7th Commonwealth Sports Ministers Meeting

21st July 2014

City Chambers, George Square, Glasgow, Scotland

Agenda Item 6

CSMM (14)

6-IS-GoA

Government of Australia
Template Policies
Against the Manipulation of Sports Competitions

1. Government National Policy Template (Gambling Legal)
2. Government National Policy Template (Gambling Illegal)
3. Sports Policy Template (Gambling Legal)
4. Sports Policy Template (Gambling Illegal)

Commonwealth Secretariat
Marlborough House
London SW1Y 5HX
July 2014
7th Commonwealth Sports Ministers Meeting

21st July 2014
City Chambers, George Square, Glasgow, Scotland

Agenda Item 6

CSMM (14)
6-IS-GoA

Government of Australia

Government National Policy Template
Against the Manipulation of Sports Competitions
(Gambling Legal)

Commonwealth Secretariat
Marlborough House
London SW1Y 5HX
July 2014
THE NATIONAL POLICY OF [COUNTRY]

AGAINST THE MANIPULATION OF SPORTS COMPETITIONS

POLICY TEMPLATE (SPORTS GAMBLING LEGAL)
Developed for the Commonwealth Advisory Body on Sport July 2014
THE NATIONAL POLICY OF [COUNTRY] AGAINST THE MANIPULATION OF SPORTS COMPETITIONS

As agreed by the [Name of Country] Government on [Day, Month, Year]

“... these issues have the potential to compromise sports contribution to development goals... the Commonwealth [needs] to take a proactive stance to combat threats to the integrity of sport”

FOREWORD

This National Policy against the Manipulation of Sports Competitions represents a commitment by the [insert name of Country] Government to work together with sport, law enforcement and betting providers to combat manipulation of sports competitions with the aim of protecting the integrity of sport.

This Policy provides the platform for collaboration, and will be underpinned by legislation, regulation, codes of conduct and industry standards.

It is recognised that [insert name of Country] will best deal with the threat of the manipulation of sporting competitions only if there is cooperation and goodwill between governments, sports organisations and betting agencies.

We, the undersigned, acknowledge the support of our partners in sport and industry. Together we will implement this Policy which will deter the manipulation of sports competitions, and deal with it should it arise, and in doing so we will preserve the integrity of one of [Country] greatest assets – our national sporting heritage.

The Parties have confirmed their commitment on [Day, Month, Year]

Signed for and on behalf of

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Signed for and on behalf of

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Signed for and on behalf of

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Signed for and on behalf of

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Insert titles/positions/departments as appropriate
The manipulation of sports competitions involves the influencing of an outcome or contingency by competitors, teams, sports agents, support staff, referees and officials and venue staff which is inconsistent with the preservation of the fundamental character of sporting competitions as an honest test of skill and ability. 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) an official’s deliberate misapplication of the rules of the contest;
(e) interference with the play or playing surfaces by venue staff; and
(f) abuse of insider information for financial gain by any of the above or by a gambler who has recruited such people to manipulate an outcome or contingency.

All [insert name of Country] expect that the sport they watch or participate in is played honestly and to the ideals of fair play and good sportsmanship. The manipulation of sporting competitions, and the corruption that flows from it, is not limited to professional or high profile sporting codes. It has occurred in smaller sports, in lower grade team competitions and in individual events.

The manipulation of sporting competitions is often motivated by the opportunity for significant financial or other personal gain through the manipulation of the result. Sports betting agencies provide opportunity for high sums to be gambled on sporting events with the prospect of very high returns both domestically and internationally. These potentially high returns can provide strong incentives to influence results of sporting fixtures.

While it is recognised that betting is a legitimate pursuit in some countries, illegal or fraudulent betting is not. Fraudulent betting on sport and the associated manipulation of sporting competitions is an emerging and critical issue globally, for sport, the betting industry and governments alike. It has the potential to undermine public confidence in the integrity of sport, sporting events and the products offered by betting agencies. Left unchecked, this corruption will devalue the integrity of sport and diminish
the acceptability and effectiveness of sport as a tool to develop and support many aspects of our society.

1.5 This Policy is underpinned by the following agreed principles:

(a) a nationally-consistent approach to deterring and dealing with the manipulation of sporting competitions in [insert name of Country];

(b) information sharing and highly efficient networks between government agencies, sports, betting operators and law enforcers;

(c) consistent national code of conduct principles for sport; and

(d) active participation in international efforts to combat corruption in sport including an international code of conduct and an international body.

1.6 At the international level, there is increased focus on cross-border collaboration, with an emerging push for an international information-sharing, monitoring, investigation and enforcement agency. [insert name of Country] is actively working with other like-minded nations to ensure that international measures are developed and put in place that further safeguard [insert name of Country] sport from international criminal activity. The demonstration of a robust and comprehensive domestic policy will ensure our voice is heard on the international stage.

1.7 Deterring and dealing with the manipulation of sporting competitions will be complex. It is the intention that the [insert name of Country] Government will work collaboratively with [insert name of Country] sporting organisations and the [insert name of Country] betting industry in a manner consistent with the spirit and intentions of this Policy.
PURPOSE

1.8 The Policy aims to maximise public confidence in the integrity of sport and to ensure a level playing field, by:

(a) articulating the roles, responsibilities and aspirations of the [insert name of Country] Government, sporting organisations and the betting industry;

(b) making a commitment to pursue nationally-consistent legislative arrangements and standard requirements across all government agencies, sporting organisations and the betting industry in regard to the manipulation of sporting competitions; and

(c) detailing the approach to implementation of the Policy.

1.9 The Policy also provides a basis for [insert name of Country] to actively participate in international reforms to achieve similar international outcomes.

1.10 Through the Policy the [insert name of Country] Government commits to a collaborative coordinated effort to safeguard [insert name of Country] sport from inappropriate and fraudulent sports betting and the manipulation of sporting competitions.

ROLE OF GOVERNMENT

1.11 The [insert name of Country] Government agrees that it has a major obligation to address the threat of the manipulation of sporting competitions and the corruption that flows from it.

1.12 In advancing this, all parties will ensure that the legislative framework in [insert name of Country] accommodates the particular issues associated with the manipulation of sporting competitions and the offences that arise from it.

Nationally applied legislation

1.13 The [insert name of Country] Government agrees to pursue nationally consistent legislative arrangements to address the particular issues of the manipulation of sporting competitions.
Criminal Offences

1.14 The [insert name of Country] Government agrees to pursue a nationally consistent approach to criminal offences, including legislation, in relation to the manipulation of sporting competitions that provides an effective deterrent and sufficient penalties to reflect the seriousness of offences. The [insert name of Country] Government notes the approach to implementation of such provisions may vary in jurisdictions depending on existing legislative arrangements.

Arrangements between sports and betting agencies

1.15 The [insert name of Country] Government agree to pursue nationally consistent legislative arrangements that provides:

(a) a ‘Sport Controlling Body’ for sport/each sport or competition to be identified and registered by an appropriate regulator and be recognised;

(b) the Sport Controlling Body to deal with betting agencies, licensed in [insert name of Country], on behalf of their sport; and

(c) the Sport Controlling Body to register all events subject to betting with the relevant regulator.

1.16 The [insert name of Country] Government also agrees that this legislation, or binding agreements made pursuant to legislation, will deal with arrangements between the Sport Controlling Body and betting agencies including:

(a) requirements that a sporting organisation must apply to the appropriate regulator for approval as the Sport Controlling Body for a sports betting event;

(b) requirements that a betting agency must not offer a betting service on an event unless:

   i. an agreement is in effect between the registered Sport Controlling Body and the betting agency; or

   ii. a determination of the appropriate regulator is in effect for the betting agency to offer a betting service on the event;

(c) requirements for betting agencies to obtain agreement from the sporting organisation on all bet types offered on the sport involved, including what level of competition bets may offered on (for example,
minor leagues versus premier leagues), with sports having the ability to veto bet types; and

(d) arrangements for financial return to the sport based on betting on that particular sport.

1.17 The [insert name of Country] Government agrees that provisions under this legislation may cover:

(a) definitions of sports betting, sports betting events, sports betting providers, a betting service, sport controlling body and an appropriate regulator;

(b) requirements for the sporting organisation to provide the betting agency with information regarding their members (players, staff) and relevant competition/event details;

(c) provision for information to be referred to the appropriate regulator or law enforcement agency in the event of an incident;

(d) facilitation of international information sharing where appropriate (e.g. in relation to international sporting competitions);

(e) approval of events and competitions of any kind for sports betting purposes, and of bet types relating to those events and competitions, by an appropriate regulator (with the exception of horse, harness or greyhound racing);

(f) provision for the appropriate regulator to have the right to seek information it thinks fit from betting agencies and the relevant sporting organisation to assess sports betting applications;

(g) provision for the appropriate regulator to have the right to impose any conditions it thinks fit to provide approval of an event at the time of giving the approval or at any later time;

(h) approvals that will be controlled by the appropriate regulator including approval conditions, variation and revocation of approvals, application process, determination of applications and duration and surrender of approvals, costs of investigating applications, and mechanisms to manage objections, disputes and tribunals;

(i) the range of matters the appropriate regulator will consider when assessing events for sports betting (e.g. integrity risks), the sport organisation’s capacity to administer and enforce rules or codes of conduct to ensure the integrity of the event or competition;
(j) specification of reporting and publication requirements of the appropriate regulator to government, the public and other agencies as required;

(k) provision that the Sport Controlling Body may make an agreement with a betting agency for the betting agency to offer a betting service on the event and under the agreement the parties will:

i. provide for the sharing of information between a sport controlling body and a betting agency for the purposes of protecting and supporting integrity in sport and sport betting; and

ii. state whether or not a fee is payable by the betting agency to the sport controlling body in respect of betting on the sports betting event and if a fee is payable, what the fee is or how it is calculated.

(l) a betting agency must not accept, offer to accept, or invite a person to place, a bet; or facilitate the placing of a bet on a contingency that is the subject of a prohibition.

1.18 The [insert name of Country] Government recognises that smaller sports will need assistance to adjust and adapt their policies and practices to meet the requirements of the new national provisions. The mechanism to achieve this will be discussed with sporting organisations and betting agencies and will be resolved in accordance with the arrangements outlined below in the section on implementation.

National Oversight and Coordination Function (a National Integrity of Sport Unit/Office/Officer)

1.19 The [insert name of Country] Government agrees that a national approach to governing the implementation of this National Policy is required. The adoption of this approach will require cooperation and collaboration across government agencies, gaming regulators, sporting organisations and betting agencies, to ensure the policy is consistently applied. The specific arrangements will be finalised in accordance with the arrangements outlined below in the section on implementation.

1.20 In recognition of the need for national coordination, monitoring and reporting, the [insert name of Country] Government will establish a National Integrity of Sport Unit/Office/Officer. The functions associated with this approach will include:
(a) supporting and as required, reviewing information sharing and monitoring protocols to expand networks between government, sports, betting industry and law enforcement agencies;

(b) supporting the development of industry capacity to ensure the integrity of all sporting codes including practical and financial support for smaller sports where necessary;

(c) ensuring sports have the capacity either internally or through an independent body, to undertake investigations into betting impropriety;

(d) monitoring compliance of stakeholders in relation to the application of the national code of conduct principles;

(e) facilitating the adoption of nationally consistent principles of sport integrity by all sports;

(f) resolving disputes as appropriate over issues of concern arising from the implementation of the National Policy;

(g) developing protocols for sanctions by sports and referral of criminal activity to law enforcement agencies; and

(h) supporting international efforts to combat the manipulation of sporting competitions through information sharing arrangements.

Funding Agreements with Sports

1.21 Considerable public money is provided to sporting organisations in recognition of the significant role they play in [insert name of Country] society.

1.22 Consequently, the [insert name of Country] Government agrees to make new and ongoing funding to sports conditional on the sporting organisations developing and implementing appropriate policies and practices to combat the manipulation of sporting competitions, including codes of conduct and sanctions regimes.
ROLE OF THE SPORTING ORGANISATIONS

1.23 It is the intention of this Policy that government will work in partnership with sporting organisations or Sport Controlling Bodies and the betting industry to ensure the integrity of [insert name of Country] sport is protected from the threat of the manipulation of sporting competitions and the corruption that flows from it.

