



# **National Policy on Integrity and Gambling**

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**BICYCLE MOTOCROSS AUSTRALIA INCORPORATED**

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# National Policy on Integrity and Gambling

## 1. INTRODUCTION

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- (a) Bicycle MotoCross Australia Incorporated (**BMXA**) recognises that sport must safeguard against the occurrence of illegal or fraudulent betting.
- (b) BMXA and its Member Organisations have an obligation to address the threat of illegal betting, fixing, and corruption in the sport of bicycle motocross.
- (c) BMXA and its Member Organisations have a zero tolerance for illegal gambling and fixing and corruption.
- (d) BMXA will engage the necessary technical expertise to administer, monitor and enforce this Policy.
- (e) The purpose of the National Policy on Integrity and Gambling is to:
  - (i) protect and maintain the integrity of the sport of bicycle motocross and BMXA;
  - (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.
- (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

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### 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 ongoing membership, employment or other contractual relationship with BMXA, Relevant Persons are automatically bound by this Policy and are 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) Rider Agents;
  - (iii) Coaches;
  - (iv) Officials;
  - (v) Team Mangers;
  - (vi) BMXA Staff and volunteers;
  - (vii) persons who hold governance positions with BMXA or its Member Organisations;
  - (viii) Selectors; and
  - (ix) Squad Support Staff, including but not limited to, doctors and physiotherapists.
- (b) For the avoidance of doubt, this Policy is binding on Athlete Support Persons via their assistance to Athletes in the sport of bicycle motocross as governed by BMXA, and whether or not such person is registered as an Athlete Support Person with BMXA.

## 2.3 Education

- (a) All Relevant Persons must complete appropriate education and training programs as directed by BMXA from time to time.
- (b) All Relevant Persons as at the commencement of this Policy must undertake the BMXA's Gambling and Match-Fixing Education Program.
- (c) All persons who become Relevant Persons after the commencement of this Policy must undertake BMXA's Gambling and Match-Fixing Education Program as part of their induction:
  - (i) prior to competing in any Event or Competition, or
  - (ii) within two months of commencing employment or volunteering with BMXA or its Members Organisations.

## 2.4 Code of Conduct

In addition to this Policy, all Relevant Persons are bound by BMXA's Gambling and Anti-Match Fixing Code of Conduct (**Code of Conduct**) (see Annexure D), as amended from time to time.

### 3. PROHIBITED CONDUCT

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- (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 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, connected with BMXA; or
  - (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 or 'tanking' as part of an arrangement relating to betting on the outcome of, or 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, or any contingency within, a Competition or Event;
    - (C) Inducing or encouraging any Athlete or other Relevant Person to deliberately underperform as part of an arrangement relating to betting on the outcome of, or any contingency within, a Competition or Event;
    - (D) Providing Inside Information that is considered to be information not publicly known and likely to be valuable, such as Team or its members configuration (including, without limitation, the Team's actual or likely composition, tactics, or the form of individual athletes or their playing or injury status) other than in connection with bona fide media interviews and commitments;
    - (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) Facilitating, assisting, aiding or abetting, encouraging, covering-up or any other type of complicity involving Prohibited Conduct; and

- (H) Engaging in conduct that relates directly or indirectly to any of the conduct described in clause 3(b)(ii) above and is prejudicial to the interests of BMXA or which either brings, or is reasonably likely to bring, a Relevant Person, BMXA or the sport of bicycle motocross 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 or outcome.
- (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 clause 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**

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- (a) A Relevant Person to whom this policy applies must promptly notify the Chief Executive Officer of BMXA (**CEO**) if he or she:
  - (i) is interviewed as a suspect, charged, or arrested by a member of a police service 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 would amount to Prohibited Conduct;
  - (iii) knows or reasonably suspects that another person has engaged in conduct, or been approached to engage in conduct, that would amount to Prohibited Conduct; or
  - (iv) has received information, 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 CEO for involvement in conduct that is Prohibited Conduct under this Policy then the Relevant Person to which this clause 4 applies may report the conduct to the Chair of the Board (**Chairman**).
- (c) The CEO (or the Chairman 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) 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. WHISTLEBLOWER PROTECTION**

