

# ADELAIDE COUGARS NETBALL CLUB



## **POLICY 004:**

### **MATCH FIXING IN NETBALL**

# Adelaide Cougars Netball Club

## Policy 004 – Match Fixing in Netball



Document and Version Control (Office Use Only)	
Document Title	Policy 004: Match Fixing in Netball
Author/Document Reviewer:	Adelaide Cougars Netball Club <b>Head Coach</b>
Approved:	27/08/2014
File name:	C:\Users\Karen\Dropbox\Committee\New Policies & Procedures AUGUST 2014\004 ACNC POLICY - MATCH FIXING IN NETBALL - 2014 FINAL.docx
Version No.	Version 2
Review Date.	August 2016

### Review/ Amendment History

Reviewer	Date	Details
Head Coach - <b>Jim Haldane</b>	19/08/2014	V1 review. Update details to reflect current environment

Text copyright © 2014 by Adelaide Cougars Netball Club.

Under Australia's Copyright Act 1968 (the Act), except for any fair dealing for the purposes of study, research, criticism or review, no part of this book may be reproduced, stored in a retrieval system, or transmitted in any form or by any means without prior written permission. All inquiries should be directed in the first instance to the publisher at the address below.

### Disclaimer

All reasonable efforts have been made to ensure the quality and accuracy of this publication. Adelaide Cougars Netball Club assumes no responsibility for any errors or omissions and no warranties are made with regard to this publication. Adelaide Cougars Netball Club shall not be held responsible for any direct, incidental or consequential damages resulting from the use of this publication.

### © **Adelaide Cougars Netball Club**

PO Box 325,  
FULHAM GARDENS, SA, 5024.  
Phone 8355 2793

E Mail: [secretary@cougars.com.au](mailto:secretary@cougars.com.au)



## Contents

1. Introduction:.....	5
2. Jurisdiction.....	5
3. Who Does this Policy Apply to? .....	6
4. Offences .....	8
5. Reporting Process.....	9
6. Privilege .....	10
7. Investigations .....	10
8. Commencement of Proceedings .....	13
9. Hearings.....	14
10. Appeals .....	16
11. Penalties .....	17
12. Confidentiality and Reporting.....	18
13. Disclosure of Information.....	18
14. Interpretation .....	19
15. Definitions .....	19

**Adelaide Cougars Netball Club**  
**Policy 004 – Match Fixing in Netball**

---





## **1. Introduction:**

- 1.1. The Adelaide Cougars Netball Club (ACNC), with Netball Australia, 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.
- 1.2. As a member organisation of Netball Australia, ACNC has a major obligation to address the threat of match fixing and the corruption that flows from that.
- 1.3. Netball Australia and ACNC have a zero tolerance for illegal gambling and match fixing.
- 1.4. Netball Australia will engage necessary technical expertise to administer, monitor and enforce this Policy and ACNC will, as it is able, will support these endeavours.
- 1.5. The purpose of the National Policy on Match Fixing in Netball is to:
  - 1.5.1. Protect and maintain the integrity of netball.
  - 1.5.2. Protect against any efforts to impact improperly the result of any match.
  - 1.5.3. Establish a uniform rule and consistent scheme of enforcement and penalties.
  - 1.5.4. Adhere to the National Policy on Match Fixing in Sport as agreed by Australian Governments on 10 June 2011.

## **2. Jurisdiction**

- 2.1. This Policy is made by the Netball Australia Board under Clause 35 of Netball Australia's Constitution and is binding on all Relevant Persons.
- 2.2. This Policy may be amended from time to time by the Netball Australia Board. Such changes will usually be supported by ACNC and reflected in its own policies and procedures.
- 2.3. 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.



### **3. Who Does this Policy Apply to?**

- 3.1. This Policy applies to any Relevant Person. For clarity this includes:
  - 3.1.1. Agents.
  - 3.1.2. Associates in relation to an Athlete and in relation to a Team.
  - 3.1.3. Athletes: Developing International Athlete, Emerging Potential International Athlete, International Class Athlete, Potential International Athlete, and World Class Athlete.
  - 3.1.4. Coaches: Advanced Coach, Elite Coach and High Performance Coach.
  - 3.1.5. Personnel: the workforce of Netball Australia, Member Organisations and ANZ Championship.
  - 3.1.6. Persons who hold governance positions with Netball Australia or Member Organisations.
  - 3.1.7. Selectors: National Selector and National Underage Selector.
  - 3.1.8. Squad Support Staff: Team Manager, Team Doctor, Team Physiotherapist, Team Massage Therapist, Team Performance Analyst, Nutritional Consultant, Strength and Conditioning Consultant, and other athlete support personnel.
  - 3.1.9. Umpires: International Umpire Award, All Australia Badge, and A Grade Badge.
- 3.2. 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:
  - 3.2.1. 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 her/himself and her/his activities, including personal information relating to her/himself and her/his activities, to the extent expressly permitted under the terms of this Policy.
  - 3.2.2. 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 Associates with whom they are connected of all of the provisions of this Policy and shall instruct Associates to comply with this Policy.
  - 3.2.3. Submit to the authority of the Netball Australia Board (including as delegated) to adopt, apply, monitor and enforce this Policy.



