

## OLYMPIC WINTER INSTITUTE OF AUSTRALIA

---

# OWIA GAMBLING, BETTING AND MATCH-FIXING POLICY

---

### Contents

OWIA GAMBLING, BETTING AND MATCH-FIXING POLICY.....	1
1. INTRODUCTION .....	2
2. APPLICATION .....	2
3. PROHIBITED CONDUCT .....	3
4. REPORTING PROCESS .....	4
5. INVESTIGATIONS .....	4
6. DISCIPLINARY PROCESS.....	6
7. SANCTIONS AND PENALTIES .....	6
8. INFORMATION SHARING.....	6
9. INTERPRETATIONS AND DEFINITIONS .....	7
10. ANNEXURE A - ATHLETE FRAMEWORK.....	9
11. ANNEXURE B - COACHES FRAMEWORK.....	9
12. ANNEXURE C- ALL OTHER RELEVANT PERSONS FRAMEWORK.....	9
13. ANNEXURE D- CODE OF CONDUCT .....	10
14. ANNEXURE E- DISCIPLINARY PROCESS.....	12

## 1. INTRODUCTION

- a) The OWIA recognises that betting is a legitimate pursuit, however illegal or fraudulent betting is not. Fraudulent betting on sport and the associated Match-Fixing is an emerging and critical issue globally, for sport, the betting industry and governments alike.
- b) The OWIA has a major obligation to address the threat of Match-Fixing and the corruption that flows from that.
- c) The OWIA has a zero tolerance for illegal gambling and Match-Fixing.
- d) The OWIA will engage the necessary technical expertise to administer, monitor and enforce this Policy.
- e) The purpose of the OWIA Gambling, Betting and Match-Fixing Policy (“**the Policy**”) is to:
  - i. protect and maintain the integrity of the OWIA;
  - ii. protect against any efforts to impact improperly the result of any match or event;
  - iii. establish a uniform rule and consistent scheme of enforcement and penalties; and
  - iv. adhere to the National Policy on Match-Fixing in Sport as agreed by Australian Governments on 10 June 2011.
- f) The conduct prohibited under this Policy may also be a criminal offence and/or a breach of other applicable laws or regulations. This Policy is intended to supplement such laws and regulations. It is not intended, and should not be interpreted, construed or applied, to prejudice or undermine in any way the application of such laws and regulations. Relevant Persons (refer clause 2.2) must comply with all applicable laws and regulations at all times.

## 2. APPLICATION

### 2.1 Application of Policy

- a) This Policy is made by the Board and is binding on all Relevant Persons. It may be amended from time to time by the Board.
- b) The Board may, in its sole discretion, delegate any or all of its powers under this Policy, including but not limited to the power to adopt, apply, monitor and enforce this Policy.
- c) By virtue of their ongoing membership, employment or other contractual relationship with the Sport, Relevant Persons are automatically bound by this Policy and required to comply with all of its provisions.

### 2.2 Relevant Persons

- a) This Policy applies to any Relevant Person as defined from time to time by the Board. For clarity this includes, but is not limited to:
  - i. Athlete Managers / Agents;
  - ii. Athletes;
  - iii. Coaches;
  - iv. Officials;
  - v. Personnel;
  - vi. Persons who hold governance positions with the Sport or its Member Organisations;
  - vii. Selectors; and
  - viii. Support Staff.

## 2.3 Education

- a) All Relevant Persons must complete appropriate education and training programs as directed by the OWIA from time to time.
- b) All Relevant Persons as at the commencement of this Policy must undertake the OWIA's education program. Relevant Persons must undertake the [online education program available at elearning.sport.gov.au](http://elearning.sport.gov.au).
- c) All persons who become Relevant Persons after the commencement of this Policy must undertake the OWIA's education program as part of their induction:
  - i. prior to competing in any Event or Competition; or
  - ii. within two months of commencing employment (whether paid or voluntary).

