

ANTI-CORRUPTION AND BETTING REGULATIONS

1.1 Introduction and Scope

- 1.1.1 The NZRU is committed to making all efforts within its powers to preserve the fundamental character of sporting competition as an honest test of skill and ability and to prevent corrupt gambling practices from undermining the integrity of the Game. These Anti-Corruption Regulations establish a set of regulations and a scheme of enforcement and sanctions to apply to the Game within the jurisdiction of the NZRU.
- 1.1.2 These Regulations establish a set of regulations and sanctions to apply across the Game at International level and Contracted Player level with which all persons involved in those levels are required to comply and in the case of New Zealand, at Heartland Championship level.
- 1.1.3 Definitions that are applicable to these Regulations are either set out in Regulation 1.2 below or will bear the same meaning as those defined in the IRB Regulations.
- 1.1.4 These Regulations shall be interpreted and applied by reference to the fundamental sporting imperatives set out in IRB Regulation 6.1.3 in preference to any strict legal and/or technical interpretation which may be proposed.
- 1.1.5 These Regulations are in addition to the provisions set out in IRB Regulation 6 (Anti-Corruption and Betting). All Connected Persons are bound by and required to comply with all of the provisions of these Regulations, IRB Regulation 6 and such other NZRU, IRB and other Unions' Rules and Regulations as may be applicable to them from time to time -
 - (a) so far as New Zealand law allows; and
 - (b) in relation to Players and other NZRU employees, so far as Regulation 6 is not inconsistent with their employment agreement.
- 1.1.6
 - (a) It is the NZRU's overall responsibility to ensure that all Connected Persons understand all of the provisions of these Regulations and their obligation to comply with them, and Connected Persons have an overall responsibility actively to engage in that education.
 - (b) Connected Persons have overall responsibility to inform their associates (which may include family and non-family members) as appropriate about:
 - the way in which these Regulations place restrictions upon the information that Connected Persons may share with them; and

- the reasons for this restriction, particularly including to avoid the possibility of a person being unfairly advantaged in placing a bet on a match (either for their own benefit, or on behalf of a Connected Person) and to avoid any impression (whether valid or not) that a person may have an improper financial motive influencing the way that a Connected Person approaches a match.
- (c) The NZRU will apply, monitor and enforce these Regulations.
- (d) The NZRU has developed an Anti-Corruption Privacy Policy which is consistent with these Regulations and will apply to information that is collected pursuant to these Regulations.

1.1.7 It is possible that an investigation under these Regulations may take place several months after the events to which it relates. A Connected Person remains obliged to participate in such an investigation even where they are no longer bound by NZRU Regulations:

- (a) For a period of six months following the end of their relationship with the NZRU; and
- (b) To the extent that the investigation relates to events which occurred during the period of their relationship with the NZRU.

1.2 Definitions

The definitions set out below apply to these Anti-Corruption Regulations.

Anti-Corruption Breach: A Connected Person commits an Anti-Corruption Breach if he or she engages in and/or Attempts to engage in any of the conduct set out in Regulation 1.3.1 to 1.3.4, and in more serious breaches of 1.3.5(f). There are two categories of Anti-Corruption Breach, being:

- (a) Prohibited Wagering Breach; and
- (b) Anti-Corruption Breach.

A Connected Person commits a Prohibited Wagering Breach if

- he/she engages in and/or Attempts to engage in any of the conduct set out in Regulation 1.3.1 (Prohibited Wagering); and
- he/she does not simultaneously commit an Anti-Corruption Breach (as defined below).

A Connected Person commits an Anti-Corruption Breach if he/she engages in and/or Attempts to engage in any of the conduct set out in Regulations 1.3.2 (Corruption Related to Fixing), 1.3.3 (Misuse of Inside Information), 1.3.4 (General corruption offences), or in more serious breaches of 1.3.5(f) (failure to report) Provisions.

Anti-Corruption Privacy Policy: the Privacy Policy developed by the NZRU.

