



# **BASKETBALL New Zealand**

**REGULATIONS**

**BOOK 7**

**INTEGRITY REGULATION**

**1 January 2025**

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## BOOK 7 – INTEGRITY REGULATION

### PART 1 - OVERVIEW OF INTEGRITY REGULATION

#### 1.1 Purpose of Integrity Regulation

- a. BBNZ has objects in its Constitution to:
  - i. ensure the game of basketball is clean, modern and inclusive activity<sup>1</sup>; and,
  - ii. “promote the observance of ethical principles contained in the Constitution in all aspects of the game”<sup>2</sup>.
- b. BBNZ is the governing body in New Zealand for the sport of basketball and is recognised as such by FIBA. BBNZ is the member of FIBA for New Zealand and also forms part of the FIBA Oceania Zone.
- c. BBNZ recognises, accepts, applies, observes and abides by the FIBA General Statutes, FIBA Internal Regulations and other rules, regulations and decisions of FIBA, as applicable and as amended by FIBA from time to time.
- d. In particular, BBNZ is required to comply with the FIBA Code of Ethics, the FIBA Anti-Doping Regulation, and FIBA rules on Betting and Corruption.
- e. BBNZ is also recognised by, and receives investment from, Sport NZ. It is a condition of continued investment that BBNZ has in place a policy or rules covering anti-match fixing which complies with the New Zealand Policy on Sports Match-Fixing and Related Corruption.<sup>3</sup>
- f. Basketball is a sport on the Olympic and Commonwealth games programmes. BBNZ is a member of the NZOC and is bound by its constitution and regulations. In particular under the NZOC Integrity Regulation, BBNZ, as a member federation, must, amongst other obligations:
  - i. have anti-doping policies or rules which implement the Sports Anti-Doping Rules or anti-doping policies or rules that comply with the World Anti-Doping Code; and
  - ii. adopt and implement rules or policies to combat illegal/prohibited sports Betting, match fixing and corruption which are consistent with the New Zealand Policy on Sports Match-Fixing and Related Corruption and/or consistent with any rules, regulations, by-laws or policies of its international governing body.
- g. The purpose of the Integrity Regulation is to bring together under one regulation the various rules and regulations of BBNZ relating to integrity which are required by, or consistent with, FIBA, Sport NZ and the NZOC and which BBNZ considers are desirable to protect the integrity of basketball in New Zealand.

#### 1.2 Structure of Integrity Regulation

- a. This Integrity Regulation is divided into five parts as follows:
  - Part 1 – Overview
  - Part 2 – Code of Ethics
  - Part 3 - Anti-Doping
  - Part 4 – Anti-Match Fixing, Betting and Corruption
- b. The procedures and hearing bodies for violations or breaches for each Part of this Integrity Regulation are set out in Appendix C.

### PART 2 - CODE OF ETHICS

#### 2.1 Purpose of Code of Ethics

- a. As a member of FIBA, BBNZ is required, amongst other rules, to comply with the FIBA Code of Ethics. This Part 2 – sets out the FIBA Code of Ethics and its application in New Zealand.

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<sup>1</sup> Rule 5.1d

<sup>2</sup> Rule 5.1l

<sup>3</sup> Issued by the Minister for Sport and Recreation, April 2014.

## 2.2 FIBA Code of Ethics

- a. All persons and entities to whom this Regulation applies (referred to as “basketball parties”) are bound by the FIBA Code of Ethics, as set out in Chapter III of Book 1 of the General Provisions of the FIBA Internal Regulations (as amended from time to time), which is set out in Appendix B.

## 2.3 Breach of Code of Ethics

- a. In the event of any alleged breach of the FIBA Code of Ethics by any person or entity to whom this Regulation applies, where such alleged breach has not been referred to the FIBA Ethics Panel, it shall be referred to the relevant BBNZ Hearing Body under the Regulations.

# PART 3 - ANTI-DOPING REGULATION

## 3.1 Introduction

- a. As a member of FIBA, BBNZ is bound by the FIBA Internal Regulations governing Anti-doping (“FIBA Anti-Doping Rules”). FIBA is a signatory to the World Anti-Doping Code (WADC) and the FIBA Anti-Doping Rules are made in compliance with the WADC.
- b. Under the FIBA Anti-Doping Rules, BBNZ (as a Member Federation) is required (amongst other things) to incorporate the FIBA Anti-Doping Regulations into its regulations<sup>4</sup>.
- c. In addition, under the FIBA Code of Ethics (see Part 2 of the Integrity Regulation, Appendix B) it is a requirement of all basketball parties to “Refrain from activities that might affect the outcome of basketball games such as ... doping or the encouragement of doping”.
- d. In New Zealand, the Sport Integrity Commission (SIC) is the national anti-doping organisation responsible for the implementation of the WADC in New Zealand. It has made the Sports Anti-Doping Rules 2009 (and updated them with effect from 1 January 2025) (SADR) under the Sports Anti-Doping Act 2006, to adopt and implement the WADC within New Zealand.
- e. It is also a condition of investment by Sport NZ of BBNZ that BBNZ adopt the SADR (as amended from time to time) or other anti-doping policies or rules, which comply with the WADC.
- f. Further, as a member of the New Zealand Olympic Committee (NZOC), BBNZ is required to comply with its rules and regulations, including in particular the NZOC Integrity Regulation. The NZOC Integrity Regulation requires BBNZ, amongst other things, to “*have anti-doping policies or rules which implement the SADR (as amended from time to time) or anti-doping policies or rules which comply with the WADC*” and to “*operate, at all times, in a manner which complies with the SADR and the WADC*”.

## 3.2 Purpose of Anti-Doping Regulation

- a. The purpose of this Regulation is to:
  - i. detail BBNZ’s commitment to anti-doping;
  - ii. expressly incorporate the FIBA Anti-Doping Rules and comply with them;
  - iii. record BBNZ’s adoption of the SADR, including recognising the WADC and the role of the SIC in New Zealand;
  - iv. comply with Sport NZ’s requirements on anti-doping rules; and
  - v. comply with NZOC’s Integrity Regulation.

## 3.3 Adoption of Sports Anti-Doping Rules (SADR)

- a. BBNZ has adopted, as its own rules, the Sports Anti-Doping Rules 2009 (and updated with effect from 1 January 2025) (“SADR”) made by the SIC under the provisions of the Sports Anti-Doping Act 2006.
- b. The SADR are expressly incorporated into this Regulation and apply to all persons to whom the SADR and this Regulation applies.

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<sup>4</sup> Article 16 of FIBA Anti-Doping Rules

- c. Any amendments to the SADR made from time to time by the SIC in accordance with the Sports Anti-Doping Act 2006 shall automatically apply and form part of this Regulation.

#### 3.4 Jurisdiction

- a. In accordance with the SADR and FIBA Anti-Doping Rules, all persons to whom this Regulation applies must submit to the exclusive jurisdiction of:
  - i. the Sports Tribunal and CAS to hear and determine any alleged Anti-Doping Rule Violations under the SADR (in accordance with the rules of the Sports Tribunal and CAS);
  - ii. FIBA (including the FIBA Disciplinary Panel) and CAS to hear and determine any alleged Anti-Doping Rule Violations under the FIBA Anti-Doping Rules. These include<sup>5</sup>, but are not limited to, anti-doping rule violations arising from or in connection with:
    - 1. a FIBA Competition regardless of the authority that conducted Testing; and
    - 2. any Out of Competition Testing conducted by FIBA, a Regional Office and WADA on any Athlete.
- b. No BBNZ Hearing Body, other than those referred to in Regulation 3.4(a) (as amended from time to time), has jurisdiction to hear and determine any alleged Anti-Doping Violations (including, for avoidance of doubt, the BBNZ Judicial Tribunal and the BBNZ Integrity Tribunal).

## PART 4 - ANTI- MATCH FIXING, BETTING AND CORRUPTION

### 4.1 Introduction

- a. As a member of FIBA, BBNZ is bound by the FIBA Internal Regulations including Appendix 4: Betting and Corruption ("FIBA Betting and Corruption Rules").
- b. In addition, under the FIBA Code of Ethics (see Part 2 – BBNZ Integrity Regulation) it is a requirement for all basketball parties to:
  - "Refrain from activities which might affect the outcome of basketball games such as ...*
  - i. *engaging in criminal or other improper activities;*
  - ii. *engaging in other unethical conduct of any kind which has the potential to affect the outcome of games".*
- c. BBNZ is also required by Sport NZ and NZOC to have in place a policy or rules covering anti-match fixing which complies with the New Zealand Policy on Sports Match-Fixing and Related Corruption.
- d. In this Regulation, Match-Fixing involves improperly taking any action to influence the overall result, or any part of, a sports competition, game, race or event for financial or other benefit; rather than solely for genuine medical or Sporting Tactical Reasons. It is usually associated with corrupt gambling practices such as placing Bets on arranged outcomes for financial return. However, Match-Fixing can also involve a range of associated activities. Match-Fixing activities prohibited under this Regulation are set out in Regulation 4.5 (Prohibited Conduct).
- e. This Regulation establishes anti-Match Fixing, Betting and Corruption rules to apply across Basketball in relation to any BBNZ Competition whether inside or outside of New Zealand unless it is a FIBA Competition, in which case the FIBA Regulations (including the FIBA Betting and Corruption Rules) apply.

### 4.2 Purpose of Anti Match Fixing, Betting and Corruption Regulation

- a. The purpose of this Regulation is to protect and maintain the integrity of Basketball:
  - i. to protect Basketball against any efforts to improperly influence the result, or any aspect, of any Competition or Event;
  - ii. to establish uniform rules and a consistent scheme of enforcement and penalties;
  - iii. to comply with the FIBA Betting and Corruption Rules;

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<sup>5</sup> See Article 7.1.2 FIBA Anti-Doping Rules

- iv. to generally align with the New Zealand Regulation on Sports Match-Fixing and Related Corruption developed by Sport New Zealand (Sport NZ) and in so doing comply with the NZOC's Integrity Regulation;
  - v. to capture Match-Fixing as an offence;
  - vi. not to capture as an offence a situation where a player or team deliberately loses, underperforms or plays in a manner which the athlete or team intends will help obtain a more favourable sports outcome, for example, a more favourable draw in a competition. This type of activity may or could be prohibited by other rules for Basketball but is not intended to be captured in this Regulation.
- b. Conduct prohibited by this Regulation may also be a criminal offence and/or a breach of other applicable laws or regulations. This Regulation is intended to supplement other laws and regulations and does not replace, prejudice or undermine in any way the application of other laws and regulations. People to whom this Regulation applies must comply with all applicable laws and regulations at all times.
  - c. Subject to Regulations 4.2(e) and (f), nothing in this Regulation, waives or limits the application of the BBNZ Constitution, or any other Regulations to any conduct that is not Prohibited Conduct but may be related to, arise out of, or be connected with conduct that is Prohibited Conduct, for example, harassment.
  - d. In the event that an allegation of Prohibited Conduct includes conduct which is also alleged to be in breach of other BBNZ rules or regulations and is referred to another BBNZ Hearing Body:
    - i. the Integrity Tribunal shall decide whether or not it has jurisdiction to hear and decide the allegation of Prohibited Conduct; and if it decides that it does;
    - ii. the Integrity Tribunal may, with the agreement of the applicable BBNZ Hearing Body, hear both allegations by way of a joint hearing with that BBNZ Hearing Body, but the Integrity Tribunal and BBNZ Hearing Body shall each decide whether or not an offence has been committed and any sanction to be imposed in accordance with the applicable Constitution, rules and/or regulations; or
    - iii. the BBNZ Hearing Body may adjourn the proceedings before it, until the conclusion of the proceedings before the Integrity Tribunal (including any appeals).
  - e. Nothing in this Regulation waives or limits the application of the FIBA Betting and Corruption Rules or any FIBA rules and regulations. To the extent of any inconsistency between this Regulation and those of the FIBA, the latter shall apply.
  - f. In the event that an allegation of Prohibited Conduct is under the jurisdiction of FIBA and the allegation is referred to FIBA (whether to the FIBA Ethics Panel and/or the FIBA Disciplinary Panel or any other authority within FIBA), no proceedings (other than proceedings for a Provisional Suspension) shall be commenced before the Integrity Tribunal under this Regulation or any other BBNZ Hearing Body, until the conclusion of the proceedings before FIBA (including any appeals).
  - g. This Regulation only applies to Relevant Persons associated with BBNZ, as outlined in Regulation 4.4 and listed in Schedule 1 of this Regulation. This Regulation cannot apply to third parties outside the jurisdiction of BBNZ, who may often be involved in Match-Fixing. However, third party involvement may be addressed by law enforcement agencies. BBNZ must therefore immediately inform and collaborate with relevant law enforcement agencies such as the New Zealand Police, where third party involvement is suspected, so possible criminal offences by third parties and by Relevant Persons under this Regulation, can be addressed.
  - h. Education of all Relevant Persons and BBNZ Board and management about the requirements of this Regulation, Match-Fixing risks and prevention strategies (as outlined in Regulation 4.6), is essential to the credibility and proper functioning of this Regulation

