 Any suspected match-fixing breach must be reported in writing to the Chief Executive Officer of the NZIFSA via the General Secretary. If the suspected breach involves the General Secretary, the report should be made to either the CEO directly or the President of the NZIFSA. If there is no CEO in place at the time the suspected breach is reported, or the suspected breach involves the CEO, then the President will assume the roles of the CEO as outlined in section 5.1.

#### 5. **Investigations & Disciplinary Process**

##### 5.1 **Responsibilities of the Chief Executive Officer (or Integrity Review Officer) - Investigations**

- a. Following receipt of a report of suspected Match-Fixing, the CEO (or Integrity Review Officer) must do one of the following:
- i. refer to the New Zealand Police, advise the Board of NZIFSA and advise the CEO of Sport NZ of any report or information involving conduct which may be a criminal offence as per section 2.11 of this Policy.
  - ii. decide that an investigation is not required (for example, but not limited to, where the report or information is frivolous or where the conduct complained of would not amount to a breach of this Policy or any relevant law); or
  - iii. decide that an investigation is required. If so, as per Section 3.6 of the Constitution of the NZIFSA the Board may appoint a Disciplinary Committee to receive evidence, conduct disciplinary hearings, decide whether any offence has been committed and determine what sanctions, if any, are imposed.
- b. The Disciplinary Committee may collect information relevant to the investigation. The collection of information will be subject to the NZIFSA Privacy Policy and to applicable New Zealand law (such as the Privacy Act 1993). The Disciplinary Committee may:
- i. only access personal information to which consent has been provided under this Policy (and any applicable privacy policy) or is otherwise able to be lawfully collected under applicable legislation
  - ii. make a request of the Relevant Person to provide any other information
  - iii. request the Relevant Person to make a written statement setting out in detail all of the facts and circumstances of which the Relevant Person is aware regarding the alleged breach.
- c. The Disciplinary Committee will use their best endeavours not to disclose information that might identify the person who has made the report unless:
- i. the person consents in writing to the disclosure of that identifying information; or
  - ii. the Board/Disciplinary Committee reasonably believes that disclosure of identifying information:
    - is essential to enable an effective investigation; or
    - is essential to prevent serious risk of harm to any person; or
    - is essential having regard to the principles of natural justice.

## 5.2 Sanctions

Where it is determined that a Relevant Person has committed an offence under this Policy they will be subject to sanctions as outlined in the table of sanctions (5.3) below. These sanctions are based on section 3.6 of the Constitution of the NZIFSA.

## 5.3 Table of Sanctions

| Offence   | Range of Sanctions for Each Offence  | Additional Sanctions the Disciplinary Committee may Impose   |
|---|--|--|
| <p><b>Corruption:</b></p> <p>Rules 2.3a, 2.3b, 2.3c</p>   | <p>Minimum: Warning and reprimand</p> <p>Maximum: Expulsion</p>  | <p><b>AND IN ALL CASES:</b></p> <p>The Disciplinary Committee shall have the discretion to additionally impose:</p> <p>(a) a fine on the Relevant Person up to a maximum of the value of \$250 paid to <b>NZIFSA</b>.</p> <p>and/or</p> <p>(b) appropriate further options including without limitation the rescinding of any honours, titles or prizes awarded by NZIFSA to the individuals involved.</p> <p>And/or</p> <p>(c) the requirement for individuals involved to undertake a course of training or rehabilitation as it may prescribe</p> |
| <p><b>Betting:</b></p> <p>Rule 2.4</p>  | <p>Minimum: Warning and reprimand</p> <p>Maximum: Expulsion</p>  |  |
| <p><b>Misusing Inside Information:</b></p> <p>Rules 2.5a, 2.5b, 2.5c, 2.5d</p>                                      | <p>Minimum: Warning and reprimand</p> <p>Maximum: Expulsion</p>  |  |
| <p><b>General Offences:</b></p> <p>Rules 2.6a, 2.6b, 2.6c</p>   | <p>Minimum: Warning and reprimand</p> <p>Maximum: Expulsion</p>  |  |
| <p><b>Further Offences Relating to Prohibited Conduct in Rules 2.3-2.6:</b></p> <p>Rules 2.7a, 2.7b, 2.7c, 2.7d</p> | <p>The sanctions range will be the same as set out in this table for the particular relevant primary offence in Rules 2.3-2.6</p> <p>Lower range of sanctions: from a warning and reprimand up to a maximum of one (1) year suspension - see constitution rule 3.6g(i)</p> |  |
| <p><b>Failure to Disclose or Cooperate:</b></p> <p>Rules 2.8a, 2.8b</p>   | <p>Minimum: Warning and reprimand</p> <p>Maximum: One (1) year suspension</p>  |  |

## 5.4 Confidentiality and Public Disclosure

- a. Except as otherwise required by this Policy or applicable laws and/or regulations of NZIFSA, the Board, Disciplinary Committee, CEO, General Secretary and any other Parties to proceedings under this Policy:
  - i. shall keep all proceedings under this Policy confidential
  - ii. shall make all efforts within their power to ensure that their family members/associates shall keep all proceedings under this Policy confidential. NZIFSA shall not publicly identify any Relevant Person who is alleged to have committed an offence under this Policy unless and until it has been determined by the Board / Disciplinary Committee that an offence has been committed and the period for any appeal has lapsed.
- b. If the Board / Disciplinary Committee determine that no offence has been committed by the Relevant Person, then the decision may be publicly reported only with the consent of the Relevant Person who is the subject of the decision.
- c. Clauses 5.3(a) and (b) will not apply if the Board of NZIFSA considers that, in the circumstances, the reasons for public comment outweigh the reasons for not making public comment.