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- (a) Notification by a Relevant Person under clause 4 may be made verbally or in writing at the discretion of the Relevant Person.
- (b) Notification may be made anonymously if there is a genuine concern of reprisal. A person making an anonymous notification must provide some form of contact detail in order for BMXA to follow-up on any information provided.
- (c) BMXA shall process any report by a Relevant Person under clause 4 in strict confidence. Where disclosure is otherwise required or permitted under this Policy, or by law, or if the allegation of the Prohibited Conduct is already in the public domain, BMXA shall advise the Relevant Person of its duty to disclose.

## **6. INVESTIGATIONS**

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### **6.1 Allegations of Prohibited Conduct**

- (a) If the Board or CEO 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 a Disciplinary Tribunal in accordance with clause 7.
- (b) The Board may, in its sole discretion, elect to not refer matters to the Disciplinary Tribunal until after it discloses the allegations of Prohibited Conduct to the Police Service or such other relevant regulatory agency.
- (c) The Board may, in its sole discretion, determine an allegation as frivolous or vexation, and not refer such matters to the Disciplinary Tribunal. The Board may appoint an independent investigator to investigate the alleged Prohibited Conduct and report its findings prior to referring matters to the Disciplinary Tribunal.
- (d) If the Board or CEO 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 Board may, in its discretion and pending determination by the Disciplinary Tribunal provisionally suspend the Alleged Offender from any Event or activities sanctioned by the Sport or a Member Organisation until the outcome of any Disciplinary Tribunal determination under clause 7 of this Policy.
- (e) Nothing in this clause 6 prevents the Board or CEO from enforcing any other Rules and Regulations or referring any Prohibited Conduct to a relevant law enforcement agency.

### **6.2 Confidentiality and reporting**

- (a) To maintain the confidentiality of the process, no Relevant Person, BMXA, 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 6.2.

- (b) The identity of a Relevant Person against whom a finding of Prohibited Conduct has been made by the Disciplinary Tribunal may only be publically disclosed after the Disciplinary Tribunal has notified the Relevant Person, BMXA and any other interested party of its decision. Thereafter, such public disclosure will be by way of an official release by BMXA in its sole discretion.
- (c) 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, BMXA is not prohibited from making a public disclosure as set out in this clause prior to the Appeal being finalised.
- (d) In circumstances where the Disciplinary Tribunal (or Appeal Panel) finds in favour of the Relevant Person against whom allegations of Prohibited Conduct have been made, BMXA may make such public disclosure as it sees fit with the consent of the Relevant Person.
- (e) BMXA must not disclose any specific facts of an allegation of Prohibited Conduct or breach of this Policy prior to the determination by a Disciplinary Tribunal. Notwithstanding this clause, however, a general description of a process that may be instigated under this policy is permissible.
- (f) Where any public announcement may be considered detrimental to the wellbeing of a Relevant Person, the Board will determine the most appropriate course of action in its sole discretion based on the circumstances of the Relevant Person.
- (g) 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.
- (h) Clauses 6.2(a) to 6.2(g) do not apply if the disclosure is required by law or the Sport determines to refer information to a law enforcement agency.

### **6.3 Criminal offences**

Any alleged Prohibited Conduct by an Alleged Offender which is considered by the Board or CEO as a prima facie unlawful offence will be reported to a Police Service in the jurisdiction the offence is alleged to have occurred and/or the Australian Federal Police.

### **6.4 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 be required to provide all reasonable assistance to the Board, including to produce information, give evidence and make a statement to the Board even in circumstances where to do so would breach or waive any privilege against self-incrimination, penalty privilege, or legal professional privilege (together "Privilege"). For the avoidance of doubt, Privilege is specifically abrogated, and a Relevant Person may face disciplinary action under the BMXA By-laws



for misconduct if that person does not comply with a request to provide reasonable assistance to the Board.