#### 4.3 Overview of Regulation

- a. Appendix H contains a flow diagram of the key process steps of this Regulation. In brief, the enforcement process (not including processes under the FIBA Regulations, including the FIBA Betting and Corruption Rules, or of the New Zealand Police or other agencies) is as follows:
  - i. information is investigated by an Integrity Officer (a person designated by BBNZ);
  - ii. the Integrity Officer forwards their report and recommendation to an Integrity Review Officer (a person designated by BBNZ) who considers the material, together with material received from the person investigated and then;
    - 1. decides whether or not low-level offences have been committed and, if so, imposes a warning and reprimand only; or
    - 2. decides that no offences have been committed in which case the matter is at an end; or
    - 3. decides whether the Integrity Officer is required to refer serious matters to an Integrity Tribunal.
  - iii. the Integrity Tribunal (a panel appointed by BBNZ) conducts hearings, makes decisions on matters referred to it and on any appeals against Integrity Review Officer decisions and imposes sanctions where appropriate.
  - iv. there are some rights to appeal decisions of the Integrity Review Officer and the Integrity Tribunal.

#### 4.4 Application of Regulation

- a. Regulation made by Board
  - i. This Regulation is made by the Board of BBNZ and may be amended by the Board, provided that, as a minimum, this Regulation is aligned, to an extent satisfactory to Sport NZ, with the following requirements in the Sport NZ's model Anti-Match-Fixing and Sports Betting Regulation:
    - 1. the offences in Regulation 4.5;
    - 2. the educational requirements in Regulation 4.6;
    - 3. the sanctions associated with Prohibited Conduct listed in Regulation 4.16;
    - 4. including within the Relevant Persons identified in the attached Schedule 1, the minimum classes of persons as required by Schedule 1 of this Regulation.
  - ii. The Board may, in its sole discretion, delegate any or all of its powers under this Regulation, including, but not limited to, the power to adopt, apply, monitor and enforce this Regulation.
- b. Regulation applies to Relevant Persons
  - i. This Regulation applies to, and is binding on, all "Relevant Persons", as designated by the Board in Schedule 1 of this Regulation, except where expressly specified otherwise.
  - ii. By virtue of obligations arising in or through membership, employment or other contractual relationship with BBNZ, Relevant Persons are bound by and are required to comply with this Regulation.
- c. Persons to whom this Regulation does not apply
  - i. To avoid any doubt, this Regulation does not apply to:
    - 1. persons who are not Relevant Persons;
    - 2. persons who are Relevant Persons but do not have a membership, employment or other contractual relationship with BBNZ;
    - 3. persons who are Relevant Persons and who have a membership, employment or other contractual relationship with BBNZ but such relationship does not include an obligation to comply with this Regulation.

#### 4.5 Prohibited Conduct

- a. This Regulation prohibits a Relevant Person engaging in the conduct and activities listed in this Regulation 4.5. Any Relevant Person who engages directly or indirectly, alone or in conjunction with another or others, in the listed conduct and activities, commits an offence in breach of this Regulation and will be subject to sanctions.
- b. Corruption. No Relevant Person shall:
  - i. fix, contrive, improperly influence or otherwise take action which could cause the occurrence of a particular incident, outcome, result or anything else in a Competition or Event, and for which any money, Benefit or Reward (including associated with a Betting arrangement) is expected or received; other than solely for genuine medical or Sporting Tactical Reasons;
  - ii. pay or accept, or seek or offer or agree to pay or accept, any bribe or other reward to fix, contrive, or otherwise improperly influence the occurrence of a particular incident, outcome, result or any other aspect in a Competition or Event;
  - iii. fail, for any money, Benefit or Reward (including associated with a Betting arrangement), to perform as reasonably expected to their abilities in, or withdraw completely from, any Competition or Event, other than solely for genuine medical or Sporting Tactical Reasons;
  - iv. engage in any other "Corrupt Conduct" or "Manipulation of Results" as defined in the FIBA Betting and Corruption Rules, to the extent it is not specified in sub-Regulations (i) to (iii) above of this Regulation.
- c. Betting
  - i. No Relevant Person specified in Part A of Schedule 1 to this Regulation shall bet, gamble or enter into any other form of financial speculation on any BBNZ Competition, whether or not they are participating in that competition; or
  - ii. No Relevant Person specified in Part B of Schedule 1 to this Regulation shall bet, gamble or enter into any other form of financial speculation on any BBNZ Competition, in which they are participating, whether as a player, official or otherwise, or
- d. Misusing Inside Information. No Relevant Person shall:
  - i. use, or provide to any person, Inside Information<sup>6</sup> where it might reasonably be expected the information could be used for Betting purposes;
  - ii. pay or accept, or seek or offer or agree to pay or accept, any bribe or other Benefit or Reward for Inside Information;
  - iii. engage in "Misuse of Inside Information" as defined in the FIBA Betting and Corruption Rules, to the extent it is not specified in sub-Regulations (i) and (ii) of this Regulation;
  - iv. To avoid doubt, this does not prevent the appropriate use or disclosure of Inside Information for genuine business or organisational purposes related to BBNZ such as: communications between BBNZ personnel for those purposes; necessary communications with other relevant sports sector personnel for those purposes; media interviews and other public commitments;
  - v. To avoid doubt, nothing in this Regulation 4.5(d) is intended to prohibit any such disclosure made within a personal relationship (such as to a member of the Relevant Person's family) where it is reasonable for the Relevant Person to expect that such information can be disclosed in confidence and without being subsequently used for Betting, and where the person who is told the information is also told it cannot be shared with another person;
- e. General Offences. No Relevant Person shall:
  - i. receive, take an action with the expectation of receiving, or provide or offer to provide any Benefit or Reward (for example a gift) in circumstances that might reasonably give the impression that the Relevant Person is involved in, influenced by, or connected with any Prohibited Conduct;
  - ii. tamper with, obstruct, delay and/or destroy any evidence, potential evidence, documentation and/or information which may be relevant to a breach (actual or potential), and/or an investigation, under this Regulation;

<sup>6</sup> "Inside Information" is defined in Appendix G.



- iii. engage in any other form of corrupt conduct, as defined by BBNZ, regarding any BBNZ Competition;
- iv. engage in any other conduct described as "Other Violations" in the FIBA Betting and Corruption Rules, to the extent it is not specified in clause 5.
- f. Further to offences relating to Prohibited Conduct in Regulations 4.5 (b) – (e), no Relevant Person shall:
  - i. knowingly help with, cover up or otherwise be complicit in any Prohibited Conduct listed in Regulations 4.5(b) – (e);
  - ii. induce, instruct, encourage or facilitate anyone to engage in any Prohibited Conduct listed in clauses Regulations 4.5(b) – (e);
  - iii. attempt to engage, or agree with any other person (whether a Relevant Person or not) to engage, in any Prohibited Conduct listed in Regulations 4.5(b) – (e), whether or not such Attempt or agreement in fact resulted in the commission of an offence or breach under this Regulation or whether or not, in the circumstances, it was possible to commit such an offence or breach;
  - iv. engage in any conduct relating directly or indirectly to any Prohibited Conduct listed in Regulations 4.5(b) – (e), which is prejudicial to the interests of BBNZ or which brings the person engaging in the conduct, or BBNZ, into disrepute.
- g. Failure to disclose information or cooperate with investigations No Relevant Person shall:
  - i. fail to promptly disclose to BBNZ full details of facts and circumstances of which they are aware, including any acts, incidents, approaches, invitations or threats relating to themselves or any other person regarding any Prohibited Conduct;
  - ii. fail to cooperate fully with any reasonable investigation carried out by BBNZ regarding any alleged breach of this Regulation, including providing any requested information.
- h. Circumstances not amounting to Prohibited Conduct. To avoid doubt, none of the measures in Regulation 4.5 or otherwise specified in this Regulation prevent:
  - i. taking action solely for genuine medical or Sporting Tactical Reasons;
  - ii. investment in, or financial support for, a team or athlete in accordance with legitimate commercial practices.
- i. Factors not relevant in determining whether an offence has been committed. The following factors are not relevant in determining whether an offence has been committed or not under this Regulation (although they may be relevant to the appropriate sanction to be imposed):
  - i. the Relevant Person was not participating in the Competition or Event to which the offence is alleged to relate;
  - ii. the nature or outcome of any Bet in issue;
  - iii. the outcome of the Competition or Event in question or of any aspect of it on which any Bet was 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 Relevant Person or another associated person, for example a family member, friend or someone the Relevant Person 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;
  - vii. any other factors specified in the FIBA Betting and Corruption Rules that are not relevant to the determination of an offence, to the extent they are not specified in sub-Regulations (i) to (iv) above of this Regulation.
- j. Other enforcement. Regulation 4.5 does not prevent enforcement of any other rules or the referral of Prohibited Conduct to the New Zealand Police or other law enforcement agencies.
- k. Criminal offences. Any information or reports on alleged Prohibited Conduct by a Relevant Person, or activity by anyone outside of Basketball, which the Integrity Officer or Integrity Review Officer considers may be a criminal offence, must be immediately referred, by the Integrity Officer, to the New Zealand Police (whose contact details as at the date of this regulation is the Crime Regulation & Project

Officer, National Criminal Investigations Group, Police National Headquarters, 180 Molesworth Street, P O Box 3017, Wellington, phone (04) 474 9499). The Integrity Officer must also inform the Chief Executive and Board of BBNZ and the Chief Executive of Sport NZ of this report to the New Zealand Police.

#### 4.6 Education

- a. BBNZ must ensure that education about this Regulation and its application to Basketball, is provided to all Relevant Persons specified in Part A of Schedule 1 to this Regulation to enable them to clearly understand BBNZ requirements regarding Match-Fixing rules and to be aware of risk management strategies. Education programmes:
  - i. must be made available and provided to all Relevant Persons, the Board and BBNZ management;
  - ii. should ideally be made available to as wide a range of persons as feasible including players, coaches, support staff, administrative staff, umpires, other officials and player agents;
  - iii. will cover the content of BBNZ Anti-Match-Fixing Regulation and any other relevant information concerning Match-Fixing that BBNZ considers appropriate;
  - iv. will include content on identification of and familiarisation with methods of engagement or entrapment of participants in Match-Fixing and on strategies for preventing any risk of Match-Fixing activity;
  - v. will be carried out and updated regularly to include new personnel and keep people informed of the latest strategies and developments.
- b. BBNZ will ensure that everyone identified as a Relevant Person at the start date, or who becomes a Relevant Person within one month of the start date of this Regulation completes an appropriate education program, as directed by BBNZ within three months after the start date of this Regulation.
- c. BBNZ will ensure that those who become Relevant Persons one month or more after the start date of this Regulation must undertake an appropriate education program, as directed by BBNZ within two months after becoming a Relevant Person.
- d. Relevant Persons must undertake an appropriate anti-Match-Fixing education program, as directed by BBNZ, at least once every three years.

