

# MOTORCYCLING AUSTRALIA POLICY

<b>Title:</b>	Match Fixing Policy
<b>Last Review Date:</b>	11 August 2020
<b>Next Review Date:</b>	August 2022
<b>Responsible Persons:</b>	Motorcycling Australia Board
<b>Authority:</b>	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 State Controlling Bodies, and is to be interpreted in accordance with the MA Constitution.

## 1. INTRODUCTION

- 1.1 Match-fixing and associated corrupt betting on sport that stems from it is an emerging issue from which no sport is immune.
- 1.2 MA has a zero tolerance for Match-fixing.
- 1.3 **Purpose:** The purpose of this Policy is to:
  - 1.3.1 Promote and protect the integrity of the Sport from attempts to dishonestly determine the result of a competition or Event;
  - 1.3.2 Establish uniform rules of conduct and a consistent scheme for enforcement of those rules; and
  - 1.3.3 Comply with the relevant Government policies on Match-fixing in Sport.
- 1.4 **Warning about criminal prosecution:** The conduct prohibited under this Policy may also be a criminal offence and/or a breach of other 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.
- 1.5 **Guiding Principles:** The following 5 habits may help keep you and your Sport free from illegal betting and match fixing:
  - 1.5.1 **Be Smart: know the rules:** Be aware of our Sport' position on betting. If you break the rules, you will be caught and face severe punishments including a potential lifetime ban and even being subject to a criminal investigation and prosecution.
  - 1.5.2 **Be Safe: never bet on your sport:** Never bet on yourself, your opponent or your Sport. This applies to you and your support people (coach, crew, friend, family members etc) and includes:

- (a) betting to win, lose or draw, and spot bets;
- (b) instructing, encouraging or facilitating anyone else to bet on a competition you are participating in;
- (c) inducements to make a particular incident or thing happen which is the subject of a bet; and
- (d) gifts, payments or other benefits that might be seen to be an inducement.

1.5.3 **Be Careful: never share sensitive information:** Information that is not available to the general public, like knowing that a team mate is injured or won't be competitive for some other reason not generally known, is considered sensitive, privileged or inside information. The issue is what you do with that information. Passing it on to someone who then uses it to make a bet or secure an unfair advantage is an offence under this Policy.

1.5.4 **Be Clean: never fix an event:** Compete fairly, honestly and never fix an Event or part of an Event. Our Sport must always be an honest test of skill and ability. Never attempt to influence the natural course of an Event or Competition.. To do so is against the rules and ethics of our Sport and risks severe penalty such as a fine, suspension, a lifetime ban, and/or even a criminal prosecution.

1.5.5 **Don't put yourself at risk:**

- (a) Always perform to the best of your abilities.
- (b) Never agree to fix a match. Say NO immediately. Do not let yourself be manipulated through offers of favours or threats.
- (c) Seek treatment for addictions, and avoid running up debts which can be used to manipulate you to fix competitions. Get help before things get out of control.

1.5.6 **Be Open: tell someone if you are approached:** If you hear something suspicious, or if anyone approaches you about fixing any Competition or Event, or offers you money or favours for sensitive information, you must tell someone at MA (the CEO or the President) straight away. Any threats or suspicions of corrupt behaviour should always be reported to the police.

## 2. INTERPRETATIONS AND DEFINITIONS

### 2.1 Interpretations

- 2.1.1 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 prefer.
- 2.1.2 Words in the singular include the plural and vice versa.
- 2.1.3 Reference to 'including' and similar words are not words of limitation.
- 2.1.4 Words importing a gender include any other gender.
- 2.1.5 A reference to a clause is a reference to a clause or subclause of this Policy.

- 2.1.6 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.
- 2.1.7 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.
- 2.1.8 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.

