



Athletics New Zealand (Incorporated)

Incorporated Society No. 216839

INTEGRITY REGULATION

Issued 12 September 2018

Table of Contents

Part 1 – Overview	3
Part 2 – Code of Ethics	9
Part 3 – Anti-Doping	34
Part 4 – Anti-Match Fixing and Sports Betting	39
Part 5 – Protected Disclosures	84



Athletics New Zealand (Incorporated)

Incorporated Society No. 216839

INTEGRITY REGULATION

Part 1 – Overview

Issued 12 September 2018

Table of Contents

1. Purpose of Integrity Regulation	5
2. Overview of Regulation	6
3. Status	6
4. Commencement Date	6
5. Interpretation and Definitions	6
APPENDIX A – Table of Procedures and Hearing Bodies	7

Athletics New Zealand (Incorporated)

Integrity Regulation: Part 1- Overview

1. Purpose of Integrity Regulation

- 1.1 It is an object of Athletics NZ¹ to safeguard the authenticity and integrity of Athletics and to take all possible measures to eliminate corrupt conduct which might place the authenticity, integrity and reputation of Athletics at risk.
- 1.2 It is also an object² to promote fair play in sport, and in particular play a leading role in New Zealand in the fight against doping within Athletics either directly or by supporting Drug Free Sport New Zealand (or any other appropriate authority) to develop and maintain programmes of detection, deterrence and education which are aimed at the eradication of doping from Athletics.
- 1.3 Athletics NZ is the governing body in New Zealand for the sport of Athletics and is recognised as such by World Athletics (WA), and is the member of the WA and Oceania Athletics Association (OAA) for New Zealand.
- 1.4 Athletics NZ recognises, accepts, applies, observes and abides by the WA Constitution, WA Rules and WA Regulations and rules of the OAA, as applicable and as amended from time to time.
- 1.5 Athletics NZ is also recognised and funded by Sport NZ. It is a condition of continued funding that Athletics NZ has in place a regulation or policy covering match fixing.
- 1.6 The purpose of the Integrity Regulation is to bring together under one regulation the various rules and regulations of Athletics NZ relating to integrity which are required by the WA, OAA and Sport NZ and which Athletics NZ considers are desirable to safeguard the integrity of the Athletics in New Zealand.

¹ Rule 4.1(n) Athletics NZ Constitution

² Rule 4.1(m) Athletics NZ Constitution

2. Overview of Regulation

1.7 This Integrity Regulation is divided into five parts as follows:

- a. Part 1 – Overview
- b. Part 2 – Code of Ethics
- c. Part 3 – Anti-Doping
- d. Part 4 – Anti-Match Fixing and Sports Betting
- e. Part 5 – Protected Disclosures

1.8 The procedures and hearing bodies for violations or breaches for each Part of this Integrity Regulation are set out in the table in Appendix A.

3. Status

1.9 This Regulation was made by the Board under rule 31 of the Constitution.

1.10 This Regulation is binding on all Members and other persons who agree to be bound by it.

1.11 This Regulation shall be governed by and interpreted in accordance with the laws of New Zealand.

4. Commencement Date

1.12 This Regulation shall come into force with effect from 12 September 2018.

5. Interpretation and Definitions

1.13 The words and phrases used in this Regulation shall have the same meaning as defined in the Constitution, unless specified otherwise.

1.14 The additional words and phrases used in each Part of this Regulation shall have the meanings given to them in each such Part of the Regulation.

APPENDIX A – Table of Procedures and Hearing Bodies

Integrity Regulation	Authority	Hearing Body	Appeal Body
Part 1 – Overview	NZ	N/A	N/A
Part 2 – Code of Ethics (excluding anti-doping and match fixing)	Athletics NZ	Athletics NZ Ethics Commission	WA Ethics Commission
Part 3 – Anti-Doping International level Athletes National level Athletes, and all Athlete Support Personnel and others	WA DFSNZ	WA Doping Review Board Sports Tribunal	CAS CAS
Part 4 – Anti-Match Fixing and	Athletics NZ	Athletics NZ Integrity	Sports Tribunal / CAS

Sports Betting		Tribunal	
Part 5 – Protected Disclosures	Athletics NZ	Not applicable as Part 5 is in place to protect “whistle blowers” from fear of retribution or unjustified disadvantage	



Athletics New Zealand (Incorporated)

Incorporated Society No. 216839

INTEGRITY REGULATION

Part 2 – Code of Ethics

Issued 12 September 2018

Table of Contents

OVERVIEW	11
1. Purpose of Part 2	11
2. Overview of Part 2	11
3. Interpretation and Definitions	12
CODE OF ETHICS	12
4. Application of the Code of Ethics (Code)	12
5. Principles of the Code	13
6. Principles of Conduct Applicable to Persons subject to the Code	14
7. Principles of Conduct Applicable to Athletics NZ's Officials	15
8. Enforcement	16
9. Appeals	16
APPENDIX 1 – Rules Concerning Candidacy for Athletics NZ Office and Conduct of Elections	18
APPENDIX 2 – Rules of Conduct Applicable to Members and Cities wishing to host national and international competitions in New Zealand	19
APPENDIX 3 – Rules concerning Conflicts of Interest of Athletics NZ's Officials	21
APPENDIX 4 – Procedural Rules of the Athletics NZ Ethics Commission	22
APPENDIX 5 – Statutes of the Athletics NZ Ethics Commission	30

Athletics New Zealand (Incorporated)

Integrity Regulation: Part 2 - Code of Ethics

OVERVIEW

1. Purpose of Part 2

- 1.15 The WA Code of Ethics prescribes that each Member Federation shall incorporate a Code of Ethics as prescribed by WA, such Code and its appendices providing for rules and procedures and for the Statutes of an Ethics Commission and the Procedural Rules of an Ethics Commission or equivalent body.
- 1.16 This is Part 2 of the Integrity Regulation. It sets out the Athletics NZ Code of Ethics (also referred to as the “Code”) including related appendices of Athletics NZ in compliance with the WA Code of Ethics.
- 1.17 The Code sets out the principles of ethical conduct applicable to certain individuals as set out at clause 1.23. It further provides in its appendices for rules and procedures in specific cases and for the procedural rules of an Athletics NZ Ethics Commission (also referred to as the “Ethics Commission”). The appendices form part of, and are incorporated into, the Code.

2. Overview of Part 2

- 1.18 Part 2 contains the following:
- a. Code of Ethics:
 - i. Application of the Code;
 - ii. Principles of the Code;
 - iii. Principles of Conduct Applicable to all Persons subject to the Code – Integrity, Equality, Dignity, Good Faith, Fair Elections, Bidding, and Confidentiality;
 - iv. Principles of Conduct Applicable to Athletics NZ Officials – Fiduciary Duties, Improper Benefits, Improper Association, No Conflicts of Interest, Neutrality;
 - v. Enforcement of the Code;
 - vi. Appeals; and

- vii. Final Provisions.
- b. Specific Rules of Code of Ethics
 - i. Rules Concerning Candidacy for Athletics NZ Office and Conduct of Elections;
 - ii. Rules of Conduct Applicable to Members and Cities wishing to host national and international competitions in New Zealand (which are not International Competitions under WA Rules); and
 - iii. Rules concerning Conflicts of Interest of Athletics NZ's Officials.

Note: regulations on Anti-Doping and Anti-Match Fixing are contained in Part 3 and 4 respectively of this Integrity Regulation.
- c. Procedural and Organisational Rules
 - i. Procedural Rules of the Athletics NZ Ethics Commission; and
 - ii. Statutes of the Athletics NZ Ethics Commission.

3. Interpretation and Definitions

- 1.19 To the extent of any inconsistency between this Part 2 of the Integrity Regulation (including the Code) and the Athletics NZ's Constitution, the relevant provisions of the Athletics NZ's Constitution shall prevail.
- 1.20 Athletics NZ has other rules and regulations (including other parts to this Integrity Regulation) covering ethical conduct and other integrity matters. To the extent of any inconsistency between this Code and those other regulations and rules, the relevant provisions of this Code shall prevail.
- 1.21 The words and phrases used in Part 2 shall have the same meaning as defined in the Constitution, unless specified otherwise.
- 1.22 The additional words and phrases used in this Part 2 shall have the meanings given to them in this Part.

CODE OF ETHICS

4. Application of the Code of Ethics (Code)

- 1.23 Persons subject to the Code

Persons who are subject to the Code include:

- a. “Athletics NZ Officials” means all members of the Athletics NZ’s Board, committees and commissions and any person who acts or is entitled to act for or on behalf of Athletics NZ, including without limitation Athletics NZ’s staff, consultants, agents and advisors;
- b. “Participants” means all Athletes, Athlete Support Personnel, competition officials, officials, managers or other members of any Athletics delegation, referees, jury members and any other person who is or has been accredited to attend or participate in a “National Competition” (as defined in the WA Rules); and
- c. Such other persons who agree in writing at the request of Athletics NZ to be bound by the Code.

1.24 Conduct to which the Code applies

- a. The Code applies to all conduct that damages the authenticity, integrity and reputation of Athletics whether it occurs within or in connection with Athletics or otherwise.
- b. It shall be the personal responsibility of every Person subject to the Code to make him or herself aware of the Code, including conduct that constitutes a violation of the Code, and to comply with it.

1.25 Athletics NZ’s Ethics Commission

Every Person subject to the Code submits to the exclusive jurisdiction of the Athletics NZ’s Ethics Commission convened under the Code to hear and determine violations of the Code and to the exclusive jurisdiction of CAS, other than violations of Part 3 of this Regulation (Anti-Doping) and Part 4 of this Regulation (Anti-Match Fixing and Sports Betting) which are dealt with in accordance with those Parts.

5. Principles of the Code

1.26 The Principles on which the Code is founded are set out in clause 6 and 7 below.

1.27 Persons subject to the Code shall immediately report any breach of the Code to the Chairperson of the Athletics NZ’s Ethics Commission.

1.28 Persons subject to the Code who attempt, or agree with another person, to act in a manner that would constitute or culminate in the commission of a violation of the Code shall be treated as if a violation has been committed, whether or not such attempt or agreement in fact resulted in such violation. However, there shall be no violation where the person who is subject to the Code renounces his attempt or agreement prior to it being discovered by a third party not involved in the attempt or agreement.

- 1.29 Persons subject to the Code, who knowingly assist, fail to report or are otherwise complicit in any act or omission that constitutes or culminates in the commission of a violation of the Code shall themselves be treated as having committed a violation of the Code.

6. Principles of Conduct Applicable to Persons subject to the Code

1.30 Application

This clause 6 applies to all Persons subject to the Code.

1.31 Integrity

- a. Persons subject to the Code shall not act in a manner likely to affect adversely the reputation of the Athletics NZ or the sport of Athletics generally, nor shall they act in a manner likely to bring the sport into disrepute.
- b. Persons subject to the Code shall act with the utmost integrity, honesty and responsibility in fulfilling their respective roles in the sport of Athletics.
- c. Doping in Athletics is strictly prohibited in accordance with Part 3 of the Integrity Regulation.
- d. Relevant Persons as defined in Part 4 (Anti Match Fixing and Sports Betting) shall not participate in betting on Athletics, nor manipulate the results of competitions nor engage in other corrupt conduct in accordance with Part 4.
- e. Persons subject to the Code, shall not offer, promise, give, solicit or accept any personal or undue pecuniary or other benefit (or the legitimate expectation of a benefit irrespective of whether such benefit is in fact given or received) in connection with their activities or duties in Athletics.
- f. Persons subject to the Code are prohibited from misappropriating Athletics NZ's assets.

1.32 Equality

- a. There shall be no discrimination in Athletics on the basis of race, sex, ethnic origin, colour, culture, religion, political opinion, marital status, sexual orientation or any unfair or other irrelevant factor, except as permitted by law, including in the Athletics NZ's Board, Committees, Commissions or other elected or appointed bodies of Athletics NZ.
- b. In electing or appointing persons to positions, Boards, committees, commissions or other elected or appointed bodies within Athletics NZ both sexes must be considered.

1.33 Dignity

Safeguarding the dignity of the individual is fundamental and all forms of harassment in Athletics; be it physical, verbal, mental or sexual, are prohibited.

1.34 Good Faith

Persons subject to the Code shall act in good faith towards each other with mutual trust and understanding in all their dealings.

1.35 Fair Elections

Candidates for elected Athletics NZ's positions shall conduct their candidacies with honesty, dignity and respect for their opponents in accordance with the Rules Concerning Candidacy for Athletics NZ's Office and the Conduct of Elections (Appendix 1).

1.36 Bidding

Members and Candidate Cities wishing to host national or international competitions in New Zealand which are not International Competitions under WA Rules (including those persons acting or entitled to act on their behalf) shall conduct their candidacies with honesty, dignity and respect for their opponents in accordance with the Rules of Conduct Applicable to Members and Candidate Cities Wishing to Host national or international competitions in New Zealand (Appendix 2).

1.37 Confidentiality

Persons subject to the Code shall not at any time disclose information entrusted to them in confidence in connection with their role or activities in Athletics unless required to do so by the Code or by law. Information which is not confidential and is obtained in connection with their role or activities in Athletics shall not be disclosed for personal gain or benefit, nor be used maliciously to damage the reputation of any person or organisation.

7. Principles of Conduct Applicable to Athletics NZ's Officials

1.38 Application

This clause 7 shall apply to all Athletics NZ's Officials.

1.39 Fiduciary Duties

Athletics NZ's Officials shall use due care and diligence in fulfilling their roles for and on behalf of Athletics NZ.

1.40 Improper Benefits

- c. Athletics NZ's Officials shall not, directly or indirectly, solicit, accept or offer any form of improper remuneration or commission, or any concealed benefit or service of any

nature, connected with the organisation of any Athletics event or election or appointment to office.

- d. Gifts and other benefits of nominal value may be given or accepted by an Athletics NZ official as a mark of respect or friendship. The giving or accepting of any other gift or benefit by an Athletics NZ's Official is prohibited. In all circumstances, the giving or accepting of cash by an Athletics NZ's Official in any amount is prohibited.
- e. The hospitality shown to Athletics NZ's Officials and the person(s) accompanying them shall not be excessive.

1.41 Improper Association

Athletics NZ's Officials must not be involved with firms or persons whose activity or reputation is inconsistent with the principles set out in the Code.

1.42 No Conflicts of Interest

Athletics NZ's Officials shall act for the benefit of Athletics NZ when making decisions that affect or may affect Athletics NZ and must do so without reference to their own personal interest, either financial or otherwise. Athletics NZ's Officials shall comply with the Athletics NZ's Rules Concerning Conflicts of Interest of Athletics NZ's Officials (Appendix 3).

1.43 Neutrality

Athletics NZ's Officials shall remain politically neutral in their dealings on behalf of Athletics NZ with government institutions, national and international organisations.

8. Enforcement

1.44 The Principles in the Code shall be enforced in accordance with its provisions and in accordance with the provisions of the Rules and Regulations referred to in it.

1.45 There shall be an independent and appropriately qualified investigator appointed by the Athletics NZ's Ethics Commission to undertake investigations into violations of the Code (other than violations of Part 3 and Part 4) according to the Procedural Rules (Appendix 4).

9. Appeals

1.46 Unless specifically stated otherwise, all decisions made by Athletics NZ Ethics Commission after a hearing in accordance with the Procedural Rules of the Ethics Commission (Appendix 4) are final and subject to appeals lodged with the WA Ethics Commission under its Procedural Rules within 14 days after such decision. All such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

1.47 The following shall have the right of appeal against decisions of the Athletics NZ Ethics Commission:

- a. the Parties;
- b. the WA; and
- c. Athletics NZ.

APPENDIX 1 – Rules Concerning Candidacy for Athletics NZ Office and Conduct of Elections

1. The Athletics NZ Code of Ethics provides that:

“Candidates for elected Athletics NZ positions shall conduct their candidacies with honesty, dignity and respect for their opponents and in accordance with the Rules Concerning Candidacy for Athletics NZ Office and the Conduct of Elections” (Part 2, clause 1.35); and

“Athletics NZ Officials shall not, directly or indirectly, solicit, accept or offer any form of remuneration or commission, or any concealed benefit or service of any nature, connected with the organisation of any Athletics event or election or appointment to office” (Part 2, clause 1.40).

Candidature

2. Candidates for an elected position within Athletics NZ have the right to promote their candidacies subject to the provisions set out in these Rules.
3. The promotion of a candidature shall be conducted with honesty, dignity and moderation and shall comply with the Code.
4. Candidates shall in no case and under no pretext give presents or offer donations or gifts or grant advantages or benefits of whatever nature to or at the request of any party who will vote in, or who may otherwise influence, an election.
5. Candidates shall not enter into any promise or undertaking to personally act (whether as a candidate or following election), for the direct or indirect benefit of a Member of Athletics NZ, a group of Members or individuals within any such body or grouping.
6. Candidates shall not enter into any form of undertaking with any natural or legal person that is likely to affect the candidate’s freedom of decision or action if elected.
7. Candidates may make declarations or give interviews provided, in doing so, that they comply with this Code.
8. Candidates shall not make payments, directly or indirectly, to journalists or other persons affiliated to the media in order to promote their candidacies.
9. Candidates shall, in the framework of promoting their candidacies, respect the other candidates and Athletics NZ itself.
10. Candidates shall not produce (or cause third parties to produce) any spoken word, written text or representation of any nature likely to harm the image or reputation of another candidate.
11. Candidates shall not engage in any act, collaboration or collusion by or between candidates with the intent to defraud or manipulate the result of the vote.
12. Candidates shall not request support or service from Athletics NZ staff, consultants, agents or advisors in connection with their candidacies.

