



Gymnastics
Australia

ANTI – MATCH FIXING POLICY

Policy Name:	Anti-Match Fixing
Date of Approval:	31 August 2013
Policy Coverage:	Governance, Sport and Events

TABLE OF CONTENTS

1.	INTRODUCTION	3
2.	APPLICATION	3
	2.1 Application of Policy.....	3
	2.2 Relevant Persons.....	3
	2.3 Education.....	4
	2.4 Code of Conduct	4
3.	PROHIBITED CONDUCT	4
4.	REPORTING PROCESS	6
5.	INVESTIGATIONS	7
	5.1 Allegations of Prohibited Conduct	7
	5.2 Confidentiality and reporting.....	7
	5.3 Criminal offences	8
	5.4 Privilege	8
6.	DISCIPLINARY PROCESS	8
	6.1 Commencement of Process.....	8
	6.2 Procedure of the Disciplinary Tribunal.....	10
	6.3 Appeals.....	11
7.	SANCTIONS.....	12
8.	INFORMATION SHARING	13
	8.2 Monitoring by Betting Operators.....	13
	8.3 Sponsorship	14
9.	INTERPRETATIONS AND DEFINITIONS.....	14
	9.1 Interpretation.....	14
	9.2 Definitions.....	15
	Annexure A — Anti-Match Fixing Code of Conduct	18
	PREAMBLE	18
	Guiding principles	18

1. INTRODUCTION

Gymnastics Australia (GA) is committed to ensuring the principles of integrity and fairness are upheld in participation and competition in the sport of gymnastics at all times. In particular, GA considers that inappropriate betting on competitions and/or events and the practice of “Match Fixing” to provide a participant, athlete or team with an unfair advantage are unacceptable.

GA and its Association Members (AM) have a zero tolerance for illegal gambling and match fixing. As such, GA will engage the necessary technical expertise to administer, monitor and enforce this Policy.

The purpose of this National Policy on Match fixing is to:

- i. protect and maintain the integrity of the sport of Gymnastics and of Gymnastics Australia;
- ii. protect against any efforts to impact improperly the result of any competition or event;
- iii. establish a uniform rule and consistent scheme of enforcement and penalties; and
- iv. adhere to the National Policy on Match Fixing in Sport as agreed by Australian Governments on 10 June 2011.

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.

GA recognises that a large proportion of persons covered by this policy will be under 18 years of age. Therefore GA urges anyone to whom this policy applies and particularly those under 18 years of age to seek advice from a parent or other adult on how the policy operates and what it requires of you. If you are in any doubt GA can also assist.

2. APPLICATION

2.1 Application of Policy

- a) This Policy is made by the Board and is binding on all Relevant Persons. It may be amended from time to time by the Board.
- b) The Board 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 Gymnastics Australia, Relevant Persons are automatically bound by this Policy and required to comply with all of its provisions.

2.2 Relevant Persons

- a) This Policy applies to any “**Relevant Person**” as defined from time to time by the Board. For clarity this includes, but is not limited to:

- i. Athletes;
 - ii. Athlete Agents/Managers;
 - iii. Technical Members;
 - iv. Officials;
 - v. Event Medical Personnel;
 - vi. Technical Directors and Committee Members;
 - vii. Event Volunteers;
 - viii. Parents and family members of Athletes;
 - ix. Board members of GA and Association Members;
 - x. Employees of GA and Association Members;
 - xi. Selectors; and
 - xii. National or State Squad Team Managers, support staff and chaperones.
- b) For the avoidance of doubt, parents and family members of an Athlete, and any other person who assists an Athlete prepare for an Event or Competition, shall be bound to this policy by virtue of their provision of assistance to an Athlete or an Event or Competition, whether or not they are a member of GA or an Association Member.

2.3 Education

- a) All Relevant Persons must complete appropriate education and training programs as directed by GA from time to time.
- b) All Relevant Persons as at the commencement of this Policy must undertake the designated education program as soon as practicable.
- c) All persons who become Relevant Persons after the commencement of this Policy must undertake the education program as part of their induction:
 - i. prior to competing in or attending any Event or Competition; or
 - ii. within two months of commencing employment (whether paid or voluntary).

