



Date: 12/8/2014

## **Submission to the Law and Order Select Committee on the Crimes (Match-fixing) Amendment Bill**

### **Introduction**

1. This submission, focusing on match-fixing has been prepared by Wellington Community Justice Project.
2. The Wellington Community Justice Project (WCJP) ([www.wellingtoncjp.org](http://www.wellingtoncjp.org)) is a student-led organisation at Victoria University of Wellington. The project, formed in 2010, has twin aims: to improve access to justice and legal services in the community; and to provide law students with an opportunity to gain practical experience. It pursues these goals by establishing community-based volunteer projects and working with other organisations that have similar goals.
3. The research for this submission was carried out by Sheridan Webb (LLB/ BA) as part of volunteer work for the project.
4. This submission supports the addition of match-fixing into the Crimes Act 1961. It proposes the following changes;
  - a. Increase the maximum penalty to better reflect threats of gambling and behavioural expectations of professional and semi-professional sportspeople and management.
  - b. The amendment should apply to all sports leagues and not just high profile sports.
  - c. The amendment should incentivise regional management of sports leagues to exercise investigatory powers when suspicious behavior in order to promote accountability within the sport and to reduce strain on police resources.

## **A: Imprisonment as Punishment**

1. The Bill provides that match-fixing will incur penalties of imprisonment. I agree that imprisonment is a reasonable and appropriate penalty for match fixing, however feel that the maximum penalty should be increased from seven years to ten years. This proposed change is reliant on my views as to the expectations of professional sportspeople, and the seriousness threats that gambling poses to New Zealander's.
2. Firstly in regard to my views on professional sport. I expect leaders in sport to exemplify sportsmanship and hard work. This is in line with the ideas that high profile sportspeople are spokesman for the sport itself and are role-models, particularly for children. Match-fixing involves athletes and management taking advantage of their skill to the detriment of the sport. Another concern is that in team sports the moral worth of the entire team, management and players, comes into question. If you are professional, or even semi-professional, you are not only breaching contractual obligations you are breaching these greater responsibilities. The higher the profile of the sport or person involved, the greater the disappointment to the wider community, on a local, national and international level. This disappointment additionally affects funding and selection for both persons individually and New Zealand nationally as potential host.
3. Secondly, the threat that gambling poses to New Zealander's is well-documented and serious, particularly surrounding sport. My concern is circular; if both major and minor sports continue to develop in popularity at the same rate that their facilities improve, then more tournaments will be held in New Zealand. As the conditions improve, more tournaments will be played, and more high profile management and athletes will be enticed to play, enabling the leagues to become both more profitable and popular. Consequently gambling increases. New Zealander's are known as 'sport lovers', and while some codes such as rugby and cricket are firm favourites, sports in general offer a real opportunity for match-fixers to take advantage of punters. Match-fixing in the current climate also provides high profile and in-form players a real opportunity to make extra cash without real risk of discovery.
4. A higher maximum penalty would more successfully address this threat. While only the worst offender's deserve the maximum penalty, where an individual has real power to affect another's means of livelihood, and then utilise it without any real risk to themselves, it should be punished accordingly. Most match-fixers take advantage of their specific sporting talents, which wouldn't be applicable in prison. If these skills cannot be harnessed whilst imprisoned, it is likely the person would be motivated to attain parole. A longer maximum penalty will ensure that those who have greatly abused the sporting system in exchange for payment, are punished accordingly.

5. In my opinion some lower penalties are also appropriate, as they would be targeting players in more minor leagues where match-fixing would not pose such a risk, but would still act as sufficient deterrent to players in the league.

## **B: Scope**

1. The background information to the Bill stated that the amendment was focused on more high profile sports that pose greater threat to gamblers.
2. I understand that it is more likely that sports leagues that have higher profit margins will be the sports that attract match-fixing. However if the legislation is attempting to deter match-fixing and deceit in general, the penalties should apply to all sports, regardless of their profile. It is likely that players in these more minor leagues will incur smaller penalties, as there would be less opportunity to profit. However, I think that the scope should be widened to incorporate all sports league as a matter of principle. Focusing only on larger leagues due to their greater profit potential and effect on gamblers largely ignores the professional standards that the community expects of *all* of our leading sportsman, regardless of the size of the league. The expectations discussed in Part A.2 make up an important part of sporting communities, and if a person breaches those standards repetitively in exchange for money, then they should be put under investigation regardless of the amount.

## **C: Regional Accountability**

1. The amendment should incentivise regional management of sports leagues to exercise investigatory powers when there is the suspicion of match-fixing. This would promote greater accountability within the sport to upholding professional standards and in turn would produce better results in form and score lines.
2. Regional management would also reduce strain on police resources. Professionals, and those who are highly involved with the sport in question, would be best equipped to 'spot' match fixing. It would also allow management to investigate the indiscretion while reducing the potential negative consequences of match-fixing on the association and teammates etc.

3. In terms of application, it could be worthwhile to research current drug-testing practices. Any analogies drawn could assist in a workable national 'process' being drawn up for regional management to be guided by.

## **Conclusion**

1. I submit that the Crimes Amendment (Match-Fixing) Bill be adopted with three changes. Firstly to increase the maximum penalty to ten years to more effectively deter match-fixing. Secondly to widen the scope of the policy to include all sports leagues, rather than just the high-profile. Lastly the Bill should incentivise regional management of leagues to investigate suspicious circumstances.