

Policy: Anti-Match-Fixing and Sports Betting

Title: Anti-Match-Fixing and Sports Betting

Objective: To prevent match-fixing from undermining the integrity of orienteering

- 1.1 Orienteering 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 orienteering.
- 1.2 Match-fixing, as defined in this policy, involves improperly taking any action to influence the overall result, or any part of, a sports competition or event for financial or other benefit; rather than solely for genuine medical or sporting tactical reasons. Match-fixing is usually associated with corrupt gambling practices such as placing bets on arranged outcomes for financial return.
- 1.3 The purpose of this Policy is to:
- protect and maintain the integrity of orienteering
 - protect orienteering against any efforts to improperly influence the result, or any aspect of any race or event
 - establish uniform rules and a consistent scheme of enforcement and penalties
 - align with the New Zealand Policy on Sports Match-Fixing and Related Corruption developed by Sport New Zealand (Sport NZ)
 - capture match-fixing as an offence
- 1.4 Conduct prohibited by this policy may also be deemed a criminal offence and/or a breach of New Zealand laws or regulations.
- 1.5 This policy only applies to Persons associated with Orienteering NZ, namely:
- those who hold Board or other governance positions within Orienteering NZ
 - those who hold management positions within Orienteering NZ
 - all employees and/or independent contractors of Orienteering NZ
 - All members of Orienteering NZ who participate, officiate or are involved in:
 - international competitions or events under the jurisdiction of International Orienteering Federation (IOF) or Orienteering NZ.
 - International benchmark competitions or events (such as World Championships, World Cups, Oceania Championships or one-off international competitions)
 - Any other competition or event which attracts or is likely to attract a betting market (including competitions or events which have no domestic betting markets but attract overseas betting markets)
 - Agents representing anyone listed above.
- 1.6 This policy does not apply to third parties outside the jurisdiction of Orienteering NZ, who may be involved in match-fixing.
- 1.7 Orienteering NZ will provide information regarding this policy to all Persons listed in clause 1.5.
- 1.8 Prohibited Conduct is defined as:
- Corruption:
 - fixing, contriving, 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 for any money, benefit or reward.
 - paying or accepting, or seeking or offering or agreeing 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.

- iii. failing to perform as reasonably expected to their abilities in, or withdraw completely from, any competition or event for money, benefit or reward.
 - b) Betting:
 - i. betting, gambling or entering into any other form of financial speculation on any competition or event under the jurisdiction of, or connected to, Orienteering NZ.
 - c) Misusing Inside Information
 - i. using, or providing to any person, inside information where it might reasonably be expected the information could be used for betting purposes
 - ii. paying or accepting, or seeking or offering or agreeing to pay or accept, any bribe or other benefit or reward for inside information
- 1.9 General Offences. A Person as defined in clause 1.5, shall be considered to have committed an offence if they:
- a) receive, take an action with the expectation of receiving, or provide or offer to provide any benefit or reward which may give the impression the 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 of match-fixing.
 - c) engage in any other form of corrupt conduct, as defined by Orienteering NZ, regarding any competition or event under the jurisdiction of, or connected to, Orienteering NZ.
- 1.10 Further offences relating to Prohibited Conduct in clauses 1.8 to 1.9.
- a) knowingly help with, cover up or otherwise be complicit in any Prohibited Conduct, induce, instruct, encourage or facilitate anyone to engage in any Prohibited Conduct.
 - b) attempt to engage, or agree with any other person to engage in any Prohibited Conduct whether or not such attempt or agreement in fact resulted in the commission of a match-fixing offence or breach.
 - c) engage in any conduct relating directly or indirectly to any Prohibited Conduct, which is prejudicial to the interests of Orienteering NZ or which brings the person engaging in the conduct, or Orienteering NZ, into disrepute.
- 1.11 A Person as defined in clause 1.5, shall disclose information or cooperate with investigations relating to match-fixing and shall:
- a) promptly disclose to Orienteering NZ full details of facts and circumstances of which they are aware, including any acts, incidents, approaches, invitations or threats relating to them or any other person regarding any Prohibited Conduct.
 - b) cooperate fully with any reasonable investigation carried out by Orienteering NZ regarding any alleged match-fixing breach, including providing any information requested.
- 1.12 Any information or reports on alleged Prohibited Conduct by a Person, or activity by anyone outside the sport, which Orienteering NZ considers may be a criminal offence, shall be immediately referred to the New Zealand Police.
- 1.13 Orienteering NZ will designate an Integrity Officer and an Integrity Review Officer whose roles are to investigate and review any reports of match-fixing.
- 1.14 An Orienteering NZ Integrity Tribunal will have the authority to conduct any hearings, make decisions on matters referred to it in relation to match-fixing and impose any sanctions. The Integrity Tribunal shall be established using the same procedures as defined in the Orienteering NZ Constitution for the Orienteering NZ Judicial Committee.