- 3.2.4. To submit to the exclusive jurisdiction of any Hearings Panel convened under this Policy to hear and determine charges brought by the Netball Australia Board or Nominated Delegate and/or related issues under this Policy.
- 3.2.5. To submit to the exclusive jurisdiction of any Appeals Tribunal convened under this Policy to hear and determine appeals made pursuant to this Policy.
- 3.3. Relevant Persons to whom this Policy applies must not:
  - 3.3.1. Give any false or misleading evidence to any hearing, investigation, inquiry or appeal conducted under this Policy.
  - 3.3.2. Make any false or misleading statement or declaration in connection with the administration or control of this Policy.
  - 3.3.3. Obstruct, delay or hinder Netball Australia's Chief Executive Officer, Anticorruption Administrator, Investigations Officer or Nominated Delegate in connection with the performance of her/his duties.
  - 3.3.4. Disobey any reasonable direction of Netball Australia's Chief Executive Officer, Anti-Corruption Administrator, Investigations Officer or Nominated Delegate in connection with the performance of her/his duties.
  - 3.3.5. Engage in any improper or insulting behaviour at any time towards Netball Australia's Chief Executive Officer, Anti-Corruption Administrator, Investigations Officer or Nominated Delegate in relation to her/his duties.
  - 3.3.6. Refuse or fail to attend or give evidence as directed at any inquiry, meeting hearing or appeal when requested to do so.
  - 3.3.7. Refuse or fail to fully co-operate with any investigation conducted under this Policy.
  - 3.3.8. Refuse or fail to produce any document, record, article or item in the Person's possession or control that are required to be produced in accordance with this Policy.
  - 3.3.9. Attempt to commit, or incite another Person to commit, or conspire with any other Person to commit, or be a party to another committing any breach of this Policy.
- 3.4. Where a Person invokes their "right to silence", the Netball Australia Board or Nominated Delegate, can draw an adverse inference from a person's failure to disclose vital information.



- 3.5. Clause 3.4 does not limit the Netball Australia Board, or Nominated Delegate, from enforcing any other Rules and Regulations, and referring the matter to a relevant law enforcement agency.
- 3.6. Relevant Persons to whom this Policy applies must disclose information to the Netball Australia Board or Nominated Delegate of all business interests, connections with Bookmakers, Betting Operators or gambling houses/companies.

## 4. Offences

- 4.1. Betting, gambling or entering into any other form of financial speculation on any match or on any event connected with an Authorised Netball Provider.
- 4.2. Inducing or encouraging any other Person to bet, gamble or enter into any other form of financial speculation on any match or event or to offer the facility for such bets to be placed on netball.
- 4.3. 'Tanking' (including, in particular, owing to an arrangement relating to betting on the outcome of any contingency within a match or event).
- 4.4. The deliberate fixing of, or exertion of any undue influence on, any occurrence within any match or event (including, in particular, owing to an arrangement relating to betting on the outcome of any contingency within a match or event) .
- 4.5. Inducing or encouraging any Relevant Person to 'tank' (including, in particular, owing to an arrangement relating to betting on the outcome of any match or event).
- 4.6. For money, benefit or other reward (whether for the Relevant Person her/himself or any other Person and whether financial or otherwise), providing insider information that is considered to be insider 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.
- 4.7. Ensuring that a particular incident occurs that is the subject of a bet.
- 4.8. Failing, for reward, to perform to one's abilities.
- 4.9. Bringing the game into disrepute which may include providing or receiving any gift, payment or benefit that might reasonably have been expected to bring you or the sport of netball into disrepute.
- 4.10. Failing to promptly disclose to the Netball Australia Board, or Nominated Delegate, that she/he has received an approach from another Person to engage in conduct such as that described in Clause 4.1 – 4.9 above.





- 4.11. Failing to promptly disclose to the Netball Australia Board, or Nominated Delegate, that she/he knows 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, such as that described in Clause 4.1 – 4.9 above.
- 4.12. Failing to promptly disclose to the Netball Australia Board, or Nominated Delegate, that she/he has 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 pro-posed conduct such as that described in Clause 4.1 – 4.9above.
- 4.13. Failing to fully cooperate with an investigation or a Hearing or Appeal conducted pursuant to this Policy.
- 4.14. Conduct that relates directly or indirectly to any of the conduct described in Clause 4.1 – 4.13 above and is prejudicial to the interests of netball or which bring her /him or netball into disrepute.
- 4.15. Any attempt or any agreement to act in a manner that would culminate in an offence shall be treated as if an offence had been committed, whether or not it resulted in an offence.
- 4.16. If you knowingly assist in or cover up acts that are committed by your Agent, Associate, or athlete support personnel, you will be treated as having committed the acts yourself and shall be liable under this Policy.