2.4 Code of Conduct

In addition to this Policy, all Relevant Persons are bound by GA's Anti-match fixing code of conduct (see Annexure A), as amended from time to time.

3. PROHIBITED CONDUCT

- 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 GA's Code of Conduct.
- b) The following conduct is a breach of this Policy and is Prohibited Conduct:
 - i. betting, gambling or entering into any other form of financial speculation on any Competition or on any Event, or on any incident or occurrence in a Competition or Event, held by or under the auspices of GA or an Association Member;
 - ii. using a telephone, computer or other device to communicate before, during or after a Competition or Event, for the purposes of betting, gambling, or any other form of financial speculation, or to knowingly provide information

to another person for the purposes of betting, gambling, or any other form of financial speculation, on any Competition or on any Event, or on any incident or occurrence in a Competition or Event, other than as required as part of acquitting official duties;

- iii. participating (whether by act or omission) in Match Fixing or attempted Match Fixing by:
- A. Deliberately underperforming 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 a Team or its members' configuration (including, without limitation, the Team's actual or likely composition, the form of an individual athlete, tactics or skills to be performed) other than in connection with bona fide media interviews and comment;
 - E. Ensuring, or unduly influencing, that a particular incident, that is the subject of a bet, either does or does not occur;
 - F. Providing or receiving any gift, payment or benefit that might reasonably be expected to bring the Relevant Person or the Sport into disrepute;
 - G. Deliberately showing favouritism or disfavour toward an individual Athlete or Team whilst judging or officiating within a Competition or Event, which may include (but not be limited to) unjustified large deviations on scores below or above the deductions for errors as stated in the Code of Points or in the specific judges' rules;
 - H. Taking part in obvious discussions and/or agreements with other Relevant Persons with the intent to collaborate or collude in regard to scores awarded during a Competition or Event;
 - I. Deliberate use of signalling or other means of communication when not permitted (eg. mobile phone);
 - J. Inappropriately influencing, or attempting to inappropriately influence, Judges or Officials, including but not limited to improperly approaching the Judges' table prior to or during a routine or prior to allocation of scores;
 - K. Facilitating, assisting, aiding or abetting, encouraging, covering up or any other type of complicity involving Prohibited Conduct; or
 - L. Engaging in conduct that relates directly or indirectly to any of the conduct described in clauses 3(a)(ii)(A) to 3(a)(ii)(J) above and is prejudicial to the interests of the Sport or which bring a Relevant Person or GA into disrepute.

- c) For the avoidance of doubt betting, gambling and financial speculation includes both providing payment or reward, as well as receiving payment or reward, whether monetary or not, on or to influence the occurrence of an incident in, or the outcome of, an Event or Competition.
- d) 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.
- e) 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.
- f) Nothing in this section 3 prevents the Board from enforcing any other Rules and Regulations or referring any Prohibited Conduct to a relevant law enforcement agency.

4. REPORTING PROCESS

- a) A Relevant Person to whom this policy applies must promptly notify the GA 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

and may be subject to disciplinary proceedings if a notification is not made, or is improperly made.
- b) If a Relevant Person wishes to report the GA 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 President of the GA Board.
- c) Notification by a Relevant Person under this section 4 may be made verbally or in writing and may be made anonymously if there is a genuine concern of reprisal. The GA Chief Executive Officer (or the President of the Board as the case may be) must record the fact of the reporting of Prohibited Conduct and particulars of the alleged Prohibited Conduct in writing for presentation to the GA Board within 48 hours of the report from the Relevant Person. GA shall process any report by a Relevant Person under clause 4 in strict confidence.
- d) Any report by a Relevant Person under this section 4 will be dealt with confidentially by GA 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