#### 4.7 Integrity Officer

- a. BBNZ must designate at least one Integrity Officer who will be responsible for matters relating to overseeing BBNZ anti-Match-Fixing measures, including performing functions and duties set out in this Regulation.

#### 4.8 Integrity Review Officer

- a. An Integrity Review Officer designated by BBNZ will be responsible for functions set out in this Regulation, including reviewing and making decisions regarding material, reports, decisions, recommendations and submissions received from an Integrity Officer and/or a Relevant Person.
- b. The Integrity Review Officer role and process is set out in Appendix C of this Regulation.

#### 4.9 Integrity Tribunal

- a. The Board of BBNZ shall from time to time appoint persons with appropriate skills and experience to sit on the BBNZ Integrity Tribunal to consider allegations referred to it pursuant to this Regulation.
- b. Subject to rights of appeal, the Integrity Tribunal shall be the only Hearing Body within BBNZ to hear and determine breaches of or violations under this Anti-Match Fixing Regulation, and for avoidance of doubt the BBNZ Judicial Tribunal shall not have jurisdiction.
- c. Integrity Tribunal members will be appointed for such time and such purposes as the Board thinks fit. A person may be appointed as a member of the Integrity Tribunal and the BBNZ Judicial Tribunal, but may not sit on the same matter.
- d. The Board will appoint one of the Integrity Tribunal members as Chairperson

- e. Matters referred to the BBNZ Integrity Tribunal shall be heard and decided in accordance with the Disciplinary Procedure and Process set out in Appendix E of this Regulation.

#### 4.10 Burden and Standard of Proof

- a. The Integrity Officer has the burden of establishing that an offence under this Regulation has been committed and/or that a Provisional Suspension is appropriate.
- b. In offences determined by the Integrity Review Officer and in matters being heard by the Integrity Tribunal, the standard of proof required is that the Integrity Review Officer or Integrity Tribunal is *comfortably satisfied*. This standard of proof is greater than a balance of probability but less than proof beyond a reasonable doubt.
- c. A Relevant Person found to have committed an offence is, in regard to some offences, eligible for the "Lower range of sanctions" as recorded in the Table of Sanctions in Regulation 4.16(e) but only if the Relevant Person establishes, on the balance of probability, the mitigating factor/s set out in Regulation 4.16(d)(xii) or 4.16(d)(xiii).

#### 4.11 Reporting Process

- a. It is fundamental to the operation of this Regulation that Relevant Persons or any other person associated with BBNZ, report a suspected Match-Fixing breach to BBNZ as soon as practicable.
- b. Except as required below, a Relevant Person must promptly report to the Integrity Officer or ensure a report is made to the Integrity Officer of, any acts, incidents, approaches, invitations or threats relating to them or any other person regarding any Prohibited Conduct. This includes reporting that:
  - i. the Relevant Person is interviewed as a suspect, charged, or arrested by the New Zealand Police regarding conduct that would amount to an allegation of Prohibited Conduct under this Regulation;
  - ii. the Relevant Person is approached by another person to engage in conduct that is Prohibited Conduct;
  - iii. the Relevant Person knows or reasonably suspects that another person has engaged in conduct, or been approached to engage in conduct, that is Prohibited Conduct;
  - iv. the Relevant Person has received, or is aware or reasonably suspects that another person has received, actual or implied threats of any nature regarding past or proposed conduct that is Prohibited Conduct;
  - v. the Relevant Person is aware or reasonably suspects that there is deliberate avoidance in BBNZ of acknowledging and acting on any Prohibited Conduct, in which case the report must be made to the Chief Executive of Sport New Zealand.
- c. If a Relevant Person wishes to report the Integrity Officer for involvement in conduct that is Prohibited Conduct under this Regulation, then the Relevant Person must report the conduct to the Chief Executive of BBNZ.
- d. If the Relevant Person wishes to report the Chief Executive of BBNZ who is also the Integrity Officer, then the Relevant Person must report the conduct to the Chair of the Board.
- e. If the Relevant Person wishes to report the Chief Executive (who is also the Integrity Officer) and the Chair of the Board, then the Relevant Person must report the conduct to the Chief Executive of Sport NZ.
- f. Where a Relevant Person makes a report to the Chief Executive, Chair of the Board, or Chief Executive of Sport NZ as above, those persons to whom the report was made may refer the report to another Integrity Officer designated by BBNZ. Where there is not another Integrity Officer, then the Chief Executive, Chair of the Board, or Chief Executive of Sport NZ may designate another person to fill that role. If the report relates to Regulation 4.11(b)(v), the Chief Executive of Sport NZ will determine how to deal with the report and may, but is not required to, refer the report to an Integrity Officer.
- g. A report by a Relevant Person may be made verbally or in writing. However, the Integrity Officer (or Chief Executive or the Chair of the Board) must record the

report in writing in a Match-Fixing incidents register within 48 hours of receiving it, and promptly forward a copy of that written record to:

- i. the Chief Executive where the notification was made to the Integrity Officer under Regulation 4.11(b);
  - ii. the Chair of the Board, where the notification was made to the Chief Executive under Regulation 4.11(c)
  - iii. the Chief Executive of Sport NZ, where the notification was made to the Chair of the Board under Regulation 4.11(d).
- h. Any report by a Relevant Person and any record of it under this clause will be dealt with confidentially by BBNZ unless disclosure is otherwise required or permitted under this Regulation, by law, or if the allegation of the Prohibited Conduct has already been made public by the Relevant Person who made the report and BBNZ considers that, in the circumstances, the reasons for disclosure outweigh the reasons for non-disclosure.
- i. In particular, the Integrity Officer must use their best endeavours not to disclose information that might identify the Relevant Person who has made the report unless:
- i. the Relevant Person consents in writing to the disclosure of that identifying information; or
  - ii. the Integrity Officer reasonably believes that disclosure of identifying information:
    1. is essential to enable an effective investigation; or
    2. is essential to prevent serious risk of harm to any person; or
    3. is essential having regard to the principles of natural justice.
- j. A Relevant Person must not, by reason of having made a report about another person under this Regulation, be subject to retaliatory action by BBNZ, and if a BBNZ employee, must not be disadvantaged in their employment.
- k. Subject to law, the protections in Regulation 4.11(j) will not apply where an investigation establishes that the person has intentionally made a false report, or made their report in bad faith.
- l. A Relevant Person has a continuing obligation to report any new knowledge or suspicion regarding any conduct that may amount to Prohibited Conduct, even if the Relevant Person's prior knowledge or suspicion has already been reported.

#### 4.12 Investigations

- a. Responsibilities of Integrity Officer
- i. The Integrity Officer is responsible for investigating any alleged breach of this Regulation. Subject to Regulations 4.11(c) – (f), any allegation or suspicion of a breach of this Regulation, whatever the source, shall be referred to the Integrity Officer.
  - ii. Following receipt of a report or other information, the Integrity Officer must do one of the following:
    1. refer to the New Zealand Police (the Crime Regulation & Project Officer, National Criminal Investigations Group, Police National Headquarters, 180 Molesworth Street, P O Box 3017, Wellington, phone (04) 474 9499), any report or information involving conduct which may be a criminal offence, inform the Chief Executive and Board of BBNZ and the Chief Executive of Sport NZ of this referral and if considered appropriate, after taking into account any advice as to the next steps from the New Zealand Police, decide to investigate; or
    2. 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 Regulation or any relevant law); or
    3. decide to investigate.
  - iii. If the Integrity Officer decides not to investigate, the Integrity Officer must provide a written report of the conduct complained of, the decision and reasons for the decision to the Integrity Review Officer and, apart from reporting under Regulation 4.11(g), no further action need be taken by the Integrity Officer unless the Integrity Review Officer decides otherwise.

- b. Investigation by Integrity Officer
- i. The Integrity Officer must investigate the activities of any Relevant Person who the Integrity Officer believes may have committed a breach of this Regulation or where the Integrity Review Officer decides that the Integrity Officer must investigate.
  - ii. Investigations may be conducted in conjunction with, and information obtained in investigations may be shared with FIBA and/or other national Basketball 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.
  - iii. The Integrity Officer may collect information relevant to the investigation. The collection of information will be subject to the privacy policies (if any) of BBNZ and to applicable New Zealand law (such as the Privacy Act 1993). The Integrity Officer may:
    1. only access personal information to which consent has been provided under this Regulation (and any applicable privacy policy) or is otherwise able to be lawfully collected under applicable legislation;
    2. make a request of the Relevant Person to provide any other information ;
    3. request the Relevant Person to make a written statement setting out in detail all of the facts and circumstances of which the Relevant Person is aware regarding the alleged breach.
  - iv. Nothing in this Regulation shall require a Relevant Person to surrender any rights under New Zealand law or in any applicable agreement between BBNZ and the Relevant Person that they have not otherwise agreed to surrender pursuant to this Regulation.
  - v. Any Integrity Officer investigation must be undertaken in accordance with any relevant provisions in any applicable agreement between BBNZ and the Relevant Person. In particular, the Integrity Officer will:
    1. provide the Relevant Person with information in their possession relevant to the investigation, subject to any applicable legal obligations;
    2. allow the Relevant Person an appropriate opportunity to consider and respond to that information.
  - vi. Subject to Regulations 4.12(b)(iv) and (v), Relevant Persons shall cooperate fully with, and shall provide all reasonable help to, the Integrity Officer in any investigation. A failure to co-operate may, depending on the circumstances, constitute an offence under this Regulation.
  - vii. As overriding principles:
    1. if at any time during an investigation the Integrity Officer becomes aware of any matter which may constitute criminal wrongdoing, the Integrity Officer must immediately refer any relevant information to the New Zealand Police (the Crime Regulation & Project Officer, National Criminal Investigations Group, Police National Headquarters, 180 Molesworth Street, P O Box 3017, Wellington, phone (04) 474 9499) and take direction from that agency about the way in which the Integrity Officer should continue to proceed;
    2. provided always that the Integrity Officer must comply with all relevant obligations under this Regulation, any investigation must be concluded promptly and efficiently.
- c. Completion of Investigation/Submissions to Integrity Review Officer
- i. Following completion of the investigation, the Integrity Officer must provide all relevant material obtained in the investigation, the Integrity Officer's written report of the investigation and recommendations as to how the complaint shall be dealt with, to the Integrity Review Officer and to the Relevant Person who is being investigated (the Respondent).
  - ii. Not later than 14 days after receipt of the material, report and recommendations from the Integrity Officer, the Respondent may provide to both the Integrity Officer and to the Integrity Review Officer any additional material that they believe is relevant and their written submission regarding the complaint.