## 5. Reporting Process

- 5.1. A Person must promptly notify if they are interviewed as a suspect, charged, or arrested by police in respect of an alleged breach of this Policy.
- 5.2. A Person must promptly notify that she/ he has received an approach from another Person to engage in conduct such as outlined in Clause 4.1 to 4.7.
- 5.3. A Person must promptly notify that she/ he knows or reasonably suspects that any Relevant Person any other Person has engaged in conduct, or been approached to engage in conduct such as outlined in Clause 4.1 to 4.7.
- 5.4. A Person must promptly notify that she/he has received, or is aware or reasonably suspects that any Relevant Person, or other Person has received, actual or implied threats of any nature in relation to past or proposed conduct such as outlined in Clause 4.1 to 4.7.
- 5.5. A Relevant Person shall have a continuing obligation to report any new knowledge or suspicion regarding any Offence under this Policy, even if



the Relevant Person's prior knowledge or suspicion has already been reported.

- 5.6. Notification in regards to Clause 4.10 – 4.12 and 5.1 to 5.5 must be made through the Chief Executive Officer of Netball Australia or her/his delegate.
- 5.7. If the Alleged Offender is the Chief Executive Officer of Netball Australia, notification will be through the Chair (President) of the Netball Australia Board, or Nominated Delegate.
- 5.8. For the avoidance of doubt, prompt notification and prompt disclosure is within 48 hours of any action described under Clause 4.10 – 4.12 and 5.1 – 5.4.
- 5.9. Such notification or disclosure can be either verbal or in writing and include full particulars of any such approach or, any such knowledge or suspicion.
- 5.10. The Netball Australia Board, or Nominated Delegate, will exercise her/his obligations as outlined in Clause 7.

## **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 Netball Australia Board, or Nominated Delegate, from enforcing any other Rules and Regulations.

## **7. Investigations**

- 7.1. The Netball Australia Board, or Nominated Delegate, shall have the power to conduct investigations, in whatever manner it thinks fit, into the activities of any Person suspected to have committed an Offence under this Policy. For the avoidance of doubt, the Netball Australia Board, or Nominated Delegate, can:
  - 7.1.1. Inquire into, investigate and deal with any matter in connection with this Policy.
  - 7.1.2. Require and obtain production and take possession of all documents, records, articles or things in the possession or control of a Person that are relevant to any inquiry or investigation.



- 7.1.3. Require access to the premises occupied by or in control of an Authorised Netball Provider for the purpose of any inquiry or investigation.
- 7.1.4. Refer any matter concerning an alleged breach of this Policy for hearing and determination by the Hearing Panel or other body or Person appointed by the Netball Australia Board, or Nominated Delegate.
- 7.1.5. Stand down any Person subject to an inquiry or investigation from participating in or in connection with netball.
- 7.1.6. Exercise any other powers conferred under this Policy.
- 7.1.7. Delegate any of their powers under this Policy.
- 7.2. The Netball Australia Board, or Nominated Delegate, will appoint an Investigations Officer to conduct an appropriate investigation and such investigations may be conducted in conjunction with, and/or information exchanged with other relevant authorities where appropriate.
- 7.3. The Netball Australia Board or Nominated Delegate has a number of functions. These include:
  - 7.3.1. Monitoring and responding to unusual or suspicious betting patterns.
  - 7.3.2. Working closely with reputable betting organisations to access, investigate and verify data.
  - 7.3.3. Development and implementation of illegal gambling and match fixing information, awareness and education programs and presentations to applicable Relevant Persons.
  - 7.3.4. Protecting innocent relevant persons from unfounded and malicious claims and allegations of corrupt practice.
  - 7.3.5. Launching an investigation at any time at its own discretion.
- 7.4. The Investigations Officer has a number of functions. These include:
  - 7.4.1. Identifying would-be corruptors targeting athletes, coaches, officials or other parties with potential influence.
  - 7.4.2. Initiating anti-corruption investigations based on field work, intelligence reports and confidential information.
  - 7.4.3. Interviewing any Person implicated in allegations.
  - 7.4.4. Producing records and reports, oral and written, regarding any alleged breach of this Policy.