5.1 Allegations of Prohibited Conduct

- a) If the GA Board or 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 GA 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 a Disciplinary Tribunal in accordance with clause 6.
- b) The CEO or Board may, in their sole discretion, determine an allegation as frivolous or vexatious, and not refer such matters to the Disciplinary Tribunal. The CEO or Board may appoint an independent investigator to investigate the alleged Prohibited Conduct and report its findings prior to referring matters to the Disciplinary Tribunal.
- c) If the GA Board or Chief Executive Officer has referred to the Disciplinary Tribunal a report or information that an Alleged Offender has allegedly breached this Policy including by engaging in actual or suspected Prohibited Conduct, the GA Board may in its sole discretion and pending determination by the Disciplinary Tribunal, provisionally suspend the Alleged Offender from any Event or activities sanctioned by GA or an Association Member until the outcome of any Disciplinary Tribunal determination under clause 7 of this Policy..
- d) Nothing in this section 5 prevents the GA 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 Relevant Person, GA, or any other party will publically announce, comment on or confirm any details of its investigations or subsequent hearings or appeals activities except in accordance with this clause 5.2. Notwithstanding this provision, however, a general description of a process that may be instigated under this policy is permissible.
- b) GA 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 Disciplinary Tribunal has notified the Relevant Person, the GA Board and any other interested party of its decision. Such disclosure will be by way of an official release by GA.

- d) For the avoidance of doubt, in circumstances where a finding is made by the Disciplinary Tribunal against a Relevant Person, and the Relevant Person subsequently appeals, GA may make a public disclosure as set out in this clause prior to the Appeal being finalised.
- e) Where any public announcement may be considered detrimental to the wellbeing of a Relevant Person, the GA Board will determine the most appropriate course of action in its sole discretion based on the circumstances of the Relevant Person.
- f) 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 Disciplinary Tribunal or an appeal tribunal) in relation to an allegation of conduct that is Prohibited Conduct as strictly confidential.
- g) Clauses 5.2(a) to 5.2(e) do not apply if the disclosure is required by law or GA determines to refer information to a law enforcement agency.

5.3 Criminal offences

Any alleged Prohibited Conduct by an Alleged Offender which is considered by the GA Board or 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 and/or the Australian Federal Police.

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 GA Board if they establish that to do so would breach any privilege against self-incrimination, penalty privilege, or legal professional privilege.
- b) Clause 5.4(a) does not limit the GA Board from enforcing any other Rules and Regulations.

6. DISCIPLINARY PROCESS

6.1 Commencement of Process

- a) This disciplinary process is pursuant to clause 11 of the GA constitution and clause 3 of the GA Discipline and Appeals By-Laws (By-Law 4).
- b) Allegations of a breach of this policy by a Relevant Person shall be dealt with by a Disciplinary Tribunal convened in accordance with clause 3.2(b) of the By-Laws.
- c) On receipt of a referral from the Board of an actual or suspected contravention of this Policy by an Alleged Offender, the Disciplinary Tribunal shall be appointed

and shall proceed in accordance with clause 3.2(f) of the GA By-Laws, and as follows:

- a. The notice referred to in clause 3.2(g) of the GA By-Laws shall include:
 - 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 Disciplinary Tribunal makes a finding that the Alleged Offender engaged in the Prohibited Conduct; and
 - v. a copy of the referral from the CEO or Board and any documentary or other evidence that was submitted to the Disciplinary Tribunal by the CEO or Board in relation to the alleged Prohibited Conduct by the Alleged Offender.

(the **Notice**)

- b. Within fourteen business days of the date of the Notice, the Alleged Offender:
 - i. must notify the Disciplinary Tribunal in writing of:
 1. whether or not he or she wishes to contest the allegations;
or
 2. 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 must notify the Disciplinary Tribunal either:
 - a. that he or she wishes to make those submissions at a hearing before the Disciplinary Tribunal, in which case, the Hearing will proceed in accordance with clause 6.2 below; or
 - b. that he or she wishes to make those submissions in writing, in which case the Disciplinary Tribunal will, determine the imposition of a penalty if any (giving due consideration to those written submissions)
 - ii. If the Alleged Offender notifies the Disciplinary Tribunal in writing that he or she does not wish to contest the allegations or fails to

respond to the Notice as required by this sub clause, the Alleged Offender shall be deemed to have:

1. consented to the determination of the allegations in accordance with the procedure outlined in this Policy, and if the Disciplinary Tribunal finds that the Alleged Offender breached this Policy including by engaging in Prohibited Conduct to the imposition of a penalty;
 2. waived his or her entitlement to a hearing in accordance with this Policy; and
 3. admitted to the Prohibited Conduct specified in the Notice; and
 4. acceded to the imposition of a penalty by the Disciplinary Tribunal;
 5. and the Disciplinary Tribunal may impose a penalty in its discretion in accordance with this Policy.
- c. 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 Disciplinary Tribunal.
- d. Personnel covered by GA or an Association Member Employee Collective Agreement (if any) will be subject to relevant clauses, including clauses relating to disputes, hearings, appeals and termination contained in such agreements, and if applicable, the *Fair Work Act 2009* (Cth).
- e. The Disciplinary Tribunal may in its sole discretion, shorten or lengthen the 14 business day time period outlined in this clause 6.1, as it may see fit, provided always that fairness and due process is accorded to the proceedings.

