



## **Terms of Reference**

# **Play, Active Recreation and Sport Integrity Working Group**

## Sport NZ's commitment to Te Tiriti o Waitangi

1. Sport NZ is committed to upholding the mana of Te Tiriti o Waitangi / Treaty of Waitangi and the principles of Partnership, Protection and Participation. We are committed to partnership with tangata whenua and the protection of Māori culture and taonga. We believe a strong bi-cultural foundation is critical to our national identity and wellbeing.

### Background

2. Sport NZ is the kaitiaki (guardian) of the play, active recreation and sport system in Aotearoa, New Zealand. As a Crown agency, it promotes and supports quality experiences in play, active recreation and sport, including elite sport, to improve levels of physical activity and, through this, ensure the greatest impact on wellbeing for all New Zealanders.
3. As part of its role as kaitiaki, Sport NZ must protect the integrity of the play, active recreation and sport system (the system) by ensuring all participants within the system are safe and competing on a level playing field.
4. To this end, in October 2018, the Boards of Sport NZ and High Performance Sport NZ (together the Sport NZ Group) undertook a 'Sport Integrity Review' (Review), which included a six-week public consultation seeking the views of participants, high performance athletes as well as the general public on a range of integrity-related matters.
5. Terminology is important. Whilst the Review was titled a 'Sport Integrity Review' there were several themes emerging from the Review relating to the wider system. Examples include Child Safeguarding, Member Protection and Organisational Culture. Whereas the remaining themes of Anti-Doping, Match Fixing and Corruption, more accurately sit within a stricter sport frame.
6. The Executive Summary of the Review and the published 22 Recommendations are contained within [Appendix 1](#). The 22 Recommendations were formed through extensive consultation, strong evidence and insights and remain valid and appropriate for New Zealand. It is not the purpose of this Working Group to re-examine the 22 Recommendations. The work to implement the Recommendations is progressing with pace and a full briefing on the status will be provided to the Working Group members as part of their onboarding / induction process.
7. Two Recommendations captured within the subheading of dispute reporting and resolution were:
  - a. Pilot an independent sports complaints management service; and
  - b. Investigate whether a sports mediation service should be established.
8. In response, the Sport NZ Group:
  - a. Established an independent Interim Complaints Mechanism for carded athletes only; and
  - b. Appointed Phillipa Muir and John Rooney of Simpson Grierson to undertake a feasibility study into: the options, risks and benefits associated with centralising a complaints management and/or dispute resolution mechanism (CMDRS), which manages and resolves complaints about "Inappropriate Behaviour"<sup>1</sup> in sport throughout New Zealand. The final Feasibility Report is attached within [Appendix 2](#).

---

<sup>1</sup> Defined as including: harassment, bullying, abuse, discrimination, inappropriate conduct arising from abuse of power, other unethical conduct, unfair decision making/breaches of natural justice. NB: Match-fixing, doping, betting and corruption were out of scope.

9. Key findings in the Feasibility Report included:
- Many sport and recreation organisations do not have the resources and capability to manage some of the complaints and problems they face (particularly in relation to Inappropriate Behaviour);
  - There is a perceived lack of independence/capability in relation to some of the CMDRS processes operating in sport currently; and
  - There is overwhelming support (and need) for a national CMDRS (particularly an urgent need for a mediation service) for sport and recreation in NZ.
10. Key recommendations in the Feasibility Report were:
- Create a sport and recreation mediation service (SRMS) for a two-year trial period;
  - Set up a whistle-blower hotline;
  - Appoint a Sports Ombudsman; and
  - Convene a national working group of NZ sport and recreation members including individuals actively providing leadership and service in relation to integrity, plus athletes and players' associations. This Working Group will consider the creation of a Sport Integrity Unit (and to review other integrity matters outside the scope of the Feasibility Report).
11. The Sport NZ and HPSNZ Board have positively received all the recommendations from the Feasibility report. The whistle blowing hotline recommendation is being built into the SRMS. A tender was released to market to secure an appropriate independent provider on Monday 19 October. This together with these terms of reference for a Working Group relate to three of the Feasibility Report recommendations and the concept of a Sports Ombudsman will be considered within the remit of the Working Group as they explore options around institutional arrangements.
12. This Terms of Reference relates to the recommendation to establish a Working Group to consider the creation of a Sport Integrity Unit. The contemplation of a Sports Ombudsman will be considered by this group. This is because it is deemed premature to introduce the idea of an Ombudsman ahead of standing up a sport and recreation mediation service.

