

NEW ZEALAND POLICY ON SPORTS MATCH-FIXING AND RELATED CORRUPTION

Foreword

New Zealand has a hard earned reputation in international sport. Our talented athletes are respected because they are uncompromising but fair competitors. International sporting success is also a cornerstone of national pride for many New Zealanders. Further, our world class athletes, wearing black with the silver fern, are the image of New Zealand known to countless people around the world.

In recent years some sporting codes have become increasingly targeted by international criminal elements seeking to gain unfair advantage to illegally profit from sports betting. These activities compromise athletes and tarnish sport.

Despite the continued integrity of New Zealand's athletes and sport system, it would be naive to think that we are immune from these international risks. Therefore, it is important to take pre-emptive steps to safeguard our athletes and international sporting reputation.

Implementing a New Zealand Policy on Sports Match-Fixing and Related Corruption is an important aspect of this process and will provide a comprehensive framework to prevent and address match-fixing risks.

As with New Zealand's other sport integrity measures, this policy will take a cross-sector approach. This will involve national sport organisations, the sports betting industry and government agencies working together to ensure that New Zealand athletes, coaches and support staff have access to the tools and support they need.

I encourage all relevant organisations to work together to implement the policy's provisions and uphold the integrity of New Zealand sport.



Murray McCully
Minister for Sport and Recreation

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1. Introduction

Overview and context of the policy

- 1.1. The New Zealand Policy on Sports Match-Fixing and Related Corruption provides a national approach to address risks from match-fixing to the integrity of New Zealand sport. This policy has been developed by Sport New Zealand (Sport NZ) as the sports sector is where match-fixing incidents would impact most directly. However, the policy involves collaboration between several other government agencies working within associated legal frameworks, covering areas such as sports betting and criminal offences.
- 1.2. A comprehensive approach to match-fixing therefore needs to include integrated measures in both the cross-sectoral/government context and the sport sector specific context. Consequently, this policy comprises two distinct but strongly linked parts:
 - Part A: Cross-sector responsibilities
 - Part B: National sport organisation (NSO) responsibilities.
- 1.3. Part A outlines a coordinated national policy approach involving relevant government agencies, the sports sector and the betting industry working together. This includes working with the associated legislative frameworks (Gambling Act 2003; Racing Act 2003; Crimes Act 1961; Secret Commissions Act 1910 – see Appendix 1), and participating in international collaboration.
- 1.4. Part B outlines the responsibilities of NSOs in relation to the national policy.

What is match-fixing?

- 1.5. In terms of this policy, match-fixing and the range of corruption related to this activity involves improperly influencing the overall result or any part ('spot-fixing') of a sports match, game, race or event (generically referred to as a 'match') for financial or personal benefit, rather than for tactical sporting reasons. Match-fixing is commonly associated with bets placed on arranged outcomes for financial return.
- 1.6. Action constituting match-fixing could be taken by (including, but not limited to) athletes/competitors, teams, the broad entourage (eg coaches, support staff, referees, officials, sports agents), venue staff and other individuals outside the sport.

1.7. Match-fixing conduct includes the following actions¹:

- deliberately determining or taking actions to remove or significantly reduce the element of chance involved in the result of a match, an occurrence within a match, a points spread, or any other element of a match
- deliberate underperformance by athletes
- withdrawal from a match for non-genuine reasons
- attempting to influence or influencing a sports official regarding the outcome of a match
- a sports official deliberately misapplying the rules of a match
- interference with play, equipment or playing conditions
- abuse of insider information to support a bet or the making of a bet regarding a match.

1.8. The term 'match-fixing' as used throughout this policy includes any of the above activities. While this policy is not designed to target related activity, such as influencing a sporting outcome for strategic tactical reasons (eg to obtain a better competition draw), NSOs may wish to cover this in their policies or rules.

Why preventing match-fixing is important

1.9. The emergence of match-fixing would present a significant threat to the integrity, value and growth of New Zealand sport and our international reputation. Match-fixing cuts at the heart of sport, which is based on mutually agreed rules and fair play.

1.10. Without these attributes, sporting competition would lose its meaning, purpose and appeal. In turn, public, private/commercial and government support for, and investment in, sport would diminish. This would mean some of the huge benefits sport provides to New Zealand would be lost.