6.2 Procedure of the Disciplinary Tribunal

- a) This clause 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 Disciplinary Tribunal.
- b) The Disciplinary Tribunal shall proceed in accordance with clause 3.2 of the GA By-Laws.
- c) The Disciplinary Tribunal may conduct the hearing as it sees fit and, in particular, shall not be bound by the rules of evidence or unnecessary formality. The Disciplinary Tribunal 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 Disciplinary Tribunal may call such evidence as it thinks fit in its discretion, either of its own accord or via Counsel Assisting the Disciplinary Tribunal. All Relevant Persons subject to this Policy must, if requested to do so by the Disciplinary Tribunal, provide such evidence as they are reasonably able.
- e) Notwithstanding the above, the Alleged Offender:
 - a. is permitted to be represented at the hearing (at their own expense);
 - b. may call and question witnesses;
 - c. has the right to address the Disciplinary Tribunal to make their case; and
 - d. is permitted to provide written submissions for consideration by the Disciplinary Tribunal (instead of or as well as appearing in person).

If the Alleged Offender provides any written submissions, the Disciplinary Tribunal must consider those submissions in its deliberations.

- f) 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 Disciplinary Tribunal.
- g) The Disciplinary Tribunal must determine whether the Alleged Offender engaged in the Prohibited Conduct on the balance of probabilities, and must be "comfortably satisfied" on the weight of the evidence, and bearing in mind the potential serious nature of the allegations and repercussions of any finding.
- h) The decision of the Disciplinary Tribunal shall be a majority decision and must be recorded in writing. The decision must, at a minimum, set out and explain:
 - a. the Disciplinary Tribunal's findings on the balance of probabilities, taking into consideration the seriousness of the allegations made, and by reference to the evidence presented or submissions made, as to whether the Alleged Offender engaged in Prohibited Conduct; and
 - b. if the Disciplinary Tribunal makes a finding that the Alleged Offender engaged in Prohibited Conduct, what, if any, penalties it considers appropriate.
- i) Subject only to the rights of appeal under clause 6.3, the Disciplinary Tribunal'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.
- j) If the Alleged Offender or their representative does not appear at the hearing, after proper notice of the hearing has been provided, the Disciplinary Tribunal may proceed with the hearing in their absence.

6.3 Appeals

- a) The Alleged Offender and GA have a right to appeal the decision of the Disciplinary Tribunal, in accordance with clause 3.5 of the GA By-Law.

- b) 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.

7. SANCTIONS

- a) Further to clause 3.3 of the GA By-Laws, 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 Disciplinary Tribunal or the Appeal Tribunal, as the case may be, may order:
 - a. the Alleged Offender to be reprimanded for their involvement in the Prohibited Conduct;
 - b. the Alleged Offender to be fined, and the amount of such fine;
 - c. the Alleged Offender to be suspended from participating in any Competition or Event;
 - d. the Alleged Offender to be banned from participating in any Competition or Event;
 - e. the disqualification of results, including individual points and prizes, as well as team results;
 - f. the Alleged Offender to lose accreditation to continue their involvement in GA and/or Association Members;
 - g. the Alleged Offender to be ineligible, up to and including for life, from participating in any Competition or Event or from any other involvement in GA and/or Association Members;
 - h. the Alleged Offender to be counselled and/or required to complete a course of education related to responsible gambling and harm minimisation; or
 - i. subject to the terms and conditions of any contract between GA and the Relevant Person, have that contract terminated.
- b) Notwithstanding the provisions of clause 7(a), the Board, the Disciplinary Tribunal 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 Disciplinary Tribunal 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 Disciplinary Tribunal 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 GA for use by GA for the development of integrity programs or as otherwise deemed appropriate by the Board.
- f) For the avoidance of doubt, parties shall meet their own costs for all hearings conducted under this Policy. GA shall meet the costs of the Disciplinary Tribunal and Appeal Tribunal. There shall be no award of costs.