Table of Sanctions

Offence	Range of Sanctions for Each Offence	Additional Sanctions the Integrity Tribunal may Impose
Corruption Clause 1.8(a)	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**	AND IN ALL CASES: The Integrity Tribunal shall have the discretion to additionally impose:
Betting Clause 1.8(b)	Minimum: Warning and reprimand Maximum: Two (2) years suspension	(a) a fine on the Person up to a maximum of the value of any benefit or reward received by the Person directly or indirectly, out of, or in relation to, the offence committed under this Policy – paid to Orienteering NZ or other recipient as determined by the Integrity Tribunal;
Misusing Inside Information Clause 1.8(c)	Minimum: Warning and reprimand Maximum: Five (5) years suspension	and/or
General Offences Clause 1.9	Minimum: Warning and reprimand Maximum: Five (5) years suspension	(b) appropriate further options including without limitation the cancellation of competition/event results, points reduction, return of benefits or rewards, withdrawal of accreditation, exclusion from competition/event venues and/or official player environs, as appropriate;
Further Offences Relating to Prohibited Conduct Clause 1.10	Sanctions range will be the same as set out in this table for the particular relevant primary offence above. Lower range of sanctions: from a warning and reprimand up to a maximum of two (2) years suspension	and/or
Failure to Disclose or Cooperate Clause 1.10	Minimum: Warning and reprimand Maximum: Two (2) years suspension	(c) an order that the Defendant pay an amount of costs to Orienteering NZ

** A Person found to have committed an offence may be eligible for the “Lower range of sanctions” only if the Person establishes, on the balance of probability, the mitigating factor set out in clause 4.8.

Investigation, Review and Judicial Procedures

The following procedures will be used to guide an investigation, review or judicial process in relation to match-fixing.

- 1.1 The Integrity Officer's role is to receive and investigate any match-fixing allegation.
- 1.2 The Integrity Review Officer's role is to review a match-fixing allegation and decide if any action is to be taken regarding:
 - i. a report, decision and reasons received from the Integrity Officer; or
 - ii. the material, report, recommendations and submissions (if any) received from the Integrity Officer and the Defendant.

2. Reporting Process

- 2.1 Any Person as defined in clause 1.5, or anyone else associated with Orienteering NZ, shall report a suspected match-fixing breach to Orienteering NZ as soon as practicable.
- 2.2 A report to the Integrity Officer should outline any acts, incidents, approaches, invitations or threats relating to them or any other person regarding any Prohibited Conduct. This includes reporting that the Person:
 - a. has been approached by someone to engage in conduct that is Prohibited Conduct
 - b. knows or reasonably suspects that another person has engaged in conduct, or been approached to engage in conduct, that is Prohibited Conduct.
 - c. 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
 - d. is aware or reasonably suspects there is deliberate avoidance by Orienteering NZ of acknowledging and acting on any Prohibited Conduct, in which case the report must be made to the Chief Executive Officer of Sport New Zealand.
 - e. has been interviewed as a suspect, charged, or arrested by the New Zealand Police regarding conduct which would amount to an allegation of Prohibited Conduct.
- 2.3 If the Integrity Officer is being reported, this shall be directed to the General Manager of Orienteering NZ. If the General Manager is the Integrity Officer, then the Chair of Orienteering NZ shall receive the report.
- 2.4 Where a report is made to the Chair, another Integrity Officer will be designated by Orienteering NZ to investigate the match-fixing allegation.
- 2.5 A report may be made verbally but shall be confirmed in writing before an investigation is commenced.
- 2.6 The Integrity Officer must record within 48 hours the receipt of the report, and forward a copy to the General Manager, or Chair of Orienteering NZ if the General Manager is the Integrity Officer.
- 2.7 The Integrity Officer must use their best endeavours not to disclose information which might identify the person who has made the report unless:
 - a. the person consents in writing to the disclosure of that identifying information; or
 - b. the Integrity Officer reasonably believes that disclosure of identifying information is essential:
 - i. to enable an effective investigation; or
 - ii. to prevent serious risk of harm to any person; or
 - iii. having regard to the principles of natural justice.
- 2.8 Any report and any record of it will be dealt with confidentially by Orienteering NZ unless disclosure is otherwise required or permitted under this Policy, by law, or if the allegation of the Prohibited Conduct has already been made public by the person who made the report and Orienteering NZ considers that, in the circumstances, the reasons for disclosure outweigh the reasons for non-disclosure.

- 2.9 Anyone who has made a report about another person, shall not be subject to retaliatory action by Orienteering NZ, and if an Orienteering NZ employee or contractor, must not be disadvantaged in their employment or engagement with Orienteering NZ.
- 2.10 Subject to law, the protections in clause 2.9 will not apply where an investigation establishes the person has intentionally made a false report, or made their report in bad faith.
- 2.11 A person has a continuing obligation to report any new knowledge or suspicion regarding any conduct that may amount to Prohibited Conduct, even if the person's prior knowledge or suspicion has already been reported.