- 7.5. Any alleged behaviour which is judged as a prima facie unlawful offence will be reported the police force in the jurisdiction the offence is alleged to have occurred and/or the Australian Federal Police.
- 7.6. Persons to whom this Policy applies must cooperate fully with investigations conducted pursuant to this Policy. Failure or refusal to do so without acceptable justification may amount to an Offence pursuant to Clause 4. Full cooperation includes, but is not limited to, providing the Investigations Officer with:
  - 7.6.1. Access to Electronic Transmissions.
  - 7.6.2. Access to telephone records, including billing and text.
  - 7.6.3. Access to banking and financial statements.
  - 7.6.4. Access to internet service records.
  - 7.6.5. Access to computer, hard drive and other forms of electronic information storage.
- 7.7. The Relevant Person(s) shall furnish such information pursuant to Clause 7.6 within seven business days of making such demand, or within such other time as may be set by the Investigations Officer. Any such information shall be (i) kept confidential except when it becomes necessary to disclose such information in furtherance of action under this Policy, or when such information is reported to administrative, professional, or judicial authorities pursuant to an investigation or prosecution of non-sporting laws or regulations, and (ii) used solely for the purposes of the investigation and prosecution of an Offence under this Policy.
- 7.8. Where, as the result of such investigations, the Investigations Officer forms the view that an Offence may have been committed, the Netball Australia Board, or Nominated Delegate shall refer the matter to the Hearings Panel to be dealt with in accordance with the provisions of Clause 9.
- 7.9. Where, as a result of such investigations, the Investigations Officer forms the view that Netball Australia does not have jurisdiction over the alleged conduct under this Policy or there is no case to answer, the Netball Australia Board shall review the information and findings of the Investigations Officer and either confirm the Investigations Officer's findings or refer the matter to the Hearings Panel to be dealt with in accordance with the provisions of Clause 9.
- 7.10. In forming a view, the Investigation's officer shall scope the investigation and establish avenues of inquiry.



## 8. Commencement of Proceedings

- 8.1. Where the Investigations Officer considers an Offence under this Policy has allegedly been breached, the Netball Australia Board, or Nominated Delegate shall:
  - 8.1.1. Appoint a Hearings Panel comprised of three Persons independent of Netball Australia and include a barrister or solicitor (who has previous experience in the legal aspects of a disciplinary/hearings tribunal) to hear the matter.
  - 8.1.2. Appoint one member of the Hearings Panel to sit as Chairperson.
  - 8.1.3. Appoint an Anti-Corruption Administrator to assist the Hearing Panel.
  - 8.1.4. Send to the Alleged Offender, copied to the Hearings Panel:
    - 8.1.4.1. *A Notice setting out the alleged offence including details of when/where it is alleged to have occurred.*
    - 8.1.4.2. *A Notice setting out the person's entitlement to have the matter determined by a hearing and the date, time and place for the proposed hearing of the alleged offence which shall be as soon as reasonably practicable after receipt of the information.*
    - 8.1.4.3. *Information advising the Alleged Offender of their rights and format of proceedings.*
    - 8.1.4.4. *The potential penalties outlined in Clause 11.*
    - 8.1.4.5. *A copy of the information received.*
- 8.2. Within fourteen business days of the date of the Notice, the Alleged Offender may respond in one of the following ways:
  - 8.2.1. Admit the Offence and accede to the imposition of penalty, in which case no hearing shall be conducted and Netball Australia Board, or Nominated Delegate shall promptly issue a decision confirming the commission of the Offence(s) and ordering the imposition of penalties, which shall be determined by the Netball Australia Board, or Nominated Delegate after requesting and giving due consideration to a written submission from the Investigations Officer on the recommended penalty.
  - 8.2.2. Admit that she/he has committed the Offence specified in the Notice, but to dispute and/or seek to mitigate the penalty. Either a request for hearing or a written submission solely on the issue of the penalty must be submitted simultaneously with the Alleged



Offender's response to the Notice. If a hearing is requested, it shall be conducted in accordance with Clause 9.

- 8.2.3. Deny the Offence and have the Hearings Panel determine the charge, and if the charge is upheld, the penalty, at a hearing conducted in accordance with Clause 9.
- 8.3. If the Alleged Offender fails to file a written request for a hearing within fourteen business days of the date of the Notice, she/he shall be deemed to:
  - 8.3.1. Have waived her/his entitlement to a hearing;
  - 8.3.2. Have admitted that she/he has committed the Offence specified in the Notice; and
  - 8.3.3. Have acceded to penalties under Clause 11 determined by the Netball Australia Board, or Nominated Delegate after requesting and giving due consideration to a written submission from the Investigations Officer on the recommended penalty.
- 8.4. An Alleged Offender shall be entitled at any stage to admit that she/he has committed the Offence specified in the Notice and to accede to penalties under Clause 11 determined by the Netball Australia Board, or Nominated Delegate after requesting and giving due consideration to a written submission from the Investigations Officer on the recommended penalty.
- 8.5. Personnel covered by Netball Australia or a Member Organisation Employee Collective Agreement will be subject to relevant Clauses, including Dispute, Hearings, Appeals and Termination Clauses contained in such Agreement, and if applicable the Fair Work Act 2009 (Australia).

## **9. Hearings**

- 9.1. The role of the Hearings Panel will be to hear and determine matters presented by the Investigations Officer.
- 9.2. The Hearings Panel shall hear and determine the alleged offence in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with procedural fairness, such as a hearing appropriate to the circumstances; lack of bias; inquiry into matters in dispute; and evidence to support a decision.
- 9.3. The purpose of the hearing shall be to determine whether the Alleged Offender has committed an offence under the Policy. If the Hearings Panel considers that the Alleged Offender has committed an offence



under the Policy, it may impose any one of the penalties set out in Clause 11.