1.24 As part of this Policy, sporting organisations or Sport Controlling Bodies will be expected to:

(a) adopt a code of conduct which aligns with nationally agreed principles – see paragraph 1.27 for details;
(b) apply the code of conduct to all players, player agents, support personnel, officials and staff;
(c) apply a disciplinary framework within the code of conduct including sanctions and appropriate investigative processes with minimum and meaningful sanctions;
(d) develop and enter into national integrity agreements with betting organisations in relation to the provision of betting and information sharing on the sport involved;
(e) provide appropriate information to betting agencies to support preventative and investigative measures in a timely manner;
(f) provide appropriate education of players, player agents, support personnel, officials and staff on their responsibilities under the code of conduct and to provide information on the manipulation of sporting competitions to assist with prevention, detection and disciplinary actions in accordance with this policy;
(g) liaise with and report to the relevant government agencies including the over-sighting/coordinating agency; and
(h) provide and exchange information on suspected manipulation of sporting competitions or corrupt activities with the over-sighting/coordinating agency, betting agencies, and law enforcement agencies.

1.25 For smaller sporting organisations or smaller Sport Controlling Bodies, in recognition that governing organisations may have limited capacity to establish self-governing arrangements, these sports will be assisted by the
over-sighting/coordinating agency and will be subject to the code of conduct principles as provided at 1.27.

1.26 This Policy recognises that Sport Controlling Bodies must reach specific integrity benchmarks to gain approval to be part of a sports betting regime.

1.27 With respect to a code of conduct on the manipulation of sporting competitions, sporting organisations and Sport Controlling Bodies agree that the code will restrict players, player agents, support personnel, officials and staff, directly or indirectly, engaging in the following conduct:

(a) betting, gambling or entering into any other form of financial speculation on any match or on any event connected with the sport involved;

(b) 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 the sport involved;

(c) ‘tanking’ (including, in particular, owing to an arrangement relating to betting on the outcome of any match or event) other than for legitimate tactical reasons in line within the rules of the respective sport;

(d) inducing or encouraging any player to ‘tank’ (including, in particular, owing to an arrangement relating to betting on the outcome of any match or event) other than for legitimate tactical reasons within the rules of the respective sport;

(e) for money, benefit or other reward (whether for the player him or herself or any other person and whether financial or otherwise), providing insider information that is considered to be information not publicly known such as team or its members configuration (including, without limitation, the team’s actual or likely composition, the form of individual players or tactics) other than in connection with bona fide media interviews and commitments;

(f) any other form of corrupt conduct in relation to any match or event connected with the respective sport;

(g) failing to promptly disclose to the sporting organisations or Sport Controlling Bodies that he or she has received an approach from another person to engage in conduct such as that described in paragraphs (a) – (f) above;
(h) failing to promptly disclose to the sporting organisations or Sport Controlling Bodies that he or she knows or reasonably suspects that any current or former player or official or any other person has engaged in conduct, or been approached to engage in conduct, such as that described in paragraphs (a) – (f) above;

(i) failing to promptly disclose to the sporting organisations or Sport Controlling Bodies that he or she has received, or is aware or reasonably suspects that another player or official or any other person has received, actual or implied threats of any nature in relation to past or proposed conduct such as that described in paragraphs (a) – (f) above; or

(j) conduct that relates directly or indirectly to any of the conduct described in paragraphs (a) – (i) above and is prejudicial to the interests of the sport or which bring him or her or the sport into disrepute.

1.28 Sporting organisations and Sport Controlling Bodies will be responsible for the application of appropriate responses to breaches of their code of conduct acknowledging that penalties should be broadly consistent across sporting codes and reflect the severity of the breach.

**ROLE OF BETTING AGENCIES**

1.29 The [insert name of Country] Government agrees to work with betting agencies in the implementation of this policy.

1.30 As part of this Policy, betting agencies will be asked to:

(a) implement information exchange and information provision arrangements with sports, government and law enforcement agencies;

(b) develop and enter into agreements with sporting organisations in relation to the provision of betting and information sharing on the sport involved by;

(c) guarantee confidentiality of information provided by sports to the betting agencies;

(d) collaborate with sports and law enforcement agencies and the government agencies on the provision of information to assist detection and investigation of suspicious activity or breaches of the relevant code of conduct for that sport; and
(e) provide a share of revenue to implement this policy, including to sports.

IMPLEMENTATION, POLICY OVERSIGHT AND GOVERNANCE

1.31 The [insert name of Country] Government agrees to support the establishment of a working group to facilitate the development of national arrangements consistent with this National Policy.

1.32 This work will include advice on governance arrangements for the long-term oversight of this policy and will require consideration by appropriate Ministers.

INTERNATIONAL ENGAGEMENT

1.33 The [insert name of Country] Government will support participation in international debate and initiatives to protect the integrity of sport globally.

1.34 At a minimum, the [insert name of Country] Government will provide support for international arrangements which provide:

(a) monitoring of irregular sports betting on international events (such as Olympic Games and world championships) through the IOC and international sporting federations;

(b) the development of formal information sharing arrangements through the proposed over-sighting/coordinating agency; and

(c) the development of agreements between sports betting agencies and international sporting federations relating to return of revenue for international events.

1.35 The [insert name of Country] Government agrees to pursue relationships with the international sporting movement, and betting agencies when opportunities arise in international forums.

1.36 Failing the development of an international agreement or treaty against the manipulation of sporting competitions in the future, the [insert name of Country] Government will seek to formalise information sharing arrangements with appropriate bodies in other nations.
7th Commonwealth Sports Ministers Meeting

21st July 2014
City Chambers, George Square, Glasgow, Scotland

Agenda Item 6
CSMM (14)
6-IS-GoA

Government of Australia
Government National Policy Template
(Gambling Illegal)

Commonwealth Secretariat
Marlborough House
London SW1Y 5HX
July 2014
THE NATIONAL POLICY OF [COUNTRY]

AGAINST THE MANIPULATION OF SPORTS COMPETITIONS

POLICY TEMPLATE (SPORTS GAMBLING ILLEGAL)
Developed for the Commonwealth Advisory Body on Sport July 2014
THE NATIONAL POLICY OF [COUNTRY] AGAINST THE MANIPULATION OF SPORTS COMPETITIONS

As agreed by the [Name of Country] Government on [Day, Month, Year]

“... these issues have the potential to compromise sports contribution to development goals... the Commonwealth [needs] to take a proactive stance to combat threats to the integrity of sport”

FOREWORD

This National Policy against the Manipulation of Sports Competitions represents a commitment by the [insert name of Country] Government to work together with sport and law enforcement to combat manipulation of sports competitions with the aim of protecting the integrity of sport.

This Policy provides the platform for collaboration, and will be underpinned by legislation, regulation, codes of conduct and industry standards.

It is recognised that [insert name of Country] will best deal with the threat of the manipulation of sporting competitions only if there is cooperation and goodwill between government agencies and sports organisations.

We, the undersigned, acknowledge the support of our partners in sport and industry. Together we will implement this Policy which will deter the manipulation of sports competitions, and deal with it should it arise, and in doing so we will preserve the integrity of one of [Country] greatest assets – our national sporting heritage.

The Parties have confirmed their commitment on [Day, Month, Year]

Signed for and on behalf of

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Signed for and on behalf of

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Signed for and on behalf of

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Signed for and on behalf of

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Insert titles/positions/departments as appropriate
1.37 The manipulation of sports competitions involves the influencing of an outcome or contingency by competitors, teams, sports agents, support staff, referees and officials and venue staff which is inconsistent with the preservation of the fundamental character of sporting competitions as an honest test of skill and ability. Such conduct includes:

(d) the deliberate fixing of the result of a contest, or of an occurrence within the contest, or of a points spread;

(e) deliberate underperformance;

(f) withdrawal (tanking);

(g) an official’s deliberate misapplication of the rules of the contest;

(h) interference with the play or playing surfaces by venue staff; and

(i) abuse of insider information for financial gain by any of the above or by a gambler who has recruited such people to manipulate an outcome or contingency.

1.38 All [insert name of Country] expect that the sport they watch or participate in is played honestly and to the ideals of fair play and good sportsmanship. The manipulation of sporting competitions, and the corruption that flows from it, is not limited to professional or high profile sporting codes. It has occurred in smaller sports, in lower grade team competitions and in individual events.

1.39 The manipulation of sporting competitions is often motivated by the opportunity for significant financial or other personal gain through the manipulation of the result. Internationally, sports betting agencies provide opportunity for high sums to be gambled on sporting events with the prospect of very high returns both domestically and internationally. These potentially high returns can provide strong incentives to influence results of sporting fixtures.

1.40 Fraudulent betting on sport and the associated manipulation of sporting competitions is an emerging and critical issue globally, for sport and governments alike. It has the potential to undermine public confidence in the integrity of sport and sporting events. Left unchecked, this corruption will devalue the integrity of sport and diminish the acceptability and effectiveness of sport as a tool to develop and support many aspects of our society.
1.41 This Policy is underpinned by the following agreed principles:

(j) a nationally-consistent approach to deterring and dealing with the manipulation of sporting competitions in [insert name of Country];

(k) information sharing and highly efficient networks between government agencies, sports, and law enforcers;

(l) consistent national code of conduct principles for sport; and

(m) active participation in international efforts to combat corruption in sport including an international code of conduct and an international body.

1.42 At the international level, there is increased focus on cross-border collaboration, with an emerging push for an international information-sharing, monitoring, investigation and enforcement agency. [insert name of Country] is actively working with other like-minded nations to ensure that international measures are developed and implemented to further safeguard [insert name of Country] sport from international criminal activity. The demonstration of a robust and comprehensive domestic policy will ensure our voice is heard on the international stage.

1.43 Deterring and dealing with the manipulation of sporting competitions will be complex. It is the intention that the [insert name of Country] Government will work collaboratively with [insert name of Country] sporting organisations in a manner consistent with the spirit and intentions of this Policy.
PURPOSE

1.44 The Policy aims to maximise public confidence in the integrity of sport and to ensure a level playing field, by:

(n) articulating the roles, responsibilities and aspirations of the [insert name of Country] Government and, sporting organisations;

(o) making a commitment to pursue nationally-consistent legislative arrangements and standard requirements across all government agencies and sporting organisations in regard to the manipulation of sporting competitions; and

(p) detailing the approach to implementation of the Policy.

1.45 The Policy also provides a basis for [insert name of Country] international credibility to actively participate in international reforms to achieve similar international outcomes.

1.46 Through the Policy the [insert name of Country] Government commits to a collaborative coordinated effort to safeguard [insert name of Country] sport from inappropriate and fraudulent sports betting and the manipulation of sporting competitions.

ROLE OF GOVERNMENT

1.47 The [insert name of Country] Government agrees that it has a major obligation to address the threat of the manipulation of sporting competitions and the corruption that flows from it.

1.48 In advancing this, all parties will ensure that the legislative framework in [insert name of Country] accommodates the particular issues associated with the manipulation of sporting competitions and the offences that arise from it.
Criminal Offences

1.49 The [insert name of Country] Government agrees to pursue a nationally consistent approach to criminal offences, including legislation, in relation to the manipulation of sporting competitions that provides an effective deterrent and sufficient penalties to reflect the seriousness of offences. The [insert name of Country] Government notes the approach to implementation of such provisions may vary in jurisdictions depending on existing legislative arrangements.

National Oversight and Coordination Function (a National Integrity of Sport Unit/Office/Officer)

1.50 The [insert name of Country] Government agrees that a national approach to governing the implementation of this National Policy is required. The adoption of this approach will require cooperation and collaboration across government agencies and sporting organisations to ensure the policy is consistently applied. The specific arrangements will be finalised in accordance with the arrangements outlined below in the section on implementation.

1.51 In recognition of the need for national coordination, monitoring and reporting, the [insert name of Country] Government will establish a National Integrity of Sport Unit/Office/Officer. The functions associated with this approach will include:

(q) supporting and as required, reviewing information sharing and monitoring protocols to expand networks between government, sports, and law enforcement agencies;

(r) supporting the development of industry capacity to ensure the integrity of sport in all sporting codes including practical and financial support for smaller sports where necessary;

(s) ensuring sports have the capacity either internally or through an independent body, to undertake investigations into possible instances of the manipulation of sporting competitions;

(t) monitoring compliance of stakeholders in relation to the application of the national code of conduct principles;

(u) facilitating the adoption of nationally consistent principles of sport integrity by all sports;
(v) resolving disputes as appropriate over issues of concern arising from the implementation of the National Policy;

(w) developing protocols for sanctions by sports and referral of criminal activity to law enforcement agencies; and

(x) supporting international efforts to combat the manipulation of sporting competitions through information sharing arrangements.

