



CRICKET NSW

ANTI-CORRUPTION POLICY

POLICY INFORMATION

OWNER:	Head of Integrity, Risk and Legal
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APPROVAL AUTHORITY:	Cricket NSW Board
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VERSION INFORMATION

Effective period	Document Title
18 December 2014 to 28 September 2022	CNSW Anti-Corruption Policy (v2.0)

ASSOCIATED INFORMATION

Effective period	Document Title
From 29 September 2022	CNSW Complaints and Dispute Resolution Policy
	CNSW Safeguarding Children and Young People Policy
	CNSW Member Protection Policy
	CNSW Code of Conduct (contained in the CNSW By-laws)

CNSW Anti-Corruption Policy

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Part 1 Purpose and application

- (1.1) The manipulation of sporting competitions and related activities undermines the integrity of sport.
- (1.2) Manipulating sporting competitions can be a crime and punishable by law. This Policy is intended to support such laws and regulations with rules of professional conduct for those involved in the sport of cricket. It is not intended to undermine the application of such laws and regulations. Everyone must always comply with all applicable laws and regulations.
- (1.3) CNSW has adopted this Anti-Corruption Policy in recognition of the following fundamental sporting imperatives:
 - (a) All Cricket Events are to be contested on a level playing-field, with the outcome to be determined solely by the respective merits of the competing teams and to remain uncertain until the Cricket Event is completed.
 - (b) The uncertainty of outcome in Cricket Events is the essential characteristic that gives sport its unique appeal and public confidence in the authenticity and integrity of the sporting contest is therefore vital.
 - (c) Advancing technology and increasing popularity have led to a substantial increase in the amount, and the sophistication, of betting on cricket matches. The development of new betting products, including spread-betting and betting exchanges, as well as internet and phone accounts that allow people to place a bet at any time and from any place, even after a cricket match has started, have all increased the potential for the development of corrupt betting practices. That, in turn, increases the risk that attempts shall be made to involve participants in such practices. Even where that risk is more theoretical than practical, its consequence is to create a perception that the integrity of the sport is under threat.

- (d) This type of sporting misconduct by its nature is carried out under cover and in secret, thereby creating significant challenges in the enforcement of rules of conduct. CNSW must therefore seek information from and share information with competent authorities and other relevant third parties, and to require Participants to cooperate fully with all investigations and requests for information.
 - (e) CNSW is committed to taking every step in its power to prevent corrupt betting practices undermining the integrity of the sport of cricket, including but not limited to any efforts to influence improperly the outcome or any other aspect of any Cricket Event.
- (1.4) This Policy applies to all Persons as defined in clause 7.3.
- (1.5) Any Person who is also bound by either the ICC Anti-Corruption Code, the CA Anti-Corruption Code, the CA Anti-Corruption Code for Other Cricket Events or another National Cricket Federation's Anti-Corruption Code must:
- (a) continue to comply with the provisions of the relevant Anti-Corruption Code; and
 - (b) understand any other anti-corruption code(s) that they are bound by and the obligations that apply under such code(s); and
 - (c) submit to the jurisdiction of first instance and appeal hearing panels convened under those rules to hear and determine allegations of breach of such rules and related issues,
- and those rules shall take precedence in respect of matters contemplated under those rules.
- NOTE:** Copies of the anti-corruption rules of the ICC can be found on the ICC Website. Copies of the anti-corruption rules of CA can be found on the CA Website.
- (1.6) For the avoidance of doubt, where the Person's alleged Prohibited Conduct would amount solely to a violation of this Policy, CNSW shall have the exclusive right to take action against the Person under this Policy.
- (1.7) Where CNSW and CA agree between them that in any circumstance it would be more appropriate for CA to manage a breach of this Policy in relation to any conduct relating to a Cricket Event held within the jurisdiction of CNSW then all references in this Policy to 'Cricket Event' shall be extended to include the relevant definitions under the anti-corruption rules of CA (as applicable).
- (1.8) This Policy is not intended to replace or amend any Minimum Standards for Players' and Match Officials' Areas published by CA which may be in force and to which some Persons may be bound.
- (1.9) This Policy also applies to all allegations of Prohibited Conduct, including those alleged to have occurred before the commencement of this Policy but which have not been dealt with under any previous rule, policy or other process for Prohibited Conduct.

