

Sport Integrity Review – Proactive Release

Hon Grant Robertson, Minister for Sport and Recreation

Published November 2018

In October 2018, the Cabinet Social Wellbeing Committee considered and agreed to release the Sport Integrity Review Discussion Document presented by the Minister of Sport and Recreation in the Cabinet paper: *Sport Integrity Review: Release of Consultation Document*.

Following the Cabinet meeting these documents have been proactively released:

Sport Integrity Review: Release of Consultation Document - paper

Sport Integrity Review: Release of Consultation Document - minute of decision

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In Confidence

OFFICE OF THE MINISTER FOR SPORT AND RECREATION

Chair, Cabinet Social Wellbeing Committee

Sport Integrity Review: Release of Consultation Document

Proposal

1. I propose that the Cabinet Social Wellbeing Committee approve the release of the attached discussion document to solicit submissions to help Sport New Zealand (Sport NZ) understand the size of any risks and problems with sport integrity in New Zealand.

Executive summary

2. Sport creates happier, healthier people, better connected communities and a stronger New Zealand.¹ For example, Sport NZ research shows:
 - 92 percent of New Zealanders believe being active helps keep them physically fit and healthy
 - 84 percent believe essential life skills are learned playing sport, e.g. team work and cooperation
 - 73 percent agree that sport and physical activity help build vibrant and strong communities
 - sports clubs and groups are the most common social group or club for new migrants
 - 83 percent believe high performance sport contributes to our national pride and identity.²
3. Clearly sport makes a vital contribution to human and social capital, and thereby a vital contribution to the living standards of New Zealanders. It is important that integrity issues do not discourage New Zealanders from accessing the many benefits that participation in sport can provide.
4. "Sport integrity" refers to the aspects of sport that allow participants and others involved in sport to have confidence in the outcomes and events, and to feel they are safe and being treated fairly.
5. Sport NZ, as the lead Government agency for sport and recreation, has launched a broad review of New Zealand's sport integrity arrangements. The review is proactive and forward looking rather than responding to any known issues. This is the first time Sport NZ has undertaken such a review. It has been driven by concerning developments overseas rather than significant widespread issues in New Zealand.
6. The Terms of Reference for the review cover the following topics:

1 <https://sportnz.org.nz/news-and-events/media-releases-and-updates/articles/value-of-sport>

2 <https://sportnz.org.nz/assets/Uploads/The-Value-of-Sport-print-ready-booklet-page-by-page-March-2018.pdf>

- member protection (protecting those who engage in sport from bullying, harassment, abuse, undue health and safety risks, or other harm)
 - integrity issues within children's sport (protecting children from abuse, avoiding the negative effects of an undue focus on winning, and considering the changing environment within secondary school sport)
 - anti-doping
 - protecting against corruption (including the possible presence of organised crime within sport)
 - protecting against match-fixing (including issues relating to sports betting)
 - elite athlete rights and welfare (currently being progressed as a separate work stream).
- 7.** The first phase of the review requires public consultation through a discussion document to solicit submissions. This consultation will help Sport NZ understand the size of any risks and problems with sport integrity in New Zealand. Sport NZ will use this information to make recommendations to its Board regarding any areas for further work.

What is sport integrity?

- 8.** The Australian Sports Commission provides a useful definition of sport integrity:

A sport that displays integrity can often be recognised as honest and genuine in its dealings, championing good sportsmanship, providing safe, fair and inclusive environments for all involved. It will be also expected to 'play by the rules' that are defined by its code. A sport that generally displays integrity has a level of community confidence, trust and support behind them.³

- 9.** Therefore, threats to sport integrity:

- undermine confidence in outcomes or events by unfairly skewing the playing field, e.g. through doping, match-fixing or corruption
- discourage participation by creating threats to participants or their enjoyment of sport, e.g. through environments that unduly endanger mental or physical health and safety.