## 2.4 Code of Conduct

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

## 3. PROHIBITED CONDUCT

- a) A Relevant Person to whom this Policy applies must not directly or indirectly, alone or in conjunction with another or others breach this Policy or the OWIA's Code of Conduct by:
  - i. betting, gambling or entering into any other form of financial speculation on any Competition or on any Event connected with the Sport; or
  - ii. participating (whether by act or omission) in Match-Fixing by:
    - A. deliberately underperforming or 'tanking' as part of an arrangement relating to betting on the outcome of any contingency within a Competition or Event;
    - B. deliberately fixing, or exerting any undue influence on, any occurrence within any Competition or Event as part of an arrangement relating to betting on the outcome of any contingency within a Competition or Event;
    - C. inducing or encouraging any Relevant Person to deliberately underperform as part of an arrangement relating to betting on the outcome of any Competition or Event;
    - D. providing Inside Information that is considered to be information not publicly known such as Team or its members configuration (including, without limitation, the Team's actual or likely composition, the form of individual athlete or tactics) other than in connection with bona fide media interviews and commitments;
    - E. ensuring that a particular incident, that is the subject of a bet, occurs;
    - F. providing or receiving any gift, payment or benefit that might reasonably be expected to bring the Relevant Person or the Sport into disrepute; or
    - G. engaging in conduct that relates directly or indirectly to any of the conduct described in Clauses 3 a) (ii)(A) to (F) above and is prejudicial to

the interests of the Sport or which bring a Relevant Person or the OWIA into disrepute.

- b) Any attempt or any agreement to act in a manner that would culminate in Prohibited Conduct shall be treated as if the relevant Prohibited Conduct had occurred, whether or not the Prohibited Conduct actually occurred as a result of the attempt or agreement to act.
- c) If a Relevant Person knowingly assists or is a party to “covering up” Prohibited Conduct, that Relevant Person will be treated as having engaged in the Prohibited Conduct personally.
- d) Nothing in this section prevents the Board from enforcing any other Rules and Regulations or referring any Prohibited Conduct to a relevant law enforcement agency.
- e) Relevant Persons should be aware of the criminal offences relating to Match-Fixing, which may carry up to a maximum sentence of 10 years imprisonment

#### **4. REPORTING PROCESS**

- a) A Relevant Person to whom this policy applies must promptly notify the Chief Executive Officer (“CEO”) if the Relevant Person:
  - i. is interviewed as a suspect, charged, or arrested by police in respect of conduct that would amount to an allegation of Prohibited Conduct under this Policy;
  - ii. is approached by another person to engage in conduct that is Prohibited Conduct;
  - iii. knows or reasonably suspects that another person has engaged in conduct, or been approached to engage in conduct that is Prohibited Conduct;
  - iv. has received, or is aware or reasonably suspects that another person has received, actual or implied threats of any nature in relation to past or proposed conduct that is Prohibited Conduct.
- b) If a Relevant Person wishes to report the CEO for involvement in conduct that is Prohibited Conduct under this Policy then the Relevant Person to which this Section 4 applies may report the conduct to the Chair of the Board.
- c) Notification by a Relevant Person under this Section 4 can be made verbally or in writing in the discretion of the Relevant Person and may be made confidentially if there is a genuine concern of reprisal. However, the CEO (or the Chair of the Board as the case may be) must record the fact of the reporting of Prohibited Conduct and particulars of the alleged Prohibited Conduct in writing within 48 hours of the report from the Relevant Person for presentation to the Board.
- d) Any report by a Relevant Person under this Section 4 will be dealt with confidentially by the Sport unless disclosure is otherwise required or permitted under this Policy, by law, or if the allegation of the Prohibited Conduct is already in the public domain.
- e) A Relevant Person has a continuing obligation to report any new knowledge or suspicion regarding any conduct that may amount to Prohibited Conduct under this Policy, even if the Relevant Person's prior knowledge or suspicion has already been reported.

#### **5. INVESTIGATIONS**

##### **5.1 Allegations of Prohibited Conduct**

- a) If the Board or CEO receives a report or information that a Relevant Person has allegedly breached this Policy including by engaging in actual or suspected Prohibited Conduct, the

Board must, as soon as reasonably practicable refer that report or information and any documentary or other evidence that is available to it in relation to the alleged Prohibited Conduct by the Alleged Offender to the Hearing Panel.