## 2.2 Definitions:

2.2.1 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 Tribunal.
- (b) **Athlete** means any person participating in an Event.
- (c) **Betting Operator** means any company or other undertaking that promotes, brokers, arranges or conducts any form of betting activity.
- (d) **Calcutta** means a form of gambling whereby participants/teams can be purchased/allocated for a given price in the hope that the participant/team wins the event and the purchaser(s) wins the prize pool.
- (e) **CEO** means the Chief Executive Officer of MA.
- (f) **Coach** means a person holding a current MA or SCB coaching accreditation.
- (g) **Competition** means any race, practice session, qualifying session, test session or section forming part of an Event.
- (h) **Disciplinary Policy** means any MA Policy on disciplinary matters as amended from time to time.
- (i) **Event** means the organised activity described in a permit issued by MA or an SCB.
- (j) **Inside Information** means any information relating to any Competition or Event that a Relevant Person possesses by virtue of their position within MA. Such information includes, but is not limited to, factual information regarding the participants 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.
- (k) **Investigations Officer** means any person appointed from time to time by the MA Board to undertake investigations in relation this Policy. Any Person so appointed shall comply with any directions or conditions imposed by the CEO or the chair of the MA Board.

- (l) **MA** means Motorcycling Australia Limited.
- (m) **Match-Fixing policy** 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.
- (n) **Officials** means any person identified within MA's Officials Accreditation Framework (International Technical Officials, Markers, Measurers, Match Officials, Australian Squad Support Staff, MA Board, Employees and Volunteers) as amended and updated from time to time.
- (o) **Policy** means this MA Policy on Match-Fixing as amended from time to time.
- (p) **Prohibited Conduct** means conduct in breach of section 4 of this Policy.
- (q) **Promoter** means the holder of a permit for an Event.
- (r) **Relevant Person** means any of the persons identified in clause 3.1, or any other person involved in the organisation administration or promotion of the Sport, who's involvement in gambling may bring the Sport into disrepute.
- (s) **SCBs** means a state controlling body affiliated to and recognised by MA as a Member and its delegate within that SCB's state or territory borders.
- (t) **Sport** means the sport of motorcycling conducted under the MA General Competition Rules as amended from time to time.
- (u) **Team** means a collection of Athletes who come together to compete in Competitions or Events, and includes national representative teams.
- (v) **Tribunal** means the tribunal selected under the process set out in the MA Complaints Policy.

### 3. APPLICATION

#### 3.1 Relevant Persons:

3.1.1 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:

- (a) Athletes, officials and volunteers participating in Events where domestic or international betting agencies provide a betting service, or are likely to operate.
- (b) Agents of Athletes;
- (c) Coaches;
- (d) Persons who hold governance positions or employment with MA;
- (e) Team support staff, including Team Manager, Team Doctor, Team Physiotherapist, Nutritionists, Strength and Conditioning Consultants and any other athlete support personnel.
- (f) Employees and Directors/Office Bearers of a host venue for any Event.

- (g) Employees and Directors/Office Bearers of entities licenced to participate in any Event .

3.1.2 All Relevant Persons are automatically bound by and required to comply with all of the provisions of this Policy. Accordingly, all Relevant Persons shall be deemed to accept all terms set out herein and have agreed:

- (a) For purposes of applicable data protection and other laws and for all other purposes, to have consented to the collection, processing, disclosure and use of information relating to themselves and their activities, including personal information relating to themselves and their activities, to the extent expressly permitted under the terms of this Policy.
- (b) That it is their personal responsibility to familiarise themselves with all of the requirements of this Policy, including what conduct constitutes an offence under this Policy and to comply with those requirements. Further, each Athlete shall have a duty to inform their support personnel of all of the provisions of this Policy and shall instruct those support personnel to comply with this Policy.
- (c) Submit to the authority of the MA Board (including as delegated) to adopt, apply, monitor and enforce this Policy.
- (d) To submit to the exclusive jurisdiction of any Disciplinary Policy.

3.1.3 Relevant Persons must not:

- (a) Give any false or misleading evidence to any Tribunal, investigation, inquiry or appeal conducted under this Policy.
- (b) Make any false or misleading statement or declaration in connection with the administration or control of this Policy.
- (c) Obstruct, delay or hinder the CEO or Investigations Officer in connection with the performance of their duties.
- (d) Disobey any reasonable direction of the CEO or Investigations Officer in connection with the performance of their duties.
- (e) Engage in any improper or insulting behaviour at any time towards the CEO or Investigations Officer in relation to their duties.
- (f) Refuse or fail to attend or give evidence as directed at any inquiry, meeting or Tribunal when requested to do so.
- (g) Refuse or fail to fully co-operate with any investigation conducted under this Policy.
- (h) Refuse or fail to produce any document, record, article or item in their possession or control that are required to be produced in accordance with this Policy.
- (i) Attempt to commit, or incite another person to commit, or conspire with any other person to commit, or be a party to another person committing any breach of this Policy.