3. Investigations

- 3.1 The Integrity Officer is responsible for investigating any alleged match-fixing breach.
- 3.2 Following receipt of a report or other information, the Integrity Officer must do one of the following:
- 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 this Policy or any relevant law); or
 - decide to investigate.
 - refer to the New Zealand Police any report or information involving conduct which may be a criminal offence.
- 3.3 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.
- 3.4 The Integrity Officer will investigate the activities of anyone who they believe may have committed match-fixing or where the Integrity Review Officer decides the Integrity Officer must investigate.
- 3.5 Investigations may be conducted in conjunction with, and information obtained in investigations may be shared with International Orienteering Federation (IOF) and/or other national sport 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.
- 3.6 The Integrity Officer may collect information relevant to the investigation. The collection of information will be subject to the privacy policies (if any) of Orienteering NZ and to applicable New Zealand law (such as the Privacy Act 1993). The Integrity Officer may:
- only access personal information to which consent has been provided under this Policy (and any applicable privacy policy) or is otherwise able to be lawfully collected under applicable legislation
 - make a request of any Person as defined in Clause 1.5 to provide any other information
 - request any Person as defined in Clause 1.5 to make a written statement setting out in detail all of the facts and circumstances of which they are aware regarding the alleged breach.
- 3.7 Any Integrity Officer's investigation must be undertaken in accordance with any relevant provisions in any applicable agreement between Orienteering NZ and the Defendant. In particular, the Integrity Officer will:
- provide the Defendant with information in their possession relevant to the investigation, subject to any applicable legal obligations
 - allow the Defendant an appropriate opportunity to consider and respond to that information.
- 3.8 The Defendant shall cooperate fully with and 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 Policy.

- 3.9 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 person who is being investigated (the Defendant).
- 3.10 The Defendant shall within 14 days after receipt of the material, report and recommendations from the Integrity Officer, provide to both the Integrity Officer and the Integrity Review Officer their written submission regarding the complaint with any additional material they believe is relevant.
- 3.11 The Integrity Review Officer's role is to review and make decisions regarding material submitted to the Integrity Review Officer.
- 3.12 Where the Integrity Review Officer concludes that no breach has occurred, or there is insufficient evidence to support an allegation, the matter is at an end, except that a written report must be provided to the Defendant and Orienteering NZ. 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.
- 3.13 Where an offence has been established, the Integrity Review Officer must impose a sanction of a warning and reprimand only if:
- i. the offence is not a corruption offence (clauses 1.8-1.10) or a further offence relating to Prohibited Conduct; 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, aggravating and mitigating factors must be taken into account.
- 3.14 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 the Defendant and Orienteering NZ.
- 3.15 The Defendant has a right to appeal against a decision by the Integrity Review Officer that an offence has been established for which a sanction of a warning and reprimand only is imposed. The Defendant will have 14 days to lodge a written appeal to the Integrity Review Officer outlining the reasons for the appeal.
- 3.16 Any appeal on sanction imposed by the Integrity Review Officer shall be heard by the Orienteering NZ Integrity Tribunal.
- 3.17 The Integrity Officer must report any matter to the Integrity Tribunal where there is sufficient evidence supporting that an offence relating to Prohibited Conduct or a non-corruption offence has occurred, and the offending is serious enough to warrant a sanction other than a warning and reprimand only.
- 3.18 The Integrity Officer shall send to the Integrity Tribunal and the Defendant, written notice of the following:
- i. the allegation that an offence has occurred and there is a case to answer
 - ii. the specific alleged offence(s)
 - iii. details of the alleged acts and/or omissions relied upon in supporting the allegation the Defendant has committed an offence(s)
 - iv. the range of sanctions applicable if the alleged offence(s) are established
 - v. in the case of an alleged offence that the Integrity Review Officer considers the level of offending is serious enough to justify a sanction other than a warning and reprimand only, other than a corruption offence or a further offence relating to Prohibited Conduct
 - vi. information concerning their rights and the procedure for responding to the charge

- 3.19 Where there is evidence of a corruption offence, or other serious offending, the Integrity Review Officer will instruct in writing to the Integrity Officer to refer the matter to the Integrity Tribunal. A copy of this instruction is also to be forwarded to the Chief Executive Officer of Sport NZ.
- 3.20 Judicial proceedings are started by the Integrity Officer referring an alleged breach to the Integrity Tribunal by filing a Notice of Charge and providing a copy to the Defendant. The Notice of Charge may be provided by email, post, courier or delivered in person.
- 3.21 The Defendant 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 the Integrity Tribunal may impose a sanction without holding a hearing.
- 3.22 Within 14 days of receiving the Notice of Charge, the Defendant shall respond in writing to the Integrity Tribunal, with a copy to the Integrity Officer and Orienteering NZ.
- 3.23 If the Defendant does not respond within the 14 day period, or such extended period as may be agreed by the Integrity Tribunal, the Defendant will be deemed to have waived their right to participate in a hearing. If the Defendant responds after 14 days, the Integrity Tribunal may, at its discretion, give the Defendant permission to participate in a hearing.

