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## 1. Introduction

- 1.1 Basketball Australia, Member Organisations and Authorised Providers must conduct themselves and administer their organisations in an appropriate, transparent and fair manner, free from bias and corruption. They have a responsibility to conduct themselves, at all times, in a manner that will not diminish the high regard in which the sport of basketball is, and should be held by the public.
- 1.2 This Code of Conduct sets out the minimum expectations and requirements of Administrators to ensure the successful administration of basketball and appropriate management of conduct, including conflicts of interest within the sport.

## 2. Application of Code

- 2.1 This Code of Conduct is to be read in conjunction with the provisions set out in the Basketball Australia *National Framework for Ethical Behaviour and Integrity in Basketball* ('the Framework') and, except as otherwise defined in this Code of Conduct, all capitalised terms in this Code of Conduct have the definitions set out in Clause 29 of the Framework.
- 2.2 Nothing in this Code of Conduct limits the responsibilities set out in the Framework or any other code or policy promulgated by Basketball Australia, including without limitation under the Basketball Australia Gambling and Match-Fixing Policy and Anti-Doping Policy.

## 3. Who is bound by this Code of Conduct

- 3.1 This Code of Conduct applies to any Administrator employed or engaged by or contracted to or utilised in a voluntary capacity by any of Basketball Australia, any Member Organisation or any Authorised Provider, as well as any Directors elected or appointed to serve on any board, commission or committee of any of Basketball Australia, any Member Organisation or any Authorised Provider.
- 3.2 While this Code of Conduct applies to all Administrators, National Basketball League Club owners and CEOs are also governed by a separate code managed under their licence agreements with the National Basketball League. Nothing in that code restricts the application of this Code of Conduct to such persons, notwithstanding the terms and conditions which also apply by reason of the relevant licence agreement.

## 4. Good Administration of Basketball

- 4.1 Administrators must:
  - 4.1.1 conduct day-to-day management of their basketball organisations according to democratic and accountability principles, including by professional managers being responsible and accountable to their board/commission and those bodies, in turn, being responsible and accountable to their members;
  - 4.1.2 ensure openness and transparency in all dealings of administration and operation;

- 4.1.3 ensure decisions are based, as far as is possible, on objective rather than subjective criteria;
- 4.1.4 avoid deception, unethical practices or any other behaviour that is, or might be construed as, dishonourable or detrimental to the sport of basketball in Australia, Basketball Australia, any Member Organisation or Authorised Provider or any other Administrator, or which might reasonably constitute a practice or behaviour which is prejudicial to the name, image and interests of Basketball Australia or the sport of basketball;
- 4.1.5 act in accordance with any fiduciary duties as an officer or director, comply with the spirit and letter of the law and recognise and comply with both the legal and moral duties of their role;
- 4.1.6 not do anything that in any way denigrates the sport of basketball, Basketball Australia, any Member Organisation or Authorised Provider or any other Administrator or harm the reputation or public image of the sport of basketball at any level or that of Basketball Australia, any Member Organisation or Authorised Provider or any other Administrator;
- 4.1.7 manage relationships and transactions with broadcasters, sponsors, commercial partners, vendors, suppliers, employees and consultants in an ethical, professional and appropriate manner and in the best interests of the sport of basketball;
- 4.1.8 not enter into any agreements, arrangements or understandings with organisations or persons whose business is related to speculation on the outcomes or otherwise of sporting events except to the extent that such activity is not in breach of the Framework or any code or policy falling within the Framework; and not enter into any agreements, arrangements or understandings with organisations or persons if the resulting agreement, arrangement or understanding would be likely to cause damage to the good name, image and reputation of the sport of basketball;
- 4.1.9 ensure full, fair, accurate, and timely disclosure in reports to Basketball Australia, FIBA, Sport Australia, Sport Integrity Australia or to any other authority within the sport as may be required or directed by Basketball Australia and also to relevant official authorities in Australia (or elsewhere as appropriate) in full accordance with all applicable laws;
- 4.1.10 ensure that the personal rights of individuals are protected, respected, and safeguarded;
- 4.1.11 ensure the privacy of individuals (apart from what is essential information for the organisation to function) in accordance with all applicable laws;

- 4.1.12 promote the physical and mental health and welfare of Athletes;
- 4.1.13 provide due process in any disciplinary matters not dealt with by Basketball Australia; and
- 4.1.14 represent basketball and their basketball organisation honestly, worthily, respectably and with integrity.