APPENDIX 2 – Rules of Conduct Applicable to Members and Cities wishing to host national and international competitions in New Zealand

1. The Athletics NZ Code of Ethics provides that:

“Members and Candidate Cities wishing to host national or international competitions in New Zealand which are not International Competitions under WA Rules (including those persons acting or entitled to act on their behalf) shall conduct their candidacies with honesty, dignity and respect for their opponents in accordance with the Rules of Conduct Applicable to Members and Candidate Cities Wishing to Host national or international competitions which are not International Competitions under WA Rules (Part 2, clause 1.36)”.

2. For the purposes of these Rules, Members and Candidate Cities (including those persons acting or entitled to act on their behalf) are collectively referred to as “Bidding Parties”.
3. It is essential to the integrity, image and reputation of Athletics NZ competitions and any International Competitions organised by Athletics NZ that the conduct of the Bidding Parties complies at all times with the Code (including in particular these Rules).

Bidding Information

4. Bidding Parties may promote their candidacies by any media. Such promotion may list third parties providing financial support to the candidature. The sale of promotional items and services is subject to the Athletics NZ prior written approval.
5. Printed material (including bid documents submitted to Athletics NZ), website and social network content and oral statements (“Bidding Information”) published or made by or on behalf of a Bidding Party to host a national or international competition organised by Athletics NZ shall be dignified, complete and truthful. Facts or information that come to light following the submission of a bid that result in the Bidding Information no longer being complete or truthful must be disclosed by any one or more of the Bidding Parties to Athletics NZ immediately. Such information must be corrected by the Bidding Parties immediately.
6. Bidding Parties are jointly and severally responsible for ensuring that all Bidding Information strictly complies with the Code, including in particular these Rules.
7. Bidding Information shall not include comparisons of different bids and shall not disparage or demean other bids or Bidding Parties

Promotion of Candidate Cities

8. Bidding Parties may attend events to which Athletics NZ and/or other parties have invited them, and undertake promotional activities at those events, provided always that an equivalent proposal has been guaranteed to all other Bidding Parties.
9. Bidding Parties shall not solicit or accept any support or promotion from WA or Athletics NZ sponsors, suppliers or other Athletics NZ or WA marketing partners.

Lobbying of Board Members

10. In-person contacts, involving any discussion of a bid, between persons acting on behalf of a bid and Athletics NZ Board Members shall be limited to contacts at the site of Board meetings immediately prior to such meetings and contacts at the site of, and in connection with, national competitions and any International Competitions organised by Athletics NZ. As exceptions to this limitation (i) in-person contacts with Board Members are permitted in connection with the activities of an Athletics NZ Evaluation Commission, and (ii) in-person contacts are permitted with a Board Member who is from the Bidding Member.

Gifts

11. Gifts or benefits, (other than of nominal value), shall not be offered, given to or received by an Athletics NZ Official in connection with a bid. Similarly, no advantage or promise of any kind of advantage may be made to or accepted by an Athletics NZ Official.

Collaboration between Members/Candidature Cities

12. Collaboration and collusion between Bidding Members/Candidate Cities are not permitted.

Sanctions

13. In case of a breach of these Rules, the matter shall be referred to the Ethics Commission for determination which may impose any sanctions set out in the Code and/or recommend to the Board that the bid be withdrawn.

APPENDIX 3 – Rules concerning Conflicts of Interest of Athletics NZ’s Officials

1. The Athletics NZ Code of Ethics provides that:
“Athletics NZ Officials shall act for the benefit of Athletics NZ when making decisions that affect or may affect Athletics NZ and must do so without reference to their own personal interest, either financial or otherwise (Part 2, clause 1.42).”
2. All Athletics NZ Officials must perform their duties with integrity, transparency and in an independent manner, free from any influence that might interfere with their loyalty to Athletics NZ.
3. It is the individual responsibility of all Athletics NZ Officials to avoid any case of conflict of interest and to disclose any potential conflict of interest as detailed in this Rule.
 - a. An “interest” for the purposes of the Code and this Rule means and includes any interest, direct or indirect, whether private or personal, financial or otherwise related to the Athletics NZ Official concerned. This also includes the interest of a third person (such as a parent, spouse or other immediate family, or dependent).
 - b. The following is a non-exhaustive list of examples of circumstances in which conflicts of interest could arise: personal and/or material involvement as an employee, contractor, director, trustee, shareholder, partner or other position with suppliers to Athletics NZ, sponsors, broadcasters, or other parties contracting with Athletics NZ or any other organisation or person likely to benefit from the assistance of Athletics NZ (such as a subsidy, approval or election).
4. The fact that an Athletics NZ Official also holds a position in the WA, OAA or any Member body shall not in and of itself constitute a potential conflict of interest.
5. Athletics NZ Officials shall be required to disclose any interest that may give rise to a potential or actual conflict of interest by submitting to the Chairperson of the Ethics Commission and to the person in charge of the body of which they are a member or to whom they report, a Code of Ethics Interests Reporting Statement.
6. Should there be a potential conflict of interest between an Athletics NZ Official and Athletics NZ (whether or not it has been disclosed on a Code of Ethics Interests Reporting Statement), the individual Athletics NZ Official concerned must refrain from expressing their opinion, and from taking any further part in the matter, including any deliberations or decisions, unless permitted by the person in charge of the body of which they are a member or to whom they report. If necessary, the person in charge of the body of which the Athletics NZ Official is a member or to whom the Athletics NZ Official reports may refer the matter to the Chairperson of the Ethics Commission.
7. Should there be an alleged conflict of interest, it shall be referred to the Ethics Commission for determination of whether it is a violation of the Code.

APPENDIX 4 – Procedural Rules of the Athletics NZ Ethics Commission

INTRODUCTION

The purpose of these Procedural Rules is to set out how and by whom allegations of violations of the Athletics NZ Code of Ethics (the Code) are to be reported and handled at all stages, from the receipt of a complaint, to the decision to initiate an Investigation, to the conduct of the Investigation and finally to the decision-making process and imposition of sanctions by the Athletics NZ Ethics Commission.

CHAPTER I – GENERAL PROVISIONS

Rule 1 – Scope of application

1. These Procedural Rules shall govern all proceedings relating to alleged violations of the Code **but shall not apply to:**
 - a. Alleged violations of Part 3 (Anti-Doping), which shall be handled in accordance with Part 3; and;
 - b. Alleged violations of Part 4, which shall be handled in accordance with Part 4 – Match Fixing and Sports Betting.
2. These Procedural Rules shall also apply, where applicable, when the Ethics Commission is called upon to give an advisory opinion.

Rule 2 – Seat

The seat of the Ethics Commission and of each Panel of the Ethics Commission is Auckland, New Zealand. However, should circumstances so warrant, and after consultation with all parties, the Chairperson of the Tribunal may decide to hold a hearing in another place.

Rule 3 - Parties

Only accused persons are considered parties.

Rule 4 – Right to be heard

The parties shall have the right to be heard within a reasonable time, the right to present evidence, the right to review proposed evidence, the right to access files related to the complaint, the right to have adequate time for the preparation of their defence and the right to a reasoned decision.

Rule 5 - Representation and assistance

1. The parties may be represented or assisted by persons of their choice at their own cost and expense.
2. The Ethics Commission may request that the parties' representatives submit a duly signed power of attorney.

Rule 6 - Notifications and communications

1. All notifications and communications that the Ethics Commission intends for the parties shall be made through the secretary of the Ethics Commission. The notifications and communications shall be sent to the address provided by the party.
2. All communications from a party intended for the Ethics Commission shall be sent by post, courier, e-mail or facsimile to the Ethics Commission, failing which they shall be declared inadmissible.

Rule 7 - Obligation of the Parties to co-operate

1. The parties shall be obligated to act in good faith during the whole proceedings.
2. The parties shall be obligated to co-operate with the Investigator and the Ethics Commission (including any Panel established by it) to establish the facts of the case. In particular, they shall comply with any request for information from the Investigator or the Ethics Commission and with any order to appear in person before the Investigator or the Ethics Commission.
3. If the parties fail to co-operate, the Investigator or Ethics Commission as the case may be, may reach a decision based on the file in possession, taking into account the conduct of the parties to the proceedings.

Rule 8 - Notification of decisions

Decisions of the Ethics Commission shall be notified by any means permitting proof of receipt.

Rule 9 - Effect of decisions

Decisions of the Ethics Commission shall come into force when they are communicated.

Rule 10 – Proof

Types of proof

1. The Ethics Commission shall not be bound by rules governing the admissibility of evidence. Facts relating to a violation of the Code may be established by any means deemed by the Panel hearing the case (the Panel) to be reliable.
2. Types of proof shall include: admissions, documents, oral evidence, video or audio evidence, evidence based on electronic media in any form and any such other form of proof as the Panel may deem to be reliable.

Inadmissible evidence

3. Evidence that obviously does not serve to establish relevant facts shall be rejected.

Evaluation of proof

4. The Ethics Commission shall have absolute discretion regarding evaluation of the evidence.
5. The Ethics Commission shall have the sole discretion to accept any facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction, which is not subject of a pending appeal as irrefutable evidence against the parties to whom the decision pertained of those facts.
6. The Ethics Commission may draw an inference adverse to a party if the party, after a reasonable request to attend a hearing, answer specific questions or otherwise provide evidence, refuses to do so.

Standard of proof

7. The standard of proof in all cases shall be determined on a sliding scale from, at minimum, a mere balance of probability (for the least serious violation) up to proof beyond a reasonable doubt (for the most serious violation). The Panel shall determine the applicable standard of proof in each case.

Rule 11 – Time limits

1. The time limits fixed or notified directly to the parties shall begin from the day after receipt of the notification. Official holidays and non-business days are not included in the calculation of time limits.
2. The time limits fixed or notified are respected if the communications by the parties are sent before midnight on the last day on which such time limits expire. If the last day of the time limit is an official holiday or a non-business day in the country where the notification has been received, the time limit shall expire at the end of the first subsequent business day.
3. Upon application on appropriate grounds, the Chairperson of the Ethics Commission may extend the time limits provided in these Procedural Rules if the circumstances warrant.

CHAPTER II – SPECIAL PROVISIONS

Rule 12 – Rules applicable to the disciplinary proceedings

Complaint

1. Any person subject to the Code may file a complaint regarding potential violations of the Code of Ethics with the Chairperson of the Ethics Commission. Complaints must be submitted in writing, including available evidence.
2. On receipt of a complaint, the secretariat of the Ethics Commission shall carry out an initial evaluation of the evidence submitted with the complaint and shall report to the Chairperson.

3. If the matter subject to the complaint has serious and important implications for the WA or the person involved is subject to the WA Code of Ethics, the complaint shall be filed with the WA Ethics Commission who shall deal with the matter in accordance with its statutes and procedural rules.
4. If the Chairperson of the Ethics Commission considers the complaint to be frivolous or vexatious he may close the proceedings.
5. If the evidence submitted with the complaint is found by the Chairperson to establish a prima facie case, the Chairperson shall cause an investigation to be commenced.
6. The Chairperson of the Ethics Commission shall decide on the initiation of investigation proceedings. Grounds do not need to be given for the initiation of investigation proceedings and the decision may not be contested.
7. The Ethics Commission shall appoint an Investigator in each case.

Investigation

8. The Chairperson of the Ethics Commission shall assign the investigation proceedings to the appointed Investigator. The Investigator shall direct the investigation proceedings.

The parties shall be notified of the commencement of the investigation proceedings and of the possible violations of the Code to which the proceedings relate and shall be afforded the right to make a written submission to the Investigator.

9. When the Investigation has been concluded, the Investigator shall so inform the Chairperson of the Ethics Commission.
10. The Investigator shall provide the Chairperson of the Ethics Commission with a final report of the Investigation, together with the investigation files. The final report shall contain all relevant facts and evidence, shall identify all individuals who provided such facts and evidence, and shall set out the possible violations of the Code. The Investigator shall make a recommendation as to whether the matter should proceed to adjudication.

Decision to proceed to adjudication

11. The Chairperson of the Ethics Commission shall appoint a member of the Ethics Commission to review the Investigator's final report and the investigation files.
12. If the member of the Ethics Commission deems that there is insufficient evidence to proceed, he may make a recommendation to the Chairperson of the Ethics Commission, who may close the case. If necessary, the member of the Ethics Commission may return the final report to the Investigator for amendment or completion.
13. If the member of the Ethics Commission deems that there is sufficient evidence to proceed, he shall send his recommendation, together with the Investigator's final report and the

investigation files, to the Chairperson of the Ethics Commission, who shall direct that adjudicatory proceedings be commenced.

14. The member of the Ethics Commission who reviewed the Investigator's final report and the investigation files shall not take part in any further aspect of the proceedings.

Notification of charge

15. If the Chairperson of the Ethics Commission directs that adjudicatory proceedings are to be commenced, the parties shall be sent written notice of the following:
 - (i) that they have a case to answer;
 - (ii) the specific violations of the Code that they are alleged to have committed;
 - (iii) details of the alleged acts and/or omissions relied upon in support of the charge;
 - (iv) the range of sanctions applicable under the Code if it is established that they have committed the violation;
 - (v) the timing for the parties to file their written submissions; and
 - (vi) that they may be provisionally suspended.

Adjudication

Formation of the Panel

16. The Chairperson of the Ethics Commission shall appoint at least three (3) members from the Ethics Commission to form a Panel to hear each case and shall appoint the Chairperson of each Panel. The appointed members shall be independent of the parties, shall not be from the same member as the parties, and have had no prior involvement with the proceedings. The acts of the Chairperson of the Ethics Commission pursuant to these Rules shall not be considered to be a prior involvement with the proceedings. The members of the Panel shall have the availability required to expeditiously complete the proceedings. The parties shall be informed of the composition of the Panel.
17. The Panel shall in each proceeding (i) determine its procedure in accordance with these Rules and (ii) determine any other procedural matters arising in the course of the proceeding that are not set out in the Rules, in according with the principles of natural justice.

Submissions by the parties

18. The Chairperson of the Panel shall set time limits for the parties to submit briefs containing a defence of lack of jurisdiction, and for the parties to submit a statement of defence on the merits, which statement should include any evidence upon which the parties intend to rely, including a list of all witnesses they will call, together with written statements of evidence.

Hearings

19. The Chairperson of the Panel shall have the discretion to determine whether a hearing shall be held. Provided, however, if requested by any of the parties a hearing shall be held.

20. Hearings shall be confidential and not open to the public.
21. The Chairperson of the Panel shall preside over the hearing. The procedure followed at the hearing shall be determined by the Chairperson of the Panel, provided that the hearing is conducted in a manner that offers the parties a fair and reasonable opportunity to present evidence (including the right to call and to cross-examine witnesses, by telephone or video-conference, where necessary), to address the Panel and present their case. It is the responsibility of the parties to ensure the appearance of the witnesses requested by them and to pay all costs and expenses associated with their appearance.
22. The Chairperson of the Panel shall allow the parties against whom proceedings are being conducted a final opportunity to speak.

Deliberations and decisions

23. After the hearing, the Panel shall withdraw to deliberate on its decision in private. If there is no hearing, the Chairperson of the Panel shall schedule the deliberations. If circumstances permit, the deliberations and decision-taking may be conducted via telephone conference, video conference or any other similar method.
24. Decisions shall be taken by a majority of the Panel.
25. The Panel shall announce its decision in writing, with reasons, as soon as possible after the conclusion of the hearing. The written decision shall contain the composition of the Panel, the names of the parties, the date of the decision, a summary of the facts, the grounds of the decision, the provisions on which the decision was based, the terms of the decision and notice of the provisions for appeal. The decision shall be signed by the Chairperson of the Panel and notified to the parties, with a copy to the Athletics NZ Chief Executive, the OAA and the WA. The decision shall be made public.

Recognition of decisions

26. All Members of Athletics NZ shall recognise and take all necessary and reasonable steps within their powers to enforce and give effect to the Code and to all decisions taken and sanctions imposed thereunder.

Provisional Suspension

27. The Chairman of the Panel shall have the discretion, in circumstances where he considers that the integrity of the sport could otherwise be seriously undermined, to provisionally suspend a party pending the Panel's determination of whether he has committed a violation of the Code. A copy of any written notice to provisionally suspend a party will, at the same time, be sent by the Ethics Commission to the Athletics NZ Chief Executive.
28. The Chairperson of the Panel may summon the parties to a hearing on short notice or set a short time limit in which to submit written statements. The Chairperson of the Panel shall have the discretion to determine the appropriate procedure to be followed at any such

hearing, provided that the parties are afforded a fair and reasonable opportunity to present evidence, and to present their case.

29. A provisional suspension may be valid for a maximum of 90 days. In exceptional circumstances, the provisional suspension may be extended by the Chairperson of the Panel for an additional period not to exceed a further 90 days.
30. The duration of provisional suspensions shall be taken into account in the final decision.

Review

31. The Ethics Commission may reopen a case that has been closed following a legally binding decision if a party discovers significant new facts or proof that, despite the Investigation, could not have been produced sooner and would likely have resulted in a more favourable decision. A request for review must be made in writing by the party concerned within twenty days of discovering the new facts or proof. The limitation period for submitting a request for review is one year after the date of the decision.

Appeals

32. Decisions taken by the Ethics Commission and its Panels are final, subject to appeals lodged with the WA Ethics Commission, which shall be filed according to Rule 14 of the Procedural Rules of the WA Ethics Commission.

Rule 13 – Rules applicable to the advisory opinions

1. Any member of Athletics NZ may ask the Ethics Commission for an advisory opinion about any potential issue related to the Code, subject to clause 14.4 of this Appendix 4. The request for an opinion shall be addressed to the Ethics Commission and accompanied by any document or other evidence likely to assist the Ethics Commission in giving the opinion.
2. When a request is filed, the Chairperson of the Ethics Commission shall review whether it may be the subject of an opinion. If in the affirmative, he shall proceed and the Ethics Commission shall render its opinion.
3. The advisory opinion may be published with the consent of the party who requested it. An advisory opinion does not constitute a binding decision.