- b) If the Board or CEO has referred to the Hearing Panel a report or information that an Alleged Offender has allegedly breached this Policy including by engaging in actual or suspected Prohibited Conduct, the Board may, in its discretion and pending determination by the Hearing Panel suspend the Alleged Offender from any Event or activities sanctioned by the OWIA.
- c) Nothing in this section prevents the Board or CEO from enforcing any other Rules and Regulations or referring any Prohibited Conduct to a relevant law enforcement agency.

## **5.2 Confidentiality and Reporting**

- a) To maintain the confidentiality of the process, no parties will publicly announce, comment on or confirm any of its investigative or subsequent hearings or appeals activities. Notwithstanding this provision, however, a general description of a process that may be instigated under this policy is permissible.
- b) The OWIA must not disclose any specific facts of an allegation of Prohibited Conduct or breach of this Policy.
- c) The identity of a Relevant Person against whom a finding of Prohibited Conduct is made may only be publicly disclosed after the Hearing Panel has notified the Relevant Person, the OWIA and any other interested party of its decision. Such disclosure will be by way of an official release by the OWIA.
- d) Where any public announcement may be considered detrimental to the wellbeing of a Relevant Person, the Board will determine the most appropriate course of action in its sole discretion based on the circumstances of the Relevant Person.
- e) All parties must maintain all information received in the course of any report, notice, hearing or appeal (other than a notice of decision by the Hearing Panel or an appeal tribunal) in relation to an allegation of conduct that is Prohibited Conduct as strictly confidential.
- f) Clauses 5.2 a) to e) do not apply if the disclosure is required by law or the OWIA determines to refer information to a law enforcement agency.

## **5.3 Criminal offences**

- g) Any alleged Prohibited Conduct by an Alleged Offender which is considered by the Board or CEO as a prima facie unlawful offence will be reported to the police force in the jurisdiction the offence is alleged to have occurred and/or the Australian Federal Police.
- h) Any offence occurring overseas will be subject to the law of the country the competition is occurring in. The OWIA may still apply sanctions under this Policy.

## **5.4 Privilege**

- a) Notwithstanding anything else in this Policy, a Relevant Person who is interviewed under suspicion, charged or arrested by a law enforcement agency in respect of a criminal offence that is, or may be considered to be conduct that is Prohibited Conduct under this Policy shall not be required to produce any information, give any evidence or make any statement to the Board if they establish that to do so would breach any privilege against self-incrimination, or legal professional privilege.
- b) Clause 5.4 a) does not limit the Board from enforcing any other Rules and Regulations.

## **6. DISCIPLINARY PROCESS**

The disciplinary process is outlined in [Annexure E](#).

## **7. SANCTIONS AND PENALTIES**

Minimum sanctions will reflect the severity of breach and may include:

- a) Disqualification of results
- b) Suspension
- c) Ban
- d) Financial penalty
- e) Public disclosure

Penalties are set out in [Annexure E](#).

## **8. INFORMATION SHARING**

### **8.1 Monitoring by Betting Operators**

- a) Relevant Persons to whom this Policy applies must disclose information to the OWIA of all their business interests, and connections with Betting Operators.
- b) The OWIA will work with Betting Operators to help ensure the ongoing integrity of the Competitions and Events played under the auspices of the OWIA and Authorised Providers.
- c) Betting Operators will monitor and conduct regular audits of its databases and records to monitor the incidents of suspicious betting transactions (including single or multiple betting transactions or market fluctuations) that may indicate or tend to indicate that Relevant Persons have engaged in conduct that is Prohibited Conduct under this Policy.
- d) In order to enable the Betting Operator to conduct such audits, the OWIA may, from time to time and subject to any terms and conditions imposed by the OWIA (including in relation to confidentiality and privacy), provide to Betting Operators details of Relevant Persons who are precluded by virtue of this Policy from engaging in Prohibited Conduct.
- e) Betting Operators must provide the Board with regular written reports on incidents of suspicious betting transactions (including single or multiple betting transactions or market fluctuations) that may indicate or tend to indicate that Relevant Persons have engaged in conduct that is Prohibited Conduct under this Policy.
- f) All requests for information or provision of information by the OWIA or a Betting Operator shall be kept strictly confidential and shall not be divulged to any third party or otherwise made use of except where required by law or where information is already in the public domain other than as a result of a breach of this Policy.

