

Crimes (Match-fixing) Amendment Bill

Government Bill

As reported from the Law and Order
Committee

Commentary

Recommendation

The Law and Order Committee has examined the Crimes (Match-fixing) Amendment Bill and recommends that it be passed with the amendment shown.

Introduction

The bill seeks to amend the Crimes Act 1961 to clarify that match-fixing is a form of deception under section 240 of the Crimes Act. Currently, it is unclear whether match-fixing is covered by existing offenses. Match-fixing is a growing international problem, and this bill seeks to ensure that criminal sanctions are available to address match-fixing in New Zealand.

The bill is not designed to address every kind of match-fixing; it focuses on the most serious kind, where the intent is to influence a betting outcome. Non-legislative measures, such as codes of conduct developed by the governing sports bodies, address other forms of match-fixing.

Under the bill, anyone who obtained a benefit or caused a loss by engaging in match-fixing would commit an offence and be liable to a maximum penalty of seven years' imprisonment.

We recommend only one minor amendment to the bill.

Removal of potential defence

We recommend amending clause 4 of the bill by removing the words "otherwise than for tactical or strategic sporting reasons" from the definition of deception. This phrase could be confusing and might open up an unintended defence.

As introduced, the bill would provide a defence where a match was manipulated, at least in part, for tactical or strategic sporting reasons. This defence might apply even if the manipulator also acted with the intention of influencing a betting outcome. For example, a person who deliberately lost a match to gain an advantage in the next round but also bet on the result would escape liability. This would clearly be contrary to the intent of the bill. Removing these words would make it clear that an offence would be committed whenever a match was manipulated with the intention of influencing a betting outcome.

Appendix

Committee process

The Crimes (Match-fixing) Amendment Bill was referred to the Law and Order Committee of the 50th Parliament on 30 July 2014. The closing date for submissions was 22 October 2014. We received and considered four submissions from interested groups and individuals. We received advice from Sport New Zealand and the Ministry of Justice.

Committee membership

Mike Sabin (Chairperson)

Jacinda Ardern

Kanwaljit Singh Bakshi

Mahesh Bindra

David Clendon

Ian McKelvie

Jenny Salesa

Lindsay Tisch

Jonathan Young

Hon Phil Goff was a member of the committee for this item of business.

Su'a William Sio was a member of the committee for this item of business.

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Key to symbols used in reprinted bill

As reported from a select committee

text deleted unanimously

Hon Jonathan Coleman

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Crimes (Match-fixing) Amendment Act **2014**.
- 2 Commencement**
This Act comes into force on 15 December 2014. 5
- 3 Principal Act**
This Act amends the Crimes Act 1961 (the **principal Act**).
- 4 New section 240A inserted (Application of section 240
to match-fixing)**
After section 240, insert: 10

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“240A Application of section 240 to match-fixing

- “(1) For the purposes of section 240, **deception** includes any act or omission that is done or omitted with intent to influence a betting outcome of an activity of a kind to which **subsection (2)** applies by manipulating; ~~otherwise than for tactical or strategic sporting reasons;~~— 5
- “(a) the overall result of the activity; or
- “(b) any event within the activity.
- “(2) This subsection applies to activities of the following kinds: 10
- “(a) sporting competitions, games, matches, races, and rallies involving human participants (whether or not they also involve equipment, horses, vehicles, or vessels):
- “(b) dog races.
- “(3) This section does not limit or affect the generality of section 240.” 15

Legislative history

5 May 2014
30 July 2014

Introduction (Bill 203–1)
First reading and referral to Law and Order
Committee