- (b) Clause 6.4(a) does not limit the Board from enforcing any other Rules and Regulations.

## **7. DISCIPLINARY PROCESS**

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### **7.1 Commencement of proceedings**

- (a) This disciplinary process is pursuant to clause 13 of the BMXA constitution and to be held in accordance with the BMXA Disciplinary By-Laws (**By-Laws**).
- (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 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 proceed in accordance with clause 6 of the BMXA By-Laws, and as follows:
  - (i) The Hearings Officer shall provide the Alleged Offender with notice that shall include:
    - (A) the alleged offence including details of when and where it is alleged to have occurred;
    - (B) 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;
    - (C) information advising the Alleged Offender of their rights and format of proceedings;
    - (D) the potential penalties in the event that the Disciplinary Tribunal makes a finding that the Alleged Offender engaged in the Prohibited Conduct; and
    - (E) a copy of the referral from the Board and any documentary or other evidence that was submitted to the Disciplinary Tribunal by the Board in relation to the alleged Prohibited Conduct by the Alleged Offender.
  - (the **Notice**).
  - (ii) Within fourteen business days of the date of the Notice, the Alleged Offender may notify the Disciplinary Tribunal in writing of:
    - (A) whether or not he or she wishes to contest the allegations, and
    - (B) 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 Disciplinary Tribunal in writing, in which case no hearing shall be conducted and the Disciplinary Tribunal will remit the matter to the Board for the Board's consideration and imposition of a penalty, or

- (C) 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:
  - (1) 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 7.2 below, or
  - (2) that he or she wishes to make those submission in writing, in which case the Disciplinary Tribunal 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)
- (D) If the Alleged Offender does not admit or denies the alleged Prohibited Conduct and notifies the Disciplinary Tribunal 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 Disciplinary Tribunal finds that the Alleged Offender breached this Policy including by engaging in Prohibited Conduct, to the imposition of a penalty.
- (E) If the Alleged Offender fails to respond to the Notice prior to the Disciplinary Tribunal hearing, the Alleged Offender shall be deemed to have:
  - (1) waived their entitlement to a hearing in accordance with this Policy, and
  - (2) admitted to the Prohibited Conduct specified in the Notice, and
  - (3) acceded to the imposition of a penalty by the Board, and
  - (4) the Disciplinary Tribunal 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 clause.
- (d) 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.
- (e) Personnel covered by BMXA or a Member Organisation Employee Collective Agreement 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).

- (f) The Disciplinary Tribunal may in its sole discretion, shorten or lengthen the fourteen business day time period outlined in this clause 7.1, as it may see fit, provided always that fairness and due process is accorded to the proceedings.

## **7.2 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 11 of the 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:
  - (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 Disciplinary Tribunal to make their case; and
  - (iv) 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:
  - (i) 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

- (ii) 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 7.3, 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.

### **7.3 Appeals**

- (a) The Alleged Offender, BMXA and/or the Member Organisations have a right to appeal the decision of the Disciplinary Tribunal, in accordance with Part 5 of the By-Laws.
- (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.

## **8. SANCTIONS**

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- (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 Disciplinary Tribunal or the Appeal Tribunal, as the case may be, may order:
  - (i) the Alleged Offender to be fined, and the amount of such fine;
  - (ii) the Alleged Offender to be suspended from participating in any Competition or Event;
  - (iii) the Alleged Offender to be banned from participating in any Competition or Event;
  - (iv) the Alleged Offender to be reprimanded for their involvement in the Prohibited Conduct;
  - (v) the disqualification of results, including individual points and prizes, as well as team results;
  - (vi) the Alleged Offender to lose accreditation to continue their involvement in BMXA;
  - (vii) 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 BMXA;

- (viii) the Alleged Offender to be counselled and/or required to complete a course of education related to responsible gambling and harm minimisation; or
  - (ix) subject to the terms and conditions of any contract between BMXA and the Relevant Person, have that contract terminated.
- (b) Notwithstanding the provisions of clause 8(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 BMXA for use by BMXA 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. BMXA shall meet the costs of the Disciplinary Tribunal and Appeal Tribunal. There shall be no award of costs.