- 4.13 Integrity Review Officer Role and Process / Appeal Against Decision of Integrity Review Officer**
- a. Integrity Review Officer decision
    - i. The Integrity Review Officer must, as set out in Appendix C of this Regulation, review and make decisions regarding material submitted to the Integrity Review Officer.
  - b. Appeal against Integrity Review Officer decision
    - i. The Respondent (Relevant Person investigated) has a right of appeal against a decision of the Integrity Review Officer that an offence under this Regulation has been established for which a sanction of a warning and reprimand only is imposed.
    - ii. Any appeals shall be heard by the Integrity Tribunal as a full hearing, where the Integrity Tribunal will hear all the evidence and make its own decision.
    - iii. Further provisions in relation to the appeal and the appeal process are set out in Appendix D.
    - iv. To avoid doubt, the Integrity Officer/BBNZ does not have a right of appeal against a decision of the Integrity Review Officer.
- 4.14 When Integrity Officer Must Refer Matter to Integrity Tribunal**
- a. Integrity Officer must refer the matter to the Integrity Tribunal
    - i. Where the Integrity Review Officer has notified the Integrity Officer that:
      - 1. there is sufficient evidence supporting that a Relevant Person has committed a corruption offence as listed in Regulation 4.5(b) or a further offence under Regulation 4.5(f) relating to Prohibited Conduct in Regulation 4.5(b); or
      - 2. there is sufficient evidence supporting that a Relevant Person has committed a non-corruption offence under Regulations 4.5(c) – (f) and the offending is serious enough to warrant a sanction other than a warning and reprimand only;
      - 3. the Integrity Officer must refer the matter to the Integrity Tribunal as set out below.
    - ii. The Integrity Officer shall send to the Integrity Tribunal and Relevant Person alleged to have committed an offence, written notice (“the Notice of Charge”) of the following:
      - 1. that the Relevant Person is alleged to have committed an offence, and has a case to answer, under Regulation 4.5;
      - 2. the specific offence(s) that the Relevant Person is alleged to have committed;
      - 3. details of the alleged acts and/or omissions relied upon in supporting the allegation that the Relevant Person has committed an offence(s);
      - 4. the range of sanctions applicable under this Regulation if it is established that the Relevant Person has committed the alleged offence(s);
      - 5. in the case of an alleged offence other than a corruption offence under Regulation 4.5(b) or a further offence under (Regulation 4.5(f) relating to Prohibited Conduct in Regulation 4.5(b), that the Integrity Review Officer considers that the level of offending is serious enough to justify a sanction other than a warning and reprimand only;
      - 6. information concerning the Relevant Person’s rights and the procedure for the Relevant Person to respond to the Notice of Charge (as set out in Appendix E: E2).
  - b. Application for Provisional Suspension
    - i. Where the Integrity Officer files a Notice of Charge against a Relevant Person with the Integrity Tribunal, the Integrity Officer may at the same time, or at a later date, and must, if required to do so by the Integrity Review Officer, also apply to the Integrity Tribunal for the Provisional Suspension of the Relevant Person until the Integrity Tribunal is able to determine the matter.
    - ii. Where the Integrity Officer applies for Provisional Suspension, they must copy the Provisional Suspension application to the Relevant Person and those persons referred to in A6a.iii, iv. or v. of Appendix C (as applicable).

#### 4.15 Disciplinary procedure and process – Integrity Tribunal

- a. Matters referred to the BBNZ Integrity Tribunal by the Integrity Officer or on appeal of a decision of the Integrity Review Officer shall be heard and decided in accordance with the Disciplinary Procedure and Process set out in Appendix E of this Regulation.

#### 4.16 Sanctions

- a. Sanction of a warning and reprimand imposed by the Integrity Review Officer
  - i. Where the Integrity Review Officer imposes a sanction under Appendix C of this Regulation, it must be a sanction of a warning and reprimand only.
- b. Sanction imposed by Integrity Tribunal
  - i. Where in relation to matters referred to the Integrity Tribunal:
    1. the Relevant Person admits they have committed the offence(s); or
    2. the Integrity Tribunal determines a Relevant Person has committed the offence(s);the Integrity Tribunal must impose an appropriate sanction on the Relevant Person for the particular offence(s) from the column headed “Range of Sanctions for Each Offence” in the Table of Sanctions in Regulation 4.16(e); and the Integrity Tribunal may, in its discretion, but is not required to, impose additional sanctions from the column headed “Additional Sanctions the Integrity Tribunal may Impose” in the Table of Sanctions
  - ii. To determine the appropriate sanction applicable in each case, the Integrity Tribunal must first determine the relative seriousness of the offending.
  - iii. In determining the relative seriousness of the offending, the Integrity Tribunal shall take into account aggravating and mitigating factors and shall identify which (if any) of those factors apply in this case.
  - iv. The Integrity Tribunal shall detail the effect of the relevant aggravating and mitigating factors on the final sanction in its written decision.
  - v. The “Lower range of sanctions” in the Table of Sanctions apply only if the requirements of Regulation 4.10(c) are satisfied. To avoid doubt, the mitigating factors referred to in Regulation 4.10(c) may be raised as mitigating factors but cannot be used to access the “Lower range of sanctions” unless Regulation 4.10(c) is satisfied.
- c. Aggravating Factors. In determining the relative seriousness of the offending in each case, the Integrity Review Officer or the Integrity Tribunal shall identify and take into account which, if any, of the following aggravating factors apply:
  - i. the Relevant Person 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 Relevant Person
  - iii. the Relevant Person has previously been found guilty of an offence under this Regulation or any predecessor of this Regulation;
  - iv. the Relevant Person 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, directly or indirectly received by the Relevant Person as a result of the offence(s), is substantial and/or where the sums of money otherwise involved in the offence(s) are substantial;
  - 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 Event(s) or Competition(s);
  - vii. the offence affected (or had the potential to affect) the result of the relevant Event(s) or Competition(s);
  - viii. the welfare of any other person has been endangered as a result of the offence
  - ix. the offence involved the Relevant Person recruiting, involving or using, or acting with more than one Relevant Person or other persons;
  - x. the Relevant Person has not fully co-operated with any investigation and/or the process (regardless of whether this may amount to a separate offence under this Regulation);
  - xi. any other aggravating factor(s) that the Integrity Review Officer or Integrity Tribunal considers relevant and appropriate.

- d. Mitigating Factors. In determining the relative seriousness of the offending in each case, the Integrity Review Officer or Integrity Tribunal shall identify and take into account which, if any, of the following mitigating factors apply:
- i. the Relevant Person has a low degree of fault regarding the offence(s);
  - ii. the Relevant Person has fully co-operated with any investigation and/or the associated process;
  - iii. an admission of guilt and/or genuine remorse by the Relevant Person (the mitigating value of which may depend on its timing);
  - iv. the youth and/or lack of experience of the Relevant Person;
  - 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 Relevant Person provides substantial help to any of the following:
    1. the Integrity Officer
    2. BBNZ
    3. another Basketball national federation
    4. FIBA
    5. a law enforcement agency
    6. a professional disciplinary body
 that results in any of the following:
    7. the discovery or establishment of an offence under this Regulation committed by another Relevant Person
    8. the discovery or establishment of an anti-Match-Fixing or other anti-corruption offence under the laws, rules, regulations or policies of another national Basketball organisation or FIBA committed by another Relevant Person or other third party
    9. the discovery or establishment of a potential or actual criminal offence or the potential or actual breach of professional rules committed by another Relevant Person or a third party
  - viii. the Relevant Person has already suffered penalties under other laws and/or regulations for the same offence
  - ix. the Relevant Person has received no benefit
  - x. the diminished mental capacity of the Relevant Person
  - xi. the Relevant Person has been publicly identified prior to an offence being determined, whether by lack of due care by BBNZ or another reason
  - xii. regarding an Attempt or an agreement which is a further offence under Regulation 4.5(f)(iii), the Relevant Person ceases and/or rejects the Attempt or agreement prior to it being discovered by a third party not involved in the Attempt or agreement
  - xiii. the alleged offence was committed (and/or that it was not reported to BBNZ) due to the Relevant Person's honest and reasonable belief that there was a serious and imminent threat to their life or safety or to the life or safety of any other person
  - xiv. any other mitigating factor(s) that the Integrity Review Officer or Integrity Tribunal considers relevant and appropriate.



e. Table of Sanctions

<b>Offence</b>	<b>Range of Sanctions for Each Offence</b>	<b>Additional Sanctions the Integrity Tribunal may impose</b>
Corruption: Regulations 4.5(b)(i), (ii), (iii), (iv)	Minimum: Two (2) years suspension Maximum: Lifetime suspension Lower range of sanctions: from a warning and reprimand up to a maximum of two (2) years suspension - see Regulations 4.16(b)(v)	And in all cases:  The Integrity Tribunal shall have the discretion to additionally impose:  (a) a fine on the Relevant Person up to a maximum of the value of any Benefit or Reward received by the Relevant Person directly or indirectly, out of, or in relation to, the offence committed under this Regulation – paid to BBNZ or other recipient as determined by the Integrity Tribunal;  and/or
Betting: Regulations 4.5(c)(i) and (ii)	Minimum: Warning and reprimand  Maximum: Two (2) years suspension	
Misusing Inside Information: Regulations 4.5(d)(i) and (ii)	Minimum: Warning and reprimand  Maximum: Five (5) years suspension	(b) appropriate further options including without limitation the cancellation of sports results / Events, demotion, points reduction, return of Benefits or Rewards, replay of fixtures (for example in cases of competition official corruption) where risk of fraud has been established or identified, withdrawal of accreditation, exclusion from Competition venues and/or official player environs, as appropriate;
General Offences: Regulations 4.5(e)(i), (ii), (iii)	Minimum: Warning and reprimand Maximum: Five (5) years suspension	
Further Offences Relating to Prohibited Conduct in Regulations 4.5(b) - (e)  Regulations 4.5(f)(i), (ii), (iii), (iv)	The sanctions range will be the same as set out in this table for the particular relevant primary offence in Regulations 4.5(b) - (e)  Lower range of sanctions: from a warning and reprimand up to a maximum of two (2) years suspension - see Regulation 4.16(b)(v)	
Failure to Disclose or Cooperate: Regulations 4.5(g)(i) and (ii)	Minimum: Warning and reprimand Maximum: Two (2) years suspension	and/or (c) an order that the Relevant Person pay an amount of costs to BBNZ

- f. Further provisions concerning sanctions. To avoid doubt:
- i. 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.
  - ii. Where a Relevant Person is found guilty of committing two breaches under this Regulation relating to the same incident or set of facts and sanctioned separately, then any sanctions imposed should run concurrently (and not cumulatively).
  - iii. Where a fine and/or costs award is imposed against a Relevant Person, then such fine or costs award must be paid within a reasonable time period specified by the Integrity Tribunal. BBNZ will consider any request from the Relevant Person, on the grounds of hardship, to make the payment of any

- fine and/or costs award imposed over a period of time, which may involve instalment payments.
- iv. If a fine or costs award (or agreed part payment or instalment of) is not paid by the date set down by the Integrity Tribunal, or within such deadline or by the time of the next agreed payment date then, unless BBNZ agrees otherwise, the Relevant Person will be suspended until such payment or part payment is made. BBNZ may also seek to recover the fine by recovery/enforcement action.
  - v. Any Suspension imposed on a Relevant Person starts on the date that the decision imposing the Suspension is issued:
    1. provided any period of Provisional Suspension served by the Relevant Person shall be credited against the total period of Suspension to be served; or
    2. unless otherwise indicated in the written decision.
  - vi. A Relevant Person who is suspended is prohibited, during the period of Suspension, from playing, training as part of a team or a squad, officiating, coaching, selecting, administering and/or otherwise participating or being involved in any capacity in any Competition, Event, function or other activity (other than authorised anti-corruption education or rehabilitation programmes) that is authorised, organised, sanctioned, recognised or supported in any way by BBNZ or any member organisations and/or Associate Members of BBNZ (such as Centres or Clubs).
  - vii. The FIBA, other international sporting federations, national Basketball organisations in other jurisdictions, other New Zealand-based national sport organisations, or national sport organisations of other sports in other international jurisdictions, will be entitled to give effect to and enforce the above Suspension in their respective jurisdictions regarding other sports, as if the Suspension related to that sport.
  - viii. A Relevant Person who is subject to a Suspension shall remain subject to this Regulation during the Suspension period. If the Relevant Person is alleged to have committed an offence under this Regulation during that period, this shall be treated as a separate matter, and separate proceedings will be brought, under this Regulation.
  - ix. Once any period of Suspension has expired, the Relevant Person will automatically become re-eligible to participate fully again in Competitions, Events, functions or activities authorised, organised, sanctioned, recognised or supported in any way by BBNZ or member organisations of BBNZ provided that the Relevant Person has:
    1. completed a BBNZ approved anti-Match-Fixing or other anti-corruption programme to the reasonable satisfaction of the Integrity Officer;
    2. satisfied in full, any fine and/or costs award made against the Relevant Person regarding an offence under this Regulation, by the Integrity Tribunal, or the Sports Tribunal or the Court of Arbitration for Sport, or has complied and continues to comply with any payment instalment plan agreed or imposed;
    3. agreed to be subject to such additional reasonable and proportionate monitoring procedures and requirements as the Integrity Officer may reasonably consider necessary given the scope of the offence committed.
  - x. Where a sanction is determined under this Regulation, with the exception of any right to appeal or right to take any other legal avenues, no further action can be taken regarding the matters investigated and sanctioned.