Funding agreements with sports

1.52 Considerable public money is provided to sporting organisations in recognition of the significant role they play in [insert name of Country] society.

1.53 Consequently, the [insert name of Country] Government agrees to make new and ongoing funding to sports conditional on the sporting organisations developing and implementing appropriate policies and practices to combat the manipulation of sporting competitions, including codes of conduct and sanctions regimes.

ROLE OF THE SPORTING ORGANISATIONS

1.54 It is the intention of this Policy that government will work in partnership with sporting organisations to ensure the integrity of [insert name of Country] sport is protected from the threat of the manipulation of sporting competitions and the corruption that flows from it.

1.55 As part of this Policy, sporting organisations will be expected to:

(y) adopt a code of conduct which aligns with nationally agreed principles – see paragraph 1.21 for details;

(z) apply the code of conduct to all players, player agents, support personnel, officials and staff;

(aa) apply a disciplinary framework within the code of conduct including sanctions and appropriate investigative processes with minimum and meaningful sanctions;

(bb) provide appropriate education of players, player agents, support personnel, officials and staff on their responsibilities under the code of conduct and to provide information on the manipulation of sporting competitions to assist with prevention, detection and disciplinary actions in accordance with this policy;
(cc) liaise with and report to the relevant government agencies including the over-sighting/coordination agency; and

(dd) provide and exchange information on suspected manipulation of sporting competitions or corrupt activities with the over-sighting/coordination agency and law enforcement agencies.

1.56 For smaller sporting organisations, in recognition that governing organisations may have limited capacity to establish self-governing arrangements, these sports will be assisted by the over-sighting/coordinating agency and will be subject to the code of conduct principles as provided at 1.21.

1.57 With respect to a code of conduct on the manipulation of sporting competitions, sporting organisations agree that the code will restrict players, player agents, support personnel, officials and staff, directly or indirectly, engaging in the following conduct:

(ee) betting, gambling or entering into any other form of financial speculation on any match or on any event connected with the sport involved;

(ff) 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 the sport involved;

(gg) ‘tanking’ (including, in particular, owing to an arrangement relating to betting on the outcome of any match or event) other than for legitimate tactical reasons in line within the rules of the respective sport;

(hh) inducing or encouraging any player to ‘tank’ (including, in particular, owing to an arrangement relating to betting on the outcome of any match or event) other than for legitimate tactical reasons within the rules of the respective sport;

(ii) for money, benefit or other reward (whether for the player him or herself or any other person and whether financial or otherwise), providing insider information that is considered to be information not publicly known such as team or its members configuration (including, without limitation, the team’s actual or likely composition, the form of individual players or tactics) other than in connection with bona fide media interviews and commitments;
(jj) any other form of corrupt conduct in relation to any match or event connected with the respective sport;

(kk) failing to promptly disclose to their sporting organisation that he or she has received an approach from another person to engage in conduct such as that described in paragraphs (a) – (f) above;

(ll) failing to promptly disclose to their sporting organisation that he or she knows or reasonably suspects that any current or former player or official or any other person has engaged in conduct, or been approached to engage in conduct, such as that described in paragraphs (a) – (f) above;

(mm) failing to promptly disclose to their sporting organisation that he or she has received, or is aware or reasonably suspects that another player or official or any other person has received, actual or implied threats of any nature in relation to past or proposed conduct such as that described in paragraphs (a) – (f) above; or

(nn) conduct that relates directly or indirectly to any of the conduct described in paragraphs (a) – (i) above and is prejudicial to the interests of the sport or which bring him or her or the sport into disrepute.

1.58 Sporting organisations will be responsible for the application of appropriate responses to breaches of their code of conduct acknowledging that penalties should be broadly consistent across sporting codes and reflect the severity of the breach.
IMPLEMENTATION, POLICY OVERSIGHT AND GOVERNANCE

1.59 The [insert name of Country] Government agrees to support the establishment of a working group to facilitate the development of arrangements consistent with this National Policy.

1.60 This work will include advice on governance arrangements for the long-term oversight of this policy and will require consideration by appropriate Ministers.

INTERNATIONAL ENGAGEMENT

1.61 The [insert name of Country] Government will support participation in international debate and initiatives to protect the integrity of sport globally.

1.62 At a minimum, the [insert name of Country] Government will provide support for international arrangements which provide:

   (oo) monitoring of irregular sports betting on international events (such as Olympic Games and world championships) through the IOC and international sporting federations;

   (pp) the development of formal information sharing arrangements through the proposed over-sighting/coordinating agency; and

   (qq) the development of agreements between sports and international sporting federations relating to information exchange.

1.63 The [insert name of Country] Government agrees to pursue relationships with the international sporting movement, when opportunities arise in international forums.

1.64 Failing the development of an international agreement or treaty against the manipulation of sporting competitions in the future, the [insert name of Country] Government will seek to formalise information sharing arrangements with appropriate bodies in other nations.
7th Commonwealth Sports Ministers Meeting

21st July 2014
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CSMM (14)
6-IS-GoA

Government of Australia
Sports Policy Template
(Gambling Legal)

Commonwealth Secretariat
Marlborough House
London SW1Y 5HX
July 2014
[NAME OF SPORT]

POLICY AGAINST THE MANIPULATION OF SPORTS COMPETITIONS

POLICY TEMPLATE (SPORTS GAMBLING LEGAL)
Developed for the Commonwealth Advisory Body on Sport July 2014
POLICY AGAINST THE
MANIPULATION OF SPORTS COMPETITIONS

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[NAME OF SPORT]

POLICY AGAINST THE
MANIPULATION OF SPORTS COMPETITIONS

Table of Contents
1. INTRODUCTION 1
2. APPLICATION 2
3. PROHIBITED CONDUCT 3
4. REPORTING PROCESS 5
5. INVESTIGATIONS 6
6. DISCIPLINARY PROCESS 9
7. SANCTIONS 10
8. INFORMATION SHARING 10
9. INTERPRETATIONS AND DEFINITIONS 12
10. ANNEXURE A – ATHLETE FRAMEWORK 15
11. ANNEXURE B – COACHES FRAMEWORK 16
12. ANNEXURE C – OFFICIALS FRAMEWORK 17
13. ANNEXURE D – CODE OF CONDUCT 18
14. ANNEXURE E – SAMPLE CLAUSES 22
1. INTRODUCTION

Outline the Sport’s position on the manipulation of sports competitions here, with the below wording setting out what would be expected at a minimum.

a) The Sport recognises that betting is a legitimate pursuit, however illegal or fraudulent betting is not. Fraudulent betting on sport and the associated manipulation of sports competitions is an emerging and critical issue globally, for sport, the betting industry and governments alike.

b) The Sport and its Member Organisations have a major obligation to address the threat of the manipulation of sports competitions and the corruption that flows from that.

c) The Sport and its Member Organisations have a zero tolerance for illegal gambling and the manipulation of sports competitions.

d) The Sport will engage the necessary technical expertise to administer, monitor and enforce this Policy.

e) The purpose of the National Policy on the Manipulation of Sports Competitions is to:

i. protect and maintain the integrity of the Sport;

ii. protect against any efforts to impact improperly the result of any match or event; and

iii. establish a uniform rule and consistent scheme of enforcement and penalties.

f) The conduct prohibited under this Policy may also be a criminal offence and/or a breach of other applicable laws or regulations. This Policy is intended to supplement such laws and regulations. It is not intended, and should not be interpreted, construed or applied, to prejudice or undermine in any way the application of such laws and regulations. Relevant Persons must comply with all applicable laws and regulations at all times.
2. **APPLICATION**

2.1. **Application of Policy**

   a) This Policy is made by the [insert relevant entity here e.g. Board of Directors] and is binding on all Relevant Persons. It may be amended from time to time by the [insert relevant entity here].

   b) The [insert relevant entity here] may, in its sole discretion, delegate any or all of its powers under this Policy, including but not limited to the power to adopt, apply, monitor and enforce this Policy.

   c) By virtue of their ongoing membership, employment or other contractual relationship with the Sport, Relevant Persons are automatically bound by this Policy and required to comply with all of its provisions.

2.2. **Relevant Persons**

Outline those specific categories of people within the control of the Sport to whom the Policy will apply. The below list is intended as a guide, and any categories irrelevant to the Sport should be deleted.

This Policy applies to any Relevant Person as defined from time to time by the [insert relevant entity here]. For clarity this includes, but is not limited to:

   a) Player Agents;

The applicability of the Policy to Player Agents by the Sport may depend on the accreditation of agents within the Sport. Where Player Agents are not accredited by the sport, it remains important that where possible, Player Agents be captured by the National Policy to further strengthen sport integrity. This may require consultation with the Players/Athletes’ Association within the Sport.

   b) Athletes;
   c) Coaches;
   d) Officials;
   e) Personnel;
   f) Persons who hold governance positions with the Sport or its Member Organisations;
   g) Selectors; and
   h) Individual or Team Support Staff.
2.3. **Education**

a) All Relevant Persons must complete appropriate education and training programs as directed by the Sport from time to time.

b) All Relevant Persons as at the commencement of this Policy must undertake the Sport’s education program.

c) All persons who become Relevant Persons after the commencement of this Policy must undertake the Sport’s education program as part of their induction:
   
   i. prior to competing in any Event or Competition; or
   
   ii. within two months of commencing employment (whether paid or voluntary).

2.4. **Code of Conduct**

a) In addition to this Policy, all Relevant Persons are bound by the Sport’s Code of Conduct (see Annexure D), as amended from time to time, which is underpinned by the following principles:
   
   i. Be Smart: know the rules;
   
   ii. Be Safe: never bet on your sport;
   
   iii. Be Careful: never share sensitive information;
   
   iv. Be Clean: never fix an event; and
   
   v. Be Open: tell someone if you are approached.

3. **PROHIBITED CONDUCT**

The below Prohibited Conduct represents the minimum standard expected of sports organisations. The Sport may in its discretion and subject to law, prohibit such other conduct it deems appropriate. For example, prohibiting the use of mobile telephones by Relevant Persons during an Event.

a) A Relevant Person to whom this Policy applies must not directly or indirectly, alone or in conjunction with another or others breach this Policy or the Sport’s Code of Conduct by:
   
   i. betting, gambling or entering into any other form of financial speculation on any Competition or on any Event connected with the Sport; or
   
   ii. participating (whether by act or omission) in manipulating sports competitions by:
A. deliberately underperforming or ‘tanking’ as part of an arrangement relating to betting on the outcome of any contingency within a Competition or Event;

B. deliberately fixing, or exerting any undue influence on, any occurrence within any Competition or Event as part of an arrangement relating to betting on the outcome of any contingency within a Competition or Event;

C. inducing or encouraging any Relevant Person to deliberately underperform as part of an arrangement relating to betting on the outcome of any Competition or Event;

D. providing Inside Information that is considered to be information not publicly known such as Team or its members configuration (including, without limitation, the Team’s actual or likely composition, the form of individual athlete or tactics) other than in connection with bona fide media interviews and commitments;

E. ensuring that a particular incident, that is the subject of a bet, occurs;

F. providing or receiving any gift, payment or benefit that might reasonably be expected to bring the Relevant Person or the Sport into disrepute; or

G. engaging in conduct that relates directly or indirectly to any of the conduct described in Clauses 3 a)(ii)(A) to (F) above and is prejudicial to the interests of the Sport or which bring a Relevant Person or the Sport into disrepute.

b) Any attempt or any agreement to act in a manner that would culminate in Prohibited Conduct shall be treated as if the relevant Prohibited Conduct had occurred, whether or not the Prohibited Conduct actually occurred as a result of the attempt or agreement to act.

c) If a Relevant Person knowingly assists or is a party to “covering up” Prohibited Conduct, that Relevant Person will be treated as having engaged in the Prohibited Conduct personally.

d) Nothing in this section prevents the Board from enforcing any other Rules and Regulations or referring any Prohibited Conduct to a relevant law enforcement agency.