- 3.1.4 Where a Person invokes their “right to silence”, the Investigations Officer (and subsequently the MA Board) can draw an adverse inference from a person's failure to disclose information.
- 3.1.5 Nothing in this policy prevents the CEO from referring the matter to a relevant law enforcement agency.
- 3.1.6 Relevant Persons must disclose information to the MA Board of all business interests, connections with Bookmakers, Betting Operators or gambling houses/companies.

## 3.2 Education

- 3.2.1 All Relevant Persons must complete appropriate education and training programs as directed by MA from time to time.

## 4. PROHIBITED CONDUCT

### 4.1 A Relevant Person must not directly or indirectly, alone or with others breach this Policy by:

- 4.1.1 Betting, gambling or entering into any other form of financial speculation on any Competition or on any Event; or
- 4.1.2 Participate (whether by act or omission) in Match-fixing by:
  - (a) Inducing or encouraging any other Relevant Person to bet, gamble or enter into any other form of financial speculation on any Competition or Event or to offer the facility for such bets to be placed on the Sport;
  - (b) Deliberately underperforming or ‘tanking’ as part of an arrangement relating to betting on the outcome of any contingency within a Competition or Event;
  - (c) Failing, for reward, to perform to the best of their ability;
  - (d) 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;
  - (e) 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;
  - (f) Providing Inside Information such as (but not limited to) a Team’s configuration (including, without limitation, the Teams actual or likely composition, the form of individual athletes, or tactics) other than in connection with bona fide media interviews and commitments;
  - (g) Ensuring that a particular incident, that is the subject of a bet, occurs;
  - (h) Providing or receiving any gift, payment or benefit that might reasonably be expected to bring the Relevant Person or MA into disrepute;
  - (i) Participating in a Calcutta relating to an MA event;

- (j) Failing to promptly disclose to the MA Board that they have received an approach from another person to engage in conduct prohibited by this Policy.
- (k) Failing to promptly disclose to the MA Board, that they know or reasonably suspects that any current or former Relevant Person or any other person has engaged in conduct, or been approached to engage in conduct prohibited by this Policy.
- (l) Failing to promptly disclose to the MA Board, that they have received, or is aware or reasonably suspects that another Relevant Person or any other person has received, actual or implied threats of any nature in relation to past or proposed conduct prohibited by this Policy.
- (m) Failing to fully cooperate with an investigation or a Tribunal hearing conducted under this Policy.
- (n) Engaging in conduct directly or indirectly that is prohibited by this Policy and that is prejudicial to the interests of MA or which may bring a Relevant Person or MA into disrepute.

4.2 A Relevant Person who attempts, agrees, or knowingly assists others, to engage in Prohibited Conduct, or who conceals or knowingly assists others to conceal Prohibited Conduct will be treated as having engaged in the Prohibited Conduct.

4.3 Nothing in this section prevents the Board from enforcing any other MA Policy or referring any Prohibited Conduct to a relevant law enforcement agency.

## **5. REPORTING PROCESS**

5.1 A Relevant Person to whom this policy applies must promptly notify the CEO or the MA Board President if he or she:

- 5.1.1 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;
- 5.1.2 Is approached by another person to engage in conduct that is Prohibited Conduct;
- 5.1.3 Knows or reasonably suspects that another person has engaged in Prohibited Conduct, or been approached to engage in Prohibited Conduct ;
- 5.1.4 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 Prohibited Conduct.

5.2 If a Relevant Person wishes to report the CEO for involvement in Prohibited Conduct under this Policy, such report may be made to the MA Board President.

5.3 Notification by a Relevant Person under this Section 5 can be made verbally or in writing, and may be made confidentially if there is a genuine concern of reprisal. Verbal reports are to be recorded in writing by the receiver and where practical, signed by the person making the notification.

