

SPORT AND  
RECREATION

INTEGRITY  
TRANSITION PROGRAMME

TE TĀKARO NGĀKAU PONO

# BRIEFING TO THE INCOMING MINISTER FOR SPORT AND RECREATION

INTEGRITY IN SPORT AND RECREATION  
ESTABLISHMENT BOARD

NOVEMBER 2023



## Introduction

1. This briefing provides an overview of the work to establish a new independent Crown entity, the Integrity Sport and Recreation Commission (the Commission). It is focussed on the programme overseen by the Integrity in Sport and Recreation Establishment Board (the Establishment Board), a Ministerial Advisory Committee which has been in place since May 2023.<sup>1</sup>
2. This complements separate briefings from Sport New Zealand, Drug Free Sport New Zealand (DFSNZ), and Manatū Taonga – the Ministry for Culture and Heritage (Manatū Taonga) which reference the Commission.

## Background

3. In recent years, several reviews have identified significant harm being experienced by athletes and other participants in sport and active recreation. Concerns about participant welfare, bullying, abuse and inappropriate behaviour and culture have come to public attention, including in football, gymnastics, cycling, hockey, and canoe racing.
4. In 2020, Sport New Zealand established the Play, Active Recreation and Sport Working Group (the Integrity Working Group) to advise the Minister for Sport and Recreation and the Sport NZ Board on the most appropriate institutional arrangement(s) to manage integrity across the sport and recreation system. The Integrity Working Group consisted of 16 people with a broad range of skills and experiences in the sport and active recreation sectors, including retired athletes, sports lawyers, and sector leaders.
5. Following consultation with experts in the sector, the Integrity Working Group recommended the establishment of a new standalone organisation, incorporating DFSNZ and the current Sport New Zealand integrity functions, and dedicated to all aspects of integrity. In light of these recommendations, Cabinet agreed to establish a new independent Crown entity and made policy decisions on its structure, functions and powers.<sup>2</sup>
6. The Integrity Sport and Recreation Act 2023 (the Act) was passed in August 2023 to give effect to these policy decisions. Sport New Zealand will administer the Act, given its role as the policy lead for the sport and recreation sector.
7. The Integrity Working Group report estimated the cost of a new entity at between \$19.5-\$25 million per year. These cost estimates were revised to \$15-\$18 million per year during policy development. Due to the constrained fiscal environment, the annual baseline budget for the Commission in the Estimates 2023/24 is \$11.283 million.<sup>3</sup> In our view, this constitutes the minimum viable spend to ensure that all the Commission's functions can be undertaken.

---

<sup>1</sup> On 3 April 2023 Cabinet approved the establishment of the ministerial advisory committee to be known as the Integrity in Sport and Recreation Establishment Board [CAB -23- MIN-0105 refers].

<sup>2</sup> SWC-22-MIN-0166 and CAB-22-MIN-0419 refer.

<sup>3</sup> The appropriation is \$7.879 million for 2023/24 (excluding the appropriation for services from DFSNZ in its final year of operations). The appropriation covering both sports anti-doping and integrity services is \$10.628 million for 2024/25 and \$11.283 million for 2025/26 and outyears, for. The annual baseline for the Commission of \$11.283 million is only \$6.5 million more than the current annual funding to DFSNZ (\$4.7 million in 2023/24), for all functions of the Commission and DFSNZ cost pressures since 2020.

## Establishment Board

8. The Establishment Board was set up in May 2023 to oversee the establishment of a new independent crown entity for sport and active recreation integrity and to support the design and implementation of the new entity.
9. We currently have four members on the Establishment Board; Don Mackinnon (Chair), Adine Wilson, Tim Castle and Traci Houpapa.
10. The Establishment Board is supported by the Integrity Transition Programme (the ITP),<sup>4</sup> a small team of staff led by Rebecca Rolls (Integrity Transition Director). Profiles for the Establishment Board and the Integrity Transition Director are included as an **Appendix**.
11. In accordance with our Terms of Reference, and in anticipation of the Commission's statutory obligations,<sup>5</sup> we are working closely with a Rōpū Māori (Rōpū) to ensure that tikanga Māori and Māori aspirations are central to the strategy and operations of the Commission.<sup>6</sup>
12. We have also initiated targeted engagement with Pacific peoples to gain insight into integrity issues through a Pasifika lens. As with the Rōpū, we anticipate this collaboration will continue once the Commission is operational.
13. The ITP is based in a separate office from Sport NZ and works at arms' length from the Sport NZ Group. The ITP cooperates with Sport New Zealand on areas of shared interest, including providing regular updates through Sport NZ to sector organisations about the work and opportunities for engagement.
14. We also work closely with Manatū Taonga, which will be the monitoring entity for the Commission. Manatū Taonga has provided advice on the set up of, and appointments to, the Establishment Board and is responsible for our terms of reference. Manatū Taonga is also responsible for supporting you on appointments to the board of the Commission. We understand that Manatū Taonga has started this work and will provide a separate briefing to you setting out the legislative requirements for the board.