Attempt: An act(s) and/or omission(s) which is more than mere preparation and which constitutes a real and substantial step(s) (individually or cumulatively) towards the commission of an Anti-Corruption Breach (in circumstances where, save for the Attempt itself, the Anti-Corruption Breach was not committed and/or completed and notwithstanding whether the person(s) involved was aware that the act(s) and/or omission(s) may amount to an Anti-Corruption Breach). Where an Attempt is renounced by the perpetrator by way of making a report to the Anti-Corruption Officer prior to such Attempt being discovered by a third party this may be taken into account by the Judicial Officer, Judicial Committee and/or Appeal Committee to reduce the sanction which may otherwise have been applicable. Renunciation and/or withdrawal shall not be relevant save where the foregoing conditions are met nor shall prevention and/or impossibility and/or ineptitude be relevant in relation to an Attempt.

Benefit: 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 Wager(s). The foregoing shall not include official prize money and/or legitimate contractual payments connected to rugby-related services, sponsorship or endorsements and/or similar payments.

Connected Person: Any International Player, Contract Player, International Match Official, Contract Player Support Personnel, any coach, trainer, selector, health professional, analyst, team official, administrator, owner, director and/or any other person involved with and/or engaged in relation to the Game by a Union or its National Representative Team and shall include any Union/Association/IRB panel of Match Officials at International Match and/or Contract Player level, Disciplinary Personnel, any Agent and/or representative of an International Player, Contract Player and/or Contract Player Support Personnel, and/or family member and/or associate of any of the foregoing (to the extent that such family member/associate falls under the jurisdiction of a Union or Rugby Body) and/or any other individual or entity involved in the organisation, administration and/or promotion of the Game at International Match and/or Contract Player level.

Connected Event: An Event with which a Connected Person and/or the National Representative Team and/or Union, Association/IRB Match official Panel (as applicable) is involved with, connected to or engaged with. For the avoidance of doubt where the Event is, for example, an International Match forming part of an International Tournament and/or Series of International matches, every other match in that International Tournament and/or Series of International Matches shall also be a Connected Event.

Contract Player Support Personnel: A Connected Person who is involved with and/or engaged by a Contract Player, a Club, Rugby Body, team and/or Event which includes Contract Players and shall include the teammates and opponents of Contract Players, the Match Officials and Disciplinary Personnel

appointed to an Event which includes Contract Players, the support personnel of such Contract Players and Match Officials and the directors, officers and personnel of Unions, Clubs and Rugby Bodies which engage Contract Players (and including without limitation the owners of Clubs and Rugby Bodies, save where the owner is a Union).

Disciplinary Personnel: A Judicial Officer, Citing Commissioner, Disciplinary Committee, Appeal Committee, Judicial Committee and/or Post-Hearing Review Body member, disciplinary officer, and/or anti-doping and/or other disciplinary personnel.

Event: A Match, tournament, Series of Matches, league, and/or competition at any level of the Game including for the avoidance of doubt, a Connected Event.

Fix: Fixing, contriving in any way and/or otherwise influencing improperly the outcome of an Event and/or any aspect of an Event and/or being party to any effort to fix, contrive in any way and/or otherwise influence improperly the outcome or any aspect of any Event. The foregoing shall include, without limitation, improperly ensuring that a particular incident(s) takes place or does not take place during an Event(s) or at a particular time or juncture during an Event(s) and improperly manipulating the scoring or any other aspect of an Event(s).

Inside Information: Any non-public information relating to any Event including any aspect thereof that a Connected Person possesses by virtue of his position within the Game. Such information includes, but is not limited to, relevant information regarding a Participant(s), conditions, tactic(s) and/or strategy(ies), selection, injury(ies), and/or any other information relating to the likely performance of a Participant(s) and/or outcome of an Event including any aspect thereof, and/or any other relevant information in relation to an Event which is known by a Connected Person(s) but which is not already published or a matter of public record, which is not readily acquired by an interested member of the public and/or disclosed according to the rules and regulations governing the Event.

International Match Official: is a Match Official who officiates (or has officiated) in an International Match(es).

Match Official: A referee, assistant referee, touch judge, television match official, in-goal referee, fourth and fifth match official and any other person involved in the officiating of a Match.

Mobile Communications Device: Any device, electronic or otherwise, which may be used to communicate with another person remotely and without significant delay including, without limitation, telephones, computers, pagers, personal digital assistants, tablet computers, handheld transceivers and any similar device hereinafter invented.