- 9.4. The parties to the hearing shall include, the Investigations Officer, the Alleged Offender and their representative if so elected, a representative from Netball Australia (or appropriate Authorised Netball Provider) and any witnesses which any such party wishes to have participate in the hearing.
- 9.5. The Hearings Panel shall ensure each party and/or the Hearings Panel has the right to call and question witnesses and the right of each party to address the Hearings Panel to produce their case.
- 9.6. The Alleged Offender (at her/his expense) is permitted to be represented at the hearing.
- 9.7. The Alleged Offender is permitted to provide a written submission for consideration by the Hearings Panel (instead of appearing in Person). In which case the Hearings Panel shall consider the submission in its deliberations.
- 9.8. The hearing shall be inquisitorial in nature.
- 9.9. The hearing shall be conducted with as much expedition as a proper consideration of the matters permit.
- 9.10. The Hearings Panel shall not be bound by the rules of evidence or the practices and procedures applicable to Courts of Law or Record, but may inform itself as to any matter in such manner as it thinks fit.
- 9.11. The Hearings Panel shall decide on the balance of probabilities whether the Alleged Offender has committed an offence under the Policy. For clarity, this standard of proof is that found in the often-cited case of *Briginshaw v Briginshaw* (1938) 60 CLR 336.
- 9.12. Non-attendance of the Alleged Offender or her/his representative at the hearing, after proper notice of the hearing has been provided, shall not prevent the Hearings Panel from proceeding with the hearing in her/his absence, whether or not any written submissions was made.
- 9.13. If upon receipt of the Notice of Alleged Offence, the Hearings Panel considers that, pending determination of the matter, the Alleged Offender may put at risk the safety and welfare of any Person involved in the matter, it may order the Alleged Offender be:
  - 9.13.1. Suspended from any event or activities held by or sanctioned by Netball Australia or a Member Organisation; and/or
  - 9.13.2. Required not to contact, or in any way associate, with any Person involved or likely to be involved, in the alleged offence pending the determination of the hearing.





- 9.14. 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 Hearings Panel.
- 9.15. The decision of the Hearings Panel shall be a majority decision and be communicated to the Netball Australia Chief Executive Officer and Alleged Offender as soon as practicable. Such decision shall set out and explain:
- 9.15.1. The Hearing Panel's findings as to what Offences, if any, have been committed;
- 9.15.2. The penalties applicable, if any, as a result of such findings; and
- 9.15.3. The rights of appeal applicable pursuant to Clause 10.
- 9.16. Subject only to the rights of appeal under Clause 10, the Hearings Panel's decision shall be the full, final and complete disposition of the matter and will be binding on all parties.

## **10. Appeals**

- 10.1. The Alleged Offender, Netball Australia and or the Member Organisations have a right to appeal the decision of the Hearings Panel.
- 10.2. Any appeal must be lodged in writing, with the Netball Australia Board, through the Netball Australia Chief Executive Officer, within fourteen business days of the Hearings Panel's decision. The appeal must specify the grounds for the appeal.
- 10.3. Where the Netball Australia Board receives an appeal under Clause 10, the Board shall convene an Appeals Tribunal to be held within thirty days of the appeal being received.
- 10.4. The Appeals Tribunal shall:
- 10.4.1. Be comprised of three Persons independent of Netball Australia and include a barrister or solicitor to hear the matter.
- 10.4.2. Appoint one member of the Appeals Tribunal to sit as Chairperson.
- 10.4.3. Include at least one person who has considerable previous experience in the legal aspects of a disciplinary/hearings tribunal and dispute resolution.
- 10.4.4. Not include any members from the initial Hearings Panel.
- 10.5. Any decision appealed to the Appeals Tribunal shall remain in effect while under appeal unless the Appeals Tribunal orders otherwise.
- 10.6. The procedures of the Appeals Tribunal shall be the same as the procedures of the Hearings Panel as set out under Clause 9, with such necessary amendments as required.





- 10.7. The Appeals Tribunal shall investigate and consider the matter determining whether:
- 10.7.1. The matter should be dismissed because there is no credible evidence, submission or argument to satisfy the grounds of the appeal; or
  - 10.7.2. The appeal should be subject to a hearing conducted by the Appeals Tribunal.
- 10.8. The appellant must establish one or more grounds of appeal to the reasonable satisfaction of the Appeals Tribunal having regard to the importance and gravity of the issue.
- 10.9. The decision of the Appeals Tribunal shall be a majority decision and be communicated to the Netball Australia Chief Executive Officer and appellant as soon as practicable.
- 10.10. The decision of Appeals 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.

## 11. Penalties

- 11.1. If the Hearings Panel and or Appeals Tribunal consider that an Offence under this Policy has been committed, it may impose any one or more the following penalties:
- 11.1.1. Fines.
  - 11.1.2. Suspension.
  - 11.1.3. Imposition of suspended sentence.
  - 11.1.4. Ban.
  - 11.1.5. Reprimand.
  - 11.1.6. Loss of accreditation.
  - 11.1.7. Lifetime ineligibility.
  - 11.1.8. Counselling or any course related to responsible gambling and harm minimisation.
  - 11.1.9. Termination of contract.
  - 11.1.10. Any other such penalty as the Hearings Panel and or Appeals Tribunal considers appropriate.
  - 11.1.11. Any combination of these penalties.