### **8.2 Sponsorship**

- a) The OWIA acknowledges that betting is a legal activity, and recognises that Betting Operators may wish to enter Commercial Partnerships to promote their business.
- b) The OWIA will not enter Commercial Partnerships with Betting Operators.

## 9. INTERPRETATIONS AND DEFINITIONS

### 9.1 Interpretation

- a) Headings used in this Policy are for convenience only and shall not be deemed part of the substance of this Policy or to affect in any way the language of the provisions to which they prefer.
- b) Words in the singular include the plural and vice versa.
- c) Reference to “including” and similar words are not words of limitation.
- d) Words importing a gender include any other gender.
- e) A reference to a clause is a reference to a clause or subclause of this Policy.
- f) Where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.
- g) In the event any provision of this Policy is determined invalid or unenforceable, the remaining provisions shall not be affected. This Policy shall not fail because any part of this Policy is held invalid.
- h) Except as otherwise stated herein, failure to exercise or enforce any right conferred by this Policy shall not be deemed to be a waiver of any such right nor operate so as to bar the exercise or enforcement thereof or of any other right on any other occasion.

### 9.2 Definitions

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

- a) **Alleged Offender** means a person accused of engaging in Prohibited Conduct under this Policy, prior to a determination by the Hearing Panel.
- b) **Athlete** means any person identified within the OWIA’s athlete framework ([Annexure A](#)) as amended and updated from time to time.
- c) **Authorised Providers** means the OWIA’s affiliates, or other organisations from time to time that conduct Events.
- d) **Betting Operator** means any company or other undertaking that promotes, brokers, arranges or conducts any form of Betting activity in relation to the Sport
- e) **Coaches** means any person described in the OWIA’s coach framework ([Annexure B](#)) as amended and updated from time to time.
- f) **Competition** means a Winter Sport event, contest or activity measuring performance against an opponent, oneself or the environment either once off or as part of a series.
- g) **Event** means a one-off Competition, or series of individual Competitions conducted by an Authorised Provider .
- h) **Hearing Panel** means the Panel appointed by the Board to hear and determine allegations of Prohibited Conduct.
- i) **Inside Information** means any information relating to any Competition or Event that a Relevant Person possesses by virtue of his or position within the OWIA. Such information includes, but is not limited to, factual information regarding the competitors in the Competition or Event, tactical considerations or any other aspect of the Competition or Event but does not include such information that is already published or a matter of public record, readily acquired by an interested member of the public, or disclosed according to the rules and regulations governing the relevant Competition or Event.

- j) **National Policy on Match-Fixing in Sport** means the Policy endorsed, on 10 June 2011, by all Australian sports ministers on behalf of their governments, with the aim of protecting the integrity of Australian sport.
- k) **The Sport** means the Olympic Winter Institute of Australia Limited.
- l) **The Sport** means the sport of Winter Sport as determined by the Sport and the International Association with such variations as may be recognised from time to time.
- m) **Policy** means the OWIA's National Policy on Gambling, Betting and Match-Fixing as amended from time to time.
- n) **Prohibited Conduct** means conduct in breach of section 3 of this Policy.
- o) **Relevant Person** means any of the persons identified in Clause 2.2, or any other person involved in the organisation administration or promotion of Winter Sport, whose involvement in Gambling would bring the OWIA into disrepute.
- p) **Team** means a collection of Athletes and includes a national representative team that competes in Competitions or Events.

## **10. ANNEXURE A - ATHLETE FRAMEWORK**

This Policy applies to all OWIA Contracted and Visiting Athletes. For the avoidance of doubt, this Policy applies to any Athlete who has executed an OWIA:

- a) Sport Program Athlete Contract;
- b) Pro Athlete Contract;
- c) Individual Athlete Contract; or an
- d) OWIA Visiting Athlete Contract.

## **11. ANNEXURE B - COACHES FRAMEWORK**

This Policy applies to all OWIA coaches. For the avoidance of doubt, this Policy applies to any OWIA-employed, contracted or volunteer coach of any OWIA Contracted Athlete, including:

- a) Head coaches;
- b) Coaches; or
- c) Assistant coaches.