NZRU Anti-Corruption Officer: The person, or his nominee, designated from time to time by the NZRU as the Anti-Corruption Officer of the NZRU.

Participant: A Player, Match Official, Union, Union Representative Team and/or team involved in an Event(s).

Player means a person who is a member of the Rugby Players Collective and who is covered by the Collective Agreement or any other collective agreement between the Rugby Players Collective and the New Zealand Rugby Union, and includes a Contract Player as defined in the IRB Regulations.

Representative Person: a player, coach, trainer, selector, health professional, analyst, team official, administrator, Board member, director connected to or involved with a team participating in the Heartland Championship or National Sevens Tournament.

Suspension: A sanction of suspension of a Connected Person for a specified period of time as determined and imposed by a Judicial Officer or Judicial Committee or Appeal Committee from involvement with the Game as set out in Regulation 1.6.

Substantial Assistance: In the context of Regulation 1.6.6 (g), a Connected Person provides Substantial Assistance if they: (a) fully disclose in a signed witness statement all information that he or she possesses in relation to an a Prohibited Wagering or Anti-Corruption Breach(es); and (b) 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 the NZRU. 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.

Wager: Placing, accepting, laying and/or otherwise entering into any form of wager, bet and/or financial speculation. The foregoing shall include, without limitation, a wager, bet and/or financial speculation on a number of events or occurrences (for example, a multi-bet). A **Prohibited Wager** shall be any conduct in contravention of Regulation 1.3.1.

1.3 Anti-Corruption Breaches

It is not necessary that intent, fault, negligence and/or knowing commission of an Anti-Corruption Breach on the Connected Person's part be demonstrated in order to establish that a Prohibited Wagering Breach or an Anti-Corruption Breach has been committed.

1.3.1 Prohibited Wagering

All Connected Persons

- (a) No Connected Person shall, directly or indirectly, Wager and/or Attempt to Wager on the outcome or any aspect of any Connected Event and/or receive and/or Attempt to receive part or all of the

proceeds of any such Wager and/or any other Benefit in relation to a Wager.

- (b) No Connected Person shall and/or shall Attempt, directly or indirectly, to solicit, offer, induce, entice, instruct, persuade, encourage, agree with and/or facilitate any other party to Wager and/or Attempt to Wager on the outcome or any aspect of any Connected Event.

Contract Player(s) and Contract Player Support Personnel

- (c) No Contract Player or Contract Player Support Personnel shall, directly or indirectly, Wager and/or Attempt to Wager on the outcome and/or any aspect of any Event and/or receive and/or Attempt to receive part or all of the proceeds of any such Wager and/or any other Benefit in relation to a Wager.
- (d) No Contract Player or Contract Player Support Personnel shall and/or shall Attempt, directly or indirectly, to solicit, induce, entice, instruct, persuade, encourage, agree with and/or facilitate any other person to Wager and/or Attempt to Wager on the outcome or any aspect of any Event.

1.3.2 Corruption related to Fixing

No Connected Person shall:

- (a) Fix and/or Attempt to Fix.
- (b) Or shall Attempt, directly or indirectly, to solicit, offer, induce, entice, instruct, persuade, encourage, agree, give, pay for, receive and/or facilitate a Benefit to Fix and/or Benefit to Attempt to Fix.
- (c) For Benefit fail to perform to the best of his abilities (including in the future) in relation to an Event(s) including any aspect thereof.
- (d) Solicit, offer, induce, entice, instruct, persuade and/or encourage another Connected Person to fail to perform to the best of their abilities in relation to an Event(s).

1.3.3 Misuse of Inside Information

No Connected Person shall or shall Attempt directly or indirectly to:

- (a) Use Inside Information for the purposes of Wagering whether by themselves or by or via another person and/or entity;
- (b) Disclose Inside Information to any person (with or without Benefit) before and/or during an Event where the Connected Person knows

and/or may reasonably be expected to know that disclosure of the Inside Information could be used in relating to Wagering.¹

- (c) Give and/or receive Benefit for the provision of Inside Information (notwithstanding whether any Inside Information is actually provided).
- (d) Solicit, offer, induce, entice, instruct, persuade, encourage and/or facilitate the giving and/or receiving of Benefit for the provision of Inside Information (notwithstanding whether any Inside Information is actually provided).
- (e) Solicit, offer, induce, entice, instruct, persuade, encourage, pay for and/or facilitate the breach of any of the foregoing provisions of this Regulation 1.3.3.