4 Provisional Suspension and Sanctions

- 4.1 Where the Integrity Officer files a Notice of Charge, the Integrity Officer may also apply to the Integrity Tribunal for the Provisional Suspension of the Defendant until the Integrity Tribunal is able to determine the matter.
- 4.2 The Integrity Review Officer may also request a Provisional Suspension be imposed.
- 4.3 If the Provisional Suspension is approved, the Defendant shall be notified and any of the following if applicable: the IOF and the Chief Executive Officer of Sport New Zealand.
- 4.4 Where the Integrity Review Officer imposes a sanction it can only be a sanction of a warning and reprimand.
- 4.5 For matters referred to the Integrity Tribunal where the Defendant admits they have committed the offence(s); or the Integrity Tribunal determines a Defendant has committed the offence(s); the Integrity Tribunal will impose an appropriate sanction using the Table of Sanctions.
- 4.6 In determining the relative seriousness of the offending, the Integrity Tribunal will take into account any aggravating and mitigating factors (if any) which apply in this case. These will be noted in the Integrity Tribunal's written decision.
- 4.7 In determining the relative seriousness of the offending, the Integrity Review Officer or the Integrity Tribunal shall take into account the following **aggravating factors** if they apply:
- i. the Defendant has a high degree of fault in relation to the offence(s)
 - ii. a lack or low level of genuine remorse on the part of the Defendant
 - iii. the Defendant has previously been found guilty of an offence under this Policy
 - iv. the Defendant has previously been found guilty of any match-fixing or similar offences and/or breaches under any laws, polices or regulations of any other body
 - v. the amount of any benefit, or reward (including sums of money), directly or indirectly received by the Defendant as a result of the offence(s), is substantial
 - vi. 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 competition(s) or events

- vii. the offence affected (or had the potential to affect) the result of the relevant competition(s) or events
- viii. the welfare of any other person has been endangered as a result of the offence
- ix. the offence involved the Defendant recruiting, involving or using, or acting with more than one other person
- x. the Defendant has not fully co-operated with any investigation and/or the process (regardless of whether this may amount to a separate offence under this Policy)
- xi. any other aggravating factor(s) the Integrity Review Officer or Integrity Tribunal considers relevant and appropriate.

4.8 In determining the relative seriousness of the offending, the Integrity Review Officer or Integrity Tribunal will take into account which **mitigating factors** (if any) apply:

- i. the Defendant has a low degree of fault regarding the offence(s)
- ii. the Defendant has fully co-operated with any investigation
- iii. a timely admission of guilt and/or genuine remorse by the Defendant
- iv. the youth and/or lack of experience of the Defendant
- v. 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)
- vi. the offence did not affect (or did not have the potential to affect) the result of the relevant competition(s) or event(s)
- vii. the Defendant provides substantial help to the Integrity Officer, Orienteering New Zealand or a law enforcement agency which results in the discovery or establishment of:
 - an offence under this Policy committed by another person
 - an anti-match-fixing or other anti-corruption offence under the laws, rules, regulations or policies of another national sports organisation or IOF committed by another person
- viii. the Defendant has already suffered penalties under other laws and/or regulations for the same offence
- ix. the Defendant received no benefit
- x. the diminished mental capacity of the Defendant
- xi. the Defendant has been publicly identified prior to an offence being determined, whether by lack of due care by Orienteering NZ or another reason
- xii. the Defendant ceases and/or rejects an attempt or agreement prior to it being discovered by a third party not involved in the attempt or agreement
- xiii. the alleged offence was committed (and/or that it was not reported to Orienteering NZ) due to the Defendant's honest and reasonable belief there was a serious and imminent threat to their life or safety or to the life or safety of any other person
- xiv. any other mitigating factor(s) the Integrity Review Officer or Integrity Tribunal considers relevant and appropriate.

4.9 The following factors are not relevant in determining whether a match-fixing offence has been committed. They may be considered relevant to the appropriate sanction to be imposed:

- i. the Defendant was not participating in the competition or event to which the offence is alleged to relate
- ii. the nature or outcome of any bets in issue
- iii. the outcome of the competition or event in question or of any aspect of it on which bets were made
- iv. whether or not any benefit or reward was actually given or received
- v. whether or not the benefit or reward was intended for, given to, expected by, or received by, the Defendant or another associated person, for example a family member, friend or someone the Defendant wishes to benefit
- vi. 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 Further provisions concerning sanctions