#### 4.17 Appeal Against Decision of Integrity Unit

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

#### 4.18 Public Disclosure and Confidentiality

- a. Except as otherwise required by this Regulation or applicable laws and/or regulations of BBNZ, the Integrity Officer, Integrity Review Officer, Integrity Tribunal, Relevant Persons and any other Parties to proceedings under this Regulation:
  - i. shall keep all proceedings under this Regulation confidential;
  - ii. shall make all efforts within their power to ensure that their family members/associates shall keep all proceedings under this Regulation confidential.
- b. BBNZ shall not publicly identify any Relevant Person who is alleged to have committed an offence under this Regulation unless and until it has been determined by the Integrity Review Officer or Integrity Tribunal that an offence has been committed, or as allowed under Regulation 4.18(b)(i) below.
  - i. If the decision is that an offence has been committed:
    1. for which a sanction of a warning and reprimand only has been imposed, BBNZ has discretion to publicly report the decision
    2. for which a sanction other than a warning and reprimand only has been imposed; BBNZ must publicly report the decision
    3. posting the decision on the BBNZ website is sufficient to publicly report the decision, provided that in each case BBNZ must, prior to posting, notify the Chief Executive of Sport New Zealand of the date upon which the posting on the website will be made, if the decision is not appealed
    4. public reporting must not occur until any appeal period has lapsed without the decision being appealed and must then occur promptly regarding Regulation 4.18(b)(i)(2) above.
  - ii. If the Integrity Review Officer or Integrity Tribunal determines that no offence has been committed by the Relevant Person, then the decision may be publicly reported only with the consent of the Relevant Person who is the subject of the decision. BBNZ shall use reasonable efforts to obtain such consent, and if consent is obtained, shall publicly disclose the decision in its entirety or in such redacted form as the Relevant Person may approve.
- c. BBNZ shall use its best endeavours to ensure that persons under its control do not publicly identify any Relevant Persons who are alleged to have committed an offence under this Regulation, unless and until the Integrity Review Officer or Integrity Tribunal has determined that an offence has been committed, or as allowed under Regulation 4.18(b)(ii) above.
- d. However, BBNZ in its discretion may at any time disclose to other organisations such information as BBNZ may consider necessary or appropriate to facilitate the administration or enforcement of this Regulation, provided that each organisation provides assurance satisfactory to BBNZ the organisation will maintain all such information in confidence.
- e. BBNZ will not comment publicly on the specific facts of a pending case even if public comments are made by (or on behalf of) the Relevant Person involved in the case or their representatives unless BBNZ considers that, in the circumstances, the reasons for public comment outweigh the reasons for not making public comment.

#### 4.19 Recognition of Decisions

- a. Decisions and sanctions of:
  - i. the FIBA;
  - ii. international federations of other sports;
  - iii. other national basketball organisations in other international jurisdictions;
  - iv. other national sport organisations of other sports in New Zealand;
  - v. national sport organisations of other sports in other international jurisdictions; that are based on the same or similar anti Match-Fixing rules or anti-corruption rules shall be recognised, respected and enforced by BBNZ automatically upon receipt of notice of the same, without the need for further formality.

#### 4.20 Protection and Support Mechanisms

- a. BBNZ will have protection and support mechanisms in place for Relevant Persons who may come in contact with, or be involved in, Match-Fixing activity or to limit risky situations where this might occur. Protection and support mechanisms established may include those listed below and BBNZ will ensure Relevant Persons are advised of these where in place.
- b. Protection mechanisms that BBNZ may establish at its discretion include, but are not limited to:
  - i. monitoring Betting accounts of Relevant Persons;
  - ii. monitoring Betting activity on any BBNZ Competition;
  - iii. security measures restricting access to participants from non-essential personnel at Competitions or Events;
  - iv. limiting or prohibiting participants' use of electronic communication devices (phones, computers, tablets etc.) in/at restricted areas/times during Competitions or Events;
  - v. assigning sports officials (especially referees and judges) within as short a period before a Competition or Event begins as possible;
  - vi. regular scrutiny of officials decisions;
  - vii. paying particular attention to measures to safeguard athletes who are minors or at Competitions or Events predominantly involving minors.
- c. Support mechanisms that BBNZ may enact at its discretion include, but are not limited to:
  - i. having confidential and accessible reporting processes and a 'whistle blower' policy in place to support people coming forward with any relevant information;
  - ii. publicising the contact details (e.g. name, phone number and email address) of the BBNZ Integrity Officer whom anyone connected with BBNZ can contact regarding any Match-Fixing related matters, who can assess the situation and offer sound advice, protecting confidentiality where appropriate;
  - iii. pre-determining procedures to keep Relevant Persons safe, who have been approached to engage in Match-Fixing.

#### 4.21 Sports Betting Agreement

- a. Under the Racing Act 2003, the New Zealand Racing Board (NZRB) must establish a sports Betting agreement with BBNZ before the NZRB can offer Betting on 'Authorised Events' agreed to by BBNZ. Under the Act, the NZRB must also provide a percentage of sports Betting revenue to BBNZ.
- b. To comply with the requirements of the NZRB's model agreement, BBNZ will at a minimum have rules relating to Betting in place, which, in particular, must prevent a 'Relevant Person' as defined in the Betting clauses pursuant to the Racing Act, who participates in an Authorised Event, from Betting on that Authorised Event.
- c. BBNZ will use its Betting agreement to further manage Match-Fixing risks by working with the NZRB to identify Bet types that will be jointly reviewed by BBNZ and NZRB regularly, over the term of the Betting agreement.
- d. In particular, BBNZ should consider using its Betting agreement to:
  - i. restrict or prohibit 'spot' Bets (i.e. Bets on particular actions within Competitions or Events which are more easily manipulated than, for example, overall Competition or Event results);
  - ii. agree with the NZRB that maximum wager amounts are capped at modest levels for the types of Bets or formulae for which associated actions are most easily manipulated, such as 'spot' Bets, if permitted;
  - iii. restrict other types of Bets that may have higher risks regarding Match-Fixing, such as Bets on minors or in competitions predominantly involving minors, depending on the circumstances.
  - iv. Subject to any legal requirements preventing this, BBNZ Betting agreements will also include agreed protocols for timely information and intelligence sharing between BBNZ and the NZRB to support preventative and investigative measures. Alternatively, separate information sharing agreements may be established.

**4.22 Information Sharing and Collaboration**

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

**4.23 Interpretation and Definitions**

- a. Interpretations and definitions of specified words and phrases used in this Regulation are set out in Appendix G to this Regulation.

BOOK 7 APPENDICES

***Appendix A - Table of Procedures and Hearing Bodies Under Integrity Regulation***

To be completed

## Appendix B - FIBA Code of Ethics

### CHAPTER III - FIBA CODE OF ETHICS<sup>7</sup> PREAMBLE

**Commented [DH1]:** Replace with FIBA Internal Regulations Book 1 pages 35-44?

16. FIBA bears the responsibility to safeguard the integrity and reputation of the sport of basketball worldwide and is constantly striving to protect its image from jeopardy or harm as a result of immoral or unethical activities, methods, and practices.
17. FIBA wishes to present basketball to the world as an energetic, healthy, and athletic game, free from violence and unethical practice of any kind.
18. The intent of this Code of Ethics therefore is to ensure that basketball worldwide is both administered and played within a framework of ethical, honest, fair, transparent, democratic, credible, dignified, and professional behaviour, and in the spirit of fair play.
19. Inherent in this Code of Ethics is the individual's right to dignity and to being treated with respect. Basketball allows no discrimination between the basketball parties on the basis of race, gender, ethnic origin, religion, philosophical or political opinion, marital status, or other grounds.

#### **APPLICATION OF THE CODE (the most up to date Code will always take priority)**

20. This Code of Ethics applies throughout the world to the following who must each be accountable for their own actions and respect the sanctity and obligations of their allegiance to FIBA:
  - a. The Divisions of FIBA including the individual members and employees thereof, and any other organisations or individuals who have direct or indirect affiliation with FIBA;
  - b. National member federations of FIBA;
  - c. All of the associations, clubs, and other organisations (including leagues) which are members directly or indirectly or part of the national member federations or Zones of FIBA;
  - d. Administrators (including club owners, officials, and staff) at all levels described in letters b. and c. above;
  - e. Players, coaches, player-support personnel (including team managers, medical staff), officials of all designations, and FIBA accredited players' agents;
  - f. Organisations, cities, States and the like bidding for the right to conduct events/Competitions of FIBA, and including Local Organising Committees formed to run such events.
21. Those listed in article 1-20 are referred to in this Code of Ethics as "the basketball parties".

#### **REQUIREMENTS OF THE CODE**

22. The basketball parties shall observe the following articles (including those actions enshrined in the Preamble to this Code).
23. Demonstrate loyalty to FIBA and its principles, and to the sport of basketball, and not do anything that would bring discredit to the sport.
24. Embrace honesty, integrity, and respectability as being core to all basketball activities and never knowingly provide false information to others.
25. Not engage in any criminal or otherwise improper activities, either within or outside basketball.
26. Observe the FIBA General Statutes and Internal Regulations, other rules and regulations and decisions of FIBA.
27. Honour all contracts (both personal and business) related to basketball and not encourage others to break such contracts.
28. Refrain from activities that might affect the outcome of basketball games such as:
  - a. Acceptance of gifts/payments, commissions, or other considerations by players (other than as a legitimate part of playing contract);
  - b. Acceptance of gifts/payments, commissions, or other considerations by officials (other than as a legitimate part of their contract of engagement);
  - c. Offering gifts/payments, commissions, or other considerations to players and officials other than as part of their legitimate contractual payments;

<sup>7</sup> This Code is part of the FIBA Internal Regulations approved by FIBA Central Board on 25 April 2024.