1.3.4 General corruption offences

No Connected Person shall and/or shall Attempt directly or indirectly to:

- (a) Solicit, offer, induce, entice, instruct, persuade, encourage and/or facilitate the giving and/or receiving of Benefit in relation to an Event improperly and/or in circumstances which the Connected Person knows and/or may reasonably be expected to know could bring the Connected Person and/or the Game into disrepute and/or may pose a threat to the integrity of the Game.
- (b) Tamper with, obstruct, delay, and/or destroy any evidence, potential evidence, documentation and/or information which may be relevant to an Anti-Corruption Breach (actual or potential) and/or an investigation into anti-corruption or pursuant to these Anti-Corruption Regulations.

¹ Comment: This Regulation shall not prohibit a disclosure of Inside Information to the general public at large (for example without limitation, in a live media interview or in the news section of a Union's website) such that the information thereby ceases to be Inside Information nor shall it prohibit a disclosure of Inside Information to a close personal associate provided that the Connected Person is aware of and complies with Regulation 6.1.3(b) of the IRB Regulations and where in the circumstances it is reasonable for the Connected Person to expect that the Inside Information can be disclosed in confidence and that it will not be used in relation to Wagering. Subject to the foregoing this Regulation shall prohibit a disclosure, for example, to journalists, members of the media, online social network contacts and/or other persons where the Connected Person knows and/or may reasonably be expected to know that disclosure of the Inside Information could be used in relation to Wagering.

1.3.5 Reporting

- (a) It is fundamental to the operation of these Regulations that Connected Persons report a suspected Anti-Corruption Breach to the NZRU as soon as practicable;
- (b) If a Connected Person suspects an Anti-Corruption Breach, that person must make a report to the NZRU Anti-Corruption Officer. There is no form that the report is required to take;
- (c) The NZRU Anti-Corruption Officer must use his or her best endeavours not to disclose information that might identify the Connected Person who has made the report unless—
 - (i) The Connected Person consents in writing to the disclosure of that identifying information; or
 - (ii) The NZRU Anti-Corruption Officer reasonably believes that disclosure of identifying information—
 - A is essential to the effective investigation of the allegations in the protected disclosure; or
 - B is essential to prevent serious risk to public health or public safety or the environment; or
 - C is essential having regard to the principles of natural justice.
- (d) A Connected Person making a report under these Regulations may not be subject to retaliatory action by the NZRU, and if an NZRU employee, may not be disadvantaged in his or her employment by virtue of having made their report.
- (e) The protections above will not apply where an investigation establishes that the person has made a false report, or made their report in bad faith.
- (f) A Connected Person who is aware of information which may tend to establish an Anti-Corruption Breach but who fails to make a report about that information commits a breach of these Regulations which, depending on the circumstances may constitute:
 - serious misconduct in the context of their employment and/or
 - in more serious cases, a breach of 1.3.4(b) (being a General corruption offence)

It shall be a valid defence by a Connected Person to an allegation of breach of this provision that a failure to report was the result of a significant threat to the life and/or safety of the Connected Person or another person.

1.3.6 Receipt of information by NZRU Anti-Corruption Officer from a third party

The Anti-Corruption Privacy Policy allows the NZRU Anti-Corruption Officer to receive certain information from third parties relevant to these Regulations. Where the NZRU Anti-Corruption Officer considers that any such information received indicates a possible Anti-Corruption Breach he/she shall make a decision on how to proceed in accordance with the following provision.