1.11. Interpol warns that illegal sports betting (unregulated/fraudulent betting including associated match-fixing activity) is an increasing global problem, estimating that such betting generated US\$140 billion in turnover (total

¹ Adapted from the 'National Policy on Match-Fixing in Sport', Australian Government, June 2011, para 1.1.

amounts staked by gamblers) in 2010². The growing risks are associated with the rapid growth in global sports betting overall, particularly internet betting.

- 1.12. The world sports betting market (measuring gross gaming revenue – amounts lost by gamblers and earnt by betting operators) is estimated to have almost tripled in size from 2000-2010 from EUR 6.5 billion to EUR 19 billion (including estimated illegal sports betting of EUR 5 billion in 2010), due to the internet and rising illegal betting³.
- 1.13. New Zealand sports betting turnover (excluding horse racing) has more than doubled over the last decade, rising from approximately NZ\$105 million in 2001/02 to approximately NZ\$246 million in 2012/13⁴.
- 1.14. In parallel with sports betting growth, international threat assessments (eg Interpol, Australian Crime Commission – ACC, International Cricket Council) and investigators warn us that international crime syndicates and individuals may look to expand their operations into Australasia⁵.
- 1.15. The ACC found relationships between Australian professional athletes and organised crime that it considered may have resulted in match-fixing and fraudulent betting market manipulation⁶. There have also already been high-profile match-fixing incidents in Australia. Particular Australasian risks include comparatively lower paid athletes than global peers and growing connections and shared time zones with Asia, creating opportunities for match-fixers.

2. Purpose

- 2.1. The purpose of this policy is to address match-fixing risks by providing a strategic framework for a comprehensive match-fixing prevention approach across government, the sport sector and the betting industry. This will be achieved by a national policy under which relevant sectors can collaborate (Part A of the policy) and specific responsibilities for NSOs are set out (Part B of the policy).

² The Associated Press. 'IOC to Create Task Force to Combat Illegal Betting', Canadian Broadcasting Corporation, 1 March 2011. Retrieved from <http://www.cbc.ca/sports/olympics/story/2011/03/01/sp-ioc-betting.html> (5 April 2013).

³ SportAccord. *Integrity in Sport: Understanding and Preventing Match-Fixing*. Lausanne: SportAccord, November 2011, pp 22-27.

⁴ Figures provided by the New Zealand Racing Board.

⁵ Heron, M & Jiang C. 'The Gathering Storm – Organised Crime and Sports Corruption'. Australian and New Zealand Sports Law Journal 5, no.1 (2010): 99-118.

⁶ Australian Crime Commission. *Organised Crime and Drugs in Sport*. Commonwealth of Australia, February 2013.

Part A: Cross-sector responsibilities

3. Agreement to collaborate

- 3.1. The New Zealand Policy on Sports Match-Fixing and Related Corruption represents a commitment by the sport sector, government agencies and the betting industry to work together to address the issue of inappropriate and fraudulent sports betting, match-fixing and related corruption. The aim is to protect the integrity of sport. The policy recognises that addressing this threat requires cooperation and goodwill across these sectors.
- 3.2. Sport NZ will lead this collaboration and will also support NSOs to meet their responsibilities regarding the policy.
- 3.3. The following organisations agree to collaborate around this policy:
 - Sport NZ – the government agency responsible for sport and recreation – will lead, coordinate and support implementation of the policy across the sports sector, betting industry and government, and monitor the policy as required
 - High Performance Sport New Zealand (HPSNZ) – Sport NZ's subsidiary organisation – responsible for investing in and supporting New Zealand's elite athletes
 - New Zealand Olympic Committee (NZOC) – supports athletes for the Olympic, Commonwealth and Youth games and is an important link to international match-fixing prevention activity (eg through the International Olympic Committee's Working Group on Irregular and Illegal Betting in Sport)
 - New Zealand Racing Board (NZRB) – the sole authorised agency operating the sports betting framework, by making rules under the Racing Act 2003, runs New Zealand's sole authorised sports betting organisation (the TAB) and enters into betting agreements with NSOs
 - New Zealand Athletes Federation (NZAF) and all associated New Zealand player associations/representative bodies – represents athletes' interests, develops/delivers education and has relationships with player agents
 - Department of Internal Affairs (DIA) – oversees the gambling sector and administers all gambling law including the Gambling Act 2003 and the Racing Act 2003
 - Ministry of Justice (MoJ) – oversees the criminal justice system including administering the Crimes Act 1961
 - Serious Fraud Office (SFO) – investigates and prosecutes serious fraud and corruption

- Organised and Financial Crime Agency New Zealand (OFCANZ) – investigates and disrupts individuals and groups involved in organised crime
- New Zealand Police – investigates and prosecutes general criminal activity
- Drug Free Sport New Zealand (DFSNZ) – implements and applies the World Anti-Doping Code in New Zealand through enforcement, education and influence – thus has a role with parallels to match-fixing prevention approaches.