The Sport should also ensure all Relevant Persons are aware of the criminal offences relating to the manipulation of sports competitions.
4. REPORTING PROCESS

Ensure that as a minimum a Relevant Person:

1. must adhere to clause 4 (a) below; and
2. is required to cooperate with investigations.

Outline who the above matters are to be reported to, and the process and timeframe for reporting.

a) A Relevant Person to whom this policy applies must promptly notify the [insert relevant officer e.g Chief Executive Officer] if he or she:

i. is interviewed as a suspect, charged, or arrested by police in respect of conduct that would amount to an allegation of Prohibited Conduct under this Policy;

ii. is approached by another person to engage in conduct that is Prohibited Conduct;

iii. knows or reasonably suspects that another person has engaged in conduct, or been approached to engage in conduct that is Prohibited Conduct; or

iv. has received, or is aware or reasonably suspects that another person has received, actual or implied threats of any nature in relation to past or proposed conduct that is Prohibited Conduct.

b) If a Relevant Person wishes to report the [insert relevant officer e.g Chief Executive Officer] for involvement in conduct that is Prohibited Conduct under this Policy then the Relevant Person to which this Section 4 applies may report the conduct to the [insert title of relevant Authority e.g. Chair of the Board].

c) Notification by a Relevant Person under this Section 4 can be made verbally or in writing in the discretion of the Relevant Person and may be made confidentially if there is a genuine concern of reprisal. However, the [insert relevant person e.g Chief Executive Officer] must record the fact of the reporting of Prohibited Conduct and particulars of the alleged Prohibited Conduct in writing within 48 hours of the report from the Relevant Person for presentation to the Board.

d) Any report by a Relevant Person under this Section 4 will be dealt with confidentially by the Sport unless disclosure is otherwise required or
permitted under this Policy, by law, or if the allegation of the Prohibited Conduct is already in the public domain.

e) A Relevant Person has a continuing obligation to report any new knowledge or suspicion regarding any conduct that may amount to Prohibited Conduct under this Policy, even if the Relevant Person’s prior knowledge or suspicion has already been reported.

5. **INVESTIGATIONS**

This section should be amended to suit the individual sports requirements and should include an outline of:

1. the process to undertake an investigation when the Sport suspects or is aware of a breach including an outline of the process to establish a Hearing Panel and nomination of panel members;
2. arrangements for protecting confidentiality during the investigation and disciplinary process; and
3. the process for referring alleged breaches to law enforcement agencies for criminal investigations.

5.1. **Allegations of Prohibited Conduct**

a) If the Board or Chief Executive Officer [insert relevant officer e.g Chief Executive Officer] receives a report or information that a Relevant Person has allegedly breached this Policy including by engaging in actual or suspected Prohibited Conduct, the Board must, as soon as reasonably practicable refer that report or information and any documentary or other evidence that is available to it in relation to the alleged Prohibited Conduct by the Alleged Offender to the Hearing Panel.

b) If the Board or Chief Executive Officer [insert relevant officer e.g Chief Executive Officer] has referred to the Hearing Panel a report or information that an Alleged Offender has allegedly breached this Policy including by engaging in actual or suspected Prohibited Conduct, the Board may, in its discretion and pending determination by the Hearing Panel suspend the Alleged Offender from any Event or activities sanctioned by the Sport or a Member Organisation.
c) Nothing in this section prevents the Board or Chief Executive Officer from enforcing any other Rules and Regulations or referring any Prohibited Conduct to a relevant law enforcement agency.
5.2. Confidentiality and Reporting

a) To maintain the confidentiality of the process, no parties will publically announce, comment on or confirm any of its investigative or subsequent hearings or appeals activities. Notwithstanding this provision, however, a general description of a process that may be instigated under this policy is permissible.

b) The Sport must not disclose any specific facts of an allegation of Prohibited Conduct or breach of this Policy.

c) The identity of a Relevant Person against whom a finding of Prohibited Conduct is made may only be publicly disclosed after the Hearing Panel has notified the Relevant Person, the Sport and any other interested party of its decision. Such disclosure will be by way of an official release by the Sport.

d) Where any public announcement may be considered detrimental to the wellbeing of a Relevant Person, the Board [insert relevant reference] will determine the most appropriate course of action in its sole discretion based on the circumstances of the Relevant Person.

e) All parties must maintain all information received in the course of any report, notice, hearing or appeal (other than a notice of decision by the Hearing Panel or an appeal tribunal) in relation to an allegation of conduct that is Prohibited Conduct as strictly confidential.

f) Clauses 5.2 a) to e) do not apply if the disclosure is required by law or the Sport determines to refer information to a law enforcement agency.

5.3. Criminal offences

Offences that occur overseas will be subject to the law of the country the competition is occurring in. However the Sport may still apply sanctions under the rules of their sport.

Any alleged Prohibited Conduct by an Alleged Offender which is considered by the Board or Chief Executive Officer [insert relevant officer e.g Chief Executive Officer] as a prima facie unlawful offence will be reported to the police force in the jurisdiction the offence is alleged to have occurred.

5.4. Privilege

a) Notwithstanding anything else in this Policy, a Relevant Person who is interviewed under suspicion, charged or arrested by a law enforcement
agency in respect of a criminal offence that is, or may be considered to be conduct that is Prohibited Conduct under this Policy shall not be required to produce any information, give any evidence or make any statement to the Board if they establish that to do so would breach any privilege against self-incrimination, or legal professional privilege.

b) Clause 5.4 a) does not limit the Board [insert relevant reference] from enforcing any other Rules and Regulations.

The effect of this clause is that while a Relevant Person subject to a criminal investigation does not need to cooperate with an investigation by the Sport, the Sport is still entitled to complete its investigation and administer any sanction it is entitled to under this Policy.

6. DISCIPLINARY PROCESS

An example disciplinary process is contained in Annexure E.

At a minimum, the disciplinary process should:

1. allow all Alleged Offenders to be afforded the right to a timely, fair and impartial hearing;
2. allow information disclosed during a hearing process to be used for further investigations;
3. outline the process for the hearing panel to refer a matter to the disciplinary panel if relevant; and
4. afford the Alleged Offender a right to appeal a decision to an appeals tribunal:
   a) where the decision of the Hearing Panel is wrong having regard to the application of this Policy or the Code of Conduct;
   b) where new evidence has become available;
   c) where natural justice has been denied; or
   d) in respect of the penalty imposed.
7. **SANCTIONS**

7.1. **Penalties**

Outline minimum and robust sanctions that reflect the severity of the breach. These may include disqualification of results, suspension, ban, financial penalty and public disclosure.

The Sport will need to set out specific penalties, or refer to penalties in the existing disciplinary framework of the Sport, in this section of the Policy.

An example set of penalties is set out in Annexure E.

8. **INFORMATION SHARING**

It needs to be outlined here that the Sport may share personal information of Relevant Persons with Betting Operators, law enforcement agencies, government agencies and/or other sporting organisations to prevent and investigate manipulation of sports competitions incidents.

However, it is important the Sport complies with all legal obligations under the [insert the name of the relevant privacy legislation e.g. Privacy Act] in sharing information.

8.1. **Monitoring by Betting Operators**

The sport may need to amend and update the information in this section to conform with national regulations (if any) that are in place in relation to gambling and sports betting.

a) Relevant Persons to whom this Policy applies must disclose information to the Sport of all their business interests, and connections with Betting Operators.

b) The Sport will work with Betting Operators to help ensure the ongoing integrity of the Competitions and Events played under the auspices of the Sport and Authorised Providers.

c) Betting Operators will monitor and conduct regular audits of its databases and records to monitor the incidents of suspicious betting transactions (including single or multiple betting transactions or market fluctuations) that may indicate or tend to indicate that Relevant Persons have engaged in conduct that is Prohibited Conduct under this Policy.
d) In order to enable the Betting Operator to conduct such audits, the Sport may, from time to time and subject to any terms and conditions imposed by the Sport (including in relation to confidentiality and privacy), provide to Betting Operators details of Relevant Persons who are precluded by virtue of this Policy from engaging in Prohibited Conduct.

e) Betting Operators must provide the Board with regular written reports on incidents of suspicious betting transactions (including single or multiple betting transactions or market fluctuations) that may indicate or tend to indicate that Relevant Persons have engaged in conduct that is Prohibited Conduct under this Policy.

f) All requests for information or provision of information by the Sport or a Betting Operator shall be kept strictly confidential and shall not be divulged to any third party or otherwise made use of except where required by law or where information is already in the public domain other than as a result of a breach of this Policy.

8.2. Sponsorship

a) The Sport acknowledges that betting is a legal activity, and recognises that Betting Operators may wish to enter Commercial Partnerships to promote their business.

b) The Sport may enter Commercial Partnerships with Betting Operators from time to time, subject to any applicable legislative requirements.

c) A Member Organisation or any Team may enter into a Commercial Partnership with a Betting Operator with the written consent of the Sport. Such consent may be withheld at the discretion of the Sport and specifically where the proposed Commercial Partnership:

i. conflicts with an existing Commercial Partnership held between the Sport and a Betting Operator(s); and/or

ii. is with a Betting Operator with whom the Sport has not entered into an integrity agreement as required under the National Policy on Manipulation of the Manipulation of Sports Competitions and recognised by the applicable state gambling regulator.
d) Subject to clause 8.2 c) above, a Relevant Person shall not be permitted to:

i. enter into any form of Commercial Partnership with a Betting Operator; or

ii. promote a Betting Operator; or

iii. have any form of commercial relationship with a Betting Operator.

9. **INTERPRETATIONS AND DEFINITIONS**

9.1. **Interpretation**

a) Headings used in this Policy are for convenience only and shall not be deemed part of the substance of this Policy or to affect in any way the language of the provisions to which they prefer.

b) Words in the singular include the plural and vice versa.

c) Reference to “including” and similar words are not words of limitation.

d) Words importing a gender include any other gender.

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

f) Where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.

g) In the event any provision of this Policy is determined invalid or unenforceable, the remaining provisions shall not be affected. This Policy shall not fail because any part of this Policy is held invalid.

h) Except as otherwise stated herein, failure to exercise or enforce any right conferred by this Policy shall not be deemed to be a waiver of any such right nor operate so as to bar the exercise or enforcement thereof or of any other right on any other occasion.

9.2. **Definitions**

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

**Alleged Offender** means a person accused of engaging in Prohibited Conduct under this Policy, prior to a determination by the Hearing Panel.
**Athlete** means any person identified within the Sport’s athlete framework (Annexure A) as amended and updated from time to time.

**Authorised Providers** means the Sport’s Member Organisations, Affiliates, or other organisations from time to time that conduct Events (for example the [name of country] Commonwealth Games Association or a private event management company operating an Event on behalf of the Sport).

**Betting Operator** means any company or other undertaking that promotes, brokers, arranges or conducts any form of Betting activity in relation to the Sport.

**Coaches** means any person described in the Sport’s coach framework (Annexure B) as amended and updated from time to time.

**Competition** means a [insert sport] contest, event or activity measuring performance against an opponent, oneself or the environment either once off or as part of a series.

**Event** means a one off Competition, or series of individual Competitions conducted by the Sport or an Authorised Provider (for example International Test Matches, National Championships, or domestic leagues).

**Hearing Panel** means the Panel appointed by the Board to hear and determine allegations of Prohibited Conduct.

**Inside Information** means any information relating to any Competition or Event that a Relevant Person possesses by virtue of his or her position within the Sport. Such information includes, but is not limited to, factual information regarding the competitors in the Competition or Event, tactical considerations or any other aspect of the Competition or Event but does not include such information that is already published or a matter of public record, readily acquired by an interested member of the public, or disclosed according to the rules and regulations governing the relevant Competition or Event.

**Member Organisations** means those entities recognised by the Sport’s constitution as its member organisations.

**National Policy on the Manipulation of Sports Competitions** means the Policy endorsed by [insert minister name] on behalf of their government, with the aim of protecting the integrity of [insert country name here] sport.

**Official** means any person identified within the Sport’s Officials Accreditation Framework (Annexure C) as amended and updated from time to time.
The Sport means [insert name of national sporting organisation].

[insert name of sport] means the sport and game of [insert name of sport] as determined by the Sport and the International Association with such variations as may be recognised from time to time.

Policy means the Sport’s National Policy on the Manipulation of Sports Competitions as amended from time to time.