1.3.7 Responsibilities of NZRU Anti-Corruption Officer upon receipt of report or third party information

- (a) The NZRU Anti-Corruption Officer must, upon receipt of a report, or information from a third party which indicates a possible Anti-Corruption Breach decide upon the appropriate way for the information to be investigated.
- (b) In the case of conduct which, if established, is capable of constituting criminal wrongdoing or offences under any other legislation the report or third party information shall, in the first instance, be referred to the New Zealand Police (or other appropriate authority).
- (c) In other cases the NZRU Anti-Corruption Officer may commence an investigation under these Regulations.
- (d) In all cases the NZRU Anti-Corruption Officer may decide that a report or information received is frivolous, or that conduct complained of could not amount to a breach of these Regulations (or any relevant law), in which case the NZRU Anti-Corruption Officer will take no further action, and the matter will be at an end.
- (e) Where:
 - information received from a third party indicates conduct which, if made out, would constitute an Anti-Corruption Breach; and
 - the NZRU Anti-Corruption Officer elects to commence an investigation

the NZRU Anti-Corruption Officer must, before commencing the investigation contact the IRB to inform it of the circumstances and to invite it to:

- give guidance about the appropriate way to undertake the investigation;

- inform the NZRU Anti-Corruption Officer about any investigations being undertaken by the IRB or other Unions which may involve consideration of the same or related matters; and
 - provide any resources, support or information in connection with the investigation.
- (f) A Connected Person May subject to compliance with any relevant legal obligations, be suspended from their role if they are under investigation for an Anti-Corruption Breach and the NZRU Anti-Corruption Officer considers that such suspension is necessary to preserve the integrity of the Game.

1.4 Investigation by NZRU Anti-Corruption Officer

- 1.4.1 The following provisions apply in the case of an investigation by the NZRU Anti-Corruption Officer (or his or her nominee) under these Regulations.
- 1.4.2 The purpose of an NZRU Anti-Corruption Officer investigation is to determine whether an Anti-Corruption Breach has been committed and the nature of such breach.
- 1.4.3 The NZRU Anti-Corruption Officer must prove any Anti-Corruption Breach to the balance of probabilities.
- 1.4.4 The NZRU Anti-Corruption Officer may collect information relevant to his/her investigation in accordance with the Anti-Corruption Privacy Policy. The NZRU Anti-Corruption Officer may:
- (a) Only access personal information to which consent has been provided under this Regulation (and the Anti-Corruption Privacy Policy) or is otherwise able to be lawfully collected under the applicable legislation;
 - (b) make a request of the Connected Person to provide any other information; and/or
 - (c) request the Connected Person to make a written statement setting out in detail all of the facts and circumstances of which the Connected Person is aware with respect to the alleged breach.

Nothing in these Regulations shall require a Connected Person to surrender any rights under New Zealand law that they have not otherwise agreed to surrender pursuant to these Regulations.

- 1.4.5 Any Anti-Corruption Officer investigation must be undertaken in accordance with any relevant provisions in any applicable agreement between the NZRU and the Connected Person. In particular, the NZRU Anti-Corruption Officer will:

- (a) Provide the Connected Person with information in his/her possession relevant to the investigation, subject to any applicable legal obligations;
 - (b) Allow the Connected Person an appropriate opportunity to consider and respond to that information; and
 - (c) Provide the Connected Person with a written report at the conclusion of the investigation summarising any findings.
- 1.4.6 Connected Persons shall cooperate fully with, and shall provide all reasonable assistance to the NZRU Anti-Corruption Officer with respect to any investigation (provided that nothing in these Regulations shall require a Connected Person to surrender any rights under New Zealand law or the Collective Agreement). A failure to co-operate may, depending on the circumstances, give rise to an allegation of misconduct.
- 1.4.7 As an overriding principle, if at any time during an investigation the NZRU Anti-Corruption Officer becomes aware of any matter which may constitute criminal wrongdoing he or she is obliged to refer any relevant information to the New Zealand Police (or other appropriate authority) and to take direction about the way in which he or she should continue to proceed.
- 1.4.8 The following shall not be relevant to the determination of whether an Anti-Corruption Breach has been committed (although they may be relevant to the issue of the appropriate sanction to be imposed pursuant to Regulation 1.6):
- (a) Whether the Connected Person who is alleged to have committed an Anti-Corruption Breach was participating in the particular Event(s) in relation to which the conduct is alleged;
 - (b) The nature and/or outcome of any Wager(s) in issue;
 - (c) Whether or not any Benefit was actually given or received;
 - (d) The outcome of the Event(s) and/or any aspect thereof in relation to which such Wager(s) was made;
 - (e) An absence of or unusual evidence with respect to a Connected Person's lack of effort and/or poor or unusual performance in an Event and/or aspect thereof (however, any such evidence may be offered to support an allegation regarding a breach of these Anti-Corruption Regulations);
 - (f) Whether or not a Connected Person's efforts or performances (if any) in relation to the Event(s) in issue were (or could be expected to be) affected by the acts or omissions in question; and/or