4. Legal framework

- 4.1. The relevant agencies above (being Sport NZ, DIA, NZRB, MoJ, New Zealand Police, OFCANZ and the SFO) will collaborate to ensure that there is a strong legislative and regulatory framework in place to prevent and address match-fixing. Under this policy the relevant agencies agree to work together to assess the need for regulatory measures around match-fixing prevention and develop them as necessary.
- 4.2. The relevant agencies will also assess on an ongoing basis whether offences in New Zealand law (eg the Crimes Act 1961) adequately cover match-fixing behaviour and whether there are appropriate penalties to deter, prevent and respond to it. Our criminal framework needs to include significant penalties to address match-fixing activity. There are existing fraud and corruption-related offences that may cover match-fixing, as detailed in Appendix 1.
- 4.3. Where legislation needs to be introduced and/or amended to ensure match-fixing behaviour is covered and addressed, the relevant agencies will collaborate to progress those changes.
- 4.4. Where match-fixing criminal offences are detected, the relevant agencies will work both together and with overseas counterparts to support investigating, prosecuting, or otherwise disrupting the offending, sending a clear message that this activity will not be tolerated. Sport NZ will also engage with the relevant agencies to determine protocols for information sharing and collaboration around match-fixing incidents and intelligence, in association with NSOs.

5. Sports betting industry

- 5.1. The cooperation of the sports betting industry is crucial to addressing match-fixing risks. Under this policy the NZRB agrees to strengthen New Zealand's anti-match-fixing framework where possible by:

- a) collaborating with Sport NZ and other relevant agencies regarding protection of sports integrity in the sports betting framework under the Racing Act
- b) regularly reviewing its sports betting rules and model sports betting agreement to determine whether these can be strengthened to prevent and address match-fixing
- c) where permitted by law, facilitating information and intelligence sharing between the NZRB and NSOs by making allowance for this in sports betting agreements either through standard provisions, or separate agreements based on a standard model
- d) collaborating as necessary with Sport NZ, law enforcement and other relevant agencies by sharing information and intelligence (as permitted by law) and taking any steps necessary to address match-fixing risks or activity.

6. International collaboration

- 6.1. The international nature of sport and match-fixing activity creates cross-border risks, meaning international collaboration is important. Sport NZ will support a strategic approach to international collaboration to combat match-fixing across the sports and government sectors, utilising its International Leadership Group.
- 6.2. This will include supporting forums such as the International Olympic Committee's Working Group on Irregular and Illegal Betting in Sport, considering international frameworks, aligning regimes and collaboration, and facilitating international intelligence sharing between NSOs and betting and law enforcement agencies.
- 6.3. It is particularly important that there is a strong trans-Tasman approach to this issue, given our closely linked sports systems and the increasing number of New Zealand teams competing in Australian competitions. Australia's National Policy on Match Fixing in Sport was signed by all Australian sports ministers in June 2011.

Part B: NSO responsibilities

7. Compliance with the policy

- 7.1. All NSOs operating within New Zealand are expected to comply with this policy. All sports which receive investment from Sport NZ and/or HPSNZ will be required to comply with the policy, according to the timeframes set out under '13. Implementation and support'.
- 7.2. Where NSOs already have match-fixing rules and provisions in place, they are expected to alter or extend their existing provisions, where necessary, so that they comply with this policy. Where NSOs are required by their international federation to have match-fixing provisions in place, they are expected to give effect to this policy as fully as possible, consistent with the international federation's requirements.
- 7.3. Governing bodies of professional sports franchises operating in New Zealand are also encouraged to comply with this policy, or with a comparable policy adopted by the body which governs the competition they compete in.
- 7.4. In order to comply with this policy, NSOs will be required to have the match-fixing prevention measures specified in sections 8 to 12 below in place at a level that is appropriate for each code, taking into account the nature of the NSO and its existing constitutional documents. These measures must include match-fixing rules, education, support/protection measures and strong sports betting agreements (where appropriate).
- 7.5. Sport NZ will work with the sector to determine appropriate measures, and will both support NSOs to meet these requirements and provide a range of generic resources which can easily be adapted by sports. This will include model rules which can be adopted or adapted as part of a sport's constitution.