## 6. Recognition of Decisions

### 6.1 Decisions and sanctions of:

- a. the International Skating Union
- b. international federations of other sports
- c. other national ice figure skating organisations in other international jurisdictions
- d. other national sport organisations of other sports in New Zealand
- e. national sport organisations of other sports in other international jurisdictions

that are based on the same or similar anti Match-Fixing rules or anti-corruption rules shall be recognised, respected and enforced by NZIFSA automatically upon receipt of notice of the same, without the need for further formality.

## 7. Protection and Support Mechanisms

- 7.1 NZIFSA will have protection and support mechanisms in place for Relevant Persons who may come in contact with, or be involved in, Match-Fixing activity or to limit risky situations where this might occur. Protection and support mechanisms established may include those listed below and NZIFSA will ensure Relevant Persons are advised of these where in place.

### 7.2 Protection mechanisms

Protection mechanisms that NZIFSA may establish at its discretion include, but are not limited to:

- a. security measures restricting access to participants from non-essential personnel at Events
- b. limiting or prohibiting participants' use of electronic communication devices (phones, computers, tablets etc.) in/at restricted areas/times during Events
- c. regular scrutiny of judges' and technical panel members' decisions via round table meetings

- d. paying particular attention to measures to safeguard athletes who are minors or at Events predominantly involving minors.

### 7.3 **Support mechanisms**

Support mechanisms that NZIFSA may enact at its discretion include, but are not limited to:

- a. having confidential and accessible reporting processes and a 'whistle blower' policy in place to support people coming forward with any relevant information
- b. publicising the contact details (e.g. name, phone number and email address) of the NZIFSA Secretary, President and Chief Executive Officer, whom anyone connected with the NSO can contact regarding any Match-Fixing related matters, who can assess the situation and offer sound advice, protecting confidentiality where appropriate
- c. pre-determining procedures to keep Relevant Persons safe, who have been approached to engage in Match-Fixing
- d. encouraging athletes to seek support from their clubs.

## 8. **Information Sharing and Collaboration**

- 8.1 Subject to any legal restrictions, or those relating to confidentiality or privacy, NZIFSA will provide and exchange information, and collaborate regarding any Match-Fixing related matters, via protocols to be agreed, with Sport New Zealand and law enforcement or other relevant agencies including the Serious Fraud Office, New Zealand Police, the Organised and Financial Crime Agency New Zealand, the NZRB and the Department of Internal Affairs or relevant overseas agencies.

## 9. **Rights of Appeal**

- 9.1 The Respondent (Relevant Person investigated) has a right of appeal against a decision of the Disciplinary Committee that an offence under this Policy has been established for which a sanction of a warning and reprimand only is imposed.
  - a. Any appeals shall be heard by an Appeals Committee, to be established by the Board, as a full hearing, where the Appeals Committee will hear all the evidence and make its own decision.
  - b. The appeal is required to be initiated by the Respondent, within 14 days from the date of the decision, containing reasons and a written notice that the decision is appealed.
  - c. The appeal is required to be lodged to the CEO who then passes it to the Appeals Committee along with all other written material, reports and recommendations used to make the original decision.
  - d. The original decision of the Disciplinary Committee shall remain in effect and binding pending the Appeals Committee's determination of the appeal.
  - e. To avoid doubt, NZIFSA does not have a right of appeal against a decision of the Disciplinary Committee.

## 10. Additional Definitions

The definitions set out below apply to this Policy:

**Attempt:** Purposely engaging in an act(s) and/or omission(s) which are more than mere preparation and which constitute a real and substantial step(s) towards the commission of an offence under this Policy, whether or not an offence was actually committed or whether or not in the circumstances it was possible to commit an offence.

**Benefit or Reward:** Any direct and/or indirect monetary and/or non-monetary bribe(s), gain(s), benefit(s), gift(s) and/or advantage(s), including, without limitation, winnings and/or potential winnings as a result of a Bet(s). This does not include official prize money and/or legitimate contractual payments authorised by NZIFSA for participating in Events, any services, sponsorship, endorsements and/or similar payments.

**Bet:** A bet, wager or other form of financial speculation.

**Betting:** Making, accepting, or laying a Bet, including (without limitation) activities commonly referred to as sports betting, such as fixed and running odds, totalisator/toto games, live betting, betting exchanges, spread betting, and other games offered by sports betting operators.

**Event:** A competition, series of competitions, or test session

**Inside Information:** Any information considered to be not available to or not known by the public relating to any, team, athlete or any aspect connected with any of these, that a person has because of their position within NZIFSA or connection to NZIFSA. This could include, without limitation, such information as an international representative skating team's actual or likely membership composition or, the fitness of individual athletes.

**Integrity Review Officer:** A person designated to perform the role of Integrity Review Officer by NZIFSA.

**Match-Fixing:** Improperly influencing or otherwise taking action which could cause the occurrence of a particular incident, outcome, result or anything else in a Match or Event, and for which any money, Benefit or Reward (including associated with a betting arrangement) is expected or received; other than solely for genuine medical or Sporting Tactical Reasons. While often associated with corrupt gambling practices, such as placing bets on arranged outcomes for financial return, it can also involve a range of associated activities.

**Parties:** The Parties to offence proceedings which may include, as appropriate, the Relevant Person, and/or officers and representatives of the Parties, if any.