Rule 14 – Procedural costs

1. In general, the procedural costs are made up of the costs and expenses of the Investigation and adjudicatory proceedings, excluding legal costs.
2. If the Panel has determined that there has been violation of the Code, the procedural costs shall be borne by the party that has been sanctioned. The procedural costs imposed on the sanctioned party may be reduced or waived in exceptional circumstances
3. In the event of closure of proceedings or acquittal, the procedural costs shall be borne by Athletics NZ. The Panel may, however, order the complainant to pay the procedural costs, in

whole or in part, if it considers the complaint to have been frivolous or vexatious or on account of the conduct of the complainant in the course of the proceeding.

4. The procedural costs in connection with an advisory opinion shall be borne by the member of Athletics NZ who requested it.

Rule 15 – Miscellaneous provisions

1. The headings used for the various rules of the Procedural Rules are for the purpose of guidance only and shall not be deemed to be part of the substance of the Procedural Rules or to inform or affect in any way the language of the provisions to which they refer.
2. These Procedural Rules may be amended from time to time by the Board in accordance with the Athletics NZ Constitution.
3. If any rule or provision of the Procedural Rules is held invalid, unenforceable or illegal for any reason, it shall be deemed deleted, and the Procedural Rules shall remain otherwise in full force and effect.
4. The Procedural Rules are governed by and shall be construed in accordance with the law of New Zealand.
5. As used in the Procedural Rules:
 - (i) References to the masculine gender shall include the feminine gender, where appropriate.
 - (ii) References to the singular include the plural and vice versa where appropriate.

APPENDIX 5 – Statutes of the Athletics NZ Ethics Commission

A. Creation, Composition and Organisation

1. The Athletics NZ Ethics Commission is an independent judicial body established by the Athletics NZ Board in accordance with rule 20.2(u) of the Athletics NZ Constitution.
2. The Ethics Commission shall be composed of seven members appointed by the Athletics NZ Board. Three of these members shall be individuals who have legal background and who also have significant involvement with sports, preferably including Athletics.
3. The Board shall appoint a Chairperson of the Ethics Commission and six other members.
4. No current member of the Board or any member of any other Athletics NZ committee, commission or group, shall be eligible to be a member of the Ethics Commission. (A member of the Ethics Commission may be a member of other hearing bodies of Athletics NZ).
5. The Chairperson of the Ethics Commission shall appoint a Deputy Chairperson from amongst the six members appointed by the Board.
6. If the Chairperson of the Ethics Commission is prevented from acting in any matter (whether due to personal or factual circumstances), the Deputy Chairperson shall replace him. If both the Chairperson and the Deputy Chairperson are prevented from acting in any matter (whether due to personal or factual circumstances) the remaining members of the Ethics Commission shall choose an acting Chairperson.
7. **Commission Meeting:** The Ethics Commission shall meet when convened by the Chairperson. A quorum is constituted if at least five of the members of the Ethics Commission are present.
8. **Commission Hearings:** A panel of the Commission, consisting of at least 3 members appointed by the Chairperson, shall conduct hearings to adjudicate on proceedings before it. In exceptional cases, a panel of more than 3 members may be appointed (either 5 or 7 members). Ethics Commission hearings shall be confidential with only the decision of the panel being made public.
9. The Ethics Commission shall be assisted for administrative purposes by a secretary who is independent from Athletics NZ and appointed by the Chairperson of the Ethics Commission.
10. Subject to such reasonable budgetary limitations as may be imposed by the Athletics NZ Board, Athletics NZ shall provide the Ethics Commission with the necessary financial resources to fulfil its functions.

B Appointment of Members of the Ethics Commission

11. Ethics Commission members shall be appointed by the Board for a term of 4-years. Members may be re-appointed for one further term.
12. In the event of death, resignation, incapacity or inability of a member to perform his functions, the Board shall appoint a replacement to the Ethics Commission for the remainder of the 4-year term. The replacement member may be appointed for one further term.
13. An Ethics Commission member may be removed from office by the Board for just cause.
14. In the event of death, resignation, successful challenge, withdrawal or removal of a member of the Ethics Commission during the pendency of a proceeding in which he is involved, the member shall be replaced. Unless otherwise decided by the Chairperson of the Ethics Commission, the proceeding shall continue without repetition of the procedure which took place prior to the replacement.

C Powers

15. The Ethics Commission shall have the following powers under the Code of Ethics:
 - (i) to appoint an independent and appropriately qualified investigator to undertake all investigations into violations of the Athletics NZ Code of Ethics and to bring prosecutions before the Ethics Commission according to the Procedural Rules;
 - (ii) to adjudicate whether violations of the Code have been committed, (other than violations of Part 3 (Anti-Doping) and Part 4 (Anti-Match Fixing and Sports Betting) - Integrity Regulations;
 - (iii) to determine for each proceeding (a) its procedure in accordance with the Procedural Rules and (b) any other procedural matters that are not set out in the Procedural Rules, in accordance with the rules of natural justice;
 - (iv) to impose sanctions for violations of the Code;
 - (v) to provide advisory opinions on any issue related to the Code;
 - (vi) to recommend to the Athletics NZ Board, amendments to the Code (and/or the rules thereunder);
 - (vii) to perform any other task related to the Code and the development and respect of ethical principles in the sport of Athletics that might be referred to it by the Board.

D Sanctions

16. The Ethics Commission shall have the following powers:
 - (i) to caution or censure;
 - (ii) to issue fines;
 - (iii) to suspend (with or without conditions) or expel the person from office;
 - (iv) to suspend or ban the person from taking part in any Athletics-related activity, including events and competitions;
 - (v) to remove any award or other honour bestowed on the person by Athletics NZ;
 - (vi) to impose any sanctions as may be set out in specific rules; and
 - (vii) to impose any other sanction that it may deem to be appropriate, including community service within athletics and/or restitution.

E Withdrawal of a Member

17. A member of the Ethics Commission shall decline to participate in a matter or withdraw from any matter to which he has been appointed in any of the following circumstances:
 - (i) if he has a direct or indirect interest in the matter;
 - (ii) if he has already dealt with the case in a different function or capacity;
 - (iii) if he has previously expressed an opinion about the matter or its outcome; and/or
 - (iv) if there are any other serious grounds for questioning his independence or impartiality in the matter.
18. Members of the Ethics Commission who decline to participate in or who are required to withdraw from a matter shall notify the Chairperson of the Ethics Commission immediately.

F Challenge to a Member

19. An Ethics Commission member may be challenged in any matter if the circumstances give rise to legitimate doubts over his independence or impartiality.
20. Challenges must be made within 7 days of the grounds for challenge becoming known and are in the exclusive power of the Chairperson of the Ethics Commission (or the Deputy Chairperson if the Chairperson is the subject of the challenge). A petition shall be filed by the person making the challenge setting out the facts upon which the challenge is based.
21. The Chairperson of the Ethics Commission (or the Deputy Chairperson as applicable) shall rule on the challenge after the challenged member has been invited to submit written comments in response. The Chairperson of the Ethics Commission (or Deputy Chairperson) shall give reasons for his decision.

G Confidentiality

22. The members of the Ethics Commission shall ensure that everything disclosed to them during the course of their duties remains confidential, including the facts of any case or issue and any deliberations or decisions that are taken.
23. The members of the Ethics Commission shall not disclose the existence of, or make any statements related to (i) any matter that is pending before the Ethics Commission or (ii) any matter that has been concluded by the

Ethics Commission, except to the extent stated in the final decision of the matter by the Ethics Commission.

H Independence

24. The members of the Ethics Commission shall carry out their functions and render their decisions entirely independently and must avoid any third-party influence. Members of the Ethics Commission shall immediately disclose any circumstances likely to affect their independence with respect to the parties.

I Exemption from Liability

25. Except in the case of bad faith or gross negligence, neither the members nor the secretary of the Commission nor any investigator of the Ethics Commission may be held personally liable for any act or omission relating to any procedure.



Athletics New Zealand (Incorporated)

Incorporated Society No. 216839

INTEGRITY REGULATION

Part 3 – Anti-Doping

Issued 12 September 2018

Table of Contents

1.	Introduction	36
2.	Purpose of Part 3	37
3.	Application	37
4.	Interpretation and Definitions	37
5.	Adoption of Sports Anti-Doping Rules	38
6.	Jurisdiction	38

Athletics New Zealand (Incorporated)

Integrity Regulation: Part 3- Anti-Doping

1. Introduction

- 1.1 Athletics NZ is committed to the advancement of clean sport that rejects cheating through the use of performance enhancing drugs and methods.
- 1.2 It is also an object of Athletics NZ³ to promote fair play in sport, and in particular play a leading role in New Zealand in the fight against doping within Athletics either directly or by supporting Drug Free Sport New Zealand (or any other appropriate authority) to develop and maintain programmes of detection, deterrence and education which are aimed at the eradication of doping from Athletics.
- 1.3 As a member of WA and OAA, Athletics NZ is bound by the WA Anti-Doping Rules and Regulations. WA is a signatory to the World Anti-Doping Code (WADC) and the WA Anti-Doping Rules are made in compliance with the WADC.
- 1.4 Under the WA Anti-Doping Rules and Regulations, Athletics NZ (as a Member Federation) is required (amongst other things) to incorporate the WA Anti-Doping Rules and Regulations into its rules. The WA Anti-Doping Rules and Regulations are expressly incorporated into the Athletics NZ Constitution (rule 27.1).
- 1.5 In addition, under the WA Code of Ethics and the Athletics NZ Code of Ethics (see Part 2 – Integrity Regulation) “Doping is strictly prohibited” in accordance with WA Anti-Doping Rules.
- 1.6 In New Zealand, Drug Free Sport New Zealand (DFSNZ) is the national anti-doping organisation responsible for the implementation of the WADC in New Zealand. It has made the Sports Anti-Doping Rules 2009 (and updated them with effect from 1 January 2015) (SADR) under the Sports Anti-Doping Act 2006, to adopt and implement the WADC within New Zealand.
- 1.7 It is also a condition of investment by Sport NZ of Athletics NZ, that Athletics NZ adopt the SADR (as amended from time to time) or other anti-doping policies or rules which comply with the WADC.
- 1.8 Further, as a member of the New Zealand Olympic Committee (NZOC), Athletics NZ is required to comply with its rules and regulations, including in particular the NZOC Integrity Regulation. The NZOC Integrity Regulation requires Athletics NZ, amongst other things, to *“have anti-doping policies or rules which implement the SADR (as amended from time to time) or anti-doping policies*

³ Rule 4.1(m) Athletics NZ Constitution

or rules which comply with the WADC” and to “operate, at all times, in a manner which complies with the SADR and the WADC”.

2. Purpose of Part 3

- 2.1 The purpose of Part 3 is to:
- a. detail Athletics NZ’s commitment to anti-doping;
 - b. refer to the WA Anti-Doping Rules and Regulations and comply with them;
 - c. record Athletics NZ’s adoption of the SADR, including recognising the WADC and the role of DFSNZ in New Zealand;
 - d. comply with Sport NZ’s requirements on anti-doping rules; and
 - e. comply with NZOC’s Integrity Regulation.

3. Application

- 3.1 Part 3 applies to:
- a. all Members,
 - b. Athletes,
 - c. Athlete Support Personnel
 - d. other persons under the jurisdiction of Athletics NZ; and
 - e. any other person who agrees to be bound to this Part (including the SADR).

4. Interpretation and Definitions

- 4.1 The words and phrases used in Part 3 shall have the same meaning as defined in the Constitution, unless specified otherwise.
- 4.2 Any additional words and phrases used in Part 3 shall have the meanings given to them in this Part.
- 4.3 To the extent of any inconsistency between Part 3 (including the SADR) and the WA Anti-Doping Rules and Regulations, the WA Anti-Doping Rules and Regulations shall apply.

5. Adoption of Sports Anti-Doping Rules

- 5.1 Athletics NZ has adopted, as its own rules, the Sports Anti-Doping Rules 2009 (and updated with effect from 1 January 2015) made by DFSNZ under the provisions of the Sports Anti-Doping Act 2006.
- 5.2 The SADR are expressly incorporated into the Constitution and this Part 3 and apply to all persons to whom the SADR and this Part applies.
- 5.3 Any amendments to the SADR made from time to time by DFSNZ in accordance with the Sports Anti-Doping Act 2006 shall automatically apply and form part of Part 3.

6. Jurisdiction

- 6.1 In accordance with the SADR and WA Anti-Doping Rules and Regulations, all persons to whom this Part 3 applies must submit to the exclusive jurisdiction of:
- i. the Sports Tribunal and CAS to hear and determine any alleged Anti-Doping Rule Violations under the SADR (in accordance with the rules of the Sports Tribunal and CAS);
 - ii. the WA Doping Review Board and CAS to hear and determine any alleged Anti-Doping Rule Violations under the WA Anti-Doping Rules and Regulations.
- 6.2 No Athletics NZ Hearing Body, other than those referred to clause 6.1 (as amended from time to time), has jurisdiction to hear and determine any alleged Anti-Doping Violations (including, for avoidance of doubt, the Athletic NZ Ethics Commission and the Athletics NZ Integrity Tribunal).



Athletics New Zealand (Incorporated)

Incorporated Society No. 216839

INTEGRITY REGULATION

Part 4 – Anti-Match Fixing and Sports Betting

Issued 12 September 2018

Table of Contents

1. Introduction	41
2. Purpose of Part 4	42
3. Overview of Part 4	43
4. Application	44
5. Prohibited Conduct	45
6. Education	48
7. Integrity Officer	49
8. Integrity Review Officer	49
9. Integrity Tribunal	49
10. Burden and Standard of Proof	49
11. Reporting Process	50
12. Investigations	52
13. Integrity Review Officer Role and Process / Appeal Against Decision of Integrity Review Officer	54
14. When Integrity Officer Must Refer Matter to Integrity Tribunal	55
15. Disciplinary Procedure and Process – Integrity Tribunal	56
16. Sanctions	56
17. Appeal Against Decision of Integrity Tribunal	62
18. Public Disclosure and Confidentiality of Proceedings	62
19. Recognition of Decisions	64
20. Protection and Support Mechanisms	64
21. Sports Betting Agreements	65
22. Information Sharing and Collaboration	66
23. Interpretation and Definitions	66
SCHEDULE 1 – List of Relevant Persons	70
APPENDIX A – Integrity Review Officer Role and Process	71
APPENDIX B – Appeal Against Decision of Integrity Review Officer	74
APPENDIX C – Disciplinary Procedure and Process - Integrity Tribunal	75
APPENDIX D – Appeal Against Decision of Integrity Tribunal	81
APPENDIX E – Flow Diagram of Key Processes in this Policy	83

Athletics New Zealand (Incorporated)

Integrity Regulation: Part 4 - Anti-Match Fixing and Sports Betting

1. Introduction

- 1.1 Athletics NZ is committed to maintaining the fundamental character of sporting competition as an honest test of skill and ability and to prevent Match Fixing from undermining the integrity of Athletics.
- 1.2 Under the Athletics NZ Code of Ethics (see Part 2 – Integrity Regulation):
- “Relevant Persons as defined in Part 4 (Anti-Match Fixing and Sports Betting) shall not participate in betting on Athletics, nor manipulate the results of competitions nor engage in other corrupt conduct in accordance with Part 4”.
- 1.3 It is also a condition of investment by Sport NZ of Athletics NZ, that Athletics NZ complies with the “New Zealand Policy on Sports Match Fixing and Related Corruption”⁴ which, amongst other things, requires it to *“have rules regarding how the NSO will prevent and respond to match fixing activity, and the expectations and requirements of its athletes and the broad entourage”*.
- 1.4 Further, as a member of the New Zealand Olympic Committee (NZOC), Athletics NZ is required to comply with its rules and regulations, including in particular the NZOC Integrity Regulation. The NZOC Integrity Regulation requires Athletics NZ, amongst other things, to *“adopt and implement rules or policies to combat illegal/prohibited sports Betting, match fixing and corruption, which are consistent with the “New Zealand Policy on Sports Match Fixing and Related Corruption” developed by Sport NZ and/or consistent with any rules, regulations, by-laws or policies of any Member Federation’s international body”*.
- 1.5 In this Part, Match Fixing involves improperly taking any action to influence the overall result, or any part of, a sports competition, game, race or event for financial or other benefit; rather than solely for genuine medical or Sporting Tactical Reasons. It is usually associated with corrupt gambling practices such as placing Bets on arranged outcomes for financial return. However, Match Fixing can also involve a range of associated activities. Match Fixing activities prohibited under this Part are set out in clause 5 (Prohibited Conduct).
- 1.6 This Part establishes anti-Match Fixing rules to apply across Athletics in relation to any Competition or Event Under the Jurisdiction of, or Connected to, Athletics NZ whether inside or outside of New Zealand.

⁴ NZ Government, April 2014

2. Purpose of Part 4

2.1 Purpose

The purpose of Part 4 is to protect and maintain the integrity of Athletics:

- a. to protect Athletics against any efforts to improperly influence the result, or any aspect, of any Competition or Event;
- b. to establish uniform rules and a consistent scheme of enforcement and penalties;
- c. to generally align with the New Zealand Regulation on Sports Match Fixing and Related Corruption developed by Sport New Zealand (Sport NZ) and in so doing comply with the NZOC's Integrity Regulation;
- d. to capture Match Fixing as an offence; and
- e. not to capture as an offence a situation where an athlete or team deliberately loses, underperforms or plays in a manner which the athlete or team intends will help obtain a more favourable sports outcome, for example, a more favourable draw in a competition. This type of activity may or could be prohibited by other rules for Athletics but is not intended to be captured in Part 4.