## Work programme to establish the Commission

15. The Act will commence on 1 July 2024, unless earlier brought into force by Order in Council.
16. The Legislation Act 2019 enables steps to be taken to bring the Act into force prior to commencement and, accordingly, we are working at pace to try and ensure that the Commission can be operational by the commencement date.
17. Our key priority areas fall broadly into the following categories:

---

<sup>4</sup> The ITP is funded through a one-off appropriation in 2022/23 to Sport NZ of \$4.8M, covering staff, professional services, office, ICT and project costs.

<sup>5</sup> For example, the Commission has a statutory duty to maintain the capability and capacity to carry out its functions in a manner that is responsive to te Tiriti o Waitangi, the rights and interests of Māori, and tikanga Māori (section 15). It is also required to have effective means of seeking the views of participants, Māori, and other relevant stakeholders, including Pacific peoples, disabled people, children and young people, women and girls, and rainbow people.

<sup>6</sup> Profiles for members of the Rōpū are available on the [Integrity Transition Programme website](#).

- developing a vision and strategic framework for the Commission;
- drafting an integrity code (or codes) for sport and recreation;
- designing the complaint and dispute resolution services;
- organisational design and transition from DFSNZ; and
- building sector awareness and readiness.

18. However, final decisions on long-term commitments and key priority areas require the statutory board of the Commission to be in place. For example, only the statutory board will have authority to issue integrity codes and approve accountability documents (including the Statement of Intent and Statement of Performance Expectations).

19. The statutory board is also required for matters such as:

- appointing a Chief Executive and other newly created permanent roles;
- confirming the vision and strategic framework for the Commission;
- approving the budget for 2024/25 and outyear forecasts;
- approving financial delegations; and
- selection and entering into lease agreements.

20. As noted above, Manatū Taonga is responsible for advising you in relation to appointments to the Commission's board, not the Establishment Board or ITP. We understand that Manatū Taonga considers that April 2024 is the earliest a board can be appointed, given the duration of the post-election period.

21. However, as the group responsible for overseeing the Commission's establishment, our view is that it is crucial to ensure the board has sufficient lead time before the legislation commences and appointments from April onwards would put significant pressure on the incoming board. We therefore consider it would be beneficial to appoint a board as soon as possible, and preferably by early March 2024. We also understand that it may be possible to appoint the Chair first, to help guide key decisions and enable that person to be involved in the remaining appointments to the board.

### *Developing a vision, strategy and regulatory framework for the Commission*

22. The Act confers a broad range of statutory functions on the Commission.<sup>7</sup> For example, the Commission will take on the functions in relation to anti-doping, alongside several new functions relating to integrity more broadly (for example, education, complaints, dispute resolution and investigations). Developing a vision, strategy and regulatory framework will ensure that the Commission can exercise its functions in an effective, cohesive manner that is consistent with its statutory obligations.

23. The Establishment Board is developing these materials with the support and expertise of the Rōpū. The initial focus of the Rōpū has been to engage in whakawhanaungatanga and develop, through a series of wānanga, a draft strategic framework to help guide the Commission.

---

<sup>7</sup> Integrity Sport and Recreation Act 2023, section 13 refers.

24. We anticipate that these frameworks will flow through to the Commission's key accountability documents required under the Crown Entities Act 2004, such as its Statement of Intent and Statement of Performance Expectations.<sup>8</sup> You have a role to play in relation to providing these accountability documents to the House of Representatives when the Commission is established, which Manatū Taonga will support you on.