- 10.** In addition to the benefits to human and social capital listed in the Executive Summary, sport integrity is vital to:

- New Zealand's reputation for being corruption-free
- ensure funds are not diverted away from sport through corrupt means
- maintain public interest and confidence in participating in sport (so that the many benefits of sport and physical activity can be realised)
- maintain public interest in sport, and thereby the commercial viability of sport
- promote fundamental features of sport such as fair play.

³ https://www.ausport.gov.au/supporting/integrity_in_sport/about/what_is_sport_integrity

11. Sport is also important to the New Zealand economy. The sport and recreation sector contributed \$4.9 billion, or 2.3 percent of New Zealand GDP, in 2012/13.⁴ If New Zealanders are turned away from sport by integrity issues this economic contribution may decrease.

A number of protections are already in place

12. New Zealand already has a number of sport integrity protections in place, either through the general law or through protections put in place by Sport NZ or sport sector organisations.

13. Many integrity issues are not unique to the sport sector. For example, integrity breaches involving criminal offending are dealt with by Police and other breaches may be dealt with by the relevant enforcement agency.

14. Sport NZ, as the lead Government agency for sport and recreation, plays an important role in helping the sport sector address integrity risks. While Sport NZ is not a regulator or enforcement agency, it does have an important leadership and influence role. Sport NZ also plays a role in building the capability of key sector organisations.

15. Sport NZ currently addresses integrity risks in a number ways, including:

- requiring sports organisations to meet minimum standards to be eligible for Sport NZ investment
- providing capability support to key sector organisations
- providing a dispute resolution mechanism (the Sports Tribunal of New Zealand)
- providing policy advice to the Government (for example, advice that lead to recent legislative reform to criminalise match-fixing in New Zealand)
- providing guidance and assistance to sport sector organisations on a range of other matters (including areas of particular concern, such as match-fixing and related corruption).

16. Increasing participation in sport is also a key focus area for Sport NZ and it is important that integrity breaches do not discourage people from participation.

It is timely to review New Zealand's sport integrity arrangements

17. My officials are not aware of systemic integrity issues in sport in New Zealand (excluding the elite athlete welfare issues mentioned below from paragraph 23). While New Zealand has various initiatives in place to protect and promote the integrity of sport, the current environment indicates a review is needed to determine whether existing measures are fit-for-purpose and to identify potential gaps. The review is proactive and forward looking rather than responding to any known issues. It considers New Zealand sport from the elite to the grassroots levels.

⁴ Dalziel, P. (2015). The Economic Value of Sport and Outdoor Recreation to New Zealand: Updated Data. AERU, Lincoln University.

- 18.** Large-scale international breaches of sport integrity are well known, e.g. systemic doping of the Russian Olympic team, widespread doping in professional cycling, high-profile match-fixing scandals in cricket, allegations of corruption of senior officials within the Fédération Internationale de Football Association (FIFA) and International Olympic Committee (IOC), etc.
- 19.** Australia has recently undertaken a substantial review of sport integrity⁵ which has highlighted the importance of some of the protections already in place in New Zealand. The Australian Government is considering several recommendations regarding protections New Zealand already has in place or which are not relevant to New Zealand, including:
- establishing national match-fixing legislation – New Zealand already has this through section 240A of the Crimes Act
 - establishing a national Sports Tribunal – New Zealand already has a national Sports Tribunal
 - addressing difficulties created by the federal system of Government such as information sharing between states and territories – New Zealand does not have this issue as it does not have this system of Government.
- 20.** Any other, more relevant, Australian recommendations, such as the proposed Sport Integrity Commission, will be considered within the context of Sport NZ's sport integrity review. Australia also has the Play by the Rules website, a comprehensive and valuable repository of guidance and templates for sport organisations.
- 21.** Issues can occur in New Zealand from time-to-time. For example, there have been instances of child sexual abuse within sport, poor sideline behaviour, doping, and at least one verified match-fixing attempt within New Zealand sport.⁶
- 22.** It is clear from the work that Sport NZ has already undertaken that there are various perspectives on which integrity issues should be considered priority areas for further work. Given this, it is important that the review proceeds along the established process, including public consultation, so that a solid policy rationale is developed to justify any future interventions.