Part 2 Prohibited Conduct

(2.1) A Person commits a breach of this Policy when they, either alone or in conjunction with another or others, engage in any of the following conduct:

- (a) participate (whether by act or omission) in improperly altering the result or the course of a Cricket Event in order to remove all or part of the unpredictable nature of the Cricket Event to obtain a Benefit for themselves or others by:
 - (i) the direct, pre-meditated or planned interference with the natural course of a Cricket Event or element of a Cricket Event;

Note: Examples may include, but not be limited to, intentionally conceding points, pre-arranging the outcome of a competition, deliberate underperformance (also known as ‘tanking’) in any manner (through selections or not playing to a Person’s merits), influencing athlete selections and strategy, or intentional unfair or incorrect officiating.

- (ii) providing modified or false information related to a Player’s identity or personal information;
 - (iii) intentionally modifying playing surfaces, equipment or a Player’s physiology to improperly influence the natural course of the event;

Note: For the avoidance of doubt, this does not include any matters dealt with under other relevant policies relating to anti-doping, eligibility, gender identity or selection criteria.

- (b) providing or receiving any Benefit that might reasonably be expected to bring the Person, CNSW, or the sport of cricket into disrepute;
- (c) facilitate or assist with the making of a bet on any Cricket Event or part of any Cricket Event including communicating in any way, such as by using a mobile phone, computer or other electronic or other device, information that might give another person an unfair advantage if they were to engage in betting related to that information, other than as required as part of their official duties;
- (d) disclose Inside Information, other than as required as part of their official duties;
- (e) accept a Benefit to incite, cause or contribute to any breach of this Policy;
- (f) facilitate, assist, aid, abet, encourage, induce, cover-up or be complicit in any Prohibited Conduct;
- (g) attempt to engage in any conduct which would be Prohibited Conduct if successful;
- (h) engaging in any other form of corrupt conduct (with or without Reward) in relation to any Match or Event;
- (i) failing or refusing to cooperate with any investigation into an Alleged Breach under this Policy, including failing to provide a witness statement in respect of information in that Person’s possession or to attend to give evidence at any Tribunal hearing; or
- (j) fail to promptly report to the Head of Integrity any of the matters listed in Part 3.

- (2.2) In addition to the matters set out at clause 2.1, an Employee commits a breach of this Policy when they, either alone or in conjunction with another or others, engage in any of the following conduct:
- (a) bet, or enter into any other form of financial speculation on any Cricket Event, or on any incident or occurrence in a Cricket Event, whether or not they are participating in the Cricket Event. For the avoidance of doubt:
 - (i) any bets placed by a betting syndicate or group, such as a 'punter's club', of which the Person is a member;
 - (ii) an interest in any bet, including having someone else place a bet on their behalf; or
 - (iii) allowing another person to place a bet using a Person's account, shall be treated as if the bet was placed by the Person as an individual;
 - (b) accept a monetary gift in any form received in connection with the Person's role;
 - (c) accept any form of cash payment from a third party in consideration for any services provided by CNSW;
 - (d) fail to report, or fail to obtain CNSW's approval prior to, the receipt of any personal gift, benefit, hospitality or other advantage received in connection with the Person's role at CNSW that exceeds AUD\$300.

Part 3 Reporting Obligations

- (3.1) A Person must, where permitted by law, promptly notify the Head of Integrity if they:
- (a) are interviewed as a suspect, charged, or arrested by a law enforcement body in respect of conduct that falls with the definition of Prohibited Conduct;
 - (b) have been approached by another person to engage in Prohibited Conduct;
 - (c) know or reasonably suspect that another person has engaged in Prohibited Conduct, or have been approached to engage in Prohibited Conduct; or
 - (d) have received, is aware of, or reasonably suspect that another person has received, actual or implied threats of any nature in relation to any past or proposed Prohibited Conduct.
- (3.2) A Person has a continuing obligation to report any new knowledge or suspicion regarding any Prohibited Conduct under this Policy, even if such prior knowledge or suspicion has already been reported.
- (3.3) Notification by a Person under this Part may be made verbally or in writing by the Person and may be made anonymously if there is a genuine concern of reprisal. A Person who makes a report anonymously is responsible for keeping a record that shall allow them to confirm that they have met their obligations under this Part.
- (3.4) All Persons should be aware of relevant Commonwealth, State and Territory legal requirements to report criminal activity in relation to the manipulation of sporting competitions (match-fixing) and Inside Information.