## **9. INFORMATION SHARING**

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### **9.1 Information sharing**

- (a) BMXA 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 the Australian Olympic Committee, the Australian Commonwealth Games Association and the Union Cycliste Internationale.
- (b) In sharing information BMXA will remain bound by the legal obligations contained in the *Privacy Act 1998 (Cth)*.

### **9.2 Monitoring by Betting Operators**

- (a) BMXA will work with Betting Operators to help ensure the on-going integrity of the Competitions and Events played under the auspices of BMXA and Authorised Providers.
- (b) Relevant Persons to whom this Policy applies must disclose information to the Sport of all their business interests, and connections with Betting Operators.
- (c) Betting Operators may monitor and conduct regular audits of databases and records to monitor 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, BMXA 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 may 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, and all BMXA contracts or agreements with Betting Operators must contain provisions to this effect.

### **9.3 Sponsorship**

- (a) BMXA acknowledges that betting is a legal activity, and recognises that Betting Operators may wish to enter commercial agreements to promote their business.
- (b) BMXA may enter into commercial agreements 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 only with the written consent of BMXA. Such consent may be withheld at the discretion of BMXA and specifically where the proposed commercial agreement:
  - (i) conflicts with an existing commercial agreement held between BMXA 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 Match-fixing in Sport and recognised by the applicable state gambling regulator.
- (d) Subject to clause 9.3(c) above, a Relevant Person shall not be permitted to:
  - (i) enter into any form of commercial agreement with a Betting Operator, or
  - (ii) promote a Betting Operator, or
  - (iii) have any form of commercial relationship with a Betting Operator without prior written approval from the CEO of BMXA.

## **10. INTERPRETATIONS AND DEFINITIONS**

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### **10.1 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 sub clause 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.

## 10.2 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 Hearing Panel.
- (b) **Athlete** means any person identified within BMXA's athlete framework (Annexure A) as amended and updated from time to time.
- (c) **Athlete Support Person** has the same meaning as in the World Anti-Doping Agency (WADA) Code.
- (d) **Authorised Providers** means BMXA's Member Organisations, Affiliates, or other organisations from time to time that conduct Events (for example the Australian Commonwealth Games Association or a private event management company operating an Event on behalf of BMXA).
- (e) **Betting Operator** means any individual or company or other undertaking, whether registered or not, that promotes, brokers, arranges or conducts any form of Betting activity in relation to the BMXA.
- (f) **BMXA** means Bicycle Motocross Australia Incorporated and includes its successors and assigns.
- (g) **Board** means the board of BMXA.
- (h) **Bicycle Motocross** means BMXA and the sport of bicycle motocross as determined by BMXA and the Union Cycliste Internationale with such variations as may be recognised from time to time.
- (i) **Coaches** means any person described in BMXA's coach framework (Annexure B) as amended and updated from time to time.
- (j) **Competition** means a bicycle motocross contest, event or activity measuring performance against an opponent, oneself or the environment either once off or as part of a series.