Prohibited Conduct means conduct in breach of section 3 of this Policy.

Relevant Person means any of the persons identified in Clause 2.2, or any other person involved in the organisation administration or promotion of [insert name of sport] whose involvement in Gambling would bring [insert name of sport] into disrepute.

Team means a collection of Athletes and includes a national representative team, or Member Organisation team that competes in Competitions or Events.
10. ANNEXURE A - ATHLETE FRAMEWORK

List here all classes of athlete to whom the Policy applies.

This should include any athlete that competes:

  (rr) in professional domestic leagues,
  (ss) at international benchmark competitions or events (such as world championships, world cups, or one-off international competitions);
  and
  (tt) at any other competition or event that attracts or is likely to attract a betting market (this would include competitions and events that have no domestic betting markets but attract overseas betting markets).

This framework should be reviewed regularly and amended as appropriate.
11. **ANNEXURE B - COACHES FRAMEWORK**

List here all classes of coaches to whom the Policy applies.

This should include any coach including head coaches and assistant coaches of Athletes and teams:

(a) in professional domestic leagues;
(b) at international benchmark competitions or events (such as world championships, world cups, or one-off international competitions; and
(c) at any other competition or event that attracts or is likely to attract a betting market (this would include competitions and events that have no domestic betting markets but attract overseas betting markets).

This framework should be reviewed regularly and amended as appropriate.
12. ANNEXURE C- OFFICIALS FRAMEWORK

List here all classes of officials to whom the Policy applies.

This should include any officials, including umpires and technical officials that officiate:

(a) in professional domestic leagues,
(b) at international benchmark competitions or events (such as world championships, world cups, or one-off international competitions; and
(c) at any other competition or event that attracts or is likely to attract a betting market (this would include competitions and events that have no domestic betting markets but attract overseas betting markets).

This framework should be reviewed regularly and amended as appropriate.
13. ANNEXURE D- CODE OF CONDUCT

[NAME OF SPORT]

ANTI-MANIPULATION OF SPORTS COMPETITIONS
CODE OF CONDUCT
CODE OF CONDUCT

PREAMBLE

The Sport recognises that betting is a legitimate pursuit, however illegal or fraudulent betting is not. Fraudulent betting on sport and the associated manipulation of sports competitions is an emerging and critical issue globally, for sport, the betting industry and governments alike.

Accordingly, the Sport and its Member Organisations have a major obligation to address the threat of the manipulation of sports competitions and the corruption that flows from that.

The Sport and its Member Organisations have a zero tolerance for illegal gambling and the manipulation of sports competitions.

The Sport has developed a National Policy on the Manipulation of Sports Competitions to:

- protect and maintain the integrity of the Sport;
- protect against any efforts to impact improperly the result of any match;
- establish a uniform rule and consistent scheme of enforcement and penalties; and
- adhere to the National Policy on the Manipulation of Sports Competitions as agreed by the [insert country name here] Government on [insert date].

A copy of the National Policy can be obtained from the Sport upon request, and is available on the Sport’s website.

The Sport will engage necessary technical expertise to administer, monitor and enforce this Policy.

APPLICATION

The National Policy, as amended from time to time, includes a defined list of Relevant Persons to whom this Code of Conduct applies.

SAMPLE CODE OF CONDUCT PRINCIPLES/ RULES OF BEHAVIOUR

This Code of Conduct sets out the guiding principles for all Relevant Persons on the issues surrounding the integrity of sport and betting.
GUIDING PRINCIPLES

1. Be Smart: know the rules
2. Be Safe: never bet on your sport
3. Be Careful: never share sensitive information
4. Be Clean: never fix an event
5. Be Open: tell someone if you are approached

Be Smart: know the rules

Find out the sports betting integrity rules of the Sport (set out in the Sports National Policy) prior to each season, so that you are aware of the Sport’s most recent position regarding betting.

If you break the rules, you will be caught and risk severe punishments including a potential lifetime ban from your sport and even being subject to a criminal investigation and prosecution.

Be Safe: never bet on your sport

Never bet on yourself, your opponent or your sport. If you, or anyone in your entourage (coach, friend, family members etc), bet on yourself, your opponent or your sport you risk being severely sanctioned. It is best to play safe and never bet on any events within your sport including:

- never betting or gambling on your own matches or any competitions in your sport; including betting on yourself or your team to win, lose or draw as well as any of the different spot bets (such as first goal scorer, MVP etc);
- never instructing, encouraging or facilitating any other party to bet on sports you are participating in;
- never ensuring the occurrence of a particular incident, which is the subject of a bet and for which you expect to receive or have received any reward; and
- never giving or receiving any gift, payment or other benefit in circumstances that might reasonably be expected to bring you or your sport into disrepute.

Be Careful: never share sensitive information

As a Relevant Person you will have access to information that is not available to the general public, such as knowing that a team mate is injured or that the coach is putting out a weakened side. This is considered sensitive, privileged or inside
information. This information could be sought by people who would then use that knowledge to secure an unfair advantage to make a financial gain.

There is nothing wrong with you having sensitive information; it is what you do with it that matters. Most Relevant Persons know that they should not discuss important information with anyone outside of their club, team or coaching staff (with or without reward) where the Relevant Person might reasonably be expected to know that its disclosure could be used in relation to betting.

**Be Clean: never fix an event**

Play fairly, honestly and never fix an event or part of an event. Whatever the reason, do not make any attempt to adversely influence the natural course of an event or competition, or part of an event or competition. Sporting contests must always be an honest test of skill and ability and the results must remain uncertain. Fixing an event or competition, or part of an event or competition goes against the rules and ethics of sport and when caught, you may receive a fine, suspension, lifetime ban from your sport, and/or even a criminal prosecution.

Do not put yourself at risk by following these simple principles:

- Always perform to the best of your abilities.
- Never accept to fix a match. Say no immediately. Do not let yourself be manipulated - unscrupulous individuals might try to develop a relationship with you built on favours or fears that they will then try to exploit for their benefit in possibly fixing an event. This can include the offer of gifts, money and support.
- Seek treatment for addictions and avoid running up debts as this may be a trigger for unscrupulous individuals to target you to fix competitions. Get help before things get out of control.

**Be Open: tell someone if you are approached**

If you hear something suspicious or if anyone approaches you to ask about fixing any part of a match then you must tell someone at the Sport (this person is stipulated in the National Policy) straight away. If someone offers you money or favours for sensitive information then you should also inform the person specified above. Any threats or suspicions of corrupt behaviour should always be reported. The police and national laws are there to protect you. The Sport has developed the National Policy and the procedures contained in it to help
14. ANNEXURE E - SAMPLE CLAUSES

2 DISCIPLINARY PROCESS

2.1. Commencement of Proceedings

a) The Hearing Panel must comprise three persons independent of the Sport and with appropriate skills and experience appointed by the Board for such time and for such purposes as the Board thinks fit. The Board will appoint one of the members of the Hearing Panel to act as its Secretary.

The independence and skill set of Hearings Panel members is important in giving the process credibility and reducing the risk of appeals.

b) On receipt of a referral from the Board of an actual or suspected contravention of this Policy by an Alleged Offender, the Secretary of the Hearing Panel must issue a notice to the Alleged Offender detailing:

i. the alleged offence including details of when and where it is alleged to have occurred;

ii. the date, time and place for the proposed hearing of the alleged offence which shall be as soon as reasonably practicable after the Alleged Offender receives the Notice;

iii. information advising the Alleged Offender of their rights and format of proceedings;

iv. the potential penalties in the event that the Hearing Panel makes a finding that the Alleged Offender engaged in the Prohibited Conduct; and

v. a copy of the referral from the Board and any documentary or other evidence that was submitted to the Hearing Panel by the Board in relation to the alleged Prohibited Conduct by the Alleged Offender.

c) Within fourteen business days of the date of the Notice, the Alleged Offender must notify the Hearing Panel in writing of:

i. whether or not he or she wishes to contest the allegations;

ii. if the Alleged Offender does not wish to contest the allegations and accedes to the imposition of penalty, he or she may so notify the Hearing Panel in writing, in which
case no hearing shall be conducted and the Hearing Panel will remit the matter to the Board for the Board’s consideration and imposition of a penalty; or

iii. if the Alleged Offender does not wish to contest the allegations, but wishes to make submissions disputing and/or seeking to mitigate the penalty, he or she may must notify the Hearing Panel either:

A. that he or she wishes to make those submissions at a hearing before the Hearing Panel, in which case, the Hearing will proceed in accordance with clause 6.2 below; or

B. that he or she wishes to make those submission in writing, in which case the Hearing Panel will, on receipt of those submissions, remit the matter to the Board for the Board’s consideration and imposition of a penalty (giving due consideration to those written submissions)

iv. If the Alleged Offender does not admit or denies the alleged Prohibited Conduct and notifies the Hearing Panel that he or she wishes to contest the allegations, the Alleged Offender, is, by that notice, taken to have consented to the determination of the allegations in accordance with the procedure outlined in this Policy, and if the Hearing Panel finds that the Alleged Offender breached this Policy including by engaging in Prohibited Conduct, to the imposition of a penalty.

d) If the Alleged Offender fails to respond to the Notice within fourteen business days of the date of the Notice, the Alleged Offender shall be deemed to have:

i. waived their entitlement to a hearing in accordance with this Policy;

ii. admitted to the Prohibited Conduct specified in the Notice;

iii. acceded to the imposition of a penalty by the Board; and

iv. the Hearing Panel will remit the Alleged Offender’s Prohibited Conduct to the Board, informing the Board, by notice in writing, of the Alleged Offender’s failure to
respond to the Notice and requesting the Board to impose a penalty in the Board’s Discretion in accordance with this section.

e) Notwithstanding any of the above, an Alleged Offender shall be entitled at any stage to admit they have engaged in the Prohibited Conduct specified in the Notice and to accede to penalties determined by the Board.

f) Personnel covered by the Sport 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 relevant industrial relation laws.

6.2 Procedure of the Hearing Panel

a) This section applies if the Alleged Offender contests the allegation(s) that he or she has engaged in the Prohibited Conduct specified in the Notice, and there is a hearing of the allegations by the Hearing Panel.

b) The purpose of the hearing shall be to determine whether the Alleged Offender has engaged in the Prohibited Conduct specified in the Notice and, if the Hearing Panel considers that the Alleged Offender has engaged in Prohibited Conduct, for the imposition any penalty in the Hearing Panel’s discretion.

c) The Hearing Panel may conduct the hearing as it sees fit and, in particular, shall not be bound by the rules of evidence or unnecessary formality. The Hearing Panel must determine matters in accordance with the principles of procedural fairness, such as a hearing appropriate to the circumstances; lack of bias; inquiry into matters in dispute; and evidence to support a decision.

d) The hearing shall be inquisitorial in nature and the Hearing Panel may call such evidence as it thinks fit in its discretion and all Relevant Persons subject to this Policy must, if requested to do so by the Hearing Panel, provide such evidence as they are able. This allows the Hearing Panel to be actively involved in the hearing (i.e. asking questions of the Alleged Offender and the Sport).

e) The hearing must be conducted with as much expedition as a proper consideration of the matters permit. However, the Hearing Panel may adjourn the proceedings for such reasonable time as it considers it necessary.
f) Notwithstanding the above, the Alleged Offender:
   i. is permitted to be represented at the hearing (at their own expense);
   ii. may call and question witnesses;
   iii. has the right to address the Hearing Panel to make their case; and
   iv. is permitted to provide written submissions for consideration by the Hearing Panel (instead of or as well as appearing in person). If the Alleged Offender provides any written submissions, the Hearing Panel must consider those submissions in its deliberations.

g) 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 Hearing Panel.

h) The Hearing Panel must determine whether the Alleged Offender engaged in the Prohibited Conduct on the balance of probabilities.

i) The decision of the Hearing Panel shall be a majority decision and must be recorded in writing. The decision must, at a minimum, set out and explain:
   i. the Hearing Panel’s findings, on the balance of probabilities and by reference to the evidence presented or submissions made, as to whether the Alleged Offender engaged in Prohibited Conduct; and
   ii. if the Hearing Panel makes a finding that the Alleged Offender engaged in Prohibited Conduct, what, if any, penalties it considers appropriate.

j) Subject only to the rights of appeal under Clause 6.3, the Hearing Panel’s decision shall be the full, final and complete disposition of the allegations of Prohibited Conduct by the Alleged Offender and will be binding on all parties.

k) If the Alleged Offender or their representative does not appear at the hearing, after proper notice of the hearing has been provided, the Hearing Panel may proceed with the hearing in their absence.
6.3 Appeals

a) The Alleged Offender, the Sport and/or the Member Organisations have a right to appeal the decision of the Hearing Panel.

b) The available grounds of appeal are:
   i. where the decision of the Hearing Panel is wrong having regard to the application of this Policy or the Code of Conduct;
   ii. where new evidence has become available;
   iii. where natural justice has been denied; or
   iv. in respect of the penalty imposed.

c) A notice of appeal must be made in writing, lodged with the Board, through the Sport’s Chief Executive Officer, within fourteen business days of the Hearing Panel’s decision. The notice of appeal must specify the grounds for the appeal.

d) Where the Board receives a notice of appeal, the Board must convene an appeal tribunal for the purposes of hearing the appeal (“the Appeal Tribunal”). Any hearing of the appeal must be held within thirty days of the notice of appeal being received by the Board.

e) Any decision of the Hearing Panel that is appealed to the Appeal Tribunal will remain in effect while under appeal unless the Board orders otherwise.

f) The Appeal Tribunal must be appointed by the Board for such time and for such purposes as the Board thinks fit and must:
   i. be comprised of three Persons independent of the Sport with appropriate skills and experience to hear the matter;
   ii. include at least one person who has considerable previous experience in the legal aspects of a disciplinary/hearings tribunal and dispute resolution; and
   iii. not include any members from the initial Hearing Panel.