- 5.4 The CEO, MA Board President or their delegate must record the fact of the reporting of Prohibited Conduct, and particulars of the alleged Prohibited Conduct, in writing for presentation to the Board.
- 5.5 Any report by a Relevant Person under this Section 5 will be dealt with confidentially by MA 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.
- 5.6 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.

## **6. PRIVILEGE**

- 6.1 Notwithstanding clauses 5 and 7, a person interviewed under suspicion, charged or arrested by a law enforcement agency in respect of a criminal offence shall not be required to produce any information, give any evidence or make any statement if they establish that to do so would breach any privilege against self-incrimination, or legal professional privilege.
- 6.2 Clause 6.1 does not limit the MA Board from enforcing any other Rules and Regulations.

## **7. INVESTIGATIONS**

- 7.1 A report made under clause 5 shall be dealt with in accordance with the MA Complaints Resolution Policy. Without limiting the scope of any investigation undertaken under the MA Complaints Resolution Policy, such investigator shall be empowered to:
  - 7.1.1 Enquire into, investigate and report on any matter in connection with this Policy.
  - 7.1.2 Interview any person or Betting Operator implicated in allegations.
  - 7.1.3 Require and obtain production and take possession of all documents, records, articles or things in the possession or control of a Relevant Person that are relevant to any inquiry or investigation.
  - 7.1.4 Require access to the premises occupied by or in control of an Authorised Provider for the purpose of any inquiry or investigation.
  - 7.1.5 Produce records and reports, oral and written, regarding any alleged breach of this Policy.
  - 7.1.6 Provide a recommendation to the Board as to whether the matter is to be referred to the Tribunal.
- 7.2 The MA Board has the power to:
  - 7.2.1 Stand down any person subject to an inquiry or investigation from participating in or in connection with the Sport.
  - 7.2.2 Exercise any other powers conferred under this Policy.
  - 7.2.3 Delegate any of their powers under this Policy.



- 7.2.4 To report any alleged behaviour which is judged as a prima facie unlawful offence to the police force in the jurisdiction the offence is alleged to have occurred and/or the Australian Federal Police.

## **8. MONITORING/ONGOING MANAGEMENT**

- 8.1 Notwithstanding any other provision of this Policy, the CEO (or their nominee) has a the power to:
  - 8.1.1 Monitor and respond to unusual or suspicious betting patterns.
  - 8.1.2 Work with reputable Betting Operators to access, investigate and verify data.
  - 8.1.3 Develop and implement illegal gambling and match fixing information, awareness and education programs and presentations to Relevant Persons.
  - 8.1.4 Protect innocent Relevant Persons from unfounded and malicious claims and allegations of corrupt practice.
  - 8.1.5 Notify the MA Board of any suspected breach of this Policy.

## **9. INFORMATION SHARING**

- 9.1 Monitoring by Betting Operators:
  - 9.1.1 Relevant Persons to whom this Policy applies must disclose information to MA of all their business interests and connections with Betting Operators.
  - 9.1.2 MA will work with Betting Operators to promote the ongoing integrity of Competitions and Events.
  - 9.1.3 Betting Operators will monitor and conduct regular audits of their databases and records to monitor 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.
  - 9.1.4 To assist the Betting Operator in conducting such audits, MA may, from time to time and subject to any terms and conditions imposed by MA (including in relation to confidentiality and privacy), provide to Betting Operators details of Relevant Persons who are subject to this Policy .
  - 9.1.5 Betting Operators must provide the MA Board with regular written reports on 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.
  - 9.1.6 All requests for information or provision of information by MA or by 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.

9.2 Sponsorship:

9.2.1 MA acknowledges that betting is a legal activity, and recognises that Betting Operators may wish to enter commercial partnerships to promote their business.

9.2.2 MA may enter into commercial partnerships with Betting Operators from time to time, subject to any applicable legislative requirements and provided the Betting Operator has entered into an integrity agreement as required under the National Policy on Match-Fixing in Sport, and is recognised by the applicable state gambling regulator.

9.2.3 Subject to clause 9.2.2, a Relevant Person shall not be permitted to:

- (a) Enter into any form of commercial partnership with a Betting Operator; or
- (b) Promote a Betting Operator; or
- (c) Have any form of commercial relationship with a Betting Operator.