



NZ ESPORTS

Integrity Regulations

Updated 28th July 2022

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PART A – INTRODUCTION & SCOPE

1. PURPOSE & INTERPRETATION

- 1.1. Acknowledging the danger to sports' integrity from the manipulation of sports competitions, NZ Esports states their commitment to safeguard the integrity of Esports, including the protection of clean athletes and competitions.
- 1.2. Due to the complex nature of this threat, NZ Esports recognises it cannot tackle this threat alone, and therefore cooperation with public authorities, in particular law enforcement and sports betting entities (operators, regulators, and monitoring organisations), is vital.
- 1.3. NZ Esports declares their commitment to support the integrity of sport, and fight against the manipulation of competitions, by adhering to the standards set out in the International Olympic Committee's ("IOC") Olympic Movement Code on the Prevention of the Manipulation of Competitions, these Betting Integrity Regulations and by requiring their members to do the same.
- 1.4. NZ Esports shall sanction any act(s) which is found to have breached these Betting Integrity Regulations in accordance with NZ Esports's Disciplinary Regulations (in force at the relevant time).
- 1.5. Definitions for all defined terms used are to be found in the main body of these Betting Integrity Regulations or in Appendix 1.
- 1.6. These Betting Integrity Regulations were last reviewed on 07 February 2020, and are in force from 07 February 2020.

2. COVERED PERSONS

- 2.1. These Betting Integrity Regulations cover all "Participants".
- 2.2. Participants are those natural and legal persons who NZ Esports has jurisdiction over pursuant to these Betting Integrity Regulations:
 - 2.2.1. All member [clubs/teams] of NZ Esports;
 - 2.2.2. All persons (including but not limited to players, coaches, officials, referees, and officers) who are members of a club;
 - 2.2.3. All persons (including, but not limited to, players, coaches, officials, referees and officers) who take part in Esports in any capacity directly or indirectly under the jurisdiction of NZ Esports;
 - 2.2.4. All persons (including, but not limited to, players, coaches, officials, referees and officers) who have, whether by enjoying any form of licence, accreditation or any other status from NZ Esports, or otherwise, consented (expressly or impliedly) to be bound by these Regulations; and
 - 2.2.5. All employees and any other workers of NZ Esports and their member clubs.

3. JURISDICTION

- 3.1. NZ Esports shall have exclusive competence and jurisdiction over any allegations/breaches of these Betting Integrity Regulations at whatever level of Esports they occur within Australia and New Zealand.



- 3.2. Where an individual Participant has been charged with a criminal offence, or is the subject of an investigation by any law enforcement agency or any other public or other regulatory authority, in respect of conduct which is or may be grounds for a breach of these Betting Integrity Regulations, NZ Esports shall seek advice from the relevant agency as to whether or not NZ Esports should postpone consideration of the matter under these Betting Integrity Regulations pending the outcome of any such proceedings/investigation, and as to whether or not in the meantime, an interim suspension should be imposed pursuant to Regulation 10.
- 3.3. In addition, NZ Esports may at any time during the process notify any law enforcement agency, or any other relevant external body, of any details relating to the matter as such body may need to know for the proper exercise of its functions.
- 3.4. Each Participant shall continue to be bound by and required to comply with these Betting Integrity Regulations until six months after they no longer qualify as a Participant (the “End Date”).
- 3.5. Notwithstanding Regulation 3.4, NZ Esports shall continue to have jurisdiction over the Participant under these Betting Integrity Regulations after the End Date in respect of matters taking place prior to the End Date; and they shall continue to be bound by and required to comply with these Betting Integrity Regulations after the End Date with respect to the investigation, prosecution and adjudication of such matters.

PART B – PROHIBITIONS & OFFENCES

4. BETTING

- 4.1. A Participant must not make or receive a Bet on any Esports match, event or competition taking place anywhere in the world.
- 4.2. A Participant must not make or receive a Bet on any Esports match, event or competition
 - 4.2.1. in which they [or their team] are competing or may compete during the season;
 - 4.2.2. and (b) any competition in their sport taking place in Australia and New Zealand.