   It is important for the Appeal Tribunal to be independent and suitably skilled, to bring confidence in all Relevant Persons they will receive a fair hearing.

   g) The hearing before the Appeal Tribunal is not a rehearing of the matter, but a hearing of the issue under appeal only.
h) The Appeal Tribunal may conduct the appeal as it sees fit. However, any party to the appeal can be represented at and make written and oral submissions to the Appeal Tribunal subject to the discretion of the Appeal Tribunal.

i) The Appeal Tribunal may, in its discretion:
   i. affirm the decision of the Hearing Panel and the penalty imposed;
   ii. affirm the decision of the Hearing Panel but decide to impose an alternative penalty; or
   iii. revoke the decision of the Hearing Panel and the penalty imposed.

j) The decision of the Appeal Tribunal shall be a majority decision and must be recorded in writing and be communicated to the Sport’s Chief Executive Officer and appellant as soon as practicable.

k) The decision of Appeal 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.

This clause is subject to any legal rights a Relevant Person may have, such as the ability to appeal a matter to a superior Court through applicable legislation or common law.

SANCTIONS

6.4 Penalties

a) If a Relevant Person admits they engaged in Prohibited Conduct or there is a finding that a Relevant Person has engaged in conduct that is Prohibited Conduct under this Policy or the Code of Conduct, the Board, the Hearing Panel or the Appeal Tribunal, as the case may be, may order that the Relevant Person:
   i. be fined;
   ii. be suspended from participating in any Competition or Event connected with the Sport;
   iii. be banned from participating in any Competition or Event connected with the Sport;
iv. be reprimanded for their involvement in the Prohibited Conduct;

v. lose accreditation to continue their involvement in the Sport;

vi. be ineligible, for life, from participating in any Competition or Event connected with the Sport or from any other involvement in the Sport;

vii. be counselled and/or required to complete a course of education related to responsible gambling and harm minimisation; or

viii. subject to the terms and conditions of any contract between the Sport and the Relevant Person, have that contract terminated.

b) Notwithstanding the provisions of clause 7.1, the Board, the Hearing Panel or the Appeal Tribunal may impose any other such penalty as they consider appropriate in their discretion.

c) In addition to the penalties set out above, the Board, the Hearing Panel or the Appeal Tribunal may impose any combination of these penalties in their absolute discretion taking account of the gravity of the Prohibited Conduct.

d) Further, the Board, the Hearing Panel or the Appeal Tribunal may, depending on the circumstances of the Prohibited Conduct, suspend the imposition of a penalty in their absolute discretion.

e) All fines received pursuant to this Policy must be remitted to the Sport for use by the Sport for the development of integrity programs or as otherwise deemed appropriate.
7th Commonwealth Sports Ministers Meeting

21st July 2014
City Chambers, George Square, Glasgow, Scotland

Agenda Item 6

CSMM (14)
6-IS-GoA

Government of Australia
Sports Policy Template
(Gambling Illegal)

Commonwealth Secretariat
Marlborough House
London SW1Y 5HX
July 2014
[NAME OF SPORT]

POLICY AGAINST THE MANIPULATION OF SPORTS COMPETITIONS

POLICY TEMPLATE (SPORTS GAMBLING ILLEGAL)
Developed for the Commonwealth Advisory Body on Sport July 2014
POLICY AGAINST THE
MANIPULATION OF SPORTS COMPETITIONS

Please note that text displayed like this is provided for information only and should be deleted on completion of the template.
[NAME OF SPORT]

POLICY AGAINST THE MANIPULATION OF SPORTS COMPETITIONS

Table of Contents

1. INTRODUCTION 1
2. APPLICATION 2
3. PROHIBITED CONDUCT 3
4. REPORTING PROCESS 5
5. INVESTIGATIONS 6
6. DISCIPLINARY PROCESS 9
7. SANCTIONS 10
8. INFORMATION SHARING 10
9. INTERPRETATIONS AND DEFINITIONS 12
10. ANNEXURE A – ATHLETE FRAMEWORK 15
11. ANNEXURE B – COACHES FRAMEWORK 16
12. ANNEXURE C – OFFICIALS FRAMEWORK 17
13. ANNEXURE D – CODE OF CONDUCT 18
14. ANNEXURE E – SAMPLE CLAUSES 22
15. INTRODUCTION

Outline the Sport’s position on the manipulation of sports competitions here, with the below wording setting out what would be expected at a minimum.

a) Fraudulent betting on sport and the associated manipulation of sports competitions is an emerging and critical issue globally, for sport and governments alike.

b) The Sport and its Member Organisations have a major obligation to address the threat of the manipulation of sports competitions and the corruption that flows from that.

c) The Sport and its Member Organisations have a zero tolerance for illegal gambling and the manipulation of sports competitions.

d) The Sport will engage the necessary technical expertise to administer, monitor and enforce this Policy.

e) The purpose of the National Policy on the Manipulation of Sports Competitions is to:

- protect and maintain the integrity of the Sport;
- protect against any efforts to impact improperly the result of any match or event; and
- establish a uniform rule and consistent scheme of enforcement and penalties.

f) The conduct prohibited under this Policy may also be a criminal offence and/or a breach of other applicable laws or regulations. This Policy is intended to supplement such laws and regulations. It is not intended, and should not be interpreted, construed or applied, to prejudice or undermine in any way the application of such laws and regulations. Relevant Persons must comply with all applicable laws and regulations at all times.
16. APPLICATION

16.1. Application of Policy

a) This Policy is made by the [insert relevant entity here e.g. Board of Directors] and is binding on all Relevant Persons. It may be amended from time to time by the [insert relevant entity here e.g. Board of Directors].

b) The [insert relevant entity here e.g. Board of Directors] may, in its sole discretion, delegate any or all of its powers under this Policy, including but not limited to the power to adopt, apply, monitor and enforce this Policy.

c) By virtue of their ongoing membership, employment or other contractual relationship with the Sport, Relevant Persons are automatically bound by this Policy and required to comply with all of its provisions.

16.2. Relevant Persons

Outline those specific categories of people within the control of the Sport to whom the Policy will apply. The below list is intended as a guide, and any categories irrelevant to the Sport should be deleted.

This Policy applies to any Relevant Person as defined from time to time by the [insert relevant entity here e.g. Board of Directors]. For clarity this includes, but is not limited to:

a) Player Agents;

The applicability of the Policy to Player Agents by the Sport may depend on the accreditation of agents within the Sport. Where Player Agents are not accredited by the sport, it remains important that where possible, Player Agents be captured by the National Policy to further strengthen sport integrity. This may require consultation with the Players/Athletes’ Association within the Sport.

b) Athletes;

c) Coaches;

d) Officials;

e) Personnel;

f) Persons who hold governance positions with the Sport or its Member Organisations;
16.3. Education

a) All Relevant Persons must complete appropriate education and training programs as directed by the Sport from time to time.

b) All Relevant Persons as at the commencement of this Policy must undertake the Sport’s education program.

c) All persons who become Relevant Persons after the commencement of this Policy must undertake the Sport’s education program as part of their induction:

   xii. prior to competing in any Event or Competition; or
   xiii. within two months of commencing employment (whether paid or voluntary).

16.4. Code of Conduct

a) In addition to this Policy, all Relevant Persons are bound by the Sport’s Code of Conduct (see Annexure D), as amended from time to time, which is underpinned by the following principles:

   xiv. Be Smart: know the rules;
   xv. Be Safe: never bet on your sport;
   xvi. Be Careful: never share sensitive information;
   xvii. Be Clean: never fix an event; and
   xviii. Be Open: tell someone if you are approached.

17. PROHIBITED CONDUCT

The below Prohibited Conduct represents the minimum standard expected of sports organisations. The Sport may in its discretion and subject to law, prohibit such other conduct it deems appropriate. For example, prohibiting the use of mobile telephones by Relevant Persons during an Event.

a) A Relevant Person to whom this Policy applies must not directly or indirectly, alone or in conjunction with another or others breach this Policy or the Sport’s Code of Conduct by:

   xix. betting, gambling or entering into any other form of financial speculation on any Competition or on any Event connected with the Sport; or
xx. participating (whether by act or omission) in manipulating sports competitions by:

H. deliberately underperforming or ‘tanking’ as part of an arrangement relating to betting on the outcome of any contingency within a Competition or Event;

I. 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;

J. 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;

K. providing Inside Information that is considered to be information not publicly known such as Team or its members configuration (including, without limitation, the Team’s actual or likely composition, the form of individual athlete or tactics) other than in connection with bona fide media interviews and commitments;

L. ensuring that a particular incident, that is the subject of a bet, occurs;

M. providing or receiving any gift, payment or benefit that might reasonably be expected to bring the Relevant Person or the Sport into disrepute; or

N. engaging in conduct that relates directly or indirectly to any of the conduct described in Clauses 3 a)(ii)(A) to (F) above and is prejudicial to the interests of the Sport or which bring a Relevant Person or the Sport into disrepute.

b) Any attempt or any agreement to act in a manner that would culminate in Prohibited Conduct shall be treated as if the relevant Prohibited Conduct had occurred, whether or not the Prohibited Conduct actually occurred as a result of the attempt or agreement to act.

c) If a Relevant Person knowingly assists or is a party to “covering up” Prohibited Conduct, that Relevant Person will be treated as having engaged in the Prohibited Conduct personally.

d) Nothing in this section prevents the Board from enforcing any other Rules and Regulations or referring any Prohibited Conduct to a relevant law enforcement agency.
The Sport should also ensure all Relevant Persons are aware of the criminal offences relating to the manipulation of sports competitions.

18. REPORTING PROCESS

Ensure that as a minimum a Relevant Person:

3. must adhere to clause 4 (a) below; and
4. is required to cooperate with investigations.

Outline who the above matters are to be reported to, and the process and timeframe for reporting.

a) A Relevant Person to whom this policy applies must promptly notify the [insert relevant officer e.g. Chief Executive Officer] if he or she:

   xxii. 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;
   xxiii. is approached by another person to engage in conduct that is Prohibited Conduct;
   xxiv. knows or reasonably suspects that another person has engaged in conduct, or been approached to engage in conduct that is Prohibited Conduct; or

b) If a Relevant Person wishes to report the [insert relevant officer e.g. Chief Executive Officer] for involvement in conduct that is Prohibited Conduct under this Policy then the Relevant Person to which this Section 4 applies may report the conduct to the [insert title of relevant Authority e.g. Chair of the Board].

c) Notification by a Relevant Person under this Section 4 can be made verbally or in writing at the discretion of the Relevant Person and may be made confidentially if there is a genuine concern of reprisal. However, the [insert relevant officer e.g. Chief Executive Officer] as the case may be) must record the fact of the reporting of Prohibited Conduct and particulars of the alleged Prohibited Conduct in writing within 48 hours of the report from the Relevant Person for presentation to the Board.
d) Any report by a Relevant Person under this Section 4 will be dealt with confidentially by the Sport unless disclosure is otherwise required or permitted under this Policy, by law, or if the allegation of the Prohibited Conduct is already in the public domain.

e) A Relevant Person has a continuing obligation to report any new knowledge or suspicion regarding any conduct that may amount to Prohibited Conduct under this Policy, even if the Relevant Person’s prior knowledge or suspicion has already been reported.