- d. Betting or otherwise speculating either alone or through others;
  - e. Doping or the encouragement of doping;
  - f. Engaging in criminal or other improper activities;
  - g. Engaging in other unethical conduct of any kind that has the potential to affect the outcome of game/s.
29. Ensure that discrimination, harassment, vilification, and/or abuse are not tolerated at any level and that there are appropriate policies and processes in place to deal with such behaviour.
30. Administer basketball organisations in a transparent and fair manner, free from bias and corruption and through open and democratic elections and processes:
- a. With day-to-day management according to democratic and accountability principles, including professional managers being responsible and accountable to their Board/Executive Committee/ Management Committee and they, in turn, being responsible and accountable to their members/stakeholders;
  - b. Avoiding actual or perceived conflicts of interest where administrators or other officials have, or appear to have, private or personal interests that detract from their ability to carry out their obligations in their official capacity with integrity in an independent and purposeful manner (private or personal interests include gaining any possible advantage for himself, his family, relatives, friends and acquaintances, and any organisation to which he belongs and/or has a leading role);
  - c. Ensuring openness and transparency in all dealings of administration and operation;
  - d. Ensuring decisions are based, as far as is possible, on objective rather than subjective criteria;
  - e. Respecting contractual obligations and commercial-in-confidence transactions and intellectual property rights;
  - f. Ensuring scrupulous avoidance of deception, unethical practice, or any other behaviour that is, or might be construed as, dishonourable or detrimental to the sport of basketball;
  - g. Acting in accordance with the fiduciary duties of an office bearer, complying with the spirit and letter of the law, and recognising both the legal and moral duties of the role;
  - h. Not doing anything that in any way denigrates the sport of basketball or harms its public image at any level;
  - i. Managing relationships and transactions with sponsors, commercial partners, vendors, suppliers, and consultants in an ethical manner in accordance with this Code;
  - j. Entering into contracts or other arrangements with organisations whose business is related to speculation on the outcomes or otherwise of sporting events only to the extent that such activity is not in breach of this Code of Ethics;
  - k. Ensuring full, fair, accurate, and timely disclosure in reports to FIBA or to any other superior authority within the sport as may be required and also to relevant official authorities in the country or state of formation in full accordance with the law;
  - l. Ensuring that the personal rights of individuals are protected, respected, and safeguarded;
  - m. Ensuring the privacy of individuals (apart from what is essential information for the organisation to function);
  - n. Promoting the health and welfare of players;
  - o. Providing due process in disciplinary matters;
  - p. Representing basketball honestly, worthily, respectably, and with integrity.
31. In the pursuit of open and democratic election processes, candidates offering themselves for election to office should observe the following principles:
- a. A candidate has the right to promote his candidature, subject to respecting any special provisions relating to that office and to this Code of Ethics;
  - b. The promotion of a candidate is conducted with dignity and moderation;
  - c. Excessive expenditure is avoided in order to preserve equality between candidates;
  - d. No meeting or gathering of any kind is held in the framework of promoting a candidature;
  - e. Candidates may in no instance and under no pretext give presents or offer donations or gifts, or offer to grant advantages of whatever nature;
  - f. No candidate may enter into any promise or undertaking to be performed, whatever the timing of such performance, for the direct benefit or indirect benefit of another basketball party;



- g. As voting in elections should be secret, no basketball party, individually or collectively, will announce in any form whatsoever their intention to vote or produce any invitation to vote for a particular candidate;
  - h. Each candidate shall, in the framework of promoting his candidature, respect the other basketball party candidates;
  - i. A candidate may produce no spoken word, written text or representation of any matter likely to harm the image of another candidate or cause him prejudice;
  - j. No understanding, coalition, or collusion between candidates with the intent to influence the result of the vote is allowed.
32. The basketball parties shall guarantee the players conditions of safety, well-being, and medical care appropriate for basketball.
  33. The basketball parties, or their representatives, shall not directly or indirectly solicit, accept or offer any form of remuneration or commission, nor any concealed benefit or service of any nature, connected with the organisation of a Competition of FIBA.
  34. Only gifts of nominal value, in accordance with prevailing local customs, may be given or accepted by the basketball parties, as a mark of respect or friendship. Any other gift must be declared and passed on to the organisation of which the beneficiary is a member.
  35. Hospitality shown to members and staff of the basketball parties, and to the persons accompanying them shall be declared and shall not exceed the standards prevailing in the host country.
  36. The basketball parties, their agents, and/or their representatives must not be involved with firms or persons whose activity or reputation is inconsistent with other principles set out in this Code of Ethics.
  37. The basketball parties shall neither give nor accept instructions to vote or intervene in a given manner within the organs of FIBA.
  38. Where FIBA gives financial support to basketball parties, financial records and accountability must be in accordance with the requirements stipulated by FIBA.
  39. The basketball parties recognise the significant contribution that broadcasters, sponsors, partners and other supporters of basketball make to the development and prestige of FIBA official competitions throughout the world. However, such support must be consistent with the rules and regulations of FIBA. The organisation and staging of the main official competitions of FIBA are the exclusive prerogative of FIBA.
  40. The basketball parties shall fully respect the various manuals published by FIBA linked to the selection of host organisations (however defined), in particular the Bid and Event Manual for FIBA World Championship (or any other relevant publication). Those basketball parties wishing to organise a Competition of FIBA shall, inter alia, refrain from approaching another party, or a third basketball party, with a view to obtaining any financial or political support inconsistent with the provisions of such manuals and/or this Code of Ethics.
  41. Where basketball parties are involved in offering themselves as candidates for the right to conduct a major event, those parties will specifically apply the principles outlined in article 1-31 to their conduct during the bidding process.
  42. The basketball parties shall endeavour to protect the environment on the occasion of any Competition of FIBA that they organise.
  43. The basketball parties shall not disclose information entrusted to them in confidence.

**ROLE OF THE ETHICS PANEL / BREACHES OF THE ETHICS CODE**

44. The role of the Ethics Panel is to examine possible breaches of this Code and then to report on its inquiries and deliberations.
45. The principle of confidentiality shall be respected strictly by the FIBA Ethics Panel in all of its activities.
46. Alleged breaches of the Code may be referred by the following to the Ethics Panel for consideration:
  - a. The President of FIBA
  - b. The Central Board
  - c. The Secretary General
  - d. National member federations
47. Such referrals will be made via the Secretary General unless the alleged breach involves the Central Board or the Secretariat in which event the referral may be made directly to the Chairman of the Ethics Panel.
48. Referrals must relate to alleged breaches of this Code within the previous five (5) years.

49. In the course of its inquiry, the Ethics Panel is entitled to the benefit of legal counsel or other expert opinion.
50. A combination of alleged breaches of other FIBA Internal Regulations and alleged breaches of the Code of Ethics may be heard/progressed simultaneously.
51. After appropriate inquiry and consideration of the matter, the Panel will either dismiss the referral or make a prima facie finding of breach/es of the Code of Ethics together with its recommendation/s to the Secretary General or to the Central Board, as appropriate.
52. Dismissal by the Ethics Panel of a referral made to it is not appealable.

#### **SANCTION FOR BREACHES OF THE CODE OF ETHICS**

53. The Ethics Panel has no direct power of sanction. The Secretary General and/or the Central Board may either deal with an adverse prima facie finding of the Ethics Panel in keeping with their respective authority or may decide to refer a matter to the FIBA Disciplinary Panel for formal hearing under FIBA's disciplinary processes.
54. Where a basketball party is found to be in breach of this Code of Ethics, sanction/s may include (in addition to those set out in Chapter VI of this Book 1):
  - a. For an individual: a monetary fine as per article 1-233 and/or suspension or removal from office
  - b. For organisations: a monetary fine as per article 1-233 and/or suspension of membership or status as a basketball party.
55. National member federations may deal with alleged breaches of this Code within their own respective jurisdiction through their own processes unless the allegation of breach involves the national member federation itself in which event the matter will be for the FIBA Ethics Panel to consider. Where FIBA is of the view that a national member federation has failed to either investigate appropriately an alleged breach of this Code or to impose an appropriate penalty where an alleged breach is sustained, then FIBA itself may undertake its own investigation and/or fix its own penalty.

## **Appendix C - Integrity Review Officer Role and Process**

- C1. **The Integrity Review Officer must review and decide the action to be taken (if any) regarding:**
- a. a report, decision and reasons received from the Integrity Officer under Regulation 4.12(a)(iii); or
  - b. the material, report, recommendations and submissions (if any) received from the Integrity Officer and the Respondent under Regulation 4.12(c).
- C2. **If Integrity Review Officer suspects criminal offending**
- a. If, following their review under A1 of this Appendix C, the Integrity Review Officer considers there may be a criminal offence, they must require the Integrity Officer to refer the report or information to the designated officer in the New Zealand Police (see Regulation 4.5(k)), for the Integrity Officer to take advice from the Police on next steps and investigate if appropriate. The Integrity Officer must also inform the Chief Executive and Board of BBNZ and the Chief Executive of Sport NZ of this referral to the New Zealand Police.
- C3. **A decision of the Integrity Review Officer under A1a. of this Appendix C, must be either that:**
- a. the report or information must be referred by the Integrity Officer to the New Zealand Police under the process outlined in A2a. of this Appendix C, to take advice on next steps from the Police and investigate if appropriate, and the Integrity Officer must also inform the Chief Executive and Board of BBNZ and the Chief Executive of Sport NZ of this referral to the New Zealand Police; or
  - b. the report or information is not to be investigated; or
  - c. the report or information is to be investigated by the Integrity Officer
- and the Integrity Review Officer must report their decision to the Integrity Officer and to such of the persons in A6a.iii. or iv. or v. (as applicable) of this Appendix C.
- C4. **Where no breach of Regulation or insufficient evidence, matter is at an end**
- a. Where the Integrity Review Officer concludes that no breach of this Regulation has occurred, or there is insufficient evidence to support an allegation of a breach of this Regulation, the matter is at an end, except that a written report must be provided as outlined below. No further action will be taken regarding the matter, subject to any new relevant information coming to the notice of the Integrity Officer or the Integrity Review Officer.
- C5. **Integrity Review Officer must impose a warning and reprimand**
- a. Where an offence has been established, the Integrity Review Officer must impose a sanction of a warning and reprimand only, provided that:
    - i. the offence is not a corruption offence as listed in Regulation 4.5(b) or a further offence under Regulation 4.5(f) relating to Prohibited Conduct in Regulation 4.5(b); and
    - ii. the offending is considered to be of such a low level of seriousness that a sanction of a warning and reprimand only is justified; and
    - iii. in determining the relative seriousness of the offending, and whether a sanction of a warning and reprimand only is appropriate, the Integrity Review Officer must take into account the aggravating and mitigating factors listed in Regulations 4.16(c) and (d).
- C6. **Integrity Review Officer must report findings**
- a. Where the Integrity Review Officer decides that no breach of this Regulation has occurred, or, there is insufficient evidence to support an allegation of a breach of this Regulation or an offence has been established where a sanction of a warning and reprimand only is imposed, the Integrity Review Officer shall provide a written report of their findings and recommendations (if any) to:
    - i. the Respondent; and
    - ii. the Integrity Officer; and

- iii. the Chief Executive (providing the Chief Executive is not also the Integrity Officer or the subject of the decision); or
  - iv. the Chair of the Board (where the Chief Executive is also the Integrity Officer or the subject of the decision); or
  - v. the Chief Executive of Sport NZ (where both the Chief Executive and Chair of the Board are the subjects of the decision).
- b. Where the Integrity Review Officer decides an offence has been committed and imposes a sanction of a warning and reprimand and the appeal notice period in Appendix D has expired without an appeal being notified, their report of their findings and recommendations (if any) must be sent to the Chief Executive of Sport New Zealand.
- C7. Where there is evidence of a corruption offence in Regulations 4.5(b) or (f), or other serious offending, the Integrity Review Officer will require the Integrity Officer to refer the matter to the Integrity Tribunal**
- a. The Integrity Review Officer must, by notification in writing to the Integrity Officer require the Integrity Officer to refer the matter to the Integrity Tribunal if, following review of the material, report, recommendations and submissions received (if any) under Regulation 4.12(c), the Integrity Review Officer decides that there is sufficient evidence supporting that a Relevant Person has committed:
    - i. a corruption offence as listed in Regulation 4.5(b) or a further offence under Regulation 4.5(f) relating to Prohibited Conduct in Regulation 4.5(b); or
    - ii. a non-corruption offence under clauses 5.3 - 5.7 and the Integrity Review Officer considers the offending is serious enough to warrant a sanction other than a warning and reprimand only.
  - b. The Integrity Review Officer must forward a copy of the notification in A7a of this Appendix C to the Chief Executive of Sport NZ.
- C8. Provisional Suspension**
- a. In addition to the requirement under A7, the Integrity Review Officer may also require the Integrity Officer to apply for Provisional Suspension of the Relevant Person until the Integrity Tribunal is able to determine the matter.