### **The Integrity Working Group**

13. The purpose of the Integrity Working Group is to:
- Evaluate a range of options and recommend to the Sport NZ Board and Minister what is considered the most appropriate institutional arrangement(s)/structure(s) to manage all the various integrity elements across the system and accommodate the 22 recommendations from the Integrity Review once implemented. This will require an assessment of the current institutional arrangements involving Drug Free Sport NZ, the Sports Tribunal, the integrity function within Sport NZ and any independent services funded by Sport NZ such as the Sport and Recreation Mediation Service;
  - Monitor and support the progress being made against the 22 Review recommendations; and
  - Monitor the progress of the soon to be established SRMS over its initial two-year operating period, to help inform any areas for refinement and improvement.

## Process

14. To enable the Working Group to fulfil its purpose in a timely manner, Sport NZ will work with the Working Group to prepare a range of potential institutional arrangement models or options for the Working Group to consider. These options will consider international best practice and the current operating environment in New Zealand.
15. The Working Group will then narrow these options down to a smaller number that will be more robustly assessed, with consideration given to (but not limited to):
  - the constitutional arrangements of Sport NZ, HPSNZ, National Sporting Organisations, the Sports Tribunal and Drug Free Sport NZ
  - the legislative frameworks including the Sport and Recreation Act, the Sports Anti-Doping Act, the Human Rights Act and Court of Arbitration for Sport.

## Assessment

16. As part of this robust assessment process, the Group will assess any potential solution(s) against the following criteria (plus any further criteria the Group considers necessary):
  - Independence - does the proposed solution include the requisite level of independence?
  - Trust-worthiness - will participants trust the proposed solution to protect against and resolve integrity issues when they arise?
  - Effectiveness - will the proposed solution protect against and resolve integrity issues when they arise in a suitably effective and efficient manner?
  - Cost efficiency (operational) - will the proposed solution protect against and resolve integrity issues when they arise in a cost-efficient manner?
  - Cost efficiency (establishment) – will the cost of establishing the proposed solution balance against the scale of the issues it is seeking to mitigate?

## Operation

17. Sport NZ will provide secretariat services, policy advice and wider consultancy services to the Working Group.
18. Sport NZ will work to provide the Working Group with access to all the relevant background information that may be helpful for Working Group members to understand to perform their role optimally. This will include any prior consultation and engagement material relating to integrity that has previously been undertaken.
19. Prior to commissioning any additional research or information, the Working Group Chair will first seek to understand from Sport NZ whether the insights being sought already exist or whether there is indeed a gap in the collective knowledge and insights that requires addressing. Any additional information or consultation required will be requested via and facilitated by Sport New Zealand.
20. It is acknowledged that some of the recommendations the Working Group may reach regarding institutional arrangements may require significant consultation and engagement with parties outside of the Working Group's composition, including international organisations.

## **Deliverables**

21. The Working Group will deliver a report setting out its recommendation(s) and rationale to the Board of Sport NZ as soon as it deems feasible. Once the Working Group is established, Sport NZ will work with the Working Group Chair to determine what is considered a reasonable, approximate timeframe.

## **Decision making and Working Group mandate**

22. The Working Group is independent of Sport NZ and will report directly to the Sport NZ Board.
23. Given the constitutional, legislative and budgetary considerations the ultimate decision on implementing any recommendation(s) or actions within the Working Group's report rests with the Sport NZ Board whose role it is to determine the extent to which it will action the recommendations.