8. Match-fixing rules

- 8.1. Each NSO must have rules regarding how the NSO will prevent and respond to match-fixing activity, and the expectations and requirements of its athletes and the broad entourage. The rules must:
 - a) include provision for at least one NSO officer responsible for matters relating to overseeing the NSO's anti-match-fixing measures
 - b) apply to as wide a range of persons associated with the NSO as considered necessary by the NSO for the purposes of this policy,

which may include staff and officers of the NSO (eg management, administrative staff, professional or amateur players, coaches, support staff and umpires participating in the sport at relevant levels) and associated people such as player agents

- c) subject to clause 8.2 below, as considered necessary by the NSO for the purposes of this policy, restrict the personnel to whom the rules apply from:
 - i. betting, gambling or entering into any other form of financial speculation on any match under the jurisdiction of, or connected to, the NSO
 - ii. failing, for any money, benefit or reward (including, in particular, associated with a betting arrangement), to perform as reasonably expected to their abilities in, or withdrawing completely from, any match
 - iii. taking action reasonably likely to ensure the occurrence of a particular incident in a match (including, in particular, associated with a betting arrangement), other than for legitimate tactical sporting reasons within the rules of the sport, for which any money, benefit or reward is expected
 - iv. using, or providing to any person, inside information⁷ where it might reasonably be expected the information could be used for betting purposes, other than for genuine business or organisational purposes
 - v. receiving, taking an action with the expectation of receiving, or providing or offering to provide any gift or other benefit in circumstances that might be reasonably expected to bring the person engaging in the action, the NSO or sport into disrepute
 - vi. knowingly helping with, covering up or otherwise being complicit in any of the actions listed in clauses i-v
 - vii. inducing, instructing, encouraging or facilitating anyone to engage in any of the actions listed in clauses i-v
 - viii. attempting any of the actions listed in clauses i-vii
 - ix. engaging in any other form of corrupt conduct, as defined by the NSO, regarding any match or involving an athlete or team under the jurisdiction of, or connected to, the NSO

⁷ Any non-public information relating to any match, event, team, athlete etc that a person has because of their position within the NSO or connection to the sport/NSO.

- x. engaging in any conduct relating directly or indirectly to any of the actions listed in clauses i-ix, which is prejudicial to the interests of the sport or which brings the person engaging in the conduct, the NSO, or its sport into disrepute
- d) require the personnel to whom the rules apply to:
 - i. promptly disclose to the NSO full details of their knowledge of any acts, incidents, approaches, invitations or threats relating to themselves or any other person regarding any of the restricted actions in clause c) above
 - ii. cooperate fully with any reasonable investigation carried out by the NSO regarding any match-fixing related matters, including providing any requested information
- e) specify a match-fixing incident reporting and investigation mechanism
- f) specify a disciplinary framework detailing meaningful penalties (eg ranging from warnings to player suspensions and permanent exclusion, reflecting the severity of the breach) for engaging in any of the restricted actions in clause c) or failing to take the required actions in clause d), which is broadly consistent with those of other sporting codes (including broadly consistent penalties), and includes an appeals mechanism such as referral to the Sports Tribunal of New Zealand.

8.2. None of the measures specified in this policy prevent:

- a) taking action for genuine medical or tactical reasons solely related to the outcome of a sporting event within an NSO's rules for its sport and not for any other money, benefit or reward
- b) investment in, or financial support for, a team in accordance with normal commercial practices.

9. Education

- 9.1. NSOs must have education programmes in place, so that everyone linked with the organisation clearly understands the NSO's requirements and is aware of prevention strategies. Sport NZ recommends that NSOs' education programmes:
 - a) are provided to management, players, coaches, support staff, administrative staff, umpires and player agents

- b) cover the content of NSOs' anti-match-fixing measures/rules
- c) include content on strategies for preventing any risk of match-fixing activity
- d) are carried out and updated regularly to include new personnel and keep people informed of the latest strategies and developments
- e) draw on relevant player associations for input and expertise.