Elite athlete welfare is progressing as a separate workstream

- 23.** The needs and expectations of participants are a key focus for Sport NZ. The elite athlete rights and welfare work stream is related to the broad sport integrity review but is currently being progressed separately.
- 24.** There are several reviews into elite athlete rights and welfare that are either underway or have recently been reported, e.g. in cycling, women's football, and hockey. At the time of writing, Michael Heron QC's report on

⁵ The Australian review focussed primarily on: match-fixing, corruption, doping, dispute resolution and education and outreach.

⁶ For the avoidance of doubt, horse and greyhound racing is outside the scope of Sport NZ's remit and the Sport Integrity Review.

the high performance environment at Cycling NZ is due to be released on 15 October.

25. Separately, Sport NZ commissioned a broad assessment of elite athlete rights and welfare. At the time of writing it is due to be released in mid-October.

26. I am interested in the findings of these pieces of work. However, participation in the high performance environment is relatively small compared to the approximately one million New Zealanders who are members of sports organisations, so it is important my officials consider sport integrity issues broadly.

The Sport Integrity Review involves two phases

27. The Sport Integrity Review is being conducted in two phases to reflect the very broad nature of the areas covered. Phase one involves assessing the current environment, identifying priority areas where current policies and protections may be insufficient, and gathering evidence to support future interventions. Phase one also includes both targeted and public consultation. Phase two will develop solutions to problems within priority areas.

28. The Terms of Reference (ToR) for the Sport Integrity Review were approved by the Sport NZ Board in early-2018. For the purpose of the review, the ToR define "sport integrity" to include the following matters:

- member protection (protecting those who engage in sport from bullying, harassment, abuse, undue health and safety risks, or other harm)
- integrity issues in children's sport (protecting children from abuse, avoiding the negative effects of an undue focus on winning, and considering the changing environment within secondary school sport)
- anti-doping
- protecting against corruption (including the possible presence of organised crime within sport)
- protecting against match-fixing (including issues relating to sports betting)
- elite athlete rights and welfare.

29. As noted above, elite athlete rights and welfare are currently being considered in a separate work stream given the specific issues they raise.

30. For the avoidance of doubt, the review does not cover non-sporting organisations such as Scouts and Girl Guides.

Public consultation is needed to inform phase one

31. Understanding the size of the risks and problems with sport integrity in New Zealand is integral to phase one. Specifically, Sport NZ wants to:

- gauge compliance with, and effectiveness of existing measures
- identify where there are concerns that may be impacting the credibility or attractiveness of the sports system to potential participants

- seek opinions on the role of government in this area.

32. Sport NZ wants to solicit submissions through a discussion document to aid its understanding. The discussion document sets out the current arrangements for protecting sport integrity and poses questions to guide submissions to this end. The document does not propose any new policy. Instead, it is focused on gathering information about how the current integrity arrangements are operating.

33. This public consultation builds on the consultation that Sport NZ has already undertaken with government agencies and key sport sector stakeholders.

Sport NZ will present the document in an innovative and user-friendly way

34. The breadth of issues covered by this document is very broad, with chapters on: anti-doping, corruption, match-fixing, member protection, and integrity issues in children's sport (including secondary school sport). There is an additional chapter on overarching themes, including organisational culture, whistleblowing, and the institutional arrangements for sport integrity.

35. Hence the target audience is also broad and could include national sports organisations, regional sports organisations, regional sports trusts, clubs, athletes at all levels of sport, referees, parents, sports lawyers, government agencies, players associations, sports charities and other interested parties. Barriers to submitting for all groups need to be minimised. It is important the consultation aims to solicit submissions from both sports organisations that protect sport integrity through their policies and the people within those organisations affected by the policies.