## **Group Membership**

24. The independence of the Group is of paramount importance.
25. The Working Group will include members from within the system as well as members who are actively providing leadership and service in relation to integrity issues in New Zealand. As such, the composition of the Working Group will be skills and expertise based, with representation sought from the following areas:
  - Sports Law
  - National Sporting Organisation
  - National Recreation Organisation
  - Regional Sports Trusts
  - High Performance Athlete
  - Athletes and players' associations
  - International Federation experience
  - School
  - Sport NZ Group
  - Government
  - Tangata Whenua
  - Pasifika
  - Participant
  - Disability
  - Women's voice
  - Youth

## **Appointment of the Chair**

26. The independent Chair of the Working Group will be selected and appointed by Sport NZ.

## **Responsibilities of the Chair**

27. The responsibilities of the Working Group Chair are to:

- Set the agenda for each meeting.
- Make the purpose of each meeting clear to members and explain the agenda at the beginning of each meeting.
- Clarify and summarise what is happening throughout each meeting.
- Keep the meeting moving by putting time limits on each agenda items and keeping all meetings to time.
- Facilitate broad participation from members in discussion by calling on different people.
- End each meeting with a summary of decisions and actions.
- Provide the liaison point between the Working Group and Sport NZ.
- Provide the Board of Sport NZ or the Minister with regular updates.
- Present the Working Board Report to the Board of Sport NZ and the Minister.

## **Individual Responsibilities of the Working Group Members**

28. Individual Working Group members have the following responsibilities:

- Uphold the mana of Te Tiriti o Waitangi / Treaty of Waitangi and the principles of Partnership, Protection and Participation.
- Understand the purpose of the Working Group.
- Actively participate in meetings through constructive contribution attendance, discussion, and review of minutes, papers and other Working Group documents.
- Support open discussion and debate and encourage fellow Working Group members to voice their perspectives.
- Act independently, remaining open and curious with the best interests of the system in mind at all times.

## **Meeting preparation**

29. A briefing pack will be sent to members at least 5 business days in advance of a Working Group meeting. This pack will include the following:

- Agenda for the upcoming meeting.
- Minutes of previous meeting.
- Any other documents/information to be considered at the meeting.

## **Meeting frequency**

30. The frequency of meetings will be discussed at the inaugural Working Group meeting. While it is difficult to determine the term of engagement, this is not anticipated to exceed twelve months.

31. Meetings will be held either virtually or in person (locations to be determined and COVID-19 dependent). For virtual meetings there is the option to attend Sport NZ offices in either Auckland or Wellington for those based in those locations.

## **Confidentiality and good faith conduct**

32. Working Group members and Sport NZ will conduct their dealings with each other and other officials or stakeholders, who may from time to time contribute to the Working Group, in good faith and in accordance with the State Services Code of Conduct, which should be read and referred to alongside these Terms of Reference.
33. The Chair of the Working Group may only make public comment about the work of the Working Group or their role within it with the prior agreement of Sport NZ. No other Working Group member may make public comment regarding the work of the Working Group or their role within it.
34. If the Chair of the Working Group is asked to provide comment on any issue relating to the Working Group by a third party, the Chair will forward the question or request to Sport NZ.
35. These Terms of Reference may be amended from time to time by Sport NZ in consultation with the Chair of the Working Group.

## **Remuneration**

36. Integrity Working Group members will be remunerated in accordance with the Cabinet Office's Fees Framework (Circular (19) 1).
37. The Integrity Working Group is classified as "Group 4: All Other Committees and Bodies". The remuneration rate includes preparation time.
38. Each Working Group member will receive a pro-rated daily fee of \$395 (including GST) for attendance at Working Group meetings. The Chair will receive a pro-rated daily fee of \$575 (including GST) for attendance at Working Group meetings. The rate reflects the Chair's additional responsibilities as outlined above.

## **Travel expenses**

39. In the event of an on-site meeting being necessary then general travel expenses will be reimbursed subject to prior approval being granted by Sport NZ.