- 11.2. If the Person commits a second or subsequent Offence under this Policy, then the Hearings Panel and or Appeals 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 sports), in imposing a penalty for the second or subsequent Offence.
- 11.3. All fines received pursuant to this Policy shall be remitted to Netball Australia for integrity in netball programs or as otherwise deemed appropriate.

## **12. Confidentiality and Reporting**

- 12.1. To maintain the confidentiality of the process, no parties will publically announce, comment on or confirm any of its investigative, hearings or appeals activities. Notwithstanding, general description of process is permissible.
- 12.2. Netball Australia will not disclose any specific facts of an alleged breach or breach of this Policy except in response to public comments attributed to the Alleged Offender or their representatives
- 12.3. The identity of an offender may only be publicly disclosed after a Hearing and/or Appeal has taken place. Such disclosure will be by way of an official release by Netball Australia.
- 12.4. Where any public announcement may be considered detrimental to the well being of the offender, the Netball Australia Board, or Nominated Delegate shall determine the most appropriate course of action based on the circumstances of the offender.
- 12.5. All parties shall otherwise maintain all information received in relation to the offence as strictly confidential.
- 12.6. Clauses 12.1 to 12.4 do not apply if the disclosure is required by law or Netball Australia determines to refer information to a law enforcement agency.

## **13. Disclosure of Information**

- 13.1. Netball Australia will work with Betting Operators to help try and ensure the ongoing integrity of netball and the competitions and events played under the auspices of Authorised Netball Providers.
- 13.2. Netball Australia will, from time to time, disclose the names and other relevant details of those Persons who are precluded by virtue of this Policy from betting on netball.



13.3. Betting Operators may conduct regular audits of Netball Australia's databases to determine if any of the Persons whose names have been provided by Netball Australia have conducted betting on netball.

13.4. All requests for information or provision of information by Netball Australia 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 legal advice or where information is already in the public domain other than as a result of a breach of this Policy.

## 14. Interpretation

14.1. 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 refer.

14.2. Words in the singular include the plural and vice versa.

14.3. Reference to "including" and similar words are not words of limitation.

14.4. Words importing a gender include any other gender.

14.5. A reference to a clause is a reference to a clause or subclause of this Policy.

14.6. 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.

14.7. 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.

14.8. 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.

## 15. Definitions

15.1. In this Policy unless the context requires otherwise these words mean:

<b>Advanced Coach</b>	Representative, Talent Identification and State League level coaches, as amended and updated from time to time.
<b>Agents</b>	Appointment (either formally or informally) by an Athlete of a Person to negotiate individual financial and or other benefits on the Athlete's behalf.
<b>Alleged Offender</b>	Until a Person is found to have breached this Policy, the Person is an "alleged offender". A person who is found to have breached this Policy is then an offender.



<b>Anti-Corruption Administrator</b>	A Netball Australia Anti-Corruption Administrator appointed by the Netball Australia Board, or Nominated Delegate to provide administrative assistance to Investigations Officer and or Hearings Panel and or Appeals Tribunal.
<b>ANZ Championship</b>	The competition conducted by the Trans-Tasman Netball league (TTNL) Limited which includes 5 Teams from Australia and 5 Teams from New Zealand. If the competition ceases to exist or its name is changed in anyway and for any reason, any subsequent or successor competition substantially similar to the ANZ Championship netball competition that is conducted by TTNL.
<b>Appeals Tribunal</b>	The Tribunal appointed by the Netball Australia Board, or Nominated Delegate to hear and determine matters on appeal.
<b>Associate (in relation to a Team)</b>	<ul style="list-style-type: none"> <li>a. Any director, secretary, officer, committee member, volunteer, employee, agent, shareholder or member of that Team, spouse or partner (legal or de facto), parent, child or sibling, or any other immediate relative where there is a close Personal relationship;</li> <li>b. Any other immediate Person that the Associate has a close relationship with, including, but not limited to business colleagues, work colleagues, and friends.</li> <li>c. Any shareholder or member of the Team; or</li> <li>d. Any related body corporate or entity that is under the direct or indirect control or influence, whether formally or informally, of the Team.</li> </ul>
<b>Associate (in relation to an Athlete)</b>	<ul style="list-style-type: none"> <li>a. Any spouse or partner (legal or de facto), parent, child or sibling of that Athlete; or</li> <li>b. Any other immediate relative or Person that the Athlete has a close personal relationship with; or</li> <li>c. Any other immediate Person that the Athlete has a close relationship with, including, but not limited to business colleagues, work colleagues, and friends.</li> </ul>
<b>Athlete</b>	As described in Netball's National Athlete Nomenclature Framework as amended and updated from time to time. Categories include Developing International Athlete, Emerging Potential International Athlete, International Class Athlete, Potential International Athlete, and World Class Athlete.
<b>Australian Netball League (ANL)</b>	Australian domestic competition. If the competition ceases to exist or its name is changed in anyway and for any reason, any subsequent or successor competition substantially similar to the Australian Netball League netball competition that is conducted by Netball Australia.
<b>Authorised Netball Providers</b>	Netball Australia, Member Organisations, Affiliates, ANZ Championships or other organisations from time to time, for example the Australian Commonwealth Games Association and IFNA.
<b>Betting Operator</b>	Any company or other undertaking that promotes, brokers, arranges or conducts any form of Betting activity in relation to netball.
<b>Bookmaker</b>	An organisation or a person that takes bets on sporting and other events at agreed upon odds.
<b>Coaches</b>	As described in Netball's Coach Education Framework as amended and updated from time to time. Tiers include Advanced Coach, Elite Coach and High Performance Coach.