36. Sport NZ plans to create a user-friendly web-platform to encourage submissions. The web platform will have the following features which aim to encourage submissions:

- It will allow submitters to easily click through to the areas they are interested in
- It will employ a survey tool for to easily allow for targeted answers to be provided and some quantitative data to be collected
- The survey tool will allow for anonymous submissions, to encourage those with personal experience of sport integrity breaches to share their experiences.

Engagement plan

37. Sport NZ wants to distribute the document widely. To do this Sport NZ will:

- encourage its partners (national sports organisations, regional sports trusts, secondary schools, etc) to submit
- make it easy for its partners to distribute the document through their networks, e.g. to regional sports organisations, clubs and participants
- use relevant government networks to disseminate the document, e.g. High Performance Sport NZ, Oranga Tamariki, the Ministry for Women, Ministry for Pacific Peoples, etc
- promote the document through its social media channels.

38. Circulation within key team sports will capture most of the organised-sport sector, as defined by participant numbers. However, Sport NZ also wants to receive submissions from individual sports and sports with a smaller presence in New Zealand, including smaller NSOs. NSOs are important, not just as distributors of the information, but as the national bodies that set sport integrity expectations for sports throughout New Zealand. We want submissions from different levels of sports administration (national, regional, club) so we can understand where expectations for sport integrity are set and where there may be gaps.
39. Sport NZ also has relationships with regional sports trusts (RSTs), school principals and other sector stakeholders which will be leveraged to disseminate the discussion document.
40. Sport NZ will also promote the document through its social media channels. The aim is to get the document out to as many organisations and participants as possible.

Sport NZ will analyse the submissions

41. Following Cabinet approval for the release, submissions can be made over a six-week period. Sport NZ will analyse the submissions received and report to the Sport NZ Board in early-2019. The report to the Board will make recommendations regarding priority areas where further work from Sport NZ (and possibly others) is considered necessary.
42. The findings of phase one of the review may be relevant to other government agencies also. For example, Cabinet recently approved the Anti-Corruption Work Programme (SWC-18-SUB-0081 refers). Part of the work programme is an undertaking to develop a shared understanding of corruption in New Zealand and the vulnerabilities inherent to specific sectors or spheres of economic activity. The findings from phase one may be able to contribute to a shared understanding of the corruption and vulnerabilities in the sport sector. Another part of the Anti-Corruption Work Programme involves working with Police on the corruption nexus with transnational organised crime which may encompass international match-fixing threats.

Consultation

43. The following agencies were consulted on this paper: Accident Compensation Corporation; Department of Internal Affairs; Department of the Prime Minister and Cabinet; Drug Free Sport NZ; Human Rights Commission; Ministry for Culture and Heritage; Ministry for Primary Industries; Ministry of Business, Innovation and Employment; Ministry of Health (including Medsafe); Ministry of Justice; New Zealand Customs Service; New Zealand Police; Oranga Tamariki; Serious Fraud Office; State Services Commission; and WorkSafe.
44. The discussion document itself was circulated for comment to a number of organisations and individuals, including: New Zealand Police; Serious Fraud Office; Drug Free Sport NZ; Ministry for Primary Industries; Medsafe; New Zealand Customs Service; Ministry of Justice; Ministry of

Business, Innovation and Employment; WorkSafe; State Services Commission; Oranga Tamariki; Sport Wellington; Department of Internal Affairs; Ministry of Health; NZ Racing Board; Racing Integrity Unit; High Performance Sport NZ; Accident Compensation Corporation; New Zealand Rugby; Sport Otago; Aktive; Netball NZ; NZ Cricket; Human Rights Commission; Athletics NZ; NZ Football; Netsafe. Comments were received and considered from 26 of these 29 groups and individuals.

- 45.** In preparing the discussion document we consulted with representatives from 17 government bodies, four RSTs, 19 NSOs, four RSOs, four clubs, five players associations (that collectively comprise the Athletes Federation), four other relevant bodies, and 12 individuals and other organisations with specialist knowledge, e.g. sports law or sports medicine.