- 5.1 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.
- 5.2 Where a Defendant is found guilty of committing two breaches relating to the same incident or set of facts and sanctioned separately, then any sanctions imposed will run concurrently (and not cumulatively).
- 5.3 Where a fine and/or costs award is imposed against a Defendant, the fine or costs award must be paid within a reasonable time period specified by the Integrity Tribunal. Orienteering NZ will consider any request from the Defendant 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.
- 5.4 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 agreed by Orienteering NZ, the Defendant will be suspended until such payment or part payment is made. Orienteering NZ may also seek to recover the fine by recovery/enforcement action.
- 5.5 Any Suspension imposed on a Defendant starts on the date the decision imposing the Suspension is issued. Any period of Provisional Suspension served by the Defendant shall be credited against the total period of Suspension to be served unless otherwise indicated in the written decision.
- 5.6 A Defendant 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) authorised, organised, sanctioned, recognised or supported in any way by Orienteering NZ or any members of Orienteering NZ.
- 5.7 The IOF and other national orienteering organisations will be entitled to enforce any Suspension by the Orienteering NZ Integrity Tribunal.
- 5.8 A Defendant who is under Suspension will still be required to comply with this Policy during the Suspension period. If the Defendant is alleged to have committed another offence during that period, this will be treated as a separate matter, and new proceedings will be commenced.
- 5.9 Once the Suspension has expired, the Defendant 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 Orienteering NZ or members of Orienteering New Zealand provided the Defendant has:
 - i. completed an Orienteering NZ approved anti-match-fixing or other anti-corruption programme to the reasonable satisfaction of the Integrity Officer
 - ii. paid in full any fine and/or costs award made against them by the Integrity Tribunal, or the Sports Tribunal
 - iii. agreed to any additional monitoring procedures or requirements considered necessary by the Integrity Officer
- 5.10 Where a sanction is determined, with the exception of any right to appeal or right to take any other legal avenues, no further action will be taken regarding the matters investigated and sanctioned.
- 5.11 Decisions and sanctions of the IOF, international federations of other sports, other national sport organisations in New Zealand which are based on similar anti match-fixing or anti-corruption rules will be enforced by Orienteering NZ automatically upon receipt of notice.

Integrity Tribunal

6 Provisional Suspension Hearing

- 6.1 Where the Integrity Officer has requested a Provisional Suspension, the Integrity Tribunal will consider the request urgently and will hold a hearing as soon as practicable to decide whether to impose a Provisional Suspension.
- 6.2 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.
- 6.3 If the Defendant agrees to a Provisional Suspension the Integrity Tribunal does not have to hold a hearing.
- 6.4 In exceptional circumstances (such as the Defendant is due to participate in competition the day after the Provisional Suspension application is filed and a hearing is not possible) the Integrity Tribunal may decide to impose a Provisional Suspension based on the material presented without holding a hearing or receiving a submission from the Defendant. In this case the Integrity Tribunal will hold a hearing on whether the Provisional Suspension should be maintained or whether to hear the alleged offence as soon as possible.
- 6.5 The Integrity Tribunal will, wherever possible, seek to hold an urgent provisional hearing (unless the Defendant agrees to accept a Provisional Suspension) before imposing a Provisional Suspension.
- 6.6 The Integrity Tribunal will adopt any procedures for hearings regarding a Provisional Suspension as the Tribunal considers will provide the Parties with a fair hearing in the matter.
- 6.7 The Integrity Tribunal may impose a Provisional Suspension where it considers an offence has been committed and it is appropriate to impose a Provisional Suspension on the Defendant.
- 6.8 During the period of Provisional Suspension the same limitations apply as per clause 5.6 and 5.7.
- 6.9 Where a Provisional Suspension is imposed and fulfilled by the Defendant, they shall receive a credit for any period of Provisional Suspension against any period of Suspension which may be imposed.
- 6.10 If a Defendant 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, the Defendant shall receive a credit for such period of voluntary Provisional Suspension against any period of suspension which may be imposed.
- 6.11 The Integrity Tribunal has the discretion 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 Defendant elected not to compete or was suspended by Orienteering NZ.

7 Hearing Procedures

- 7.1 Within seven (7) days of the Defendant filing their response to the Notice of Charge, the Integrity Tribunal will convene a pre-hearing conference with all Parties to discuss and decide procedural matters to progress to a hearing.