### *Drafting a Code of Integrity for Sport and Recreation*

25. Preparing the Commission to issue an integrity code (or codes) is a significant, public-facing piece of work in the coming months.

26. Section 19 of the Act authorises the Commission to issue one or more integrity codes, which will be secondary legislation. The Act also provides that:

- an integrity code must set out minimum standards for the purpose of preventing and addressing threats to integrity;<sup>9</sup>
- integrity codes cannot deal with matters that are/could be the subject of the Sports Anti-doping Rules;<sup>10</sup>
- integrity codes cannot relate to a single type of sport or physical recreation (e.g. the Commission cannot issue a rugby code or a cricket code); and
- the Commission must consult with a range of people, communities and stakeholders prior to issuing an integrity code.

27. We have undertaken a range of public engagement to help meet the Commission's statutory responsibilities. We commissioned a public survey from June – August which attracted over 2,000 responses. We have also been conducting a series of online discussion forums to explore people's views in more depth, including with rangatahi. We have also established an Athlete Reference Group to help provide an athlete perspective on the Code and help to meet the Commission's statutory obligation to consult participants.

28. Currently we have a working draft of a Code of Integrity for Sport and Recreation (the Code), which is in its early stages, and which will require significant further work over the coming months. The ITP is being supported in the technical drafting work by the Integrity Code Reference Group.<sup>11</sup>

29. The Code is likely to focus heavily on threats to integrity which directly relate to participant safety and well-being (for example, abuse, bullying, harassment, and failure to safeguard children).

30. We are still considering whether the Code should cover competition manipulation (for example, match-fixing or sharing inside information) or whether this will be the subject of a separate, specialised integrity code.

---

<sup>8</sup> Crown Entities Act 2004, section 140 refers.

<sup>9</sup> Threats to integrity are defined in the Act and include competition manipulation, doping in sport, corruption, fraud and dishonesty as well as a range of harmful behaviours such as bullying, harassment, racism and discrimination. It also includes failure by an organisation to take reasonable steps to prevent these threats, including child safeguarding.

<sup>10</sup> The Sports Anti-Doping Rules, which give effect to the World Anti-Doping Agency Code in New Zealand, are currently issued by DFSNZ and are also secondary legislation.

<sup>11</sup> This group comprises four legal experts, supported by the ITP, with a focus on quality assurance and making sure that the Code is legally sound.

31. We also anticipate the Code will set out further detail in relation to:
- prohibited behaviours for individual participants;
  - reasonable steps which organisations must take to prevent and address threats to integrity (for example, adequate complaints handling measures);
  - the composition, procedure and appointment of disciplinary panels; and
  - the process for organisations to adopt the Code.
32. We will continue to work closely with the sector, including the Rōpū, on the development of the Code. We anticipate releasing an exposure draft to allow for public input ahead of finalising the Code by 1 July 2024.

### *Designing complaints and dispute resolution mechanisms*

33. Implementing accessible, trauma-informed, age-appropriate and culturally responsive complaints and dispute resolution mechanisms is vital to the Commission's work.
34. Currently, most complaints are handled by sport and recreation organisations themselves. However parties to a dispute can also engage with the Sports and Recreation Complaints and Mediation Service (the SRCMS), which can provide various forms of assistance. The contract for the SRCMS is managed by Sport New Zealand. The SRCMS has been a well-used service and has made a positive difference to the sector since it was established in February 2021.
35. We have begun design work on a participant-centric complaints and dispute resolution service that meets the Commission's statutory responsibilities. From there, we intend to assess what the most cost-effective and efficient means of delivering that service will be.

### *Organisational design and transition from Drug Free Sport New Zealand*

36. DFSNZ will become part of the Commission on the commencement date of the legislation. The employment agreements for all existing DFSNZ staff, with the exception of the Chief Executive, will carry over automatically to the Commission, as will other agreements, contracts and assets.
37. We anticipate that the new functions of the Commission will also require new staff and thinking about the organisational design of the Commission.
38. With this in mind, our key priorities over late 2023 and early 2024 include:
- setting up a process for the statutory board to appoint a Chief Executive (or an interim Chief Executive);<sup>12</sup>
  - ensuring good communication and support for DFSNZ staff during the transition, including opportunities for DFSNZ staff to input into planning;
  - developing People and Culture processes for the Commission, including recruitment and appointment considerations; and
  - investigating options for office spaces for the Commission.