8. INFORMATION SHARING

8.1 Information sharing

- a) GA may share personal information relating to an Alleged Offender with Betting Operators, law enforcement agencies, government agencies and/or other sporting organisations to prevent and investigate match fixing incidents, including but not limited to Association Members, the Australian Olympic Committee, the Australian Commonwealth Games Association and the International Gymnastics Federation (FIG).
- b) In sharing information GA will remain bound by the legal obligations contained in the *Privacy Act 1998 (Cth)*.

8.2 Monitoring by Betting Operators

- a) Relevant Persons to whom this Policy applies must disclose information to GA of all their business interests, and connections with Betting Operators.
- b) GA will work with Betting Operators to help ensure the ongoing integrity of the Competitions and Events run under the auspices of GA and Authorised Providers.
- c) Betting Operators will monitor and conduct regular audits of 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, GA may, from time to time and subject to any terms and conditions imposed by GA (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 GA 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 GA 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.

8.3 Sponsorship

- a) GA acknowledges that betting is a legal activity, and recognises that Betting Operators may wish to enter commercial partnerships to promote their business.
- b) GA may enter commercial partnerships with Betting Operators from time to time, subject to any applicable legislative requirements.
- c) An Association Member or any Club or Team may enter into a commercial partnership with a Betting Operator only with the written consent of GA. Such consent may be withheld at the discretion of GA and specifically where the proposed commercial partnership:
 - i. conflicts with an existing commercial partnership held between GA and a Betting Operator(s), and/or
 - ii. is with a Betting Operator with whom GA has not entered into an integrity agreement as required under the National Policy on Match fixing in Sport 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

without such relationship, partnership or promotion having been declared to GA and received prior written approval from GA.

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 refer.
- 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:

- a) **Alleged Offender** means a person accused of engaging in Prohibited Conduct under this Policy, prior to a determination by the Disciplinary Tribunal.
- b) **Association Members** means those entities recognised by GA's constitution as its member organisations.
- c) **Athlete** means any gymnast or participant competing in, or named as reserve for, any sanctioned Gymnastics Competition or Event at a club, state, national or international level.
- d) **Athlete Support Person** has the same meaning as in the World Anti-Doping Agency (WADA) Code.
- e) **Authorised Providers** means GA's Association Members, Club Affiliates, or other organisations from time to time that conduct Competitions or Events (for example the Australian Commonwealth Games Association or a private event management company operating an Event on behalf of GA).
- f) **Betting Operator** means any company or other undertaking that promotes, brokers, arranges or conducts any form of Betting activity in relation to Gymnastics.
- g) **Board** means the Board of Gymnastics Australia.
- h) **CEO** means the Chief Executive Officer of Gymnastics Australia.
- i) **Coach** means any coach, whether accredited with GA or their relevant Association Member or not, that prepares or assists with preparing Athletes or Teams for any sanctioned Gymnastics Competition or Event at a club, state, national or international level.
- j) **Committee Members** means any member of a National Gymsport Technical Commission as defined in Gymnastics Australia By-Law 6 – Gymsport Technical Commissions.
- k) **Competition** means a sanctioned Gymnastics contest, Event or activity measuring performance against an opponent, oneself or the environment, either once off or as part of a series.
- l) **Event** means a one-off Competition, or series of individual Competitions conducted by GA or an Authorised Provider (for example, State or National Championships).