- (g) Whether or not any of the results and/or aspects of the Event(s) in issue were (or could be expected to be) affected by the acts or omissions in question.

1.5 Procedure following conclusion of investigation

- 1.5.1 Where an investigation concludes that no Anti-Corruption Breach has occurred the matter is at an end, and no further action can be taken in respect of the matters investigated, subject to any new relevant information coming to the notice of the Anti-Corruption Officer.
- 1.5.2 Where an investigation concludes that an Anti-Corruption Breach has occurred an appropriate sanction must be determined in accordance with the following provision.

1.6 Sanctions

- 1.6.1 The NZRU Anti-Corruption Officer may, in his/her discretion:
 - (a) Determine an appropriate sanction; or
 - (b) Where he/she considers that it is appropriate for instance given the seriousness of the allegation, the complexity of the matter, a potential conflict of interest, or other material reason, he/she may refer the matter to a Judicial Officer for determination of an appropriate sanction.
- 1.6.2 The range of permissible sanctions is described in Regulation 1.6.4. In order to determine the appropriate sanction applicable in each case, the NZRU Anti-Corruption Officer or Judicial Officer (and in the case of an appeal as applicable, the Appeal Committee) in determining the relative seriousness of the offence shall take the aggravating and mitigating features of the offending set out in Regulation 1.6.5 and 1.6.6 into account and shall detail the effect of such factors on the final sanction in the written decision.
- 1.6.3 For the avoidance of doubt, in the case of Players no sanction may be imposed which is inconsistent with the Collective Agreement.
- 1.6.4 The range of sanctions applicable to an Anti-Corruption Breach is set out hereunder.

Anti-Corruption Breach	Range of Sanctions per offence	Additional Sanctions
Prohibited Wagering (Reg. 1.3.1)	Minimum: reprimand and/or warning Maximum: 12 months suspension	<p>AND/OR (in all cases)</p> <p>The NZRU Anti-Corruption Officer or Judicial Officer shall have the discretion to impose a fine of up to \$5,000 on the Connected Person arising out of, or in connection with the Anti-Corruption Breach(es)</p> <p>AND/OR (in all cases)</p> <p>Appropriate further options including without limitation the cancellation of sports results / events, demotion, points reduction, return of rewards, replay of fixtures (for example in cases of Match Official corruption) where risk of fraud has been established or identified, withdrawal of accreditation, exclusion from Match venues and/or official Player environs, as appropriate.</p>

Anti-Corruption Breach	Range of Sanctions per offence	Additional Sanctions
Other Corruption Breaches	Anti- Minimum: reprimand and/or warning Maximum: Life Suspension	<p>AND/OR (in all cases)</p> <p>The NZRU Anti-Corruption Officer or Judicial Officer shall have the discretion to impose a fine on the Connected Person of up to \$5,000 arising out of, or in connection with the Anti-Corruption Breach(es)</p> <p>AND/OR (in all cases)</p> <p>Appropriate further options including without limitation the cancellation of sports results / events, demotion, points reduction, return of rewards, replay of fixtures (for example in cases of Match Official corruption) where risk of fraud has been established or identified, withdrawal of accreditation, exclusion from Match venues and/or official Player environs, as appropriate.</p>

1.6.5 The aggravating features of the offending in connection with an Anti-Corruption Breach shall include the following:

- (a) Whether the Connected Person or Representative Person has a high degree of fault² in relation to the Anti-Corruption Breach;
- (b) Whether the Connected Person or Representative Person has previously been found guilty of any similar Anti-Corruption Breach under these Anti-Corruption Regulations or any Misconduct regulations, whether by the Board, a Union or a Tournament Organiser, or of a similar offence under any other laws and/or regulations;
- (c) Where the amount of any Benefit, directly or indirectly received by the Connected Person or Representative Person, as a result of