2.2 Other laws and regulations not affected

Conduct prohibited by Part 4 may also be a criminal offence and/or a breach of other applicable laws or regulations. Part 4 is intended to supplement other laws and regulations and does not replace, prejudice or undermine in any way the application of other laws and regulations. People to whom Part 4 applies must comply with all applicable laws and regulations at all times.

2.3 Conduct which is not Prohibited Conduct

Subject to clauses 2.5 and 2.8, nothing in Part 4, waives or limits the application of the Athletics NZ Constitution, or any other Athletics NZ rule or regulation to any conduct which is not Prohibited Conduct but may be related to, arise out of, or be connected with conduct that is Prohibited Conduct, for example, harassment.

2.4 Prohibited Conduct that also breaches Athletics NZ rules or regulations

In the event that an allegation of Prohibited Conduct includes conduct which is also alleged to be in breach of other Athletics NZ rules or regulations and is referred to another Athletics NZ Hearing Body:

- a. the Integrity Tribunal shall decide whether or not it has jurisdiction to hear and decide the allegation of Prohibited Conduct; and if it decides that it does;
- b. the Integrity Tribunal may, with the agreement of the applicable Athletics NZ Hearing Body, hear both allegations by way of a joint hearing with that Athletics NZ Hearing Body, but the Integrity Tribunal and Athletics NZ Hearing Body shall each decide whether or not an

offence has been committed and any sanction to be imposed in accordance with the applicable Constitution, rules and/or regulations; or

- c. the Athletics NZ Hearing Body may adjourn the proceedings before it, until the conclusion of the proceedings before the Integrity Tribunal (including any appeals).

2.5 WA

2.6 **WA clauses to prevail:** Nothing in Part 4 waives or limits the application of the WA clauses Against Betting, Manipulation of Results and Corruption. To the extent of any inconsistency between this Part and those of the WA, the latter shall apply.

2.7 **WA Ethics Commission:** In the event that an allegation of Prohibited Conduct is under the jurisdiction of WA and the allegation is referred to the WA Ethics Commission, no proceedings (other than proceedings for a Provisional Suspension) shall be commenced before the Integrity Tribunal under this Part or any other Athletics NZ Hearing Body, until the conclusion of the proceedings before the WA Ethics Commission (including any appeals).

2.8 Education

Education of all Relevant Persons and Athletics NZ Board and management about the requirements of Part 4, Match Fixing risks and prevention strategies (as outlined in clause 6), is essential to the credibility and proper functioning of this Part.

3. Overview of Part 4

3.1 Enforcement of Part 4

The enforcement process (not including processes of the New Zealand Police or other agencies) is as follows:

- a. information is investigated by an Integrity Officer (a person designated by Athletics NZ);
- b. the Integrity Officer forwards their report and recommendation to an Integrity Review Officer (a person designated by Athletics NZ) who considers the material, together with material received from the person investigated and then:
 - i. decides whether or not low-level offences have been committed and, if so, imposes a warning and reprimand only; or
 - ii. decides that no offences have been committed in which case the matter is at an end; or
 - iii. decides whether the Integrity Officer is required to refer serious matters to an Integrity Tribunal;

- c. the Integrity Tribunal (a panel appointed by Athletics NZ) conducts hearings, makes decisions on matters referred to it and on any appeals against Integrity Review Officer decisions and imposes sanctions where appropriate;
- d. there are some rights to appeal decisions of the Integrity Review Officer and the Integrity Tribunal.

3.2 Appendix E contains a flow-diagram of the key process steps of Part 4.

4. Application

4.1 Part 4 made by Board

- a. Part 4 is made by the Board of Athletics NZ and may be amended by the Board, provided that, as a minimum, Part 4 is aligned, to an extent satisfactory to Sport NZ, with the following requirements in the Sport NZ's model Anti-Match Fixing and Sports Betting Regulation:
 - i. the offences in clause 5;
 - ii. the educational requirements in clause 6;
 - iii. the sanctions associated with Prohibited Conduct listed in clause 16; and
 - iv. including within the Relevant Persons identified in the attached Schedule 1, the minimum classes of persons as required by Schedule 1 of Part 4.
- b. The Board may, in its sole discretion, delegate any or all of its powers under Part 4, including, but not limited to, the power to adopt, apply, monitor and enforce this Part.

4.2 Part 4 applies to Relevant Persons

- a. Part 4 applies to, and is binding on, all "Relevant Persons", as designated by the Board in Schedule 1 of this Part.
- b. By virtue of obligations arising in or through membership, employment or other contractual relationship with Athletics NZ, Relevant Persons are bound by and are required to comply with Part 4.

4.3 Persons to whom Part 4 does not apply

- a. To avoid any doubt, Part 4 does not apply to:
 - i. persons who are not Relevant Persons;
 - ii. persons who are Relevant Persons but do not have a membership, employment or other contractual relationship with Athletics NZ;

- iii. persons who are Relevant Persons and who have a membership, employment or other contractual relationship with Athletics NZ but such relationship does not include an obligation to comply with this Part.

4.4 Third party Match Fixing

Athletics NZ must immediately inform and collaborate with relevant law enforcement agencies (such as the New Zealand Police) where third parties outside the jurisdiction of Athletics NZ are suspected of being involved in Match Fixing so that possible criminal offences by third parties and by Relevant Persons can be addressed.

5. Prohibited Conduct

5.1 Part 4 prohibits a Relevant Person engaging in the conduct and activities listed in this clause 5. Any Relevant Person who engages directly or indirectly, alone or in conjunction with another or others, in the listed conduct and activities, commits an offence in breach of Part 4 and will be subject to sanctions.

5.2 Corruption

No Relevant Person shall:

- a. fix, contrive, improperly influence or otherwise take action which could cause the occurrence of a particular incident, outcome, result or anything else in a Competition or Event, and for which any money, Benefit or Reward (including associated with a Betting arrangement) is expected or received; other than solely for genuine medical or Sporting Tactical Reasons;
- b. pay or accept, or seek or offer or agree to pay or accept, any bribe or other reward to fix, contrive, or otherwise improperly influence the occurrence of a particular incident, outcome, result or any other aspect in a Competition or Event;
- c. fail, for any money, Benefit or Reward (including associated with a Betting arrangement), to perform as reasonably expected to their abilities in, or withdraw completely from, any Competition or Event, other than solely for genuine medical or Sporting Tactical Reasons.

5.3 Betting

No Relevant Person shall Bet, gamble or enter into any other form of financial speculation on any Competition or Event Under the Jurisdiction of, or Connected to, Athletics NZ.

5.4 Misusing Inside Information

No Relevant Person shall:

- a. use, or provide to any person, Inside Information where it might reasonably be expected the information could be used for Betting purposes;

- b. pay or accept, or seek or offer or agree to pay or accept, any bribe or other Benefit or Reward for Inside Information;
- c. To avoid doubt, this does not prevent the appropriate use or disclosure of Inside Information for genuine business or organisational purposes related to Athletics NZ such as: communications between Athletics NZ personnel for those purposes; necessary communications with other relevant sports sector personnel for those purposes; media interviews and other public commitments;
- d. To avoid doubt, nothing in clause 5.4. is intended to prohibit any such disclosure made within a personal relationship (such as to a member of the Relevant Person's family) where it is reasonable for the Relevant Person to expect that such information can be disclosed in confidence and without being subsequently used for Betting, and where the person who is told the information is also told it cannot be shared with another person.

5.5 General Offences

No Relevant Person shall:

- a. receive, take an action with the expectation of receiving, or provide or offer to provide any Benefit or Reward (for example a gift) in circumstances that might reasonably give the impression that the Relevant Person is involved in, influenced by, or connected with any Prohibited Conduct;
- b. tamper with, obstruct, delay and/or destroy any evidence, potential evidence, documentation and/or information which may be relevant to a breach (actual or potential), and/or an investigation, under Part 4;
- c. engage in any other form of corrupt conduct, as defined by Athletics NZ, regarding any Competition or Event Under the Jurisdiction of, or Connected to, Athletics NZ.

5.6 Further offences relating to Prohibited Conduct in clauses 5.2 – 5.5

No Relevant Person shall:

- a. knowingly help with, cover up or otherwise be complicit in any Prohibited Conduct listed in clauses 5.2 – 5.5;
- b. induce, instruct, encourage or facilitate anyone to engage in any Prohibited Conduct listed in clauses 5.2 – 5.5;
- c. attempt to engage, or agree with any other person (whether a Relevant Person or not) to engage, in any Prohibited Conduct listed in clauses 5.2 – 5.5, whether or not such Attempt or agreement in fact resulted in the commission of an offence or breach under Part 4 or whether or not, in the circumstances, it was possible to commit such an offence or breach;

- d. engage in any conduct relating directly or indirectly to any Prohibited Conduct listed in clauses 5.2 – 5.5, which is prejudicial to the interests of Athletics NZ or which brings the person engaging in the conduct, or Athletics NZ, into disrepute.

5.7 Failure to disclose information or cooperate with investigations

No Relevant Person shall:

- a. fail to promptly disclose to Athletics NZ full details of facts and circumstances of which they are aware, including any acts, incidents, approaches, invitations or threats relating to themselves or any other person regarding any Prohibited Conduct;
- b. fail to cooperate fully with any reasonable investigation carried out by Athletics NZ regarding any alleged breach of Part 4, including providing any requested information.

5.8 Circumstances not amounting to Prohibited Conduct

To avoid doubt, none of the measures in clause 5 or otherwise specified in Part 4 prevent:

- a. taking action solely for genuine medical or Sporting Tactical Reasons; or
- b. investment in, or financial support for, a team or athlete in accordance with legitimate commercial practices.

5.9 Factors not relevant in determining whether an offence has been committed

The following factors are not relevant in determining whether an offence has been committed or not under Part 4 (although they may be relevant to the appropriate sanction to be imposed):

- a. the Relevant Person was not participating in the Competition or Event to which the offence is alleged to relate;
- b. the nature or outcome of any Bets in issue;
- c. the outcome of the Competition or Event in question or of any aspect of it on which Bets were made;
- d. whether or not any Benefit or Reward was actually given or received;
- e. whether or not the Benefit or Reward was intended for, given to, expected by, or received by, the Relevant Person or another associated person, for example a family member, friend or someone the Relevant Person wishes to benefit;
- f. whether or not any of the results in, or any aspect of, the Competition or Event in question were (or could have expected to have been) affected by any act or omission in question.

5.10 Other enforcement

Clause 5 does not prevent enforcement of any other rules or the referral of Prohibited Conduct to the New Zealand Police or other law enforcement agencies.

5.11 Criminal offences

Any information or reports on alleged Prohibited Conduct by a Relevant Person, or activity by anyone outside of Athletics, which the Integrity Officer or Integrity Review Officer considers may be a criminal offence, must be immediately referred, by the Integrity Officer, to the New Zealand Police using the address at clause 12.1bi. The Integrity Officer must also inform the Chief Executive and Board of Athletics NZ and the Chief Executive of Sport NZ of this report to the New Zealand Police.

6. Education

- 6.1 Athletics NZ must ensure that education about Part 4 and its application to Athletics, is provided to all Relevant Persons to enable them to clearly understand Athletics NZ requirements regarding Match Fixing rules and to be aware of risk management strategies. Education programmes:
- a. must be made available and provided to all Relevant Persons, the Board and Athletics NZ management;
 - b. should ideally be made available to as wide a range of persons as feasible including players, coaches, support staff, administrative staff, umpires, other officials and player agents;
 - c. will cover the content of Athletics NZ Anti-Match Fixing Regulation and any other relevant information concerning Match Fixing that Athletics NZ considers appropriate;
 - d. will include content on identification of and familiarisation with methods of engagement or entrapment of participants in Match Fixing and on strategies for preventing any risk of Match Fixing activity;
 - e. will be carried out and updated regularly to include new personnel and keep people informed of the latest strategies and developments.
- 6.2 Athletics NZ will ensure that everyone identified as a Relevant Person at the start date, or who becomes a Relevant Person within one month of the start date of the Integrity Regulation completes an appropriate education programme, as directed by Athletics NZ within three months after the start date.
- 6.3 Athletics NZ will ensure that those who become Relevant Persons one month or more after the start date of the Integrity Regulation must undertake an appropriate education programme, as directed by Athletics NZ within two months after becoming a Relevant Person.
- 6.4 Relevant Persons must undertake an appropriate anti-Match Fixing education programme, as directed by Athletics NZ, at least once every three years.

7. Integrity Officer

- 7.1 Athletics NZ must designate at least one Integrity Officer who will be responsible for matters relating to overseeing Athletics NZ Anti-Match Fixing measures, including performing functions and duties set out in Part 4.

8. Integrity Review Officer

- 8.1 An Integrity Review Officer designated by Athletics NZ will be responsible for functions set out in Part 4, including reviewing and making decisions regarding material, reports, decisions, recommendations and submissions received from an Integrity Officer and/or a Relevant Person.
- 8.2 The Integrity Review Officer role and process is set out in Appendix A.

9. Integrity Tribunal

- 9.1 The Board of Athletics NZ shall from time to time appoint persons with appropriate skills and experience to sit on the Athletics NZ Integrity Tribunal to consider allegations referred to it pursuant to this Part 4.
- 9.2 Subject to rights of appeal, the Integrity Tribunal shall be the only Hearing Body within Athletics NZ to hear and determine breaches of or violations under this Part 4, and for avoidance of doubt the Athletics NZ Ethics Commission shall not have jurisdiction.
- 9.3 Integrity Tribunal members will be appointed for such time and such purposes as the Board thinks fit.
- 9.4 The Board will appoint one of the Integrity Tribunal members as Chairperson.
- 9.5 Matters referred to the Athletics NZ Integrity Tribunal shall be heard and decided in accordance with the Disciplinary Procedure and Process set out in Appendix C.

10. Burden and Standard of Proof

10.1 Burden of Proof

The Integrity Officer has the burden of establishing that an offence under Part 4 has been committed and/or that a Provisional Suspension is appropriate.

10.2 Standard of Proof

In offences determined by the Integrity Review Officer and in matters being heard by the Integrity Tribunal, the standard of proof required is that the Integrity Review Officer or Integrity Tribunal is

comfortably satisfied. This standard of proof is greater than a balance of probability but less than proof beyond a reasonable doubt.

10.3 Sanctions

A Relevant Person found to have committed an offence is, in regard to some offences, eligible for the “Lower range of sanctions” as recorded in the Table of Sanctions in clause 16.5 but only if the Relevant Person establishes, on the balance of probability, the mitigating factor set out in clause 1.1l. or 16.4m

11. Reporting Process

11.1 Obligation to report

It is fundamental to the operation of Part 4 that Relevant Persons or any other person associated with Athletics NZ, report a suspected Match Fixing breach to Athletics NZ as soon as practicable.

11.2 Reports to be made to Integrity Officer

Except as required below, a Relevant Person must promptly report to the Integrity Officer or ensure a report is made to the Integrity Officer of, any acts, incidents, approaches, invitations or threats relating to them or any other person regarding any Prohibited Conduct. This includes reporting that:

- a. the Relevant Person is interviewed as a suspect, charged, or arrested by the New Zealand Police regarding conduct that would amount to an allegation of Prohibited Conduct under Part 4;
- b. the Relevant Person is approached by another person to engage in conduct that is Prohibited Conduct;
- c. the Relevant Person knows or reasonably suspects that another person has engaged in conduct, or been approached to engage in conduct, that is Prohibited Conduct;
- d. the Relevant Person has received, or is aware or reasonably suspects that another person has received, actual or implied threats of any nature regarding past or proposed conduct that is Prohibited Conduct;
- e. the Relevant Person is aware or reasonably suspects that there is deliberate avoidance in Athletics NZ of acknowledging and acting on any Prohibited Conduct, in which case the report must be made to the Chief Executive of Sport New Zealand.

11.3 When reports cannot be made to the Integrity Officer

- a. **Reports to Chief Executive:** If a Relevant Person wishes to report the Integrity Officer for involvement in conduct that is Prohibited Conduct under Part 4, then the Relevant Person must report the conduct to the Chief Executive of Athletics NZ.

- b. **Reports to Chair of the Board:** If the Relevant Person wishes to report the Chief Executive of Athletics NZ who is also the Integrity Officer, then the Relevant Person must report the conduct to the Chair of the Board.
- c. **Reports to Chief Executive of Sport NZ:** If the Relevant Person wishes to report the Chief Executive (who is also the Integrity Officer) and the Chair of the Board, then the Relevant Person must report the conduct to the Chief Executive of Sport NZ.
- d. **Other Integrity Officer:** Where a Relevant Person makes a report to the Chief Executive, Chair of the Board, or Chief Executive of Sport NZ as above, those persons to whom the report was made may refer the report to another Integrity Officer designated by Athletics NZ. Where there is not another Integrity Officer, then the Chief Executive, Chair of the Board, or Chief Executive of Sport NZ may designate another person to fill that role. If the report relates to clause 11.2e, the Chief Executive of Sport NZ will determine how to deal with the report and may, but is not required to, refer the report to an Integrity Officer.

11.4 Form of report

A report by a Relevant Person may be made verbally or in writing. However, the Integrity Officer (or Chief Executive or the Chair of the Board) must record the report in writing in a Match Fixing incidents register within 48 hours of receiving it, and promptly forward a copy of that written record to:

- a. the Chief Executive where the notification was made to the Integrity Officer under clause 11.3a;
- b. the Chair of the Board, where the notification was made to the Chief Executive under clause 11.3b;
- c. the Chief Executive of Sport NZ, where the notification was made to the Chair of the Board under clause 11.3c.