5. INSIDE INFORMATION

- 5.1. “Inside information” is any information relating to any competition that a Participant possesses by virtue of his/her position in relation to Esports in Australia and New Zealand, excluding any information already published or common knowledge, easily accessible to interested members of the public or disclosed in accordance with the rules and regulations governing the relevant competition.
- 5.2. No Participant shall use Inside Information for the purposes of Betting, any form of manipulation of sports competitions or any other corrupt purposes, whether by the Participant or via another person (or entity).



- 5.3. No Participant shall disclose Inside Information to any person and/or entity, with or without Benefit, where the Participant knew, or should have known, that such disclosure might lead to the information being used for the purposes of Betting, any form of manipulation of NZ Esports's competitions or any other corrupt purposes.
- 5.4. No Participant shall give and/or receive a Benefit for the provision of Inside Information, regardless of whether any Inside Information is provided.

6. MATCH-FIXING & COMPETITION MANIPULATION

- 6.1. A Participant must not make any intentional arrangement, act or omission aimed at an improper alteration of the result, or the course of a sports competition, in order to remove all or part of the unpredictable nature of the match/competition.
- 6.2. For the avoidance of doubt, Regulation 6.1 includes the failure of a Participant to perform to their best efforts, as determined by experts in the sport.

7. FAILURE TO REPORT

- 7.1. A Participant must report to NZ Esports, or a relevant disclosure/reporting mechanism or authority, at the first available opportunity, full details of:
- 7.1.1. any approaches or invitations received by the Participant to engage in conduct that could amount to a violation of these Betting Integrity Regulations; and
 - 7.1.2. full details of any incident, fact or matter that comes to the attention of the Participant (or of which they ought to have been reasonably aware), including breaches that have been committed by another Participant, which may be relevant information within these Betting Integrity Regulations.
- 7.2. In the event a Participant fails to comply with Regulation 7.1, he/she shall be subject to disciplinary action pursuant to these Betting Integrity Regulations.

8. COOPERATION WITH AN INVESTIGATION

- 8.1. A Participant is obliged to cooperate fully with any investigation instigated by the NZ Esports under these Betting Integrity Regulations if requested in writing to do so.
- 8.2. A Participant's duty to co-operate includes comply with requests for the following types of information:
- 8.2.1. copies or access to all records relating to the alleged breach (such as without limitation telephone records, bank account, credit card and transaction details, internet and email records, betting account records, computer hard drives and other electronic information storage devices and documents); and/or
 - 8.2.2. a written statement made by the Participant setting out in detail all of the facts and circumstances of which they are aware with respect to the alleged breach of these Betting Integrity Regulations.
- 8.3. If the accused Participant(s) fails to cooperate, the Disciplinary Body shall reach a decision on the case using the evidence in their possession. In addition, the Disciplinary Body may apply such failure as an aggravating factor in accordance with Regulation 11.2.



8.4. It shall be an offence to obstruct or delay any investigation in relation to any possible breach of these Betting Integrity Regulations by any Participant, including (without limitation) concealing, tampering with or destroying any documentation or other information that may be relevant to that investigation and/or that may be evidence of or may lead to the discovery of evidence of conduct which may amount to a breach of these Betting Integrity Regulations.

9. OTHER PROHIBITED CONDUCT

9.1. A Participant shall not give or receive any gift, payment, hospitality, or other benefit (whether of a monetary value or otherwise) either (a) for the purpose of procuring (directly or indirectly) any breach of these Betting Integrity Regulations, or (b) in circumstances that could bring him/her or the sport into disrepute.

9.2. No Participant shall solicit, offer, induce, entice, instruct, persuade, encourage, pay for and/or facilitate the breach of Regulations 4 to 8.

9.3. Any Attempt by a Participant, or any agreement by a Participant with an Outside Party, to act in a manner that would be a breach of Regulations 4 to 6, shall be treated as a breach whether or not such Attempt or agreement was in fact successful.