---

<sup>12</sup> The chief executive appointment process will involve Te Kawa Mataaho – the Public Service Commission, who provide guidance on chief executive terms and conditions, including remuneration. The Public Service Commissioner must also consent to the terms and conditions.

### *Building sector awareness and readiness*

39. Finally, we are conscious of the need to undertake significant communications and engagement with the sport and recreation sector to prepare them for the establishment of the Commission.
40. The development of the Code, including public engagement, offers one avenue through which to do build sector awareness. However, we anticipate that the statutory board will also need to run a separate campaign to promote the Commission and ensure that the sector is aware of its role and functions.
41. In the interim, the Establishment Board and Integrity Transition Programme are taking every opportunity possible to attend organisation/sector events to raise awareness about the Act, the Commission and the Code. We have also engaged an agency with experience working in the sport and recreation sector to help develop the Commission's brand.

### **Conclusion**

42. We look forward to supporting you in your role and would welcome an opportunity to discuss the content of this briefing with you, at your convenience. We are also happy to provide any further information on our work that would be of assistance to you.

## Appendix: Establishment Board and Director biographies

### **DON MACKINNON** (CHAIR)



Don Mackinnon is one of New Zealand's leading sports lawyers and directors. He is currently Chair of super rugby club The Blues, and is also Chair of the Integrity Vetting Panel of World Athletics based in Monaco.

Don has previously served as a director of NZ Cricket (and Chair of its High Performance Committee), Sport NZ, High Performance Sport NZ, was Chair of Netball NZ, and chaired the Sport and Recreation Integrity Working Group. He has also led several major reviews into sport.

### **ADINE WILSON** (MEMBER)



A former Silver Ferns captain, Adine Wilson led New Zealand to a gold medal at the 2006 Commonwealth Games.

A commercial lawyer with Meredith Connell in its sports law team, Adine helped establish the NZ Netball Players Association, serving on its board for 17 years.

She is a trustee of the Tania Dalton Foundation, and also works as a commentator for Sky Sports.

### **TIM CASTLE** (MEMBER)



Tim Castle is in private practice as a barrister and is the current Chair of DFSNZ.

He is widely known and respected for his expertise and experience, in the fields of national and international sports law, mediation and governance, and working for and with Iwi/hapū Māori to advance recognition and integration of Māori Treaty rights.

Tim provides strategic advice to national and international umbrella sporting bodies, high profile national sporting organisations, athletes and support professionals.

Tim also represents, as agent and manager, several elite New Zealand athletes across codes and gender, and is an accredited agent with NZRPA. He has significant experience as a mediator in sport.



## **TRACI HOUPAPA (MEMBER)**



An award-winning company director and recognised industry leader, Traci Houpapa is a trusted advisor to Māori, Government and industry on strategic and economic development.

Traci holds a number of directorships in the public and private sector, including Chiefs Rugby Club and Women in Rugby Aotearoa.

Traci was appointed a Member of the New Zealand Order of Merit, for services to business and Māori in the 2012 Queen's Birthday honours.

## **REBECCA ROLLS (INTEGRITY TRANSITION DIRECTOR)**



Rebecca Rolls has a Public Service career spanning over 20 years. This includes 10 years in Police, seven of those in the CIB working in serious crime squads. Rebecca then spent 10 years at the Serious Fraud Office, leading the investigations function as part of the Senior Leadership Team.

More recently, Rebecca had two years at the Department of Corrections, leading the Integrity, Risk and Assurance functions before joining Sport New Zealand as the Diversity and Inclusion Manager in 2021. Rebecca is a former international athlete, having represented New Zealand in both Cricket and Football.

Rebecca leads a programme team with experience in supporting the sector in integrity aspects, policy development, operations, communications, and project management.



**BRIEFING TO THE  
INCOMING MINISTER FOR  
SPORT AND RECREATION**

INTEGRITY IN SPORT AND  
RECREATION ESTABLISHMENT  
BOARD

NOVEMBER 2023

**SPORT AND  
RECREATION**

**INTEGRITY**  
TRANSITION PROGRAMME

TE TĀKARO NGĀKAU PONO