9.2. The NZOC also has a significant role in athlete/entourage education, particularly in the Olympic and Commonwealth and Youth Games environments. NZOC participation agreements with international bodies, NSOs, athletes and the broad entourage are a key mechanism for giving effect to this policy and forming a basis for match-fixing education. Sport NZ recommends that the match-fixing-related clauses in these agreements be consistent with this policy as far as possible.

9.3. The NZRB also supports education on the risks associated with sports betting. The NZRB conduct Responsible Gambling and Integrity Workshops which are available to NSOs as part of their relationships with the NZRB.

10. Protection and support mechanisms

10.1. NSOs must have protection and support mechanisms in place for personnel who may come in contact with, or be involved in, match-fixing activity or to limit risky situations where this might occur. Recommended support and protection mechanisms include:

Protection mechanisms

- a) strong security measures restricting access to participants from non-essential personnel⁸ at matches
- b) limiting or prohibiting participants' use of electronic communication devices (phones, computers etc) in restricted areas/times during matches
- c) assigning sports officials (especially referees and judges) within as short a period before a match begins as possible
- d) regular scrutiny of referees' and judges' field decisions

⁸ NSOs will need to determine which personnel are 'non-essential' depending on the situation. Media personnel, for example, might be considered essential to certain match-related proceedings.

- e) paying particular attention to measures to safeguard athletes who are minors or at events predominantly involving minors.

Support mechanisms

- a) having confidential reporting processes in place to support people coming forward with any relevant information
- b) publicising, as appropriate, a contact phone number and name of an associated individual to speak to within the NSO regarding any match-fixing related matters, who can assess the situation and offer sound advice, protecting confidentiality where necessary
- c) having a pre-determined procedure to keep an individual safe who has been approached by a match-fixer
- d) encouraging athletes to seek support from their player associations
- e) having a ‘whistle blower’ policy in place to encourage people to come forward about match-fixing incidents.

11. Strong sports betting agreements

- 11.1.Under the Racing Act 2003 the NZRB must establish a sports betting agreement with an NSO before the NZRB can offer betting on ‘Authorised Events’ agreed to by the NSO. Under the Act the NZRB must also provide a percentage of sports betting revenue to the relevant NSO.
- 11.2.The NZRB’s model agreement requires that, at a minimum, NSOs must have regulations relating to betting in place, which, in particular, must prevent Relevant Persons (including players, coaches etc) who participate in Authorised Events from betting on those Authorised Events.
- 11.3.Sport NZ expects NSOs to also use their betting agreements to further manage match-fixing risks by working with the NZRB to identify bet types which will be jointly reviewed by the NSO and NZRB regularly, over the term of the betting agreement.
- 11.4.In particular, NSOs should consider using their betting agreements to:
 - a) restrict or prohibit ‘spot’ bets (ie bets on particular actions within matches which are more easily manipulated than, for example, overall match results)

- b) 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
- c) restrict other types of bets which may have higher risks regarding match-fixing, such as bets on minors or in competitions predominantly involving minors, depending on the circumstances.

11.5. Subject to any legal requirements preventing this, NSOs' betting agreements should also include agreed protocols for timely information and intelligence sharing between the NSO and the NZRB to support preventative and investigative measures. Alternatively, separate information sharing agreements could be established.

12. Information sharing and collaboration

- 12.1. NSOs must provide and exchange information, and collaborate regarding any match-fixing related matters, via agreed protocols with Sport NZ and law enforcement or other relevant agencies including the SFO, NZ Police, OFCANZ, the NZRB and DIA or overseas agencies.
- 12.2. Sport NZ recommends that NSOs discuss any match-fixing incidents with Sport NZ to the fullest extent possible, taking into account any confidentiality requirements. This discussion may include consideration of procedures for dealing with these incidents and for passing information to other agencies where necessary.