9.4. A Participant who authorises, causes, knowingly assists, encourages, aids, abets, covers up or is otherwise complicit in any acts or omissions of the type described in Regulations 4 to 8 committed by their coach, trainer, manager, agent, family member, guest or other affiliate or associate, shall be treated as having committed such acts or omissions him/herself and shall be liable accordingly under these Betting Integrity Regulations.

PART C - SANCTIONS

10. INTERIM & PROVISIONAL MEASURES

10.1. NZ Esports has a general right to suspend any individual subject to these Betting Integrity Regulations on an interim basis or take any other such provisional measures as are felt appropriate pending the conclusion of an investigation. Such a decision will be taken without a hearing.

10.2. The power in Regulation 10.1 can only be exercised by NZESF, regardless of at what level of the sport the allegations/breach has arisen, once it has taken into account all of the following factors:

10.2.1. The level of seriousness of the allegations/breach;

10.2.2. Whether provisional measures are necessary and/or desirable to facilitate the conduct of any investigation or proceedings by NZ Esports or any external body in accordance with stated in Regulation 3.2;

10.2.3. The potential prejudice to the Participant in imposing provisional measures; and

10.2.4. The potential damage the allegations/breach may cause to NZ Esports and/or the sport.



- 10.3.** At all times, NZ Esports must consider the proportionality of any interim action taken.
- 10.4.** NZ Esports shall, as soon as reasonably practicable, notify the Participant concerned of the provisional measures imposed and send notices to any relevant party.
- 10.5.** The Participant may appeal the decision to impose provisional measures by lodging an appeal with the Single Point of Contact (“SPOC”) for NZESF within two days of notification.
- 10.6.** Upon receipt of an appeal against the imposition of provisional measures, the SPOC will immediately appoint a member of the Disciplinary Body to act as Chair sitting alone. The appeal lodged will be passed on to the Chair for their determination within 48 hours.
- 10.7.** Regardless of whether or not an appeal against provisional measures is lodged, the measures shall be reviewed by the SPOC and a senior officer of NZ Esports at appropriate regular intervals, and in any event not more than monthly, taking into particular consideration the factors outlined in Regulation 10.2 above and whether the circumstances or facts surrounding a case justify the continuation of the measures.
- 10.8.** Furthermore, when a Participant is subject to provisional measures, the SPOC will use their reasonable endeavours to instigate, manage and conclude any proceedings under these Regulations as soon as reasonably practicable so as to minimise any potential prejudice to the Participant.
- 10.9.** Any breach of the terms of any provisional measures by the Participant subject to them shall constitute grounds for further disciplinary action under these Betting Integrity Regulations.
- 10.10.** In accordance with Regulation 11.4, if a provisional sanction has been imposed, the duration shall be offset against any final sanction.

11. FINAL SANCTIONS

- 11.1.** Upon finding a breach(es) of the matters set out in Regulations 4 to 9, the Disciplinary Body shall be entitled to impose such penalties as they think fit. Such penalties may include, but shall not be limited to:
- 11.1.1.** A caution or a warning as to future conduct;
 - 11.1.2.** A formal reprimand;
 - 11.1.3.** A suspension for a specified number of matches and/or a specified period of time;
 - 11.1.4.** An order to pay a fine;
 - 11.1.5.** A ban on taking part in any Esports-related activity;
 - 11.1.6.** A transfer ban;
 - 11.1.7.** Annulment of the result of a match;
 - 11.1.8.** Withdrawal of a license or accreditation; or
 - 11.1.9.** A deduction of league points, relegation or exclusion or disqualification from any competition. In determining the appropriate sanction under these Betting



Integrity Regulations, the Disciplinary Body shall be entitled to take account of aggravating and/or mitigating factors.