## **12. ANNEXURE C- ALL OTHER RELEVANT PERSONS FRAMEWORK**

This Policy applies to any Relevant Persons actively involved or associated with:

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

## **13. ANNEXURE D- CODE OF CONDUCT**

### **13.1 Preamble**

The OWIA recognises that betting is a legitimate pursuit, however illegal or fraudulent betting is not. Fraudulent betting on sport and the associated match-fixing is an emerging and critical issue globally, for sport, the betting industry and governments alike.

Accordingly, the OWIA has a major obligation to address the threat of Match-Fixing and the corruption that flows from that.

The OWIA has a zero tolerance for illegal gambling and Match-Fixing.

The OWIA has developed a Gambling, Betting and Match-Fixing Policy (“**the Policy**”) to:

- a) Protect and maintain the integrity of the OWIA and winter sport.
- b) Protect against any efforts to impact improperly the result of any match.
- c) Establish a uniform rule and consistent scheme of enforcement and penalties.
- d) Adhere to the National Policy on Match-Fixing in Sport as agreed by Australian Governments on 10 June 2011.

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

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

### **13.2 Application**

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

### **13.3 Sample Code of Conduct Principles/ Rules of Behaviour**

This Code of Conduct sets out the guiding principles for all Relevant Persons (as defined in clause 2.2) on the issues surrounding the integrity of sport and betting.

### **13.4 Guiding Principles**

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

#### **1. Be Smart: know the rules**

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

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

#### **2. Be Safe: never bet on your sport**

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

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

### **3. Be Careful: never share sensitive information**

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

Most Relevant Persons know that they should not discuss important information with anyone outside of their, team or coaching staff (with or without reward) where the Relevant Person might reasonably be expected to know that its disclosure could be used in relation to betting.

### **4. Be Clean: never fix an event**

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

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

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

### **5. Be Open: tell someone if you are approached**

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

## 14. ANNEXURE E- DISCIPLINARY PROCESS

### 14.1 Commencement of Proceedings

- a) The Hearing Panel must comprise three persons independent of the OWIA and with appropriate skills and experience appointed by the Board for such time and for such purposes as the Board thinks fit. The Board will appoint one of the members of the Hearing Panel to act as its Secretary.
- b) On receipt of a referral from the Board of an actual or suspected contravention of this Policy by an Alleged Offender, the Secretary of the Hearing Panel must issue a notice to the Alleged Offender detailing:
  - i. the alleged offence including details of when and where it is alleged to have occurred
  - ii. the date, time and place for the proposed hearing of the alleged offence which shall be as soon as reasonably practicable after the Alleged Offender receives the Notice;
  - iii. information advising the Alleged Offender of their rights and format of proceedings;
  - iv. the potential penalties in the event that the Hearing Panel makes a finding that the Alleged Offender engaged in the Prohibited Conduct;
  - v. a copy of the referral from the Board and any documentary or other evidence that was submitted to the Hearing Panel by the Board in relation to the alleged Prohibited Conduct by the Alleged Offender.

(“the Notice”).

- c) Within fourteen business days of the date of the Notice, the Alleged Offender must notify the Hearing Panel in writing of:
  - i. whether or not they wish to contest the allegations; and
  - ii. if the Alleged Offender does not wish to contest the allegations and accedes to the imposition of penalty, they may so notify the Hearing Panel in writing, in which case no hearing shall be conducted and the Hearing Panel will remit the matter to the Board for the Board’s consideration and imposition of a penalty; or
  - iii. if the Alleged Offender does not wish to contest the allegations, but wishes to make submissions disputing and/or seeking to mitigate the penalty, they must notify the Hearing Panel either:
    - A. that they wish to make those submissions at a hearing before the Hearing Panel, in which case, the Hearing will proceed in accordance with clause 14.2 below; or
    - B. that they wish to make those submission in writing, in which case the Hearing Panel will, on receipt of those submissions, remit the matter to the Board for the Board’s consideration and imposition of a penalty (giving due consideration to those written submissions)
  - iv. If the Alleged Offender does not admit or denies the alleged Prohibited Conduct and notifies the Hearing Panel that they wish to contest the allegations, the Alleged Offender, is, by that notice, taken to have consented to the determination of the allegations in accordance with the procedure outlined in this Policy, and if the Hearing Panel finds that the Alleged Offender breached this Policy including by engaging in Prohibited Conduct, to the imposition of a penalty.