19. **INVESTIGATIONS**

This section should be amended to suit the individual sports requirements and should include an outline of:

4. the process to undertake an investigation when the Sport suspects or is aware of a breach including an outline of the process to establish a Hearing Panel and nomination of panel members;

5. arrangements for protecting confidentiality during the investigation and disciplinary process; and

6. the process for referring alleged breaches to law enforcement agencies for criminal investigations.

19.1. **Allegations of Prohibited Conduct**

a) If the Board or Chief Executive Officer [insert relevant reference] receives a report or information that a Relevant Person has allegedly breached this Policy including by engaging in actual or suspected Prohibited Conduct, the Board must, as soon as reasonably practicable refer that report or information and any documentary or other evidence that is available to it in relation to the alleged Prohibited Conduct by the Alleged Offender to the Hearing Panel.

b) If the Board or Chief Executive Officer [insert relevant reference] has referred to the Hearing Panel a report or information that an Alleged Offender has allegedly breached this Policy including by engaging in actual or suspected Prohibited Conduct, the Board may, in its discretion and pending determination by the Hearing Panel suspend the Alleged Offender from any Event or activities sanctioned by the Sport or a Member Organisation.

c) Nothing in this section prevents the Board or Chief Executive Officer from enforcing any other Rules and Regulations or referring any Prohibited Conduct to a relevant law enforcement agency.
19.2. Confidentiality and Reporting

a) To maintain the confidentiality of the process, no parties will publically announce, comment on or confirm any of its investigative or subsequent hearings or appeals activities. Notwithstanding this provision, however, a general description of a process that may be instigated under this policy is permissible.

b) The Sport must not disclose any specific facts of an allegation of Prohibited Conduct or breach of this Policy.

c) The identity of a Relevant Person against whom a finding of Prohibited Conduct is made may only be publicly disclosed after the Hearing Panel has notified the Relevant Person, the Sport and any other interested party of its decision. Such disclosure will be by way of an official release by the Sport.

d) Where any public announcement may be considered detrimental to the wellbeing of a Relevant Person, the Board [insert relevant reference] will determine the most appropriate course of action in its sole discretion based on the circumstances of the Relevant Person.

e) All parties must maintain all information received in the course of any report, notice, hearing or appeal (other than a notice of decision by the Hearing Panel or an appeal tribunal) in relation to an allegation of conduct that is Prohibited Conduct as strictly confidential.

f) Clauses 5.2 a) to e) do not apply if the disclosure is required by law or the Sport determines to refer information to a law enforcement agency.

19.3. Criminal offences

Offences that occur overseas will be subject to the law of the country the competition is occurring in. However the Sport may still apply sanctions under the rules of their sport.

Any alleged Prohibited Conduct by an Alleged Offender which is considered by the Board or Chief Executive Officer [insert relevant reference] as a prima facie unlawful offence will be reported to the police force in the jurisdiction the offence is alleged to have occurred.

19.4. Privilege

a) Notwithstanding anything else in this Policy, a Relevant Person who is interviewed under suspicion, charged or arrested by a law enforcement agency in respect of a criminal offence that is, or may be considered to
be conduct that is Prohibited Conduct under this Policy shall not be required to produce any information, give any evidence or make any statement to the Board if they establish that to do so would breach any privilege against self-incrimination, or legal professional privilege.

b) Clause 5.4 a) does not limit the Board [insert relevant reference] from enforcing any other Rules and Regulations.

The effect of this clause is that while a Relevant Person subject to a criminal investigation does not need to cooperate with an investigation by the Sport, the Sport is still entitled to complete its investigation and administer any sanction it is entitled to under this Policy.

20. **DISCIPLINARY PROCESS**

An example disciplinary process is contained in Annexure E.

At a minimum, the disciplinary process should:

5. allow all Alleged Offenders to be afforded the right to a timely, fair and impartial hearing;
6. allow information disclosed during a hearing process to be used for further investigations;
7. outline the process for the hearing panel to refer a matter to the disciplinary panel if relevant; and
8. afford the Alleged Offender a right to appeal a decision to an appeals tribunal:

   e) where the decision of the Hearing Panel is wrong having regard to the application of this Policy or the Code of Conduct;
   f) where new evidence has become available;
   g) where natural justice has been denied; or
   h) in respect of the penalty imposed.
21. SANCTIONS

21.1. Penalties
Outline minimum and robust sanctions that reflect the severity of the breach. These may include disqualification of results, suspension, ban, financial penalty and public disclosure.

The Sport will need to set out specific penalties, or refer to penalties in the existing disciplinary framework of the Sport, in this section of the Policy.

An example set of penalties is set out in Annexure E.

22. INFORMATION SHARING
It needs to be outlined here that the Sport may share personal information of Relevant Persons with Betting Operators, law enforcement agencies, government agencies and/or other sporting organisations to prevent and investigate manipulation of sports competitions incidents.

However, it is important the Sport complies with all legal obligations under the [insert the name of the relevant privacy legislation e.g. Privacy Act] in sharing information.

23. INTERPRETATIONS AND DEFINITIONS

23.1. Interpretation
a) Headings used in this Policy are for convenience only and shall not be deemed part of the substance of this Policy or to affect in any way the language of the provisions to which they prefer.

b) Words in the singular include the plural and vice versa.

c) Reference to “including” and similar words are not words of limitation.

d) Words importing a gender include any other gender.

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

f) Where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.
g) In the event any provision of this Policy is determined invalid or unenforceable, the remaining provisions shall not be affected. This Policy shall not fail because any part of this Policy is held invalid.

h) Except as otherwise stated herein, failure to exercise or enforce any right conferred by this Policy shall not be deemed to be a waiver of any such right nor operate so as to bar the exercise or enforcement thereof or of any other right on any other occasion.

23.2. Definitions

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

Alleged Offender means a person accused of engaging in Prohibited Conduct under this Policy, prior to a determination by the Hearing Panel.

Athlete means any person identified within the Sport’s athlete framework (Annexure A) as amended and updated from time to time.

Authorised Providers means the Sport’s Member Organisations, Affiliates, or other organisations from time to time that conduct Events (for example the [insert country name] Commonwealth Games Association or a private event management company operating an Event on behalf of the Sport).

Coaches means any person described in the Sport’s coach framework (Annexure B) as amended and updated from time to time.

Competition means a [insert sport] contest, event or activity measuring performance against an opponent, oneself or the environment either once off or as part of a series.

Event means a one off Competition, or series of individual Competitions conducted by the Sport or an Authorised Provider (for example International Test Matches, National Championships, or domestic leagues).

Hearing Panel means the Panel appointed by the Board to hear and determine allegations of Prohibited Conduct.

Inside Information means any information relating to any Competition or Event that a Relevant Person possesses by virtue of his or her position within the Sport. Such information includes, but is not limited to, factual information regarding the competitors in the Competition or Event, tactical considerations or any other aspect of the Competition or Event but does not include such information that is already published or a matter of public record, readily acquired by an interested
member of the public, or disclosed according to the rules and regulations governing the relevant Competition or Event.

**Member Organisations** means those entities recognised by the Sport’s constitution as its member organisations.

**National Policy on the Manipulation of Sports Competitions** means the Policy endorsed by [insert minister name] on behalf of their government, with the aim of protecting the integrity of [insert country name here] sport.

**Official** means any person identified within the Sport’s Officials Accreditation Framework (Annexure C) as amended and updated from time to time.

**The Sport** means [insert name of national sporting organisation].

[insert sport] means the sport and game of [insert name of sport] as determined by the Sport and the International Association with such variations as may be recognised from time to time.

**Policy** means the Sport’s National Policy on the Manipulation of Sports Competitions as amended from time to time.

**Prohibited Conduct** means conduct in breach of section 3 of this Policy.

**Relevant Person** means any of the persons identified in Clause 2.2, or any other person involved in the organisation administration or promotion of [insert sport], whose involvement in Gambling would bring [insert sport] into disrepute.

**Team** means a collection of Athletes and includes a national representative team, or Member Organisation team that competes in Competitions or Events.
24. ANNEXURE A - ATHLETE FRAMEWORK

List here all classes of athlete to whom the Policy applies.

This should include any athlete that competes:

(uu) in professional domestic leagues,

(vv) at international benchmark competitions or events (such as world championships, world cups, or one-off international competitions);

and

(ww) at any other competition or event that attracts or is likely to attract a betting market (this would include competitions and events that have no domestic betting markets but attract overseas betting markets).

This framework should be reviewed regularly and amended as appropriate.
25. ANNEXURE B - COACHES FRAMEWORK

List here all classes of coaches to whom the Policy applies.

This should include any coach including head coaches and assistant coaches of Athletes and teams:

(d) in professional domestic leagues;
(e) at international benchmark competitions or events (such as world championships, world cups, or one-off international competitions; and
(f) at any other competition or event that attracts or is likely to attract a betting market (this would include competitions and events that have no domestic betting markets but attract overseas betting markets).

This framework should be reviewed regularly and amended as appropriate.

26. ANNEXURE C - OFFICIALS FRAMEWORK

List here all classes of officials to whom the Policy applies.

This should include any officials, including umpires and technical officials that officiate:

(d) in professional domestic leagues;
(e) at international benchmark competitions or events (such as world championships, world cups, or one-off international competitions; and
(f) at any other competition or event that attracts or is likely to attract a betting market (this would include competitions and events that have no domestic betting markets but attract overseas betting markets).

This framework should be reviewed regularly and amended as appropriate.
27. ANNEXURE D – CODE OF CONDUCT

[NAME OF SPORT]

ANTI-MANIPULATION OF SPORTS COMPETITIONS
CODE OF CONDUCT
CODE OF CONDUCT

PREAMBLE

Fraudulent betting on sport and the associated manipulation of sports competitions is an emerging and critical issue globally, for sport and governments alike.

Accordingly, the Sport and its Member Organisations have a major obligation to address the threat of the manipulation of sports competitions and the corruption that flows from that.

The Sport and its Member Organisations have a zero tolerance for illegal gambling and the manipulation of sports competitions.

The Sport has developed a National Policy on the Manipulation of Sports Competitions to:

- protect and maintain the integrity of the Sport;
- protect against any efforts to impact improperly the result of any match;
- establish a uniform rule and consistent scheme of enforcement and penalties; and
- adhere to the National Policy on the Manipulation of Sports Competitions as agreed by the [insert country name here] Government on [insert date].

A copy of the National Policy can be obtained from the Sport upon request, and is available on the Sport’s website.

The Sport will engage necessary technical expertise to administer, monitor and enforce this Policy.

APPLICATION

The National Policy, as amended from time to time, includes a defined list of Relevant Persons to whom this Code of Conduct applies.

SAMPLE CODE OF CONDUCT PRINCIPLES/ RULES OF BEHAVIOUR

This Code of Conduct sets out the guiding principles for all Relevant Persons on the issues surrounding the integrity of sport and betting.
GUIDING PRINCIPLES

6. Be Smart: know the rules
7. Be Safe: never bet on your sport
8. Be Careful: never share sensitive information
9. Be Clean: never fix an event
10. Be Open: tell someone if you are approached

Be Smart: know the rules

Find out the sports betting integrity rules of the Sport (set out in the Sports National Policy) prior to each season, so that you are aware of the Sport’s most recent position regarding betting.

If you break the rules, you will be caught and risk severe punishments including a potential lifetime ban from your sport and even being subject to a criminal investigation and prosecution.

Be Safe: never bet on your sport

Never bet on yourself, your opponent or your sport. If you, or anyone in your entourage (coach, friend, family members etc), bet on yourself, your opponent or your sport you risk being severely sanctioned. It is best to play safe and never bet on any events within your sport including:

- never betting or gambling on your own matches or any competitions in your sport; including betting on yourself or your team to win, lose or draw as well as any of the different spot bets (such as first goal scorer, MVP etc);
- never instructing, encouraging or facilitating any other party to bet on sports you are participating in;
- never ensuring the occurrence of a particular incident, which is the subject of a bet and for which you expect to receive or have received any reward; and
- never giving or receiving any gift, payment or other benefit in circumstances that might reasonably be expected to bring you or your sport into disrepute.