- 11.2.** Aggravating factors which may increase the severity of the sanction(s) imposed include, but are not limited to:
- 11.2.1.** obtaining an undue Benefit for oneself or for others;
 - 11.2.2.** the Participant's status as a repeat offender;
 - 11.2.3.** the Participant's failure to co-operate with the proceedings;
 - 11.2.4.** the need for a deterrent to combat a pattern of offending; and
 - 11.2.5.** any other off-field aggravating factor that the Disciplinary Body considers relevant and appropriate.
- 11.3.** Mitigating factors which may decrease the severity of the sanction imposed include, but are not limited to:
- 11.3.1.** the presence and timing of an acknowledgment of culpability/guilt by the offending Participant;
 - 11.3.2.** the Participant's disciplinary record and/or good character;
 - 11.3.3.** the youth and inexperience of the Participant;
 - 11.3.4.** the Participant's conduct prior to and at the hearing;
 - 11.3.5.** the Participant having demonstrated remorse for their conduct, including the timing of such remorse; and
 - 11.3.6.** any other off-field mitigating factor(s) that the Disciplinary Body considers relevant and appropriate.
- 11.4.** If the Disciplinary Body decides to impose a period of suspension, it shall take into account the length of any interim suspension already served by the Participant.
- 11.5.** In cases of multiple offending, the Disciplinary Body may impose sanctions to run either on a concurrent or a consecutive basis, provided that the total sanction is in all the circumstances proportionate to the level of the overall offending.

12. MUTUAL RECOGNITION OF SANCTIONS

- 12.1.** Subject to the right of appeal, any decision and sanction by the Disciplinary Body in compliance with these Regulations should be recognised and respected by other sporting bodies.
- 12.2.** NZ Esports shall respect any integrity-related sanctions imposed by any other recognised sporting body. If there are any doubts as to the procedure followed by the recognised sporting body who has issued the sanction, then the SPOC will make the appropriate and necessary enquiries of the recognised sporting body in question.

PART D – GENERAL PROVISIONS

13. OVERALL FAIRNESS

- 13.1.** The hearings of the Disciplinary Body shall be conducted in a fair and just manner and in accordance with the fundamental principles of natural justice, whilst



recognising that they are not a court of law and as such the members of the Disciplinary Body, or those appearing before the Disciplinary Body, may not be legally qualified.

- 13.2.** Therefore, in the interests of achieving a just and fair result, procedural and technical considerations shall take second place to the overriding objective of being just and fair to the parties.

14. RIGHT TO BE HEARD

The accused Participant(s) has the right to be heard both in writing and orally if such a request is made to the Disciplinary Officer.

15. RIGHT TO REPRESENTATION

An accused Participant(s) is entitled to be represented or assisted by a person(s) of his/her choice (legally qualified or otherwise), and that person(s) is entitled to be present throughout the proceedings, except during the deliberations of the Disciplinary Body.

16. BURDEN OF PROOF

Other than as expressly stated in these Betting Integrity Regulations, the burden of proof rests with NZ Esports.

17. STANDARD OF PROOF

17.1. The standard of proof in all cases brought pursuant to these Betting Integrity Regulations is comfortable satisfaction.

17.2. Comfortable satisfaction means that, having heard all the evidence and using their knowledge and experience, the Disciplinary Body believes that the alleged breach has been proven to a standard that is more than on the balance of probabilities (i.e. it is more likely than not – the civil standard) but lower than proof beyond a reasonable doubt (the criminal law standard).

18. EVIDENCE

The Disciplinary Body shall not be obliged to follow strict rules of evidence. They may admit such evidence as they think fit and accord it such weight as they think appropriate in all the circumstances.

19. DEFENCES

19.1. Where a Participant seeks to rely on the existence of a ‘compelling justification’ to justify or excuse conduct under these Betting Integrity Regulations which might otherwise amount to an offence, the burden shall be on that Participant to adduce sufficient credible evidence to prove, on the balance of



probabilities, that genuine and powerful reasons exist (or existed) to objectively justify their conduct, taking into account all the relevant circumstances.

- 19.2.** It shall be a valid defence to any offence under these Betting Integrity Regulations to prove, on the balance of probabilities, that the alleged offence was committed (and that, where applicable, it was not reported in accordance with Regulation 7 thereafter) due to the Participant's honest and reasonable belief that there was a serious threat to their life or safety, or to the life or safety of any other person.