- m) **Gymnastics** means the sport of gymnastics as determined by GA and the Federation Internationale de Gymnastique (FIG) with such variations as may be recognised from time to time, including Men's Artistic Gymnastics, Women's Artistic Gymnastics, Rhythmic Gymnastics, Trampoline Gymnastics, Aerobic Gymnastics, Acrobatic Gymnastics, Gymnastics for All and International Cheerleading Union (ICU).
- n) **Disciplinary Tribunal** means the Panel appointed by the Board to hear and determine allegations of Prohibited Conduct.
- o) **Inside Information** means any information relating to any Competition or Event that a Relevant Person possesses by virtue of his or her position. 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.
- p) **Judge** means any judge whether accredited by GA or their relevant Association Member or not, judging Athletes at any sanctioned Gymnastics Competition or Event at a club, state, national or international level.
- q) **Match Fixing** means the manipulation of an outcome or contingency by Athletes, Teams, Athlete Support Persons, referees, officials, venue staff, and other Relevant Persons, and includes but is not limited to:
 - a. The deliberate fixing of the result of a contest, Event or Competition, or of an occurrence or incident within the contest, Event or Competition, or of a points spread;
 - b. Deliberate underperformance (tanking);
 - c. Withdrawal;
 - d. An official's deliberate misapplication of the rules of the contest, Event or Competition;
 - e. Improper interference with the Competition, Event, competition floor or area or equipment; and
 - f. Abuse of Insider Information to support a bet placed by any of the above or placed by a gambler who has recruited such people to manipulate an outcome or strategy.
- r) **Medical Personnel** includes those medical persons appointed by GA or an Association Member to be on site at an Event or Competition, and includes but is not limited to the Chief Medical Officer, doctors, physiotherapists, or allocated First Aid attendees.
- s) **National Policy on Match fixing in Sport** means the Policy endorsed, on 10 June 2011, by all Australian sports ministers on behalf of their governments, with the aim of protecting the integrity of Australian sport.
- t) **Official** means any Competition or Event official or other person in an official capacity employed at any Gymnastics Competition or Event in either a paid or volunteer capacity, at a club, state, national or international level (for example but

not limited to, floor managers, scorers, time keepers, announcers, medical staff). For the avoidance of doubt, a club or Association Member official, whether or not acting in an official capacity at an Event or Competition, is included within the term Official for the purposes of this policy.

- u) **Policy** means GA's National Policy on Match fixing as amended from time to time.
- v) **Prohibited Conduct** means conduct in breach of clause 3 of this Policy.
- w) **Relevant Person** means any of the persons identified in clause 2.2, or any other person involved in the organisation, administration or promotion of Gymnastics, whose involvement in gambling would bring or be likely to bring the sport of Gymnastics or Gymnastics Australia into disrepute.
- x) **Team** means a collection of Athletes and includes a national representative team, national squads, State/Territory Institutes/Academies' of Sport or Association Member teams that compete in Competitions or Events.
- y) **Technical Director** means the National Technical Director as defined in Gymnastics Australia By-Law 6 – Gymsport Technical Commissions.
- z) **Technical Member** means any Gymnastics Coach or Judge.

Annexure A — Anti-Match Fixing 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 Match fixing is a critical issue globally, for sport, the betting industry and governments alike.

Accordingly, Gymnastics Australia (GA) and its Association Members (AM) have a major obligation to address the threat of Match fixing and the corruption that flows from that.

Gymnastics Australia and its Association Members have a zero tolerance for illegal gambling and Match fixing.

The Sport has developed a National Policy on Match fixing to:

- protect and maintain the integrity of the sport of Gymnastics
- protect against any efforts to impact improperly the result of any competition or event;
- establish a uniform rule and consistent scheme of enforcement and penalties; and
- adhere to the National Policy on Match fixing in Sport as agreed by Australian Governments on 10 June 2011.

A copy of the National Policy can be obtained from GA upon request, and is available on GA's website – www.gymnastics.org.au

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

1. Application

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

2. 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

1. Be smart: know the rules

Find out GA's betting integrity rules (set out in the GA National Policy) prior to each competition or event, so that you are aware of GA'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 the sport and even being subject to a criminal investigation and prosecution.

2. 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 scores or competition results; including betting on yourself or your team to win, lose or draw as well as any spot bets (such as first person to score a certain score, who will fall from an apparatus, 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.

3. 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 a gymnast is/isn't going to perform a particular skill in competition. 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.

4. Be clean: never fix an event

Always perform at your best and never fix a competition routine, score, result, event or part of an event. Whatever the reason, do not make any attempt to adversely influence the natural course of your or your athlete's performance or scores in an event or competition, or part of an event or competition, for example, by approaching the judges' table. Sporting contests must always be an honest test of skill and ability and the results must remain uncertain. Fixing a competition result or event, or part of an event or competition result, 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 routine, score or competition result. 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 a competition result. 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.

5. 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 competition or event, then you must tell someone at GA or your State Association (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. GA has developed the National Policy and the procedures contained in it to help.