<b>Competition</b>	A netball contest, event or activity measuring performance against an opponent, oneself or the environment either once off as part of a series.
<b>Developing International Athlete (DIC)</b>	Member of the Australian 21/U Squad/Team capable of reaching WC and/or IC Athlete status within 1-3 years (Australian 21/U Squad / Team) or Nationally identified athlete with the potential to progress to WC and/or IC Athlete status within 1 – 3 years (Emerging Talent), as amended and updated from time to time.
<b>Electronic transmission</b>	Includes, utilising UPRS, GPRS, 3G and other mobile transmission services, internet broadband connections, cable, DSL, landline communications system, facsimile and other transmission devices or services, including any developments in such protocols or any other protocols which may be developed which give equivalent, reduced or enhanced functionality compared with such protocols.
<b>Elite Coach</b>	ANZ Championships Assistant, Underage State, State League (top level) and potential High Performance coaches, as amended and updated from time to time.
<b>Emerging Potential International Athlete</b>	State/Territory identified Nationally endorsed athletes with the ability to progress to PI Athlete status within 1-3 years. (Talented Athlete Program), as amended and updated from time to time.
<b>Event</b>	Series of individual Competitions conducted together under one ruling body in Australia for example International Test Matches, National Championships, State Championships, Regional Championships, and ANZ Championship.
<b>Gamble / Gambling</b>	Is given its ordinary meaning including to bet, wager, or the act or attempt, whether directly or indirectly, to risk money or anything else of value (consideration) on an outcome, or to enter into any other form of financial speculation.
<b>Gambling Houses / Companies</b>	An organisation or a person that takes accepts, records, or registers bets, for money or other thing of value.
<b>Hearings Panel</b>	The Panel appointed by the Netball Australia Board, or Nominated Delegate to hear and determine matters.
<b>High Performance Coach</b>	Australian Netball Diamonds, ANZ Championship, Australian Netball League, State/Territory, and top level State League coaches, as amended and updated from time to time.
<b>Information in the public domain</b>	Information which has been published or is a matter of public record or can be readily acquired by an interested member of the public and/or information which has been disclosed according to the rules or regulations governing a particular event.
<b>Inside Information</b>	Any information relating to any netball Competition or Event that a Relevant Person possesses by virtue of her/his position within netball. 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.



<b>International Class Athlete (IC)</b>	Member of the National Squad/Team competing at international level in benchmark or other international events and capable of maintaining this level of performance. (Australian Netball Diamonds Squad/Team), as amended and updated from time to time.
<b>International Federation of Netball Associations (IFNA)</b>	The international federation recognised by the International Olympic Committee or the General Assembly of International Sports Federations as the entity responsible for governing Netball internationally.
<b>International Test Matches</b>	Test matches played between the Australian Netball Diamonds, Australian 21/Under Netball Team and other nations within Australia or overseas.
<b>International Umpire</b>	Persons who have achieved their International Umpire Award and or who umpire at international events, for example World Championships, Commonwealth Games, Test Matches, World Youth Cup and Regional Championships, as amended and updated from time to time.
<b>Investigations Officer</b>	Any Person appointed from time to time by the Netball Australia Board, or Nominated Delegate to undertake investigations in relation this Policy.  Any Person so appointed shall comply with any directions or conditions imposed by the Chief Executive Officer of Netball Australia or the President of Netball Australia.
<b>Match Fixing</b>	The manipulation of an outcome or contingency by Relevant Persons, including Athletes, Teams, sports agents, support staff, Umpires and officials and venue staff. Such conduct includes: a. The deliberate fixing of the result of a contest, or of an occurrence within the contest, or of a points spread. b. Deliberate underperformance. c. Withdrawal (tanking). d. A Person's deliberate misapplication of the rules of the contest. e. Interference with the play or playing surfaces by venue staff. f. Abuse of insider information to support a bet placed by any of the above or placed by a gambler who has recruited such people to manipulate an outcome or contingency.
<b>Member Organisations</b>	The entity which is the official representative of and controlling authority for, Netball in a State. The current Member Organisations are: Australian Capital Territory Netball Association Inc. (ABN 85 800 220 698), New South Wales Netball Association Limited (ABN 19 001 685 007), Northern Territory Netball Association Inc. (ABN 73 772 881 978), Queensland Netball Association Inc. (ABN 58 429 487 881), South Australian Netball Association Inc. (ABN 12 814 437 874), Tasmanian Netball Association Inc. ABN 62 028 131 759), Victorian Netball Association Inc. (ABN 83 704 752 745),and Western Australia Netball Inc. (ABN 36 657 982 648), as amended from time to time.
<b>National Netball Championships</b>	21/Under, 19/Under and 17/Under age based national competition conducted over a week between states.