11.5 Confidentiality

- a. Any report by a Relevant Person and any record of it under this clause will be dealt with confidentially by Athletics NZ unless disclosure is otherwise required or permitted under Part 4, by law, or if the allegation of the Prohibited Conduct has already been made public by the Relevant Person who made the report and Athletics NZ considers that, in the circumstances, the reasons for disclosure outweigh the reasons for non-disclosure.
- b. In particular, the Integrity Officer must use their best endeavours not to disclose information that might identify the Relevant Person who has made the report unless:
 - i. the Relevant Person consents in writing to the disclosure of that identifying information; or
 - ii. the Integrity Officer reasonably believes that disclosure of identifying information:

- a. is essential to enable an effective investigation; or
- b. is essential to prevent serious risk of harm to any person; or
- c. is essential having regard to the principles of natural justice.

11.6 No retaliation or disadvantage

A Relevant Person must not, by reason of having made a report about another person under Part 4, be subject to retaliatory action by Athletics NZ, and if an Athletics NZ employee, must not be disadvantaged in their employment.

11.7 False reports or reports in bad faith

Subject to law, the protections in clause 11.6 will not apply where an investigation establishes that the person has intentionally made a false report, or made their report in bad faith.

11.8 Continuing obligation to report

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

12. Investigations

12.1 Responsibilities of Integrity Officer

- a. The Integrity Officer is responsible for investigating any alleged breach of Part 4. Subject to clauses 11.3, any allegation or suspicion of a breach of this Part, whatever the source, shall be referred to the Integrity Officer.
- b. Following receipt of a report or other information, the Integrity Officer must do one of the following:

- i. refer to the New Zealand Police:

Crime Regulation & Project Officer
National Criminal Investigations Group
Police National Headquarters
180 Molesworth Street
P O Box 3017
Wellington
Phone (04) 474 9499)

any report or information involving conduct which may be a criminal offence, inform the Chief Executive and Board of Athletics NZ and the Chief Executive of Sport NZ of this referral and if considered appropriate, after taking into account any advice as to the next steps from the New Zealand Police, decide to investigate; or

- ii. decide not to investigate (for example, but not limited to, where the report or information is frivolous or where the conduct complained of would not amount to a breach of Part 4 or any relevant law); or
 - iii. decide to investigate.
- c. If the Integrity Officer decides not to investigate, the Integrity Officer must provide a written report of the conduct complained of, the decision and reasons for the decision to the Integrity Review Officer and, apart from reporting under clause 11.4, no further action need be taken by the Integrity Officer unless the Integrity Review Officer decides otherwise.

12.2 Investigation by Integrity Officer

- a. The Integrity Officer must investigate the activities of any Relevant Person who the Integrity Officer believes may have committed a breach of Part 4 or where the Integrity Review Officer decides that the Integrity Officer must investigate.
- b. Investigations may be conducted in conjunction with, and information obtained in investigations may be shared with WA and/or other national Athletics organisations, Sport New Zealand and/or other relevant authorities (including criminal justice, administrative, professional and/or judicial authorities) but subject to any applicable laws in New Zealand.
- c. The Integrity Officer may collect information relevant to the investigation. The collection of information will be subject to the privacy policies (if any) of Athletics NZ and to applicable New Zealand law (such as the Privacy Act 1993). The Integrity Officer may:
 - i. only access personal information to which consent has been provided under this Part (and any applicable privacy policy) or is otherwise able to be lawfully collected under applicable legislation;
 - ii. make a request of the Relevant Person to provide any other information ;
 - iii. request the Relevant Person to make a written statement setting out in detail all of the facts and circumstances of which the Relevant Person is aware regarding the alleged breach.
- d. Nothing in Part 4 shall require a Relevant Person to surrender any rights under New Zealand law or in any applicable agreement between Athletics NZ and the Relevant Person that they have not otherwise agreed to surrender pursuant to this Part.
- e. Any Integrity Officer investigation must be undertaken in accordance with any relevant provisions in any applicable agreement between Athletics NZ and the Relevant Person. In particular, the Integrity Officer will:
 - i. provide the Relevant Person with information in their possession relevant to the investigation, subject to any applicable legal obligations;

- ii. allow the Relevant Person an appropriate opportunity to consider and respond to that information.
- f. Subject to clause 12.2d and e., Relevant Persons shall cooperate fully with, and shall provide all reasonable help to, the Integrity Officer in any investigation. A failure to co-operate may, depending on the circumstances, constitute an offence under this Part.
- g. As overriding principles:
 - i. if at any time during an investigation the Integrity Officer becomes aware of any matter which may constitute criminal wrongdoing, the Integrity Officer must immediately refer any relevant information to the New Zealand Police (contact information above at clause 12.1bi) and take direction from that agency about the way in which the Integrity Officer should continue to proceed;
 - ii. provided always that the Integrity Officer must comply with all relevant obligations under Part 4, any investigation must be concluded promptly and efficiently.

12.3 Completion of Investigation/Submissions to Integrity Review Officer

- a. **Relevant material to be provided:** Following completion of the investigation, the Integrity Officer must provide all relevant material obtained in the investigation, the Integrity Officer's written report of the investigation and recommendations as to how the complaint shall be dealt with, to the Integrity Review Officer and to the Relevant Person who is being investigated (the Respondent).
- b. **Responded may provide material:** Not later than 14 days after receipt of the material, report and recommendations from the Integrity Officer, the Respondent may provide to both the Integrity Officer and to the Integrity Review Officer any additional material that they believe is relevant and their written submission regarding the complaint.

13. Integrity Review Officer Role and Process / Appeal Against Decision of Integrity Review Officer

13.1 Integrity Review Officer decision

The Integrity Review Officer must, as set out in Appendix A, review and make decisions regarding material submitted to the Integrity Review Officer.

13.2 Appeal against Integrity Review Officer decision

- a. The Respondent (Relevant Person investigated) has a right of appeal against a decision of the Integrity Review Officer that an offence under Part 4 has been established for which a sanction of a warning and reprimand only is imposed.
- b. Any appeals shall be heard by the Integrity Tribunal as a full hearing, where the Integrity Tribunal will hear all the evidence and make its own decision.

- c. Further provisions in relation to the appeal and the appeal process are set out in Appendix B.
- d. To avoid doubt, the Integrity Officer/Athletics NZ does not have a right of appeal against a decision of the Integrity Review Officer.

14. When Integrity Officer Must Refer Matter to Integrity Tribunal

14.1 Integrity Officer must refer the matter to the Integrity Tribunal

- a. Where the Integrity Review Officer has notified the Integrity Officer that:
 - i. there is sufficient evidence supporting that a Relevant Person has committed a corruption offence as listed in clause 5.2 or a further offence under clause 5.6 relating to Prohibited Conduct in clause 5.2; or
 - ii. there is sufficient evidence supporting that a Relevant Person has committed a non-corruption offence under clauses 5.3-5.7 and the offending is serious enough to warrant a sanction other than a warning and reprimand only;

the Integrity Officer must refer the matter to the Integrity Tribunal as set out below.

- b. The Integrity Officer shall send to the Integrity Tribunal and Relevant Person alleged to have committed an offence, written notice (“the Notice of Charge”) of the following:
 - i. that the Relevant Person is alleged to have committed an offence, and has a case to answer, under clause 5;
 - ii. the specific offence(s) that the Relevant Person is alleged to have committed;
 - iii. details of the alleged acts and/or omissions relied upon in supporting the allegation that the Relevant Person has committed an offence(s);
 - iv. the range of sanctions applicable under Part 4 if it is established that the Relevant Person has committed the alleged offence(s);
 - v. in the case of an alleged offence other than a corruption offence under clause 5.2 or a further offence under clause 5.6 relating to Prohibited Conduct in clause 5.2, that the Integrity Review Officer considers that the level of offending is serious enough to justify a sanction other than a warning and reprimand only;
 - vi. information concerning the Relevant Person’s rights and the procedure for the Relevant Person to respond to the Notice of Charge (as set out in Appendix C: C2).

14.2 Application for Provisional Suspension

- a. Where the Integrity Officer files a Notice of Charge against a Relevant Person with the Integrity Tribunal, the Integrity Officer may at the same time, or at a later date, and must, if required to do so by the Integrity Review Officer, also apply to the Integrity Tribunal for the Provisional Suspension of the Relevant Person until the Integrity Tribunal is able to determine the matter.
- b. Where the Integrity Officer applies for Provisional Suspension, they must copy the Provisional Suspension application to the Relevant Person and those persons referred to in A6a.iii., iv. or v. of Appendix A (as applicable).

15. Disciplinary Procedure and Process – Integrity Tribunal

- 15.1 Matters referred to the Athletics NZ Integrity Tribunal by the Integrity Officer or on appeal of a decision of the Integrity Review Officer shall be heard and decided in accordance with the Disciplinary Procedure and Process set out in Appendix C.

16. Sanctions

- 16.1 Sanction of a warning and reprimand imposed by the Integrity Review Officer
Where the Integrity Review Officer imposes a sanction under Appendix A, it must be a sanction of a warning and reprimand only.
- 16.2 Sanction imposed by Integrity Tribunal
 - a. Where in relation to matters referred to the Integrity Tribunal the Relevant Person admits they have committed the offence(s) or the Integrity Tribunal determines a Relevant Person has committed the offence(s) the Integrity Tribunal must:
 - i. impose an appropriate sanction on the Relevant Person for the particular offence(s) from the column headed “Range of Sanctions for Each Offence” in the Table of Sanctions in clause 16.5; and
 - ii. the Integrity Tribunal may, in its discretion, but is not required to, impose additional sanctions from the column headed “Additional Sanctions the Integrity Tribunal may Impose” in the Table of Sanctions.
 - b. To determine the appropriate sanction applicable in each case, the Integrity Tribunal must first determine the relative seriousness of the offending.
 - c. In determining the relative seriousness of the offending, the Integrity Tribunal shall take into account aggravating and mitigating factors and shall identify which (if any) of those factors apply in this case.
 - d. The Integrity Tribunal shall detail the effect of the relevant aggravating and mitigating factors on the final sanction in its written decision.

- e. The “Lower range of sanctions” in the Table of Sanctions apply only if the requirements of clause 10.3 are satisfied. To avoid doubt, the mitigating factors referred to in clause 10.3 may be raised as mitigating factors but cannot be used to access the “Lower range of sanctions” unless clause 10.3 is satisfied.

16.3 Aggravating Factors

In determining the relative seriousness of the offending in each case, the Integrity Review Officer or the Integrity Tribunal shall identify and take into account which, if any, of the following aggravating factors apply:

- a. the Relevant Person has a high degree of fault in relation to the offence(s);
- b. a lack or low level of genuine remorse on the part of the Relevant Person;
- c. the Relevant Person has previously been found guilty of an offence under Part 4 or any predecessor of this Part;
- d. the Relevant Person has previously been found guilty of any Match Fixing or similar offences and/or breaches under any laws, policies or regulations of any other body;
- e. the amount of any Benefit, or Reward, directly or indirectly received by the Relevant Person as a result of the offence(s), is substantial and/or where the sums of money otherwise involved in the offence(s) are substantial;
- f. the offence substantially damaged (or had the potential to damage substantially) the reputation of, the commercial value of and/or public interest in the relevant Event(s) or Competition(s);
- g. the offence affected (or had the potential to affect) the result of the relevant Event(s) or Competition(s);
- h. the welfare of any other person has been endangered as a result of the offence
- i. the offence involved the Relevant Person recruiting, involving or using, or acting with more than one Relevant Person or other persons;
- j. the Relevant Person has not fully co-operated with any investigation and/or the process (regardless of whether this may amount to a separate offence under this Part);
- k. any other aggravating factor(s) that the Integrity Review Officer or Integrity Tribunal considers relevant and appropriate.

16.4 Mitigating Factors

In determining the relative seriousness of the offending in each case, the Integrity Review Officer or Integrity Tribunal shall identify and take into account which, if any, of the following mitigating factors apply:

- a. whether the Relevant Person has a low degree of fault regarding the offence(s);
- b. whether the Relevant Person has fully co-operated with any investigation and/or the associated process;
- c. an admission of guilt and/or genuine remorse by the Relevant Person (the mitigating value of which may depend on its timing);
- d. the youth and/or lack of experience of the Relevant Person;
- e. the offence did not substantially damage (or did not have the potential to substantially damage) the reputation of, commercial value of and/or public interest in the relevant Competition(s) or Event(s);
- f. the offence did not affect (or did not have the potential to affect) the result of the relevant Competition(s) or Event(s);
- g. the Relevant Person provides Substantial Help to any of the following:
 - i. the Integrity Officer;
 - ii. Athletics NZ;
 - iii. another Athletics national federation;
 - iv. WA;
 - v. a law enforcement agency; and/or
 - vi. a professional disciplinary body;

that results in any of the following:

 - vii. the discovery or establishment of an offence under Part 4 committed by another Relevant Person;
 - viii. the discovery or establishment of an anti-Match Fixing or other anti-corruption offence under the laws, rules, regulations or policies of another national Athletics organisation or WA committed by another Relevant Person or other third party; and/or
 - ix. the discovery or establishment of a potential or actual criminal offence or the potential or actual breach of professional rules committed by another Relevant Person or a third party
- h. the Relevant Person has already suffered penalties under other laws and/or regulations for the same offence
- i. the Relevant Person has received no benefit;

- j. the diminished mental capacity of the Relevant Person;
- k. the Relevant Person has been publicly identified prior to an offence being determined, whether by lack of due care by Athletics NZ or another reason;
- l. regarding an Attempt or an agreement which is a further offence under clause 5.6., the Relevant Person ceases and/or rejects the Attempt or agreement prior to it being discovered by a third party not involved in the Attempt or agreement;
- m. the alleged offence was committed (and/or that it was not reported to Athletics NZ) due to the Relevant Person's honest and reasonable belief that there was a serious and imminent threat to their life or safety or to the life or safety of any other person; and/or
- n. any other mitigating factor(s) that the Integrity Review Officer or Integrity Tribunal considers relevant and appropriate.

16.5 Table of Sanctions

Offence	Range of Sanctions for Each Offence	Additional Sanctions the Integrity Tribunal may Impose
Corruption: Clause 5	Minimum: Two (2) years suspension Maximum: Lifetime suspension Lower range of sanctions: from a warning and reprimand up to a maximum of two (2) years suspension - see clause 16.2e	AND IN ALL CASES: The Integrity Tribunal shall have the discretion to additionally impose: (a) a fine on the Relevant Person up to a maximum of the value of any Benefit or Reward received by the Relevant Person directly or indirectly, out of, or in relation to, the offence committed under Part 4 – paid to Athletics NZ or other recipient as determined by the Integrity Tribunal; and/or (b) appropriate further options including without limitation the cancellation of sports results / Events, demotion, points reduction, return of Benefits or Rewards, replay of fixtures (for example in cases of competition official corruption) where risk of fraud has been established or identified, withdrawal of accreditation, exclusion from Competition venues and/or official player environs, as appropriate; and/or (c) an order that the Relevant Person pay an amount of costs to Athletics NZ
Betting: Clause 5.3	Minimum: Warning and reprimand Maximum: Two (2) years suspension	
Misusing Inside Information: Clauses 5.4a, 5.4b	Minimum: Warning and reprimand Maximum: Five (5) years suspension	
General Offences: Clause 5.5	Minimum: Warning and reprimand Maximum: Five (5) years suspension	
Further Offences Relating to Prohibited Conduct in clauses 5.2-5.5: Clause 5.6	The sanctions range will be the same as set out in this table for the particular relevant primary offence in clauses 5.2-5.5 Lower range of sanctions: from a warning and reprimand up to a maximum of two (2) years suspension - see clause 16.2e	
Failure to Disclose or Cooperate: Clause 5.7	Minimum: Warning and reprimand Maximum: Two (2) years suspension	

16.6 Further provisions concerning sanctions

To avoid doubt:

- a. **Suspended sanctions:** The Integrity Tribunal may suspend any sanction for a period of time. The Integrity Tribunal may also stipulate any conditions to relate to the suspended sanction.
- b. **Sanctions to run concurrently:** Where a Relevant Person is found guilty of committing two breaches under Part 4 relating to the same incident or set of facts and sanctioned separately, then any sanctions imposed should run concurrently (and not cumulatively).
- c. **Payment of fines and/or costs:** Where a fine and/or costs award is imposed against a Relevant Person, then such fine or costs award must be paid within a reasonable time period specified by the Integrity Tribunal. Athletics NZ will consider any request from the Relevant Person, on the grounds of hardship, to make the payment of any fine and/or costs award imposed over a period of time, which may involve instalment payments.
- d. **Consequences of not paying fines and/or costs:** If a fine or costs award (or agreed part payment or instalment of) is not paid by the date set down by the Integrity Tribunal, or within such deadline or by the time of the next agreed payment date then, unless Athletics NZ agrees otherwise, the Relevant Person will be suspended until such payment or part payment is made. Athletics NZ may also seek to recover the fine by recovery/enforcement action.
- e. **Commencement of a Suspension:** Any Suspension imposed on a Relevant Person starts on the date that the decision imposing the Suspension is issued:
 - i. provided any period of Provisional Suspension served by the Relevant Person shall be credited against the total period of Suspension to be served; or
 - ii. unless otherwise indicated in the written decision.
- f. **Effect of a Suspension:** A Relevant Person who is suspended is prohibited, during the period of Suspension, from playing, training as part of a team or a squad, officiating, coaching, selecting, administering and/or otherwise participating or being involved in any capacity in any Competition, Event, function or other activity (other than authorised anti- corruption education or rehabilitation programmes) that is authorised, organised, sanctioned, recognised or supported in any way by Athletics NZ or any member organisations and/or Associate Members of Athletics NZ (such as Centres or Clubs).
- g. **Suspension may apply to other sports and jurisdictions:** The WA, other international sporting federations, national Athletics organisations in other jurisdictions, other New Zealand-based national sport organisations, or national sport organisations of other sports in other international jurisdictions, will be entitled to give effect to and enforce the above

Suspension in their respective jurisdictions regarding other sports, as if the Suspension related to that sport.