- (k) **Disciplinary Tribunal** means the hearing panel appointed by the Board to hear and determine allegations of Prohibited Conduct.
- (l) **Event** means a one off Competition, or series of individual Competitions conducted by BMXA or an Authorised Provider (for example International Series, Tours, or domestic series or tours)
- (m) **Gambling and Match-Fixing Education Program** refers to the education program developed by BMXA for ensuring that Relevant Persons are aware of their obligations and the rules surrounding gambling and match-fixing in bicycle motocross.
- (n) **Inside Information** means any information relating to any Competition or Event that a Relevant Person possesses by virtue of his or position within the BMXA. 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.
- (o) **Match** means a race, Competition or Event.
- (p) **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:
  - (i) 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;
  - (ii) Deliberate underperformance;
  - (iii) Withdrawal (tanking);
  - (iv) An official's deliberate misapplication of the rules of the contest, Event or Competition;
  - (v) Interference with the play or playing surfaces by venue staff; and
  - (vi) Abuse of insider information to support a bet placed by any of the above or placed by a gambler who has recruited such people to manipulate an outcome or contingency.
- (q) **Member Organisations** means those entities recognised by BMXA's constitution as its member organisations.
- (r) **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.
- (s) **Official** means any person identified within the Sport's Officials Accreditation Framework (Annexure C) as amended and updated from time to time.
- (t) **Policy** means the BMXA National Policy on Match-fixing as amended from time to time.



- (u) **Prohibited Conduct** means conduct in breach of clause 3 of this Policy.
- (v) **Relevant Person** means any of the persons identified in clause 2.2, or any other person involved in the organisation, administration or promotion of bicycle motocross, whose involvement in Gambling would, or would likely to, bring bicycle motocross or themselves into disrepute.
- (w) **Rider Agents** means those persons, whether UCI accredited or not, that provide advice including but not limited to contract, sponsorship, media, investment, accounting and legal advice, negotiation and liaison, on behalf of an Athlete.
- (x) **Team** means a collection of Athletes and includes a national representative team, National Institute Network Teams, including the Australian Institute of Sport and State/Territory Institutes/Academies' of Sport or Member Organisation team that competes in Competitions or Events.

## **ANNEXURE A: ATHLETE FRAMEWORK**

1. This Policy applies to the following classes of BMXA Athletes:
  - a. All Athletes who currently represent Australia, or who have represented Australia in the previous 12 months, whether at senior or junior level, at any Olympic Games; UCI World Championships; or other world championships, world cups, or one-off international competitions;
  - b. All Athletes currently competing in a professional domestic series or tour, or who have competed in a professional domestic series or tour within the previous 12 months;
  - c. All members of an overseas professional team;
  - d. All AIS or SIS/SAS scholarship holders; and
  - e. All Athletes who compete in National Championships, or who have competed at national level within the previous 12 months.

## **ANNEXURE B: COACHES FRAMEWORK**

1. This Policy applies to the following classes of BMXA Coaches:

- a. All coaches who assist, support or coach any Athlete listed in Annexure A;

## **ANNEXURE C: OFFICIALS FRAMEWORK**

1. This Policy applies to the following classes of BMXA Officials:
  - a. Officials of all domestic Events and Competitions.

## **ANNEXURE D: CODE OF CONDUCT**

### **Preamble**

BMXA recognises that illegal or fraudulent betting may be harmful to sport.

Accordingly, BMXA and its Member Organisations have an obligation to address the threat of match-fixing and any associated corruption that may follow.

BMXA and its Member Organisations have a zero tolerance for illegal gambling and match-fixing.

BMXA has developed a National Policy on Integrity and Gambling (**Policy**) to:

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

A copy of the Policy can be obtained from BMXA upon request and is also available on the BMXA's website.

BMXA will engage necessary technical expertise to administer, monitor and enforce the Policy.

### **1. Application**

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

### **2. Sample code of conduct principles/rules of behaviour**

The 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 BMXA's betting integrity rules (set out in the Policy) prior to each season, so that you are aware of BMXA'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 bicycle motocross 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 bicycle motocross including:

- never betting or gambling on your own matches or any competitions of bicycle motocross; including betting on yourself or your team to win, lose or draw as well as any of the different spot bets (such as best trick, most valuable rider, etcetera);
- 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 bicycle motocross 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 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.

## **4. 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 bicycle motocross, 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.

**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 match then you must tell someone at the Sport (this person is stipulated in the 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. BMXA has developed the Policy and the procedures contained in it to help.