² Comment: For example, a high degree of fault may be an orchestrated Fix or passing of Inside Information for Benefit.

the offence(s), is substantial and/or where the sums of money otherwise involved in the Anti-Corruption Breach(es) were substantial;

- (d) Where the Anti-Corruption Breach substantially damaged (or had the potential to damage substantially) the commercial value and/or the public interest in the relevant Event(s);
- (e) Where the Anti-Corruption Breach affected (or had the potential to affect) the result of the relevant Event(s);
- (f) Where the welfare of a Connected Person or Representative Person or any other person has been endangered as a result of the Anti-Corruption Breach;
- (g) Where the Anti-Corruption Breach involved more than one Connected Person or Representative Person;
- (h) Where the Connected Person or Representative Person has not cooperated with any investigation and/or the process; and/or
- (i) Any other aggravating factor(s) that the NZRU Anti-Corruption Officer or Judicial Officer (or in the case of an appeal as applicable, the Appeal Committee) considers relevant and appropriate.

1.6.6 The mitigating features of the offending in connection with an Anti-Corruption Breach shall include the following:

- (a) Whether the Connected Person or Representative Person has a low degree of fault³ in relation to the Anti-Corruption Breach;
- (b) The presence and timing of an acknowledgement of culpability/wrongdoing and/or remorse by the Connected Person or Representative Person;
- (c) A good disciplinary record and/or good character of the Connected Person or Representative Person;
- (d) The youth and level of experience of the Connected Person or Representative Person;
- (e) Where the Anti-Corruption Breach did not substantially damage (or have the potential to substantially damage) the commercial value and/or the public interest in the relevant Event(s);
- (f) Where the Anti-Corruption Breach did not affect (or have the potential to affect) the result of the relevant Event(s);

³ Comment: For example, a low degree of fault may be inadvertent passing of Inside Information without Benefit.

- (g) Where the Connected Person or Representative Person provides Substantial Assistance to the IRB and/or a Union, a criminal authority or professional disciplinary body that results in the Board or Union discovering or establishing an Anti-Corruption Breach by another Connected Person or Representative Person or that results in a criminal or disciplinary body discovering or establishing a criminal offence or the breach of professional rules by another Connected Person, Representative Person or other third party;
- (h) Where the Connected Person or Representative Person
 - has already suffered penalties under other laws and/or regulations for the same offence; and/or
 - has been acquitted in a separate proceeding (or where that proceeding otherwise does not proceed) those matters shall be taken into account in determining any sanction.
- (i) Any other mitigating factor(s) that the NZRU Anti-Corruption Officer or Judicial Officer considers relevant and appropriate.

1.6.7 For the avoidance of doubt:

- (a) Where a Connected Person or Representative Person is found guilty of committing two Anti-Corruption Breaches under these Anti-Corruption Regulations in relation to the same incident or set of facts and sanctioned separately, then any sanctions imposed should run concurrently (and not cumulatively);
- (b) Where a fine and/or costs award is imposed against a Connected Person or Representative Person, then such fine and/or costs award must be paid within a reasonable time period specified by the NZRU Anti-Corruption Officer or Judicial Officer (or in the case of an appeal as applicable, by the NZRU Appeal Council);
- (c) Any Suspension imposed on the Connected Person or Representative Person shall commence on the date that the decision imposing the Suspension is issued unless indicated otherwise in the written decision;
- (d) Any Connected Person or Representative Person who has been Suspended may not, during the period of Suspension, fulfil any role set out within the definition of Connected Person or Representative Person in Regulation 1.2 including, for the avoidance of doubt, playing or training as part of any team or squad, participating or being involved in any capacity in the Game and/or participating in any function, event or activity (other than authorised anti-corruption education or rehabilitation programmes) that is authorised, organised, sanctioned, recognised or supported in any way by the IRB or NZRU;

