

MOTORCYCLING AUSTRALIA POLICY

Title:	Corruption and Fraud Policy
Last Review Date:	11 August 2020
Next Review Date:	August 2022
Responsible Persons:	Motorcycling Australia Board
Authority:	This Policy is made under clause 15 of the MA Constitution. It is binding on all Members of MA and volunteers, and all employees of MA and its SCBs, and is to be interpreted in accordance with the MA Constitution.

1. INTRODUCTION

- 1.1 MA maintains a 'zero tolerance' attitude towards corruption and fraud.
- 1.2 MA's risk management approach to the prevention, detection and investigation of suspected fraudulent or corrupt conduct is incorporated into its business processes, management practices, internal controls and related activities.
- 1.3 MA's commercial relationships extend globally including into societies with a culture of ritualised gift giving or where corruption and fraud are viewed differently. MA recognises that the line between acceptable and unacceptable gifts is often hard to draw, and MA Personnel should use their discretion in dealings outside Australia, or when in doubt consult the CEO.
- 1.4 The **purpose** of this Policy is to:
 - 1.4.1 Promote and protect the integrity of the Sport from attempts to gain advantage by fraud or corruption; and
 - 1.4.2 Establish a uniform rule of conduct and a consistent scheme for enforcement thereof.
- 1.5 This Policy should be read in conjunction with other MA policies in the MA integrity framework.

2. DEFINITIONS

- 2.1 **CEO** means the Chief Executive Officer of MA.
- 2.2 **Corruption** is an act undertaken with the intent to give some advantage inconsistent with official duty and the rights of others. It includes bribery, extortion, and the misuse of inside information.
- 2.3 **Disciplinary Policy** means any MA Policy on disciplinary matters as amended from time to time.
- 2.4 **Fraud** is the act of deception deliberately practiced in order to secure unfair or unlawful gain. It extends beyond the legal definition of fraud to benefits obtained that can be both tangible and intangible. It encompasses activities and/or behaviours broader than misuse of monies.

- 2.5 **MA** means Motorcycling Australia Limited
- 2.6 **MA Personnel** means any person who is employed by, contracted to, or volunteering their time to, MA, an SCB or an entity that is affiliated to MA or an SCB.
- 2.7 **Member** has the meaning given it by the MA Constitution.
- 2.8 **Policy** means this MA Policy on corruption and fraud as amended from time to time.
- 2.9 **SCB** means a State Controlling Body affiliated to and recognised by MA as its sole delegate within that SCB's state or territorial borders.
- 2.10 **Sport** means the sport or recreational activity of motorcycling
- 2.11 **Tribunal** means the tribunal selected under the process set out in the MA Complaints Resolution Policy.

3. POLICY

3.1 MA Personnel must always:

- 3.1.1 act with honesty and integrity;
- 3.1.2 adhere to this Policy and other MA policies in the MA integrity framework;
- 3.1.3 exercise due care for the property that is in their care, custody or control;
- 3.1.4 immediately advise their supervisor or the CEO of:
 - (a) any fraudulent or corrupt conduct of which they become aware or which they reasonably suspect; and
 - (b) property that is at risk of theft.

4. REPORTING

4.1 A report made under this Policy can be made verbally or in writing and should include:

- 4.1.1 the name/s of parties involved or suspected to be involved;
- 4.1.2 a description of the activity in question; and
- 4.1.3 as much surrounding detail as possible.

4.2 Any report by MA Personnel under this Policy will be dealt with by MA confidentially unless disclosure is required or permitted under this Policy, by law, or if the allegation of the Prohibited Conduct is already in the public domain.

4.3 The CEO or their delegate shall record the fact of the reporting under this Policy, and particulars of the alleged corrupt or fraudulent conduct, in writing for presentation to the MA Board.

4.4 MA Personnel have a continuing obligation to report any new knowledge or suspicion regarding any suspected corrupt or fraudulent conduct under this Policy, even if their initial knowledge or suspicion has already been reported.

5. INVESTIGATIONS

- 5.1 Upon receipt of a report under clause 4, the MA Board may appoint an Investigations Officer to investigate and report back upon the suspected corrupt or fraudulent conduct including to:
 - 5.1.1 Enquire into, investigate and report on any matter in connection with this Policy;
 - 5.1.2 Interview any person implicated in allegations;
 - 5.1.3 Require and obtain production and take possession of all documents, records, articles or things that are relevant to any inquiry or investigation;
 - 5.1.4 Require access to the premises occupied by or in control of any person implicated in allegations for the purpose of this Policy;
 - 5.1.5 Provide a report and recommendation to the Board as to whether the matter is to be referred to the Tribunal.
- 5.2 The MA Board shall refer any matter concerning an alleged breach of this Policy, if applicable, for hearing and determination by the Tribunal.
- 5.3 The MA Board has the power to:
 - 5.3.1 Stand down any person subject to an inquiry or investigation from participating in or in connection with the Sport;
 - 5.3.2 Exercise any other powers conferred under this Policy;
 - 5.3.3 Delegate any of their powers under this Policy; and
 - 5.3.4 Report any alleged corrupt or fraudulent conduct to the police force in the jurisdiction the alleged offence and/or the Australian Federal Police.

6. PROCEEDINGS, APPEALS AND PENALTIES

- 6.1 Where the report of the Investigations Officer under clause 5 discloses that a Member is likely to have engaged in corrupt or fraudulent conduct, the MA Board shall refer the matter for determination under the MA Complaints Resolution Policy.