- h. **Part 4 to apply throughout Suspension:** A Relevant Person who is subject to a Suspension shall remain subject to this Part 4 during the Suspension period. If the Relevant Person is alleged to have committed an offence under Part 4 during that period, this shall be treated as a separate matter, and separate proceedings will be brought under this Part.
- i. **Expiry of Suspension:** Once any period of Suspension has expired, the Relevant Person will automatically become re-eligible to participate fully again in Competitions, Events, functions or activities authorised, organised, sanctioned, recognised or supported in any way by Athletics NZ or member organisations of Athletics NZ provided that the Relevant Person has:
 - i. completed an Athletics NZ approved anti-Match Fixing or other anti-corruption programme to the reasonable satisfaction of the Integrity Officer;
 - ii. satisfied in full, any fine and/or costs award made against the Relevant Person regarding an offence under this Part, by the Integrity Tribunal, or the Sports Tribunal or the Court of Arbitration for Sport, or has complied and continues to comply with any payment instalment plan agreed or imposed; and
 - iii. agreed to be subject to such additional reasonable and proportionate monitoring procedures and requirements as the Integrity Officer may reasonably consider necessary given the scope of the offence committed.
- j. **No further action once sanction determined:** Where a sanction is determined under Part 4, with the exception of any right to appeal or right to take any other legal avenues, no further action can be taken regarding the matters investigated and sanctioned.

17. Appeal Against Decision of Integrity Tribunal

- 17.1 In certain circumstances, a decision of the Integrity Tribunal may be appealed to the Sports Tribunal. This process is set out in Appendix D.

18. Public Disclosure and Confidentiality of Proceedings

18.1 Proceedings to be kept confidential

Except as otherwise required by Part 4 or applicable laws and/or regulations of Athletics NZ, the Integrity Officer, Integrity Review Officer, Integrity Tribunal, Relevant Persons and any other Parties to proceedings under this Part:

- a. shall keep all proceedings under this Part confidential;
- b. shall make all efforts within their power to ensure that their family members/associates shall keep all proceedings under this Part confidential.

18.2 No public identification

- a. Athletics NZ shall not publicly identify any Relevant Person who is alleged to have committed an offence under Part 4 unless and until it has been determined by the Integrity Review Officer or Integrity Tribunal that an offence has been committed, or as allowed under clause 18.2c below.
- b. If the decision is that an offence has been committed:
 - i. for which a sanction of a warning and reprimand only has been imposed, Athletics NZ has a discretion to publicly report the decision;
 - ii. for which a sanction other than a warning and reprimand only has been imposed; Athletics NZ must publicly report the decision;
 - iii. posting the decision on the Athletics NZ website is sufficient to publicly report the decision, provided that in each case Athletics NZ must, prior to posting, notify the Chief Executive of Sport New Zealand of the date upon which the posting on the website will be made, if the decision is not appealed;
 - iv. public reporting must not occur until any appeal period has lapsed without the decision being appealed and must then occur promptly regarding clause 18.2bii above.
- c. If the Integrity Review Officer or Integrity Tribunal determines that no offence has been committed by the Relevant Person, then the decision may be publicly reported only with the consent of the Relevant Person who is the subject of the decision. Athletics NZ shall use reasonable efforts to obtain such consent, and if consent is obtained, shall publicly disclose the decision in its entirety or in such redacted form as the Relevant Person may approve.
- d. Athletics NZ shall use its best endeavours to ensure that persons under its control do not publicly identify any Relevant Persons who are alleged to have committed an offence under Part 4, unless and until the Integrity Review Officer or Integrity Tribunal has determined that an offence has been committed, or as allowed under clause 18.2b above.
- e. However, Athletics NZ in its discretion may at any time disclose to other organisations such information as Athletics NZ may consider necessary or appropriate to facilitate the administration or enforcement of Part 4, provided that each organisation provides assurance satisfactory to Athletics NZ the organisation will maintain all such information in confidence.

18.3 No public comment

Athletics NZ will not comment publicly on the specific facts of a pending case even if public comments are made by (or on behalf of) the Relevant Person involved in the case or their

representatives unless Athletics NZ considers that, in the circumstances, the reasons for public comment outweigh the reasons for not making public comment.

19. Recognition of Decisions

19.1 Decisions and sanctions of:

- a. the WA;
 - b. international federations of other sports;
 - c. other national Athletics organisations in other international jurisdictions;
 - d. other national sport organisations of other sports in New Zealand;
 - e. national sport organisations of other sports in other international jurisdictions;
- that are based on the same or similar anti-Match Fixing rules or anti-corruption rules shall be recognised, respected and enforced by Athletics NZ automatically upon receipt of notice of the same, without the need for further formality.

20. Protection and Support Mechanisms

20.1 Protection and Support

Athletics NZ will have protection and support mechanisms in place for Relevant Persons who may come in contact with, or be involved in, Match Fixing activity or to limit risky situations where this might occur. Protection and support mechanisms established may include those listed below and Athletics NZ will ensure Relevant Persons are advised of these where in place.

20.2 Protection mechanisms

Protection mechanisms that Athletics NZ may establish at its discretion include, but are not limited to:

- a. monitoring Betting accounts of Relevant Persons;
- b. monitoring Betting activity on any Competition or Event Under the Jurisdiction of, or Connected to, Athletics NZ;
- c. security measures restricting access to participants from non-essential personnel at Competitions or Events;
- d. limiting or prohibiting participants' use of electronic communication devices (phones, computers, tablets etc.) in/at restricted areas/times during Competitions or Events;
- e. assigning sports officials (especially referees and judges) within as short a period before a Competition or Event begins as possible;

- f. regular scrutiny of officials decisions; and/or
- g. paying particular attention to measures to safeguard Athletes who are minors or at Competitions or Events predominantly involving minors.

20.3 Support mechanisms

Support mechanisms that Athletics NZ may enact at its discretion include, but are not limited to:

- a. having confidential and accessible reporting processes and a 'whistle blower' policy in place to support people coming forward with any relevant information;
- b. publicising the contact details (e.g. name, phone number and email address) of the Athletics NZ Integrity Officer whom anyone connected with Athletics NZ can contact regarding any Match Fixing related matters, who can assess the situation and offer sound advice, protecting confidentiality where appropriate; and/or
- c. pre-determining procedures to keep Relevant Persons safe, who have been approached to engage in Match Fixing.

21. Sports Betting Agreements

- 21.1 Under the Racing Act 2003, the New Zealand Racing Board (NZRB) must establish a sports Betting agreement with Athletics NZ before the NZRB can offer Betting on 'Authorised Events' agreed to by Athletics NZ. Under the Act, the NZRB must also provide a percentage of sports Betting revenue to Athletics NZ.
- 21.2 To comply with the requirements of the NZRB's model agreement, Athletics NZ will at a minimum have rules relating to Betting in place, which, in particular, must prevent a 'Relevant Person' as defined in the Betting clauses pursuant to the Racing Act, who participates in an Authorised Event, from Betting on that Authorised Event.
- 21.3 Athletics NZ will use its Betting agreement to further manage Match Fixing risks by working with the NZRB to identify Bet types which will be jointly reviewed by Athletics NZ and NZRB regularly, over the term of the Betting agreement.
- 21.4 In particular, Athletics NZ should consider using its Betting agreement to:
 - a. restrict or prohibit 'spot' Bets (i.e. Bets on particular actions within Competitions or Events which are more easily manipulated than, for example, overall Competition or Event results);
 - b. agree with the NZRB that maximum wager amounts are capped at modest levels for the types of Bets or formulae for which associated actions are most easily manipulated, such as 'spot' Bets, if permitted;

- c. restrict other types of Bets which may have higher risks regarding Match Fixing, such as Bets on minors or in competitions predominantly involving minors, depending on the circumstances.
- 21.5 Subject to any legal requirements preventing this, Athletics NZ Betting agreements will also include agreed protocols for timely information and intelligence sharing between Athletics NZ and the NZRB to support preventative and investigative measures. Alternatively, separate information sharing agreements may be established.

22. Information Sharing and Collaboration

- 22.1 Subject to any legal restrictions, or those relating to confidentiality or privacy, Athletics NZ will provide and exchange information, and collaborate regarding any Match Fixing related matters, via protocols to be agreed, with Sport New Zealand and law enforcement or other relevant agencies including the Serious Fraud Office, New Zealand Police, the Organised and Financial Crime Agency New Zealand, the NZRB and the Department of Internal Affairs or relevant overseas agencies.

23. Interpretation and Definitions

- 23.1 Interpretation
 - a. Part 4 includes Appendices A, B, C, D, and E.
 - b. Headings used in Part 4 are for convenience only and shall not be deemed part of the substance of Part 4 or to affect in any way the language of the provisions to which they refer.
 - c. Words in the singular include the plural and vice versa.
 - d. Reference to 'including' and similar words are not words of limitation.
 - e. Examples are given to assist understanding. Unless stated, one example does not limit the range or number of examples.
 - f. Words importing a gender include any other gender.
 - g. A reference to a rule is a reference to a rule or sub rule of Part 4.
 - h. 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.
 - i. In the event any provision of Part 4 is determined invalid or unenforceable, the remaining provisions shall not be affected. Part 4 shall not fail because any part of this Part is held invalid.

- j. Except as otherwise stated in Part 4, failure to exercise or enforce any right conferred by this Part 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.
- k. To the extent of any inconsistency between Part 4 and the Athletics NZ's Constitution, the relevant provisions of the Athletics NZ's Constitution shall prevail.
- l. Athletics NZ has other rules and regulations (including the Code of Ethics) covering ethical conduct and other integrity matters. To the extent of any inconsistency between Part 4 and Part 2 - Code of Ethics, **the relevant provisions of the Code of Ethics shall prevail.**

23.2 Definitions

The definitions set out below apply to Part 4:

Athletics New Zealand or Athletics NZ is the recognised governing body of the sport of Athletics in New Zealand.

Athletics NZ Hearing Body has the same meaning as in the Constitution and includes, but is not limited to the Athletics NZ Ethics Commission.

Attempt means purposely engaging in an act(s) and/or omission(s) which are more than mere preparation and which constitute a real and substantial step(s) towards the commission of an offence under Part 4, whether or not an offence was actually committed or whether or not in the circumstances it was possible to commit an offence.

Benefit or Reward means any direct and/or indirect monetary and/or non-monetary bribe(s), gain(s), benefit(s), gift(s) and/or advantage(s), including, without limitation, winnings and/or potential winnings as a result of a Bet(s). This does not include official prize money and/or legitimate contractual payments authorised by Athletics NZ for participating in Competitions or Events, any services, sponsorship, endorsements and/or similar payments.

Bet means a bet, wager or other form of financial speculation.

Betting means making, accepting, or laying a Bet, including (without limitation) activities commonly referred to as sports betting, such as fixed and running odds, totalisator/toto games, live betting, betting exchanges, spread betting, and other games offered by sports betting operators.

Board means the Board of Athletics NZ or if there is no Board, then the governing body of Athletics NZ.

Chief Executive of Athletics NZ means the Chief Executive, or if there is not one, the next highest ranking executive of Athletics NZ.

Competition means an Athletics competition, game, race or fixture.

Competition or Event Under the Jurisdiction of, or Connected to, Athletics NZ means a Competition or Event arranged, hosted or controlled by Athletics NZ, or in which any Relevant Person of Athletics NZ is participating, including any Competitions or Events as part of a

tournament or competition in which any Relevant Person is participating, whether any Relevant Person is participating in a particular Competition or Event of that tournament or competition or not. To avoid doubt, where a Competition is, for example, an international Competition forming part of an international tournament and or/series of international Competitions, all other Competitions in that international tournament and or/series of international Competitions are also connected to Athletics NZ.

Court of Arbitration for Sport (CAS) means the Court of Arbitration for Sport (CAS), which is the court established by the International Olympic Committee to resolve sports related disputes and which operates under the Code of Sports Related Arbitration.

Event means an Athletics tournament, league, series of Competitions and/or competition, including a one- off competition.

WA means International Association of Athletics Federation, the international governing body of the sport of Athletics.

Inside Information means any information considered to be not available to or not known by the public relating to any Competition, Event, team, athlete or any aspect connected with any of these, that a person has because of their position within Athletics NZ or connection to Athletics NZ. This could include, without limitation, such information as a Athletics team's actual or likely membership composition, the fitness of individual Athletes, or planned tactics.

Integrity Officer means a person or persons designated to act as an Integrity Officer of Athletics NZ.

Integrity Review Officer means a person designated to perform the role of Integrity Review Officer by Athletics NZ.

Integrity Tribunal means the Tribunal comprising persons who are appointed by the Board of Athletics NZ to sit on the Integrity Tribunal of Athletics NZ.

Match Fixing means improperly influencing or otherwise taking action which could cause the occurrence of a particular incident, outcome, result or anything else in a Competition or Event, and for which any money, Benefit or Reward (including associated with a betting arrangement) is expected or received; other than solely for genuine medical or Sporting Tactical Reasons. While often associated with corrupt gambling practices, such as placing bets on arranged outcomes for financial return, it can also involve a range of associated activities.

Notice of Charge means document initiating offence proceedings to be heard by the Integrity Tribunal.

Part 4 or Part means this Part 4 - Anti-Match Fixing and Sports Betting of the Integrity Regulation of Athletics NZ.

Parties means the Parties to offence proceedings which may include, as appropriate, the Relevant Person, the Integrity Officer and/or Athletics NZ officers and representatives of the Parties, if any.

Prohibited Conduct means conduct which constitutes an offence under Part 4 as listed in clauses 5.2-5.7.

Provisional Suspension means an order made by the Integrity Tribunal, Sports Tribunal or CAS, which temporarily prohibits a Relevant Person from competing or participating in any Competition, Event or other activities associated with Athletics NZ, as set out in C4i of Appendix C, until the Integrity Tribunal, Sports Tribunal or CAS, makes a final decision regarding whether the Relevant Person has committed the offence(s) alleged under Part 4.

Relevant Persons means those persons and/or categories of persons as defined from time to time by the Board and who are listed in Schedule 1 of Part 4.

Respondent means a Relevant Person investigated under Part 4.

Sport New Zealand or Sport NZ means Sport and Recreation New Zealand, the crown entity established under the Sport and Recreation Act 2002. This entity was formerly known as SPARC.

Sporting Tactical Reasons means reasons for action taken in a sports Competition or Event in situations which, by reference to clause 2.1 are not intended to be captured as offences by Part 4. Such situations include, for example, where an athlete or team deliberately loses, underperforms or plays in a manner which the athlete or team intends will help obtain a more favourable sports outcome, for example, a more favourable draw in a competition.

Sports Tribunal means the Sports Tribunal of New Zealand, which is an independent statutory entity, as continued under the Sports Anti-Doping Act 2006.

Substantial Help means, in the context of clause 16.4g, a Relevant Person provides Substantial Help if they: (1) fully disclose in a signed witness statement all information that they possess regarding offences under Part 4, offences under other anti-Match Fixing / anti-corruption regulations, offences relating to other professional rules and the commission of relevant criminal offences and (2) cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by Athletics NZ or other relevant body. Further, the information provided must be credible and must comprise an important part of any case that is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

Suspension means a sanction set out in clause 16.6f that may be imposed on a Relevant Person, who has committed an offence under Part 4.

Table of Sanctions means the table set out in clause 16.5.

SCHEDULE 1 – List of Relevant Persons

This schedule lists below the “Relevant Persons” to whom Part 4 applies.

- “Carded” Athletes
- All Athletes selected to NZOC Games and/or NZ Teams
- All support staff selected to NZOC Games and/or NZ Teams
- Persons who hold Board or other governance positions within Athletics NZ
- Persons who hold management positions within Athletics NZ
- Employees (including administrative staff) and/or independent contractors of Athletics NZ
- Agents
- Selectors

This schedule will be reviewed regularly and amended as appropriate.

NB: Part 4 will not apply to a Relevant Person unless there is a relationship of membership, employment or some other contract with Athletics NZ that, in each case, requires the person to be bound by and comply with the policies and procedures in rules generally of Athletics NZ or specifically with this Part 4 - Anti-Match Fixing and Sports Betting.

APPENDIX A – Integrity Review Officer Role and Process

- A1. The Integrity Review Officer must review and decide the action to be taken (if any) regarding:
- a. a report, decision and reasons received from the Integrity Officer under Part 4, clause 12c.; or
 - b. the material, report, recommendations and submissions (if any) received from the Integrity Officer and the Respondent under Part 4, clause 12.3.
- A2. If Integrity Review Officer suspects criminal offending
- a. If, following their review under A1 of this Appendix A, the Integrity Review Officer considers there may be a criminal offence, they must require the Integrity Officer to refer the report or information to the designated officer in the New Zealand Police (see clause 5.11), for the Integrity Officer to take advice from the Police on next steps and investigate if appropriate. The Integrity Officer must also inform the Chief Executive and Board of Athletics NZ and the Chief Executive of Sport NZ of this referral to the New Zealand Police.
- A3. A decision of the Integrity Review Officer under A1a. of this Appendix A, must be either that:
- a. the report or information must be referred by the Integrity Officer to the New Zealand Police under the process outlined in A2a. of this Appendix A, to take advice on next steps from the Police and investigate if appropriate, and the Integrity Officer must also inform the Chief Executive and Board of Athletics NZ and the Chief Executive of Sport NZ of this referral to the New Zealand Police; or
 - b. the report or information is not to be investigated; or
 - c. the report or information is to be investigated by the Integrity Officer
and the Integrity Review Officer must report their decision to the Integrity Officer and to such of the persons in A6a.iii. or iv. or v. (as applicable) of this Appendix A.
- A4. Where no breach of Part 4 or insufficient evidence, matter is at an end
- a. Where the Integrity Review Officer concludes that no breach of this Part has occurred, or there is insufficient evidence to support an allegation of a breach of this Part, the matter is at an end, except that a written report must be provided as outlined below. No further action will be taken regarding the matter, subject to any new relevant information coming to the notice of the Integrity Officer or the Integrity Review Officer.
- A5. Integrity Review Officer must impose a warning and reprimand
- a. Where an offence has been established, the Integrity Review Officer must impose a sanction of a warning and reprimand only, provided that:
 - i. the offence is not a corruption offence as listed in clause 5.2 or a further offence under clause 5.6 relating to Prohibited Conduct in clause 5.2; and

- ii. the offending is considered to be of such a low level of seriousness that a sanction of a warning and reprimand only is justified; and
- iii. in determining the relative seriousness of the offending, and whether a sanction of a warning and reprimand only is appropriate, the Integrity Review Officer must take into account the aggravating and mitigating factors listed in clauses 16.3 and 16.4.