#### **Appendix D - Appeal Against Decision of Integrity Review Officer**

**D1. Appeal Notice**

- a. A Respondent's appeal under Regulation 4.13 is initiated by the Respondent providing to the Integrity Review Officer and to the Integrity Officer, within 14 days from the date the Respondent received the Integrity Review Officer decision containing reasons, a written notice that the decision is appealed.

**D2. Integrity Review Officer refers appeal to Integrity Tribunal**

- a. Upon receipt of the appeal notice, the Integrity Review Officer refers the appeal notice to the Integrity Tribunal, together with:
  - i. all of the material, written report, recommendations and submissions (if any) received under Regulation 4.12(c); and
  - ii. the report of the findings and recommendations (if any) referred to in C6a of Appendix C.

**D3. Further provisions relating to appeal**

- a. E1 - E10 (inclusive) of Appendix E shall apply with all appropriate modification as if the appeal was convened in relation to a Notice of Charge under Regulation 4.14(a)(ii) and as may otherwise be required by the Integrity Tribunal.

**D4. Decision being appealed remains in effect unless Integrity Tribunal decides otherwise**

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

## **Appendix E - Disciplinary Procedure and Process - Integrity Tribunal**

### **E1. Start of Proceedings by Filing Notice of Charge**

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

### **E2. Response to Notice of Charge**

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

### **E3. Appointment of Integrity Tribunal Hearing Panel**

- a. Upon the Integrity Tribunal receiving a Notice of Charge, or at a later date, the Chairperson of the Integrity Tribunal shall appoint three members of the Integrity Tribunal to form the Integrity Tribunal panel to hear and decide the allegation.
- b. The panel of three will usually include the Chairperson. However, if the Panel does not include the Chairperson, the Chairperson will appoint one of the panel members as Chairperson of the panel.
- c. The appointed members shall be independent of the Parties to the proceedings and shall have had no prior involvement with the case.

### **E4. Provisional Suspension**

- a. Where the Integrity Officer has filed an application for Provisional Suspension of the Relevant Person pursuant to Regulation 4.14(b), the Integrity Tribunal will consider the application urgently and will normally hold a hearing as soon as practicable to decide whether to impose a Provisional Suspension.
- b. The Integrity Tribunal will notify the Parties of the time and date of the Provisional Suspension hearing and the form it will take (e.g. in person or by audio or audio-visual means). The Integrity Tribunal may consult with the Parties prior to the Provisional Suspension hearing about any matters necessary to progress the application to a hearing.
- c. The Integrity Tribunal may decide to not hold a Provisional Suspension hearing if the Relevant Person agrees to accept a Provisional Suspension and if so, will promptly make an order provisionally suspending the Relevant Person.
- d. In exceptional circumstances (such as that the Relevant Person is due to participate in competition the day after the Provisional Suspension application is filed and hearing the Provisional Suspension is not possible) the Integrity Tribunal may in its

discretion decide to impose a Provisional Suspension based on the material before it without holding a hearing, receiving submissions or other communication from the Relevant Person. However, in such cases the Integrity Tribunal will either hold an expedited hearing on whether the Provisional Suspension should be maintained or hold an expedited hearing in relation to the alleged offence under this Regulation, as soon as possible after the imposition of the Provisional Suspension.

- e. The Integrity Tribunal will, wherever possible, seek to hold an urgent provisional hearing (unless the Relevant Person agrees to accept a Provisional Suspension) before imposing a Provisional Suspension, but the choice of procedure to be followed will be a matter for the Integrity Tribunal in the particular circumstances.
- f. The Integrity Tribunal will adopt such procedures for any hearing regarding a Provisional Suspension (whether held before or after the imposition of a Provisional Suspension) as the Tribunal considers will provide the Parties with a fair hearing in the matter.
- g. The Integrity Tribunal may impose a Provisional Suspension where it considers that there is a prima facie case that an offence under this Regulation has been committed and that it is appropriate to impose a Provisional Suspension on the Relevant Person.
- h. A Relevant Person who is provisionally suspended is barred temporarily from participating in any Competitions, Events or other activities associated with BBNZ as detailed in C4i. of this Appendix E, until the Integrity Tribunal makes a final decision whether the Relevant Person has committed any offence they have been charged with under this Regulation.
- i. During the period of Provisional Suspension, a person who is provisionally suspended is prevented from playing, training as part of a team or a squad, officiating, coaching, selecting, administering and/or otherwise participating or being involved in any capacity in any Competition, Event, function, or other activity (other than authorised anti-corruption education or rehabilitation programmes) that are authorised, organised, sanctioned, recognised or supported in any way by BBNZ or any member organisations of BBNZ such as regional organisations or clubs.
- j. The FIBA, other international sport federations, national Basketball organisations in other jurisdictions, other New Zealand-based national sport organisations or national sport organisations of other sports in other international jurisdictions will be entitled to give effect to and enforce the above Provisional Suspension in their respective jurisdictions regarding other sports, as if the suspension related to that sport.
- k. Where a Provisional Suspension is imposed and fulfilled by the Relevant Person, they shall receive a credit for such period of Provisional Suspension against any period of Suspension that may ultimately be imposed if the Integrity Tribunal determines an offence has been committed.
- l. If a Relevant Person voluntarily agrees in writing with the Integrity Officer to accept a Provisional Suspension during the course of an investigation and thereafter refrains from competing or participating in Competitions, Events or other activities listed in C4i of this Appendix E, then the Relevant Person shall receive a credit for such period of voluntary Provisional Suspension against any period of suspension which may ultimately be imposed.
- m. The Integrity Tribunal has discretion whether to allow credit against a period of suspension for any time period before the effective date of the Provisional Suspension or voluntary Provisional Suspension where the Relevant Person elected not to compete or was suspended by BBNZ.

**E5. Preliminary Matters and Pre-Hearing Conferences**

- a. The Chairperson and/or the Integrity Tribunal Panel may hear and determine any preliminary matters that arise.
- b. The Integrity Tribunal will normally convene a pre-hearing conference with the Parties, which will usually be held within seven days of the Relevant Person filing their response to the Notice of Charge.
- c. The pre-hearing conference may be conducted in person or by audio or audio-visual means.
- d. There may be more than one pre-hearing conference held as necessary.

- e. The purpose of the pre-hearing conference will be to discuss and decide procedural matters to progress the case towards a hearing.
- f. During the pre-hearing conference the Integrity Tribunal may fix the date of the hearing, decide the type of hearing (which may be in person or by audio or audio-visual means), the venue for the hearing, give any procedural or evidential direction that may be appropriate (including timetables for filing any evidence, witness statements or submissions) and make such other orders as necessary to facilitate the prompt and just expedition of the matter.
- g. At the discretion of the Integrity Tribunal and with the consent of the parties, a pre-hearing conference may become the hearing.

**E6. Hearings**

- a. The purpose of the hearing shall be:
  - i. to determine whether the Integrity Tribunal considers that the Relevant Person has engaged in the Prohibited Conduct alleged in the Notice of Charge and therefore committed an offence under this Regulation
  - ii. to impose sanctions in accordance with this Regulation if the Integrity Tribunal determines, or the Relevant Person admits, that an offence under this Regulation has been committed.
- b. The Integrity Tribunal Panel may conduct the hearing as it sees fit and shall not be bound by rules of evidence or unnecessary formality.
- c. However, the Integrity Tribunal Panel must conduct the hearing and determine matters in accordance with the principles of natural justice and procedural fairness. This includes, but is not limited to, the Integrity Tribunal:
  - i. conducting the hearing in a manner that is fair and appropriate to the circumstances
  - ii. providing the Parties adequate notification of the date, time, and place of the hearing
  - iii. ensuring adequate notification of the allegations against the Relevant Person has been provided to the Relevant Person
  - iv. ensuring the Relevant Person and their representatives, the Integrity Officer and/or BBNZ is given an adequate opportunity to be heard and to prepare and present their case
  - v. ensuring the Relevant Person is provided with and given proper opportunity to consider, challenge or contradict any evidence that is relied upon to support allegations against them and that the Relevant Person is also fully aware of the nature of these allegations
  - vi. having a lack of bias
  - vii. not acting outside its powers or jurisdiction
  - viii. inquiring into the matters in dispute
  - ix. making a decision supported by the evidence
  - x. not imposing a penalty that is either excessive or inappropriate.
- d. The Relevant Person who is alleged to have committed the offence, the Integrity Officer and/or BBNZ:
  - i. may call and question witnesses
  - ii. has the right to address the Integrity Tribunal Panel to make their case
  - iii. is permitted to provide written submissions for consideration by the Integrity Tribunal Panel (instead of or as well as appearing in person) and if the Relevant Person and the Integrity Officer and/or BBNZ provide any written submissions, the Integrity Tribunal Panel must consider those submissions in its deliberations.
- e. The hearing shall be inquisitorial in nature, with cross examination allowed, and the Integrity Tribunal Panel may call such evidence as it thinks fit in its discretion and all Relevant Persons subject to this Regulation must, if requested to do so by the Integrity Tribunal Panel, provide such evidence as they are able.
- f. The Integrity Tribunal may make such inferences and draw such conclusions as it considers appropriate from the failure of, or refusal by, a Relevant Person or the Integrity Officer and/or BBNZ to comply with a request to provide evidence to it.
- g. Where two or more Relevant Persons are alleged to have committed offences under this Regulation, 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.

**E7. Representation and support persons**

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

**E8. Privacy and confidentiality**

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

**E9. Privilege**

- a. Regardless of anything else in this Regulation, a Relevant Person who is interviewed under suspicion, charged or arrested by a law enforcement agency regarding a criminal offence that is, or may be considered to be conduct that is Prohibited Conduct, under this Regulation, shall not be required to produce any information, give any evidence or make any statement to the Integrity Tribunal if they establish that to do so would breach any privilege against self-incrimination or legal professional privilege.
- b. E9a. of this Appendix E does not limit the Integrity Tribunal from enforcing any other applicable rules and regulations.