Be Careful: never share sensitive information

As a Relevant Person you will have access to information that is not available to the general public, such as knowing that a team mate is injured or that the coach is putting out a weakened side. This is considered sensitive, privileged or inside
information. This information could be sought by people who would then use that knowledge to secure an unfair advantage to make a financial gain.

There is nothing wrong with you having sensitive information; it is what you do with it that matters. Most Relevant Persons know that they should not discuss important information with anyone outside of their club, team or coaching staff (with or without reward) where the Relevant Person might reasonably be expected to know that its disclosure could be used in relation to betting.

**Be Clean: never fix an event**

Play fairly, honestly and never fix an event or part of an event. Whatever the reason, do not make any attempt to adversely influence the natural course of an event or competition, or part of an event or competition. Sporting contests must always be an honest test of skill and ability and the results must remain uncertain. Fixing an event or competition, or part of an event or competition goes against the rules and ethics of sport and when caught, you may receive a fine, suspension, lifetime ban from your sport, and/or even a criminal prosecution.

Do not put yourself at risk by following these simple principles.

- Always perform to the best of your abilities.
- Never accept to fix a match. Say no immediately. Do not let yourself be manipulated - unscrupulous individuals might try to develop a relationship with you built on favours or fears that they will then try to exploit for their benefit in possibly fixing an event. This can include the offer of gifts, money and support.
- Seek treatment for addictions and avoid running up debts as this may be a trigger for unscrupulous individuals to target you to fix competitions. Get help before things get out of control.

**Be Open: tell someone if you are approached**

If you hear something suspicious or if anyone approaches you to ask about fixing any part of a match then you must tell someone at the Sport (this person is stipulated in the National Policy) straight away. If someone offers you money or favours for sensitive information then you should also inform the person specified above. Any threats or suspicions of corrupt behaviour should always be reported. The police and national laws are there to protect you. The Sport has developed the National Policy and the procedures contained in it to help
28. ANNEXURE E- SAMPLE CLAUSES

3 DISCIPLINARY PROCESS

6.1 Commencement of Proceeding

a) The Hearing Panel must comprise three persons independent of the Sport and with appropriate skills and experience appointed by the Board for such time and for such purposes as the Board thinks fit. The Board will appoint one of the members of the Hearing Panel to act as its Secretary.

The independence and skill set of Hearings Panel members is important in giving the process credibility and reducing the risk of appeals.

b) On receipt of a referral from the Board of an actual or suspected contravention of this Policy by an Alleged Offender, the Secretary of the Hearing Panel must issue a notice to the Alleged Offender detailing:

   xxv. the alleged offence including details of when and where it is alleged to have occurred;

   xxvi. the date, time and place for the proposed hearing of the alleged offence which shall be as soon as reasonably practicable after the Alleged Offender receives the Notice;

   xxvii. information advising the Alleged Offender of their rights and format of proceedings;

   xxviii. the potential penalties in the event that the Hearing Panel makes a finding that the Alleged Offender engaged in the Prohibited Conduct; and

   xxix. a copy of the referral from the Board and any documentary or other evidence that was submitted to the Hearing Panel by the Board in relation to the alleged Prohibited Conduct by the Alleged Offender.

c) Within fourteen business days of the date of the Notice, the Alleged Offender must notify the Hearing Panel in writing of:

   xxx. whether or not he or she wishes to contest the allegations; and

   xxxi. if the Alleged Offender does not wish to contest the allegations and accedes to the imposition of penalty, he or she may so notify the Hearing Panel in writing, in which case no hearing shall be conducted and the Hearing Panel
will remit the matter to the Board for the Board’s consideration and imposition of a penalty; or

xxxii. if the Alleged Offender does not wish to contest the allegations, but wishes to make submissions disputing and/or seeking to mitigate the penalty, he or she may must notify the Hearing Panel either:

C. that he or she wishes to make those submissions at a hearing before the Hearing Panel, in which case, the Hearing will proceed in accordance with clause 6.2 below; or

D. that he or she wishes to make those submission in writing, in which case the Hearing Panel will, on receipt of those submissions, remit the matter to the Board for the Board’s consideration and imposition of a penalty (giving due consideration to those written submissions).

xxxiii. If the Alleged Offender does not admit or denies the alleged Prohibited Conduct and notifies the Hearing Panel that he or she wishes to contest the allegations, the Alleged Offender, is, by that notice, taken to have consented to the determination of the allegations in accordance with the procedure outlined in this Policy, and if the Hearing Panel finds that the Alleged Offender breached this Policy including by engaging in Prohibited Conduct, to the imposition of a penalty.

d) If the Alleged Offender fails to respond to the Notice within fourteen business days of the date of the Notice, the Alleged Offender shall be deemed to have:

xxxiv. waived their entitlement to a hearing in accordance with this Policy;

xxxv. admitted to the Prohibited Conduct specified in the Notice;

xxxvi. acceded to the imposition of a penalty by the Board; and

xxxvii. the Hearing Panel will remit the Alleged Offender’s Prohibited Conduct to the Board, informing the Board, by notice in writing, of the Alleged Offender’s failure to respond to the Notice and requesting the Board to impose
a penalty in the Board’s Discretion in accordance with this section.

e) Notwithstanding any of the above, an Alleged Offender shall be entitled at any stage to admit they have engaged in the Prohibited Conduct specified in the Notice and to accede to penalties determined by the Board

f) Personnel covered by the Sport 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 relevant industrial relation laws.

6.2 Procedure of the Hearing Panel

g) This section applies if the Alleged Offender contests the allegation(s) that he or she has engaged in the Prohibited Conduct specified in the Notice, and there is a hearing of the allegations by the Hearing Panel.

h) The purpose of the hearing shall be to determine whether the Alleged Offender has engaged in the Prohibited Conduct specified in the Notice and, if the Hearing Panel considers that the Alleged Offender has engaged in Prohibited Conduct, for the imposition any penalty in the Hearing Panel’s discretion.

i) The Hearing Panel may conduct the hearing as it sees fit and, in particular, shall not be bound by the rules of evidence or unnecessary formality. The Hearing Panel must determine matters in accordance with the principles of procedural fairness, such as a hearing appropriate to the circumstances; lack of bias; inquiry into matters in dispute; and evidence to support a decision.

j) The hearing shall be inquisitorial in nature and the Hearing Panel may call such evidence as it thinks fit in its discretion and all Relevant Persons subject to this Policy must, if requested to do so by the Hearing Panel, provide such evidence as they are able.

This allows the Hearing Panel to be actively involved in the hearing (i.e. asking questions of the Alleged Offender and the Sport).

k) The hearing must be conducted with as much expedition as a proper consideration of the matters permit. However, the Hearing Panel may adjourn the proceedings for such reasonable time as it considers it necessary.

l) Notwithstanding the above, the Alleged Offender:
xxxviii. is permitted to be represented at the hearing (at their own expense);
xxix. may call and question witnesses;
x. has the right to address the Hearing Panel to make their case; and
xli. is permitted to provide written submissions for consideration by the Hearing Panel (instead of or as well as appearing in person). If the Alleged Offender provides any written submissions, the Hearing Panel must consider those submissions in its deliberations.

m) 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 Hearing Panel.

n) The Hearing Panel must determine whether the Alleged Offender engaged in the Prohibited Conduct on the balance of probabilities.

o) The decision of the Hearing Panel shall be a majority decision and must be recorded in writing. The decision must, at a minimum, set out and explain:

xlii. the Hearing Panel’s findings, on the balance of probabilities and by reference to the evidence presented or submissions made, as to whether the Alleged Offender engaged in Prohibited Conduct; and

xliii. if the Hearing Panel makes a finding that the Alleged Offender engaged in Prohibited Conduct, what, if any, penalties it considers appropriate.

p) Subject only to the rights of appeal under Clause 6.3, the Hearing Panel’s decision shall be the full, final and complete disposition of the allegations of Prohibited Conduct by the Alleged Offender and will be binding on all parties.

q) If the Alleged Offender or their representative does not appear at the hearing, after proper notice of the hearing has been provided, the Hearing Panel may proceed with the hearing in their absence.

6.3 Appeals

r) The Alleged Offender, the Sport and/or the Member Organisations have a right to appeal the decision of the Hearing Panel.

s) The available grounds of appeal are:
xlv. where the decision of the Hearing Panel is wrong having regard to the application of this Policy or the Code of Conduct;

xlvi. where new evidence has become available;

xlvi. where natural justice has been denied; or

xlvi. in respect of the penalty imposed.

t) A notice of appeal must be made in writing, lodged with the Board, through the Sport’s Chief Executive Officer, within fourteen business days of the Hearing Panel’s decision. The notice of appeal must specify the grounds for the appeal.

u) Where the Board receives a notice of appeal, the Board must convene an appeal tribunal for the purposes of hearing the appeal (“the Appeal Tribunal”). Any hearing of the appeal must be held within thirty days of the notice of appeal being received by the Board.

v) Any decision of the Hearing Panel that is appealed to the Appeal Tribunal will remain in effect while under appeal unless the Board orders otherwise.

w) The Appeal Tribunal must be appointed by the Board for such time and for such purposes as the Board thinks fit and must:

  xlvi. be comprised of three Persons independent of the Sport with appropriate skills and experience to hear the matter;

  xlix. include at least one person who has considerable previous experience in the legal aspects of a disciplinary/hearings tribunal and dispute resolution; and

  l. not include any members from the initial Hearing Panel.

It is important for the Appeal Tribunal to be independent and suitably skilled, to bring confidence in all Relevant Persons they will receive a fair hearing.

x) The hearing before the Appeal Tribunal is not a rehearing of the matter, but a hearing of the issue under appeal only.

y) The Appeal Tribunal may conduct the appeal as it sees fit. However, any party to the appeal can be represented at and make written and oral submissions to the Appeal Tribunal subject to the discretion of the Appeal Tribunal.

z) The Appeal Tribunal may, in its discretion:
ii. affirm the decision of the Hearing Panel and the penalty imposed;

iii. affirm the decision of the Hearing Panel but decide to impose an alternative penalty; or

iii. revoke the decision of the Hearing Panel and the penalty imposed.

aa) The decision of the Appeal Tribunal shall be a majority decision and must be recorded in writing and be communicated to the Sport’s Chief Executive Officer and appellant as soon as practicable.

bb) The decision of Appeal 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.

This clause is subject to any legal rights a Relevant Person may have, such as the ability to appeal a matter to a superior Court through applicable legislation or common law.

**SANCTIONS**

**6.4 Penalties**

- If a Relevant Person admits they engaged in Prohibited Conduct or there is a finding that a Relevant Person has engaged in conduct that is Prohibited Conduct under this Policy or the Code of Conduct, the Board, the Hearing Panel or the Appeal Tribunal, as the case may be, may order that the Relevant Person:

  liv. be fined;

  lv. be suspended from participating in any Competition or Event connected with the Sport;

  lvi. be banned from participating in any Competition or Event connected with the Sport;

  lvii. be reprimanded for their involvement in the Prohibited Conduct;

  lviii. lose accreditation to continue their involvement in the Sport;
lix. be ineligible, for life, from participating in any Competition or Event connected with the Sport or from any other involvement in the Sport;

lx. be counselled and/or required to complete a course of education related to responsible gambling and harm minimisation; or

lxi. subject to the terms and conditions of any contract between the Sport and the Relevant Person, have that contract terminated.

• Notwithstanding the provisions of clause 7.1, the Board, the Hearing Panel or the Appeal Tribunal may impose any other such penalty as they consider appropriate in their discretion.

• In addition to the penalties set out above, the Board, the Hearing Panel or the Appeal Tribunal may impose any combination of these penalties in their absolute discretion taking account of the gravity of the Prohibited Conduct.

• Further, the Board, the Hearing Panel or the Appeal Tribunal may, depending on the circumstances of the Prohibited Conduct, suspend the imposition of a penalty in their absolute discretion.

• All fines received pursuant to this Policy must be remitted to the Sport for use by the Sport for the development of integrity programs or as otherwise deemed appropriate.