A6. Integrity Review Officer must report findings

- a. Where the Integrity Review Officer decides that no breach of this Part has occurred, or, there is insufficient evidence to support an allegation of a breach of this Part or an offence has been established where a sanction of a warning and reprimand only is imposed, the Integrity Review Officer shall provide a written report of their findings and recommendations (if any) to:
 - i. the Respondent; and
 - ii. the Integrity Officer; and
 - iii. the Chief Executive (providing the Chief Executive is not also the Integrity Officer or the subject of the decision); or
 - iv. the Chair of the Board (where the Chief Executive is also the Integrity Officer or the subject of the decision); or
 - v. the Chief Executive of Sport NZ (where both the Chief Executive and Chair of the Board are the subjects of the decision).
- b. Where the Integrity Review Officer decides an offence has been committed and imposes a sanction of a warning and reprimand and the appeal notice period in Appendix B has expired without an appeal being notified, their report of their findings and recommendations (if any) must be sent to the Chief Executive of Sport New Zealand.

A7. Where there is evidence of a corruption offence in clause 5.2/5.6, or other serious offending, the Integrity Review Officer will require the Integrity Officer to refer the matter to the Integrity Tribunal

- a. The Integrity Review Officer must, by notification in writing to the Integrity Officer require the Integrity Officer to refer the matter to the Integrity Tribunal if, following review of the material, report, recommendations and submissions received (if any) under clause 12.3, the Integrity Review Officer decides that there is sufficient evidence supporting that a Relevant Person has committed:
 - i. a corruption offence as listed in clause 5.2 or a further offence under clause 5.6 relating to Prohibited Conduct in clause 5.2; or
 - ii. a non-corruption offence under clauses 5.3 - 5.7 and the Integrity Review Officer considers the offending is serious enough to warrant a sanction other than a warning and reprimand only.
- b. The Integrity Review Officer must forward a copy of the notification in A7a of this Appendix A to the Chief Executive of Sport NZ.

A8. Provisional Suspension

- a. In addition to the requirement under A7, the Integrity Review Officer may also require the Integrity Officer to apply for Provisional Suspension of the Relevant Person until the Integrity Tribunal is able to determine the matter.

APPENDIX B – Appeal Against Decision of Integrity Review Officer

B1. Appeal Notice

- a. A Respondent's appeal under clause 13 is initiated by the Respondent providing to the Integrity Review Officer and to the Integrity Officer, within 14 days from the date the Respondent received the Integrity Review Officer decision containing reasons, a written notice that the decision is appealed.

B2. Integrity Review Officer refers appeal to Integrity Tribunal

- a. Upon receipt of the appeal notice, the Integrity Review Officer refers the appeal notice to the Integrity Tribunal, together with:
 - i. all of the material, written report, recommendations and submissions (if any) received under clause 12.3; and
 - ii. the report of the findings and recommendations (if any) referred to in A6a of Appendix A.

B3. Further provisions relating to appeal

- a. C1 - C10 (inclusive) of Appendix C shall apply with all appropriate modification as if the appeal was convened in relation to a Notice of Charge under clause 14.1b and as may otherwise be required by the Integrity Tribunal.

B4. Decision being appealed remains in effect unless Integrity Tribunal decides otherwise

- a. Decisions of the Integrity Review Officer appealed to the Integrity Tribunal shall remain in effect and binding pending the Integrity Tribunal's determination of the appeal, unless the Integrity Tribunal decides otherwise.
- b. Nothing in B4a of Appendix B above prevents a Party to the appeal applying to the Integrity Tribunal to suspend the decision, or any part of the decision, of the Integrity Review Officer until the Integrity Tribunal determines the appeal.

APPENDIX C – Disciplinary Procedure and Process - Integrity Tribunal

C1. Start of Proceedings by Filing Notice of Charge

- a. Proceedings are started by the Integrity Officer referring an alleged breach of this Part to the Integrity Tribunal by filing a Notice of Charge and serving a copy on the Relevant Person alleged to have committed the breach.
- b. The Notice of Charge may be served by post, courier, email or facsimile or delivered in person.
- c. The Integrity Officer will provide written confirmation of both the service of the Notice of Charge on the Relevant Person (ie that the Relevant Person has received the Notice of Charge) and the date of service.
- d. If the Integrity Officer is unable to serve the Notice of Charge on the Relevant Person, the Integrity Officer may apply to the Integrity Tribunal for an order for substituted service, indicating the proposed manner of substituted service which the Integrity Officer believes will bring the Notice of Charge to the attention of the Relevant Person.

C2. Response to Notice of Charge

- a. The Relevant Person has the right to:
 - i. defend the charge(s) or any of the charges in a hearing; or
 - ii. admit the charge(s) or any of the charges but request the right to participate in a hearing to make submissions as to the appropriate sanction; or
 - iii. admit the charge(s) and advise they do not wish to participate in a hearing to make submissions as to sanction and acknowledge that the Integrity Tribunal may impose a sanction without holding a hearing.
- b. Within 14 days of the date of service of the Notice of Charge, the Relevant Person shall file in writing with the Integrity Tribunal, and copy to the Integrity Officer and to Athletics NZ, their response to the Notice of Charge as set out above.
- c. If the Relevant Person does not file a response to the Notice of Charge within the 14 day period, or such extended period as may be ordered by the Integrity Tribunal, the Relevant Person will be deemed to have waived their right to participate in a hearing, although the Integrity Tribunal may, in its discretion, subsequently give the Relevant Person leave to participate.

C3. Appointment of Integrity Tribunal Hearing Panel

- a. Upon the Integrity Tribunal receiving a Notice of Charge, or at a later date, the Chairperson of the Integrity Tribunal shall appoint three members of the Integrity Tribunal to form the Integrity Tribunal panel to hear and decide the allegation.
- b. The panel of three will usually include the Chairperson. However, if the Panel does not include the Chairperson, the Chairperson will appoint one of the panel members as Chairperson of the panel.

- c. The appointed members shall be independent of the Parties to the proceedings and shall have had no prior involvement with the case.

C4. Provisional Suspension

- a. Where the Integrity Officer has filed an application for Provisional Suspension of the Relevant Person pursuant to clause 14.2, the Integrity Tribunal will consider the application urgently and will normally hold a hearing as soon as practicable to decide whether to impose a Provisional Suspension.
- b. The Integrity Tribunal will notify the Parties of the time and date of the Provisional Suspension hearing and the form it will take (eg in person or by audio or audio-visual means). The Integrity Tribunal may consult with the Parties prior to the Provisional Suspension hearing about any matters necessary to progress the application to a hearing.
- c. The Integrity Tribunal may decide to not hold a Provisional Suspension hearing if the Relevant Person agrees to accept a Provisional Suspension and if so, will promptly make an order provisionally suspending the Relevant Person.
- d. In exceptional circumstances (such as that the Relevant Person is due to participate in competition the day after the Provisional Suspension application is filed and hearing the Provisional Suspension is not possible) the Integrity Tribunal may in its discretion decide to impose a Provisional Suspension based on the material before it without holding a hearing, receiving submissions or other communication from the Relevant Person. However, in such cases the Integrity Tribunal will either hold an expedited hearing on whether the Provisional Suspension should be maintained or hold an expedited hearing in relation to the alleged offence under this Part, as soon as possible after the imposition of the Provisional Suspension.
- e. The Integrity Tribunal will, wherever possible, seek to hold an urgent provisional hearing (unless the Relevant Person agrees to accept a Provisional Suspension) before imposing a Provisional Suspension, but the choice of procedure to be followed will be a matter for the Integrity Tribunal in the particular circumstances.
- f. The Integrity Tribunal will adopt such procedures for any hearing regarding a Provisional Suspension (whether held before or after the imposition of a Provisional Suspension) as the Tribunal considers will provide the Parties with a fair hearing in the matter.
- g. The Integrity Tribunal may impose a Provisional Suspension where it considers that there is a prima facie case that an offence under this Part has been committed and that it is appropriate to impose a Provisional Suspension on the Relevant Person.
- h. A Relevant Person who is provisionally suspended is barred temporarily from participating in any Competitions, Events or other activities associated with Athletics NZ as detailed in C4i. of this Appendix C, until the Integrity Tribunal makes a final decision whether the Relevant Person has committed any offence they have been charged with under this Part.
- i. During the period of Provisional Suspension, a person who is provisionally suspended is prevented from playing, training as part of a team or a squad, officiating, coaching, selecting, administering and/or otherwise participating or

being involved in any capacity in any Competition, Event, function, or other activity (other than authorised anti-corruption education or rehabilitation programmes) that are authorised, organised, sanctioned, recognised or supported in any way by Athletics NZ or any member organisations of Athletics NZ such as regional organisations or clubs.

- j. The WA, other international sport federations, national Athletics organisations in other jurisdictions, other New Zealand-based national sport organisations or national sport organisations of other sports in other international jurisdictions will be entitled to give effect to and enforce the above Provisional Suspension in their respective jurisdictions regarding other sports, as if the suspension related to that sport.
- k. Where a Provisional Suspension is imposed and fulfilled by the Relevant Person, they shall receive a credit for such period of Provisional Suspension against any period of Suspension that may ultimately be imposed if the Integrity Tribunal determines an offence has been committed.
- l. If a Relevant Person voluntarily agrees in writing with the Integrity Officer to accept a Provisional Suspension during the course of an investigation and thereafter refrains from competing or participating in Competitions, Events or other activities listed in C4i of this Appendix C, then the Relevant Person shall receive a credit for such period of voluntary Provisional Suspension against any period of suspension which may ultimately be imposed.
- m. The Integrity Tribunal has discretion whether to allow credit against a period of suspension for any time period before the effective date of the Provisional Suspension or voluntary Provisional Suspension where the Relevant Person elected not to compete or was suspended by Athletics NZ.

C5. Preliminary Matters and Pre-Hearing Conferences

- a. The Chairperson and/or the Integrity Tribunal Panel may hear and determine any preliminary matters that arise.
- b. The Integrity Tribunal will normally convene a pre-hearing conference with the Parties which will usually be held within seven days of the Relevant Person filing their response to the Notice of Charge.
- c. The pre-hearing conference may be conducted in person or by audio or audio-visual means.
- d. There may be more than one pre-hearing conference held as necessary.
- e. The purpose of the pre-hearing conference will be to discuss and decide procedural matters to progress the case towards a hearing.
- f. During the pre-hearing conference the Integrity Tribunal may fix the date of the hearing, decide the type of hearing (which may be in person or by audio or audio-visual means), the venue for the hearing, give any procedural or evidential direction that may be appropriate (including timetables for filing any evidence, witness statements or submissions) and make such other orders as necessary to facilitate the prompt and just expedition of the matter.

- g. At the discretion of the Integrity Tribunal and with the consent of the parties, a pre-hearing conference may become the hearing.

C6. Hearings

- a. The purpose of the hearing shall be:
 - i. to determine whether the Integrity Tribunal considers that the Relevant Person has engaged in the Prohibited Conduct alleged in the Notice of Charge and therefore committed an offence under this Part; and
 - ii. to impose sanctions in accordance with this Part if the Integrity Tribunal determines, or the Relevant Person admits, that an offence under this Part has been committed.
- b. The Integrity Tribunal Panel may conduct the hearing as it sees fit and shall not be bound by rules of evidence or unnecessary formality.
- c. However, the Integrity Tribunal Panel must conduct the hearing and determine matters in accordance with the principles of natural justice and procedural fairness. This includes, but is not limited to, the Integrity Tribunal:
 - i. conducting the hearing in a manner that is fair and appropriate to the circumstances
 - ii. providing the Parties adequate notification of the date, time, and place of the hearing
 - iii. ensuring adequate notification of the allegations against the Relevant Person has been provided to the Relevant Person
 - iv. ensuring the Relevant Person and their representatives, the Integrity Officer and/or Athletics NZ is given an adequate opportunity to be heard and to prepare and present their case
 - v. ensuring the Relevant Person is provided with and given proper opportunity to consider, challenge or contradict any evidence that is relied upon to support allegations against them and that the Relevant Person is also fully aware of the nature of these allegations
 - vi. having a lack of bias
 - vii. not acting outside its powers or jurisdiction
 - viii. inquiring into the matters in dispute
 - ix. making a decision supported by the evidence
 - x. not imposing a penalty that is either excessive or inappropriate.
- d. The Relevant Person who is alleged to have committed the offence, the Integrity Officer and/or Athletics NZ:
 - i. may call and question witnesses
 - ii. has the right to address the Integrity Tribunal Panel to make their case

- iii. is permitted to provide written submissions for consideration by the Integrity Tribunal Panel (instead of or as well as appearing in person) and if the Relevant Person and the Integrity Officer and/or Athletics NZ provide any written submissions, the Integrity Tribunal Panel must consider those submissions in its deliberations.
- e. The hearing shall be inquisitorial in nature, with cross examination allowed, and the Integrity Tribunal Panel may call such evidence as it thinks fit in its discretion and all Relevant Persons subject to this Part must, if requested to do so by the Integrity Tribunal Panel, provide such evidence as they are able.
- f. The Integrity Tribunal may make such inferences and draw such conclusions as it considers appropriate from the failure of, or refusal by, a Relevant Person or the Integrity Officer and/or Athletics NZ to comply with a request to provide evidence to it.
- g. Where two or more Relevant Persons are alleged to have committed offences under this Part, they may be dealt with at the same hearing where the proceedings arise out of the same incident or where there is a clear link between separate incidents.

C7. Representation and support persons

- a. The Parties may be represented or assisted in the proceedings by a person of their choice and at their own cost.
- b. Parties are not required to have representation.
- c. Each party is also entitled to have a support person if they wish.

C8. Privacy and confidentiality

- a. Except as otherwise stated in this Part, proceedings brought under this Part are to be treated as private and confidential until a final decision is issued.
- b. The hearing will be closed to the public unless the Integrity Tribunal considers that there are exceptional circumstances to make a public hearing appropriate or the parties so agree. In the usual circumstances only persons with a legitimate interest in the hearing will be permitted to attend and this will be at the sole discretion of the Integrity Tribunal Hearing panel.

C9. Privilege

- a. Regardless of anything else in this Part, a Relevant Person who is interviewed under suspicion, charged or arrested by a law enforcement agency regarding a criminal offence that is, or may be considered to be conduct that is Prohibited Conduct, under this Part, shall not be required to produce any information, give any evidence or make any statement to the Integrity Tribunal if they establish that to do so would breach any privilege against self-incrimination or legal professional privilege.
- b. C9a. of this Appendix C does not limit the Integrity Tribunal from enforcing any other applicable rules and regulation, or Parts.

C10. Decisions of the Integrity Tribunal

- a. A decision of the Integrity Tribunal shall be made by a majority decision of the Integrity Tribunal Panel hearing the proceeding.
- b. The Integrity Tribunal may in its discretion give an oral decision but, regardless of whether it gives an oral decision or not, in every proceeding the Integrity Tribunal will as soon as practicable issue a written decision containing reasons for its decision.
- c. The written decision will set out and explain:
 - i. with reasons, the Integrity Tribunal's findings as to whether the Relevant Person committed any offence(s) under this Part;
 - ii. with reasons, the Integrity Tribunal's findings as to what sanctions, if any, are to be imposed on the Relevant Person if an offence has been committed;
 - iii. with reasons, the date upon which any period of suspension that is imposed shall start; and
 - iv. any rights of appeal available to the Parties.
- d. The written decision containing reasons shall be provided to the Parties and/or to representatives of the Parties (if any) and to the Chief Executive of Sport New Zealand.
- e. Subject only to any rights of appeal the decision of the Integrity Tribunal shall be the full, final and complete determination of the matter and shall be binding on the Parties.

APPENDIX D – Appeal Against Decision of Integrity Tribunal

D1. Appeal to the Sports Tribunal of New Zealand

- a. Parties to a proceeding may appeal the decision of the Integrity Tribunal to the Sports Tribunal as set out in this Appendix D and in accordance with the clauses of the Sports Tribunal.

D2. Decisions that may be appealed

- a. Decisions of the Integrity Tribunal that may be appealed to the Sports Tribunal are:
 - i. a decision to impose or to remove a Provisional Suspension
 - ii. a decision that a charge of an offence under this Part should be dismissed for procedural or jurisdictional reasons
 - iii. a decision that an offence under this Part has, or has not, been committed
 - iv. a decision to impose, or not impose sanctions, including the appropriateness of any sanction imposed for an offence under this Part.

D3. Grounds of Appeal

- a. The grounds for appealing a decision of the Integrity Tribunal to the Sports Tribunal shall only be one or more of the following grounds:
 - i. the decision of the Integrity Tribunal is wrong having regard to the application of this Part;
 - ii. natural justice has been denied;
 - iii. the Integrity Tribunal, or other relevant decision-maker or decision making body of Athletics NZ, acted outside its powers and/or jurisdiction (ie acted ultra vires);
 - iv. substantial new evidence became available, which could not be located prior to the original hearing, after the decision which is being appealed was made; and/or
 - v. the sanction imposed was either excessive or inappropriate.