## 5. Conflict of Interest

### 5.1 Administrators must avoid or fully declare all details of any potential or actual conflict of interest and must not:

- 5.1.1 engage in any business or transaction, or have a financial or other personal interest, that is incompatible or in any way in conflict with their official duties with Basketball Australia or a Member Organisation or any Authorised Provider of either, unless such business, transaction, or other interest is properly and fully disclosed to and approved by Basketball Australia or the relevant Member Organisation (as the case may be);
- 5.1.2 knowingly place themselves in a position where they are under an obligation or likely to be under an obligation to any person or organisation that might benefit from special consideration or that might seek preferential treatment;
- 5.1.3 in or relating to the performance of their official duties, give preferential treatment to family members, close personal friends, colleagues or organisations in which their family members, close personal friends or colleagues have an interest, financial or otherwise;
- 5.1.4 derive personal benefit from information that they have acquired during the course of fulfilling their official duties with Basketball Australia or a Member Organisation or an Authorised Provider of either, or from any other person who has acquired that information during the course of that person fulfilling their official duties with Basketball Australia or a Member Organisation or an Authorised Provider of either, if such information is confidential or not generally available to the public;
- 5.1.5 engage in any outside work, activity, or business or professional undertaking that conflicts or appears to conflict with their official duties with Basketball Australia or a Member Organisation or an Authorised Provider, or in which they have an advantage or appear to have an advantage on the basis of their association with Basketball Australia or a Member Organisation or an Authorised Provider;
- 5.1.6 use the property, equipment, supplies or services of Basketball Australia or a Member Organisation or an Authorised Provider for activities not associated with the performance of their official duties with Basketball Australia or a Member Organisation or an Authorised Provider without the approval of

Basketball Australia or the relevant Member Organisation or Authorised Provider;

5.1.7 place themselves in positions where they could, by virtue of being a Basketball Australia or Member Organisation or Authorised Provider official, influence decisions or contracts or arrangements, commercial or otherwise, from which they could derive any direct or indirect benefit; or

5.1.8 accept any gift or favour that could be construed as being given in anticipation of, or in recognition for, any special consideration granted by virtue of being an Administrator.

## 6. Declaration of Conflicts of Interest

6.1 All Basketball Australia, Member Organisation and Authorised Provider officials shall disclose to Basketball Australia or their relevant Member Organisation or Authorised Provider (as the case may be, for example, to Basketball Australia if they are an employee or contractor of Basketball Australia), in the format required by their Constitutions or other governing documents, any and all Conflicts of Interest that they might have at the beginning of any appointment or immediately any new conflicts of interests that may arise while they hold an official position.

## 7. Other Prohibited Conduct

7.1 Administrators must:

7.1.1 behave at all times in a manner that upholds the highest standards of integrity and dignity and must not engage in conduct that is or may be unbecoming to themselves or to the sport of basketball or that brings or may bring the sport of basketball, any Event or Competition, Basketball Australia, their Member Organisation (if any) or any Authorised Provider into disrepute or that is or may be otherwise harmful to the interests or reputation of themselves, the sport of basketball, any Event or Competition, Basketball Australia, their Member Organisation (if any) or any Authorised Provider;

7.1.2 not make any statements (whether verbally or in writing and including but not limited to statements made by way of social media or any other digital or other media platform) where they know or reasonably should know, that they are or could be:

7.1.2.1 inconsistent with the Framework or this Code of Conduct; or

7.1.2.2 prejudicial or contrary to the objects, purposes or interests of any Event or Competition, Basketball Australia, their Member Organisation (if any) or any Authorised Provider;

7.1.2.3 something that will bring any of the sport of basketball, any Event or Competition, Basketball Australia, their Member Organisation (if any) or any Authorised Provider into disrepute or be otherwise

harmful to the interests of the sport of basketball, any Event or Competition, Basketball Australia, their Member Organisation (if any) or any Authorised Provider;

- 7.1.3 respect cultural, racial, ethnic, religious, physical, intellectual, gender, marital and sexual orientation differences and behave in a professional, fair, courteous and legal manner at all times;
- 7.1.4 refrain from:
  - 7.1.4.1 any form of abuse, harassment, discrimination or vilification, or any conduct that might reasonably be regarded as abuse, harassment, discrimination or vilification towards others;
  - 7.1.4.2 any conduct (whether through the use of language, gestures or otherwise) that is likely to offend, insult, humiliate, intimidate, threaten, disparage or vilify any reasonable person on the basis of their race, religion, culture, colour, descent, national or ethnic origin, sex, gender, sexual orientation, disability, marital status and/or maternity status; and
  - 7.1.4.3 unnecessary or inappropriate criticism or intimidation of any Officials; and
- 7.1.5 not victimise, threaten or retaliate against any other person because that person has raised a complaint or made a report or is participating in any investigation or hearing under this Code of Conduct or the Framework.

## 8. Prohibited Conduct

- 8.1 Any behaviour that is inconsistent with Clauses 4, 5, 6 or 7 of this Code of Conduct shall be considered Prohibited Conduct under the Framework and a breach of this Code of Conduct.

## 9. Reporting Process

- 9.1 All instances of Prohibited Conduct must be reported in accordance with the Framework.

## 10. Investigations

- 10.1 Investigations into behaviour that may constitute Prohibited Conduct and hearings and sanctions for any such Prohibited Conduct will be conducted and determined in accordance with the Framework.