- d) If the Alleged Offender fails to respond to the Notice within fourteen business days of the date of the Notice, the Alleged Offender shall be deemed to have:
  - i. waived their entitlement to a hearing in accordance with this Policy; and
  - ii. admitted to the Prohibited Conduct specified in the Notice; and
  - iii. acceded to the imposition of a penalty by the Board; and
  - iv. the Hearing Panel will remit the Alleged Offender's Prohibited Conduct to the Board, informing the Board, by notice in writing, of the Alleged Offender's failure to respond to the Notice and requesting the Board to impose a penalty in the Board's Discretion in accordance with this section.
- e) Notwithstanding any of the above, an Alleged Offender shall be entitled at any stage to admit they have engaged in the Prohibited Conduct specified in the Notice and to accede to penalties determined by the Board.
- f) Personnel covered by the OWIA Employee Collective Agreement will be subject to relevant Clauses, including Dispute, Hearings, Appeals and Termination Clauses contained in such Agreement, and if applicable the *Fair Work Act 2009* (Australia).

#### **14.2 Procedure of the Hearing Panel**

- a) This section applies if the Alleged Offender contests the allegation(s) that they have engaged in the Prohibited Conduct specified in the Notice, and there is a hearing of the allegations by the Hearing Panel.
- b) The purpose of the hearing shall be to determine whether the Alleged Offender has engaged in the Prohibited Conduct specified in the Notice and, if the Hearing Panel considers that the Alleged Offender has engaged in Prohibited Conduct, for the imposition any penalty in the Hearing Panel's discretion.
- c) The Hearing Panel may conduct the hearing as it sees fit and, in particular, shall not be bound by the rules of evidence or unnecessary formality. The Hearing Panel must determine matters in accordance with the principles of procedural fairness, such as a hearing appropriate to the circumstances; lack of bias; inquiry into matters in dispute; and evidence to support a decision.
- d) The hearing shall be inquisitorial in nature and the Hearing Panel may call such evidence as it thinks fit in its discretion and all Relevant Persons subject to this Policy must, if requested to do so by the Hearing Panel, provide such evidence as they are able.
- e) The hearing must be conducted with as much expedition as a proper consideration of the matters permit. However, the Hearing Panel may adjourn the proceedings for such reasonable time as it considers it necessary.
- f) Notwithstanding the above, the Alleged Offender:
  - i. is permitted to be represented at the hearing (at their own expense);
  - ii. may call and question witnesses;
  - iii. has the right to address the Hearing Panel to make their case; and
  - iv. is permitted to provide written submissions for consideration by the Hearing Panel (instead of or as well as appearing in person). If the Alleged Offender provides any written submissions, the Hearing Panel must consider those submissions in its deliberations.
- g) The hearing shall be closed to the public. Only persons with a legitimate interest in the hearing will be permitted to attend. This will be at the sole discretion of the Hearing Panel.
- h) The Hearing Panel must determine whether the Alleged Offender engaged in the Prohibited Conduct on the balance of probabilities.

- i) The decision of the Hearing Panel shall be a majority decision and must be recorded in writing. The decision must, at a minimum, set out and explain:
  - i. the Hearing Panel's findings, on the balance of probabilities and by reference to the evidence presented or submissions made, as to whether the Alleged Offender engaged in Prohibited Conduct; and
  - ii. if the Hearing Panel makes a finding that the Alleged Offender engaged in Prohibited Conduct, what, if any, penalties it considers appropriate.
- j) Subject only to the rights of appeal under Clause 14.3, the Hearing Panel's decision shall be the full, final and complete disposition of the allegations of Prohibited Conduct by the Alleged Offender and will be binding on all parties.
- k) If the Alleged Offender or their representative does not appear at the hearing, after proper notice of the hearing has been provided, the Hearing Panel may proceed with the hearing in their absence.