20. RECORDINGS OF HEARINGS

- 20.1.** The Chair of the Disciplinary Body shall have the power to direct that a hearing shall be audio recorded.
- 20.2.** If a party objects to a hearing being recorded, they must send their objections in writing to the Chair of the Disciplinary Body no later than 3 clear days prior to the date of the hearing.

21. CONFIDENTIALITY & PUBLICATION

- 21.1.** Save in exceptional circumstances where NZ Esports (acting reasonably) deems it necessary for the purposes of protecting the integrity of the sport and/or any of its Participants (for example in circumstances where there is significant damaging and/or incorrect media speculation), NZ Esports shall not publicly identify any Participant who is being investigated or is alleged to have committed an offence under these Betting Integrity Regulations until he/she has been formally charged, at which point it shall be entitled to publicly announce the name of the Participant charged and the offences with which he/she has been charged. Thereafter, NZ Esports shall not comment publicly on the specific facts of a pending case except in response to public comments made by (or on behalf of) the Participant involved in the case or his/her representatives or where otherwise necessary to preserve the public's confidence in the ability of NZ Esports to fight corruption in the sport.
- 21.2.** Without prejudice to any form of privilege available in respect of any such publication, NZ Esports shall be entitled to publish as it thinks fit and through whatever channel, reports of any proceedings pursuant to these Betting Integrity Regulations, or any written decision of the Disciplinary Body (in full or in a redacted form), whether or not it reflects adversely on the character or conduct of any Participant. The Participant shall be deemed to have provided their full and irrevocable consent to such publication.

22. COSTS

The Disciplinary Body shall have absolute discretion to impose orders as to the payment of costs in relation to any proceedings including the cost of holding the hearings, interpretation and legal costs, travel and accommodation costs of the members of the Disciplinary Body and/or any other expenses necessary for the proper conduct of the hearing, whilst having particular regard to Regulation 13.2.



23. LIMITATION PERIOD

There shall be no statute of limitations applicable to these Betting Integrity Regulations.

APPENDIX 1

DEFINITIONS

Attempt

An act and/or omission which is more than mere preparation and which constitutes a real and substantial step (individually or cumulatively) towards the commission of a breach (in circumstances where, save for the Attempt itself, the breach was not committed and/or completed and notwithstanding whether the person involved was aware that the act and/or omission may amount to a breach).

Bet

Any wager of a stake of monetary value in the expectation of a prize of monetary value, subject to a future and uncertain occurrence related to the sport.

Benefit

The direct or indirect receipt or provision of money or the equivalent such as, but not limited to, bribes, gains, gifts and other advantages including, without limitation, winnings and/or potential winnings as a result of a Bet.

Disciplinary Body

The body of NZ Esports, consisting of a group of individuals with the necessary legal, sporting and/or other expertise, which has the power to determine alleged breaches of these Betting Integrity Regulations. Each panel of the Disciplinary Body shall be appointed by the Disciplinary Officer and comprised of one or three from the group of individuals, the chair of which shall be legally qualified. Disciplinary Officer The person appointed by NZ Esports to enforce the Betting Integrity Regulations.

Inside Information

Any information relating to any competition that a person possesses by virtue of his or her position in relation to a sport or competition, excluding any information already published or common knowledge, easily accessible to interested members of the public or disclosed in accordance with the rules and regulations governing the relevant competition.

Outside Party

Any natural or legal person who is not a Participant. Participant The covered persons listed in Regulation 2. Single Point of Contact (SPOC) A person appointed by NZ Esports who will act in all matters related to these Betting Integrity Regulations.

APPENDIX 2

CODE OF INTEGRITY CONDUCT

PRINCIPLE 1



Participants must behave ethically at all times and act with integrity in all situations.

PRINCIPLE 2

Participants shall comply with all applicable laws and adhere to all of NZ Esports's rules and regulations.

PRINCIPLE 3

Participants shall at times avoid conflicts of interest and act in the best interests of the sport.

PRINCIPLE 4

Participants shall recognise, resist and report all forms of bribery and corruption.