13. Implementation and support

- 13.1. NSOs identified as priority one by Sport NZ will be required to implement the policy by December 2014. NSOs identified as priority two will be required to implement the policy by June 2015. All other remaining NSOs (priority three) will be required to implement the policy by January 2016, at which point compliance with the policy will become a requirement of Sport NZ/HPSNZ investment criteria for all NSOs.
- 13.2. Sport NZ will subsequently audit NSOs' levels of implementation of the policy and monitor ongoing implementation.
- 13.3. Sport NZ will support NSOs to implement the above measures by means such as:
 - a) developing national model match-fixing rules which stipulate offences, standardised penalties and enforcement procedures, which can be adopted by NSOs

- b) sharing best practice examples of international or domestically developed resources such as model policies, codes of conduct and education programmes/materials for NSOs to adopt
- c) providing information forums/workshops
- d) developing resources for national distribution such as educational material.

14. Legal standing

14.1. This policy does not itself create any legally binding obligations on NSOs, unless otherwise required by law or agreement. However, where this policy expresses an obligation or requirement upon NSOs, they must comply with that matter to comply with this policy.

Appendix 1

Gambling framework

Gambling Act 2003

1. Gambling in New Zealand is regulated under the Gambling Act 2003. The Gambling Act prohibits gambling unless it is specifically authorised under that Act or the Racing Act 2003, or is private gambling. Gambling is defined in the Act as “*... paying or staking consideration, directly or indirectly, on the outcome of something seeking to win money when the outcome depends wholly or partly on chance ...*”
2. However, this definition is unlikely to cover match-fixing activity/payments as these do not involve paying or staking consideration seeking to win money. They also lack the chance element. These payments are essentially a fee for corrupt service, with the betting element of the activity separate and potentially legal.

Racing Act 2003

3. New Zealand has a well-regulated and simple sports betting system authorised under the Racing Act 2003. The Racing Act allows a single statutory body, the NZRB, to conduct legitimate betting activity relating to sports events that take place both inside and outside New Zealand. Under the Racing Act the NZRB must have written agreements with NSOs before it can conduct betting on their sports. Such betting is conducted under the Betting Rules produced by the NZRB in accordance with the Racing Act. The Betting Rules set guidelines for the administration and conduct of betting in sport.

New Zealand Racing Board (NZRB)

4. The NZRB undertakes sports betting through its TAB brand, the only authorised sports betting agency in New Zealand, under its Betting Rules. The Betting Rules include rules to help address match-fixing or corruption. Under these rules, the NZRB can take actions including:
 - i. refusing/cancelling bets if there is, or the NZRB considers there is, a risk of corrupt betting
 - ii. monitoring betting to prevent corruption – including monitoring the sports betting activities of a ‘Relevant Person’ (person associated with an ‘Authorised Event’ of a ‘Selected Sport’), giving information about a ‘Relevant Person’ to an applicable NSO (the NSO may also seek certain information relating to a ‘Relevant Person’), or taking certain actions to prevent that individual from betting

- iii. limiting maximum returns available to individuals from certain types of bets in any one day's business, thereby limiting the benefit a person could gain from match-fixing.

5. The NZRB's general actions to prevent match-fixing include:

- i. monitoring the betting accounts of professional players (in line with the rule in 4.ii above) in selected codes and sharing information with NSOs, where appropriate
- ii. monitoring all deposits over a pre-set significant amount
- iii. monitoring the price fluctuations of the NZRB's fixed odds books for unusual activity
- iv. investigating any unusual betting activity (tote or fixed odds).

Criminal offences

6. Provisions in New Zealand criminal law that may cover match-fixing activities include:

Crimes Act 1961

- 'Participation in an organised criminal group' – section 98A (maximum 10 years prison)
- 'Corruption and bribery of an official' – section 105 and 'Corrupt use of official information' – section 105A (maximum seven years prison) – includes an official accepting a bribe or a person offering an official a bribe and the official corruptly using (or disclosing) any information acquired in their official capacity to gain an advantage or pecuniary gain
- 'Obtaining (pecuniary advantage or other benefit) by deception or causing loss by deception' – section 240 (maximum seven years prison)
- 'Money laundering' – section 243 (maximum seven years prison).

Secret Commissions Act 1910

- 'Gifts to agent without consent of principal an offence' – section 3 (maximum two years prison) – the definition of 'agent' may include, for example, employees of sports organisations (eg contracted athletes/staff); the definition of principal may include sports organisations
- 'Acceptance of such gifts by agent an offence' – section 4 (maximum two years prison).



Ground Floor, 86 Customhouse Quay,
Wellington 6011, New Zealand
PO Box 2251, Wellington 6140
Phone: +64 4 472 8058 Fax: +64 4 471 0813