### 14.3 Appeals

- a) The Alleged Offender and / or the OWIA have a right to appeal the decision of the Hearing Panel.
- b) The available grounds of appeal are:
  - i. where the decision of the Hearing Panel is wrong having regard to the application of this Policy or the Code of Conduct;
  - ii. where new evidence has become available;
  - iii. where natural justice has been denied; or
  - iv. in respect of the penalty imposed.
- c) A notice of appeal must be made in writing, lodged with the Board, through the OWIA's Chief Executive Officer ("**CEO**"), within fourteen business days of the Hearing Panel's decision. The notice of appeal must specify the grounds for the appeal.
- d) Where the Board receives a notice of appeal, the Board must convene an appeal tribunal for the purposes of hearing the appeal ("**the Appeal Tribunal**"). Any hearing of the appeal must be held within thirty days of the notice of appeal being received by the Board.
- e) Any decision of the Hearing Panel that is appealed to the Appeal Tribunal will remain in effect while under appeal unless the Board orders otherwise.
- f) The Appeal Tribunal must be appointed by the Board for such time and for such purposes as the Board thinks fit and must:
  - i. be comprised of three Persons independent of the OWIA with appropriate skills and experience to hear the matter;
  - ii. include at least one person who has considerable previous experience in the legal aspects of a disciplinary/hearings tribunal and dispute resolution; and
  - iii. not include any members from the initial Hearing Panel.
- g) The hearing before the Appeal Tribunal is not a rehearing of the matter, but a hearing of the issue under appeal only.
- h) The Appeal Tribunal may conduct the appeal as it sees fit. However, any party to the appeal can be represented at and make written and oral submissions to the Appeal Tribunal subject to the discretion of the Appeal Tribunal.
- i) The Appeal Tribunal may, in its discretion:
  - i. affirm the decision of the Hearing Panel and the penalty imposed;

- ii. affirm the decision of the Hearing Panel but decide to impose an alternative penalty; or
  - iii. revoke the decision of the Hearing Panel and the penalty imposed.
- j) The decision of the Appeal Tribunal shall be a majority decision and must be recorded in writing. The Appeal Tribunal decision be communicated to the OWIA's CEO and appellant as soon as practicable.
- k) The decision of Appeal Tribunal shall be final, non-reviewable, non-appealable and enforceable. No claim, arbitration, lawsuit or litigation concerning the dispute shall be brought in any other court or tribunal. Note: This provision does not prevent any law enforcement agency taking action.

#### **14.4 Sanctions and Penalties**

- a) If a Relevant Person admits they engaged in Prohibited Conduct or there is a finding that a Relevant Person has engaged in conduct that is Prohibited Conduct under this Policy or the Code of Conduct, the Board, the Hearing Panel or the Appeal Tribunal, as the case may be, may order that the Relevant Person:
  - i. be fined;
  - ii. be suspended from participating in any Competition or Event connected with the Sport;
  - iii. be banned from participating in any Competition or Event connected with the Sport;
  - iv. be reprimanded for their involvement in the Prohibited Conduct;
  - v. lose accreditation to continue their involvement in the Sport;
  - vi. be ineligible, for life, from participating in any Competition or Event connected with the Sport or from any other involvement in the Sport;
  - vii. be counselled and/or required to complete a course of education related to responsible gambling and harm minimisation; or
  - viii. subject to the terms and conditions of any contract between the OWIA and the Relevant Person, have that contract terminated.
- b) Notwithstanding the provisions of clause 7.1, the Board, the Hearing Panel or the Appeal Tribunal may impose any other such penalty as they consider appropriate in their discretion.
- c) In addition to the penalties set out above, the Board, the Hearing Panel or the Appeal Tribunal may impose any combination of these penalties in their absolute discretion taking account of the gravity of the Prohibited Conduct.
- d) Further, the Board, the Hearing Panel or the Appeal Tribunal may, depending on the circumstances of the Prohibited Conduct, suspend the imposition of a penalty in their absolute discretion.
- e) All fines received pursuant to this Policy must be remitted to the OWIA for use by the OWIA for the development of integrity programs or as otherwise deemed appropriate.