Financial implications

- 46.** There are no financial implications directly resulting from the release of the discussion document. If new funding is needed for new initiatives to mitigate the problems identified through the review this will be considered through a future Budget process.

Legislative implications

- 47.** There are no legislative implications directly resulting from the release of the discussion document. If legislative changes are recommended to mitigate the problems identified through the review then Cabinet approval will be sought.

Human rights

- 48.** There are no human rights implications directly resulting from the release of the discussion document. Many sport integrity matters could be couched as human rights matters but this document aims to solicit submissions to help Sport NZ understand the size of the risks and problems with sport integrity. It does not propose new policy. Diversity and inclusion are outside the scope of this review and will be considered by Sport NZ in a separate piece of work.

Impact analysis

- 49.** Impact analysis is not required for the release of a discussion document. If changes are recommended as a result of the Sport Integrity Review then formal regulatory impact analysis will be undertaken, as required.

Gender implications

- 50.** There are no gender implications directly resulting from the release of the discussion document. As noted above, diversity and inclusion are outside the scope of this review and will be considered by Sport NZ in a separate piece of work.

Disability perspective

51. There are no disability implications directly resulting from the release of the discussion document. As noted above, diversity and inclusion are outside the scope of this review and will be considered by Sport NZ in a separate piece of work.

Publicity

52. The engagement plan is set out above.

53. I will issue a press release on the day the consultation commences.

54. I intend to release this Cabinet paper on Sport NZ's website, subject to any appropriate redactions.

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Recommendations

55. The Minister for Sport and Recreation recommends that the Social Wellbeing Committee:

1. **Note** that the Sport NZ Board approved the terms of reference for the Sport Integrity Review
2. **Note** that the terms of reference for the Sport Integrity Review require public consultation through a discussion document to help Sport NZ understand the size of the risks and problems with sport integrity in New Zealand.
3. **Agree** that the attached discussion document be released for consultation.
4. **Note** that the attached discussion document focusses on gathering information and does not propose any new policy.
5. **Note** that Sport NZ will analyse the submissions received and report to the Sport NZ Board.
6. **Note** that I intend to release this Cabinet paper on Sport NZ's website, subject to appropriate redactions.

Authorised for lodgement

Hon Grant Robertson
Minister for Sport and Recreation

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Cabinet Social Wellbeing Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Sport Integrity Review: Release of Consultation Document

Portfolio **Sport and Recreation**

On 24 October 2018, the Cabinet Social Wellbeing Committee:

- 1 **noted** that the Sport New Zealand Board approved the terms of reference for the Sport Integrity Review;
- 2 **noted** that the terms of reference for the Sport Integrity Review require public consultation through a discussion document to help Sport NZ understand the size of the risks and problems with sport integrity in New Zealand;
- 3 **agreed** that the *Sport Integrity Review Discussion Document* (the discussion document), attached to the submission under SWC-18-SUB-0144, be released for consultation;
- 4 **noted** that the discussion document focusses on gathering information and does not propose any new policy;
- 5 **invited** the Minister for Sport and Recreation to finalise the discussion document to ensure that it is easy to read and understand;
- 6 **noted** that Sport NZ will analyse the submissions received and report to the Sport NZ Board.

Jenny Vickers
Committee Secretary

Present:

Rt Hon Jacinda Ardern
Rt Hon Winston Peters
Hon Grant Robertson
Hon Phil Twyford
Hon Andrew Little
Hon Carmel Sepuloni (Chair)
Hon Dr David Clark
Hon Nanaia Mahuta
Hon Stuart Nash
Hon Iain Lees-Galloway
Hon Jenny Salesa
Hon Tracey Martin
Hon Willie Jackson
Jan Logie, MP

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet
Office of the Chair of SWC
Officials Committee for SWC

Hard-copy distribution: (see over)

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Minister for Sport and Recreation

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