**E10. Decisions of the Integrity Tribunal**

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

## **Appendix F - Appeal Against Decision of Integrity Tribunal**

- F1. Appeal to the Sports Tribunal of New Zealand**
- a. Parties to a proceeding may appeal the decision of the Integrity Tribunal to the Sports Tribunal as set out in this Appendix F and in accordance with the clauses of the Sports Tribunal.
- F2. Decisions that may be appealed**
- a. Decisions of the Integrity Tribunal that may be appealed to the Sports Tribunal are:
    - i. a decision to impose or to remove a Provisional Suspension
    - ii. a decision that a charge of an offence under this Regulation should be dismissed for procedural or jurisdictional reasons
    - iii. a decision that an offence under this Regulation has, or has not, been committed
    - iv. a decision to impose, or not impose sanctions, including the appropriateness of any sanction imposed for an offence under this Regulation.
- F3. Grounds of Appeal**
- a. The grounds for appealing a decision of the Integrity Tribunal to the Sports Tribunal shall only be one or more of the following grounds:
    - i. the decision of the Integrity Tribunal is wrong having regard to the application of this Regulation
    - ii. natural justice has been denied
    - iii. the Integrity Tribunal, or other relevant decision-maker or decision-making body of BBNZ, acted outside its powers and/or jurisdiction (i.e. acted ultra vires)
    - iv. substantial new evidence became available, which could not be located prior to the original hearing, after the decision that is being appealed was made
    - v. the sanction imposed was either excessive or inappropriate.
- F4. Decisions being appealed remain in effect unless the Sports Tribunal decides otherwise**
- a. Decisions of the Integrity Tribunal being appealed to the Sports Tribunal shall remain in effect and binding pending the Sports Tribunal's determination of the appeal, unless the Sports Tribunal decides otherwise.
  - b. Nothing in F4a. of Appendix F above prevents a Party to the proceeding applying to the Sports Tribunal to suspend the decision, or any part of the decision, of the Integrity Tribunal until the Sports Tribunal determines the appeal.
- F5. Time period for filing appeals to the Sports Tribunal**
- a. Appeals against a decision of the Integrity Tribunal must be filed within 28 days from the date the appealing Party received the written decision containing reasons for the decision of the Integrity Tribunal.
- F6. Applicable rules and governing law regarding appeals**
- a. The clauses of the Sports Tribunal in force at the time shall apply, except to the extent they are inconsistent with any provision in this Appendix F dealing with appeals.
  - b. The governing law shall be New Zealand law.
- F7. Appeal of a Sports Tribunal decision**
- a. The decision of the Sports Tribunal shall be final and binding and shall not be questioned in any court of law otherwise than in accordance with D7b. of this Appendix F below.
  - b. A Party may appeal a decision of the Sports Tribunal to the Court of Arbitration for Sport (CAS) within 15 working days of the written decision of the Sports Tribunal.
  - c. An appeal will not operate as a stay of proceedings of the Sports Tribunal decision unless the Sports Tribunal or CAS so orders.

## Appendix G - Interpretation and Definitions

### G1. Interpretation

- a. This Regulation includes Appendices A, B, C, D, E and F.
- b. Headings used in this Regulation are for convenience only and shall not be deemed part of the substance of this Regulation or to affect in any way the language of the provisions to which they refer.
- c. Words in the singular include the plural and vice versa.
- d. Reference to 'including' and similar words are not words of limitation.
- e. Examples are given to assist understanding. Unless stated, one example does not limit the range or number of examples.
- f. Words importing a gender include any other gender.
- g. A reference to a rule is a reference to a rule or sub rule of this Regulation.
- h. Where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.
- i. In the event any provision of this Regulation is determined invalid or unenforceable, the remaining provisions shall not be affected. This Regulation shall not fail because any part of this Regulation is held invalid.
- j. Except as otherwise stated in this Regulation, failure to exercise or enforce any right conferred by this Regulation shall not be deemed to be a waiver of any such right nor operate so as to bar the exercise or enforcement thereof or of any other right on any other occasion.
- k. To the extent of any inconsistency between this Regulation and the BBNZ's Constitution, the relevant provisions of the BBNZ's Constitution shall prevail.

### G2. Definitions

The definitions set out below apply to this Regulation:

**Basketball New Zealand or BBNZ:** The recognised governing body of the sport of Basketball in New Zealand.

**BBNZ Hearing Body:** has the same meaning as in the Constitution and includes, but is not limited to the BBNZ Integrity Tribunal.

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

**Benefit or Reward:** 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 BBNZ 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 (without limitation) activities commonly referred to as sports betting, such as fixed and running odds, totalisator/toto games, live betting, betting exchanges, spread betting, and other games offered by sports betting operators.

**Board:** Means the Board of BBNZ or if there is no Board, then the governing body of BBNZ.

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

**Chief Executive of BBNZ:** The Chief Executive, or if there is not one, the next highest ranking executive of BBNZ.

**Competition:** A Basketball competition, game, match or competition.

**BBNZ Competition:** Has the meaning given to it in the BBNZ Competitions Regulation.

**Event:** A Basketball competition, league, series of Competitions and/or competition, including a one-off competition.

**FIBA:** International Association of Basketball Federation, the international governing body of the sport of Basketball.

**FIBA Competition:** means the main competitions and other competitions of FIBA (as defined in the FIBA Internal Regulations) as follows (and as amended by FIBA):

- The Olympic Competitions
- The World Olympic Qualifying Competitions for Men and Women
- The FIBA World Basketball Cup Qualifiers for Men
- The FIBA Asia Cup Qualifiers for Men
- The FIBA Basketball World Cup
- The FIBA World Cup for Women
- The FIBA U19 World Cup for Men
- The FIBA U19 World Cup for Women
- The FIBA U17 World Cup for Men
- The FIBA U17 World Cup for Women
- The FIBA 3x3 World Cup for Men
- The FIBA 3x3 World Cup for Women
- The FIBA U23 3x3 World Cup for Men
- The FIBA U23 3x3 World Cup for Women
- The FIBA 3x3 U23 Youth Nations League
- The FIBA 3x3 Women's Series
- The FIBA 3x3 World Tour (Masters and Final)
- All Zone Cups
- All qualifying games and competitions for the above competitions
- The official cups and competitions of FIBA
- The international cups, games and competitions sanctioned and officially recognised by FIBA and included on the international calendar.

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

**Integrity Officer:** A person or persons designated to act as an Integrity Officer of BBNZ.

**Integrity Review Officer:** A person designated to perform the role of Integrity Review Officer by BBNZ.

**Integrity Tribunal:** The Tribunal comprising persons who are appointed by the Board of BBNZ to sit on the Integrity Tribunal of BBNZ.

**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; other than solely for genuine medical or Sporting Tactical Reasons. While often associated with corrupt gambling practices, such as placing bets on arranged outcomes for financial return, it can also involve a range of associated activities.

**Notice of Charge:** Document initiating offence proceedings to be heard by the Integrity Tribunal.

**Parties:** The Parties to offence proceedings which may include, as appropriate, the Relevant Person, the Integrity Officer and/or BBNZ officers and representatives of the Parties, if any.

**Regulation:** This Anti-Match-Fixing, Betting and Corruption Regulation of BBNZ.

**Prohibited Conduct:** Conduct which constitutes an offence under this Regulation as listed in Regulations 4.5(b) – (g).

**Provisional Suspension:** An order made by the Integrity Tribunal, Sports Tribunal or CAS, which temporarily prohibits a Relevant Person from competing or participating in any Competition, Event or other activities associated with BBNZ, as set out in E4i of Appendix E, until the Integrity Tribunal, Sports Tribunal or CAS, makes a final decision regarding whether the Relevant Person has committed the offence(s) alleged under this Regulation.

**Relevant Persons:** Those persons and/or categories of persons as defined from time to time by the Board and who are listed in Appendix I of this Regulation.

**Respondent:** a Relevant Person investigated under this Regulation.

**Sporting Tactical Reasons:** Reasons for action taken in a sports Competition or Event in situations which, by reference to Regulation 4.2(a), are not intended to be captured as offences in this Regulation. Such situations include, for example, where an athlete or team

deliberately loses, underperforms or plays in a manner which the athlete or team intends

will help obtain a more favourable sports outcome, for example, a more favourable draw in a competition.

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

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

**Substantial Help:** In the context of Regulation 4.16(d)(viii), a Relevant Person provides Substantial Help if they: (1) fully disclose in a signed witness statement all information that they possess regarding offences under this Regulation, offences under other anti-Match-Fixing / anti-corruption regulations, offences relating to other professional rules and the commission of relevant criminal offences and (2) cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by BBNZ or other relevant body. Further, the information provided must be credible and must comprise an important part of any case that is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

**Suspension:** A sanction set out in Regulation 4.16(f)(vi) that may be imposed on a Relevant Person, who has committed an offence under this Regulation.

**Table of Sanctions:** The table set out in Regulation 4.16(e).

**Appendix H - Flow Diagram of Key Processes in This Policy**

**APPENDIX F: Flow Diagram of Key Processes in this Policy**

**Reporting - Rule 9**

A person reports a suspected breach of the Policy to the Integrity Officer (10)

Within 48 hours 10 records the report in a match-fixing incidents register and copies to the NSO CEO

**10 Investigation - Rules 10.1-10.2**

**10 MUST:**

If conduct could be a crime: **OR** Decide not to investigate: **OR** Investigate

Refer report/other information to NZ Police, take advice and investigate if appropriate  
 If an IRO referral and no investigation or further investigation by 10

Send a report to the Integrity Review Officer (IRO) & CEO - end of matter unless IRO requires 10 to investigate

**10 Investigation Is Complete - Rule 10.3**

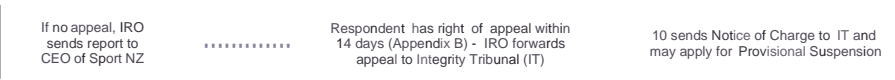
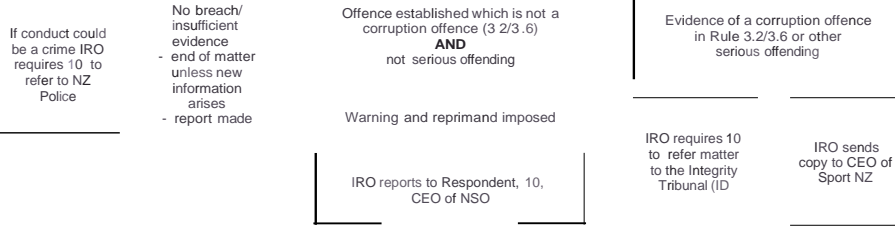
10 sends relevant material, investigation report and recommendations to IRO and Respondent (Relevant Person being investigated)

Within 14 days Respondent may send additional material and a written submission about the complaint to 10 and IRO



**IRO Decides - Rule 11 & Appendix A**

**IRO REVIEWS ALL MATERIAL AND DECIDES:**



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

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

Appeal to Sports Tribunal - Appendix D

Appeal to Court of Arbitration for Sport - Appendix D

## **Appendix I - List of Relevant Persons**

This schedule lists below the “Relevant Persons” to whom this Regulation applies.

Part A and Part B are only relevant for the purposes of Betting under Regulation 4.5(c) of this Regulation. Should this schedule apply to all of clause 5 except where specified differently?

### **Part A**

- BBNZ staff and contractors;
- BBNZ Appointed Personnel including Board Members, and persons appointed to any BBNZ positions (including BBNZ Hearing Bodies);
- Players, Coaches, and Player Support Personnel including team managers, medical staff, officials of all designations for any of the following teams:
  - Tall Blacks
  - Tall Ferns
  - NBL teams and their owners and shareholders
  - WBC teams and their owners and shareholders
  - Any other team selected by BBNZ or the NZOC to represent New Zealand

FIBA accredited player agents

- Other persons who have agreed with BBNZ to be in this Part A.

### **Part B**

- all Members including Affiliated Associations, Associate Members, Life Members, and Individual members;
- Officials including referees and technical officials at all BBNZ Competitions
- members of Members including Clubs, teams, players and other individual members;
- administrators and officials of Affiliated Associations, Associate Members, and Clubs
- other persons under the jurisdiction of BBNZ.

This schedule will be reviewed regularly and amended as appropriate.

NB: This Regulation will not apply to a Relevant Person unless there is a relationship of membership, employment or some other agreement with BBNZ that, in each case, requires the person to be bound by and comply with the policies and procedures in rules generally of BBNZ or specifically with this Regulation.