Part 4 Information sharing

- (4.1) CNSW may share information (including Personal Information as defined in the *Privacy Act 1988* (Cth)) at any time relating to Persons with Wagering Service Providers, law enforcement agencies, government agencies or other sporting organisations to prevent, identify and investigate alleged Prohibited Conduct.
- (4.2) In sharing information, CNSW shall remain bound by the legal obligations contained in the *Privacy Act 1988* (Cth) and CNSW's Privacy Policy.

Part 5 Complaints and Dispute Resolution Policy

- (5.1) Subject to this Part 5 – Complaints and Dispute Resolution Policy, the Complaints and Dispute Resolution Policy applies to any alleged Prohibited Conduct, including reports of breaches of this Policy.
- (5.2) The burden of proof shall be on CNSW in all cases brought under this Policy.
- (5.3) In accordance with clause 1.5(c), if a breach of this Policy is to be managed by CA under the CA Anti-Corruption Code and/or the CA Anti-Corruption Code for Other Cricket Events, the relevant CA processes shall apply.
- (5.4) Other than as specified in this Part 5 – Complaints and Dispute Resolution Policy and Part 6 – Defences, the Tribunal Procedure contained in Schedule D to the Complaints and Dispute Resolution Policy will apply to all Hearings relating to Prohibited Conduct proscribed under this Policy.

Part 6 Defences

- (6.1) In respect of an Alleged Breach under this Policy, a Respondent may raise a defence that they held an honest and reasonable belief that there was a serious threat to their life or safety or to the life or safety of any other person.
- (6.2) In respect of an Alleged Breach of clause 2.1(i), a Respondent may adduce evidence that genuine and powerful reasons exist (or existed) to objectively justify their conduct taking into account all the relevant circumstances (and for which purpose the right to invoke the privilege against self-incrimination is deemed to have been waived by each Participant and shall not be a sufficient reason).
- (6.3) When determining an Alleged Breach under this Policy, the following matters cannot be relied on by a Respondent:
 - (a) whether the Person was participating or involved in the Cricket Event;
 - (b) the nature or outcome of any bet on the Cricket Event the subject of the Alleged Breach;
 - (c) the outcome of the Cricket Event the subject of the Alleged Breach;
 - (d) whether the Person's efforts or performance (if any), or the efforts or performance of any Person in the Cricket Event the subject of the Alleged Breach were, or could be expected to have been, affected by the acts or omissions in question;

- (e) whether the results from the Cricket Event the subject of the Alleged Breach were, or could be expected to have been, affected by the acts or omissions in question.
- (6.4) Nothing in this Policy affects an Authorised Officer or Tribunal taking any of the matters set out in clause 6.3 above into account when determining Sanction.

Part 7 Definitions and interpretation

- (7.1) In this Policy:
- (a) references to ‘including’ or similar words are not words of limitation;
 - (b) all notices must be in writing and in English;
 - (c) words in the singular include the plural and vice-versa;
 - (d) a construction that would promote the purpose or object underlying this Policy must be preferred to a construction that would not promote that purpose or object; and
 - (e) to the extent that there is any inconsistency between a term of any legislation and a term of this Policy, the term of that legislation overrides the Policy and applies to the extent of the inconsistency.
- (7.2) Defined terms not otherwise defined in this Policy have been defined in, and have the meaning given to them in, the CNSW Complaints and Dispute Resolution Policy.
- (7.3) In this Policy the following words have the corresponding meaning:

Term	Meaning
Benefit	Any advantage and is not limited to property.
CA	Cricket Australia (ABN 53 006 089 130).
CNSW	New South Wales Cricket Association trading as Cricket NSW (ABN 27 000 011 987).
Cricket Event	Any match, tournament, tour, contest, event, activity (including training), whether on a one-off basis or as part of a series, league or competition sanctioned or organised by CNSW or a Cricket Organisation.
Employee	Any individual working for and representing CNSW, including employees, Board Directors and sub-committee members, contractors, consultants and/or related personnel acting in any relation to any Cricket Event.
Inside Information	Any information connected to the conduct, management or organisation of a Cricket Event that is not generally available and if it were generally available, the information would or would be likely to influence a person’s decision to bet on the Cricket Event or in making any other betting decision.
Person	All CNSW staff, players and person representing CNSW, including any Board Director or sub-committee member, contractor, consultant, employee, official, referee, player, pitch curator, player agent, umpire, player support personnel or umpire support personnel or any other person that has agreed through contractual means to be bound by this Policy.

Prohibited Conduct	The conduct proscribed in Part 2 of this Policy.
Wagering Service Providers	Any company or other undertaking that promotes, brokers, arranges or conducts any form of wagering activity in relation to cricket in Australia.