<b>National Policy on Match-Fixing in Sport</b>	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.
<b>National Selector</b>	Selector in the Australian Netball Diamonds and Australian 21/Under programs, as amended and updated from time to time.
<b>National Underage Selector</b>	Persons who umpire at national events, for example ANZ Championship, Australian Netball League, National Championships, Schoolgirls and State/Territory Institutes and Academies of Sport, as amended and updated from time to time.
<b>Netball</b>	Selector in the Australian 19/Under and Australian 17/Under programs, as amended and updated from time to time.
<b>Netball Australia</b>	The national entity which is a member of or is recognised by IFNA as the entity governing netball in Australia.
<b>Nominated Delegate</b>	<p>The Netball Australia Chief Executive Officer or Netball Australia Executive Member (Department Head) who has been delegated authority by the Netball Australia Board to implement, monitor and evaluate the Policy, ensure that internal controls related to the Policy are effective, and communicate with the Netball Australia Board regarding the Policy.</p> <p>The Netball Australia Board expects the Nominated Delegate to act in accordance with the Company's legal obligations, to act ethically and to consider the reasonable expectations of the netball community and general public.</p>
<b>Notice</b>	Written Notice sent by to a Person alleged to have committed an Offence under this Policy.
<b>Person</b>	A natural Person or an organisation or another entity.
<b>Personnel</b>	Any Person or Persons employed by or contracted to Netball Australia or Member Organisations or ANZ Championship.
<b>Policy</b>	Netball Australia's National Policy on Match Fixing in Netball as amended from time to time.
<b>Potential International Athlete (PI)</b>	Nationally identified athlete with the potential to progress to DI Athlete status within 4 – 7 years. (Australian 19/U Squad / Team) or Nationally identified athlete with the potential to progress to the Australian 19/U squad/Team within 1 – 3 years and DI Athlete status within 4 – 7 years. (National 17/U Squad), as amended and updated from time to time.
<b>Relevant Person</b>	Includes Athletes, Agents, Associates, Coaches, Umpires, Selectors, Personnel or employees of an Authorised Netball Provider, Director or other officers of an Authorised Netball Provider, Squad Support Staff, Technical Officials, or any other Person involved in the organisation administration or promotion of netball, whose involvement in Gambling would bring the sport into disrepute.
<b>Selectors</b>	National Selector and National Underage Selector, as amended and updated from time to time.
<b>Squad Support Staff</b>	Head Coach, Assistant Coach, Team Manager, Team Doctor, Team Physiotherapist, Team Massage Therapist, Team Performance Analyst, and Nutritional Consultant.





<b>Tank / Tanking</b>	<p>Deliberately losing and or throwing game(s) without gambling being involved. There are a wide variety of behaviours which could be considered to be tanking. These include:</p> <ul style="list-style-type: none"> <li>a. Instructing the Players to deliberately lose matches.</li> <li>b. Employing unusual tactics in matches, including using players in positions where they do not usually play.</li> <li>c. Resting star players with minor injuries, who would likely not be rested if the Team were contesting finals or critical matches.</li> <li>d. Playing younger players who do not yet have much experience at the level expected other than for legitimate tactical reasons in line within the rules of netball.</li> <li>e. Playing below one's actual ability.</li> <li>f. Not scoring as high as a Player could.</li> </ul>
<b>Team</b>	<p>Australian Netball Diamonds.          Australia Fast Net Diamonds.          Australia based ANZ Championship Teams.          National Institute Network Teams, including the Australian Institute of Sport and State/Territory Institutes/Academies' of Sport.          Australian Netball League.          Australian 21/U Team, 19/U Team and 17/U Team.          National Championships Teams.</p>
<b>Technical Officials</b>	<p>As described in the Netball Australia Technical Officials Accreditation Framework as amended and updated from time to time.</p>
<b>Umpires</b>	<p>As described in the Netball National Umpire Development Framework as amended and updated from time to time.</p>
<b>World Class Athlete (WCA)</b>	<p>Member of the National Squad/Team competing at international level in benchmark and/or other international events and capable of maintaining this level of performance. (Australian Netball Diamonds Squad/Team), as amended and updated from time to time.</p>

15.2. Unless otherwise stated, words that are not defined in this Policy will have the same meaning as in Netball Australia's Constitution.