- 7.2 During the pre-hearing conference the Integrity Tribunal will confirm the hearing date, the venue for the hearing (in person or by audio or audio-visual means), give any procedural or evidential direction which may be appropriate (including timetables for filing any evidence, witness statements or submissions) and other requests to facilitate an efficient and effective hearing.
- 7.3 The purpose of the hearing shall be:
- i. to determine whether the Defendant has engaged in the Prohibited Conduct alleged in the Notice of Charge and therefore committed an offence
 - ii. to impose sanctions if the Integrity Tribunal determines, or the Defendant admits, an offence has been committed.
- 7.4 The Integrity Tribunal may conduct the hearing as it sees fit and will not be bound by rules of evidence or unnecessary formality.
- 7.5 The Integrity Tribunal will conduct the hearing and determine matters in accordance with the principles of natural justice and procedural fairness. This includes, but is not limited to:
- i. conducting the hearing in a manner which 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 has been provided to the Defendant
 - iv. ensuring the Defendant and their representatives, the Integrity Officer and/or Orienteering NZ are given an adequate opportunity to be heard and to prepare and present their case
 - v. ensuring the Defendant is provided with and given proper opportunity to consider, challenge or contradict any evidence relied upon to support allegations against them and the Defendant 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 which is either excessive or inappropriate.
- 7.6 The Defendant who is alleged to have committed the offence, the Integrity Officer and/or Orienteering NZ:
- i. may call and question witnesses
 - ii. has the right to address the Integrity Tribunal to make their case
 - iii. is permitted to provide written submissions for consideration by the Integrity Tribunal (instead of or as well as appearing in person) and if the Defendant and the Integrity Officer and/or Orienteering NZ provide any written submissions, the Integrity Tribunal must consider those submissions in its deliberations.
- 7.7 The hearing will be inquisitorial in nature, with cross examination allowed, and the Integrity Tribunal may call such evidence as it thinks fit in its discretion and all persons subject to this Policy must, if requested to do so by the Integrity Tribunal, provide such evidence as they are able.
- 7.8 The Integrity Tribunal may make such inferences and draw such conclusions as it considers appropriate from the failure of, or refusal by, any person or the Integrity Officer and/or Orienteering NZ to comply with a request to provide evidence to it.
- 7.9 Where two or more Defendants are alleged to have committed offences, 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.

- 7.10 Parties are not required to have representation but Parties may be represented or assisted in the proceedings by a person of their choice and at their own cost. Each party is also entitled to have a support person if they wish.
- 7.11 Regardless of anything else in this Policy, a person who is interviewed under suspicion, charged or arrested by a law enforcement agency regarding a criminal offence which is, or may be considered to be conduct which is Prohibited Conduct, shall not be required to produce any information, give any evidence or make any statement to the Integrity Tribunal if they establish to do so would breach any privilege against self-incrimination or legal professional privilege.

8 Decisions of the Integrity Tribunal

- 8.1 A decision of the Integrity Tribunal will be made by a majority decision of the Integrity Tribunal hearing the proceeding.
- 8.2 The Integrity Tribunal may give an oral decision but will as soon as practicable issue a written decision containing reasons for its decision.
- 8.3 The written decision will set out and explain with reasons:
- i. the Integrity Tribunal's findings as to whether the Defendant committed any offence(s)
 - ii. the Integrity Tribunal's findings as to what sanctions, if any, are to be imposed on the Person
 - iii. the date upon which any period of suspension will start
 - iv. any rights of appeal available to the Parties.
- 8.4 The written decision containing reasons will be provided to the Parties and/or to representatives of the Parties (if any) and to the Chief Executive Officer of Sport New Zealand if appropriate.
- 8.5 Subject only to any rights of appeal the decision of the Integrity Tribunal will be the full, final and complete determination of the matter and shall be binding on the Parties.

Appeals

9 Appeal against a Decision of Integrity Review Officer

- 9.1 A Defendant may lodge a written appeal within 14 days from the date the Defendant received the Integrity Review Officer's decision outlining reasons for the appeal.
- 9.2 Upon receipt of an appeal, the Integrity Review Officer will refer the appeal to the Integrity Tribunal, together with all of the material, written report, recommendations and any submissions received and the report of the findings and any recommendations.
- 9.3 Decisions of the Integrity Review Officer will remain in effect and binding pending the Integrity Tribunal's determination on the appeal, unless the Integrity Tribunal decides otherwise.
- 9.4 Nothing will prevent a Party to the proceeding applying to the Integrity Tribunal to suspend in full or any part of the Integrity Review Officer's decision until the Integrity Tribunal determines the appeal.

10 Appeal to the Sports Tribunal of New Zealand

- 10.1 Parties to a proceeding may appeal the Integrity Tribunal decision to the Sports Tribunal in accordance with the Rules of the Sports Tribunal.
- 10.2 Integrity Tribunal decisions which may be appealed to the Sports Tribunal are:
- i. to impose or to remove a Provisional Suspension
 - ii. that a charge of an offence be dismissed for procedural or jurisdictional reasons
 - iii. that an offence has, or has not, been committed
 - iv. to impose, or not impose sanctions, including the appropriateness of any sanction imposed for an offence