- (e) A Connected Persons or Representative Person who is subject to a Suspension shall remain subject to the Anti-Corruption Regulations during that period in their former capacity (that is, Connected Person or Representative Person and, as applicable, Contract Player and/or Contract Player Support Personnel). If the Connected Person or Representative Person is alleged to have committed an Anti-Corruption Breach during a Suspension, this shall be treated as a separate matter under these Regulations;
- (f) Once any period of Suspension has expired, the Connected Person or Representative Person will automatically become re-eligible to return to the Game provided that he or she has first:
 - (i) completed a NZRU approved anti-corruption education programme to the reasonable satisfaction of the NZRU Anti-Corruption Officer and is rehabilitated;
 - (ii) satisfied, in full, any fine and/or award of costs made against him or her; and
 - (iii) agreed to subject him or herself to such additional reasonable and proportionate monitoring procedures and requirements as the NZRU Anti-Corruption Officer may reasonably consider necessary given the nature and scope of the Anti-Corruption Breach committed.
- (g) Where a sanction is determined under these Regulations, with the exception of the Connected Person's right to appeal or the Connected Person's right to take any other legal avenues, no further action can be taken in respect of the matters investigated and sanctioned.

1.7 Appeals

- 1.7.1 A Connected Person who is dissatisfied with the outcome or the process of a proceeding under these Regulations may:
 - (a) Appeal to the NZRU Appeal Council (which will have the powers set out in Section 8 of the NZRU Disciplinary Rules); and/or
 - (b) Exercise any other legal rights.
- 1.7.2 The CEO of the NZRU may appeal a decision of a Judicial Officer provided that he has received an opinion from an independent senior legal representative that there are reasonable grounds to consider that there has been a material miscarriage of justice or a manifestly excessive or lenient penalty imposed.
- 1.7.3 Where an appeal is concluded the matter is at an end, and no further action by the NZRU (or, for the avoidance of doubt, the IRB) can be taken in respect of the matters investigated and/or sanctioned.

1.8 Representative Persons

- 1.8.1 All Representative Persons to the extent they are not Connected Persons or Contract Player Support Personnel, must not commit an Anti-Corruption Breach. However, Prohibited Wagering for a Representative Person is wagering on any match in the Heartland Championship or the Regional or National Sevens Tournaments. Wagering on Events other than the Heartland Championship or the Regional or National Sevens Tournaments does not constitute Prohibited Wagering and is therefore permitted. For the avoidance of doubt, it is not necessary that intent, fault, negligence and/or knowing commission of an Anti-Corruption Breach on the part of the Representative Person be demonstrated in order to establish that an Anti-Corruption Breach has been committed.
- 1.8.2 In the event that the NZRU Anti-Corruption Officer considers that grounds exist to believe that an Anti-Corruption Breach has been committed by a Representative Person, he may:
- (a) determine an appropriate sanction; or
 - (b) refer the matter to a Judicial Officer.
- 1.8.3 In the event of such a referral, the Judicial Officer shall deal with the matter in accordance with the procedures set out in Section 4 of the NZRU Disciplinary Rules, provided that any sanctions shall be applied in accordance with regulation 1.6 of these Regulations.

1.9 General Provisions

- (a) Connected Persons shall attend any hearings (either in person or by telephonic means as directed by the NZRU Anti-Corruption Officer, Judicial Officer or Appeal Committee) save where they have not been given reasonable notice and/or where they have other compelling justification to the satisfaction of the NZRU Anti-Corruption Officer, Judicial Officer or Appeal Committee.
- (b) The NZRU, the NZRU Anti-Corruption Officer and Connected Persons
 - shall keep all proceedings under these Anti-Corruption Regulations confidential; and
 - shall make all efforts within their power to ensure that their family members/associates shall keep all proceedings under these Anti-Corruption Regulations confidential

save as otherwise required in accordance with these Anti-Corruption Regulations, applicable laws and/or regulations.

- (c) The NZRU may issue a direction prohibiting and/or restricting the use of Mobile Communications Devices on the day of a Connected Event by certain Connected Persons involved with the conduct of that Connected Event without prejudice to the ability of a Union or Tournament Organiser to issue such a direction in its own jurisdiction) and in such case all Connected Persons shall comply with the direction(s).
- (d) For the avoidance of doubt, nothing in these Regulations prohibits a Connected Person from endorsing or supporting a legal betting agency (particularly including the TAB).