D4. Decisions being appealed remain in effect unless the Sports Tribunal decides otherwise

- a. Decisions of the Integrity Tribunal being appealed to the Sports Tribunal shall remain in effect and binding pending the Sports Tribunal's determination of the appeal, unless the Sports Tribunal decides otherwise.
- b. Nothing in D4a. of Appendix D above prevents a Party to the proceeding applying to the Sports Tribunal to suspend the decision, or any part of the decision, of the Integrity Tribunal until the Sports Tribunal determines the appeal.

D5. Time period for filing appeals to the Sports Tribunal

- a. Appeals against a decision of the Integrity Tribunal must be filed within 28 days from the date the appealing Party received the written decision containing reasons for the decision of the Integrity Tribunal.

D6. Applicable rules and governing law regarding appeals

- a. The clauses of the Sports Tribunal in force at the time shall apply, except to the extent they are inconsistent with any provision in this Appendix D dealing with appeals.
- b. The governing law shall be New Zealand law.

D7. Appeal of a Sports Tribunal decision

- a. The decision of the Sports Tribunal shall be final and binding and shall not be questioned in any court of law otherwise than in accordance with D7b. of this Appendix D below.
- b. A Party may appeal a decision of the Sports Tribunal to the Court of Arbitration for Sport (CAS) within 15 working days of the written decision of the Sports Tribunal.
- c. An appeal will not operate as a stay of proceedings of the Sports Tribunal decision unless the Sports Tribunal or CAS so orders.

APPENDIX E – Flow Diagram of Key Processes in this Policy

Reporting – Rule 9

A person reports a suspected breach of the Policy to the Integrity Officer (IO)

Within 48 hours IO records the report in a match-fixing incidents register and copies to the NSO CEO

IO Investigation - Rules 10.1-10.2

IO MUST:

If conduct could be a crime:

OR

Decide not to investigate:

OR

Investigate

Refer report/other information to NZ Police, take advice and investigate if appropriate

If an IRO referral and no investigation or no further investigation by IO

Send a report to the Integrity Review Officer (IRO) & CEO – end of matter unless IRO requires IO to investigate

IO Investigation Is Complete – Rule 10.3

IO sends relevant material, investigation report and recommendations to IRO and Respondent (Relevant Person being investigated)

Within 14 days Respondent may send additional material and a written submission about the complaint to IO and IRO

IRO Decides – Rule 11 & Appendix A IRO REVIEWS ALL MATERIAL AND DECIDES:

If conduct could be a crime IRO requires IO to refer to NZ Police

No breach/insufficient evidence – end of matter unless new information arises – report made

Offence established which is not a corruption offence (3.2/3.6) AND not serious offending

Warning and reprimand imposed

IRO reports to Respondent, IO, CEO of NSO

Evidence of a corruption offence in Rule 3.2/3.6 or other serious offending

IRO requires IO to refer matter to the Integrity Tribunal (IT)

IRO sends copy to CEO of Sport NZ

If no appeal, IRO sends report to CEO of Sport NZ

Respondent has right of appeal within 14 days (Appendix B) – IRO forwards appeal to Integrity Tribunal (IT)

IO sends Notice of Charge to IT and may apply for Provisional Suspension

Integrity Tribunal & Appeals - Rules 13, 15, & Appendices C & D

IT conducts hearing of matter/appeal, decides and imposes sanctions – Appendix C

Appeal to Sports Tribunal – Appendix D

Appeal to Court of Arbitration for Sport – Appendix D



Athletics New Zealand (Incorporated)

Incorporated Society No. 216839

INTEGRITY REGULATION

Part 5 – Protected Disclosures

Issued 12 September 2018

Table of Contents

1.	Purpose of Part 5	86
2.	Disclosure covered by Part 5	86
3.	Disclosure Process – Summary Diagram	87
4.	Disclosure Process – Details	88
5.	Dealing with the disclosure	90
6.	Protections for employees who make disclosures	91
7.	Disclosures under Part 4 of Athletics NZ’s Integrity Regulation (Anti-Match Fixing and Sports Betting)	91
8.	Definitions	92

1. Purpose of Part 5

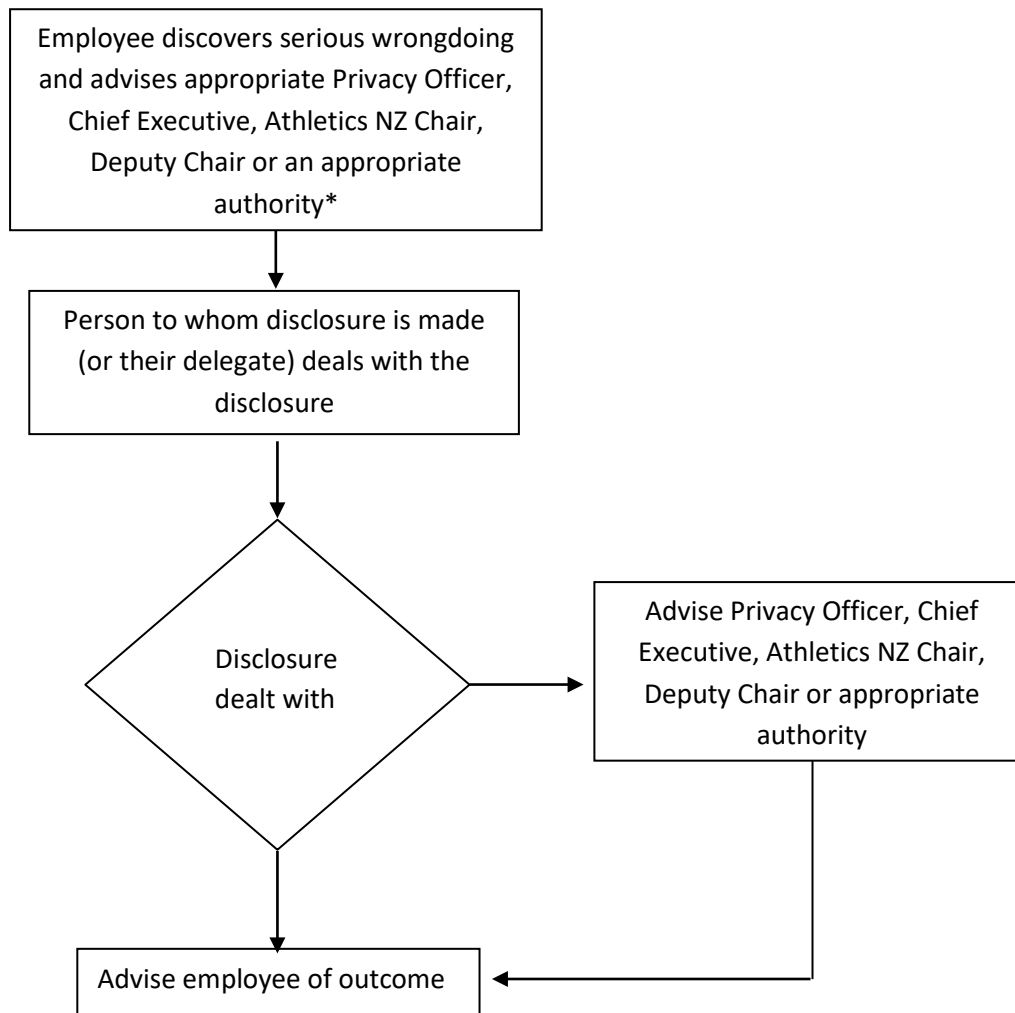
- 1.1 To ensure disclosure is made a necessary component in the detection and prevention of fraud and/or dishonest dealings within Athletics NZ and to comply with the Protected Disclosures Act 2000 (the Act).

2. Disclosure covered by Part 5

- 2.1 An Athletics NZ employee may disclose information in accordance with this Part if:
- a. the information is about serious wrongdoing in or by Athletics NZ; and
 - b. the employee believes on reasonable grounds that the information is true or likely to be true; and
 - c. the employee wishes to disclose the information so that the serious wrongdoing can be investigated; and
 - d. the employee wishes the disclosure to be protected.
- 2.2 Disclosure made in accordance with this Part may provide that employee with immunity from civil and criminal proceedings in respect of that disclosed serious wrongdoing as provided in section 18 of the Act.

3. Disclosure Process – Summary Diagram

3.1 The following diagram illustrates the disclosure process set out in Part 5:



*In the circumstances set out in clause 4.6 the disclosure may be made to a Minister of the Crown or an Ombudsman.

NOTE: Disclosure of information under Part 5 may also need to be made under Part 4 of Athletics NZ's Integrity Regulation (Anti-Match Fixing and Sports Betting) – see clause 7 below for further details.

4. Disclosure Process – Details

4.1 Disclosures to be made to Privacy Officer

An employee should, in the first instance, make disclosure to the Athletics NZ Privacy Officer unless the employee making the disclosure believes, on reasonable grounds, that:

- a. the Privacy Officer is or may be involved in the serious wrongdoing alleged in the disclosure; or
- b. the Privacy Officer is, by reason of any relationship or association with a person who is or may be involved in the serious wrongdoing alleged in the disclosure, not a person to whom it is appropriate to make the disclosure.

4.2 Disclosures to be made to Chief Executive

If disclosure cannot be made to the Athletics NZ Privacy Officer for the reasons noted above, then the employee should make disclosure to the Chief Executive unless the employee making the disclosure believes, on reasonable grounds, that:

- a. the Chief Executive is or may be involved in the serious wrongdoing alleged in the disclosure; or
- b. the Chief Executive is by reason of any relationship or association with a person who is or may be involved in the serious wrongdoing alleged in the disclosure, not a person to whom it is appropriate to make the disclosure.

4.3 Disclosures to be made to Chair

If disclosure cannot be made to the Athletics NZ Privacy Officer or the Chief Executive for the reasons noted above, then the employee should make disclosure to the Athletics NZ Chair unless the employee making the disclosure believes, on reasonable grounds, that:

- a. the Athletics NZ Chair is or may be involved in the serious wrongdoing alleged in the disclosure; or
- b. the Athletics NZ Chair is by reason of any relationship or association with a person who is or may be involved in the serious wrongdoing alleged in the disclosure, not a person to whom it is appropriate to make the disclosure.

4.4 Disclosures to be made to Deputy Chair

If disclosure cannot be made to the Athletics NZ Privacy Officer, the Chief Executive or the Athletics NZ Chair for the reasons noted above, then the employee should make disclosure to the Athletics NZ Deputy Chair unless the employee making the disclosure believes, on reasonable grounds, that:

- a. the Athletics NZ Deputy Chair or another member of the Board is or may be involved in the serious wrongdoing alleged in the disclosure; or
- b. the Athletics NZ Deputy Chair or another member of the Board is by reason of any relationship or association with a person who is or may be involved in the serious wrongdoing alleged in the disclosure, not a person to whom it is appropriate to make the disclosure.

4.5 Disclosures to be made to Appropriate Authority

If disclosure cannot be made to the Athletics NZ Privacy Officer, the Chief Executive, the Athletics NZ Chair or the Athletics NZ Deputy Chair for the reasons noted above, then the employee should make disclosure to an Appropriate Authority. An employee may also make disclosure to an Appropriate Authority if the employee making the disclosure believes, on reasonable grounds, that:

- a. immediate reference to an Appropriate Authority is justified by reason of the urgency of the serious wrongdoing to which the disclosure relates, or some other exceptional circumstances; or
- b. there has been no action or recommended action on the matter to which the disclosure relates within 20 working days after the date on which the disclosure was made.

4.6 Disclosures may be made to a Minister of the Crown or an Ombudsman

In addition, an employee may make disclosure under this Part to a Minister of the Crown or an Ombudsman if the employee making the disclosure:

- a. has already made substantially the same disclosure in accordance with clauses 4.1, 4.2, 4.3, 4.4 or 4.5 and
- b. believes, on reasonable grounds, that the person or Appropriate Authority to whom the disclosure was made in accordance with those clauses:
 - i. has decided not to investigate the matter; or
 - ii. has decided to investigate the matter but has not made progress with the investigation within a reasonable time after the date on which the disclosure was made to the person or Appropriate Authority; or
 - iii. has investigated the matter but has not taken any action in respect of the matter nor recommended the taking of action in respect of the matter, as the case may require; and
- c. continues to believe, on reasonable grounds, that the information disclosed is true or likely to be true.

- 4.7 A disclosure under clause 4.6 of this Part may only be made to an Ombudsman if it is made for the purpose of allowing the Ombudsman to act under Sections 15 or 16 of the Act.
- 4.8 The Athletics NZ Privacy Officer and anyone else to whom a disclosure is made under this Part have authority either to investigate or arrange an appropriate person to investigate the disclosure.
- 4.9 A disclosure may be made orally or in writing and should, wherever possible, provide sufficient information to allow an investigation to commence.

5. Dealing with the disclosure

- 5.1 Athletics NZ will investigate all disclosures made in accordance with this Part, subject to clause 7 relating to Part 4 of the Integrity Regulations (Anti-Match Fixing and Sports Betting).
- 5.2 The person conducting the investigation may contact the employee, if required, to obtain:
- a. additional information to progress the investigation;
 - b. confirmation of the facts of the initial disclosure; and
 - c. evidence relating to the allegation of serious wrongdoing.
- 5.3 Where serious wrongdoing is found to have occurred then a full report of the situation will be either
- 5.4 sent to the Chief Executive for action;
- 5.5 if disclosure could not be made to the Chief Executive for the reasons set out in clause 4.2, then sent to the Athletics NZ Chair for action;
- 5.6 if disclosure could not be made to the Athletics NZ Chair for the reasons set out in clause 4.3, then sent to the Athletics NZ Deputy Chair for action; or
- 5.7 if disclosure could not be made to the Athletics NZ Deputy Chair for the reasons set out in clause 4.4, then sent to an Appropriate Authority.
- 5.8 Where the information is found as a result of the investigation not to have substance, then the person making the disclosure (if known) is to be advised of the outcome of the investigation.

6. Protections for employees who make disclosures

6.1 Identity to be protected

The person investigating the disclosure must make all reasonable efforts to protect the identity of the employee making a disclosure, unless that person consents in writing that his or her identity may be disclosed.

6.2 Additional protections

The Act sets out additional protections that will be extended to those making a disclosure including:

- a. immunity from civil and criminal proceedings; and
- b. the right of an employee making a disclosure to raise a personal grievance against the organisation if he or she is subject to retaliation or unjustified disadvantage.

6.3 Where protections do not apply

The protections conferred by the Act do not apply where an employee makes a disclosure knowing that the allegation is false or the employee otherwise acts in bad faith.

7. Disclosures under Part 4 of Athletics NZ's Integrity Regulation (Anti-Match Fixing and Sports Betting)

7.1 If the person to whom a disclosure is made considers that the disclosure should be made under Part 4 - Anti-Match Fixing and Sports Betting, the person to whom the disclosure is made shall report the disclosure in accordance with Part 4, and:

- a. Athletics NZ is not required to investigate the disclosure under clause 5.1 of Part 5 if:
 - i. the disclosure is about serious wrongdoing to which Part 4 applies; and
 - ii. the disclosure is not about other serious wrongdoing to which Part 4 does not apply.
- b. Athletics NZ is required to investigate the disclosure under clause 5.1 of Part 5 if the disclosure is about serious wrongdoing to which Part 4 does not apply.
- c. If Athletics NZ is required to investigate the disclosure under Part 5, Athletics NZ may, subject to obtaining agreement of the Athletics NZ Integrity Officer, engage the Athletics NZ Integrity Officer to undertake the investigation under this Part.

8. Definitions

Act means the Protected Disclosures Act 2000.

Appropriate authority includes:

- a. the following persons:
 - i. the Commissioner of Police;
 - ii. the Controller and Auditor-General;
 - iii. the Director of the Serious Fraud Office;
 - iv. the Inspector-General of Intelligence and Security;
 - v. an Ombudsman (as defined in the Act);
 - vi. the Parliamentary Commissioner for the Environment;
 - vii. the Independent Police Conduct Authority;
 - viii. the Solicitor-General;
 - ix. the State Services Commissioner; and
 - x. the Health and Disability Commissioner;
- b. the head of every public sector organisation (as defined in the Act), whether or not mentioned in paragraph (a); and
- c. a private sector body which comprises members of a particular profession or calling and which has power to discipline its members; but
- d. does not include:
 - i. a Minister of the Crown; or
 - ii. a member of Parliament

Athletics NZ means Athletics New Zealand (Incorporated) (Inc. Society No. 216839);

Athletics NZ Chair means the chair of the Board;

Athletics NZ Deputy Chair means the deputy chair of the Board;

Board means the board of Athletics NZ;

Chief Executive means the Chief Executive of Athletics NZ or, if there is no such person, the person who undertakes the senior executive role in Athletics NZ;

Disclosure means an allegation of and/or information about serious wrongdoing;

Employee includes:

- a. a former employee;
- b. a homeworker within the meaning of section 5 of the Employment Relations Act 2000;
- c. a person seconded to Athletics NZ;
- d. an individual who is engaged or contracted under a contract for service to do work for Athletics NZ;
- e. a person concerned in the management of Athletics NZ (including a person who is a member of the Board); and
- f. a person who works for Athletics NZ as a volunteer without reward or expectation of reward for that work.

Serious wrongdoing includes any serious wrongdoing of any of the following types:

- a. an unlawful, corrupt, or irregular use of funds or resources of a public sector organisation; or
- b. an act, omission or course of conduct that constitutes a serious risk to public health or public safety or the environment; or
- c. an act, omission or course of conduct that constitutes a serious risk to the maintenance of law, including the prevention, investigation and detection of offences and the right to a fair trial; or
- d. an act, omission or course of conduct that constitutes an offence; or
- e. an act, omission or course of conduct by a public official that is oppressive, improperly discriminatory or grossly negligent or that constitutes gross mismanagement.