- 10.3 The grounds for appealing an Integrity Tribunal decision to the Sports Tribunal shall only be one or more of the following grounds:
- i. the decision is wrong having regard to the application of this Policy
 - ii. natural justice has been denied
 - iii. the Integrity Tribunal, or other relevant decision-maker or decision making body of Orienteering NZ, acted outside its powers and/or jurisdiction
 - 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
 - v. the sanction imposed was either excessive or inappropriate.
- 10.4 Decisions of the Integrity Tribunal being appealed to the Sports Tribunal will remain in effect and binding pending the Sports Tribunal's determination of the appeal, unless the Sports Tribunal decides otherwise.
- 10.5 Nothing will prevent 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.
- 10.6 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.
- 10.7 The Rules of the Sports Tribunal in force at the time shall apply.
- 10.8 The decision of the Sports Tribunal shall be final and binding.
- 11 Public Disclosure and Confidentiality**
- 11.1 Except as required by this Policy or applicable laws and/or regulations of Orienteering NZ, the Integrity Officer, Integrity Review Officer, Integrity Tribunal, Defendants and any other parties to proceedings under this Policy will:
- a) keep all proceedings confidential
 - b) make all efforts within their power to ensure their family members/associates will keep all proceedings confidential.
- 11.2 Orienteering NZ will not publicly identify any Defendant who is alleged to have committed an offence until it has been determined by the Integrity Review Officer or Integrity Tribunal an offence has been committed, or as allowed below.
- a) If the decision is an offence has been committed and:
 - i. a sanction of a warning and reprimand only has been imposed, Orienteering NZ has a discretion to publicly report the decision
 - ii. a sanction other than a warning and reprimand only has been imposed Orienteering NZ will publicly report the decision
 - iii. posting the decision on the Orienteering NZ website is sufficient to publicly report the decision, provided no appeal has been received
 - iv. public reporting will not occur until any appeal period has lapsed without the decision being appealed
 - b) If the Integrity Review Officer or Integrity Tribunal determines no offence has been committed by the Person, then the decision may be publicly reported only with the consent of the Person who is the subject of the decision.
- 11.3 Orienteering NZ will use its best endeavours to ensure that persons under its control do not publicly identify any Defendant(s) who are alleged to have committed an offence until the Integrity Review Officer or Integrity Tribunal has determined an offence has been committed, or as allowed under clause 7.2 (b).
- 11.4 Orienteering NZ at its discretion may disclose to other organisations such information as Orienteering NZ may consider necessary or appropriate to facilitate the administration or enforcement of this Policy, provided that

each organisation provides assurance satisfactory to Orienteering NZ the organisation will maintain all such information in confidence.

- 11.5 Orienteering NZ will not comment publicly on the specific facts of a pending case even if public comments are made by (or on behalf of) any person involved in the case or their representatives unless Orienteering NZ considers the reasons for public comment outweigh the reasons for not making public comment.
- 11.6 Subject to any legal restrictions, or those relating to confidentiality or privacy, Orienteering NZ will provide and exchange information, and collaborate regarding any match-fixing related matters 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, and the Department of Internal Affairs or relevant overseas agencies.

Definitions

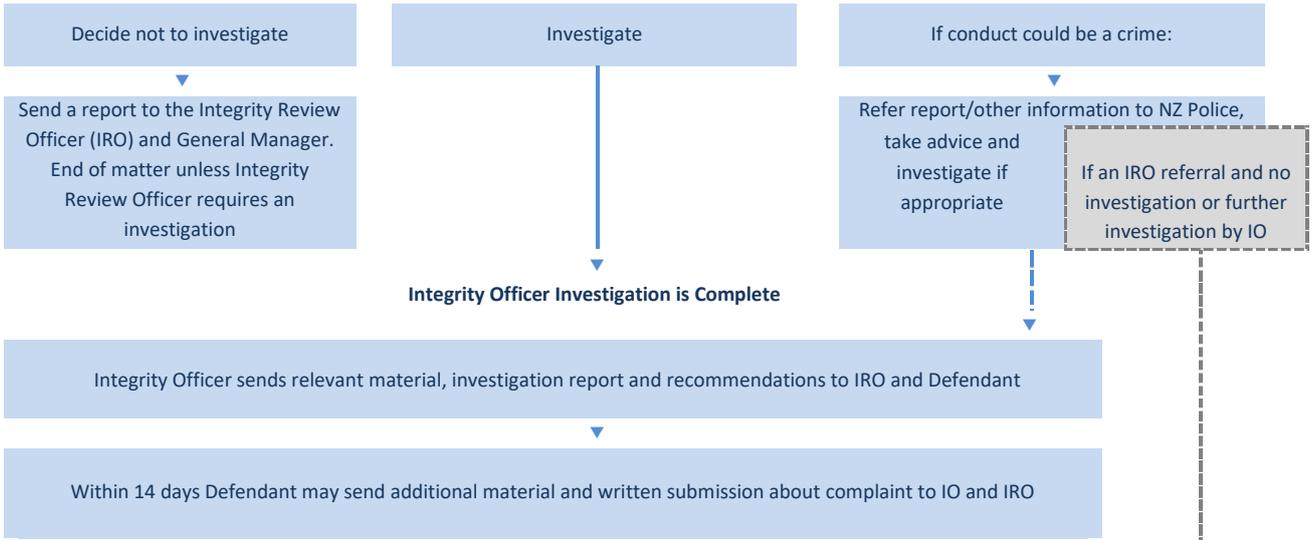
Benefit or Reward	Any direct and/or indirect monetary and/or non-monetary bribe(s), gain(s), benefit(s), gift(s) and/or advantage(s), including, without limitation, winnings and/or potential winnings as a result of a bet(s). This does not include official prize money and/or legitimate contractual payments authorised by Orienteering NZ for participating in competitions or events, any services, sponsorship, endorsements and/or similar payments.
Bet	A bet, wager or other form of financial speculation.
Betting	Making, accepting, or laying a bet, including 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.
Competition	An Orienteering NZ race, event, competition, series, or league, including a one-off competition.
Defendant	A person who is being investigated or charged with an offence which breaches this Policy.
Event	An Orienteering NZ race, event, competition, series, or league, including a one-off competition.
Inside Information	Any information considered being 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 Orienteering NZ or connection to Orienteering NZ. Examples include maps, courses, other information on the competition area, entering embargoed areas, assistance to other competitors, illegal use of electronic devices.
Integrity Officer	A person or persons designated to act as an Integrity Officer of Orienteering NZ.
Integrity Review Officer	A person designated to perform the role of Integrity Review Officer by Orienteering NZ.
Integrity Tribunal	The Integrity Tribunal will be made up of 3 members from the Judicial Panel as defined in the Orienteering NZ Constitution Clause 12.1(b) and 12.2.
Match-Fixing	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. 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	Document initiating offence proceedings to be heard by the Integrity Tribunal.
Provisional Suspension and Suspension	An order made by the Integrity Tribunal, Sports Tribunal, which temporarily prohibits a Defendant from competing or participating in any competition, event or other activities associated with Orienteering New Zealand, until the Integrity Tribunal, Sports Tribunal makes a final decision regarding whether the Defendant has committed an alleged match-fixing offence(s).
Sports Tribunal	The Sports Tribunal of New Zealand, which is an independent statutory entity, as continued under the Sports Anti-Doping Act 2006.

Flow Diagram of Key Processes in this Policy

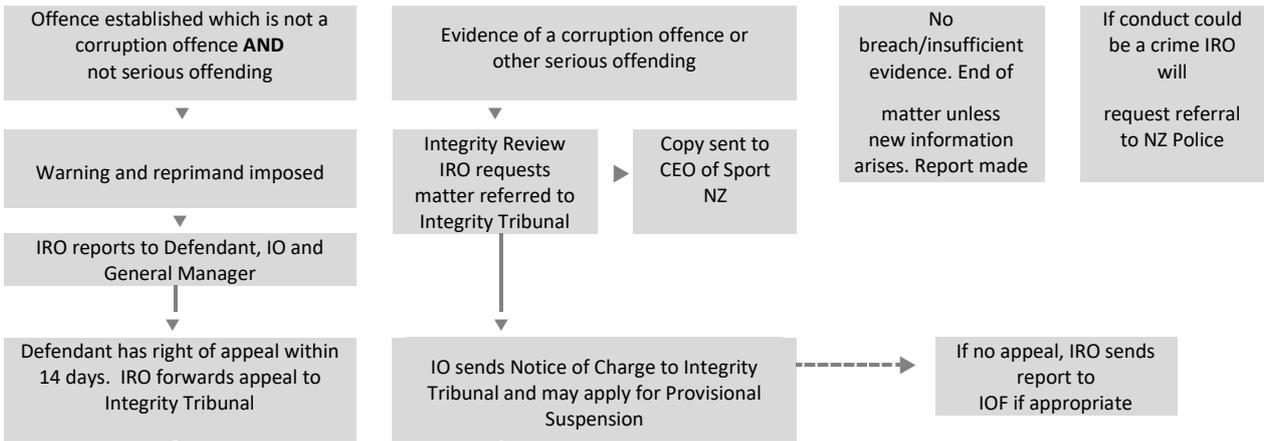
A suspected breach of this Policy reported to the Integrity Officer

Within 48 hours the Integrity Officer records the breach with Orienteering NZ

THE INTEGRITY OFFICER WILL



INTEGRITY REVIEW OFFICER REVIEWS ALL MATERIAL AND DECIDES



INTEGRITY TRIBUNAL AND APPEALS

Integrity Tribunal conducts hearing of matter/appeal, decides and imposes sanctions

Appeal to Sports Tribunal

Key Clauses for Each Party in the Investigation, Review and Judicial Procedures

Person(s) reporting a Breach of Policy	2.1 ↓ 2.5									
Integrity Officer (IO)	1.1	2.6	3.2	4.3		6.1				11
		2.7	↓ 3.20							
Integrity Review Officer (IRO)	1.2		3.9	4.2				9.2		11
			3.12	4.4				9.3		
			3.13	4.7				9.4		
			3.14	4.8						
			3.19							
			3.8		5.2	6.3	7.2	9.1	10	11
			3.10		↓ 5.10	6.8	7.3			
Defendant			3.15		6.10	7.6				
			3.21		6.11	7.9				
			3.22			7.10				
			3.23			7.11				
			3.16	4.1	5.1	6.2	7.1	8.1	10	11
Integrity Tribunal			3.17	4.5		↓ 6.8	↓ 7.8	↓ 8.5		
			3.18	↓ 4.9		6.12				